

Part 3 Licensing

58-11a-301 Licensure required -- License classifications.

- (1) Except as specifically provided in Section 58-1-307 or 58-11a-304, a license is required to:
- (a) engage in the practice of:
 - (i) barbering;
 - (ii) barbering instruction;
 - (iii) cosmetology/barbering;
 - (iv) cosmetology/barbering instruction;
 - (v) electrology;
 - (vi) electrology instruction;
 - (vii) esthetics;
 - (viii) master-level esthetics;
 - (ix) esthetics instruction;
 - (x) nail technology; or
 - (xi) nail technology instruction; or
 - (b) operate:
 - (i) a barbering school;
 - (ii) a cosmetology/barbering school;
 - (iii) an electrology school;
 - (iv) an esthetics school; or
 - (v) a nail technology school.
- (2) The division shall issue to a person who qualifies under this chapter a license in the following classifications:
- (a) barber;
 - (b) barber instructor;
 - (c) barber school;
 - (d) cosmetologist/barber;
 - (e) cosmetologist/barber instructor;
 - (f) cosmetology/barber school;
 - (g) electrologist;
 - (h) electrologist instructor;
 - (i) electrology school;
 - (j) esthetician;
 - (k) master esthetician;
 - (l) esthetician instructor;
 - (m) esthetics school;
 - (n) nail technology;
 - (o) nail technology instructor; and
 - (p) nail technology school.
- (3) A person who participates as an apprentice in an approved apprenticeship under this chapter shall register with the division as described in Section 58-11a-306.

Amended by Chapter 274, 2016 General Session

58-11a-302 Qualifications for licensure.

- (1) Each applicant for licensure as a barber shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) provide satisfactory documentation of:
 - (i) graduation from a licensed or recognized barber school, or a licensed or recognized cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of instruction, or the equivalent number of credit hours, over a period of not less than 25 weeks;
 - (ii)
 - (A) graduation from a recognized barber school located in a state other than Utah whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of credit hours; and
 - (B) practice as a licensed barber in a state other than Utah for not less than the number of hours required to equal 1,000 total hours when added to the hours of instruction described in Subsection (1)(d)(ii)(A); or
 - (iii) completion of an approved barber apprenticeship; and
 - (e) meet the examination requirement established by rule.
- (2) Each applicant for licensure as a barber instructor shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as a barber;
 - (d) be of good moral character;
 - (e) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 250 hours or the equivalent number of credit hours;
 - (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 250 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 2,000 hours of experience as a barber; and
 - (f) meet the examination requirement established by rule.
- (3) Each applicant for licensure as a barber school shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's physical facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for barber schools, including staff and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (19).
- (4) Each applicant for licensure as a cosmetologist/barber shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) provide satisfactory documentation of:

- (i) graduation from a licensed or recognized cosmetology/barber school whose curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours;
 - (ii)
 - (A) graduation from a recognized cosmetology/barber school located in a state other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours; and
 - (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less than the number of hours required to equal 1,600 total hours when added to the hours of instruction described in Subsection (4)(d)(ii)(A); or
 - (iii) completion of an approved cosmetology/barber apprenticeship; and
 - (e) meet the examination requirement established by rule.
- (5) Each applicant for licensure as a cosmetologist/barber instructor shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as a cosmetologist/barber;
 - (d) be of good moral character;
 - (e) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 400 hours or the equivalent number of credit hours;
 - (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 400 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 3,000 hours of experience as a cosmetologist/barber; and
 - (f) meet the examination requirement established by rule.
- (6) Each applicant for licensure as a cosmetologist/barber school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's physical facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for cosmetology schools, including staff and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (19).
- (7) Each applicant for licensure as an electrologist shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) provide satisfactory documentation of having graduated from a licensed or recognized electrology school after completing a curriculum of 600 hours of instruction or the equivalent number of credit hours; and
 - (e) meet the examination requirement established by rule.
- (8) Each applicant for licensure as an electrologist instructor shall:
- (a) submit an application in a form prescribed by the division;

- (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as an electrologist;
 - (d) be of good moral character;
 - (e) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit hours;
 - (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 1,000 hours of experience as an electrologist; and
 - (f) meet the examination requirement established by rule.
- (9) Each applicant for licensure as an electrologist school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for electrologist schools, including staff, curriculum, and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (19).
- (10) Each applicant for licensure as an esthetician shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) provide satisfactory documentation of one of the following:
 - (i) graduation from a licensed or recognized esthetic school or a licensed or recognized cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic instruction with a minimum of 600 hours or the equivalent number of credit hours;
 - (ii) completion of an approved esthetician apprenticeship; or
 - (iii)
 - (A) graduation from a recognized cosmetology/barber school located in a state other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours; and
 - (B) practice as a licensed cosmetologist/barber for not less than the number of hours required to equal 1,600 total hours when added to the hours of instruction described in Subsection (10)(d)(iii)(A); and
 - (e) meet the examination requirement established by division rule.
- (11) Each applicant for licensure as a master esthetician shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) provide satisfactory documentation of:
 - (i) completion of at least 1,200 hours of training, or the equivalent number of credit hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the 1,200 hours may have been completed:

