



Notice of Proposed Changes to the Regulations of the Board of Barbers and Hairdressers

Proposed Regulations - FAQ

March 2020

1. Why are the changes to the regulations being proposed?

Senate Bill 4 passed the legislature in 2018 giving the Board of Barbers and Hairdressers supervision of the health and sanitary conditions in shops and schools of barbering, hairdressing, hair braiding, manicuring, and esthetics. Previously the inspection power was under the Department of Environmental Conservation (DEC).

The DEC stopped inspection and supervision of barbering, hairdressing, manicuring, and esthetics shops, and schools in 2015. The Board looked to the legislature to give them the authority through statute to inspect shops and schools to enforce the health and sanitary requirements.

The DEC will continue to have oversight of tattoo, body piercing, and permanent cosmetic coloring shops for compliance with 18 AAC 23.

2. What are the changes to the regulations being proposed?

12 AAC 09.110. Shop owner license.

Subsection (a)(7) is being amended to require a shop owner applicant to submit a certification of compliance form showing the applicant is in compliance with the Department of Environmental Conservation's health and sanitation requirements of 18 AAC 23. This is not a new requirement as the form has been used in the shop license application for several years. The change also removes the reference to the DEC certificate of sanitary standards since the DEC no longer issues certificates to shop owners of hairdressing, barbering, manicuring, and esthetics.

Subsection (d) is amended to allow for inspection of shops for the state environmental sanitation requirements of 18 AAC 23. The Board has also adopted an inspection form to be used by the investigator to ensure compliance with 18 AAC 23, which is referenced in the new language.

Subsection (g) is amended by adding “the department” (Department of Commerce, Community, and Economic Development) in the language for inspection in relation to suspending a shop owner license if the shop owner is not in compliance with the DEC standards under 18 AAC 23. The board also is changing the word “shall” to “may”, meaning the board is not required to suspend the shop owner license, but gives the board the option to suspend if the owner of the shop does not come into compliance. Additional language allows for reinspection to ensure compliance.

12 AAC 09.125. Requirements for school license; renewal requirements.

Subsection (a)(5) is amending the term “shop” to “school”, because this section is specific to schools.

Subsection (d) is amended to clarify the inspection by a board member is before initial licensure.

Subsection (m) is a new subsection that will require an owner of a school to permit a member of the board or a board representative to inspect the school anytime during working hours to comply with AS 08.13 and the state environmental standards of 18 AAC 23. The wording mirrors the wording for inspection of shops in 12 AAC 09.110(d).

3. What is the demonstrated need of the changes to the regulations?

The board was given authority to supervise the health and sanitary conditions of shops. The new regulations will ensure the department is performing the inspections in accordance with the standards required by the DEC.

4. What are the positive and negative consequences of the new regulations?

The positive consequence is better protection of the public by ensuring the health and sanitary standards are met in barber, hairdresser, esthetics, and manicuring shops and schools.

The only negative consequence foreseen may be the unknown monetary cost associated with the inspections and enforcement by the department. The need to protect the public outweighs the potential costs.

5. When will the inspections occur?

The inspections will be based on receipt of a complaint from a client or other member of the public, or randomly when inspection of a shop for compliance with current licensure of the shop and practitioners occurs.

6. When will the new regulations be effective?

After the public comment deadline, comments received are compiled and given to the Board for consideration. The Board may adopt the regulation as written/publicly noticed, may amend and adopt them, or choose to take no action, or may withdraw the proposed regulations in part or in its

whole. After Board action, the adopted regulations goes to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the Lt. Governor for filing. Regulation takes effect on the 30th day after they have been filed by the Lt. Governor.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.