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**SUBSTITUTE HOUSE BILL 2596**

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**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Kenney, McDonald, Conway, Wood, Hasegawa, Hudgins, Rodne, McCoy, Morrell and Ormsby)

READ FIRST TIME 1/31/06.

1            AN ACT Relating to the cosmetology apprenticeship program; amending  
2 RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.100, 18.16.180,  
3 and 18.16.280; and reenacting and amending RCW 18.16.175.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 18.16.020 and 2003 c 400 s 2 are each amended to read  
6 as follows:

7            As used in this chapter, the following terms have the meanings  
8 indicated unless the context clearly requires otherwise:

9            (1) "Apprenticeship program" means ~~((an))~~ a state-approved  
10 apprenticeship ~~((pilot))~~ program pursuant to chapter 49.04 RCW and  
11 approved under RCW 18.16.280 for the practice of cosmetology,  
12 barbering, esthetics, and manicuring~~((, which expires July 1, 2006))~~.

13            (2) "Apprentice" means a person who is engaged in a state-approved  
14 apprenticeship program and who ~~((may))~~ must receive a wage or  
15 compensation while engaged in the program.

16            (3) "Apprenticeship training committee" means a committee approved  
17 by the Washington apprenticeship and training council established in  
18 chapter 49.04 RCW.

19            (4) "Department" means the department of licensing.

1       (~~(4)~~) (5) "Board" means the cosmetology, barbering, esthetics,  
2 and manicuring advisory board.

3       (~~(5)~~) (6) "Director" means the director of the department of  
4 licensing or the director's designee.

5       (~~(6)~~) (7) "The practice of cosmetology" means arranging,  
6 dressing, cutting, trimming, styling, shampooing, permanent waving,  
7 chemical relaxing, straightening, curling, bleaching, lightening,  
8 coloring, waxing, tweezing, shaving, and mustache and beard design of  
9 the hair of the face, neck, and scalp; temporary removal of superfluous  
10 hair by use of depilatories, waxing, or tweezing; manicuring and  
11 pedicuring, limited to cleaning, shaping, polishing, decorating, and  
12 caring for and treatment of the cuticles and nails of the hands and  
13 feet, excluding the application and removal of sculptured or otherwise  
14 artificial nails; esthetics limited to toning the skin of the scalp,  
15 stimulating the skin of the body by the use of preparations, tonics,  
16 lotions, or creams; and tinting eyelashes and eyebrows.

17       (~~(7)~~) (8) "Cosmetologist" means a person licensed under this  
18 chapter to engage in the practice of cosmetology.

19       (~~(8)~~) (9) "The practice of barbering" means the cutting,  
20 trimming, arranging, dressing, curling, shampooing, shaving, and  
21 mustache and beard design of the hair of the face, neck, and scalp.

22       (~~(9)~~) (10) "Barber" means a person licensed under this chapter to  
23 engage in the practice of barbering.

24       (~~(10)~~) (11) "Practice of manicuring" means the cleaning, shaping,  
25 polishing, decorating, and caring for and treatment of the cuticles and  
26 the nails of the hands or feet, and the application and removal of  
27 sculptured or otherwise artificial nails by hand or with mechanical or  
28 electrical apparatus or appliances.

29       (~~(11)~~) (12) "Manicurist" means a person licensed under this  
30 chapter to engage in the practice of manicuring.

31       (~~(12)~~) (13) "Practice of esthetics" means care of the skin by  
32 application and use of preparations, antiseptics, tonics, essential  
33 oils, or exfoliants, or by any device or equipment, electrical or  
34 otherwise, or by wraps, compresses, cleansing, conditioning,  
35 stimulation, pore extraction, or product application and removal; the  
36 temporary removal of superfluous hair by means of lotions, creams,  
37 mechanical or electrical apparatus, appliance, waxing, tweezing, or

1 depilatories; tinting of eyelashes and eyebrows; and lightening the  
2 hair, except the scalp, on another person.

