

CHAPTER 6-A. LOUISIANA COSMETOLOGY ACT
PART I. GENERAL PROVISIONS

§561. Title

This Chapter shall be known and cited as the "Louisiana Cosmetology Act".
Acts 2001, No. 907, §2, eff. June 26, 2001.

§562. Legislative findings; purpose; intent

A. The legislature finds that the practice of cosmetology by qualified individuals is necessary to protect the public health, safety, and welfare of the citizens of the state of Louisiana. The legislature further finds it to be a matter of public interest and concern that only qualified persons be permitted to engage in the practice of cosmetology.

B. The legislature hereby declares the purpose of this Chapter is to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of cosmetology.

C. The licensure of all persons who perform cosmetology, the licensure of all facilities where cosmetology is taught within the state, the licensure of all facilities where cosmetology services are offered within the state, and the licensure of all persons who supervise individuals performing cosmetology within the state are declared to be necessary to ensure that only qualified persons be permitted to engage in the practice of cosmetology at facilities meeting appropriate standards.

D. This Chapter and the rules and regulations adopted pursuant to authority granted by this Chapter shall be liberally construed to carry out these objectives and purposes.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§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) "Beauty shop" or "salon" means any premises upon or within which cosmetology is practiced for a fee. These terms shall not include the premises wherein any of the persons exempted in R.S. 37:581 practice or do business.

(2) "Board" means the Louisiana State Board of Cosmetology. The board shall constitute a professional association within the meaning of Article VII, Section 9 of the Constitution of Louisiana.

(3) "Cosmetologist" means any person, who is not exempted from the provisions of this Chapter pursuant to R.S. 37:581, who engages in the practice of cosmetology for compensation, directly or indirectly, including tips.

(4) "Cosmetology" means the practice of using one's hands, mechanical or electrical apparatuses, or appliances or using cosmetic preparations, antiseptics, soaps, detergents, tonics, lotions, or creams in any one or any combination of the practices of esthetics, hair dressing, and manicuring for compensation, direct or indirect, including tips.

(5) "Esthetician" means a person who practices esthetics.

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

(7) "Hairdressing" means massaging, cleansing, washing, stimulating, manipulating, exercising, beautifying, or doing similar work upon the scalp of any person, including arranging, singeing, cutting or shaping, curling or waving, cleansing, shampooing, styling, bleaching, coloring, or similar work upon the hair of another person.

(8) "Manicuring" means trimming, filing, decorating, shaping, sculpting, or in any way caring for the nails and skin of another person's hands or feet together with massaging the hands, arms, legs, and feet.

(9) "Manicurist" means a person who practices manicuring.

(10) "Manager" means any person who supervises any person engaged in the practice of cosmetology in a beauty shop or salon.

(11) "Satellite classroom" means a separate classroom location used as supplemental training space located under the same roof of the main school building or on the same campus as the administrative center and at least within three hundred feet of the main school building for the purpose of training an overflow of students who cannot be accommodated at the main school.

(12) "School" means any premises wherein cosmetology is taught.

(13) "Student" means a person registered in a school authorized by the board to teach cosmetology.

(14) "Teacher" or "instructor" means a person who teaches cosmetology for direct or indirect compensation, within a school.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2010, No. 728, §1.

PART II. LOUISIANA BOARD OF COSMETOLOGY

§571. Louisiana Board of Cosmetology; creation; domicile; membership

A. The Louisiana Board of Cosmetology is hereby created and shall be domiciled in East Baton Rouge Parish.

B. The board shall be composed of eight members appointed by the governor, who shall serve at the pleasure of the governor. At least one member shall be appointed from each congressional district.

C. Each appointment by the governor shall be subject to Senate confirmation.

D. All vacancies on the board shall be filled by the governor within thirty days of receipt of notice of the vacancy.

Acts 2001, No. 907, §2, eff. June 26, 2001.

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

A. Each member of the board shall be a duly qualified registered voter of this state and shall have been domiciled in the state for at least twelve consecutive months prior to appointment.

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

C. The board members shall not all be graduates of the same school.

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

E. Any board member, who in the discharge of a duty or responsibility of his office or position would be required to vote on a matter which would cause him to be in violation of the Code of Governmental Ethics, shall recuse himself from voting.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2010, No. 728, §1.

§573. Compensation and expenses of board members

A. All board members shall be reimbursed for necessary travel and other incidental expenses incurred in the discharge of their duties within this state, provided that all such expenses shall be evidenced by an itemized statement to which receipts and appropriate vouchers are attached and paid in accordance with state travel regulations.

B. Each board member shall receive compensation for attendance at meetings, hearings, or any other duties of the board in the form of a per diem in the amount established in R.S. 37:599. No board member shall receive a per diem for more than eight days per month; however, the chairman may appoint a committee consisting of no more than three members of the board, who shall receive a per diem for no more than fifteen days per month.

C. In addition, the board may designate and pay the expenses of attendance of three members each year at the conference of the National Interstate Council of State Boards of Cosmetology, Inc. However, all such expenses shall be evidenced by an itemized statement to which receipts and appropriate vouchers are attached and paid in accordance with state travel regulations.

D. The statement of expenses for which reimbursement may be paid shall be transmitted to the board not later than the next official meeting of the board after the expenses have been incurred.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2010, No. 728, §1.

§574. Organization of board; meetings; quorum

A. The governor shall designate one member of the board to serve as chairman, and the chairman shall designate one member of the board to serve as vice chairman.