- (A) at a licensed or recognized cosmetology/barbering school, if the applicant graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours; or
 - (B) at a licensed or recognized cosmetology/barber school located in a state other than Utah, if the applicant graduated from the school and its curriculum contained full flexibility within its hours of instruction; or
 - (ii) completion of an approved master esthetician apprenticeship;
 - (e) if the applicant will practice lymphatic massage, provide satisfactory documentation to show completion of 200 hours of training, or the equivalent number of credit hours, in lymphatic massage as defined by division rule; and
 - (f) meet the examination requirement established by division rule.
- (12) Each applicant for licensure as an esthetician instructor shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as a master esthetician;
 - (d) be of good moral character;
 - (e) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit hours;
 - (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 1,000 hours of experience in esthetics; and
 - (f) meet the examination requirement established by rule.
- (13) Each applicant for licensure as an esthetics school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's physical facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for esthetics schools, including staff, curriculum, and accreditation requirements, established by division rule made in collaboration with the board; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (19).
- (14) Each applicant for licensure as a nail technician shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) provide satisfactory documentation of:
 - (i) graduation from a licensed or recognized nail technology school, or a licensed or recognized cosmetology/barber school, whose curriculum consists of not less than 300 hours of instruction, or the equivalent number of credit hours;
 - (ii)

- (A) graduation from a recognized nail technology school located in a state other than Utah whose curriculum consists of less than 300 hours of instruction or the equivalent number of credit hours; and
 - (B) practice as a licensed nail technician in a state other than Utah for not less than the number of hours required to equal 300 total hours when added to the hours of instruction described in Subsection (14)(d)(ii)(A); or
 - (iii) completion of an approved nail technician apprenticeship; and
 - (e) meet the examination requirement established by division rule.
- (15) Each applicant for licensure as a nail technician instructor shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as a nail technician;
 - (d) be of good moral character;
 - (e) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours;
 - (ii) an on-the-job instructor training program conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 600 hours of experience in nail technology; and
 - (f) meet the examination requirement established by rule.
- (16) Each applicant for licensure as a nail technology school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for nail technology schools, including staff, curriculum, and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (19).
- (17) Each applicant for licensure under this chapter whose education in the field for which a license is sought was completed at a foreign school may satisfy the educational requirement for licensure by demonstrating, to the satisfaction of the division, the educational equivalency of the foreign school education with a licensed school under this chapter.
- (18)
- (a) A licensed or recognized school under this section may accept credit hours towards graduation for any profession listed in this section.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, the division may make rules governing the acceptance of credit hours under Subsection (18)(a).
- (19) A school licensed or applying for licensure under this chapter shall maintain recognition as an institution of postsecondary study by meeting the following conditions:
- (a) the school shall admit as a regular student only an individual who has earned a recognized high school diploma or the equivalent of a recognized high school diploma, or who is beyond

the age of compulsory high school attendance as prescribed by Title 53A, Chapter 11, Students in Public Schools; and

- (b) the school shall be licensed by name, or in the case of an applicant, shall apply for licensure by name, under this chapter to offer one or more training programs beyond the secondary level.
- (20) A person seeking to qualify for licensure under this chapter by apprenticing in an approved apprenticeship shall register with the division as described in Section 58-11a-306.

Amended by Chapter 274, 2016 General Session

58-11a-302.5 Qualification for licensure as an esthetics school -- Online curriculum.

- (1) An applicant for licensure as an esthetics school under Subsection 58-11a-302(13) and an esthetics school licensed under this chapter may offer up to 30% of its total curriculum online:
 - (a) for instruction in theory; and
 - (b) in accordance with standards adopted by nationally recognized accrediting organizations.
- (2) The provisions of this section do not:
 - (a) require the board to allow other schools licensed under this chapter to offer curriculum online; or
 - (b) limit the authority of the board to allow other schools licensed under this chapter to offer curriculum online.

Enacted by Chapter 238, 2016 General Session

58-11a-303 Terms of license -- Expiration -- Renewal.