3 ~~((13))~~ (14) "Esthetician" means a person licensed under this  
4 chapter to engage in the practice of esthetics.

5 ~~((14))~~ (15) "Instructor-trainee" means a person who is currently  
6 licensed in this state as a cosmetologist, barber, manicurist, or  
7 esthetician, and is enrolled in an instructor-trainee curriculum in a  
8 school licensed under this chapter.

9 ~~((15))~~ (16) "School" means any establishment that offers  
10 curriculum of instruction in the practice of cosmetology, barbering,  
11 esthetics, manicuring, or instructor-trainee to students and is  
12 licensed under this chapter.

13 ~~((16))~~ (17) "Student" means a person sixteen years of age or  
14 older who is enrolled in a school licensed under this chapter and  
15 receives instruction in any of the curricula of cosmetology, barbering,  
16 esthetics, manicuring, or instructor-training with or without tuition,  
17 fee, or cost, and who does not receive any wage or commission.

18 ~~((17))~~ (18) "Instructor" means a person who gives instruction in  
19 a school, or who provides classroom theory training to apprentices in  
20 locations other than in a school, in a curriculum in which he or she  
21 holds a license under this chapter, has completed at least five hundred  
22 hours of instruction in teaching techniques and lesson planning in a  
23 school, and has passed a licensing examination approved or administered  
24 by the director. An applicant who holds a degree in education from an  
25 accredited postsecondary institution shall upon application be licensed  
26 as an instructor to give instruction in a school, or to provide  
27 classroom theory training to apprentices in locations other than in a  
28 school, in a curriculum in which he or she holds a license under this  
29 chapter. An applicant who holds an instructional credential from an  
30 accredited community or technical college and who has passed a  
31 licensing examination approved or administered by the director shall  
32 upon application be licensed as an instructor to give instruction in a  
33 school, or to provide classroom theory training to apprentices in  
34 locations other than in a school, in a curriculum in which he or she  
35 holds a license under this chapter. To be approved as an "instructor"  
36 in an approved apprenticeship program, the instructor must be a  
37 competent instructor as defined in rules adopted under chapter 49.04  
38 RCW.

1       ~~((18))~~ (19) "Apprentice trainer" means a person who gives  
2 training to an apprentice in an approved apprenticeship program and who  
3 is approved under RCW 18.16.280.

4       (20) "Person" means any individual, partnership, professional  
5 service corporation, joint stock association, joint venture, or any  
6 other entity authorized to do business in this state.

7       ~~((19))~~ (21) "Salon/shop" means any building, structure, or any  
8 part thereof, other than a school, where the commercial practice of  
9 cosmetology, barbering, esthetics, or manicuring is conducted; provided  
10 that any person, except employees of a salon/shop, who operates from a  
11 salon/shop is required to meet all salon/shop licensing requirements  
12 and may participate in the apprenticeship program when certified (~~by~~  
13 ~~the advisory committee~~) as established by the (~~department of labor~~  
14 ~~and industries~~) Washington state apprenticeship and training council  
15 established in chapter 49.04 RCW.

16       ~~((20))~~ (22) "Approved apprenticeship program" means a salon/shop  
17 that has been approved under RCW 18.16.280 and chapter 49.04 RCW to  
18 participate in an apprenticeship program.

19       (23) "Crossover training" means training approved by the director  
20 as training hours that may be credited to current licensees for similar  
21 training received in another profession licensed under this chapter.

22       ~~((21))~~ (24) "Approved security" means surety bond.

23       ~~((22))~~ (25) "Personal services" means a location licensed under  
24 this chapter where the practice of cosmetology, barbering, manicuring,  
25 or esthetics is performed for clients in the client's home, office, or  
26 other location that is convenient for the client.

27       ~~((23))~~ (26) "Individual license" means a cosmetology, barber,  
28 manicurist, esthetician, or instructor license issued under this  
29 chapter.

30       ~~((24))~~ (27) "Location license" means a license issued under this  
31 chapter for a salon/shop, school, personal services, or mobile unit.

