

Board of Barbers & Hairdressers FY23 Goals and Objectives

- 1.** Conduct three one-day, face-to-face meetings, one of which will be scheduled to coincide with the first week of legislative session (January), and teleconferences, as needed.
- 2.** Continue to have an operating budget so the board can more efficiently accomplish goals. This includes having a member of the division present during board meetings.
- 3.** Have representation on the national level.
- 4.** Supported staff for licensing to properly handle the growing volume of licenses, apprentice, and student paperwork.
- 5.** Update service and practices of estheticians to meet current industry standards and practices.
- 6.** Increase the length of time licensed as a tattooist or permanent cosmetic colorist from one year to a minimum of three years before taking on apprentices.
- 7.** The board be given authority to create and edit licensing requirements they regulate for each of the professions.
- 8.** Increase the 12-hour manicuring license to bring it up to national standards as well as protect our community members by ensuring the health and safety of this industry.

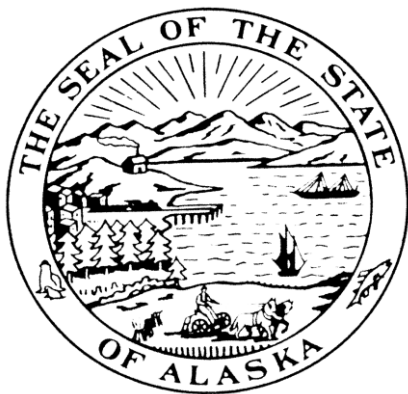
State of Alaska

2023 STATE CALENDAR

State Holidays

Date	Holiday
01/01/2023	New Year's Day (observed 01/02/2023)
01/16/2023	MLK Jr.'s Birthday
02/20/2023	Presidents' Day
03/27/2023	Seward's Day
05/29/2023	Memorial Day
07/04/2023	Independence Day
09/04/2023	Labor Day
10/18/2023	Alaska Day
11/11/2023	Veterans' Day (observed 11/10/2023)
11/23/2023	Thanksgiving Day
12/25/2023	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.



JANUARY

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Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing

November 08, 2023 at 9:00 AM AKST to November 08, 2023 at 4:00 PM AKST

Videoconference Meeting

ZOOM Meeting Info:

<https://us02web.zoom.us/j/89096479284?pwd=RWxqQndGR0ZhUHZuWkEwSnhHbnpxdz09>

Meeting ID: 890 9647 9284

Passcode: 966034

OR Call In: 1-253-205-0468

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

- 1. 9:00 a.m. November 08, 2023 Call to Order/Roll Call**
- 2. 9:05 a.m. Review/Amend Agenda**
- 3. 9:10 a.m. Ethics Disclosure**
- 4. 9:15 a.m. Public Comment**
- 5. 10:30 a.m. – 10:45 a.m. Break**
- 6. 10:45 a.m. New Business**
 - A. Esthetician Scope of Practice Discussion and Regulatory Language – AS 08.13.080(3), 08.13.082(c), 08.13.220(5) and 12 AAC 09.100, 12 AAC 09.105, 12 AAC 09.162, 12 AAC 09.163**
- 7. 4:00 p.m. Adjourn**

State of Alaska Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
 - accept compensation from anyone other than the State for performing official duties;
 - use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
 - take or withhold official action on a matter in which they have a personal or financial interest; or
 - coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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State of Alaska Department of Law Ethics Act Procedures for Boards & Commissions

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *"Ethics Information for Public Employees."* Both guides and disclosure forms may be found on the Department of Law's ethics website.

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair.**

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. 5
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.6

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.7

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.

- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.

7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
 Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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Ethics Disclosure Form

CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

APPROVED BY THE BOARD] and shall hold a valid student permit during the training as required in AS 08.13.180.

(Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 12/28/2008, Register 188; am 4/21/2010, Register 194; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.106(d)(3) is repealed:

(3) repealed ____/____/____ [VERIFICATION OF A CURRENT BARBER, HAIRDRESSER, MANICURIST, OR ESTHETICIAN PRACTITIONER LICENSE IN THIS STATE];

(Eff. 5/20/88, Register 106; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 1/17.2008, Register 185; am 9/24/2014, Register 211; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070

12 AAC 09.162(b)(11) is amended to read:

(11) electrical equipment, including the use of all electrical modalities and electrical apparatus, **as required within the scope of the practitioner's license** [, INCLUDING DERMAL LIGHTS] for facials and skin-care purposes.

(Eff. 2/28/88, Register 105; am 4/23/98, Register 146; am 7/23/2000, Register 155; am 4/21/2010; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.163(a)(2) is amended to read:

(2) electrical, including the use of all electrical modalities and electrical apparatus, **as required within the scope of the practitioner's license** [, INCLUDING DERMAL LIGHTS] for facials and skin-care purposes 40

(Eff. 2/28/88, Register 105; am 7/23/2000, Register 155; am 4/5/2018, Register 226; 12/6/2020, Register 236; am ___/___/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.090 AS 08.13.110

12 AAC 09.185(a)(2) is amended to read:

(2) tattooing may provide training in tattooing [OR PERMANENT COSMETIC COLORING IF THE TRAINER MEETS THE REQUIREMENTS OF 12 AAC 09.168];

12 AAC 09.185(h) is amended to read:

(h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing, permanent cosmetic coloring, or body piercing. The trainer shall submit a certificate of student training form **not** [NO] later than **five** [30] days after the completion of training, documenting the theory hours and practical operations.

(Eff. 11/16/2004, Register 172; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 9/24/2014, Register 211; am 4/5/2018, Register 226; am 3/30/2019, Register 229; am ___/___/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.082

courtesy license?

Applicants must submit an application together with required documentation and relevant fee for each courtesy license. The individual licenses will each be valid for a period of 30 days. Fees will not change from the current amount; there is no expectation to increase fees as a result of the regulations amendments.

Instructor license changes:

- **12 AAC 09.106. Instructor license requirements**, is proposed to be changed by simplifying the requirements for out-of-state instructors.

10. How will the changes affect licensees?

Obtaining an instructor license in Alaska under the current process has proven to be cost prohibitive, creating barriers to what should be a fairly quick licensing process. The changes to this regulation will remove the requirement for out of state instructors to hold an individual aspect (barber, hairdresser, etc.) license in Alaska before an application for instructor license submitted, reducing the costs involved for licensees.

Changes for Estheticians:

- **12 AAC 09.162. Equipment for esthetics schools**, is proposed to be amended to remove the reference to dermal lights as available equipment for estheticians.
- **12 AAC 09.163, Esthetics school curriculum**, is proposed to be amended to remove the reference to dermal lights as available equipment for estheticians.
These changes will bring the regulations up to date with the current state position on the use of dermal lights.

Body piercing, tattooing and permanent cosmetic coloring:

- **12 AAC 09.185.** The board's proposed amendments to this regulation will clarify confusing language relating to completed training documentation; what is required; who should submit it and when it to submit it.
- **12 AAC 09.190.** It is proposed to amend this section to mirror the changes in 12 AAC 09.185 and repeal conflicting language to create conformity across the regulations.

11. What will the changes do? Why are they necessary?

The regulations amendments will change the current 30-day deadline to submit completed training documents, reducing it to 5 days; this will hold trainers at the same standards as schools and barber/hairdresser/esthetician apprentice instructors.

The changes are necessary to clarify confusing language which regularly results in issues relating to the submission of correct completion documentation from trainers within the required timeframe. This creates additional administrative burdens on division staff and unnecessary delays for the trainees to move forward with examination and licensure processes.

The proposed regulation changes will remove conflicting language surrounding the submission requirements for completed training documents, providing clarity for applicants. The proposed

Statutes and Regulations **Barbers and Hairdressers**

December 2020



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

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**CHAPTER 13.
BARBERS AND HAIRDRESSERS.**

Article

- 1. Board of Barbers and Hairdressers**
(§§ 08.13.010—08.13.050)
- 2. Examination and Licensing**
(§§ 08.13.070—08.13.195)
- 3. General Provisions** (§§ 08.13.210—08.13.220)

**ARTICLE 1.
BOARD OF BARBERS AND HAIRDRESSERS.**

Section

- 10. Creation and membership of board**
- 30. Powers and duties of the board**
- 40. Meetings and examinations**
- 50. Records of the board**

Sec. 08.13.010. Creation and membership of board. (a) There is created the Board of Barbers and Hairdressers consisting of seven members appointed by the governor.

(b) The board consists of

- (1) one person licensed as a barber under this chapter;
- (2) one person licensed to practice body piercing, tattooing, or permanent cosmetic coloring under this chapter;
- (3) two persons licensed as hairdressers under this chapter, one of whom is also licensed as an esthetician under this chapter;
- (4) one public member;
- (5) one person licensed to practice manicuring under this chapter; and
- (6) one person licensed to practice any activity licensed under this chapter.

Sec. 08.13.030. Powers and duties of the board. (a) The board shall exercise general control over the vocations of barbering, hairdressing, hair braiding, manicuring, esthetics, body piercing, tattooing, and permanent cosmetic coloring.

(b) The board shall

- (1) examine applicants and approve the issuance of licenses and permits to practice;
- (2) authorize the issuance of licenses for schools of barbering, hairdressing, manicuring, and esthetics;
- (3) develop written instructions and notices that tattooing, permanent cosmetic coloring, and body piercing shop owners and practitioners are required to give or display under AS 08.13.215;
- (4) enforce the provisions of this chapter, regulations adopted under this chapter, and regulations relating to barbering, hairdressing, hair braiding, manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).

(c) The board may

- (1) suspend or revoke a license or permit;
- (2) on its own motion or upon receipt of a written complaint, conduct hearings and request the
 - (A) Department of Commerce, Community, and Economic Development to investigate the practices of a person, shop, or school involved in the practice or teaching of barbering, hairdressing, hair braiding, manicuring, or esthetics, or
 - (B) Department of Commerce, Community, and Economic Development or the Department of Environmental Conservation to investigate the practices of a person, shop, or school involved in the practice or teaching of body piercing, tattooing, or permanent cosmetic coloring;
- (3) adopt regulations or do any act necessary to carry out the provisions of this chapter.

Sec. 08.13.040. Meetings and examinations. (a) The board shall meet as often as necessary to conduct its business. It shall conduct separate examinations covering the following fields of practice: barbering, hairdressing, advanced manicuring, and esthetics. Examinations shall be given at least twice in every year for each of these fields of practice for which applications for licensure or endorsements are pending. An applicant may take an examination in more than one field during the same testing session. The board may not require an applicant for licensure as a manicurist to take or pass an examination conducted by the board for the field of manicuring; however, nothing in this sentence prohibits the board from requiring a licensed manicurist to pass an examination to obtain an optional endorsement as an advanced manicurist under AS 08.13.080(f).

(b) The board may not require a person applying for a limited license to practice non-chemical barbering under AS 08.13.100(f) to take an examination that tests the person's knowledge of chemical processes, including permanent waving, bleaching, coloring, or chemical straightening.

Sec. 08.13.050. Records of the board. The Department of Commerce, Community, and Economic Development shall keep a record of the board's proceedings related to the issuance, refusal, suspension, and revocation of each license and permit. The record shall contain the name of the person to whom a license or permit is issued, the person's place of business, the date of issuance for each license and permit, and whether it is currently valid. The record shall be open to inspection by the public at all reasonable times.

**ARTICLE 2.
EXAMINATION AND LICENSING.**

Section

- 70. License required**
- 80. Qualifications of applicants**
- 82. Apprenticeship**
- 90. Examinations and other requirements**
- 100. License**
- 110. School license**
- 120. Shop license**
- 130. Display of license or permit**
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- 170. Temporary permits**
- 175. Temporary license**
- 180. Student permits**
- 183. Use of title; unlicensed use prohibited**
- 185. Fees**
- 190. Failure to possess a license or permit**
- 195. Civil penalty**

Sec. 08.13.070. License required. A person may not

- (1) practice barbering, hairdressing, hair braiding, manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring without a license, temporary permit, temporary license, or student permit unless exempted under AS 08.13.160 (d);
- (2) practice barbering, hairdressing, hair braiding, manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring except in a shop or school licensed under this chapter unless exempted under AS 08.13.160 (d) or permitted under AS 08.13.160 (e);
- (3) open or conduct a school of barbering, hairdressing, manicuring, or esthetics without a license;
- (4) teach in a school of barbering, hairdressing, manicuring, or esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or esthetics without an instructor's license;
- (5) operate a shop in violation of AS 08.13.120;
- (6) permit an employee or other person being supervised who is not exempted under AS 08.13.160 (d) to practice barbering, hairdressing, hair braiding, manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring without a license, temporary permit, temporary license, or student permit;
- (7) permit the use of the person's license, temporary permit, temporary license, or student permit by another person;
- (8) obtain or attempt to obtain a license, temporary permit, temporary license, or student permit by fraudulent means.

Sec. 08.13.080. Qualifications of applicants. (a) An applicant for an examination authorized under AS 08.13.040 must

- (1) have successfully completed all courses that a school with a curriculum in barbering approved by the board is required to teach in order to be licensed under AS 08.13.110 if applying for a license to practice barbering; the curriculum may be limited for non-chemical barbering under AS 08.13.100(f);
 - (2) have successfully completed all courses that a school with a curriculum in hairdressing approved by the board is required to teach to be licensed under AS 08.13.110 if applying for a license to practice hairdressing;
 - (3) have successfully completed all courses that a school with a curriculum in esthetics approved by the board is required to teach in order to be licensed under AS 08.13.110 if applying for a license to practice esthetics;
 - (4) have served an apprenticeship under AS 08.13.082;
 - (5) specify the field of practice in which the applicant intends to teach and have held a license to practice in the field for three years or have held a license in the field for one year and have completed 600 hours of student training as an instructor in the field of practice from a licensed school with a curriculum approved by the board if applying for a license as an instructor, except that a person licensed as an instructor in hairdressing may be an instructor in manicuring for courses that satisfy the requirements of (e) of this section, and the board may, by regulation, establish requirements for other manicuring instructors, including instructors who teach courses that satisfy requirements for an advanced manicurist endorsement; or
 - (6) have completed course work and, if applicable, an apprenticeship acceptable to the board.
- (b) *[Repealed, Sec. 12 ch 27 SLA 2015.]*
 - (c) *[Repealed, Sec. 12 ch 27 SLA 2015.]*
 - (d) An applicant for a license to practice body piercing, tattooing, or permanent cosmetic coloring shall
 - (1) satisfy the training requirement of AS 08.13.082 (d);

(2) by passing a written examination approved by the board, demonstrate to the board or the board's designee safety, sanitation, sterilization, aseptic, and practice techniques that indicate that the applicant has adequate knowledge of infection control practices and requirements relating to tattooing, permanent cosmetic coloring, or body piercing, as applicable; this demonstration may, at the option of the board, also include a practical examination in addition to the written examination; and

(3) pay the appropriate fee.

(e) An applicant for a license to practice manicuring shall

(1) submit documentation that the applicant has completed a course of 12 hours of instruction or training approved by the board that addresses health, safety, and hygiene concerns of manicuring customers and practitioners that are relevant to the practice of manicuring from a school licensed under AS 08.13.110 as a school of manicuring; documentation of completion of the course must include certification from the school that the applicant has passed a test given by the school covering the health, safety, and hygiene concerns of manicuring customers and practitioners that are relevant to the practice of manicuring; and

(2) pay the appropriate fee.

(f) An applicant for an endorsement to a license to practice manicuring or hairdressing indicating that the person is an advanced manicurist shall

(1) hold, or be approved for, a current license issued under this chapter for manicuring or hairdressing;

(2) request the endorsement;

(3) submit documentation from a licensed school of manicuring or hairdressing certifying completion of 250 hours of instruction in manicuring that meets the requirements of AS 08.13.110(e);

(4) pass an examination given by the board for advanced manicurists; and

(5) pay the appropriate fee.

(g) An applicant for a license to practice hair braiding shall

(1) apply in writing on a form prescribed by the board;

(2) complete, to the satisfaction of the board, 35 hours of instruction in hair braiding, health, safety, and sanitation

(A) at an accredited school of hairdressing;

(B) at a professional association of hairdressing or hair braiding; or

(C) from an individual or school licensed under this chapter and approved by the board; and

(3) pay the appropriate fee.

