



Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing

February 5, 2025 at 9:00 AM AKDT to February 5, 2025 at 4:00 PM AKDT

Zoom Details: <https://us02web.zoom.us/j/87972712462?pwd=tx5vzVj5aQG2NX6XbqtXJknbDpN6uv.1>

Meeting ID: 879 7271 2462

Passcode: 051560

Call In: 1-253-205-0468

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

- 1. 9:00 a.m. February 5, 2025 Call to Order/Roll Call**
 - A. Meet and Greet New Board Member
- 2. 9:10 a.m. Review/Amend Agenda**
- 3. 9:15 a.m. Ethics Disclosure**
- 4. 9:30 a.m. Division and Financial Update**
 - A. FY24 4th Quarter and FY25 1st & 2nd Quarter Reports
 - B. Fee Analysis
- 5. 10:15 a.m. Break/Recess**
- 6. 10:30 a.m. Public Comment**
- 7. 11:00 a.m. Investigations**
 - A. Fine Schedule Amendment – Training Documentation Submission Issues
 - B. Communication Issues to staff submitted investigative matters
 - C. Investigative Memo
 - D. Investigative Probation Report
 - E. Executive Session
- 8. 12:00 p.m. Lunch**
- 9. 1:00 p.m. Administrative Business**
 - A. FY25 Annual Report
- 10. 2:00 p.m. New Business**
 - A. Local Shop Courtesy License (body arts) Discussion
 - B. Apprentice/Student/Trainee Documentation Submission Discussion

C. Strategic Planning and Prioritization Processes (Sara Chambers)

11. 2:30 p.m.

Old Business

A. Medical Spa's Multi-Board Workgroup Update/Report (McKinley, Thompson)

12. 2:40 p.m.

Regulation 12 AAC 09.990 Review – Dept. of Law Edits and Questions

13. 3:40 p.m.

Administrative Business, Cont.

A. Courtesy License – 12 AAC 09.002(s)(3)(B), 12 AAC 09.004(b)(3) - (Staff Assistance Request

B. Schedule Strategic Planning Meeting

C. Review/Edit/Approve Meeting Minutes

i. October 10, 2024 Meeting

D. Correspondence

i. Sarah Lawrie – Letter Tattoo Training

ii. Institute for Justice report on manicuring and barbering regulations, Clean Cut

iii. NIC 69th Annual Conference: A Huge Success

iv. NIC 2025 Communication

E. Application Review

i. Academy of Esthetics - School Application

14. 4:00 p.m.

Adjourn

III. Executive Branch Ethics

Service on a state board or commission is a public trust and members are expected to conduct the public's business in a way that preserves the integrity of the governmental process and avoids conflicts of interest. The Ethics Act (AS 39.52) doesn't forbid public officers from having opinions, interests, or professional pursuits outside of their service on boards or commissions, but it does require that members disclose certain matters so a determination can be made about whether they constitute a conflict of interest.


Compliance with the Executive Branch Ethics Act


All board and commission members and staff should be familiar with the procedures outlined below. The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government. Additional information is available from the Alaska Department of Law at <http://law.alaska.gov/doclibrary/ethics.html>. Much of the information in this section of the manual is taken directly from this site.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they or an immediate family member have a personal or financial interest;
- coerce subordinates for his/her personal or financial benefit, or
- attempt to influence the outcome of an administrative hearing by privately contacting the hearing officer.

 Alice knew that a proposal that was before the board would harm Alice's business partner. Instead of publicly disclosing the matter and requesting recusal, Alice engaged in discussions about the proposal and voted on the proposal.

 Jack serves on a board that regulates parts of the building construction industry. Wearing a nametag that identifies him as a member of the industry board, Jack goes to a contractors' trade show and sets up a booth for his consulting business, called "Building a Future in Alaska."

Improper Gifts (AS 39.52.130)

A board or commission member may not solicit or accept a gift if it could reasonably be inferred that the gift is intended to influence the member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. The division has interpreted this guidance narrowly to ensure transparency in awareness and reporting.

Travel includes any expense paid directly to the board member in conjunction with a trip connected to the member's position on the board. This type of trip must be approved through the division and all reimbursements made through the CBPL Travel Desk to avoid violating the state's rules regarding travel.

(See section on travel.) All gifts from registered lobbyists are presumed to be improper unless the giver is an immediate family member of the person receiving the gift. This restriction on gifts does not apply to lawful campaign contributions.


A gift worth more than \$150 to a board or commission member or the member's family must be reported within 30 days if:


- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board or commission.


The receipt of a gift worth less than \$150 may be prohibited if it could reasonably be inferred that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board or commission member will be advised as to the disposition of this gift.

A form for reporting gifts is available at law.alaska.gov/doclibrary/ethics.html or from the board or commission staff.


 The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay since he isn't excluding any of the members.


 Sam buys a holiday gift every year for Jody. Jody was recently appointed to a board, but Sam has no business that is up before the board.

 Margie is a board member and decides to take a last-minute trip to a national conference for state board members in her industry. She is directly reimbursed by the national association for her meals, airfare, and rental car.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board or commission may use or disclose any information acquired through official duties if that use or disclosure could result in a financial or personal benefit to the board member (or a family member) unless that information has already been disseminated to the public.

 Sheila has been on the licensing board for several years. She feels she has learned a great deal of general information about how to launch a successful business venture. So, she sets up her own company helping small businesses get started and does well. She is careful not to assist in completing license applications that will be evaluated by the board on which she serves.

 Gordon is a tattoo artist and the reviewing board member for an investigation of serious potential violations of health and safety issues by a licensed shop owner. Before the board votes on the matter, he tells several people who are thinking of getting a tattoo there about the confidential matter and encourages them to come to his shop instead.


Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)


A board member who can affect the award or administration of a State grant, contract, lease, or loan may not apply for, or have an interest in that State grant, contract, lease, or loan. This prohibition also applies to the board member's immediate family.

A board member (or a family member) may apply for or be a party to a *competitively solicited* State grant, contract or lease, if the board member does not serve in the same administrative unit awarding or administering the grant, contract, or lease *and* so long as the board member does not take official action in the award or administration of the grant, contract, or lease.

A board member (or a family member) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the award or administration of the loan.


Board members must report to the board chair any personal or financial interest (or that of a family member) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at law.alaska.gov/doclibrary/ethics.html or from the board or commission staff.

 John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years, but he figures that it doesn't matter when her grant application comes up before the board; he votes on the grant to his daughter, without disclosing the relationship to the board. (While voting for the grant looks worse than voting against the grant, the Ethics Act prohibits deliberating or voting on the issue regardless of what position the board member takes.)

 The board wants to contract out for an analysis of the board's decisions over the last ten years. Kim bids on the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A non-salaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refrains from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act. So, the member must disclose the fact of the member's involvement in the regulated matter and abide by the board or commission's finding as to the existence of a conflict of interest.


 Delores has always coordinated continuing education opportunities for the physicians in her practice. After Delores is appointed to the State Medical Board, she discloses this role to the board and continues to coordinate these classes in her capacity as a private individual, not a board member.


Restriction on Employment after Leaving State Service (AS 39.52.180)


For two years after leaving a board, a former board member may not work on any matter on which the former member had personally and substantially participated while on the board. This prohibition applies to cases, proceedings, applications, contracts, and similar matters.


Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.

This section does not prohibit a State agency from contracting directly with a former board member. With the approval of the Attorney General, the board chair may waive this prohibition if a determination is made that the public interest is not jeopardized.

 The board has arranged for an extensive study of the effects of the department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the department's programs.

 Andy takes the job, but he specifies that he will have to work on another project.

 Patrice, a licensed health care provider who is about to leave board service after eight years, is asked by a non-profit organization to work as their government relations director, which will require her to register as a lobbyist. She starts work for the organization in this capacity one week after her term on the board ends.

 Patrice accepts a clinical position with the non-profit organization instead.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate this chapter is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures (AS 39.52.220-250)

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act has several ethics supervisors designated by statute. The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director. This does not apply to professional licensing boards and commissions, whose staff are employees for the Department, not the board.
- The Department of Commerce, Community, and Economic Development has assigned a Special Assistant to serve as DES for staff.
- The governor is the DES for a chair. The governor has delegated the DES responsibility to the Director of Administrative Services in the Office of Governor.

What Do I Have to Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease, or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The staff of a board or commission, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* Staff should refer to the guide, *Ethics Information for Public Employees."*

Both guides and disclosure forms may be found on the Department of Law's ethics website:

<http://law.alaska.gov/doclibrary/ethics.html>.

How Do I Avoid Violations of the Ethics Act?

- When in doubt, disclose and seek advice from division staff or the department Boards and Regulations Advisor.
- Make timely disclosures.
- Follow required procedures.
- Provide all information necessary to a correct evaluation of the matter. You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.
- Follow the advice of your DES.

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120.

One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedures for Declaring Actual or Potential Conflicts

Members must declare potential conflicts and other matters that may violate the Ethics Act in writing to the chair. Public disclosure may take the place of a written disclosure if the meeting is recorded, a tape or transcript of the meeting is preserved, and there is a method for identifying the declaration in the record.

- Notice of Violation or Request for Determination forms should be filed with the Designated Ethics Supervisor (the board chair) as soon as known.
- If a determination on whether a conflict exists on a matter pending before the board, it is ideal for the conflict to be submitted to the chair with enough time for the determination to be made—usually several weeks.
- If the matter is before the board before a determination has been made, the member must

refrain from voting, deliberations or other participation on it. In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease, or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair before the meeting.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting.

- A member identifying a conflict or potential conflict may submit a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential. No one may discuss or disclose this information.
- The chair may contact staff to seek advice from the Attorney General. Staff and the AAG will walk the chair through the process.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.
- If the chair determines that the member would violate the Ethics Act by taking official action, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- A general oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting. In this manner, a member's detailed personal and financial information may be protected from public disclosure.

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The member must declare she or he has a potential conflict regarding a matter before the board.
- The chair states his or her determination regarding whether the member may participate. This ruling must be consistent with Attorney General advice and statute/regulation.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- Exception: A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating, or participating in the matter. When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

If the chair identifies a potential conflict of his or her own, the same procedures are followed. If

possible, the chair should forward a confidential written notice of potential violation through staff to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating, or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded by staff to the Office of the Governor for review by the chair's Designated Ethics Supervisor (DES).

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the DES for approval. The disclosure forms are found on the Department of Law's ethics website: law.alaska.gov/doclibrary/ethics.html.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted in writing and under oath.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist. The DES provides a copy of the notice to the employee or board/commission member who is the subject of the notice and may seek input from the employee or board/commission member, his or her supervisor and others. The DES may seek advice from the Attorney General.
- A copy of the DES' written determination is provided to the subject employee or board/commission member and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee or board/commission member of the personal or financial interests giving rise to the potential violation.
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- These matters are confidential unless the subject waives confidentiality or the matter results in a public accusation.

What Are the Procedures for Quarterly Reports?

Generally, Designated Ethics Supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act. In this division, staff compile any disclosures received during a meeting or outside of a meeting via the chair, then forward them on a quarterly basis to the Division Director, who send them to the department DES.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a written request to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides advice by phone or e-mail to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

Complaints, Hearings, and Enforcement (AS 39.52.310-370, AS 32.52.410-460)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints from information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal.

The Attorney General may refer a complaint to the board member's chair for resolution. After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. An accusation may result in a hearing.

When the Personnel Board determines a board member has violated the Ethics Act, the member must refrain from voting, deliberating, or participating in the matter. The Personnel Board may order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member. If the Personnel Board finds that a former board member violated the Ethics Act, the Personnel Board will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

Conflict of Interest and Ex Parte Communication

Conflicts outside of the Executive Branch Ethics Act may arise due to improper communication with a stakeholder. "Improper communication" can be any communication with an interested party where the communication is about something on which the board has authority to act, and which comes outside of a publicly-noticed meeting. A familiar example is the contact that a member of a jury could have with people or even news stories that could bias their opinion unfairly. Sometimes it is impossible for juries in high-profile cases to avoid hearing information that is inadmissible in court, so they are sequestered in hotel rooms with no television or public contact.

Board and commission members are not likely to be treated to such extremes, but they must take care not to discuss matters with others or among each other outside of appropriate meeting channels.

Ex-Parte Contact

The foundation of due process is that each side in a dispute has the opportunity to be heard. If one side has the opportunity to make an argument, the other side must have the opportunity to respond. It is sometimes tempting for an applicant, licensee, or attorney to attempt to circumvent the usual application decisionmaking procedures, to seek information on a pending application, to discuss a pending disciplinary action, or to seek to influence an individual's decision by directly contacting one of the board members. Such communications are called "ex parte" communications.

Ex parte communications are improper. The result of such a communication is that the board member so contacted may be unable to discuss, participate in, or vote on the application or disciplinary action.

The risk to the applicant or licensee who attempts such communication is that a board member who might have been favorably disposed to their license application or disciplinary case may not be able to participate in the decision or vote.

Ex parte communication must be disclosed. Should any individual attempt to contact you to discuss a license application or disciplinary case, please refer them to a staff member (licensing examiner, investigator, or executive administrator) for response.

Should you experience an ex parte communication, alert the chair about the contact in writing before the meeting and on the record at the beginning of the meeting so he or she can determine whether it is appropriate that you be recused from the discussion, deliberation, and vote. As the DES for the board, the chair is required to declare any conflict on the record.

If you are unsure about the nature and extent of the contact, please contact the board's staff for guidance.

Conflict Due to Market Interest

Another interesting conflict of interest issue that is gaining awareness is that of the potential for disproportionate influence of "active market participants" on boards. An active market participant is defined as someone who is currently engaged in the profession that the board regulates—or, licensees.

By nature, all licensed members of a board have an inherent market interest. However, determining whether a conflict exists goes a little deeper. Questions board members may ask to evaluate whether there is a possibility of running afoul of AS 39.52.120 (Misuse of Official Position):

- Does the matter involve an individual or business that is a direct competitor?
- Will ruling on this matter have a meaningful or measurable financial outcome for me, my family, or my business?
- Is there a *perception* that either of these answers are "yes"?
- A licensee wishes to utilize a new, cutting-edge health care technology and is seeking the

board’s “thumbs up” in approving it for practice in Alaska. A member of the board is an investor in this technology and is considering utilizing it in his practice. The board member discloses this financial interest and asks to be recused from deliberation and vote. The chair recuses him, and he does not participate.

Market conflicts can extend to entire boards, as well. A 2015 United States Supreme Court decision ([North Carolina Board of Dental Examiners v. Federal Trade Commission](#)) resulted in a ruling that stripped the board of its immunity when addressing what might have seemed like a routine matter: The board violated the Sherman Act when it directed staff to send cease-and-desist letters to unlicensed teeth whiteners. Under North Carolina law, the teeth whitening companies posed a direct financial threat to dentists. By instructing them to close, they deprived the businesses of due process—as well as an income. The board did not work through their attorney or follow the standard investigative process when directing these individuals to close their businesses.

The case is complex, yet under Alaska law, the takeaway for professional licensing boards is straightforward:

- Ensure that the division’s investigative standard operating procedures are followed.
- Adhere to the Administrative Procedure Act when taking action against anyone, licensed or unlicensed.
- Invite the department Boards and Regulations Advisor to assist with decisionmaking processes.
- Ask staff to invite an agency attorney to advise in policymaking that may restrict those outside the profession from engaging in business practices.
- Hold all deliberations in public view and invite the public to actively observe and comment.

Regarding matters involving ethics or potential real or perceived conflicts of interest, always ask for help well ahead of a meeting on the matter. Obtaining proper advice and following it will ensure everyone’s rights are protected and that the most appropriate process is followed.

Board Members and Public Records

As officers of the state, board members are compelled to adhere to state standards of documents and information shared with them. This may mean maintaining strict confidentiality, which could require saving on an unshared computer or storing in a locked cabinet. Confidential documents should always be transmitted via OnBoard, ZendTo, or using email encryption.

All emails, documents, handwritten notes, texts, and other means of communicating state business are discoverable. Many board members set up separate email addresses to ensure their state business is separate from work accounts or their personal lives. If communication on a legal matter were to be subpoenaed, it is possible that deep entanglement could require confiscation of a personal cell phone or computer. Board members are advised to become familiar with the standards and take steps to separate accounts, documents, and other information containing state business.

Ethics Disclosure Form

<p style="text-align: center;">CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION</p>
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TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Barbers and Hairdressers	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22	FY 23	Biennium	FY 25	
										FY 24	1st & 2nd QTR
Revenue											
Revenue from License Fees	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,035,686	\$ 349,898	\$ 1,385,584	\$ 1,146,245	\$ 141,393
General Fund Received					\$ -	\$ -	\$ 21,523	\$ 5,933	\$ 27,456	\$ 958	\$ -
Allowable Third Party Reimbursements	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL REVENUE	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,057,209	\$ 355,831	\$ 1,413,040	\$ 1,147,203	\$ 141,393
Expenditures											
Non Investigation Expenditures											
1000 - Personal Services	190,824	195,815	386,639	187,928	154,229	342,157	177,685	201,311	378,996	269,282	136,874
2000 - Travel	10,451	6,127	16,578	2,521	-	2,521	2,862	-	2,862	1,738	465
3000 - Services	59,241	58,111	117,352	44,123	39,463	83,586	29,742	27,235	56,977	30,763	51
4000 - Commodities	300	193	493	-	-	-	-	-	-	-	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	260,816	260,246	521,062	234,572	193,692	428,264	210,289	228,546	438,835	301,783	137,390
Investigation Expenditures											
1000-Personal Services	108,332	126,521	234,853	163,905	87,573	251,478	97,978	157,238	255,216	58,249	34,036
2000 - Travel	-	-	-	723	-	723	-	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	1,425	1,489	2,914	558	288	846	8,185	767	8,952	4,587	1,031
3094 - Inter-Agency Hearing/Mediation	-	868	868	-	-	-	3,624	-	3,624	-	1,802
3000 - Services other	-	481	481	757	81	838	241	643	884	88	31
4000 - Commodities	-	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	109,757	129,359	239,116	165,943	87,942	253,885	110,028	158,648	268,676	62,924	36,900
Total Direct Expenditures	370,573	389,605	760,178	400,515	281,634	682,149	320,317	387,194	707,511	364,707	174,290
Indirect Expenditures											
Internal Administrative Costs	205,071	177,867	382,938	217,172	164,610	381,782	196,546	192,783	389,329	195,961	97,981
Departmental Costs	104,226	96,684	200,910	76,526	60,003	136,529	71,313	70,880	142,193	71,755	35,878
Statewide Costs	33,433	34,066	67,499	46,351	33,188	79,539	34,649	38,993	73,642	31,700	15,850
Total Indirect Expenditures	342,730	308,617	651,347	340,049	257,801	597,850	302,508	302,656	605,164	299,416	149,709
TOTAL EXPENDITURES	\$ 713,303	\$ 698,222	\$ 1,411,525	\$ 740,564	\$ 539,435	\$ 1,279,999	\$ 622,825	\$ 689,850	\$ 1,312,675	\$ 664,123	\$ 323,999
Cumulative Surplus (Deficit)											
Beginning Cumulative Surplus (Deficit)	\$ 202,694	\$ 700,349		\$ 442,059	\$ 736,355		\$ 586,103	\$ 1,020,487		\$ 686,467	\$ 1,169,547
Annual Increase/(Decrease)	497,655	(258,290)		294,296	(150,252)		434,384	(334,020)		483,080	(182,606)
Ending Cumulative Surplus (Deficit)	\$ 700,349	442,059		\$ 736,355	\$ 586,103		\$ 1,020,487	\$ 686,467		\$ 1,169,547	\$ 986,941
Statistical Information											
Number of Licenses for Indirect calculation	8,514	6,784		7,460	6,956		7,507	7,086		7,549	
Additional information:	<ul style="list-style-type: none"> • General fund dollars were received in FY21-FY24 to offset increases in personal services and help prevent programs from going into deficit or increase fees. • Most recent fee change: New fee added FY19 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065. 										

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
(Multiple Items) res
(All)
BAH1

Appropriation Name (Ex)
Sub Unit
PL Task Code

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	
1011 - Regular Compensation	88,436.63			88,436.63
1014 - Overtime	37.44			37.44
1021 - Allowances to Employees	10.50			10.50
1023 - Leave Taken	14,448.32			14,448.32
1028 - Alaska Supplemental Benefit	6,318.03			6,318.03
1029 - Public Employee's Retirement System Defined Benefits	17,337.88			17,337.88
1030 - Public Employee's Retirement System Defined Contribution	1,997.83			1,997.83
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,236.95			1,236.95
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	316.53			316.53
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	6,653.74			6,653.74
1040 - Group Health Insurance	24,057.27			24,057.27
1041 - Basic Life and Travel	0.82			0.82
1042 - Worker's Compensation Insurance	565.21			565.21
1047 - Leave Cash In Employer Charge	2,376.98			2,376.98
1048 - Terminal Leave Employer Charge	1,646.17			1,646.17
1053 - Medicare Tax	1,462.48			1,462.48
1077 - ASEA Legal Trust	112.10			112.10
1079 - ASEA Injury Leave Usage	15.99			15.99
1080 - SU Legal Trst	20.38			20.38
1970 - Personal Services Transfer	3,859.56			3,859.56
2005 - In-State Non-Employee Airfare			420.00	420.00
2009 - In-State Non-Employee Taxable Per Diem			45.00	45.00
3035 - Long Distance			19.30	19.30
3044 - Courier			3.55	3.55
3045 - Postage			32.83	32.83
3085 - Inter-Agency Mail			26.01	26.01
3088 - Inter-Agency Legal			1,030.94	1,030.94
3094 - Inter-Agency Hearing/Mediation			1,801.80	1,801.80
3979 - Inter-Agency Management/Consulting			-	-
Grand Total	170,910.81		465.00	2,914.43
				174,290.24

Board of Barbers and Hairdressers	FY 18			FY 19			Biennium			FY 20			FY 21			Biennium			FY 22			FY 23			Biennium			FY 24		FY 25 1st QTR	
Revenue																															
Revenue from License Fees	\$	1,210,958	\$	439,932	\$	1,650,890	\$	1,034,860	\$	389,183	\$	1,424,043	\$	1,035,686	\$	349,898	\$	1,385,584	\$	1,146,245	\$	80,195	\$	1,146,245	\$	80,195	\$	1,146,245	\$	80,195	
General Fund Received								\$	-				\$	21,523	\$	5,933			\$	27,456	\$	958	\$	958	\$	-	\$	-	\$	-	
Allowable Third Party Reimbursements								\$	-	\$	-		\$	-	\$	-			\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
TOTAL REVENUE	\$	1,210,958	\$	439,932	\$	1,650,890	\$	1,034,860	\$	389,183	\$	1,424,043	\$	1,057,209	\$	355,831	\$	1,413,040	\$	1,147,203	\$	80,195	\$	1,147,203	\$	80,195	\$	1,147,203	\$	80,195	
Expenditures																															
Non Investigation Expenditures																															
1000 - Personal Services		190,824		195,815		386,639		187,928		154,229		342,157		177,685		201,311		378,996		269,282		63,689		269,282		63,689		269,282		63,689	
2000 - Travel		10,451		6,127		16,578		2,521		-		2,521		2,862		-		2,862		1,738		465		1,738		465		1,738		465	
3000 - Services		59,241		58,111		117,352		44,123		39,463		83,586		29,742		27,235		56,977		30,763		10		30,763		10		30,763		10	
4000 - Commodities		300		193		493		-		-		-		-		-		-		-		-		-		-		-		-	
5000 - Capital Outlay		-		-		-		-		-		-		-		-		-		-		-		-		-		-		-	
Total Non-Investigation Expenditures		260,816		260,246		521,062		234,572		193,692		428,264		210,289		228,546		438,835		301,783		64,164		301,783		64,164		301,783		64,164	
Investigation Expenditures																															
1000-Personal Services		108,332		126,521		234,853		163,905		87,573		251,478		97,978		157,238		255,216		58,249		16,381		58,249		16,381		58,249		16,381	
2000 - Travel		-		-		-		723		-		723		-		-		-		-		-		-		-		-		-	
3023 - Expert Witness		-		-		-		-		-		-		-		-		-		-		-		-		-		-		-	
3088 - Inter-Agency Legal		1,425		1,489		2,914		558		288		846		8,185		767		8,952		4,587		-		4,587		-		4,587		-	
3094 - Inter-Agency Hearing/Mediation		-		868		868		-		-		-		3,624		-		3,624		-		-		-		-		-		-	
3000 - Services other		-		481		481		757		81		838		241		643		884		88		-		88		-		88		-	
4000 - Commodities		-		-		-		-		-		-		-		-		-		-		-		-		-		-		-	
Total Investigation Expenditures		109,757		129,359		239,116		165,943		87,942		253,885		110,028		158,648		268,676		62,924		16,381		62,924		16,381		62,924		16,381	
Total Direct Expenditures		370,573		389,605		760,178		400,515		281,634		682,149		320,317		387,194		707,511		364,707		80,545		364,707		80,545		364,707		80,545	
Indirect Expenditures																															
Internal Administrative Costs		205,071		177,867		382,938		217,172		164,610		381,782		196,546		192,783		389,329		195,961		48,990		195,961		48,990		195,961		48,990	
Departmental Costs		104,226		96,684		200,910		76,526		60,003		136,529		71,313		70,880		142,193		71,755		17,939		71,755		17,939		71,755		17,939	
Statewide Costs		33,433		34,066		67,499		46,351		33,188		79,539		34,649		38,993		73,642		31,700		7,925		31,700		7,925		31,700		7,925	
Total Indirect Expenditures		342,730		308,617		651,347		340,049		257,801		597,850		302,508		302,656		605,164		299,416		74,854		299,416		74,854		299,416		74,854	
TOTAL EXPENDITURES	\$	713,303	\$	698,222	\$	1,411,525	\$	740,564	\$	539,435	\$	1,279,999	\$	622,825	\$	689,850	\$	1,312,675	\$	299,416	\$	74,854	\$	299,416	\$	74,854	\$	299,416	\$	74,854	
Cumulative Surplus (Deficit)																															
Beginning Cumulative Surplus (Deficit)	\$	202,694	\$	700,349	\$	442,059	\$	442,059	\$	736,355	\$	586,103	\$	586,103	\$	1,020,487	\$	686,467	\$	686,467	\$	1,534,254	\$	686,467	\$	1,534,254	\$	1,534,254	\$	1,534,254	
Annual Increase/(Decrease)		497,655		(258,290)		294,296		294,296		(150,252)		434,384		434,384		(334,020)		847,787		847,787		5,341		847,787		5,341		847,787		5,341	
Ending Cumulative Surplus (Deficit)	\$	700,349	\$	442,059	\$	736,355	\$	736,355	\$	586,103	\$	1,020,487	\$	1,020,487	\$	686,467	\$	1,534,254	\$	1,534,254	\$	1,539,595	\$	1,534,254	\$	1,539,595	\$	1,534,254	\$	1,539,595	
Statistical Information																															
Number of Licenses for Indirect calculation		8,514		6,784				7,460		6,956				7,507		7,086				7,549				7,549				7,549			
Additional information:																															
<ul style="list-style-type: none"> • General fund dollars were received in FY21-FY24 to offset increases in personal services and help prevent programs from going into deficit or increase fees. • Most recent fee change: New fee added FY19 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065. 																															

Appropriation Name (Ex)	(Multiple Items)
Sub Unit	(All)
PL Task Code	BAH1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	
1011 - Regular Compensation	44,519.82			44,519.82
1023 - Leave Taken	5,876.24			5,876.24
1028 - Alaska Supplemental Benefit	3,093.45			3,093.45
1029 - Public Employee's Retirement System Defined Benefits	8,864.15			8,864.15
1030 - Public Employee's Retirement System Defined Contribution	905.21			905.21
1034 - Public Employee's Retirement System Defined Cont Health Reim	580.41			580.41
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	143.34			143.34
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	2,993.76			2,993.76
1040 - Group Health Insurance	10,063.92			10,063.92
1042 - Worker's Compensation Insurance	265.36			265.36
1047 - Leave Cash In Employer Charge	1,164.58			1,164.58
1048 - Terminal Leave Employer Charge	805.99			805.99
1053 - Medicare Tax	716.94			716.94
1077 - ASEA Legal Trust	51.86			51.86
1079 - ASEA Injury Leave Usage	15.99			15.99
1080 - SU Legal Trst	9.51			9.51
2005 - In-State Non-Employee Airfare		420.00		420.00
2009 - In-State Non-Employee Taxable Per Diem		45.00		45.00
3035 - Long Distance			9.86	9.86
Grand Total	80,070.53	465.00	9.86	80,545.39

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Barbers and Hairdressers	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22	FY 23	Biennium	FY 24
Revenue										
Revenue from License Fees	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,035,686	\$ 349,898	\$ 1,385,584	\$ 1,146,245
General Fund Received					\$ -	-	\$ 21,523	\$ 5,933	27,456	\$ 958
Allowable Third Party Reimbursements	-	-	-	\$ -	\$ -	-	\$ -	\$ -	-	\$ -
TOTAL REVENUE	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,057,209	\$ 355,831	\$ 1,413,040	\$ 1,147,203
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	190,824	195,815	386,639	187,928	154,229	342,157	177,685	201,311	378,996	269,282
2000 - Travel	10,451	6,127	16,578	2,521	-	2,521	2,862	-	2,862	1,738
3000 - Services	59,241	58,111	117,352	44,123	39,463	83,586	29,742	27,235	56,977	30,763
4000 - Commodities	300	193	493	-	-	-	-	-	-	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	260,816	260,246	521,062	234,572	193,692	428,264	210,289	228,546	438,835	301,783
Investigation Expenditures										
1000-Personal Services	108,332	126,521	234,853	163,905	87,573	251,478	97,978	157,238	255,216	58,249
2000 - Travel	-	-	-	723	-	723	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	1,425	1,489	2,914	558	288	846	8,185	767	8,952	4,587
3094 - Inter-Agency Hearing/Mediation	-	868	868	-	-	-	3,624	-	3,624	-
3000 - Services other	-	481	481	757	81	838	241	643	884	88
4000 - Commodities	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	109,757	129,359	239,116	165,943	87,942	253,885	110,028	158,648	268,676	62,924
Total Direct Expenditures	370,573	389,605	760,178	400,515	281,634	682,149	320,317	387,194	707,511	364,707
Indirect Expenditures										
Internal Administrative Costs	205,071	177,867	382,938	217,172	164,610	381,782	196,546	192,783	389,329	195,961
Departmental Costs	104,226	96,684	200,910	76,526	60,003	136,529	71,313	70,880	142,193	71,755
Statewide Costs	33,433	34,066	67,499	46,351	33,188	79,539	34,649	38,993	73,642	31,700
Total Indirect Expenditures	342,730	308,617	651,347	340,049	257,801	597,850	302,508	302,656	605,164	299,416
TOTAL EXPENDITURES	\$ 713,303	\$ 698,222	\$ 1,411,525	\$ 740,564	\$ 539,435	\$ 1,279,999	\$ 622,825	\$ 689,850	\$ 1,312,675	\$ 664,123
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ 202,694	\$ 700,349		\$ 442,059	\$ 736,355		\$ 586,103	\$ 1,020,487		\$ 686,467
Annual Increase/(Decrease)	497,655	(258,290)		294,296	(150,252)		434,384	(334,020)		483,080
Ending Cumulative Surplus (Deficit)	\$ 700,349	442,059		\$ 736,355	\$ 586,103		\$ 1,020,487	\$ 686,467		\$ 1,169,547
Statistical Information										
Number of Licenses for Indirect calculation	8,514	6,784		7,460	6,956		7,507	7,086		7,549
Additional information:	<ul style="list-style-type: none"> • General fund dollars were received in FY21-FY23 to offset increases in personal services and help prevent programs from going into deficit or increase fees. • Most recent fee change: New fee added FY19 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065. 									

