

HOUSE BILL REPORT

SSB 6341

As Reported by House Committee On:
Commerce & Labor
Appropriations

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

Brief Description: Concerning the licensing of cosmetologists and others under chapter 18.16 RCW.

Sponsors: Senate Committee on Commerce & Trade (originally sponsored by Senator Oke).

Brief History:

Committee Activity:

Commerce & Labor: 2/18/04, 2/26/04 [DPA];
Appropriations: 2/28/04 [DPA(APP w/o CL)s].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Specifies that it is unlawful to engage in cosmetology, barbering, esthetics, manicuring, instructing in or operating a school, or operating a salon/shop, personal service, or mobile unit without having a license in good standing.
- Creates an inactive license status.
- Extends the "grace" period to June 30, 2005, during which a license holder may renew an expired license or obtain an additional license in barbering, manicuring, or esthetics without taking the applicable examination.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse, Holmquist, Kenney and McCoy.

Staff: Chris Cordes (786-7103).

Background:

The Department of Licensing (Department) 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. The Department is advised in its regulatory functions by a nine-member Cosmetology, Barbering, Esthetics, and Manicuring Advisory Board.

The Director of Licensing (Director) may take disciplinary action against a person who engages in the commercial practice of cosmetology, barbering, manicuring, and esthetics (or who instructs in or operates a school or other specified businesses) without first obtaining a license. All licensees must complete an approved curriculum at an approved school and pass both a practical and written examination.

Licenses expire one or two years after issuance depending on the type of license. 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 one year of the date of expiration. Generally, a license that is not renewed within the one-year period is canceled, and the person seeking to renew such a license will be required to meet the same standards as a new applicant.

In 2002 several bills were enacted relating to these licensing provisions. Among other things, currently licensed cosmetologists were allowed a "grace" period until June 30, 2003, to apply for separate licenses in manicuring and esthetics without taking the examination. After June 30, 2003, all applicants must meet the curriculum hours for each area of practice to apply for the examination and be licensed. These changes were enacted in 2002, but took effect on June 1, 2003.

Summary of Amended Bill:

Prohibited Practice

It is unlawful to engage in the commercial practice of cosmetology, barbering, esthetics, manicuring, or to instruct in or operate a school, or operate a salon/shop, personal service, or mobile unit unless the person has a license in good standing. The Director's disciplinary authority is extended to those licensees who do not maintain their license in good standing.

A license is in good standing unless:

- the license has expired or been cancelled and has not been renewed;
- the license is denied, revoked, or suspended and has not been reinstated;
- the license is held by a person who has not complied with an order of the Director regarding paying restitution or a fine or acquiring additional training; or
- an inactive license has not been reinstated.

A person whose license has expired or is on inactive status is not authorized to engage in a practice required to be licensed until the license is renewed or reinstated.

Inactive Licenses

A licensee in good standing may request that his or her license be placed in inactive status until the expiration of the license and may also request an extension of that status for two years. A request must be notarized and may not be granted more than once in any 24-month period or for more than six consecutive years.

An inactive license may be reinstated by:

- paying a renewal fee without a penalty; and
- if the license was on inactive status during a period in which licensing requirements changed, showing that the licensee has completed the relevant training deemed necessary by the Cosmetology, Barbering, Esthetics, and Manicuring Advisory Board, up to four hours for each year of inactive status.

Renewing Licenses

The "grace" period for renewing a cosmetology license, or obtaining an additional license in barbering, manicuring, or esthetics, without taking the applicable examination is extended from June 30, 2003, to June 30, 2005. This "grace" period applies to all persons who held a cosmetology license in good standing that expired during the period from June 30, 1999, to June 30, 2003. Barber, manicurist, or esthetics licenses that expired during that period may also be renewed.

Renewal fees apply to these renewals, including the renewal fee applicable for each year that the licensee did not hold a license in good standing between July 1, 2001, and the date of the renewal request. The Director may modify the duration of an additional license granted under these provisions to make all the licenses issued to a person expire on the same date.

The Department must provide notice of these changes to all persons who held a license between June 30, 1999, and June 30, 2003. The notice must include certain specified information and be conspicuously labeled on the outside of the notice. The Department's duties include ensuring that notice of all statutory and regulatory changes are mailed to affected licenses.

Technical Amendments

Various housekeeping and technical changes are made, including correcting double amendments enacted in the 2002 legislative session, clarifying language regarding the license renewal requirements for those who receive instructor licenses and repealing obsolete or conflicting provisions.

Amended Bill Compared to Substitute Bill:

The amendment makes various technical changes to the substitute bill including: (1) clarifying that holders of inactive licenses are not authorized to practice until the license is reinstated; (2) clarifying the Department of Licensing's duty to notify licensees of the changes made by the bill; (3) correcting references to "license" and "licensee;" and (4) making various grammatical changes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Many licensees apparently did not know that the Legislature changed the statute to reduce the period from four years to one year during which a license could be renewed without cancellation. The period for licensees to obtain their endorsements without examination was also very short. Despite notice on the Department's web site and various mailings, the information apparently did not get out to the licensees.

Testimony Against: None.

Persons Testifying: Trudie Touchette, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Commerce & Labor. Signed by 26 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman, Sump and Talcott.

Staff: Holly Lynde (786-7153).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Commerce & Labor:

A null and void clause was added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.