Sec. 08.13.082. Apprenticeship. (a) The period of apprenticeship required to qualify an applicant for a license to practice barbering is 2,000 hours. The apprenticeship must be served in a shop approved by the board. The apprenticeship may not be completed in less than 12 months from the date of its commencement and must be completed in not more than two years from the date of its commencement. The board may set by regulation a period of apprenticeship of less than 2,000 hours for an applicant for a license to practice non-chemical barbering. The board may not require an applicant for a license to practice non-chemical barbering under AS 08.13.100(f) to perform apprenticeship hours or practical operations relating to chemical processes, including permanent waving, bleaching, coloring, or chemical straightening.

(b) The period of apprenticeship required to qualify an applicant for a license to practice hairdressing is 2,000 hours. The apprenticeship must be served in a shop approved by the board. The apprenticeship may not be completed in less than one year from the date of its commencement and must be completed in not more than two years from the date of its commencement.

(c) The period of apprenticeship required to qualify an applicant for a license to practice esthetics is 350 hours. The apprenticeship must be served in a shop approved by the board. The apprenticeship may not be completed in less than six months from the date of its commencement and must be completed in not more than one year from the date of its commencement.

(d) The number of hours of training required to qualify an applicant for a license to practice tattooing, permanent cosmetic coloring, or body piercing shall be set by the board in regulations. The trainee must be at least 18 years of age when the training commences. The training required under this subsection

(1) may only be received

(A) in a licensed shop in this state under a person who has a practitioner's license under this chapter in the field in which the trainee seeks training; or

(B) outside the state from a person approved by the board at a site approved by the board;

(2) must include at least 12 hours of training in safety, sanitation, sterilization, aseptic, and other practices necessary to prevent transmission of diseases and infection;

(3) shall be completed in not more than 12 months from the date of its commencement; and

(4) shall be documented by certification from the trainer that the training was successfully completed by the trainee.

(e) *[Repealed, Sec. 12 ch 12 SLA 2017.]*

Sec. 08.13.090. Examinations and other requirements. (a) A written examination shall be given to each applicant for examination at a time and place determined by the board. The board may delegate the power of examination to a committee of the board or a board member.

(b) The written examination must cover subjects designated by the board and must test the applicant's knowledge of sanitary practices, safety of all procedures, and use of instruments, equipment, and chemicals permitted within the field of practice for which the applicant is seeking a license.

(c) The board may by regulation establish requirements for a practical examination for licensure.

Sec. 08.13.100. License. (a) The board shall authorize the issuance of a license for the practice of barbering, hairdressing, or esthetics to each qualified applicant who has passed an examination under AS 08.13.090 and meets other applicable requirements under this chapter. The board shall authorize the issuance of a license for the practice of tattooing, permanent cosmetic coloring, or body piercing to each applicant who has satisfied the requirements of AS 08.13.080(d). The board shall authorize the issuance of a license to practice manicuring to each applicant who has satisfied the requirements of AS 08.13.080(e). The board shall authorize the issuance of an endorsement to a license to practice manicuring or hairdressing indicating that the person is an advanced manicurist to each applicant who has satisfied the requirements of AS 08.13.080(f). The board shall authorize the issuance of a license for the practice of hair braiding to each applicant who has satisfied the requirements of AS 08.13.080(g).

(b) A practitioner license must state the areas of practice (barbering, non-chemical barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, permanent cosmetic coloring, or body piercing) that the practitioner is qualified to perform.

(c) The board may by regulation create areas of limited professional licensing in the field of esthetics. Any limitation must be stated on the license.

(d) A person who holds a current valid license from a board of barbering, hairdressing, manicuring, or esthetics in another state or who is licensed by another state to practice hair braiding, tattooing, permanent cosmetic coloring, or body piercing is entitled to a license or endorsement under this chapter without examination or a new period of training in this state. An application must include

(1) proof of a valid license issued by another licensing jurisdiction; and

(2) proof of completed training, testing, and working experience that the board finds to meet the minimum requirements of this state.

(e) A person licensed as an instructor is considered to be licensed as a practitioner and is subject to the same requirements that a practitioner is subject to, in the same area for which the person is licensed as an instructor, except that, for purposes of setting fees under AS 08.01.065, the department shall consider instructors to be an occupation separate from practitioners. An instructor license shall state the areas of practice (barbering, hairdressing, manicuring, or esthetics) in which the licensee is qualified to instruct and practice.

(f) The board shall by regulation create an area of limited professional licensing in the field of barbering for non-chemical barbering that allows a person to practice barbering without the use of chemicals and chemical processes. The limitation must be stated on the license.

Sec. 08.13.110. School license. (a) The board shall adopt regulations for the licensing of schools of barbering, hairdressing, manicuring, and esthetics. The regulations must include details of the curriculum, minimum hours of instruction, physical condition of the facilities, and financial responsibility of the owner. The curriculum required for a school of hairdressing must include the curriculum required for a school of manicuring.

(b) *[Repealed, Sec. 12 ch 27 SLA 2015.]*

(c) *[Repealed, Sec. 12 ch 27 SLA 2015.]*

(d) The board shall issue a license to a school of manicuring if the school offers a curriculum of 12 hours of instruction or training approved by the board that addresses health, safety, and hygiene concerns of manicuring customers and practitioners that are relevant to the practice of manicuring. A school of manicuring may offer instruction in addition to the 12 hours required for a license, but the board may not issue a license to a school of manicuring if the school requires its students to complete more than 12 hours of the required instruction or training in health, safety, and hygiene concerns before the school will certify that the student has completed the school's manicuring course for purposes of AS 08.13.080(e).

(e) A school of manicuring may seek approval from the board for a curriculum designed to qualify students for an advanced manicurist endorsement. The board shall establish the curriculum requirements applicable under this subsection through its authority under (a) of this section.

Sec. 08.13.120. Shop license. (a) The board shall adopt regulations for the licensing of shops. The regulations must require that a shop for tattooing, permanent cosmetic coloring, or body piercing be inspected and certified by the Department of Environmental Conservation as being in compliance with the regulations adopted under AS 44.46.020 before a shop license may be issued under this subsection. A shop owner shall be licensed to operate a shop without examination, but, unless the shop owner is a practitioner, the shop owner may not conduct business without employing a manager who is a practitioner. This subsection does not apply to a shop for the practice of barbering, hairdressing, hair braiding, or esthetics located in a community having a population of less than 1,000 people that is not within 25 miles of a community of more than 1,000 people.

(b) The regulations adopted under (a) of this section must include provisions under which the board may issue a temporary shop license to a person who has a license or temporary permit under this chapter to practice tattooing, permanent cosmetic coloring, or body piercing. The temporary shop license authorized under this subsection may only be issued to cover a site where the practitioner intends to hold a workshop or to demonstrate techniques as part of a convention or other special event, as defined by the board, that includes other practitioners of tattooing, permanent

cosmetic coloring, or body piercing. Each practitioner of tattooing, permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates techniques at a convention or special event shall have a separate temporary shop license and a license or temporary permit under this chapter to practice tattooing, permanent cosmetic coloring, or body piercing. The board shall issue a temporary shop license upon receipt of an application from a practitioner demonstrating compliance with the regulations adopted under this section and payment of the appropriate fee; however, the temporary shop license may be summarily revoked, without refunding of the fee, if the Department of Environmental Conservation determines after an inspection that the cleanliness or sanitation conditions at the site covered by the temporary license pose a clear and immediate danger to the public health or safety. A licensee may appeal a summary revocation under this subsection to the superior court.

Sec. 08.13.130. Display of license or permit. (a) A practitioner shall display the practitioner's license in a conspicuous location in the practitioner's place of business. Each shop owner is responsible for the conspicuous display of the shop's license and the licenses of employees and individuals renting booths in the shop. A person holding a student permit, temporary license, or temporary permit shall display the permit or license in a conspicuous location in the school in which the person is enrolled or the shop in which the person works. The school or shop owner is responsible for the display of a permit or license for each enrolled student, apprentice, or temporary license holder.

(b) A license issued to a manicurist by the department must state that the manicurist has successfully completed a course of instruction or training in health, safety, and hygiene concerns related to the practice of manicuring.

Sec. 08.13.140. Lapsed license. A lapsed license may be reinstated if the license has not been lapsed for a period of more than three years, or otherwise at the discretion of the board, and all renewal and delinquent fees for the period during which the license has been lapsed are paid.

Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license or permit. The board may, in addition to the actions authorized under AS 08.01.075, refuse, suspend, or revoke a license, student permit, temporary license, or temporary permit for failure to comply with this chapter, with a regulation adopted under this chapter, with a regulation adopted by the Department of Environmental Conservation under AS 44.46.020, or with an order of the board.

Sec. 08.13.160. Application of license requirements. (a) A person holding a valid license to practice barbering under former AS 08.12 is licensed under this chapter and may continue to practice barbering under the conditions imposed by former AS 08.12 and the regulations adopted under former AS 08.12 until the license expires.

(b) A person holding a valid license under former AS 08.28 may continue to practice under the conditions imposed under former AS 08.28 and the regulations adopted under former AS 08.28 until the license expires.

(c) A person holding a valid license issued under former AS 08.12 or former AS 08.28 shall be entitled upon its expiration to a license to practice under this chapter in the field of practice for which the person was originally licensed, without meeting requirements for new licensure.

(d) The licensing and permit provisions of this chapter do not apply to

(1) a person practicing barbering, hairdressing, hair braiding, manicuring, or esthetics in a community having a population of less than 1,000 people that is not within 25 miles of a community of more than 1,000 people and who does not use chemicals or uses only chemicals available to the general public;

(2) a licensed health care professional;

(3) a person licensed by another licensing jurisdiction in a field of practice licensed by this chapter while demonstrating techniques or products to persons holding licenses or permits under this chapter;

(4) a person practicing tattooing, permanent cosmetic coloring, or body piercing solely on the person's own body;

(5) the practice of manicuring by a student as part of instruction in a 12-hour course approved under AS 08.13.110(d).

(e) The board shall adopt regulations to permit a person licensed under this chapter to practice barbering, hairdressing, hair braiding, manicuring, or esthetics outside a licensed shop or school for limited purposes including

(1) care of clients confined to an institution or health care facility;

(2) care of clients with limited mobility;

(3) participation in charitable events; and

(4) participation in workshops or demonstrations of techniques or products.

(f) A person licensed under this chapter to practice hairdressing is considered to be licensed to practice manicuring, hair braiding, and limited esthetics under the same license.

Sec. 08.13.170. Temporary permits. The department shall issue a temporary permit to an applicant for licensing who holds a license to practice barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, permanent cosmetic coloring, or body piercing in another state. The permit is valid until the board either issues a permanent license or rejects the application. The board shall act on an application within six months.

Sec. 08.13.175. Temporary license. A person who meets the requirements of AS 08.13.080(a)(1), (2), (3), (4), or (6) is entitled to be temporarily licensed after applying for examination under this chapter if the applicant works under

the direct supervision, and within the physical presence, of a person who is licensed in the area of practice for which the applicant has applied for examination. A temporary license issued under this section is valid for 120 days and is nonrenewable. A person may not receive more than one temporary license for each area of practice licensed under this chapter. An application for a temporary license must be signed by the supervising licensee and accompanied by the temporary license fee required under AS 08.13.185.

Sec. 08.13.180. Student permits. A person attending a licensed school of barbering, hairdressing, manicuring, or esthetics and a person apprenticed to a licensed instructor in a shop approved by the board or receiving training from a practitioner of tattooing, permanent cosmetic coloring, or body piercing shall obtain a student permit. A student permit to practice barbering or hairdressing is valid for two years. A student permit to practice esthetics, tattooing, permanent cosmetic coloring, or body piercing is valid for one year. A student permit may not be renewed, but, upon application, the board may issue a new permit to the same person or extend an expired permit to the date of the next scheduled examination. Credit earned under an expired student permit may be transferred to a new permit as determined by the board.

Sec. 08.13.183. Use of title; unlicensed use prohibited. (a) A person licensed to practice manicuring in the state may use the title "licensed nail technician."

(b) A person who uses the title "licensed nail technician" who is not licensed to practice manicuring under this chapter is guilty of a violation.

Sec. 08.13.185. Fees. (a) The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for initial licenses and renewals for the following:

- (1) schools;
- (2) school owners;
- (3) instructor;
- (4) shop owner;
- (5) practitioner of barbering;
- (6) practitioner of hairdressing;
- (7) practitioner of manicuring;
- (8) practitioner of esthetics;
- (9) practitioner of tattooing;
- (10) practitioner of body piercing;
- (11) temporary shop license;
- (12) temporary permit;
- (13) temporary license;
- (14) student permit;
- (15) endorsement for advanced manicuring;
- (16) practitioner of hair braiding;
- (17) practitioner of permanent cosmetic coloring;
- (18) practitioner of non-chemical barbering.

(b) The department shall set fees under AS 08.01.065 for examination and investigation.

Sec. 08.13.190. Failure to possess a license or permit. (a) A person who practices barbering, hairdressing, hair braiding, esthetics, tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or operates a school of barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing, or esthetics, without a license, temporary permit, temporary license, or student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

(b) A person who practices manicuring, operates a shop for manicuring, operates a school of manicuring, or teaches in a school of manicuring without the appropriate license, temporary permit, temporary license, or student permit and who is not exempt under AS 08.13.120 or 08.13.160(d) is guilty of a violation.

Sec. 08.13.195. Civil penalty. (a) In addition to any other provision of law, if a person violates AS 08.13.070 or 08.13.217, the board may enter an order levying a civil penalty.

(b) A civil penalty levied under this section may not exceed \$5,000 for each offense. In levying a civil penalty, the board shall set the amount of the penalty imposed under this section after taking into account appropriate factors, including the seriousness of the violation, the economic benefit resulting from the violation, the history of violations, and other matters the board considers appropriate.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of issuance of notice by the board, a hearing on the record.

(d) In connection with proceedings under (a) and (b) of this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal with the superior court for judicial review of the penalty under AS 44.62.560.

(f) If a person fails to pay a civil penalty within 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the penalty.

(g) An action to enforce an order under this section may be combined with an action for an injunction under AS 08.01.087.

ARTICLE 3. GENERAL PROVISIONS.

Section

210. Health and sanitary conditions

215. Notification requirements for tattooing, permanent cosmetic coloring, and body piercing

217. Tattooing and permanent cosmetic coloring or body piercing on a minor

220. Definitions

Sec. 08.13.210. Health and sanitary conditions. (a) Health and sanitary conditions in shops and schools of
(1) barbering, hairdressing, hair braiding, manicuring, and esthetics shall be supervised by the board
(2) tattooing, permanent cosmetic coloring, and body piercing shall be supervised by the Department of Environmental Conservation.

(b) The Department of Environmental Conservation shall conduct an annual inspection of each shop licensed for the practice of tattooing, permanent cosmetic coloring, or body piercing to ensure that the shop meets the department's standards of cleanliness and sanitation established under AS 44.46.020. If the Department of Environmental Conservation determines that the shop is not in compliance with a regulation of the department, the department shall report the violation to the board and take appropriate action under its own regulations.

Sec. 08.13.215. Notification requirements for tattooing, permanent cosmetic coloring, and body piercing. (a) Before performing a tattooing, permanent cosmetic coloring, or body piercing procedure on a client, a practitioner shall give written educational information, approved by the board, to the client.

(b) After completing a tattooing, permanent cosmetic coloring, or body piercing procedure on a client, the practitioner shall give written aftercare instructions, approved by the board, to the client. The written instructions

(1) must include advice to the client to consult a physician at the first sign of infection;

(2) must contain the name, address, and telephone number of the shop where the procedure was performed;

(3) shall be signed and dated by the client and the practitioner; the practitioner shall keep the original and provide a copy to the client.

(c) The owner of a shop for tattooing, permanent cosmetic coloring, or body piercing shall prominently display

(1) a copy of the statement provided by the board under AS 08.13.030(b) that advises the public of the health risks and possible consequences of tattooing, permanent cosmetic coloring, or body piercing, as applicable;

(2) the names, addresses, and telephone numbers of the Department of Commerce, Community, and Economic Development and the Department of Environmental Conservation and a description of how a complaint about the shop or a practitioner in the shop may be filed with either entity or with the board.

Sec. 08.13.217. Tattooing and permanent cosmetic coloring or body piercing on a minor. (a) A person may not practice tattooing or permanent cosmetic coloring on a minor.

(b) A person may not practice body piercing on a minor without prior written permission from the minor's parent or legal guardian and the presence of the parent or legal guardian during the body piercing procedure. The person who performs the body piercing shall keep a copy of the written permission on file for at least three years.

