

SPONSOR: Rep. S. Moore & Sen. Hansen
Reps. Morrison, Wilson-Anton; Sens. Ennis, Gay, Townsend, Walsh

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 174

AN ACT TO AMEND TITLE 24 RELATING TO THE BOARD OF COSMETOLOGY AND BARBERING AND LICENSURE OF AESTHETICIANS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 51 of Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline and re-designating as follows:

§ 5101. Definitions.

As used in this chapter:

(1) "Aesthetician" is an individual who practices ~~the cleansing, stimulating, manipulating and beautifying of skin, with hands or mechanical or electrical apparatus or appliances, the temporary removal of superfluous hair and gives treatments to keep skin healthy and attractive. An aesthetician is not authorized to prescribe medication or provide medical treatments in the same manner as a dermatologist.~~ any of the following:

a. Cleansing, stimulating, manipulating and beautifying skin by hand or mechanical or electric apparatus or appliance.

b. Application of lash extensions, additions or enhancements, including permanent waving and tinting.

c. Removal of superfluous hair.

d. Gives treatments to keep skin healthy and attractive.

An aesthetician is not authorized to prescribe medication or provide medical treatment in the same manner as a dermatologist.

(2) "Apprentice" means any person who is engaged in the learning of any or all the practices of cosmetology, barbering, nail technology or electrology from a practitioner licensed in the profession the apprentice is studying. The apprentice may perform or assist the licensed practitioner in any of the functions which the practitioner is licensed to perform.

(3) “Barber” means any person licensed under this chapter who, for a monetary consideration, shaves or trims beards, cuts or dresses hair, gives facial or scalp massages, or treats beards or scalps with preparations made for this purpose.

(4) “Board” means ~~and refers to~~ the state Board of Cosmetology and Barbering~~, as provided for in~~ under this chapter.

(5) “Classroom hour” ~~is defined as~~ means 50 minutes of each 60-minute hour.

(6) “Cosmetologist” means any person licensed under this chapter who is not an apprentice or student practicing cosmetology, who shall have the qualifications provided for by this chapter.

(7) “Cosmetology” ~~includes any or all work done~~ means performing any of the following services for ~~compensation by any individual, including, but not be limited to,~~ compensation:

a. The ~~the~~ embellishment, cleansing and beautification of human hair, such as arranging, dressing, curling, permanent waving, cutting, singeing, pressing, chemically bleaching or coloring, chemically straightening, or similar ~~work,~~ services.~~as well as the~~

b. Applying lash extensions, additions or enhancements, including permanent waving and tinting.

c. The temporary removal of superfluous ~~hair and~~ hair.

d. ~~nail~~ Nail technology.

~~The term “cosmetology” shall also include, but not be limited to, the massaging,~~

e. ~~stimulating~~ Massaging, stimulating, beautifying, or similar ~~work,~~ services, of the scalp, face, arms, hands or the upper body.

~~All work~~ Any service performed under the definition of “cosmetology” may be ~~done~~ performed by hand or ~~by~~ mechanical or electrical devices and may include the use of cosmetic preparations, tonics, lotions or creams.

Section 2. Amend Chapter 51, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline and re-designating as follows:

§ 5104. Board of Cosmetology and Barbering; appointment; composition; qualifications; term of office; suspension or removal; compensation; continuation of former Board.

(a) The Board of Cosmetology and Barbering shall consist of ~~11~~ 13 members appointed by the ~~Governor.~~ ~~With the expiration of the terms of the members in office as of April 15, 2016, the Board composition shall be as follows:~~ Governor and shall be composed of the following:

(1) 2 ~~cosmetologists,~~ cosmetologists.

(2) 1 nail ~~technician,~~ technician.

(3) 1 ~~barber,~~ barber.

(4) 1 ~~aesthetician,~~ aesthetician.

(5) 1 cosmetology ~~instructor and~~ instructor.

(6) 1 owner or operator of a shop licensed under this chapter.

(7) 1 owner or administrator of a school licensed under this chapter.

(8) 5 public members. ~~To serve on the Board, a~~ A public member ~~shall not be, nor ever have been,~~ may not be any of the following:

a. At any time, a cosmetologist, barber, electrologist, nail technician or ~~aesthetician; nor a~~ aesthetician.

b. A member of the immediate family of a cosmetologist, barber, electrologist, nail technician or ~~aesthetician; shall not have been~~ aesthetician.

c. ~~employed~~ Employed by a cosmetologist, barber, electrologist, nail technician or ~~aesthetician; shall not have~~ aesthetician.

d. At any time have ~~had~~ a material or financial interest in the providing of goods ~~and/or~~ or services to a cosmetologist, barber, electrologist, nail technician or ~~aesthetician; nor have been~~ aesthetician.

e. At any time engaged in an activity directly related to cosmetology, barbering, electrology, nail technology or aesthetics. ~~Such public member~~

A public member shall be accessible to inquiries, comments and suggestions from the general public.

