2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 5

BY REPRESENTATIVE EMERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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 WHEREAS, though these statistics illustrate a wide diversity gap between the two			
21	states, it is interesting to note that with five hundred hours of required instruction, Louisiana			
22	has the second highest requirement of all fourteen jurisdictions requiring a specified number			
23	of instruction hours; and			
24	WHEREAS, Louisiana follows only Oklahoma which leads with six hundred hours			
25	of required instruction; and			
26	WHEREAS, a total of twenty-one states have enacted laws that exempt alternative			
27	hair designers from licensing, including South Dakota as recently as February 3, 2017; and			
28	WHEREAS, it is reasonable to estimate that thousands of citizens in this state earn			
29	a living through the practice of alternative hair design; and			

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1	WHEREAS, freeing such citizens from strict, unnecessary licensing requirement		
2	may stimulate economic development through access to lines of credit for the establishment		
3	of salons and related small business, which in turn may promote increased financial stability		
4	and economic wellbeing of families; and		
5	WHEREAS, due to the lack of risks regarding the health and safety of both the		
6	practitioner and customer, alternative hair design in the state of Louisiana should be		
7	occupational field free of licensing, and appropriately, LAC 46:XXXI.101 and 1101(A		
8	should be amended and reenacted and LAC 46:XXXI.1105 and 1107 should be repealed		
9	with respect to alternative hair and alternative hair design; and		
10	WHEREAS, R.S. 49:969 provides that the legislature, by concurrent resolution, may		
11	suspend, amend, or repeal any rule adopted by a state department, agency, board, or		
12	commission.		
13	THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC		
14	46:XXXI.101 and 1101(A) are hereby amended and reenacted to read as follows:		
15	§101. Definitions		
16	A. As used in this Part, the following words shall have the meaning herein		
17	ascribed to each, unless the context clearly indicates otherwise.		
18	Alternative Hair - any hair which is not a person's own hair including		
19	synthetic hair, wiggery, braids, postich or any applied hair.		
20	Alternative Hair Design - the practice of styling hair by twisting, wrapping		
21	weaving, extending, locking or braiding the hair by either the use of hands or		
22	mechanical devices or appliances. The practice of alternative hair design shall		
23	include the application of antiseptics, powders, oils, clays, lotions or tonics to the		
24	alternative hair but shall not include the application of dyes, reactive chemicals or		
25	other preparations to alter the structure or style of the natural hair.		
26	Client - a person who receives a cosmetology, esthetics or manicuring		
27	service.		

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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 shal		
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 epithetical 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. <u>3.</u> 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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- 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 5 Original	2017 Regular Session	Emerson
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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)