B. A majority of the members of the board physically present at a board meeting shall constitute a quorum for the transaction of business.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2010, No. 728, §1.

(a) Such funds are awarded for the pursuit of a specific objective which the board is authorized to accomplish by this Chapter or for which the board is qualified to accomplish by reason of its jurisdiction or professional expertise.

(b) Such funds are expended for the pursuit of the objective for which they are awarded.

(c) Activities connected with or occasioned by the expenditures of such funds do not interfere with the performance of the board's duties and responsibilities and do not conflict with the exercise of the board's powers as specified by this Chapter.

(d) Such funds are kept in a separate, special account.

(e) Periodic reports are made concerning the board's receipt and expenditure of such funds.

(5) Conduct any investigation, inquiry, or hearing as is necessary to supervise the regulatory provisions of this Chapter.

(6) Collect professional demographic data.

(7) Employ or contract for inspectors, clerical help, legal assistance, and other personnel necessary for the proper operation of the board office and for any other purpose under this Chapter. No inspector shall own, operate, or be employed by a beauty shop, salon, or school while employed by the board or under contract to perform inspections.

(8) Prepare and distribute a newsletter for distribution to persons subject to regulation by the board.

(9) Perform any other duties as are necessary and proper to carry out the purposes set forth in this Chapter.

(10) Purchase, acquire, develop, expand, sell, lease, maintain, mortgage, borrow funds, or otherwise contract with respect to immovable property and improvements thereon as it may deem necessary or appropriate to maintain a permanent testing center as required by Subparagraph (A)(1)(a). Additionally, the board shall have the authority to borrow funds with the approval of the State Bond Commission and to expend funds of the board for the acquisition of immovable property and improvements thereon. In the event that the board sells immovable property and improvements thereon, the revenue derived from the sale shall be retained by the board and shall not be subject to reversion to the state general fund.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2004, No. 808, §1, eff. July 12, 2004; Acts 2005, No. 92, §1; Acts 2010, No. 728, §1.

§575. Powers and duties of the board

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

(1)(a) Maintain a permanent testing center to be located in East Baton Rouge Parish. The center shall be equipped to accommodate both practical and theory examinations and shall provide office space and a conference room.

(b) In the event that the board sells the immovable property upon which the testing center is located together with the improvements thereon, the revenue derived from the sale shall be retained by the board and shall not be subject to reversion to the state general fund.

(2) Make necessary rules and regulations to carry out the purposes and enforce the provisions of this Chapter and furnish copies of such rules and regulations upon request.

(3) Hold meetings at least once a month and at other times when necessary for the transaction of business that may legally come before it.

(4) Administer examinations as deemed necessary.

(5) Issue and renew licenses, permits, certificates of registration, and any other designations deemed necessary to engage in the practice of cosmetology.

(6) Establish and enforce compliance with professional standards and rules of conduct of cosmetology.

(7) Determine and issue standards for recognition and approval of educational programs of schools whose graduates shall be eligible for licensure in this state. The board shall also specify and enforce requirements for training in such schools.

(8) Enforce those provisions of this Chapter related to conduct and competence, including but not limited to revocation, summary suspension, suspension, probation, reprimand, warnings, or fines.

(9) Establish minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for salons and schools.

(10) Inspect during hours of operation any licensed, permitted, certified, or registered facility or school, including but not limited to pertinent records, for the purpose of determining if any provisions of law governing the practice of cosmetology are being violated.

(11) Except as otherwise provided in this Chapter, exercise all of its duties, powers, and authority in accordance with the Administrative Procedure Act.

(12) Make, keep, and preserve all books, registers, and records.

(13) Receive and receipt all fees collected.

(14) Make disbursements by check, voucher, or any other reasonable means deemed appropriate by the board and authorized by the chairman.

(15) Adopt rules to enable a person licensed pursuant to this Chapter to practice the art for which he is licensed at the residence or domicile of a customer who is chronically ill or disabled.

(16) Refer any observed violations of the criminal laws of the state to the proper law enforcement officials.

B. The board may do the following:

(1) Issue certificates of temporary registration to out-of-state licensees or registrants in accordance with rules and regulations adopted by the board.

(2) Issue special permits in accordance with rules and regulations adopted by the board.

(3) Join such professional organizations or associations organized to promote the improvement of the standards of the practice of cosmetology, esthetics, or manicuring for the protection of the health, safety, and welfare of the public or whose activities assist and facilitate the board or its staff in carrying out the work of the board.

(4) Receive and expend funds, in addition to its annual or biennial appropriation, from parties other than the state, provided that all of the following conditions are met:

§576. Executive director

A. The board shall be authorized to employ an executive director, who shall be an unclassified employee of the state and whose duties shall include the following:

(1) The supervision of all inspectors and the examination team.

(2) The employment and supervision of all employees of the board.

(3) The performance of all administrative duties of the board.

(4) The preparation and submission of monthly detailed reports of activities to the board for review.

(5) The maintenance of a record of all proceedings of the board. Records relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration shall contain the name, place of business, and residence of each cosmetologist and the date and number of his certificate of registration.

(6) The performance of inspections when necessary.

(7) The performance of such other duties as prescribed by the board or as necessary for the proper administration of this Chapter.

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

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2010, No. 728, §1.

