

SB0330S03 compared with SB0330

~~{Omitted text}~~ shows text that was in SB0330 but was omitted in SB0330S03

inserted text shows text that was not in SB0330 but was inserted into SB0330S03

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1

Cosmetology Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor:A. Cory Maloy

2

3

LONG TITLE

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General Description:

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This bill restructures the licensing standards for the Cosmetology and Associated

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Professions Licensing Act.

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Highlighted Provisions:

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This bill:

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▶ defines terms;

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▶ creates a scope of practice for professionals regulated by the Cosmetology and Associated

Professions Licensing Act;

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▶ restructures the existing Cosmetology and Associated Professions Licensing Board;

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▶ restructures the license classifications regulated by the Cosmetology and Associated Professions

Licensing Act;

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▶ restructures the qualifications for licensure for professionals regulated by the Cosmetology and

Associated Professions Licensing Act;

17

▶ establishes standards for apprenticeship for professionals regulated by the Cosmetology and

Associated Professions Licensing Act;

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- 19 ▸ addresses unprofessional conduct;
- 20 ▸ allows a school to receive curriculum approval from the Division of Professional Licensing; and
- 22 ▸ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill provides a special effective date.

28 **AMENDS:**

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

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

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

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

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

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

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

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

37 **ENACTS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 REPEALS AND REENACTS:

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

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

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

60

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.**

As used in this title:

65 (1)

62 (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.

63 (2) "Cosmetic medical procedure":

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

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- 65 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic Medical
Practice Act, does not apply to the scope of practice of an individual licensed under this title if the
individual's scope of practice includes the authority to operate or perform surgical procedures.
- 69 (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature to reduce fat
deposits in certain areas of the body.
- 71 (4) "Department" means the Department of Commerce.
- 72 (5) "Director" means the director of the Division of Professional Licensing.
- 73 (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 74 (7) "Executive director" means the executive director of the Department of Commerce.
- 75 (8) "Licensee" includes any holder of a license, certificate, registration, permit, student card, or
apprentice card authorized under this title.
- 77 (9)
- (a)
- (i) "Nonablative procedure" means a procedure that is expected or intended to alter living tissue,
but not intended or expected to excise, vaporize, disintegrate, or remove living tissue.
- 80 (ii) Notwithstanding Subsection [(8)(a)(i)](9)(a)(i), nonablative procedure includes hair removal
and cryolipolysis.
- 82 (b) "Nonablative procedure" does not include:
- 83 (i) a superficial procedure;
- 84 (ii) the application of permanent make-up;
- 85 (iii) laser tattoo removal; or
- 86 ~~[(iii)]~~ (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that are performed by
an individual licensed under this title who is acting within their scope of practice.
- 89 (10) "Pain clinic" means:
- 90 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
- 91 (b) a clinic in which greater than 50% of the clinic's annual patient population receive treatment
primarily for non-terminal chronic pain using Schedule II-III controlled substances.
- 94 (11) "Superficial procedure" means a procedure that is expected or intended to temporarily alter living
skin tissue and may excise or remove stratum corneum but have no appreciable risk of damage to
any tissue below the stratum corneum.
- 97 (12) "Telemedicine service" means the same as that term is defined in Section 26B-4-704.

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

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

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

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

103 (1) For purposes of this section:

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

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

109 (ii) a registered nurse;

110 (iii) a master esthetician; and

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

112 (b) "Delegation group B" means:

113 (i) a practical nurse or ~~{an{}}~~ a master esthetician who is licensed under this title, acting within
their the nurse or esthetician's respective scopes of practice, and qualified under Subsections (2)(f)
(i) and (iii); and

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

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

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

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

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

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

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

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

126 (e) "Hair removal review" means:

127 (i) conducting an in-person, face-to-face interview of a patient based on the responses provided by the
patient to a detailed medical history assessment that was prepared by the supervisor;

130 (ii) evaluating for contraindications and conditions that are part of the treatment plan; and

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- (iii) if the patient history or patient presentation deviates in any way from the treatment plan, referring the patient to the supervisor and receiving clearance from the supervisor before starting the treatment.
- 135 (f) "Indirect cosmetic medical procedure supervision" means the supervisor:
- 136 (i) has authorized the procedure to be done on the patient by the supervisee;
- 137 (ii) has given written instructions to the person being supervised;
- 138 (iii) is present within the cosmetic medical facility in which the person being supervised is providing services; and
- 140 (iv) is available to:
- 141 (A) provide immediate face-to-face communication with the person being supervised; and
- 143 (B) evaluate the patient, as necessary.
- 144 (2) A supervisor supervising a nonablative cosmetic medical procedure for hair removal shall:
- 146 (a) have an unrestricted license to practice medicine or advanced practice registered nursing in the state;
- 148 (b) develop the medical treatment plan for the procedure;
- 149 (c) conduct a hair removal review, or delegate the hair removal review to a member of delegation group A, of the patient prior to initiating treatment or a series of treatments;
- 152 (d) personally perform the nonablative cosmetic medical procedure for hair removal, or authorize and delegate the procedure to a member of delegation group A or B;
- 154 (e) during the nonablative cosmetic medical procedure for hair removal provide general cosmetic medical procedure supervision to individuals in delegation group A performing the procedure, except physician assistants, who shall act in accordance with Chapter 70a, Utah Physician Assistant Act, and indirect cosmetic medical procedure supervision to individuals in delegation group B performing the procedure; and
- 160 (f) verify that a person to whom the supervisor delegates an evaluation under Subsection (2)(c) or delegates a procedure under Subsection (2)(d)[~~or (3)(e)(ii)~~]:
- 162 (i) has received appropriate training regarding the medical procedures developed under Subsection (2) (b);
- 164 (ii) has an unrestricted license under this title or is performing under the license of the supervising physician and surgeon; and
- 166 (iii) has maintained competence to perform the nonablative cosmetic medical procedure through documented education and experience of at least 80 hours, as further defined by rule, regarding:

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- 169 (A) the appropriate standard of care for performing nonablative cosmetic medical procedures;
171 (B) physiology of the skin;
172 (C) skin typing and analysis;
173 (D) skin conditions, disorders, and diseases;
174 (E) pre- and post-procedure care;
175 (F) infection control;
176 (G) laser and light physics training;
177 (H) laser technologies and applications;
178 (I) safety and maintenance of lasers;
179 (J) cosmetic medical procedures an individual is permitted to perform under this title;
181 (K) recognition and appropriate management of complications from a procedure; and
183 (L) cardiopulmonary resuscitation (CPR).
184 [~~(3) For a nonablative cosmetic medical procedure for tattoo removal:~~]
185 [~~(a) a supervisor supervising a nonablative cosmetic medical procedure for tattoo removal shall:~~]
187 [~~(i) have an unrestricted license to practice medicine or advanced practice registered nursing in the
state; and]~~]
189 [~~(ii) develop the medical treatment plan for the procedure; and]~~]
190 [~~(b) a nurse practitioner or physician assistant:~~]
191 [~~(i) shall conduct an in-person face-to-face evaluation of a patient before initiating a treatment protocol
or series of treatments for removing a tattoo;~~]
193 [~~(ii) shall inspect the patient's skin for any discoloration unrelated to the tattoo and any other indication
of cancer or other condition that should be treated or further evaluated before the tattoo is removed;~~]
196 [~~(iii) shall refer a patient with a condition described in Subsection (3)(b)(ii) to a physician for treatment
or further evaluation; and]~~]
198 [~~(iv) may not perform a nonablative cosmetic medical procedure to remove a tattoo on a patient unless
the patient is approved for the tattoo removal by a physician after the physician evaluates the
patient.]~~]
201 [~~(4)~~] (3) For a nonablative cosmetic medical procedure other than hair removal under Subsection (2)[~~or
tattoo removal under Subsection (3)~~]:
203 (a) a physician who has an unrestricted license to practice medicine, a nurse practitioner who has an
unrestricted license for advanced practice registered nursing, or a physician assistant acting in

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accordance with Chapter 70a, Utah Physician Assistant Act, who has an unrestricted license to practice as a physician assistant, shall:

- 207 (i) develop a treatment plan for the nonablative cosmetic medical procedure; and
208 (ii) conduct an evaluation of the patient either in-person or utilizing a live telemedicine visit before the initiation of a treatment protocol or series of treatments; and
211 (b) the supervisor supervising the procedure shall:
212 (i) have an unrestricted license to practice medicine or advanced practice registered nursing;
214 (ii) personally perform the nonablative cosmetic medical procedure or:
215 (A) authorize and provide general cosmetic medical procedure supervision for the nonablative cosmetic medical procedure that is performed by a registered nurse or a master esthetician;
218 ~~{(B)}~~ or
222 (B) authorize and provide supervision as provided in Chapter 70a, Utah Physician Assistant Act, for the nonablative cosmetic medical procedure that is performed by a physician assistant; ~~{or}~~ and
221 (C) authorize and provide direct cosmetic medical procedure supervision for the nonablative cosmetic medical procedure that is performed by ~~{an{}} a master~~ esthetician or a practical nurse ~~{; and{}}~~
224 ~~{(iii) verify that a person to whom the supervisor delegates a procedure under Subsection }~~ ~~{(3)(e)}~~ (3)
(b) ~~{;}~~
226 ~~{(A) has received appropriate training regarding the medical procedures to be performed;}~~
228 ~~{(B) has an unrestricted license and is acting within the person's scope of practice under this title; and}~~
230 ~~{(C) is qualified under Subsection (2)(f)(iii).}~~
231 ~~{(5)}~~ (4) A supervisor performing or supervising a cosmetic medical procedure under Subsection (2) or (3) ~~{or (4)}~~ shall ensure that:
233 (a) the supervisor's name is prominently posted at the cosmetic medical facility identifying the supervisor;
235 (b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical facility;
237 (c) the patient receives written information with the name and licensing information of the supervisor who is supervising the nonablative cosmetic medical procedure and the person who is performing the nonablative cosmetic medical procedure;

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

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

245 ~~[(6)]~~ (5) Failure to comply with the provisions of this section is unprofessional conduct.

