

Superseded 5/10/2016

58-11a-102 Definitions.

As used in this chapter:

- (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(3) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) "Approved master esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(4) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) "Approved nail technician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(5) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) "Barber" means a person who is licensed under this chapter to engage in the practice of barbering.
- (6) "Barber instructor" means a barber who is licensed under this chapter to teach barbering at a licensed barber school or in an apprenticeship program as defined in Section 58-11a-306.
- (7) "Board" means the Barber, Cosmetology/Barbering, Esthetics, Electrology, and Nail Technology Licensing Board created in Section 58-11a-201.
- (8) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section 58-67-102.
- (9) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.
- (10) "Cosmetologist/barber" means a person who is licensed under this chapter to engage in the practice of cosmetology/barbering.
- (11) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed under this chapter to teach cosmetology/barbering at a licensed cosmetology/barber school, licensed barber school, licensed nail technology school, or in an apprenticeship program as defined in Subsection 58-11a-306(2).
- (12) "Direct supervision" means that the supervisor of an apprentice or the instructor of a student is immediately available for consultation, advice, instruction, and evaluation.
- (13) "Electrologist" means a person who is licensed under this chapter to engage in the practice of electrology.
- (14) "Electrologist instructor" means an electrologist who is licensed under this chapter to teach electrology at a licensed electrology school.
- (15) "Esthetician" means a person who is licensed under this chapter to engage in the practice of esthetics.
- (16) "Esthetician instructor" means a master esthetician who is licensed under this chapter to teach the practice of esthetics and the practice of master-level esthetics at a licensed esthetics school, a licensed cosmetology/barber school, or in an apprenticeship program as defined in Subsection 58-11a-306(3).
- (17) "Fund" means the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Education and Enforcement Fund created in Section 58-11a-103.
- (18)

- (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's natural human hair.
- (b) "Hair braiding" includes the following methods or styles:
 - (i) African-style braiding;
 - (ii) box braids;
 - (iii) cornrows;
 - (iv) dreadlocks;
 - (v) french braids;
 - (vi) invisible braids;
 - (vii) micro braids;
 - (viii) single braids;
 - (ix) single plaits;
 - (x) twists;
 - (xi) visible braids;
 - (xii) the use of lock braids; and
 - (xiii) the use of decorative beads, accessories, and nonhair extensions.
- (c) "Hair braiding" does not include:
 - (i) the use of:
 - (A) wefts;
 - (B) synthetic tape;
 - (C) synthetic glue;
 - (D) keratin bonds;
 - (E) fusion bonds; or
 - (F) heat tools;
 - (ii) the cutting of human hair; or
 - (iii) the application of heat, dye, a reactive chemical, or other preparation to:
 - (A) alter the color of the hair; or
 - (B) straighten, curl, or alter the structure of the hair.
- (19) "Licensed barber or cosmetology/barber school" means a barber or cosmetology/barber school licensed under this chapter.
- (20) "Licensed electrology school" means an electrology school licensed under this chapter.
- (21) "Licensed esthetics school" means an esthetics school licensed under this chapter.
- (22) "Licensed nail technology school" means a nail technology school licensed under this chapter.
- (23) "Master esthetician" means an individual who is licensed under this chapter to engage in the practice of master-level esthetics.
- (24) "Nail technician" means an individual who is licensed under this chapter to engage in the practice of nail technology.
- (25) "Nail technician instructor" means a nail technician licensed under this chapter to teach the practice of nail technology in a licensed nail technology school, a licensed cosmetology/barber school, or in an apprenticeship program as defined in Subsection 58-11a-306(5).
- (26) "Practice of barbering" means:
 - (a) cutting, clipping, or trimming the hair of the head of any person by the use of scissors, shears, clippers, or other appliances;
 - (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying; and
 - (c) removing hair from the face or neck of a person by the use of shaving equipment.
- (27) "Practice of barbering instruction" means instructing barbering in a licensed barber school, licensed cosmetology/barber school, or in an apprenticeship program as defined in Subsection 58-11a-306(1).

