

HOUSE BILL NO. 216

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/24/20

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to professional licensing; relating to temporary licenses for some
2 professions; relating to audiologists and speech-language pathologists; relating to the
3 regulation of hair braiding; relating to the demonstration of traditional Alaska Native
4 tattoo techniques; relating to home inspector licensing; relating to collection agency
5 licensing; relating to hearing aid dealer licensing; repealing requirements for
6 certification of professional geologists; repealing the requirements for registration of
7 concert promoters; repealing the athletic commission; relating to boxing, sparring and
8 wrestling contests, matches, and exhibitions; relating to dental radiological equipment;
9 repealing certain oil and gas business bonding and cash deposit requirements; and
10 providing for an effective date."

11 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

12 * **Section 1.** AS 08.01.020 is amended to read:

1 **Sec. 08.01.020. Board organization.** Board members are appointed by the
 2 governor and serve at the pleasure of the governor. Unless otherwise provided, the
 3 governor may designate the chair of a board, and all other officers shall be elected by
 4 the board members. Unless otherwise provided, officers of a board are the chair and
 5 the secretary [. A BOARD MAY PROVIDE BY REGULATION THAT THREE OR
 6 MORE UNEXCUSED ABSENCES FROM MEETINGS ARE CAUSE FOR
 7 REMOVAL].

8 * **Sec. 2.** AS 08.01.062 is repealed and reenacted to read:

9 **Sec. 08.01.062. Temporary licenses.** (a) Except as otherwise provided by law,
 10 the department shall issue an applicant a temporary license under this section to
 11 engage in a profession regulated under this chapter if

12 (1) the applicant

13 (A) is licensed or credentialed to practice the profession in
 14 another state or territory of the United States or a foreign country, territory, or
 15 province that

16 (i) has requirements for a license to practice the
 17 profession that are substantially equivalent to or greater than the
 18 requirements listed in the applicable chapter of this title; or

19 (ii) authorizes a scope of practice substantially
 20 equivalent to the scope of practice of the corresponding license in the
 21 state;

22 (B) meets the qualifications and requirements for a license as
 23 listed in the applicable chapter of this title and resides in a state or territory of
 24 the United States or in a foreign country, territory, or province that does not
 25 license individuals to practice that profession;

26 (C) is awaiting the results of an examination required for
 27 licensure in a profession regulated under this chapter and meets the remaining
 28 qualifications and requirements listed in the applicable chapter; or

29 (D) if applicable, meets the qualifications and requirements for
 30 a license under the applicable chapter of this title through military education,
 31 training, and service under AS 08.01.064(a) and does not already hold a license

1 to practice that profession in another jurisdiction as a member of the armed
2 forces listed in AS 08.01.064(a)(2);

3 (2) at the time of the application, the applicant is not subject to
4 disciplinary action related to the profession in another jurisdiction or the subject of an
5 ongoing review or disciplinary proceeding by the profession's licensing entity in that
6 jurisdiction;

7 (3) within 10 years before submitting an application, the applicant has
8 not committed an act in another jurisdiction that would have constituted grounds for
9 the denial or revocation of a license, certificate, or permit to practice that occupation
10 under this title at the time the act was committed; and

11 (4) the applicable fees are paid.

12 (b) If the department or applicable board requires that an applicant for a
13 professional license undergo a criminal history record check, the applicant for a
14 temporary license will be subject to the same requirements. The department may
15 consider an application and grant a temporary license before obtaining any resulting
16 report. If the department subsequently receives criminal record information that would
17 authorize the department or board to take disciplinary action, the department or board
18 shall exercise that authority.

19 (c) A temporary license issued under this section is valid for 180 days. An
20 applicant may apply for one 180-day extension, which will be approved at the
21 department's discretion.

22 (d) Notwithstanding any other provision of law, a temporary license issued
23 under this section for an occupation listed in AS 08.01.010, excluding the professions
24 regulated under AS 08.54 and AS 08.62, satisfies the requirements to temporarily
25 practice the profession for which a license was granted within the scope designated by
26 the board or department.

27 (e) A temporary license holder may apply for a license with the department or
28 applicable board at any point.

29 (f) The department may exempt an applicant for a temporary license under
30 (a)(1)(C) of this section from the 180-day temporary license limitation in (c) of this
31 section if the applicant shows that the required professional training period is longer

1 than 180 days.

2 (g) The department shall set fees for temporary licenses under AS 08.01.065.

3 * **Sec. 3.** AS 08.01.064(c) is amended to read:

4 (c) The department [OR APPLICABLE BOARD] shall expedite the procedure
5 for issuance of a license or certificate under AS 08.01.062 [(b) OF THIS SECTION]
6 for an applicant who is on active duty or is the spouse of an active duty member of
7 the armed forces of the United States.

