

CHAPTER 250-X-1 ADMINISTRATION

250-X-1.01 Disciplinary Procedures and Actions.

- (1) The Board may initiate investigations as appropriate by inspections or otherwise to determine compliance with state law and the rules and regulations of the Board.
- (2) On the basis of investigative findings, the Board may file a complaint against any person or business licensed under the provisions of the *Code of AL 1975, Section 34-7B*, or against any other person or business in violation thereof.
- (3) The Board shall investigate written complaints filed by the public against any person or business licensed under the provisions of the *Code of AL 1975, Section 34-7B*, or against any other person or business in violation thereof.
- (4) The Board may require a licensee to submit a written and sworn statement to the Board in response to any complaint or investigation by the Board.
- (5) All reports of investigations of complaints shall be submitted to the Investigative Committee of the Board.
 - (a) The Investigative Committee shall be composed of one Board member, the Board's attorney and the Executive Director of the Board or the Director's designee. By vote the Board shall appoint a Board member to serve on the Investigative Committee on an annual basis.
 - (b) The Investigative Committee shall review the investigation and complaint to determine if probable cause exists for disciplinary or enforcement proceedings by the Board. The Board member participating in the probable cause determination by the Investigative Committee shall not participate in any disciplinary proceedings of the Board arising from the investigation.
 - (c) Two members shall comprise a quorum of the Investigative Committee.
 - (d) No Board member shall serve longer than two (2) consecutive annual terms on the Investigative Committee. By vote the Board may remove or replace designated Board member serving on Investigative Committee for any reason.
 - (e) By vote the Board may appoint a substitute on the Investigative Committee for any complaint in which the designated Board member has a conflict of interest or is otherwise disqualified, including involvement as a possible witness to facts involved in the investigation.
- (6) The Board's attorney on behalf of the Board shall refer investigations involving possible criminal violations of state law to the Alabama Attorney General or other appropriate state or local law enforcement agency and provide assistance as necessary to assure compliance with state laws and Board rules.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-10*

History: Filed Oct 25, 2013; Effective Nov 29, 2013

250-X-1.02 Administrative Complaint Procedures.

- (1) When the Investigative Committee determines disciplinary action against a licensee is necessary, the Board shall prepare a summons and administrative complaint to be executed by the Executive Director on behalf of the Board. However, the Board may enter into settlement as referenced in paragraph 8 of Administrative Rule 250-X-1-.02 before issuance of any summons and complaint.
- (2) The Board shall serve a copy of the summons and administrative complaint on the licensee against whom the complaint has been filed. The method of service shall be either certified mail or personal service. If the Board is unable to obtain service of the summons and administrative complaint by certified mail or personal service, the Board or its attorney may serve the summons and administrative complaint by first class mail to the most recent address on file with the Board of the licensee against whom the complaint has been filed.
- (3) The summons and administrative complaint shall give notice in substantial compliance with the Alabama Administrative Procedures Act, Section 12(b)¹
- (4) Upon service of the administrative complaint, the Board shall schedule an administrative hearing to be held within two months of the date the summons and administrative complaint has been served by certified mail or personal service. The administrative hearing shall be held at the offices of the Board or other location designated by the Board.
- (5) If the person against whom the administrative complaint has been filed is a member of the Board, that Board member shall be notified in writing of the administrative charges by the Board's Executive Director and shall not participate in any proceedings or meetings related to the complaint.
- (6) In all administrative charges issued by the Board, the Board's attorney shall serve as prosecuting attorney and shall present evidence in support of the administrative complaint at the administrative hearing conducted by the Board or its Hearing Officer.

¹ *Alabama Administrative Procedure Act, Section 41-22-12(b)*, *Code of Alabama 1975*, reads as follows:

(1) A statement of the time, place, and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes and rules involved; and

(4) A short and plain statement of the matters asserted. If the agency of other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

(7) Following its investigation, if the Investigative Committee determines that no probable cause exists, the investigative proceedings shall be terminated and investigation of that complaint shall be closed.

(8) At any time during the investigation process, including the time that the Investigative Committee's investigation is in progress, the Board may enter into informal settlement agreements, provided the informal settlement is ratified and approved by the Board.

(9) The Board retains the discretionary authority to invoke the administrative complaint procedures set forth in these Rules against any person in lieu of instituting criminal proceedings against the unlicensed person. This provision does not restrict in any manner the authority of other state or local law enforcement agencies to pursue criminal penalties as otherwise provided by law.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-10*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-1-.03 Informal Settlement Proceedings.

(1) The Board or other party to an administrative proceeding may initiate informal settlement negotiations to resolve the administrative complaint or investigation by the Board.

(2) Neither the Board nor any other party is obligated to use informal settlement procedures or to participate in informal settlement negotiations.

(3) Any informal settlement shall be to terms that are negotiated to be in the best interest of the Board.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-10*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-1-.04 Consolidation of Administrative Proceedings

(1) The Board or its Hearing Officer may order the consolidation, in whole or in part, of two or more administrative proceedings whenever it appears the matters are substantially related and that such consolidation would expedite or simplify consideration of issues, and no party would be prejudiced thereby. This consolidation may include multiple cases involving the same parties or may include multiple cases involving different parties provided that other requirements of consolidation have been met.

(2) Any party may request the Board or its Hearing Officer to sever any part of an administrative proceeding that has been consolidated when it appears consolidation will not expedite or simplify consideration of issues or that the party will be prejudiced by continued consolidation of proceedings.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-10*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-1-.05 Motions.

(1) All motions, except those made orally on the record during an administrative hearing, shall be in writing and shall state the grounds in support of motions. All motions shall describe the relief sought and shall include any legal authority relied upon for relief. A copy of each motion filed with the Board shall be served on all parties accompanied by a certificate of service describing the method of service of the motion on other parties.

(2) The Board or its Hearing Officer may permit the non-moving party to file a response to any motion. Any response filed shall be served on other parties in the same manner as required for filing of motions.