Section 3. Amend Chapter 51, Title 24 of the Delaware Code by making deletions has shown by strike through and insertions as shown by underline as follows:

§ 5107. Qualifications of applicant; judicial review; report to Attorney General.

(a) All persons applying for a license to practice under this chapter:

(1) Shall have successfully completed an education equivalent to a tenth grade education. Instructors shall have successfully completed an education equivalent to completion of a twelfth grade education. Proof of the required education shall be a certified high school transcript or any other document or affidavit which constitutes reliable proof of educational attainment as determined by the ~~Board;~~ Board.

(2) Shall have passed a written and practical examination to the satisfaction of the Board as set forth in board rules and ~~regulations;~~ regulations.

(3) Shall have paid the appropriate fee as established by the Division of Professional Regulation. In addition, except as otherwise provided for in this chapter, no individual shall be permitted to sit for an examination or shall be

granted a license to practice in any of the professions regulated by this chapter, unless the individual meets the following education requirements, or has successfully completed an apprenticeship. The requirements are for:

a. Cosmetologists. — The successful completion of a minimum of 1,500 classroom hours of continuous training for a complete course in cosmetology. School owners shall have the option of the amount of hours of training per day and shall be able to choose which days of the week the student works provided the hours accumulated do not exceed 40 hours per ~~week.~~ week, excluding make-up hours. The Board shall establish by regulation the portion of the 1,500 classroom hours that may be credited to an applicant who previously obtained classroom hours while studying to become an aesthetician, nail technician or ~~electrologist;~~ electrologist. A cosmetologist may obtain a shaving certification in connection with the cosmetologist's license upon successful completion of a course in shaving consisting of at least 35 hours of instruction from a licensed barbering instructor.

~~c. *Cosmetologist merged instruction and apprenticeship.* — The successful completion of 600 classroom hours of concentrated coursework in cosmetology and 1500 hours in an apprenticeship to a licensed cosmetologist with the total number of hours worked not to exceed 40 hours per week. Acceptance to the 600-hour program is to be based on a practical examination administered by a Delaware licensed school of cosmetology;~~

c. Transfer of apprentice hours to a cosmetology program. An apprentice cosmetologist may transfer up to 1,800 apprentice hours at a rate of 2 apprentice hours to 1 transfer hour to a cosmetology program totaling 1,500 hours. A minimum of 600 hours of course work must be completed at school. The Board must provide documentation of the apprentice hours to the school prior to transfer.

d. *Master barbers.* — For a licensed barber, the successful completion of an additional 600 hour apprenticeship for chemicals, as set forth in the Board's rules and regulations, and the passing of the master barber's ~~examination. For a licensed cosmetologist, 1 year of post-licensure work experience as a cosmetologist and the successful completion of a course in shaving which shall consist of at least 35 hours of instruction in shaving taught by a licensed barbering instructor.~~

For all other applicants, the successful completion of a minimum of 1,500 classroom hours of continuous training for a complete course in master barbering and the passing of the master barber's examination, or the completion of 3,000 hours in a master barber apprenticeship, as set forth in the Board's rules and regulations, and the passing of the master barber's examination. School owners shall have the option of the amount of hours of training per day and shall be able to choose which days of the week the student works provided the hours accumulated do not exceed 40 hours per ~~week.~~ week, excluding make-up hours. Any barber who was issued a barber's license by the Division prior to April 28, 2008, shall be deemed a master ~~barber;~~ barber. A master barber may obtain a skin and nails certification in connection

with a master barber's license upon completion of at least 250 hours of instruction in a licensed cosmetology school or a 500 hour apprenticeship in skin and nails in accordance with the Board's rules and regulations.

e. Barbers. — The successful completion of a minimum of ~~1,500~~ 1,250 classroom hours of continuous training for a complete course in barbering, or the completion of 3,000 hours in an apprenticeship to a licensed barber with the total number of hours worked not to exceed 40 hours per ~~week;~~ week.

