
HOUSE BILL 2596

State of Washington

59th Legislature

2006 Regular Session

By Representatives Kenney, McDonald, Conway, Wood, Hasegawa, Hudgins, Rodne, McCoy, Morrell and Ormsby

Read first time 01/11/2006. Referred to Committee on Commerce & Labor.

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 apprenticeship (~~(pilot)~~)
10 program approved under RCW 18.16.280 for the practice of cosmetology,
11 barbering, esthetics, and manicuring(~~(, which expires July 1, 2006)~~).

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

15 (3) "Apprenticeship training committee" means a committee composed
16 of equal membership by employers of apprentice trainees within an
17 apprenticeship salon/shop and the apprentices in the apprenticeship
18 program.

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 theory training to apprentice trainees 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 who provides
27 theory training to apprentice trainees 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 who provides theory training to apprentice trainees in
34 locations other than in a school, in a curriculum in which he or she
35 holds a license under this chapter.

36 ~~((18))~~ (19) "Apprentice trainer" means a person who gives
37 training to an apprentice in an apprenticeship salon/shop and who is
38 approved under RCW 18.16.280.

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

4 ~~((+19+))~~ (21) "Salon/shop" means any building, structure, or any
5 part thereof, other than a school, where the commercial practice of
6 cosmetology, barbering, esthetics, or manicuring is conducted; provided
7 that any person, except employees of a salon/shop, who operates from a
8 salon/shop is required to meet all salon/shop licensing requirements
9 ~~((and may participate in the apprenticeship program when certified by
10 the advisory committee as established by the department of labor and
11 industries apprenticeship council))~~.

12 ~~((+20+))~~ (22) "Apprenticeship salon/shop" means a salon/shop that
13 has been approved under RCW 18.16.280 to participate in an
14 apprenticeship program.

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

18 ~~((+21+))~~ (24) "Approved security" means surety bond.

19 ~~((+22+))~~ (25) "Personal services" means a location licensed under
20 this chapter where the practice of cosmetology, barbering, manicuring,
21 or esthetics is performed for clients in the client's home, office, or
22 other location that is convenient for the client.

23 ~~((+23+))~~ (26) "Individual license" means a cosmetology, barber,
24 manicurist, esthetician, or instructor license issued under this
25 chapter.

26 ~~((+24+))~~ (27) "Location license" means a license issued under this
27 chapter for a salon/shop, school, personal services, or mobile unit.

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

33 ~~((+26+))~~ (29) "Curriculum" means the courses of study taught at a
34 school or apprenticeship salon/shop, set by rule under this chapter,
35 and approved by the department. After consulting with the board, the
36 director may set by rule a percentage of hours in a curriculum, up to
37 a maximum of ten percent, that could include hours a student receives

1 while training in a salon/shop under a contract approved by the
2 department. Each curriculum must include at least the following
3 required hours:

4 (a) School curriculum:

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

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

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

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

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

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

11 (i) Cosmetologist, three thousand hours;

12 (ii) Barber, two thousand hours;

13 (iii) Manicurist, two thousand hours;

14 (iv) Esthetician, two thousand hours.

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

20 (31) "Apprentice monthly report" means the apprentice record of
21 daily activities and the number of hours completed in each course of a
22 curriculum that is prepared monthly by the apprenticeship salon/shop
23 and provided to the apprentice trainee, audited annually by the
24 department, and kept on file by the apprenticeship salon/shop for three
25 years.

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

28 In addition to any other duties imposed by law, including RCW
29 18.235.030 and 18.235.040, the director shall have the following powers
30 and duties:

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

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

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

36 (4) To establish minimum safety and sanitation standards for

1 schools, instructors, cosmetologists, barbers, manicurists,
2 estheticians, salons/shops, personal services, and mobile units;

3 (5) To establish curricula for the training of students and
4 apprentice trainees under this chapter;

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

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

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

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

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

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

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

36 (2) Board members shall be entitled to compensation pursuant to RCW

1 43.03.240 for each day spent conducting official business and to
2 reimbursement for travel expenses as provided by RCW 43.03.050 and
3 43.03.060.