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing

Appropriation Name (Ex)	(Multiple Items)	d Expenditures
Sub Unit	(All)	
PL Task Code	BAH1	

Sum of Budgetary Expenditures	Object Type Name (Ex)			Grand Total
Object Name (Ex)	1000 - Personal Services	2000 - Travel	3000 - Services	
1011 - Regular Compensation	149,446.74			149,446.74
1014 - Overtime	283.86			283.86
1016 - Other Premium Pay	30.19			30.19
1023 - Leave Taken	34,516.72			34,516.72
1028 - Alaska Supplemental Benefit	11,314.66			11,314.66
1029 - Public Employee's Retirement System Defined Benefits	33,172.49			33,172.49
1030 - Public Employee's Retirement System Defined Contribution	2,723.60			2,723.60
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,854.25			1,854.25
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	516.69			516.69
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	7,805.91			7,805.91
1040 - Group Health Insurance	54,560.72			54,560.72
1041 - Basic Life and Travel	15.52			15.52
1042 - Worker's Compensation Insurance	1,027.57			1,027.57
1047 - Leave Cash In Employer Charge	4,227.87			4,227.87
1048 - Terminal Leave Employer Charge	2,929.27			2,929.27
1053 - Medicare Tax	2,600.82			2,600.82
1077 - ASEA Legal Trust	244.73			244.73
1079 - ASEA Injury Leave Usage	8.93			8.93
1080 - SU Legal Trst	33.18			33.18
1970 - Personal Services Transfer	20,216.68			20,216.68
2000 - In-State Employee Airfare			385.01	385.01
2001 - In-State Employee Surface Transportation			60.20	60.20
2002 - In-State Employee Lodging			550.00	550.00
2003 - In-State Employee Meals and Incidentals			303.99	303.99
2004 - In-State Empl Non-Reportable Reimburse / Mileage Pymt			340.78	340.78
2009 - In-State Non-Employee Taxable Per Diem			96.00	96.00
2036 - Cash Advance Fee			2.00	2.00
3035 - Long Distance			35.50	35.50
3036 - Local/Equipment Charges			5.01	5.01
3044 - Courier			47.08	47.08
3045 - Postage			84.49	84.49
3046 - Advertising			1,737.84	1,737.84
3085 - Inter-Agency Mail			2,002.06	2,002.06
3088 - Inter-Agency Legal			13,045.64	13,045.64
3970 - Contractual Transfer			-	-
3979 - Inter-Agency Management/Consulting			18,480.00	18,480.00
Grand Total	327,530.40	1,737.98	35,437.62	364,706.00

FY 2024 CBPL COST ALLOCATIONS

Name	Task Code	Direct Revenues	General Fund Received	3rd Party Reimbursement	Total Revenues	Direct Expense	Percentage of board licenses/total licenses:	Department certified transactions % by Fiscal Revenue \$	Indirect Expense (Total Non-PCN Allocated)	Percentage of program direct Personal Services:	Total Indirect Expenses	Total Expenses	2024 Annual Surplus (Deficit)
Acupuncture	ACU1	\$ 5,359		\$ -	\$ 5,359	\$ 6,651	\$ 2,954	\$ 416	\$ 3,370	1,864	\$ 5,234	\$ 11,885	\$ (6,526)
Architects, Engineer	AEL1	\$ 971,065	\$ 466	\$ 4,427	\$ 975,958	\$ 337,247	202,200	\$ 3,681	205,881	84,564	290,445	627,692	348,266
Athletic Trainers	ATH1	\$ 5,900		\$ -	\$ 5,900	\$ 1,642	1,840	\$ 261	2,101	437	2,538	4,180	1,720
Audiology and Speech Pathologists	AUD1	\$ 55,607		\$ -	\$ 55,607	\$ 41,069	26,976	\$ 1,880	28,856	12,458	41,314	82,383	(26,776)
Barbers & Hairdressers	BAH1	\$ 1,146,245	\$ 958	\$ -	\$ 1,147,203	\$ 364,706	195,618	\$ 4,252	199,870	99,546	299,416	664,122	483,081
Behavior Analysts	BEV1	\$ 4,892		\$ -	\$ 4,892	\$ 8,861	3,161	\$ 799	3,960	2,422	6,382	15,243	(10,351)
Chiropractors	CHI1	\$ 22,988	\$ 4,957	\$ -	\$ 27,945	\$ 194,286	8,500	\$ 970	9,470	37,466	46,936	241,222	(213,277)
Collection Agencies	COA1	\$ 48,065		\$ -	\$ 48,065	\$ 11,743	18,476	\$ 1,072	19,548	3,347	22,895	34,638	13,427
Concert Promoters	CPR1	\$ 2,513		\$ -	\$ 2,513	\$ 44	622	\$ 139	761	13	774	818	1,695
Construction Contractors	CON1	\$ 413,740	\$ 255	\$ -	\$ 413,995	\$ 607,170	228,891	\$ 4,012	232,903	101,040	333,943	941,113	(527,118)
Home Inspectors	HIN1	\$ 20,180		\$ -	\$ 20,180	\$ 19,253	3,006	\$ 840	3,846	5,846	9,692	28,945	(8,765)
Dental	DEN1	\$ 206,952	\$ 2,075	\$ -	\$ 209,027	\$ 350,066	60,378	\$ 3,946	64,324	92,699	157,023	507,089	(298,062)
Dietitians/Nutritionists	DTN1	\$ 28,075		\$ -	\$ 28,075	\$ 24,885	12,283	\$ 1,301	13,584	7,561	21,145	46,030	(17,955)
Direct Entry Midwife	MID1	\$ 12,949	\$ 914	\$ -	\$ 13,863	\$ 24,961	1,140	\$ 546	1,686	1,582	3,268	28,229	(14,366)
Dispensing Opticians	DOP1	\$ 9,500		\$ -	\$ 9,500	\$ 24,239	4,353	\$ 958	5,311	7,361	12,672	36,911	(27,411)
Electrical Administrator	EAD1	\$ 164,215		\$ -	\$ 164,215	\$ 96,254	25,058	\$ 2,202	27,260	18,821	46,081	142,335	21,880
Euthanasia Services	EUT1	\$ 300		\$ -	\$ 300	\$ 488	363	\$ 37	400	148	548	1,036	(736)
Geologists	GEO1	\$ 350		\$ -	\$ 350	\$ 991	285	\$ 342	627	298	925	1,916	(1,566)
Guardians/Conservators	GCO1	\$ 4,977		\$ -	\$ 4,977	\$ 6,758	622	\$ 326	948	1,933	2,881	9,639	(4,662)
Guide-Outfitters	GUI1	\$ 1,097,850	\$ 800	\$ -	\$ 1,098,650	\$ 434,101	45,244	\$ 3,449	48,693	117,814	166,507	600,608	498,042
Marine Pilots	MAR1	\$ 30,150	\$ 742	\$ -	\$ 30,892	\$ 85,392	3,498	\$ 1,500	4,998	15,288	20,286	105,678	(74,786)
Foreign Pleasure Craft	FPC1	\$ 23,440		\$ -	\$ 23,440		-	\$ 334	334		334	334	23,106
Marital & Family Therapy	MFT1	\$ 33,128		\$ -	\$ 33,128	\$ 29,916	4,250	\$ 758	5,008	8,621	13,629	43,545	(10,417)
Massage Therapists	MAS1	\$ 353,315	\$ 1,021	\$ 178	\$ 354,514	\$ 225,078	35,967	\$ 2,503	38,470	57,185	95,655	320,733	33,781
Mechanical Administrator	MEC1	\$ 109,585		\$ -	\$ 109,585	\$ 95,639	15,729	\$ 1,362	17,091	15,341	32,432	128,071	(18,486)
Medical	MED1	\$ 852,030	\$ 40,368	\$ 1,071	\$ 893,469	\$ 1,707,753	198,909	\$ 4,436	203,345	279,194	482,539	2,190,292	(1,296,823)
Mortuary Science	MOR1	\$ 2,905		\$ -	\$ 2,905	\$ 8,230	3,680	\$ 424	4,104	2,420	6,524	14,754	(11,849)
Naturopaths	NAT1	\$ 66,660		\$ -	\$ 66,660	\$ 4,147	1,322	\$ 228	1,550	1,194	2,744	6,891	59,769
Nurse Aides	NUA1	\$ 359,415	\$ 421	\$ 205	\$ 360,041	\$ 101,931	87,975	\$ 2,842	90,817	19,838	110,655	212,586	147,455
Nursing	NUR1	\$ 1,810,803	\$ 9,233	\$ 4,083	\$ 1,824,119	\$ 1,843,890	696,235	\$ 4,599	700,834	444,309	1,145,143	2,989,033	(1,164,914)
Nursing Home Administrators	NHA1	\$ 3,145		\$ -	\$ 3,145	\$ 2,044	1,399	\$ 163	1,562	13	1,575	3,619	(474)
Optometry	OPT1	\$ 26,892	\$ 15	\$ 1,500	\$ 28,407	\$ 41,753	6,452	\$ 1,272	7,724	11,689	19,413	61,166	(32,759)
Pawnbrokers	PAW1	\$ 3,350		\$ -	\$ 3,350	\$ 4,222	544	\$ 208	752	1,283	2,035	6,257	(2,907)
Pharmacy	PHA1	\$ 1,256,105	\$ 120,240	\$ 1,588	\$ 1,377,933	\$ 658,578	177,660	\$ 4,664	182,324	182,464	364,788	1,023,366	354,567
Physical/Occupational Therapy	PHY1	\$ 487,089	\$ 71	\$ 264	\$ 487,424	\$ 185,128	69,007	\$ 3,054	72,061	52,302	124,363	309,491	177,933
Prescription Drug Monitoring Program	PDMP	\$ 20		\$ 2,976	\$ 2,996	\$ 1,721	-	\$ -	-	-	-	1,721	1,275
Professional Counselors	PCO1	\$ 294,869	\$ 326	\$ -	\$ 295,195	\$ 204,504	31,536	\$ 2,988	34,524	57,157	91,681	296,185	(990)
Psychology	PSY1	\$ 33,220	\$ 553	\$ -	\$ 33,773	\$ 173,098	9,381	\$ 1,614	10,995	48,200	59,195	232,293	(198,520)
Public Accountancy	CPA1	\$ 600,898	\$ 1,154	\$ 8,980	\$ 611,032	\$ 318,407	45,711	\$ 1,953	47,664	82,926	130,590	448,997	162,035
Real Estate	REC1	\$ 639,645	\$ 4,859	\$ -	\$ 644,504	\$ 391,392	107,928	\$ 1,985	109,913	81,767	191,680	583,072	61,432
Real Estate Appraisers	APR1	\$ 75,640	\$ 111	\$ -	\$ 75,751	\$ 104,135	10,598	\$ 1,171	11,769	27,534	39,303	143,438	(67,687)
Social Workers	CSW1	\$ 428,284	\$ 413	\$ 568	\$ 429,265	\$ 197,753	37,030	\$ 3,184	40,214	57,580	97,794	295,547	133,718
Storage Tank Workers	UST1	\$ 7,730		\$ -	\$ 7,730	\$ 11,150	1,788	\$ 514	2,302	3,389	5,691	16,841	(9,111)
Veterinary	VET1	\$ 56,611	\$ 157	\$ 1,037	\$ 57,805	\$ 147,383	22,467	\$ 1,712	24,179	42,878	67,057	214,440	(156,635)
No longer existent board/commission (ie Athletic)		\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	-	-	-	-	-
Totals All Boards		\$ 11,776,651	\$ 190,109	\$ 26,877	\$ 11,993,637	\$ 9,098,659	\$ 2,411,036	\$ 74,897	\$ 2,485,933	\$ 2,089,792	\$ 4,575,725	\$ 13,674,384	\$ (1,680,747)

ABL & Corporations	DA0801005	\$ 4,372,277	\$ -	\$ -	\$ 4,372,277	\$ 405,904	\$ 1,249,390	\$ 10,213	\$ 1,259,603	\$ 238,098	\$ 1,497,701	\$ 1,903,605	
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DIVISION INDIRECT EXPENSES	Total	Prof Lic	Corp & Bus Lic
Percentage of program direct Personal Services:			
Business Supplies	25,873	25,788	85
Office Equipment	57,608	55,009	2,599
State Vehicles	5,220	4,594	626
Storage and Archives	16,130	13,559	2,571
Legal Support	49,391	49,391	-
Central Mail Services Postage	48,961	23,719	25,242
Software Licensing and Maintenance	117,711	117,711	-
Division Administrative Expenses - all other	311,628	307,788	3,840
Division allocated by percentage of direct personal services:	632,522	597,559	34,963
Percentage of board licenses/total licensees:			
Investigations indirect Personal Services	437,677	409,626	28,051
Division Administration Personal Services	2,828,868	1,654,796	1,174,073
Division allocated by percentage of board licenses/total licensees:	3,266,545	2,064,422	1,202,124
Total Division Indirect Expenses	3,899,067	2,661,981	1,237,087
DEPARTMENT INDIRECT EXPENSES	Total	Prof Lic	Corp & Bus Lic
Percentage of program direct Personal Services:			
Commissioner's Office	289,356	254,633	34,723
Administrative Services - Director's Office	73,527	64,704	8,823
Administrative Services - Human Resources	71,235	62,687	8,548
Administrative Services - Fiscal	102,783	90,449	12,334
Administrative Services - Budget	66,633	58,637	7,996
Administrative Services - Information Technology	322,717	283,991	38,726
Administrative Services - Information Technology - Network & Database	-	-	-
Administrative Services - Mail	13,230	11,642	1,588
Administrative Services - Facilities - Maintenance	-	-	-
Department allocated by percentage of direct personal services:	939,481	826,743	112,738
Percentage of board licenses/total licensees:			
Department administrative services support: Fiscal, IT, Procurement	393,880	346,614	47,266
Receipting transaction % by Personal Services:			
Department certified transactions % by Fiscal Revenue \$	85,110	74,897	10,213
Total DEPARTMENT INDIRECT EXPENSES	1,418,471	1,248,254	170,217
STATEWIDE INDIRECT EXPENSES	Total	Prof Lic	Corp & Bus Lic
Percentage of program direct Personal Services:			
Accounting and Payroll Systems	81,101	71,369	9,732
State Owned Building Rental (Building Leases)	258,230	227,242	30,988
State OIT Server Hosting & Storage	7,792	6,857	935
State OIT SQL	6,958	6,432	526
State Software Licensing	-	-	-
Human Resources	69,278	60,965	8,313
IT Non-Telecommunications (Core Cost)	297,578	261,869	35,709
IT Telecommunications	32,270	28,398	3,872
Risk Management	2,680	2,358	322
Statewide allocated by percentage of direct personal services:	755,887	665,490	90,397
FY24 TOTALS BY METHODOLOGY	Total	Prof Lic	Corp & Bus Lic
Percentage of program direct Personal Services:	2,327,890	2,089,792	238,098
Percentage of board licenses/total licensees:	3,660,426	2,411,036	1,249,390
Receipting transaction % by Personal Services:	85,110	74,897	10,213
Grand Total	6,073,426	4,575,725	1,497,701

Per our previous conversation and staff review/discussion of current application and license fees; we have the following fee change suggestions.

- Hairdressers, barbers, non-chemical barbers, estheticians, hair braiders, manicurist, manicurist w/advanced endorsement, and all body art licenses: Staff recommends keeping the license fees at \$180.00 and keep the non-refundable application fee at \$150.00
- Instructors: Staff recommends lowering the license fee from \$260.00 to \$180.00 and keeping the \$150.00 non-refundable application fee.
- Shop owner and mobile shop owner licenses: Staff recommends lowering the license fee from \$260.00 to \$200.00 and keeping the \$150.00 non-refundable application fee.
- School owner license: Staff recommends lowering the license fee from \$660.00 to \$500.00 and keeping the \$150.00 non-refundable application fee.
- Temporary shop owner license: Staff recommends keeping these fees as are, \$100.00 license fee and \$150.00 non-refundable application fee.
- Student temporary license and Temporary permits: Staff recommends keeping these fee as are, \$100.00.
- Hairdresser courtesy license: Staff recommends keeping these fees as are, \$80.00 license fee and \$80.00 non-refundable application fee. Of note, we have never issued anyone this license type.
- Body art courtesy licenses: Staff recommends raising the license fee from \$80.00 to \$100.00 and keeping the \$80.00 non-refundable application fee.
- Apprentice, student, and trainee permits - Staff recommends the following.
 - ❖ Raise the 2-year permit fee from \$125.00 to \$150.00 and adding a non-refundable application fee of \$75.00.
 - ❖ Raise the 1-year permit fee from \$100.00 to \$125.00 and adding a non-refundable application fee of \$75.00


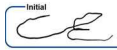
Based on an audit of staff time spent processing courtesy license and apprentice/student/trainee enrollment applications, and the amount of time staff puts into apprentice/student/trainee files on a regular basis, staff would like to see courtesy license and enrollment applications fees be higher than recommended.

Disciplinary Sanctions/Fine Schedules (Adopted and Revised May 11-12, 2020)

Violation	Time Frame	Disciplinary Action	Civil Fine	
			Total Amount	Amount Suspended
AS 08.13.070 (1) & (2) Unlicensed Practice	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$500/incident	n/a
AS 08.13.070 (3) Operating School w/o School License	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$4,000	\$2,000
AS 08.13.070 (4) Teach/Supervise Apprentice w/o License	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$2,000	\$1,000
AS 08.13.080 (5) Shop Owner License	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$4,000	\$2,000
AS 08.13.070 (6) Allow Unlicensed Practice	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$2,000 per Practitioner/student/apprentice	\$1,000 per Practitioner/student/apprentice
AS 08.13.070 (8) Fraudulent License	n/a	Consent Agreement (Fine/2-year probation/reprimand)	\$4,000	\$2,000
AS 08.13.130 (a) License Display	1 offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$1,000	n/a
AS 08.13.217 (a)(b) Tattoo a Minor	n/a	Consent Agreement (Fine/2-year probation/reprimand)	\$4,000	\$2,000
12 AAC 09.130 Student Records	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$1,000	n/a
12 AAC 09.185 Apprentice Records (Tattoo/PCC/Body Piercing)	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$1,000	n/a
12 AAC 09.190 Apprentice Records (All Other)	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$1,000	n/a



MEMORANDUM

DATE: January 31, 2025
TO: Board of Barbers & Hairdressers
THRU: Erika Prieksat, Chief Investigator 
FROM: Chace Evans, Investigator 
RE: Investigative Report for the February 05, 2025 Meeting

The following information was compiled as an investigative report to the Board for the period of September 25, 2024 thru January 31, 2025; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 41

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
BARBER			
2023-000882	Unlicensed practice or activity	Complaint	08/15/2023
ESTHETICIAN			
2023-000698	Unlicensed practice or activity	Complaint	11/27/2024
2023-001123	Unlicensed practice or activity	Complaint	11/13/2023
2024-000350	Unlicensed practice or activity	Complaint	09/06/2024
2024-000760	Unlicensed practice or activity	Complaint	11/18/2024
2022-000154	Unlicensed practice or activity	Investigation	02/22/2023
2022-000249	Unlicensed practice or activity	Closed-Investigation	

HAIRDRESSER

2022-000451	Unlicensed practice or activity	Complaint	05/27/2022
2023-000384	Unlicensed practice or activity	Complaint	05/08/2023
2023-000385	Unlicensed practice or activity	Complaint	05/08/2023
2024-000130	Unlicensed practice or activity	Complaint	12/09/2024
2024-001165	Unlicensed practice or activity	Complaint	12/11/2024
2023-000271	Unlicensed practice or activity	Investigation	06/29/2023

INSTRUCTOR

2024-000161	Violation of Profession Statute or Regulation	Complaint	02/14/2024
2024-000875	Unethical conduct	Complaint	01/02/2025
2024-001114	Violation of License Regulation	Complaint	11/20/2024
2024-001173	Violation of License Regulation	Complaint	12/12/2024
2021-000531	Violation of licensing regulation	Investigation	08/30/2022

SCHOOL

2024-001063	Violation of License Regulation	Complaint	12/05/2024
2021-000860	Unlicensed practice or activity	Investigation	04/17/2023
2021-000883	Unlicensed practice or activity	Investigation	04/17/2023
2023-000219	Violation of licensing regulation	Investigation	06/27/2023
2021-000550	Violation of licensing regulation	Litigation Initiated	07/03/2024
2021-001088	Violation of licensing regulation	Litigation Initiated	
2022-000149	Violation of licensing regulation	Litigation Initiated	07/03/2024

SHOP OWNER

2024-000921	Compliance Inspection	Intake	09/26/2024
2023-000109	Violation of licensing regulation	Complaint	02/06/2023
2023-000383	Unlicensed practice or activity	Complaint	05/08/2023
2024-000468	Unlicensed practice or activity	Complaint	05/28/2024
2024-000478	Unlicensed practice or activity	Complaint	09/20/2024
2024-000554	Unlicensed practice or activity	Complaint	06/18/2024
2024-000751	Compliance	Complaint	12/09/2024
2022-000808	Unlicensed practice or activity	Investigation	05/16/2023

2023-000455	Unlicensed practice or activity	Investigation	01/15/2025
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TATTOOIST

2024-000092	Unlicensed practice or activity	Complaint	01/26/2024
2024-000476	Unlicensed practice or activity	Complaint	11/25/2024
2024-000552	Unlicensed practice or activity	Complaint	05/24/2024
2024-000619	Probation	Complaint	07/03/2024
2024-000759	Unlicensed practice or activity	Complaint	12/23/2024
2022-000291	Unlicensed practice or activity	Investigation	03/13/2023
2024-000697	Unlicensed practice or activity	Investigation	11/18/2024

Closed - 12

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
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BARBER

2022-000448	Unlicensed practice or activity	Closed-Investigation	11/21/2024	Advisement Letter
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BODY PIERCER

2023-000535	Unlicensed practice or activity	Closed-Complaint	09/27/2024	No Action - No Violation
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HAIRDRESSER

2021-000676	Unlicensed practice or activity	Closed-Investigation	10/21/2024	License Lapsed - Flagged Do Not Renew
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MANICURIST

2024-001178	Unlicensed practice or activity	Closed-Intake	01/14/2025	Incomplete Complaint
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SCHOOL

2024-000470	Violation of Profession Statute or Regulation	Closed-Intake	10/09/2024	Other (See Abstract)
2024-000614	Violation of Profession Statute or Regulation	Closed-Intake	11/04/2024	Compliance
2024-000175	Unlicensed practice or activity	Closed-Investigation	01/27/2025	Advisement Letter

SHOP OWNER


2024-000918	Compliance Inspection	Closed-Intake	10/24/2024	Compliance
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2024-000920	Compliance Inspection	Closed-Intake	10/24/2024	Compliance
2023-000442	Unlicensed practice or activity	Closed-Complaint	01/27/2025	No Action - No Violation
2023-000475	Compliance Inspection	Closed-Division Inspection	01/30/2025	Case Age
TATTOOIST				
2024-000450	Unlicensed practice or activity	Closed-Investigation	11/18/2024	Advisement Letter

END OF REPORT



PROBATION REPORT

DATE: January 31, 2025
TO: BAH – Board of Barbers and Hairdressers
THROUGH: Erika Prieksat, Chief Investigator 
FROM: Jenni Summers, Senior Investigator
SUBJECT: Probation Report for the February 5, 2025 Meeting

The following information was compiled as a Probation report to the Board for the period of October 10, 2024 thru January 31, 2025. This report includes probationers who are in compliance with their agreements, non-compliant probationers and probationer requests to the Board.

There are currently **eight (8)** licensees on probation as of the date of this report. Since the last probation report, **zero (0)** licensees were released from probation.

The following is a complete list of individuals on probation for this Board that are **in compliance** with their Consent Agreements.

<u>Name</u>	<u>Case Number</u>	<u>Start of Probation</u>	<u>End of Probation</u>
Hayley Moore	2023-000448	05/16/2023	05/15/2025
Connie Dougherty	2023-000449	05/16/2023	05/15/2025
Sara Grocott	2022-000249-Prb	10/03/2023	10/2/2025
Eden Chase	2023-000467-Prb	10/11/2023	10/10/2025
Karrie Kvasager	2022-000820-Prb	03/05/2024	03/04/2025
Francisco Valladolid	2024-000619-Prb	08/23/2023	08/22/2025
Lui Talo	2022-000736-Prb	08/08/2024	08/07/2026

The following is a complete list of individuals on probation for this Board that are **not in compliance** with their Consent Agreements.

<u>Name</u>	<u>Case Number</u>	<u>Start of Probation</u>	<u>End of Probation</u>
Elijah Young	2020-001049	10/06/2020	Suspended

The following is a complete list of individuals on probation for this Board that are **suspended**.

<u>Name</u>	<u>Case Number</u>	<u>Start of Probation</u>	<u>End of Probation</u>
Elijah Young	2020-001049	10/06/2020	Suspended

The following were **released** after probation completion.

Name	Case Number	Start of Probation	End of Probation
XXX	XXX	XXX	XXX

Board Requests:

END OF REPORT

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EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Barbers & Hairdressers enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____; Board staff to remain during the session.

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- 1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- 2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- 3. matters which by law, municipal charter, or ordinance are required to be confidential;**
- 4. matters involving consideration of government records that by law are not subject to public disclosure.**

Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

Board of Barbers and Hairdressers
Annual Report
Fiscal Year 2024



Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

P.O. Box 110806
Juneau, Alaska 99811-0806
Email: License@Alaska.Gov

This report is required under Alaska Statute 08.01.070(10).

**Board of Barbers and Hairdressers
FY 2024 Annual Report**

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**Board of Barbers and Hairdressers
FY 2024 Annual Report**

Board Membership (as of the Date This Report was Approved)

Date of Final Board Approval: 8/8/2024

Name	Appointed	Duty Station	Reappointed	Expires
Kevin McKinley Tattooist/BodyPiercer/PermanentCosmeticColorist	3/29/2024	Fairbanks	?	?
Breanna Hardy Public Member	3/22/2023	North Pole	?	3/1/2025
Wendy Palin Industry Licensee	6/22/2023	Palmer	?	3/1/2025
Tenaya Miramontes Hairdresser	8/22/2023	Juneau	3/1/2024	3/1/2026
Willie Mae Canady Hairdresser/Esthetician	6/25/2024	Anchorage		?

**Board of Barbers and Hairdressers
FY 2024 Annual Report**

Accomplishments

12 AAC 09.002 Review of License Applications • The proposed regulation changes will update requirements to clarify that applicants for a courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring must submit required documentation not fewer than 90 days before the applicant plans to begin practicing. The current regulation states this must be received at least 30 days before the applicant plans to begin practicing. • This change is to address an inconsistency with the current language in this section, and the courtesy license language in 12 AAC 09.004. The language in 12 AAC 09.004 has already had this change adopted.

12 AAC 09.106 Instructor License Requirements • The proposed regulation change will eliminate redundant language and will clarify requirements for applications for an instructor license. • This change will streamline the licensing process and reduce redundant submission of documentation by applicants.

12 AAC 09.990 Definitions • The proposed regulation change will further clarify the use of the term ‘appliances’ as referenced in AS 08.13.220(5). • This will give clear guidance to all interested parties regarding what devices can be used by licensees.

Disiplinary Actions: 1

Q3 2023: N/A

Q4 2023: 2 Cases – 1 Esthetician, 1 Shop Owner

Q1 2024: 2 Cases – 1 Hairdresser, 1 Shop Owner

Q2 2024: ?

Licenses Issued: 528 (barber, body piercing, body piercing courtesy license, esthetician, hair braiding, hairdresser, hairdresser courtesy license, instructor, manicurist, manicurist with advanced endorsement, non-chemical barber, permanent cosmetic coloring, permanent cosmetic coloring courtesy license, school owner, shop owner, student temporary license, tattooing, tattooing courtesy license?)

Licenses Denied:0

**Board of Barbers and Hairdressers
FY 2024 Annual Report**

Activities

October 2nd 2023 Board Meeting
November 8th 2023 Board Meeting
December 13th 2023 Town Hall Meeting – Hairstyling/Hairbraiding
December 14th 2023 Town Hall Meeting – Esthetics
March 4, 2024 Board Meeting

**Board of Barbers and Hairdressers
FY 2024 Annual Report**

Needs

- Additional Board Members Appointed to Board: One Licensed Barber and One Licensed Manicurist. Having only four members appointed to the board makes it challenging to establish a quorum to conduct business in a seven-member board.
- In person sit down meeting with all members and staff would be helpful to re-establish a functioning board.
- Board meeting with Medical board for cross over services is still needed.
- Board members to work with the Alaska State Legislature to update current statues.
- Initiate a board project to review the NIC Standards in comparison to Alaska's statues and regulations. Using this comparison, the board will highlight and prioritize those statues and regulations that are most critically out of date and negatively impacting public health and safety. The board will establish work groups to address the needed changes.

Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

Board of Barbers and Hairdressers

Annual Report

Fiscal Year 2025



Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

P.O. Box 110806
Juneau, Alaska 99811-0806
Email: License@Alaska.Gov

This report is required under Alaska Statute 08.01.070(10).

**Board of Barbers and Hairdressers]
FY 2025 Annual Report**

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**Board of Barbers and Hairdressers]
FY 2025 Annual Report**

Board Membership (as of the Date This Report was Approved)

Date of Final Board Approval: [Click or tap to enter a date.]

Name	Appointed	Duty Station	Reappointed	Expires
Kevin McKinley Tattooist/BodyPiercer/PermanentCosmeticColorist	3/29/2024	Fairbanks	?	?
Tenaya Miramontes Hairdresser	8/22/2023	Juneau	3/1/2024	3/1/2026
Jessica Pestrikoff Public Member	3/22/2023	North Pole	?	3/1/2025
Wendy Palin Industry Licensee	6/22/2023	Palmer	?	3/1/2025
Willie Mae Canady Hairdresser/Esthetician	6/25/2024	Anchorage		?
Shannon Thompson	10/28/2024	Anchorage	?	?

**Board of Barbers and Hairdressers]
FY 2025 Annual Report**

Accomplishments

[Click or tap here to enter text. ("Accomplishments" include but are not limited to statutory or regulatory changes finalized, disciplinary matrices created, investigations conducted, public safety measures implemented, general descriptions of license actions taken for the sake of public safety, accomplishments by staff, accomplishments by board members, etc.)]

**Board of Barbers and Hairdressers]
FY 2025 Annual Report**

Activities

August 8, 2024 – Meeting

October 10, 2024 – Meeting

**Board of Barbers and Hairdressers]
FY 2025 Annual Report**

Needs

[Click or tap here to enter text. ("Needs" include but are not limited to changes to statutes, changes to regulations, trainings, board seats to be filled, executive administrator for the board, additional staff, travel to certain conferences, support, etc. Highly recommend also including the "why" for each listed need.)]

Strategic Planning General Overview

Why engage in strategic planning?

Compared to private non-profit boards of directors or corporate agencies, the purpose of a regulatory board has a limited focus. Along this narrow lane, the board shoulders considerable responsibility to *regulate a profession in the public interest*. Regulatory boards are free from many of the burdens held by other types of boards. They do not employ staff, and they do not manage a budget, so they do not have the responsibility of directly managing these resources. However, the state legislature has given them considerable power and influence over specific important areas:

1. Establishing and managing the gateway to employment in the profession in Alaska.
2. Influencing the availability of services of this profession in Alaska.
3. Supervising the practice of the profession in Alaska.
4. Setting standards of continued practice of the profession in Alaska.
5. Handling persons who do not practice the profession safely or in the public interest.

Within the lanes set by the state legislature, there is plenty of opportunity for a board to proceed in one of three directions:

1. Hold back progress by blindly maintaining the status quo,
2. Degrade the public’s trust through negligence or recklessness, or
3. Improve outcomes through intentional and thoughtful decisionmaking.

A strategic planning process answers the following questions:

MISSION STATEMENT The mission is the purpose of the board.	Who are we?	What does our enabling statute say we do?
	Why are we here?	What is our functional purpose?
VISION STATEMENT The vision is how the board imagines exemplifying its mission.	Where are we headed?	What does the best version of our licensing program look like?
		What does the best version of our board look like?
		What is the vision of this board’s contribution to nursing in this state?
ANALYSIS A gathering of existing facts or data to frame the board’s current position and prepare it to establish goals.	Where are we now?	What are our activities?
		What are the metrics for those activities?
	How can we do better?	What are stakeholders’ perceptions about us and why?
		Who are our stakeholders and how do we interact?
		What resources are needed for our activities?
		What are our strengths?
		What are our weaknesses?
		What opportunities do we have?
What threats do we face?		
What are our activities?		

<p>INITIATIVES Initiatives are broad categories that exist within the board’s vision.</p>	<p>What are the main outcomes that accomplish our vision?</p>	<p>How do we break out our vision into categories?</p>
<p>GOALS Goals are the measurable outcomes the board plans to accomplish during this time period.</p>	<p>What do we want to accomplish within those categories?</p>	<p>What do outcomes look like?</p>
<p>STRATEGIES Broad actions that support reaching the stated goal.</p>	<p>How will we accomplish each goal?</p>	<p>What types of actions should be taken?</p>
<p>OBJECTIVES These are the measurable steps required to reach each goal.</p> <p>IMPLEMENTATION DETAILS List any details that help ensure the objectives are met.</p>	<p>How are we using our resources?</p>	<p>What are the steps required to meet our goals?</p>
	<p>How are we being accountable to our stated outcomes?</p>	<p>What is the time frame for completion of each step?</p>
	<p>Are our actions adhering to the plan?</p>	<p>What are the specific resources needed for each step?</p>
		<p>Who will be involved?</p>
<p>KPIs, TRACKING, & EVALUATION These are methods of determining whether outcomes have been met. They should be specific and measurable.</p>	<p>How are we doing?</p>	<p>What Key Performance Indicators are relevant to our outcomes?</p>
	<p>How will we know when we have reached our destination?</p>	<p>What Key Performance Indicators are within our control?</p>
	<p></p>	<p>How will we partner with the division to construct and communicate KPIs to the board and the public?</p>
	<p></p>	<p>How will others know how we are doing?</p>
	<p></p>	<p>How often will we schedule evaluations of the entire plan?</p>
	<p></p>	<p>How will we evaluate new activities against the framework of the plan?</p>
	<p></p>	<p>How and when will we adjust elements of the plan?</p>

Important elements in crafting a valuable strategic plan:

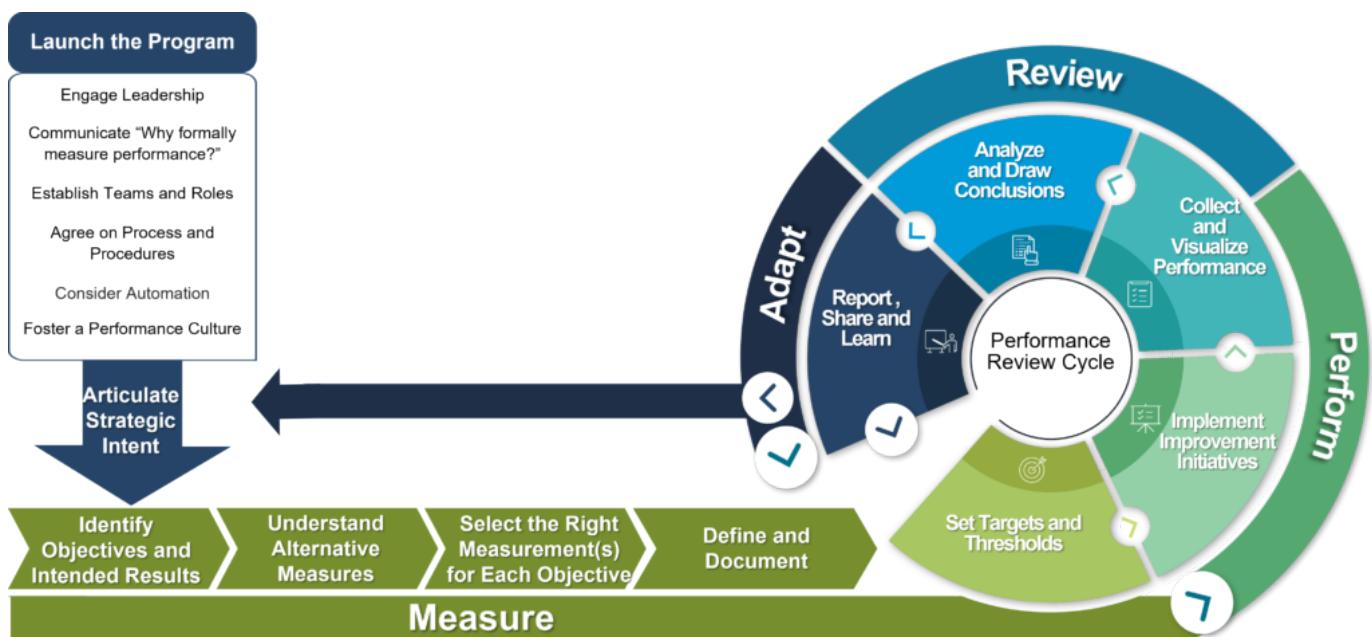
- **Create one forward-focused vision.** Lack of a common vision will lead to fractured decisionmaking and resource allocation. The vision of a regulatory board should be reasonably simple to state

since the board's mandate and authority—ostensibly, its mission—come from the legislature via statute.

- **Ensure all stakeholders participate appropriately.** All board members should schedule time to fully participate in every decisionmaking process, especially stages of strategic planning. Stakeholders involved with the board, including those who are impacted by the board's decisions, should be provided a voice in the process that is commensurate with their role. Surveys, public comment, and focus groups are examples of ways stakeholders can be invited to share their input.
- **Draw attention to cognitive biases and flaws in reasoning, then set up structures to resist these common problems in decisionmaking:**
 - *Recency effect:* Because it's recent, it's valid
 - *Occam's razor bias:* Expressing a preference for the simplest decision over a more appropriate one
 - *Inertia bias:* Tending toward the familiar
 - *Framing effect:* Making a decision based on how the information is presented rather than the information itself
 - *Anchoring bias:* Becoming attached to initial information to the exclusion of additional data or viewpoints
 - *Confirmation bias:* Seeking and using data that confirms your viewpoint
 - *Self-Serving Bias:* This is one's tendency to attribute the positive results of a decision or situation to one's own actions or decision. Likewise, it causes individuals to attribute negative consequences to factors outside of our control.
 - *Availability bias:* Utilizing only immediately available information instead of researching additional data
 - *Stereotyping:* This is the tendency to believe a unique situation is indicative of a greater tendency.
 - *Action-oriented bias:* Making decisions because you feel internal or external pressure to act
 - *Dunning Kruger effect:* When a person's lack of knowledge and skills in a certain area cause them to overestimate their own competence
 - *Sunk cost fallacy:* Tendency to continue down an unproductive path because of the existing resources already allocated to it
 - *Status quo bias:* The tendency for people to like things to stay relatively the same. The preference towards alternatives that maintain or perpetuate the current situation even when better alternatives exist.
 - *Bandwagon effect:* The tendency to do (or believe) things because many other people do (or believe) the same.
 - *Illusion of control fallacy:* The tendency for human beings to believe they can control or at least influence outcomes which they clearly cannot.
- **Establish data-driven metrics to help gauge progress**
 - Develop key performance indicators (KPIs) for the board. Work with the division to learn management's KPIs for administrative operations, license processing, and investigative systems. Determine together how often and in what format these will be communicated to each other and to the public.
 - Good KPIs:

- Provide objective evidence of progress towards achieving a desired result
 - Measure what is intended to be measured to help inform better decision making
 - Offer a comparison that gauges the degree of performance change over time
 - Can track efficiency, effectiveness, quality, timeliness, governance, compliance, behaviors, economics, project performance, personnel performance or resource utilization
 - Are balanced between leading and lagging indicators
 - Consider that not everything that is important can be measured, and just because you can measure it doesn't mean you should. Heavy reliance on measurements can lead to reliance on partial truth and bias in decisionmaking.
- **Evaluate progress based on strategic goals**
 - Establish a process and timeline for all evaluation activities, including how to handle unplanned pivots.
 - Check in regularly as a board, with staff, and management. Plan additional check-ins with key stakeholders, such as industry associations, national organizations that support state licensing boards, and other important partners. Establish standards for how voices will be granted the power to influence board decisions—see [“The Man in the Arena”](#) speech by President Theodore Roosevelt. The squeaky wheel may not be worthy of all the grease.
 - Consult both the measured and anecdotal data, as well as the perception. Close gaps if practical and meaningful to do so.
 - Hold new activities and ideas against the framework of the plan to ensure you are staying on track.
 - Be prepared to pivot as you receive new data and as circumstances change.

Overview of strategic plan evaluation; Balanced Scorecard Institute



Strategic Planning Worksheet: Planning Your Plan

A thoughtful strategic plan guides the board in its decisionmaking, ensuring all activities are moving productively in an intentional direction. Strategic plans can reduce the “clutter” or “noise” at board meetings; a solid plan will help members and staff target appropriate activities, use resources efficiently, and convey purpose to stakeholders.

As you begin the strategic planning process, use this space to brainstorm your answers to the following questions. Add more space for answers as needed. In the “takeaways” column, write any notes about what you observe about your answers or the process, or list any issues/concerns. If you feel stuck, you may want to review previous strategic plans established by this board, plans created by other Alaska licensing boards, or plans created by boards that regulate your profession in other jurisdictions.

Intended time frame for this strategic plan (recommend 3-5 fiscal years):

PHASE	QUESTION	RESOURCES	ANSWERS	TAKEAWAYS
MISSION STATEMENT The mission is the purpose of the board.	Who are we?	What does our enabling statute say we do?		
	Why are we here?	What is our functional purpose?		
VISION STATEMENT The vision is how the board imagines exemplifying its mission.	Where are we headed?	What does the best version of our program look like?		
		What does the best version of our board look like?		
		What is the vision of this board’s contribution to this sector of the state?		
ANALYSIS A gathering of existing facts or data to frame the board’s current position and prepare it to establish goals.	Where are we now?	What are our activities?		
	How can we do better?	What are the metrics for those activities?		
		What are stakeholders’ perceptions about us and why?		
		Who are our stakeholders and how do we interact?		

		What resources are needed for our activities?		
		What are our strengths?		
		What are our weaknesses?		
		What opportunities do we have?		
		What threats do we face?		
		What are our activities?		
INITIATIVES Initiatives are broad categories that exist within the board's vision.	What are the main outcomes that accomplish our vision?	How do we break out our vision into categories?		
GOALS Goals are the measurable outcomes the board plans to accomplish during this time period.	What do we want to accomplish within those categories?	What do outcomes look like?		
STRATEGIES Broad actions that support reaching the stated goal.	How will we accomplish each goal?	What types of actions should be taken?		
OBJECTIVES These are the measurable steps required to reach each goal. IMPLEMENTATION DETAILS List any details that help ensure the objectives are met.	How are we using our resources?	What are the steps required to meet our goals?		
	How are we being accountable to our stated outcomes?	What is the time frame for completion of each step?		
	Are our actions adhering to the plan?	What are the specific resources needed for each step?		
		Who will be involved?		

