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#### HOUSE FLOOR AMENDMENTS

2017 Regular Session

Amendments proposed by Representative Huval to Engrossed House Bill No. 468 by Representative Emerson

# AMENDMENT NO. 1

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2 On page 1, delete lines 2 through 6 in their entirety and insert in lieu thereof the following:

"To amend and reenact R.S. 37:562(A) and (B), 563(introductory paragraph), (1), and (9) through (17), 575(A)(10), 581(A), 590(A)(1), 597, and 602, and to enact R.S. 37:563(18) through (24), 582.1, 584(D), 589(C) and (D), and 591.2, relative to the Louisiana Cosmetology Act; to modify legislative intent; to provide for definitions; to provide relative to powers and duties of the board; to provide relative to unlawful practices; to provide with respect to special permits and requirements relative to hair braiders, hair braiding facilities, threaders, threading facilities, estheticians, and manicurists; to provide for related permit fees; and to provide for related matters."

# AMENDMENT NO. 2

On page 1, delete lines 8 through 10 in their entirety and insert in lieu thereof the following:

"Section 1. R.S. 37:562(A) and (B), 563(introductory paragraph), (1), and (9) through (17), 575(A)(10), 581(A), 590(A)(1), 597, and 602 are hereby amended and reenacted and R.S. 37:563(18) through (24), 582.1, 584(D), 589(C) and (D), and 591.2 are hereby enacted to read as follows:"

# 18 AMENDMENT NO. 3

- 19 On page 1, between lines 10 and 11, insert the following:
- 20 "§562. Legislative findings; purpose; intent
  - A. The legislature finds that the practice of cosmetology, esthetics, manicuring, hair braiding, and threading by qualified individuals is necessary to protect the public health, safety, and welfare of the citizens of the state of Louisiana. The legislature further finds it to be a matter of public interest and concern that only qualified persons be permitted to engage in the practice of cosmetology, esthetics, manicuring, hair braiding, and threading.
    - B. The legislature hereby declares the purpose of this Chapter is to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of cosmetology, esthetics, manicuring, hair braiding, and threading.

\* \* \* \*"

### 32 AMENDMENT NO. 4

On page 1, delete lines 14 through 19 in their entirety

### 1 AMENDMENT NO. 5

2 Delete page 2 in its entirety

# 3 AMENDMENT NO. 6

4 On page 3, delete lines 1 through 18 in their entirety and insert in lieu thereof the following:

"(1) "Beauty shop" or "salon" means any premises upon or within which cosmetology, esthetics, or manicuring is practiced for a fee. These terms shall not include the premises wherein any of the persons exempted in R.S. 37:581 practice or do business; however, beauty shop or salon does not include hair braiding facilities or threading facilities."

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- (9) "Hair braider" means any person who engages in the practice of hair braiding for compensation, directly or indirectly, including tips.
- (10) "Hair braiding" means the practice of techniques that result in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding of the hair by hand or mechanical device upon the hair of another person's scalp, but does not include the 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.
- (11) "Hair braiding facility" means any premises upon or within which hair braiding is practiced for compensation, directly or indirectly, including tips.
- (9)(12) "Hairdressing" means massaging, cleansing, washing, stimulating, manipulating, exercising, beautifying, or doing similar work upon the scalp of any person, including arranging, <u>hair braiding</u>, singeing, cutting or shaping, curling or waving, cleansing, shampooing, styling, bleaching, coloring, or similar work upon the hair of another person.
- (10)(13) "Manager" means a person responsible for supervising any facility required to be licensed as a beauty shop or salon by the board where one or more person offers cosmetology, esthetics, or manicuring services or engages in the practice of cosmetology, esthetics, manicuring, blow drying hair services, hair braiding, or threading.
- (11)(14) "Manicuring" means trimming, filing, decorating, shaping, sculpting, or in any way caring for the nails and skin of another person's hands or feet together with massaging the hands, arms, legs, and feet including pedicuring; however, manicuring shall not include the use of blades or graters for callous or skin removal.
  - (12)(15) "Manicurist" means a person who practices manicuring.
- (16) "Mechanical devices" mean clips, combs, crochet hooks, curlers, curling irons, hairpins, rollers, scissors, blunt-tipped needles, thread, and hair binders.
- (13)(17) "Mobile salon" means a self-contained facility, where cosmetology is practiced for a fee, that may be moved, towed, or transported from one location to another.
- (14)(18) "Satellite classroom" means a separate classroom location used as supplemental training space located under the same roof of the main school building or on the same campus as the administrative center and within at least three hundred feet of the main school building for the purpose of training an overflow of students who cannot be accommodated at the main school.
  - (15)(19) "School" means any premises wherein cosmetology is taught.
- (16)(20) "Student" means a person registered in a school authorized by the board to teach cosmetology.
- (17)(21) "Teacher" or "instructor" means a person who teaches cosmetology for direct or indirect compensation, within a school.
- (22) "Threader" means a person who engages in the practice of threading for compensation, directly or indirectly, including tips.