246 ~~[(7)]~~ (6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, is not subject to the supervision requirements in this section for a nonablative cosmetic medical procedure for hair removal if the chiropractic physician is acting within the scope of practice of a chiropractic physician and with training specific to nonablative hair removal.

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

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

As used in this chapter:

254 (1) "Approved apprenticeship" means an apprenticeship that meets the requirements of Section 58-11a-306 for any applicable license or permit type and the requirements established by administrative rules made by the division in collaboration with the board ~~{pursuant to Section 58-1-106}~~ and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

264 ~~(3)~~

261 ~~{(3)}~~ (a) "Cosmetic ~~{laser procedure}~~ medical device" means a ~~{nonablative procedure, as that term is defined in Section 58-67-102,}~~ tissue altering energy based device that has the potential for altering living tissue and that is {performed with the use of a laser} used to perform ablative or nonablative procedures.

263 ~~{(4)}~~ (b) "Cosmetic ~~{supervisor}~~ medical device" ~~{means a supervisor as defined in Section 58-1-505.}~~ includes:

268 (i) an American National Standards Institute designated Class IIIb and Class IV lasers;

270 (ii) a device that utilizes intense pulsed light;

271 (iii) a radio frequency devices; and

272 (iv) a lipolytic devices.

273 (c) "Cosmetic medical device" does not include an American National Standards Institute designated Class IIIa and lower powered device.

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- 264 ~~{(5)}~~ (4) "Dermaplane" means the use of a scalpel or bladed instrument to shave the upper layers of the
stratum corneum.
- 266 ~~{(6)}~~ (5) "Direct supervision" means that the supervisor of an apprentice or the instructor of a student
is physically present in the same building as the apprentice or student and readily able to establish
direct contact with the apprentice or student for consultation, advice, instruction, and evaluation.
- 270 ~~{(7)}~~ (6) "Division" means the Division of Professional Licensing, created in Section 58-1-103.
- 271 ~~{(8)}~~ { "Endorsement" means the practice of endorsing a license from another jurisdiction as allowed in
Section 58-1-302. }
- 273 ~~{(9)}~~ { "Fund" means the Cosmetology and Associated Professions Education and Enforcement Fund
created in Section 58-11a-103. }
- 275 ~~{(10)}~~ (7)
- (a) "Hair braiding" means the twisting, weaving, or interweaving of an individual's natural human hair.
- 277 (b) "Hair braiding" includes the following methods or styles:
- 278 (i) African-style braiding;
- 279 (ii) box braids;
- 280 (iii) cornrows;
- 281 (iv) dreadlocks;
- 282 (v) french braids;
- 283 (vi) invisible braids;
- 284 (vii) micro braids;
- 285 (viii) single braids;
- 286 (ix) single plaits;
- 287 (x) twists;
- 288 (xi) visible braids;
- 289 (xii) the use of lock braids;
- 290 (xiii) the use of decorative beads, accessories, and extensions; and
- 291 (xiv) the use of wefts if applied without the use of glue or tape.
- 292 (c) "Hair braiding" does not include:
- 293 (i) the use of:
- 294 (A) wefts if applied with the use of glue or tape;
- 295 (B) synthetic tape;

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- 296 (C) synthetic glue;
297 (D) keratin bonds;
298 (E) fusion bonds; or
299 (F) heat tools;
300 (ii) the cutting of human hair; or
301 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
302 (A) alter the color of the hair; or
303 (B) straighten, curl, or alter the structure of the hair.
- 304 ~~{(11)}~~ (8) "Instructor" means an individual that is licensed to instruct a ~~{trade}~~ discipline that is
regulated by this chapter.
- 306 ~~{(12)}~~ (9) "Licensed school" means a school in Utah that:
307 (a) meets the standards for accreditation established by administrative rules made by the division; ~~{and}~~
or
309 (b) is using curriculum approved by the division.
- 317 (10)
(a) "Manual hair removal" means superfluous hair removal that is performed without using a cosmetic
medical device or electrolysis.
- 319 (b) "Manual hair removal" includes:
320 (i) the use of depilatories;
321 (ii) shaving;
322 (iii) sugaring;
323 (iv) tweezing; and
324 (v) waxing.
- 325 (c) "Manual hair removal" does not include threading.
- 310 ~~{(13)}~~ (11) "Minimum service count" means the minimum number of repetitions of a given service
a license or permit applicant is required to complete to gain a minimum level of competence as
established by administrative rules made by the division for ~~{each}~~ a service.
- 313 ~~{(14)}~~ (12) "Permit" means a safety permit that gives the holder authority to perform certain services.
- 315 ~~{(15) {"Practice of basic skincare" means any one of the following skincare procedures done on the~~
~~body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:} }~~
- 318

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- {(a) {cleaning, stimulating, manipulating, exercising, applying oils, antiseptics, clays or masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, natural nail manicures or pedicures, or callous removal by buffing or filing;}-}
- 321 {(b) {limited chemical exfoliation as defined by administrative rules made by the division;}-}
- 322 {(e) {other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp; or}-}
- 324 {(d) {arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or applying eyelash or eyebrow extensions.}-}
- 326 {(16)} (13) "Recognized school" means a school located in a jurisdiction other than Utah whose students, upon graduation, are recognized as having completed the educational requirements for the licensure in the jurisdiction in which the school is located.
- 329 {(17)} (14) "Representative of a {recognized} licensed school" means an individual:
- 330 (a) that is acting in the individual's capacity as an employee of a {recognized} licensed school; or
- 331 (b) with an ownership or financial interest in a {recognized} licensed school.
- 332 {(18)} (15) "Salon" means a place, shop, or establishment in which an individual licensed or permitted under this chapter practices the individual's {trade} discipline.
- 334 {(19)} (16) "Threading" means a method of removing hair from the eyebrows, upper lip{:-}, or other body parts by using cotton thread to pull hair from follicles without the use of chemicals, heat, or wax.
- 337 {(20)} (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-11a-502.
- 339 {(21)} (18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-11a-501 and as may be further defined by administrative rules made by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 348 Section 4. Section **58-11a-201** is amended to read:
- 349 **58-11a-201. Board.**
- 345 (1) There is created the Cosmetology and Associated Professions Licensing Board consisting of the following members:
- 347 (a)
- (i) one [barber or]cosmetologist[/barber]; or

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- 348 (ii) one cosmetologist instructor;
349 ~~[(b)~~
~~(i) one barber or cosmetologist/barber instructor; or]~~
350 ~~[(ii) one representative of a licensed barber or cosmetology/barber school;]~~
351 ~~[(e)] (b)~~
~~(i) one master esthetician; or~~
352 ~~(ii) one master esthetician instructor;~~
353 ~~(c)~~
~~(i) one nail technician; or~~
354 ~~(ii) one nail technician instructor;~~
355 ~~[(d)~~
~~(i) one esthetician instructor; or]~~
356 ~~[(ii) one representative of a licensed esthetics school;]~~
357 ~~[(e) one nail technician;]~~
358 ~~[(f)~~
~~(i) one nail technician instructor; or]~~
359 ~~[(ii) one representative of a licensed nail technology school;]~~
360 ~~[(g)] (d)~~
~~(i) one electrologist; or~~
361 ~~(ii) one electrologist instructor;~~
362 ~~(e) one representative of a licensed school that is publicly funded;~~
363 ~~(f) one representative of a licensed school that is privately funded;~~
364 ~~(g) one supervisor as defined in Section 58-1-505; and~~
365 ~~[(h) one eyelash and eyebrow technician;]~~
366 ~~[(i)~~
~~(i) one eyelash and eyebrow technician instructor; or]~~
367 ~~[(ii) one representative of a licensed eyelash and eyebrow technology school; and]~~
368 ~~[(j)] (h) {two members} one member} from the general public.~~
369 (2)
(a) The board shall be appointed and serve in accordance with Section 58-1-201.

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(b) Except for the members specified in Subsections (1)(e) and (1)(f), a member may not participate as a representative of a {recognized} licensed school.

372 [(b)]

(i) ~~At least one of the members of the board appointed under Subsections (1)(b), (d), and (f) shall be an instructor at or a representative of a public school.]~~

374 [(ii) ~~At least one of the members of the board appointed under Subsections (1)(b), (d), and (f) shall be an instructor at or a representative of a private school.]~~

376 (3)

(a) ~~[The-] The board shall perform the duties and responsibilities [of the board are in accordance with] described in Sections 58-1-202 and 58-1-203.~~

378 (b) ~~[In addition, the-] The board shall designate one of [its] the board members on a permanent or rotating basis to:~~

380 [(a)] (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

382 [(b)] (ii) advise the division in [its] the division's investigation of these complaints.