<p>KPIs, TRACKING, & EVALUATION</p> <p>These are methods of determining whether outcomes have been met. They should be specific and measurable.</p>	How are we doing?	What Key Performance Indicators are relevant to our outcomes?		
	How will we know when we have reached our destination?	What Key Performance Indicators are within our control?		
		How will we partner with the division to construct and communicate KPIs to the board and the public?		
		How will others know how we are doing?		
		How often will we schedule evaluations of the entire plan?		
		How will we evaluate new activities against the framework of the plan?		
		How and when will we adjust elements of the plan?		

Strategic Planning Worksheet: Board “Mini” Strategic Plan

Time frame:

Department of Commerce, Community, and Economic Development Mission:

Promote a healthy economy, strong communities, and protect consumers in Alaska.

Division of Corporations, Business and Professional Licensing Mission:

Inspire public confidence through balanced regulation of competent professional & business services.

Board Mission:

Board Vision:

INITIATIVE #1.			
Goal 1.A	Strategies	Objectives	Implementation Details
Goal 1.B	Strategies	Objectives	Implementation Details

INITIATIVE #2.

Goal 2.A	Strategies	Objectives	Implementation

Goal 2.B**Strategies****Objectives****Implementation**

INITIATIVE #3.**Goal 3.A****Strategies****Objectives****Implementation**

Goal 3.B	Strategies	Objectives	Implementation

PRIORITIZATION MATRIX

Board: *Big Game Commercial Services Board*

Date Updated: *March 2023*

Part I: Types of Projects: List the various projects on the board’s radar according to category. Add or edit categories or projects as needed.

	A	B	C	D	E	F
	Regulations	Applications & Fees	Exams	Committees	Enforcement	Other Initiatives
1	Adding survivorship for emergency transfers		Revise registered guide written exam content		Incorporate ethics violations into the disciplinary guidelines and precedence matrix	Guide Concession Program Inter-agency Workgroup
2	Supervision regulation clarification		Revise GMU exam content			Development of online hunt records user interface
3	Definitions of “physically present”, “primarily in the field”, “in or near camp”					
4	Unlawful provisions by transporters					
5	Marine Transporter Regulation					
6	Trainees					
7	Guide Use Area registration - clarification					
8	Booking Agents/Hunt Planners/Hunt Consultants					
9	Update UVC code regs for various drawings					
10						

Part II: Project Information: Enter crucial details about the projects to help prioritize the board’s time, effort, and resources.

	Project	Authority?	Urgency to Reduce/Prevent Public Harm?	Urgency to Meet Licensee-Related Deadline?	Resources Required?	Priority Ranking and Rationale?
		Does the board have full control over this issue? If not, is another agency appropriate to lead?	Is this necessary to reduce or prevent harm to the public, such as landowners, wildlife, public land users, etc.	Is a renewal or exam coming up? HR/TAR deadlines? State or federal deadlines? Guiding seasons?	Which board member will take the lead? Is staff needed? Anticipated expenses? Other stakeholders necessary? Public engagement?	Looking at all the information, how should this rank on the timeline of board priorities? Urgent (U): Take immediate steps to complete Scheduled (S): Others more important; can happen as we get to it Postponed (P): Not our issue or not a “must have”
1A	Adding survivorship for emergency transfers					
2A	Supervision regulation clarification					
3A	Definitions of “physically present”, “primarily in the field”, “in or near camp”					
4A	Unlawful provisions by transporters					
5A	Marine Transporter Regulation					
6A	Trainees					
7A	Guide Use Area registration - clarification					
8A	Booking Agents/Hunt Planners/Hunt Consultants					
9A	Update UVC code regs for various drawings					
1B						
1C	Revise registered guide written exam content					
2C	Revise GMU exam content					
1D						
1E	Incorporate ethics violations into the disciplinary guidelines and precedence matrix					
1F	Inter-agency Guide Concession Program Workgroup					
2G	Development of online hunt records user interface					

Part III: Next Steps: Using the information in Part II, list the *urgent* (U) and *scheduled* (S) projects in order of priority. Include details that support timelines and accountability. Omit postponed projects until they rise to a higher priority and keep track of them above.

Code Assigned	Project	Target Effective Date of Project	Person Responsible for Project Success	Staff Needed to Help Complete Project	Additional Resources, Outreach, Elements	Next Step to Move Forward	Due Date for Next Step
<i>Example:</i>	<i>Regulation XYZ</i>	<i>11-1-23</i>	<i>Board Member A</i>	<i>Board Staff, Regs Specialist, Board Advisor</i>	<i>Additional outreach to large private landowners and native corporations</i>	<i>Board Member A will draft a letter for staff to send to stakeholders and include list of recipients. Announce public forum scheduled for 5-15-23.</i>	<i>Letter to staff by 4-1-23 Sent by 4-5-23</i>
U1							
U2							
U3							
S1							
S2							
S3							

Part IV: Project Tracker: Members responsible for the success of the project can use the tracker to organize steps to completion. Duplicate the tracker for every project.

Project:		Code:	Target Effective Date:	
Action needed	Details to complete the action	People involved	Additional resources, concerns	Deadline for action

PRIORITIZATION MATRIX

Board:

Date Updated:

Part I: Types of Projects: List the various projects on the board's radar according to category. Add or edit categories or projects as needed.

	A	B	C	D	E	F
	Regulations	Applications & Fees	Exams	Committees	Enforcement	Other Initiatives
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

Part II: Project Information: Enter crucial details about the projects to help prioritize the board’s time, effort, and resources.

Project	Authority?	Urgency to Reduce/Prevent Public Harm?	Urgency to Meet Licensee-Related Deadline?	Resources Required?	Priority Ranking and Rationale?
	Does the board have full control over this issue? If not, is another agency appropriate to lead?	Is this necessary to reduce or prevent harm to the public?	Is a renewal or exam coming up? State or federal deadlines? Industry-related seasons?	Which board member will take the lead? Is staff needed? Anticipated expenses? Other stakeholders necessary? Public engagement?	Looking at all the information, how should this rank on the timeline of board priorities? Urgent (U): Take immediate steps to complete Scheduled (S): Others more important; can happen as we get to it Postponed (P): Not our issue or not a “must have”
1A					
2A					
1B					
2B					
1C					
2C					
1D					
1E					
1F					

Part III: Next Steps: Using the information in Part II, list the *urgent* (U) and *scheduled* (S) projects in order of priority. Include details that support timelines and accountability. Omit postponed projects until they rise to a higher priority and keep track of them above.

Code Assigned	Project	Target Effective Date of Project	Person Responsible for Project Success	Staff Needed to Help Complete Project	Additional Resources, Outreach, Elements	Next Step to Move Forward	Due Date for Next Step
<i>Example:</i>	<i>Regulation XYZ</i>	<i>11-1-23</i>	<i>Board Member A</i>	<i>Board Staff, Regs Specialist, Board Advisor</i>	<i>Additional outreach to large private landowners and native corporations</i>	<i>Board Member A will draft a letter for staff to send to stakeholders and include list of recipients. Announce public forum scheduled for 5-15-23.</i>	<i>Letter to staff by 4-1-23 Sent by 4-5-23</i>
U1							
U2							
U3							



2025 Legislative Guidance for CBPL Board & Commission Members

The primary guidance for board and commission members during legislative session is in the CBPL Guide to Excellence in Regulation – Section IX: Legislation and Legislative Audit (pages 63-70), available on the CBPL Board Resources webpage: www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardMemberResources.

Section IX of the guide includes information on the following:

- Initiating legislation
- The Open Meetings Act (it always applies)
- Legislative session
- The need to be informed about legislation (and how to do that)
- Guidelines for board member testimony
- Legislative testimony call-in dos and don'ts
- Legislative audit

It's important to remember that division staff cannot represent a board or its positions in meetings with legislators or in legislative hearings, except by pointing to a letter of support or opposition if the board has submitted one for a specific bill. Otherwise, the division only speaks to the Administration's position on legislative items. This means it's essential for board and commission members to carefully review Section IX of the CBPL Guide to Excellence in Regulation to be aware of how the process works and what their responsibilities include.

If a board or commission member has questions on how the legislative process works, please refer to the helpful information linked below. Division management and the department's Boards and Regulations Advisor are also happy to answer any specific questions from board and commission members, but please be aware that we tend to be very busy during legislative session so, at times, it may take a couple days to receive a response or call back.

HELPFUL INFORMATION

Additional resources on [BASIS](#) that will be helpful in understanding how to navigate BASIS, understand what you're seeing, and become more familiar with the legislative process:

- Tips for Using Basis: <https://akleg.gov/docs/pdf/basis.pdf>
- Frequently Asked Questions: <https://akleg.gov/faq.php>
- Legislative Abbreviations & Acronyms: <https://akleg.gov/docs/pdf/abbracro.pdf>
- Glossary of Legislative Terms: <https://akleg.gov/docs/pdf/glossary.pdf>
- Current Senators: <https://akleg.gov/senate.php>
- Current Representatives: <https://akleg.gov/house.php>
- Current Committees: <https://www.akleg.gov/basis/Committee/List/34>

- Steps in Passage of a Bill: <https://akleg.gov/docs/pdf/passbill.pdf>
- Legislative Process: <https://akleg.gov/docs/pdf/legprocess.pdf>
- How to Read a Bill History: <https://akleg.gov/docs/pdf/readbill.pdf>
- Layman’s Guide to the Budget Process: <https://akleg.gov/docs/pdf/budgproc.pdf>

How to Watch or Listen in on a Bill Hearing:

- If the bill is currently being heard in a committee:
 - Identify what committee it’s being heard in.
 - Go to akleg.gov, select the “Live Now” tab, and select the appropriate committee; **OR**
 - Go to Gavel Alaska (ktoo.org/gavel) and select the appropriate committee.
- If the bill was already heard and the hearing has since concluded:
 - Go to akleg.gov and search for the bill. Once on the bill’s page, go to the “Meetings” tab and click on the link for the hearing you want; **OR**
 - Go to Gavel Alaska and look for the hearing in the “Archives”.

DEPARTMENT CONTACTS:

- DCCED Boards and Regulations Advisor – Sara Chambers: sara.chambers@alaska.gov, W: (907) 465-2144
- CBPL Director – Sylvan Robb: sylvan.robb@alaska.gov, W: (907) 465-2524, C: (907) 419-7678
- CBPL Deputy Director – Glenn Saviers: glenn.saviers@alaska.gov, W: (907) 465-2691, C: (907) 321-1423

Division management is often in meetings or hearings throughout the day during legislative session, so email may sometimes be the quickest way to get a response. If you opt to call, make sure to leave a voicemail and consider following up with an email. Please do understand that while management will get back to you as quickly as possible, they may not always be able to get back to you the same day.

Additionally, even when you opt to reach out to one of the contacts above, please be sure to also loop in your board staff before or latest, immediately after, the conversation so they can remain in the loop.

Chapter 09. Board of Barbers and Hairdressers.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 09.990(b) is amended to read:

(b) For the purposes of AS 08.13.220(5),

(1) "appliances" in the field of esthetics means only those devices used to stimulate natural physiological processes intended to improve the health and appearance of a person's skin; a device

(A) must operate within the manufacturer's guidelines;

(B) may not directly ablate or destroy live tissue; and



(C) may not involve an incision into skin beyond the epidermis; may not be defined as a Class III or Class IV laser device in accordance with 21 C.F.R. 1040.10

(2) "for a fee" does not include remuneration received by a person employed or working under contract to provide make up services for a television, film, or stage production. (Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 2/28/88, Register 105; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 7/12/2007, Register 183; am 4/21/2010, Register 194; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.220

Register _____, _____ 2025 PROFESSIONAL REGULATIONS

Editor's Note: The FDA device designation list can be found at the U.S. Food and Drug Administration's website:

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfpd/classification.cfm>



Chapter 09. Board of Barbers and Hairdressers.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 09.990(b) is amended to read:

(b) For the purposes of AS 08.13.220(5),

(1) "appliances" in the field of esthetics means only those devices used to stimulate natural physiological processes intended to improve the health and appearance of a person's skin; a device

(A) must operate within the manufacturer's guidelines;

~~**(B) comply with FDA registration requirements, if applicable under 21 U.S. Code § 321 of the Federal Food, Drug, and Cosmetic (FD&C) Act;**~~

~~**(C) may not directly ablate or destroy live tissue; and**~~

~~**(D) may not involve an incision into skin beyond the epidermis;**~~

and

~~**(E) not fall within any of Class III, IIIA, IIB, or IV Radiation Emitting Device designations;**~~ **may not be defined as a Class III or Class IV laser device in accordance with 21 C.F.R. 1040.10**

(2) "for a fee" does not include remuneration received by a person employed or working under contract to provide make up services for a television, film, or stage production. (Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 2/28/88, Register 105; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 7/12/2007, Register

Commented [SW1]: Harriet: I agree with your statements that proposed 12 AAC 09.990(b)(1)(B) "is unhelpful to licensees . . . as it cites to the nearly endless general definitions section of the [federal Food, Drug, and Cosmetic] Act, in which appliances could be implicated in a number of places." I agree that the board perhaps is thinking about the definition for "device" under 21 U.S.C. 321(h)(1), but that the Act uses that term in contexts that do not immediately invoke the work of estheticians. My own search of 21 U.S.C. 321 did not uncover any references to registration requirements. Maybe they are in other substantive federal provisions, but I do not feel comfortable preserving proposed 12 AAC 09.990(b)(1)(B) or substituting language that may diverge substantively from what the board perhaps envisioned.

Commented [SC2R1]: Suggested change: Delete if unenforceable.

Commented [AO3R1]: To be discussed with the board and expert in the field for suitable alternative citations if available. If not, the proposed deletion is accepted.

Commented [SW4]: Harriet: I agree that the proposed 12 AAC 09.990(b)(1)(E) is unhelpful as it gives no reference to where the classes of radiation-emitting devices are defined. If those references can be obtained with certainty, adding them to these proposed definitions would not be a substantive change. But my search of 21 U.S.C. Chapter 9 did not reveal any reference to the term "radiation emitting" or indeed any relevant reference to the word "radiation." See also my remark for the agency's new editor's note.

Commented [SC5R4]: Suggested change: "may not be defined as a Class III or Class IV laser device in 21 C.F.R. 1040.10"

Commented [AO6R4]: I added this to the main body of the draft by way of example. Please let us have your thoughts.

Register _____, _____ 2025 PROFESSIONAL REGULATIONS
183; am 4/21/2010, Register 194; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am
3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/_____, Register _____)
Authority: AS 08.13.030 AS 08.13.220

**Editor's Note: The FDA device designation list can be found at the U.S. Food and
Drug Administration's website:**

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfpdc/classification.cfm>

Commented [SW7]: The "device designation list" is a database. If the board is attempting to adopted material by reference, the board cannot adopt by reference an electronic database that has no set date. Only dated material can be adopted by reference.

Commented [SC8R7]: Suggested change: Add adoption by reference information pointing to 21 C.F.R. 1040.10 adopted April 01, 2018. This appears to be the most recent effective date of these regulations, per the National Archives.

From: [Osborne, Alison S \(CED\)](#)
To: [Carabajal, Renee R \(CED\)](#)
Subject: RE: "radiation emitting device" in the proposed definition of "device" for purposes of the definition of "esthetics" (2024200504)
Date: Wednesday, January 8, 2025 2:54:32 PM

Hi Renee,

Are you able to answer Steven's questions, or will we need to take them to the board to address at the upcoming February meeting?

Thanks,

[Alison](#)

From: Weaver, Steven C (LAW)
Sent: Wednesday, January 8, 2025 9:45 AM
To: Carabajal, Renee R (CED) ; Osborne, Alison S (CED)

Subject: "radiation emitting device" in the proposed definition of "device" for purposes of the definition of "esthetics" (2024200504)

Good morning, folks. I have two questions about the proposed definition of "device", for purposes of the proposed definition of "appliances" as the term appears in the definition of "esthetics" in AS 08.13.220(5) of the Board of Barbers and Hairdressers statutes---

First, the concept of devices exclude items that "any of Class III, IIIA, IIIB, or IV Radiation Emitting Device designations." Does the Board of Barbers and Hairdressers mean the Class III, IIIa, IIIb, or IV laser product designations under the definitions in 21 C.F.R. 1040.10?

Second, might the product designation appear on a tag or inscription on the appliance itself, like an Underwriters Laboratories designation?

Thank you for your assistance,

Steven C. Weaver

Senior Assistant Attorney General
State of Alaska - Department of Law
Legislation, Regulations, and Legislative Research Section
123 4th Street, Suite 600
P.O. Box 110300
Juneau, AK 99811-0300

From: Osborne, Alison S (CED) <

Sent: Thursday, January 9, 2025 1:43 PM

To: Carabajal, Renee R (CED)

Subject: FW: edits, proposed Board of Barbers and Hairdressers regulations regarding definition of

"device" within the statutory definition of "esthetics" (2024200504)

Hi Renee,

Further to my email yesterday, I just noticed that you had not been copied in on Steven's earlier from last week – see below.

Steven returned the proposed draft regulations with Law's preliminary review edits (attached). I have reviewed the edits to accept those that were purely technical in nature, leaving those that require board or your input. There are three main topics requiring a response; all of which relate to wording which Steven and Harriet are recommending for removal from the regulation without replacement. They are:

- 12 AAC 09.990(b)(1)(B) – reference to FDA registration requirements;
- 12 AAC 09.990(b)(1)(E) – reference to “radiation emitting device designations”; and
- The editor's note regarding the designation list for radiation emitting devices.

Kindly share with your board members and let me know how the board would like to proceed.

By the way, you will note that “or a combination of devices” was removed from the opening sentence of 12 AAC 09.990(b)(1). This was for grammatical reasons because a combination of devices is already implied by the use of the plural “devices”.

Many thanks,

[Alison](#)

From: Weaver, Steven C (LAW) ·

Sent: Thursday, January 2, 2025 3:10 PM

To: Osborne, Alison S (CED)

Subject: edits, proposed Board of Barbers and Hairdressers regulations regarding definition of "device" within the statutory definition of "esthetics" (2024200504)

Good afternoon, Alison. I have included with this message, as an MS Word document in track changes, my edits to the proposed Board of Barbers and Hairdressers regulations regarding the definition of "device" within the statutory definition of "esthetics" (2024200504).

Currently, we propose to delete proposed 12 AAC 09.990(b)(1)(B) and (E) for overbreadth in context. In addition, proposed 12 AAC 09.990(b)(1)(E) refers users to a database, improperly implying that the adoption by reference of the database, including future changes that would evade review, is allowable. Please see my comments on the attached draft.

Please review the draft and get back to me with your comments, questions, and concerns. Thank you for your time and work on this project,

Steven C. Weaver

Senior Assistant Attorney General
State of Alaska - Department of Law
Legislation, Regulations, and Legislative Research Section
123 4th Street, Suite 600
P.O. Box 110300
Juneau, AK 99811-0300

Telephone: (907) 465-3600

E-mail:

CONFIDENTIAL : ATTORNEY-CLIENT AND DELIBERATIVE PROCESS PRIVILEGES

State of Alaska

2025 HOLIDAY CALENDAR

State Holidays

Date	Holiday
01/01/2025	New Year's Day
01/20/2025	MLK Jr.'s Birthday
02/17/2025	Presidents' Day
03/31/2025	Seward's Day
05/26/2025	Memorial Day
06/19/2025	Juneteenth Day
07/04/2025	Independence Day
09/01/2025	Labor Day
10/18/2025	Alaska Day (observed 10/17/2025)
11/11/2025	Veterans' Day
11/27/2025	Thanksgiving Day
12/25/2025	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



JANUARY

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(4) a statement signed by the applicant's sponsor verifying that the sponsor is a practitioner of body piercing, tattooing, or permanent cosmetic coloring who holds a permanent license in this state and will sponsor the applicant; and

(5) copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR);

(B) and blood borne pathogens.

(t) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for hairdressing, barbering, or esthetics by a licensed instructor in an apprenticeship program in a licensed shop. A student permit to obtain training in hairdressing, barbering, or esthetics by a licensed instructor in a licensed shop will be issued to an applicant who submits

(1) a completed application on a form provided by the department;

(2) the student permit fee established in 12 AAC 02.140; and

(3) a completed statement of responsibility form from the licensed instructor who will provide the training.

(u) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for body piercing, tattooing, or permanent cosmetic coloring by a licensed practitioner in an apprenticeship program in a licensed shop. A student permit to obtain training for body piercing, tattooing, or permanent cosmetic coloring by a licensed practitioner in a licensed shop will be issued to an applicant who submits

(1) a completed application on a form provided by the department;

(2) the student permit fee established in 12 AAC 02.140;

(3) a completed statement of responsibility form from the licensed practitioner who will provide the training;

(4) copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR);

(B) blood borne pathogens; and

(5) a copy of the current certificate of sanitary standards issued under 18 AAC 23.310 to the shop in which the training will take place.

(v) The following checklist is established by the board for review of an application for a hair braiding license. A license to practice hair braiding will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (3), and (7) of this section; and

(2) verification of

(A) completion of instruction as required by 12 AAC 09.164 on a form provided by the department; or

(B) a current license to practice as a hair braider in another state with requirements equal to those in this state at the time of licensure, sent directly to this state from the verifying state's licensing agency in accordance with 12 AAC 09.115.

(w) The following checklist is established by the board for review of an application for a manicurist license. A manicurist license will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (3), and (7) of this section; and

(2) verification of

(A) training that meets the requirements in 12 AAC 09.143; or

(B) a current license to practice manicuring in another state with requirements equal to those in this state at the time of licensure, sent directly to this state from the verifying state's licensing agency in accordance with 12 AAC 09.115.

Authority:	AS 08.01.062	AS 08.13.080	AS 08.13.120
	AS 08.13.030	AS 08.13.090	AS 08.13.180
	AS 08.13.070	AS 08.13.100	

12 AAC 09.003. TRANSITIONAL LICENSURE. Repealed 6/8/2016.

12 AAC 09.004. COURTESY LICENSE. (a) A courtesy license authorizes the licensee to practice body piercing, tattooing, or permanent cosmetic coloring as a guest practitioner in a shop licensed by the board. An applicant for licensure under this section must have a sponsor who holds a permanent license in this state in the same practice area for which the license is requested.

(b) The board will issue a courtesy license to an applicant who meets the requirements of AS 08.01.062(a) and who, not fewer than 90 days before the applicant plans to begin working, submits

(1) a completed application on a form provided by the department; a completed application must specify the dates for which the license is requested, the type of license requested, and the identity of the applicant's sponsor;

(2) the applicable fees established in 12 AAC 02.140;

(3) verification of practicing body piercing, tattooing, or permanent cosmetic coloring for a fee, for at least 12 of the 24 consecutive months immediately preceding the date of application; the proof must include one of the following or a combination of the following:

(A) at least two sworn affidavits from students or employees verifying the applicant's experience;

(B) at least one copy per month of a client release form for at least 12 of the 24 consecutive months immediately preceding the date of application;

(C) other information acceptable to the board;

(4) a statement signed by the applicant's sponsor verifying that the sponsor is a practitioner of body piercing or practitioner of tattooing and permanent cosmetic coloring who holds a permanent license in this state and will sponsor the applicant; and

(5) verification that the applicant successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in

(A) cardiopulmonary resuscitation (CPR); and

(B) blood borne pathogens.

(c) A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring is valid for 30 consecutive days. A person may not be issued more than two courtesy licenses in a calendar year.

(d) The period during which a courtesy license is valid may not be counted towards the training requirements of 12 AAC 09.167 or 12 AAC 09.169.

(e) The board will issue a courtesy license to an applicant to practice hairdressing as a hairdresser for the purpose of working on a television, film, or stage production who meets the requirements of this chapter and AS 08.01.062, and by submitting the following:

(1) a completed application on a form provided by the department; a completed application must specify the dates for which the license is requested, the type of license requested;

(2) payment of the applicable fees established in 12 AAC 02.140;

(3) verification of a current hairdressing license from another state or jurisdiction.

(f) A courtesy license to practice hairdressing is valid for the duration of the production, not to exceed 12 months. If the license is required for a period longer than 12 months, the licensee must apply for a new and separate license.

Authority: AS 08.01.062 AS 08.13.030 AS 08.13.070

12 AAC 09.005. EXAMINATION REQUIREMENTS FOR LICENSURE. (a) An applicant applying for licensure by examination as a barber, non-chemical barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing, practitioner of permanent cosmetic coloring, or instructor under this chapter shall

(1) submit a completed, notarized application for licensure by examination in the relevant practice area for which the license is requested to the division; the application must

(A) be on the form provided by the department; and

(B) include all verification documents necessary to meet the requirements of AS 08.13.080;

(2) complete the relevant written examination administered daily by Prov examination services following notification from the department of preauthorization for examination as an instructor, or as a practitioner for the profession of barbering, non-chemical barbering, hairdressing, esthetics, body piercing, tattooing, or permanent cosmetic coloring;

(3) follow the rules and procedures for examination set by Prov; and

(4) pay all applicable fees for the examination directly to Prov as applicable.

(b) A completed application for licensure under this section must be submitted before an applicant may be considered for examination eligibility.

(c) An applicant who is unable to appear for a scheduled examination may postpone the examination by notifying Prov in accordance with the Prov cancellation and rescheduling policy.

(d) An applicant who fails an examination or fails to appear for an examination without postponing the examination as set out in (c) of this section may reschedule for a future examination. To reschedule for a future examination, an applicant must contact Prov directly and adhere to the relevant policy and procedures set by Prov.

(e) An application is considered abandoned if the applicant does not take an examination as set out in this section within one year from the date of the applicant's initial application.

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

Editor's note: Information on the relevant written examinations set out in this section may be obtained from the Prov website at <https://provexam.com> or by contacting Prov via e-mail at support@provexam.com.

12 AAC 09.006. TRANSITIONAL PROVISIONS FOR LICENSEES AND ENDORSEMENT HOLDERS. Repealed 6/21/2018.

12 AAC 09.010. EXAMINATION DATES. Repealed 11/23/2023.

12 AAC 09.015. REEXAMINATION. Repealed 9/30/87.



DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF BARBERS AND HAIRDRESSERS

CONDENSED MINUTES OF THE MEETING HELD October 10, 2024

By the authority of AS. 08.01.070(2) and AS08.86.030 and in compliance with the provisions of AS 44.64, Article 6, a scheduled board meeting was held via teleconference/Zoom, October 10, 2024.

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the board.

October 10, 2024:

Attendance

Members Present: Chair Kevin McKinley, Vice Chair Tenaya Miramontes, Willie Mae Canady, Jessica Pestrikoff

Member(s) Excused: Wendy Palin

Staff Present: Cynthia Spencer & Wanda Whitcomb, Licensing Examiners, Renee Carabajal, Program Coordinator, Investigators Sonia Lipker, Chace Evans, and Jacob Daviscourt, Sara Chambers, Boards and Regulations Advisor, Alison Osborne, Regulation Specialist.

Special Attendee: Susanne Schmaling, LME, CLT, Medical Spa Services Work Group

Public Present via Zoom:

There were 5 members of the public attending via Zoom.

1. Call to Order/Roll Call

The board was called to order at 8:31 a.m.

2. Review Agenda

Chair Kevin McKinley asked if there were any amendments to the agenda.

Cynthia Spener stated there was no quarter four budget report for the board to review so agenda item 6, Division and Financial Updates could be cancelled; this would allow the board to move onto other agenda items as needed.

Chair McKinley asked if there were any other amendments; hearing none the agenda was approved.

3. Ethics Disclosure

The board reviewed the provided Ethics packet.

Board members present stated, by roll call, they had no conflicts to disclose.

The board decided to move onto Item 10 until public comment at 9:30am.

10. New Business

A. Local Shop Courtesy License (body arts) Discussion

Chair McKinley gave a brief background of the courtesy license creation; Chair McKinley informed the board this license type was created before large events were coming to Alaska and was for local shops to bring artists into shops to teach techniques they specialize in and to allow shops to bring in artists as substitutes for local artists when ill or on vacation.

Chair McKinley stated he understands the 90-day application deadline change from 30-days due to the number of applications staff receives for special events and the time it takes to process these applications. However, the 90-day deadline is prohibitive and has created unintended consequences to local shops seeking to bring in artists to fill in for local artists. Chair McKinley went on to state he would like to begin a discussion on this matter for possible regulatory changes or create a new similar license for local shops. Chair McKinley asked if board members had

questions or would like to discuss.

The board had no questions or comments. Chair McKinley asked that this topic be added to the next meeting agenda.

Vice Chair Tenaya Miramontes stated she could check with local (Juneau) shops for impact of the 90-day deadline and needs for courtesy licensees.

Wanda Whitcomb urged the board to be very careful with wording if they decide to move forward with a regulation change or new regulation; LE Whitcomb cautioned the board that events do read statutes/regulations and look for loopholes.

Action Item: Add this topic - local shop courtesy license to next meeting agenda.

B. Apprentice/Student/Trainee Documentation Submission Discussion

Chair McKinley gave a brief background on this matter as discussed with staff, problems across all training programs regulation by this board with the submission of training documentation. Chair McKinley stated staff is looking for solutions and help from the board with these ongoing issues.; the board could set up a strike system and possible loss of students for x amount of time.

Vice Chair Miramontes stated that this was an issue for one of her apprentices as they have not been able to obtain previous training documentation; she also suggested allowing students be allowed to submit their own training documentation. Vice Chair Miramontes stated empowering students to submit their training documentation might be a better option and may ensure this documentation was submitted as required.

Mae Canady agreed that this was an issue; as an instructor she takes it very seriously to submit her apprentices training documentation on time. Ms. Canaday agreed with a two or three strike system for those who continually fail to submit training documentation per regulation requirements.

Ms. Canady stated that staff does not have time to track each individual apprentice, student, and trainee file to verify what has been and hasn't been submitted.

Vice Chair Miramontes asked if there was an online portal that this documentation could be submitted through or an online system where hours could be updated? Chair McKinley asked if she was thinking something like the MyAlaska portal. Vice Chair Miramontes stated yes, MyAlaska or another portal program that would allow updating hours, etc. Chair McKinley stated that was a good idea as the state is moving towards more digital submission of documentation.

Ms. Canady stated when a person has completed training they should receive copies of all training documentation that maybe they could submit, however it really boils down to the person providing training to submit the required documentation, not submitting is not fair to the student; whether a school, etc., a person is paying the money for training, completing their training and now they're ready to work and apply for a license but are not able to due to this matter. Ms. Canady stated that she believes repeat offenders of non-submission, either two or three strikes should be held accountable; as there is no accountability in place, instructors can keep violating submission requirements.

LE Spencer reviewed regulations 12 AAC 09.130, 09.185, and 09.190; and stated staff needs teeth in the training documentation submission requirements and stated changes to training documentation submission requirements would require regulation changes.

Chair McKinley asked the board if they had any further thoughts. Chair McKinley stated that if they combined Vice Chair Miramontes and Ms. Canady's statements and came up with a three-strike system, a resolution might be reached.

Vice Chair Miramontes suggested allowing students to submit a notice to staff stating they completed training; staff could then review files and contact instructors for missing documentation.

LE Spencer stated that is what is happening now; this is causing lost time for both staff and the person obtaining training as it is currently taking weeks – months to obtain complete and correct training documentation if at all. LE Spencer also informed the board that staff has also had to recreate training using limited training documentation submitted and many times this results in requiring the individual to enroll again to complete training that staff cannot verify with documentation that has been submitted. LE Spencer informed the board that staff frequently submits instructors, etc., to the investigative unit for violations of training documentation submission, however this has not helped the situation. Ms. Spencer also stated the board has a fine schedule which reflects possible consequences for this matter with first, second, and third offences.

Ms. Spencer went on to state that a strike system may also require investigative processes as well as the investigative unit enforcement is more official and would give teeth to a strike system through license action, fines, etc.

Chair McKinley agreed with LE Spencer stating that we need teeth in this matter as that is what is lacking and might motivate those providing training to comply with regulatory requirements.

The board agreed this matter is important as it directly effects the individual obtaining training moving forward with their chosen profession and agreed this should also be discussed during item 7, Investigations.

4. Public Comment

Chair McKinley stated that public comment is very important for the board as they appreciate hearing concerns from the public, however as there is a limited time everyone should be respectful with time keeping.

LE Spencer asked if there were any attendees that would like to address the board. Rachel Lauesen and Jacqueline Polis stated they would like to address the board.

Chair McKinley asked Rachel Lauesen if three minutes would be enough time. Ms. Lauesen stated she thought three minutes would be fine.

Rachel Lauesen, Attorney, Lauesen law Team, representing Skinlife Medspa.

- Medical Spa Services Work Group concerns:
Is there legal involvement with Medical Spa Working Group providing oversight?
Links on work group website reflect current adopted guidance on dermatological procedures that were implemented January 2004, revised in 2014 and 2017 but during 2018 legislation, 08.64.106, was enacted tasking the Medical Board to issue regulations authorizing delegation power to individuals not licensed by the Medical Board. Medical Board then adopted 12 AAC 04.290 which has inconsistencies in relation to this board and the Medical Board guidelines.

Chair McKinley stated he felt Ms. Lauesen's comments seem more geared towards the Work Group and the Medical Board, not this board.

Ms. Lauesen disagreed and stated the Work Group was derived from actions taken by this board and the Work Group was formed to address these actions.

Program Coordinator Renee Carabajal informed Ms. Lauesen that the Work Group was established and is being run by Board Advisor Sarah Chambers, Ms. Chambers, is the individual providing all the information on the website updating all of it and managing of those meetings. This board will be receiving updates from those meetings but is not directly linked to the running or decisions made by the medical Spa work group; this work group is still in the early stages of reviewing information before making any recommendations to other licensing boards. PC Carabajal recommended Ms. Lauesen submit her concerns directly to Ms. Chambers as she the best person at this time to submit concerns to; PC Carabajal also informed Ms. Lauesen Ms. Chambers would be able to present those concerns to the Work Group for review.

Ms. Lauesen stated she would submit her concerns to Ms. Chambers and went on to state that as this is the board that regulations estheticians, she thought this board would be a stake holder in the Work Group and interested in receiving this information.

PC Carabajal stated this board is a stake holder and appointed board member Wendy Palin to serve as their representative on the Work Group; Ms. Palin was unable to attend this meeting to provide an update on the Work Group, however Ms. Palin would be provided information from this meeting. PC Carabajal continued to reiterate this is why Ms. Lauesen should submit her concerns directly to Ms. Chambers. PC Carabajal also stated that the board is not planning on any decisive changes until after they received guidance from the Work Group which they will be getting an update on later this afternoon from Ms. Chambers.

Ms. Lauesen stated that as she had commented during prior meeting, this is why the board should have public comment in the afternoon or before the end of meetings as people do not know what will happen during the meeting and therefore cannot comment. Ms. Lauesen also complained about cancelled meeting and the lack of scheduled meetings.

Chair McKinley thanked Ms. Lauesen and asked if board members had questions for Ms. Lauesen. Hearing none, Chair McKinley asked if LE Spencer would forward Ms. Lauesen's concerns onto Ms. Chambers. LE Spencer stated she was not comfortable with forwarding on Ms. Lauesen's concerns on the chance she may misquote and urged Ms. Lauesen to forward her concerns directly to Ms. Chambers.

Jacqueline Polis, Esthetician

- Agree with Rachel Lauesen's comments.
- Board should have time for public comment at the end of meetings to allow attendees to address entire meeting concerns, etc.
- Board should have more open communications with licensees.
- Work Group and board all intertwined; Work Group and board should have more open conversations.

Chair McKinley asked if Ms. Polis had any additional comments.

Ms. Polis stated she did not agree with LE Spencer not wanting to pass along Ms. Lauesen's comments to Sara Chambers due to misquote concerns.

Chair McKinley thanked Ms. Polis for her concerns with forwarding Ms. Lauesen's comments and reiterated PC Carabajal's suggestion that Ms. Lauesen contact Ms. Chambers directly with her concerns. Chair McKinley stated all comments are important and valuable to the board; having Ms. Lauesen contact Ms. Chambers directly ensures her concerns and intent are completely relayed.

Ms. Lauesen interjected into Chair McKinley's statement and Ms. Polis' comment time stating that this shows a complete lack of support by the board to say her comments will not be passed along to Ms. Chambers. Ms. Lauesen stated the fear of misquoting was not acceptable as there are recordings of the meetings and meeting minutes that accurately record conversations.

Chair McKinley attempted to course correct Ms. Lauesen's interruption.

Chair McKinley asked if Ms. Polis had any additional comments.

Ms. Polis continued that she hoped the Work Group and board would be able to have conversations and if there was a way to have this information more readily available/shareable with licensee and public which would allow for more collaboration. Ms. Polis stated that the board begin having meetings which would allow back and forth conversations with the public and board; board meetings just don't allow for this type of conversation.

Chair McKinley thanked Ms. Polis and stated he appreciated her concerns. Chair McKinley stated the board would be working towards holding more "town hall" meetings which would allow for members of the public to directly address the board and have that open conversation/back and forth dialog.

Chair McKinley went onto state recognizing past meetings and board issues, moving forward this board is on a new path and will continue to make improvements, continue to work with the Work Group and public.

