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HOUSE BILL 1038

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Ryu, Kagi, Bergquist, Reykdal, and Jinkins

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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 to access curriculum,  
9 courses, and a unique learning environment that might not otherwise be  
10 available. Online learning provides additional flexibility that can  
11 enable students to maintain work and family commitments. Online  
12 learning reduces travel and saves travel time for students. Online  
13 learning expands options for students in rural areas. Online learning  
14 reduces the length of training time required on campus. Online  
15 learning provides students with quicker access to employment. The  
16 legislature supports and encourages online learning opportunities and  
17 believes that online learning is an appropriate and efficient method  
18 for the study of theory for cosmetology, manicuring, barbering,  
19 esthetics, and instructor-training.

1       **Sec. 2.** RCW 18.16.020 and 2008 c 20 s 1 are each amended to read  
2 as follows:

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

5       (1) "Apprenticeship program" means a state-approved apprenticeship  
6 program pursuant to chapter 49.04 RCW and approved under RCW 18.16.280  
7 for the training of cosmetology, barbering, esthetics, and manicuring.

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

11       (3) "Apprenticeship training committee" means a committee approved  
12 by the Washington apprenticeship and training council established in  
13 chapter 49.04 RCW.

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

15       (5) "Board" means the cosmetology, barbering, esthetics, and  
16 manicuring advisory board.

17       (6) "Director" means the director of the department of licensing or  
18 the director's designee.

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

31       (8) "Cosmetologist" means a person licensed under this chapter to  
32 engage in the practice of cosmetology.

33       (9) "The practice of barbering" means the cutting, trimming,  
34 arranging, dressing, curling, shampooing, shaving, and mustache and  
35 beard design of the hair of the face, neck, and scalp.

36       (10) "Barber" means a person licensed under this chapter to engage  
37 in the practice of barbering.

1 (11) "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 (12) "Manicurist" means a person licensed under this chapter to  
7 engage in the practice of manicuring.

8 (13) "Practice of esthetics" means care of the skin by application  
9 and use of preparations, antiseptics, tonics, essential oils, or  
10 exfoliants, or by any device or equipment, electrical or otherwise, or  
11 by wraps, compresses, cleansing, conditioning, stimulation, pore  
12 extraction, or product application and removal; the temporary removal  
13 of superfluous hair by means of lotions, creams, mechanical or  
14 electrical apparatus, appliance, waxing, tweezing, or depilatories;  
15 tinting of eyelashes and eyebrows; and lightening the hair, except the  
16 scalp, on another person.

17 (14) "Esthetician" means a person licensed under this chapter to  
18 engage in the practice of esthetics.

19 (15) "Instructor-trainee" means a person who is currently licensed  
20 in this state as a cosmetologist, barber, manicurist, or esthetician,  
21 and is enrolled in an instructor-trainee curriculum in a school  
22 licensed under this chapter.

23 (16) "School" means any establishment that offers curriculum of  
24 instruction in the practice of cosmetology, barbering, esthetics,  
25 manicuring, or instructor-trainee to students and is licensed under  
26 this chapter.

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

32 (18) "Instructor" means a person who gives instruction in a school,  
33 or who provides classroom theory training to apprentices in locations  
34 other than in a school, in a curriculum in which he or she holds a  
35 license under this chapter, has completed at least five hundred hours  
36 of instruction in teaching techniques and lesson planning in a school,  
37 and has passed a licensing examination approved or administered by the  
38 director. An applicant who holds a degree in education from an

1 accredited postsecondary institution shall upon application be licensed  
2 as an instructor to give instruction in a school, or to provide  
3 classroom theory training to apprentices in locations other than in a  
4 school, in a curriculum in which he or she holds a license under this  
5 chapter. An applicant who holds an instructional credential from an  
6 accredited community or technical college and who has passed a  
7 licensing examination approved or administered by the director shall  
8 upon application be licensed as an instructor to give instruction in a  
9 school, or to provide classroom theory training to apprentices in  
10 locations other than in a school, in a curriculum in which he or she  
11 holds a license under this chapter. To be approved as an "instructor"  
12 in an approved apprenticeship program, the instructor must be a  
13 competent instructor as defined in rules adopted under chapter 49.04  
14 RCW.

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

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

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

29 (22) "Approved apprenticeship shop" means a salon/shop that has  
30 been approved under RCW 18.16.280 and chapter 49.04 RCW to participate  
31 in an apprenticeship program.

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

35 (24) "Approved security" means surety bond.

36 (25) "Personal services" means a location licensed under this  
37 chapter where the practice of cosmetology, barbering, manicuring, or

1 esthetics is performed for clients in the client's home, office, or  
2 other location that is convenient for the client.

3 (26) "Individual license" means a cosmetology, barber, manicurist,  
4 esthetician, or instructor license issued under this chapter.

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

7 (28) "Mobile unit" is a location license under this chapter where  
8 the practice of cosmetology, barbering, esthetics, or manicuring is  
9 conducted in a mobile structure. Mobile units must conform to the  
10 health and safety standards set by rule under this chapter.

11 (29) "Curriculum" means the courses of study taught at a school,  
12 online by a school, or in an approved apprenticeship program  
13 established by the Washington state apprenticeship and training council  
14 and conducted in an approved salon/shop, set by rule under this  
15 chapter, and approved by the department. After consulting with the  
16 board, the director may set by rule a percentage of hours in a  
17 curriculum, up to a maximum of ten percent, that could include hours a  
18 student receives while training in a salon/shop under a contract  
19 approved by the department. Each curriculum must include at least the  
20 following required hours:

21 (a) School curriculum:

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

23 (ii) Barber, one thousand hours;

24 (iii) Manicurist, six hundred hours;

25 (iv) Esthetician, six hundred hours;

26 (v) Instructor-trainee, five hundred hours.

27 (b) Apprentice training curriculum:

28 (i) Cosmetologist, two thousand hours;

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

30 (iii) Manicurist, eight hundred hours;

31 (iv) Esthetician, eight hundred hours.

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

37 (31) "Apprentice monthly report" means the apprentice record of  
38 daily activities and the number of hours completed in each course of a

1 curriculum that is prepared monthly by the approved apprenticeship  
2 program and provided to the apprentice, audited annually by the  
3 department, and kept on file by the approved apprenticeship program for  
4 three years.

5 (32) "Distance or online learning" means theory training provided  
6 online, by a school licensed under this chapter, in the areas of  
7 cosmetology, manicuring, barbering, esthetics, and instructor-training.

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

10 The director shall adopt rules regarding distance or online  
11 learning. The rules must include a limit on the number of hours of  
12 online learning that can be used toward licensing requirements in the  
13 areas of cosmetology, manicuring, barbering, esthetics, and  
14 instructor-training.

15 The department must provide an evaluation review of distance or  
16 online learning in the areas of cosmetology, manicuring, barbering,  
17 esthetics, and instructor-training to the labor committees of the  
18 legislature no later than January 1, 2016.

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