383 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in [its] the investigation of the complaint may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

392 Section 5. Section **58-11a-301** is repealed and re-enacted to read:

393 **58-11a-301. Licensure or permit required.**

389 (1) Subject to Subsection (2), a person must be licensed or permitted as required under this chapter to practice a {trade} discipline regulated by this chapter.

391 (2) An individual is not required to be licensed or permitted if the individual:

392 (a) is a registered apprentice in accordance with this chapter; or

393 (b) qualifies for an exemption under:

394 (i) Section 58-1-307; or

395 (ii) Section 58-11a-304.

401 Section 6. Section **58-11a-302** is repealed and re-enacted to read:

402 **58-11a-302. General qualifications for licensure and permitting.**

398 {+} }

{(a)} (1) An applicant for a license or permit under this chapter shall:

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

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- 425 (a) attend a licensed or recognized school and complete a curriculum that:
- 426 (i) covers:
- 427 (A) hair safety requirements; and
- 428 (B) barbering; and
- 429 (ii) has a minimum of 130 hours of instruction or the equivalent number of credit hours; or
- 431 (b) complete an approved barber apprenticeship.
- 432 (4) If the applicant graduates from a recognized school with less than 130 hours of instruction, the applicant may count hours practiced as a barber in a jurisdiction other 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 permit under this chapter, as allowed in Subsection 58-11a-302(2).
- 446 Section 8. Section 8 is enacted to read:
- 447 **58-11a-302.11. Practice of {~~chemical hair services~~} basic esthetics -- {~~Chemical hair services~~} Basic esthetics permit -- Qualifications.**
- 438 (1) The practice of {~~chemical hair services includes bleaching, tinting, coloring, relaxing, permanent waving, or similarly treating the hair~~} basic esthetics means any one of the {~~head of an individual~~} following skincare procedures done on the face or body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:
- 452 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or masks, and manual extraction, including a comedone extractor; or
- 454 (b) manual hair removal.
- 440 (2) An individual may not engage in the practice of {~~chemical hair services~~} basic esthetics unless the individual holds a {~~chemical hair services~~} basic esthetics permit{~~, master hair design license, master barber license, or cosmetology license~~} .
- 443 (3) An applicant for a {~~chemical hair service~~} basic esthetics permit shall comply with the requirements in Section 58-11a-302 and:
- 445 (a) attend a licensed or recognized school and complete a curriculum that:
- 460 (i) covers:
- 461 (A) basic esthetics; and
- 446 {(i)} (B) {~~covers chemical~~} manual hair {~~services~~} removal; and
- 447 (ii) has a minimum of {~~260~~} 200 hours of instruction or the equivalent number of credit hours; or

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- 449 (b) complete an approved { ~~chemical hair service~~ } basic esthetics permit apprenticeship.
- 450 (4) If the applicant graduates from a recognized school with less than { ~~260~~ } 200 hours of instruction,
the applicant may count hours practiced as { ~~a chemical hair service technician~~ } an esthetician in a
jurisdiction other than Utah to satisfy the { ~~260~~ } 200 total hours requirement.
- 469 (5) An individual with a basic esthetics permit is not considered an esthetician for purposes of Section
58-1-506.
- 471 (6) An individual with a basic esthetics permit may apply credit hours to another license or permit under
this chapter, as allowed in Subsection 58-11a-302(2).
- 473 Section 9. Section **9** is enacted to read:
- 474 58-11a-302.12. Practice of { ~~cosmetology -- Cosmetology license~~ } chemical hair services --
Chemical hair services permit -- Qualifications.
- 455 { ~~(1) { The practice of cosmetology includes; } } }~~
- 456 { ~~(a) (1) { styling, arranging, dressing, curling, waving, cleaning, singeing, } The practice of chemical~~
hair services includes bleaching, tinting, coloring, relaxing, permanent waving, or similarly treating
the hair of the head of an individual { ~~; } .~~ }
- 458 { ~~(b) { cutting, clipping, or trimming the hair by using scissors, shears, clippers, or other appliances; } }~~
- 460 { ~~(c) { engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying; } }~~
- 462 { ~~(d) { removing hair from the face or neck of an individual by using shaving equipment; } }~~
- 463 { ~~(e) { arching eyebrows by tweezing, tinting eyebrows or eyelashes, perming eyelashes or eyebrows; } }~~
- 465 { ~~(f) { removing hair from the body of an individual by using depilatories, waxing, or shaving~~
equipment; } }
- 467 { ~~(g) { cutting, curling, styling, fitting, measuring, or forming caps for wigs and hairpieces on the human~~
head; } }
- 469 { ~~(h) { practicing hair weaving or hair fusing or servicing previously medically implanted hair; } }~~
- 471 { ~~(i) { trimming, cutting, cleaning, manicuring, shaping, massaging, or enhancing the appearance of the~~
hands, feet, and nails of an individual by using the nail technician's hands, mechanical or electrical
preparation, antiseptic, lotion, or cream; } }
- 474 { ~~(j) { applying and removing sculptured or artificial nails; } }~~
- 475 { ~~(k) { using blades, including corn or callus planer or rasp, for smoothing, shaving, or removing dead~~
skin from the feet; and } }
- 477 { ~~(l) { practicing basic skincare. } }~~

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- 478 (2) An individual may not engage in the practice of ~~{cosmetology}~~ chemical hair services unless the
individual holds a ~~{cosmetology license}~~ chemical hair services permit.
- 480 (3) An applicant for a ~~{cosmetology license}~~ chemical hair service permit shall comply with the
requirements in Section 58-11a-302 and:
- 482 (a) attend a licensed or recognized school and complete a curriculum that:
- 483 ~~{(i) {covers:}}~~
- 484 ~~{(A) {barbering;}}~~
- 485 ~~{(B) {hairecutting;}}~~
- 486 ~~{(C)}~~ (i) covers chemical hair services;and
- 487 ~~{(D) {facial hair removal by means other than electrolysis or use of a cosmetic medical device;}}~~
- 489 ~~{(E) {eyelash and eyebrow technology;}}~~
- 490 ~~{(F) {basic skincare; and}}~~
- 491 ~~{(G) {nail technology; and}}~~
- 492 (ii) has a minimum of ~~{1,250}~~ 260 hours of instruction or the equivalent number of credit hours; or
- 494 (b) complete an approved ~~{cosmetologist}~~ chemical hair service apprenticeship.
- 495 (4) If the applicant graduates from a recognized school with less than ~~{1,250}~~ 260 hours of instruction,
the applicant may count hours practiced as a ~~{cosmetologist}~~ chemical hair service technician in a
jurisdiction other than Utah to satisfy the ~~{1,250}~~ 260 total hours requirement.
- 498 (5) An individual with a ~~{cosmetology license may be known as a cosmetologist or a barber}~~ chemical
hair services permit may apply credit hours to another license or permit under this chapter, as
allowed in Subsection 58-11a-302(2).

492 Section 10. Section 10 is enacted to read:

493 **58-11a-302.13. Practice of ~~{electrology}~~ cosmetology -- ~~{Electrology}~~ Cosmetology license --**

Qualifications.

- 501 (1) The practice of ~~{electrology}~~ cosmetology includes ~~{removing superfluous hair}~~ :
- 495 (a) styling, arranging, dressing, curling, waving, cleaning, singeing, bleaching, tinting, 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 appliances;
- 499 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 502 ~~{(a)}~~ (d) removing hair from the ~~{body}~~ face or neck of an individual by using ~~{electricity, waxing,}~~
shaving~~{, or tweezing; and}~~ equipment;

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- 503 {~~(b) {by using cosmetic laser procedures under the supervision of a cosmetic supervisor.}~~}
- 502 (e) arching eyebrows by tweezing, tinting eyebrows or eyelashes, perming eyelashes or eyebrows;
- 504 (f) manual hair removal;
- 505 (g) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or 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 on the human
head;
- 510 (j) practicing hair weaving or hair fusing or servicing previously medically implanted hair;
- 512 (k) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and feet to knees, or
enhancing the appearance of the hands, feet, and nails of an individual by using the cosmetologist's
hands, mechanical or electrical preparation, 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 removing dead skin
from the feet.
- 504 (2) An individual may not engage in the practice of ~~{electrology}~~ cosmetology unless the individual
holds ~~{an electrology}~~ a cosmetology license.
- 506 (3) An applicant for ~~{an electrology}~~ a cosmetology license shall comply with the requirements ~~{of}~~ in
Section 58-11a-302 and:
- 508 (a) attend a licensed or recognized school and complete a curriculum that:
- 509 (i) covers:
- 526 (A) barbering;
- 527 (B) haircutting;
- 528 (C) chemical hair services;
- 510 ~~{(A)}~~ (D) ~~{laser}~~ manual hair removal;
- 530 (E) eyelash and eyebrow technology, except for eyelash extensions;
- 511 ~~{(B)}~~ (F) ~~{electrolysis}~~ basic esthetics; and
- 512 ~~{(C)}~~ (G) ~~{waxing}~~ nail technology; and
- 513 (ii) has a minimum of ~~{600}~~ 1,250 hours of instruction or the equivalent number of credit hours; or
- 515 (b) complete an approved ~~{electrology technician}~~ cosmetologist apprenticeship.

