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Cosmetology Modifications
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Scott D. Sandall
House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill restructures the licensing standards for the Cosmetology and Associated Professions Licensing Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a scope of practice for professionals regulated by the Cosmetology and Associated Professions Licensing Act;
- ▶ restructures the existing Cosmetology and Associated Professions Licensing Board;
- ▶ restructures the license classifications regulated by the Cosmetology and Associated Professions Licensing Act;
- ▶ restructures the qualifications for licensure for professionals regulated by the Cosmetology and Associated Professions Licensing Act;
- ▶ establishes standards for apprenticeship for professionals regulated by the Cosmetology and Associated Professions Licensing Act;
- ▶ addresses unprofessional conduct;
- ▶ allows a school to receive curriculum approval from the Division of Professional Licensing; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

28 AMENDS:

29 **58-1-102**, as last amended by Laws of Utah 2024, Chapter 486

30 **58-1-506**, as last amended by Laws of Utah 2024, Chapter 486

31 **58-11a-201**, as last amended by Laws of Utah 2024, Chapter 479

32 **58-11a-303**, as last amended by Laws of Utah 2001, Chapter 204

33 **58-11a-304**, as last amended by Laws of Utah 2024, Chapter 479

34 **58-11a-503**, as last amended by Laws of Utah 2020, Chapter 339

35 **58-67-102**, as last amended by Laws of Utah 2024, Chapter 507

36 **58-68-102**, as last amended by Laws of Utah 2024, Chapter 507

37 ENACTS:

38 **58-11a-302.10**, Utah Code Annotated 1953

39 **58-11a-302.11**, Utah Code Annotated 1953

40 **58-11a-302.12**, Utah Code Annotated 1953

41 **58-11a-302.13**, Utah Code Annotated 1953

42 **58-11a-302.14**, Utah Code Annotated 1953

43 **58-11a-302.15**, Utah Code Annotated 1953

44 **58-11a-302.16**, Utah Code Annotated 1953

45 **58-11a-302.17**, Utah Code Annotated 1953

46 **58-11a-302.18**, Utah Code Annotated 1953

47 **58-11a-302.19**, Utah Code Annotated 1953

48 **58-11a-302.20**, Utah Code Annotated 1953

49 **58-11a-302.21**, Utah Code Annotated 1953

50 **58-11a-302.22**, Utah Code Annotated 1953

51 **58-11a-302.23**, Utah Code Annotated 1953

52 **58-11a-302.24**, Utah Code Annotated 1953

53 **58-11a-302.25**, Utah Code Annotated 1953

54 REPEALS AND REENACTS:

55 **58-11a-102**, as last amended by Laws of Utah 2024, Chapter 479

56 **58-11a-301**, as last amended by Laws of Utah 2024, Chapter 479

57 **58-11a-302**, as last amended by Laws of Utah 2024, Chapters 137, 479

58 **58-11a-306**, as last amended by Laws of Utah 2024, Chapter 479

59 **58-11a-501**, as last amended by Laws of Utah 2024, Chapter 479



61 *Be it enacted by the Legislature of the state of Utah:*

62 Section 1. Section **58-1-102** is amended to read:

63 **58-1-102 . Definitions.**

64 As used in this title:

65 (1)(a) "Ablative procedure" means the same as that term is defined in Section 58-67-102.

66 (b) "Ablative procedure" does not include laser tattoo removal.

67 (2) "Cosmetic medical procedure":

68 (a) means the same as that term is defined in Section 58-67-102; and

69 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic
70 Medical Practice Act, does not apply to the scope of practice of an individual
71 licensed under this title if the individual's scope of practice includes the authority to
72 operate or perform surgical procedures.

73 (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature
74 to reduce fat deposits in certain areas of the body.

75 (4) "Department" means the Department of Commerce.

76 (5) "Director" means the director of the Division of Professional Licensing.

77 (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.

78 (7) "Executive director" means the executive director of the Department of Commerce.

79 (8) "Licensee" includes any holder of a license, certificate, registration, permit, student
80 card, or apprentice card authorized under this title.

81 (9)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
82 alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or
83 remove living tissue.

84 (ii) Notwithstanding Subsection [~~(8)(a)(i)~~] (9)(a)(i), nonablative procedure includes
85 hair removal and cryolipolysis.

86 (b) "Nonablative procedure" does not include:

87 (i) a superficial procedure;

88 (ii) the application of permanent make-up;

89 (iii) laser tattoo removal; or

90 [~~(iii)~~] (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that
91 are performed by an individual licensed under this title who is acting within their
92 scope of practice.

93 (10) "Pain clinic" means:

94 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or

95 (b) a clinic in which greater than 50% of the clinic's annual patient population receive

96 treatment primarily for non-terminal chronic pain using Schedule II-III controlled
97 substances.

98 (11) "Superficial procedure" means a procedure that is expected or intended to temporarily
99 alter living skin tissue and may excise or remove stratum corneum but have no
100 appreciable risk of damage to any tissue below the stratum corneum.

101 (12) "Telemedicine service" means the same as that term is defined in Section 26B-4-704.

102 (13) "Unlawful conduct" means the same as that term is defined in Subsection 58-1-501(1).

103 (14) "Unprofessional conduct" means the same as that term is defined in Subsection
104 58-1-501(2).

105 Section 2. Section **58-1-506** is amended to read:

106 **58-1-506 . Supervision of cosmetic medical procedures.**

107 (1) For purposes of this section:

108 (a) "Delegation group A" means the following who are licensed under this title, acting
109 within their respective scopes of practice, and qualified under Subsections (2)(f)(i)
110 and (iii):

111 (i) a physician assistant, if acting in accordance with Chapter 70a, Utah Physician
112 Assistant Act;

113 (ii) a registered nurse;

114 (iii) a master esthetician; and

115 (iv) an electrologist, if evaluating for or performing laser hair removal.

116 (b) "Delegation group B" means:

117 (i) a practical nurse or an esthetician who is licensed under this title, acting within [
118 ~~their~~] the nurse or esthetician's respective scopes of practice, and qualified under
119 Subsections (2)(f)(i) and (iii); and

120 (ii) a medical assistant who is qualified under Subsections (2)(f)(i) and (iii).

121 (c) "Direct cosmetic medical procedure supervision" means the supervisor:

122 (i) has authorized the procedure to be done on the patient by the supervisee; and

123 (ii) is present and available for a face-to-face communication with the supervisee
124 when and where a cosmetic medical procedure is performed.

125 (d) "General cosmetic medical procedure supervision" means the supervisor:

126 (i) has authorized the procedure to be done on the patient by the supervisee;

127 (ii) is available in a timely and appropriate manner in person to evaluate and initiate
128 care for a patient with a suspected adverse reaction or complication; and

129 (iii) is located within 60 minutes or 60 miles of the cosmetic medical facility.

- 130 (e) "Hair removal review" means:
- 131 (i) conducting an in-person, face-to-face interview of a patient based on the responses
132 provided by the patient to a detailed medical history assessment that was prepared
133 by the supervisor;
- 134 (ii) evaluating for contraindications and conditions that are part of the treatment plan;
135 and
- 136 (iii) if the patient history or patient presentation deviates in any way from the
137 treatment plan, referring the patient to the supervisor and receiving clearance from
138 the supervisor before starting the treatment.
- 139 (f) "Indirect cosmetic medical procedure supervision" means the supervisor:
- 140 (i) has authorized the procedure to be done on the patient by the supervisee;
- 141 (ii) has given written instructions to the person being supervised;
- 142 (iii) is present within the cosmetic medical facility in which the person being
143 supervised is providing services; and
- 144 (iv) is available to:
- 145 (A) provide immediate face-to-face communication with the person being
146 supervised; and
- 147 (B) evaluate the patient, as necessary.
- 148 (2) A supervisor supervising a nonablative cosmetic medical procedure for hair removal
149 shall:
- 150 (a) have an unrestricted license to practice medicine or advanced practice registered
151 nursing in the state;
- 152 (b) develop the medical treatment plan for the procedure;
- 153 (c) conduct a hair removal review, or delegate the hair removal review to a member of
154 delegation group A, of the patient prior to initiating treatment or a series of
155 treatments;
- 156 (d) personally perform the nonablative cosmetic medical procedure for hair removal, or
157 authorize and delegate the procedure to a member of delegation group A or B;
- 158 (e) during the nonablative cosmetic medical procedure for hair removal provide general
159 cosmetic medical procedure supervision to individuals in delegation group A
160 performing the procedure, except physician assistants, who shall act in accordance
161 with Chapter 70a, Utah Physician Assistant Act, and indirect cosmetic medical
162 procedure supervision to individuals in delegation group B performing the procedure;
163 and

- 164 (f) verify that a person to whom the supervisor delegates an evaluation under Subsection
 165 (2)(c) or delegates a procedure under Subsection (2)(d)[~~or (3)(e)(ii)~~]:
- 166 (i) has received appropriate training regarding the medical procedures developed
 167 under Subsection (2)(b);
- 168 (ii) has an unrestricted license under this title or is performing under the license of the
 169 supervising physician and surgeon; and
- 170 (iii) has maintained competence to perform the nonablative cosmetic medical
 171 procedure through documented education and experience of at least 80 hours, as
 172 further defined by rule, regarding:
- 173 (A) the appropriate standard of care for performing nonablative cosmetic medical
 174 procedures;
- 175 (B) physiology of the skin;
- 176 (C) skin typing and analysis;
- 177 (D) skin conditions, disorders, and diseases;
- 178 (E) pre- and post-procedure care;
- 179 (F) infection control;
- 180 (G) laser and light physics training;
- 181 (H) laser technologies and applications;
- 182 (I) safety and maintenance of lasers;
- 183 (J) cosmetic medical procedures an individual is permitted to perform under this
 184 title;
- 185 (K) recognition and appropriate management of complications from a procedure;
- 186 and
- 187 (L) cardiopulmonary resuscitation (CPR).

188 [~~(3) For a nonablative cosmetic medical procedure for tattoo removal:~~]

189 [~~(a) a supervisor supervising a nonablative cosmetic medical procedure for tattoo
 190 removal shall:~~]

191 [~~(i) have an unrestricted license to practice medicine or advanced practice registered
 192 nursing in the state; and]~~

193 [~~(ii) develop the medical treatment plan for the procedure; and]~~

194 [~~(b) a nurse practitioner or physician assistant:~~]

195 [~~(i) shall conduct an in-person face-to-face evaluation of a patient before initiating a
 196 treatment protocol or series of treatments for removing a tattoo;]~~

197 [~~(ii) shall inspect the patient's skin for any discoloration unrelated to the tattoo and~~

198 any other indication of cancer or other condition that should be treated or further
199 evaluated before the tattoo is removed;]

200 [(iii) shall refer a patient with a condition described in Subsection (3)(b)(ii) to a
201 physician for treatment or further evaluation; and]

202 [(iv) may not perform a nonablative cosmetic medical procedure to remove a tattoo
203 on a patient unless the patient is approved for the tattoo removal by a physician
204 after the physician evaluates the patient.]

