

**COSMETOLOGY AND HAIR BRAIDING**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: John L. Valentine

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**LONG TITLE**

**General Description:**

This bill modifies the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ reduces the curriculum requirement for being licensed as a cosmetologist from 2,000 hours to 1,600 hours **H→ for a student who begins study after January 1, 2013 ←H** ;
- ▶ reduces the experience requirement for certain licensure applicants;

**H→ ▶ requires that licensed schools under the act be recognized as institutions of postsecondary study by meeting certain requirements; ←H**

▶ adds an exemption from licensure for a person who engages in hair braiding and does not engage in other activity requiring licensure;

- ▶ adds certain eyelash and eyebrow treatments to the practice of basic esthetics;
- ▶ modifies what constitutes unlawful conduct under the act; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:



276 (i) an instructor training program conducted by a licensed or recognized school as  
 277 defined by rule consisting of a minimum of 500 hours or the equivalent number of credit hours;  
 278 or

279 (ii) a minimum of 2,000 hours of experience as a barber; and  
 280 (f) meet the examination requirement established by rule.

281 (3) Each applicant for licensure as a barber school shall:

282 (a) submit an application in a form prescribed by the division;

283 (b) pay a fee determined by the department under Section 63J-1-504; and

284 (c) provide satisfactory documentation:

285 (i) of appropriate registration with the Division of Corporations and Commercial Code;

286 (ii) of business licensure from the city, town, or county in which the school is located;

287 (iii) that the applicant's physical facilities comply with the requirements established by  
 288 rule; and

289 (iv) that the applicant meets ~~H→~~ :

289a (A) ←H the standards for barber schools, including staff and  
 290 accreditation requirements, established by rule ~~H→~~ [-] ; **and**

290a **(B) the requirements for recognition as an institution of postsecondary study as**  
 290b **described in Subsection (19).** ←H

291 (4) Each applicant for licensure as a cosmetologist/barber shall:

292 (a) submit an application in a form prescribed by the division;

293 (b) pay a fee determined by the department under Section 63J-1-504;

294 (c) be of good moral character;

295 (d) provide satisfactory documentation of:

296 (i) ~~H→~~ (A) ←H graduation from a licensed or recognized cosmetology/barber school whose  
 297 curriculum consists of a minimum of ~~[2,000 hours of instruction, with full flexibility within the~~  
 298 ~~2,000 hours, or the equivalent number of credit hours over a period of not less than 50 weeks]~~  
 299 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility within  
 300 those hours ~~H→~~ , if the applicant was not a currently enrolled student of a cosmetology/barber  
 300a school on January 1, 2013 ←H ; ~~H→~~ or

300b **(B) graduation from a licensed or recognized cosmetology/barber school whose**  
 300c **curriculum consists of a minimum of 2,000 hours of instruction, or the equivalent number of**  
 300d **credit hours, with full flexibility within those hours, if the applicant's hours of instruction**  
 300e **commenced before January 1, 2013 and the applicant was a currently enrolled student of a**  
 300f **cosmetology/barber school on January 1, 2013;** ←H

301 (ii) (A) [~~having graduated~~] graduation from a recognized cosmetology/barber school  
 302 located in a state other than Utah whose curriculum consists of less than ~~[2,000 hours of~~  
 303 ~~instruction, with full flexibility within the 2,000 hours, or the equivalent number of credit~~  
 304 ~~hours]~~ 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility  
 305 within those hours; and

306 [~~(B) having practiced as a licensed cosmetologist/barber for a period of not less than~~

307 ~~4,000 hours; or]~~

308 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less  
 309 than the number of hours required to equal 1,600 total hours when added to the hours of  
 310 instruction described in Subsection (4)(ii)(A); or

311 (iii) ~~[having completed]~~ completion of an approved cosmetology/barber  
 312 apprenticeship; and

313 (e) meet the examination requirement established by rule.

