

# ACT No. 728

Regular Session, 2010

HOUSE BILL NO. 1028

BY REPRESENTATIVE WADDELL

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AN ACT

To amend and reenact R.S. 37:563(6), 572(B) and(D), 573(B), 574(B), 575(A)(1)(a), 576(B), 578, 583(C), 585(B)(3), 591(A), 594(B)(introductory paragraph) and (5), and 595(A)(3) and (4) and to repeal R.S. 37:591(B)(6), relative to the Louisiana Cosmetology Board; to change the definition of "esthetics"; to expand eligibility for board membership; to clarify the qualifications of board members; to provide for committees within the board; to clarify quorum of the board; to provide for a testing center; to provide for a salary of the executive director of the board; to provide for qualifications of a registered teacher of cosmetology, esthetics, or manicuring; to provide for liability insurance on beauty shops or salons; to provide for changes to the application for school certificate of registration; to provide for changes to requirements of schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:563(6), 572(B) and(D), 573(B), 574(B), 575(A)(1)(a), 576(B), 578, 583(C), 585(B)(3), 591(A), 594(B)(introductory paragraph) and (5), and 595(A)(3) and (4) are hereby amended and reenacted to read as follows:

§563. Definitions

As used in this Chapter, the following words shall have the meaning herein ascribed to them, unless the content clearly otherwise indicates:

\* \* \*

1 (6) "Esthetics" means engaging in any one or a combination of the following  
 2 practices: massaging the face or neck of a person, trimming eyebrows, dying  
 3 eyelashes or eyebrows, ~~or hair removal by cosmetic preparations, threading,~~ waxing,  
 4 or other similar means, stimulating, cleansing, or beautifying the face, neck, arms,  
 5 bust, upper body, legs, or feet of a person by any method with the aid of the hands  
 6 or of any mechanical or electrical apparatus, including micro-dermabrasion,  
 7 epidermabrasion, or particle exfoliation using equipment and methodology approved  
 8 by the board or by the use of a cosmetic preparation. ~~However;~~ however, esthetics  
 9 shall not include the diagnosis, treatment, or therapy of any dermatological  
 10 condition, or the process of removing hair known as "electrolysis".

11 \* \* \*

12 §572. Qualifications of board members; recusal from certain transactions

13 \* \* \*

14 B. Each member shall be a registered cosmetologist who has been actively  
 15 engaged, for at least five years prior to his appointment, in the practice of  
 16 cosmetology, or an owner of a beauty shop or salon certified pursuant to R.S. 37:591,  
 17 or as a teacher or instructor of cosmetology in this state.

18 \* \* \*

19 D. No more than ~~two~~ four board members shall be connected directly or  
 20 indirectly with ~~the ownership of~~ a school of cosmetology. "Connected" shall mean  
 21 having an ownership interest, being employed by or having a contract with a school,  
 22 or having an immediate family member who has an ownership interest in a school.

23 \* \* \*

24 §573. Compensation and expenses of board members

25 \* \* \*

26 B. Each board member shall receive compensation for attendance at  
 27 meetings, hearings, or any other duties of the board in the form of a per diem in the  
 28 amount established in R.S. 37:599. No board member shall receive a per diem for  
 29 more than eight days per month; however, the chairman ~~shall~~ may appoint an

1 ~~executive a~~ committee consisting of no more than three members of the board, who  
2 shall receive a per diem for no more than fifteen days per month.

3 \* \* \*

4 §574. Organization of board; meetings; quorum

5 \* \* \*

6 B. A majority of the members of the board physically present at a board  
7 meeting shall constitute a quorum for the transaction of business. ~~In case of a tie~~  
8 ~~vote, the absent members shall be polled by witnessed telephone communication.~~

9 §575. Powers and duties of the board

10 A. The board shall be responsible for the control and regulation of the  
11 practice of cosmetology and shall do all of the following:

12 (1)(a) Maintain a permanent testing center to be located in East Baton Rouge  
13 Parish. The center shall be equipped to accommodate both practical and theory  
14 examinations and shall provide office space ~~for board members~~ and a conference  
15 room.

16 \* \* \*

17 §576. Executive director

18 \* \* \*

19 B. The annual salary of the executive director shall be set by the board and  
20 ~~shall not exceed fifty thousand dollars~~ shall not exceed seventy-five thousand dollars.  
21 The executive director may be reimbursed for necessary expenses incurred in  
22 carrying out his duties, with approval of the board and in accordance with state travel  
23 regulations.

24 \* \* \*

25 §578. Cosmetologists' Board Fund

26 ~~At least monthly, all~~ All monies received by the board shall be ~~turned over~~  
27 ~~to the state treasurer. Such monies shall be~~ deposited in a separate account ~~within~~  
28 ~~the state treasury~~ to be known as the "Cosmetologists' Board Fund". The monies in

1 the fund shall be used for no other purpose except to pay the expenses ~~and salaries~~  
2 for operation of the board.

3 \* \* \*

4 §583. Qualifications for certificate as a registered teacher; continuing education

5 \* \* \*

6 C. In addition to the requirements set forth in Subsection B of this Section,  
7 a person shall also meet the following requirements in order to obtain a certificate  
8 of registration as a registered teacher of cosmetology, esthetics, or manicuring:

9 (1) To obtain a certificate as a registered teacher of cosmetology, a person  
10 shall possess a cosmetology certificate, have been actively engaged in the practice  
11 of cosmetology for at least twelve months prior to beginning the instructor's course,  
12 and have successfully passed the examination prescribed by the board for  
13 certification as a teacher of cosmetology.

14 (2) To obtain a certificate as a registered teacher of esthetics, a person shall  
15 possess an esthetics or cosmetology certificate, have been actively engaged in the  
16 practice of esthetics for at least twelve months prior to beginning the instructor's  
17 course, and have successfully passed the examination prescribed by the board for  
18 certification as a teacher of esthetics.

19 (3) To obtain a certificate as a registered teacher of manicuring, a person  
20 shall possess a manicuring or cosmetology certificate, have been actively engaged  
21 in the practice of manicuring for at least twelve months prior to beginning the  
22 instructor's course, and have successfully passed the examination prescribed by the  
23 board for certification as a teacher of manicuring.

24 \* \* \*

25 §585. Examination team

26 \* \* \*

27 B. The examination team shall be composed of no more than six registered  
28 cosmetologists who fulfill the following requirements:

29 \* \* \*