§577. Information not to be divulged

No member of the board nor any officer, agent, or employee thereof shall divulge to any person the contents of any document, paper, or record examined by him in the performance of his duties under this Chapter or any information obtained by him in the course of his investigations except when necessary to carry out the purposes of this Chapter.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§578. Cosmetologists' Board Fund

All monies received by the board shall be deposited in a separate account to be known as the "Cosmetologists' Board Fund". The monies in the fund shall be used for no other purpose except to pay the expenses for operation of the board.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2010, No. 728, §1.

PART III. CERTIFICATES OF REGISTRATION AND FEES

§581. Unlawful practice; exemptions

A. No person shall engage in the practice of cosmetology without obtaining a current certificate of registration for the appropriate area of practice under the provisions of this Chapter.

B. The following persons are exempt from the provisions of this Chapter while in the proper discharge of their professional duties in a facility not licensed by the board:

- (1) Persons authorized by law to practice medicine or surgery.
- (2) Commissioned medical or surgical officers in the armed forces of the United States or within the Veterans Administration.
- (3) Persons licensed by the Louisiana Board of Barber Examiners.
- (4) Employees of hospitals, nursing homes, or other health care facilities engaged in the exercise of their professions in a facility not licensed by the board.
- (5) Persons who perform the practice of cosmetology for any member of their immediate household.

C. Facilities licensed by the Louisiana Board of Barber Examiners shall be exempt from the provisions of this Chapter.

D.(1) Nothing in this Chapter shall prohibit a barber licensed by the Louisiana Board of Barber Examiners from performing any work authorized by Chapter 5 of this Title, or any rules or regulations adopted pursuant thereto, in a beauty shop or salon as long as he is working in the appropriate designated area.

(2) Nothing in this Chapter shall prohibit a certified cosmetologist from working in a facility licensed by the Louisiana Board of Barber Examiners, provided that he is in compliance with the provisions of this Chapter, and any rules and regulations adopted pursuant thereto.

E. Barber apprentices, except those persons enrolled in the barber apprenticeship program prior to June 1, 2001, shall be prohibited from engaging in the practice of barbering in facilities licensed by both the Louisiana Board of Barber Examiners and the Louisiana State Board of Cosmetology or facilities licensed by the Louisiana State Board of Cosmetology.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§582. Qualifications for certificate as a registered cosmetologist, esthetician, or manicurist; out-of-state licensees

A. In order to receive a certificate of registration as a registered cosmetologist, esthetician, or manicurist, a person shall, in addition to the requirements set forth in Subsection B of this Section, meet all of the following requirements:

- (1) Be at least sixteen years of age.
- (2) Have, at the time of completion of the required schooling, the equivalent training as would be contemplated in the satisfactory completion of the tenth grade from an approved high school.
- (3) Have satisfactorily passed an examination conducted by the board to determine his fitness to receive a certificate of registration.
- (4) Have paid the appropriate fee set forth in R.S. 37:599.

B. In addition to the requirements set forth in Subsection A of this Section, a person shall also meet the following requirements in order to obtain his certificate of registration as a registered cosmetologist, esthetician, or manicurist:

- (1) To obtain a certificate as a registered cosmetologist, a person shall have completed and passed a course at a registered or licensed school of cosmetology approved by the board.
- (2) To obtain a certificate as a registered esthetician, a person shall have completed and passed an esthetics course at a registered or licensed school of cosmetology approved by the board.
- (3) To obtain a certificate as a registered manicurist, a person shall have completed and passed a manicuring course at a registered or licensed school of cosmetology approved by the board.

C. The board shall issue the appropriate certificate of registration to any person who possesses a license or certificate of registration to practice as a cosmetologist, esthetician, or manicurist from another state or from a foreign country and who also meets the following requirements:

- (1) Has completed and passed the appropriate course of study at a school which is licensed in the state or country which issued the license.
- (2) Has satisfactorily passed the appropriate examination conducted by the board to determine his fitness to receive the certificate of registration.
- (3) Has paid the appropriate fee set forth in R.S. 37:599.

Acts 2001, No. 907, §2, eff. June 26, 2001.

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

A. No person shall teach cosmetology, esthetics, or manicuring without a certificate of registration issued by the board.

B. In order to receive a certificate of registration as a registered teacher of cosmetology, esthetics, or manicuring, a person shall, in addition to the requirements of Subsection C of this Section, meet all of the following requirements:

(1) Possess a high school diploma or its equivalent as determined by the Board of Elementary and Secondary Education.

(2) Have completed and passed the curriculum for the teacher's training course under the supervision of a licensed teacher for a minimum study of five hundred hours in not less than three months or possess a license as an esthetics, cosmetology, or manicuring instructor issued by another state.

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

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

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

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

D. Any person holding a certificate of registration as a registered teacher shall, every two years, attend a seminar for continuing education, as approved by the board, consisting of at least sixteen hours of training in the discipline for which the person is certified to teach.

E. The provisions of this Section shall not apply to persons teaching in facilities licensed by the Louisiana Board of Barber Examiners.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2007, No. 106, §1, eff. June 22, 2007; Acts 2010, No. 728, §1.

§584. Certificates of temporary registration; special permits

A. The board may adopt rules and regulations for the issuance of certificates of temporary registration to any person licensed or certified in another state, territory, or country which shall permit the person to practice cosmetology within the state of Louisiana for a period not to exceed thirty days.