205 [(4)] (3) For a nonablative cosmetic medical procedure other than hair removal under
206 Subsection (2)[~~or tattoo removal under Subsection (3)~~]:

207 (a) a physician who has an unrestricted license to practice medicine, a nurse practitioner
208 who has an unrestricted license for advanced practice registered nursing, or a
209 physician assistant acting in accordance with Chapter 70a, Utah Physician Assistant
210 Act, who has an unrestricted license to practice as a physician assistant, shall:

211 (i) develop a treatment plan for the nonablative cosmetic medical procedure; and

212 (ii) conduct an evaluation of the patient either in-person or utilizing a live
213 telemedicine visit before the initiation of a treatment protocol or series of
214 treatments; and

215 (b) the supervisor supervising the procedure shall:

216 (i) have an unrestricted license to practice medicine or advanced practice registered
217 nursing;

218 (ii) personally perform the nonablative cosmetic medical procedure or:

219 (A) authorize and provide general cosmetic medical procedure supervision for the
220 nonablative cosmetic medical procedure that is performed by a registered nurse
221 or a master esthetician; or

222 (B) authorize and provide supervision as provided in Chapter 70a, Utah Physician
223 Assistant Act, for the nonablative cosmetic medical procedure that is
224 performed by a physician assistant; ~~or~~ and

225 (C) authorize and provide direct cosmetic medical procedure supervision for the
226 nonablative cosmetic medical procedure that is performed by an esthetician or
227 a practical nurse; and

228 (iii) verify that a person to whom the supervisor delegates a procedure under
229 Subsection [(3)(e)] (3)(b):

230 (A) has received appropriate training regarding the medical procedures to be
231 performed;

232 (B) has an unrestricted license and is acting within the person's scope of practice
 233 under this title; and

234 (C) is qualified under Subsection (2)(f)(iii).

235 ~~[(5)]~~ (4) A supervisor performing or supervising a cosmetic medical procedure under
 236 Subsection (2) or (3)~~[-or-(4)]~~ shall ensure that:

237 (a) the supervisor's name is prominently posted at the cosmetic medical facility
 238 identifying the supervisor;

239 (b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical
 240 facility;

241 (c) the patient receives written information with the name and licensing information of
 242 the supervisor who is supervising the nonablative cosmetic medical procedure and
 243 the person who is performing the nonablative cosmetic medical procedure;

244 (d) the patient is provided with a telephone number that is answered within 24 hours for
 245 follow-up communication; and

246 (e) the cosmetic medical facility's contract with a master esthetician who performs a
 247 nonablative cosmetic medical procedure at the facility is kept on the premises of the
 248 facility.

249 ~~[(6)]~~ (5) Failure to comply with the provisions of this section is unprofessional conduct.

250 ~~[(7)]~~ (6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician
 251 Practice Act, is not subject to the supervision requirements in this section for a
 252 nonablative cosmetic medical procedure for hair removal if the chiropractic physician is
 253 acting within the scope of practice of a chiropractic physician and with training specific
 254 to nonablative hair removal.

255 Section 3. Section **58-11a-102** is repealed and reenacted to read:

256 **58-11a-102 . Definitions.**

257 As used in this chapter:

258 (1) "Approved apprenticeship" means an apprenticeship that meets the requirements of
 259 Section 58-11a-306 for any applicable license or permit type and the requirements
 260 established by administrative rules made by the division in collaboration with the board
 261 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

262 (2) "Board" means the Cosmetology and Associated Professions Licensing Board created in
 263 Section 58-11a-201.

264 (3)(a) "Cosmetic medical device" means a nonablative tissue altering energy based
 265 device, including a laser, that is expected or intended to alter living tissue, but is not

- 266 intended or expected to excise, vaporize, disintegrate, or remove living tissue.
- 267 (b) "Cosmetic medical device" includes:
- 268 (i) American National Standards Institute designated Class IIIb and Class IV lasers;
- 269 (ii) devices that utilize intense pulsed light;
- 270 (iii) radio frequency devices; and
- 271 (iv) lipolytic devices.
- 272 (c) "Cosmetic medical device" does not include an American National Standards
- 273 Institute designated Class IIIa and lower powered device.
- 274 (4) "Dermaplane" means the use of a scalpel or bladed instrument to shave the upper layers
- 275 of the stratum corneum.
- 276 (5) "Direct supervision" means that the supervisor of an apprentice or the instructor of a
- 277 student is physically present in the same building as the apprentice or student and readily
- 278 able to establish direct contact with the apprentice or student for consultation, advice,
- 279 instruction, and evaluation.
- 280 (6) "Division" means the Division of Professional Licensing, created in Section 58-1-103.
- 281 (7)(a) "Hair braiding" means the twisting, weaving, or interweaving of an individual's
- 282 natural human hair.
- 283 (b) "Hair braiding" includes the following methods or styles:
- 284 (i) African-style braiding;
- 285 (ii) box braids;
- 286 (iii) cornrows;
- 287 (iv) dreadlocks;
- 288 (v) french braids;
- 289 (vi) invisible braids;
- 290 (vii) micro braids;
- 291 (viii) single braids;
- 292 (ix) single plaits;
- 293 (x) twists;
- 294 (xi) visible braids;
- 295 (xii) the use of lock braids;
- 296 (xiii) the use of decorative beads, accessories, and extensions; and
- 297 (xiv) the use of wefts if applied without the use of glue or tape.
- 298 (c) "Hair braiding" does not include:
- 299 (i) the use of:

- 300 (A) wefts if applied with the use of glue or tape;
 301 (B) synthetic tape;
 302 (C) synthetic glue;
 303 (D) keratin bonds;
 304 (E) fusion bonds; or
 305 (F) heat tools;
- 306 (ii) the cutting of human hair; or
 307 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
 308 (A) alter the color of the hair; or
 309 (B) straighten, curl, or alter the structure of the hair.
- 310 (8) "Instructor" means an individual that is licensed to instruct a discipline that is regulated
 311 by this chapter.
- 312 (9) "Licensed school" means a school in Utah that:
 313 (a) meets the standards for accreditation established by administrative rules made by the
 314 division; or
 315 (b) is using curriculum approved by the division.
- 316 (10)(a) "Manual hair removal" means superfluous hair removal that is performed
 317 without using a cosmetic medical device or electrolysis.
 318 (b) "Manual hair removal" includes:
 319 (i) the use of depilatories;
 320 (ii) shaving;
 321 (iii) sugaring;
 322 (iv) tweezing; and
 323 (v) waxing.
- 324 (c) "Manual hair removal" does not include threading.
- 325 (11) "Minimum service count" means the minimum number of repetitions of a given
 326 service a license or permit applicant is required to complete to gain a minimum level of
 327 competence as established by administrative rules made by the division for a service.
- 328 (12) "Permit" means a safety permit that gives the holder authority to perform certain
 329 services.
- 330 (13) "Recognized school" means a school located in a jurisdiction other than Utah whose
 331 students, upon graduation, are recognized as having completed the educational
 332 requirements for the licensure in the jurisdiction in which the school is located.
- 333 (14) "Representative of a licensed school" means an individual:

- 334 (a) that is acting in the individual's capacity as an employee of a licensed school; or
 335 (b) with an ownership or financial interest in a licensed school.
- 336 (15) "Salon" means a place, shop, or establishment in which an individual licensed or
 337 permitted under this chapter practices the individual's discipline.
- 338 (16) "Threading" means a method of removing hair from the eyebrows, upper lip, or other
 339 body parts by using cotton thread to pull hair from follicles without the use of chemicals,
 340 heat, or wax.
- 341 (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
 342 58-11a-502.
- 343 (18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
 344 and 58-11a-501 and as may be further defined by administrative rules made by the
 345 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
 346 Administrative Rulemaking Act.

347 Section 4. Section **58-11a-201** is amended to read:

348 **58-11a-201 . Board.**

- 349 (1) There is created the Cosmetology and Associated Professions Licensing Board
 350 consisting of the following members:
- 351 (a)(i) one [barber or]cosmetologist[barber]; or
 352 (ii) one cosmetologist instructor;
- 353 ~~[(b)(i) one barber or cosmetologist/barber instructor; or]~~
- 354 ~~[(ii) one representative of a licensed barber or cosmetology/barber school;]~~
- 355 ~~[(c) (b)(i) one master esthetician; or~~
 356 ~~(ii) one master esthetician instructor;~~
- 357 ~~(c)(i) one nail technician; or~~
 358 ~~(ii) one nail technician instructor;~~
- 359 ~~[(d)(i) one esthetician instructor; or]~~
- 360 ~~[(ii) one representative of a licensed esthetics school;]~~
- 361 ~~[(e) one nail technician;]~~
- 362 ~~[(f)(i) one nail technician instructor; or]~~
- 363 ~~[(ii) one representative of a licensed nail technology school;]~~
- 364 ~~[(g) (d)(i) one electrologist; or~~
 365 ~~(ii) one electrologist instructor;~~
- 366 (e) one representative of a licensed school that is publicly funded;
- 367 (f) one representative of a licensed school that is privately funded;

- 368 (g) one supervisor as defined in Section 58-1-505; and
 369 ~~[(h) one eyelash and eyebrow technician;]~~
 370 ~~[(i)(i) one eyelash and eyebrow technician instructor; or]~~
 371 ~~[(ii) one representative of a licensed eyelash and eyebrow technology school; and]~~
 372 ~~[(j)] (h) two members from the general public.~~
 373 (2)(a) The board shall be appointed and serve in accordance with Section 58-1-201.
 374 (b) Except for the members specified in Subsections (1)(e) and (1)(f), a member may not
 375 participate as a representative of a licensed school.
 376 ~~[(b)(i) At least one of the members of the board appointed under Subsections (1)(b),~~
 377 ~~(d), and (f) shall be an instructor at or a representative of a public school.]~~
 378 ~~[(ii) At least one of the members of the board appointed under Subsections (1)(b),~~
 379 ~~(d), and (f) shall be an instructor at or a representative of a private school.]~~
 380 (3)(a) ~~[The]~~ The board shall perform the duties and responsibilities ~~[of the board are in~~
 381 accordance with] described in Sections 58-1-202 and 58-1-203.
 382 (b) ~~[In addition, the]~~ The board shall designate one of [its] the board members on a
 383 permanent or rotating basis to:
 384 ~~[(a)]~~ (i) assist the division in reviewing complaints concerning the unlawful or
 385 unprofessional conduct of a licensee; and
 386 ~~[(b)]~~ (ii) advise the division in [its] the division's investigation of these complaints.
 387 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in [its]
 388 the investigation of the complaint may be disqualified from participating with the board
 389 when the board serves as a presiding officer in an adjudicative proceeding concerning
 390 the complaint.