Chair McKinley asked LE Spencer if there were any other individuals for public comment. LE Spencer stated only Ms. Lauesen and Ms. Polis were signed up for public comment.

PC Carabajal informed the board and attendees that she had reached out to Ms. Chambers regarding Ms. Lauesen's and Ms. Polis's Work Group concerns. PC Carabajal stated that Ms. Chambers had been notified that Ms. Lauesen had been directed to reach out directly to Ms. Chambers with her concerns and that the meeting recordings would be available to Ms. Chambers shortly after this meeting adjourned.

Chair McKinley thanked PC Carabajal for this information and reaching out to Ms. Chambers.

Recess The Board recessed at 9:21 a.m. for a short break; reconvened at 9:32 a.m. Majority of the board confirmed by roll call.

The Board was ahead of schedule and moved to Item 12, Administrative Business, while waiting for investigative staff.

Chair McKinley asked LE Spencer if there were any correspondence and applications to review. LE Spencer stated the board had none of these items to review.

12. Administrative Business

A. Review/Edit/Approve Meeting Minutes

i. August 8, 2024 Meeting

Chair McKinley asked if board members had reviewed the meeting minutes and if they had any edits. Hearing none, Chair McKinley asked for a motion to approve the minutes.

Motion: 1st Mae Canady – 2nd Tenaya Miramontes

Approve August 8, 2024, meeting minutes as presented.

Approved by majority.

C. Correspondence

There were no correspondence items to review.

D. Application Review

There were no applications to review.

7. Investigations

Senior Investigator Sonia Lipker joined the board introduced herself and announced that Senior Investigator Jennifer Summers was unable to join the board so she would be presenting the training along with Investigator Chace Evans. Inv Lipker stated Inv Evans was having technical difficulties and would join the board soonest.

Chair McKinley asked while they were waiting if the board would please review the 2024 and 2025 calendars and begin choosing meeting dates. Chair McKinley stated by statute the board must meet at minimum three times a year, however, due to pressing matters, would the board consider scheduling four meetings just in case. The board agreed and began reviewing the calendars.

Board members agreed not to schedule meeting close to holidays during November and December 2024.

Inv Evans joined the meeting, the board agreed to pick up this matter later.

Inv Evans greeted the board and introduced himself.

A. Investigative Process Training

Inv Evans reviewed the Investigative Process Training materials with the board and asked if board members had any questions.

Chair McKinley asked during the processes reviewed, when would investigative staff communicate with licensing staff updating them on progress.

Inv Evans stated this typically is only done with the reviewing board member and then through cases presented during meetings.

Chair McKinley stated that he had gotten a printout of cases for the last five years from Senior Investigator Jennifer Summers which reflected 42 cases still open beginning 2021 – 2024; the number of open cases and length of time he was concerned with why 2021 – 2023 cases were still unresolved.

Inv Lipker stated she believes what Chair McKinley is referencing is the Quarterly Board report. Inv Lipker continued for every quarterly board meeting, the investigative unit prints/provides an investigative report that shows all cases that are open, all cases that are closed, and their status; this report gives the board an overview of where the cases are in their different stages.

Chair McKinley thanked Inv Lipker but stated he was under the assumption that the investigator would email staff information regarding a case closed and reviewing board member (RBM) conclusions. Chair McKinley asked if this was correct or had never been done.

LE Spencer clarified Chair McKinley's question; previously when staff would refer a matter to the investigative unit would email staff with a case number, staff would then update the master "Yes Answer" spreadsheet; once a RBM had reviewed documentation, the investigator would email staff with case closed, etc., information and a synopsis of the RBM findings, staff would then update the "Yes Answer" spreadsheet with this information and either a case would be presented to the board at the next meeting or the case was closed. LE Spencer stated this level of communication has not been occurring for quite some time.

Chair McKinley asked investigators if they wanted to comment on this. Inv Lipker stated she wasn't familiar with the day-to-day operations of the investigators for this board and cannot speak to the general overview of how investigative policies work. Inv Lipker went on to state that if there haven't been any cases closed in the last few weeks staff wouldn't have been notified; the individual who is typically notified of a case closure is the person who filed the complaint.

Chair McKinley asked about cases that are opened but there wasn't enough information, etc., to really open a case and go forward; however, if a case is opened, is that information provided to staff?

Inv Evans stated that investigative matters are dealt with on a case-by-case basis; there may be submitted complaints, complainants are sent the "complaint packet" with a 30-day submission deadline, if within the 30-days a completed packet is not received, the matter is closed due to a lack of information. Initial submitted complaints are typically a synopsis and not complete information, investigators must have additional information to back up the complaint and move forward with the matter. Inv Evans continued, if actionable information is received after the 30-day deadline, the matter will be re-reviewed and if opening a case is warranted, a case will be opened and a RBM will be contacted, and the jurisdictional review begins. Inv Evans stated that he thought Chair McKinley's question sounds like he is wanting staff to be updated throughout the process.

Chair McKinley responded that he thought communicating with staff was something that used to occur but hasn't been happening. Chair McKinley stated that he thought this type of communication was helpful to staff and has the investigators stopped or changed this process.

PC Carabajal informed the board with her experience dealing with multiple boarded programs, that information provided by Inv Lipker is correct; however, when staff refers a matter to the investigative unit, the investigator should email the reporting staff member with a case opened notice and case number. PC Carabajal continued stating staff will not receive any further information/communication from the investigator until the investigative process is complete, however, if a matter is referred to the investigative unit from a member of the public, staff will not receive communications from the assigned investigator. PC Carabajal elaborated that investigative

matters submitted by a public member are not provided to staff as staff must remain unbiased.

Chair McKinley thanked PC Carabajal and asked LE Spencer if this was the information discussed during earlier conversations they had had. LE Spencer stated that the communication issue for cases referred by staff still had not been addressed.

PC Carabajal informed the board that as Senior Investigator Jennifer Summers was not able to attend this meeting, she and LE Spencer and Whitcomb would follow up this conversation with an email to Senior Investigator Summers, copying Inv Evans, Inv Lipker and Chief Investigator Erika Prieksat.

Chair McKinley thanked PC Carabajal and reiterated his concerns with the lack of communication from the investigator to staff in response to staff submitted investigative matters. Chair McKinley stated that he's very interested in this matter and would possibly suggest process changes if needed. PC Carabajal assured Chair McKinley a conversation would be started.

Action Item: *Email communication concerns to Summers, Evans, Lipker, and Prieksat.*

Chair McKinley asked if board members had any other questions.

Vice Chair Miramontes asked if there was a process for investigating unlicensed businesses and professionals.

Inv Evans stated this was difficult due to numerous individuals and businesses providing services without proper licensing as many are conducting services/business out of their homes. Inv Evans continued that it is very difficult to get in contact with these individuals/businesses as it is not certain emails are being received by the service provider/business; many of these people are marketing on social media outlets, which is where contact information may be found, and may be good or bad contact information. Inv Evans went on to state that most of these people know they are providing services illegally, however, there are those that don't. Inv Evans informed the board that the investigative process for unlicensed services/businesses is the same as licensed investigative matters.

Vice Chair Miramontes asked if investigators were waiting on someone to file complaints about unlicensed activity or do investigators go online to locate unlicensed advertising.

Inv Evans stated that this was a complaint driven process and investigators don't have the time to check online for unlicensed activities; however, if during an investigation, an unlicensed matter is noted, for example at another establishment or service provider, then a new case for the establishment and/or service provider will be opened.

Vice Chair Miramontes asked if a board member or investigator happens to come across an unlicensed matter, should the board member submit a complaint packet. Inv Evans stated yes, the person who happened across the matter should file a complaint packet. Vice Chair Miramontes thanked Inv Evans.

PC Carabajal stated earlier in the meeting there was a discussion about courtesy licenses for events. PC Carabajal informed the board that she had reached out to investigations several months ago about possible unlicensed artists advertising services based on information seen on Facebook; these artists were not on final rosters of courtesy licensees for any upcoming Alaska events. PC Carabajal continued that in this matter the division is being proactive checking for unlicensed activities at special events; investigative staff will conduct walk throughs, and she will be attending event's occurring in Juneau checking for unlicensed individuals; this is a collaborative effort with staff and investigators.

Chair McKinley asked if there were any other questions from board members.

Ms. Canady asked if this was a good time to discuss training documentation submission issues as discussed earlier in the meeting. Chair McKinley asked Ms. Canady to continue.

Ms. Canaday reiterated the board's earlier conversation regarding training documentation submission issues for schools, apprenticeships, and trainee programs. Ms. Canaday asked if these matters should be submitted to investigations as the board has received a petition to accept training that staff is unable to verify. Chair McKinley gave an example, a student needs their hours to either continue training or move on with the license process, however the trainer is not signing off on documentation and/or not submitting the documents.

Chair McKinley asked how the board can get more teeth in enforcing training documentation submission regulation requirements and the board is considering a three-strike rule that would prohibit a school, instructor, or trainer from accepting additional students for a period of time when they reach three strikes for not submitting training documentation or enrollment applications. Chair McKinley asked Inv Evans what he thought about this.

Inv Evans stated this would be up to the board and that there was nothing like this in place now. Inv Evans continued this is a good topic for discussion and there should be repercussions for not submitting documentation.

Inv Lipker informed the board they must ensure they have statutory and regulatory authority to enforce something like this.

Chair McKinley asked Ms. Canaday if they had addressed all of her concerns. Ms. Canaday stated her concerns had been addressed and that the board should continue to resolution. Ms. Canaday asked Inv Lipker if the students should also file a complaint with investigators. Inv Lipker responded that students should submit complaint packets; if any students asked about this they should be directed to the investigative website where they can find the complaint packet and investigative contact information.

LE Spencer informed the board that staff has been submitting numerous complaints to the investigative unit for these matters, unfortunately, there seems to be no movement on the investigative side. LE Spencer continued that many of these submitted matters are repeats for the same school, instructor, or trainer; as there has been no resolution, staff continue to enroll students, apprentices, and trainees with these repeat offenders which leads to more violations of training documentation submissions. LE Spencer urged the board to continue this discussion and consider a three-strike system that would result in possible fines, license action, and wouldn't allow new enrollments for x time.

Chair McKinley requested the supporting regulations. LE Spencer provided regulations 12 AAC 09.130, 09.190, and 09.185. Chair McKinley suggested the board update their fine schedule/matrix and stated the board needs to assist these students who are in this situation in obtaining their training so they can move on with their profession.

Chair McKinley asked for board and investigator comments.

Inv Evans stated that the board would need to be careful as some submission issues are not malicious but due to other matters; ensure there are checks and balances.

LE Whitcomb agreed with Inv Evans and went on to state matters submitted to investigations were extreme and ended up causing staff to spend hours and sometimes several days auditing student files to verify what training had been completed. LE Whitcomb informed the board that staff is busy with daily work that they don't have the time to audit each student file regularly, however, in many cases staff receives an email from a student stating they've completed training and asking what their next steps are, upon reviewing the individual's file, it is noted that there is either no training documentation, missing training documentation, and in cases where several quarters worth or a year's worth of training documents are submitted at once, the documents are incomplete or have numerous errors; this leads to weeks or even months of back and forth with the trainer to submit and/or correct training documents before the student can either move forward with licensure or reenrolling to complete training. LE Whitcomb urged the board to consider instating repercussions for failure to submit training documentation in accordance with their regulations.

Chair McKinley thanked LE Whitcomb for her comments and asked board members if they used the fine schedule/matrix when they were the RVB for a case. Inv Evans interjected stating any RBM should be using the board approved fine schedule. Chair McKinley agreed with Inv Evans and reiterated, any RBM should be following the approved fine schedule during their review.

Chair McKinley again urged the board to consider a three-strike update to the fine schedule that may include no new enrollments for a six-month period or something along those lines as long as current regulations allow.

LE Spencer informed the board that as Senior Investigator Jennifer Summers was not in attendance, the board may want to consider adding this discussion to the next meeting agenda when Inv Summers would be in attendance as she would be able to provide more accurate information and question answers.

Chair McKinley requested Inv Lipker provide Inv Summers with this information/discussion so Inv Summers would be prepared for the next meeting. Inv Lipker stated she would share this information with Inv Summers.

Action Item: *Add fine schedule amendment discussion and investigative unit communication to staff submitted investigative matters to next meeting agenda with confirmed attendance by Senior Investigator Jennifer Summers.*

The board briefly discussed options for updating the fine schedule. Chair McKinley asked if there were any additional questions, hearing none the board continued with investigations.

PC Carabajal suggested due to the time, the board continue to review investigative matters that could be done in the public session then adjourn into executive session for the last part of training and other investigative matters.

B. Investigative Memo

Inv Evans reviewed the Investigative Report with the board. Inv Evans reported for the period August 6, 2024 – September 25, 2024 73 cases were opened, and one case closed.

Inv Evans asked if there were any questions about the report. Hearing none the board moved to the probation report.

C. Investigative Probation Report

Investigator Jacob Davis court joined the board and introduced himself.

Inv Davis court reviewed the probation report with the board and reported eight individuals on probation, one individual released from probation, and one individual with a suspended license.

Inv Davis court asked the board if they had any questions; there were no questions.

Chair McKinley thanked Inv Davis court for his time and requested a motion for executive session.

D. Executive Session - Investigative Training - Board Member Review Process

LE Spencer informed the board that as there were no applications or cases to review, the executive session motion should reflect section four of AS 44.62.310(c).

Motion to enter executive session: 1st Tenaya Miramontes – 2nd Mae Canady.

Alaska state Board of barbers and hairdressers enter executive session in accordance with AS 44.62.610(c) and Alaska constitutional right to privacy provisions, for the purpose of discussing matters involving consideration of government records that by law are not subject to public disclosure. Board staff to remain during the session.

Approved by majority.

Board entered executive session at 10:39 a.m. and returned from executive session at 11:21 a.m. Quorum of board confirmed by roll call.

During executive session, Jessica Pestrikoff was offline from 10:48 a.m. – 10:58 a.m. The board took a brief break during this time.

The board thanked Inv Evans and Lipker for their time and assistance.

The board was ahead of schedule and decided to pick move back to Item 12, scheduling meeting dates.

12. Administrative Business

B. Schedule Upcoming Meeting Dates

The board reviewed the 2024 and 2025 calendars and briefly discussed meeting date options.

PC Carabajal reminded the board towards mid to end January the next legislative session will be starting and recommended the board not schedule meetings during legislative session on Thursdays and Fridays as division staff may be in hearings and may not be available to present reports, etc.

The board thanked PC Carabajal for the reminder and continued to review date options. The board agreed to the following meeting dates with all meetings set to begin at 9:00 a.m. and tentatively adjourn at 4:00 p.m.:

- February 5, 2025
- May 15, 2025
- August 13, 2025
- November 5, 2025

The board was ahead of schedule and asked if Ms. Chambers could join them earlier. PC Carabajal informed the board that Ms. Chambers was currently participating in a Medical Board meeting and would not be able to join the board earlier than what is currently scheduled.

Chair McKinley asked LE Spencer to provide information on a new document added to the meeting packet. LE Spencer informed the board that she had emailed board members and uploaded to the OnBoard meeting packet a draft of the new proposed regulation, 12 AAC 09.990(b), defining appliances as referenced in statute 08.13.220(5). LE Spencer informed the board that regulation specialist Alison Osborne had completed this draft from information received from Ms. Chambers via the Medical Spa Work Group; also Chair McKinley had also worked with Ms. Chambers on this verbiage.

The board briefly reviewed the drafted regulation.

Recess The Board recessed at 11:47 a.m. for a lunch break; reconvened at 1:01 p.m. Majority of the board confirmed by roll call.

9. Administrative Business

A. Board Required Application Review/Consideration

PC Carabajal reminded the board that they are required to participate in application reviews staff loads to OnBoard. PC Carabajal stated that if any board members need assistance and training with how to review and vote to please let staff know; participating in OnBoard application reviews is very important and to do so within the time frame specified by staff. PC Carabajal informed the board that if a quorum response is not received from board members staff is at a standstill until they can present at a meeting which also puts undue hardships on the applicant as they wait for licensure, examination scheduling, etc.

Chair McKinley thanked PC Carabajal for the reminder and stressed the importance of board member participation in these application reviews.

B. Board Member Training

Sara Chambers introduced herself to the board stating she is the Boards and Regulations Advisor for the Department; it is her job to help board members with understanding their roles and responsibilities through training and education.

Ms. Chambers reviewed the "Guide to Excellence In Regulation" booklet with the board. Ms. Chambers stated she understood this is a lot of information and urged board members to contact staff or herself with any questions or concerns. Ms. Chambers informed the board that this booklet and other useful information can be located on the website under the quick link "Board Member Resources". Ms. Chambers assured board members that roles and responsibilities will become easier as they obtain more experience as board members.

Ms. Chambers informed the board when considering regulation and legislative changes to remember that changes effect licensees and to always consider the consequences of any changes.

Ms. Chambers stated that the board is responsible for the content of their meetings; board members are responsible for making sure that all of the issues, concerns, regulations, correspondence, and public comments that come in are actively worked on and responded to.

Ms. Chambers reminded board members it's very important to come to meetings, ask questions, and read meeting materials ahead of time. Ms. Chambers stated if there is something that they don't understand to please call LE Spencer and ask for assistance.

Ms. Chambers stated this board has struggled for the last few years with participation, scheduling meetings, taking on responsibilities, and being prepared. Ms. Chambers went on to state that this board has new board members and hopes moving forward there will be improvements.

Ms. Chambers informed the board that if they decide statutory changes are needed, it has a legal responsibility to pursue them, and it's a legislative audit issue if the board sates a statutory change is needed and nothing is done. Ms. Chambers stated that statutory changes require board members to contact legislators, look sponsors, attending meetings either on zoom or in person, and to testify about the need for a change, or testifying against a proposed change.

Ms. Chambers concluded with a reminder to board members to please read the "Guide to Excellence" and all other published board training materials.

Chair McKinley thanked Ms. Chambers and stated reading these materials is very important as he had a question which he was able to answer by reading the "Guide to Excellence".

Ms. Chambers thanked Chair McKinley and began reviewing "Defensible Decision Making" located within the "Guide to Excellence" booklet with the board.

Ms. Chambers stated this is an area where this board has a great need to make decisions that are impactful to their licensees. Ms. Chambers stated that the ongoing esthetician issues have been being discussed for several years with no action taken by the board; licensees and the public have been very keen on hearing from this board regarding what they are doing to address the matter. Ms. Chambers stated through statute the board has been told they must answer these questions as the legislature has informed the board they must deal with these issues. Ms. Chambers stated she felt the board was getting closer to a resolution and tightening up processes; as the decision makers and profession experts this is an important responsibility for the board to complete.

Ms. Chambers reminded board members during this process, to continually review their statutes and regulations, confirm proposed changes are within their prevue, and to always consider the big picture of proposed changes. Ms. Chambers urged the board to remove language in their statutes that may hinder regulation changes; removing specific licensure, training, etc., requirements from statute will allow the board to update regulations much easier.

Vice Chair Miramontes asked if collaboration outside of meetings with other board members was allowable, for example if she has a question for Chair McKinley, could she call him directly.

Ms. Chambers informed the board that one board member can call another board member, especially if it's the chair and asks a clarifying question, etc., however, no more than two board members may communicate outside of a scheduled meeting. Ms. Chambers clarified that if more than two board members communicate outside of a scheduled meeting, this does constitute a meeting which must be public noticed, etc.

Vice Chair Miramontes thanked Ms. Chambers for this clarification.

Chair McKinley asked Ms. Chambers if a board member has questions about a voting matter should they contact him.

Ms. Chambers stated that if board member(s) feel the need to deliberate about a vote, a topic, a regulation, or a case, this should be done appropriately through the public process, whether that means discussing the topic on the record or in executive session; this is where the deliberative process should occur. Ms. Chambers informed the board that if they had these types of questions to first reach out to staff as they would be able to provide information and deliberative process information.

Chair McKinley thanked Ms. Chambers for this information.

Ms. Chambers reviewed meeting management with the board. Ms. Chambers informed the board that they should all be following "Robert's Rules" and keep moving their meetings forward with good time keeping and possible rearranging of the agenda, and ensuring they do everything possible to help the public understand what is going on. Ms. Chambers stated that clarity, transparency, and management of board activities are key points for successful meetings.

LE Spencer informed the board that Regulation Specialist Alison Osborne had joined the meeting. Ms. Chambers thanked LE Spencer and completed her presentation.

Chair McKinley thanked Ms. Chambers for her time and training. Board members had no questions for Ms. Chambers.

Ms. Chambers thanked the board and reminded them that if they had any questions or concerns to please contact her or staff.

11. Old Business

Sara Chambers, Boards and Regulations Advisor, Susanne Schmaling, LME, CLT, Medical Spa Services Work Group, and Alison Osborne, Regulation Specialist, joined the board.

A. Medical Spa's Multi-Board Workgroup Update/Report

Ms. Chambers greeted the board and informed them that this group consists of the Chiropractic Board, Dental Board, Medical Board, Pharmacy Board and this board, with Wendy Palin representing this board; the board met August 12 and most recently October 2, 2024. Ms. Chambers stated it is challenging to schedule meetings due to the different boards involved.

Ms. Chambers provided an overview of the purpose, scope, and process laid forth for the Work Group:

- Identify "lifestyle enhancement" services that have a medical nexus and are currently performed or likely to be performed outside of a medical clinic or without appropriate supervision.
- Identify existing statutes and regulations that govern current requirements for training, licensure, and supervision of these procedures.
- Clarify how licensing boards could—jointly or in part—explain existing statutes and regulations that would help the public and licensees understand how these procedures should be safely administered according to the current laws of the state.
- Suggest changes in statute that would allow defensible and transparent pathways forward for appropriately trained and supervised individuals to provide these services without imposing undue economic or regulatory barriers.
- Carry forward work group updates and work products to the member boards for their subsequent review and action.

Ms. Chambers briefly reviewed the provided "Esthetics Procedures List" with the board. Ms. Chambers informed the board that anyone can find information on the Medical Spa Services Work Group webpage; there are links to this page on the side bar of Divisions home page and individual professions webpages. Ms. Chambers encouraged board members to attend and stated these Work

Group meetings were also open to the public. Ms. Chambers also encouraged individuals who have questions or concerns, email her these directly and she will include those for the Work Group to address.

Ms. Chambers stated that there has been a lot of gossip about this Work Group's ability to implement changes; this is not factual, the Work Group is only an advisory group and does not have any decision-making authority, the Group's findings and suggestions are provided to individual boards and those boards make the determination if changes are needed.

The board and Ms. Chambers continued to review and discuss the "Esthetics Procedures List".

Ms. Chambers introduced Susanne Schmaling, LME, CLT, who has been working with the Work Group as an esthetics advisor through her organization, the Aesthetics Council. Ms. Chambers informed the board that the provided procedures list had been created in collaboration with Ms. Schmaling and to again remember, this documentation and information are only suggestions and opinions, not a binding document.

Ms. Chambers briefly discussed Food and Drug Administration (FDA) classifications and how the FDA updates their requirements.

Ms. Chambers stated that due to the overlap of services across several professions, the public and board members were encouraged to attend Work Group Meetings.

Ms. Chambers asked the board if they had any questions or wanted discussion before discussing a potential regulation change.

Ms. Schmaling greeted the board and introduced herself. Ms. Schmaling stated the procedures list has been a project she and her organization has been working on for several years working towards addressing services/procedures on a national level. Ms. Schmaling informed the board that this worksheet is based on legally defensible curriculum that is used when educating board members, legislators, and even inspectors.

Ms. Schmaling informed the board that the procedures list was a living document that can be made more comprehensive, etc.

Chair McKinley asked board member if they had any questions and informed the board, he had reviewed the list with Ms. Chambers yesterday and had talked about LED lights being classified by the FDA as class II devices. Chair McKinley asked if Ms. Schmaling could talk about this classification.

Ms. Schmaling informed the board that LED light therapy is called a core modality and based on curriculums of 600 to 750 hours of training/education; LED by itself is an FDA designated class II device with no class I designation, however, this does not mean this is a high risk device, it just means that is what the FDA has primarily classified it based on potential risk to eyes if looking directly at the light. Ms. Schmaling continued from the insurance side and risk management; she doesn't know of any claims around an LED device harming an individual.

Ms. Schmaling stated that LED devices are sold over the counter (OTC) to consumers and even those devices must be registered with the FDA as class II. Ms. Schmaling continued where designation comes in that's a little bit different, the Work Group didn't go deeply into FDA designations, however when you see a prescriptive designation or an OTC designation on the application or registration for the FDA. that relates to is primarily the level of instruction that needs to be addressed with that device, for example, many aesthetic devices available are prescriptive because they assume as a licensed professional, States have mandated a certain amount of training, therefore as a licensed professional you can use this device. Ms. Schmaling stated that some States have decided to interpret the prescriptive label and only allow doctors to use the device; this is not an accurate interpretation of FDA, but that is something we're trying to fix. Ms. Schmaling concluded you will see some LED devices that will be Class II registered as OTC which means they can be sold directly over the counter through Amazon and stores, or you can have an LED class II that's designated as prescriptive; this just means the device is not widely available OTC. Ms. Schmaling stated in these

instances, who may use the device goes back to the State to regulate who can use the devices; the FDA does not make that determination.

Chair McKinley asked as a follow-up, we're looking at education/training requirements as determining factors. Ms. Schmaling stated that was correct and the scope of practice is also a determining factor.

Chair McKinley asked board members if they had any questions or should he continue with his questions; hearing none, Chair McKinley asked what educational requirements were for the rest of the United States; Alaska only requires 350-hours.

Ms. Schmaling informed the board that the average training requirements are 600-hours with a few states including Alaska that had lower educational requirements. Ms. Schmaling informed the board that legally defensible curriculums based on a 600-hour requirement and above were created around the Department of Education and accreditation rules. Ms. Schmaling stated educational requirements of anything below 600-hours makes obtaining financial aid difficult.

Ms. Schmaling informed the board that in other lower educational requirement states that she's worked with have adopted 600-hours even though you could get away with 350-hours of education and obtain a license; however, with the Department of Education taking a new stance Federally with a new 150 % Rule, allowing licensure with lower education hour requirements no longer applies. Ms. Schmaling informed the board that she is an expert on that side of the industry, however, if your state says 350-hours is what you need for the license you are no longer able to obtain 600-hours to be able to obtain financial aid; this should be considered for regulation of esthetics and setting educational requirements.

Chair McKinley asked the board if they understood what Ms. Schmaling had just said; this is a very important piece of information that board members must understand and consider while considering changes to esthetics. Board members stated they understood.

Chair McKinley stated a 600-hour educational requirement that is standard throughout the US for an esthetician license, but could Ms. Schmaling address an advanced or master esthetician license.

Ms. Schmaling informed the board that an advanced or master esthetician license is a second-tier license with some controversy; some organizations believe that there should be a second-tier license while others feel that the scope and education level should be changed. Aesthetics is an international profession; internationally the minimum educational requirement is a minimum of 1,200 hours or more while in some countries require a two-year degree. Ms. Schmaling went on to state the US is different as the scope of practice has been divided into multiple licenses, esthetician, advanced and master; for example, massage has always been included as part of beauty therapy training which in turn would raise the educational hour requirement, so the US created the advanced and master esthetician license or certification; the educational hours required to obtain these licenses or certification typically bring the educational hour requirement up to 900-hours, with a curriculum and national testing. Ms. Schmaling informed the board that the US had come up with these requirements as most states offer a cosmetology license which includes specific esthetician training; she knows Alaska is a bit different, but the current scope of practice for skin care matches cosmetology and esthetics; however, with a cosmetology education there may only be 5% of the entire curriculum dedicated to skin care whereas with esthetics the curriculum goes a lot deeper into skin care.

Ms. Schmaling stated to deal with safety issues by having a second-tier license that's specific around a certain scope of practice allows for concentrated education, for that advanced license types, and allows for a scope of practice that reflects that education. Ms. Schmaling informed the board that some advanced certifications could allow a person to obtain laser training, however if that is not included in the states scope of practice, even with the additional education, the person could not provide that service. Ms. Schmaling stated that it would be essential to have a second-tier license, and/or the board could make changes to current statutory language so service providers could practice additional services legally; these types of changes would be up to the board and may look like additional certifications, license types, educational requirements, and continuing education.

Chair McKinley stated they could keep the 350-hour license and licensees could obtain additional certification, for example, lasers, and then they could provide these types of services under the 350-hour license.

Ms. Schmaling responded that this would depend on what the interpretation is by this board and their legal department.

The board and Ms. Schmaling briefly discussed certifications, scope of practice and medical supervision, and possible collaborative agreements.

Ms. Schmaling informed the board that some states created separate boards for advanced esthetics; these states have work groups to discuss matters as this board was doing now and included medical and nursing board members as well.

Chair McKinley asked if board members had any questions.

Ms. Chambers stated she wanted to ensure that all board members understood the context of this conversation; one of the benefits of having common regulations across the US and Canada is that we can all learn from each other and see what model legislation and frameworks worked well for other states, or other models that have been in place for a while, aren't working and need fine tuning. Ms. Chambers expressed her appreciation for Ms. Schmaling knowledge and expertise in many states working for and advocating for change.

Ms. Chambers stated that she wanted to be very clear with the board, all of this discussion requires statutory changes; this means the board will need to work with the legislature to find the path forward for these changes. Ms. Chambers stated that if this was the path forward the board wanted to take, make that move whether it be the board or members of the public submitting legislation. Ms. Chambers continued that without legislation changes, the board does not have the power to change the hour requirement for esthetician, however they can change the curriculum requirements. Ms. Chambers also stated the board does not have the authority to institute continuing education requirements either.

Ms. Chambers stated that the board should continue to work with medical boards, continue discussions with each other and the public and to keep in mind the big picture outcome. Ms. Chambers stated whether this leads to training changes, allowing for "grandfathering" or work experience; all of this must work in concert to create a model that is both safe and effective.

Chair McKinley thanked Ms. Chambers for her comments.

Ms. Canady thanked Ms. Chambers and Ms. Schmaling and stated she had been listening to the discussion but it's hard to formulate questions as there is still so much more information and discussion needed regarding implementation and requirements. Ms. Canady continued to state she sees lots of frustration from the public, however the board must ensure that next steps are clearly discussed and researched.

Chair McKinley agreed with Ms. Canady and stated he believes the board is starting this discussion and is looking at a big and extensive project with statutory and regulatory changes and encouraged all board members ask Ms. Schmaling questions.

Ms. Schmaling urged board members to ask her questions and stated she understands the tension and frustration of the board and public; she is currently working with another state where tensions are high; this led to some poor changes during 2018 that is having poor effects on businesses and licensees with restrictions put in place. Ms. Schmaling urged the board to be thoughtful about restrictions and effects changes will have on businesses and licensees. Ms. Schmaling continued, a thoughtful approach, one based on evidence, legally defensible information would help Alaska's estheticians feel more secure and to be mindful of public safety.

The board and Ms. Schmaling briefly discussed supervision, device classification, reviewed the "esthetics procedures list", and Interdisciplinary Matrix of Medical Spa Services Under Alaska Law".

Chair McKinley asked with this information and discussion about statutory and regulatory changes needed, the need to be mindful of unintended consequences should be forefront in the boards mind. Chair McKinley asked Ms. Schmaling to review the proposed regulation draft for 12 AAC 09.990.

B. 12 AAC 09.990 – Appliance Definition

Ms. Schmaling informed the board that the drafted language is based on a sample regulation that she's used in multiple states. Ms. Schmaling sated that a few points hit on areas that are currently narrow in this boards scope of practice statutory definition.

Chair McKinley reminded board members to consider unintended consequences which is why this draft regulation had been written and requested Ms. Schmaling address the benefits of this proposed change.

Ms. Schmaling informed the board that Michigan has a bill going through the process now, however the bill does not reflect how the FDA classifies devices and has the potential to make anything not classified as class II out of the scope of practice, meaning to use another classified device requires supervision. Ms. Schmaling also stated the Idaho 2018 bill contains a section that was added to their cosmetology statutes that states any class II device must be used under physician supervision; this is a good example of unintended consequences which means using something as simple as an ultrasonic disinfectant machine or autoclave cannot be used without supervision.

Ms. Schmaling stated that this is why a broad statutory definition is better, and through regulation, the board has the flexibility to update, and change based on new devices coming available on the market.

The board briefly discussed investigative costs for enforcement of appliance regulations and costs to licensees.

Ms. Chambers stated that changes must work together with all aspects of licensing and be practical and economically feasible for practitioners and not unduly restrict services. Ms. Chambers stated this will take time and in partnership with the Work Group; she urged anyone who's interested to attend Work Group meetings as well as these board meetings.

Chair McKinley asked Ms. Chambers to review the new drafted regulation for 12 AAC 09.990(b) and why this draft was different than the first drafted regulation that the board did not agree with.

Ms. Chambers stated several months ago, the Board put forward a starting point for conversation, the initial regulation to define appliances; this regulation had gone out for public notice and written testimony. Ms. Chambers stated received written testimony had been against the change and during the last meeting, the board decided to pause the project to request more information to assist them in understanding FDA classifications and the board also felt the proposed language was restrictive.

Ms. Chambers informed the board that with the assistance of Ms. Schmaling and Work Group recommendations, this new version had been drafted.

Ms. Chambers sated that this proposed regulation was a starting point for the board to begin discussions and provided the option to review the drafted regulation, open discussion, and pause for further consideration or take action with proposed verbiage and begin a regulation project.

Ms. Chambers also recommended the board also allow oral testimony for this as it is such a hot topic. Ms. Chambers elaborated that the board would have written testimony as this is standard and could schedule a special meeting for oral testimony once the project was at that stage.

Regulation specialist Alison Osborne greeted the board and reviewed the regulation process with the board.

The board reviewed the proposed regulation language.

12 AAC 09.990(b) is amended to read:

(b) For the purposes of AS 08.13.220(5),

(1) “appliances” means the use of esthetic devices, or combinations of devices that stimulate natural physiological processes intended to improve skin appearance and health; devices should meet the following criteria:

(A) Do not directly ablate or destroy live tissue or involve incision into skin beyond the epidermis.;

(B) Devices must operate within manufacturer guidelines, and FDA registration if required by 21 U.S. Code § 321 of the Federal Food, Drug, and Cosmetic (FD&C) Act; and

(C) These devices should not fall within Class III, IIIA, IIIB, or IV of Radiation Emitting Devices designations.

Chair McKinley asked if board members had any questions. Ms. Canady stated she felt the proposed regulation was a good start.

Motion: 1st Mae Canady – 2nd Tenaya Miramontes

Begin a regulation project, 12 AAC 09.990(b) to define “appliances” as provided in statute 08.13.220(5), allow for oral testimony:

12 AAC 09.990(b) is amended to read:

(b) For the purposes of AS 08.13.220(5),

(1) “appliances” means the use of esthetic devices, or combinations of devices that stimulate natural physiological processes intended to improve skin appearance and health; devices should meet the following criteria:

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(B) Devices must operate within manufacturer guidelines, and FDA registration if required by 21 U.S. Code § 321 of the Federal Food, Drug, and Cosmetic (FD&C) Act; and

(C) These devices should not fall within Class III, IIIA, IIIB, or IV of Radiation Emitting Devices designations.

Chair McKinley asked the board if they would like additional discussion.

Ms. Canady stated she agreed with the proposed regulation verbiage.

Vice Chair Miramontes stated this is a great starting point to address this ongoing issue.

Chair McKinley thanked Ms. Schmalting for her time, assistance, and help writing this language. Chair McKinley also thanked Wendy Palin for her work on this matter and involvement with the Medical Spa Services Work Group. Chair McKinley also thanked members of the public for their time attending meetings, participation in public comment; he went on to state the board is working very hard on addressing this matter and moving forward this board would be more active and involved.

Chair McKinley requested a roll call vote.

Roll Call Vote

NAME	YES	NO	Recuse
Tenaya Miramontes	X		
Kevin McKinley	X		
Jessica Pestrikoff	X		
W. Mae Canady	X		

THE MOTION PASSED BY A MAJORITY VOTE.

Ms. Osborne thanked the board and stated she would email LE Spencer the staff and board project opening questionnaires for the regulation process.

Chair McKinley announced to the board that one of his intents was to begin a statute and regulation booklet clean up; he had spoken with Ms. Chamber and LE Spencer about this project and wanted to give board members a heads up before the next meeting.

Chair McKinley stated that the board had previously discussed the need to do a major cleanup of their statutes and regulations this topic had also been briefly discussed during previous meetings, however, this project must happen. Chair McKinley informed board members that during a future meeting they would be assigned statutes and regulations to review that pertained to the specific professional licensure, board members would be responsible for reviewing their sections and marking them for cleanup, clarification, rewording, etc.

Chair McKinley gave an example of a statute that he felt needed addressing, Sec 08.13.160(d)(2); this statute allows a "licensed health care professional" to provide services, including body arts, without obtaining a professional license from this board; Chair McKinley stated he felt some clarification was needed either through a scope of practice definition, statute change, or regulation change.

Chair McKinley also asked staff to submit changes they would like to see done.

Chair McKinley asked if there were any closing comments.

LE Spencer stated she was very pleased with how well this meeting went, board member participation was fantastic, and she was so happy to see the board begin good discussions on matters that have been ongoing.

Chair McKinley thanked LE Spencer and stated everyone should give a big hand to Ms. Schmaling for all her work with this board and the Work Group. The board thanked Ms. Schmaling for her time and assistance.

