



State of Tennessee

PUBLIC CHAPTER NO. 402

SENATE BILL NO. 964

By Bell

Substituted for: House Bill No. 1332

By Parkinson, Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 3 and Title 62, Chapter 4, relative to 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 62-3-109(b), is amended by deleting the second sentence and substituting the following:

Inspections of shops shall be made within ten (10) days of the receipt of a request for an inspection, with the request to be accompanied by payment for the inspection.

SECTION 2. Tennessee Code Annotated, Section 62-3-110, is amended by deleting subdivision (a)(3) and substituting the following:

(3) The application shall also contain proof that:

(A) The applicant is at least seventeen (17) years of age; and

(B) The applicant has received a high school diploma or, in lieu of a high school diploma, has received a GED® or HiSET® diploma.

SECTION 3. Tennessee Code Annotated, Section 62-3-110(b), is amended by deleting the subsection and substituting the following:

(b) Any person who desires a certificate of registration as a master barber shall submit an application for examination to the state board of cosmetology and barber examiners on the prescribed form. The application shall be accompanied by proof that the applicant:

(1) Is at least seventeen (17) years of age;

(2) Has received a high school diploma or, in lieu of a high school diploma, has received a GED® or HiSET® diploma; and

(3) Has satisfactorily completed a course of one thousand five hundred (1,500) hours in a registered barber school or college.

SECTION 4. Tennessee Code Annotated, Section 62-3-117, is amended by deleting the first sentence and substituting the following:

Any person licensed under this chapter may retire the license by submitting a form prescribed by the board accompanied by the current active license certificate and a fee in an amount set by rules promulgated by the board.

SECTION 5. Tennessee Code Annotated, Section 62-3-118, is amended by deleting the section and substituting the following:

Every holder of a certificate of registration shall:

(1) Display the certificate in a conspicuous place adjacent to or near the holder's work chair; and

(2) Promptly notify the board of any change of mailing address within thirty (30) calendar days of such change.

SECTION 6. Tennessee Code Annotated, Section 62-3-123, is amended by adding the following language as a new subsection:

() Each school, including any public school conducting a vocational education program in the field of barbering, shall:

(1) Keep a daily record of the attendance of each student enrolled; and

(2) Submit to the board on the prescribed form a monthly progress report on each student enrolled.

SECTION 7. Tennessee Code Annotated, Section 62-3-123, is further amended by adding the following as a new subsection:

() Notwithstanding subsection (a), the board shall promulgate rules enabling a barber school or college to develop courses of instruction pursuant to subsection (a) that require a student to earn:

(1) Fifty percent (50%) of the hours needed for a specific certificate of registration pursuant to §§ 62-3-110 and 62-3-124, from classroom instruction in a registered barber school or college; and

(2) Fifty percent (50%) of the hours needed for a specific certificate of registration pursuant to §§ 62-3-110 and 62-3-124, from apprenticing under the supervision of a person:

(A) Who has a certificate of registration issued under §§ 62-3-110 and 62-3-124;

(B) Who has at least ten (10) years of experience; and

(C) Who is in good standing with the board.

SECTION 8. Tennessee Code Annotated, Section 62-3-124(a), is amended by deleting the subsection and substituting instead the following:

(a) The board shall issue a certificate of registration as a barber instructor to a person who:

(1)(A) Files an application with the board in the form that the board may prescribe, accompanied by the examination fee required by § 62-3-129;

(B) Holds a valid certificate of registration as a master barber and has been duly registered as a master barber for a period of at least three (3) years;

(C) Has successfully completed the twelfth grade in an accredited school or the equivalent; and

(D) Successfully completes an examination prescribed by the board; or

(2)(A) Files an application with the board in a form prescribed by the board, accompanied by the examination fee required by § 62-3-129;

(B) Holds a valid certificate of registration as a master barber and has completed a four-hundred-fifty-hour instructor training program at a board-certified barber school;

(C) Has successfully completed the twelfth grade in an accredited school or the equivalent; and

(D) Successfully completes an examination prescribed by the board.

SECTION 9. Tennessee Code Annotated, Section 62-3-129(b), is amended by deleting the subsection and substituting the following:

(b)(1) All certificates of registration for master barbers and barber instructors shall expire biennially on the anniversary of the original date of licensure.