8 * **Sec. 4.** AS 08.01.065(h) is amended to read:

9 (h) Notwithstanding (c) of this section, the department shall establish fee
10 levels under (a) of this section so that the total amount of fees collected by the Board
11 of Barbers and Hairdressers approximately equals the total regulatory costs of the
12 department, the board, and the Department of Environmental Conservation for all
13 occupations regulated by the board. For purposes of this subsection, the regulatory
14 costs of the Department of Environmental Conservation for the occupations regulated
15 by the board include the cost of inspections under AS 08.13.210(b), the cost of
16 developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing,
17 [HAIR BRAIDING,] manicuring, esthetics, body piercing, ear piercing, tattooing, and
18 permanent cosmetic coloring establishments, and the cost to the Department of
19 Environmental Conservation of enforcing the regulations for body piercing, tattooing,
20 and permanent cosmetic coloring establishments [. THE DEPARTMENT SHALL
21 SET THE FEE LEVELS FOR THE ISSUANCE AND RENEWAL OF A
22 PRACTITIONER'S LICENSE ISSUED UNDER AS 08.13.100 SO THAT THE
23 LICENSE AND LICENSE RENEWAL FEES ARE THE SAME FOR ALL
24 OCCUPATIONS REGULATED BY THE BOARD OF BARBERS AND
25 HAIRDRESSERS].

26 * **Sec. 5.** AS 08.01.065 is amended by adding a new subsection to read:

27 (k) Notwithstanding (c) of this section, the department shall establish fee
28 levels under (a) of this section so that the total amount of fees collected by the Board
29 of Dental Examiners approximately equals the total regulatory costs of the department,
30 the board, and the Department of Health and Social Services for all occupations
31 regulated by the board. For purposes of this subsection, the regulatory costs of the

1 Department of Health and Social Services for the occupations regulated by the board
2 include the cost of inspecting dental radiological equipment under AS 08.36.075.

3 * **Sec. 6.** AS 08.01.077 is amended by adding new subsections to read:

4 (b) Notwithstanding any other provision of this title, a charge, indictment, or
5 arrest that does not lead to a conviction may not alone be grounds for denial or
6 nonrenewal of a license or for disciplinary action.

7 (c) Each licensing board and the department shall specify in regulation each
8 criminal conviction that will disqualify an applicant from obtaining or renewing a
9 license. Each licensing board and the department shall define good moral character
10 and moral turpitude in regulation if either standard is used by the licensing board or
11 department in determining whether to issue or renew a license.

12 (d) In determining whether to deny a license to an applicant with a criminal
13 conviction not listed in regulation under (c) of this section, the board or department
14 shall consider

- 15 (1) the nature and seriousness of the crime;
16 (2) the amount of time that has passed since the conviction;
17 (3) the relationship between the nature of the crime and the duties and
18 responsibilities of the occupation for which the license is sought; and
19 (4) evidence of rehabilitation or treatment undertaken by the applicant
20 since the conviction.

21 (e) An individual with a conviction of record may petition the licensing board
22 or department for a determination of whether the individual's conviction will
23 disqualify the individual from obtaining a license. The licensing board or department
24 may charge a reasonable fee for each petition.

25 (f) If denying an application, the board or the department must find, by
26 substantial evidence in light of the whole record, that an applicant's criminal
27 conviction is a disqualifying conviction and document how the conviction is related to
28 the duties and responsibilities of the licensed occupation. The board or department
29 shall make written findings for each of the factors under (d) of this section for
30 convictions not specified under (c) of this section.

31 (g) If the board or department denies an application based on an applicant's

1 prior criminal conviction, the board or department shall notify the applicant

2 (1) of the grounds and reasons for the denial or disqualification;

3 (2) of the applicant's right to a hearing;

4 (3) of the earliest date the applicant may reapply for the license; and

5 (4) that evidence of rehabilitation or treatment may be considered upon

6 reapplication.

7 * **Sec. 7.** AS 08.01.080 is amended to read:

8 **Sec. 08.01.080. Department regulations.** The department shall adopt

9 regulations to carry out the purposes of this chapter, including describing

10 (1) how an examination is to be conducted;

11 (2) what is contained in application forms;

12 (3) how a person applies for an examination or license;

13 **(4) the attendance and participation thresholds for removal of a**

14 **board member.**

15 * **Sec. 8.** AS 08.11.010 is amended by adding a new paragraph to read:

16 (5) meets any additional requirements provided in regulation adopted

17 by the department.

18 * **Sec. 9.** AS 08.11.015 is amended by adding a new paragraph to read:

19 (6) meets any additional requirements provided in regulation adopted

20 by the department.

21 * **Sec. 10.** AS 08.11.043(a) is amended to read:

22 (a) The department shall register an individual as a speech-language

23 pathologist assistant if the individual submits an application on a form approved by the

24 department, pays the required fee, and

25 (1) submits proof satisfactory to the department that the individual has

26 successfully completed

27 (A) an associate of applied science degree in disabilities with a

28 speech-language support emphasis [EITHER] from **an** [THE UNIVERSITY

29 OF ALASKA ANCHORAGE IN AFFILIATION WITH PRINCE WILLIAM

30 SOUND COMMUNITY COLLEGE OR FROM ANOTHER] approved

31 program; or

(B) a bachelor's degree in speech-language pathology from an accredited institution; [AND]

(2) submits proof satisfactory to the department that the individual has successfully completed 100 hours of field work supervised by a licensed speech-language pathologist; **and**

(3) meets any additional requirements provided by the department in regulation.