391 Section 5. Section **58-11a-301** is repealed and reenacted to read:

392 **58-11a-301 . Licensure or permit required.**

- 393 (1) Subject to Subsection (2), a person must be licensed or permitted as required under this
 394 chapter to practice a discipline regulated by this chapter.
 395 (2) An individual is not required to be licensed or permitted if the individual:
 396 (a) is a registered apprentice in accordance with this chapter; or
 397 (b) qualifies for an exemption under:
 398 (i) Section 58-1-307; or
 399 (ii) Section 58-11a-304.

400 Section 6. Section **58-11a-302** is repealed and reenacted to read:

401 **58-11a-302 . General qualifications for licensure and permitting.**

- 402 (1) An applicant for a license or permit under this chapter shall:
403 (a)(i) submit an application in a form prescribed by the division; and
404 (ii) pay a fee determined by the division in compliance with Section 63J-1-504;
405 (b) provide satisfactory documentation of completion of required minimum service
406 counts, certified by the applicant's school, or, if under an apprenticeship, the
407 applicant's supervisor; and:
408 (i) compliance with educational requirements of the respective license or permit; or
409 (ii) completion of an approved apprenticeship; and
410 (c) pass an examination, as required by administrative rule established by the division.
411 (2)(a) The division shall establish administrative rules to determine how many hours for
412 an existing license or permit that an applicant may credit towards the hours required
413 for an additional permit or license.
414 (b) An individual that holds a cosmetology license may count 600 hours as a
415 cosmetologist to satisfy the 1,200 total hours requirement for a master esthetics
416 license.
417 Section 7. Section **58-11a-302.10** is enacted to read:
418 **58-11a-302.10 . Practice of barbering -- Barbering permit -- Qualifications.**
419 (1) The practice of barbering includes:
420 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
421 shears, clippers, or other appliances;
422 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
423 drying;
424 (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on
425 the human head;
426 (d) removing hair from the face or neck of an individual by using shaving equipment,
427 including an electric trimmer; and
428 (e) when providing other services described in this Subsection (1), gently massaging the
429 head, back of the neck, and shoulders by manual or mechanical means.
430 (2) An individual may not engage in the practice of barbering unless the individual holds a
431 barbering permit.
432 (3) An applicant for a barbering permit shall comply with the requirements in Section
433 58-11a-302 and:
434 (a) attend a licensed or recognized school and complete a curriculum that:
435 (i) covers:

- 436 (A) hair safety requirements; and
 437 (B) barbering; and
 438 (ii) has a minimum of 130 hours of instruction or the equivalent number of credit
 439 hours; or
 440 (b) complete an approved barber apprenticeship.
 441 (4) If the applicant graduates from a recognized school with less than 130 hours of
 442 instruction, the applicant may count hours practiced as a barber in a jurisdiction other
 443 than Utah to satisfy the 130 total hours requirement.
 444 (5) An individual with a barbering permit may apply credit hours to another license or
 445 permit under this chapter, as allowed in Subsection 58-11a-302(2).

446 Section 8. Section **58-11a-302.11** is enacted to read:

447 **58-11a-302.11 . Practice of basic esthetics -- Basic esthetics permit --**

448 **Qualifications.**

- 449 (1) The practice of basic esthetics means any one of the following skincare procedures done
 450 on the face or body for cosmetic purposes and not for the treatment of medical, physical,
 451 or mental ailments:
 452 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or
 453 masks, and manual extraction, including a comedone extractor; or
 454 (b) manual hair removal.
 455 (2) An individual may not engage in the practice of basic esthetics unless the individual
 456 holds a basic esthetics permit.
 457 (3) An applicant for a basic esthetics permit shall comply with the requirements in Section
 458 58-11a-302 and:
 459 (a) attend a licensed or recognized school and complete a curriculum that:
 460 (i) covers:
 461 (A) basic esthetics; and
 462 (B) manual hair removal; and
 463 (ii) has a minimum of 200 hours of instruction or the equivalent number of credit
 464 hours; or
 465 (b) complete an approved basic esthetics permit apprenticeship.
 466 (4) If the applicant graduates from a recognized school with less than 200 hours of
 467 instruction, the applicant may count hours practiced as an esthetician in a jurisdiction
 468 other than Utah to satisfy the 200 total hours requirement.
 469 (5) An individual with a basic esthetics permit is not considered an esthetician for purposes

470 of Section 58-1-506.

471 (6) An individual with a basic esthetics permit may apply credit hours to another license or
472 permit under this chapter, as allowed in Subsection 58-11a-302(2).

473 Section 9. Section **58-11a-302.12** is enacted to read:

474 **58-11a-302.12 . Practice of chemical hair services -- Chemical hair services**
475 **permit -- Qualifications.**

476 (1) The practice of chemical hair services includes bleaching, tinting, coloring, relaxing,
477 permanent waving, or similarly treating the hair of the head of an individual.

478 (2) An individual may not engage in the practice of chemical hair services unless the
479 individual holds a chemical hair services permit.

480 (3) An applicant for a chemical hair service permit shall comply with the requirements in
481 Section 58-11a-302 and:

482 (a) attend a licensed or recognized school and complete a curriculum that:

483 (i) covers chemical hair services; and

484 (ii) has a minimum of 260 hours of instruction or the equivalent number of credit
485 hours; or

486 (b) complete an approved chemical hair service apprenticeship.

487 (4) If the applicant graduates from a recognized school with less than 260 hours of
488 instruction, the applicant may count hours practiced as a chemical hair service technician
489 in a jurisdiction other than Utah to satisfy the 260 total hours requirement.

490 (5) An individual with a chemical hair services permit may apply credit hours to another
491 license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

492 Section 10. Section **58-11a-302.13** is enacted to read:

493 **58-11a-302.13 . Practice of cosmetology -- Cosmetology license -- Qualifications.**

494 (1) The practice of cosmetology includes:

495 (a) styling, arranging, dressing, curling, waving, cleaning, singeing, bleaching, tinting,
496 coloring, permanent waving, or similarly treating the hair of the head of an individual;

497 (b) cutting, clipping, or trimming the hair by using scissors, shears, clippers, or other
498 appliances;

499 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
500 drying;

501 (d) removing hair from the face or neck of an individual by using shaving equipment;

502 (e) arching eyebrows by tweezing, tinting eyebrows or eyelashes, or perming eyelashes
503 or eyebrows;

- 504 (f) manual hair removal;
505 (g) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or
506 masks, and manual extraction, including a comedone extractor;
507 (h) limited chemical exfoliation as defined by administrative rules made by the division;
508 (i) cutting, curling, styling, fitting, measuring, or forming caps for wigs and hairpieces
509 on the human head;
510 (j) practicing hair weaving or hair fusing or servicing previously medically implanted
511 hair;
512 (k) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and
513 feet to knees, or enhancing the appearance of the hands, feet, and nails of an
514 individual by using the cosmetologist's hands, mechanical or electrical preparation,
515 antiseptic, lotion, or cream;
516 (l) natural nail manicures and pedicures;
517 (m) applying and removing sculptured or artificial nails; and
518 (n) using blades, including corn or callus planer or rasp, for smoothing, shaving, or
519 removing dead skin from the feet.
520 (2) An individual may not engage in the practice of cosmetology unless the individual holds
521 a cosmetology license.
522 (3) An applicant for a cosmetology license shall comply with the requirements in Section
523 58-11a-302 and:
524 (a) attend a licensed or recognized school and complete a curriculum that:
525 (i) covers:
526 (A) barbering;
527 (B) haircutting;
528 (C) chemical hair services;
529 (D) manual hair removal;
530 (E) eyelash and eyebrow technology, except for eyelash extensions;
531 (F) basic esthetics; and
532 (G) nail technology; and
533 (ii) has a minimum of 1,250 hours of instruction or the equivalent number of credit
534 hours; or
535 (b) complete an approved cosmetologist apprenticeship.
536 (4) If the applicant graduates from a recognized school with less than 1,250 hours of
537 instruction, the applicant may count hours practiced as a cosmetologist in a jurisdiction

538 other than Utah to satisfy the 1,250 total hours requirement.

539 (5) An individual with a cosmetology license may be known as a cosmetologist or a barber.

540 (6) An individual with a cosmetology license may apply credit hours to another license or
541 permit under this chapter, as allowed in Subsection 58-11a-302(2).

542 Section 11. Section **58-11a-302.14** is enacted to read:

543 **58-11a-302.14 . Practice of electrology -- Electrology license -- Qualifications.**

544 (1) The practice of electrology includes removing superfluous hair:

545 (a) from the body and face of an individual by using electricity, waxing, shaving, or
546 tweezing; and

547 (b) by using a laser pursuant to requirements described in Section 58-1-506.

548 (2) An individual may not engage in the practice of electrology unless the individual holds
549 an electrology license.

550 (3) An applicant for an electrology license shall comply with the requirements of Section
551 58-11a-302 and:

552 (a) attend a licensed or recognized school and complete a curriculum that:

553 (i) covers:

554 (A) laser hair removal;

555 (B) electrolysis; and

556 (C) waxing; and

557 (ii) has a minimum of 600 hours of instruction or the equivalent number of credit
558 hours; or

559 (b) complete an approved electrology technician apprenticeship.

560 (4) If the applicant graduates from a recognized school with less than 600 hours of
561 instruction, the applicant may count hours practiced as a licensed electrologist in a
562 jurisdiction other than Utah to satisfy the 600 total hours requirement.

563 (5) An individual with an electrology license may apply credit hours to another license or
564 permit under this chapter, as allowed in Subsection 58-11a-302(2).

565 Section 12. Section **58-11a-302.15** is enacted to read:

566 **58-11a-302.15 . Practice of eyelash and eyebrow technology -- Eyelash and**
567 **eyebrow technology license -- Qualifications.**

568 (1) The practice of eyelash and eyebrow technology includes arching eyebrows by tweezing
569 or waxing, tinting eyelashes or eyebrows, facial waxing, perming eyelashes or
570 eyebrows, and applying eyelash or eyebrow extensions.