(2) All certificates of registration for barber shops shall expire biennially on the anniversary of the original date of licensure.

(3) All certificates of registration for technicians shall expire biennially on the anniversary of the original date of licensure.

(4) All certificates of registration for barber schools and colleges shall expire annually on the anniversary of the original date of licensure.

(5) All certificates of registration for master barbers, barber instructors, technicians, barber shops, and barber schools and colleges may be renewed up until one (1) year from the expiration date of the certificate of registration upon the payment of the specified fees and penalties.

SECTION 10. Tennessee Code Annotated, Section 62-3-130, is amended by deleting the language "Class C misdemeanor" and substituting the language "Class B misdemeanor".

SECTION 11. Tennessee Code Annotated, Title 62, Chapter 3, is further amended by inserting the following language as a new, appropriately designated section:

The owner and manager of a shop shall be responsible for ensuring that:

(1) Only persons duly licensed by the board perform barbering services in the shop;

(2) Persons duly licensed by the board perform only those services authorized by their licenses; and

(3) The shop and its operation conform to this chapter and any rules duly promulgated under this chapter.

SECTION 12. Tennessee Code Annotated, Title 62, Chapter 3, is further amended by inserting the following language as a new, appropriately designated section:

A barber student shall have seven (7) years from the date the student originally enrolls in a barbering school to complete the required courses and number of hours required when the student originally enrolls. If the student fails to complete the course of instruction within that time period, the board may require the student to complete additional courses or attain an additional number of hours prior to issuing a license to the person.

SECTION 13. Tennessee Code Annotated, Section 62-4-102(a), is amended by adding the following language as new, appropriately designated subdivisions:

() "Dual shop" means any shop licensed by the board where services are performed or offered to be performed in more than one (1) field of cosmetology, including aesthetics, natural hair styling, and manicuring, or in both cosmetology, or a field of cosmetology, and barbering. A dual shop does not include a shop licensed solely as a cosmetology shop or a single specialty thereof, or as a barber shop;

() "Safety razor" means a razor that is fitted with a guard close to the cutting edge of the razor that is intended to:

(A) Prevent the razor from cutting too deeply; and

(B) Reduce the risk and incidence of accidental cuts;

SECTION 14. Tennessee Code Annotated, Section 62-4-102(a)(3), is amended by adding the following as new, appropriately designated subdivisions:

() Providing a necessary service that is preparatory or ancillary to a service pursuant to this subdivision (a)(3);

() Treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

SECTION 15. Tennessee Code Annotated, Section 62-4-104(b)(3), is amended by deleting the subdivision and substituting the following:

(3) Of the members initially appointed:

(A) The cosmetology school owner member, the manicurist member, and the public member listed in § 62-4-103(b)(2)(K) shall serve terms of one (1) year;

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

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

(D) The aesthetician member, the natural hair stylist member, one (1) cosmetologist member, and the public member listed in § 62-4-103(b)(2)(J) shall serve terms of four (4) years.

SECTION 16. Tennessee Code Annotated, Section 62-4-107(b), is amended by deleting the subsection and substituting instead:

(b) The board shall publish a compilation of its laws, rules, and any amendments or other changes to the laws and rules on its web site within ten (10) days of any effective date.

SECTION 17. Tennessee Code Annotated, Section 62-4-110(c)(2), is amended by adding the following language as new subdivisions:

(D) Has been licensed as a cosmetologist, aesthetician, manicurist, or natural hair stylist pursuant to this chapter for at least three (3) continuous years; and

(E) Seeks to instruct only in the area in which the applicant is currently licensed.

SECTION 18. Tennessee Code Annotated, Section 62-4-113(a)(2), is amended by deleting the subdivision and substituting instead:

(2) Promptly notify the board of any change of mailing address within thirty (30) calendar days of such change.

SECTION 19. Tennessee Code Annotated, Section 62-4-113(b)(2), is amended by deleting the subdivision and substituting instead:

(2) A copy of a money order made payable to the state of Tennessee in the amount of the fee for a license or the receipt for the payment of the fee.

SECTION 20. Tennessee Code Annotated, Section 62-4-113, is amended by adding the following language as a new subsection:

(c) Failure to display the information required in subsection (b) is a Class C misdemeanor.