* **Sec. 11.** AS 08.11.070 is amended to read:

Sec. 08.11.070. Dealing in hearing aids. An audiologist may deal in hearing aids as a hearing aid dealer without being licensed as a hearing aid dealer under AS 08.55, but shall comply with AS 08.55.050, 08.55.070, 08.55.100, 08.55.110(a), **(b)(3), and (c) - (h)** [08.55.110(b)(3) AND (c) - (h)], and **08.55.130(7) - (12)** [08.55.130(7) - (13)] when dealing in hearing aids.

* **Sec. 12.** AS 08.11.090(c) is amended to read:

(c) The department may summarily suspend a license **or registration** before final hearing or during the appeals process if the department finds that the licensee **or registrant** poses a clear and immediate danger to the public welfare and safety if the licensee **or registrant** continues to practice. An individual whose license **or registration** is suspended under this subsection is entitled to a hearing conducted by the office of administrative hearings (AS 44.64.010) not later than seven days after the effective date of the order. The individual may appeal the suspension after the hearing to the superior court.

* **Sec. 13.** AS 08.11.200 is amended by adding a new paragraph to read:

(13) "field work" means engaging in activities permitted under AS 08.11.042(d)(1) - (5) under the supervision of a licensed speech pathologist but does not require observation hours.

* **Sec. 14.** AS 08.13.030(b) is amended to read:

(b) The board shall

(1) examine applicants and approve the issuance of licenses and permits to practice;

(2) authorize the issuance of licenses for schools of barbering,

1 hairdressing, manicuring, and esthetics;

2 (3) develop written instructions and notices that tattooing, permanent
3 cosmetic coloring, and body piercing shop owners and practitioners are required to
4 give or display under AS 08.13.215;

5 (4) enforce the provisions of this chapter, regulations adopted under
6 this chapter, and regulations relating to barbering, hairdressing, [HAIR BRAIDING,]
7 manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).

8 * **Sec. 15.** AS 08.13.120(b) is amended to read:

9 (b) The regulations adopted under (a) of this section must include provisions
10 under which the board may issue a temporary shop license to a person who has a
11 license or temporary permit [UNDER THIS CHAPTER] to practice tattooing,
12 permanent cosmetic coloring, or body piercing. The temporary shop license authorized
13 under this subsection may only be issued to cover a site where the practitioner intends
14 to hold a workshop or to demonstrate techniques as part of a convention or other
15 special event, as defined by the board, that includes other practitioners of tattooing,
16 permanent cosmetic coloring, or body piercing. Each practitioner of tattooing,
17 permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates
18 techniques at a convention or special event shall have a separate temporary shop
19 license and a license or temporary permit [UNDER THIS CHAPTER] to practice
20 tattooing, permanent cosmetic coloring, or body piercing. The board shall issue a
21 temporary shop license upon receipt of an application from a practitioner
22 demonstrating compliance with the regulations adopted under this section and
23 payment of the appropriate fee; however, the temporary shop license may be
24 summarily revoked, without refunding of the fee, if the Department of Environmental
25 Conservation determines after an inspection that the cleanliness or sanitation
26 conditions at the site covered by the temporary license pose a clear and immediate
27 danger to the public health or safety. A licensee may appeal a summary revocation
28 under this subsection to the superior court.

29 * **Sec. 16.** AS 08.13.150 is amended to read:

30 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**
31 **or permit.** The board may, in addition to the actions authorized under AS 08.01.075,

1 refuse, suspend, or revoke a license, temporary shop license, student permit, or
 2 temporary license under AS 08.01.062 [, OR TEMPORARY PERMIT] for failure to
 3 comply with this chapter, with a regulation adopted under this chapter, with a
 4 regulation adopted by the Department of Environmental Conservation under
 5 AS 44.46.020, or with an order of the board.

6 * **Sec. 17.** AS 08.13.160(d) is amended to read:

7 (d) The licensing and permit provisions of this chapter do not apply to

8 (1) a person practicing barbering, hairdressing, hair braiding,
 9 manicuring, or esthetics in a community having a population of less than 1,000 people
 10 that is not within 25 miles of a community of more than 1,000 people and who does
 11 not use chemicals or uses only chemicals available to the general public;

12 (2) a licensed health care professional;

13 (3) a person licensed or permitted in another [BY ANOTHER
 14 LICENSING] jurisdiction in a field of practice regulated [LICENSED] by this
 15 chapter while demonstrating techniques or products to persons holding licenses or
 16 permits under this chapter;

17 (4) a person practicing tattooing, permanent cosmetic coloring, or body
 18 piercing solely on the person's own body;

19 (5) the practice of manicuring by a student as part of instruction in a
 20 12-hour course approved under AS 08.13.110(d);

21 (6) a person demonstrating traditional Alaska Native tattoo
 22 techniques at a special event who holds a temporary shop license issued under
 23 AS 08.13.120(b).