B. No person shall be issued more than four temporary certificates within one calendar year.

C. The board may adopt rules and regulations for the issuance of special permits to allow limited and specific powers within the practice of cosmetology.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§585. Examination team

A. The board may employ an examination team and may contract with a testing service to conduct the examinations of applicants required under the provisions of this Chapter.

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

(1) Are registered voters of the state and who have been domiciled in the state for at least twelve consecutive months prior to employment as examination team members.

(2) Were actively engaged in the practice of cosmetology in the state for a minimum of five consecutive years.

(3) Are not connected either directly or indirectly with ownership of a registered school in the state. "Connected" shall mean having an ownership interest, being employed by or having a contract with a school, or having an immediate family member who has an ownership interest in a school.

(4) Are not employed by a licensed school in the state.

C. Each examination team member shall receive compensation in the form of a per diem in the amount set forth in R.S. 37:599 and may be reimbursed for necessary expenses incurred in the discharge of his duties, as approved by the board, and paid in accordance with state travel regulations.

D. A board member who has no ownership interest in any school may serve as an examination team member in the absence of any examination team member. Any board member who serves on an examination team shall be reimbursed the per diem for board members set forth in R.S. 37:599.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2007, No. 106, §1, eff. June 22, 2007; Acts 2010, No. 728, §1.

§586. Examination of applicants

A.(1) The examination team and testing service contracted by the board shall conduct examinations of applicants for certificates as registered cosmetologists, estheticians, manicurists, teachers, and for any special permit issued by the board which requires testing at such times and places as deemed appropriate by the board.

(2) Practical cosmetologist, Louisiana state theory, and national theory examinations shall be conducted at least twice monthly.

(3) Esthetician, manicurist, and teacher examinations shall be conducted at least four times per calendar year.

(4) Examinations for special permits shall be given at least twice per year.

(5) The date and time of all scheduled examinations shall be fixed by the board annually at a meeting duly called to cover a period of twelve calendar months thereafter.

(6) An applicant shall be responsible for all costs associated with taking an examination at an off-site testing center.

B. The examinations shall include practical demonstrations and written and oral tests which shall reflect the subjects normally taught in approved schools in the course required for the appropriate certificate of registration.

C. Examinations and results of examinations given by the board shall be confidential and not subject to discovery or disclosure.

D. Each applicant for examination shall submit an application containing proof of his qualifications, which shall be certified by the applicant under oath and shall be accompanied by the required fee set forth in R.S. 37:599.

E. All fees contractually owed by an applicant to a school of cosmetology from which he graduated shall be paid before an applicant may apply for an examination for a certificate of registration required by this Chapter.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2007, No. 106, §1, eff. June 22, 2007.

§587. Certification of records

A. The board shall certify licensure status, hours earned, and examinations completed, upon written request by the licensee or student, free of charge once during the period of licensure or enrollment. Any subsequent request for certification of licensure status from a licensee or student must be accompanied by the fee set forth in R.S. 37:599.

B. All other requests for certification of licensure status, hours earned, and examinations completed other than those described in Subsection A above must be accompanied by the fee set forth in R.S. 37:599.

Acts 2004, No. 808, §1, eff. July 12, 2004.

§588. Inactive certificate of registration; reactivation of certificate

A. A person who holds a residence outside of Louisiana and who wishes to retain a certificate of registration as a cosmetologist, esthetician, manicurist, or teacher in this state may apply to the board for an inactive certificate and pay the appropriate fee set forth in R.S. 37:599 for each year the certificate is inactive. The inactive certificate shall be issued for a period of time not to exceed three years.

B. Persons with an inactive certificate shall not be required to provide evidence of completion of required continuing education courses for any year in which the certificate is inactive.

C. A teacher holding an inactive certificate may activate his certificate by providing evidence of completion of the required continuing education courses for that year.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§589. Certificates of registration for managers

A. Any cosmetology salon owner who is not a licensed cosmetologist, any manicuring salon owner who is not a licensed manicurist, and any esthetics salon owner who is not a licensed esthetician shall employ a manager who is a licensed cosmetologist and who shall not be absent from the salon more than two working days per week; however, a registered manicurist may manage a manicuring salon and a registered esthetician may manage an esthetics salon.

B. A shop owner who is absent from his respective shop more than two working days per week shall employ a manager, who shall be a registered cosmetologist and who shall obtain a certificate of registration as a manager. However, a registered manicurist may manage a manicuring salon, and a registered esthetician may manage an esthetics salon.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2004, No. 808, §1, eff. July 12, 2004.

§590. Renewal of certificates of registration

A.(1) Every beauty shop owner, booth renter, manager of a beauty shop, and school shall, on or before January thirty-first of each calendar year, renew his or its certificate of registration. Every certificate of registration which has not been timely renewed shall expire on the following first day of March, at which time the holder of such certificate of registration may have his certificate renewed only upon fulfilling the requirements provided for by this Chapter and paying the restoration fee provided in R.S. 37:599.

(2) Every registered cosmetologist, esthetician, manicurist, or teacher who continues to actively practice his licensed profession shall renew his certificate of registration on or before such individual's date of birth, and such certificate shall expire thirty days following the date of birth if not renewed.

B. Any holder of a certificate of registration who retires from his authorized practice for more than three years may resume his practice and renew his certificate of registration upon satisfactory proof that he is qualified to resume, which shall be provided by a short form examination conducted by the examination team. Such renewals may be facilitated by attending a "brush up" course conducted by an approved school and paying the appropriate fee set forth in R.S. 37:599.