32       ~~((25))~~ (28) "Mobile unit" is a location license under this  
33 chapter where the practice of cosmetology, barbering, esthetics, or  
34 manicuring is conducted in a mobile structure. Mobile units must  
35 conform to the health and safety standards set by rule under this  
36 chapter.

37       ~~((26))~~ (29) "Curriculum" means the courses of study taught at a  
38 school, or in an approved apprenticeship program established by the

1 Washington state apprenticeship and training council and conducted in  
2 an approved salon/shop, set by rule under this chapter, and approved by  
3 the department. After consulting with the board, the director may set  
4 by rule a percentage of hours in a curriculum, up to a maximum of ten  
5 percent, that could include hours a student receives while training in  
6 a salon/shop under a contract approved by the department. Each  
7 curriculum must include at least the following required hours:

8 (a) School curriculum:

9 (i) Cosmetologist, one thousand six hundred hours;

10 ~~((b))~~ (ii) Barber, one thousand hours;

11 ~~((c))~~ (iii) Manicurist, six hundred hours;

12 ~~((d))~~ (iv) Esthetician, six hundred hours;

13 ~~((e))~~ (v) Instructor-trainee, five hundred hours.

14 ~~((27))~~ (b) Apprentice training curriculum:

15 (i) Cosmetologist, three thousand hours;

16 (ii) Barber, two thousand hours;

17 (iii) Manicurist, two thousand hours;

18 (iv) Esthetician, two thousand hours.

19 (30) "Student monthly report" means the student record of daily  
20 activities and the number of hours completed in each course of a  
21 curriculum that is prepared monthly by the school and provided to the  
22 student, audited annually by the department, and kept on file by the  
23 school for three years.

24 (31) "Apprentice monthly report" means the apprentice record of  
25 daily activities and the number of hours completed in each course of a  
26 curriculum that is prepared monthly by the approved apprenticeship  
27 program and provided to the apprentice, audited annually by the  
28 department, and kept on file by the approved apprenticeship program for  
29 three years.

30 **Sec. 2.** RCW 18.16.030 and 2004 c 51 s 7 are each amended to read  
31 as follows:

32 In addition to any other duties imposed by law, including RCW  
33 18.235.030 and 18.235.040, the director shall have the following powers  
34 and duties:

35 (1) To set all license, examination, and renewal fees in accordance  
36 with RCW 43.24.086;

37 (2) To adopt rules necessary to implement this chapter;

1 (3) To prepare and administer or approve the preparation and  
2 administration of licensing examinations;

3 (4) To establish minimum safety and sanitation standards for  
4 schools, instructors, cosmetologists, barbers, manicurists,  
5 estheticians, salons/shops, personal services, and mobile units;

6 (5) To establish curricula for the training of students and  
7 apprentices under this chapter;

8 (6) To maintain the official department record of applicants and  
9 licensees;

10 (7) To establish by rule the procedures for an appeal of an  
11 examination failure;

12 (8) To set license expiration dates and renewal periods for all  
13 licenses consistent with this chapter;

14 (9) To ensure that all informational notices produced and mailed by  
15 the department regarding statutory and regulatory changes affecting any  
16 particular class of licensees are mailed to each licensee in good  
17 standing or on inactive status in the affected class whose mailing  
18 address on record with the department has not resulted in mail being  
19 returned as undeliverable for any reason; and

20 (10) To make information available to the department of revenue to  
21 assist in collecting taxes from persons required to be licensed under  
22 this chapter.

23 **Sec. 3.** RCW 18.16.050 and 2002 c 111 s 4 are each amended to read  
24 as follows:

25 (1) There is created a state cosmetology, barbering, esthetics, and  
26 manicuring advisory board consisting of (~~nine~~) ten members appointed  
27 by the director. These members of the board shall include: A  
28 representative of private schools licensed under this chapter; a  
29 representative from an approved apprenticeship program conducted in an  
30 approved salon/shop; a representative of public vocational technical  
31 schools licensed under this chapter; a consumer who is unaffiliated  
32 with the cosmetology, barbering, esthetics, or manicuring industry; and  
33 six members who are currently practicing licensees who have been  
34 engaged in the practice of manicuring, esthetics, barbering, or  
35 cosmetology for at least three years. Members shall serve a term of  
36 three years. Any board member may be removed for just cause. The

1 director may appoint a new member to fill any vacancy on the board for  
2 the remainder of the unexpired term.