314 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:

315 (a) submit an application in a form prescribed by the division;

316 (b) pay a fee determined by the department under Section 63J-1-504;

317 (c) provide satisfactory documentation that the applicant is currently licensed as a  
 318 cosmetologist/barber;

319 (d) be of good moral character;

320 (e) provide satisfactory documentation of completion of:

321 (i) an instructor training program conducted by a licensed or recognized school as  
 322 defined by rule consisting of a minimum of 1,000 hours or the equivalent number of credit  
 323 hours; or

324 (ii) a minimum of ~~[4,000]~~ 3,000 hours of experience as a cosmetologist/barber; and

325 (f) meet the examination requirement established by rule.

326 (6) Each applicant for licensure as a cosmetologist/barber school shall:

327 (a) submit an application in a form prescribed by the division;

328 (b) pay a fee determined by the department under Section 63J-1-504; and

329 (c) provide satisfactory documentation:

330 (i) of appropriate registration with the Division of Corporations and Commercial Code;

331 (ii) of business licensure from the city, town, or county in which the school is located;

332 (iii) that the applicant's physical facilities comply with the requirements established by  
 333 rule; and

334 (iv) that the applicant meets ~~H→~~ :

334a (A) ←H the standards for cosmetology schools, including staff and  
 335 accreditation requirements, established by rule ~~H→~~ [-] ; and

335a (B) the requirements for recognition as an institution of postsecondary study as  
 335b described in Subsection (19). ←H

336 (7) Each applicant for licensure as an electrologist shall:

337 (a) submit an application in a form prescribed by the division;

338 (b) pay a fee determined by the department under Section 63J-1-504;  
 339 (c) be of good moral character;  
 340 (d) provide satisfactory documentation of having graduated from a licensed or  
 341 recognized electrology school after completing a curriculum of 600 hours of instruction or the  
 342 equivalent number of credit hours; and

343 (e) meet the examination requirement established by rule.

344 (8) Each applicant for licensure as an electrologist instructor shall:

345 (a) submit an application in a form prescribed by the division;

346 (b) pay a fee determined by the department under Section 63J-1-504;

347 (c) provide satisfactory documentation that the applicant is currently licensed as an  
 348 electrologist;

349 (d) be of good moral character;

350 (e) provide satisfactory documentation of completion of:

351 (i) an instructor training program conducted by a licensed or recognized school as  
 352 defined by rule consisting of a minimum of 175 hours or the equivalent number of credit hours;  
 353 or

354 (ii) a minimum of 1,000 hours of experience as an electrologist; and

355 (f) meet the examination requirement established by rule.

356 (9) Each applicant for licensure as an electrologist school shall:

357 (a) submit an application in a form prescribed by the division;

358 (b) pay a fee determined by the department under Section 63J-1-504; and

359 (c) provide satisfactory documentation:

360 (i) of appropriate registration with the Division of Corporations and Commercial Code;

361 (ii) of business licensure from the city, town, or county in which the school is located;

362 (iii) that the applicant's facilities comply with the requirements established by rule; and

363 (iv) that the applicant meets ~~H~~ :

363a (A) ~~H~~ the standards for electrologist schools, including staff,  
 364 curriculum, and accreditation requirements, established by rule ~~H~~ [-] ; and

364a (B) the requirements for recognition as an institution of postsecondary study as  
 364b described in Subsection (19). ~~H~~

365 (10) Each applicant for licensure as an esthetician shall:

366 (a) submit an application in a form prescribed by the division;

367 (b) pay a fee determined by the department under Section 63J-1-504;

368 (c) be of good moral character;

