

2018 Regular Session

HOUSE BILL NO. 564

BY REPRESENTATIVE EMERSON

COSMETOLOGY: Provides for unregulated services within the Louisiana Cosmetology Act

1 AN ACT

2 To amend and reenact R.S. 37:563(introductory paragraph) and (13) through (17) and to
3 enact R.S. 37:563(18) through (22) and 581.1, relative to the Louisiana Cosmetology
4 Act; to provide for definitions; to define unregulated services and establish natural
5 hair braiding as an unregulated service; to provide for state preemption; to authorize
6 an occupational tax; to provide terms and conditions; to require the adoption of
7 administrative rules; to provide for effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:563(introductory paragraph) and (13) through (17) are hereby
10 amended and reenacted and R.S. 37:563(18) through (22) and 581.1 are hereby enacted to
11 read as follows:

12 §563. Definitions

13 As used in this Chapter, the following words ~~shall~~ have the meaning herein
14 ascribed to them, unless the content clearly otherwise indicates:

15 * * *

16 (13) "Mechanical devices" are clips, combs, crochet hooks, curlers, hairpins,
17 rollers, blunt-tipped needles, thread, and hair binders.

18 ~~(13)~~(14) "Mobile salon" means a self-contained facility, where cosmetology
19 is practiced for a fee, that may be moved, towed, or transported from one location to
20 another.

1 (15) "Natural hair braider" is any person who engages in natural hair
2 braiding.

3 (16) "Natural hair braiding" means the twisting, wrapping, weaving,
4 extending, locking, or braiding of hair by hand or with mechanical devices. Natural
5 hair braiding includes all of the following:

6 (a) The use of natural or synthetic hair extensions, natural or synthetic hair
7 and fibers, decorative beads, and other hair accessories.

8 (b) The making of wigs from natural hair, natural fibers, synthetic fibers, and
9 hair extensions.

10 (c) The use of topical agents such as conditioners, gels, moisturizers, oils,
11 pomades, and shampoos in conjunction with performing any action as described in
12 this Paragraph.

13 (17) "Natural hair braiding service" means any service performed by a
14 natural hair braider engaged in the practice of natural hair braiding as defined in this
15 Section.

16 ~~(14)~~(18) "Satellite classroom" means a separate classroom location used as
17 supplemental training space located under the same roof of the main school building
18 or on the same campus as the administrative center and within at least three hundred
19 feet of the main school building for the purpose of training an overflow of students
20 who cannot be accommodated at the main school.

21 ~~(15)~~(19) "School" means any premises wherein cosmetology is taught.

22 ~~(16)~~(20) "Student" means a person registered in a school authorized by the
23 board to teach cosmetology.

24 ~~(17)~~(21) "Teacher" or "instructor" means a person who teaches cosmetology
25 for direct or indirect compensation, within a school.

26 (22) "Unregulated service" or "unregulated services" means services not
27 defined or interpreted as the practice of cosmetology as provided in this Chapter and

1 which are exempt from regulation by the board. The terms include any natural hair
2 braiding service as defined in this Section.

3 * * *

4 §581.1. Unregulated services; natural hair braiding; preemption

5 A. Natural hair braiding is an unregulated service and shall not include any
6 of the following:

7 (1) The application of dyes, reactive chemicals, or other preparations to alter
8 the color of the hair or to straighten, curl, or alter the structure of the hair.

9 (2) The use of chemical hair joining agents such as synthetic tape, keratin
10 bonds, or fusion bonds.

11 B. Natural hair braiding is defined in R.S. 37:563 and may be used to
12 reference African hair braiding or styling, but is not limited to any particular cultural,
13 ethnic, racial, or religious forms of hair styles.

14 C.(1) Ordinances by local units of government that prohibit natural hair
15 braiding, natural hair braiding services, or natural hair braiders, or regulate any
16 matter relating to the licensing, testing, training, facilities, or equipment of natural
17 hair braiding, natural hair braiding services, or natural hair braiders are preempted
18 by the provisions of this Chapter.

19 (2) The provisions of this Subsection shall not prevent or prohibit a local
20 governing authority from levying an occupational tax on natural hair braiding
21 services.

22 D.(1) Notwithstanding any provision of law to the contrary, beginning
23 January 1, 2019, and thereafter, the board shall maintain a list of persons who
24 perform natural hair braiding services and meet the following requirements:

25 (a) Is at least sixteen years of age.

26 (b) On an annual basis, certifies to the board that such person reviewed the
27 board's brochure on sanitation and completed the self-test contained within the
28 brochure or completed an online sanitation training video developed by the board.