3 (2) Board members shall be entitled to compensation pursuant to RCW  
4 43.03.240 for each day spent conducting official business and to  
5 reimbursement for travel expenses as provided by RCW 43.03.050 and  
6 43.03.060.

7 (3) The board may seek the advice and input of officials from the  
8 following state agencies: (a) The work force training and education  
9 coordinating board; (b) the department of employment security; (c) the  
10 department of labor and industries; (d) the department of health; (e)  
11 the department of licensing; and (f) the department of revenue.

12 **Sec. 4.** RCW 18.16.060 and 2004 c 51 s 1 are each amended to read  
13 as follows:

14 (1) It is unlawful for any person to engage in a practice listed in  
15 subsection (2) of this section unless the person has a license in good  
16 standing as required by this chapter. A license issued under this  
17 chapter shall be considered to be "in good standing" except when:

18 (a) The license has expired or has been canceled and has not been  
19 renewed in accordance with RCW 18.16.110;

20 (b) The license has been denied, revoked, or suspended under RCW  
21 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated;

22 (c) The license is held by a person who has not fully complied with  
23 an order of the director issued under RCW 18.16.210 requiring the  
24 licensee to pay restitution or a fine, or to acquire additional  
25 training; or

26 (d) The license has been placed on inactive status at the request  
27 of the licensee, and has not been reinstated in accordance with RCW  
28 18.16.110(3).

29 (2) The director may take action under RCW 18.235.150 and  
30 18.235.160 against any person who does any of the following without  
31 first obtaining, and maintaining in good standing, the license required  
32 by this chapter:

33 (a) Except as provided in subsections (3) and (4) of this section,  
34 engages in the commercial practice of cosmetology, barbering,  
35 esthetics, or manicuring;

36 (b) Instructs in a school;

37 (c) Operates a school; or

1 (d) Operates a salon/shop, personal services, or mobile unit.

2 (3) A person who receives a license as an instructor may engage in  
3 the commercial practice for which he or she held a license when  
4 applying for the instructor license without also renewing the  
5 previously held license. However, a person licensed as an instructor  
6 whose license to engage in a commercial practice is not or at any time  
7 was not renewed may not engage in the commercial practice previously  
8 permitted under that license unless that person renews the previously  
9 held license.

10 (4) An apprentice actively enrolled in an apprenticeship program  
11 for cosmetology, barbering, esthetics, or manicuring may engage in the  
12 commercial practice as required for the apprenticeship program.

13 **Sec. 5.** RCW 18.16.100 and 2003 c 400 s 5 are each amended to read  
14 as follows:

15 (1) Upon completion of an application approved by the department  
16 and payment of the proper fee, the director shall issue the appropriate  
17 license to any person who:

18 (a) Is at least seventeen years of age or older;

19 (b)(i) Has completed and graduated from a school licensed under  
20 this chapter in a curriculum approved by the director (~~(of sixteen~~  
21 ~~hundred hours of training in cosmetology, one thousand hours of~~  
22 ~~training in barbering, six hundred hours of training in manicuring, six~~  
23 ~~hundred hours of training in esthetics, and/or five hundred hours of~~  
24 ~~training as an instructor trainee)) consisting of the hours of training  
25 required under this chapter for a school curriculum, or has met the  
26 requirements in RCW 18.16.020 or 18.16.130; or~~

27 (ii) Has successfully completed a state-approved apprenticeship  
28 (~~(training))~~ program consisting of the hours of training required under  
29 this chapter for the apprentice training curriculum; and

30 (c) Has received a passing grade on the appropriate licensing  
31 examination approved or administered by the director.