C. Persons registered in Louisiana who maintain a license or registration to practice outside of the state shall be considered as having maintained an active practice during the term covered by such foreign certificate.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§591. Requirements for certification as a beauty shop or salon

A. No person or entity shall operate a beauty shop or salon in the state of Louisiana without a certificate of registration issued by the board.

B. In order to obtain a certificate of registration as a beauty shop or salon, the owner of such business shall do the following:

(1) Certify that all persons employed at such facility are appropriately licensed by their respective licensing board.

(2) Demonstrate that the required physical, sanitary, and administrative facilities have been established.

(3) Submit an initial application for a new shop location along with the appropriate fee specified in R.S. 37:599.

(4) Include the words "beauty shop" or "salon" in any sign or advertisement for cosmetology services.

(5) Designate, by placing a sign containing at least four-inch lettering, areas of his beauty shop or salon as areas where only cosmetology shall be practiced and areas where only barbering shall be practiced.

(6) Repealed by Acts 2010, No. 728, §2.

C. No person shall accept employment or continue employment in a beauty shop, salon, or other facility unless the facility possesses a certificate of registration issued by the appropriate licensing board.

D. No person licensed by the Louisiana Board of Cosmetology shall provide any service for which a license, certificate of registration or permit issued by the board is required, outside of any facility licensed by that board or the Louisiana Board of Barber Examiners, except for the following:

(1) In the residence of a client who is chronically ill or disabled and who has presented a physician's certificate indicating that the client is chronically ill or disabled; or who has presented evidence that the client has been awarded Social Security Disability or Supplemental Income Disability Benefits.

(2) In a hospital or infirmary for a patient.

(3) In a funeral establishment.

(4) At a temporary site such as a television, motion picture, video or theatrical production, photographic session, or similar activity.

(5) At a retail establishment to demonstrate cosmetics in connection with the sale of cosmetics.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2004, No. 808, §1, eff. July 12, 2004; Acts 2010, No. 728, §§1, 2.

§592. Employment of cosmetologists; independent contractors

A. No person licensed by the board shall permit any person in his employ or under his supervision or control to practice cosmetology or barbering who does not possess the appropriate certificate or certificates of registration issued by the appropriate licensing board.

B. A registered cosmetologist shall be deemed an employee of a salon, unless the following applies:

(1) A written agreement exists between the cosmetologist and the salon specifying the following:

(a) That the cosmetologist is an independent contractor.

(b) That the salon has no right to control the methodology used by the cosmetologist to produce a given result.

(c) The amount of rent to be paid by the cosmetologist to the salon, whether calculated at a fixed percentage of the cosmetologist's gross receipts or a flat fee.

(2) The cosmetologist possesses a booth rental permit issued by the board.

(3) The cosmetologist has paid a booth rental permit fee to the board.

C. The salon shall maintain complete records of all rental payments to the salon and all distributions to the cosmetologist.

D. No cosmetologist who has been issued a booth rental permit pursuant to R.S. 37:593 shall be recognized as an employee of a salon by the Louisiana Department of Revenue or Louisiana Workforce Commission.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2008, No. 743, §7, eff. July 1, 2008.

§593. Booth rental permits

A. The board shall issue a booth rental permit to any person who holds a license, certificate of registration, or permit issued by the board upon application and compliance with the following:

(1) Submission of a copy of the written agreement required by R.S. 37:592(B).

(2) Payment of the booth rental permit fee and the booth rental inspection fee set forth in R.S. 37:599.

(3) Receipt of an inspection report from the board indicating approval of the booth.

B. Booth rental permits are not transferable except as follows:

(1) When the ownership of the salon changes, a booth rental permit can be transferred by filing a new booth rental agreement; or

(2) When the salon changes location, a booth rental permit can be transferred by filing a new booth rental agreement and receipt of an inspection report from the board indicating approval of the booth.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2004, No. 808, §1, eff. July 12, 2004.

§594. Application for school certificate of registration; change of location; change of ownership

A. No school of cosmetology shall operate within this state without a certificate of registration.

B. At least thirty days prior to the board meeting, any person desiring to operate a cosmetology school shall:

(1) Notify the board in writing of his intent to open a new school and identify the maximum number of students to be enrolled at any time and the proposed location of the school. The applicant shall provide a description of any proposed improvements to be made to the site, including the approximate square footage.

(2) Pay the fee for the initial school premises inspection set forth in R.S. 37:599.

(3) Receive an inspection report from the board indicating that the floor space is adequate.

(4) Receive approval of the location by the board.

(5) Submit a detailed floor plan certified by an architect or engineer drawn to scale, including the arrangement of classrooms, placement of equipment, electrical outlets, ventilation equipment, plumbing and lighting, the locations of all outside entrances and exits, and the square footage for each area.

(6) Submit a copy of the lease, if the space is to be leased.

(7) Submit approval from the local fire safety inspector indicating that fire safety requirements have been met.

(8) Submit a copy of the proposed curriculum and a daily schedule for the course of study.

(9) Submit a notarized statement from each registered teacher to be employed, verifying his agreement to teach if the school receives its certificate of registration.