24 * **Sec. 18.** AS 08.13.175 is amended to read:

25 **Sec. 08.13.175. Temporary license.** A person who receives a temporary
 26 license under AS 08.01.062 must work [MEETS THE REQUIREMENTS OF
 27 AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO BE TEMPORARILY
 28 LICENSED AFTER APPLYING FOR EXAMINATION UNDER THIS CHAPTER
 29 IF THE APPLICANT WORKS] under the direct supervision, and within the physical
 30 presence, of a person who is licensed in the area of practice for which the applicant
 31 has applied for examination [. A TEMPORARY LICENSE ISSUED UNDER THIS

SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE. A PERSON MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE FOR EACH AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN APPLICATION FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING LICENSEE AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER AS 08.13.185].

* **Sec. 19.** AS 08.13.190(a) is amended to read:

(a) A person who practices barbering, hairdressing, hair braiding, esthetics, tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or operates a school of barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,] temporary license under AS 08.01.062, or student permit and who is not exempt under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

* **Sec. 20.** AS 08.13.195(f) is amended to read:

(f) If a person fails to pay a civil penalty not later than [WITHIN] 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, not later than [WITHIN] 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the penalty.

* **Sec. 21.** AS 08.18.022(a) is amended to read:

(a) The department shall issue a certificate of registration as a home inspector for new homes, existing homes, or both, as appropriate, to an individual who

(1) passes the appropriate home inspection examination; for purposes of this paragraph, the appropriate home inspection examination for an individual who applies to be registered for inspection of

(A) existing homes is the examination offered by the American Society of Home Inspectors [OR NATIONAL ASSOCIATION OF HOME INSPECTORS];

(B) new homes or for a joint registration is the examination offered by the International Code Council;

(2) meets the educational and experience requirements adopted by the department in regulations for the type of registration applied for;

(3) submits a complete application for registration either
 (A) within three years after passing the examination required under (1) of this subsection; or

(B) accompanied by documentation that the applicant has completed continuing education requirements established by the department;

(4) within the seven years preceding the date of application, has not been under a sentence for an offense related to forgery, theft in the first or second degree, extortion, or defrauding creditors or for a felony involving dishonesty;

(5) has not had the authority to perform home inspections revoked in this state or in another jurisdiction;

(6) is not the subject of an unresolved criminal complaint or unresolved disciplinary action before a regulatory authority in this state or in another jurisdiction related to real estate or home inspection matters; and

(7) pays the appropriate fees.

* **Sec. 22.** AS 08.18.031(c) is amended to read:

(c) A certificate of registration as a home inspector may not be renewed unless the home inspector has complied with the continuing competency requirements established by the department in regulation [. THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING THE CONTINUING COMPETENCY REQUIREMENTS. THE DEPARTMENT SHALL REQUIRE AT LEAST EIGHT HOURS OF CONTINUING COMPETENCY ACTIVITY FOR EACH LICENSING PERIOD. THE REGULATIONS MUST PROVIDE THAT A CONTINUING COMPETENCY ACTIVITY APPROVED BY ONE OF THE FOLLOWING ENTITIES SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF THIS SUBSECTION IF THE ACTIVITY MEETS THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT IN REGULATIONS ADOPTED UNDER THIS SUBSECTION:

(1) ALASKA HOUSING FINANCE CORPORATION;

(2) UNIVERSITY OF ALASKA;

1 (3) AMERICAN SOCIETY OF HOME INSPECTORS ALASKA
2 CHAPTER;

3 (4) A CHAPTER OF THE INTERNATIONAL CODE COUNCIL
4 ALASKA;

5 (5) ALASKA STATE HOME BUILDING ASSOCIATION; OR

6 (6) A STATE AGENCY THAT OFFERS AN ACTIVITY THAT
7 MEETS THE REQUIREMENTS SET BY THE DEPARTMENT].

8 * **Sec. 23.** AS 08.20.180(a) is amended to read:

9 (a) An applicant for an examination, reexamination, issuance of a temporary
10 permit under **AS 08.01.062** [AS 08.20.160, ISSUANCE OF A LOCUM TENENS
11 PERMIT UNDER AS 08.20.163], issuance of a license by credentials under
12 AS 08.20.141, one-time issuance of a retired status license, or initial issuance or
13 renewal of an active or inactive license shall pay a fee established under
14 AS 08.01.065.