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- 516 (4) If the applicant graduates from a recognized school with less than {600} 1,250 hours of instruction,
the applicant may count hours practiced as a {~~licensed electrologist~~} cosmetologist in a jurisdiction
other than Utah to satisfy the {600} 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 permit under
this chapter, as allowed in Subsection 58-11a-302(2).
- 542 Section 11. Section 11 is enacted to read:
- 543 **58-11a-302.14. Practice of {~~eyelash and eyebrow technology~~} electrology -- {~~Eyelash and
eyebrow technology~~} Electrology license -- Qualifications.**
- 522 (1) The practice of {~~eyelash and eyebrow technology~~} electrology includes {~~arching eyebrows by
tweezing or waxing, tinting eyelashes or eyebrows, perming eyelashes or eyebrows, or applying
eyelash or eyebrow extensions.~~} removing superfluous hair:
- 545 (a) from the body and face of an individual by using electricity, waxing, shaving, or tweezing; and
- 547 (b) by using a laser pursuant to requirements described in Section 58-1-506.
- 525 (2) An individual may not engage in the practice of {~~eyelash and eyebrow technology~~} electrology
unless the individual holds an {~~eyelash and eyebrow technology license, cosmetology license, or
master esthetics~~} electrology license.
- 528 (3) An applicant for an {~~eyelash and eyebrow technology~~} electrology license shall comply with the
requirements of Section 58-11a-302 and:
- 530 (a) attend a licensed or recognized school and complete a curriculum that:
- 531 (i) covers {~~eyelash and eyebrow technology; and~~} :
- 554 (A) laser hair removal;
- 555 (B) electrolysis; and
- 556 (C) waxing; and
- 532 (ii) has a minimum of {270} 600 hours of instruction or the equivalent number of credit hours; or
- 534 (b) complete an approved {~~eyelash and eyebrow~~} electrology technician apprenticeship.
- 535 (4) If the applicant graduates from a recognized school with less than {270} 600 hours of instruction,
the applicant may count hours practiced as a licensed {~~eyelash and eyebrow technician~~}
electrologist in a jurisdiction other than Utah to satisfy the {270} 600 total hours requirement.
- 563 (5) An individual with an electrology license may apply credit hours to another license or permit under
this chapter, as allowed in Subsection 58-11a-302(2).

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565 Section 12. Section 12 is enacted to read:

566 **58-11a-302.15. Practice of {facial hair removal} eyelash and eyebrow technology -- {Facial hair removal permit} Eyelash and eyebrow technology license -- Qualifications.**

- 541 (1) The practice of {facial hair removal includes cleaning, applying oil} eyelash and eyebrow technology includes arching eyebrows by tweezing or waxing, {antiseptics, depilatories} tinting eyelashes or eyebrows, facial waxing, {waxes} perming eyelashes or eyebrows, and {tweezing} applying eyelash or eyebrow extensions.
- 543 (2) An individual may not engage in the practice of {facial hair removal} eyelash and eyebrow technology unless the individual holds {a facial hair removal permit or cosmetology} an eyelash and eyebrow technology license.
- 545 (3) An applicant for {a facial hair removal permit} an eyelash and eyebrow technology license shall comply with the requirements of Section 58-11a-302 and:
- 547 (a) attend a licensed or recognized school and complete a curriculum that:
- 548 (i) covers {facial hair removal} eyelash and eyebrow technology; and
- 549 (ii) has a minimum of {50} 270 hours of instruction or the equivalent number of credit hours; or
- 551 (b) complete an approved {facial hair removal} eyelash and eyebrow apprenticeship.
- 552 (4) If the applicant graduates from a recognized school with less than {50} 270 hours of instruction, the applicant may count hours practiced as a {permitted facial hair removal} licensed eyelash and eyebrow technician in a jurisdiction other than Utah to satisfy the {50} 270 total hours requirement.
- 583 (5) An individual with an eyelash and eyebrow technology license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

585 Section 13. Section 13 is enacted to read:

586 **58-11a-302.16. Practice of {hairecutting} facial hair removal -- {Hairecutting} Facial hair removal permit -- Qualifications.**

- 557 (1) The practice of {hairecutting includes;} facial hair removal includes cleansing, applying oil and antiseptics, and manual hair removal on the face.
- 558 {(a) {cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;}}
- 560 {(b) {engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;}}
- 562 {(c) {hair fusing and extensions; and}}

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{(d) {when providing other services described in this Subsection (1), gently massaging the head, back of the neck, and shoulders by manual or mechanical means.}}

565 (2) An individual may not engage in the practice of {haircutting-} facial hair removal unless the individual holds a {haircutting permit, barbering permit, master-} facial hair {design license, master barber license, or cosmetology license} removal permit.

568 (3) An applicant for a {haircutting-} facial hair removal permit shall comply with the requirements of Section 58-11a-302 and:

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

571 (i) covers{:} facial hair removal; and

572 {(A) {hair safety requirements; and}}

573 {(B) {haircutting; and}}

574 (ii) has a minimum of {150-} 50 hours of instruction or the equivalent number of credit hours; or

576 (b) complete an approved {haircutting-} facial hair removal apprenticeship.

577 (4) If the applicant graduates from a recognized school with less than {150-} 50 hours of instruction, the applicant may count hours practiced as a {haircutting-} permitted facial hair removal technician in a jurisdiction other than Utah to satisfy the {150-} 50 total hours requirement.

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

604 Section 14. Section 14 is enacted to read:

605 58-11a-302.17. Practice of {master esthetics-} haircutting -- {Master esthetics license-}

Haircutting permit -- Qualifications.

583 {(+) }

{(a)} (1) The practice of {master esthetics-} haircutting includes:

584 (i) {body wraps, as defined by administrative rules made by the division;}

585 (ii) {hydrotherapy, as defined by administrative rules made by the division;}

586 (iii) {chemical exfoliation, as defined by administrative rules made by the division;}

587 (iv) {sanding, including microdermabrasion;}

588 (v) {advanced extraction;}

589 (vi) {dermaplaning;}

590 (vii) {other esthetic preparations or procedures that use;}

591 {(A) {the hands; or}}

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- 592 {~~(B)~~ {~~a mechanical or electrical apparatus that is approved for use by administrative rules made by the~~
division;}} }
- 594 {~~(viii)~~ {~~limited cosmetic laser procedures, under the supervision of a cosmetic supervisor,~~
including;}} }
- 607 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers,
or other appliances;
- 609 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 596 {~~(A)~~ (c) {~~superfluous~~} hair {~~removal~~;} fusing and extensions; and
- 597 {~~(B)~~ {~~anti-aging resurfacing enhancements; and~~}} }
- 598 {~~(C)~~ {~~photo-rejuvenation~~;}} }
- 599 {~~(ix)~~ {~~lymphatic massage by manual or other means as defined by administrative rules made by the~~
division;}} }
- 601 {~~(x)~~ {~~services described in Section 58-11a-302.14~~;}} }
- 602 {~~(xi)~~ {~~basic skincare; and~~}} }
- 603 {~~(xii)~~ {~~eyelash and eyebrow technology~~;}} }
- 604 {~~(b)~~ (d) {~~An individual with a master esthetics license may not perform any service~~} when providing
other services described in this Subsection {~~(1)(a) for~~} (1), gently massaging the {~~treatment~~
of medical} head, {~~physical, or mental ailments~~} back of the neck, and shoulders by manual or
mechanical means.
- 606 {~~(c)~~ {~~A procedure described in Subsection (1)(a) shall have an evaluation by a cosmetic medical~~
supervisor before the procedure as required under Section 58-1-506.}} }
- 608 (2) An individual may not engage in the practice of {master esthetics} haircutting unless the individual
holds a {master esthetics license} haircutting permit.
- 610 (3) An applicant for a {master esthetics license} haircutting permit shall comply with the requirements
of Section 58-11a-302 and:
- 612 (a) attend a licensed or recognized school and complete a curriculum that:
- 613 (i) covers:
- 614 {~~(A)~~ {~~basic skincare~~;}} }
- 615 {~~(B)~~ {~~eyelash and eyebrow technology~~;}} }
- 616 {~~(C)~~ {~~cosmetic laser procedures~~;}} }
- 617 {~~(D)~~ (A) {~~body contouring and lymphatic massage~~} hair safety requirements; and

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- 618 ~~{(E)}~~ (B) ~~{advanced skincare}~~ haircutting; and
- 619 (ii) has a minimum of ~~{1,200}~~ 150 hours of instruction or the equivalent number of credit hours; or
- 621 (b) complete an approved ~~{master esthetics}~~ haircutting apprenticeship.
- 622 ~~{(4)}~~ }
- ~~{(a)}~~ (4) If the applicant graduates from a recognized school with less than ~~{1,200}~~ 150 hours of instruction, the applicant may count hours practiced as ~~{an esthetician}~~ a haircutting technician in a jurisdiction other than Utah to satisfy the ~~{1,200}~~ 150 total hours requirement.
- 625 ~~{(b)}~~ ~~{If the applicant holds a cosmetology license, the applicant may count 600 hours as a cosmetologist to satisfy the 1,200 total hours requirement.}~~ }
- 628 (5) An individual with a haircutting permit may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).
- 630 Section 15. Section 15 is enacted to read:
- 631 **58-11a-302.18. Practice of master ~~{hair design and master barbering}~~ esthetics -- Master ~~{hair design and master barbering}~~ esthetics license -- Qualifications.**
- 633 (1)
- 634 ~~{(1)}~~ (a) The practice of master ~~{hair design and practice of master barbering}~~ esthetics includes:
- 631 ~~{(a)}~~ ~~{styling, arranging, dressing, curling, or waving the hair of the head of an individual;}~~ }
- 632 ~~{(b)}~~ ~~{cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;}~~ }
- 634 ~~{(c)}~~ ~~{engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;}~~ }
- 636 ~~{(d)}~~ ~~{removing hair from the face or neck of an individual by using shaving equipment;}~~ }
- 637 ~~{(e)}~~ ~~{cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or both on the human head;}~~ }
- 639 ~~{(f)}~~ ~~{practicing hair weaving, hair fusing, or servicing previously medically implanted hair;}~~ }
- 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) chemical exfoliation, as defined by administrative rules made by the division;
- 637 (iv) callous removal by buffing or filing;
- 638 (v) sanding, including microdermabrasion;
- 639 (vi) advanced extraction;
- 640 (vii) dermaplaning;