(c) A person who with criminal negligence violates this section is guilty of a class B misdemeanor. In this subsection, "criminal negligence" has the meaning given in AS 11.81.900.

Sec. 08.13.220. Definitions. In this chapter,

(1) "apprentice" means a person who receives on-the-job training under direct supervision;

(2) "barbering" means shaving, trimming, or cutting, styling, curling, permanent waving, bleaching, coloring, cleansing, or chemically straightening the beard or hair of a living person for a fee and for cosmetic purposes;

(3) "board" means the Board of Barbers and Hairdressers;

(4) "body piercing" means puncturing the body of a person by aid of needles or other instruments designed to be used to puncture the body for the purpose of inserting jewelry or other objects in or through the human body, except that, for purposes of this chapter, "body piercing" does not include puncturing the external part of the human ear;

(5) "esthetics" means the use of the hands, appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the scalp, face or neck, including skin care, make-up, and temporary removal of superfluous hair, for cosmetic purposes for a fee;

(6) "hair braiding" means braiding natural hair, natural fibers, synthetic fibers, and hair extensions, trimming hair extensions for braiding purposes, and attaching natural and synthetic hair by braiding for cosmetic purposes and for a fee; "hair braiding" does not include styling wigs or making wigs;

- (7) "hairdressing" means performing, for a fee, the following services for cosmetic purposes:
- (A) trimming or cutting the beard of a living person; and
 - (B) arranging, styling, dressing, curling, temporary waving, permanent waving, cutting, singeing, bleaching, coloring, cleansing, conditioning, or similar work on the hair of a living person;
- (8) "instructor" means a person who teaches barbering, hairdressing, manicuring, or esthetics in a school or who supervises an apprentice in barbering, hairdressing, or esthetics;
- (9) "limited esthetics" means to perform for a fee for cosmetic purposes
- (A) temporary removal of superfluous hair on the face or neck, including eyebrow arching by use of wax; or
 - (B) application of makeup or false eyelashes.
- (10) "manicuring"
- (A) means, for a fee, to
 - (i) cut, trim, polish, color, tint, or cleanse a natural or artificial nail;
 - (ii) affix material by artificial means to a natural nail for the addition to or extension of the natural nail;
 - (iii) cleanse, treat, or beautify the hands or feet for cosmetic purposes; or
 - (iv) otherwise treat the nails of the hand or foot except as provided in (B) of this paragraph;
 - (B) notwithstanding (A) of this paragraph, does not include
 - (i) massage treatment; or
 - (ii) cleansing, treating, or beautifying the hands or feet solely for the treatment of disease or physical or mental ailments;
- (11) "non-chemical barbering" means shaving, trimming, cutting, styling, or curling the beard or hair of a living person for a fee and for cosmetic purposes;
- (12) "permanent cosmetic coloring" means tattooing for the purpose of simulating hair or makeup, such as permanent eyeliner, lip color, eyebrows, and eyeshadow;
- (13) "practitioner" means a person licensed to practice barbering, non-chemical barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, permanent cosmetic coloring, or body piercing under this chapter;
- (14) "shampoo person" means a person who, for a fee and under the supervision of a practitioner of barbering or hairdressing, cleanses or conditions the hair of the human head with products that have no effect other than cleaning or conditioning the hair;
- (15) "shop" is an establishment operated for the purpose of engaging in barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, permanent cosmetic coloring, or body piercing;
- (16) "tattooing" means the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading, or microneedling.

**CHAPTER 09.
BOARD OF BARBERS AND HAIRDRESSERS.**

Article

- 1. Examination Applications and Standards**
(12 AAC 09.002 – 12 AAC 09.038)
- 2. (Repealed)**
- 3. Examinations**
(12 AAC 09.056 – 12 AAC 09.075)
- 4. Licensing Requirements**
(12 AAC 09.080 – 12 AAC 09.115)
- 5. Schools and Curriculum**
(12 AAC 09.120 – 12 AAC 09.175)
- 6. Student Permits, Training, and Apprentices**
(12 AAC 09.180 – 12 AAC 09.190)
- 7. General Provisions**
(12 AAC 09.900 – 12 AAC 09.990)

**ARTICLE 1.
EXAMINATION APPLICATIONS AND STANDARDS.**

Section

- 02. Review of license applications**
- 03. (Repealed)**
- 04. Courtesy license**
- 05. Application for examination**
- 06. (Repealed)**
- 10. Examination dates**
- 15. (Repealed)**
- 20. Identification of applicant**
- 25. Conduct for examinations**
- 30. (Repealed)**
- 35. (Repealed)**
- 38. (Repealed)**

12 AAC 09.002. REVIEW OF LICENSE APPLICATIONS. (a) An applicant who meets the requirements on the relevant checklist set out in this section has demonstrated the necessary qualifications for the license or permit applied for. An applicant who does not meet the requirements on that checklist or whose application documents do not clearly show that the applicant is qualified to receive a license or permit will not be issued a license or permit unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.13 and this chapter for that license or permit.

(b) The following checklist is established by the board for review of an application for a barber or non-chemical barber license by examination. A barber or non-chemical barber license will be issued to an applicant who

- (1) submits a completed, notarized form for application under this chapter that includes the
 - (A) applicant's name and address; and
 - (B) for each school or apprenticeship where the applicant was trained, the name and address of the school or apprenticeship, the dates of the training, and the number of hours of training completed;
- (2) submits original or certified true copies of
 - (A) student monthly records verifying that the applicant has successfully completed in a school approved by the board
 - (i) 1,650 hours of training for a barber license; or
 - (ii) 1,350 hours of training for a non-chemical barber license;
 - (B) certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed in a school approved by that state's licensing agency
 - (i) 1,650 hours of training that included the minimum number of practical operations set out in 12 AAC 09.160 for a barber license; or
 - (ii) 1,350 hours of training that included the minimum number of practical operations set out in 12 AAC 09.161 for a non-chemical barber license;
 - (C) student monthly records verifying that the applicant has successfully completed in an apprenticeship program approved by the board
 - (i) 2,000 hours of training for a barber license; or
 - (ii) 1,600 hours of training for a non-chemical barber license;

(D) certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed in an apprenticeship program approved by that state's licensing agency

(i) 2,000 hours of training that included the minimum number of practical operations set out in 12 AAC 09.160 for a barber license; or

(ii) 1,600 hours of training that included the minimum number of practical operations set out in 12 AAC 09.161 for a non-chemical barber license; or

(E) a combination of the records required in this paragraph that verify the equivalent of 2,000 apprenticeship hours or 1,650 hours of course work for a barber license, or 1,600 apprenticeship hours or 1,350 hours of course work for a non-chemical barber license, when evaluated using the criteria in 12 AAC 09.090(c);

(3) pays the application fee established in 12 AAC 02.140;

(4) pays the written examination fee established in 12 AAC 02.140;

(5) passes the written examination described in 12 AAC 09.056; and

(6) repealed 12/6/2020;

(7) pays the initial biennial license fee in 12 AAC 02.140.

(c) The following checklist is established by the board for review of an application for a hairdresser license by examination. A hairdresser license will be issued to an applicant who

(1) submits the documents and fees required by (b)(1), (b)(3), (b)(4) and (b)(7) of this section;

(2) submits original or certified true copies of

(A) student monthly records verifying that the applicant has successfully completed 1,650 hours of training for a hairdresser license in a school approved by the board;

(B) student monthly records verifying that the applicant has successfully completed 2,000 hours of training for a hairdresser license in an apprenticeship program approved by the board;

(C) a certification from another state's licensing agency, bearing the seal of the state, that the applicant has successfully completed, in a school approved by that state's licensing agency, 1,650 hours of training for a hairdresser license that includes the number of practical operations set out in 12 AAC 09.160; or

(D) a certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed, in an apprenticeship program approved by that state's licensing agency, 2,000 hours of training for a hairdresser license that includes the number of practical operations set out in 12 AAC 09.160; and

(3) passes the written examination described in 12 AAC 09.060.

(d) The following checklist is established by the board for review of an application for an esthetics license by examination. An esthetics license will be issued to an applicant who

(1) submits the documents and fees required by (b)(1), (b)(3), (b)(4), and (b)(7) of this section;

(2) submits original or certified true copies of

(A) student monthly records verifying that the applicant has successfully completed 350 hours of training in a school approved by the board;

(B) a certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed 350 hours of training, including the minimum number of practical operations set out in 12 AAC 09.163, in a school approved by that state's licensing agency;

(C) student monthly records verifying that the applicant has successfully completed 350 hours of training in an apprenticeship program approved by the board; or

(D) a certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed 350 hours of training, including the minimum number of practical operations set out in 12 AAC 09.163, in an apprenticeship program approved by that state's licensing agency; and

(3) passes the written examination described in 12 AAC 09.065;

(4) repealed 12/6/2020.

(e) The following checklist is established by the board for review of an application for a barber, non-chemical barber, or hairdresser license by waiver of examination. A barber, non-chemical barber, or hairdresser license will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (b)(3), and (b)(7) of this section;

(2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant

(A) holds a current license to practice barbering, non-chemical barbering, or hairdressing in that state; and

(B) qualified for licensure by passing a written examination;

(3) verification of training and work experience that meets the requirements in 12 AAC 09.095(a)(3), (b)(3), or (c).

(f) The following checklist is established by the board for review of an application for an esthetics license by waiver of examination. An esthetics license will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (b)(3), and (b)(7) of this section;

(2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant

(A) holds a current license to practice as an esthetician in that state; and

(B) qualified for licensure as an esthetician by passing a written examination;

(3) verification of training that meets the requirements in 12 AAC 09.100.

- (g) The following checklist is established by the board for review of an application for a student permit while attending a licensed school of barbering, hairdressing, or esthetics. A student permit for an applicant attending an approved school will be issued to an applicant who submits
- (1) a completed form for application under this chapter;
 - (2) repealed 3/30/2019;
 - (3) the permit fee established in 12 AAC 02.140; and
 - (4) proof of enrollment in a licensed school of barbering, hairdressing, or esthetics.
- (h) The following checklist is established by the board for review of an application for a student instructor permit. A student instructor permit will be issued to an applicant who submits
- (1) a completed form for application under this chapter;
 - (2) repealed 3/30/2019;
 - (3) the permit fee established in 12 AAC 02.140; and
 - (4) verification of one year of practice as a barber, hairdresser, manicurist, or esthetician that meets the requirements in 12 AAC 09.115.
- (i) The following checklist is established by the board for review of an application for an instructor license by examination. An instructor license will be issued to an applicant who
- (1) submits the documents and fees required by (b)(1), (b)(3), (b)(4), and (b)(7) of this section;
 - (2) submits verification of a current license to practice as a barber, hairdresser, manicurist, or esthetician in this state;
 - (3) submits verification of at least
 - (A) three years of practice as a licensed barber, hairdresser, esthetician, or manicurist in this state or another jurisdiction; or
 - (B) one year of practice as a licensed barber, hairdresser, esthetician, or manicurist in this state or another jurisdiction followed by 600 hours of student instructor training in a school approved by the board or another licensing jurisdiction; and
 - (4) passes the written examination described in 12 AAC 09.070; and
 - (5) repealed 12/6/2020.
- (j) The following checklist is established by the board for review of an application for an instructor license by waiver of examination. An instructor license will be issued to an applicant
- (1) who submits the documents and fees required by (b)(1), (b)(3), and (b)(7) of this section;
 - (2) who complies with the requirements of (i)(2) of this section; and
 - (3) whose application includes a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant
 - (A) holds a current license to practice as an instructor in that state; and
 - (B) qualified for licensure as an instructor by passing a written examination.
- (k) The following checklist is established by the board for review of an application for a shop owner license. A shop owner license will be issued to an applicant who meets the requirements in 12 AAC 09.110(a).
- (l) Repealed 6/8/2016.
- (m) The following checklist is established by the board for review of an application for an advanced manicurist endorsement by examination. An advanced manicurist endorsement will be issued to an applicant who
- (1) submits a completed, notarized form for application under this chapter that includes
 - (A) the applicant's name and address; and
 - (B) for each school where the applicant was trained, the name and address of the school, the dates of the training, and the number of hours of training completed;
 - (2) submits original or certified true copies of
 - (A) student records verifying that the applicant has successfully completed 250 hours of training in a school approved by the board or the Alaska Commission on Postsecondary Education;
 - (B) a certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed 250 hours of training; or
 - (C) repealed 6/21/2018;
 - (3) pays the application fee established in 12 AAC 02.140;
 - (4) pays the written examination fees established in 12 AAC 02.140;
 - (5) submits verification of passing the written examination described in 12 AAC 09.066; and
 - (6) pays the initial biennial license fee in 12 AAC 02.140.
- (n) The following checklist is established by the board for review of an application for an advanced manicurist endorsement by waiver of examination. An advanced manicurist endorsement will be issued to an applicant who submits
- (1) the documents and fees required by (b)(1), (b)(3), and (b)(7) of this section;
 - (2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant
 - (A) holds a current license to practice as a manicurist in that state; and
 - (B) qualified for licensure as a manicurist by passing a written examination; and
 - (3) verification of training that meets the requirements in 12 AAC 09.148.
- (o) The following checklist is established by the board for review of an application for a license by examination to practice body piercing. A license to practice body piercing will be issued to an applicant who

- (1) submits the documents and fees required by (b)(1), (3), (4), and (7) of this section;
 - (2) submits a certification, on a form provided by the department, from the applicant's trainer certifying that the applicant successfully completed the training requirements of AS 08.13.082(d) and either 12 AAC 09.167(a) - (c) or 12 AAC 09.167(e);
 - (3) submits copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in
 - (A) cardiopulmonary resuscitation (CPR); and
 - (B) blood borne pathogens; and
 - (4) passes the written examination described in 12 AAC 09.068.
- (p) The following checklist is established by the board for review of an application for a license by waiver of examination to practice body piercing. A license to practice body piercing will be issued to an applicant who submits
- (1) the documents and fees required by (b)(1), (3), and (7) of this section;
 - (2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant
 - (A) holds a current license to practice body piercing in that state; and
 - (B) qualified for licensure to practice body piercing in that state by passing a written examination;
 - (3) copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in
 - (A) cardiopulmonary resuscitation (CPR); and
 - (B) blood borne pathogens; and
 - (4) verification of training equivalent to that described in AS 08.13.082(d) and 12 AAC 09.167(a) – (c).
- (q) The following checklist is established by the board for review of an application for a license by examination to practice tattooing or permanent cosmetic coloring. A license to practice tattooing or permanent cosmetic coloring will be issued to an applicant who
- (1) submits the documents and fees required by (b)(1), (3), (4), and (7) of this section;
 - (2) submits a certification, on a form provided by the department, from the applicant's trainer certifying that the applicant successfully completed the training requirements of AS 08.13.082(d) and
 - (A) either 12 AAC 09.169(a) – (c) or 12 AAC 09.169(e), if applying for a tattooing license; or
 - (B) either 12 AAC 09.168(a) – (c) or 12 AAC 08.168(e), if applying for a permanent cosmetic coloring license.
 - (3) submits copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in
 - (A) cardiopulmonary resuscitation (CPR); and
 - (B) blood borne pathogens; and
 - (4) passes the written examination described in 12 AAC 09.068.
- (r) The following checklist is established by the board for review of an application for a license by waiver of examination to practice tattooing or permanent cosmetic coloring. A license to practice tattooing or permanent cosmetic coloring will be issued to an applicant who submits
- (1) the documents and fees required by (b)(1), (3), and (7) of this section;
 - (2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant
 - (A) holds a current license to practice tattooing or permanent cosmetic coloring in that state; and
 - (B) qualified for licensure to practice tattooing or permanent cosmetic coloring in that state by passing a written examination;
 - (3) submits copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in
 - (A) cardiopulmonary resuscitation (CPR); and
 - (B) blood borne pathogens; and
 - (4) verification of training equivalent to that described in AS 08.13.082(d) and
 - (A) 12 AAC 09.169(a) – (c), if applying for a tattooing license; or
 - (B) 12 AAC 09.168(a) – (c), if applying for a permanent cosmetic coloring license.
- (s) The following checklist is established by the board for review of an application for a courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring. A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring will be issued to an applicant who meets the requirements of AS 08.01.062(a) and who, at least 30 days before the applicant plans to begin practicing, submits
- (1) a complete, notarized application on a form provided by the department;
 - (2) the applicable fees established in 12 AAC 02.140;
 - (3) verification of practicing body piercing, tattooing, or permanent cosmetic coloring for a fee, for at least 12 of the 24 consecutive months immediately preceding the date of application; the proof must include one of the following or a combination of the following:
 - (A) at least two sworn affidavits from students or employees verifying the applicant's experience;
 - (B) at least one copy per month of a client release form for at least 12 of the 24 consecutive months immediately preceding the date of application;

(4) a statement signed by the applicant's sponsor verifying that the sponsor is a practitioner of body piercing, tattooing, or permanent cosmetic coloring who holds a permanent license in this state and will sponsor the applicant; and

(5) copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR);

(B) and blood borne pathogens.

