

As the East digs out from a historic blizzard, 37 state legislatures are actively meeting this week. AACS is monitoring a significant number of bills of interest to barbering and cosmetology schools. To this end, please find a weekly report of key legislative and regulatory developments below.

In Indiana, HB 1172 was approved January 19th by the House of Representatives by a vote of 65 to 27. As previously indicated, the bill amends the definition of cosmetology to clearly indicate that cosmetologists may shave or trim beards. Additionally, it would allow the Indiana State Board of Cosmetology and Barber Examiners to adopt rules that “will allow curriculum offered by a beauty culture school licensed under this chapter to be delivered within a distance learning environment.”

A massage therapy bill has also been introduced in Indiana. The bill provides that an individual must be licensed by the State Board of Massage Therapy (BOMT) to practice massage therapy. Under current law, massage therapists are “certified” by the board but certification is not required to practice massage therapy. For schools, the measure stipulates that massage therapy instruction must be approved by the BOMT; and that a massage therapy school or program must be accredited (approved) by the state’s Office for Career and Technical Schools.

Michigan’s massage therapy bill – HB 5001 -- was approved by the House of Representatives on January 20th by a vote of 105 to 1. As previously reported, the measure increases the educational requirements for massage therapist licensure from 500 hours to 625 hours for students who enroll in a massage education program on or after August 1, 2016. The bill also strikes a current provision requiring licensees to hold a high school diploma or equivalent.

Companion bills, SB 2374 and HB 2373, pertaining to barbering schools were introduced in Tennessee’s General Assembly on January 21st. The bills would increase the number of instruction hours permitted per day from eight to ten and per week from forty to forty-eight. The measures would also require barber instructor applicants on or after July 1, 2017 to complete a three hundred (300) hour instructor training program at a board-certified barber school. Finally, it proposes to add “shampooing” and “natural hair styling” to the definition of “cosmetology.”

In Boise, Idaho, the House Business Committee introduced a state authorization bill for barbering schools. The measure states, “A school or college is a postsecondary school. A school or college must be licensed by name by the state board of barber examiners. A school or college may admit as regular students only those individuals who meet the requirements of section 54-506, Idaho Code.”

A bill that deregulates manicuring in the State of Washington was introduced on January 18th. The measure, HB 2622, would instead require manicurists to establish an active registration profile on the state’s effective licensing port web site. The “comprehensive and user-friendly web site” will allow for public comment of all individuals working in the occupations listed in the bill.

Other bill introductions of interest include:

Alabama SB 26 – A sunset bill that extends the authority of the Board of Cosmetology and Barbering until October 1, 2020.

Kansas SB 345 – The bill makes a number of technical changes concerning cosmetology licensure. For schools, the measure would revise the procedure for obtaining an apprentice

license. Such a license would be required before the student provides “cosmetology, esthetics or nail technology services to consumers in a licensed school or electrology services to consumers in a licensed electrology school, clinic or establishment.” Under current law, apprentice licenses are required within 15 days of enrollment.

Kansas SB 344 – This measure would change the name of the Kansas State Board of Cosmetology to the Kansas Board of Beauty and Body Professions.

Oklahoma SB 1540 – The bill would create the Department of Health Professional Licensure to provide administrative and support services to a number of licensing boards, including the Board of Cosmetology and Barbering.

Tennessee SB 2534/HB 2569 – These measures contain provisions regarding shop managers.

Tennessee SB 2324/HB 2315 – As introduced, these bills would require cosmetologists, manicurists, aestheticians, or natural hair stylists who obtain a license on or after July 1, 2016, to submit proof of compliance with continuing education hours within 60 days of their license renewal.

Links to all the bills mentioned in this update can be found in AACS’ Bill Tracking Portal at <https://www.billtrack50.com/Public/Stakeholder/Jt1rl23hjU2jC1MOSr6KVA/Embedded>.

On the regulatory front, a final rule was published in January 15th edition of the Washington State Register to implement the provisions of HB 1063. As previously indicated, the rule, effective January 29th, defines “online training” as “an approved electronic learning environment through a licensed school in which a student is enrolled.” The associated online training is limited to theory only and “may be used for up to twenty-five percent of the approved course of study.”

The full text of the rule can be found at the link below – see pages 6 to 14 of the PDF.

<http://lawfilesexternal.wa.gov/law/wsr/2016/02/16-02PERM.pdf>

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