Ms. Canady stated to board members and the public, this board is starting fresh with new members and the goal of moving forward; we cannot fix what has happened in the past, but moving forward this board will do everything in our power to make sure that everyone gets clear answers to questions.

Chair McKinley thanked Ms. Canady and agreed with her statement.

Chair McKinley thanked everyone for their time and participation.

13. Adjourn

The chair declared the board off the record at 3:33 p.m.

Respectfully submitted:

Cynthia Spencer, Licensing Examiner III

Approved:

Kevin McKinley, Chairperson
Board of Barbers and Hairdressers

Date: _____

Dear Esteemed Board Members,

I am seeking approval from the board to pursue training through the [Artist Accelerator Program](#), an online education platform hosted by Tattooing 101. apprenticeship.

I would like to complete the required 150 hours of firsthand experience either in Sitka, Juneau or Seattle. I am willing to cover the cost of traveling for this training, as it offers access to highly skilled artists.

Additionally, I will complete the Red Cross First Aid/CPR program with SEREMS in Sitka. I have a current Bloodborne Pathogens certification for my current role with the Sitka School District.

I am writing to you as a lifelong Alaskan, born and raised in Sitka. I trust that you are aware of the challenges of living in rural Alaska, especially on an island like Sitka. Please allow me to take a moment to share a bit about my background and my request for your support.

This letter is not from someone who has casually chosen a career in the arts; I hold a master's degree in fine arts from Dunedin School of Art in New Zealand. I served two years as an AmeriCorps member with the Greater Sitka Arts Council, followed by an additional two years as its director. Despite juggling a full-time job, two children in the Sitka School District, and a self-employed husband, I remain deeply committed to my art practice.

My love for this community, the desire to be closer to family, and a longing to be back in the beauty of rural Alaska informed the decision to move back to Sitka from New Zealand. Both my husband and I are employed and contribute to the local economy, and our connection to Sitka is strong.

Most recently, I completed a full set of seventy-eight unique cut-paper tarot cards, a project commissioned by Emily Deach of Skagway. This project took me three years to complete. Prior to that, I created interactive sets for a performance of *The Jungle Book* in collaboration with Sitka Cirque. Over the years, I have had the privilege of highlighting my work in solo and group exhibitions.

I share this to highlight my long-term commitment to my art practice and to assure you that I am a self-driven artist who values quality and dedication in my work.

I have recently decided to expand my artistic pursuits into tattooing, which I see as a natural progression of my current skills. Tattooing offers an exciting new avenue for artistic expression and has the potential to be a profitable career.

Although I need formal training, I am confident that my foundation in drawing, design, and creativity will enable me to quickly acquire the necessary skills.

In addition to my artistic career, I am also an Experienced Registered Yoga Teacher (E-RYT 500), the highest level of certification for yoga instructors. This designation requires years of dedication and experience in anatomy, alignment, sequencing, philosophy, and spiritual practices. The extensive training I have undergone to earn this certification demonstrates my commitment to personal growth and my ability to master complex topics—skills that I will bring to my tattoo practice as well.

I am writing to ask if the Board would recognize the training provided by the Artist Accelerator Program as valid for obtaining a tattoo license in Alaska. Below, I have provided an overview of the program's curriculum and credentials:

Program Credentials:

Hygiene Training:

The program includes an entire module dedicated to hygiene in tattooing, covering topics such as:

- Sharps disposal
- Bloodborne pathogens training
- Setting up and maintaining a sterile tattooing station
- Proper cleaning techniques (e.g., ultrasonic cleaners, autoclaves)
- CPR and First Aid

Certification:

To graduate, students must complete over five hundred training videos, as well as practical exercises on synthetic skin. A staff member verifies that all modules are complete before awarding the certificate.

Instructors:

Nathan Molenaar (CEO and Lead Instructor) has been tattooing since 2013 and completed a four-year tattoo apprenticeship. You can view his portfolio (<https://www.facebook.com/natemillertattoos>)

Brandon Over (Lead Instructor) has 13 years of experience, owns Arrowhead Tattoo in Tennessee, and regularly trains apprentices. View Brandon's portfolio at: (<https://www.instagram.com/brandonovertattoos/?hl=en>)

The course aligns with the state's requirements for tattoo apprenticeships, ensuring that the training covers all essential topics, including those required for licensure in Alaska.

If you have any questions or require further information, please do not hesitate to reach out, and I will be happy to provide more details. You can also contact Tattooing 101 directly at replies@tattooing101.com.

Thank you for your time and consideration. I look forward to your response.

Best regards,

Sarah Joan Lawrie

Sitka, AK 99835



Additional Resources:

Tattooing 101 website: <https://www.tattooing101.com>

Artist Accelerator Program Info <https://learn.tattooing101.com/artist-accelerator-salespage>

Tattooing 101 Facebook Page <https://www.facebook.com/Tattooing101>

Tattooing 101 YouTube Channel
https://www.youtube.com/channel/UCGI6xGwOVkl7xq4_erDKG4A

CLEAN CUT

How Clipping Unnecessary Licensing Can
Grow Opportunities for Barbers and
Manicurists *and* Keep Consumers Safe

By Matthew P. West, Ph.D.

January 2025

 INSTITUTE
for JUSTICE

CLEAN CUT

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January 2025



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Executive Summary

In every state and in the District of Columbia, manicurists and barbers need an occupational license—effectively a government permission slip—to do their jobs. These licenses, which are often quite onerous to obtain, come with high costs for aspiring workers and consumers. Licensing proponents say these costs are justified by the need to protect public health and safety. Empirical evidence for this claim is lacking, however, with vanishingly little research exploring the necessity of licensing for workers in these or other beauty and personal care occupations.

This study aims to change that. It uses data on health inspection outcomes—a common measure of health and safety risks—and a research design that takes advantage of variation around state borders to answer the question: Do licenses for manicurists and barbers equate to better public health and safety outcomes?

For manicurists, this study compares the outcomes of 2,148 nail salon inspections in Connecticut and New York during a period when Connecticut did not license the

occupation. For barbers, this study compares the outcomes of 3,218 barbershop inspections in Alabama, which licenses the occupation less onerously, and Mississippi, which licenses it more onerously. If manicurist and barber licenses bolster health and safety, then nail salons and barbershops in unlicensed or less onerously licensed states should exhibit worse inspection outcomes than counterparts who need to meet steeper state-imposed requirements.

This study's results do not support that hypothesis. In fact, they suggest licensing and licensing burdens have no substantive impact on health and safety risks. Inspection outcomes were favorable across the board, regardless of licensing regime. Not only that, differences were quite small (and in the opposite direction licensing proponents would hypothesize). In short, unlicensed nail salons and less onerously licensed barbershops were just as clean and safe as businesses facing steeper licensing requirements.

These results suggest states are subjecting aspiring manicurists and barbers to expensive and time-consuming



licensing for no good reason. As such, they add to a growing body of research suggesting licensing has few benefits and many costs. Licensing requirements are costly in terms of time and money for aspiring workers to fulfill, and, in one way or another, these costs are passed along to consumers. Yet most research, like this study, suggests licensing and licensing burdens improve neither service quality in general nor health and safety in particular.

These results also point to an existing regulatory alternative that is both less costly than licensing and more targeted to protecting the public: health inspections. Already widespread, inspections focus on what matters—safe, sanitary practices at the point of service. Inspections are what Connecticut relied on to protect nail salon patrons during the period when it did not license manicurists, and there is no evidence that this system did not work. Indeed, this study’s results suggest the expectation of inspections, together with ordinary market incentives, was sufficient to ensure safe, sanitary service at Connecticut nail salons.

This is good news. It means that states can eliminate occupational licenses for manicurists, barbers, and other beauty and personal care workers, and instead rely on inspections of the places where they provide their services, without sacrificing health and safety. In so doing, they will fulfill their duty of protecting the public while opening opportunities for people to earn an honest living—without bearing unnecessary and often unaffordable costs.



Introduction

Craig Hunt started cutting hair very young out of necessity. Like many boys and men in his predominantly black community, he needed frequent haircuts to maintain his preferred style, but his family could not afford biweekly trips to the barbershop. The solution was for his mom, another relative, or a neighbor to cut his hair. Eventually, he picked up a pair of clippers and started cutting hair himself, becoming a “neighborhood barber.” Craig had found his calling. Today, Craig is the owner of two successful barbershops in the Des Moines area. Across the two shops, he employs around 20 people. Craig is also an educator who welcomes apprentices in his shops.

But it has not been an easy road. To legally practice his craft for pay, Craig had to get government permission in the form of an occupational license. This meant fees, exams, and—notwithstanding his years of experience—2,100 hours of expensive schooling.¹ Craig first attempted to fulfill these requirements in 1997. He estimates he completed 1,500 hours of the barber program, but he was young and could not put off earning a living. So he dropped out without finishing. More than a decade later, he decided to try again, assuming he would get credit for the 1,500 hours he had already completed. He did not. As he tells it, “They said my hours didn’t count. They just wanted to get the money out of me.” But Craig kept at it, redoing

the program in its entirety and getting his license in 2015. Despite this, Craig feels lucky. When he first attended barber school, he paid about \$5,000. Aspiring barbers in Iowa today are likely to pay quadruple that amount or more.²

Craig has seen many other neighborhood barbers give up on becoming licensed—or never even try—due to the high costs in both time and money. These individuals have either opted to work as underground barbers or pursued a different occupation altogether. And this predicament isn’t unique to barbers. Kristin House, a Tulsa, Oklahoma-based nail technician and educator with over a decade of industry experience across three states, sees the same patterns among manicurists. According to Kristin, who has worked as a beauty school instructor and an in-house trainer for salons, many manicurists start out as “in-house techs,” providing unlicensed services from their homes. Often, they build their clientele through word of mouth, but customers also find them on social media apps like Instagram and TikTok, where nail content is popular. When they eventually pursue licensing, many in-house techs are frustrated by the cost and poor quality of the schooling required for licensure and stay underground or choose different careers.





Craig Hunt

Iowa-based barber
and educator

Among low- and middle-income occupations, barbers and manicurists, along with cosmetologists and skin care specialists, are some of the most widely and onerously licensed. These beauty and personal care occupations are licensed by every state and the District of Columbia—and often quite burdensomely so. In the third edition of the Institute for Justice’s *License to Work*, barber and manicurist rank as the 6th and 11th most widely and onerously licensed among 102 lower-income occupations.³ Licenses like these come with high costs for aspiring workers. And, in one way or another, many of those costs are passed on to consumers in the form of higher prices.

Proponents justify the costs of licensing with appeals to public health and safety, arguing that licensing protects us from incompetent or unscrupulous service providers. However, there is a paucity of empirical evidence finding that licensing uniquely bolsters health and safety. And very little prior research has explored the question of whether licensing influences health and safety with respect to the manicurist and barber occupations.

For this study, I used granular, firm-level health inspection data from nail salons and barbershops, and a research design that takes advantage of variation around state borders, to get to the heart of this unanswered question. Negative health inspection outcomes are a common measure of public health and safety risks. So

if it is true that licensing or more stringent licensing burdens are necessary to protect health and safety, then businesses in states that do *not* mandate licensing or that have *lower* licensing burdens should exhibit more negative inspection outcomes—like health and safety violations or failed inspections—compared to businesses in states that *do* mandate licensing or that have *higher* licensing burdens. For manicurists, I compared inspection outcomes from 2017 to 2018 for nail salons in a then-unlicensed state (Connecticut) with those for nail salons in a neighboring licensed state (New York). The same type of comparison—that is, licensed state versus unlicensed state—was not possible for barbers. So for that occupation, I compared inspection outcomes from 2014 to 2018 for barbershops in neighboring states with disparate licensing requirements that represent the lower (Alabama) and higher (Mississippi) ends of the range.

The results suggest that licensing and licensing burdens have no substantive impact on health and safety risks to the public from manicurists and barbers. Indeed, they suggest that, if anything, licensing and licensing burdens may slightly increase risks. These results undercut a core argument in favor of licensing. And together with other research, they suggest licensing burdens can be reduced or eliminated without harming the public.



Kristin House
Oklahoma-based
nail technician and
educator

The results suggest that licensing and licensing burdens have no substantive impact on health and safety risks to the public from manicurists and barbers. These results undercut a core argument in favor of licensing.



●● Across Occupations, Research Finds Licensing Benefits Few but Costs Many

There is a large body of research on occupational licensing across a wide range of jobs. Most of this research has explored the economic effects of licensing, providing ample evidence that it benefits existing licensees economically—and that these private benefits come at a cost to aspiring workers and consumers. Research exploring licensing’s effects on health and safety or service quality is comparatively sparse. However, most available evidence suggests licensing does little to improve service quality or safety.

Gatekeeping Benefits Gatekeepers

Occupational licensing bestows substantial benefits on existing practitioners in an occupation. Much prior research has documented how licensing restricts competition, allowing practitioners to charge more for their services.⁴ A 2015 White House paper calling for licensing reform reported that licensing increases the costs of services by 3% to 16%, with specific estimates varying across time, place, and occupation.⁵ More recent studies derive estimates in the same range.⁶

Licensing also gives existing practitioners power that they can use to further restrict competition within their occupations and even from other occupations.⁷ This is because practitioners often dominate licensing boards and other bodies with the power to create or enforce occupational regulations.⁸ Licensing boards and other regulatory bodies with the power to regulate occupations are often able to create new barriers to entry or continued practice. In a phenomenon known as “license creep,” they may also be able to reinterpret their license’s scope of practice to encompass practices that were not contemplated at the time of their license’s creation.⁹ In this way, licensing boards can sweep similar or related, but ultimately distinct, occupations into their domain. Licensing boards for a wide variety of occupations have attempted this, often successfully.¹⁰ Cosmetology boards have been particularly zealous, with cosmetology license creep ensnaring occupations including African-style natural hair braiders, eyebrow threaders, eyelash extension specialists, and makeup artists.¹¹

These benefits help explain why existing practitioners are often behind campaigns for licensure.¹² Although the stated rationales for gatekeeping occupational entry are typically the desire to protect health and safety and the desire to “professionalize” occupations not traditionally considered high status, there is ample evidence that another motivation is the desire to reduce competition or, put more generously, to boost wages in traditionally lower-income occupations.¹³ For example, in the late 19th and early 20th centuries, barber unions pursued licensure—with great success—to restrict competition from “discount barbers” and graduates of barber colleges, then a new route into the occupation and an alternative to lengthy apprenticeships under union members.¹⁴ The unions often framed this as being necessary to protect the public from unsanitary barbers, but research suggests they intentionally overstated the risks to achieve their goal—and that barbershop prices went up with licensure.¹⁵

Aspiring workers fulfill these requirements
believing they are investing in their futures,
but research suggests these investments
often fail to pay off.





Aspiring Workers and Consumers Pay the Price

The benefits of licensing to existing practitioners come at a cost to aspiring workers and consumers. To work in licensed occupations, aspiring workers must fulfill the government's requirements, which is often a tall order in terms of both time and money. People aspiring to work in licensed beauty and personal care occupations, for example, generally face fees, exams, and hundreds of hours of expensive schooling, among other hurdles.¹⁶ A 2021 Institute for Justice study found that, as of the 2016–2017 school year, the education required for cosmetology licensure cost more than \$16,000 on average and took about a year to complete for students graduating on time. Aspirants also typically incurred significant student loan debt to finance it, borrowing over \$7,300 on average.¹⁷

Aspiring workers fulfill these requirements believing they are investing in their futures, but research suggests these investments often fail to pay off. For example, the 2021 IJ study found that cosmetologists were earning only around \$26,000 a year on average—less than restaurant cooks, janitors, and concierges, occupations without costly and burdensome state licensure or state-mandated education requirements.¹⁸ Other research finds barber and beauty school programs frequently provide a negative lifetime return on investment: 86% of the time, the costs of these programs are greater than any increase in earnings over a worker's lifetime.¹⁹

Aspirants who cannot or do not want to fulfill licensing requirements are shut out of the occupation. With some level of skill, if not formal training, some may decide to work in the occupation illegally, putting them at perpetual risk of legal sanctions if detected. These sanctions can include heavy fines and even jail time.²⁰ To avoid detection, they may not risk advertising their services or building a network and, as a result, have a less reliable source of income compared to their licensed counterparts.

Other aspirants shut out by licensing may reasonably decide to pursue a different, unlicensed or less onerously licensed, occupation—perhaps one requiring similar skills. Regardless of how aspirants feel about this, it distorts the labor market, resulting in spillover effects: Research has shown that licensing one occupation depresses wages in occupations requiring similar skills that have lower barriers to entry.²¹ More simply, as those shut out by a license move to other occupations, wages in those fields go down.

Consumers also pay the price for licensing. Due to reduced competition, they enjoy less choice and pay higher prices in the market for services whose provision requires a license.²² This is despite evidence that a service provider's licensing status is not a major factor in consumer decision-making. Instead, consumers are more sensitive to price and reputation.²³ Nonetheless, consumers are forced to subsidize the licensing system, paying a premium for services that, as I discuss below, are no better than they would be without licensing.

Evidence Is Scarce That Licensing Improves Quality or Safety

Although proponents say licensing improves service quality and makes the public safer, most available evidence suggests it does not.²⁴ Notably, several studies, including some on beauty and personal care occupations, have found no substantive relationship between licensing and licensing burdens and service quality as rated by consumers and even practitioners.²⁵ It seems likely that if harms from unlicensed occupations were widespread, this would be reflected in consumer ratings. However, if these studies speak to health and safety, they do so only indirectly.

Unfortunately, there is little research directly exploring the health and safety effects of occupational licenses and even less directly exploring the health and safety effects of beauty and personal care licenses specifically.²⁶ As far as I am aware, there is only one.²⁷ That study, from 2023, looked at historical newspapers and found the adoption of barber licensing in the late 19th and early 20th centuries was associated with more cases of barber's itch—an infection licensing was supposedly necessary to combat—rather than fewer.²⁸

My study builds on this small body of literature by examining how licensing and licensing burdens relate to health and safety with respect to manicurists and barbers through the use of health inspection outcomes. Inspection outcomes offer at least three advantages over consumer ratings as a measure of health and safety. First, they are a more direct measure of health and safety, as inspectors are explicitly tasked with looking for health and safety risks. Consumer ratings, on the other hand, often reflect other dimensions of service quality. Second, inspections are less subjective than consumer ratings. Intuitively, consumers are more likely to rate or review service providers when they have a notably good experience or a notably bad one. Inspectors, meanwhile, are supposed to apply the same standards to every business of a certain type that they inspect. Third, and related to the first two, inspectors are trained. If licensing proponents are right, nail salons and barbershops with unlicensed or less onerously licensed staff should be engaged in less safe practices. This should be apparent to inspectors and reflected in inspection outcomes. Comparing inspection outcomes therefore allows for a precise test of the claim that licensing and licensing burdens produce safer and more sanitary service in nail salons and barbershops. Before describing the study methods, the next sections describe the licensing requirements and inspection systems for manicurists and barbers.





Comparing inspection outcomes allows for a precise test of the claim that licensing and licensing burdens produce safer and more sanitary service in nail salons and barbershops.

●● Licensing Requirements for Manicurists and Barbers

Both manicurists and barbers are currently licensed by all 50 states and the District of Columbia. Both are also often subject to onerous education and experience requirements, exams, fees, and other hurdles, though specifics vary widely.²⁹ Such variation calls into question the basis for and necessity of licensing mandates.³⁰ However, it also enables this study to examine whether less burdensome licensing—or, in the case of manicurists, none at all—compromises health and safety outcomes.

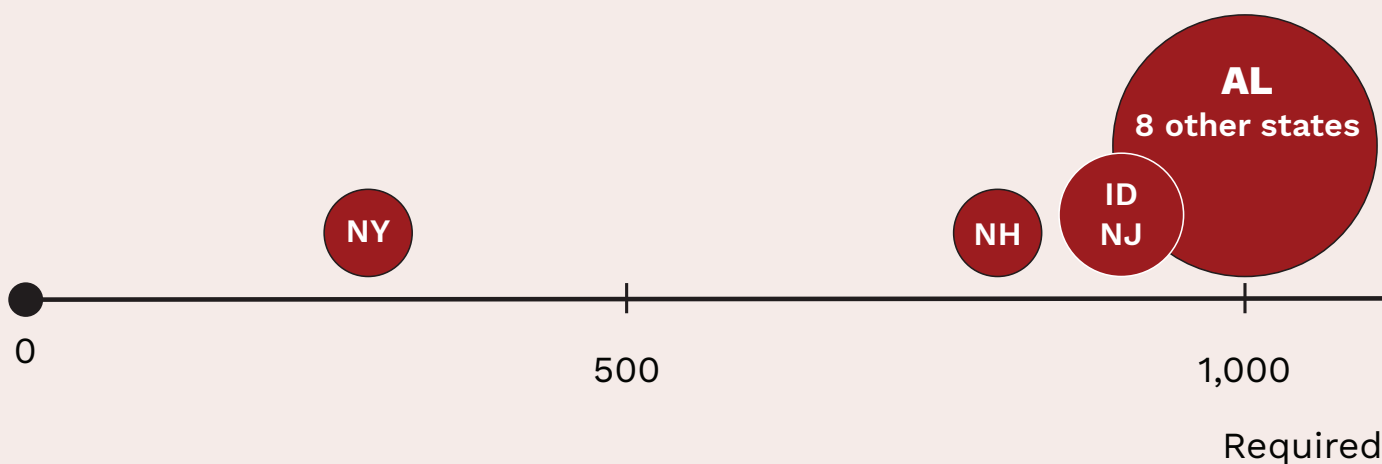
Although every state and the District of Columbia now license manicurists, for roughly 40 years, Connecticut did not. After a sunset review finding the state’s manicurist license “[could not] be justified in terms of public health and safety,” Connecticut eliminated the license in 1980,

becoming the only state not to license the occupation.³¹ It relicensed manicurists only in 2021.³² Connecticut’s period without a manicurist license creates an opportunity to compare nail salon health inspection outcomes in an unlicensed state to those in a neighboring licensed state—a strong test of licensing’s efficacy. This study uses New York as a comparator because it had the best available data among the states that share a border with Connecticut. During the study period (and as of 2022), New York’s license required 250 hours of education, two exams, and \$70 in fees, as well as a minimum age of 17 years old.³³

Like manicurists, it was only recently that barbers came to be licensed by every state and the District of Columbia. For more than three decades, from 1981 to 2014,

Figure 1. Barber Education Requirements During Study Period

Hours requirements varied widely across states, but Alabama’s and Mississippi’s were the two most common

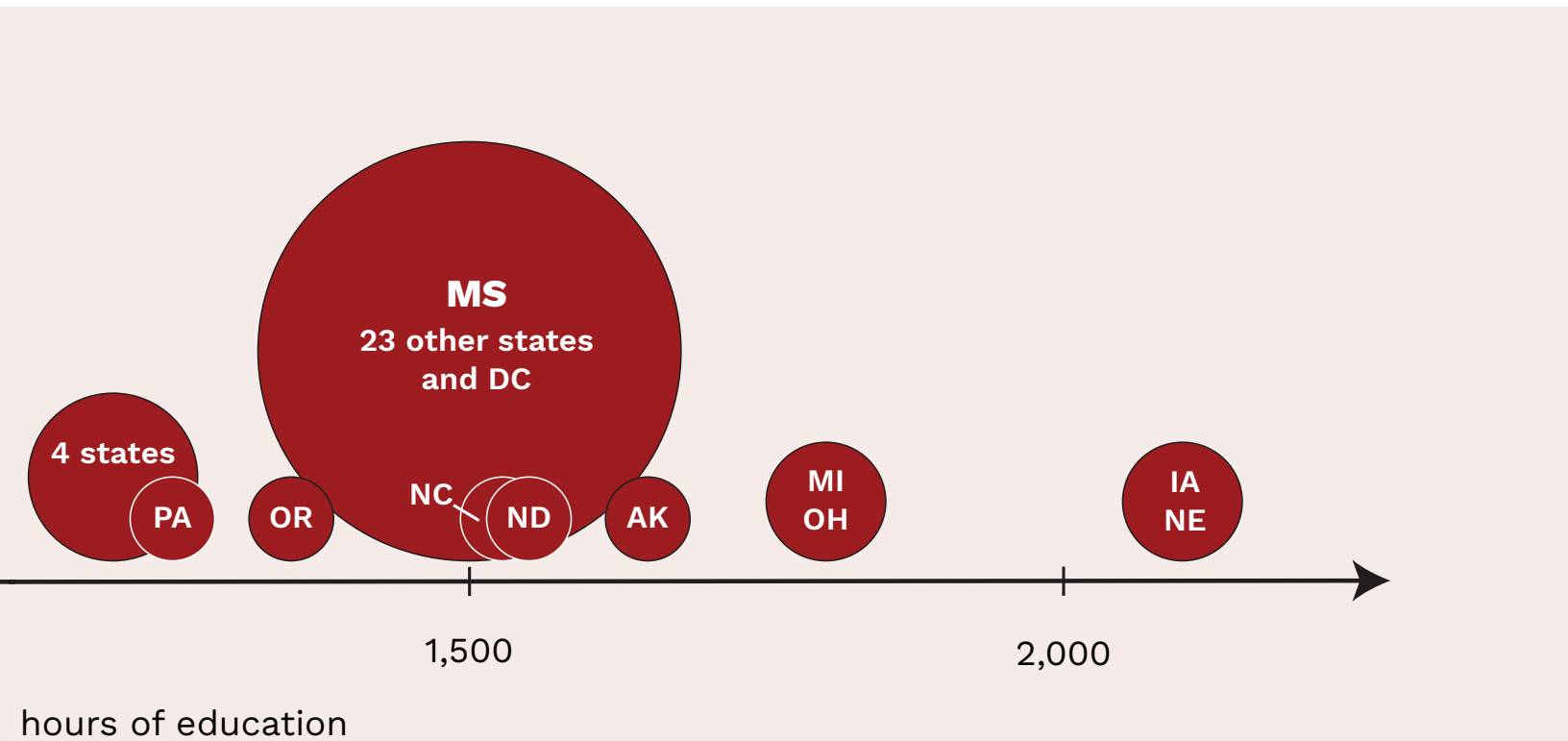


Note. Kentucky, Massachusetts, Minnesota, Nevada, North Carolina, North Dakota, and South Dakota required experience on top of their education requirements.

Source: Carpenter, D. M., Knepper, L., Sweetland, K., & McDonald, J. (2017). *License to work: A national study of burdens from occupational licensing* (2nd ed.). Institute for Justice. <https://ij.org/report/license-to-work-2/>

Alabama did not license the occupation at the state level, though some counties maintained their own licensing systems.³⁴ And when the state reintroduced licensing, it did so only for full-service (“Class 2”) barbers and grandfathered in existing barbers.³⁵ Unfortunately, the presence of county-level licensing during the period of state-level delicensing, along with other data limitations, makes it impossible to compare barbershop health inspection outcomes in unlicensed Alabama to those in a licensed neighboring state. Instead, this study compares inspection outcomes in two neighboring states—Alabama and Mississippi—with disparate licensing requirements. During the study period, Alabama—like eight other states—required 1,000 hours of schooling, plus exams

and fees, to become a licensed barber.³⁶ While steep, Alabama’s education mandate was on the lower end, with only four states requiring fewer hours during the study period.³⁷ Mississippi required 50% more education—1,500 hours—plus exams and fees, as did 23 other states and the District of Columbia.³⁸ This put Mississippi on the higher end of education mandates for barbers, with only seven states requiring more schooling during the study period.³⁹ Thus, Alabama and Mississippi represented the two most common education requirements, as well as both relatively low and high burdens.⁴⁰ Figure 1 illustrates how the education requirements for barbers in Alabama and Mississippi compared to those in the other 48 states and the District of Columbia in 2017.



●● Health Inspections for Nail Salons and Barbershops

Manicurist and barber licenses often exist alongside health inspection systems for nail salons and barbershops, and the same can be said for other beauty and personal care occupations and establishments. State or local governments typically require nail salons, barbershops, and similar businesses to adhere to health and safety standards, typically promulgated by state and local regulators and enforced through inspections. A basic and common regulation for such businesses is ensuring that hand soap is available in restrooms.⁴¹

Inspections typically occur when a business opens and then regularly thereafter (often annually), as well as on a case-by-case basis, such as when there is a complaint.⁴² The person doing the inspections is usually a representative of the health department or the licensing board. When workers in a business must be licensed, inspections can involve checking workers' licensing status in addition to looking for health and safety violations.

Although there is some variation in standards and inspection forms for nail salons and barbershops, they are substantively similar across jurisdictions in important ways. First, standards generally emphasize adhering to sanitary practices (e.g., properly sanitizing implements, maintaining clean and functional restrooms) and managing exposure to chemicals and tools that can harm people (e.g., formaldehyde, certain types of razors). Second, inspection forms generally list possible violations, and there is an implicit or explicit scoring system that determines the outcome of the inspection.⁴³

Nail Salon Inspections in Connecticut and New York

Although Connecticut now requires licensure for manicurists, it previously relied on inspection systems to ensure health and safety. The responsibility for enforcing health and safety standards largely was, and is, borne by local health departments and districts. For this reason, there may be variation in who conducts inspections and in the specific standards enforced. The same bill that relicensed manicurists required the creation of a more uniform inspection form and guidelines for nail salons. However, even prior to relicensure, health directors (or their representatives) had the power to enforce public health regulations in nail salons.⁴⁴

As one example, the Meriden Health Department was, and is, responsible for conducting inspections of nail salons, as well as barbershops and hair salons, in the city of Meriden, Connecticut. The department's inspection form listed 40 standards, and inspectors reported whether a salon was compliant or noncompliant with each. If salons were not compliant with certain standards (e.g., "Equipment/utensils used on customer cleaned and disinfected after each customer"), reinspection was required, along with an associated fee.⁴⁵ Repeated violations could result in suspension and revocation of the permit to operate the nail salon.⁴⁶ See Figure 2 for an example of a completed inspection form from Meriden.

Figure 2. Completed Inspection Report for a Nail Salon in Meriden, Connecticut

**MERIDEN HEALTH DEPARTMENT
BARBERSHOP, HAIRDRESSING & COSMETOLOGY
INSPECTION REPORT**

Annual Inspection
 Reinspection
 Complaint
 Other

Barbershop
 Pedicures/Nails
 Hairdressing/Cosmetology
 Other Waxing

Name of Establishment _____ Address _____

Based on an inspection this day, the items circled below identify violations of the Meriden City Code, Chapter 70, which must be corrected by the date specified.

A. Water Supply

✓1. Water supply adequate, safe.
 ✓2. Hot and cold water under pressure, provided as required.

B. Sewage Disposal

✓3. Approved method of sewage disposal.

C. Plumbing

✓4. Approved plumbing fixtures, clean, maintained.
 ✓5. **No potential cross connection, back siphonage, backflow**

D. Toilet/Handwashing Facilities

✓6. **Toilets and washbasins adequate, convenient, accessible, designed, installed.**
 ✓7. Proper fixtures in good repair, clean.
 ✓8. Soap in dispensers and single-service paper towels provided.

E. Garbage Disposal

✓9. Adequate number of covered refuse containers provided, clean.
 ✓10. Outside disposal area and enclosures properly constructed, clean.

F. Floors/Walls/Ceilings

✓11. Floors properly constructed, in good repair, clean.
 ✓12. Ceilings properly constructed, in good repair, clean.
 ✓13. Walls properly constructed, in good repair, clean.
 ✓14. Attached equipment, fixtures, properly constructed, maintained, clean, free of hair clippings.

G. Lighting

✓15. Adequate lighting provided as required.

H. Ventilation

✓16. Adequate ventilation, no excess heat or odors.

I. Storage

✓17. Cabinets for clean linens and towels are adequate, clean, with tight fitting doors.
 ✓18. Covered receptacle provided exclusively for soiled linens and towels.

J. Housekeeping

✓19. **In-residence shop completely separate from living/sleeping quarters.**
 ✓20. No foods or beverages prepared, stored, or sold on premises unless permitted.
 ✓21. No animals/pets.
 ✓22. Aisles/work spaces properly maintained.
 ✓23. Establishment and premises free of litter, no insect/rodent harborage, no unnecessary articles.

K. Personnel

✓24. All personnel properly licensed as required by State.
 ✓25. **No person with infection or communicable disease attended or working.**
 ✓26. Good hygienic practices, smoking restricted.
 ✓27. Clean outer garments.
 ✓28. Hands washed with soap and water before serving each customer.

L. Utensils/Equipment Handling (other than single service)

✓29. The following items are prohibited: neck dusters, powder puffs, sponges, shaving brushes, shaving mugs.
 ✓30. Hair clippings removed frequently and in proper manner.
 ✓31. Head rest covered with clean towels or paper.
 ✓32. Sanitary paper strip pieced around neck before protective device.
 ✓33. Shaker-top container used for dispensing lotion or powders.
 ✓34. Alum or other materials to stop the flow of blood provided in powder or liquid form.

M. Utensils/Equipment Sanitizing (other than single serve)

✓35. **Utility sink provided for instrument cleaning.**
 ✓36. **Equipment/utensils used on customer cleaned and disinfected after each customer.**
 37. Proper use of recommended sanitizing/sterilizing device after thorough cleansing of implements.
 38. Disinfected utensils kept in sanitary covered containers when not in use.
 39. Linens and towels properly sanitized when washed on premises.

N. Display of Registration

✓40. License displayed next to or near workstations.

(*) BOLDDED ITEMS ARE MAJOR VIOLATIONS AND WILL REQUIRE A REINSPECTION.

Date of Inspection: 4-5-17 Date of Required Compliance: 1 week

Sanitarian's Signature _____ Signature of Person in Charge _____

COMMENTS: See attached

5/03

Note. Referenced attachment omitted for space and privacy reasons.

Compared to Connecticut, the New York inspection system is more centralized and standardized. The New York Department of State operates both the licensing and inspection systems.⁴⁷ Nail salons fall under the umbrella of “appearance enhancement businesses.” As such, they must adhere to the state’s more general standards for all such businesses, as well as to its specific standards for nail salons.⁴⁸ Appearance enhancement businesses are subject to inspections at any time, without notice, but inspections are typically conducted annually.⁴⁹ Violations can result in license suspension or revocation, as well as fines.⁵⁰

New York does not make its inspection rubric publicly available. However, the Department of State provides a self-inspection checklist for appearance enhancement businesses that identifies the most common issues inspectors look for.⁵¹ The second page of the checklist is specific to health and safety and is provided in Figure 3. In the inspection data the state provided, there are seven health and safety violations, which include, for example, “No Use / Improper Disinfectants Used” and “Improperly Reprocessed / Stored Implements.”

Figure 3. Self-Inspection Checklist for Appearance Enhancement Business Owners in New York State (Second Page Only)

Self-Inspection Checklist for Appearance Enhancement Business Owners	
SANITATION / HEALTH & SAFETY	
Do you have MSDS sheets available for all supplies and chemicals used in your place of business?	<input type="checkbox"/> Yes
Do you have a sufficient supply of disinfectant and receipts for the same?	<input type="checkbox"/> Yes
Are all products maintained with the original manufacturer labeling intact?	<input type="checkbox"/> Yes
Are flammable and combustible chemicals stored in a metal cabinet remote from potential sources of ignition?	<input type="checkbox"/> Yes
Is every client served with clean, freshly laundered linen or disposable towels?	<input type="checkbox"/> Yes
Are all supplies that cannot be disinfected disposed of in a waste receptacle immediately after use?	<input type="checkbox"/> Yes
Are shelves, furniture and fixtures kept clean, free of dust, dirt and hair, and in good working condition?	<input type="checkbox"/> Yes
Are all styling stations, working stations and manicure tables sanitized and cleaned between each client service?	<input type="checkbox"/> Yes
Are all supplies and implements transported to and from the remote location in covered containers?	<input type="checkbox"/> Yes
Are clean implements and supplies (e.g., towels) kept in containers separate from those implements and supplies that have been used and marked according to their status?	<input type="checkbox"/> Yes
Are hand washing facilities available in all lavatories?	<input type="checkbox"/> Yes
Is there hot and cold running water in the establishment?	<input type="checkbox"/> Yes
Is there a public toilet room?	<input type="checkbox"/> Yes
Are there cabinets for storage of clean linen and towels?	<input type="checkbox"/> Yes
Are all nail care chemicals stored in closed bottles?	<input type="checkbox"/> Yes
If you offer Nail Specialty Services, are there sufficient gloves for each work station?	<input type="checkbox"/> Yes
If you offer Nail Specialty Services, are there sufficient respirators for each work station?	<input type="checkbox"/> Yes
If you offer Nail Specialty Services, is there sufficient eye protection whenever workers will be preparing, transferring or pouring potentially hazardous chemicals?	<input type="checkbox"/> Yes
Is waste disposed of in a covered waste container?	<input type="checkbox"/> Yes

Note. First page covers establishment and personal license requirements.