| 1 2    | (23) "Threading" means the practice of using a thread to remove facial hair but does not include hair removal by any other means or any other practice within |
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| 3      | the definition of esthetics.  |
| 4      | (24) "Threading facility" means any premises upon or within which threading   |
| 5      | is practiced for compensation, directly or indirectly, including tips.  |
| 6      | * * *   |
| 7      | §575. Powers and duties of the board  |
| 8<br>9 | A. The board shall be responsible for the control and regulation of the practice of cosmetology and shall do all of the following:                            |
| 10     | * * *   |
| 11     | (10) Inspect during hours of operation any licensed, permitted, certified, or   |
| 12     | registered facility or school, including but not limited to pertinent records, for the  |
| 13     | purpose of determining if any provisions of law governing the practice of   |
| 14     | cosmetology, esthetics, manicuring, hair braiding, or threading are being violated.   |
| 1.5    | * * *   |
| 15     | * * *   |
| 16     | §581. Unlawful practice; exemptions   |
| 17     | A. No person A person shall not engage in the practice of cosmetology,  |
| 18     | esthetics, manicuring, hair braiding, or threading without obtaining unless the person  |
| 19     | obtains a current certificate of registration or permit for the appropriate area of   |
| 20     | practice under as provided by the provisions of this Chapter.   |
| 21     | * * *   |
| 22     | §582.1 Qualifications for permit as a hair braider or threader  |
| 23     | A. To receive a permit as a registered hair braider or threader, a person shall   |
| 24     | meet all of the following requirements:   |
| 25     | (1) Be at least sixteen years of age.   |
| 26     | (2) Have equivalent training as would be contemplated in the satisfactory   |
| 27     | completion of the tenth grade from an approved high school.   |
|        |   |
| 28     | (3) Have paid the appropriate fee as set forth in R.S. 37:599.  |
| 29     | (4) Annually certify that the person has reviewed the board's materials on  |
| 30     | sanitation and complete the self test contained within the brochure.  |
| 31     | * * *   |
| 32     | §584. Certificates of temporary registration; special permits   |
| 33     | * * *   |
| 34     | D. The board shall issue special permits for each of the following:   |
| 35     | (1) Hair braiders   |
| 36     | (2) Hair braiding facilities  |
| 37     | (3) Threaders   |
|        | <del> </del>  |
| 38     | (4) Threading facilities  |
| 39     | * * *   |
| 40     | §589. Certificates of registration for managers   |
| 41     | * * *   |

