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ENGROSSED SUBSTITUTE HOUSE BILL 1038

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State of Washington

63rd Legislature

2014 Regular Session

By House Business & Financial Services (originally sponsored by Representatives Ryu, Kagi, Bergquist, Reykdal, and Jinkins)

READ FIRST TIME 01/25/13.

1 AN ACT Relating to requiring the department of licensing to adopt  
2 rules to allow online learning for training in the areas of  
3 cosmetology, manicuring, barbering, esthetics, and instructor-training;  
4 amending RCW 18.16.020; adding a new section to chapter 18.16 RCW; and  
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that online learning  
8 provides tremendous opportunities for students and apprentices to  
9 access curriculum, courses, and a unique learning environment that  
10 might not otherwise be available. Online learning provides additional  
11 flexibility that can enable students and apprentices to maintain work  
12 and family commitments. Online learning reduces travel and saves  
13 travel time for students and apprentices. Online learning expands  
14 options for students and apprentices in rural areas. Online learning  
15 reduces the length of training time required on campus. Online  
16 learning provides students and apprentices with quicker access to  
17 employment. The legislature supports and encourages online learning  
18 opportunities and believes that online learning is an appropriate and

1 efficient method for the study of theory for cosmetology, manicuring,  
2 barbering, esthetics, and instructor-training.

3 **Sec. 2.** RCW 18.16.020 and 2013 c 187 s 1 are each reenacted and  
4 amended to read as follows:

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

7 (1) "Apprentice" means a person who is engaged in a state-approved  
8 apprenticeship program and who must receive a wage or compensation  
9 while engaged in the program.

10 (2) "Apprentice monthly report" means the apprentice record of  
11 daily activities and the number of hours completed in each course of a  
12 curriculum that is prepared monthly by the approved apprenticeship  
13 program and provided to the apprentice, audited annually by the  
14 department, and kept on file by the approved apprenticeship program for  
15 three years.

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

19 (4) "Apprenticeship program" means a state-approved apprenticeship  
20 program pursuant to chapter 49.04 RCW and approved under RCW 18.16.280  
21 for the training of cosmetology, barbering, esthetics, master  
22 esthetics, and manicuring.

23 (5) "Apprenticeship training committee" means a committee approved  
24 by the Washington apprenticeship and training council established in  
25 chapter 49.04 RCW.

26 (6) "Approved apprenticeship shop" means a salon/shop that has been  
27 approved under RCW 18.16.280 and chapter 49.04 RCW to participate in an  
28 apprenticeship program.

29 (7) "Approved security" means surety bond.

30 (8) "Barber" means a person licensed under this chapter to engage  
31 in the practice of barbering.

32 (9) "Board" means the cosmetology, barbering, esthetics, and  
33 manicuring advisory board.

34 (10) "Cosmetologist" means a person licensed under this chapter to  
35 engage in the practice of cosmetology.

36 (11) "Crossover training" means training approved by the director

1 as training hours that may be credited to current licensees for similar  
2 training received in another profession licensed under this chapter.

3 (12) "Curriculum" means the courses of study taught at a school,  
4 ~~((or))~~ online by a school, in an approved apprenticeship program  
5 established by the Washington state apprenticeship and training council  
6 and conducted in an approved salon/shop, or online by an approved  
7 apprenticeship program, set by rule under this chapter, and approved by  
8 the department. After consulting with the board, the director may set  
9 by rule a percentage of hours in a curriculum, up to a maximum of ten  
10 percent, that could include hours a student receives while training in  
11 a salon/shop under a contract approved by the department. Each  
12 curriculum must include at least the following required hours:

13 (a) School curriculum:

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

15 (ii) Barber, one thousand hours;

16 (iii) Manicurist, six hundred hours;

17 (iv) Esthetician, seven hundred fifty hours;

18 (v) Master esthetician either:

19 (A) One thousand two hundred hours; or

20 (B) Esthetician licensure plus four hundred fifty hours of  
21 training;

22 (vi) Instructor-trainee, five hundred hours.