Barbershop Inspections in Alabama and Mississippi

The Alabama Board of Cosmetology and Barbering conducts barbershop inspections in Alabama.⁵² As shown in Figure 4, the board’s inspection form—which is also used for hair salons, nail salons, and other beauty and personal care establishments—looks for more than 15 violations.⁵³ Some relate to licensing, but most deal with general sanitation practices like “Implements Properly

Cleaned, Sanitized, Stored, and Used.” Each standard gets a weighted score, with sanitary violations generally receiving a greater weight than licensing-related violations. A low score results in reinspection, with repeated violations making disciplinary action, including a fine, more likely.⁵⁴ A failed inspection means at least one of the following: (1) The shop has unlicensed staff; (2) the shop is providing unlicensed services; (3) the shop is violating health and safety standards.⁵⁵

Figure 4. Sample Inspection/Citation Report for Salons and Barbershops in Alabama

ALABAMA BOARD OF COSMETOLOGY
INSPECTION/CITATION REPORT
TOLL FREE: 1-800-815-7453

Date: _____ Time In: _____ Record ID: _____ Score: _____

Salon Name: Sample Owner: _____

Address: 334-242-1918 or 1-800-815-7453
Street City Zip County

Phone: _____ **Circle Services: Hair Nails Skin Circle Days Closed: S M T W T F S**

**** Serious Violations Subject to Fines of up to \$500 each As Provided in Code of Alabama, 1975, § 34-7A-15(c)**
**** Points May Be Doubled For Uncorrected Deficiencies Reported On Second Inspection, Tripled For Third.**

#	Yes	No		
1			Salon and Workers Properly Licensed	(100)
2			Licensee Performing Services Within Scope of License	(100)
3			All Licenses Properly Displayed	5
4			Master for Each Apprentice, Signs, Records Properly Maintained	5
5			Latest Inspection Report Properly Posted	10
6			Reception Area, Walls, Floors, Ceilings Clean and Free of Clutter	10
7			Work Stations Clean and Free of Dust and Clutter	10
8			Pedi Spas and Filters Properly Sanitized and Clean	10
9			Toilet Clean With Proper Supplies, Soap, Water and Towels	5
10			Implements Properly Cleaned, Sanitized, Stored, and Used.	10
11			Clean and Soiled Towels, Waste Properly Stored and Covered	5
12			Disinfectant Containers and Bins Properly Used	10
13			Pumps, Spatulas and All Single Used Items Properly Used; Absence of Roll-On Wax	10
14			Chemicals Properly Labeled and Stored, MSDS sheet per each chemical product	5
15			Salon Free of Insects, Animals, and Pests (Except as Provided in 250-X-3-.02)	5
16			Salon Free Of Non-Nail Drills, Callous Razors And Illegal Implements	(100)
17			Salon Free of Substances (MMA)	-

P	A	Licensee Name	LIC #	Type	EXP	P	A	Licensee Name	LIC #	Type	EXP

Comments: _____
Sample: Brief explanation on
opposite side.

Signature of Owner/Manager _____ Date _____

Signature of Inspector _____ Date _____ Time Out _____ Revised 2/13

Note. Referenced opposite side provides explanations of numbered items 1 through 17.

During the period for the barber comparison, the Mississippi Board of Barber Examiners was responsible for inspecting barbershops in Mississippi.⁵⁶ The board’s inspection form—the first page of which is shown in Figure 5—lists over 20 possible violations, including licensing-related violations and health and safety violations.⁵⁷ Similar to Alabama, inspections can be failed, and fines imposed, for either or both types of violations, with fines compounding for repeated violations. Violations categorized as “Class C” are considered most serious and those categorized as “Class A” least serious.⁵⁸ Inspections

result in an overall grade of A, B, or C, where a grade of C is in effect a failed inspection. There are no explicit criteria for how the grade is to be calculated. However, per the inspection form, an A is defined as “Excellent – no violations” and a C is defined as “Bad, must be improved” and “Unsatisfactory or subject to closure,” so a B presumably means that violations were both minor and few (e.g., a single first-time violation for barbers not being “neatly dressed”). Inspections occur initially and then biennially, though they can occur on a case-by-case basis for several reasons, including no reason.⁵⁹

Figure 5. Blank Inspection Report for Barbershops in Mississippi (First Page Only)

BOARD OF BARBER EXAMINERS INSPECTION REPORT						
SHOP NAME			SHOP LICENSE NUMBER			
ADDRESS			COUNTY			
CITY STATE ZIP			DATE OF INSPECTION			
SIGNATURE OF OWNER / SHOP REPRESENTATIVE			SIGNATURE OF EXAMINER / INSPECTOR			
Purpose: <input type="checkbox"/> General Inspection <input type="checkbox"/> New Shop Inspection <input type="checkbox"/> Change of Location <input type="checkbox"/> Follow-up Inspection <input type="checkbox"/> Violation(s)						
OVERALL INSPECTION RATING (CIRCLE ONLY ONE)						
<h1>A</h1> <p>EXCELLENT – NO VIOLATIONS</p>		<h1>B</h1> <p>FAIR</p>		<h1>C</h1> <p>BAD, MUST BE IMPROVED Unsatisfactory or subject to closure</p>		
IDENTIFY ALL BARBERS AT LOCATION						
_____ License # _____			○ Active: ○ Expired - Date: _____			
_____ License # _____			○ Active: ○ Expired - Date: _____			
_____ License # _____			○ Active: ○ Expired - Date: _____			
_____ License # _____			○ Active: ○ Expired - Date: _____			
_____ License # _____			○ Active: ○ Expired - Date: _____			
_____ License # _____			○ Active: ○ Expired - Date: _____			
_____ License # _____			○ Active: ○ Expired - Date: _____			
_____ License # _____			○ Active: ○ Expired - Date: _____			
_____ License # _____			○ Active: ○ Expired - Date: _____			
VIOLATIONS OF LAW – an inspection of your barber shop has this day been made and violations marked. Any violation of the following codes requires immediate action pursuant to § 73-5-9 (3) (a) (b) (c) INSPECTOR: CIRCLE THE APPROPRIATE VIOLATION #1 OR VIOLATION #2 AMOUNT, IF ANY					FINE AMOUNT: \$ _____	
VIOLATION	Law / Rule Reference	Class C	Class B	Class A	1 st Violation	2 nd Violation
Certificate of registration as a registered barber shall be displayed (owner, manager, or licensee responsible)	73-5-23			√	\$100	\$500
Shop employing unlicensed individuals performing barber services	73-5-33(2)				\$500	\$1000
Copy of rules and regulations relating to the sanitation of barber shops	Rule 2.3			√	\$100	\$400
Receptacles containing face or talcum powder shall have tops	Rule 2.3			√	\$200	\$800
Clean cupboard or cabinet in which to keep all linen or paper towels free from dust	Rule 2.3.C			√	\$200	\$800
Clean and in good repair / floors in cutting and styling area as well as any area used for shampooing shall be covered with non-porous material that is easily cleanable	Rule 2.3.A			√	\$200	\$800

Note. Second page covers additional violations.





Methods

If licensing and licensing burdens are necessary to protect health and safety, this would mean that businesses like barbershops and nail salons with unlicensed or less onerously licensed staff present a greater threat to health and safety than similar businesses with licensed or more onerously licensed staff. Using inspection outcomes as a measure of health and safety risks, I test whether licensing and licensing burdens are related to inspection outcomes.

To do this, I employed a design that approximates a randomized controlled trial. In a true randomized controlled trial, I would randomly assign nail salons and barbershops to states with different licensing conditions and compare their inspection outcomes. This would allow me to attribute any differences in inspection outcomes between businesses in the states to their licensing conditions and not to other potential differences between the states. Obviously, such a research design was not feasible. However, there are various ways to approximate a randomized controlled trial, and one of those ways is to use a geographic regression discontinuity design, a research design that takes advantage of variation around geographic boundaries.⁶⁰ Subject to qualifications, the basic idea is that, on average, businesses and business environments equidistant from the border between two states are similar, with that similarity increasing as the distance to the border decreases. Intuitively, this makes sense. For example, one would expect businesses and business environments in Kansas City, Kansas, to be more comparable to businesses and business environments a few miles away in Kansas City, Missouri, than to those hundreds of miles away in St. Louis.

The reason the design approximates a randomized controlled trial is that, within a certain, relatively short, distance of the border—known as a “bandwidth”—it is *as if* the businesses were randomly assigned to one side of the border or the other. Assuming this is true, it is possible to estimate the expected difference in inspection outcomes between a business with unlicensed or less onerously licensed workers on one side of the border and a business with licensed or more onerously licensed workers on the other. In essence, each inspection outcome receives a weight that is a function of the businesses’ distance to the border. The estimated expected difference is a weighted average effect of licensing requirements on inspection outcomes, with more weight given to businesses assumed to be more similar (i.e., those closer to the border) and less weight given to businesses assumed to be less similar (i.e., those farther from the border). In this way, this design allows us to attribute differences in health and safety outcomes, as measured by inspections, to differences in licensing regimes.

This study uses nail salon inspection data from Connecticut and New York and barbershop inspection data from Alabama and Mississippi to answer this question: All else constant, do businesses with licensed staff or more onerously licensed staff commit fewer violations and have a greater probability of passing inspections compared to businesses with unlicensed staff or less onerously licensed staff?

This study uses inspection data to answer this question:
All else constant, do businesses with licensed staff or more onerously licensed staff commit fewer violations and have a greater probability of passing inspections compared to businesses with unlicensed staff or less onerously licensed staff?

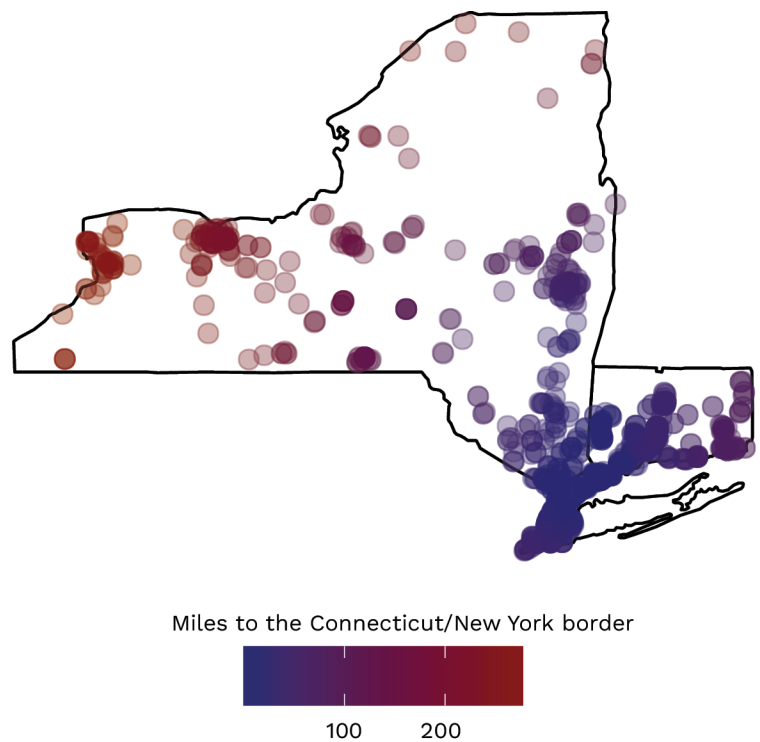
Comparing Nail Salon Inspection Outcomes in Connecticut and New York

IJ obtained inspection data from local health agencies in Connecticut and from the Department of State in New York. The full dataset for Connecticut and New York comprises 2,594 inspections across 1,988 firms for 2017 and 2018, years during which New York licensed manicurists and Connecticut did not. However, I excluded firms on Long Island from the analysis because they are separated by the Long Island Sound.⁶¹ This reduced the sample to 2,148 inspections across 1,604 firms. Figure 6 displays the geographic location of inspections, with the color of the dots representing the distance to the Connecticut/New York border. Dots with similar colors are assumed to reflect more similar businesses and business environments, whereas dots with different colors are assumed to reflect less similar businesses and business environments. As described above, inspections of businesses closer to the border (i.e., the blue dots) receive greater weight in my analysis. Despite differences in the states' inspection regimes, their forms are similar in that they list possible violations and require inspectors to identify actual violations. Thus, health and safety violations can be distinguished from other types of violations (like licensing violations) in the data, quantified, and compared across states.

There are more possible health and safety violations in Connecticut (roughly 30 to 40, depending on the locality) than in New York (seven), so comparing the raw count of violations per inspection would be misleading. I therefore created two standardized variables that account for the different numbers of possible violations. The first outcome variable I created by transforming the count of violations into standard deviation scores, often called “z-scores,” specific to each state. A score of zero for a given inspection would mean the inspection resulted in the average number of health and safety violations per inspection for the state, while a positive or negative score would mean the inspection resulted in an above or below average number of health and safety violations for the state. The second outcome variable I created by dividing the number of violations by the number of possible violations (i.e., the rate of violations per possible violation). Higher values indicate an inspection resulted in a higher rate of violations.

Figure 6. Locations of Connecticut and New York Nail Salon Inspections

The analysis weights nail salons closer to the border more heavily, as they, and the locations in which they operate, are assumed to be more similar



My analytical strategy started with simple comparisons of inspection outcomes and then proceeded to the regression discontinuity analysis. First, I calculated descriptive statistics, including the average violation z-score and the average rate of violations for nail salon inspections in Connecticut and New York. I calculated the same statistics restricted to nail salons within the bandwidth around the border—the businesses and business environments assumed to be most similar. Second, I estimated the relationship between the salons' distance to the border and inspection outcomes in each state. The expected outcome of an inspection for a nail salon in Connecticut compared to New York is estimated as the difference between the predicted outcome in Connecticut and the predicted outcome in New York for a hypothetical nail salon that is located on the border. For both the simple comparisons and the more sophisticated analyses, I used both the violation z-score and violation rate as outcome variables.

Whether licensing is the cause of any differences in inspection outcomes depends on the extent to which businesses on either side of the border are essentially similar but for licensing conditions (i.e., randomly distributed within the bandwidth around the border). I therefore conducted tests to assess the validity of the study design. First, I examined whether census block groups near the border were similar in population size, percentage of the population with a bachelor's degree, and median household income; I reran my analysis adjusting for these characteristics. Second, to account for the possibility that some business owners might have chosen to set up shop in Connecticut rather than New York precisely to avoid New York's license, I reran the analysis excluding those businesses closest to the border.

Comparing Barbershop Inspection Outcomes in Alabama and Mississippi

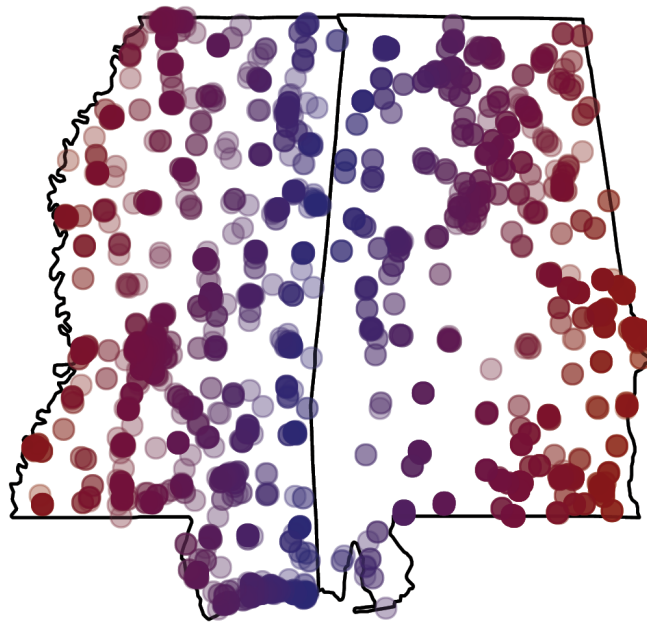
IJ obtained inspection data from the boards responsible for licensing barbers in Alabama and Mississippi. The full dataset for Alabama and Mississippi includes 3,218 inspections across 1,748 firms for the years 2014 through 2018. Figure 7 illustrates the geographic location of inspections. As in Figure 6, the dots' color represents the distance to the border between the states, with inspections closer to the border receiving greater weight. During the years analyzed, licensure was required in both Alabama and Mississippi, but the amount of schooling hours required to obtain licensure was 50% higher in Mississippi.

The barbershop inspections data IJ received from Mississippi are comparable in detail to the nail salon inspections data IJ received from Connecticut and New York. However, the barbershop inspections data IJ received from Alabama are less detailed. Specifically, the Alabama data indicate only whether an inspection was passed or failed. I therefore could not compare the number of health and safety violations across Alabama and Mississippi. Instead, I examined whether inspections were more likely to be passed in Mississippi compared to in Alabama. To make outcomes in Mississippi comparable to those in Alabama, I treated inspection grades of an A or a B as a pass and grades of a C as a fail, which, as described above, is consistent with how the grades are treated in the state.



Figure 7. Locations of Alabama and Mississippi Barbershop Inspections

The analysis weights barbershops closer to the border more heavily, as they, and the locations in which they operate, are assumed to be more similar



Miles to the Alabama/Mississippi border



50 100 150

During the years analyzed, licensure was required in both Alabama and Mississippi, but the amount of schooling hours required to obtain licensure was 50% higher in Mississippi.

I followed a similar analytical process for the comparisons of barbershop inspection outcomes in Alabama and Mississippi as for the comparisons of nail salon inspection outcomes in Connecticut and New York. That is, I started with descriptive comparisons of barbershop inspections throughout the whole of each state and then restricted to barbershops within the bandwidth around the border, before conducting a regression

discontinuity analysis and performing tests to evaluate the design. There were some minor differences, however. For example, there was only one outcome variable, and it was binary (inspections passed or failed).

For full details of my methods, see Appendix A, and for full details of my results, see Appendix B.





●● Results: Licensing Has Little Impact on Health and Safety

Put simply, this study finds no substantive evidence that licensing or more stringent licensing is necessary to protect public health and safety. Specifically, it finds no substantive difference in health inspection outcomes for businesses in licensed or more stringently licensed states and businesses in unlicensed or less stringently licensed states. This holds true whether looking at the raw numbers or the results of my more sophisticated analysis focused on businesses likely to be most similar based on their proximity to the border. These results suggest that businesses with unlicensed or less onerously licensed workers do not present a greater risk to public health and safety than do their counterparts with licensed or more onerously licensed workers.

By the raw numbers, inspection outcomes were favorable across the board, regardless of licensing conditions. Looking at all businesses, most nail salon health inspections in both Connecticut and New York

resulted in zero violations. Similarly, in both Alabama and Mississippi, virtually all barbershop health inspections were passed. This was also the case when looking at businesses within the relatively short distance on either side of the state borders for which businesses and business environments are likely to be most similar. Within that bandwidth, not only were inspection outcomes again favorable across the board, but outcomes were actually better, if only slightly, where licensing was absent or less burdensome. Figure 8 shows the average rate of violations per possible violation for nail salons within the bandwidth around the Connecticut/New York border. In Connecticut, salons near the border passed 98% of standards per inspection on average, while in New York, they passed 95%. Figure 9 shows that 98% of inspections for barbershops within the bandwidth were passed on the Alabama side, compared to 95% on the Mississippi side.

Figure 8. Average Nail Salon Violation Rates

On average, nail salons near the border had low violation rates in both Connecticut and New York, though Connecticut's rate was slightly lower

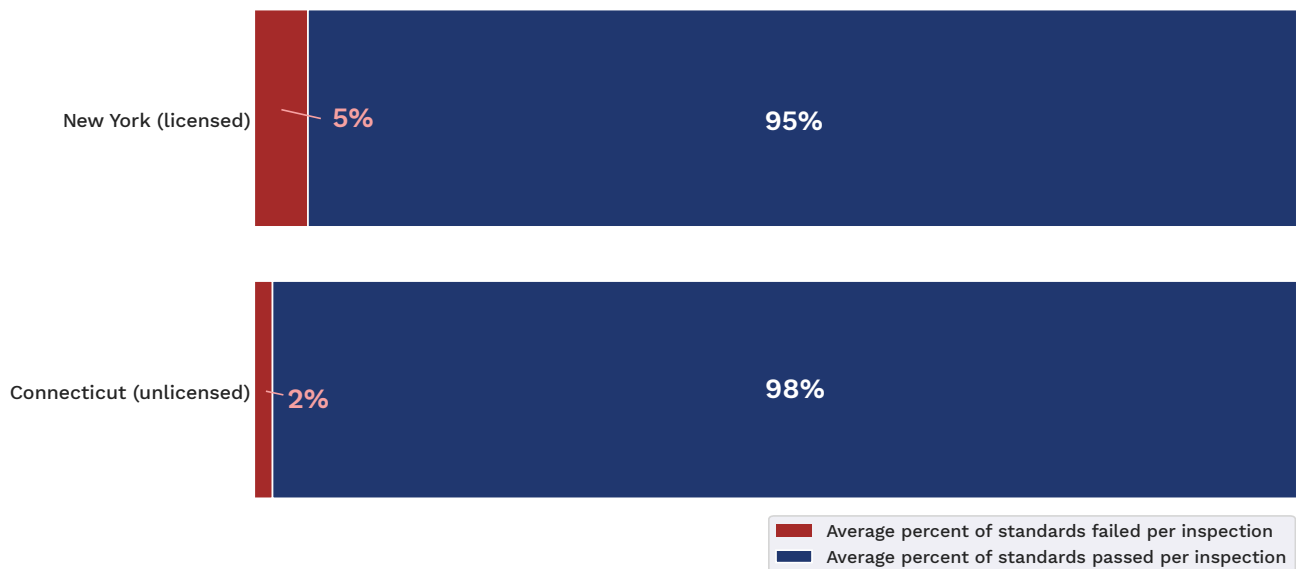
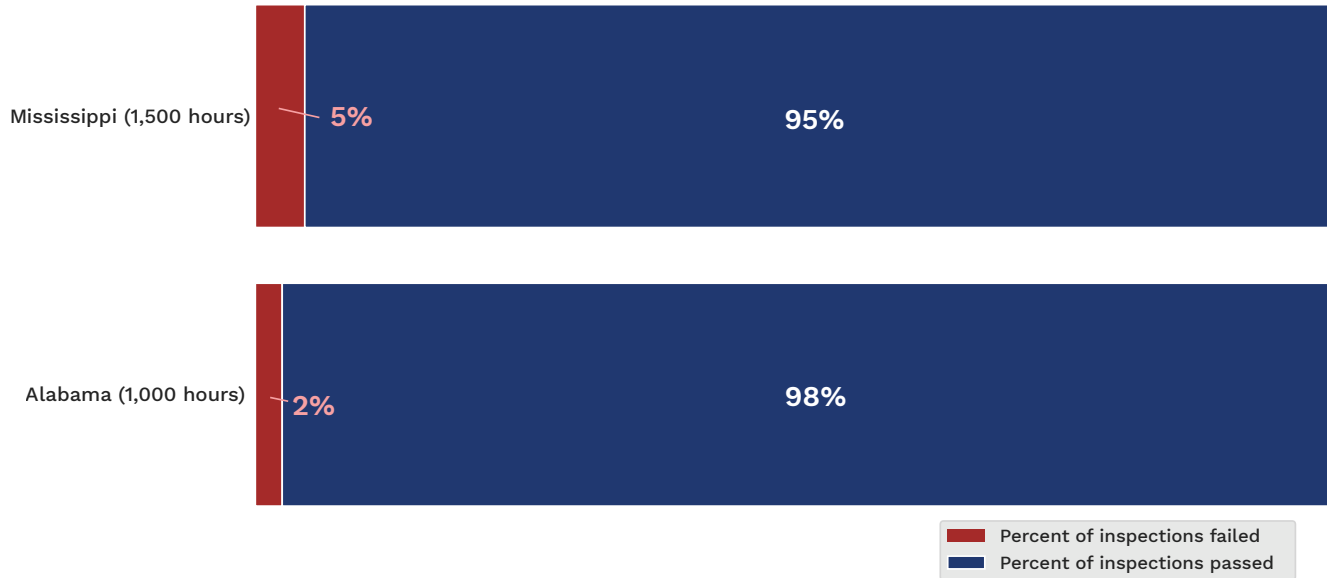


Figure 9: Barbershop Inspection Pass Rates

Barbershops near the border had high inspection pass rates in both Alabama and Mississippi, though Alabama's rate was slightly higher



These results were borne out by those from my more sophisticated regression discontinuity analyses. In fact, the results suggest that the presence of licensing was associated with more violations among manicurists and that greater licensing burdens were associated with more failed inspections among barbers. The differences were statistically significant, though their magnitudes were small. In other words, the differences are likely real—that is, more than just statistical noise—but they are not practically meaningful. Thus, the more sophisticated analyses confirm what the raw numbers show: There was very little difference in inspection outcomes on either side of the borders.

For the comparison of nail salons in Connecticut and New York, results for both the model using the violation z-score and the one using violation rate indicated that licensing was associated with increased violations. This was also true when I reran the analysis adjusting for income, education, and population, as well as when I reran the analysis with businesses closest to the border excluded. These results offer support for the conclusion that licensing increases health and safety violations among manicurists. However, as noted, the effect was very small. Compared to a comparable nail salon in Connecticut, a nail salon in

New York might exhibit one more violation over the course of nearly two dozen inspections—and those inspections would typically result in zero violations. Considering the results holistically, a conservative conclusion is that there is no substantive difference in health and safety violations for nail salons with licensed workers compared to ones with unlicensed workers.

For the comparison of barbershops in Alabama and Mississippi, results again indicated that licensing was associated with worse inspection outcomes. Inspections at barbershops in Mississippi were about 8% less likely to result in a pass compared to inspections at barbershops in Alabama. My results were about the same when adjusting for income, education, and population and when excluding businesses closest to the border. However, with the base rates for passing an inspection hovering close to 100%, one could predict the outcome of any given inspection without any other information, such as licensing conditions. Thus, as with the comparison of nail salons in Connecticut and New York, a reasonable and conservative conclusion is that licensing has no meaningful impact on health inspection outcomes. See Appendix B for the full details of my results.



Why Licensing Has Little Impact on Health and Safety

When Alabama relicensed barbers and Connecticut relicensed manicurists, the expressed motivation was to protect public health and safety. The Alabama state legislator who introduced the bill to relicense barbers described barbers as operating “without any accountability” and stressed a “duty to make those services safe and sanitary with the highest level of care.”⁶² Similarly, one sponsor of the legislation to relicense manicurists in Connecticut said, “Through licensing . . . we would surely increase the health and safety quality of salons across our state.”⁶³

Anecdotes and speculation about alleged harms abounded. Absent were hard data. Proponents of relicensure failed to present any empirical evidence of supposed harms—nor of how licensing would address them.⁶⁴ The likely reason for this lapse is that such evidence does not exist. Indeed, the claim that licensing and licensing burdens ensure safe and sanitary service is at odds with empirical evidence. Instead, this study, as well as others, suggests the assumed impact of licensing and licensing burdens on health and safety is often overrated.⁶⁵ But why might this be? As it happens, there are several possible, and complementary, explanations for why licensing appears to have little impact on health and safety.

First, it is possible that ordinary market competition, along with the promise of health inspections, is sufficient to motivate safe, sanitary service in barbershops and nail salons. As I discuss in greater detail in the next section,

the need to compete for customers gives businesses every incentive to work cleanly and safely. Visits from the health inspector give barbershops and nail salons additional reason to stay on their toes.

Second, licensing is not narrowly targeted to health and safety. Much of aspiring barbers’ and manicurists’ time in mandatory schooling is spent learning hair or nail techniques and business practices—things consumers can, and do, judge for themselves. Comparatively little time is spent on topics related to keeping consumers healthy and safe. A 2021 study found that, on average, only about 26% of barber (or cosmetologist) curricula and 40% of manicurist curricula teach about health and safety.⁶⁶ This is not to say that curricula spend too little time on health and safety (Nebraska, for example, requires about 600 hours⁶⁷), but rather to point out that state-mandated barber and beauty education is mostly about other matters.

Moreover, many of the practices barbers and manicurists must follow to keep customers safe are relatively simple. For example, they should wash their hands frequently; they should clean and disinfect their tools between customers; and they should read the labels of chemical products and follow the instructions for use.⁶⁸ A lot of this is common sense. Not only that, but there are inexpensive courses that teach the basics in very little time.⁶⁹ And after all, my findings show that nail salons and barbershops in different jurisdictions have little trouble complying with health and safety regulations.



Third, licensing shuts aspiring workers out of occupations for reasons that have nothing to do with safe practice, like whether they are willing and able to complete an expensive and time-consuming barber or beauty school program.⁷⁰ And it does so regardless of their knowledge, their skills, and, perhaps most importantly, their conscientiousness, to say nothing of the existence of alternative, more affordable ways to learn. Having the disposable income, or the ability to qualify for student loans with which to pay for school, does not mean a person will be more motivated to adhere to health and safety rules when later employed at a barbershop or nail salon, and neither does having the English language proficiency needed to complete school, to name but two possible obstacles that can thwart aspirants. If a person is not conscientious, a license is not going to make them conscientious. On top of that, skilled or conscientious workers may decide the opportunity costs of fulfilling licensing requirements are too steep and choose other occupations instead.⁷¹ Thus, licensing may exclude aspiring workers willing and able to provide safe, high-quality service as much it includes them.

Finally, licensing may just be a fundamentally misguided approach. Licensing is premised, in part, on the notion that health and safety risks can be mitigated by policing who can enter an occupation. But regardless of who provides them, beauty and personal care services like manicuring and barbering are going to involve potentially risky things like using toxic chemicals or sharp objects

on or around people. Whether workers are licensed or unlicensed, accidents can happen. In her testimony opposing relicensure of manicurists in Connecticut, one salon owner neatly summed up the problem:

Anecdotal stories of unclean salons and services that have caused harm are not unique to this industry. Licensed trades have plenty of lousy technicians and improper work resulting in bad experiences. Many people have stories for just about any industry and beauty is no exception. With over twenty years' experience and a very successful business, I have seen many people who have had unpleasant experiences. . . . In all of the years and cases I have seen, every single one has been performed by [a] trained and certified or licensed individual. It is in my experience serving well over a thousand clients that this is not an issue of untrained or unlicensed technicians but simple mistakes or unforeseen reactions or allergies that are part of the risk in this business.⁷²

Given the nature of the risks involved, it just does not make sense to rely on barriers to occupational entry to protect the public. Fortunately, there are other ways to mitigate risks that are more targeted to health and safety and the actual practice of these occupations than licensing—and that do not come with licensing's costs.

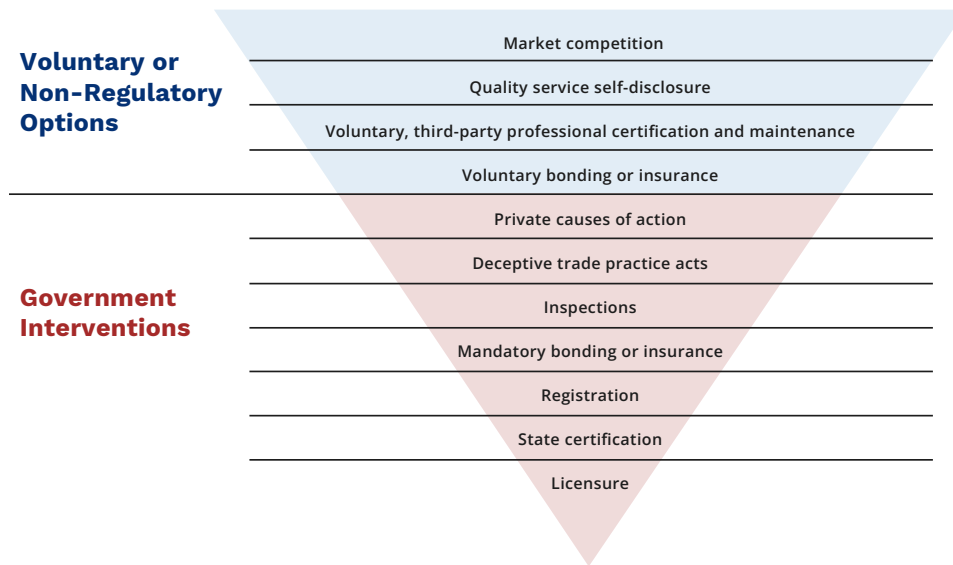
The claim that licensing and licensing burdens ensure safe and sanitary service is at odds with empirical evidence. Instead, this study, as well as others, suggests the assumed impact of licensing and licensing burdens on health and safety is often overrated.



●● Promoting Safety and Quality Without Licensing

In general, there exists a range of less burdensome alternatives to licensure, including fully voluntary ones and ones involving government intervention (see Figure 10).⁷³ Among alternatives involving government intervention, inspection systems are one of the least restrictive and most targeted to addressing health and safety risks in beauty and personal care occupations, as well as many others.⁷⁴

Figure 10. Less Restrictive Alternatives to Licensing



A first reason point-of-service inspection systems are a good alternative to licensing beauty and personal care occupations is that they provide opportunities for problem detection. In fact, this is in large part what existing inspection systems, of nail salons, barbershops, and other beauty and personal care establishments, are designed to do—identify problematic conditions of service that could lead to harm before harm is caused. Detecting the proximate causes of harm early means the risk of later harm can be mitigated.

A second, and related, reason, is that inspection systems provide opportunities for education and persuasion, as well as escalated actions when necessary. When inspectors detect a problem, that gives them an opportunity to educate business owners and workers on the nature of the problem, the appropriate way of handling the problem, and how policies and procedures can minimize or eliminate the problem. Reinspections provide businesses with the opportunity to show that they have fixed the

problem and, if needed, receive additional feedback. And if serious problems persist, inspectors can impose sanctions, including suspending or revoking a business's permission to operate. They can also publicly recognize businesses that perform well on inspections and encourage them to post their inspection results as a signal to consumers.⁷⁵ Research bears out the effectiveness of inspections, finding that repeated inspections tend to produce more favorable inspection outcomes.⁷⁶ This suggests that business owners and workers learn from inspections and modify their practices in response.

A third reason is that inspection systems are less burdensome than licensing, and they do not stop anyone from entering an occupation. Maintaining compliance with health and safety standards and undergoing inspections are inherently burdensome to an extent. However, inspection systems are less burdensome than licenses requiring months or years of education and experience. And inspections' costs are more acceptable given that they

are also more targeted to health and safety than licensing systems.

A fourth reason, and one already alluded to, is a practical one: Inspection systems for nail salons, barbershops, and other beauty and personal establishments typically already exist. This means that, in general, policymakers would at most have to tweak an existing system rather than create an entirely new one. And if a state does not have an appropriate inspection system already in place, it almost certainly has inspection systems for other types of businesses on which to model a system for beauty and personal care businesses. The food service industry is perhaps the most obvious example. Rather than tightly controlling who gets to be a chef, the government regulates the conditions of service, such as the environment in which food is prepared.⁷⁷ Looking to other states for models is also an option.

In conjunction with inspection systems, there are also ways for people to voluntarily obtain education or training and receive certification or another credential. For example, the United Kingdom does not license barbers or hairdressers. Instead, barbers and hairdressers can voluntarily register with the Hair & Barber Council when they meet certain education and experience requirements.⁷⁸ This allows them to call themselves “State Registered” and thus to distinguish themselves from other barbers and hairdressers who have not met the Council’s requirements (or who have but have not bothered to register). Although called registration, this is, in effect, a state certification program that restricts the use of a particular title (“State Registered Barber” or “State Registered Hairdresser”). At any rate, barbers and hairdressers have the *option* to obtain certification if they are interested, willing, and able; employers have the *option* to hire certified employees if that is what they desire; and consumers have the *option* to patronize certified barbers and hairdressers if they are willing and able. But certification does not stand as a barrier to entering the occupations, hiring workers, or patronizing the barber or hairdresser of one’s choice.

Although it operates in addition to a licensing system, California’s Healthy Nail Salon Recognition Program illustrates a similar approach. In participating jurisdictions, salon owners can voluntarily apply for certification as a “Healthy Nail Salon,” which means the business goes above and beyond minimum health and safety standards. As part of the program, owners and workers receive specialized training, after which the business must pass a special inspection to receive certification. Once certified, businesses are subject to annual compliance audits, which go beyond a typical inspection. For example, the inspection is meant to be unannounced, and the criteria are much more comprehensive and stringent, particularly for salons wishing to obtain or maintain the higher tier “Gold Certificate.” For example, salons cannot have *any*

outstanding health violations. A benefit of being certified is advertising—salons receive a certificate that they can display to potential customers. In addition, the salons are highlighted on local government websites.⁷⁹

Training resources tailored to managing risks to health and safety in an occupation are available from several sources. And they are often low duration and low cost (if not free). Government agencies, private companies, and professional associations offer brief courses or other resources specifically on health and safety for manicurists, barbers, and other beauty and personal care occupations.⁸⁰ Such resources have been studied and shown to increase knowledge and communication about health and safety, as well as improve safety practices.⁸¹ The COVID-19 pandemic was a notable impetus for new health and safety training. For example, Barbicide and the American Barber Association both created special training and certification programs on how to safely serve the public during the pandemic.⁸² Barbers who completed the trainings could display their certificates to reassure potential customers.

Finally, the power of market competition to incentivize safe, high-quality service should not be underestimated. If consumers believe the services or conditions of service are unsanitary or unsafe in some way based on their experience, they will be less likely to return to an establishment. They may also share their experiences with others in their community or online, on a platform like Google or Yelp. Given prior research showing that consumers are sensitive to reputation and factor things like consumer ratings into their decision-making about which service providers to patronize, businesses have every incentive to minimize negative experiences and be responsive to such feedback.⁸³ If they do not take steps to improve their reputation, their market share is likely to decline, and they may eventually go out of business. Business owners are very aware of this risk—Craig Hunt put it bluntly: “No client is going to sit in a dirty barber’s seat.”

