

## **Licensure Requirements debated in Florida and Colorado**

Before the end of the week, three state legislatures – Colorado, Florida and Hawaii – are scheduled to adjourn for the year sine die. As the report below indicates, legislators in Florida and Colorado are considering measures that impact AACS member schools before adjournment. AACS will continue to report the latest state legislative and regulatory developments of interest to member schools from across the country.

Florida's Senate may consider a floor amendment to SB 1640 this week that would reduce the course of instruction for barbering from 1,200 to 900 hours. The amendment would allow barber students to take the state's licensure examination at 600 hours and provide licensure reciprocity for barbers "actively licensed to practice barbering in another state." Additionally, the pending amendment would severely reduce the course of instruction required for specialist licensure: nail specialists from 240 to 150 hours; facial specialists from 260 to 165 hours, and; full specialists (combining both skin and nails) from 500 to 300 hours.

In late March, the Senate Innovation, Industry, and Technology Committee voted 6 to 4 to approve a Committee Substitute (CS) that removed hour reductions but preserved the reciprocity and deregulation provisions in the introduced bill. As headed to the Senate floor, SB 1640 would provide licensure reciprocity for barbers "actively licensed to practice barbering in another state;" deregulate hair braiding, hair wrapping, body wrapping, the application of polish to fingernails and toenails, and makeup application; and reduce the CEUs required for biennial cosmetology and specialist licensure renewal from 16 to 10 hours. Florida's legislature is scheduled to adjourn sine die on Friday.

A Colorado bill to deregulate "hair drying services" was introduced last Tuesday (4/23), unanimously passed by the House on Friday (4/26), and subsequently reported Monday (4/29) by the Senate State, Veterans, & Military Affairs Committee to the Senate floor. HB 1330 defines hair drying services to include "drying, styling, arranging, curling, hot ironing, cleansing, or performing any other similar procedure intended to beautify, clean, or arrange hair. It does not include applying reactive chemicals to permanently straighten, curl, or alter the structure or color of the hair." Colorado's legislature is also scheduled to adjourn on Friday.

California's Assembly Business and Professions Committee favorably reported several bills last week that would tighten regulation of private postsecondary schools, including cosmetology schools. The most relevant to AACS member schools are:

AB 1340 (reported 15 to 2) which would require the Bureau for Private Postsecondary Education (BPPE) to promulgate a gainful employment (GE) rule based on debt-to-earning rates.

AB 1343 (reported 15 to 2) which would establish an 85-15 Rule, beginning January 1, 2021, for institutions with revenues greater than \$2.5 million or require not less than 50 percent of the institution's revenue dedicated to student instruction; and

AB 1345 (reported 16 to 0) which "would prohibit an institution from providing, directly or indirectly, certain financial incentives to any person, including a student, involved in student recruitment, enrollment, continued enrollment, admission, or attendance, or involved in awarding of financial aid based on the enrollment of a student, or in the sales of any educational materials, by means of a commission, commission draw, bonus, quota, or other similar method contingent upon, recruitment, enrollment, continued enrollment, admissions, attendance, or sales of educational materials to a student, as specified."

All three bills have been referred to the Assembly Appropriations Committee. South Carolina's House Medical, Military, Public and Municipal Affairs Committee voted unanimously Tuesday to favorably report H4205, which would establish a 1,200-hour hair design license, to the full House. The bill defines "hair design" as "arranging, styling, thermal curling, chemical waxing, pressing, shampooing, cutting, shaping, chemical bleaching, chemical coloring, chemical relaxing, or similar work on the hair, wig, or hairpiece of a person, by any means, with hands and mechanical or electrical apparatus or appliance." South Carolina's legislature will adjourn for the year next week.

Nevada's Senate amended and passed SB 128 last week. As currently drafted, the bill no longer abolishes the State Barbers' Health and Sanitation Board and transfers their powers to the State Board of Cosmetology. It also includes language from SB 492 that would allow the State Barbers' Health and Sanitation Board to issue provisional instructor's licenses to barbers with at least three years of work experience. "A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of instruction required...for a license as an instructor." Additionally, the measure would allow cosmetologists and hair designers to obtain an endorsement "to render shaving services." The State Board of Cosmetology would be authorized to establish the training required for this endorsement. The bill is currently pending in the Assembly Commerce and Labor Committee. In Oklahoma, the Senate voted unanimously last week to pass a bill that would require state licensure entities to specifically list the criminal offense that are disqualifying for licensure. HB 1373 also states that persons with a criminal history may request an initial determination from a licensure authority as to their ability to obtain a desired occupational license or certification from the state.

The text and current status of bills mentioned in this update can be found in AACS' Bill Tracking Portal at:

<https://www.billtrack50.com/Public/Stakeholder/Jt1rl23hjU2jC1MOSr6KVA/Embedded>.

On the regulatory front, Vermont's Secretary of State has proposed rules to implement HB 684, which became effective January 1, 2019. The measure reduced the course of instruction for cosmetology from 1,500 to 1,000 hours, and similarly reduced the training hours required for barbering, esthetics, and nail technology licensure.

The proposed rules can be viewed at the link below.

<https://www.sec.state.vt.us/professional-regulation/list-of-professions/barbers-cosmetologists/statutes-rules.aspx>

A public hearing will be conducted on June 3<sup>rd</sup>. Interested parties can also email comments to [opr.comment@sec.state.vt.us](mailto:opr.comment@sec.state.vt.us) by June 12, 2019. Please note that comments are public record and will be published online with the commenter's name, affiliation, and contact information.

Please do not hesitate to contact me at [bnewman@abingdonstrategies.com](mailto:bnewman@abingdonstrategies.com) or by phone at 202-491-5254 with comments or questions.

## **State Bill Enactments**

### **Tennessee SB 1185 – Effective July 1, 2019**

<https://publications.tnsosfiles.com/acts/111/pub/pc0207.pdf>

The Act exempts a person who engages in hair braiding from the cosmetologist licensure requirements if the person, before engaging in hair braiding:

“(1) Attends 16 hours of training in health and hygiene, either in person or online, as approved by the commissioner of commerce and insurance; receives a certificate indicating attendance from the training; attests to the one-time training at biennial registration; and retains and displays the certificate on request;

(2) Biennially registers with the department of commerce and insurance, providing a name, address, and phone number at which the person can be reached, and pays a \$30.00 registration fee;

(3) Uses only disposable instruments or implements that are sanitized in a disinfectant approved for hospital use or approved by the federal environmental protection agency; and

(4) Posts a notice at the place of operation indicating that the person is not licensed by the state board of cosmetology and barber examiners.”

The Act also prohibits persons providing hair braiding services from referring to themselves as a licensed natural hair stylist unless they meet the licensing requirement for engaging in natural hair styling.