15 * **Sec. 24.** AS 08.24.110 is amended to read:

16 **Sec. 08.24.110. Qualification for operator's license.** (a) To qualify for an
17 operator's license, the applicant shall

18 (1) be a high school graduate, or have the equivalent education of a
19 high school graduate;

20 (2) [BE OF GOOD MORAL CHARACTER;

21 (3)] not have been convicted of violating this chapter, nor have any
22 unsettled complaints under this chapter against the applicant;

23 **(3)** [(4)] not have been convicted of a felony or a crime of larceny or
24 embezzlement or a crime involving moral turpitude **within 10 years before applying**;

25 **(4)** [(5)] be 19 years of age or older at the time of application;

26 **(5)** [(6)] not be a disbarred attorney [OR HAVE FILED
27 BANKRUPTCY];

28 **(6)** [(7)] pay the biennial license fee.

29 (b) The commissioner may waive or modify the requirements specified in
30 **(a)(1) - (3) and (5)** [(a)(1), (3), (4) AND (6)] of this section for good cause shown.

31 * **Sec. 25.** AS 08.24.240 is amended to read:

Sec. 08.24.240. Failure to file statement. If the annual statement of collection is not filed as required under AS 08.24.210, the failure to file constitutes grounds for the immediate suspension of the collection agency license of the licensee failing to file the statement, and the department shall notify the licensee [BY REGISTERED OR CERTIFIED MAIL] that the license of the licensee will be suspended upon the expiration of 30 [15] days after the date on which the notice was mailed unless the licensee complies with the provisions of AS 08.24.210. However, for good cause shown and upon satisfactory proof furnished by the licensee that the failure to file the statement was due to a condition not within the control, or was due to excusable neglect, of the licensee, the department may permit the filing of the statement after the time limited and excuse the failure to file the statement within the time limited. If the statement required by AS 08.24.210 is not filed as required by this section, the department shall revoke the license.

* **Sec. 26.** AS 08.24.290 is amended to read:

Sec. 08.24.290. Suspension, revocation, or refusal to renew or grant a license or certificate. The department may suspend, revoke, or refuse to renew or grant a license issued or applied for under this chapter if the licensee or applicant or a partner, associate, or major stockholder of a collection agency has [SINCE THE DATE OF THE APPLICATION] been disbarred from the practice of law or been convicted of fraud, embezzlement, obtaining money under false pretenses, a crime involving moral turpitude, extortion, conspiracy to defraud, violation of a provision of this chapter, or violation of a regulation adopted under authority of this chapter.

* **Sec. 27.** AS 08.24.340 is amended to read:

Sec. 08.24.340. Statement of persons employed by agency. (a) A [WITHIN 15 DAYS AFTER LICENSURE UNDER THIS CHAPTER, A] collection agency shall submit annually to the department a list of all persons employed by the agency [. THEREAFTER, UPON HIRING A NEW EMPLOYEE, THE COLLECTION AGENCY SHALL, WITHIN 15 DAYS AFTER THE HIRING, SUBMIT TO THE DEPARTMENT THE NAME OF THE NEWLY HIRED EMPLOYEE AND THE FURTHER INFORMATION REQUIRED BY (b) OF THIS SECTION].

(b) There shall be submitted in the annual report with the name of each

1 [THE] employee employed by the collection agency the following information:

2 (1) the employee's residence address;

3 (2) the employee's length of residence in the state;

4 (3) a statement of any [THE] new employee's previous employment in
5 the last year;

6 (4) further information which the department may require.

7 (c) Any statement of previous employment [THE STATEMENT] shall be
8 verified by the employee before a notary public or other person authorized to
9 administer oaths.

10 (d) The owner or licensed operator of the collection agency shall also state on
11 [UPON] the form submitted the date on [UPON] which any [THE] new employee was
12 hired and that the new employee is an employee of the collection agency at the time
13 the form is executed.

14 * **Sec. 28.** AS 08.36.075(a) is amended to read:

15 (a) The Department of Health and Social Services [BOARD] shall establish
16 standards that comply with applicable federal law for the registration, use, and
17 inspection of dental radiological equipment, including standards for record keeping
18 relating to the control panels and the use of the equipment [. THE BOARD MAY
19 CHARGE A FEE FOR DENTAL RADIOLOGICAL EQUIPMENT REGISTERED
20 UNDER THIS SECTION].

21 * **Sec. 29.** AS 08.36.100 is amended to read:

22 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND
23 08.36.254], a person may not practice, or attempt to practice, dentistry without a
24 license.

25 * **Sec. 30.** AS 08.42.085(c) is amended to read:

26 (c) The department shall issue a temporary license under AS 08.01.062
27 [PERMIT VALID FOR ONE YEAR] to an applicant who meets the requirements of
28 this section [. THE DEPARTMENT SHALL RENEW A PERMIT FOR ONE YEAR
29 IF THE TRAINEE APPLIES FOR RENEWAL ON A FORM PROVIDED BY THE
30 DEPARTMENT AND SHOWS THAT THE TRAINING ACTIVITY CONTINUES
31 TO SATISFY THE REQUIREMENTS OF THIS SECTION]. The department shall

1 charge a fee for processing applications and renewals under this section that will be
2 sufficient to cover administrative costs.