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- 641 (viii) other esthetic preparations or procedures that use:
- 642 (A) the hands; or
- 643 (B) a mechanical or electrical apparatus that is approved for use by administrative rules made by the
division;
- 645 (ix) the use of a cosmetic medical device to perform nonablative procedures, including:
- 647 (A) laser hair removal;
- 648 (B) body contouring;
- 649 (C) anti-aging resurfacing enhancements; and
- 650 (D) photo rejuvenation;
- 651 (x) lymphatic massage by manual or other means as defined by administrative rules made by the
division;
- 653 (xi) manual hair removal;
- 654 (xii) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or masks, and
manual extraction, including a comedone extractor;
- 656 (xiii) natural nail manicures and pedicures; and
- 657 (xiv) eyelash and eyebrow technology.
- 640 ~~{(g)}~~ (b) ~~{when providing other services}~~ An individual with a master esthetics license may not
perform any service described in ~~{this}~~ Subsection ~~{(1), gently massaging}~~ (1)(a) for the ~~{head,~~
back of the neck, and shoulders by manual or mechanical means; and} treatment of medical,
physical, or mental ailments.
- 642 ~~{(h) {permanently waving, bleaching, tinting, coloring, relaxing, or similarly treating the hair of the~~
~~head of an individual.}}~~
- 660 (c) A procedure described in Subsection (1)(a)(ix) shall be performed pursuant to the requirements
described in Section 58-1-506.
- 644 (2) An individual may not engage in the practice of master ~~{hair design or master barbering}~~ esthetics
unless the individual holds a master ~~{hair design license, master barbering license, or cosmetology}~~
esthetics license.
- 647 (3) An applicant for a master ~~{hair design}~~ esthetics license shall comply with the requirements of
Section 58-11a-302 and:
- 649 (a) attend a licensed or recognized school and complete a curriculum that:
- 650 (i) covers:

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- 651 {~~(A)~~ ~~{hair safety requirements;}~~ }
- 658 (A) eyelash and eyebrow technology;
- 659 (B) cosmetic medical procedures;
- 652 ~~{(B)}~~ (C) {haircutting} body contouring and ~~{barbering}~~ lymphatic massage; and
- 653 ~~{(C)}~~ (D) {chemical hair services} advanced skincare; and
- 654 (ii) has a minimum of {1,000} 1,200 hours of instruction or the equivalent number of credit hours; or
- 656 (b) complete an approved master {hair design or an approved master barbering} esthetics
apprenticeship.
- 658 (4) If the applicant graduates from a recognized school with less than {1,000} 1,200 hours of
instruction, the applicant may count hours practiced as {a licensed master hair design or master
barber} an esthetician in a jurisdiction other than Utah to satisfy the {1,000} 1,200 total hours
requirement.
- 662 ~~{(5) {On January 1, 2026, all active "hair design" licenses shall be converted to a master hair design~~
~~license.}}~~
- 678 (5) An individual with a master esthetics license may apply credit hours to another license or permit
under this chapter, as allowed in Subsection 58-11a-302(2).
- 680 Section 16. Section 16 is enacted to read:
- 681 **58-11a-302.19. Practice of {nail technology -- Nail technology} master hair design and**
master barbering -- Master hair design license and master barbering license -- Qualifications.
- 667 (1) The practice of {nail technology} master hair design and practice of master barbering includes:
- 684 (a) styling, arranging, dressing, curling, or waving the hair of the head of an individual;
- 668 ~~{(a)}~~ (b) {trimming,} cutting, {cleaning, manicuring, shaping, massaging} clipping, or {enhancing}
trimming the {appearance} hair of the {hands, feet, and nails} head of an individual by using {the
nail technician's hands} scissors, {mechanical or electrical preparation} shears, {antiseptic, lotion,
or cream} clippers, or other appliances;
- 687 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 689 (d) hair fusing and extensions;
- 671 ~~{(b)}~~ (e) {applying and} removing {sculptured} hair from the face or {artificial nails} neck of an
individual by using shaving equipment; {and}
- 672

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~~{(e)}~~ (f) {using blades} cutting, {including corn or callus planer or rasp,} curling, styling, fitting, measuring, or forming caps for {smoothing} wigs, {shaving} hairpieces, or {removing dead skin from the feet.} both on the human head;

693 (g) practicing hair weaving, hair fusing, or servicing previously medically implanted hair;

695 (h) when providing other services described in this Subsection (1), gently massaging the head, back of the neck, and shoulders by manual or mechanical means; and

697 (i) permanently waving, bleaching, tinting, coloring, relaxing, or similarly treating the hair of the head of an individual.

674 (2) An individual may not engage in the practice of {nail technology} master hair design or master barbering unless the individual holds a {nail technology} master hair design license or {cosmetology} master barbering license.

676 (3) An applicant for a {nail technology} master hair design license or master barbering license shall comply with the requirements of Section 58-11a-302 and:

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

679 (i) covers:

705 (A) hair safety requirements;

680 {(A)} (B) {manicures} haircutting and {pedicures} barbering; and

681 {(B)} (C) {artificial nails} chemical hair services; and

682 (ii) has a minimum of {300} 1,000 hours of instruction or the equivalent number of credit hours; or

684 (b) complete an approved {nail technology} master hair design or an approved master barbering apprenticeship.

685 (4) If the applicant graduates from a recognized school with less than {300} 1,000 hours of instruction, the applicant may count hours practiced as a licensed {nail technician} master hair design or master barber in a jurisdiction other than Utah to satisfy the {300} 1,000 total hours requirement.

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

719 Section 17. Section 17 is enacted to read:

720 **58-11a-302.20. {Licensed instructor} Practice of nail technology -- Nail technology license --**

Qualifications.

722 (1) The practice of nail technology includes:

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- 727 (a) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and feet to knees, or
728 enhancing the appearance of the hands, feet, and nails of an individual by using the nail technician's
hands, mechanical or electrical preparation, antiseptic, lotion, or cream;
- (b) applying and removing sculptured or artificial nails; and
- 728 (c) using blades, including corn or callus planer or rasp, for smoothing, shaving, or removing dead skin
from the feet.
- 730 (2) An individual may not engage in the practice of nail technology unless the individual holds a nail
technology license.
- 690 ~~{(1)}~~ (3) An applicant for ~~{licensure as an instructor}~~ a nail technology license shall comply with the
requirements of Section 58-11a-302 and:
- 691 ~~{(a) {submit an application in a form prescribed by the division;}}~~
- 692 ~~{(b) {subject to Subsection (4), pay a fee determined by the division under Section 63J-1-504;}}~~
- 694 ~~{(c) {provide satisfactory documentation that the applicant is currently licensed or permitted in the~~
~~trade that the applicant is seeking to instruct;}}~~
- 696 ~~{(d) {provide satisfactory documentation that the applicant has completed six months of work~~
~~experience in the trade the applicant intends to instruct and;}}~~
- 698 ~~{(i)}~~ (a) {an instructor training program for the discipline for which the applicant is licensed, by}
attend a licensed or recognized school ~~{for}~~ and complete a {minimum of 35% of the minimum
hours for the license or permit the applicant intends to instruct; or} curriculum that:
- 735 (i) covers:
- 736 (A) manicures and pedicures; and
- 737 (B) artificial nails; and
- 738 (ii) has a minimum of 300 hours of instruction or the equivalent number of credit hours; or
- 740 (b) complete an approved nail technology apprenticeship.
- 701 ~~{(ii)}~~ (4) ~~{on-the-job instructor training for the discipline for which}~~ If the applicant ~~{is licensed, by}~~
~~}~~ graduates from a ~~{licensed or}~~ recognized school ~~{for a minimum of 35% of the minimum}~~
~~with less than 300~~ hours ~~{for the license or permit}~~ of instruction, the applicant ~~{intends}~~ may
~~count hours practiced as a licensed nail technician in a jurisdiction other than Utah to {instruct; and}~~
satisfy the 300 total hours requirement.
- 704 ~~{(e) {meet the examination requirement established by administrative rules made by the division;}}~~
- 706

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~~{(2)}~~ (5) An ~~{applicant for}~~ individual with a nail technology license ~~{or permit under this chapter whose education in the trade for which a}~~ may apply credit hours to another license or permit ~~{is sought was completed at a foreign school may satisfy the educational requirement for licensure by demonstrating, to the satisfaction of the division, the educational equivalency of the foreign school education with a licensed school}~~ under this chapter, as allowed in Subsection 58-11a-302(2).