(t) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for hairdressing, barbering, or esthetics by a licensed instructor in an apprenticeship program in a licensed shop. A student permit to obtain training in hairdressing, barbering, or esthetics by a licensed instructor in a licensed shop will be issued to an applicant who submits

(1) a completed application on a form provided by the department;

(2) the student permit fee established in 12 AAC 02.140; and

(3) a completed statement of responsibility form from the licensed instructor who will provide the training.

(u) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for body piercing, tattooing, or permanent cosmetic coloring by a licensed practitioner in an apprenticeship program in a licensed shop. A student permit to obtain training for body piercing, tattooing, or permanent cosmetic coloring by a licensed practitioner in a licensed shop will be issued to an applicant who submits

(1) a completed application on a form provided by the department;

(2) the student permit fee established in 12 AAC 02.140;

(3) a completed statement of responsibility form from the licensed practitioner who will provide the training;

(4) copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR);

(B) blood borne pathogens; and

(5) a copy of the current certificate of sanitary standards issued under 18 AAC 23.310 to the shop in which the training will take place.

(v) The following checklist is established by the board for review of an application for a hair braiding license. A license to practice hair braiding will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (3), and (7) of this section; and

(2) verification of

(A) completion of instruction as required by 12 AAC 09.164 on a form provided by the department; or

(B) a current license to practice as a hair braider in another state with requirements equal to those in this state at the time of licensure, sent directly to this state from the verifying state's licensing agency in accordance with 12 AAC 09.115.

(w) The following checklist is established by the board for review of an application for a manicurist license. A manicurist license will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (3), and (7) of this section; and

(2) verification of

(A) training that meets the requirements in 12 AAC 09.143; or

(B) a current license to practice manicuring in another state with requirements equal to those in this state at the time of licensure, sent directly to this state from the verifying state's licensing agency in accordance with 12 AAC 09.115.

Authority:	AS 08.01.062	AS 08.13.080	AS 08.13.100
	AS 08.13.030	AS 08.13.082	AS 08.13.120
	AS 08.13.070	AS 08.13.090	AS 08.13.180

12 AAC 09.003. TRANSITIONAL LICENSURE. Repealed 6/8/2016.

12 AAC 09.004. COURTESY LICENSE. (a) A courtesy license authorizes the licensee to practice body piercing, tattooing, or permanent cosmetic coloring as a guest practitioner in a shop licensed by the board. An applicant for a courtesy license to practice body piercing must have a sponsor who holds a permanent license to practice body piercing in this state. An applicant for a courtesy license to practice tattooing must have a sponsor who holds a permanent license to practice tattooing in this state. An applicant for a courtesy license to practice permanent cosmetic coloring must have a sponsor who holds a permanent license to practice permanent cosmetic coloring in this state.

(b) The board will issue a courtesy license to an applicant who meets the requirements of AS 08.01.062(a) and who, at least 30 days before the applicant plans to begin working, submits

(1) a completed application on a form provided by the department; a completed application must specify the dates for which the license is requested, the type of license requested, and the identity of the applicant's sponsor;

(2) the applicable fees established in 12 AAC 02.140;

(3) verification of practicing body piercing, tattooing, or permanent cosmetic coloring for a fee, for at least 12 of the 24 consecutive months immediately preceding the date of application; the proof must include one of the following or a combination of the following:

- (A) at least two sworn affidavits from students or employees verifying the applicant's experience;
- (B) at least one copy per month of a client release form for at least 12 of the 24 consecutive months immediately preceding the date of application;
- (C) other information acceptable to the board;
- (4) a statement signed by the applicant's sponsor verifying that the sponsor is a practitioner of body piercing or practitioner of tattooing and permanent cosmetic coloring who holds a permanent license in this state and will sponsor the applicant; and
- (5) verification that the applicant successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in
 - (A) cardiopulmonary resuscitation (CPR); and
 - (B) blood borne pathogens.
- (c) A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring is valid for 30 consecutive days. A person may not be issued more than one courtesy license in a calendar year.
- (d) The period during which a courtesy license is valid may not be counted towards the training requirements of 12 AAC 09.167 or 12 AAC 09.169.
- (e) The board will issue a courtesy license to an applicant to practice hairdressing as a hairdresser for the purpose of working on a television, film, or stage production who meets the requirements of this chapter and AS 08.01.062, and by submitting the following:
 - (1) a completed application on a form provided by the department; a completed application must specify the dates for which the license is requested, the type of license requested;
 - (2) payment of the applicable fees established in 12 AAC 02.140;
 - (3) verification of a current hairdressing license from another state or jurisdiction.
- (f) A courtesy license to practice hairdressing is valid for the duration of the production, not to exceed 12 months. If the license is required for a period longer than 12 months, the licensee must apply for a new and separate license.

Authority: AS 08.01.062 AS 08.13.030 AS 08.13.070

12 AAC 09.005. APPLICATION FOR EXAMINATION. (a) A completed, notarized application for examination as a barber, non-chemical barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing, practitioner of permanent cosmetic coloring, or instructor must be received by the division assigned occupational licensing functions at least 30 days before the next examination date and must

- (1) be on the form provided by the department;
- (2) include documents that verify that the applicant meets the requirements of AS 08.13.080; and
- (3) include the applicable fees established in 12 AAC 02.140.

(b) Only an application that is complete 30 days before an examination will be considered for that examination. An applicant whose application is not complete by that time must wait until the next administration of the examination.

(c) An applicant scheduled to take an examination who is unable to appear may postpone the examination by notifying the department before the examination and submitting the exam postponement fee required in 12 AAC 02.105(8).

(d) An applicant who fails an examination or fails to appear for an examination and who desires to be rescheduled for a future examination must apply in accordance with (a)(1) and (a)(3) of this section no later than 30 days before the date of the examination that the applicant wishes to take.

(e) An application is considered abandoned if the applicant has not taken an examination within one year after the date of initial application.

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

12 AAC 09.006. TRANSITIONAL PROVISIONS FOR LICENSEES AND ENDORSEMENT HOLDERS. Repealed 6/21/2018.

12 AAC 09.010. EXAMINATION DATES. The department will publish notice of the date and place of each administration of the examination at least 45 days before the examination.

Authority: AS 08.13.030

12 AAC 09.015. REEXAMINATION. Repealed 9/30/87.

12 AAC 09.020. IDENTIFICATION OF APPLICANT. (a) The department or its designee at the examination site will assign each applicant for examination a number by which the applicant is identified during the examination.

(b) Except for the purpose of receiving an identification number as described in (a) of this section, an applicant may not reveal the applicant's identity to an examiner.

(c) An applicant may not make a reference orally or in writing to an examiner about any school or instructor of barbering, non-chemical barbering, hairdressing, manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring, or present licenses held.

(d) Repealed 12/6/2020.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.025. CONDUCT FOR EXAMINATIONS. (a) No applicant may leave the written examination site while the examination is being conducted without permission of an examiner.

(b) Any attempt by a school owner, instructor, or any person to communicate with or help an applicant in any way while taking the examination, or any attempt by an applicant to secure information from another applicant will disqualify the applicant from completing the examination.

(c) An applicant scheduled to take an examination who is not present at the official start of the examination will not be allowed to take that examination but will be rescheduled by the board.

Authority: AS 08.13.080 AS 08.13.090

12 AAC 09.030. STATION ASSIGNED AND EQUIPMENT. Repealed 12/6/2020.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.035. MODELS. Repealed 12/6/2020.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.038. COMPUTATION OF GRADES. Repealed 12/6/2020.

Authority: AS 08.13.030 AS 08.13.090

ARTICLE 2. BARBER EXAMINATION.

Repealed 2/28/88

ARTICLE 3. EXAMINATIONS.

Section

- 50. Proficiency examination**
- 56. Content and grading criteria for barber and non-chemical barber examinations**
- 60. Content and grading criteria for hairdresser examination**
- 62. (Repealed)**
- 65. Content and grading criteria for esthetician examination**
- 66. Content and grading criteria for advanced manicurist endorsement**
- 68. Body piercing and tattooing and permanent cosmetic coloring examinations**
- 70. Content and grading criteria for instructor examination**
- 72. (Repealed)**
- 75. Reexamination**

12 AAC 09.050. PROFICIENCY EXAMINATION. (a) A student or apprentice in hairdressing, barbering, non-chemical barbering, or esthetics must pass a practical proficiency examination in the subjects described in (b) of this section, after the student or apprentice completes a course of study in a school or in an apprenticeship program.

(b) A student or apprentice must show proficiency in the following subject areas:

- (1) for hairdressing or barbering, all subjects required under 12 AAC 09.160(a);
- (2) for non-chemical barbering, all subjects required under 12 AAC 09.161(a); and
- (3) for esthetics, all subjects required under 12 AAC 09.163(a).

(c) Verification of passing the proficiency examination in the required subjects must be documented on the affidavit of completed training described in 12 AAC 09.130(f) for a student in a school, or 12 AAC 09.190(k) for an apprentice in an apprenticeship program.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.056. CONTENT AND GRADING CRITERIA FOR BARBER AND NON-CHEMICAL BARBER EXAMINATIONS. (a) The examination for a barber license consists of the written examination entitled the *National Barber-Stylist Test*, sponsored by the National Interstate Council of State Boards of Cosmetology.

(b) The examination for a non-chemical barber license consists of the written examination entitled the *Barber-No Chemical Test*, sponsored by the National Interstate Council of State Boards of Cosmetology.

(c) A passing grade on the written examination is 75 percent or above.

(d) Foreign language interpreters are not allowed in the examination room.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.060. CONTENT AND GRADING CRITERIA FOR HAIRDRESSER EXAMINATION. (a) The examination for a hairdresser license consists of the written examination entitled the *National Hair Design Test*, sponsored by the National Interstate Council of State Boards of Cosmetology.

(b) A passing grade on the written examination is 75 percent or above.

(c) Foreign language interpreters are not allowed in the examination room.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.062. CONTENT AND GRADING CRITERIA FOR HAIRDRESSING EXAMINATION. Repealed 2/28/88.

12 AAC 09.065. CONTENT AND GRADING CRITERIA FOR ESTHETICIAN EXAMINATION. (a) The examination for an esthetician consists of the written examination entitled the *National Esthetician Test*, sponsored by the National Interstate Council of State Boards of Cosmetology.

(b) A passing grade on the written examination is 75 percent or above.

(c) Foreign language interpreters are not allowed in the examination room.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.066. CONTENT AND GRADING CRITERIA FOR ADVANCED MANICURIST ENDORSEMENT. (a) The examination for an endorsement as an advanced manicurist is the written examination entitled the *Nail Technology Examination*, sponsored by the National Interstate Council of State Boards of Cosmetology.

(b) A grade of 75 percent or higher on the examination listed in (a) of this section is a passing grade.

(c) Foreign language interpreters are not allowed in the examination room.

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.068. BODY PIERCING, TATTOOING, AND PERMANENT COSMETIC COLORING EXAMINATIONS. (a) The written examination for a body piercing license is entitled the *Body Piercing Test*, sponsored by the National Interstate Council of State Boards of Cosmetology. The examination for a license to practice tattooing or permanent cosmetic coloring is a written examination prepared and administered by the board covering the subjects listed in AS 08.13.080(d)(2).

(b) A grade of 75 percent or higher on the examinations listed in (a) of this section is a passing grade.

(c) Foreign language interpreters are not allowed in the examination room.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.090

12 AAC 09.070. CONTENT AND GRADING CRITERIA FOR INSTRUCTOR EXAMINATION. (a) The instructor examination consists of the written examination entitled the *National Teachers Test*, sponsored by the National Interstate Council of State Boards of Cosmetology.

(b) A passing grade on the written examination is 75 percent or above.

(c) Foreign language interpreters are not allowed in the examination room.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.072. CONTENT AND GRADING CRITERIA FOR COSMETOLOGY INSTRUCTOR EXAMINATION. Repealed 5/20/88.

12 AAC 09.075. REEXAMINATION. (a) An applicant who fails the examination may be reexamined at a future examination.

(b) To be scheduled for reexamination, an applicant shall comply with 12 AAC 09.005(d) and (c) of this section, if applicable.

(c) At least 30 days before the next scheduled examination date, an applicant who fails the written examination three times or more shall provide documentation to the board of successful completion of remedial training before the

applicant will be scheduled for reexamination. An applicant applying under this subsection to retake the written examination shall provide documentation to the board of successful completion of at least 50 hours of theoretical training. The applicant shall complete the remedial training in a school approved by the board or an apprenticeship program approved by the board and shall hold a valid student permit during the training as required in AS 08.13.180.

(d) If the applicant does not retake the examination at least one time each year during the three years after the date the examination was first administered, the applicant's application will be considered abandoned and the applicant is required to reapply for the applicable examination under this chapter.

(e) In this section, "applicant" means an individual who has applied to take the examination for

- (1) licensure as a barber, non-chemical barber, hairdresser, esthetician, or instructor; or
- (2) endorsement as an advanced manicurist.

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

ARTICLE 4. LICENSING REQUIREMENTS.

Section

- 80. (Repealed)**
- 82. Body piercing license by examination**
- 84. Body piercing license by waiver**
- 85. (Repealed)**
- 86. Tattoo and permanent cosmetic coloring license by examination**
- 88. Tattoo and permanent cosmetic coloring license by waiver**
- 90. Barber, non-chemical barber, or hairdresser license by examination**
- 95. Barber, non-chemical barber, or hairdresser license by waiver**
- 96. Hair braiding license requirements**
- 97. Credit for hours of course work and training**
- 100. Esthetician license by examination**
- 105. Esthetician license by waiver**
- 106. Instructor license requirements**
- 107. Temporary permits**
- 108. Advanced manicurist endorsement by examination**
- 109. Advanced manicurist endorsement by waiver**
- 110. Shop owner license**
- 111. Mobile shops**
- 112. Temporary shop license**
- 115. Verifications**

12 AAC 09.080. BARBER LICENSE BY EXAMINATION. Repealed 2/28/88.

12 AAC 09.082. BODY PIERCING LICENSE BY EXAMINATION. An application for a license by examination to practice body piercing must be submitted in accordance with 12 AAC 09.005. The application must include verification that the applicant has

(1) successfully completed at least 1,000 hours of training that meets the requirements of AS 08.13.082(d) and 12 AAC 09.167(a) – (c);

(2) successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens; and

(3) passed the written examination described in 12 AAC 09.068.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070 AS 08.13.082

12 AAC 09.084. BODY PIERCING LICENSE BY WAIVER. An applicant for a license by waiver of examination to practice body piercing shall apply on a form provided by the department. The application must include

(1) payment of the applicable fees established in 12 AAC 02.140;

(2) verification that the applicant

(A) holds a current license to practice body piercing in another state; and

(B) is qualified for licensure to practice body piercing in that state by passing a written examination;

(3) verification that the applicant has successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

- (A) cardiopulmonary resuscitation (CPR); and
- (B) blood borne pathogens; and
- (4) verification that the applicant has completed training equivalent to that described in AS 08.13.082(d) and 12 AAC 09.167(a) – (c).

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070 AS 08.13.082

12 AC 09.085. BARBER LICENSE BY WAIVER. Repealed 2/28/88.

12 AAC 09.086. TATTOOING AND PERMANENT COSMETIC COLORING LICENSE BY EXAMINATION. (a) An application for a license by examination to practice tattooing must be submitted in accordance with 12 AAC 09.005. The application must include verification that the applicant has successfully completed at least 1,000 hours of training that meets the requirements of AS 08.13.082(d) and 12 AAC 09.169(a) – (c);

(b) An application for a license by examination to practice permanent cosmetic coloring must be submitted in accordance with 12 AAC 09.005. The application must include verification that the applicant has successfully completed at least 250 hours of training that meets the requirements of AS 08.13.082(d) and 12 AAC 09.168(a) – (c).