(3) Any party may submit affidavits or other legal evidence in support of a motion or response provided such evidence is served on the other parties as an attachment to the motion or response filed with the Board.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-10*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-1-.06 Pre-hearing Procedures.

(1) The time requirements for conducting an administrative hearing may be waived by the filing of a written joint motion of the parties indicating an agreement to delay the proceedings and including a brief statement of the reasons for the requested delay. The Board or its Hearing Officer shall retain the discretionary authority to grant or deny the request to delay the proceedings.

(2) The Board or its Hearing Officer may require the parties to appear at a specified time and place in advance of the hearing for one or more pre-hearing conferences to consider:

- (a) The settlement of the case;
 - (b) The identification and/or clarification of the contested issues;
 - (c) Submission of admissions or stipulation to facts;
 - (d) Stipulation to the genuineness of documents that avoid unnecessary witnesses or proof;
 - (e) The identification of any facts of which official notice is proposed to be taken;
 - (f) The identification of any expert witnesses expected to testify and the substance of any opinion to which the expert witness may testify;
 - (g) And any other such matters that may be necessary or relevant to the determination of the issues involved in the administrative hearing.
- (3) The Board or its Hearing Officer shall issue a written pre-hearing order reciting the actions taken at any pre-Hearing conference, including any stipulations or agreements by the parties regarding the issues to be resolved at administrative hearing.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-10*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-1-.07 Pre-hearing Discovery.

(1) Pre-hearing discovery shall be permitted only upon determination by the Board or its Hearing Officer that:

- (a) Discovery will not unreasonably delay the proceedings;
 - (b) Discovery sought has significant probative value to the issues involved in the administrative hearing;
 - (c) Discovery sought will prevent fraud;
 - (d) Discovery sought will prevent undue surprise at the administrative hearing;
 - (e) And/or discovery sought will other-wise provide fundamental fairness to the parties to the administrative hearing.
- (2) All discovery sought must relate to charges contained in the administrative complaint or defenses to those charges.
- (3) The following methods of discovery are available, pursuant to the discretion of the Board or the Board's Hearing officer:

- (a) Depositions upon oral examinations of expert witnesses;
- (b) Interrogatories to the Respondent;
- (c) Production and copying of documents and things;
- (d) Request for admissions to the Respondent;
- (e) Requests for entry upon land for inspection and other purposes against any person.

(4) All discovery should be conducted in accordance with any terms and conditions imposed by the Board or its Hearing Officer. These terms and conditions may be imposed to protect the parties or other persons from annoyance, embarrassment, oppression, or undue burden and expense. Court reporters' fees and reasonable copying costs shall be borne by the party requesting discovery.

(5) Depositions of all parties and their employees, agents, and other persons under their control shall be conducted at the Board's offices in Montgomery,

Alabama unless another location is agreed upon by all parties.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-10*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-1-.09 Failure of a Party to Appear.

If a party fails to appear at a hearing after being given notice of hearing as required by these Rules, the Board or Board's Hearing Officer may proceed with hearing in absence of the party.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-10*

History: Filed Oct. 25, 2103; Effective Nov. 29, 2013

250-X-1-.10 Administrative Hearing Procedures.

(1) The Board may appoint a person to act on its behalf as Hearing Officer at its administrative hearings. The Hearing Officer shall preside at administrative hearings and shall rule on all questions of evidence and procedure. The Hearing Officer shall admit all evidence that is relevant, material, and which has probative value to the issues under consideration by the Board. Offers of settlement and compromise are

not admissible. The Hearing Officer shall consider evidence presented and then submit a recommendation to Board, including: a procedural summary of case; findings of fact; conclusions of law; and a recommended decision on the issues included in administrative complaint including, if necessary, suggested administrative punishment pursuant to the charges in the administrative complaint. The Hearing Officer's recommendations shall be considered by the Board but are not binding on the Board. Within sixty (60) days after receipt of the Hearing Officer's recommendation, the Board shall issue an appropriate administrative order modifying, approving or rejecting the recommendation. If the hearing was conducted by the Board itself, the Board shall issue its order within sixty (60) days after receipt of the court reporter's transcript of the administrative hearing. The Board's order in all instances shall include a procedural history of the case, findings of fact, conclusions of law, and its decision regarding the issues contained within the administrative complaint, including, if necessary, the appropriate administrative punishment.

(2) Prior to the taking of witness testimony at the administrative hearing, the Respondent or Respondents shall enter a plea of "guilty" or "not guilty" to each charge contained in the administrative complaint.

(3) All parties shall be allowed to make a concise opening statement regarding the charges in the administrative complaint, defenses to the administrative complaint, expected testimony and evidence, and any proposed administrative punishment.

(4) The parties shall be allowed to present evidence by direct and cross-examination. The Executive Director, or a designee acting on behalf of the Investigative Committee, shall present its evidence first followed by the other parties in the order determined by the Board or its Hearing Officer. Examination of witnesses shall not be unduly repetitious. The testimony of all parties and witnesses shall be made under oath administered by the Board or the Board's Hearing Officer.

(5) The Board or the Board's Hearing Officer may examine and question any party or witness regarding the administrative complaint and defenses thereto.

(6) All parties shall be allowed to make a brief closing statement summarizing the evidence presented and regarding the applicability or relevant state law and/or Board rules and regulations.

(7) All testimony and statements given in this administrative hearing shall be electronically or stenographically recorded. Any party wishing to obtain a transcript of the hearing shall make arrangements with the court reporter to receive a copy of the transcript at their own expense.

(8) The parties shall not be bound by the strict rules of evidence prevailing in the courts. Evidence shall be submitted in accordance with the Alabama Administrative Procedures Act, Section 13.ⁱ The administrative complaint and all attachments shall be made a part of the administrative record for consideration by the Board without further authentication.

(9) The Board or its Hearing Officer may admit into evidence the deposition of any witness who is not subject to the subpoena power of the Board or who is unable to be present to testify at the hearing because of death, physical or mental illness, or other good reason at the discretion of the Board or its Hearing Officer.

