

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 250 Department or Agency Board of Cosmetology
Rule No. 250-X-2
Rule Title: Licenses
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.



Bob McKee, Executive Director

Date August 20, 2013

(DATE FILED)
(STAMP)

ALABAMA BOARD OF COSMETOLOGY

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Cosmetology

RULE NO. & TITLE: 250-X-2 Licenses

INTENDED ACTION: To repeal and replace this chapter


SUBSTANCE OF PROPOSED ACTION: To adopt new rules consistent with new law Act 2013-371.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Interested persons may present comments in writing at any time during the thirty-five (35) day period following publication of this notice to Bob McKee, Executive Director of the Alabama Board of Cosmetology, 100 North Union St., Suite 320, Montgomery, AL 36130-1750. Comments may be presented in person to the Executive Director at the above address on Monday, October 7, 2013 at 10:00 AM. Requests for comments in person must be submitted in writing in advance. Copies of proposed rule changes are available at the Executive Director's office at 334-242-1918.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: October 7, 2013

CONTACT PERSON AT AGENCY:


Bob McKee, Executive Director
Alabama Board of Cosmetology
RSA Union Building
100 North Union St., Suite 320
Montgomery, AL 36130-1750

CHAPTER 250-X-2 LICENSES

250-X-2-.01 Fees

(1) Pursuant to its legal authority, the Board may issue personal and business licenses to qualified applicants.

(2) Business licenses may be issued to shops or schools as determined by the Board.

(3) Personal licenses may be issued to any appropriate category of licensure as determined by the Board, and an appropriate fee shall be established for each license. Fees shall be the following:

(a) Written Examination or Reexamination: Vendor Charge Plus \$25 Administrative Fee (currently \$ 75)

(b) Practical Examination or reexamination: Vendor Charge: (Currently \$ 120)

(c) Original License \$40

(d) Personal Renewal \$ 80

(e) Inactive Renewal \$ 35 if applicable; To Restore From Inactive to Active: \$ 80

(f) New Shop \$150.

(g) Shop Renewal \$100

(h) Shop Relocation \$ 50

(i) Other Shop Changes:

1. Name Change \$ 25

2. Owner Change \$ 25

3. If name change or owner change done at same time only one \$ 25 fee applies.

(j) New School \$ 300

(k) School Renewal \$ 150

(l) Other School Changes:

1. Name Change \$ 25

2. Relocation \$ 75

3. Ownership/Controlling Interest Change \$ 25 Plus Current Financial Statement; New Owner or Controlling Stockholder to Appear Before Board.

(m) Reciprocity \$ 100

(n) Apprentice \$ 75

(o) Apprentice Change Master, Salon or Both \$ 25

(p) Shampoo Assistant Original/Renewal \$ 75

(q) Replacement License \$ 25

(r) Duplicate License for Instructors \$ 25

(s) Late Charge \$ 50

(t) Letter of Certification: \$ 25 Each State Requested

(u) Returned Check Charge: Maximum Provided by *Code of AL, 1975*. (Currently \$ 30)

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, 34-7B-8

History: Filed: August 20, 2013

History: 250-X-2-.02

Requirement For License

Any person providing services to the public as defined under the *Code of AL, 1975, § 34-7B-1* shall meet the requirements as set forth in *Code of AL, 1975, § 34-7B-7*, file an application with the Board, pay appropriate fees and obtain a personal license.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, 34-7B-7

History: Repealed; Filed: August 20, 2013

ALABAMA BOARD OF COSMETOLOGY
ADMINISTRATIVE CODE

CHAPTER 250-X-2
LICENSES

TABLE OF CONTENTS

250-X-2-.01	Fees
250-X-2-.02	Requirement For License
250-X-2-.03	Manager License
250-X-2-.04	Master License
250-X-2-.05	Instructor License
250-X-2-.06	Inactive License (Repealed 8/5/02)
250-X-2-.07	Booth Rental (Independent Contractor) License (Repealed 8/5/02)
250-X-2-.08	Requirements For Continuing Education Providers

250-X-2-.01 Fees.

(1) Pursuant to its legal authority, the Board may issue personal and business licenses to qualified applicants.

(2) Business licenses may be issued to salons, schools or booths as determined by the Board.

(3) Personal licenses may be issued to any appropriate category of licensure as determined by the Board, and an appropriate fee shall be established for each license. Fees shall be the following:

(a)	Written Examination, or Reexamination:	Vendor Charge
(b)	Practical Examination, or Reexamination:	Vendor Charge
(c)	Original License	\$ 15.00
(d)	Personal Renewal	\$ 80.00
(e)	Inactive Renewal	\$ 35.00 (if applicable)
	To Restore From Inactive to Active	\$ 80.00
(f)	New Salon	\$150.00
	Before September 1 st in renewal year:	\$100.00

(g)	Salon Type Change	\$150.00
(h)	Salon Renewal	\$100.00
(i)	Salon Relocation to a Different County	\$150.00
(j)	Other Salon Changes:	
1.	Name Change	\$ 25.00
2.	Owner Change	\$ 25.00
3.	If name change or address change and owner change are done at the same time only one	\$25.00 fee applies
(k)	New Booth	\$ 80.00
	Before September 1 st in renewal year:	\$ 50.00
(l)	Booth Renewal Fee	\$ 80.00
	Charge for Relocation	\$ 25.00
(m)	New School	\$300.00
	Before September 1 st in renewal year:	\$200.00
(n)	School Renewal	\$150.00
(o)	Other School Changes:	
1.	Name Change	\$ 25.00
2.	Relocation	\$ 75.00
3.	Ownership or Controlling Interest Change	\$ 25.00 Plus Current Financial Statement New Owner Or Controlling Stockholder Must Appear before the board.
(p)	Reciprocity	\$100.00
(q)	Apprentice	\$ 40.00

Cosmetology

Chapter 250-X-2

(r)	Apprentice Change of Master or Salon or Both	\$ 25.00
(s)	Shampoo Assistant Original and Renewal	\$ 40.00
(t)	Replacement License	\$ 25.00
(u)	Duplicate License for Instructors	\$ 25.00
(v)	Upgrades:	
1.	Manager	\$ 15.00
2.	Master	\$ 15.00
(w)	Late Charge	\$ 50.00
(x)	Change to Continuing Education Proposal	\$ 25.00
(y)	Returned Check Charge Shall be Maximum Amount Provided by <u>Code of Ala. 1975.</u>	

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-11.