571 (2) An individual may not engage in the practice of eyelash and eyebrow technology unless

- 572 the individual holds an eyelash and eyebrow technology license.
- 573 (3) An applicant for an eyelash and eyebrow technology license shall comply with the
 574 requirements of Section 58-11a-302 and:
- 575 (a) attend a licensed or recognized school and complete a curriculum that:
- 576 (i) covers eyelash and eyebrow technology; and
- 577 (ii) has a minimum of 270 hours of instruction or the equivalent number of credit
 578 hours; or
- 579 (b) complete an approved eyelash and eyebrow apprenticeship.
- 580 (4) If the applicant graduates from a recognized school with less than 270 hours of
 581 instruction, the applicant may count hours practiced as a licensed eyelash and eyebrow
 582 technician in a jurisdiction other than Utah to satisfy the 270 total hours requirement.
- 583 (5) An individual with an eyelash and eyebrow technology license may apply credit hours
 584 to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

585 Section 13. Section **58-11a-302.16** is enacted to read:

586 **58-11a-302.16 . Practice of facial hair removal -- Facial hair removal permit --**
 587 **Qualifications.**

- 588 (1) The practice of facial hair removal includes cleansing, applying oil and antiseptics, and
 589 manual hair removal on the face.
- 590 (2) An individual may not engage in the practice of facial hair removal unless the individual
 591 holds a facial hair removal permit.
- 592 (3) An applicant for a facial hair removal permit shall comply with the requirements of
 593 Section 58-11a-302 and:
- 594 (a) attend a licensed or recognized school and complete a curriculum that:
- 595 (i) covers facial hair removal; and
- 596 (ii) has a minimum of 50 hours of instruction or the equivalent number of credit
 597 hours; or
- 598 (b) complete an approved facial hair removal apprenticeship.
- 599 (4) If the applicant graduates from a recognized school with less than 50 hours of
 600 instruction, the applicant may count hours practiced as a permitted facial hair removal
 601 technician in a jurisdiction other than Utah to satisfy the 50 total hours requirement.
- 602 (5) An individual with a facial hair removal permit may apply credit hours to another
 603 license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

604 Section 14. Section **58-11a-302.17** is enacted to read:

605 **58-11a-302.17 . Practice of haircutting -- Haircutting permit -- Qualifications.**

- 606 (1) The practice of haircutting includes:
- 607 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
- 608 shears, clippers, or other appliances;
- 609 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
- 610 drying;
- 611 (c) hair fusing and extensions; and
- 612 (d) when providing other services described in this Subsection (1), gently massaging the
- 613 head, back of the neck, and shoulders by manual or mechanical means.
- 614 (2) An individual may not engage in the practice of haircutting unless the individual holds a
- 615 haircutting permit.
- 616 (3) An applicant for a haircutting permit shall comply with the requirements of Section
- 617 58-11a-302 and:
- 618 (a) attend a licensed or recognized school and complete a curriculum that:
- 619 (i) covers:
- 620 (A) hair safety requirements; and
- 621 (B) haircutting; and
- 622 (ii) has a minimum of 150 hours of instruction or the equivalent number of credit
- 623 hours; or
- 624 (b) complete an approved haircutting apprenticeship.
- 625 (4) If the applicant graduates from a recognized school with less than 150 hours of
- 626 instruction, the applicant may count hours practiced as a haircutting technician in a
- 627 jurisdiction other than Utah to satisfy the 150 total hours requirement.
- 628 (5) An individual with a haircutting permit may apply credit hours to another license or
- 629 permit under this chapter, as allowed in Subsection 58-11a-302(2).

630 Section 15. Section **58-11a-302.18** is enacted to read:

631 **58-11a-302.18 . Practice of master esthetics -- Master esthetics license --**

632 **Qualifications.**

- 633 (1)(a) The practice of master esthetics includes:
- 634 (i) body wraps, as defined by administrative rules made by the division;
- 635 (ii) hydrotherapy, as defined by administrative rules made by the division;
- 636 (iii) limited chemical exfoliation and chemical exfoliation, as defined by
- 637 administrative rules made by the division;
- 638 (iv) callous removal by buffing or filing;
- 639 (v) sanding, including microdermabrasion;

- 640 (vi) advanced extraction;
641 (vii) dermaplaning;
642 (viii) other esthetic preparations or procedures that use:
643 (A) the hands; or
644 (B) a mechanical or electrical apparatus that is approved for use by administrative
645 rules made by the division;
646 (ix) the use of a cosmetic medical device to perform nonablative procedures,
647 including:
648 (A) laser hair removal;
649 (B) body contouring;
650 (C) anti-aging resurfacing enhancements; and
651 (D) photo rejuvenation;
652 (x) lymphatic massage by manual or other means as defined by administrative rules
653 made by the division;
654 (xi) manual hair removal;
655 (xii) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays
656 or masks, and manual extraction, including a comedone extractor;
657 (xiii) natural nail manicures and pedicures; and
658 (xiv) eyelash and eyebrow technology.
659 (b) An individual with a master esthetics license may not perform any service described
660 in Subsection (1)(a) for the treatment of medical, physical, or mental ailments.
661 (c) An individual with a master esthetics license may perform:
662 (i) a procedure described in Subsections (1)(a)(ix)(A) through (D) pursuant to the
663 requirements described in Section 58-1-506; and
664 (ii) chemical exfoliation pursuant to the supervision requirements established by
665 administrative rules made by the division in accordance with Title 63G, Chapter 3,
666 Utah Administrative Rulemaking Act.
667 (d) Except as required in Subsection (1)(c), a procedure described in this section that is
668 performed by an individual with a master esthetics license may be performed without
669 supervision by a medical professional.
670 (2) An individual may not engage in the practice of master esthetics unless the individual
671 holds a master esthetics license.
672 (3) An applicant for a master esthetics license shall comply with the requirements of
673 Section 58-11a-302 and:

- 674 (a) attend a licensed or recognized school and complete a curriculum that:
675 (i) covers:
676 (A) eyelash and eyebrow technology;
677 (B) cosmetic medical procedures;
678 (C) body contouring and lymphatic massage; and
679 (D) advanced skincare; and
680 (ii) has a minimum of 1,200 hours of instruction or the equivalent number of credit
681 hours; or

682 (b) complete an approved master esthetics apprenticeship.

683 (4) If the applicant graduates from a recognized school with less than 1,200 hours of
684 instruction, the applicant may count hours practiced as an esthetician in a jurisdiction
685 other than Utah to satisfy the 1,200 total hours requirement.

686 (5) An individual with a master esthetics license may apply credit hours to another license
687 or permit under this chapter, as allowed in Subsection 58-11a-302(2).

688 Section 16. Section **58-11a-302.19** is enacted to read:

689 **58-11a-302.19 . Practice of master hair design and master barbering -- Master**
690 **hair design license and master barbering license -- Qualifications.**

691 (1) The practice of master hair design and practice of master barbering includes:

- 692 (a) styling, arranging, dressing, curling, or waving the hair of the head of an individual;
693 (b) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
694 shears, clippers, or other appliances;
695 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
696 drying;
697 (d) hair fusing and extensions;
698 (e) removing hair from the face or neck of an individual by using shaving equipment;
699 (f) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or
700 both on the human head;
701 (g) practicing hair weaving, hair fusing, or servicing previously medically implanted
702 hair;
703 (h) when providing other services described in this Subsection (1), gently massaging the
704 head, back of the neck, and shoulders by manual or mechanical means; and
705 (i) permanently waving, bleaching, tinting, coloring, relaxing, or similarly treating the
706 hair of the head of an individual.

707 (2) An individual may not engage in the practice of master hair design or master barbering

- 708 unless the individual holds a master hair design license or master barbering license.
- 709 (3) An applicant for a master hair design license or master barbering license shall comply
- 710 with the requirements of Section 58-11a-302 and:
- 711 (a) attend a licensed or recognized school and complete a curriculum that:
- 712 (i) covers:
- 713 (A) hair safety requirements;
- 714 (B) haircutting and barbering; and
- 715 (C) chemical hair services; and
- 716 (ii) has a minimum of 1,000 hours of instruction or the equivalent number of credit
- 717 hours; or
- 718 (b) complete an approved master hair design or an approved master barbering
- 719 apprenticeship.
- 720 (4) If the applicant graduates from a recognized school with less than 1,000 hours of
- 721 instruction, the applicant may count hours practiced as a licensed master hair designer or
- 722 master barber in a jurisdiction other than Utah to satisfy the 1,000 total hours
- 723 requirement.
- 724 (5) An individual with a master hair design license or master barbering license may apply
- 725 credit hours to another license or permit under this chapter, as allowed in Subsection
- 726 58-11a-302(2).
- 727 Section 17. Section **58-11a-302.20** is enacted to read:
- 728 **58-11a-302.20 . Practice of nail technology -- Nail technology license --**
- 729 **Qualifications.**
- 730 (1) The practice of nail technology includes:
- 731 (a) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and
- 732 feet to knees, or enhancing the appearance of the hands, feet, and nails of an
- 733 individual by using the nail technician's hands, mechanical or electrical preparation,
- 734 antiseptic, lotion, or cream;
- 735 (b) applying and removing sculptured or artificial nails; and
- 736 (c) using blades, including corn or callus planer or rasp, for smoothing, shaving, or
- 737 removing dead skin from the feet.
- 738 (2) An individual may not engage in the practice of nail technology unless the individual
- 739 holds a nail technology license.
- 740 (3) An applicant for a nail technology license shall comply with the requirements of Section
- 741 58-11a-302 and:

- 742 (a) attend a licensed or recognized school and complete a curriculum that:
743 (i) covers:
744 (A) manicures and pedicures; and
745 (B) artificial nails; and
746 (ii) has a minimum of 300 hours of instruction or the equivalent number of credit
747 hours; or
- 748 (b) complete an approved nail technology apprenticeship.
- 749 (4) If the applicant graduates from a recognized school with less than 300 hours of
750 instruction, the applicant may count hours practiced as a licensed nail technician in a
751 jurisdiction other than Utah to satisfy the 300 total hours requirement.
- 752 (5) An individual with a nail technology license may apply credit hours to another license
753 or permit under this chapter, as allowed in Subsection 58-11a-302(2).
- 754 Section 18. Section **58-11a-302.21** is enacted to read:
- 755 **58-11a-302.21 . Licensed instructor -- Qualifications.**
- 756 (1) An applicant for licensure as an instructor shall:
- 757 (a) submit an application in a form prescribed by the division;
758 (b) subject to Subsection (4), pay a fee determined by the division under Section
759 63J-1-504;
760 (c) provide satisfactory documentation that the applicant is currently licensed or
761 permitted in the discipline that the applicant is seeking to instruct;
762 (d) provide satisfactory documentation that the applicant has completed six months of
763 work experience in the discipline the applicant intends to instruct and:
764 (i) an instructor training program for the discipline for which the applicant is
765 licensed, by a licensed or recognized school for a minimum of 35% of the
766 minimum hours for the license or permit the applicant intends to instruct; or
767 (ii) on-the-job instructor training for the discipline for which the applicant is licensed,
768 by a licensed or recognized school for a minimum of 35% of the minimum hours
769 for the license or permit the applicant intends to instruct; and
- 770 (e) meet the examination requirement established by administrative rules made by the
771 division.
- 772 (2) An applicant for an instructor license or permit under this chapter whose education in
773 the discipline for which a license or permit is sought was completed at a foreign school
774 may satisfy the educational requirement for licensure by demonstrating, to the
775 satisfaction of the division, the educational equivalency of the foreign school education

776 with a licensed school under this chapter.

777 (3)(a) An individual may not instruct a discipline unless the individual has an instructor
 778 license that allows instruction of that discipline.

779 (b) The division shall make rules establishing which disciplines each type of instructor
 780 license may instruct.

781 (4) The division may not charge a fee to an individual applying for licensure as an
 782 instructor under this chapter if the individual is a licensed instructor in any other
 783 discipline under this chapter.

784 (5) The division may offer any required examination under this section, which is prepared
 785 by a national testing organization, in languages in addition to English.