(10) All exhibits that are offered into evidence, whether admitted or not, shall be made a part of the administrative record in the case and be included as part of the court reporter's original transcript of the hearing. The party who offers each exhibit shall be permitted to substitute a true copy of the exhibit for the original exhibit upon request to and permission by the Board or its Hearing Officer.

(11) All objections concerning the conduct of the hearing or the admission of evidence may be stated orally or filed in writing during the hearing. The objections and responses thereto shall include a statement of the grounds for the objection and legal authority relied upon. The ruling on the objection by the Board or the Board's Hearing Officer shall be made a part of the administrative record of the hearing. Any party may make an offer of proof regarding evidence that is not admitted and may describe the general nature of the evidence offered and not admitted as part of the administrative record of the hearing.

(12) The Board or the Board's Hearing Officer may allow the parties to submit for consideration a proposed order or recommendation which includes a procedural history, proposed findings of fact, conclusions of law, and any suggested administrative punishment. The parties shall cite the appropriate pages of the hearing transcript for any proposed findings of fact.

(13) The administrative hearing shall be otherwise conducted in compliance with the provisions and in accordance with the Alabama Administrative Procedures Act, Section 41-22-12, *et. seq.*, Code of Alabama 1975.

Author: Bob McKee

Statutory Authority: Code of AL 1975, § 34-7B-10

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-1-11 Penalties.

(1) The Board may, in its discretion, issue a written public or private reprimand or remove, revoke, or suspend the license of any person who violates state law or the rules and regulations of the Board.

(2) The issuance of two or more written letters of public reprimand to a licensee may serve as probable cause for the Investigative Committee to proceed with administrative charges to seek the revocation or suspension of that person's license by the Board, pursuant to an administrative hearing described in these rules.

(3) The Board may, in addition to or in lieu of other penalties, levy and collect administrative fines for violations of state law or the rules and regulations of the Board of not more than \$750.00 for each violation.

Author: Bob McKee

Statutory Authority: Code of AL 1975, § 34-7B-10

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

Alabama Administrative Procedures Act, Section 13 reads as follows: (1) The rules of evidence as applied in nonjury civil cases in the Circuit Courts of this state shall be followed when necessary to ascertain facts not reasonably susceptible of proof under those rules. Evidence not admissible there under may be admitted (except when precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Agencies shall give affect to the rules of privilege by law. Except as hereinafter provided, objections to evidentiary offers may be made and shall be noted in the record. Whenever any evidence is excluded as inadmissible, all such evidence existing in written form shall remain a party of record as an offer of proof. The party seeking the admission of oral testimony may make an offer of proof by means of a brief statement on the record describing the testimony excluded. All rulings on the admissibility of evidence shall be final and shall appear in the record. Subject to these requirements, when a hearing will be expedited and interests of the parties will not be prejudiced substantially, any part of the evidence may be received or may be required to be submitted in verified form; provided the adversary party shall not be denied the right of cross-examination of the witness. The testimony of parties and witnesses shall be made under oath; provided however, in the hearing of a contested case where judicial review of the case is trial de novo, the agency may announce that it shall not be necessary that objections be made during the hearing and upon such announcement, it shall not be required or necessary that objections to be made to any testimony or evidence which may be offered by either party, and on the consideration of such cases the agency shall consider only such testimony and evidence as is relevant, material, competent, and legal, and shall not consider any testimony or evidence which is irrelevant, immaterial, incompetent or illegal, whether objection shall have been made thereto or not, and whether such testimony be brought on direct, cross or re-direct examination, or is hearsay. The agency shall not be required to point out what testimony or evidence should be excluded or not considered. Either party, on submission, shall have the privilege of calling attention to any testimony or evidence which is deemed objectionable. If specific objection be made to any evidence and a ruling made thereon by the agency, this exception shall not apply to such evidence.

(2) Documentary evidence otherwise admissible may be received in the form of copies of excerpts, or by incorporation by reference to material already on file with the agency. Upon request, parties shall be given an opportunity to compare the copy with the original.

(3) A party may conduct cross-examination required for a full and true disclosure of the facts, except as may otherwise be limited by law.

(4) Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the agency. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the agency determines as party of the record of decision that fairness to the parties does not require an opportunity to contest such facts.

(5) The experience, technical competence, and specialized knowledge of the agency may be utilized in the evaluation of evidence.

Section 41-22-13, Code of Alabama, 1975.

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) 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 AL 1975, § 34-7B-8*

History: Filed Oct. 21, 2014; Effective Nov. 25, 2014

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 AL 1975, § 34-7B-7*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

CHAPTER 250-X-3 SHOP REQUIREMENTS

250-X-3-.01 General Requirements.

- (1) Proper application, payment of applicable fee and physical inspection and approval of premises by an authorized member of the Board staff are required to receive a license for a shop.
- (2) Applicant for a shop must provide proof that it will operate in a location properly zoned by the appropriate governing authority.
- (3) Shop entrance and exit must comply with federal, state and local building codes.
- (4) Shop must be adequately ventilated to allow proper air circulation.
- (5) Premises, including walls, floors, workstations, furniture and equipment must be kept clean and free from dust. Trash must not be allowed to accumulate between clients.