History: **New Rule:** Filed September 7, 2005; effective October 12, 2005. **Amended:** Filed May 15, 2007; effective June 19, 2007. **Amended:** Filed April 18, 2008 effective May 23, 2008. **Amended:** Filed April 23, 2009; effective May 28, 2009. **Amended:** Filed December 8, 2010; effective January 12, 2011. **Amended:** Filed February 13, 2013; effective March 20, 2013.

Ed. Note: Rule was previously 250-X-9-.01 and moved to 250-X-2-.01 as per certification filed September 7, 2005; effective October 12, 2005. For past history of rule see Chapter 250-X-9-.01. **Rule 250-X- 2-.01 License Fees, was repealed** and 250-X-2-.01-.01 was renumbered to 250-X-2-.01 as per certification filed April 18, 2008 effective May 23, 2008.

250-X-2-.02 **Requirement For License.** Any person providing cosmetology, manicure or esthetics services to the public shall meet the requirements as set forth in Section 34-7A-22, Code of Ala. 1975, file an application with the Board, pay appropriate fee(s) and obtain a personal license.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-7.

History: Filed September 24, 1982. **New Rule:** Filed April 20, 2001; effective May 25, 2001. **Repealed (see Ed. Note):**

Filed July 1, 2002; effective August 5, 2002. Amended: Filed July 1, 2002; effective August 5, 2002. Amended: Filed May 15, 2007; effective June 19, 2007.

Ed. Note: Rule 250-X-2-.02.01, Cosmetologists/Manicurist/Esthetician, was renumbered 250-X-2-.02 after the original 250-X-2-.02, X-Rays was repealed as per certification filed July 1, 2002; effective August 5, 2002.

250-X-2-.03 Manager License.

(1) A licensee may upgrade to manager in the appropriate field by paying an original license fee and showing proof of having held an active license for at least one year before application.

(2) Persons obtaining licensure by reciprocity may be accepted as manager in the appropriate field by showing proof of having held an active license for at least one year before application.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-22(7).

History: Filed September 24, 1982. Amended: Filed November 7, 1990; May 28, 1991; March 23, 1992; July 31, 1992.

New Rule: Filed April 20, 2001; effective May 25, 2001.

Repealed (see Ed. Note): Filed July 1, 2002; effective August 5, 2002. **Repealed and New Rule:** Filed April 1, 2004;

effective May 6, 2004. Amended: Filed September 7, 2005; effective October 12, 2005. Amended: Filed May 15, 2007; effective June 19, 2007.

Ed. Note: Rule 250-X-2-.03.01, Managing License, was renumbered 250-X-2-.03 after the original 250-X-2-.03, Manicurists was repealed as per certification filed July 1, 2002; effective August 5, 2002.

250-X-2-.04 Master License.

(1) Effective January 1, 2008 a manager with a current license may upgrade to master by paying an original license fee and completing eight (8) hours of Board approved continuing education.

(2) Licensees renewing as master for the 2007-2009 or prior license cycle must complete sixteen (16) hours of Board

approved continuing education. Licensees renewing as master for the 2009-2011 and future license cycles must complete eight (8) hours of Board approved continuing education.

(3) Only a master or instructor licensee may sponsor an apprentice.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-22(12).

History: Filed September 24, 1982. **New Rule:** Filed April 20, 2001; effective May 25, 2001. **Repealed (see Ed. Note):** Filed July 1, 2002; effective August 5, 2002. **Repealed and New Rule:** Filed April 1, 2004; effective May 6, 2004. **Amended:** Filed September 7, 2005; effective October 12, 2005. **Amended:** Filed May 15, 2007; effective June 19, 2007.

Ed. Note: Rule 250-X-2-.04.01, Master License, was renumbered 250-X-2-.04 after the original 250-X-2-.04, Lost Or Misplaced License was repealed as per certification filed July 1, 2002; effective August 5, 2002.

250-X-2-.05 Instructor License. To receive an instructor license a person must comply with the educational requirements set forth in Section 34-7A-1, Code of Ala. 1975, make application to the Board, pay any applicable fee(s) and pass any examination required by the Board.-

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-22(3).

History: Filed March 18, 1991. **New Rule:** Filed April 20, 2001; effective May 25, 2001. **Repealed (see Ed. Note):** Filed July 1, 2002; effective August 5, 2002. **Amended:** Filed May 15, 2007; effective June 19, 2007.

Ed. Note: Rule 250-X-2-.05.01, Instructor License, was renumbered 250-X-2-.05 after the original 250-X-2-.05, Hours Earned was repealed as per certification filed July 1, 2002; effective August 5, 2002.

250-X-2-.06 Inactive License. (Repealed)

Author: Keith E. Warren

Statutory Authority: Code of Ala. 1975, §34-7A-11(3).

History: **New Rule:** Filed April 20, 2001; effective May 25, 2001. **Repealed:** Filed July 1, 2002; effective August 5, 2002.