

HOUSE BILL 1730

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29, Part 2; Title 4, Chapter 3; Title 62, Chapter 3 and Title 62, Chapter 4, relative to the creation of the state board of cosmetology and barber examiners.

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

SECTION 1. Tennessee Code Annotated, Section 4-3-1304(a), is amended by deleting subdivisions (4) and (5) in their entirety and by adding the following language as a new, appropriately designated subdivision:

( ) State board of cosmetology and barber examiners;

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by deleting subdivisions (3) and (6) in their entirety.

SECTION 3. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding the following language as a new, appropriately designated subdivision:

( ) State board of cosmetology and barber examiners, created by § 62-4-103 and title 62, chapter 3, part 1;

SECTION 4. Tennessee Code Annotated, Section 62-4-102(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) "Board" means the state board of cosmetology and barber examiners;

SECTION 5. Tennessee Code Annotated, Section 62-4-103, is amended by deleting the section in its entirety and by substituting instead the following:

62-4-103.

(a) The practices of cosmetology and barbering shall be under the supervision of a board known as the state board of cosmetology and barber examiners.

(b)

(1) The board shall consist of thirteen (13) members. The speaker of the senate and the speaker of the house of representatives shall each appoint four (4) members to the board, and the governor shall appoint five (5) members to the board.

(2) The membership of the board shall include the following persons:

(A) Three (3) cosmetologists;

(B) Two (2) master barbers;

(C) One (1) manicurist;

(D) One (1) aesthetician;

(E) One (1) natural hair stylist;

(F) One (1) cosmetology or barber instructor;

(G) One (1) cosmetology or barber shop owner;

(H) One (1) member shall be an owner of a school licensed by the board;

(I) One (1) public member, who shall be a person who holds a baccalaureate degree with a major in education who is not engaged in the occupation of cosmetology or barbering; and

(J) One (1) public member, who shall be a person at least twenty-one (21) years of age who is not engaged in the occupation of cosmetology or barbering.

(3) Each of the members described in subdivisions (b)(2)(A) – (H) shall be licensed in their respective trade in this state for at least five (5) years immediately preceding their date of appointment.

(4) No cosmetologist member or master barber member shall, while serving on the board, be an instructor, owner or manager of a school of cosmetology, barber school or college of barbering, an employee in such a school, or in any manner connected with such a school.

(5) The public member shall participate in all activities of the board except composition of examinations, administration of practical portions of examinations, and inspection of schools of cosmetology, barber schools or colleges of barbering.

(6) The owners of schools licensed by the board or the instructors licensed by the board shall be entitled to participate in all activities of the board, except administration of examinations and inspection of schools of cosmetology, barber schools or colleges of barbering.

(c) No more than five (5) members shall be appointed from the same grand division.

(d) The appointing authorities shall consult with each other prior to appointing any member to the board to ensure that appointments are made in accordance with this section.

SECTION 6. Tennessee Code Annotated, Section 62-4-104, is amended by deleting the section in its entirety and by substituting instead the following:

62-4-104.

(a) Except as provided in subsection (b), the terms of the members of the board shall be four (4) years.

(b)

(1) The entire membership of the board as comprised on June 30, 2014, shall be vacated on July 1, 2014, and new members shall be appointed in accordance with § 62-4-103.

(2) In order to stagger the terms of the newly appointed board members, initial appointments shall be made as follows:

(A) Each of the three (3) appointing authorities shall make an initial appointment for a term of one (1) year, which shall expire on June 30, 2015;

(B) Each of the three (3) appointing authorities shall make an initial appointment for a term of two (2) years, which shall expire on June 30, 2016;

(C) Each of the three (3) appointing authorities shall make an initial appointment for a term of three (3) years, which shall expire on June 30, 2017; and

(D) Each of the three (3) appointing authorities shall make an initial appointment for a term of four (4) years, which shall expire on June 30, 2018.

(3) Of the members initially appointed:

(A) One (1) cosmetologist member, the manicurist member and the public member listed in § 62-4-103(b)(2)(J) shall serve terms of one (1) year;

(B) One (1) cosmetologist member, one (1) master barber member and the aesthetician member shall serve terms of two (2) years;

(C) One (1) cosmetologist member, one (1) master barber member, and the cosmetology or barber shop owner member shall serve terms of three (3) years; and

(D) The cosmetology or barber instructor member, the school owner member and the public member listed in § 62-4-103(b)(2)(l) shall serve terms of four (4) years.

(c)

(1) Following the expiration of members' initial terms as prescribed in subdivision (b)(2), all four-year terms shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(2) All members shall serve until the expiration of the term to which they were appointed and until their successors are appointed and qualified.

(3) Members shall be eligible for reappointment to the board following the expiration of their terms but shall serve no more than two (2) consecutive four-year terms.

(4) A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

(d) The appointing authorities may remove any member of the board for misconduct, incompetency, willful neglect of duty, or other just cause.

(e) Prior to beginning their duties, each member of the board shall take and subscribe to the oath of office provided for state officers.

(f) Each member shall have been a bona fide resident of this state for a period of at least five (5) years immediately preceding the date of appointment.

(g) In making appointments to the board, the appointing authorities shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION 7. Tennessee Code Annotated, Title 62, Chapter 4, is amended by deleting the language “state board of cosmetology” wherever it appears and by substituting instead the language “state board of cosmetology and barber examiners”.

SECTION 8. Tennessee Code Annotated, 62-3-101, is amended by deleting the section in its entirety and by substituting instead the following:

62-3-101.

(a) The practice of barbering shall be governed by the state board of cosmetology and barber examiners, created by § 62-4-103 and this chapter.

(b) Inspections of barber shops shall be performed by inspectors provided and supervised by the director of the state board of cosmetology and barber examiners. Annual inspections of barber schools and colleges may be performed by the inspectors or members of the board.

SECTION 9. Tennessee Code Annotated, Title 62, Chapter 3, is amended by deleting Sections 62-3-102, 62-3-104 and 62-3-131 in their entirety.

SECTION 10. Tennessee Code Annotated, Title 62, Chapter 3, is further amended by deleting the language “board of barber examiners” wherever it appears and by substituting instead the language “state board of cosmetology and barber examiners”.

SECTION 11. Notwithstanding § 4-29-112 or any other law to the contrary, the board of barber examiners, created by § 62-3-101 and the board of cosmetology, created by § 62-4-103, shall terminate and shall cease to exist upon the effective date of this act.

SECTION 12. It is the intent of the general assembly that the rules of the board of cosmetology and the rules of the board of barber examiners shall be deemed to be the rules of the state board of cosmetology and barber examiners created by this act.

SECTION 13. This act shall take effect July 1, 2014, the public welfare requiring it.