

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 7

BY REPRESENTATIVE EMERSON

LICENSING: Amends and repeals administrative licensing requirements relative to alternative hair and alternative hair design

1 A CONCURRENT RESOLUTION

2 To amend and reenact the Louisiana State Board of Cosmetology rules (LAC 46:XXXI.101
3 and 1101(A)) and to repeal rules (LAC 46:XXXI.1105 and 1107), which provide
4 definitions, a special permit, and a curriculum relative to alternative hair and
5 alternative hair design, and to direct the office of the state register to print the
6 amendments and notice of repeal in the Louisiana Administrative Code.

7 WHEREAS, LAC 46:XXXI.101 defines "alternative hair" and "alternative hair
8 design"; and

9 WHEREAS, "alternative hair" means "any hair which is not a person's own hair
10 including synthetic hair, wiggery, braids, postich or any applied hair"; and

11 WHEREAS, "alternative hair design" is "the practice of styling hair by twisting,
12 wrapping, weaving, extending, locking or braiding the hair by either the use of hands or
13 mechanical devices or appliances. The practice of alternative hair design shall include the
14 application of antiseptics, powders, oils, clays, lotions or tonics to the alternative hair but
15 shall not include the application of dyes, reactive chemicals or other preparations to alter the
16 structure or style of the natural hair"; and

17 WHEREAS, LAC 46:XXXI.1101 requires the Louisiana State Board of Cosmetology
18 (hereinafter "board") to issue a Special Permit for Alternative Hair Design to any person who
19 meets the requirements set forth in the board rules, and according to LAC
20 46:XXXI.1105(A), a person who meets the requirements is one "who presents evidence to

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1 the board of completion of the alternative hair design curriculum and successfully passes the
2 exam administered by the board"; and

3 WHEREAS, LAC 46:XXXI.1105 also authorizes "grandfathering" as it relates to the
4 Special Permit for Alternative Hair Design, which provides that "any person who applies for
5 a special permit to practice alternative hair design on or before March 30, 2004 who
6 satisfactorily demonstrates two years of experience in the practice of alternative hair design
7 shall be issued a permit without the necessity of taking the alternative hair design exam"; and

8 WHEREAS, persons issued a permit as provided through the grandfathering clause
9 are required to submit documentation, such as certain tax and school documentation attesting
10 to the person's satisfactory fulfillment of requirements as prescribed by the board; and

11 WHEREAS, LAC 46:XXXI.1107 establishes the Alternative Hair Design
12 Curriculum which contains five hundred hours of required instruction including but not
13 limited to the following:

- 14 "1. History Overview
- 15 a. Ancient Origins of Braiding
- 16 b. Traditional Multi-Cultural Braid Styles
- 17 c. The Multi-Cultural American Hair Experience
- 18 2. Bacteriology and Sanitation
- 19 a. Types of Bacteria
- 20 b. Growth and Reproduction of Bacteria
- 21 c. Prevention of Infection and Infection Control
- 22 d. Use of Antiseptics, Disinfectants and Detergents
- 23 3. Client Consultation
- 24 4. Hair Types and Hair Structure
- 25 5. Scalp Diseases and Disorders
- 26 6. Shampoos, Conditioners, Herbal Treatments and Rinses for Synthetic Hair
- 27 Only
- 28 7. Braiding and Sculpting
- 29 8. Louisiana Cosmetology Act and Rules and Regulations"; and

1 WHEREAS, the definition of "alternative hair design" and the related Special Permit
2 for Alternative Hair Design were promulgated by the board in 2003; and

3 WHEREAS, techniques used to create alternative hair designs may be deemed by
4 some as African hair braiding or styling, but practitioners and customers are not limited to
5 any particular cultural, ethnic, racial, or religious group; and

6 WHEREAS, the practice of alternative hair design is safe, time-tested, and presents
7 no significant health or safety risks, because practitioners engaged in alternative hair design
8 are not permitted to use "dyes, reactive chemicals, or other preparations to alter the structure
9 or style of the natural hair"; and

10 WHEREAS, a 2016 study conducted by the Institute for Justice shows that between
11 2006 and 2012, the board received no complaints regarding persons practicing alternative
12 hair design; and

13 WHEREAS, the same study showed that complaints are generally rare, as licensing
14 boards in ten jurisdictions, including Louisiana, received only one hundred thirty complaints
15 in seven years, and only six complaints raised concerns of harm to customers, and none of
16 the six complaints were verified by respective boards; and

17 WHEREAS, according to the 2010 census, Louisiana had the third highest
18 percentage of African American residents in the nation at thirty-two and eight tenths percent,
19 and Oklahoma had the twenty-seventh highest percentage at eight and seven tenths percent;
20 and

21 WHEREAS, though these statistics illustrate a wide diversity gap between the two
22 states, it is interesting to note that with five hundred hours of required instruction, Louisiana
23 has the second highest requirement of all fourteen jurisdictions requiring a specified number
24 of instruction hours; and