(c) In addition to meeting the requirements of (a) or (b) of this section, an applicant for a license to practice tattooing or a license to practice permanent coloring must provide verification that the applicant has successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

- (1) cardiopulmonary resuscitation (CPR); and
- (2) blood borne pathogens.

(d) In addition to meeting the requirements of (a) or (b) of this section, an applicant for a license to practice tattooing or a license to practice permanent cosmetic coloring must have passed the written examination as described in 12 AAC 09.068.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070 AS 08.13.082

12 AAC 09.088. TATTOOING OR PERMANENT COSMETIC COLORING LICENSE BY WAIVER. An applicant for a license by waiver of examination to practice tattooing or permanent cosmetic coloring shall apply on a form provided by the department. The application must include

- (1) payment of the applicable fees established in 12 AAC 02.140;
- (2) verification that the applicant
 - (A) holds a current license to practice tattooing or permanent cosmetic coloring in another state; and
 - (B) is qualified for licensure to practice tattooing or permanent cosmetic coloring in that state by passing a written examination;

(3) verification that the applicant has successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

- (A) cardiopulmonary resuscitation (CPR); and
- (B) blood borne pathogens; and

(4) verification that the applicant has completed training equivalent to that described in AS 08.13.082(d) and 12 AAC 09.169(a) – (c).

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070 AS 08.13.082

12 AAC 09.090. BARBER, NON-CHEMICAL BARBER, OR HAIRDRESSER LICENSE BY EXAMINATION. (a) An application for a barber or hairdresser license by examination must be submitted in accordance with 12 AAC 09.005, with verification of

- (1) 1,650 hours of course work in a school approved by the board or another licensing jurisdiction;
- (2) 2,000 hours of training in an apprenticeship program as required by AS 08.13.082; or
- (3) a combination of course work and apprenticeship approved by the board under (c) of this section or approved by another licensing jurisdiction.

(b) An application for a non-chemical barber license by examination must be submitted in accordance with 12 AAC 09.005, with verification of

- (1) 1,350 hours of course work in a school approved by the board or another licensing jurisdiction;
- (2) 1,600 hours of training in an apprenticeship program as required by AS 08.13.082 and 12 AAC 09.190; or
- (3) a combination of course work and apprenticeship approved by the board under (c) of this section or approved by another licensing jurisdiction.

(c) When evaluating a combination of course work and apprenticeship, the board may use the following criteria to determine equivalent hours of course work and apprenticeship:

- (1) one course work hour equals 1.212 of an apprenticeship hour; and
- (2) one apprenticeship hour equals .825 of a course work hour.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.095. BARBER, NON-CHEMICAL BARBER, OR HAIRDRESSER LICENSE BY WAIVER.

(a) An applicant for a barber or hairdresser license by waiver of examination shall apply on a form provided by the department. The application must include

- (1) payment of the fees established in 12 AAC 02.140;
- (2) verification of a current license to practice barbering or hairdressing issued by another state;
- (3) verification of completed training and work experience equivalent to
 - (A) 1,650 hours of training in a school approved by the board or another licensing jurisdiction;
 - (B) 2,000 hours of an apprenticeship program approved by the board or by another licensing jurisdiction;
 - (C) at least one year of full-time work experience as a licensed barber or hairdresser, averaging no less than 32 hours per week, and a minimum of 1,500 hours of training in an approved school or an apprenticeship program approved by the board or by another licensing jurisdiction; or
 - (D) at least two years of full-time work experience as a licensed barber or hairdresser, averaging no less than 32 hours per week, and a minimum of 1,000 hours of training in an approved school or an apprenticeship program approved by the board or by another licensing jurisdiction; and
- (4) documents verifying that a state in which the applicant was licensed as a barber or hairdresser required the applicant to pass a written examination to qualify for licensure.

(b) An applicant for a non-chemical barber license by waiver of examination shall apply on a form provided by the department. The application must include

- (1) payment of fees the established in 12 AAC 02.140;
- (2) verification of a current license to practice non-chemical barbering issued by another state;
- (3) verification of completed training equivalent to
 - (A) 1,350 hours of training in a school approved by the board or another licensing jurisdiction;
 - (B) 1,600 hours of an apprenticeship program approved by the board or by another licensing jurisdiction;
 - (C) at least one full year of full-time work experience as a licensed non-chemical barber averaging no less than 32 hours per week, and a minimum of 1,200 hours of training in an approved school or an apprenticeship program approved by the board or by another licensing jurisdiction; or
 - (D) at least two years of full-time work experience as a licensed non-chemical barber averaging no less than 32 hours per week and a minimum of 800 hours of training in an approved school or an apprenticeship program approved by the board or by another licensing jurisdiction; and
- (4) documents verifying that a state in which the applicant was licensed as a non-chemical barber required the applicant to pass a written examination to qualify for licensure.

(c) An applicant unable to satisfy the requirements of (a)(3) or (b)(3) of this section due to lack of equivalency may obtain the needed hours of training and experience through attendance at an approved school or participation in an apprenticeship program approved by the board.

Authority: AS 08.13.030 AS 08.13.082 AS 08.13.100

12 AAC 09.096. HAIR BRAIDING LICENSE REQUIREMENTS. An applicant for a hair braiding license shall apply on a form provided by the department. The application must include

- (1) payment of the fees established in 12 AAC 02.140;
- (2) verification of completed training required under 12 AAC 09.164 by submitting either
 - (A) documentation of 35 hours of training received from
 - (i) a licensed school in this state; or
 - (ii) a licensed hairdresser, instructor of hairdressing, or hair braider in this state that meets the requirements of 12 AAC 09.186; or
 - (B) verification of licensure from another state with equivalent requirements in which the applicant is licensed as a hair braider; the verification must include the number hours of training the applicant completed.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100

12 AAC 09.097. CREDIT FOR HOURS OF COURSE WORK AND TRAINING. (a) An applicant may use the same hours of course work and training to qualify for a license as a barber, a license as a non-chemical barber, and a license as a hairdresser. To be acceptable, the hours of course work and training must meet the requirements set out in this chapter for the applicable license.

(b) An applicant may use the same hours of course work and training to qualify for a license to practice tattooing and a license to practice permanent cosmetic coloring. To be acceptable, the hours of course work and training must meet the requirements set out in this chapter for the applicable license.

Authority: AS 08.13.030 AS 08.13.080

12 AAC 09.100. ESTHETICIAN LICENSE BY EXAMINATION. An application for an esthetician license by examination must be submitted in accordance with 12 AAC 09.005, with verification of at least 350 hours of esthetics training in an approved school or apprenticeship program, or in a combination of training and apprenticeship approved by the board or by another licensing jurisdiction.

Authority: AS 08.13.030 AS 08.13.082 AS 08.13.090
AS 08.13.080

12 AAC 09.105. ESTHETICIAN LICENSE BY WAIVER. An applicant for an esthetician license by waiver of examination must apply on a form provided by the department. The application must include

- (1) payment of the applicable fees established in 12 AAC 02.140;
- (2) verification of a current license to practice as an esthetician issued by another state;
- (3) verification of training equivalent to that described in 12 AAC 09.100; and
- (4) documents verifying that a state in which the applicant was licensed as an esthetician required the applicant to pass a written examination to qualify for licensure.

Authority: AS 08.13.030 AS 08.13.100

12 AAC 09.106. INSTRUCTOR LICENSE REQUIREMENTS. (a) A barber, hairdresser, manicurist, or esthetician who applies for an instructor license must comply with the requirements of this section before teaching in a school or instructing an apprentice in the practice or instruction of barbering, hairdressing, manicuring, or esthetics.

(b) A person licensed as an instructor is limited to instructing only in those fields in which the instructor holds a valid Alaska practitioner license.

(c) An application for an instructor license by examination must be submitted in accordance with 12 AAC 09.005, and must include verification of

- (1) a current barber, hairdresser, manicurist, or esthetician practitioner license in this state; and
- (2) either
 - (A) at least three years of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or in another licensing jurisdiction; or

(B) one year of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or another licensing jurisdiction followed by 600 hours of student-instructor training in a school approved by the board or approved by another licensing jurisdiction.

(d) An applicant for an instructor license by waiver of examination shall apply on a form provided by the department. The application must include

- (1) payment of the fees established in 12 AAC 02.140;
- (2) verification of a current barber, hairdresser, manicurist, or esthetician instructor license issued by another licensing jurisdiction;
- (3) verification of a current barber, hairdresser, manicurist, or esthetician practitioner license in this state; and
- (4) documents verifying that a state in which the applicant was licensed as an instructor required the applicant to pass a written examination to qualify for licensure;

(5) verification of either

- (A) at least three years of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or in another licensing jurisdiction; or

(B) one year of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or another licensing jurisdiction followed by 600 hours of student-instructor training in a school approved by the board or approved by another licensing jurisdiction.

(e) Repealed 6/8/2016.

(f) An applicant for an advanced manicurist instructor license must apply on a form provided by the department. The application must include

- (1) verification of one year of work experience as a manicurist or hairdresser that includes at least 32 hours per week;
- (2) proof of passing the
 - (A) written examination for an advanced manicurist endorsement; and
 - (B) instructor's written examination; and
- (3) payment of the applicable fees established in 12 AAC 02.140.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070

12 AAC 09.107. TEMPORARY PERMITS. (a) A request for a temporary permit must be made on an application for licensure form provided by the department. The application must include

- (1) verification of a current license to practice barbering, non-chemical barbering, hairdressing, hair braiding, manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring issued by another state; and
- (2) the application fee, license fee, and temporary permit fee specified in 12 AAC 02.140.

(b) In accordance with AS 08.13.170, a temporary permit is valid until the board acts on the application for a permanent license which it must do within six months.

Authority: AS 08.13.030 AS 08.13.170

12 AAC 09.108. ADVANCED MANICURIST ENDORSEMENT BY EXAMINATION. An application for an endorsement as an advanced manicurist by examination must be submitted in accordance with 12 AAC 09.005, with verification of at least 250 hours of advanced manicuring training in a school approved by the board or by another licensing jurisdiction.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.090
AS 08.13.040

12 AAC 09.109. ADVANCED MANICURIST ENDORSEMENT BY WAIVER. An applicant for an endorsement as an advanced manicurist by waiver of examination must apply on a form provided by the department. The application must include

- (1) payment of the applicable fees established in 12 AAC 02.140;
- (2) verification of a current license to practice as a manicurist issued by another state;
- (3) verification of training equivalent to that described in 12 AAC 09.148; and
- (4) documents verifying that a state in which the applicant was licensed as manicurist required the applicant to pass a written examination to qualify for licensure.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.040

12 AAC 09.110. SHOP OWNER LICENSE. (a) An applicant for a shop owner license shall submit a completed application on a form provided by the department. A complete application must include

- (1) payment of the fees established in 12 AAC 02.140;
- (2) name of the owner or lessee;
- (3) business name of the shop;
- (4) mailing and street address of the shop;
- (5) if the shop owner is not a licensed practitioner, the name and license number of the practitioner who is employed as manager of the shop;
- (6) a listing of all other shops the applicant owns which includes the business name, mailing address, and street address of each; and
- (7) a completed certification of compliance form provided by the department reflecting that the provisions of 18 AAC 23 that set requirements regarding health and sanitary conditions in shops have been met, or documentation that within the 90 days before until the 90 days after the date the application was submitted to the department, the applicant was found to be in compliance with the equivalent health and sanitary regulations of the municipality as a designee of the Department of Environmental Conservation and in which the shop is located; the applicant must obtain that documentation from the municipality, except that an applicant whose shop is located within a shop already inspected under this paragraph may submit a copy of that inspection report or designate that a copy of the report is already on file with the department; if the application is for a shop where body piercing, tattooing, or permanent cosmetic coloring will be practiced, the shop must be inspected and certified by the Department of Environmental Conservation as in compliance with the state environmental sanitation regulations in 18 AAC 23.

(b) A shop owner license is not transferable to another person. In the event of sale, lease, or transfer of ownership of a shop, the buyer, lessee, or transferee must apply for and be issued a new shop owner license, under this section, before conducting business.

(c) A violation of 18 AAC 23 is grounds for the suspension or revocation of a license or permit under AS 08.13.030(c).

(d) A shop owner or manager of a shop shall permit any member of the board or department representative to inspect the shop at any time during working hours to ensure compliance with AS 08.13 and this chapter and with the state environmental health and sanitation requirements of 18 AAC 23. The inspection under this subsection for purposes of meeting the requirements of 18 AAC 23 shall be recorded on a form approved by the board.

(e) A shop owner shall provide a suitable area, accessible to all employees and apprentices, for posting announcements and public notices from the board or the department.

(f) A shop owner shall have a separate shop owner license for each shop owned.

(g) If after an inspection, the department or the Department of Environmental Conservation finds that a shop is not in compliance with the environmental health and sanitation regulations required under (a)(7) or (d) of this section, the board may suspend the shop owner license until the shop owner submits documentation or is reinspected by a department representative to ensure that the shop is in compliance with the requirements of (a)(7) of this section.

(h) A shop owner that intends to move the shop to a new location must meet the requirements of (a)(7) of this section and submit written notification of the new address before conducting business in the new location.

(i) A shop owner that is currently licensed by the board that intends to add to the shop a tattooing, permanent cosmetic coloring, or body piercing procedure, must meet the requirements of (a)(7) of this section and AS 08.13.215 before that procedure may be conducted in the shop.

(j) The shop owner or manager of the shop shall designate a licensed practitioner to conduct the business of the shop when the shop owner or manager of the shop is absent from the shop.

Authority: AS 08.13.030 AS 08.13.210 AS 08.13.215
AS 08.13.120

12 AAC 09.111. MOBILE SHOPS. The board may issue a shop owner license to an applicant with a mobile unit for practicing barbering, hairdressing, manicuring, or esthetics who submits

- (1) the physical location where the unit will be parked when not in service;
- (2) a statement detailing the type of services to be provided;
- (3) the name and residence of the unit's owner;
- (4) the documentation required under 12 AAC 09.110(7); and
- (5) payment of the applicable fees established in 12 AAC 02.140.

Authority: AS 08.13.030 AS 08.13.160 AS 08.13.210
AS 08.13.120

12 AAC 09.112. TEMPORARY SHOP LICENSE. (a) The board will issue a temporary shop license to a person who

- (1) holds a current license or temporary permit in this state to practice body piercing, tattooing, or permanent cosmetic coloring;
- (2) intends to hold a workshop or to demonstrate techniques as part of a convention or other special event that includes other practitioners of body piercing, tattooing, or permanent cosmetic coloring; and
- (3) meets the requirements of this section.

(b) An applicant for a temporary shop license under this section shall submit

- (1) a completed application on a form provided by the department; a completed application must identify the convention or other special event, its location, and the dates for which the temporary shop license is being requested;
- (2) an affidavit verifying that the applicant has applied for a Department of Environmental Conservation certificate of sanitary standards issued under 18 AAC 23.310; and
- (3) the temporary shop license fee established under 12 AAC 02.140.

(c) An application for a temporary shop license must be received in the department's Juneau office at least 30 days before the convention or other special event is scheduled to begin.

(d) A temporary shop license is valid only for the dates and locations of the convention or other special event described in the application, and for the practitioner to whom it was issued.

(e) A temporary shop license must be posted in a conspicuous location on site at the convention or other special event.

(f) In this section and AS 08.13.120(b), "convention or other special event" means a convention, industry trade show, or similar event that includes practitioners of body piercing, tattooing, or permanent cosmetic coloring and at which the license applicant intends to demonstrate to the other practitioners products or techniques related to body piercing, tattooing, or permanent cosmetic coloring.

Authority: AS 08.13.030 AS 08.13.120 AS 08.13.130

Editor's note: The department's Juneau office's mailing address is State of Alaska, Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, and the physical address is 333 Willoughby Avenue, Juneau, Alaska.

12 AAC 09.115. VERIFICATIONS. Verification of licensed work experience or training of an applicant required under this chapter must be certified or notarized documentation supplied to the board by

- (1) another jurisdiction's licensing board;
- (2) a licensed school or shop;
- (3) a licensed instructor;
- (4) a licensed hairdresser, esthetician, barber, non-chemical barber, body piercing practitioner, tattooing practitioner, or permanent cosmetic coloring practitioner who sponsored an apprentice and maintained the required records under 12 AAC 09.190; or
- (5) an individual who has direct personal knowledge of the applicant's work experience hours.

Authority: AS 08.13.030 AS 08.13.080

ARTICLE 5. SCHOOLS AND CURRICULUM.