(10) For all schools which charge tuition, submit proof of financial responsibility to such extent as may be determined by the board or a surety bond executed by a company authorized to do business in Louisiana in the amount of five thousand dollars in favor of the state of Louisiana. Such bond shall be used for the benefit of any students who cannot complete the curriculum due to the closure of the school, to the extent of the amount of the tuition paid. The board may, at any time during the operation of a registered school, require additional data to be submitted in order to satisfy the board of the school's financial responsibility.

(11) Submit a new school application, properly executed, together with the fee set forth in R.S. 37:599.

(12) Submit a final inspection fee as set forth in R.S. 37:599.

C. Any licensed school shall notify the board in writing of the intent to relocate the school and give the proposed location and a description of any proposed improvements to be made to the site, including the approximate square footage. Upon approval of the location, the school shall comply with the requirements set forth in Paragraphs (2) through (7) of Subsection B of this Section and submit a change of address notice fee in accordance with R.S. 37:599.

D. Any licensed school shall notify the board in writing of the intent to transfer ownership by lease or otherwise and shall comply with the requirements set forth in Paragraphs (8) through (10) of Subsection B of this Section and submit a change of ownership notice fee in accordance with R.S. 37:599.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2010, No. 728, §1.

§595. Requirements for schools

A. All schools registered by the board shall do the following:

(1) Possess apparatus and equipment sufficient for the ready and full teaching of its entire curriculum.

(2) Have a total floor space of not less than thirty-five hundred square feet with a minimum of four hundred square feet of floor space for each classroom.

(3) Be supervised by a registered teacher of cosmetology in active practice, with at least twenty-four months of teaching experience in an accredited school of cosmetology approved by the board.

(4) Employ at least two instructors, who are teachers registered by the board, at least one of whom shall have been a registered teacher and in active practice for at least eighteen months.

(5) Maintain a record of the attendance of each student and a record of the progress of each student in achieving the required proficiency.

(6) Establish a grading system and require passage of examinations for issuance of diplomas.

(7) Maintain facilities as required by the board.

B. All registered cosmetology schools shall do the following:

(1) Offer a course of practical training and technical instruction extending over a period of not less than nine consecutive months and including not less than fifteen hundred hours for the basic course of cosmetology. The course of study shall include lectures, discussion, instructions, and mechanical application.

(2) Offer a course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than seven hundred fifty hours for the basic course of esthetics. This course of study shall include lectures, discussion, instructions, and mechanical application and shall include not less than three hundred hours of practical application and lecture and not less than two hundred hours of library study or research. The remaining hours may be made up of any combination of the above.

(3) Provide for a period of continuing study in esthetics, including a course of not less than six weeks duration and containing not less than two hundred hours of study.

(4) Offer a course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than five hundred hours for the basic course of manicuring. This course of study shall include lectures, discussion, instructions, and mechanical application and shall include not less than three hundred hours of practical application and lecture and not less than two hundred hours of library study or research.

(5) Provide for a period of continuing study in manicuring, including a course of not less than six weeks duration and containing not less than two hundred hours of study.

C. Any registered cosmetology school may offer a "brush up" course, which shall last not less than six weeks and contain not less than two hundred hours of study.

D. A student who has studied at a school licensed or registered by another state, territory, foreign country, or province, or another registered school within the state of Louisiana may transfer hours carried within the preceding three years, if approved by the enrolling school.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2010, No. 728, §1.

§596. Satellite classrooms; school of cosmetology; guidelines

A. Any topic relating to the practice of cosmetology may be taught at a satellite classroom provided that the following conditions exist:

- (1) No clinic shall be operated at a satellite classroom.
- (2) No beauty service or cosmetology skills learned by a student shall be performed for the public or on paying clients at the satellite classroom.
- (3) No student shall attend class at a satellite classroom facility unless a registered instructor is on the premises.

B. The satellite classroom facility shall:

- (1) Bear the same name as the main school.
- (2) Operate under the same license obtained by the main school.
- (3) Not be located within three hundred feet of any other registered school of cosmetology.
- (4) Have at least four hundred square feet of floor space.

C. Equipment located in the satellite classroom shall be limited to practical or theory instruction only. This instruction shall require a minimum amount of equipment and electrical outlets and an adequate ventilation system as determined by the board.

D. The following information shall be supplied to the board prior to opening a satellite classroom:

- (1) A detailed floor plan of the proposed classroom, drawn to scale.
- (2) Approval from the local fire safety inspector indicating that fire safety requirements have been met.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§597. Display of certificate of registration

Every holder of a certificate of registration issued by the board shall display it in a conspicuous place in his principal place of business or employment. Additionally, any facility licensed by the board shall display any other documents required to be displayed by the board's rules.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§598. Records

A. The board may require the licensee to keep the following records:

(1) A record of all cosmetic therapy, beauty culture, hairdressing, and esthetics work performed and the price thereof.

(2) A record of all the expenses incident to the operation of a beauty culture and hair dressing establishment.

(3) A record of the net profits of any such establishment from month to month.

(4) Any other records and information which the board finds necessary for the proper enforcement of this Part.

B. The board may require any owner or operator of any beauty school to keep the following records:

(1) A record of all beauty work performed and the price thereof.

(2) A record of all expenses incident to the operation of any beauty school.

(3) A record of the net profits of any beauty school from month to month.

(4) A record of tuition charged and received by any beauty school.

(5) Any other records and information necessary for the proper enforcement of this Part.

C. The owners or operators of schools covered by the provisions of this Chapter may not approve the transfer of any student or student records of earned hours unless all contractual fees owed by the student to any such school have been paid.