1 (2)(a) The board shall provide a weblink to the brochure and online training
2 on the board's public website and acknowledge the completion of the self-test or
3 online training by issuing a certificate of completion to the person.

4 (b) The board shall make available a copy of the brochure to any interested
5 person.

6 E. Failure of the board to offer the sanitation brochure or online sanitation
7 training shall waive the necessity of satisfaction of the person's requirement set forth
8 in Subparagraph (D)(1)(b) of this Section and the board shall include such person on
9 the list maintained by the board.

10 F. Notwithstanding any provision of law to the contrary, any person
11 permitted as an alternative hair designer before January 1, 2019, shall be able to
12 perform natural hair braiding in licensed salons without the necessity of compliance
13 with the provisions of this Section and rules adopted pursuant thereto.

14 Section 2. The Louisiana State Board of Cosmetology shall adopt rules prior to
15 January 1, 2019, in accordance with the Administrative Procedure Act to implement the
16 provisions of this Act.

17 Section 3. The provisions of Section 1 of this Act shall become effective on January
18 1, 2019.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 564 Engrossed

2018 Regular Session

Emerson

Abstract: Adds definitions and establishes unregulated services within the La. Cosmetology Act.

Proposed law creates the following definitions: "mechanical devices", "natural hair braider", "natural hair braiding", "natural hair braiding service", and "unregulated service" or "unregulated services".

Proposed law defines unregulated services as services not defined or interpreted as the practice of cosmetology in present law and proposed law. Provides unregulated services are exempt from regulation by the La. State Bd. of Cosmetology (hereinafter "board"). Further provides natural hair braiding and natural hair braiding services performed by a natural hair braider are unregulated services.

Proposed law provides "natural hair braiding" does not include any of the following:

- (1) Application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.
- (2) Use of chemical hair joining agents such as synthetic tape, keratin bonds, or fusion bonds.

Proposed law provides natural hair braiding may be used to reference African hair braiding or styling, but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles.

Proposed law preempts government ordinances that prohibit natural hair braiding, natural hair braiding services, or natural hair braiders, or regulate any matter relating to the licensing, testing, training, facilities, or equipment of natural hair braiding, natural hair braiding services, or natural hair braiders as provided in proposed law.

Proposed law provides that proposed law does not prevent or prohibit a local governing authority from levying an occupational tax on natural hair braiding services.

Proposed law requires the board to maintain a list of persons who both perform natural hair braiding services and meet the following requirements:

- (1) Is at least 16 years of age.
- (2) Annually certifies to the board that such person reviewed the board's brochure on sanitation and completed the self-test contained within the brochure or completed an online sanitation training video developed by the board.

Proposed law requires the board to provide a weblink to the brochure and online training on the board's public website. Requires the board to acknowledge the person's completion of the self-test or online training and issue a certificate of completion to the person. Further requires the board to make available a copy of the brochure to any interested person.

Proposed law provides that failure of the board to offer the sanitation brochure or online sanitation training waives the person's requirement to annually certify to the board that such person reviewed the brochure on sanitation and completed the self-test contained within the brochure or completed an online sanitation training video developed by the board.

Proposed law provides that any person permitted as an alternative hair designer before Jan. 1, 2019 is be able to perform natural hair braiding in licensed salons without the necessity of compliance with proposed law or related administrative rules.

Proposed law requires the board to adopt administrative rules prior to the effective date of proposed law.

Proposed law makes technical changes.

Effective Jan. 1, 2019.

(Amends R.S. 37:563(intro. para.) and (13)-(17); Adds R.S. 37:563(18)-(22) and 581.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Require the board to maintain a list of persons who both perform natural hair braiding services and meet the following requirements:
 - (a) Be at least 16 years of age.
 - (b) Annually certify to the board that such person reviewed the board's brochure on sanitation and completed the self-test contained within the brochure or completed an online sanitation training video developed by the board.
2. Require the board to do all of the following:
 - (a) Provide a weblink to the brochure and online training on the board's public website.
 - (b) Make available a copy of the brochure to any interested person.
 - (c) Acknowledge the person's completion of the self-test or online training and issue a certificate of completion to the person.
3. Provide that failure of the board to offer the sanitation brochure or online sanitation training waives the person's requirement to annually certify to the board that such person reviewed the brochure on sanitation and completed the self-test contained within the brochure or completed an online sanitation training video developed by the board.
4. Provide that any person permitted as an alternative hair designer before Jan. 1, 2019 is able to perform natural hair braiding in licensed salons without the necessity of compliance with proposed law or related administrative rules.
5. Require the board to adopt administrative rules prior to the effective date of proposed law.
6. Make technical changes and provide an effective date of Jan. 1, 2019.