SECTION 21. Tennessee Code Annotated, Section 62-4-114(b), is amended by deleting the language "for a minimum of twenty-four (24) hours" and substituting the language "for a minimum of sixteen (16) hours".

SECTION 22. Tennessee Code Annotated, Section 62-4-116, is amended by deleting the language "of fifty dollars (\$50.00)," and substituting the language "as set by the board in rule,".

SECTION 23. Tennessee Code Annotated, Section 62-4-117(a), is amended by deleting the subsection and substituting instead:

(a) All cosmetologist, aesthetician, manicurist, natural hair stylist, and instructor licenses shall expire on the biennial anniversary date of the licenses and shall be invalid on that date unless renewed.

SECTION 24. Tennessee Code Annotated, Section 62-4-118(h), is amended by deleting the subsection and substituting instead:

(h) All licenses to operate a shop shall expire on the biennial anniversary date of the licenses.

SECTION 25. Tennessee Code Annotated, Section 62-3-118, is amended by adding the following language as a new, appropriately designated subsection:

() The board may promulgate any and all rules necessary to allow for a shop where services are performed or offered to be performed in more than one (1) field of cosmetology, including aesthetics, natural hair styling, and manicuring, or in both cosmetology, or a field of cosmetology, and barbering to operate as a dual shop, including, but not limited to, rules to allow a dual shop to pay a single licensure or renewal fee and to undergo a single inspection.

SECTION 26. Tennessee Code Annotated, Section 62-4-120(b)(2), is amended by deleting the subdivision and renumbering the subsequent subdivisions accordingly.

SECTION 27. Tennessee Code Annotated, Section 62-4-120(c), is amended by deleting the subsection and redesignating the subsequent subsections accordingly.

SECTION 28. Tennessee Code Annotated, Section 62-4-120(i), is amended by inserting the language "an inspector or" immediately following the language "inspected at least annually by".

SECTION 29. Tennessee Code Annotated, Section 62-4-121, is amended by deleting the section and substituting the following:

(a) A license to operate a school shall expire on September 1 of each year. An application for renewal of the license shall be accompanied by satisfactory proof that the applicant continues to meet the requirements of § 62-4-120(d).

(b) No renewal application shall be accepted after September 30 following the expiration date of a license to operate a school; however, the board may, in its discretion, reinstate a former licensee upon proper application accompanied by all past unpaid renewal fees, the fee for the current year, and a surcharge for processing the application.

(c) The board shall promulgate rules pursuant to its authority in § 62-4-112 to establish:

(1) An annual fee for the renewal of a license to operate a school;

(2) A penalty fee to be assessed on any renewal application postmarked after the expiration date of the license; and

(3) The amount of the surcharge required pursuant to subsection (b).

SECTION 30. Tennessee Code Annotated, Section 62-4-122(a)(2), is amended by deleting the language "on the G.E.D. examination" and substituting the language "on the GED® or HiSET® examination".

SECTION 31. Tennessee Code Annotated, Section 62-4-122(c), is further amended by deleting the subsection and substituting instead:

(c) A school operating both day and night classes shall designate the times for each group of classes. In no event shall a student attend school for more than eight (8) hours per day or forty (40) hours per week.

SECTION 32. Tennessee Code Annotated, Section 62-4-132, is amended by deleting the first sentence and substituting the following:

Any person licensed under this chapter may retire the license by submitting a form prescribed by the board accompanied by the current active license and a fee in an amount set by rules promulgated by the board.

SECTION 33. Tennessee Code Annotated, Title 62, Chapter 4, is amended by adding the following language as a new section:

No animals, except service animals, fish for decorative purposes, and birds in cages shall be permitted in any shop. Bird cages in shops shall be cleaned daily. Departmental inspectors shall ensure that bird cages are cleaned sufficiently to prevent any hazard to human health or well-being.

SECTION 34. The board of cosmetology and barber examiners is authorized to promulgate rules to effectuate the purposes of this act. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 35. For the purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. Section 7 of this act shall take effect January 1, 2016, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2015, the public welfare requiring it.

SENATE BILL NO. 964

PASSED: April 21, 2015



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 8th day of MAY 2015



BILL HASLAM, GOVERNOR