Page 3 of 5

| 1                                | C. A hair braiding facility owner who is not a licensed cosmetologist or a               |
|----------------------------------|--|
| 2                                | permitted hair braider shall employ one or more registered managers who shall be         |
| 3                                | licensed as cosmetologists or permitted as hair braiders. A registered manager shall     |
| 4                                | be present at the facility during all hours of operation and shall be responsible for    |
| 5                                | ensuring that all persons practicing hair braiding within the facility are appropriately |
| 6                                | permitted and follow all applicable laws and rules and regulations. A hair braiding      |
| 7                                | facility owner who is absent from his respective facility more than two working days     |
| 8                                | per week shall employ a manager who shall be a registered cosmetologist or a             |
| 9                                | permitted hair braider and who shall obtain a certificate of registration as a manager.  |
|                                  |  |
| 10                               | D. A threading facility owner who is not a licensed cosmetologist,                       |
| 11                               | esthetician, or permitted threader shall employ one or more registered managers who      |
| 12                               | shall be licensed as cosmetologists, estheticians, or permitted threaders. A registered  |
| 13                               | manager shall be present at the facility during all hours of operation and shall be      |
| 14                               | responsible for ensuring that all persons practicing threading within the facility are   |
| 15                               | appropriately licensed and follow all applicable laws and rules and regulations. A       |
| 16                               | threading facility owner who is absent from his respective facility more than two        |
| 17                               | working days per week shall employ a manager who shall be a registered                   |
| 18                               | cosmetologist, esthetician, or permitted threader and who shall obtain a certificate     |
| 19                               | of registration as a manager.  |
|                                  |  |
| 20                               | §590. Renewal of certificates of registration  |
|                                  |  |
| 21                               | A.(1) Every beauty shop owner, mobile salon owner, booth renter, manager                 |
| 22                               | of a beauty shop, hair braider, threader, hair braiding facility, threading facility,    |
| 23                               | manager of a braiding facility, manager of a threading facility, and school shall, on    |
| 22<br>23<br>24<br>25<br>26<br>27 | or before January thirty-first of each calendar year, renew his or its certificate of    |
| 25                               | registration. Every certificate of registration which has not been timely renewed        |
| 26                               | shall expire on the following first day of March, at which time the holder of such       |
| 27                               | certificate of registration may have his certificate renewed only upon fulfilling the    |
| 28                               | requirements provided for by this Chapter and paying the restoration fee provided        |
| 29                               | in R.S. 37:599.  |
| 20                               | y y y  |
| 30                               | * * *  |
| 31                               | §591.2. Requirements for certification; hair braiding facility or threading facility     |
|                                  | 309 1121 Troductions for outside and ordinary further of the cutting further             |
| 32                               | A. A person or entity shall not operate a hair braiding facility or threading            |
|                                  | facility in this state without a permit issued by the board.                             |
| 34                               | B. To obtain a permit as a hair braiding facility or threading facility, the             |
| 33<br>34<br>35                   | owner of such business shall do all of the following:                                    |
| 36                               | (1) Certify that all persons employed at such facility are appropriately                 |
| 36<br>37                         | licensed or permitted to perform the services offered in the facility.                   |
| 38                               | (2) Demonstrate that the required physical, sanitary, and administrative                 |
| 39                               | facilities have been established.  |
| 40                               | (3) Submit an initial application for a new facility along with the appropriate          |
| 41                               | fee as specified in R.S. 37:599.   |
| 42                               | (4) Include the words "hair braiding facility" or "threading facility" in any            |
| 43                               | sign or advertisement for services.  |
| 44                               | C. A person licensed or permitted by the board shall not accept employment               |
| 45                               | or continue employment in a hair braiding facility or threading facility unless the      |
| 46                               | facility possesses a permit issued by the board.   |
| 47                               | D. A hair braiding facility or threading facility shall not offer or advertise           |
| 48                               | any cosmetology, esthetics, or manicuring services as defined in this Chapter unless     |
| <del>1</del> 0<br>49             | the facility obtains from the board the required licensure.                              |
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|                                  | the facility obtains from the board the required ficensure.                              |
| 50                               | * * *  |
| 50                               |  |

Every holder of a certificate of registration, license, or permit issued by the board shall display it in a conspicuous place in his principal place of business or employment. Additionally, any facility licensed by the board shall display a sign provided by the board informing customers of the services which are authorized to be provided at the facility, and any other documents required to be displayed by the board's rules.

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### 602. Investigation; notice and hearing

Upon the filing of a written complaint with the board charging any registrant, licensee, or permit holder with violation of any of the provisions of this Chapter, the executive director of the board shall fix a time and place for hearing and shall send a copy, by certified mail or hand delivery, of the charges together with a notice of the time and place for hearing to the individual or facility at least twenty calendar days prior to the date set for the hearing. The notice shall be sent to the last known address of the individual or facility, as it appears in the records of the board, or to the address of the facility where the violation is alleged to have occurred."