

2024 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 2

BY REPRESENTATIVE BAYHAM

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), "Individuals with special permits for alternative hair design shall be

1 authorized to provide alternative hair design services only in facilities licensed by the board
2 as cosmetology salons"; and

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

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

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

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

27 WHEREAS, the practice of alternative hair design is safe, time-tested, and presents
28 no significant health or safety risks, because practitioners engaged in alternative hair design

1 are not permitted to use "dyes, reactive chemicals, or other preparations to alter the structure
2 or style of the natural hair"; and

3 WHEREAS, a 2016 study conducted by the Institute for Justice shows that between
4 2006 and 2012, the board received no complaints regarding persons practicing alternative
5 hair design; and

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

10 WHEREAS, according to the 2020 census, Louisiana had the third highest
11 percentage of African American residents in the nation at thirty-three and one tenth percent,
12 and Oklahoma had the twenty-seventh highest percentage at nine and seven tenths percent;
13 and

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

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

20 WHEREAS, twenty-seven states do not require licensing for alternative hair designs,
21 including neighboring states, Mississippi, Arkansas, and Texas; and

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

24 WHEREAS, freeing such citizens from strict, unnecessary licensing requirements
25 may stimulate economic development through access to lines of credit for the establishment
26 of salons and related small business, which in turn may promote increased financial stability
27 and economic well-being of families; and

28 WHEREAS, due to the lack of risks regarding the health and safety of both the
29 practitioner and customer, alternative hair design in the state of Louisiana should be an

1 occupational field free of licensing, and appropriately, LAC 46:XXXI.101 and 1101(A)
2 should be amended and reenacted and LAC 46:XXXI.1105 and 1107 should be repealed
3 with respect to alternative hair and alternative hair design; and

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

7 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
8 46:XXXI.101 and 1101(A) are hereby amended and reenacted to read as follows:

9 §101. Definitions

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

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

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

20 *Client* - a person who receives a cosmetology, esthetics or manicuring
21 service.

22 *Dermaplaning* - a technique to exfoliate the epidermis and remove the vellus
23 hair with a bladed tool.

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

27 *Disposable* - an item which cannot be sanitized. All disposable items shall
28 be discarded after a single use. The following items shall be considered disposable:

1 facial tissues, sponges, cloths, extraction tissue, lancets, gloves, wax strips and
2 sticks, tissues, cotton pads and emery boards.

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

6 *Esthetic Services* - as defined in R.S. 37:563(8), includes but is not limited
7 to make-up application, facials, superficial chemical peels, dermaplaning,
8 microdermabrasion, nano-needling and other similar services performed on the
9 epidermis.

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

12 *Nano-Needling* - a non-invasive technique for transdermal serum delivery
13 performed using a skin needling device which does not penetrate beyond the
14 epidermis of more than .25 mm of the outmost layer of skin.

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

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

21 * * *

22 §1101. Special Permits

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

25 1. ~~alternative hair design;~~

26 2.1. shampoo assistants; and

27 3.2. threading.

28 * * *

1 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
2 46:XXXI.1105 and 1107 are hereby repealed in their entirety.

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

5 BE IT FURTHER RESOLVED that the office of the state register is hereby directed
6 to have the amendments to LAC 46:XXXI.101 and 1101(A) and the repeal of LAC
7 46:XXXI.1105 and 1107 printed and incorporated into the Louisiana Administrative Code
8 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 2 Original

2024 Regular Session

Bayham

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)