S T A T E O F N E W Y O R K

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I N A S S E M B L Y

June 12, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Pretlow) -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to providing that state cosmetology curriculums and examinations reflect instruction concerning ethnic and minority clients

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 5 of section 402 of the general business law, as added by chapter 509 of the laws of 1992, is amended to read as follows:

5. Adopt such rules and regulations not inconsistent with the provisions of this article, as may be necessary with respect to the form and content of applications for licenses, the reception thereof, the investigation and examination of applicants and of prospective applicants taking examinations and their qualifications, THE MAINTENANCE OF CULTURAL AND ETHNIC AWARENESS WITHIN THE PRESCRIBED CURRICULUM AND IN EXAMINATIONS AND RACIAL EQUALITY AMONGST APPLICANTS, and the other matters incidental or appropriate to the powers and duties of the secretary as prescribed by this article and for the proper administration and enforcement of the provisions of this article.

S 2. Subdivisions 1 and 3 of section 403 of the general business law, subdivision 1 as amended by chapter 341 of the laws of 1998 and subdivision 3 as added by chapter 509 of the laws of 1992, are amended to read as follows:

1. There shall be established within the department an advisory committee which shall consist of [nine] TEN members broadly representative of the appearance enhancement industry, including one person engaged in the practice of either nail specialty or waxing, two persons engaged in natural hair styling, one of whom shall be knowledgeable in the practice of styling techniques which place tension on the hair roots, one person engaged in esthetics, two persons engaged in cosmetology, two persons engaged in training of persons for such practices, [and] one person licensed as a dermatologist, AND ONE PERSON WHO SHALL ENSURE STRICT ADHERENCE TO QUALITY SERVICES FOR ALL CLIENTS, INCLUDING

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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MINORITY AND ETHNIC CLIENTS. The secretary shall appoint such persons to serve on the advisory committee, provided, that two shall be appointed by the secretary on the recommendation of the temporary president of the senate and two shall be appointed by the secretary on the recommendation of the speaker of the assembly. Each member of the committee shall be appointed for terms of two years. Any member may be reappointed for additional terms. The secretary shall designate from among the members of the committee a chairperson who shall serve at the pleasure of the secretary.

3. The advisory committee shall advise the secretary on all matters relating to this article, and on such other matters as the secretary shall request. In advising the secretary on matters concerning professional education or curriculum, INCLUDING ENSURING THAT SUCH CURRICULUM IS NOT RACIALLY BIASED, the advisory committee shall, to the extent practicable, consult with the state education department.

S 3. Subdivision 1 of section 407 of the general business law, as amended by chapter 255 of the laws of 1999, is amended to read as follows:

1. The examinations for the license to practice natural hair styling, esthetics, nail specialty and cosmetology shall be practical and written. The examinations for the license to practice waxing shall be limited to a written examination only. The secretary shall determine reasonable standards of performance for each license and shall evaluate the prospective applicants and applicants on the basis of such standards. The objectives of the examinations shall be to insure that prospective applicants and applicants have sufficient basic skills to safeguard the health and safety of the public and to insure that prospective applicants and applicants have attained adequate levels of skill to competently engage CLIENTS FROM VARYING CULTURAL AND ETHNIC BACKGROUNDS in the activities authorized by the license.

S 4. This act shall take effect immediately.