25 WHEREAS, Louisiana follows only Oklahoma which leads with six hundred hours
26 of required instruction; and

27 WHEREAS, a total of twenty-one states have enacted laws that exempt alternative
28 hair designers from licensing, including South Dakota as recently as February 3, 2017; and

1 WHEREAS, it is reasonable to estimate that thousands of citizens in this state earn
2 a living through the practice of alternative hair design; and

3 WHEREAS, freeing such citizens from strict, unnecessary licensing requirements
4 may stimulate economic development through access to lines of credit for the establishment
5 of salons and related small business, which in turn may promote increased financial stability
6 and economic wellbeing of families; and

7 WHEREAS, due to the lack of risks regarding the health and safety of both the
8 practitioner and customer, alternative hair design in the state of Louisiana should be an
9 occupational field free of licensing, and appropriately, LAC 46:XXXI.101 and 1101(A)
10 should be amended and reenacted and LAC 46:XXXI.1105 and 1107 should be repealed
11 with respect to alternative hair and alternative hair design; and

12 WHEREAS, R.S. 49:969 provides that the legislature, by concurrent resolution, may
13 suspend, amend, or repeal any rule adopted by a state department, agency, board, or
14 commission.

15 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
16 46:XXXI.101 and 1101(A) are hereby amended and reenacted to read as follows:

17 §101. Definitions

18 A. As used in this Part, the following words shall have the meaning herein
19 ascribed to each, unless the context clearly indicates otherwise.

20 ~~*Alternative Hair* - any hair which is not a person's own hair including~~
21 ~~synthetic hair, wiggery, braids, postich or any applied hair.~~

22 ~~*Alternative Hair Design* - the practice of styling hair by twisting, wrapping~~
23 ~~weaving, extending, locking or braiding the hair by either the use of hands or~~
24 ~~mechanical devices or appliances. The practice of alternative hair design shall~~
25 ~~include the application of antiseptics, powders, oils, clays, lotions or tonics to the~~
26 ~~alternative hair but shall not include the application of dyes, reactive chemicals or~~
27 ~~other preparations to alter the structure or style of the natural hair.~~

28 ~~*Client* - a person who receives a cosmetology, esthetics or manicuring~~
29 ~~service.~~

1 *Dermis* - underlying or inner layer of the skin; the layer below the epidermis;
2 the corium or true skin, including papillary layer, capillaries, tactile corpuscles,
3 melanin (pigment), subcutaneous tissue, adipose or subcutis, arteries and lymphatics.

4 *Disposable* - an item which cannot be sanitized. All disposable items shall
5 be discarded after a single use. The following items shall be considered disposable:
6 facial tissues, sponges, cloths, extraction tissue, lancets, gloves, wax strips and
7 sticks, tissues, cotton pads and emery boards.

8 *Epidermis* - the outermost layer of the skin; the outer epithelial portion of
9 the skin including stratum corneous, stratum lucidum, stratum granulosum, stratum
10 spinosum (prickle cell layer), stratum mucosum, and stratum germinativum.

11 *Exfoliate or Exfoliation* - the process of sloughing off, removing or peeling
12 dead skin cells of the epidermis using chemicals or devices.

13 *Natural Hair* - any hair which is a person's own which has grown on the
14 person's body and has not been separated from the person's body.

15 *Sanitize or Sanitization* - the process of using heat, steam or chemicals to
16 destroy microbial life, including highly resistant bacterial endospores. Sanitization
17 shall be performed using EPA registered hospital grade disinfectant or a sterilization
18 device which uses heat or steam in accordance with the manufacturer's instructions.

19 * * *

20 §1101. Special Permits

21 A. Special Permits. The board shall issue the following special permits to
22 any person who meets the requirements set forth in the board's rules:

- 23 1. ~~alternative hair design;~~
- 24 2.1. microdermabrasion;
- 25 3.2. shampoo assistants; and
- 26 4.3. make-up artists.

27 * * *

28 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
29 46:XXXI.1105 and 1107 are hereby repealed in their entirety.

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1 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
2 office of the state register and the Louisiana State Board of Cosmetology.

3 BE IT FURTHER RESOLVED that the office of the state register is hereby directed
4 to have the amendments to LAC 46:XXXI.101 and 1101(A) and the repeal of LAC
5 46:XXXI.1105 and 1107 printed and incorporated into the Louisiana Administrative Code
6 and to transmit a copy of the revised rules to the Louisiana State Board of Cosmetology.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 7 Engrossed

2018 Regular Session

Emerson

Amends LAC 46:XXXI.101 and 1101(A) of the La. State Bd. of Cosmetology (hereinafter "board") which provide definitions and a special permit relative to "alternative hair" and "alternative hair design".

Repeals LAC 46:XXXI.1105 and 1107 of the board which provide details for attaining the special permit and a curriculum relative to alternative hair design.

Directs the La. Register to print the amendments to LAC 46:XXXI.101 and 1101(A) and the repeal to LAC 46:XXXI.1105 and 1107 in the La. Administrative Code.

(Amends LAC 46:XXXI.101 and 1101(A); Repeals LAC 46:XXXI.1105 and 1107)