

# HOUSE BILL REPORT

## HB 1985

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### As Reported by House Committee On:

Commerce & Labor

**Title:** An act relating to cosmetology, barbering, manicuring, and esthetics.

**Brief Description:** Regulating cosmetology, barbering, manicuring, and esthetics.

**Sponsors:** Representatives Kenney, Lisk, Conway, Clements, Edmonds, Wood and Bush.

### Brief History:

#### Committee Activity:

Commerce & Labor: 2/20/01, 2/27/01 [DPS].

#### Brief Summary of Substitute Bill

- Changes educational requirements for the practice of manicuring and esthetics, redefines the categories of practice, and reduces overlapping functions.
- Changes licensing requirements.
- Implements certain recommendations of the state Cosmetology, Barbering, Esthetics, and Manicuring Board after review of industry practices and regulatory requirements.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt, Kenney, Lisk and McMorris.

**Staff:** Sydney Forrester (786-7120).

### Background:

The Department of Licensing regulates the practices of cosmetology, barbering, manicuring, and esthetics. A cosmetologist deals with the care of hair on the scalp, face and neck, the care of nails of the hands and feet, and the treatment and care of the skin.

The remaining areas of practice encompass a narrower range of functions.

All licensees must complete an approved curriculum at an approved school and pass both a practical and written examination. Typically, the school conducts the practical exam and the department administers the written exam. The training requirement for a cosmetologist is 1,600 hours, 1,000 hours for a barber, 500 hours for a manicurist, an esthetician, and an instructor.

To be approved a school must obtain a surety bond, an irrevocable letter of credit, or a savings assignment in an amount not less than \$10,000 or 10 percent of the annual gross tuition collected by the school.

An instructor-operator is a person who has the qualifications of a practitioner, instructs in the practice in a school, has at least 500 hours of instruction in teaching techniques and lesson planning, and has passed an exam. A person with an education degree and who otherwise qualifies may be licensed as an instructor.

The department also licenses the type of business within which the practice occurs including salon/shops, booth-renters, and all schools that conduct training.

Failure to renew a license before it expires subjects the licensee to a penalty fee and payment of each year's renewal fee at the current rate if the holder renews the license within four years of the date of expiration. Renewal may be allowed after that time period as determined by the director.

In 1998 the board and the department completed a review of the industry and made recommendations in the areas of education, licensing, and enforcement of health standards. Some of the recommendations requiring legislative action are reflected in the proposed legislation.

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### **Summary of Substitute Bill:**

Several changes are made in the licensing and regulation of cosmetology, barbering, esthetics, and manicuring as a result of a review of the industry and regulatory practices recently completed by the board and the department.

Licensing: The practices of cosmetology, manicuring, and esthetics are further defined resulting in fewer overlaps in the functions performed under each license. Cosmetology includes a limited practice in manicuring and esthetics while the practices of manicuring and esthetics are updated and expanded to reflect actual current practice.

Licenses are further designated as individual licenses for those meeting the qualifications to practice and as location licenses for the business activity associated with the practice.

Location licenses include salon/shops, mobile units, and personal services. A personal services license allows the practitioner to provide services to a client in a location convenient to the client, such as the client's home or office. Location licensees must certify that they hold public liability insurance of not less than \$100,000 prior to being licensed. The booth-renter license is eliminated and these licensees are to be licensed as salon/shops.

Failure to renew an individual license before it expires subjects the licensee to a penalty fee and payment of each year's renewal fee at the current rate if the holder renews the license within one year of the date of expiration. No renewal is allowed after that time period and a person seeking a license will be treated as a new applicant.

Education and training requirements: The training requirements for manicurists and estheticians are increased from 500 hours to 600 hours.

A licensed practitioner may qualify as an instructor if he or she holds a state instructional certificate from a community or technical college and has passed an exam.

The department may set, by rule, a percentage, up to a maximum of 10 percent, of the required hours of training for which a student may receive credit for hands-on training working in a salon approved for training purposes.

Prior to July 1, 2003, currently licensed cosmetologists may apply for separate licenses in manicuring and esthetics, and students enrolled in a licensed school in a cosmetology curriculum may apply for examination in cosmetology, manicuring, and esthetics. After June 30, 2003, the curriculum hours for each area of practice must be met in order to apply for the examination and be licensed.

A school may no longer use letters of credit or savings assignments and may use only surety bonds as approved security.

Enforcement: A hearing is required before a fine of \$1,000 is imposed by the department for operating or instructing without a license.

### **Substitute Bill Compared to Original Bill:**

A technical correction maintains the current statutory language of hours— for measuring and defining curriculum and licensing requirements. The percentage of hours for which a student may receive credit for apprentice-type work in a salon shop is limited to 10 percent of the total curriculum hours required for licensing.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 15, 2001.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) The bill has been adjusted to account for concerns with last year's bill. The most important part is the inclusion of a performance examination; qualified stylists support this standard. Salon owners have difficulty recruiting and retaining employees when there is lack of transition training from school to the salon. The provision allowing for hands-on training during school is beneficial to the industry and improves retention and recruitment at schools. The practical work in the salon prepares students to be job-ready. The industry also benefits by the one-year renewal requirement because it prevents dormant licenses. The practice of esthetics is recognized fully and the education requirements for esthetician licensing are increased to keep pace with national and international standards. The bill allows for ample training of separate functions under the cosmetology umbrella. The Department of Licensing supports the improved health and safety standards and the simplified licensing procedures.

**Testimony Against:** (Original bill) The number of hours for which a student may receive credit for apprentice-type work in a salon shop should be limited to the national standard of 10 percent of the curriculum hours.

**Testified:** (In support of original bill) Victoria Calvert, Department of Licensing, Cosmetology Advisory Board, chair; David Kile, National Cosmetology Association of Washington; Kay Hirai; Anne Martin, Northwest Estheticians Guild; Beverly Violette, Northwest Estheticians Guild; Garnis Ollivierre, Northwest Estheticians Guild; Jeanne Marie Riefflin, Northwest Estheticians Guild; Mary Jelvik, Department of Licensing; Eilleen O'Dell, Clover Park Technical College; Krystlyn Harrison; Leah Osthus; and Dafna Branham.

(With concerns on original bill) Darrell Camp, Washington State Cosmetology School Owner's Association.