3 * **Sec. 31.** AS 08.55.010(b) is amended to read:

4 (b) An individual who is a physician or an audiologist may deal in hearing
5 aids without being licensed under this chapter, but shall comply with AS 08.55.050,
6 08.55.070, 08.55.100, 08.55.110(a), and 08.55.130(7) - (12) [08.55.130(7) - (13)]
7 when dealing in hearing aids.

8 * **Sec. 32.** AS 08.55.020(b) is amended to read:

9 (b) On or before the expiration of a license under this chapter, a licensee may
10 apply for renewal of the license, and the department shall renew the license if the
11 licensee pays the renewal fee [, HAS A CURRENT BUSINESS LICENSE TO ACT
12 AS A HEARING AID DEALER UNDER AS 43.70.020,] and provides evidence
13 satisfactory to the department that the individual has not engaged in conduct that is a
14 ground for imposing disciplinary sanctions under AS 08.55.130.

15 * **Sec. 33.** AS 08.55.110(b) is amended to read:

16 (b) In addition to the other rights and remedies the purchaser or lessee of a
17 hearing aid may have, the purchaser or lessee of a hearing aid has the right to cancel
18 the sale or lease by giving written notice of the cancellation to the hearing aid dealer if

19 (1) the hearing aid dealer is not a physician or an audiologist, and
20 within 60 days from the receipt by the purchaser or lessee of the hearing aid or the
21 notice to be provided under (c) of this section, whichever receipt is later, a physician
22 or an audiologist advises the person in writing to cancel the sale or lease and specifies
23 in writing the medical or audiological reason for the advice; or

24 (2) the hearing aid dealer, if not a physician or audiologist, has violated
25 a provision of this chapter in the sale or lease of the hearing aid to the person;

26 (3) the hearing aid dealer who is a physician or audiologist has violated
27 (a) or (c) - (h) of this section or AS 08.55.050, 08.55.070, 08.55.100, or 08.55.130(7) -
28 (12) [08.55.130(7) - (13)] in the sale or lease of the hearing aid to the person.

29 * **Sec. 34.** AS 08.64.279 is amended to read:

30 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit, a
31 resident permit, or a temporary permit under AS 08.01.062 [FOR LOCUM TENENS

PRACTICE] may be interviewed in person by the board, a member of the board, the executive secretary of the board, or a person designated for that purpose by the board.

* **Sec. 35.** AS 08.84.010(b) is amended to read:

(b) The board shall control all matters pertaining to the licensing of physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy. The board shall

(1) pass upon the qualifications of applicants;

(2) provide for the examination of applicants;

(3) issue [TEMPORARY PERMITS AND] licenses to persons qualified under this chapter;

(4) suspend, revoke, or refuse to issue or renew a license under AS 08.84.120;

(5) keep a current register listing the name, business address, date, and number of the license of each person who is licensed to practice under this chapter;

(6) adopt regulations under AS 44.62 (Administrative Procedure Act) necessary to carry out the purposes of this chapter including regulations establishing qualifications for licensure and renewal of licensure under this chapter.

* **Sec. 36.** AS 08.84.150 is amended to read:

Sec. 08.84.150. License required; exceptions. (a) It is unlawful for a person to practice physical therapy without being licensed under this chapter unless the person is

(1) a student in an accredited physical therapy program;

(2) a graduate of a foreign school of physical therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of a physical therapist; or

(3) issued a temporary [LIMITED] permit under AS 08.01.062 [AS 08.84.075].

(b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is

(1) a student in an accredited occupational therapy program or in a

1 supervised field work program;

2 (2) a graduate of a foreign school of occupational therapy fulfilling the
3 internship requirement of AS 08.84.032, and then only unless under the continuous
4 direction and immediate supervision of an occupational therapist;

5 (3) an occupational therapist or occupational therapy assistant
6 employed by the United States government while in the discharge of official duties;

7 (4) granted a **temporary** [LIMITED] permit under **AS 08.01.062**
8 [AS 08.84.075];

9 (5) licensed under this title and uses occupational therapy skills in the
10 practice of the profession for which the license is issued; or

11 (6) employed as a teacher or teacher's aide by an educational
12 institution and is required to use occupational therapy skills during the course of
13 employment, if

14 (A) the occupational therapy skills are used under a program
15 implemented by the employer and developed by a licensed occupational
16 therapist;

17 (B) the employer maintains direct supervision of the person's
18 use of occupational therapy skills; and

19 (C) the person does not represent to

20 (i) be an occupational therapist or occupational therapy
21 assistant; and

22 (ii) practice occupational therapy.

23 * **Sec. 37.** AS 08.98.120(a) is amended to read:

24 (a) A person may not practice veterinary medicine, surgery, or dentistry unless
25 the person is licensed as a veterinarian under this chapter or has a temporary permit
26 issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform
27 functions authorized by

28 (1) regulation of the board if the person is licensed as a veterinary
29 technician; or

30 (2) a permit issued under AS 08.02.050 if the person is employed by
31 an agency that has a permit issued under AS 08.02.050.