711 ~~{(3)}~~

~~{(a) {A licensed instructor shall not instruct regarding the practice of a discipline unless the instructor is licensed or permitted to practice that discipline.}}~~

713 ~~{(b) {A licensed instructor may instruct a student that is seeking a permit or license that is different than the permit or license that the instructor holds as long as the instructor complies with Subsection (3) (a).}}~~

716 ~~{(4) {The division may not charge a fee to an individual applying for licensure as an instructor under this chapter if the individual is a licensed instructor in any other profession under this chapter.}}~~

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

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

746 Section 18. Section 18 is enacted to read:

747 **58-11a-302.21. Licensed ~~{school}~~ instructor -- Qualifications.**

726 (1) An applicant for licensure as ~~{a licensed school}~~ an instructor shall:

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

728 (b) subject to Subsection (4), pay a fee determined by the division under Section 63J-1-504; {and}

729 (c) provide satisfactory documentation{:} that the applicant is currently licensed or permitted in the discipline that the applicant is seeking to instruct;

730 ~~{(i) {of appropriate registration with the Division of Corporations and Commercial Code;}}~~

732 ~~{(ii) {of business licensure from the municipality in which the school is located;}}~~

754 (d) provide satisfactory documentation that the applicant has completed six months of work experience in the discipline the applicant intends to instruct and:

756 (i) an instructor training program for the discipline for which the applicant is licensed, by a licensed or recognized school for a minimum of 35% of the minimum hours for the license or permit the applicant intends to instruct; or

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- 759 (ii) on-the-job instructor training for the discipline for which the applicant is licensed, by a licensed
or recognized school for a minimum of 35% of the minimum hours for the license or permit the
applicant intends to instruct; and
- 733 ~~{(iii)}~~ (e) ~~{that the applicant's physical facilities comply with}~~ meet the ~~{requirements}~~ examination
requirement established by administrative rules made by the division~~{; and}~~.
- 735 ~~{(iv) {that the applicant meets:}}~~
- 736 ~~{(A) {the standards established by administrative rules made by the division, including staff,
curriculum, and accreditation requirements; or}}~~
- 738 ~~{(B) {the requirements for recognition as an institution of postsecondary study as described in
Subsection (2).}}~~
- 764 (2) An applicant for an instructor license or permit under this chapter whose education in the
discipline for which a license or permit is sought was completed at a foreign school may satisfy
the educational requirement for licensure by demonstrating, to the satisfaction of the division, the
educational equivalency of the foreign school education with a licensed school under this chapter.
- 769 (3)
- (a) An individual may not instruct a discipline unless the individual has an instructor license that allows
instruction of that discipline.
- 771 (b) The division shall make rules establishing which disciplines each type of instructor license may
instruct.
- 740 ~~{(2)}~~ (4) ~~{A school licensed or}~~ The division may not charge a fee to an individual applying for
licensure as an instructor under this chapter ~~{shall maintain recognition as an institution of~~
~~postsecondary study by meeting}~~ if the ~~{following conditions:}~~ individual is a licensed instructor in
any other discipline under this chapter.
- 742 ~~{(a) {the school only admits an individual that:}}~~
- 743 ~~{(i) {has earned a recognized high school diploma;}}~~
- 744 ~~{(ii) {has earned the equivalent of a recognized high school diploma; or}}~~
- 745 ~~{(iii) {is beyond the age of compulsory high school attendance as provided by Title 53G, Chapter 6,
Part 2, Compulsory Education; and}}~~
- 747 ~~{(b) {the school applies and is licensed by name to offer one or more training programs under this
chapter.}}~~
- 749

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~~{(3)}~~ (5) {A school licensed} The division may offer any required examination under this section {may accept credit hours towards graduation for documented, relevant, and substantially equivalent coursework previously completed}, which is prepared by{:} a national testing organization, in languages in addition to English.

751 ~~{(a) {a student that completed only a portion of the student's education while attending a different school or apprenticeship; or}}~~

753 ~~{(b) {an individual licensed or permitted under this chapter, based on the individual's schooling, apprenticeship, or experience.}}~~

755 ~~{(4) {In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, the division may make rules governing the acceptance of credit hours.}}~~

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

781 Section 19. Section **19** is enacted to read:

782 **58-11a-302.22. {Existing esthetics license} Licensed school -- Qualifications.**

760 ~~{(1) {Except as provided in Subsection (3), the division may not issue an esthetics license after January 1, 2026.}}~~

762 ~~{(2) {An individual with an esthetics license may engage in the practice of basic skincare.}}~~

763 ~~{(3) {The division shall grant an esthetics license to an individual that completes the requirements described in Subsection (4) and:}}~~

765 ~~{(a) {has registered an esthetics apprenticeship with the division on or before January 1, 2026; or}}~~

767 ~~{(b)}~~ (1) {enrolled and started an esthetics program with} An applicant for licensure as a licensed school {on or before January 1, 2026.} shall:

769 ~~{(4)}~~

~~{(a) {An individual described in Subsection (3)(a) shall complete at least 800 hours of apprenticeship training that is supervised by a licensed esthetician instructor who provides one-on-one supervision of the apprentice during the apprenticeship.}}~~

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

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

786 (c) provide satisfactory documentation:

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

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

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- 790 (iii) that the applicant's physical facilities comply with the requirements established by administrative
rules made by the division; and
- 792 (iv) that the applicant meets the standards established by administrative rules made by the division,
including staff, curriculum, and accreditation requirements.
- 794 (2) A school licensed or applying for licensure under this chapter shall maintain recognition as an
institution of postsecondary study by meeting the following conditions:
- 772 ~~{(b)}~~ (a) ~~{An}~~ the school shall admit as a regular student only an individual ~~{described in Subsection~~
~~(3)(b) shall graduate from~~ who has earned a ~~{licensed}~~ recognized high school ~~{with a minimum~~
~~of 600 hours}~~ diploma or the equivalent ~~{number of credit hours.}~~ of a recognized high school
diploma, or who is beyond the age of compulsory high school attendance as prescribed by Title
53G, Chapter 6, Part 2, Compulsory Education; and
- 800 (b) the school shall be licensed by name, or in the case of an applicant, shall apply for licensure by
name, under this chapter to offer one or more training programs beyond the secondary level.
- 803 (3) A school licensed under this section shall accept credit hours towards graduation for documented,
relevant, and substantially equivalent coursework previously completed by:
- 805 (a) a student that completed only a portion of the student's education while attending a different school
or apprenticeship; or
- 807 (b) an individual licensed or permitted under this chapter, based on the individual's schooling,
apprenticeship, or experience.
- 809 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with
this section, the division may make rules governing the acceptance of credit hours.

812 Section 20. Section 20 is enacted to read:

813 **58-11a-302.23. Practice of esthetics -- Esthetics license -- Qualifications.**

- 814 (1) Except as provided in Subsection (3), the division may not issue an esthetics license after January 1,
2026.
- 816 (2) An individual with an esthetics license may perform any of the following skincare procedures done
on the face or body for cosmetic purposes and not for the treatment of medical, physical, or mental
ailments:
- 819 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or masks, and
manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the application of

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eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous removal by buffing or filing;

823 (b) limited chemical exfoliation as defined by rule;

824 (c) manual hair removal;

825 (d) other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp;

827 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or applying eyelash or eyebrow extensions; or

829 (f) subject to the requirements described in Section 58-1-506:

830 (i) laser hair removal;

831 (ii) anti-aging resurfacing enhancements; or

832 (iii) photo rejuvenation.

833 (3) The division shall grant an esthetics license to an individual that completes the requirements described in Subsection (4) and:

835 (a) has registered an esthetics apprenticeship with the division on or before January 1, 2026; or

837 (b) has enrolled and started an esthetics program with a licensed school on or before January 1, 2026.

839 (4)

(a) An individual described in Subsection (3)(a) shall complete at least 800 hours of apprenticeship training that is supervised by a licensed esthetics instructor who provides one-on-one supervision of the apprentice during the apprenticeship.

842 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school with a minimum of 600 hours or the equivalent number of credit hours.

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

846 Section 21. Section 21 is enacted to read:

847 **58-11a-302.24. Practice of barbering -- Barbering license -- Qualifications.**

848 (1) Except as provided in Subsection (3), the division may not issue a barbering license after January 1, 2026.

850 (2) An individual with a barbering license may engage in the practice of barbering, which includes:

852 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;

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- 854 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
856 (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on the human head;
858 (d) removing hair from the face or neck of an individual by using shaving equipment; and
860 (e) when providing other services described in this Subsection (2), gently massaging the head, back of
the neck, and shoulders by manual or mechanical means.
- 862 (3) The division shall grant a barbering license to an individual that completes the requirement
described in Subsection (4) and:
- 864 (a) has registered a barbering apprenticeship with the division on or before January 1, 2026; or
866 (b) has enrolled and started a barbering program with a licensed school on or before January 1, 2026.
868 (4)
- (a) An individual described in Subsection (3)(a) shall complete at least 1,250 hours of apprenticeship
training that is supervised by a licensed barbering instructor who provides one-on-one supervision
of the apprentice during the apprenticeship.
- 871 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school with a minimum
of 1,000 hours or the equivalent number of credit hours.
- 873 (5) An individual with a barbering license may apply credit hours to another license or permit under this
chapter, as allowed in Subsection 58-11a-302(2).

875 Section 22. Section **22** is enacted to read:

876 **58-11a-302.25. License transitions.**

Beginning on January 1, 2026:

- 878 (1) a cosmetology/barbering license shall be renewed as a cosmetology license;
879 (2) a master-level esthetics license shall be renewed as a master esthetics license;
880 (3) a hair design license shall be renewed as a master hair design license or a master barbering license;
and
- 882 (4) an individual with a barbering license may renew the license as a barbering license.