Acts 2001, No. 907, §2, eff. June 26, 2001.

(d) Change of address notice	\$100.00
(9) Miscellaneous fees:	
(a) Official certification of records	\$15.00
(b) Duplicate license	\$25.00
(c) Copy of booth rental contract form	\$ 5.00

B. The board shall pay a per diem of one hundred dollars to each board member and each examination team member.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2004, No. 808, §1, eff. July 12, 2004; Acts 2008, No. 216, §1.

§599. Fees

A. The following fees shall be assessed by the board:

(1) For each examination given by the examination team to an applicant:

- | | |
|--------------------------------|---------|
| (a) Theory examination | \$25.00 |
| (b) Practical examination | \$25.00 |
| (c) Re-take of any examination | \$25.00 |

(2) For each initial certificate of registration and each annual renewal of such certificate:

(a) Cosmetologist - General

- | | |
|------------------|---------|
| (i) Resident | \$25.00 |
| (ii) Nonresident | \$50.00 |

(b) Esthetician

- | | |
|------------------|---------|
| (i) Resident | \$25.00 |
| (ii) Nonresident | \$50.00 |

(c) Manicurist

- | | |
|------------------|---------|
| (i) Resident | \$25.00 |
| (ii) Nonresident | \$50.00 |

(d) Teacher

- | | |
|------------------|---------|
| (i) Resident | \$25.00 |
| (ii) Nonresident | \$50.00 |

(e) Manager

- | | |
|------------------|---------|
| (i) Resident | \$25.00 |
| (ii) Nonresident | \$65.00 |

(iii) Home care

- | | |
|------------------|---------|
| (i) Resident | \$30.00 |
| (ii) Nonresident | \$65.00 |

(iv) Initial inspection fee for salon or booth rental

- | | |
|--------------|---------|
| (i) Resident | \$25.00 |
|--------------|---------|

(g) Booth rental permit

(h) Special permit

(i) Temporary permit

(3) If a registrant wishes to restore an expired certificate listed in Paragraph (2) of this Subsection within three years from the date of expiration, he shall be assessed a fee equal to twice the applicable fee for each year the certificate was expired, not to exceed three hundred dollars.

(4) Student registration including one "in-state" transfer

- | | |
|-----------------|----------------------------------|
| (a) Resident | \$10.00 upon entering the course |
| (b) Nonresident | \$10.00 upon entering the course |

(5) Initial certificate of registration for a school

- | | |
|-----------------|----------|
| (a) Resident | \$315.00 |
| (b) Nonresident | \$615.00 |

(6) Renewal of certificate of registration for a school

- | | |
|-----------------|----------|
| (a) Resident | \$165.00 |
| (b) Nonresident | \$465.00 |

(c) Failure to timely renew

(7) If a registrant wishes to restore an expired certificate listed in Paragraph (5) of this Subsection within three years from the date of expiration, he shall be assessed a fee equal to twice the renewal fee for each year the certificate was expired in addition to the fee for failure to timely renew.

(8) Other school fees:

- | | |
|------------------------|----------|
| (a) Initial inspection | \$100.00 |
| (b) Final inspection | \$300.00 |

(c) Change of ownership notice	\$50.00
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PART IV. DISCIPLINE

§600. Grounds for denial, suspension, summary suspension, or revocation of a certificate of registration

A. The board may deny the issuance of, suspend, revoke, or refuse to renew any certificate of registration or place on probation any registrant, after notice and opportunity for hearing pursuant to the Administrative Procedure Act, upon proof of any of the following:

(1) Obtaining or attempting to obtain a certificate of registration by means of fraud, misrepresentation, or concealment of material facts, including making false statements on an application or other document required by the board.

(2) Selling, bartering, or offering to sell or barter a certificate of registration.

(3) Engaging in unprofessional conduct that is likely to endanger the health, safety, or welfare of the public.

(4) Continued practice by a person knowingly having an infectious or contagious condition or disease or mental illness which interferes with the person's ability to practice as certified by a physician licensed to practice in the state of Louisiana.

(5) False or deceptive advertising in connection with the practice of or instruction of cosmetology.

(6) Advertising, practicing, or attempting to practice under a name other than the name on the certificate.

(7) Habitual drunkenness or habitual addiction to the illegal use of controlled dangerous substances on the premises of any licensed facility.

(8) Conviction of a felony, shown by a certified copy of the records.

(9) Failure to pay any fee set forth in R.S. 37:599.

(10) Failure to furnish the board, its investigators, or representatives with any legally requested information.

(11) Failure to report all business receipts and income to the appropriate state and federal government agencies, including but not limited to the United States Internal Revenue Service, the Louisiana Department of Revenue, and the Louisiana Workforce Commission.

(12) Violation of any provision of this Chapter.

B. The board may immediately suspend the certificate of registration whenever the cause upon which a hearing is held involves either or both of the following:

(1) Conviction of a felony, shown by a certified copy of the records.

(2) Continued practice by a person having an infectious or contagious condition or disease or mental illness which interferes with the person's ability to practice, as certified by a physician licensed to practice in the state of Louisiana.

C. In addition to or instead of the administrative actions that may be taken by the board pursuant to Subsection A of this Section, the board may also issue a reprimand or a warning against a registrant for whom there is proof that he engaged in any of the activities provided for in this Section. Such reprimand or warning shall be issued after notice and an opportunity for hearing in accordance with the Administrative Procedure Act.