23 (b) Apprentice training curriculum:

24 (i) Cosmetologist, two thousand hours;

25 (ii) Barber, one thousand two hundred hours;

26 (iii) Manicurist, eight hundred hours;

27 (iv) Esthetician, eight hundred hours;

28 (v) Master esthetician, one thousand four hundred hours.

29 (13) "Department" means the department of licensing.

30 (14) "Director" means the director of the department of licensing  
31 or the director's designee.

32 (15) "Distance or online learning" means theory training provided  
33 online, by a school licensed under this chapter or an approved  
34 apprenticeship program established by the Washington state  
35 apprenticeship and training council, in the areas of cosmetology,  
36 manicuring, barbering, esthetics, and instructor-training.

37 (16) "Esthetician" means a person licensed under this chapter to  
38 engage in the practice of esthetics.

1        ~~((16))~~ (17) "Individual license" means a cosmetology, barber,  
2 manicurist, esthetician, master esthetician, or instructor license  
3 issued under this chapter.

4        ~~((17))~~ (18) "Instructor" means a person who gives instruction in  
5 a school, or who provides classroom theory training to apprentices in  
6 locations other than in a school, in a curriculum in which he or she  
7 holds a license under this chapter, has completed at least five hundred  
8 hours of instruction in teaching techniques and lesson planning in a  
9 school, and has passed a licensing examination approved or administered  
10 by the director. An applicant who holds a degree in education from an  
11 accredited postsecondary institution shall upon application be licensed  
12 as an instructor to give instruction in a school, or to provide  
13 classroom theory training to apprentices in locations other than in a  
14 school, in a curriculum in which he or she holds a license under this  
15 chapter. An applicant who holds an instructional credential from an  
16 accredited community or technical college and who has passed a  
17 licensing examination approved or administered by the director shall  
18 upon application be licensed as an instructor to give instruction in a  
19 school, or to provide 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. To be approved as an "instructor"  
22 in an approved apprenticeship program, the instructor must be a  
23 competent instructor as defined in rules adopted under chapter 49.04  
24 RCW.

25        ~~((18))~~ (19) "Instructor-trainee" means a person who is currently  
26 licensed in this state as a cosmetologist, barber, manicurist,  
27 esthetician, or master esthetician, and is enrolled in an instructor-  
28 trainee curriculum in a school licensed under this chapter.

29        ~~((19))~~ (20) "Location license" means a license issued under this  
30 chapter for a salon/shop, school, personal services, or mobile unit.

31        ~~((20))~~ (21) "Manicurist" means a person licensed under this  
32 chapter to engage in the practice of manicuring.

33        ~~((21))~~ (22) "Master esthetician" means a person licensed under  
34 this chapter to engage in the practice of master esthetics.

35        ~~((22))~~ (23) "Mobile unit" is a location license under this  
36 chapter where the practice of cosmetology, barbering, esthetics, master  
37 esthetics, or manicuring is conducted in a mobile structure. Mobile

1 units must conform to the health and safety standards set by rule under  
2 this chapter.

3 ~~((+23+))~~ (24) "Person" means any individual, partnership,  
4 professional service corporation, joint stock association, joint  
5 venture, or any other entity authorized to do business in this state.

6 ~~((+24+))~~ (25) "Personal services" means a location licensed under  
7 this chapter where the practice of cosmetology, barbering, manicuring,  
8 esthetics, or master esthetics is performed for clients in the client's  
9 home, office, or other location that is convenient for the client.

10 ~~((+25+))~~ (26) "~~((The))~~ Practice of barbering" means the cutting,  
11 trimming, arranging, dressing, curling, shampooing, shaving, and  
12 mustache and beard design of the hair of the face, neck, and scalp.