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

884 **58-11a-303. Terms of license -- Expiration -- Renewal.**

- 776 (1)
- (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule, except that an instructor license is a one-time certificate and does not expire

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unless the licensee fails to keep current the license that qualified the licensee to be an instructor under Section [58-11a-302] ~~{58-11a-302.20}~~ 58-11a-302.21.

781 (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

783 (2) At the time of renewal, a licensed school shall show satisfactory evidence that the school meets the standards for that type of school, including staff, curriculum, and accreditation requirements, established by rule.

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

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

898 **58-11a-304. Exemptions from licensure.**

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

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

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

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

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

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

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

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

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- 811 (a) an attendee receives no credit toward educational requirements for licensure under this chapter;
- 813 (b) the instructor informs each attendee in writing that taking such a class or program will not certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter; and
- 816 (c)
- 817 (i) the instructor is properly licensed; or
- 817 (ii) the instructor receives no compensation;
- 818 (7) ~~[a person-]~~ an individual providing instruction in workshops, seminars, training meetings, or other educational programs whose purpose is to provide continuing professional development ~~[to licensed barbers, cosmetologists/barbers, hair designers, estheticians, master estheticians, electrologists, or nail technicians]~~ to a qualified licensee or ~~{~~ permittee ~~}~~ regulated by this chapter;
- 823 (8) ~~[a person-]~~ an individual enrolled in a licensed ~~[barber, cosmetology/barber, or hair design-]~~ school when participating in an on the job training internship under the direct supervision of a ~~[licensed barber, cosmetologist/barber, or hair designer]~~ licensee under this chapter upon completion of a basic program under the standards established by rule by the division in collaboration with the board;
- 828 (9) ~~[a person enrolled-]~~ an individual registered with the division in an approved apprenticeship pursuant to Section 58-11a-306;
- 830 (10)
- (a) an employee of a company that is primarily engaged in the business of selling products used ~~[in the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow technology]~~ by a qualified licensee regulated by this chapter;
- 834 (b) ~~[-]~~when demonstrating the company's products to a potential customer~~[-]~~ ; and
- 835 (c) ~~[-]~~provided the employee makes no representation to a potential customer that attending ~~[such a]~~ the demonstration will certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter;
- 838 (11) ~~[a person-]~~ an individual who:
- 839 (a) is qualified to engage in ~~[the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow technology]~~ a practice

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regulated by this chapter in another jurisdiction as evidenced by licensure, certification, or lawful practice in the other jurisdiction;

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

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

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

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

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

850 (a) engages in threading;

851 (b) engages in hair braiding; and

852 [~~(b) (c) [unless it is expressly exempted under this section or Section 58-1-307, does not engage in other activity requiring licensure under this chapter; and]~~ is not engaged in a practice that requires a license or permit under this chapter;and

855 (13) [~~a person-~~] an individual who:

856 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;

857 (b) does not cut the hair;

858 (c) does not apply dye to alter the color of the hair;

859 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;

860 (e) [~~unless it is expressly exempted under this section or Section 58-1-307, does not engage in other activity requiring licensure under this chapter]~~ is not engaged in a practice that requires a license or permit under this chapter;

863 (f) provides evidence to the division that the [~~person]~~ individual has received a hair safety permit from completing a hair safety program that:

865 (i) is approved by the division;

866 (ii) consists of no more than two hours of instruction;

867 (iii) is offered by a provider approved by the division; and

868 (iv) includes an examination that requires a passing score of 75%; and

869 (g) displays in a conspicuous location in the [~~person's~~] individual's place of business:

870 (i) a valid hair safety permit as described in Subsection (13)(f); and

871

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- (ii) a sign notifying the public that the [person's] individual providing the services [are not provided by an individual who has a license under this chapter.] is not licensed under this chapter~~{; and}~~.
- 874 ~~{(14) an individual who performs barbering services described in Section 58-11a-302.10, if: }~~
- 875 ~~{(a) the individual is supervised and compensated by an individual that is licensed for the practice of barbering; }~~
- 877 ~~{(b) the individual provides evidence to the division that the individual has received a hair safety permit from completing a hair safety program that: }~~
- 879 ~~{(i) is approved by the division; }~~
- 880 ~~{(ii) consists of no more than two hours of instruction; }~~
- 881 ~~{(iii) is offered by a provider approved by the division; and }~~
- 882 ~~{(iv) includes an examination that requires a passing score of 75%; }~~
- 883 ~~{(e) the individual displays in a conspicuous location in the individual's place of business: }~~
- 884 ~~{(i) a valid hair safety permit as described in Subsection (14)(b); and }~~
- 885 ~~{(ii) a sign notifying the public that the individual providing the services is not licensed under this chapter; }~~
- 887 ~~{(d) the individual does not provide services beyond the practice of barbering; and }~~
- 888 ~~{(e) the supervisor does not supervise more than four individuals in total at any given time that are unlicensed, in training, or apprentices. }~~

983 Section 25. Section **58-11a-306** is repealed and re-enacted to read:

984 **58-11a-306. Apprenticeship.**

- 892 (1)
- (a) An approved apprenticeship shall be conducted by a supervisor who:
- 893 (i) is licensed under this chapter as an instructor in the {trade-} discipline of the apprenticeship; and
- 894 (ii) provides one-on-one direct supervision of the apprentice during the apprenticeship program.
- 896 (b) An apprenticeship supervisor {for a nail technician apprenticeship or an eyelash and eyebrow technician apprenticeship-} may not provide direct supervision to more than two apprentices during the apprentice program.
- 899 (2) An individual seeking a license or permit through an approved apprenticeship under this chapter shall:
- 901 (a) register with the division before beginning the training requirements by:
- 902

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- (i) submitting a form prescribed by the division, which includes the name of the licensed instructor supervisor; and
- 904 (ii) paying a fee determined by the division under Section 63J-1-504;
- 905 (b) complete the apprenticeship within two years of the date on which the division approves the registration; and
- 907 (c) notify the division within 30 days if the licensed instructor supervisor changes after the registration is approved by the division.
- 909 (3) An individual seeking a license or permit through an approved apprenticeship under this chapter shall complete a minimum of:
- 911 (a) 1,250 apprenticeship hours for a cosmetology license;
- 912 (b) 1,200 apprenticeship hours for a master esthetics license;
- 913 (c) 1,000 apprenticeship hours for:
- 914 (i) a master barber license; or
- 915 (ii) a master hair design license;
- 916 (d) 600 apprenticeship hours for an electrology license;
- 917 (e) 300 apprenticeship hours for a nail technology license;
- 918 (f) 270 apprenticeship hours for an eyelash and eyebrow technology license;
- 919 (g) 260 apprenticeship hours for a chemical hair services permit;
- 1013 (h) 200 apprenticeship hours for a basic esthetics permit;
- 920 ~~{(h)}~~ (i) 150 apprenticeship hours for a haircutting permit;
- 921 ~~{(i)}~~ (j) 130 apprenticeship hours for a barbering permit; or
- 922 ~~{(j)}~~ (k) 50 apprenticeship hours for a facial hair removal permit.
- 1017 Section 26. Section **58-11a-501** is repealed and re-enacted to read:
- 1018 **58-11a-501. Unprofessional conduct.**
- Unprofessional conduct includes:
- 926 (1) a licensed school that fails to:
- 927 ~~{(a) {obtain or maintain accreditation;}}~~
- 1021 (a)
- 928 ~~{(b)}~~ (i) obtain or maintain accreditation or comply with the required ~~{standards}~~ standard of accreditation;and
- 929

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- {(e)} (ii) have curriculum approved by the division, as required by administrative rules made by the {divison} division; or
- 931 {(d)} (b) provide adequate instruction to enrolled students;
- 932 (2) an apprentice supervisor that fails to:
- 933 (a) provide direct supervision to an apprentice; or
- 934 (b) comply with division rules relating to apprenticeship programs under this chapter;
- 935 (3) an instructor that fails to provide direct supervision to students who are providing services to an individual under the instructor's supervision;
- 937 (4) a person that keeps a salon or school, or the salon or school's furnishings, tools, utensils, linen, or appliances in an unsanitary condition;
- 939 (5) an individual licensed or permitted under this chapter that fails to:
- 940 (a) comply with Title 26B, Utah Health and Human Services Code;
- 941 (b) display a license or permit as required under Section 58-11a-305;
- 942 (c) comply with physical facility requirements established by administrative rules made by the division;
- 944 (d) maintain mechanical or electrical equipment in safe operating condition;
- 945 (e) adequately monitor patrons using steam rooms, dry heat rooms, baths, showers, or saunas;
- 947 (f) comply with all applicable state and local health or sanitation laws; or
- 948 (g) comply with a judgment order from a court of competent jurisdiction regarding a disagreement over tuition or education costs in relation to the requirements outlined in this chapter;
- 951 (6) an individual licensed or permitted under this chapter:
- 952 (a) prescribing or administering prescription drugs;
- 953 (b) engaging in any act or practice in a professional capacity that is outside of the applicable scope of practice;
- 955 (c) engaging in any act or practice in a professional capacity that the individual is not competent to perform through education or training; or
- 957 (d) removing proximal nail fold by e-file or other tool or inserting tools beneath the eponychium;
- 959 (7) unless the individual is under the supervision of a licensed health care practitioner acting within the scope of the health care practitioner's license, an individual licensed or permitted under this chapter, while using a chemical exfoliant:
- 962 (a) using any acid, concentration of acid, or combination of treatments that violate the standards established by administrative rules made by the division;

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- 964 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
965 (c) using an exfoliant that contains phenol, trichloroacetic acid of over 15%, or bicinchoninic acid;
967 (8) while sanding the skin, an individual licensed or permitted under this chapter, removing any layer of
skin deeper than the stratum corneum of the epidermis, unless the individual is under the supervision
of a licensed health care practitioner acting within the scope of the health care practitioner's license;
971 (9) ~~{in connection to a practice regulated by this chapter,}~~ using any laser procedure or intense, pulsed
light source, besides a nonprescriptive laser device, unless authorized to do so by an individual's
license or permit in this chapter; {and}
973 (10) marketing or distinguishing an establishment as a school if the establishment is not licensed as a
school under this chapter{-}; and
1069 (11) claiming or advertising unrealistic results for body contouring, including alleviation of
psychological distress.