Any occupation for which there is some risk to health and safety will have a non-zero amount of health and safety incidents. However, it is possible to manage those risks systemically without licensing. A system characterized by market competition, in combination with inspections, can achieve the only legitimate goal of licensing—safe service—without the costs of licensing.⁸⁴ In fact, this is virtually what the system was for manicurists in Connecticut before the state relicensed the occupation. And as this study shows, most inspections resulted in zero violations, and there was no substantive difference in outcomes between unlicensed Connecticut and licensed New York. A plausible explanation for these findings is that inspections and market incentives were sufficiently ensuring safe and sanitary service.



The Tragedy of Licensing

My study finds licensing for manicurists and more burdensome licensing for barbers has no effect on public health and safety—even though protecting health and safety is the official rationale for licensing those and many other occupations. If licensing fails to achieve this goal, then that makes its costs especially troubling, even tragic, because they are entirely avoidable.

Some barbers and manicurists have successful careers. Craig Hunt and Kristin House, for instance, are successful business owners. But for many, maybe even *most*, their expensive and time-consuming training may never pay off.

Today, an aspiring manicurist in Connecticut will likely pay over \$4,000 to attend an approved 100-hour training program at a private beauty school.⁸⁵ That \$4,000 equates to 13% of the median annual wage of manicurists in Connecticut.⁸⁶ Meanwhile, an aspiring barber in Mississippi will likely pay even more to attend an approved 1,500-hour training program at a private institution.⁸⁷ Yet the median wage for barbers in Mississippi is a mere \$22,190.⁸⁸ As noted above, their lifetime return on investment is likely to be negative.⁸⁹

These burdens often fall most heavily on the people least able to bear them.⁹⁰ People who attend training programs to obtain licensure tend to come from less educated households—a major determinant of income and wealth.⁹¹ And research on cosmetology school students specifically has found they tend to come from lower-income households—with disproportionate numbers qualifying for Pell grants, which cover only a portion of their education expenses.⁹² Taking out loans to attend cosmetology school is common, as is failing to graduate on time, which often means having to pay additional tuition. Common, too, is dropping out, which may mean being left with crippling debt and nothing to show for it.⁹³ As Kristin put it, “This job [manicurist] is great for single moms, people coming out of prison, and the cost is just so steep.”

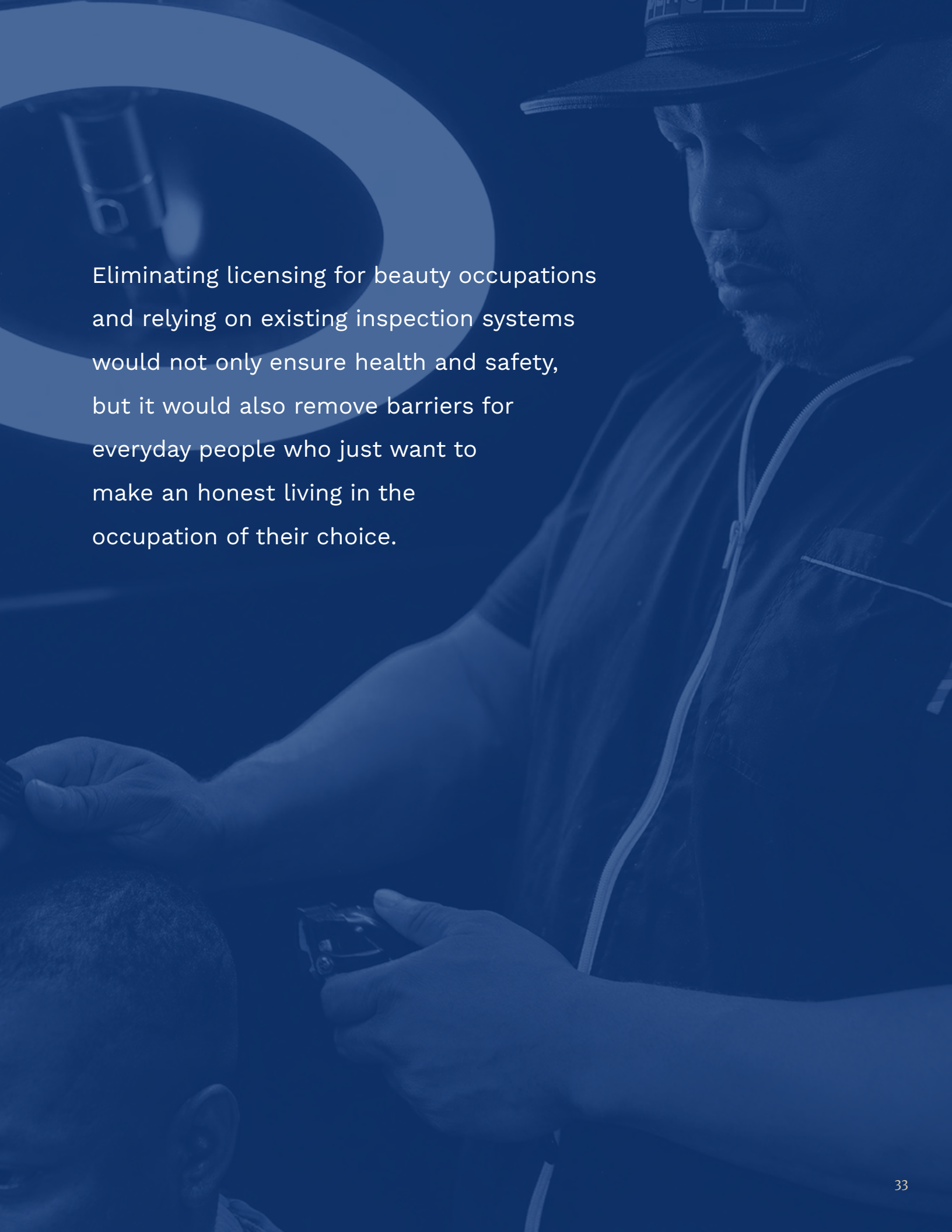
Ironically, schools were once the more accessible doorway for everyday people to enter an occupation like barber.⁹⁴ But that was when schools had to compete for students by providing value—before government made attendance all but mandatory, giving schools a captive audience. As it stands, many graduates of beauty and personal care training programs—about 1 in 6 cosmetology program graduates according to one survey—report *never* using the skills they learned in their program in their current job.⁹⁵ The reason for this is unknown, but it seems likely that at least some of these people entered the job market underprepared for the occupation they trained for. Indeed, Craig and Kristin report that this is a major problem in their industries, with graduates of barber and manicurist programs and those wishing to hire new barbers and manicurists all frustrated by the poor training schools provide. This is a big part of why Craig and Kristin feel an obligation to help ease the way for the next generation of barbers and manicurists. Craig mentors aspiring barbers and offers apprenticeships. Kristin mentors aspiring nail technicians and has an educational podcast. One of her favorite pieces of advice for aspirants: Find the cheapest program that will fulfill licensing requirements in your state and save your money for courses on the techniques you want to specialize in.

The government has a legitimate interest in protecting the public. It does not have a legitimate interest in forcing people into expensive and time-consuming training programs that will saddle them with debt for no good reason. Eliminating licensing for beauty occupations and relying on existing inspection systems would not only ensure health and safety, but it would also remove barriers for everyday people who just want to make an honest living in the occupation of their choice.⁹⁶



The government has a legitimate interest in protecting the public.

It does not have a legitimate interest in forcing people into expensive and time-consuming training programs that will saddle them with debt for no good reason.



Eliminating licensing for beauty occupations and relying on existing inspection systems would not only ensure health and safety, but it would also remove barriers for everyday people who just want to make an honest living in the occupation of their choice.

Appendix A: Methods

Model Estimation

I conducted the geographic regression discontinuity analyses using the *rdrobust* package in *R*.⁹⁷ Because inspections were nested within firms, I used Bartalotti and Brummet’s approach, which allows for cluster dependence in the error term and is incorporated into the *rdrobust* package.⁹⁸ I determined the bandwidth using a mean-squared error-optimal bandwidth selector in the package *rdbselect*.⁹⁹ I report both conventional and robust statistics.

Comparing Nail Salon Inspection Outcomes in Connecticut and New York

A regression discontinuity analysis essentially involves two regression models. On each side of the “cutoff,” a polynomial regression model is estimated with the dependent variable regressed onto the “forcing variable.” In my manicurist analysis, the cutoff was the Connecticut/New York border, the dependent variable was either of two measures of nail salon inspection outcomes (violation z-score or violation rate), and the forcing variable was the distance in miles to the border. The “treatment effect” is calculated as the difference between the intercepts for the two regression equations. For example, when the dependent variable was the violation z-score, the intercept on the Connecticut side was the violation z-score for a hypothetical nail salon in Connecticut directly on the border, the intercept on the New York side was the violation z-score for a hypothetical nail salon in New York directly on the border, and the treatment effect was the difference between those two intercepts. Theoretically, the two intercepts represent a counterfactual. For instance, inspection outcomes for nail salons with licensed workers in Connecticut during the study period are unknowable because the state did not require licensure. However, subject to qualifications, inspection outcomes of nail salons in New York should reasonably represent that unobservable counterfactual—the inspection outcomes that would have been observed had Connecticut required licensure.

The key assumption of a regression discontinuity

design is that, within a specified bandwidth, units on either side of the cutoff are balanced on covariates.¹⁰⁰ This assumption cannot be directly tested, but its plausibility can be evaluated. Ideally, I would be able to compare firms’ characteristics, such as the number of employees and the types of services offered. Such information was unavailable, so I performed checks using three variables from the census (at the census block group level) that may reflect the consumer market of the firms—median household income, percentage of the population with at least a bachelor’s degree, and population. Household income, for example, is associated with greater spending on personal care products and services.¹⁰¹ Thus, firms in areas with higher household incomes may be more responsive to consumer demand for safe, clean service compared to firms in areas with lower household incomes.

There were significant discontinuities at the border in the total population (i.e., New York had a larger population), but not in income or education. On the one hand, the discontinuity in total population could be interpreted as evidence of the implausibility of a key assumption of the design, while the continuities in income and education could be interpreted as evidence of the assumption’s plausibility. On the other hand, however, these variables are at the census block group level and might not capture firm-level differences or similarities (to the extent either exist). I report the original model, as well as the model with estimates adjusted for income, education, and population.

As a sensitivity test, I reran all the models using the “donut hole” approach.¹⁰² Generally, regression discontinuity design model estimates are most influenced by observations closest to the cutoff, which can be problematic if there is non-random “sorting” or “manipulation” around the border. For example, an entrepreneur might have chosen to open a nail salon on the Connecticut side rather than the New York side to avoid the latter state’s license. The donut hole approach involves excluding observations within certain radiuses and re-estimating the models. My assumption is that if businesses were sorting themselves in a non-random way, it would be most likely to occur closer to the border.¹⁰³ By running the analyses excluding potential manipulators, I can evaluate the sensitivity of the results to them. I reran the analyses with donut hole radiuses of 1, 2, and 3 miles for the Connecticut and New York sample.

Some sensitivity is expected because the estimation routine tends to be more influenced by observations very close to the border, but if those observations were exceptionally unique in some way or ways, the results would be very sensitive to whether those observations were included or excluded.¹⁰⁴ The idea is similar to how an average can be influenced by extreme, atypical values—if there are nine people in a room who are all 5 feet tall and one person walks in who is 10 feet tall, the average height in the room will go up by 6 inches. Analogously, if businesses very close to the border were like that person who is 10 feet tall, then excluding them would result in substantially different findings.

Comparing Barbershop Inspection Outcomes in Alabama and Mississippi

For my barber analysis, I employed the same analytical strategy with the sample of barbershops in Alabama and Mississippi. In this case, the dependent variable was a binary indicator of whether the inspection was passed or failed. I used a linear probability model because it is straightforward to interpret, it can produce unbiased estimates of treatment effects, and the residual heteroskedasticity intrinsic to it can be addressed by estimating robust (“sandwich”) standard errors.¹⁰⁵

As with the Connecticut/New York comparison, there were discontinuities in covariates at the border. Specifically, census block groups on the Alabama side of the border had a slightly greater proportion of people with at least a bachelor’s degree and a larger population overall. There was not a discontinuity in household income. As with the Connecticut/New York comparison, I reran my analysis adjusted for income, education, and population.

Also as with the Connecticut/New York comparison, I employed the donut hole approach to evaluate the sensitivity of my results. However, I used larger radiuses of 5, 6, and 7 miles for the Alabama and Mississippi sample. This was because the number of observations closer to the border was too small. For example, there were only three observations within 3 miles of the Alabama/Mississippi border.



Appendix B: Results

Table B1 presents the results of the geographic regression discontinuity analyses comparing nail salon inspection outcomes in Connecticut and New York. The coefficients represent the expected difference in an inspection outcome between a nail salon in New York and a nail salon in Connecticut. For example, the coefficient of 0.049 in the violation rate model indicates that an inspection in New York would be expected to result in a violation rate about 4 percentage points higher than an inspection in Connecticut. The confidence intervals, shown in parentheses adjacent to coefficients, reflect a range of values within which the “true” difference likely falls. For example, the coefficient of 0.049 has a confidence interval ranging from 0.025 to 0.074, indicating that the true difference in the expected violation rate could be about 2 percentage points on the lower end or about 7 percentage points on the upper end.

Table B1. Regression Discontinuity Results for Nail Salon Inspection Outcomes in Connecticut & New York

	Coefficient (95% CI)	
	Conventional	Robust
Violation Z-Score		
Model	0.662 (0.370, 0.953)	0.697 (0.342, 1.051)
Model + Covariates	0.671 (0.429, 0.913)	0.691 (0.395, 0.987)
Violation Rate		
Model	0.049 (0.025, 0.074)	0.048 (0.019, 0.077)
Model + Covariates	0.049 (0.029, 0.068)	0.047 (0.023, 0.070)

Note. All coefficients are statistically significant at the 5% level. CI: Confidence Interval.

Table B2 reports descriptive statistics for inspection outcomes for firms in Connecticut and New York within the bandwidth around the border.

Table B2. Descriptive Statistics for Nail Salon Inspection Outcomes in Connecticut & New York

	Connecticut	New York
Total Observations	690	1,458
Bandwidth	18.295	18.295
Effective Observations	320	334
Mean Violation Z-Score	-0.166	0.067
SD Violation Z-Score	0.897	1.03
Mean Violation Rate	0.018	0.052
SD Violation Rate	0.032	0.095

Note. Bandwidth units are miles. Bias bandwidth is 33.055. Inspections on Long Island were excluded. SD: Standard deviation.

Figure B1 is a visualization of the discontinuity in violations at the border of Connecticut (left side of chart) and New York (right side of chart). The geographic regression discontinuity design here involves estimating the trends in inspection outcomes in both states as the distance to the border decreases. The blue dots in the figure represent average outcomes among subsets of observations with similar distances to the border. The red lines represent trends in those average outcomes. The treatment effect is the difference between the intercepts of the two trendlines.

Figure B1. Regression Discontinuity Plot for Connecticut and New York Nail Salon Inspection Outcomes

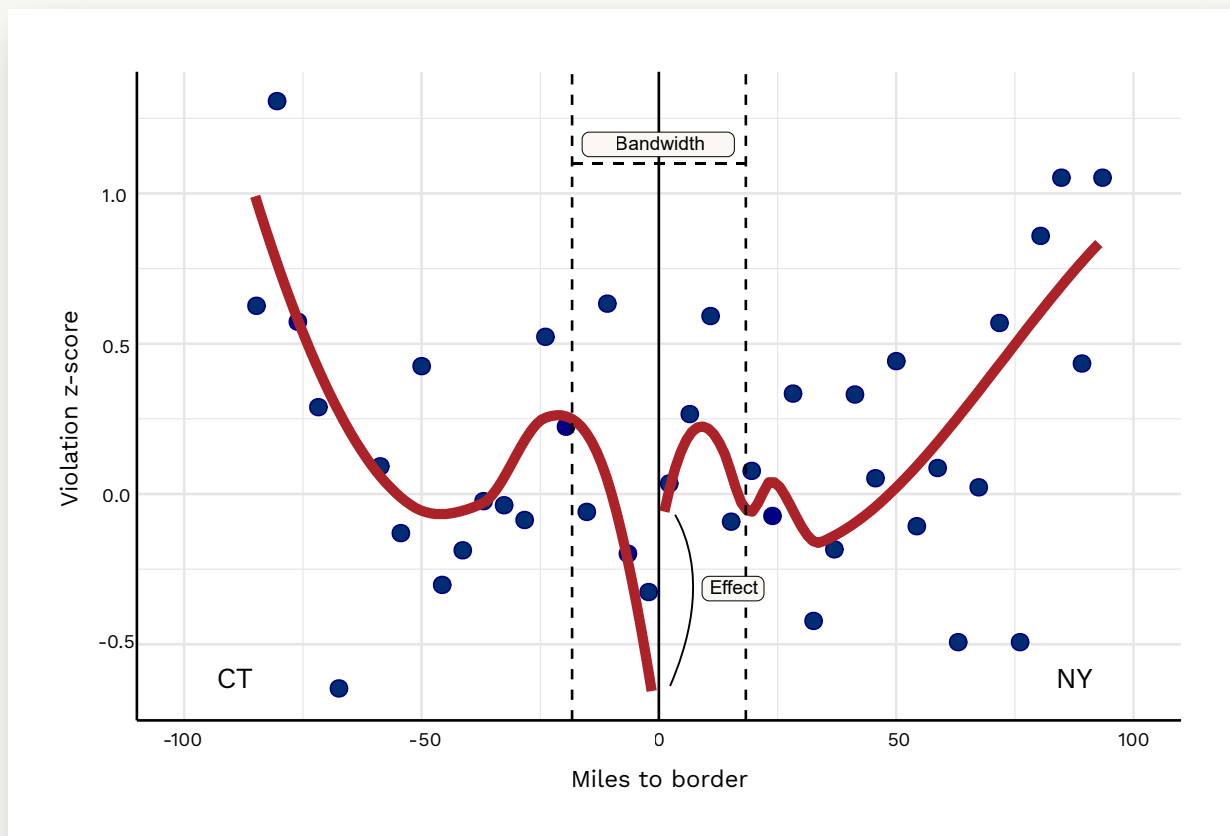


Table B3 shows the results of the geographic regression discontinuity analyses comparing barbershop inspection outcomes in Alabama and Mississippi.

Table B3. Regression Discontinuity Results for Barbershop Inspection Outcomes in Alabama & Mississippi

	Coefficient (95% CI)	
	Conventional	Robust
Model	-0.076 (-0.134, -0.017)	-0.083 (-0.158, -0.009)
Model + Covariates	-0.069 (-0.120, -0.019)	-0.078 (-0.145, -0.011)

Note. All coefficients are statistically significant at the 5% level. CI: Confidence Interval.

Table B4 reports descriptive statistics of inspection outcomes for firms in Alabama and Mississippi within the bandwidth around the border.

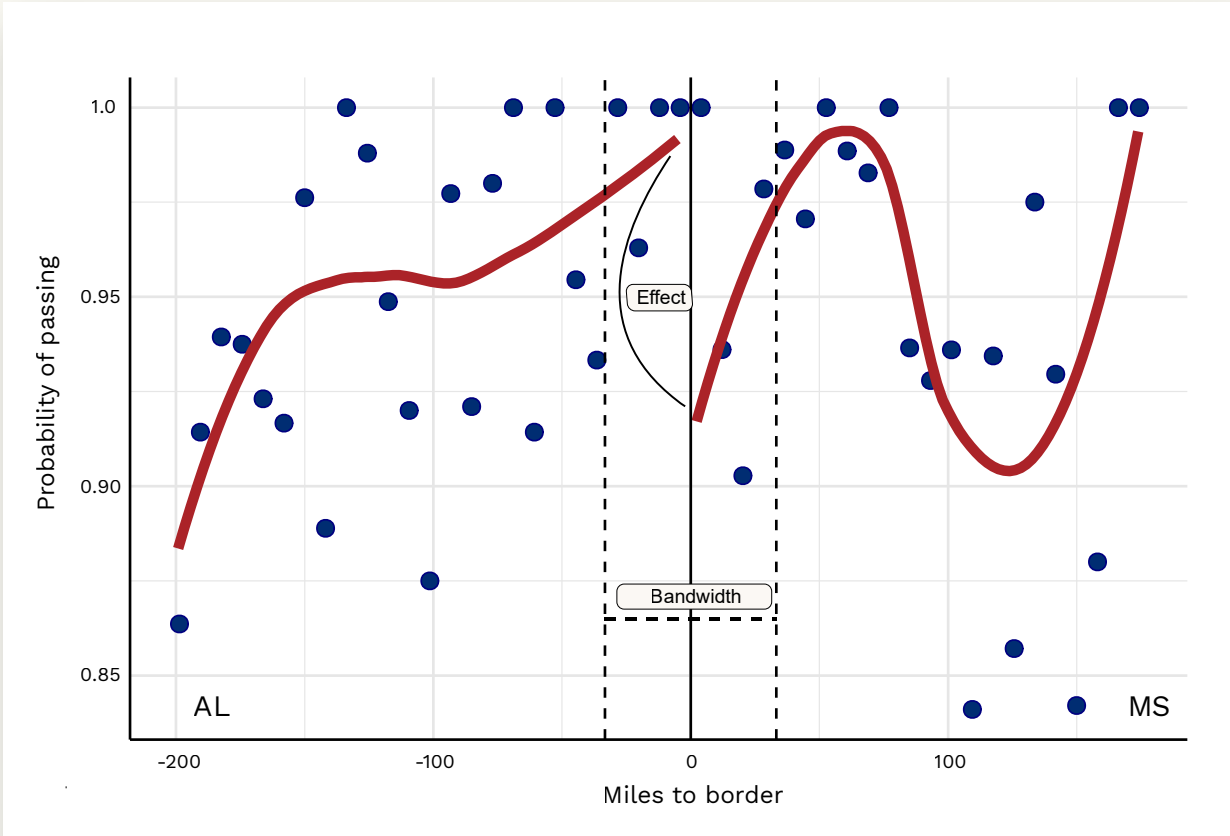
Table B4. Descriptive Statistics for Barbershop Inspection Outcomes in Alabama & Mississippi

	Alabama	Mississippi
Total Observations	896	2,322
Bandwidth	33.298	33.298
Effective Observations	81	478
Percent Passed	97.5	95.4

Note. Bandwidth units are miles. Bias bandwidth is 68.255.

Figure B2 is a visualization of the discontinuity in inspection outcomes at the border of Alabama (left side of chart) and Mississippi (right side of chart).

Figure B2. Regression Discontinuity Plot for Alabama and Mississippi Barbershop Inspection Outcomes



Tables B5 and B6 show the results of the sensitivity analyses. Table B5 reports only the results for the violation z-score dependent variable, but results were comparable for the violation rate dependent variable. Overall, the magnitudes of coefficients changed—which is to be expected given that regression discontinuity design model estimates are most influenced by observations closest to the cutoff—but substantive conclusions did not.¹⁰⁶

Table B5. Regression Discontinuity Model of Nail Salon Violations (Z-Score) in Connecticut & New York with Donut Hole Approach

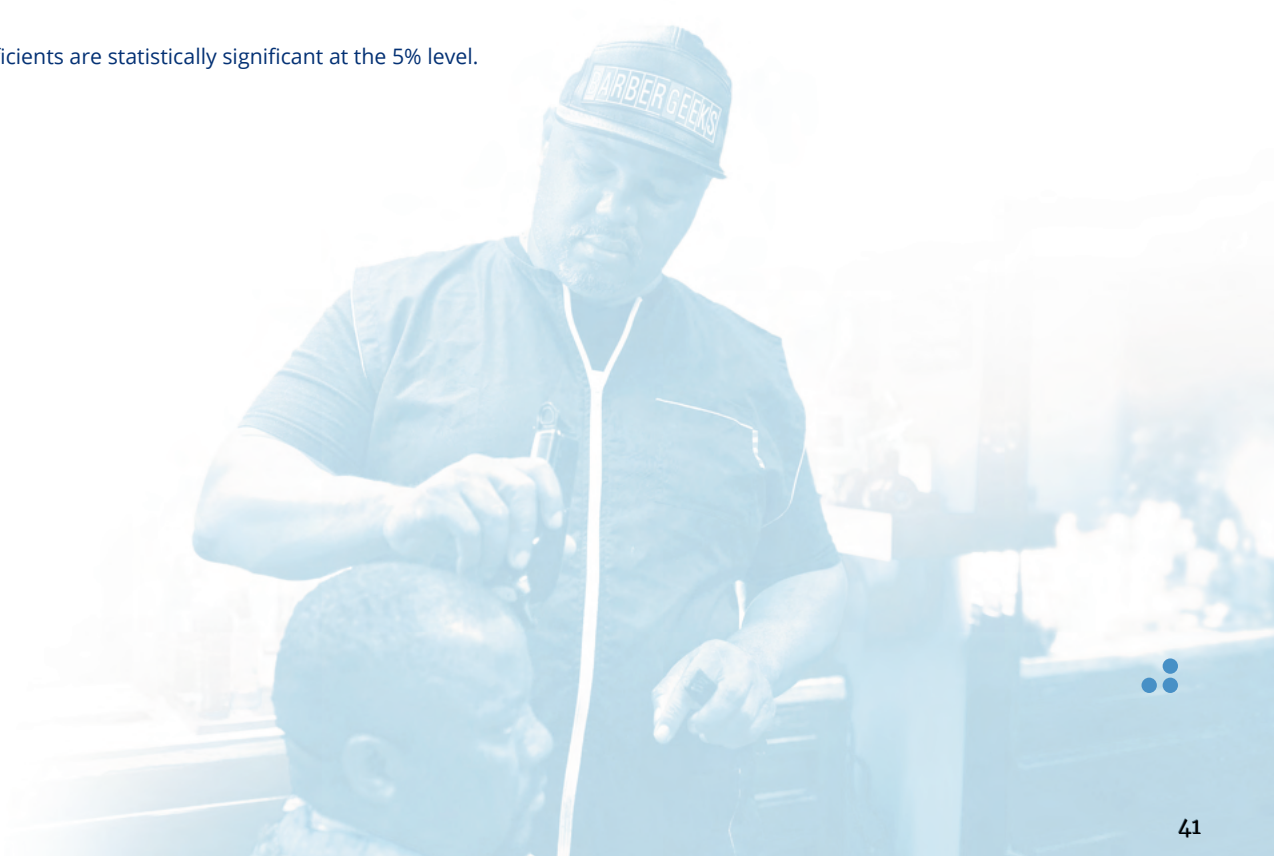
	Coefficient (95% CI)	
	Conventional	Robust
Full		
Model	0.662 (0.370, 0.953)	0.697 (0.342, 1.051)
Model + Covariates	0.671 (0.429, 0.913)	0.691 (0.395, 0.987)
Donut Radius = 1 Mile		
Model	0.545 (0.220, 0.870)	0.590 (0.201, 0.980)
Model + Covariates	0.689 (0.439, 0.939)	0.728 (0.418, 1.037)
Donut Radius = 2 Miles		
Model	0.476 (0.055, 0.898)	0.541 (0.025, 1.056)
Model + Covariates	0.559 (0.202, 0.917)	0.589 (0.120, 1.057)
Donut Radius = 3 Miles		
Model ^{ns}	0.377 (-0.081, 0.835)	0.430 (-0.140, 1.000)
Model + Covariates ^{ns}	0.398 (0.008, 0.788)	0.386 (-0.144, 0.916)

Note. All coefficients are statistically significant at the 5% level, except the two indicated with “ns.”

Table B6. Regression Discontinuity Model of Barbershop Inspection Outcomes in Alabama & Mississippi with Donut Hole Approach

	Coefficient (95% CI)	
	Conventional	Robust
Full		
Model	-0.076 (-0.134, -0.017)	-0.083 (-0.158, -0.009)
Model + Covariates	-0.069 (-0.120, -0.019)	-0.078 (-0.145, -0.011)
Donut Radius = 5 Miles		
Model	-0.090 (-0.152, -0.027)	-0.098 (-0.178, -0.018)
Model + Covariates	-0.084 (-0.138, -0.030)	-0.093 (-0.164, -0.022)
Donut Radius = 6 Miles		
Model	-0.097 (-0.163, -0.031)	-0.108 (-0.191, -0.024)
Model + Covariates	-0.092 (-0.148, -0.036)	-0.102 (-0.175, -0.029)
Donut Radius = 7 Miles		
Model	-0.105 (-0.175, -0.035)	-0.118 (-0.205, -0.031)
Model + Covariates	-0.098 (-0.157, -0.040)	-0.109 (-0.184, -0.034)

Note. All coefficients are statistically significant at the 5% level.





Endnotes

- 1 Iowa's barber license now requires 1,550 hours of education. H.F. 652, 90th Gen. Assemb., Reg. Sess. (Iowa 2024).
- 2 See, e.g., CTC Barber Academy. (n.d.). *Programs*. <https://www.ctcbarberacademy.com/programs>; PCI Academy. (n.d.). *Cosmetology and barbering*. <https://www.pci-academy.com/programs/cosmetology/>; The Salon Professional Academy. (2023). *Cost of attendance (COA) elements disclosure*. https://www.tspacedarfalls.com/wp-content/uploads/sites/25/2024/07/2024_Cost_of_Attenance_Elements_Disclosure_7-2023-_2_.pdf
- 3 Knepper, L., Deyo, D., Sweetland, K., Tiezzi, J., & Mena, A. (2022). *License to work: A national study of burdens from occupational licensing* (3rd ed.). Institute for Justice. <https://ij.org/report/license-to-work-3/>
- 4 See, e.g., Kleiner, M. M. (2006). *Licensing occupations: Ensuring quality or restricting competition?* W.E. Upjohn Institute for Employment Research. <https://doi.org/10.17848/9781429454865>; Thornton, R. J., & Timmons, E. J. (2013). Licensing one of the world's oldest professions: Massage. *Journal of Law and Economics*, 56(2). <https://doi.org/10.1086/667840>; Pizzola, B., & Tabarrok, A. (2017). Occupational licensing causes a wage premium: Evidence from a natural experiment in Colorado's funeral services industry. *International Review of Law and Economics*, 50, 50–59. <https://doi.org/10.1016/j.irle.2017.04.005>; Kleiner, M. M., & Vorotnikov, E. S. (2018). *At what cost? State and national estimates of the economic costs of occupational licensing*. Institute for Justice. <https://ij.org/report/at-what-cost/>; Timmons, E. J., & Mills, A. (2018). Bringing the effects of occupational licensing in to focus: Optician licensing in the United States. *Eastern Economic Journal*, 44(1), 69–83. <https://doi.org/10.1057/ej.2016.4>; Han, S., & Kleiner, M. M. (2021). Analyzing the influence of occupational licensing duration and grandfathering on wage determination. *Industrial Relations: A Journal of Economy and Society*, 60(2), 147–187. <https://doi.org/10.1111/irel.12274>; Dodini, S. (2023). The spillover effects of labor regulations on the structure of earnings and employment: Evidence from occupational licensing. *Journal of Public Economics*, 225, <https://doi.org/10.1016/j.jpubeco.2023.104947>; Kleiner, M. M., & Soltas, E. J. (2023). A welfare analysis of occupational licensing in U.S. states. *The Review of Economic Studies*, 90(5), 2481–2516. <https://doi.org/10.1093/restud/rdad015>
- 5 Department of the Treasury Office of Economic Policy, Council of Economic Advisers, & Department of Labor. (2015). *Occupational licensing: A framework for policymakers*. https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf
- 6 See, e.g., Pizzola and Tabarrok, 2017; Kleiner and Vorotnikov, 2018; Timmons and Mills, 2018; Han and Kleiner, 2021; Dodini, 2023; Kleiner and Soltas, 2023.
- 7 See, e.g., Kleiner, M. M. (2015). *Guild-ridden labor markets: The curious case of occupational licensing*. W.E. Upjohn Institute for Employment Research. <https://doi.org/10.17848/9780880995023>; Mellor, W. H., & Carpenter, D. M. (2016). *Bottleneckers: Gaming the government for power and private profit*. Encounter Books.
- 8 See, e.g., Allensworth, R. H. (2017). Foxes at the henhouse: Occupational licensing boards up close. *California Law Review*, 105(6), 1567–1610. <https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=1010&context=faculty-publications>; Slivinski, S. (2020). *A cosmetology board capture index: Measuring the influence of self-interest in occupational licensing* (Policy Report No. 2020-02). Center for the Study of Economic Liberty, Arizona State University. <https://cse.l.asu.edu/research/publications/ACosmetologyBoardCaptureIndex>
- 9 For a discussion of license creep, see Mellor and Carpenter, 2016, pp. 45–70.
- 10 Examples include boards regulating dentistry (which have gone after teeth whiteners); dietetics and nutrition (health coaches); embalming and cremation (casket sales, headstone sales); engineering and land surveying (mappers and drone photographers); private detection (computer repair, unclaimed property recovery); and veterinary medicine (horse tooth floaters). Institute for Justice. (2015, July 17). *Teeth-whitening ruling is nothing to smile about* [Press release]. <https://ij.org/press-release/teeth-whitening-ruling-is-nothing-to-smile-about/>; Powers, M. (2019, July 18). *Federal court upholds censorship of dietary advice* [Press release]. Institute for Justice. <https://ij.org/press-release/federal-court-upholds-censorship-of-dietary-advice/>; Kramer, J. (2015, March 21). *U.S. Supreme Court denies case examining constitutionality of economic protectionism* [Press release]. Institute for justice. <https://ij.org/press-release/oklahoma-caskets-latest-release/>; Institute for Justice. (2018a, February 23). *Federal judge upholds protectionist New Jersey headstone law* [Press release]. <https://ij.org/press-release/federal-judge-upholds-protectionist-new-jersey-headstone-law/>; Suderman, P. (2024b, September 10). *California veteran and entrepreneur asks Supreme Court to uphold First Amendment right to provide information to willing customers* [Press release]. Institute for Justice. <https://ij.org/press-release/california-veteran-and-entrepreneur-asks-supreme-court-to-uphold-first-amendment-right-to-provide-information-to-willing-customers/>; Suderman, P. (2024c,

- September 10). *North Carolina drone photographer asks Supreme Court to uphold First Amendment right to provide information to willing customers* [Press release]. Institute for Justice. <https://ij.org/press-release/north-carolina-drone-photographer-asks-supreme-court-to-uphold-first-amendment-right-to-provide-information-to-willing-customers/>; Kramer, J. (2008, October 31). *Texas private security board again refuses to exempt computer repair from licensing law* [Press release]. Institute for Justice. <https://ij.org/press-release/texas-private-security-board-again-refuses-to-exempt-computer-repair-from-licensing-law/>; Suderman, P. (2024a, March 14). *Small business owner sues Illinois for the right to help property owners claim their lost property* [Press release]. Institute for Justice. <https://ij.org/press-release/small-business-owner-sues-illinois-for-the-right-to-help-property-owners-claim-their-lost-property/>; Powers, M. (2008, June 23). *Minnesota district court upholds economic protectionism* [Press release]. Institute for Justice. <https://ij.org/press-release/minnesota-district-court-upholds-economic-protectionism/>
- 11** See, e.g., Wimer, A. (2018, June 4). *New specialty braiding license signed into law* [Press release]. Institute for Justice. <https://ij.org/press-release/new-specialty-braiding-license-signed-into-law/>; Wilson, J. J. (2015, June 26). *Texas Supreme Court strikes down useless eyebrow threading license* [Press release]. Institute for Justice. <https://ij.org/press-release/texas-supreme-court-strikes-down-useless-eyebrow-threading-license/>; King, D. (2024, October 16). *Victory: Oklahoma eyelash extension specialist dismisses lawsuit after state grants her license* [Press release]. Institute for Justice. <https://ij.org/press-release/victory-oklahoma-eyelash-extension-specialist-dismisses-lawsuit-after-state-grants-her-license/>; Institute for Justice. (2018b, March 8). *North Carolina makeup artists declare victory over makeup police* [Press release]. Institute for Justice. <https://ij.org/press-release/north-carolina-makeup-artists-declare-victory-makeup-police/>
- 12** See, e.g., Carollo, N. A., Hicks, J. F., Karch, A., & Kleiner, M. M. (2022). *The origins and evolution of occupational licensing in the United States* [Preliminary draft]. <https://www.aeaweb.org/conference/2023/program/paper/356kQYiG>; Sanchez, K., Smith Pohl, E., & Knepper, L. (2022). *Too many licenses? Government “sunrise reviews” cast doubt on barriers to work*. Institute for Justice. <https://ij.org/report/too-many-licenses/>; Mellor and Carpenter, 2016; Thornton, R. J., & Timmons, E. J. (2015, May). *The de-licensing of occupations in the United States*. *Monthly Labor Review*. <https://www.bls.gov/opub/mlr/2015/article/the-de-licensing-of-occupations-in-the-united-states.htm>; Carpenter, D. M. (2007). *Designing cartels: How industry insiders cut out competition*. Institute for Justice. <https://ij.org/report/designing-cartels-2/>
- 13** Alvarez, S. P., Scheck, M., & Smith, D. J. (2023). *Examining the public health rationale for barber licensure during the Progressive Era*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4253108; Carollo et al., 2022; Corley, T., & Witcher, M. M. (2021). Barber licensing in Arkansas: Public health or private gain? *Cato Journal*, 41(1), 115–138. <https://www.cato.org/cato-journal/winter-2021/barber-licensing-arkansas-public-health-or-private-gain>; Gellhorn, W. (1976). The abuse of occupational licensing. *The University of Chicago Law Review*, 44(1), 6–27. <https://chicagounbound.uchicago.edu/uclrev/vol44/iss1/4>
- 14** Alvarez et al., 2023. The first barber college was established in 1893 and went on to become a national chain in relatively short order. The curriculum could be completed in a matter of weeks. Prior to the rise of barber colleges, the traditional route into the occupation was a yearslong apprenticeship that “often involved a lengthy initial period doing menial tasks . . . that imparted no barbering skills and often offered little compensation.” Alvarez et al., 2023, p. 18. The unions did not like people bypassing this system by going to barber college or the fact that barber colleges ran barbershops where people could get discount services from students learning the trade, so they tried to drive the schools out of business. See also Corley and Witcher, 2021.
- 15** Alvarez and Smith, 2023.
- 16** Knepper et al., 2022.
- 17** Menjou, M., Bednarczuk, M., & Hunter, A. (2021). *Beauty school debt and drop-outs: How state cosmetology licensing fails aspiring beauty workers*. Institute for Justice. <https://ij.org/report/beauty-school-debt-and-drop-outs/>
- 18** Menjou et al., 2021. The imbalance between cosmetology student debt and future earnings is such that at least some cosmetology programs may struggle to maintain eligibility for federal student aid programs under the federal government’s new “Gainful Employment” rule. The same is likely true for programs in closely related fields like barbering and manicuring. U.S. Department of Education. (2023, September 27). *Biden-Harris administration announces landmark final rules to protect consumers from unaffordable student debt and increase transparency* [Press release]. <https://www.ed.gov/news/press-releases/biden-harris-administration-announces-landmark-final-rules-protect-consumers-unaffordable-student-debt-and-increase-transparency>