- (6) Shop must be adequately and safely lighted.
- (7) Shop must have adequate toilet facilities either on premises or within 300 feet of entrance with at least one water closet and one sink equipped with hot and cold water. Exceptions to the 300 foot rule for toilet may be granted to shops located in shopping malls. Toilet must be equipped with proper tissue, soap dispenser with soap or other hand cleanser, waste receptacle and sanitary towels or electric wall-mounted hand dryer. Toilet/lavatory must be adequately lighted, ventilated and clean at all times.
- (8) A shop may be located in a residence where not prohibited by any governing authority. Such shop must be separated from living quarters by a permanent, finished, ceiling-high partition. A separate shop entrance from living quarters entrance and a toilet/lavatory facility with a separate entrance from living quarters must be provided. Toilet/lavatory must comply with requirements of Section 250-X-3-.01-(7).
- (9) The use of a shop as a living, dining or sleeping quarters is prohibited.
- (10) Shop shall display licenses and permits consistent with the following guidelines:
 - (a) Shop license must be displayed at the reception area near entrance. (Code of AL, 1975 §34-7B (d)(4).)
 - (b) Personal licenses must be posted near individual work stations.
 - (c) The most recent inspection report must be posted near shop license.
 - (d) Apprentice permits, examination permits and student permits must be posted near the appropriate work station.
- (11) Shop must have a copy of the most recent laws and rules of the Board readily available for employees and patrons.
- (12) No licensee shall perform any service outside the scope of practice authorized by the license held.
- (13) No licensee shall perform any service authorized by a license issued by the Board in a facility not licensed by the Board.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-7d.*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-3-.02 Products Sanitation and Care.

- (1) No licensee shall conduct services at any location which does not meet proper health, safety and sanitation requirements. Compliance with rules of this chapter does not infer compliance with other requirements of federal, state, and local laws, codes, ordinances, and regulations.
- (2) Possession or storage of any equipment, supplies or product associated with any act of barbering or cosmetology will be prima facie evidence of use.
- (3) No licensee shall use any equipment, supplies or product banned for use by the United States Food and Drug Administration or other federal, state, or local governmental agency for barbering or cosmetology purposes.
- (4) No licensee shall use styptic pencils.
- (5) No licensee shall use methyl methacrylate or any other product considered poisonous or unsafe.
- (6) No licensee shall use any drill or other equipment, supply or product for any purpose other than that for which it was intended. Only drills marked by the manufacturer "For Human Nails" are acceptable.
- (7) No licensee shall use any craft or hobby tools or modified craft or hobby tools in providing services.
- (8) No licensee shall perform any service outside the scope of the Board's regulatory authority. The Board's scope of licensure is confined to non-invasive services performed on the epidermis, specifically the stratum corneum and must not alter, cut or damage living cells.
- (9) No licensee shall use callous razors in any practice of cosmetology or manicure.
- (10) No licensee shall perform services on the skin or scalp of any person which is broken, inflamed, cut, abraded, eroded or infected.
- (11) No licensee may perform eyebrow tinting with a product which contains aniline derivative.
- (12) No licensee shall practice photo rejuvenation, permanent makeup, electrolysis, tattoo, or any other act outside the regulatory authority of the Board.
- (13) No person with an infectious or communicable disease may work in a salon licensed by the Board.
- (14) The practice of natural hairstyling is limited to cleansing, extending, locking, braiding or arranging without cutting, relaxing, removing, or applying permanent waving or chemical treatments to the natural hair.
- (15) The scope of waxing for manicurist/waxer is limited to treatment above the neck.
- (16) Roll on wax applicators shall be classed as single use items.
- (17) All sanitized instruments and sanitary disposable articles must be stored in clean, closed containers free of other supplies.
- (18) Cosmetics or preparations used on clients must be kept in closed containers at all times when not in use.
- (19) Shop must use containers for professional products which are designed to prevent contamination of the unused portion. All creams and bulk substances must be removed from containers with spatulas or clean tools. Bulk supplies which may be contaminated by unsanitized tools or spatulas during preparation or application of single service portions must be discarded.

(20) Shop must use wet sanitizers with hospital grade or EPA approved disinfectant. A wet sanitizer is any receptacle with a proper cover large enough to completely immerse items to be sanitized which contains an approved disinfectant. A hospital grade or EPA approved disinfectant shall be defined as:

(a) For all combs, brushes, tools, metal implements, instruments with a cutting edge and implements which have not come into contact with blood or body fluids: a disinfectant which indicates on its label that it has been registered with the Environmental Protection Agency as a hospital grade bactericide, viricide and fungicide.

(b) For all combs, brushes, tools, metal implements, implements with a cutting edge and implements which have come into contact with blood or body fluids: a disinfectant which indicates on its label that it has been registered with the EPA as a hospital grade tuberculocidal.

(21) All tools, implements, supplies, linens and equipment must be safely stored. Pre-sanitized tools, implements, linens and equipment must be stored in an enclosed sanitary cabinet or covered container. After use on each patron, implements and tools and soiled linens must be deposited in a closed receptacle separate from those which are clean and pre-sanitized.

(22) All chemicals and products for patron use must be properly labeled and identified.

(23) All sanitizing products and chemicals for patron use or cleaning must be used and stored according to the manufacturer's directions and in a manner consistent with public safety and health interests. Flammable chemicals must be stored in a flame retardant cabinet or in a well ventilated storage area away from combustible materials. Chemicals such as oxidizers, catalysts and solvents must be segregated in storage.

(24) Chemicals requiring mixing must be mixed in a well-ventilated area at least twenty-five feet from an open flame or electrical device. Chemical saturated towels and chemical waste must be removed from work and storage areas and placed in covered containers.

(25) Material safety data sheets (MSDS) defining product content, hazards precautions and first aid/medical treatment should be on containers and must be available upon request for products considered dangerous to public health.

(26) Any comb, brush, tool or implement which cannot be cleaned and sanitized is prohibited after initial use. Single-use articles and disposable supplies must be disposed of immediately after use in a covered container.

(27) Any disposable material which has come in contact with blood or body fluids shall be disposed of in a plastic bag.

(28) All combs, brushes and implements must be sanitized before use on any patron.

(29) No combs, brushes, tools or implements may be carried in licensee's pockets.

(30) Pedicure vats must be cleansed and sanitized after each service to a patron.

(31) During barber, cosmetology, esthetics or natural hair services a proper sanitary cover must be placed around patron's neck to avoid direct contact with protective cape.

(32) Shop must maintain an adequate supply of linens and products for proper hygiene.