13 ~~((+26+))~~ (27) "~~((The))~~ Practice of cosmetology" means arranging,  
14 dressing, cutting, trimming, styling, shampooing, permanent waving,  
15 chemical relaxing, straightening, curling, bleaching, lightening,  
16 coloring, waxing, tweezing, shaving, and mustache and beard design of  
17 the hair of the face, neck, and scalp; temporary removal of superfluous  
18 hair by use of depilatories, waxing, or tweezing; manicuring and  
19 pedicuring, limited to cleaning, shaping, polishing, decorating, and  
20 caring for and treatment of the cuticles and nails of the hands and  
21 feet, excluding the application and removal of sculptured or otherwise  
22 artificial nails; esthetics limited to toning the skin of the scalp,  
23 stimulating the skin of the body by the use of preparations, tonics,  
24 lotions, or creams; and tinting eyelashes and eyebrows.

25 ~~((+27+))~~ (28) "Practice of esthetics" means the care of the skin  
26 for compensation by application, use of preparations, antiseptics,  
27 tonics, essential oils, exfoliants, superficial and light peels, or by  
28 any device, except laser, or equipment, electrical or otherwise, or by  
29 wraps, compresses, cleansing, conditioning, stimulation, superficial  
30 skin stimulation, pore extraction, or product application and removal;  
31 temporary removal of superfluous hair by means of lotions, creams,  
32 appliance, waxing, threading, tweezing, or depilatories, including  
33 chemical means; and application of product to the eyelashes and  
34 eyebrows, including extensions, design and treatment, tinting and  
35 lightening of the hair, excluding the scalp. Under no circumstances  
36 does the practice of esthetics include the administration of  
37 injections.

1        ~~((28))~~ (29) "Practice of manicuring" means the cleaning, shaping,  
2        polishing, decorating, and caring for and treatment of the cuticles and  
3        the nails of the hands or feet, and the application and removal of  
4        sculptured or otherwise artificial nails by hand or with mechanical or  
5        electrical apparatus or appliances.

6        ~~((29))~~ (30) "Practice of master esthetics" means the care of the  
7        skin for compensation including all of the methods allowed in the  
8        definition of the practice of esthetics. It also includes the  
9        performance of medium depth peels and the use of medical devices for  
10       care of the skin and permanent hair reduction. The medical devices  
11       include, but are not limited to, lasers, light, radio frequency,  
12       plasma, intense pulsed light, and ultrasound. The use of a medical  
13       device must comply with state law and rules, including any laws or  
14       rules that require delegation or supervision by a licensed health  
15       professional acting within the scope of practice of that health  
16       profession.

17       ~~((30))~~ (31) "Salon/shop" means any building, structure, or any  
18       part thereof, other than a school, where the commercial practice of  
19       cosmetology, barbering, esthetics, master esthetics, or manicuring is  
20       conducted; provided that any person, except employees of a salon/shop,  
21       who operates from a salon/shop is required to meet all salon/shop  
22       licensing requirements and may participate in the apprenticeship  
23       program when certified as established by the Washington state  
24       apprenticeship and training council established in chapter 49.04 RCW.

25       ~~((31))~~ (32) "School" means any establishment that offers  
26       curriculum of instruction in the practice of cosmetology, barbering,  
27       esthetics, master esthetics, manicuring, or instructor-trainee to  
28       students and is licensed under this chapter.

29       ~~((32))~~ (33) "Student" means a person sixteen years of age or  
30       older who is enrolled in a school licensed under this chapter and  
31       receives instruction in any of the curricula of cosmetology, barbering,  
32       esthetics, master esthetics, manicuring, or instructor-training with or  
33       without tuition, fee, or cost, and who does not receive any wage or  
34       commission.

35       ~~((33))~~ (34) "Student monthly report" means the student record of  
36       daily activities and the number of hours completed in each course of a  
37       curriculum that is prepared monthly by the school and provided to the

1 student, audited annually by the department, and kept on file by the  
2 school for three years.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.16 RCW  
4 to read as follows:

5 The director shall adopt rules regarding distance or online  
6 learning. The rules must include a limit on the number of hours of  
7 online learning that can be used toward licensing requirements in the  
8 areas of cosmetology, manicuring, barbering, esthetics, and  
9 instructor-training.

10 The department must provide an evaluation review of distance or  
11 online learning in the areas of cosmetology, manicuring, barbering,  
12 esthetics, and instructor-training to the committees of the legislature  
13 that oversee the licensing of those professions no later than January  
14 1, 2016.

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