~~f. *Barbers merged instruction and apprenticeship.* — The successful completion of 600 classroom hours of concentrated coursework in barbering and 1500 hours in an apprenticeship to a licensed barber with the total number of hours worked not to exceed 40 hours per week. Acceptance to the 600-hour program is to be based on a practical examination administered by a Delaware-licensed school of cosmetology;~~

f. Transfer of apprentice hours to a barbering program. An apprentice barber may transfer up to 1,800 apprentice hours at a rate of 2 apprentice hours to 1 transfer hour to a barbering program totaling 1,500 hours. A minimum of 600 hours of course work must be completed at school. The Board must provide documentation of the apprentice hours to the school prior to transfer.

g. *Nail technicians.* — The successful completion of a course of training in nail technology of not less than 300 hours in a school of nail technology or cosmetology; or successful completion of 600 hours as an apprentice under the supervision of a licensed nail technician. In either case, training is not to exceed 40 hours per ~~week;~~ week, excluding make-up hours.

h. Electrologists. — The successful completion of a course of training in electrology of not less than 300 hours in a school of electrology or cosmetology, or successful completion of 600 hours as an apprentice under the supervision of a licensed electrologist. In either case, training is not to exceed 40 hours per ~~week;~~ week, excluding make-up hours.

i. [Repealed.]

j. Cosmetology and barbering instructors. — For cosmetology and barbering, an instructor must have a license in the respective field of cosmetology or barbering and the successful completion of a teacher training course, consisting of at least 500 hours of instruction in a registered school of cosmetology or barbering, or at least 2 years' experience as an active licensed, practicing cosmetologist or barber, supplemented by at least 250 hours of instruction in a teacher training course. In addition, the applicant shall have successfully passed an instructor examination designated by the Board in its rules and regulations. A person licensed as a cosmetology instructor may also ~~become licensed as an electrology instructor, a nail technician instructor and/or an aesthetics instructor.~~ provide instruction in nail technology and aesthetics. A person licensed as a cosmetology instructor ~~may also become~~

~~licensed as a barbering instructor if that person successfully completes a course in shaving which shall consist of at least 35 hours of instruction in shaving and is taught by a licensed barbering instructor.~~ may obtain a certification to instruct barbering upon successful completion of a course in shaving consisting of at least 35 hours of instruction from a licensed barbering instructor.

Section 4. Amend Chapter 51, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5124. Definitions.

For the purpose of this subchapter:

(1) "Aesthetician" is person who practices ~~the cleansing, stimulating, manipulating and beautifying of skin, with hands or mechanical or electrical apparatus or appliances, removes superfluous hair and gives treatments to keep skin healthy and attractive. An aesthetician is not authorized to prescribe medication or provide medical treatments in the same manner as a dermatologist.~~ any of the following:

a. Cleansing, stimulating, manipulating and beautifying skin by hand or mechanical or electric apparatus or appliance.

b. Application of lash extensions, additions or enhancements, including permanent waving and tinting.

c. Removal of superfluous hair.

d. Gives treatments to keep skin healthy and attractive.

An aesthetician is not authorized to prescribe medication or provide medical treatment in the same manner as a dermatologist.

Section 5. Amend Chapter 51, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5127. Qualifications.

(a) No person shall be licensed under this subchapter unless the person has done all of the following:

(1) Successfully completed an education equivalent to a tenth grade education. Proof of the required education shall be a certified high school transcript or any other document or affidavit which constitutes reliable proof of educational attainment as determined by the ~~Board;~~ Board.

(2) Completed a course of study of not less than 600 hours in the principles pertaining to the practice of aesthetics; or completed 1200 hours in an apprenticeship to a licensed aesthetician, with the total number of hours worked per day not to exceed 10, nor to exceed 40 per ~~week.~~ week, excluding make-up hours. An apprenticeship must be completed within 2 ~~years;~~ years.

(3) Passed the national examination required in § 5128 of this ~~title;~~ title.

(4) Paid the appropriate fee as established by the Division of Professional ~~Regulation;~~ Regulation.

(5) Shall not have any impairment related to drugs or alcohol that would limit the applicant's ability to undertake that applicant's licensed practice in a manner consistent with the safety of the ~~public;~~ public.

SYNOPSIS

This Act strikes the sections of existing law pertaining to merged instruction and apprenticeship programs for cosmetologists and barbers because no schools have applied for approval to conduct merged programs. This Act authorizes transfer of apprentice hours to cosmetology and barbering programs which will accomplish the same purpose as merged programs which are being eliminated. This Act also makes technical changes to existing law to conform to the Legislative Drafting Manual.

Under the Act, shaving certifications are available to cosmetologists or cosmetology instructors who obtain 35 hours of relevant training and authorizes a master barber to obtain a skin and nail certification either through supplemental school instruction or an apprenticeship.

The Act adds lash treatments to the services an aesthetician or cosmetologist may perform in conformity with advancements in those professions.

The Act increases membership in the Board of Cosmetology and Barbering by two and adds shop and school owners or managers as required categories of Board candidates.

The Act also specifies that the 40 hour per week limit of school hours does not include any hours a student is using to make up missed hours.