1 * **Sec. 38.** AS 08.98.165(a) is amended to read:

2 (a) An applicant is qualified to receive a license as a veterinarian who

3 (1) is a graduate of an accredited veterinary school or who has
4 successfully completed a foreign graduate certification process approved by the
5 board [THE EDUCATIONAL COMMISSION FOR FOREIGN VETERINARY
6 GRADUATES CERTIFICATION PROCESS];

7 (2) has, within the 60 months preceding application for the license,
8 passed a national examination for veterinarians approved by the board;

9 (3) has passed the written examination of the state on specific Alaska
10 issues of veterinary practice;

11 (4) is in good standing, as defined by the board in regulations; and

12 (5) has paid required fees.

13 * **Sec. 39.** AS 08.98.180 is amended to read:

14 **Sec. 08.98.180. Temporary license.** A person who is granted a temporary
15 license by the department under AS 08.01.062 must work [MEETS THE
16 REQUIREMENTS OF AS 08.98.165(a)(1), (4), AND (5) IS ENTITLED TO BE
17 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE
18 PERSON WORKS] under the supervision of a licensed veterinarian [. A LICENSE
19 ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE
20 EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE
21 THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY
22 LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND
23 ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER
24 AS 08.98.190].

25 * **Sec. 40.** AS 09.65.290(e)(4) is amended to read:

26 (4) "sports or recreational activity"

27 (A) means a commonly understood sporting activity, whether
28 undertaken with or without permission, including baseball, softball, football,
29 soccer, basketball, hockey, boxing, mixed martial arts, sparring or
30 wrestling matches, bungee jumping, parasailing, bicycling, hiking,
31 swimming, skateboarding, horseback riding and other equine activity, farm

1 touring, dude ranching, mountain climbing, river floating, whitewater rafting,
 2 canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry
 3 or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,
 4 telemarking, snow sliding, snowmobiling, and off-road and all-terrain vehicle
 5 use;

6 (B) does not include

7 (i) [BOXING CONTESTS, SPARRING OR
 8 WRESTLING MATCHES, OR EXHIBITIONS THAT ARE
 9 SUBJECT TO THE REQUIREMENTS OF AS 05.10;

10 (ii)] activities involving the use of devices that are
 11 subject to the requirements of AS 05.20; or

12 (ii) [(iii)] skiing or sliding activities at a ski area that are
 13 subject to the requirements of AS 05.45.

14 * **Sec. 41.** AS 31.05.009(a) is amended to read:

15 (a) Members shall be qualified as follows:

16 (1) one member shall be a petroleum engineer who

17 (A) holds a certificate of registration as an engineer under
 18 AS 08.48 and, under regulations adopted to implement that chapter, has
 19 qualified as a petroleum engineer; or

20 (B) has earned a degree from a university in the field of
 21 engineering and has at least 10 years of professional subsurface experience in
 22 the oil and gas industry in drilling, well operations, production process
 23 operations, reservoir engineering, or a combination thereof; for the purposes of
 24 this subparagraph, a person meets the requirement of earning a degree in the
 25 field of engineering if the person obtains an undergraduate or graduate degree
 26 in engineering that meets the requirements for program accreditation by the
 27 Engineering Accreditation Commission of the Accreditation Board for
 28 Engineering and Technology and the person completes university or industry
 29 training specific to petroleum engineering that illustrates application of
 30 engineering principles to the problems encountered and methods used in the
 31 petroleum industry, including drilling, production, reservoir engineering, fluid

1 flow through subsurface formations, and hydrocarbon transportation;

2 (2) one member shall be a geologist who

3 (A) holds a national certification as a professional geologist **by**
 4 **the American Institute of Professional Geologists** [UNDER AS 08.02.011]
 5 and has professional experience in the field of petroleum geology; or

6 (B) has earned a degree in the field of geology from a
 7 university accredited in the field of geology and has a minimum of 10 years
 8 professional experience in the field of petroleum geology; and

9 (3) one member who shall have training or experience that gives the
 10 person a fundamental understanding of the oil and gas industry in the state.

11 * **Sec. 42.** AS 44.29.020 is amended by adding a new subsection to read:

12 (d) The Department of Health and Social Services shall establish standards
 13 that comply with federal law for the registration, use, and inspection of dental
 14 radiological equipment, including standards for record keeping relating to equipment
 15 control panels and use.