(33) Shop must be insect, rodent and animal free except for guide or service animals of visually handicapped or otherwise physically disabled persons. Fish in sanitary and properly maintained aquariums are permitted.

(34) Shop must keep on premises a first aid kit which must be replenished as necessary.

Author: Jodi Respass

Statutory Authority: Code of AL 1975, §34-7B-4(b);d(1)

History: Filed July 18, 2017; Effective September 1, 2017

250-X-3-.03 Shop

(1) Shops are required to have equipment, furnishings and implements only for the services they provide.

(2) Shops providing barber services must have at least the following equipment and supplies:

(a) One shampoo bowl if this service is provided.

(b) One sink near work stations

(c) One barber chair or all purpose chair

(d) One work station and mirror

(e) Proper containers for clean and soiled towels

(f) One covered trash container

(3) Shops providing cosmetology services must have at least the following equipment and supplies:

(a) One shampoo bowl

(b) One sink near work stations

(c) One shampoo chair or all purpose chair.

- (d) Sufficient hair drying facilities
- (e) One covered trash container
- (f) For cosmetology shops also offering manicure, one manicure table with light and chair.
- (g) For shops also offering esthetics, one facial chair and one magnifying glass.

(4) Shops providing esthetics services must have at least the following equipment or services:

- (a) One facial chair or all purpose chair.
- (b) One magnifying glass
- (c) One sink near work stations
- (d) One covered trash container

(5) Shops providing Manicure/Nail services must have at least the following equipment or services:

- (a) One manicure table with proper light.
- (b) One manicure chair
- (c) One sink near work stations
- (d) One covered trash container

(6) Shops providing Natural Hair stylist services must have at least the following equipment or services:

- (a) One shampoo bowl.
- (b) One all purpose chair
- (c) One hair dryer
- (d) One sink near work stations
- (e) One covered trash container

(7) Shops providing threading services must have at least the following equipment and supplies:

- (a) One all purpose chair
- (b) One sink near work stations

Author: Bob McKee

Statutory Authority: Code of AL 1975, § 34-7B-4(b)

History: Filed Jul 23, 2014; Effective Aug 27, 2014

250-X-3-.07 Unlicensed Personnel

Any person, shop or corporation employing any unlicensed person to practice when a license is required by this chapter shall be guilty of a violation of this chapter and may be subject to disciplinary action as decided by the Board, which may include but not be limited to a fine as provided in the Code of AL, 1975, Section 34-7B-10.

Author: Bob McKee

Statutory Authority: Code of AL 1975, §34-7B-10

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-3-.08 Inspections.

(1) All shops and schools licensed by the Board are subject to periodic inspections by Board staff to monitor compliance with Alabama law and Board rules and regulations.

(2) Any portion of a multi-purpose facility licensed by the Board must comply with the same regulations and inspection requirements as any other shop licensed by the Board.

(3) For inspection purposes, shops or schools with no license when one is required by law will be issued a score of zero and may be subject to disciplinary action as decided by the Board, which may include but not be limited to a fine as provided in the Code of Alabama, 1975, §34-7B-10(a)g(3).

(4) For inspection purposes, shops or schools with unlicensed personnel when a license is required by law will be issued a score of zero and may be subject to disciplinary action as decided by the Board, which may include but not be limited to a fine as provided in the Code of Alabama, 1975, § 34-7B-10-(a)g(3).

(5) Shops or schools issued a score of less than 80 for any violation except for license violations on an inspection report shall be reinspected for compliance, and any shop or school receiving a score of less than 80 on a re-inspection will be in violation of the laws and regulations of the Board and may be subject to disciplinary action as decided by the Board, which may include but not be limited to a fine as provided in the Code of Alabama, 1975, §34-7B-10-(a)g(3).

(6) Any deficiency noted on shop or school inspection reports must be corrected or the points for that deficiency may be increased on future inspections.

(7) Any shop or school closed by Board action because of violations must post in a conspicuous location outside the facility a sign furnished by the Board giving the reason for such closure.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, §34-7B-10(a)g(3)*.

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

CHAPTER 250-x-4 APPRENTICES

250-x-4-.01 Requirements.

(1) Apprentices must apply for a permit and pay the applicable fee before beginning work.

(2) Apprentices must train in a shop licensed by the Board under a licensed sponsor in the appropriate field whose name is designated on their application.

(3) The sponsor must be licensed during the entire period of apprenticeship.

(4) No sponsor may train more than one apprentice at a time, and the Board must be immediately notified of any change in apprentice sponsorship.

(5) Apprentices must pay an additional registration fee when changing sponsor.

(6) Apprentices are limited to three (3) changes in sponsor during training.

(7) Barber apprentices and manicure apprentices are allowed two (2) years to complete training.

(8) Cosmetology and esthetic apprentices are allowed three (3) years to complete training.

(9) Natural hair stylist apprentices are allowed six (6) months to complete training.

(10) Apprentices must meet requirements outlined in the Code of Alabama 1975, Section 34-7B-16. In addition to practical training, sponsors must provide apprentices with a copy of a Board approved textbook for theory study.

(11) Shops with apprentices or student trainees must display a clear and legible sign not less than 8" X 10" in the reception area or at work stations advising the public that services are offered by apprentices or student trainees.

(12) Shops and sponsors are responsible for keeping a daily, monthly and accumulated total of earned apprentice hours, and sponsors must submit monthly and accumulated hours to the Board office by the fifteenth (15th) day of the month after the month in which hours are earned.

(13) Apprentice hours received in the Board office with a postmark date later than the fifteenth (15th) day of the month after the month in which hours are earned will not be credited, and both shop and sponsoring licensee will be in violation of Board regulations and subject to a fine as provided in the Code of Alabama 1975, Section 34-7B-10.

(14) Barber, Cosmetology, Esthetician and Manicure apprentices must become licensed within two (2) years from record of completion date of original training or complete 375 hours of school training before applying or reapplying for examination.

(15) Natural Hair Stylist apprentices must become licensed within two (2) years from record of completion date of original training or complete 75 hours of school training before applying or reapplying for examination.