786 (6) For purposes of a national accrediting agency recognized by the United States
 787 Department of Education, on-the-job instructor training described in this section is not
 788 considered a program.

789 Section 19. Section **58-11a-302.22** is enacted to read:

790 **58-11a-302.22 . Licensed school -- Qualifications.**

791 (1) An applicant for licensure as a licensed school shall:

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

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

794 (c) provide satisfactory documentation:

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

797 (ii) of business licensure from the municipality in which the school is located;

798 (iii) that the applicant's physical facilities comply with the requirements established
 799 by administrative rules made by the division; and

800 (iv) that the applicant meets the standards established by administrative rules made
 801 by the division, including staff, curriculum, and accreditation requirements.

802 (2)(a) Except as provided in Subsection (2)(b), a school licensed or applying for
 803 licensure under this chapter shall maintain recognition as an institution of
 804 postsecondary study by meeting the following conditions:

805 (i) the school shall admit as a regular student only an individual who has earned a
 806 recognized high school diploma or the equivalent of a recognized high school
 807 diploma, or who is beyond the age of compulsory high school attendance as
 808 prescribed by Title 53G, Chapter 6, Part 2, Compulsory Education; and

809 (ii) the school shall be licensed by name, or in the case of an applicant, shall apply for

- 810 licensure by name, under this chapter to offer one or more training programs
811 beyond the secondary level.
- 812 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
813 division shall establish administrative rules for licensure for a local education agency,
814 technical college, a degree-granting institution with a technical college mission, or
815 private school that primarily serves secondary students.
- 816 (c) Nothing in this section precludes a local education agency, technical college, a
817 degree-granting institution with a technical college mission, or private school from
818 administering a licensed program for secondary students.
- 819 (3) A school licensed under this section shall accept credit hours towards graduation for
820 documented, relevant, and substantially equivalent coursework previously completed by:
- 821 (a) a student that completed only a portion of the student's education while attending a
822 different school or apprenticeship; or
- 823 (b) an individual licensed or permitted under this chapter, based on the individual's
824 schooling, apprenticeship, or experience.
- 825 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
826 consistent with this section, the division may make rules governing the acceptance of
827 credit hours.
- 828 Section 20. Section **58-11a-302.23** is enacted to read:
- 829 **58-11a-302.23 . Practice of esthetics -- Esthetics license -- Qualifications.**
- 830 (1) Except as provided in Subsection (3), the division may not issue an esthetics license
831 after January 1, 2026.
- 832 (2) An individual with an esthetics license may perform any of the following skincare
833 procedures done on the face or body for cosmetic purposes and not for the treatment of
834 medical, physical, or mental ailments:
- 835 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or
836 masks, and manual extraction, including a comedone extractor, depilatories, waxes,
837 tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or
838 pedicures, or callous removal by buffing or filing;
- 839 (b) limited chemical exfoliation as defined by rule;
- 840 (c) manual hair removal;
- 841 (d) other esthetic preparations or procedures with the use of the hands, a high-frequency
842 or galvanic electrical apparatus, or a heat lamp;
- 843 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or

- 844 applying eyelash or eyebrow extensions; or
- 845 (f) subject to the requirements described in Section 58-1-506:
- 846 (i) laser hair removal;
- 847 (ii) anti-aging resurfacing enhancements; or
- 848 (iii) photo rejuvenation.
- 849 (3) The division shall grant an esthetics license to an individual that completes the
- 850 requirements described in Subsection (4) and:
- 851 (a) has registered an esthetics apprenticeship with the division on or before January 1,
- 852 2026; or
- 853 (b) has enrolled and started an esthetics program with a licensed school on or before
- 854 January 1, 2026.
- 855 (4)(a) An individual described in Subsection (3)(a) shall complete at least 800 hours of
- 856 apprenticeship training that is supervised by a licensed esthetics instructor who
- 857 provides one-on-one supervision of the apprentice during the apprenticeship.
- 858 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school
- 859 with a minimum of 600 hours or the equivalent number of credit hours.
- 860 (5) An individual with an esthetics license may apply credit hours to another license or
- 861 permit under this chapter, as allowed in Subsection 58-11a-302(2).
- 862 Section 21. Section **58-11a-302.24** is enacted to read:
- 863 **58-11a-302.24 . Practice of barbering -- Barbering license -- Qualifications.**
- 864 (1) Except as provided in Subsection (3), the division may not issue a barbering license
- 865 after January 1, 2026.
- 866 (2) An individual with a barbering license may engage in the practice of barbering, which
- 867 includes:
- 868 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
- 869 shears, clippers, or other appliances;
- 870 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
- 871 drying;
- 872 (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on
- 873 the human head;
- 874 (d) removing hair from the face or neck of an individual by using shaving equipment;
- 875 and
- 876 (e) when providing other services described in this Subsection (2), gently massaging the
- 877 head, back of the neck, and shoulders by manual or mechanical means.

- 878 (3) The division shall grant a barbering license to an individual that completes the
879 requirement described in Subsection (4) and:
880 (a) has registered a barbering apprenticeship with the division on or before January 1,
881 2026; or
882 (b) has enrolled and started a barbering program with a licensed school on or before
883 January 1, 2026.
884 (4)(a) An individual described in Subsection (3)(a) shall complete at least 1,250 hours of
885 apprenticeship training that is supervised by a licensed barbering instructor who
886 provides one-on-one supervision of the apprentice during the apprenticeship.
887 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school
888 with a minimum of 1,000 hours or the equivalent number of credit hours.
889 (5) An individual with a barbering license may apply credit hours to another license or
890 permit under this chapter, as allowed in Subsection 58-11a-302(2).

891 Section 22. Section **58-11a-302.25** is enacted to read:

892 **58-11a-302.25 . License transitions.**

893 Beginning on January 1, 2026:

- 894 (1) a cosmetology/barbering license shall be renewed as a cosmetology license;
895 (2) a master-level esthetics license shall be renewed as a master esthetics license;
896 (3) a hair design license shall be renewed as a master hair design license or a master
897 barbering license;
898 (4) an individual with a barbering license may renew the license as a barbering license; and
899 (5) an individual with an esthetics license may renew the license as an esthetics license.

900 Section 23. Section **58-11a-303** is amended to read:

901 **58-11a-303 . Terms of license -- Expiration -- Renewal.**

- 902 (1)(a) The division shall issue each license under this chapter in accordance with a
903 two-year renewal cycle established by rule, except that an instructor license is a
904 one-time certificate and does not expire unless the licensee fails to keep current the
905 license that qualified the licensee to be an instructor under Section [58-11a-302]
906 58-11a-302.21.
907 (b) The division may by rule extend or shorten a renewal period by as much as one year
908 to stagger the renewal cycles it administers.
909 (2) At the time of renewal, a licensed school shall show satisfactory evidence that the
910 school meets the standards for that type of school, including staff, curriculum, and
911 accreditation requirements, established by rule.

912 (3) Each license expires on the expiration date shown on the license unless the licensee
 913 renews it in accordance with Section 58-1-308.

914 Section 24. Section **58-11a-304** is amended to read:

915 **58-11a-304 . Exemptions from licensure.**

916 In addition to the exemptions from licensure in Section 58-1-307, the following [~~persons~~]
 917 individuals may engage in [~~the practice of barbering, cosmetology/barbering, hair design,~~
 918 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
 919 ~~technology]~~ a discipline regulated by this chapter without being licensed under this chapter:

920 (1) [~~a person-~~] an individual licensed under the laws of this state to engage in the practice of
 921 medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the
 922 profession for which they are licensed;

923 (2) a commissioned physician or surgeon serving in the armed forces of the United States or
 924 another federal agency;

925 (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when
 926 engaged in the practice of the profession for which the [~~person~~] individual is licensed;

927 (4) [~~a person-~~] an individual who visits the state to engage in instructional seminars,
 928 advanced classes, trade shows, or competitions of a limited duration;

929 [~~(5) a person who engages in the practice of barbering, cosmetology/barbering, hair design,~~
 930 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
 931 ~~technology without compensation;]~~

932 (5) an individual who engages in a practice regulated by this chapter without compensation;

933 (6) [~~a person-~~] an individual instructing an adult education class or other educational
 934 program directed toward [~~persons~~] individuals who are not licensed under this chapter
 935 and that is not intended to train [~~persons~~] individuals to become licensed under this
 936 chapter, provided:

937 (a) an attendee receives no credit toward educational requirements for licensure under
 938 this chapter;

939 (b) the instructor informs each attendee in writing that taking such a class or program
 940 will not certify or qualify the attendee to perform a service for compensation that
 941 requires licensure under this chapter; and

942 (c)(i) the instructor is properly licensed; or

943 (ii) the instructor receives no compensation;

944 (7) [~~a person-~~] an individual providing instruction in workshops, seminars, training
 945 meetings, or other educational programs whose purpose is to provide continuing

946 professional development [~~to licensed barbers, cosmetologists/barbers, hair designers,~~
947 ~~estheticians, master estheticians, electrologists, or nail technicians]~~ to a qualified licensee
948 or permittee regulated by this chapter;

949 (8) [~~a person-~~] an individual enrolled in a licensed [~~barber, cosmetology/barber, or hair~~
950 ~~design-~~]school when participating in an on the job training internship under the direct
951 supervision of a [~~licensed barber, cosmetologist/barber, or hair designer]~~ licensee under
952 this chapter upon completion of a basic program under the standards established by rule
953 by the division in collaboration with the board;

954 (9) [~~a person-enrolled-~~] an individual registered with the division in an approved
955 apprenticeship pursuant to Section 58-11a-306;

956 (10)(a) an employee of a company that is primarily engaged in the business of selling
957 products used [~~in the practice of barbering, cosmetology/barbering, hair design,~~
958 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
959 ~~technology]~~ by a qualified licensee regulated by this chapter;

960 (b) [-]when demonstrating the company's products to a potential customer[;] ; and

961 (c) [-]provided the employee makes no representation to a potential customer that
962 attending [~~such a~~] the demonstration will certify or qualify the attendee to perform a
963 service for compensation that requires licensure under this chapter;

964 (11) [~~a person-~~] an individual who:

965 (a) is qualified to engage in [~~the practice of barbering, cosmetology/barbering, hair~~
966 ~~design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and~~
967 ~~eyebrow technology]~~ a practice regulated by this chapter in another jurisdiction as
968 evidenced by licensure, certification, or lawful practice in the other jurisdiction;

969 (b) is employed by, or under contract with, a motion picture company; and

970 (c) engages in [~~the practice of barbering, cosmetology/barbering, hair design, esthetics,~~
971 ~~master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
972 ~~technology]~~ a practice regulated by this chapter in the state:

973 (i) solely to assist in the production of a motion picture; and

974 (ii) for no more than 120 days per calendar year;

975 (12) [~~a person-~~] an individual who:

976 (a) engages in threading;

977 (b) engages in hair braiding; and

978 [~~(b)~~] (c) [~~unless it is expressly exempted under this section or Section 58-1-307, does not~~
979 ~~engage in other activity requiring licensure under this chapter; and]~~ is not engaged in

- 980 a practice that requires a license or permit under this chapter; and
- 981 (13) ~~[a person]~~ an individual who:
- 982 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- 983 (b) does not cut the hair;
- 984 (c) does not apply dye to alter the color of the hair;
- 985 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;
- 986 (e) engages in thermal styling or scalp treatments;
- 987 ~~[(e)] (f) [unless it is expressly exempted under this section or Section 58-1-307, does not~~
- 988 ~~engage in other activity requiring licensure under this chapter]~~ is not engaged in a
- 989 practice that requires a license or permit under this chapter;
- 990 ~~[(f)] (g)~~ provides evidence to the division that the ~~[person]~~ individual has received a hair
- 991 safety permit from completing a hair safety program that:
- 992 (i) is approved by the division;
- 993 (ii) consists of no more than two hours of instruction;
- 994 (iii) is offered by a provider approved by the division; and
- 995 (iv) includes an examination that requires a passing score of 75%; and
- 996 ~~[(g)] (h)~~ displays in a conspicuous location in the ~~[person's]~~ individual's place of business:
- 997 (i) a valid hair safety permit as described in Subsection (13)(f); and
- 998 (ii) a sign notifying the public that the ~~[person's]~~ individual providing the services [are
- 999 not provided by an individual who has a license under this chapter.] is not licensed
- 1000 under this chapter.