- 431 (ii) a minimum of 1,000 hours of experience in esthetics; and  
 432 (f) meet the examination requirement established by rule.
- 433 (13) Each applicant for licensure as an esthetics school shall:  
 434 (a) submit an application in a form prescribed by the division;  
 435 (b) pay a fee determined by the department under Section 63J-1-504; and  
 436 (c) provide satisfactory documentation:  
 437 (i) of appropriate registration with the Division of Corporations and Commercial Code;  
 438 (ii) of business licensure from the city, town, or county in which the school is located;  
 439 (iii) that the applicant's physical facilities comply with the requirements established by  
 440 rule; and
- 441 (iv) that the applicant meets ~~H~~→ :
- 441a **(A)** ~~←H~~ the standards for esthetics schools, including staff,  
 442 curriculum, and accreditation requirements, established by division rule made in collaboration  
 443 with the board ~~H~~→ [-] ; **and**
- 443a **(B) the requirements for recognition as an institution of postsecondary study as**  
 443b **described in Subsection (19).** ~~←H~~
- 444 (14) Each applicant for licensure as a nail technician shall:  
 445 (a) submit an application in a form prescribed by the division;  
 446 (b) pay a fee determined by the department under Section 63J-1-504;  
 447 (c) be of good moral character; [~~and~~]  
 448 (d) provide satisfactory documentation of:  
 449 (i) graduation from a licensed or recognized nail technology school, or a licensed or  
 450 recognized cosmetology/barber school, whose curriculum consists of not less than 300 hours of  
 451 instruction, or the equivalent number of credit hours [~~of not more than eight hours a day and~~  
 452 ~~six days a week during the program~~];  
 453 (ii) (A) [~~having graduated~~] graduation from a recognized nail technology school  
 454 located in a state other than Utah whose curriculum consists of less than 300 hours of  
 455 instruction or the equivalent number of credit hours; and  
 456 [~~(B) having practiced as a licensed nail technician for a period of not less than 1,000~~  
 457 ~~hours; or~~]  
 458 **(B) practice as a licensed nail technician in a state other than Utah for not less than the**  
 459 **number of hours required to equal 300 total hours when added to the hours of instruction**  
 460 **described in Subsection (14)(d)(ii)(A); or**  
 461 (iii) [~~having completed~~] completion of an approved nail technician apprenticeship; and

462 (e) meet the examination requirement established by division rule.

463 (15) Each applicant for licensure as a nail technician instructor shall:

464 (a) submit an application in a form prescribed by the division;

465 (b) pay a fee determined by the department under Section 63J-1-504;

466 (c) provide satisfactory documentation that the applicant is currently licensed as a nail  
467 technician;

468 (d) be of good moral character;

469 (e) provide satisfactory documentation of completion of:

470 (i) an instructor training program conducted by a licensed or recognized school as  
471 defined by rule consisting of a minimum of 150 hours or the equivalent number of credit hours;

472 or

473 (ii) a minimum of 600 hours of experience in nail technology; and

474 (f) meet the examination requirement established by rule.

475 (16) Each applicant for licensure as a nail technology school shall:

476 (a) submit an application in a form prescribed by the division;

477 (b) pay a fee determined by the department under Section 63J-1-504; and

478 (c) provide satisfactory documentation:

479 (i) of appropriate registration with the Division of Corporations and Commercial Code;

480 (ii) of business licensure from the city, town, or county in which the school is located;

481 (iii) that the applicant's facilities comply with the requirements established by rule; and

482 (iv) that the applicant meets ~~H~~→ :

482a (A) ←H the standards for nail technology schools, including staff,

483 curriculum, and accreditation requirements, established by rule ~~H~~→ [:] ; and

483a (B) the requirements for recognition as an institution of postsecondary study as

483b described in Subsection (19). ←H

484 (17) Each applicant for licensure under this chapter whose education in the field for  
485 which a license is sought was completed at a foreign school may satisfy the educational  
486 requirement for licensure by demonstrating, to the satisfaction of the division, the educational  
487 equivalency of the foreign school education with a licensed school under this chapter.

488 (18) (a) A licensed or recognized school under this section may accept credit hours  
489 towards graduation for any profession listed in this section.

490 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
491 consistent with this section, the division may make rules governing the acceptance of credit  
492 hours under Subsection (18)(a).

492a ~~H~~→ (19) A school licensed or applying for licensure under this chapter shall maintain  
492b recognition as an institution of postsecondary study by meeting the following conditions:

492c (a) the school shall admit as a regular student only an individual who has earned a

492d recognized high school diploma or the equivalent of a recognized high school diploma, or who  
492e is beyond the age of compulsory high school attendance as prescribed by Title 53A, Chapter  
492f 11; and  
492g (b) the school shall be licensed by name, or in the case of an applicant , shall apply for  
492h licensure by name, under this chapter to offer one or more training programs beyond the  
492i secondary level. ←H