16 * **Sec. 43.** AS 44.46.020(a) is amended to read:

17 (a) The Department of Environmental Conservation shall

18 (1) have primary responsibility for coordination and development of
 19 policies, programs, and planning related to the environment of the state and of the
 20 various regions of the state;

21 (2) have primary responsibility for the adoption and enforcement of
 22 regulations setting standards for the prevention and abatement of all water, land,
 23 subsurface land, and air pollution, and other sources or potential sources of pollution
 24 of the environment, including by way of example only, petroleum and natural gas
 25 pipelines;

26 (3) promote and develop programs for the protection and control of the
 27 environment of the state;

28 (4) take actions that are necessary and proper to further the policy
 29 declared in AS 46.03.010;

30 (5) adopt regulations for

31 (A) the prevention and control of public health nuisances;

(B) the regulation of sanitation and sanitary practices in the interest of public health;

(C) standards of cleanliness and sanitation in connection with the construction, operation, and maintenance of a camp, cannery, food handling establishment, food manufacturing plant, mattress manufacturing establishment, industrial plant, school, barbershop, hairdressing, [HAIR BRAIDING,] manicuring, esthetics, tattooing, permanent cosmetic coloring, body piercing, or ear piercing establishment, soft drink establishment, beer and wine dispensaries, and for other similar establishments in which lack of sanitation may create a condition that causes disease;

(D) the regulation of quality and purity of commercially compressed air sold for human respiration.

* **Sec. 44.** AS 44.46.029 is amended to read:

Sec. 44.46.029. Dental radiological equipment. This chapter does not authorize the department to register, inspect, test, or otherwise regulate dental radiological equipment or records relating to dental radiological equipment regulated by the **Department of Health and Social Services** [BOARD OF DENTAL EXAMINERS] under **AS 44.29.020** [AS 08.36.075].

* **Sec. 45.** AS 05.05.010, 05.05.020, 05.05.030, 05.05.040; AS 05.10.010, 05.10.020, 05.10.030, 05.10.040, 05.10.050, 05.10.060, 05.10.070, 05.10.080, 05.10.090, 05.10.100, 05.10.110, 05.10.120, 05.10.130, 05.10.140, 05.10.150, 05.10.160, 05.10.170; AS 08.01.010(4), 08.01.010(13), 08.01.010(21), 08.01.063, 08.01.064(b), 08.01.064(d); AS 08.02.011; AS 08.11.020, 08.11.025; AS 08.13.160(a), 08.13.160(b), 08.13.170, 08.13.220(14); AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.24.370; AS 08.26.050; AS 08.36.254; AS 08.45.035(a), 08.45.035(b); AS 08.55.010(a)(4), 08.55.010(a)(6)(D), 08.55.130(13); AS 08.63.130; AS 08.64.101(b)(2), 08.64.270, 08.64.275; AS 08.68.210; AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075; AS 08.86.135, 08.86.166; AS 08.92.010, 08.92.020, 08.92.030, 08.92.035, 08.92.040, 08.92.050, 08.92.060, 08.92.070, 08.92.080, 08.92.090; AS 08.95.125; AS 08.98.050(8), 08.98.186, 08.98.190(6), 08.98.190(7); AS 25.27.244(s)(2)(A)(i); AS 43.70.025, 43.70.028; and AS 44.29.027 are repealed.

1 * **Sec. 46.** The uncoded law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS; BONDS. (a) The Department of Commerce,
4 Community, and Economic Development, the Department of Health and Social Services, and
5 the Department of Environmental Conservation may adopt regulations necessary to
6 implement the changes made by this Act. The regulations take effect under AS 44.62
7 (Administrative Procedure Act), but not before the effective date of the law implemented by
8 the regulation.

9 (b) Notwithstanding the repeal of a statute by this Act, the Department of Commerce,
10 Community, and Economic Development may amend or repeal regulations adopted by the
11 athletic commission established in AS 05.05.010, as that section read the day before the
12 effective date of this Act, as necessary to carry out this Act.

13 (c) The Department of Commerce, Community, and Economic Development shall
14 account for any licensee bond filed under AS 05.10.090 or AS 08.92.030, repealed by sec. 45
15 of this Act, and take any action necessary to release a bond under AS 05.10.090 or
16 AS 08.92.030, repealed by sec. 45 this Act.

17 * **Sec. 47.** The uncoded law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITION: SAVINGS CLAUSE. (a) Litigation, hearings, investigations, appeals,
20 and other proceedings pending under a law amended or repealed by this Act, or in connection
21 with functions transferred by this Act, continue in effect and may be continued and completed
22 notwithstanding a transfer or amendment or repeal provided for in this Act.

23 (b) Certificates, orders, permits, and regulations issued or adopted under authority of
24 a law amended or repealed by this Act remain in effect for the term issued, or until revoked,
25 vacated, or otherwise modified under the provisions of this Act.

26 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or
27 repealed by this Act, and in effect on the effective date of this Act, remain in effect
28 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other
29 property of agencies of the state whose functions are transferred under this Act shall be
30 transferred to implement the provisions of this Act.

31 * **Sec. 48.** Sections 46 and 47 of this Act take effect immediately under AS 01.10.070(c).

1 * **Sec. 49.** Except as provided in sec. 48 of this Act, this Act takes effect January 1, 2021.