1001 Section 25. Section **58-11a-306** is repealed and reenacted to read:

1002 **58-11a-306 . Apprenticeship.**

- 1003 (1)(a) An approved apprenticeship shall be conducted by a supervisor who:
- 1004 (i) is licensed under this chapter as an instructor in the discipline of the
- 1005 apprenticeship; and
- 1006 (ii) provides one-on-one direct supervision of the apprentice during the
- 1007 apprenticeship program.
- 1008 (b) An apprenticeship supervisor may not provide direct supervision to more than two
- 1009 apprentices during the apprenticeship program.
- 1010 (2) An individual seeking a license or permit through an approved apprenticeship under this
- 1011 chapter shall:
- 1012 (a) register with the division before beginning the training requirements by:
- 1013 (i) submitting a form prescribed by the division, which includes the name of the

- 1014 licensed instructor supervisor; and
1015 (ii) paying a fee determined by the division under Section 63J-1-504;
1016 (b) complete the apprenticeship within two years of the date on which the division
1017 approves the registration; and
1018 (c) notify the division within 30 days if the licensed instructor supervisor changes after
1019 the registration is approved by the division.
1020 (3) An individual seeking a license or permit through an approved apprenticeship under this
1021 chapter shall complete a minimum of:
1022 (a) 1,250 apprenticeship hours for a cosmetology license;
1023 (b) 1,200 apprenticeship hours for a master esthetics license;
1024 (c) 1,000 apprenticeship hours for:
1025 (i) a master barber license; or
1026 (ii) a master hair design license;
1027 (d) 600 apprenticeship hours for an electrology license;
1028 (e) 300 apprenticeship hours for a nail technology license;
1029 (f) 270 apprenticeship hours for an eyelash and eyebrow technology license;
1030 (g) 260 apprenticeship hours for a chemical hair services permit;
1031 (h) 200 apprenticeship hours for a basic esthetics permit;
1032 (i) 150 apprenticeship hours for a haircutting permit;
1033 (j) 130 apprenticeship hours for a barbering permit; or
1034 (k) 50 apprenticeship hours for a facial hair removal permit.

1035 Section 26. Section **58-11a-501** is repealed and reenacted to read:

1036 **58-11a-501 . Unprofessional conduct.**

1037 Unprofessional conduct includes:

- 1038 (1) a licensed school that fails to:
1039 (a)(i) obtain or maintain accreditation or comply with the required standard of
1040 accreditation; and
1041 (ii) have curriculum approved by the division, as required by administrative rules
1042 made by the division; or
1043 (b) provide adequate instruction to enrolled students;
1044 (2) an apprenticeship supervisor that fails to:
1045 (a) provide direct supervision to an apprentice; or
1046 (b) comply with division rules relating to apprenticeship programs under this chapter;
1047 (3) an instructor that fails to provide direct supervision to students who are providing

- 1048 services to an individual under the instructor's supervision;
- 1049 (4) a person that keeps a salon or school, or the salon or school's furnishings, tools, utensils,
- 1050 linen, or appliances in an unsanitary condition;
- 1051 (5) an individual licensed or permitted under this chapter that fails to:
- 1052 (a) comply with Title 26B, Utah Health and Human Services Code;
- 1053 (b) display a license or permit as required under Section 58-11a-305;
- 1054 (c) comply with physical facility requirements established by administrative rules made
- 1055 by the division;
- 1056 (d) maintain mechanical or electrical equipment in safe operating condition;
- 1057 (e) adequately monitor patrons using steam rooms, dry heat rooms, baths, showers, or
- 1058 saunas;
- 1059 (f) comply with all applicable state and local health or sanitation laws; or
- 1060 (g) comply with a judgment order from a court of competent jurisdiction regarding a
- 1061 disagreement over tuition or education costs in relation to the requirements outlined
- 1062 in this chapter;
- 1063 (6) an individual licensed or permitted under this chapter:
- 1064 (a) prescribing or administering prescription drugs;
- 1065 (b) engaging in any act or practice in a professional capacity that is outside of the
- 1066 applicable scope of practice;
- 1067 (c) engaging in any act or practice in a professional capacity that the individual is not
- 1068 competent to perform through education or training; or
- 1069 (d) removing proximal nail fold by e-file or other tool or inserting tools beneath the
- 1070 eponychium;
- 1071 (7) unless the individual is under the supervision of a licensed health care practitioner
- 1072 acting within the scope of the health care practitioner's license, an individual licensed or
- 1073 permitted under this chapter, while using a chemical exfoliant:
- 1074 (a) using any acid, concentration of acid, or combination of treatments that violate the
- 1075 standards established by administrative rules made by the division;
- 1076 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
- 1077 (c) using an exfoliant that contains phenol, trichloroacetic acid of over 15%, or
- 1078 bichloroacetic acid;
- 1079 (8) while sanding the skin, an individual licensed or permitted under this chapter, removing
- 1080 any layer of skin deeper than the stratum corneum of the epidermis, unless the individual
- 1081 is under the supervision of a licensed health care practitioner acting within the scope of

- 1082 the health care practitioner's license;
- 1083 (9) using any laser procedure or intense, pulsed light source, besides a nonprescriptive laser
- 1084 device, unless authorized to do so by an individual's license or permit in this chapter;
- 1085 (10) marketing or distinguishing an establishment as a school if the establishment is not
- 1086 licensed as a school under this chapter; and
- 1087 (11) claiming or advertising unrealistic results for body contouring, including alleviation of
- 1088 psychological distress.

1089 Section 27. Section **58-11a-503** is amended to read:

1090 **58-11a-503 . Penalties.**

- 1091 (1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct
- 1092 under Section 58-11a-502 or who fails to comply with a citation issued under this
- 1093 section after [it] the citation is final is guilty of a class A misdemeanor.
- 1094 (2) Sexual conduct that violates Section 58-11a-502 and Title 76, Utah Criminal Code, shall
- 1095 be subject to the applicable penalties in Title 76, Utah Criminal Code.
- 1096 (3) Grounds for immediate suspension of [~~a licensee's~~] an individual's license or permit by
- 1097 the division include the issuance of a citation for violation of Subsection 58-11a-502(1),
- 1098 (3), (4), (5), or (6).
- 1099 (4)[~~(a)~~] If upon inspection or investigation, the division concludes that [~~a person~~] an
- 1100 individual has violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6),
- 1101 or a rule or order issued with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6),
- 1102 and that disciplinary action is appropriate, the director or the director's designee from
- 1103 within the division shall promptly issue a citation to [~~the person~~] the individual
- 1104 according to this chapter and any pertinent rules, attempt to negotiate a stipulated
- 1105 settlement, or notify the [~~person~~] individual to appear before an adjudicative
- 1106 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- 1107 [~~(i)~~] (5) [~~A person who~~] An individual that is in violation of Subsection 58-11a-502(1), (3),
- 1108 (4), (5), or (6), as evidenced by an uncontested citation, a stipulated settlement, or [~~by a~~]
- 1109 finding of violation in an adjudicative proceeding, may be assessed a fine [~~pursuant to~~] in
- 1110 accordance with this Subsection [~~(4)~~] (5) and may, in addition to or in lieu of a fine, be
- 1111 ordered to cease and desist from violating Subsection 58-11a-502(1), (3), (4), (5), or (6).
- 1112 [~~(i)~~] (6) Except for a cease and desist order, the licensure sanctions [~~edited~~] described in
- 1113 Section 58-11a-401 may not be assessed through a citation.
- 1114 (7)[~~(b)~~] (a)[~~(i)~~] Each citation shall be in writing and describe with particularity the
- 1115 nature of the violation, including a reference to the provision of the chapter, rule,

- 1116 or order alleged to have been violated.
- 1117 [(ii)] (b) The citation shall clearly state that the recipient must notify the division in
 1118 writing within 20 calendar days of service of the citation if the recipient wishes to
 1119 contest the citation at a hearing conducted under Title 63G, Chapter 4,
 1120 Administrative Procedures Act.
- 1121 [(iii)] (c) The citation shall clearly explain the consequences of failure to timely contest
 1122 the citation or to make payment of a fine assessed by the citation within the time
 1123 specified in the citation.
- 1124 [(e)] (d) Each citation issued under this section, or a copy of each citation, may be served
 1125 upon ~~[a person]~~ an individual upon whom a summons may be served in accordance
 1126 with the Utah Rules of Civil Procedure and may be made personally or upon the [
 1127 ~~person's~~] individual's agent by a division investigator or by ~~[a person]~~ an individual
 1128 specially designated by the director or by mail.
- 1129 [(d)] (e)(i) If within 20 calendar days from the service of a citation, the ~~[person to~~
 1130 ~~whom]~~ individual to which the citation was issued fails to request a hearing to
 1131 contest the citation, the citation becomes the final order of the division and is not
 1132 subject to further agency review.
- 1133 (ii) The period to contest a citation may be extended by the division for cause.
- 1134 [(e)] (f) The division may refuse to issue or renew, suspend, revoke, or place on
 1135 probation the ~~[license of a licensee who]~~ license or permit of an individual that fails to
 1136 comply with a citation after ~~[it]~~ the citation becomes final.
- 1137 [(f)] (g) The failure of an applicant for licensure to comply with a citation after ~~[it]~~ the
 1138 citation becomes final is a ground for denial of license.
- 1139 [(g)] (h) ~~[No citation may be issued.]~~ The director or the director's designee from within
 1140 the division may not issue a citation under this section [after the expiration of] more
 1141 than one year [following] after the date on which the violation that is the subject of
 1142 the citation is reported to the division.
- 1143 [(h)] (i) ~~[Fines shall be assessed by the director or the director's designee according to the~~
 1144 ~~following:]~~ The director or the director's designee shall assess fines as follows:
 1145 (i) for a first offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$1,000;
 1146 (ii) for a second offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000; and
 1147 (iii) for any subsequent offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000
 1148 for each day of continued offense.
- 1149 [(i)] (j)[(i)] For purposes of issuing a final order under this section and assessing a

1150 fine under Subsection [(4)(h)] (7)(i), an offense constitutes a second or subsequent
 1151 offense if:

1152 [(A)] (i) the division previously issued a final order determining that [a person] an
 1153 individual committed a first or second offense in violation of Subsection
 1154 58-11a-502(1), (3), (4), (5), or (6); or

1155 [(B)] (ii)[(F)] (A) the division initiated an action for a first or second offense;
 1156 [(H)] (B) no final order has been issued by the division in the action initiated under
 1157 Subsection [(4)(i)(i)(B)(F)] (7)(j)(ii)(A);

1158 [(H)] (C) the division determines during an investigation that occurred after the
 1159 initiation of the action under Subsection [(4)(i)(i)(B)(F)] (7)(j)(ii)(A) that the [
 1160 person] individual committed a second or subsequent violation of Subsection
 1161 58-11a-502(1), (3), (4), (5), or (6); and

1162 [(IV)] (D) after determining that the [person] individual committed a second or
 1163 subsequent offense under Subsection [(4)(i)(i)(B)(H)] (7)(j)(ii)(C), the division
 1164 issues a final order on the action initiated under Subsection [(4)(i)(i)(B)(F)]
 1165 (7)(j)(ii)(A).