(16) Apprentices who have their apprenticeship interrupted by military service may reenroll in an apprenticeship program within one year of completion of their tour of duty and receive credit for previous hours earned.

Author: Jodi Respass

Statutory Authority: *Code of AL 1975, §34-7B-16(f)*

History: Filed May 18, 2017; Effective September 1, 2017

250-X-4-.02 Apprentice Permits.

(1) Shop owners and sponsors are responsible for returning temporary permits and total hours earned for discontinued apprentices.

(2) Apprentice permits are not transferable between sponsors or shops. Apprentices must apply to the Board for a new permit involving any change in shop or sponsor and pay the applicable fee.

(3) Cosmetology and esthetician apprentices must complete their training within three (3) years.

- (4) Barber and manicure apprentices must complete their training within two (2) years.
- (5) Natural hair stylist apprentices must complete their training within six (6) months.
- (6) No student may be issued an apprentice or shampoo assistant permit.

Author: Jodi Respass

Statutory Authority: Code of AL 1975, §34-B16(f).

History: Filed July 18, 2017; Effective September 1, 2017

250-X-4-.03 Apprentice Curricula.

- (1) Barber Apprentices must complete a curriculum of not less than the following requirements:

- 200 hrs. History, Law, Image, Management
- 200 hrs. Sanitation, Infections
- 300 hrs. Cutting, Shaping, Styling
- 150 hrs. Shampooing, Rinses
- 200 hrs. Sciences, Anatomy
- 100 hrs. Skin, Scalp, Hair
- 250 hrs. Shaving, Design, Hairpieces
- 100 hrs. Chemical Waving
- 200 hrs. Hair Coloring
- 100 hrs. Relaxing
- 200 hrs. Unassigned
- 2,000 HOURS TOTAL

- (2) Cosmetology apprentices must complete a curriculum of not less the following requirements:

- 450 hrs. Sanitation/Sterlization/Allied Sciences
- 150 hrs. Skin, Facials, and Make-Up
- 225 hrs. Manicure, Nails
- 150 hrs. Shampoos, Rinses
- 300 hrs. Coloring, Bleach
- 225 hrs. Haircutting
- 595 hrs. Hairstyling (Finger Waving, Styling, Hair Pressing, Thermal Waving)
- 525 hrs. Permanent Waving
- 380 hrs. Unassigned
- 3,000 HOURS TOTAL

- (3) Esthetician apprentices must complete a curriculum of not less than the following requirements:

- 200 hrs. Bacteriology and Sanitation, Personal Hygiene, Public Health
- 200 hrs. History of Skin, Cell, Tissue
- 200 hrs. Dermatology, Structure, Functions, Types, Color, Elasticity, Disorders
- 100 hrs. Structure/Function Human Systems
- 100 hrs. Skin Types, Color, Nutrition
- 200 hrs. Facial Treatments, Massage, Analysis, Preparation, Manipulations
- 150 hrs. Equipment, Electrical Current Facial Treatments, Benefits, Safety
- 150 hrs. Other Facial Treatments, Purpose and Effects, Safety
- 75 hrs. Hair Removal, Depilatories, Tweezing, Waxing
- 200 hrs. Makeup, Supplies and Implements, Preparation, Safety Procedures
- 75 hrs. Body Wraps, Purpose and Effects, Types of Treatment, Supplies
- 125 hrs. Business/ Management Practices, Salon and Client Development
- 225 hrs. Unassigned
- 2,000 HOURS TOTAL

(4) Manicure apprentices must complete a curriculum of not less than the following requirements:

180 hrs. Bacteria, Infections

120 hrs. Sanitation and Disinfection

180 hrs. Anatomy, Skin, Nails, Diseases and Disorders

30 hrs. Nail Products

100 hrs. Client Consultation, Professional Image

220 hrs. Manicure, Pedicure

150 hrs. Acrylic Nails

220 hrs. Unassigned

1,200 HOURS TOTAL

(5) Natural hair stylist apprentices must complete a curriculum of not less than the following requirements:

20 hrs. Shampooing

270 hrs. Braiding, weaving, extending, locking

130 hrs. Science and Sanitation

420 HOURS TOTAL

Author: Jodi Respass

Statutory Authority: *Code of AL 1975, §34-7B-16*

Filed: July 18, 2017; **Effective** September 1, 2017

CHAPTER 250-X-5 SCHOOLS

250-X-5-.01 School Licensing.

- (1) Any person, firm, corporation or association which either directly or indirectly receives compensation for teaching any branch of cosmetology, except for apprentice training, shall be classified as a school of cosmetology or barbering and will be required to comply with all provisions and rules and regulations of the Board.
- (2) All applications for opening a school must be submitted to the Board with the proper license fee at least ninety (90) days before the school is expected to open.
- (3) All schools must be inspected by an authorized representative of the Board and approved by the Board before receiving a license.
- (4) If a school relocates it must furnish a floor plan and evidence of insurance acceptable to the Board, and the new location must be inspected for compliance with Board regulations before beginning operations.
- (5) If the ownership of a school changes in a way that affects the controlling interest, an updated financial statement must be furnished to the Board and the controlling owner or stockholder must appear before the board.
- (6) Name changes, location changes or ownership changes may be subject to a fee to cover administrative costs.
- (7) School licenses and all instructor licenses must be displayed in a conspicuous place in school office.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7B-26*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-5-.02 School Requirements.

