

### **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