



# House of Representatives

General Assembly

**File No. 280**

January Session, 2017

Substitute House Bill No. 5764

*House of Representatives, March 29, 2017*

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE LICENSING OF BARBERS AND HAIRDRESSERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-236 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) (1) Any person desiring to obtain a license as a barber shall apply  
4 in writing on forms furnished by the Department of Public Health and  
5 shall pay to the department a fee of one hundred dollars. The  
6 department shall not issue a license until the applicant has made  
7 written application to the department, setting forth by affidavit that  
8 the applicant has (A) (i) successfully completed the eighth grade, (ii)  
9 completed a course of not less than one thousand hours of study in a  
10 school approved in accordance with the provisions of this chapter, or,  
11 if trained outside of Connecticut, in a barber school or college whose  
12 requirements are equivalent to those of a Connecticut barber school or  
13 college, and (iii) passed a written examination satisfactory to the  
14 department, or (B) if the applicant is an apprentice, (i) successfully

15 completed the eighth grade, (ii) completed an apprenticeship  
16 approved by the Labor Department and conducted in accordance with  
17 sections 31-22m to 31-22u, inclusive, and (iii) passed a written  
18 examination satisfactory to the Department of Public Health.  
19 Examinations required for licensure under this chapter shall be  
20 prescribed by the department with the advice and assistance of the  
21 board. The department shall establish a passing score for examinations  
22 required under this chapter with the advice and assistance of the  
23 board. No license issued in accordance with the provisions of this  
24 chapter may be assigned or transferred to another person.

25 (2) Any person who holds a license at the time of application to  
26 practice the occupation of barbering in any other state, the District of  
27 Columbia or in a commonwealth or territory of the United States, and  
28 was issued such license on the basis of successful completion of a  
29 program of education and training in barbering and an examination,  
30 shall be eligible for licensing in this state and entitled to a license  
31 without examination upon payment of a fee of one hundred dollars.

32 (3) Any person who holds a license to practice the occupation of  
33 barbering in any other state, the District of Columbia, or in a  
34 commonwealth or territory of the United States, and has held such  
35 license for a period of not less than forty years, shall be eligible for  
36 licensure without examination. No license shall be issued under this  
37 section to any applicant against whom professional disciplinary action  
38 is pending or who is the subject of an unresolved complaint.

39 (b) (1) Barber schools shall obtain approval pursuant to this section  
40 prior to commencing operation. In the event that an approved school  
41 undergoes a change of ownership or location, such approval shall  
42 become void and the school shall apply for a new approval pursuant  
43 to this section. Applications for such approval shall be on forms  
44 prescribed by the Commissioner of Public Health. In the event that a  
45 school fails to comply with the provisions of this subsection, no credit  
46 toward the one thousand hours of study required pursuant to  
47 subsection (a) of this section shall be granted to any student for

48 instruction received prior to the effective date of school approval.

49 (2) The Commissioner of Public Health, in consultation with the  
50 Connecticut Examining Board for Barbers, Hairdressers and  
51 Cosmeticians, shall adopt regulations, in accordance with the  
52 provisions of chapter 54, to prescribe minimum curriculum  
53 requirements for barber schools. The commissioner, in consultation  
54 with said board, may adopt a curriculum and procedures for the  
55 approval of barber schools, provided the commissioner prints notice of  
56 intent to adopt regulations concerning the adoption of a curriculum  
57 and procedures for the approval of barber schools in the Connecticut  
58 Law Journal not later than thirty days after the date of implementation  
59 of such curriculum and such procedures. The curriculum and  
60 procedures implemented pursuant to this section shall be valid until  
61 such time final regulations are adopted.

62 (c) No person applying for licensure as a barber under this chapter  
63 shall be required to submit to a state or national criminal history  
64 records check as a prerequisite to licensure.

65 Sec. 2. Section 20-252 of the general statutes is repealed and the  
66 following is substituted in lieu thereof (*Effective October 1, 2017*):

67 (a) No person shall engage in the occupation of registered  
68 hairdresser and cosmetician without having obtained a license from  
69 the department. Persons desiring such licenses shall apply in writing  
70 on forms furnished by the department. No license shall be issued,  
71 except a renewal of a license, to a registered hairdresser and  
72 cosmetician unless the applicant has shown to the satisfaction of the  
73 department that the applicant has complied with the laws and the  
74 regulations administered or adopted by the department. No applicant  
75 shall be licensed as a registered hairdresser and cosmetician, except by  
76 renewal of a license, until the applicant has made written application  
77 to the department, setting forth by affidavit that the applicant has  
78 successfully completed the ninth grade and that the applicant has  
79 completed a course of not less than fifteen hundred hours of study in a  
80 school approved in accordance with the provisions of this chapter, in a

81 school teaching hairdressing and cosmetology under the supervision  
82 of the State Board of Education, or, if trained outside of Connecticut, in  
83 a school teaching hairdressing and cosmetology whose requirements  
84 are equivalent to those of a Connecticut school and until the applicant  
85 has passed a written examination satisfactory to the department.  
86 Examinations required for licensure under this chapter shall be  
87 prescribed by the department with the advice and assistance of the  
88 board. The department shall establish a passing score for examinations  
89 with the advice and assistance of the board which shall be the same as  
90 the passing score established in section 20-236, as amended by this act.