Section

- 120. (Repealed)
- 125. Requirements for school license; renewal requirements
- 127. License requirements for school offered by a college or university
- 130. School records
- 135. Transfer of hours and reenrollment
- 140. Instructor-student ratio
- 143. Manicuring school curriculum
- 144. (Repealed)
- 145. (Repealed)
- 146. Equipment for schools teaching advanced manicuring
- 148. Advanced manicurist endorsement curriculum
- 150. (Repealed)
- 155. Equipment for barbering or hairdressing schools
- 160. Barber and hairdresser school curriculum
- 161. Non-chemical barbering school curriculum
- 162. Equipment for esthetics schools
- 163. Esthetics school curriculum
- 164. Hair braiding curriculum
- 165. Instructor curriculum
- 167. Body piercing training requirements
- 168. Permanent cosmetic coloring training requirements
- 169. Tattooing training requirements
- 170. Theory syllabus
- 173. Out-of-state training in body piercing, tattooing, and permanent cosmetic coloring
- 175. Sanitation

12 AAC 09.120. SCHOOL OWNER LICENSE. Repealed 2/28/88.

12 AAC 09.125. REQUIREMENTS FOR SCHOOL LICENSE; RENEWAL REQUIREMENTS. (a) Except for a school licensed under 12 AAC 09.127, in order to obtain a school license, a person, an association, a firm, or a corporation proposing to open a school of barbering, hairdressing, manicuring, or esthetics must apply to the board for a school license on a form provided by the department. The application must include

- (1) the fees established in 12 AAC 02.140;
- (2) the name of the school owner;
- (3) the names of all parties having a financial interest in the school;
- (4) an exact description of the floor plan and location of the school;
- (5) a completed certification of compliance form provided by the department reflecting that the provisions of 18 AAC 23 that set requirements regarding health and sanitary conditions in schools, or the equivalent requirements of a municipality as a designee of the Department of Environmental Conservation and in which the school is located, have been met; and

(6) verification from the Alaska Commission on Postsecondary Education that the applicant is
(A) authorized to operate a postsecondary educational institution in the state as described in AS 14.48.070 if the board approves the application for a school under this chapter; or

(B) exempt under AS 14.48.030 from the requirements for an authorization to operate under AS 14.48.070.

(b) Except as provided in (j) and (l) of this section, in order to be approved by the board, a school must be a minimum of 1,000 square feet, including at least 15 square feet of instructional areas for each student. Minimum required instructional areas are

- (1) one classroom for theoretical instruction;
- (2) one practical-operation instructional area with student stations arranged to facilitate work to be performed;

and

- (3) one dispensary with at least one sink with hot and cold water.

(c) For the purpose of determining minimum instructional areas, noninstructional areas of a school are lavatories, closets, hallways, reception areas, offices, stock room and other similar rooms or structures.

(d) School premises are subject to inspection and approval by at least one board member before initial licensure.

(e) A school license is not transferable to another person. In the event of sale, lease, or transfer of ownership of a school, the seller, lessor, or transferor shall notify the board in writing of the transaction within 30 days after the sale, lease, or transfer. The notice must include the name and address of the buyer, lessee, or transferee. The buyer, lessee, or transferee must apply for and be issued a new school license under this section before conducting business.

(f) If the operation of a school is moved to a new location, the school owner shall notify the board in writing of the move within 30 days after the move. A school moved to a new location is subject to inspection in accordance with this section.

(g) A school must provide a suitable area, accessible to all students, for posting announcements and public notices from the board or the department.

(h) A branch or extension of a licensed barber or hairdresser school must be in compliance with (b) - (d) of this section and with 12 AAC 09.155 and 12 AAC 09.175. A branch or extension of a licensed manicuring or esthetics school is required to be in compliance with (b) - (d) of this section and with 12 AAC 09.162 and 12 AAC 09.175.

(i) Repealed 6/8/2016.

(j) In order to be approved by the board, a school offering the 250-hour advanced manicurist curriculum described in 12 AAC 09.148 must be a minimum of 600 square feet, including at least 15 square feet of instructional area for each student.

(k) An applicant for renewal of a school license must certify on the renewal application that the applicant still meets the requirements of (a)(6)(A) or (B) of this section.

(l) In order to be approved by the board, a school offering the 12-hour manicurist curriculum described in 12 AAC 09.143 must be a minimum of 300 square feet, including at least 7 square feet of instructional area for each student.

(m) A school owner shall permit any member of the board or department representative to inspect the school at any time during working hours to ensure compliance with AS 08.13 and this chapter and with the state environmental health and sanitation regulations of 18 AAC 23. The inspection under this subsection for purposes of meeting the requirements of 18 AAC 23 shall be recorded on a form approved by the board.

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.210
AS 08.13.070 AS 08.13.180

12 AAC 09.127. LICENSE REQUIREMENTS FOR SCHOOL OFFERED BY A COLLEGE OR UNIVERSITY. (a) A college or university proposing to open a school of barbering, hairdressing, manicuring, or esthetics must apply to the board for a school license on a form provided by the department. The application must include

- (1) the fees established in 12 AAC 02.140;
- (2) the name and location of the school;
- (3) the name of the school administrator;
- (4) a detailed description of the content and structure of the training to be provided by the school.

(b) In order to be approved by the board, the school offered by a college or university must meet the following requirements:

(1) training must be conducted by persons who hold a valid instructor license, issued by the board, in the type of training being provided;

(2) practical training must be conducted in a shop licensed under AS 08.13.120 and 12 AAC 09.110, except that practical training may be conducted at a university or college, if the practical training involves a mannequin or a subject who is a student registered in the college or university's barbering, hairdressing, manicuring, or esthetics program;

(3) the licensed shop must meet the equipment requirements of 12 AAC 09.146, 12 AAC 09.155, and 12 AAC 09.162, as applicable for the type of training provided;

(4) the theoretical and practical training must meet the requirements of 12 AAC 09.143, 12 AAC 09.148, 12 AAC 09.160, 12 AAC 09.161, 12 AAC 09.163, and 12 AAC 09.164 as applicable for the type of training provided.

(c) The school administrator must register each student with the department as required by 12 AAC 09.130(a).

(d) The college or university shall enter into a memorandum of agreement with each shop licensed under AS 08.13.120 and 12 AAC 09.110 at which practical training is to be conducted. The memorandum of agreement must set out the contractual relationship between the parties and document the willingness of each party to comply with the requirements of the applicable statutes and regulations. The college or university shall submit a copy of each memorandum of agreement to the department.

(e) The college or university official administering a school of barbering, hairdressing, manicuring, or esthetics shall permit any member of the board to inspect the school at any time during working hours.

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.210
AS 08.13.070 AS 08.13.180

12 AAC 09.130. SCHOOL RECORDS. (a) A school owner on behalf of the student shall register each student with the department on forms provided by the department, including an application for a student permit; the completed forms must include

- (1) the personal identification information requested on the forms;
- (2) the date of the student's enrollment; and
- (3) the original signatures of the student and an official of the school.

(b) The completed forms required by (a) of this section must be filed with the department within 30 days after the enrollment date. No more than 300 hours of the training required by 12 AAC 09.090, 12 AAC 09.100, or 12 AAC 09.106 will be credited for student attendance before the date the student permit application is filed with the department.

(c) Not later than the 15th day after the calendar quarter, on a form provided by the department, a school shall submit a report on each student enrolled. This report must include

(1) the exact number of hours of theoretical and practical training completed by the student during the previous quarter; and

(2) the exact number and type of operations completed by the student during the previous quarter.

(d) The quarterly report must maintain continuity from month-to-month, from the date of enrollment to the date of termination or completion of the course of instruction regardless of attendance by the student.

(e) Not later than 20 working days after termination of instruction of a student, a school owner shall notify the department, on a form provided by the department, of the termination. The termination report must include the date of the student's enrollment, the date of termination, the total number and types of operations performed by the student, and the total number of hours and types of training received by the student. The termination report is subject to audit and may be utilized to establish credit hours for transfer and reenrollment under 12 AAC 09.135.

(f) Not later than five working days after completion by a student of a course of study, the school owner shall submit to the board an affidavit showing the total number of operations, the total number of hours of training and theoretical instruction completed by the student, the date of completion of the course, and verification the student passed the proficiency examination as required by 12 AAC 09.050. This affidavit will serve as certification by the school that the student meets eligibility requirements necessary for examination for licensure.

(g) A student will be considered terminated on the date the school receives written notice from the student of withdrawal or transfer or upon the 31st day of continuous unexcused absence from the school. The school owner shall notify the department of any student in this category, as required by (e) of this section.

(h) A school must provide at least one time clock for the recording of student attendance and must maintain daily records for the purpose of complying with this section. All records required by this subsection must be maintained in an orderly manner and must be available for inspection during hours the school is open for instruction.

(i) A school may not credit a student for more than 10 hours of training in any one day.

(j) A school shall provide a certificate, diploma, or other affidavit of completion of a course to each student successfully completing a course of instruction.

(k) After written notice to the student and the department, a school owner may request that the department hold all hours for a student that has failed to pay all fees and tuition currently due to the school for the student's course of training until the fees and tuition have been paid. Hours being held by the department for nonpayment to the school may not be used for transfer or to qualify for state board examinations until the school informs the department in writing that the hours are to be taken off of hold status.

(l) A student who is terminated under (e) and (g) of this section and re-enrolls in the same school or enrolls in another licensed school of barbering, hairdressing, or esthetics, must reregister with the department and meet the requirements of this section.

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.180

12 AAC 09.135. TRANSFER OF HOURS AND REENROLLMENT. (a) A school shall accept credit hours of instruction and training of a student transferring from another licensed school in Alaska, or in another licensing jurisdiction, upon presentation of a certified or notarized copy of the records maintained by the board or the other licensing jurisdiction, unless the student has interrupted his schooling for a continuous period of two years or more before the request for transfer of credit hours.

(b) A student requesting reenrollment to a school whose schooling has been interrupted for a continuous period of two years or more will not be allowed credit for hours of instruction received prior to the date of interruption.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.140. INSTRUCTOR-STUDENT RATIO. (a) A school must employ and actively utilize the services of only licensed instructors and must maintain at least one full-time licensed instructor for every 25 or fewer enrolled students.

(b) Licensed instructors in the ratio prescribed in (a) of this section must be on the school premises during all hours the school is open for instruction.

(c) A student instructor enrolled in a school may not be utilized to fulfill the instructor to student ratio requirements of this section.

Authority: AS 08.13.030 AS 08.13.110 AS 08.13.190

12 AAC 09.143. MANICURING SCHOOL CURRICULUM. (a) A student who is enrolled in a course of manicuring must complete a curriculum that consists of at least 12 hours of instruction or training that includes the following subjects for the minimum number of hours specified:

- (1) bacteria: one hour;
- (2) infectious agents and infection: two hours;
- (3) sanitation: three hours;
- (4) harmful products and protection: two hours;
- (5) anatomy and physiology: two hours;

- (6) nail disorders: two hours.
- (b) The curriculum set out in (a) of this section shall be taught from a board approved textbook.
- (c) A licensed instructor from a school approved by the board may teach the curriculum in (a) of this section in a location outside of the licensed school upon written notification to the board.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.110

12 AAC 09.144. MANICURING SCHOOL CURRICULUM. Repealed 6/8/2016.

12 AAC 09.145. EQUIPMENT FOR BARBER SCHOOLS. Repealed 2/28/88.

12 AAC 09.146. EQUIPMENT FOR SCHOOLS TEACHING ADVANCED MANICURING. (a) In addition to meeting the requirements of 12 AAC 09.125(b), the classroom for theoretical instruction of the practice of advanced manicuring must be equipped with seating capacity for all students attending the class, and with equipment including

- (1) one blackboard;
 - (2) a chart or charts of the skin, hair, muscles, nerves, bones, and circulatory system; and
 - (3) a book or books on general anatomy, physiology, and hygiene.
- (b) The school shall provide each student with at least one board-approved textbook covering the subjects listed in 12 AAC 09.148.
- (c) The practical instructional area must have available the following equipment:
- (1) a cabinet for instruments and linens;
 - (2) a towel container for soiled linens;
 - (3) a smock;
 - (4) terrycloth or disposable towels;
 - (5) manicuring materials including orange wood sticks, finger bowls, steel pushers, emery boards, metal nail files, cuticle nippers, callus removers, moisturizing lotion, antibacterial soap, finger nail clippers, plastic spatulas, septic powder, cotton balls, cuticle cream, cuticle oil, cuticle solvent, supply trays, polish, tweezers, nail brushes, and chamois buffers;
 - (6) a manicuring table with adjustable lamp and two chairs;
 - (7) pedicure tubs;
 - (8) a manicure ventilation system;
 - (9) a paraffin wax machine;
 - (10) artificial nail supplies, including acetone, acrylic powder and liquid, dappen dishes, nail forms and tips, natural bristle brushes, fine and heavy grit files, small scissors, buffing blocks, primer, safety glasses and mask, adhesive, glue, three-way buffers, nail oil, professional electric nail file, and silk wraps;
 - (11) rubber or latex gloves;
 - (12) chemical agents and labeled containers for sanitary purposes.
- (d) For every six or fewer students working at one time, the practical instructional area must have a wash basin with running hot and cold water.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.148. ADVANCED MANICURIST ENDORSEMENT CURRICULUM. (a) An applicant for an endorsement as an advanced manicurist must complete a curriculum that consists of at least 250 hours of instruction or training in manicuring that includes the following subjects for the minimum number of hours specified:

- (1) sanitation and safety measures: 45 hours, including instruction in
 - (A) bacteriology; and
 - (B) sanitation, including
 - (i) chemical agents; and
 - (ii) sanitizing methods and procedures;
 - (C) federal Occupational Safety and Health Administration (OSHA) safety standards; and
 - (D) infectious agents and infection;
- (2) anatomy and physiology of the arms, hands, and feet: 45 hours, including instruction in
 - (A) nail shapes, structures, and growth, including
 - (i) nail irregularities; and
 - (ii) nail diseases;
 - (B) bones, muscles, and nerves of the arm and hand;
 - (C) skin histology and functions; and
 - (D) blood circulation, including
 - (i) blood vessels; and
 - (ii) blood supply of the arm, hand, and foot;
- (3) manicuring and pedicuring: 155 hours, including instruction in
 - (A) preparation;
 - (B) equipment and implements;
 - (C) supplies;

- (D) procedures, including
 - (i) basic manicure;
 - (ii) oil manicure;
 - (iii) nail analysis; and
 - (iv) hand and arm massage;
- (E) pedicure;
- (F) artificial nails, including
 - (i) sculpturing and liquid and powder brush-ons;
 - (ii) artificial nail tips;
 - (iii) nail wraps and repairs;
 - (iv) maintenance; and
 - (v) use of professional electric nail file;
- (G) polish application; and
- (H) specific needs;
- (4) state law: five hours.
- (b) The curriculum in (a) of this section must incorporate the following:
 - (1) communication skills;
 - (2) professional ethics;
 - (3) sales skills;
 - (4) decorum;
 - (5) record keeping;
 - (6) client service record cards.

(c) A student is responsible for participating in the routine maintenance of the sanitary conditions necessary to conduct business. However, credit may not be given for time spent laundering towels, washing floors, walls, windows, or lavatories, or similar work.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.110

12 AAC 09.150. BARBER SCHOOL CURRICULUM. Repealed 2/28/88.

12 AAC 09.155. EQUIPMENT FOR BARBERING OR HAIRDRESSING SCHOOLS. (a) In addition to the requirements of 12 AAC 09.125(b), the classroom for theoretical instruction of the practice of barbering or hairdressing must be equipped with seating capacity for all students attending the classroom, and with equipment including

- (1) one blackboard;
 - (2) a chart or charts of the skin, hair, muscles, nerves, bones and circulatory system of the head, neck, and face;
- and
- (3) a book or books on general anatomy, physiology, and hygiene.

(b) The school shall provide each student with at least one board-approved textbook covering all practical operations in 12 AAC 09.160.