32 (2) A person currently licensed under this chapter may qualify for  
33 examination and licensure, after the required examination is passed, in  
34 another category if he or she has completed the crossover training  
35 course.

36 (3) Upon completion of an application approved by the department,

1 certification of insurance, and payment of the proper fee, the director  
2 shall issue a location license to the applicant.

3 (4) The director may consult with the state board of health and the  
4 department of labor and industries in establishing training,  
5 apprenticeship, and examination requirements.

6 **Sec. 6.** RCW 18.16.175 and 2002 c 111 s 11 and 2002 c 86 s 216 are  
7 each reenacted and amended to read as follows:

8 (1) A salon/shop or mobile unit shall meet the following minimum  
9 requirements:

10 (a) Maintain an outside entrance separate from any rooms used for  
11 sleeping or residential purposes;

12 (b) Provide and maintain for the use of its customers adequate  
13 toilet facilities located within or adjacent to the salon/shop or  
14 mobile unit;

15 (c) Any room used wholly or in part as a salon/shop or mobile unit  
16 shall not be used for residential purposes, except that toilet  
17 facilities may be used (~~jointly~~) for both residential and business  
18 purposes;

19 (d) Meet the zoning requirements of the county, city, or town, as  
20 appropriate;

21 (e) Provide for safe storage and labeling of chemicals used in the  
22 practices under this chapter;

23 (f) Meet all applicable local and state fire codes; and

24 (g) Certify that the salon/shop or mobile unit is covered by a  
25 public liability insurance policy in an amount not less than one  
26 hundred thousand dollars for combined bodily injury and property damage  
27 liability.

28 (2) The director may by rule determine other requirements that are  
29 necessary for safety and sanitation of salons/shops, personal services,  
30 or mobile units. The director may consult with the state board of  
31 health and the department of labor and industries in establishing  
32 minimum salon/shop, personal services, and mobile unit safety  
33 requirements.

34 (3) Personal services license holders shall certify coverage of a  
35 public liability insurance policy in an amount not less than one  
36 hundred thousand dollars for combined bodily injury and property damage  
37 liability.

1 (4) Upon receipt of a written complaint that a salon/shop or mobile  
2 unit has violated any provisions of this chapter, chapter 18.235 RCW,  
3 or the rules adopted under either chapter, or at least once every two  
4 years for an existing salon/shop or mobile unit, the director or the  
5 director's designee shall inspect each salon/shop or mobile unit. If  
6 the director determines that any salon/shop or mobile unit is not in  
7 compliance with this chapter, the director shall send written notice to  
8 the salon/shop or mobile unit. A salon/shop or mobile unit which fails  
9 to correct the conditions to the satisfaction of the director within a  
10 reasonable time shall, upon due notice, be subject to the penalties  
11 imposed by the director under RCW 18.235.110. The director may enter  
12 any salon/shop or mobile unit during business hours for the purpose of  
13 inspection. The director may contract with health authorities of local  
14 governments to conduct the inspections under this subsection.

15 (5) A salon/shop, personal services, or mobile unit shall obtain a  
16 certificate of registration from the department of revenue.

17 (6) This section does not prohibit the use of motor homes as mobile  
18 units if the motor home meets the health and safety standards of this  
19 section.

20 (7) Salon/shop or mobile unit licenses issued by the department  
21 must be posted in the salon/shop or mobile unit's reception area.

22 (8) Cosmetology, barbering, esthetics, and manicuring licenses  
23 issued by the department must be posted at the licensed person's work  
24 station.

25 **Sec. 7.** RCW 18.16.180 and 1991 c 324 s 16 are each amended to read  
26 as follows:

27 (1) The director shall prepare and provide to all licensed  
28 salons/shops a notice to consumers. At a minimum, the notice shall  
29 state that cosmetology, barber, esthetics, and manicure salons/shops  
30 are required to be licensed, that salons/shops are required to maintain  
31 minimum safety and sanitation standards, that customer complaints  
32 regarding salons/shops may be reported to the department, and a  
33 telephone number and address where complaints may be made.