- (1) The Board must be furnished a statement by the proper zoning authority that the school will be located in an area approved for operation of a school. If there is no appropriate zoning authority, a statement to that effect must be furnished to Board.
- (2) A personal financial statement is required to open and operate a school.
- (3) A bond in the amount of \$ 50,000 in favor of the State of Alabama underwritten by a company authorized to do business in Alabama is required to open and maintain a school. Code of AL, 1975, § 34-7B-26-1(a).
- (4) A liability insurance policy for at least five hundred thousand (\$500,000) dollars is required to open and maintain a school.
- (5) Any existing school which wishes to expand operations at the same physical location must notify the Board in writing and maintain student and instructor requirements provided in this section.
- (6) Each school must furnish the Board a copy of its standard contract for students.
- (7) Each school must furnish the Board a copy of all financial forms relating to tuition, grants and scholarships.
- (8) Any school terminating operations must:
 - (a) Inform the Board at least thirty (30) working days prior to anticipated date of termination;
 - (b) Provide certified student records to the Board in a format approved by the Board on or before the last day of operation;
 - (c) Provide each current student a certified transcript of hours completed, and for which the school has been compensated;
 - (d) Refund any unearned tuition to students;
 - (e) Transfer to new owner all certified student records if the school is being sold or transferred.
- (9) All schools must maintain at least 1,200 square feet inside wall dimensions of floor space to accommodate twenty (20) students. For each additional student over twenty (20) an additional fifteen (15) square feet of floor space is required.
- (10) Schools must be completely segregated from any other type business by a solid wall from ceiling to floor without an opening of any type.
- (11) Booths in work areas must be open and provide a clear view of students at work.
- (12) Schools must be housed in a facility that is clean, properly lighted and ventilated and complies with all applicable health and building codes.
- (13) An inventory of all equipment to be used in the school must be provided to the Board.
- (14) Schools with less than twenty (20) students must maintain on staff at least one full-time instructor and one on-call instructor. For each additional twenty (20) students or fraction thereof, one additional full-time instructor must be provided on staff.
- (15) The same person cannot be the on-call instructor for two schools.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, §34-7B-26*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-5-.03 School Curriculum

- (1) All schools must establish and maintain a course of study consistent with standards set by the Board. Public schools are expected to set curricula under guidelines of their governing authority consistent with Board policies.
- (2) Students will receive credit only for training physically conducted at a properly licensed school.
- (3) The Board will accept hours from public institutions for credit hour programs if properly certified by a licensed instructor. Code of AL 1975, § 34-7B-18(3)a.
- (4) Day schools must conduct at least six hours of theory classes each week.
- (5) Night Schools must conduct at least three hours of theory classes each week.

Author: Bob McKee

Statutory Authority: Code of AL 1975, §34-7B-26-c(7)

History: Filed Jan. 27, 2015; Effective: Mar 3, 2015

250-X-5-.04 School Instructors.

- (1) All services performed for the general public by instructors and instructor trainees must be without charge for demonstration purposes only, with students observing, and must directly relate to the practical curriculum offered by schools in the appropriate field.
- (2) Instructors may demonstrate work only in their appropriate field.
- (3) Instructors and school owners are jointly responsible for notifying the Board when an instructor transfers to another school or is terminated for any reason.
- (4) If an instructor who is necessary to maintain minimum school requirements transfers or is terminated, the school must replace that instructor within thirty (30) days of the date such transfer or termination occurs. A properly licensed instructor must be present at all times a school is operating.
- (5) Instructor trainees must have the equivalent of twelve (12) grades in school, hold a current license and be properly registered with the Board.
- (6) Instructor trainees must either:
 - (a) Complete 1,500 hours of instructor training in a registered or licensed school in the appropriate field;
 - (b) Or document at least one (1) year of full time work as a licensee in the appropriate field in a shop licensed in the appropriate field, and afterward complete 650 hours of instructor training in a licensed or registered school in the appropriate field.
- (7) Instructor trainees may instruct only in the presence of a licensed instructor.
- (8) Before enrolling as an instructor trainee an applicant must hold license in appropriate field.
- (9) Instructor trainees must pass appropriate examination to be licensed as an instructor.
- (10) Instructor trainees are responsible for scheduling their own examinations.
- (11) Each school must have one instructor for every two instructor trainees enrolled.
- (12) Instructors who teach in school and practice in a shop must post a license in each location. Duplicate license is subject to a copy fee. Only one license fee is applicable for such instructors.
- (13) A student may not receive credit for courses completed in a school which that person owns or is a principal.

Author: Bob McKee

Statutory Authority: Code of AL 1975, §34-7B-24

History: Filed May 28, 2014; Effective Jul 2, 2014

250-X-5-.06 General Rules for Schools

- (1) Student enrolment records must be received by the Board within thirty (30) days after students enroll. Any hours earned before the Board receives proper enrolment forms will not be credited.
- (2) All schools must keep a record of daily attendance, daily, monthly and cumulative totals of hours earned by students, and furnish the Board a certified copy of hours after students finish training or leave school.
- (3) Private schools are required to send student daily, monthly, and cumulative attendance records to the board office by the 15th day of the month following the month in which hours are earned.
- (4) Students may not receive credit for more than forty-eight (48) clock hours earned in one week, including any make up hours.
- (5) Schools are not allowed to promise students guaranteed employment after completion of training.
- (6) No student may be called from theory class to perform service for the public.
- (7) Any demonstration of new processes or products to students must be made in the presence of instructors on staff at the school.
- (8) No school may prepare food for resale.
- (9) No school may charge public for student services before students complete 15% of their training.

- (10) No school may pay a student, instructor trainee or instructor for service performed on the public.
- (11) All schools must hold both written and practical examinations on a regular basis, including content of Board law and regulations.
- (12) No school may prohibit an authorized representative of the Board from conducting an inspection of the school premises, personnel or student records at any time during regular business hours.
- (13) Schools are allowed to set their own rules for absenteeism and tardiness.
- (14) When students complete appropriate hours of training, schools must submit a record of completion form certifying students for examinations.
- (15) Barber, Cosmetology, Esthetician, and Manicure students must become licensed within two (2) years from record of completion date of original training or complete 375 hours of school training before applying or reapplying for examination. Code of AL 1975, § 34-7B-15(f)
- (16) Natural Hair Stylist students must become licensed within two (2) years from record of completion date or original training or complete 75 hours of school training before applying or reapplying for examination. Code of AL 1975, § 34-7B-15(f)
- (17) No student may be enrolled in more than one school at the same time.
- (18) Schools may use students to perform services for the public for a fee and advertise for such services provided that:
 - (a) Any advertisement states in bold legible print that students are performing the services; and
 - (b) In all areas where students are performing services for the public, legible signs of appropriate size must be posted notifying public that students are being used to perform services.