(c) The practical instructional area must have available the following equipment:

- (1) a cabinet for instruments and linens;
- (2) a towel container for soiled towels;
- (3) a cape with sanex strips;
- (4) towels;
- (5) shampoos, tonics, creams, conditioners, and setting lotions;
- (6) rollers;
- (7) clips, and bobby and hair pins;
- (8) combs;
- (9) brushes;
- (10) a dressing table, dresserette, or styling bar with mirror;
- (11) a styling chair;
- (12) a portable hair dryer or blower dryer;
- (13) a curling iron;
- (14) an injector razor with blades;
- (15) scissors;
- (16) permanent-waving solutions, rods and applicators;
- (17) chemical straightening solutions;
- (18) bleaches, tints, rinses, and highlighting solutions;
- (19) disposable rubber gloves;
- (20) thinning shears;
- (21) electric clippers;
- (22) a mannequin;
- (23) repealed 4/23/98;
- (24) for a barbering school, a hot lather machine;

- (25) repealed 6/8/2016;
- (26) waxing materials;
- (27) tweezers;
- (28) manicuring materials.
- (d) For every 6 or fewer students working at one time, the practical instructional area must have available at least
 - (1) one shampoo bowl with running hot and cold water; and
 - (2) one standard chair-style hair-dryer unit with hood.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.160. BARBER AND HAIRDRESSER SCHOOL CURRICULUM. (a) A student who is enrolled in a course of barbering or hairdressing must complete a curriculum that consists of at least 1,650 hours of theoretical and practical training. A school shall teach a minimum of 185 hours of theoretical instruction, including five hours in state law, consisting of the provisions of AS 08.13, this chapter, and the Department of Environmental Conservation regulations contained in 18 AAC 23, and the following minimum number of practical operations, during the 1,650 hours of training:

SUBJECT	MINIMUM NUMBER OF PRACTICAL OPERATIONS, HAIRDRESSERS	MINIMUM NUMBER OF PRACTICAL OPERATIONS, BARBERS
(1) wet hair styling and drying, including hair analysis, shampooing, finger waving, pin curling, and comb outs	180	30
(2) thermal hair styling and drying, including hair analysis, straightening, waving, curling with hot combs and hot curling irons, hair braiding, and blower styling	180	180
(3) permanent waving, including hair analysis and chemical waving	80	50
(4) chemical straightening including hair analysis and the use of sodium hydroxide and other base solutions	10	10
(5) haircutting, including hair analysis and the use of the razor, scissors, electric clippers, and thinning shears, for wet and dry cutting	250	400
(6) haircoloring and bleaching, including hair analysis, predisposition tests, safety precautions, formula mixing, tinting, bleaching, and the use of dye removers, but not including color rinses	75	75
(7) scalp and hair treatments, including hair and scalp analysis, brushing, electric and manual scalp manipulation, and other hair treatments	10	10
(8) beard trimming	5	50
(9) beard shaving	0	50
(10) eyebrow arching and hair removal, including the use of wax, manual or electric tweezers, and depilatories for the removal of superfluous hair	15	0
(11) makeup, including skin analysis, complete and corrective makeup, and the application of false eyelashes	15	0
(12) repealed 6/8/2016		

(b) A student is responsible for participating in the routine maintenance of the sanitary conditions necessary to conduct business. However, credit may not be given for time spent laundering towels, washing floors, walls, windows, or lavatories, or similar work.

(c) Repealed 8/10/2012.

(d) Repealed 6/8/2016.

(e) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theoretical instruction hours in (a) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

(f) In addition to meeting the requirements of (a) of this section, the curriculum required for a hairdresser must include the manicuring curriculum set out in 12 AAC 09.143.

(g) A student must pass a proficiency examination provided by the school in each subject area described in (a) of this section as required by 12 AAC 09.050, after the student completes the course of study.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.161. NON-CHEMICAL BARBERING SCHOOL CURRICULUM. (a) A student who is enrolled in a course of non-chemical barbering must complete a curriculum that consists of at least 1,350 hours of theoretical and practical training. A school shall teach a minimum of 185 hours of theoretical instruction, including five hours in state law, consisting of provisions of AS 08.13, this chapter, and the Department of Environmental Conservation regulations contained in 18 AAC 23, and the following minimum number of practical operations, during the 1,350 hours of training:

SUBJECT	MINIMUM NUMBER OF PRACTICAL OPERATIONS
(1) wet hair styling and drying, including hair analysis, shampooing, finger waving, pin curling, and comb outs	30
(2) thermal hair styling and drying, including hair analysis, straightening, waving, curling with hot combs and hot curling irons, hair braiding, and blower styling	180
(3) haircutting, including hair analysis and the use of the razor, scissors, electric clippers, and thinning shears, for wet and dry cutting	400
(4) scalp and hair treatments, including hair and scalp analysis, brushing, electric and manual scalp manipulation, and other hair treatments	10
(5) beard trimming	50
(6) beard shaving	50

(b) A student is responsible for participating in the routine maintenance of the sanitary conditions necessary to conduct business. However, credit may not be given for time spent laundering towels, washing floors, walls, windows, or lavatories, or similar work.

(c) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theoretical instruction hours in (a) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

(d) A student must pass a proficiency examination provided by the school in each subject area described in (a) of this section as required by 12 AAC 09.050, after the student completes the course of study.

Authority: AS 08.13.030 AS 08.13.090 AS 08.13.110

12 AAC 09.162. EQUIPMENT FOR ESTHETICS SCHOOLS. (a) In addition to the requirements of 12 AAC 09.125(b), the classroom for instruction in the theory of the practice of esthetics must be equipped with adequate seating for all students attending the class, and must include

- (1) one blackboard;
- (2) a chart or charts of the skin, hair, muscles, nerves, bones, and circulatory system of the head, neck, and face;
- (3) a book or books on general anatomy, physiology and hygiene; and
- (4) at least one board-approved textbook, for each student, covering all practical operations listed in 12 AAC 09.163, provided by the school.

(b) The practical instruction area must include the following equipment:

- (1) a cabinet for instruments and linens;
- (2) a towel container for soiled towels;
- (3) a cape with sanex strips;
- (4) towels;
- (5) a dressing table, dresserette, or styling bar with a mirror;
- (6) repealed 4/21/2010;
- (7) wax materials;
- (8) tweezers;
- (9) facial masks;
- (10) an adequate reclining chair or massage table with paper liners; and
- (11) electrical equipment, including the use of all electrical modalities and electrical apparatus, including dermal lights for facials and skin-care purposes.

(c) For every six or fewer students working at one time, the practical instructional area must have a wash basin with running hot and cold water.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.163. ESTHETICS SCHOOL CURRICULUM. (a) A student who enrolls in a course of esthetics must complete a curriculum that consists of at least 350 hours of theoretical and practical training. A school shall teach a minimum of 40 hours of theoretical instruction, including five hours in state law and the following minimum number of practical operations during the 350 hours of training:

SUBJECT	MINIMUM NUMBER OF PRACTICAL OPERATIONS
(1) manual, including skin analysis, cleansing, manipulations, packs and masks	60
(2) electrical, including the use of all electrical modalities and electrical apparatus, including dermal lights for facials and skin-care purposes	40
(3) eyebrow arching and hair removal, including the use of wax, manual or electric tweezers and depilatories for the removal of superfluous hair	50
(4) makeup, including skin analysis, complete and corrective makeup, and the application of false eyelashes	50

(b) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theoretical instruction hours in (a) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

(c) A student must pass a proficiency examination provided by the school in each subject area described in (a) of this section as required by 12 AAC 09.050, after the student completes the course of study.

Authority: AS 08.13.030 AS 08.13.090 AS 08.13.110

12 AAC 09.164. HAIR BRAIDING CURRICULUM. A student who enrolls in a course of hair braiding must complete 35 hours of instruction. The instruction must include the following:

SUBJECT	MINIMUM NUMBER OF HOURS
(1) hair and scalp analysis	5

(2) diseases and disorders	5
(3) sanitation	5
(4) statutes and regulations	5
(5) natural hair braiding techniques	15

Authority: AS 08.13.030 AS 08.13.080

12 AAC 09.165. INSTRUCTOR CURRICULUM. (a) The curriculum for a student enrolled in a course of instructor training must consist of at least 600 hours of training in teaching barbering, hairdressing, manicuring, or esthetics. A school shall teach the following minimum hours of instruction:

SUBJECT	MINIMUM HOURS OF INSTRUCTION
(1) Statutes and Regulations of the board	25
(2) Preparatory theoretical instruction, including teaching techniques, lesson planning, methods of instruction, evaluation of instruction, student recordkeeping, state recordkeeping, and school operation	75
(3) Supervision of desk, booking appointments, and assigning students for clinic services	25
(4) Clinic floor supervision under direct supervision of licensed instructor	50
(5) The remaining 425 hours must be completed as scheduled by the school but must include	
(A) presentation of theoretical subjects in a classroom situation	50
(B) presentation of practical subjects in a classroom situation; and	50
(C) supervision of clinic floor	325

(b) A school shall employ text and reference books in a student-instructor teaching program.

(c) A student is responsible for participating in the routine maintenance of the sanitary conditions necessary to conduct business. However, credit may not be given for time spent laundering towels, washing floors, walls, windows, or lavatories, or similar work.

(d) A student who is enrolled in a school may complete up to 25 percent of the required hours in (a) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.167. BODY PIERCING TRAINING REQUIREMENTS. (a) A student who is receiving training in body piercing must complete a curriculum that consists of at least 1,000 hours of theoretical and practical training. The training must include a minimum of 270 hours of theory instruction and a minimum of 150 practical operations.

(b) The 150 practical operations required under (a) of this section must include

- (1) 50 practical operations observed by the student;
- (2) 50 practical operations in which the student participated; and
- (3) 50 practical operations performed by the student under supervision, but without assistance.

(c) The 270 hours of theory instruction required in (a) of this section must include the following:

SUBJECT	MINIMUM NUMBER OF HOURS
(1) safety, sanitation, sterilization, and aseptic	100

(2) anatomy and physiology:	30
(3) skin and skin disorders	10
(4) aftercare techniques	100
(5) equipment and supplies	20
(6) Alaska statutes and regulations	10

(d) In addition to the requirements of (a) – (c) of this section, an applicant must successfully complete training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, in

- (1) cardiopulmonary resuscitation (CPR); and
- (2) blood borne pathogens.

(e) An applicant for a body piercing license under AS 08.13.082(d)(1)(B) based on training received in another state shall submit, on a form provided by the department, verification of completed training equivalent to that required under (a) – (c) of this section. The applicant may establish compliance with the requirements of (c)(6) of this section by submitting to the department an affidavit from the applicant that states that the applicant has studied the Alaska statutes and regulations regarding body piercing for at least the minimum number of hours required.

(f) An applicant for a body piercing license under (e) of this section who does not have enough hours to satisfy the requirements equivalent to those of (a) – (c) of this section may obtain the remaining hours of training needed in a licensed shop in this state under a licensed practitioner of body piercing. The applicant must obtain a student permit under 12 AAC 09.180 and board approval of the proposed training program under 12 AAC 09.190 before the training begins.

(g) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theory instruction hours in (c) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.168. PERMANENT COSMETIC COLORING TRAINING REQUIREMENTS. (a) A student who is receiving training in permanent cosmetic coloring must complete a curriculum that consists of at least 250 hours of training. The training must include a minimum of 125 hours of theory instruction and a minimum of 75 hours of practical operations, including the number of practical operations under (c) of this section, during which the trainer must be physically present in the shop.

(b) The 125 hours of theory instruction required under (a) of this section must include the following:

SUBJECT	MINIMUM NUMBER OF HOURS
(1) safety, sanitation, sterilization, and aseptic	45
(2) anatomy and physiology	10
(3) skin and skin disorders	10
(4) aftercare techniques	30
(5) equipment and supplies	10
(6) Alaska statutes and regulations	10
(7) emotional and psychological considerations of the client	5
(8) face shape and color theory	5

(c) The 75 hours of practical operations required in (a) of this section must include

- (1) 25 practical operations observed by the student, including eight lips, eight eyeliners, and eight eyebrows, and may include microblading;
- (2) 25 practical operations in which the student participated, including eight lips, eight eyeliners, and eight eyebrows, and may include microblading; and

(3) 25 practical operations performed by the student under supervision, but without assistance, including eight lips, eight eyeliners, and eight eyebrows, and may include microblading.

(d) In addition to the requirements of (a) – (c) of this section, an applicant must successfully complete training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, in

- (1) cardiopulmonary resuscitation (CPR); and
- (2) blood borne pathogens.

(e) An applicant for a permanent cosmetic coloring license under AS 08.13.082(d)(1)(B) based on training received in another state shall submit, on a form provided by the department, verification of completed training equivalent to that required under (a) – (c) of this section. The applicant may establish compliance with the requirement of (b)(6) of this section by submitting to the department an affidavit from the applicant that states that the applicant has studied the Alaska statutes and regulations regarding permanent cosmetic coloring for at least the minimum number of hours required.

(f) An applicant for a permanent cosmetic coloring license under (e) of this section who does not have enough hours to satisfy the requirements equivalent to those of (a) – (c) of this section may obtain the remaining hours of training needed in a licensed shop in this state under a licensed practitioner of permanent cosmetic coloring. The applicant must obtain a student permit under 12 AAC 09.180 and board approval of the proposed training program under 12 AAC 09.190 before the training begins.

(g) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theory instruction hours in (b) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.169. TATTOOING TRAINING REQUIREMENTS. (a) A student who is receiving training in tattooing must complete a curriculum that consists of at least 1,000 hours of training. The training must include a minimum of 270 hours of theory instruction and a minimum of 150 hours of practical operations as required under (c) of this section, during which the trainer must be physically present in the shop.

(b) The 270 hours of theory instruction required under (a) of this section must include the following:

SUBJECT	MINIMUM NUMBER OF HOURS
(1) safety, sanitation, sterilization, and aseptic	100
(2) anatomy and physiology	30
(3) skin and skin disorders	10
(4) aftercare techniques	100
(5) equipment and supplies	20
(6) Alaska statutes and regulations	10
(c) The 150 hours of practical operations required in (a) of this section must include	
(1) 50 practical operations observed by the student;	
(2) 50 practical operations in which the student participated; and	
(3) 50 practical operations performed by the student under supervision, but without assistance.	
(d) In addition to the requirements of (a) – (c) of this section, an applicant must successfully complete training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, in	
(1) cardiopulmonary resuscitation (CPR); and	
(2) blood borne pathogens.	
(e) An applicant for a tattooing license under AS 08.13.082(d)(1)(B) based on training received in another state shall submit, on a form provided by the department, verification of completed training equivalent to that required under (a) – (c) of this section. The applicant may establish compliance with the requirements of (b)(6) of this section by submitting to the department an affidavit from the applicant that states that the applicant has studied the Alaska statutes and regulations regarding tattooing for at least the minimum number of hours required.	
(f) An applicant for a tattooing license under (e) of this section who does not have enough hours to satisfy the requirements equivalent to those of (a) – (c) of this section may obtain the remaining hours of training needed in a licensed shop in this state under a licensed practitioner of tattooing. The applicant must obtain a student permit under 12 AAC 09.180 and board approval of the proposed training program under 12 AAC 09.190 before the training begins.	

(g) A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theory instruction hours in (b) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.170. THEORY SYLLABUS. (a) The board will, in its discretion, provide a theory syllabus to licensed schools of barbering, hairdressing, manicuring, and esthetics, outlining topics to be taught by the school and listing suggested textbooks to be used for instruction in the practice of barbering, hairdressing, manicuring, and esthetics.

(b) Repealed 12/6/2020.

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.173. OUT-OF-STATE TRAINING IN BODY PIERCING, TATTOOING, AND PERMANENT COSMETIC COLORING. (a) Training in body piercing received outside of this state under AS 08.13.082(d)(1)(B) will be approved by the board if the training meets the requirements of 12 AAC 09.167(a) - (c) and is provided by a person knowledgeable in the applicable techniques.

(b) Training in tattooing received outside of this state under AS 08.13.082(d)(1)(B) will be approved by the board if the training meets the requirements of 12 AAC 09.169(a) – (c) and is provided by a person knowledgeable in the applicable techniques.

(c) Training in permanent cosmetic coloring received outside of this state under AS 08.13.082(d)(1)(B) will be approved by the board if the training meets the requirements of 12 AAC 09.168(a) – (c) and is provided by a person knowledgeable in the applicable techniques.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.082

12 AAC 09.175. SANITATION. A violation of 18 AAC 23 is grounds for the suspension or revocation of a license or permit under AS 08.13.030(c)(2).

Authority: AS 08.13.030 AS 08.13.210

ARTICLE 6. STUDENT PERMITS, TRAINING, AND APPRENTICES.

