
Washington Administrative Code Notice of Permanent Rules for **Natural Hair Braiding**

This explanatory statement concerns the **Washington State Department of Licensing's adoption of WAC 308-20-025 Natural hair braiding – Exemption**. The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule making.

Once persons who gave comment during this rule making have had a chance to receive this document, the Department of Licensing will file the amended rules with the Office of the Code Reviser. These rule changes will become effective 31 days after filing (approximately **April 10, 2015**).

The Department of Licensing appreciates your involvement in this rule making process. If you have any questions, please contact Damon Monroe, Agency Rules Coordinator, at (360) 902-3843 or e-mail at dmonroe@dol.wa.gov.

What are the agency's reasons for adopting this rule?

The department will formally adopt the definition as identified in Interpretive Statement-COS1 to clarify natural hair braiding does not meet the requirements as set forth in chapter 18.16 RCW.

Summary of all oral comments received on this rule proposal and the agency's response to those comments:

Comment: One licensed industry representative testified she is opposed to the proposed rule, and would like to see a new law with a program focusing on hand, skin and nail disease to bring hair braiding into the industries.

Response: Adding a new license to the Revised Code of Washington (RCW) is done by the state legislature.

Comment: A licensed cosmetologist and salon owner testified she is for changing the law or rule as written to create a braiding license that includes 35 hours or less focusing on sanitation. This salon owner also provided written comments regarding risks to the public.

Response: Adding a new license to the Revised Code of Washington (RCW) is done by the state legislature.

Comment: One licensed industry representative testified she is opposed to the proposed rule but is open to a new rule that states hair braiding would require 40 hours of sanitation education similar to Florida's requirements to be licensed.

Response: Adding a new license to the Revised Code of Washington (RCW) is done by the state legislature.

Comment: A licensed salon owner testified she would like the proposed rule changed to a natural hair and/or sanitation license. Cosmetology training and the science behind the education makes sense.

Response: Adding a new license to the Revised Code of Washington (RCW) is done by the state legislature.

Summary of all written comments received on this rule proposal and the agency's response to those comments:

Comment: "As a licensed cosmetologist I believe that braiding should not require the same license. I do believe that people who practice braiding or who curl hair at the mall kiosk should be subject to standards or licensing which require them to demonstrate knowledge of proper hygiene guidelines as well as be able to identify things like head lice or other conditions of the skin which may be contagious. As long as they are not cutting hair or using chemicals to straighten, curl or color the hair, I believe that braiding, including the braiding of extension pieces without bonding agents, should not require a cosmetology license."

Response: Current law requires a cosmetology license for all services under their scope as defined in RCW. Any services that do not use tools or chemicals are not required to have a license.

Comment: "I think natural needs better definition on 308-20-025. My suggestion is after the end '....by natural means' it needs to say perhaps 'without the use of tools.'"

Response: We will consider this suggestion at future workshops regarding rules.

Comment: "Speaking on hair braiding on if there should be a license required if the service is free no license required. Only if there is a money transaction there should be a license requirement."

Response: The department does not regulate services provided when a fee is not charged.

Comment: "I have a 'hair braiding' shop across the hall from me. ...About 4 years ago, she had the landlords, install a sink so she could shampoo their hair also. [She] has never been to beauty school, does not sterilize her equipment...If they want to work with hair, then go to school the same hours as the rest of us."

Response: The new rule does not allow hair braiders to shampoo hair without the appropriate license.

Comment: "If this law change opens the door to unregulated salons and stylists we do not support adopting the new Interpretive Statement – COS 1."

Response: The new rule only clarifies that nothing in chapter 18.16 RCW or 308-20 WAC prohibits or restricts the practice of natural hair braiding.

Comment: “While I understand the reason this action is being taken place due to the news I saw with the lady who wants to continue hair braiding without the proper lisenese, I feel in the 14 years I have held my proper lisenese I continue to have things taken from my education. I lost waxing years ago and now you are trying to tell me braiding, which to me would fall under ‘formal hairstyling’ and ‘updos’ catagory, does not require me to have a lisenese? There has to be a standard. I paid and put in my hours for education. It used to be to touch a client without a lisenese you either needed to be in school or have a lisenese. Where do we draw the line? I hope that I don’t have more things taken from me in the future.”

Response: The new rule does not take anything away from current licensees and only clarifies that nothing in chapter 18.16 RCW or 308-20 WAC prohibits or restricts the practice of natural hair braiding without the use of tools and chemicals.

Comment: “Washington state showing is special interest by allowing parts of the Cosmetology profession to be practiced without licensure. You are taking money away from Cosmetologists that have paid for education(or are still paying for their education), passed state required testing thus protecting the community from disease and disorders by allowing laypersons to perform braiding and artificial hair application with NO training in sanitation. I am so angry and oppose this action.”

Response: The new rule does not show special interest and only clarifies that nothing in chapter 18.16 RCW or 308-20 WAC prohibits or restricts the practice of natural hair braiding without the use of tools and chemicals.

The Department has considered all comments.

The final rule is the same as the proposed rule. Notice of the adopted rule will be distributed to all licensees, and stakeholder mailing and email lists following filing with the Office of the Code Reviser.

WAC Changes:

New Section 308-20-025 Natural hair braiding – Exception.

Nothing in chapter 18.16 RCW or 308-20 WAC prohibits or restricts the practice of natural hair braiding. Natural hair braiding does not include hair cutting, application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair. Natural hair braiding may involve the use of hair extensions when the extensions are attached only by natural means.