34 (2) An approved apprenticeship program must post a notice to  
35 consumers in the reception area of the salon/shop stating that services  
36 may be provided by an apprentice. At a minimum, the notice must state:

1 "This shop is a participant in a state-approved apprenticeship program.  
2 Apprentices in this program are in training and have not yet received  
3 a license."

4 **Sec. 8.** RCW 18.16.280 and 2003 c 400 s 1 are each amended to read  
5 as follows:

6 ~~((A cosmetology apprenticeship pilot program is hereby created.~~

7 ~~(1) An advisory committee is created that may consist of~~  
8 ~~representatives from individuals and businesses licensed under chapter~~  
9 ~~18.16 RCW; cosmetology, barbering, esthetics, and manicuring advisory~~  
10 ~~board members; department of labor and industries; department of~~  
11 ~~licensing; United States department of labor apprenticeship; and other~~  
12 ~~interested parties.~~

13 ~~(a) The advisory committee shall meet to review progress of the~~  
14 ~~cosmetology apprenticeship pilot program.~~

15 ~~(b) The department of labor and industries apprenticeship council~~  
16 ~~shall coordinate the activities of the advisory committee. The~~  
17 ~~advisory committee shall issue annual reports on the progress of the~~  
18 ~~apprenticeship program to interested parties and shall issue a final~~  
19 ~~report regarding the outcome of the apprenticeship program to be~~  
20 ~~presented to the appropriate committees of the house of representatives~~  
21 ~~and senate by December 31, 2005.~~

22 ~~(2) Up to twenty salons approved by the department of labor and~~  
23 ~~industries apprenticeship council may participate in the apprenticeship~~  
24 ~~program. The participating salons shall proportionately represent the~~  
25 ~~geographic diversity of Washington state, including rural and urban~~  
26 ~~areas, and salons located in both eastern and western Washington.~~

27 ~~(3))~~ (1) An approved cosmetology apprenticeship program is hereby  
28 created. The apprenticeship program allows for the direct entry of  
29 individuals into a training program approved as provided in this  
30 chapter and chapter 49.04 RCW.

31 (2) The department of licensing shall adopt rules, including a  
32 mandatory requirement that apprentices complete in-classroom theory  
33 courses as a part of their training, to provide for the licensure of  
34 participants of the apprenticeship program.

35 ~~((4) The cosmetology apprenticeship pilot program expires July 1,~~  
36 ~~2006.))~~

37 (3) Salon/shops participating in the apprenticeship program must:

1       (a) Be approved as an approved apprenticeship program conducted in  
2 an approved salon/shop by:  
3       (i) The Washington state apprenticeship and training council in  
4 accordance with chapter 49.04 RCW; or  
5       (ii) The department if the salon/shop is participating in a similar  
6 training model administered by the department; and  
7       (b) Provide the department with the names of all individuals acting  
8 as apprentice trainers.  
9       (4) To act as an apprentice trainer, an individual must be approved  
10 by the department. To be approved, the trainer must hold a current  
11 license in the practice for which he or she is providing training and  
12 must have held that license for a minimum of three consecutive years.  
13       (5) If an approved apprenticeship program implements changes  
14 affecting the information required to be provided to the department  
15 under this section or rules adopted under this section, the revised  
16 information must be submitted to the department within fifteen days  
17 after the date of implementing the changes.  
18       (6) The director or the director's designee shall audit and inspect  
19 approved apprenticeship programs for compliance with this chapter at  
20 least annually. If the director determines that an approved  
21 apprenticeship program is not maintaining the standards required by  
22 this chapter, written notice thereof must be given to the approved  
23 apprenticeship program. An approved apprenticeship program that fails  
24 to correct the conditions listed in the notice to the satisfaction of  
25 the director within a reasonable time may be subject to penalties  
26 imposed under RCW 18.235.110.

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