- (28) "Practice of basic esthetics" means any one of the following skin care procedures done on the head, face, neck, arms, hands, legs, feet, eyebrows, or eyelashes for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:
- (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the application of eyelash extensions, natural nail manicures or pedicures, or callous removal by buffing or filing;
 - (b) limited chemical exfoliation as defined by rule;
 - (c) removing superfluous hair by means other than electrolysis, except that an individual is not required to be licensed as an esthetician to engage in the practice of threading;
 - (d) other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not for the treatment of medical, physical, or mental ailments;
 - (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying eyelash extensions, or a combination of these procedures; or
 - (f) except as provided in Subsection (28)(f)(i), cosmetic laser procedures under the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the following:
 - (i) superfluous hair removal which shall be under indirect supervision;
 - (ii) anti-aging resurfacing enhancements;
 - (iii) photo rejuvenation; or
 - (iv) tattoo removal.
- (29)
- (a) "Practice of cosmetology/barbering" means:
- (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a person;
 - (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or other appliances;
 - (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying eyelash extensions, or a combination of these procedures;
 - (iv) removing hair from the face, neck, shoulders, arms, back, torso, feet, bikini line, or legs of a person by the use of depilatories, waxing, or shaving equipment;
 - (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces or both on the human head; or
 - (vi) practicing hair weaving or hair fusing or servicing previously medically implanted hair.
- (b) The term "practice of cosmetology/barbering" includes:
- (i) the practice of basic esthetics; and
 - (ii) the practice of nail technology.
- (c) An individual is not required to be licensed as a cosmetologist/barber to engage in the practice of threading.
- (30) "Practice of cosmetology/barbering instruction" means instructing cosmetology/barbering as defined in Subsection (29) in a licensed cosmetology/barber school or in an apprenticeship program as defined in Subsection 58-11a-306(2).
- (31) "Practice of electrolysis" means:
- (a) the removal of superfluous hair from the body of a person by the use of electricity, waxing, shaving, or tweezing; or
 - (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to superfluous hair removal.

- (32) "Practice of electrology instruction" means instructing electrology in a licensed electrology school.
- (33) "Practice of esthetics instruction" means instructing esthetics in a licensed esthetics school, a licensed cosmetology/barber school, or instructing master-level esthetics in a licensed esthetics school or in an apprenticeship program as defined in Subsections 58-11a-306(2), (3), and (4).
- (34)
- (a) "Practice of master-level esthetics" means:
- (i) any of the following when done for cosmetic purposes on the head, face, neck, torso, abdomen, back, arms, hands, legs, feet, eyebrows, or eyelashes and not for the treatment of medical, physical, or mental ailments:
- (A) body wraps as defined by rule;
 - (B) hydrotherapy as defined by rule;
 - (C) chemical exfoliation as defined by rule;
 - (D) advanced pedicures as defined by rule;
 - (E) sanding, including microdermabrasion;
 - (F) advanced extraction;
 - (G) other esthetic preparations or procedures with the use of:
 - (I) the hands; or
 - (II) a mechanical or electrical apparatus which is approved for use by division rule for beautifying or similar work performed on the body for cosmetic purposes and not for the treatment of a medical, physical, or mental ailment; or
 - (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a physician's evaluation before the procedure, as needed, unless specifically required under Section 58-1-506, and limited to the following:
 - (I) superfluous hair removal;
 - (II) anti-aging resurfacing enhancements;
 - (III) photo rejuvenation; or
 - (IV) tattoo removal with a physician's evaluation before the tattoo removal procedure; and
- (ii) lymphatic massage by manual or other means as defined by rule.
- (b) Notwithstanding the provisions of Subsection (34)(a), a master-level esthetician may perform procedures listed in Subsection (34)(a)(i)(H) if done under the supervision of a cosmetic supervisor acting within the scope of the cosmetic supervisor license.
- (c) The term "practice of master-level esthetics" includes the practice of esthetics, but an individual is not required to be licensed as an esthetician or master-level esthetician to engage in the practice of threading.
- (35) "Practice of nail technology" means to trim, cut, clean, manicure, shape, massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the application and removal of sculptured or artificial nails.
- (36) "Practice of nail technology instruction" means instructing nail technology in a licensed nail technician school, licensed cosmetology/barber school, or in an apprenticeship program as defined in Subsection 58-11a-306(5).
- (37) "Recognized barber school" means a barber school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (38) "Recognized cosmetology/barber school" means a cosmetology/barber school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

- (39) "Recognized electrology school" means an electrology school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (40) "Recognized esthetics school" means an esthetics school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (41) "Recognized nail technology school" means a nail technology school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (42) "Salon" means a place, shop, or establishment in which cosmetology/barbering, esthetics, electrology, or nail technology is practiced.
- (43) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.
- (44) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-11a-501 and as may be further defined by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.