Acts 2001, No. 907, §2, eff. June 26, 2001; Acts 2008, No. 743, §7, eff. July 1, 2008.

§601. Fines

An inspector may issue a citation and collect a fine of twenty-five dollars per violation of any provision of this Chapter, up to a maximum of three hundred dollars per week, from any person, school, or facility, provided that the registrant waives his rights to a hearing in writing. Each day a violation exists shall be considered a separate violation.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§602. Investigation; notice and hearing

Upon the filing of a written complaint with the board charging any registrant with violation of any of the provisions of this Chapter, the executive director of the board shall fix a time and place for hearing and shall send a copy, by certified mail or hand delivery, of the charges together with a notice of the time and place for hearing to the individual at least twenty calendar days prior to the date set for the hearing. The notice shall be sent to the last known address of the individual, as it appears in the records of the board, or to the address of the facility where the violation is alleged to have occurred.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§603. Subpoenas; witnesses; production of records

A. The board may compel the attendance and testimony of witnesses and the production of any evidence or documentation that relates to any matter properly under investigation or in question before the board.

B. Each witness who appears before the board pursuant to subpoena shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of this state.

C. No subpoena shall be issued at the request of a party other than the board, unless the fees and mileage provided for in Subsection B of this Section are deposited with the board in advance.

D. In case a person or entity refuses to obey a subpoena or subpoena duces tecum issued by the board, the board may apply to the district court within the jurisdiction where the inquiry is conducted or within the jurisdiction where such person is domiciled, resides, or transacts business, or the Nineteenth Judicial District Court to issue to such person or entity an order requiring him to appear before the board, its members, agent or agency, in order to produce evidence, if ordered, or to give testimony concerning the matter under investigation.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§604. Violations; penalties

A. Upon proof of a violation of the provisions of this Chapter, the board may order the payment of up to two hundred dollars per violation, not to exceed a total of five thousand dollars.

B. Each day on which a violation occurs is a separate violation for the purposes of this Chapter.

C. In addition to the disciplinary action or fine assessed by the board, the board may also assess all costs incurred in connection with the proceedings, including but not limited to the costs of an investigator, stenographer, and attorney.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§605. Injunction; penalty; attorney fees; costs

A. The board may institute any action in a court of competent jurisdiction necessary to enforce compliance with any provision of this Chapter or with any regulation, subpoena, or order of the board made pursuant to the provisions of this Chapter, including a writ of injunction enjoining any person practicing or assisting in the practice of cosmetology, esthetics, or manicuring until such person obtains the necessary certificate of registration under the provisions of this Chapter. Any injunction issued pursuant to this Chapter shall not be subject to being released upon bond.

B. In the suit for an injunction, the board may demand of the defendant a penalty of not more than five thousand dollars, as well as reasonable attorney fees and court costs. This judgment for penalty, attorney fees, and costs may be rendered in the same judgment as the injunction.

C. Barbers or facilities licensed by the Louisiana Board of Barber Examiners shall not be prohibited from performing any work authorized by Chapter 5 of this Title, or any rules or regulations adopted pursuant thereto.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§606. Unlicensed persons; cease and desist orders; injunctive relief

A. The board shall have jurisdiction over all uncertified and unpermitted persons and facilities relative to the enforcement of the provisions of this Chapter.

B. In addition to the administrative penalties provided for in this Chapter, the board acting through its executive director may issue an order to any person or facility engaged in any activity, conduct, or practice constituting cosmetology directing such person or facility to cease and desist from such activity, conduct, or practice.

C. If the person or entity to whom the board directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within two days of receipt of such order by certified mail or hand delivery, the executive director may seek a writ of injunction in any court of competent jurisdiction and proper venue enjoining such person from engaging in the activity, conduct, or practice. The injunction shall not be subject to being released upon bond.

D. In the suit for an injunction, the board may demand of the defendant a penalty of not more than five thousand dollars, as well as reasonable attorney fees and court costs. The judgment for penalty, attorney fees, and costs may be rendered in the same judgment as the injunction.

E. Barbers or facilities licensed by the Louisiana Board of Barber Examiners shall not be prohibited from performing any work authorized by Chapter 5 of this Title, or any rules or regulations adopted pursuant thereto.

Acts 2001, No. 907, §2, eff. June 26, 2001.

§607. Review of board orders

A. Any person to whom the board has refused to issue a certificate of registration, permit, or any other designation deemed necessary to engage in the practice of cosmetology, esthetics, manicuring, or teaching, or any person whose registration, permit, or any other designation deemed necessary to engage in the practice of cosmetology, esthetics, manicuring, or teaching has been suspended, revoked, or has been refused to be renewed by the board, may appeal the decision and order of the board to the Nineteenth Judicial District Court.

B. Absent agreement of counsel for all parties, no stay of enforcement of a decision issued by the board during pendency of an appeal pursuant to the provisions of this Section shall be granted unless the district court finds that the applicant has established that the issuance of the stay does not do either of the following:

- (1) Threaten harm to persons for whom the applicant may render services.
- (2) Constitute a threat to the health and welfare of the citizens of the state.

C. No stay shall be granted ex parte. The court shall schedule a hearing on the request for a stay order within ten days from filing of the request. The court shall render a decision within five days of the conclusion of the hearing.

Acts 2001, No. 907, §2, eff. June 26, 2001.