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SENATE BILL 5779

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State of Washington                      63rd Legislature                      2013 Regular Session

By Senators McAuliffe, Fain, and Keiser

Read first time 02/14/13. Referred to Committee on Commerce & Labor.

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 2008 c 20 s 1 are each amended to read  
4 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (18) "Instructor" means a person who gives instruction in a school,  
35 or who provides classroom theory training to apprentices in locations  
36 other than in a school, in a curriculum in which he or she holds a  
37 license under this chapter, has completed at least five hundred hours  
38 of instruction in teaching techniques and lesson planning in a school,

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

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

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

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

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

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

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

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

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

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

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

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

23 (a) School curriculum:

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

25 (ii) Barber, one thousand hours;

26 (iii) Manicurist, six hundred hours;

27 (iv) Esthetician, six hundred hours;

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

29 (b) Apprentice training curriculum:

30 (i) Cosmetologist, two thousand hours;

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

32 (iii) Manicurist, eight hundred hours;

33 (iv) Esthetician, eight hundred hours.

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

1 (31) "Apprentice monthly report" means the apprentice record of  
2 daily activities and the number of hours completed in each course of a  
3 curriculum that is prepared monthly by the approved apprenticeship  
4 program and provided to the apprentice, audited annually by the  
5 department, and kept on file by the approved apprenticeship program for  
6 three years.

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

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

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

19 The department must provide an evaluation review of distance or  
20 online learning in the areas of cosmetology, manicuring, barbering,  
21 esthetics, and instructor-training to the committees of the legislature  
22 that oversee the licensing of those professions no later than January  
23 1, 2016.

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