1166 [(ii)] (k) In issuing a final order for a second or subsequent offense under Subsection [
 1167 (4)(i)(i)] (7)(j), the division shall comply with the requirements of this section.

1168 [(5)] (8)(a) A penalty imposed by the director under Subsection [(4)(h)] (7)(i) shall be
 1169 deposited into the [~~Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail~~
 1170 ~~Technician Education and Enforcement Fund~~] Cosmetology and Associated
 1171 Professions Education and Enforcement Fund.

1172 (b) [~~A penalty which is not paid may be collected by the director by either:~~] The director
 1173 may collect an unpaid penalty by:

1174 (i) referring the matter to a collection agency; or
 1175 (ii) bringing an action in the district court of the county in which the [person]
 1176 individual against whom the penalty is imposed resides or in the county where the
 1177 office of the director is located.

1178 (c) A county attorney or the attorney general of the state shall provide legal assistance
 1179 and advice to the director in an action to collect a penalty.

1180 (d) A court shall award reasonable attorney fees and costs to the prevailing party in an
 1181 action brought by the division to collect a penalty.

1182 Section 28. Section **58-67-102** is amended to read:

1183 **58-67-102 . Definitions.**

- 1184 In addition to the definitions in Section 58-1-102, as used in this chapter:
- 1185 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,
1186 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and
1187 erbium: YAG lasers.
- 1188 (b) "Ablative procedure" does not include[-] :
- 1189 (i) hair removal;
- 1190 (ii) laser tattoo removal; or[-]
- 1191 (iii) cryolipolysis.
- 1192 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the
1193 American Medical Association.
- 1194 (3) "Administrative penalty" means a monetary fine or citation imposed by the division for
1195 acts or omissions determined to constitute unprofessional or unlawful conduct, in
1196 accordance with a fine schedule established by the division in collaboration with the
1197 board, as a result of an adjudicative proceeding conducted in accordance with Title 63G,
1198 Chapter 4, Administrative Procedures Act.
- 1199 (4) "Associate physician" means an individual licensed under Section 58-67-302.8.
- 1200 (5) "Attempted sex change" means an attempt or effort to change an individual's body to
1201 present that individual as being of a sex or gender that is different from the individual's
1202 biological sex at birth.
- 1203 (6) "Biological sex at birth" means an individual's sex, as being male or female, according
1204 to distinct reproductive roles as manifested by:
- 1205 (a) sex and reproductive organ anatomy;
- 1206 (b) chromosomal makeup; and
- 1207 (c) endogenous hormone profiles.
- 1208 (7) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1209 (8) "Collaborating physician" means an individual licensed under Section 58-67-302 who
1210 enters into a collaborative practice arrangement with an associate physician.
- 1211 (9) "Collaborative practice arrangement" means the arrangement described in Section
1212 58-67-807.
- 1213 (10)(a) "Cosmetic medical device" means tissue altering energy based devices that have
1214 the potential for altering living tissue and that are used to perform ablative or
1215 nonablative procedures, such as American National Standards Institute [~~(ANSI)~~]
1216 designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency
1217 devices, and lipolytic devices, and excludes [~~ANSI~~] American National Standards

- 1218 Institute designated Class IIIa and lower powered devices.
- 1219 (b) Notwithstanding Subsection (10)(a), if an [ANSI] American National Standards
- 1220 Institute designated Class IIIa and lower powered device is being used to perform an
- 1221 ablative procedure, the device is included in the definition of cosmetic medical
- 1222 device under Subsection (10)(a).
- 1223 (11)(a) "Cosmetic medical procedure" includes:
- 1224 (i) the use of cosmetic medical devices to perform ablative or nonablative
- 1225 procedures; or
- 1226 (ii) the injection of medication or substance, including a neurotoxin or a filler, for
- 1227 cosmetic purposes.
- 1228 (b) "Cosmetic medical procedure" does not include a treatment of the ocular globe
- 1229 including refractive surgery.
- 1230 (12) "Diagnose" means:
- 1231 (a) to examine in any manner another person, parts of a person's body, substances,
- 1232 fluids, or materials excreted, taken, or removed from a person's body, or produced by
- 1233 a person's body, to determine the source, nature, kind, or extent of a disease or other
- 1234 physical or mental condition;
- 1235 (b) to attempt to conduct an examination or determination described under Subsection
- 1236 (12)(a);
- 1237 (c) to hold oneself out as making or to represent that one is making an examination or
- 1238 determination as described in Subsection (12)(a); or
- 1239 (d) to make an examination or determination as described in Subsection (12)(a) upon or
- 1240 from information supplied directly or indirectly by another person, whether or not in
- 1241 the presence of the person making or attempting the diagnosis or examination.
- 1242 (13) "LCME" means the Liaison Committee on Medical Education of the American
- 1243 Medical Association.
- 1244 (14) "Medical assistant" means an unlicensed individual who may perform tasks as
- 1245 described in Subsection 58-67-305(6).
- 1246 (15) "Medically underserved area" means a geographic area in which there is a shortage of
- 1247 primary care health services for residents, as determined by the Department of Health
- 1248 and Human Services.
- 1249 (16) "Medically underserved population" means a specified group of people living in a
- 1250 defined geographic area with a shortage of primary care health services, as determined
- 1251 by the Department of Health and Human Services.

- 1252 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
 1253 alter living tissue, but is not intended or expected to excise, vaporize, disintegrate,
 1254 or remove living tissue.
- 1255 (ii) Notwithstanding Subsection (17)(a)(i) nonablative procedure includes hair
 1256 removal.
- 1257 (b) "Nonablative procedure" does not include:
- 1258 (i) a superficial procedure as defined in Section 58-1-102;
- 1259 (ii) the application of permanent make-up;
- 1260 ~~(iii) laser tattoo removal;~~ or
- 1261 ~~[(iii)] (iv)~~ the use of photo therapy and lasers for neuromusculoskeletal treatments that
 1262 are performed by an individual licensed under this title who is acting within the
 1263 individual's scope of practice.
- 1264 (18) "Physician" means both physicians and surgeons licensed under ~~[Section 58-67-301,~~
 1265 ~~Utah Medical Practice Act] Part 3, Licensing,~~ and osteopathic physicians and surgeons
 1266 licensed under ~~[Section 58-68-301, Utah Osteopathic Medical Practice Act] Chapter 68,~~
 1267 ~~Part 3, Licensing.~~
- 1268 (19)(a) "Practice of medicine" means:
- 1269 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human
 1270 disease, ailment, injury, infirmity, deformity, pain or other condition, physical or
 1271 mental, real or imaginary, including to perform cosmetic medical procedures, or to
 1272 attempt to do so, by any means or instrumentality, and by an individual in Utah or
 1273 outside the state upon or for any human within the state;
- 1274 (ii) when a person not licensed as a physician directs a licensee under this chapter to
 1275 withhold or alter the health care services that the licensee has ordered;
- 1276 (iii) to maintain an office or place of business for the purpose of doing any of the acts
 1277 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 1278 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis
 1279 or treatment of human diseases or conditions in any printed material, stationery,
 1280 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor
 1281 of medicine," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or
 1282 any combination of these designations in any manner which might cause a
 1283 reasonable person to believe the individual using the designation is a licensed
 1284 physician and surgeon, and if the party using the designation is not a licensed
 1285 physician and surgeon, the designation must additionally contain the description

1286 of the branch of the healing arts for which the person has a license, provided that
1287 an individual who has received an earned degree of doctor of medicine degree but
1288 is not a licensed physician and surgeon in Utah may use the designation "M.D." if
1289 it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and
1290 style of lettering.

1291 (b) The practice of medicine does not include:

1292 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii) the
1293 conduct described in Subsection (19)(a)(i) that is performed in accordance with a
1294 license issued under another chapter of this title;

1295 (ii) an ablative cosmetic medical procedure if the scope of practice for the person
1296 performing the ablative cosmetic medical procedure includes the authority to
1297 operate or perform a surgical procedure; or

1298 (iii) conduct under Subsection 58-67-501(2).

1299 (20) "Prescription device" means an instrument, apparatus, implement, machine,
1300 contrivance, implant, in vitro reagent, or other similar or related article, and any
1301 component part or accessory, which is required under federal or state law to be
1302 prescribed by a practitioner and dispensed by or through a person or entity licensed
1303 under this chapter or exempt from licensure under this chapter.

1304 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be
1305 dispensed only by prescription or is restricted to administration only by practitioners.

1306 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if
1307 done for the purpose of effectuating or facilitating an individual's attempted sex
1308 change:

1309 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,
1310 penectomy, vaginoplasty, or vulvoplasty;

1311 (ii) for an individual whose biological sex at birth is female, hysterectomy,
1312 oophorectomy, metoidioplasty, or phalloplasty; or

1313 (iii) any surgical procedure that is related to or necessary for a procedure described in
1314 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual
1315 who is not sterile.