- (1)
 - (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule, except that an instructor license is a one-time certificate and does not expire unless the licensee fails to keep current the license that qualified the licensee to be an instructor under Section 58-11a-302.
 - (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal, a licensed school shall show satisfactory evidence that the school meets the standards for that type of school, including staff, curriculum, and accreditation requirements, established by rule.
- (3) Each license expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Amended by Chapter 204, 2001 General Session

58-11a-304 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of barbering, cosmetology/barbering, esthetics, master-level esthetics, electrology, or nail technology without being licensed under this chapter:

- (1) a person licensed under the laws of this state to engage in the practice of medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the profession for which they are licensed;
- (2) a commissioned physician or surgeon serving in the armed forces of the United States or another federal agency;

- (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when engaged in the practice of the profession for which the person is licensed;
- (4) a person who visits the state to engage in instructional seminars, advanced classes, trade shows, or competitions of a limited duration;
- (5) a person who engages in the practice of barbering, cosmetology/barbering, esthetics, master-level esthetics, electrology, or nail technology without compensation;
- (6) a person instructing an adult education class or other educational program directed toward persons who are not licensed under this chapter and that is not intended to train persons to become licensed under this chapter, provided:
 - (a) an attendee receives no credit toward educational requirements for licensure under this chapter;
 - (b) the instructor informs each attendee in writing that taking such a class or program will not certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter; and
 - (c)
 - (i) the instructor is properly licensed; or
 - (ii) the instructor receives no compensation;
- (7) a person providing instruction in workshops, seminars, training meetings, or other educational programs whose purpose is to provide continuing professional development to licensed barbers, cosmetologists/barbers, estheticians, master estheticians, electrologists, or nail technicians;
- (8) a person enrolled in a licensed barber or cosmetology/barber school when participating in an on the job training internship under the direct supervision of a licensed barber or cosmetologist/ barber upon completion of a basic program under the standards established by rule by the division in collaboration with the board;
- (9) a person enrolled in an approved apprenticeship pursuant to Section 58-11a-306;
- (10) an employee of a company that is primarily engaged in the business of selling products used in the practice of barbering, cosmetology/barbering, esthetics, master-level esthetics, electrology, or nail technology when demonstrating the company's products to a potential customer, provided the employee makes no representation to a potential customer that attending such a demonstration will certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter;
- (11) a person who:
 - (a) is qualified to engage in the practice of barbering, cosmetology/barbering, esthetics, master-level esthetics, electrology, or nail technology in another jurisdiction as evidenced by licensure, certification, or lawful practice in the other jurisdiction;
 - (b) is employed by, or under contract with, a motion picture company; and
 - (c) engages in the practice of barbering, cosmetology/barbering, esthetics, master-level esthetics, electrology, or nail technology in the state:
 - (i) solely to assist in the production of a motion picture; and
 - (ii) for no more than 120 days per calendar year; and
- (12) a person who:
 - (a) engages in hair braiding; and
 - (b) unless it is expressly exempted under this section or Section 58-1-307, does not engage in other activity requiring licensure under this chapter.

Amended by Chapter 13, 2013 General Session

58-11a-305 Requirement to display license.

Each licensee under this chapter shall prominently display the licensee's license at the location where the licensee engages in the practice for which that license is issued under this chapter.

Amended by Chapter 204, 2001 General Session

58-11a-306 Apprenticeship.

- (1) An approved barber apprenticeship shall:
 - (a) consist of not less than 1,250 hours of training in not less than eight months; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as a barber instructor or a cosmetology/barber instructor; and
 - (ii) provides one-on-one direct supervision of the barber apprentice during the apprenticeship program.
- (2) An approved cosmetologist/barber apprenticeship shall:
 - (a) consist of not less than 2,500 hours of training in not less than 15 months; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as a cosmetologist/barber instructor; and
 - (ii) provides one-on-one direct supervision of the cosmetologist/barber apprentice during the apprenticeship program.
- (3) An approved esthetician apprenticeship shall:
 - (a) consist of not less than 800 hours of training in not less than five months; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as an esthetician instructor; and
 - (ii) provides one-on-one direct supervision of the esthetician apprentice during the apprenticeship program.
- (4) An approved master esthetician apprenticeship shall:
 - (a) consist of not less than 1,500 hours of training in not less than 10 months; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as a master-level esthetician instructor; and
 - (ii) provides one-on-one direct supervision of the master esthetician apprentice during the apprenticeship program.
- (5) An approved nail technician apprenticeship shall:
 - (a) consist of not less than 375 hours of training in not less than three months; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as a nail technician instructor or a cosmetology/barber instructor; and
 - (ii) provides one-on-one direct supervision of the nail technician apprentice during the apprenticeship program.
- (6) A person seeking to qualify for licensure by apprenticing in an approved apprenticeship under this chapter shall:
 - (a) register with the division before beginning the training requirements by:
 - (i) submitting a form prescribed by the division, which includes the name of the licensed supervisor; and
 - (ii) paying a fee determined by the department under Section 63J-1-504;
 - (b) complete the apprenticeship within five years of the date on which the division approves the registration; and
 - (c) notify the division within 30 days if the licensed supervisor changes after the registration is approved by the division.

(7) Notwithstanding Subsection (6), if a person seeking to qualify for licensure by apprenticing in an approved apprenticeship under this chapter registers with the division before January 1, 2017, any training requirements completed by the person as an apprentice in an approved apprenticeship before registration may be applied to successful completion of the approved apprenticeship.

Amended by Chapter 274, 2016 General Session