Author: Jodi Respass

Statutory Authority: *Code of AL 1975, §34-7B-26*

History: Filed July 18, 2017; Effective September 1, 2017

250-X-5-.07 School Equipment and Supplies.

- (1) Schools must provide a dispensing room which contains lavatory or sink, bottles and containers distinctly and correctly labeled, a large wet sterilizer, adequate supplies of clean towels, linens.
- (2) Schools must provide a separate room for demonstration and study equipped with adequate visual teaching aids, chairs and/or desks for student use.
- (3) Schools must provide a reference library stocked with up to date books and materials recommended by the Board for instruction. A copy of the most recent version of Board's law and regulations with any amendments must also be included in library.
- (4) Schools must provide a wet sanitizer at each student work station.
- (5) Schools must provide adequate lockers for student use.
- (6) School restroom may not be used for storage.
- (7) Schools must provide adequate office equipment for maintaining student records.

Author: Jodi Respass

Statutory Authority: *Code of AL 1975, §34-7B-26*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-5-.08 Barber Schools

The following minimum equipment and supplies are required for a barber school to become licensed:

- (a) Three (3) shampoo bowls
- (b) Three (3) barber chairs or all purpose chairs.
- (c) One sink
- (d) Adequate drying equipment
- (e) Reference books, charts, supplies and equipment necessary for required curriculum.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, §34-7B-26*

History: Filed Jul 23, 2014; Effective Aug 27, 2014

250-X-5-.09 Cosmetology Schools.

The following minimum equipment and supplies are required for a school of cosmetology to become licensed:

- (a) Five (5) shampoo bowls
- (b) Three (3) facial chairs or all purpose chairs.
- (c) One sink
- (d) Six (6) dryers
- (e) Two (2) manicure tables
- (f) Six (6) styling chairs
- (g) Six (6) mannequins
- (h) Reference books, charts and equipment necessary for required curriculum.
- (i) An adequate quantity of cosmetology, manicuring, esthetics, sanitation and sterilization supplies necessary for required curriculum.

Author: Bob McKee

Statutory Authority: Code of AL 1975, §34-7B-26

History: Filed Jul 23, 2014; Effective Aug 27, 2014

250-X-5-.10 Manicure Schools.

The following minimum equipment and supplies are required for a school of manicure to become licensed:

- (a) Six (6) manicure tables
- (b) Six (6) manicure chairs.
- (c) One sink
- (d) Reference books, charts and equipment necessary to teach required curriculum.
- (e) An adequate quantity of manicure, nail technology, sanitation and sterilization supplies necessary for required curriculum.

Author: Bob McKee

Statutory Authority: Code of AL 1975, §34-7B-26

History: Filed Jul 23, 2014; Effective Aug 27, 2014

250-X-5-.11 Esthetics Schools.

The following minimum equipment and supplies are required for an esthetics school to become licensed:

- (a) Three (3) facial treatment chairs, hydraulic chairs or treatment tables.
- (b) Three (3) esthetician stools.
- (c) Three (3) facial vaporizers
- (d) Three (3) Woods lamps
- (e) Three (3) footed magnifying lamps
- (f) One (1) electric wax heater
- (g) Three (3) utility tables or one adequate sized continuous counter top
- (h) Three (3) high frequency apparatuses
- (i) One (1) galvanic or faradic/sinusoidal apparatus
- (j) One sink
- (k) Reference books, charts and equipment necessary for curriculum.

Author: Bob McKee

Statutory Authority: Code of AL 1975, §34-7B-26

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

250-X-5-.12 Student Requirements.

(1) To enroll in school, a student must:

- (a) Be at least sixteen (16) years old, documented by birth certificate, school records, driver's license, or insurance policy at least 5 years old.
- (b) Furnish proof of having completed 10 grades in school or the equivalent.
- (2) Students who complete 70% of their training may receive a permit to work in a licensed shop in the appropriate field when school is not in session. All other training must be physically conducted at a properly licensed school.
- (3) Hours earned in a shop by students may not be credited toward required training hours.

- (4) Permits for students who work in shops will expire six months after date of issue.
- (5) Students may not be granted a shampoo assistant license or apprentice permit to work in a shop.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, §34-7B-15-*

History: Filed Oct. 21, 2014; Effective Nov. 25, 2014

250-X-6 Examinations

250-X-6-.01 Candidate Examinations.

- (1) Candidates for licensure must meet requirements of this chapter, make application, pay the appropriate examination fee and pass the appropriate examination.
- (2) Candidates furnishing proof of eligibility for licensure examination must receive a temporary work permit before performing services for the public.
- (3) Candidates failing the prescribed written or practical examination shall be entitled to two additional attempts.
- (4) Candidates failing an exam on the third attempt shall take the following action:
 - (a) Barbers, cosmetologists, estheticians, manicurists and instructors shall complete 375 hours of training in school before reapplying for examination.
 - (b) Natural hair stylists and waxers shall complete 75 hours of training in school before reapplying for examination.
- (5) Candidates for licensure must furnish their own supplies and implements for any practical examination.
- (6) A grade of at least 70% is required to pass licensure examinations, except for instructor examinations which require a grade of at least 80% to pass.
- (7) Candidates who cancel a scheduled examination or fail to appear for a scheduled examination must pay a rescheduling fee unless the cancellation or failure to appear was caused by an emergency or act of God.
- (8) No member of the board may attend rater training for candidate examinations or actively participate in rating candidates.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, §34-7B-7-c(2)d*

History: Filed Oct. 25, 2013; Effective Nov. 29, 2013

Amended July 26, 2016; Effective September 9, 2016