Section

- 180. Student permits**
- 185. Trainees in body piercing, tattooing, or permanent cosmetic coloring**
- 186. Trainees in hair braiding**
- 190. Apprentices of barbering, hairdressing, and esthetics**

12 AAC 09.180. STUDENT PERMITS. (a) The board will issue a student permit to an applicant who meets the requirements of AS 08.13.180 and submits a completed application on a form provided by the department; the completed application must include

- (1) the personal identification information requested on the form;
- (2) payment of the fees established in 12 AAC 02.140; and
- (3) proof of
 - (A) enrollment in a licensed school of barbering, hairdressing, or esthetics, as specified in

12 AAC 09.130;

- (B) acceptance as an apprentice to a practitioner in a shop approved by the board; or
- (C) receiving training from a practitioner of tattooing, permanent cosmetic coloring, or body piercing.

(b) The board will issue a student-instructor permit, valid for two years from date of issuance, upon receipt of the applicant's

(1) proof of enrollment in a student-instructor program in a licensed school of barbering, hairdressing, manicuring, or esthetics as specified in 12 AAC 09.130; and

(2) proof of a current license to practice as a barber, non-chemical barber, hairdresser, esthetician, or as a manicurist with an endorsement as an advanced manicurist.

(c) The board will, in its discretion, extend a student permit beyond the original expiration date of the permit, up to the date of the next scheduled examination, if a request for an extension is made by the permit holder explaining the need for the extension.

(d) Repealed 8/10/2012.

(e) A student may claim hours under (a)(2)(A) of this section as a student or under (a)(2)(B) of this section as an apprentice. The board will not accept hours for a student enrolled in school training and an apprentice program at the same time.

(f) Unless the student's permit is extended under (c) of this section, a student whose permit has expired under this section and re-enrolls in the same school or enrolls in another licensed school of barbering, hairdressing, manicuring, or esthetics, must reregister with the department and meet the requirements of this section.

Authority: AS 08.13.030 AS 08.13.180 AS 08.13.190

12 AAC 09.185. TRAINEES IN BODY PIERCING, TATTOOING, OR PERMANENT COSMETIC COLORING. (a) A currently licensed practitioner of body piercing, tattooing, or permanent cosmetic coloring who has held a practitioner's license in this state for at least one year before the training begins may provide training to no more than two trainees simultaneously in a shop licensed by the board under 12 AAC 09.110. A license practitioner of

- (1) body piercing may provide training in body piercing;
 - (2) tattooing may provide training in tattooing, or permanent cosmetic coloring if the trainer meets the requirements of 12 AAC 09.168;
 - (3) permanent cosmetic coloring may provide training in permanent cosmetic coloring.
- (b) The trainer must
- (1) provide a time clock in the shop for the recording of the trainee's attendance;
 - (2) maintain daily records of the trainee's hours of attendance; and
 - (3) maintain all records in an orderly manner and make records available for inspection by a member of the board during the hours the shop is open.
- (c) A trainer may not credit a trainee for more than 10 hours of training in any one day.
- (d) A trainee may not perform work in a shop unless the trainer responsible for the trainee's training is on the premises.
- (e) A trainer must submit a report on each trainee under the trainer's supervision, on a form provided by the department, no later than the 15th day after the calendar quarter. The report must include
- (1) for tattooing, the exact number of hours of theoretical instruction and exact number and type of practical operations completed by the trainee during the previous quarter;
 - (2) for permanent cosmetic coloring, the exact number of hours of theoretical instruction and exact number and type of practical operations completed by the trainee during the previous quarter;
 - (3) for body piercing, the exact number of hours of theoretical instruction and the exact number and type of practical operations completed by the trainee during the previous quarter.
- (f) The quarterly report must maintain continuity from month-to-month from the date the training begins to the date of termination or completion of the course of training regardless of attendance by the trainee.
- (g) The trainer must submit a certificate of student training form for tattooing, permanent cosmetic coloring, or body piercing within 20 days of termination of the training, documenting the theoretical and practical operations completed by the trainee during the incomplete training period.
- (h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing, permanent cosmetic coloring, or body piercing. The trainer shall submit a certificate of student training form no later than 30 days after the completion of training, documenting the theory hours and practical operations.
- (i) A trainee whose training has been interrupted for a continuous period of two years or more will not be allowed credit for the hours of training received before the date the training was interrupted.
- (j) A trainee may have no more than three trainers at a time. Each trainer must submit a statement of responsibility for the trainee. Approved trainers will be listed and reflected on the trainees permit. Any of the approved trainers may submit completion or termination certificates, documenting the theoretical and practical operations completed by the trainee during the incomplete training period in accordance with (g) and (h) of this section.
- (k) A trainee permit is portable to shops licensed by the board under 12 AAC 09.110. The requirements of this section must be met at all times.

Authority: AS 08.13.030 AS 08.13.082

12 AAC 09.186. TRAINEES IN HAIR BRAIDING. (a) A currently licensed hairdresser, instructor in hairdressing, or hair braider in a shop that is licensed by the board under 12 AAC 09.110 may provide instruction in hair braiding in accordance with 12 AAC 09.164.

(b) The trainer under (a) of this section must have held a license in this state for at least one year before the training begins.

Authority: AS 08.13.030 AS 08.13.080

12 AAC 09.190. APPRENTICES OF BARBERING, NON-CHEMICAL BARBERING, HAIRDRESSING, AND ESTHETICS. (a) A currently licensed barber, non-chemical barber, hairdresser, or esthetician instructor in a shop that is licensed by the board under 12 AAC 09.110 may sponsor an apprentice in the instruction of barbering, non-chemical barbering, hairdressing, or esthetics if

(1) the instructor submits a completed application on a form provided by the department; the completed application must include

- (A) the personal identification information requested on the form;
- (B) a curriculum to the board and must provide for
 - (i) verification that the shop where the training will be provided meets the requirements of 12 AAC 09.155 if the apprenticeship training is for barbering or hairdressing, 12 AAC 09.155 except for items listed under 12 AAC 09.155(c)(16) – (18) if the apprenticeship training is for non-chemical barbering, and 12 AAC 09.162 if the apprenticeship training is for esthetics;
 - (ii) instruction of the minimum hours of theoretical and practical training specified in 12 AAC 09.160 if the apprenticeship training is for barbering or hairdressing, 12 AAC 09.161 if the apprenticeship training is for non-chemical barbering, or 12 AAC 09.163 if the apprenticeship training is for esthetics, and the proficiency examination described in 12 AAC 09.050;
 - (iii) a period of apprenticeship that meets the requirements of AS 08.13.082; and
 - (iv) the issuance of an affidavit of completion to each apprentice successfully completing the apprenticeship; and
- (2) the apprentice holds a student permit issued under 12 AAC 09.180(a).
- (b) An instructor may sponsor no more than two apprentices. The instructor must ensure that each apprentice sponsored by that instructor has that apprentice's own work station in the shop where the training will be provided.
- (c) An instructor may not sponsor a student-instructor.
- (d) An instructor must provide training and instruction to the same extent required of a school of barbering, hairdressing, or esthetics.
- (e) An instructor must provide a time clock in the shop for the recording of the apprentice's attendance. An instructor must maintain daily records of an apprentice's number of hours of instructional coursework and number of practical operations.
- (f) An instructor may not credit an apprentice for more than 10 hours of training in any one day.
- (g) All records required to be maintained by an instructor under this section must be maintained in an orderly, alphabetical, or numerical filing system and must be made available for inspection by any member of the board upon reasonable notice.
- (h) An apprentice may not perform work in a shop unless the licensed barber, non-chemical barber, hairdresser, or esthetician instructor responsible for the apprentice's training is on the premises.
- (i) Not later than the 15th day after the calendar quarter, on a form provided by the department, an instructor shall submit a report on each apprentice enrolled. The quarterly report must
 - (1) include the exact number of hours of theoretical and practical training completed by the apprentice during the previous quarter;
 - (2) include the exact number and type of operations completed by the apprentice during the previous quarter; and
 - (3) maintain continuity from month-to-month, from the date of enrollment to the date of termination or completion of the course of instruction regardless of attendance by the apprentice.
- (j) Not later than 20 working days after termination of instruction of an apprentice, the instructor shall notify the department, on a form provided by the department, of the termination. The termination report must include the date of the apprentice's enrollment, the date of termination, the total number and types of operations performed by the apprentice, and the total number of hours and types of training received by the apprentice. The termination report is subject to audit and may be utilized to establish credit hours for transfer and reenrollment under 12 AAC 09.135.
- (k) Not later than five working days after completion by an apprentice of a course of training, the instructor in a shop shall submit to the board an affidavit showing the total number of operations, the total number of hours of training and theoretical instruction completed by the apprentice, the date of completion of the training, and verification of passing the proficiency examination as required by 12 AAC 09.050. This affidavit will serve as certification by the instructor that the apprentice meets eligibility requirements necessary for examination for licensure.
- (l) Upon completion of a course of instruction under this section, an apprentice is eligible to take the appropriate examination in the license category of barbering, non-chemical barbering, hairdressing, or esthetics. The instructor shall notify the board of an apprentice completing the course of instruction not later than 30 days after the completion by submitting records of apprenticeship in accordance with this section.
- (m) An apprentice who interrupts the apprentice's training for a continuous period of two years will not be allowed credit for apprenticeship instruction and training received before the interruption.
- (n) The board will not give credit for apprenticeship work completed before the apprentice has a valid student permit.
- (o) For an apprentice who has completed an apprenticeship and has passed the licensing examination, the student permit expires 30 days after the student is notified in writing of passage of the examination. After passing the examination, an apprentice may, under the supervision of a licensed instructor, continue to practice under the student permit until the student permit expires under this subsection or a valid practitioner license is issued, whichever occurs first.

Authority: AS 08.13.030

AS 08.13.082

**ARTICLE 7.
GENERAL PROVISIONS.**

Section

- 900. (Repealed)**
- 905. Location of shops in private residence**
- 910. Duties of instructors and student-instructors**
- 920. Practice outside a licensed shop or school**
- 930. Reinstatement of a lapsed license**
- 940. Education information and aftercare instructions for body piercing and tattooing and permanent cosmetic coloring; notification requirements**
- 950. Temporary display of posting confirming current license or permit**
- 990. Definitions**

12 AAC 09.900. EXAMINERS. Repealed 12/6/2020.

Authority: AS 08.13.030 AS 08.13.090

12 AAC 09.905. LOCATION OF SHOPS IN PRIVATE RESIDENCE. (a) No shop may be opened and maintained in a private residence unless the shop is located in a separate room apart from living quarters.

(b) Application for a shop license must be made according to the provisions of 12 AAC 09.110(a) and is subject to the provisions of 12 AAC 09.110(b) and (c).

Authority: AS 08.13.030 AS 08.13.120 AS 08.13.210

12 AAC 09.910. DUTIES OF INSTRUCTORS AND STUDENT-INSTRUCTORS. (a) An instructor or student-instructor may not, in connection with duties instructing at a licensed school, practice barbering, hairdressing, manicuring, or esthetics on members of the public, except if the work pertains directly to the instruction of students.

(b) A student-instructor may not be permitted to instruct without a licensed instructor on the school premises.

Authority: AS 08.13.030 AS 08.13.070

12 AAC 09.920. PRACTICE OUTSIDE A LICENSED SHOP OR SCHOOL. (a) A licensee who provides services outside of a licensed shop or school for a purpose listed in AS 08.13.160(e)(1) - (4) shall display his or her current license at the location where the services are provided.

(b) Barbering, hairdressing, manicuring, or esthetics services that are provided at charitable events under AS 08.13.160(e) are limited to those for which adequate health and sanitary conditions can be provided.

(c) A licensee who participates in a workshop or demonstration of techniques or products outside a licensed shop or school may not teach barbering, hairdressing, manicuring, or esthetics to persons who are not licensed or do not hold a permit in this state or another jurisdiction.

Authority: AS 08.13.030 AS 08.13.082 AS 08.13.160

12 AAC 09.930. REINSTATEMENT OF A LAPSED LICENSE. (a) A license issued under AS 08.13 and this chapter that has not been lapsed for more than three years will be reinstated if the applicant

- (1) submits a completed application; and
- (2) pays the applicable fees required under AS 08.13.140 and 12 AAC 02.140.

(b) The board will reinstate a license issued under AS 08.13 and this chapter that has been lapsed for more than three years if the applicant

(1) submits a completed application and supporting documents to show that the applicant was previously licensed in this state;

- (2) pays the applicable fees required under AS 08.13.140 and 12 AAC 02.140; and
- (3) successfully passes the written examination for the license sought.

(c) In addition to the requirements of (a) and (b) of this section, an applicant for reinstatement of a license to practice body piercing, tattooing, or permanent cosmetic coloring must submit verification that the applicant has successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

- (1) cardiopulmonary resuscitation (CPR); and
- (2) blood-borne pathogens.

Authority: AS 08.13.030 AS 08.13.140

12 AAC 09.940. EDUCATION INFORMATION AND AFTERCARE INSTRUCTIONS FOR BODY PIERCING AND TATTOOING AND PERMANENT COSMETIC COLORING; NOTIFICATION REQUIREMENTS. (a) The *Educational Information and Aftercare Instructions for Tattoos*, including eyebrows section of the Educational Information and Aftercare Instructions (March 2003), prepared by the board, are adopted

by reference as the minimum standards of aftercare instruction and educational information to be given to a client by a licensed practitioner of tattooing.

(b) The *Educational Information and Aftercare Instructions for Permanent Cosmetic Coloring* section of the Educational Information and Aftercare Instructions (March 2003), prepared by the board, are adopted by reference as the minimum standards of aftercare instruction and educational information to be given to a client by a licensed practitioner of permanent cosmetic coloring.

(c) The *Educational Information and Aftercare Instructions for Body Piercing* section of the Educational Information and Aftercare Instructions (March 2003), prepared by the board, are adopted by reference as the minimum standards of aftercare instruction and educational information to be given to a client by a licensed practitioner of body piercing.

(d) The Information Regarding Potential Health Risks and Other Information section of the *Educational Information and Aftercare Instructions* (March 2003), prepared by the board, is adopted by reference as the statement provided by the board under AS 08.13.030(b) that the owner of a shop for tattooing, permanent cosmetic coloring, or body piercing shall prominently display in the shop as required under AS 08.13.215(c)(1).

Authority: AS 08.13.030 AS 08.13.215

Editor's note: A copy of the *Educational Information and Aftercare Instructions*, adopted by reference in 12 AAC 09.940, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Barbers and Hairdressers, P.O. Box 110806, Juneau, AK 99811-0806; phone: (907) 465-2547.

12 AAC 09.950. TEMPORARY DISPLAY OF POSTING CONFIRMING CURRENT LICENSE OR PERMIT. To meet the requirements of AS 08.13.130, until a person's original current license or permit is received by that person, the person shall display a copy of the department's Internet website posting confirming the person's current license or permit in a conspicuous location as required for the original license or permit under AS 08.13.130.

Authority: AS 08.13.030 AS 08.13.130

Editor's note: The current posting confirming licensure and permits of persons licensed and permitted by the Board of Barbers and Hairdressers can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing at www.commerce.state.ak.us/occ/OccSearch/main.cfm.

12 AAC 09.990. DEFINITIONS. (a) In this chapter,

- (1) "board" means the Board of Barbers and Hairdressers;
- (2) Repealed 7/23/2000;
- (3) "department" means the Department of Commerce, Community, and Economic Development;
- (4) "jurisdiction" means a licensing board or administrative agency of another state, territory, or country responsible for issuing licenses and maintaining licensing records for barbers, hairdressers, manicurists, or estheticians;
- (5) "theoretical instruction" means instruction by lecture, classroom participation, or examination;
- (6) "practical instruction," "practical operation," or "practical training" means the demonstration of or the actual performance of barbering, hairdressing, manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring by a student, apprentice, or practitioner;
- (7) "manicurist" includes an individual licensed in any jurisdiction as a nail technician;
- (8) "client release form" means a client's written consent, on a form provided by a practitioner, for the practitioner to perform the requested body piercing, tattooing, or permanent cosmetic coloring procedure;
- (9) "college or university" means the University of Alaska or a college or university accredited by a national or regional educational accrediting organization;
- (10) "working day" means a day other than Saturday, Sunday, or a state holiday;
- (11) "passing a proficiency examination" means demonstrating to the satisfaction of the examiner that the student or apprentice has achieved a high degree of competency in the subject matter and is able to perform the appropriate practical operations without intervention by the examiner.

(b) For the purposes of AS 08.13.220(5), "for a fee" does not include remuneration received by a person employed or working under contract to provide make up services for a television, film, or stage production.

Authority: AS 08.13.030 AS 08.13.220