91 (b) No person applying for licensure as a hairdresser and  
92 cosmetician under this chapter shall be required to submit to a state or  
93 national criminal history records check as a prerequisite to licensure.

94 Sec. 3. Subdivision (6) of subsection (a) of section 19a-14 of the  
95 general statutes is repealed and the following is substituted in lieu  
96 thereof (*Effective October 1, 2017*):

97 (6) Determine the eligibility of all applicants for permits, licensure,  
98 certification or registration, based upon compliance with the general  
99 statutes and administrative regulations. The department may deny the  
100 eligibility of an applicant for a permit or for licensure by examination,  
101 endorsement, reciprocity or for reinstatement of a license voided  
102 pursuant to subsection (f) of section 19a-88, voluntarily surrendered or,  
103 by agreement, not renewed or reinstated pursuant to subsection (d) of  
104 section 19a-17, or may issue a license pursuant to a consent order  
105 containing conditions that must be met by the applicant if the  
106 department determines that the applicant:

107 (A) Has failed to comply with the general statutes and  
108 administrative regulations governing the applicant's profession;

109 (B) [Has] Except any applicant for licensure as a barber under  
110 chapter 386 or a hairdresser and cosmetician under chapter 387, has  
111 been found guilty or convicted as a result of an act which constitutes a  
112 felony under (i) the laws of this state, (ii) federal law or (iii) the laws of

113 another jurisdiction and which, if committed within this state, would  
114 have constituted a felony under the laws of this state;

115 (C) Is subject to a pending disciplinary action or unresolved  
116 complaint before the duly authorized professional disciplinary agency  
117 of any state, the District of Columbia, a United States possession or  
118 territory, or a foreign jurisdiction;

119 (D) Has been subject to disciplinary action similar to an action  
120 specified in subsection (a) of section 19a-17 by a duly authorized  
121 professional disciplinary agency of any state, the District of Columbia,  
122 a United States possession or territory, or a foreign jurisdiction;

123 (E) Has committed an act which, if the applicant were licensed,  
124 would not conform to the accepted standards of practice of the  
125 profession, including, but not limited to, incompetence, negligence,  
126 fraud or deceit; illegal conduct; procuring or attempting to procure a  
127 license, certificate or registration by fraud or deceit; or engaging in,  
128 aiding or abetting unlicensed practice of a regulated profession,  
129 provided the commissioner, or the commissioner's designee, gives  
130 notice and holds a hearing, in accordance with the provisions of  
131 chapter 54, prior to denying an application for a permit or a license  
132 based on this subparagraph; or

133 (F) Has a condition which would interfere with the practice of the  
134 applicant's profession, including, but not limited to, physical illness or  
135 loss of skill or deterioration due to the aging process, emotional  
136 disorder or mental illness, abuse or excessive use of drugs or alcohol,  
137 provided the commissioner, or the commissioner's designee, gives  
138 notice and holds a hearing in accordance with the provisions of  
139 chapter 54, prior to denying an application for a permit or a license  
140 based on this subparagraph;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	20-236

Sec. 2	<i>October 1, 2017</i>	20-252
Sec. 3	<i>October 1, 2017</i>	19a-14(a)(6)

**Statement of Legislative Commissioners:**

In Section 2(a), ", as amended by this act" was inserted for statutory consistency, and in Sections 2(b) and 3, "and cosmetician" was added for statutory consistency.

**PH**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Resources of the GF	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill may generate minimal General Fund revenue to the extent that state/national criminal background checks have been a barrier to individuals seeking licensure as a barber or hairdresser. The fee for an initial license is \$100 and it is the same fee to renew a license biannually.

**The Out Years**

The annualized ongoing fiscal impact would continue into the out years to the extent that individuals that would not have sought licensure as a barber or hairdresser due to state/national criminal background checks now become licensed.

**OLR Bill Analysis**

**sHB 5764**

***AN ACT CONCERNING THE LICENSING OF BARBERS AND HAIRDRESSERS.***

**SUMMARY**

This bill exempts barbers, hairdressers, and cosmeticians from having to submit to a state or national criminal history records check as a pre requisite to state licensure. It also prohibits the Department of Public Health (DPH) from taking the following actions with respect to an applicant for a barber, hairdresser, or cosmetician license solely because he or she was found guilty or convicted of a felony: (1) denying an application for licensure by examination or endorsement, (2) denying reinstatement of a license, or (3) issuing a conditional license.

By law, a person must be licensed by DPH to practice these occupations.

EFFECTIVE DATE: October 1, 2017

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 23      Nay 1      (03/15/2017)