- 19** Cooper, P. (2022). *Is community college worth it? A comprehensive return on investment analysis*. Foundation for Research on Equal Opportunity. <https://freopp.org/is-community-college-worth-it-a-comprehensive-return-on-investment-analysis-72a631bb72ce>. See also, e.g., Cellini, S. R., & Turner, N. (2019). Gainfully employed? Assessing the employment and earnings of for-profit college students using administrative data. *Journal of Human Resources*, 54(2), 342–370. <https://doi.org/10.3368/jhr.54.2.1016.8302R1>; Lam, B. (2016, June 1). Most for-profit students wind up worse off than if they had never enrolled in the first place. *The Atlantic*. <https://www.theatlantic.com/business/archive/2016/06/for-profit-earnings/485141/>; Looney, A. (2020, November 10). *Dept. of Education's College Scorecard shows where student loans pay off... and where they don't*. Brookings Institution. <https://www.brookings.edu/research/ed-depts-college-scorecard-shows-where-student-loans-pay-off-and-where-they-dont/>; Simpson, K. M., Hendrickson, C., Dwayne Norris, C. D., Vander Molen, R. J., Vestal, D., Kavanagh, K., Lilly, S., Rege, G., & Smith, D. (2016). *Examination of cosmetology licensing issues*. American Institutes for Research. https://fbic.org/wp-content/uploads/2018/11/PBA_Examination_of_Cosmetology_Licensing_Issues_Abridged_2016_0912.pdf; Menjou et al., 2021.
- 20** See, e.g., N.Y. Gen. Bus. Law § 412; Ala. Admin. Code r. 34-7B-7.a.
- 21** Dodini, 2023.
- 22** Kleiner, 2006; Thornton and Timmons, 2013; Pizzola and Tabarrok, 2017; Kleiner and Vorotnikov, 2018; Timmons and Mills, 2018; Han and Kleiner, 2021; Dodini, 2023; Kleiner and Soltas, 2023.
- 23** Farronato, C., Fradkin, A., Larsen, B., & Brynjolfsson, E. (2020). *Consumer protection in an online world: An analysis of occupational licensing* (NBER Working Paper No. 26601). National Bureau of Economic Research. <https://www.nber.org/papers/w26601>. Ironically, those consumers who do care about licensing status may be harmed if they are under the impression they are receiving higher quality and safer service and that impression is incorrect (in other words, if licensing is giving them a false sense of security).
- 24** See, e.g., Sweetland, K., & Carpenter, D. M. (2022). *Raising barriers, not quality: Occupational licensing fails to improve services*. Institute for Justice. <https://ij.org/report/raising-barriers-not-quality/>; Deyo, D. (2022). Testing licensing and consumer satisfaction for beauty services in the United States. In M. M. Kleiner & M. Koumenta (Eds.), *Grease or grit? International case studies of occupational licensing and its effects on efficiency and quality* (pp. 123–142). W.E. Upjohn Institute for Employment Research. <https://doi.org/10.17848/9780880996877>; Carpenter, D. M. (2012). Testing the utility of licensing: Evidence from a field experiment on occupational regulation. *Journal of Applied Business and Economics*, 13(2), 28–41. http://www.na-businesspress.com/jabe/carpenterdm_web13_2_.pdf; Bowblis, J. R., & Smith, A. C. (2021). Occupational licensing of social services and nursing home quality: A regression discontinuity approach. *ILR Review*, 74(1), 199–223. <https://doi.org/10.1177/0019793919858332>; Kleiner, M. M., & Kudrle, R. T. (2000). Does regulation affect economic outcomes? The case of dentistry. *The Journal of Law and Economics*, 43(2), 547–582. <https://www.journals.uchicago.edu/doi/epdf/10.1086/467465>; Timmons and Mills, 2018; Alvarez et al., 2023. Exceptions are few and usually study licensing of health occupations in the early 20th century. See Anderson, D. M., Brown, R., Charles, K. K., & Rees, D. I. (2020). Occupational licensing and maternal health: Evidence from early midwifery laws. *Journal of Political Economy*, 128(11), 4337–4383. <https://doi.org/10.1086/710555>
- 25** Sweetland and Carpenter, 2022; Deyo, 2022; Carpenter, 2012.
- 26** Studies exploring the health and safety effects of licensing among an array of occupations include Bowblis and Smith, 2021; Kleiner and Kudrle, 2000; Timmons and Mills, 2018.
- 27** Alvarez et al., 2023.
- 28** Alvarez et al., 2023.
- 29** Knepper et al., 2022.
- 30** For more discussion of this issue, see Knepper et al., 2022, pp. 37–43.
- 31** Connecticut General Assembly Legislative Program Review and Investigations Committee. (1980). *Sunset review: Regulation of hairdressers and cosmeticians* (Vol. 1-1). <https://www.cga.ct.gov/pri/docs/Sunset%201980/PRI%20Sunset%20Review%20Report%20on%20Regulations%20of%20Hairdressers%20and%20Cosmeticians-%201980.pdf>, p. 7; 1980 Conn. Acts No. 484 (Reg. Sess.); Kasprak, J. (2001). *Nail technicians* (OLR Research Report 2001-R-0626). Office of Legislative Research. <https://www.cga.ct.gov/2001/rpt/2001-R-0626.htm>
- 32** H.B. 6742, 2019 Gen. Assemb., Reg. Sess. (Conn. 2019); H.B. 7424, 2019 Gen. Assemb., Reg. Sess. (Conn. 2019); Connecticut State Department of Public Health. (n.d.).

Nail technician. <https://portal.ct.gov/dph/practitioner-licensing--investigations/nailtechs/nail-technician>

- 33** Carpenter, D. M., Knepper, L., Sweetland, K., & McDonald, J. (2017). *License to work: A national study of burdens from occupational licensing* (2nd ed.). Institute for Justice. <https://ij.org/report/license-to-work-2/>; Knepper et al., 2022. Another of Connecticut's neighbors, Rhode Island, required slightly more education than New York (300 clock hours compared to 250). However, because the Connecticut/Rhode Island border is largely rural, there were not enough firms for a meaningful comparison.
- 34** See H.B. 184, 2013 Leg., Reg. Sess. (Ala. 2012); Alabama Department of Archives & History (2022, December 6). Alabama Board of Cosmetology and Barbering ledgers [Blog post]. *For the Record: The Records Management Blog of the Alabama Department of Archives & History*. [https://fortherecordalabama.blog/2022/12/06/cosmetology-and-barbering-ledgers/#:~:text=The%20history%20of%20cosmetology%20licensure,regulation%20of%20the%20barbering%20profession](https://fortherecordalabama.blog/2022/12/06/cosmetology-and-barbering-ledgers/#:~:text=The%20history%20of%20cosmetology%20licensure,regulation%20of%20the%20barbering%20profession.). See also Thornton and Timmons, 2015; Timmons, E. J., & Thornton, R. J. (2018). There and back again: The de-licensing and re-licensing of barbers in Alabama. *British Journal of Industrial Relations*, 57(4), 764–790. <https://doi.org/10.1111/bjir.12438>
- 35** See H.B. 184, 2013 Leg., Reg. Sess. (Ala. 2012); Ala. Admin. Code r. 34-7B-17.a. Class 2 barbers are defined as barbers who “shave or trim the beard, cut or dress the hair, give facial or scalp massages with or without oils or creams or other preparations made for that purpose, hair care with the use of chemicals, which includes cutting and styling.” Class 1 barbers are defined as barbers who “only shave[] or trim[] the beard or trim[] the hair.” They do not require a license. Alabama Board of Cosmetology and Barbering. (n.d., c). *License types*. <https://www.aboc.alabama.gov/licensing/license-types>. See also Ala. Admin. Code r. 34-7B-11-4.
- 36** Carpenter et al., 2017. See also the “comparison dataset” used for Knepper et al., 2022, as it reflects corrections made to the data for Carpenter et al., 2017, relevant to barber licensing requirements: <https://ij.org/report/license-to-work-3/ltw3-data/>. One of the eight other states that required 1,000 hours of education, Massachusetts, also had an experience requirement.
- 37** Carpenter et al., 2017.
- 38** Carpenter et al., 2017. Four of the states that, like Mississippi, required 1,500 hours of education also had experience requirements.
- 39** Carpenter et al., 2017.
- 40** As of 2022, this was still the case. Knepper et al., 2022. In addition to education, both during the study period and as of 2022, most states’ barber licenses required exams, fees, and age and grade minimums. The following states’ licenses required experience (typically in the form of an apprenticeship) on top of their education requirements during the study period: Kentucky, Massachusetts, Minnesota, Nevada, North Carolina, North Dakota, South Dakota. As of 2022, only Kentucky, Nevada, and North Carolina still had experience requirements. Carpenter et al., 2017; Knepper et al., 2022; <https://ij.org/report/license-to-work-3/ltw3-data/>
- 41** See, e.g., Ala. Admin. Code r. 250-X-3-.01(7); Fla. Admin. Code Ann. r. 61G3-19.011(14); Ga. Comp. R. & Regs. 240-4-.01(6-7); 30-1801-5 Miss. Code R. § 5:1; Tenn. Comp. R. & Regs. 0200-03-.11f.
- 42** See, e.g., Conn. Gen. Stat. § 19a-231; N.Y. Comp. Codes R. & Regs. tit. 19 § 160.13(a), 14(a); Ala. Admin. Code r. 250-X-3-.08; Mississippi Board of Barber Examiners. (n.d., b). *Protocol 200 barber business inspections*. http://www.msbarberboard.com/sites/default/files/mbbe.22.establishmentinspectionprotocol_0.pdf; Mich. Comp. Laws § 339.1111(1), .1113; Nev. Rev Stat. § 644A.600; Nevada State Board of Cosmetology. (n.d., a). *Inspection services*; <https://www.nvcosmo.com/inspection-services>; Ariz. Rev. Stat. Ann. § 32-542; Iowa Code § 157.11.
- 43** See, e.g., Connecticut State Department of Public Health. (2019). *Connecticut local health salon inspection form guidelines*. <https://portal.ct.gov/dph/practitioner-licensing--investigations/saloninspection/salon-inspection-form-guidelines>; New York State Department of State Division of Licensing Services. (2021). *Self-inspection checklist for appearance enhancement business owners*. https://dos.ny.gov/system/files/documents/2023/08/dos-2031-self-inspection-checklist-for-ae-business-owners_09.2021.pdf; Alabama Board of Cosmetology and Barbering. (n.d., a). *Alabama Board of Cosmetology inspection/citation report*. <https://www.aboc.alabama.gov/sites/default/files/2021-07/InspectionSheetExample.pdf>; Mississippi Board of Barber Examiners. (n.d., a). *Board of Barber Examiners inspection report*. http://www.msbarberboard.com/sites/default/files/mbbe.21.inspection.form.w.citations_0.pdf; Michigan Licensing and Regulatory Affairs. (2016). *Barber shop and college inspections FAQ*. <https://www.michigan.gov/lara/-/media/Project/Websites/lara/bpl/Barbers/Board-Information-and-FAQs/Barber-Shop-and-College-Inspections-FAQs.pdf?rev=b943127fb2ed406c9b77300f00256786&hash=472FCAADE6FD>

- F029160A012E56B597B2; Michigan Licensing and Regulatory Affairs. (n.d.). *Inspection requirements: Barber shop*. https://www.michigan.gov/-/media/Project/Websites/lara/bpl/Folder11/BARBER_INSPECTION_SHEET.pdf?rev=48b142a6c-5da4a3e88803b19990ce610; Nevada State Board of Cosmetology. (n.d., b). *Salon checklist*. https://www.nvcosmo.com/_files/ugd/505bd6_b64916fd497b4f7bad0b397d9673bb96.pdf; Arizona Barbering & Cosmetology Board. (n.d.). *Establishment self-inspection sheet*. <https://bcb.az.gov/sites/default/files/2024-02/2024%20Self-Inspection%20Sheet.pdf>; Iowa Board of Barbering & Cosmetology Arts and Sciences. (n.d.). *Self-inspection checklist*. <https://dial.iowa.gov/media/8294/download?inline=>
- 44** Conn. Gen. Stat. § 19a-231(b) (2018), Conn. Gen. Stat. § 19a-231(c) (2023); H.B. 6742, 2019 Gen. Assemb., Reg. Sess. (Conn. 2019); H.B. 7424, 2019 Gen. Assemb., Reg. Sess. (Conn. 2019); Connecticut State Department of Public Health, 2019.
- 45** Meriden, Conn., Code § 70-4(B) (2015), <https://ecode360.com/13482937>
- 46** Meriden, Conn., Code § 70-5(B) (2015), <https://ecode360.com/13482937>
- 47** New York State Department of State. (n.d.). *Nail specialty*. <https://dos.ny.gov/nail-specialty>; New York State Department of State Division of Licensing Services, 2021.
- 48** New York State Department of State Division of Licensing Services, 2021.
- 49** N.Y. Gen. Bus. Law § 160.14.
- 50** N.Y. Gen. Bus. Law § 410(e); 13 N.Y. Jur. 2d Businesses and Occupations § 376; New York State Department of State Division of Licensing Services, 2021.
- 51** New York State Department of State Division of Licensing Services, 2021.
- 52** Alabama Board of Cosmetology and Barbering. (n.d., b). *How to prepare for a shop inspection*. <https://www.aboc.alabama.gov/shops>
- 53** The sample inspection form presented here is available on the board's website: <https://www.aboc.alabama.gov/sites/default/files/2021-07/InspectionSheetExample.pdf>. It includes an attachment with explanations of the violations.
- 54** Ala. Admin. Code r. 250-X-3-.08(5)-(6).
- 55** Ala. Admin. Code r. 250-X-3-.08, (3)-(5).
- 56** Miss. Code § 73-5-7. In 2024, the Mississippi Legislature passed a bill to combine the barber and cosmetology boards. H.B. 313, 2024 Leg., Reg. Sess. (Miss. 2024).
- 57** The blank inspection form presented here is available on the board's website: http://www.msbarberboard.com/sites/default/files/mbbe.21.inspection.form.w.citations_0.pdf
- 58** 30-1801-10 Miss. Code R. § 10.
- 59** Mississippi Board of Barber Examiners, n.d., b.
- 60** Keele, L. J., & Titiunik, R. (2015). Geographic boundaries as regression discontinuities. *Political Analysis*, 23(1), 127–155. <https://doi.org/10.1093/pan/mpu014>
- 61** The fact that a section of the Connecticut/New York border runs through the Long Island Sound presents a complication for my research design. In essence, my design assumes that there is an inverse relationship between distance and the similarity of businesses and business environments. It is, of course, not very plausible to assume that there are nail salons in the water and that salons' distance to a line in the middle of a body of water functionally determines how comparable they and their environments are. For this reason, I excluded Long Island and used the land border to calculate salons' distance to the border. Salons in Long Island exhibited an average violation z-score of -0.264 and an average violation ratio of 0.021. While it would be methodologically unsound to make a direct comparison, these descriptive statistics are similar to Connecticut's descriptive statistics, which, if anything, reinforces my conclusion that there is no substantive difference in inspection outcomes across Connecticut and New York.
- 62** Majors, K. (2012, April 19). Regulations for barbers? *The Andalusia Star News*. <https://www.andalusiastarnews.com/2012/04/19/regulations-for-barbers/>
- 63** *we-ha.com*. (2019, January 15). Jillian Gilchrest proposes first bill: Requiring licenses for estheticians, nail and eyelash technicians. <https://we-ha.com/jillian-gilchrest-proposes-first-bill-requiring-licenses-for-estheticians-nail-and-eyelash-technicians/>. The sponsor also claimed that, absent manicurist licensing, Connecticut nail salons were a “hotbed” of human trafficking. Munson, E. (2019, January 14). CT could join 49 other states licensing nail techs. *ctpost*. <https://www.ctpost.com/politics/article/Connecticut-considers-licensing-nail-techs-13531775.php>
- 64** For example, more than two dozen individuals and organizations provided public testimony on Connecticut's bill to relicense manicurists (along

with estheticians and eyelash technicians), most of them principally in favor of the bill. Not a one provided any empirical evidence that unlicensed practice was harming public health and safety. See “Public Hearing Testimony” at this link: https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2019&bill_num=HB06742/. See also Puri, S. (2019, January 15). Proposed bill seeks state licensing for beauty technicians. *NBC Connecticut*. <https://www.nbcconnecticut.com/news/local/proposed-bill-seeks-state-licensing-for-beauty-technicians/601/>; Fox61 Staff. (2019, January 14). Connecticut lawmakers want to crack down on who can give you a manicure. *Fox61*. <https://www.fox61.com/article/news/local/outreach/awareness-months/connecticut-lawmakers-want-to-crack-down-on-who-can-give-you-a-manicure/520-e93b784b-0c59-4583-84d3-564bf574140b>; Shackford, S. (2019a, February 5). ‘Human trafficking’ used as excuse to try to destroy nail salon jobs in Connecticut. *Reason*. <https://reason.com/2019/02/05/human-trafficking-used-as-excuse-to-try/>; Shackford, S. (2019b, June 6). How oppressive will Connecticut’s new nail salon occupational licensing be? Stay tuned. *Reason*. <https://reason.com/2019/06/06/how-oppressive-will-connecticuts-new-nail-salon-occupational-licensing-be-stay-tuned/>; Dawkins, S. (2012, April 19). Bill would create regulation for barber shops. *The Clanton Advertiser*. <https://www.clantonadvertiser.com/2012/04/19/bill-would-create-regulation-for-barber-shops/>; Cason, M. (2013, May 31). Alabama gears up to license and regulate barbers under new law. *AL.com*. https://www.al.com/wire/2013/05/alabama_gears_up_to_license_an.html

- 65** See e.g., Alvarez et al., 2023; Bowblis and Smith, 2021; Kleiner and Kudrle, 2000; Timmons and Mills, 2018.
- 66** Greenberg, D. (2021). Regulating glamour: A quantitative analysis of the health and safety training of appearance professionals. *University of Illinois Chicago Law Review*, 54(1), 123–246. <https://repository.law.uic.edu/cgi/viewcontent.cgi?article=2840&context=lawreview>
- 67** Greenberg, 2021. Nebraska’s barber license requires 1,800 hours of education, of which an estimated 36% cover health and safety.
- 68** Barbicide. (2020, March 11). *Barbicide infection control best practices*. <https://www.barbicide.com/barbicide-infection-control-best-practices/>; Barbicide. (2021, June 1). *Health & public safety – The basis of licensure* [Blog post]. <https://www.barbicide.com/ask-leslie-june-2021/>
- 69** Barbicide. (n.d.). *Barbicide certification*. <https://certifications.barbicide.com/courses/barbicide-certification/>; Prevention Salon and Spa Disinfectants. (n.d.). *Infection prevention certification*. <https://preventiondisinfectants.com/certification/>; American Barber Association. (n.d.,

b). *BarberSAFE infection control certificate*. <https://americanbarber.org/abcc/barbersafe/>

- 70** Some states give aspiring barbers and manicurists the option of completing an apprenticeship in lieu of a barber or beauty school program. Barber-license.com. (n.d.). *How to decide if a barbering apprenticeship is right for you*. <https://www.barber-license.com/barber-apprenticeships/>; Cosmetology-license.com. (n.d.). *Nail technician licensing requirement*. <https://www.cosmetology-license.com/nail-technician-license/>. Aspirants apparently avail themselves of this option fairly rarely. For example, according to data from the U.S. Department of Labor, there were in the whole of the United States only about 15,000 active apprenticeships in fiscal year 2021 in the “other services” industry, a large catchall category that includes barbers, manicurists, and other beauty and personal care occupations, along with dozens of other occupations. U.S. Department of Labor (n.d.). *FY 2021 data and statistics*. <https://www.dol.gov/agencies/eta/apprenticeship/about/statistics/2021>; U.S. Bureau of Labor Statistics. (2024, October 2). *Industries at a glance: Other services (except public administration): NAICS 81*. <https://www.bls.gov/iag/tgs/iag81.htm>. The reasons for this are not well studied, but one possible explanation is that there are only 257 barber and 120 manicurist apprenticeship programs registered with the Department of Labor nationwide. ApprenticeshipUSA (n.d.). *Apprenticeship programs*. <https://www.apprenticeship.gov/finder/active-program/listings?searchType=active-programs&search=&location=>
- 71** Research on accountant and teacher licensing has found evidence that stricter licensing may be a barrier to higher-ability aspirants. See, e.g., Barrios, J. M. (2022). Occupational licensing and accountant quality: Evidence from the 150-hour rule. *Journal of Accounting Research*, 60(1), 3–43. <https://doi.org/10.1111/1475-679X.12408>; Berger, M. C., & Toma, E. F. (1994). Variation in state education policies and effects on student performance. *Journal of Policy Analysis and Management*, 13(3), 477–491. <https://doi.org/10.2307/3325387>. And at least one study has found evidence that less burdensome licensing for teachers may induce higher-ability aspirants to enter the occupation. Shuls, J. V., & Trivitt, J. R. (2015). Teacher effectiveness: An analysis of licensure screens. *Educational Policy*, 29(4), 645–675. <https://doi.org/10.1177/0895904813510777>
- 72** H.B. 6742 Hearing (statement of Tara Swagger), available at <https://www.cga.ct.gov/2019/gaedata/TMY/2019HB-06742-R000325-Swagger,%20Tara-TMY.PDF>
- 73** See Carpenter, D. M., & McGrath, L. (2014). *The balance between public protection and the right to earn a living*

[Resource brief]. Council on Licensure, Enforcement and Regulation. <https://ij.org/report/the-balance-between-public-protection-and-the-right-to-earn-a-living/>; Hemphill, T. A., & Carpenter, D. M. (2016). Occupations: A hierarchy of regulatory options. *Regulation*, 39(3), 20–24. <https://www.cato.org/regulation/fall-2016/occupations-hierarchy-regulatory-options>; Ross, J. K. (2017). *The inverted pyramid: 10 less restrictive alternatives to occupational licensing*. Institute for Justice. <https://ij.org/report/the-inverted-pyramid/>

- 74** These include construction trades, where inspections are already common and, as with beauty and personal care occupations, often appear alongside licensing requirements, as well as food-service industry jobs, where inspections are used to the exclusion of burdensome occupational licensing. Ross, 2017. To be clear, food handling permits are commonly required in the food-service industry, although not universally, and not necessarily for all workers. However, these permits look very different from licenses for barbers and beauty workers. The requirements can typically be satisfied in a few hours, often online, and at a very low cost. Moreover, they are specifically targeted to food safety. See, e.g., Krook, D. (n.d.). How to get (and keep) a food handlers permit [Blog post]. *TouchBistro*. <https://www.touchbistro.com/blog/how-to-get-and-keep-a-food-handlers-permit/>; WebrestaurantStore. (2020, September 24). *Food handling certification: How to obtain a food handling certificate*. <https://www.webstaurantstore.com/article/126/food-handling-certification-how-to-obtain-a-food-handling-certificate.html>; Henshaw, A. (2023, July 17). Food handlers card requirements by state [Blog post]. *Next Insurance*. <https://www.nextinsurance.com/blog/food-handler-license-requirements/>. See also Anderson, D. M., Charles, K. K., McKelligott, M., & Rees, D. I. (2022). *Safeguarding consumers through minimum quality standards: Milk inspections and urban mortality, 1880–1910* (Working Paper No. 30063). National Bureau of Economic Research. <http://www.nber.org/papers/w30063>
- 75** On the recognition point, see the Healthy Nail Salon Recognition Program in California for an example. California Department of Toxic Substances Control. (2018). *Healthy Nail Salon Recognition Program guidelines*. <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/10/AB2125-HNSR-Program-Guidelines.pdf>. As for encouraging businesses to post their inspection results, some jurisdictions already require this. See, e.g., Ala. Admin. Code r. 250-X-3-.01(10)(c); 30-1801-10 Miss. Code R. § 10.
- 76** Lux, L., Marshall, J., Parker, S., Collard, S., Rogers, B., & Fuson, S. (2014). Do educational interventions targeted to nail salon workers and customers improve infection control practices in these salons? *Journal of the American Podiatric Medical Association*, 104(2), 174–176. <https://doi.org/10.7547/0003-0538-104.2.174>
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- 78** The Hair Council. (n.d., a). *The Barber Council*. <https://haircouncil.org.uk/about-us/barber-council/>; The Hair Council. (n.d., b). *About the Hair Council*. <https://haircouncil.org.uk/about-us/hair-council/>; Conway, L. (2022). *Regulation of hairdressers* (Briefing Paper No. 8592). House of Commons Library, UK Parliament. <https://researchbriefings.files.parliament.uk/documents/CBP-8592/CBP-8592.pdf>. The Hair & Barber Council wants the registration scheme to become mandatory, but its campaign has so far been unsuccessful.
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- 81** Rosemberg, M.-A. S., Le, A. B., Luu, M., & Nguyen, T. (2024). An online training module to increase knowledge and awareness of chemical exposures and safety measures among nail salon workers. *Journal of Occupational and Environmental Medicine*, 66(9), 776–771. <https://doi.org/10.1097/JOM.0000000000003153>; Mayer,

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- 82** Bailey, M. (2020, May 12). Beauty professionals take COVID-19 certification course to ease customers' safety concerns. *ABC 33/40 News*. <https://abc3340.com/news/local/beauty-professionals-take-covid-19-certification-course-to-ease-customers-safety-concerns>; American Barber Association. (n.d., a). *BarberSAFE COVID 19 compliance for barbershops*. <https://americanbarber.org/abcc/barbersafe/barbersafe-covid-19-barbershop/>
- 83** Farronato et al., 2020.
- 84** Voluntary training and certification enable workers and businesses to set themselves apart from competitors, if they wish, without barring other entrants.
- 85** See, e.g., International Institute of Cosmetology (n.d.). *Nail technician program*. <https://www.studyhair.com/programs/nails/>; Bravado Academy. (n.d.). *Nail technician*. <https://bravadoacademy.com/nail-technician>; Gorgeous by Glam. (n.d.). *Nail technician*. <https://gorgeousbyglam.com/nail-technician>; River Valley Esthetics Institute. (n.d.). *Nail technology*. <https://www.myrvei.com/nail-technology>; Belle Academy of Cosmetology. (n.d.). *Nail technology*. <https://www.belleacademy.com/nail-technician.html>; Branford Academy of Hair & Cosmetology. (n.d.). *Nail technician*. <https://www.branfordacademy.com/courses-Nail-Tech.php>. A public school program would be somewhat less expensive. See CT State Community College. (n.d.). *Nail technician*. <https://ctstate.edu/programs/nail-technician>. See also Nail Tech 101. (n.d.). *Nail technician schools in Connecticut*. <https://nailtech101.com/nail-technician-schools-in-connecticut/>
- 86** In 2023, the median annual wage for manicurists (and pedicurists) in Connecticut was \$30,280. U.S. Bureau of Labor Statistics. (n.d.). *Occupational employment and wage statistics (OEWS) tables: May 2023 state*. <https://www.bls.gov/oes/tables.htm>
- 87** See, e.g., Art of Hair Academy. (n.d.). *Tuition & fees*. https://www.artofhairacademy.org/_files/ugd/34dbba_55b4a6fff0694aae90fa77facf23225f.pdf; Barber Concierge Academy. (n.d.). *Contract costs and payment terms*. https://www.barberconciergeacademy.com/_files/ugd/13a518_c844b5d0b80b42b88694d5b59b035b37.pdf; Chris Beauty College. (n.d.). *Barber*. <https://www.chrisbeautycollege.edu/services/barber>; Dynasty College. (n.d.). *Tuition & fees*. <https://www.dynastycollege.net/financial-aid>; Traxler's School of Hair. (2022). *Student handbook\catalog*. <https://irp.cdn-website.com/8776e448/files/uploaded/catalog.pdf>; Upper Kutz Barber & Style College. (2024). *School catalog/handbook: 2024–2025 school term*. https://www.upperkutzbarbercollege.com/_files/ugd/42fbce_cd838aabb1994abfa027a19e374c42fc.pdf. As with Connecticut manicurist programs, a public school barber program would be somewhat less expensive. See, e.g., Hinds Community College. (n.d., a). *Barber, stylist*. <https://www.hindscc.edu/pathways/hospitality-human-services/barber-stylist>; Hinds Community College. (n.d., b). *Tuition & fees*. <https://www.hindscc.edu/admissions/costs-aid/tuition-fees>
- 88** U.S. Bureau of Labor Statistics, n.d.
- 89** Cooper, 2022.
- 90** See, e.g., Blair, P. Q., & Chung, B. W. (2022). Job market signaling through occupational licensing. *The Review of Economics and Statistics*, 1–45. https://doi.org/10.1162/rest_a_01265; Dodini, 2023; Kim, J. J. (2022). Racial disparities in social workers' licensing rates. *Research on Social Work Practice*, 32(4), 374–387. <https://doi.org/10.1177/10497315211066907>; Menjou et al., 2021.
- 91** Zhang, J., & Oymak, C. (2018). *Participants in subbaccalaureate occupational education: 2012* (NCES 2018-149). National Center for Education Statistics. <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2018149>; Fry, R. (2021). *First-generation college graduates lag behind their peers on key economic outcomes*. Pew Research Center. https://www.pewresearch.org/wp-content/uploads/sites/20/2021/05/PSDT_05.18.21_parental.education.report.pdf
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- 93** Menjou et al., 2021.
- 94** Alvarez et al., 2023.
- 95** National Center for Education Statistics. (2016). *Adult training and education survey*. <https://nces.ed.gov/nhes/ates.asp>
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About the Author



Matthew P. West, Ph.D.

Matthew P. West is a senior research analyst at the Institute for Justice, where he develops and conducts original social science and policy research to advance IJ's mission. Prior to joining IJ, he was an assistant professor of criminology and criminal justice at Southern Illinois University. There, he taught courses on research methods, statistics, and the justice system, mentored graduate students, and performed and published empirical research on topics like legal decision-making.

Matthew earned a B.S. in psychology from Aquinas College, an M.A. in criminal justice from the University of Nevada-Reno, and a Ph.D. in criminology and criminal justice from the University of Nevada-Las Vegas.

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ABOUT IJ

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901 N. Glebe Road, Suite 900
Arlington, VA 22203

www.ij.org (703) 682-9320

Spencer, Cynthia R (CED)

From: National Interstate Council of State Boards of Cosmetology
<susan@nationalinterstatecouncilofstateboardsofcosmetology.ccsend.com>
Sent: Saturday, November 9, 2024 2:31 PM
To: Board of Barbers Hairdressers (CED sponsored)
Subject: Reminder: NIC 69th Annual Conference - Read all about it and enjoy photos!

Categories: Cynthia Spencer

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NIC 69th Annual Conference: A Huge Success!

The National Interstate Council of State Boards of Cosmetology (NIC) held its 69th Annual Conference in the picturesque city of Salt Lake City, Utah. This year's conference was a resounding success, bringing together industry professionals to discuss standards, education, and the future of cosmetology.

NIC is dedicated to:

- Promoting Standards: Ensuring consumer health and safety through rigorous standards.
- Encouraging Reciprocity: Facilitating worker mobility nationally and internationally.
- Supporting Military and Veterans: Providing workforce opportunities for service members and veterans.
- Diversity and Inclusion: Supporting diverse populations in cosmetology, barbering, manicuring, and esthetics.
- Reducing Recidivism: Broadening education standards to offer vocational opportunities.

- Standardized Examinations: Providing valid and legally defensible exams for entry into cosmetology professions.

Conference Highlights

- Attendance: The conference saw representation from 27 states with approximately 130 attendees.
- Educational Programs: Attendees participated in various educational sessions designed to enhance their knowledge and skills.
- Executive Directors Meeting: A crucial meeting for executive directors to discuss regulatory relevance in a safe environment.
- NIC Annual Elections: The election of new officers and board members.
- Networking Opportunities: Numerous opportunities for attendees to network and collaborate.

The feedback from attendees was overwhelmingly positive:

- “NIC was incredible! I already have it on my calendar for next year.”
- “I liked all of the information presented and coming together with my peers and networking. The conference was wonderful!”
- “Breakout sessions were very helpful!”
- “The executive’s meeting prior to the conference was great. The ability for executives to converse in a safe environment is crucial to continued regulatory relevance.”
- “Loved learning about the industry topics of concern and solutions.”
- “The event was very helpful, and I learned so much. Everyone was knowledgeable in their respective roles. It was all great!”
- “This was my first event. I found it to be easy to navigate, topics were on trend to the industry and what is happening with other states.”
- “Very much enjoyed the conference and all of the speakers! Always an amazing event!”

The 69th Annual NIC Conference was a significant success, providing valuable insights, fostering collaboration, and setting the stage for future advancements in the cosmetology industry. We look forward to continuing this tradition of excellence at next year’s conference.

To review conference photos, visit our website at www.nictesting.org or click on the following link. [NIC 69th Annual Conference Photos – NIC Testing](#)

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The National Interstate Council of State Boards of Cosmetology (NIC) is a non-profit organization that helps standardize education, testing, and licensing in beauty professions across the U.S. and Guam. Founded in 1929, NIC shares important data and best practices with decision-makers to help create new laws and regulations.

NIC supports state agencies and regulatory boards in the areas of barbering, cosmetology, esthetics, and nail technology. NIC's goal is to promote uniformity and support regulatory efforts in the beauty industry. We are here to support you if you are seeking data on a national basis. As a member of NIC, you can benefit from all we offer. Although we promote the NIC Exams for standardization among the states, you do not need to administer NIC exams to become a member.

We can help with:

- Providing data for informed decisions
- Sharing best practices and model laws
- Educating decision-makers on standard regulations and practices
- Building coalitions and collaborating on common issues
- Tracking legislative changes
- Reducing barriers while considering consequences
- Addressing misinformation and policy differences
- Managing disagreements on licensing standards based on factual data
- Explaining the differences between compacts and national databases

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Colorado	Maine	South Dakota
Washington	South Carolina	Wyoming
Guam	Nebraska	Oklahoma
New Jersey	Missouri	Arizona
Arkansas	Idaho	Mississippi
New Mexico	Washington DC	Montana
Alaska	West Virginia	Texas
Florida	Wisconsin	North Dakota
Iowa	Utah	Nevada
	Ohio	Minnesota

NIC is the predominate National Examination that is currently being administered in 40 states/territories. The states listed below currently use some, or all of the National NIC examinations.



- Alabama
- Alaska
- Arizona
- Arkansas
- Connecticut
- Delaware
- Washington DC
- Georgia
- Guam
- Hawaii
- Iowa
- Idaho
- Illinois
- Kansas
- Louisiana
- Maine
- Minnesota (Barber)
- Mississippi
- Missouri
- Montana

- Nebraska
- New Hampshire
- New Jersey
- New Mexico
- North Carolina
- North Dakota
- Oklahoma
- Oregon (Electrology)
- Rhode Island
- South Carolina
- South Dakota
- Texas (Tattoo & Body Piercing)
- Utah
- Virginia
- Virgin Islands
- Vermont
- Washington
- Wisconsin
- West Virginia
- Wyoming

If you are interested in learning more about the National NIC Examinations, Database and National Standards, please contact Susan Colard, NIC Executive Director at scolard@nictesting.org, or by phone at 803-922-7476, and become a supporter of national reciprocity. We can be your resource for national data and regulations. Annual Membership fees are:

Gold - \$2,500.00 Full Access to National Database and all of the membership only benefits.

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EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Barbers & Hairdressers enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____; Board staff to remain during the session.

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- 1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- 2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- 3. matters which by law, municipal charter, or ordinance are required to be confidential;**
- 4. matters involving consideration of government records that by law are not subject to public disclosure.**