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

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

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

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

17 (b) The license has been denied, revoked, or suspended under RCW
18 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated;

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

23 (d) The license has been placed on inactive status at the request
24 of the licensee, and has not been reinstated in accordance with RCW
25 18.16.110(3).

26 (2) The director may take action under RCW 18.235.150 and
27 18.235.160 against any person who does any of the following without
28 first obtaining, and maintaining in good standing, the license required
29 by this chapter:

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

33 (b) Instructs in a school;

34 (c) Operates a school; or

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

36 (3) A person who receives a license as an instructor may engage in
37 the commercial practice for which he or she held a license when

1 applying for the instructor license without also renewing the
2 previously held license. However, a person licensed as an instructor
3 whose license to engage in a commercial practice is not or at any time
4 was not renewed may not engage in the commercial practice previously
5 permitted under that license unless that person renews the previously
6 held license.

7 (4) An apprentice trainee actively enrolled in an apprenticeship
8 program for cosmetology, barbering, esthetics, or manicuring may engage
9 in the commercial practice as required for the apprenticeship program.

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

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

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

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

24 (ii) Has successfully completed (~~a state approved~~) an approved
25 apprenticeship ((training)) program consisting of the hours of training
26 required under this chapter for the apprentice training curriculum; and

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

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

33 (3) Upon completion of an application approved by the department,
34 certification of insurance, and payment of the proper fee, the director
35 shall issue a location license to the applicant.

36 (4) The director may consult with the state board of health and the

1 department of labor and industries in establishing training,
2 apprenticeship, and examination requirements.

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

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

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

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

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

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

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

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

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

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

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

35 (4) Upon receipt of a written complaint that a salon/shop or mobile
36 unit has violated any provisions of this chapter, chapter 18.235 RCW,
37 or the rules adopted under either chapter, or at least once every two

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

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

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

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

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

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

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

31 (2) Apprenticeship salon/shops must post a notice to consumers in
32 the reception area of the salon/shop stating that services may be
33 provided by an apprentice trainee. At a minimum, the notice must
34 state: "This shop is a participant in a state-approved apprenticeship
35 program. Apprentices in this program are in training and have not yet
36 received a license."

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

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

4 ~~(1) An advisory committee is created that may consist of~~
5 ~~representatives from individuals and businesses licensed under chapter~~
6 ~~18.16 RCW; cosmetology, barbering, esthetics, and manicuring advisory~~
7 ~~board members; department of labor and industries; department of~~
8 ~~licensing; United States department of labor apprenticeship; and other~~
9 ~~interested parties.~~

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

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

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

24 ~~(3))~~ (1) A cosmetology apprenticeship program is hereby created.
25 The apprenticeship program allows for the direct entry of individuals
26 into a training program approved as provided in this chapter.

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

31 ~~((4) The cosmetology apprenticeship pilot program expires July 1,~~
32 ~~2006.))~~

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

34 (a) Be approved as an apprenticeship salon/shop by:

35 (i) The apprenticeship training committee in accordance with the
36 rules adopted by the apprenticeship council appointed under RCW
37 49.04.010; or

1 (ii) The department if the salon/shop is participating in a similar
2 training model administered by the department; and

3 (b) Provide the department with the names of all individuals acting
4 as apprentice trainers.

5 (4) To act as an apprentice trainer, an individual must be approved
6 by the department. To be approved, the trainer must hold a current
7 license in the practice for which he or she is providing training and
8 must have held that license for a minimum of three consecutive years.

9 (5) If an apprenticeship salon/shop implements changes affecting
10 the information required to be provided to the department under this
11 section or rules adopted under this section, the revised information
12 must be submitted to the department within fifteen days after the date
13 of implementing the changes.

14 (6) The director or the director's designee shall audit and inspect
15 apprenticeship salon/shops for compliance with this chapter at least
16 annually. If the director determines that an apprenticeship salon/shop
17 is not maintaining the standards required by this chapter, written
18 notice thereof must be given to the apprenticeship salon/shop. An
19 apprenticeship salon/shop that fails to correct the conditions listed
20 in the notice to the satisfaction of the director within a reasonable
21 time may be subject to penalties imposed under RCW 18.235.110.

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