1316 (b) "Primary sex characteristic surgical procedure" does not include:

1317 (i) surgery or other procedures or treatments performed on an individual who:

1318 (A) is born with external biological sex characteristics that are irresolvably
1319 ambiguous;

- 1320 (B) is born with 46, XX chromosomes with virilization;
- 1321 (C) is born with 46, XY chromosomes with undervirilization;
- 1322 (D) has both ovarian and testicular tissue; or
- 1323 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
- 1324 with a sex development disorder characterized by abnormal sex chromosome
- 1325 structure, sex steroid hormone production, or sex steroid hormone action for a
- 1326 male or female; or
- 1327 (ii) removing a body part:
- 1328 (A) because the body part is cancerous or diseased; or
- 1329 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
- 1330 individual's attempted sex change.
- 1331 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if
- 1332 done for the purpose of effectuating or facilitating an individual's attempted sex
- 1333 change:
- 1334 (i) for an individual whose biological sex at birth is male, breast augmentation
- 1335 surgery, chest feminization surgery, or facial feminization surgery; or
- 1336 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
- 1337 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 1338 (b) "Secondary sex characteristic surgical procedure" does not include:
- 1339 (i) surgery or other procedures or treatments performed on an individual who:
- 1340 (A) is born with external biological sex characteristics that are irresolvably
- 1341 ambiguous;
- 1342 (B) is born with 46, XX chromosomes with virilization;
- 1343 (C) is born with 46, XY chromosomes with undervirilization;
- 1344 (D) has both ovarian and testicular tissue; or
- 1345 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
- 1346 with a sex development disorder characterized by abnormal sex chromosome
- 1347 structure, sex steroid hormone production, or sex steroid hormone action for a
- 1348 male or female; or
- 1349 (ii) removing a body part:
- 1350 (A) because the body part is cancerous or diseased; or
- 1351 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
- 1352 individual's attempted sex change.
- 1353 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical

- 1354 Boards.
- 1355 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
1356 58-67-501.
- 1357 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
1358 and 58-67-502, and as may be further defined by division rule.
- 1359 Section 29. Section **58-68-102** is amended to read:
- 1360 **58-68-102 . Definitions.**
- 1361 In addition to the definitions in Section 58-1-102, as used in this chapter:
- 1362 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,
1363 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and
1364 erbium: YAG lasers.
- 1365 (b) "Ablative procedure" does not include[-] :
- 1366 (i) hair removal[-] ; or
- 1367 (ii) laser tattoo removal.
- 1368 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the
1369 American Medical Association.
- 1370 (3) "Administrative penalty" means a monetary fine imposed by the division for acts or
1371 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
1372 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,
1373 Administrative Procedures Act.
- 1374 (4) "AOA" means the American Osteopathic Association.
- 1375 (5) "Associate physician" means an individual licensed under Section 58-68-302.5.
- 1376 (6) "Attempted sex change" means an attempt or effort to change an individual's body to
1377 present that individual as being of a sex or gender that is different from the individual's
1378 biological sex at birth.
- 1379 (7) "Biological sex at birth" means an individual's sex, as being male or female, according
1380 to distinct reproductive roles as manifested by:
- 1381 (a) sex and reproductive organ anatomy;
- 1382 (b) chromosomal makeup; and
- 1383 (c) endogenous hormone profiles.
- 1384 (8) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1385 (9) "Collaborating physician" means an individual licensed under Section 58-68-302 who
1386 enters into a collaborative practice arrangement with an associate physician.
- 1387 (10) "Collaborative practice arrangement" means the arrangement described in Section

- 1388 58-68-807.
- 1389 (11)(a) "Cosmetic medical device" means tissue altering energy based devices that have
1390 the potential for altering living tissue and that are used to perform ablative or
1391 nonablative procedures, such as American National Standards Institute [~~ANSI~~]
1392 designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency
1393 devices, and lipolytic devices and excludes [~~ANSI~~] American National Standards
1394 Institute designated Class IIIa and lower powered devices.
- 1395 (b) Notwithstanding Subsection (11)(a), if an [~~ANSI~~] American National Standards
1396 Institute designated Class IIIa and lower powered device is being used to perform an
1397 ablative procedure, the device is included in the definition of cosmetic medical
1398 device under Subsection (11)(a).
- 1399 (12) "Cosmetic medical procedure":
- 1400 (a) includes the use of cosmetic medical devices to perform ablative or nonablative
1401 procedures; and
- 1402 (b) does not include a treatment of the ocular globe such as refractive surgery.
- 1403 (13) "Diagnose" means:
- 1404 (a) to examine in any manner another person, parts of a person's body, substances,
1405 fluids, or materials excreted, taken, or removed from a person's body, or produced by
1406 a person's body, to determine the source, nature, kind, or extent of a disease or other
1407 physical or mental condition;
- 1408 (b) to attempt to conduct an examination or determination described under Subsection
1409 (13)(a);
- 1410 (c) to hold oneself out as making or to represent that one is making an examination or
1411 determination as described in Subsection (13)(a); or
- 1412 (d) to make an examination or determination as described in Subsection (13)(a) upon or
1413 from information supplied directly or indirectly by another person, whether or not in
1414 the presence of the person making or attempting the diagnosis or examination.
- 1415 (14) "Medical assistant" means an unlicensed individual who may perform tasks as
1416 described in Subsection 58-68-305(6).
- 1417 (15) "Medically underserved area" means a geographic area in which there is a shortage of
1418 primary care health services for residents, as determined by the Department of Health
1419 and Human Services.
- 1420 (16) "Medically underserved population" means a specified group of people living in a
1421 defined geographic area with a shortage of primary care health services, as determined

- 1422 by the Department of Health and Human Services.
- 1423 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
1424 alter living tissue, but is not expected or intended to excise, vaporize, disintegrate,
1425 or remove living tissue.
- 1426 (ii) Notwithstanding Subsection (17)(a)(i), nonablative procedure includes hair
1427 removal.
- 1428 (b) "Nonablative procedure" does not include:
- 1429 (i) a superficial procedure as defined in Section 58-1-102;
- 1430 (ii) the application of permanent make-up;
- 1431 (iii) laser tattoo removal; or
- 1432 ~~[(iii)]~~ (iv) the use of photo therapy lasers for neuromusculoskeletal treatments that are
1433 performed by an individual licensed under this title who is acting within the
1434 individual's scope of practice.
- 1435 (18) "Physician" means both physicians and surgeons licensed under ~~[Section 58-67-301,~~
1436 ~~Utah Medical Practice Act]~~ Chapter 67, Part 3, Licensing, and osteopathic physicians and
1437 surgeons licensed under ~~[Section 58-68-301, Utah Osteopathic Medical Practice Act]~~
1438 Part 3, Licensing.
- 1439 (19)(a) "Practice of osteopathic medicine" means:
- 1440 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human
1441 disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or
1442 mental, real or imaginary, or to attempt to do so, by any means or instrumentality,
1443 which in whole or in part is based upon emphasis of the importance of the
1444 musculoskeletal system and manipulative therapy in the maintenance and
1445 restoration of health, by an individual in Utah or outside of the state upon or for
1446 any human within the state;
- 1447 (ii) when a person not licensed as a physician directs a licensee under this chapter to
1448 withhold or alter the health care services that the licensee has ordered;
- 1449 (iii) to maintain an office or place of business for the purpose of doing any of the acts
1450 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 1451 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis
1452 or treatment of human diseases or conditions, in any printed material, stationery,
1453 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor
1454 of osteopathic medicine," "osteopathic physician," "osteopathic surgeon,"
1455 "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these

1456 designations in any manner which might cause a reasonable person to believe the
 1457 individual using the designation is a licensed osteopathic physician, and if the
 1458 party using the designation is not a licensed osteopathic physician, the designation
 1459 must additionally contain the description of the branch of the healing arts for
 1460 which the person has a license, provided that an individual who has received an
 1461 earned degree of doctor of osteopathic medicine but is not a licensed osteopathic
 1462 physician and surgeon in Utah may use the designation "D.O." if it is followed by
 1463 "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

1464 (b) The practice of osteopathic medicine does not include:

1465 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii), the
 1466 conduct described in Subsection (19)(a)(i) that is performed in accordance with a
 1467 license issued under another chapter of this title;

1468 (ii) an ablative cosmetic medical procedure if the scope of practice for the person
 1469 performing the ablative cosmetic medical procedure includes the authority to
 1470 operate or perform a surgical procedure; or

1471 (iii) conduct under Subsection 58-68-501(2).

1472 (20) "Prescription device" means an instrument, apparatus, implement, machine,
 1473 contrivance, implant, in vitro reagent, or other similar or related article, and any
 1474 component part or accessory, which is required under federal or state law to be
 1475 prescribed by a practitioner and dispensed by or through a person or entity licensed
 1476 under this chapter or exempt from licensure under this chapter.

1477 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be
 1478 dispensed only by prescription or is restricted to administration only by practitioners.

1479 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if
 1480 done for the purpose of effectuating or facilitating an individual's attempted sex
 1481 change:

1482 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,
 1483 penectomy, vaginoplasty, or vulvoplasty;

1484 (ii) for an individual whose biological sex at birth is female, hysterectomy,
 1485 oophorectomy, metoidioplasty, or phalloplasty; or

1486 (iii) any surgical procedure that is related to or necessary for a procedure described in
 1487 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual
 1488 who is not sterile.

1489 (b) "Primary sex characteristic surgical procedure" does not include:

- 1490 (i) surgery or other procedures or treatments performed on an individual who:
- 1491 (A) is born with external biological sex characteristics that are irresolvably
- 1492 ambiguous;
- 1493 (B) is born with 46, XX chromosomes with virilization;
- 1494 (C) is born with 46, XY chromosomes with undervirilization;
- 1495 (D) has both ovarian and testicular tissue; or
- 1496 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
- 1497 with a sex development disorder characterized by abnormal sex chromosome
- 1498 structure, sex steroid hormone production, or sex steroid hormone action for a
- 1499 male or female; or
- 1500 (ii) removing a body part:
- 1501 (A) because the body part is cancerous or diseased; or
- 1502 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
- 1503 individual's attempted sex change.
- 1504 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if
- 1505 done for the purpose of effectuating or facilitating an individual's attempted sex
- 1506 change:
- 1507 (i) for an individual whose biological sex at birth is male, breast augmentation
- 1508 surgery, chest feminization surgery, or facial feminization surgery; or
- 1509 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
- 1510 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 1511 (b) "Secondary sex characteristic surgical procedure" does not include:
- 1512 (i) surgery or other procedures or treatments performed on an individual who:
- 1513 (A) is born with external biological sex characteristics that are irresolvably
- 1514 ambiguous;
- 1515 (B) is born with 46, XX chromosomes with virilization;
- 1516 (C) is born with 46, XY chromosomes with undervirilization;
- 1517 (D) has both ovarian and testicular tissue; or
- 1518 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
- 1519 with a sex development disorder characterized by abnormal sex chromosome
- 1520 structure, sex steroid hormone production, or sex steroid hormone action for a
- 1521 male or female; or
- 1522 (ii) removing a body part:
- 1523 (A) because the body part is cancerous or diseased; or

1524 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
1525 individual's attempted sex change.

1526 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical
1527 Boards.

1528 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
1529 58-68-501.

1530 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
1531 and 58-68-502 and as may be further defined by division rule.

1532 Section 30. **Effective Date.**

1533 This bill takes effect on January 1, 2026.