1071 Section 27. Section **58-11a-503** is amended to read:

1072 **58-11a-503. Penalties.**

- 977 (1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct under Section
58-11a-502 or who fails to comply with a citation issued under this section after [it] the citation is
final is guilty of a class A misdemeanor.
- 980 (2) Sexual conduct that violates Section 58-11a-502 and Title 76, Utah Criminal Code, shall be subject
to the applicable penalties in Title 76, Utah Criminal Code.
- 982 (3) Grounds for immediate suspension of [~~a licensee's~~] an individual's license or permit by the division
include the issuance of a citation for violation of Subsection 58-11a-502(1), (3), (4), (5), or (6).
- 985 (4)
[~~(a)~~] If upon inspection or investigation, the division concludes that [~~a person~~] an individual has
violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6), or a rule or order issued
with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6), and that disciplinary action is
appropriate, the director or the director's designee from within the division shall promptly issue a
citation to [~~the person~~] the individual according to this chapter and any pertinent rules, attempt to
negotiate a stipulated settlement, or notify the [~~person~~] individual to appear before an adjudicative
proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- 993 [(i)] (5) [~~A person who~~] An individual that is in violation of Subsection 58-11a-502(1), (3), (4), (5), or
(6), as evidenced by an uncontested citation, a stipulated settlement, or [~~by a~~] finding of violation in

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an adjudicative proceeding, may be assessed a fine [~~pursuant to~~] in accordance with this Subsection [~~(4)~~] (5) and may, in addition to or in lieu of a fine, be ordered to cease and desist from violating Subsection 58-11a-502(1), (3), (4), (5), or (6).

998 [(ii)] (6) Except for a cease and desist order, the licensure sanctions [~~edited~~] described in Section
58-11a-401 may not be assessed through a citation.

1000 (7)

[(b)] (a)

[(i)] Each citation shall be in writing and describe with particularity the nature of the violation,
including a reference to the provision of the chapter, rule, or order alleged to have been violated.

1003 [(ii)] (b) The citation shall clearly state that the recipient must notify the division in writing within 20
calendar days of service of the citation if the recipient wishes to contest the citation at a hearing
conducted under Title 63G, Chapter 4, Administrative Procedures Act.

1007 [(iii)] (c) The citation shall clearly explain the consequences of failure to timely contest the citation or
to make payment of a fine assessed by the citation within the time specified in the citation.

1010 [(e)] (d) Each citation issued under this section, or a copy of each citation, may be served upon [~~a~~
~~person~~] an individual upon whom a summons may be served in accordance with the Utah Rules of
Civil Procedure and may be made personally or upon the [~~person's~~] individual's agent by a division
investigator or by [~~a person~~] an individual specially designated by the director or by mail.

1015 [(d)] (e)

(i) If within 20 calendar days from the service of a citation, the [~~person to whom~~] individual to which
the citation was issued fails to request a hearing to contest the citation, the citation becomes the final
order of the division and is not subject to further agency review.

1019 (ii) The period to contest a citation may be extended by the division for cause.

1020 [(e)] (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the [~~license~~
~~of a licensee who~~] license or permit of an individual that fails to comply with a citation after [~~it~~] the
citation becomes final.

1023 [(f)] (g) The failure of an applicant for licensure to comply with a citation after [~~it~~] the citation becomes
final is a ground for denial of license.

1025 [(g)] (h) [~~No citation may be issued-~~] The director or the director's designee from within the
division may not issue a citation under this section [~~after the expiration of~~] more than one year

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[following] after the date on which the violation that is the subject of the citation is reported to the division.

- 1029 ~~[(h)]~~ (i) ~~[Fines shall be assessed by the director or the director's designee according to the~~
following:] The director or the director's designee shall assess fines as follows:
- 1031 (i) for a first offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$1,000;
- 1032 (ii) for a second offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000; and
- 1033 (iii) for any subsequent offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000 for each day of
continued offense.
- 1035 ~~[(i)]~~ (j)
- ~~[(i)]~~ For purposes of issuing a final order under this section and assessing a fine under Subsection ~~[(4)~~
~~(h)]~~ (7)(i), an offense constitutes a second or subsequent offense if:
- 1038 ~~[(A)]~~ (i) the division previously issued a final order determining that ~~[a person]~~ an individual
committed a first or second offense in violation of Subsection 58-11a-502(1), (3), (4), (5), or
(6); or
- 1041 ~~[(B)]~~ (ii)
- ~~[(H)]~~ (A) the division initiated an action for a first or second offense;
- 1042 ~~[(H)]~~ (B) no final order has been issued by the division in the action initiated under Subsection ~~[(4)(i)(i)~~
~~(B)(I)]~~ (7)(j)(ii)(A);
- 1044 ~~[(H)]~~ (C) the division determines during an investigation that occurred after the initiation of the action
under Subsection ~~[(4)(i)(i)(B)(I)]~~ (7)(j)(ii)(A) that the ~~[person]~~ individual committed a second or
subsequent violation of Subsection 58-11a-502(1), (3), (4), (5), or (6); and
- 1048 ~~[(IV)]~~ (D) after determining that the ~~[person]~~ individual committed a second or subsequent offense
under Subsection ~~[(4)(i)(i)(B)(H)]~~ (7)(j)(ii)(C), the division issues a final order on the action
initiated under Subsection ~~[(4)(i)(i)(B)(I)]~~ (7)(j)(ii)(A).
- 1052 ~~[(i)]~~ (k) In issuing a final order for a second or subsequent offense under Subsection ~~[(4)(i)(i)]~~ (7)(j),
the division shall comply with the requirements of this section.
- 1054 ~~[(5)]~~ (8)
- (a) A penalty imposed by the director under Subsection ~~[(4)(h)]~~ (7)(i) shall be deposited into the
~~[Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Education and~~
~~Enforcement Fund]~~ Cosmetology and Associated Professions Education and Enforcement Fund.

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

- 1060 (i) referring the matter to a collection agency; or
- 1061 (ii) bringing an action in the district court of the county in which the ~~[person]~~ individual against whom the penalty is imposed resides or in the county where the office of the director is located.
- 1064 (c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
- 1066 (d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

1164 Section 28. Section **58-67-102** is amended to read:

1165 **58-67-102. Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

- 1071 (1)
- (a) "Ablative procedure" means a procedure that is expected to excise, vaporize, disintegrate, or remove living tissue, including the use of carbon dioxide lasers and erbium: YAG lasers.
- 1074 (b) "Ablative procedure" does not include:~~[-]~~
- 1171 (i) hair removal;
- 1172 (ii) laser tattoo removal; or[-]
- 1173 (iii) cryolipolysis.
- 1075 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the American Medical Association.
- 1077 (3) "Administrative penalty" means a monetary fine or citation imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, in accordance with a fine schedule established by the division in collaboration with the board, as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 1082 (4) "Associate physician" means an individual licensed under Section 58-67-302.8.
- 1083 (5) "Attempted sex change" means an attempt or effort to change an individual's body to present that individual as being of a sex or gender that is different from the individual's biological sex at birth.
- 1086 (6) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct reproductive roles as manifested by:
- 1088 (a) sex and reproductive organ anatomy;

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- 1089 (b) chromosomal makeup; and
- 1090 (c) endogenous hormone profiles.
- 1091 (7) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1092 (8) "Collaborating physician" means an individual licensed under Section 58-67-302 who enters into a collaborative practice arrangement with an associate physician.
- 1094 (9) "Collaborative practice arrangement" means the arrangement described in Section 58-67-807.
- 1096 (10)
- (a) "Cosmetic medical device" means tissue altering energy based devices that have the potential for altering living tissue and that are used to perform ablative or nonablative procedures, such as American National Standards Institute [~~ANSI~~]designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices, and excludes [~~ANSI~~] American National Standards Institute designated Class IIIa and lower powered devices.
- 1102 (b) Notwithstanding Subsection (10)(a), if an [~~ANSI~~] American National Standards Institute designated Class IIIa and lower powered device is being used to perform an ablative procedure, the device is included in the definition of cosmetic medical device under Subsection (10)(a).
- 1106 (11)
- (a) "Cosmetic medical procedure" includes:
- 1107 (i) the use of cosmetic medical devices to perform ablative or nonablative procedures; or
- 1109 (ii) the injection of medication or substance, including a neurotoxin or a filler, for cosmetic purposes.
- 1111 (b) "Cosmetic medical procedure" does not include a treatment of the ocular globe including refractive surgery.
- 1113 (12) "Diagnose" means:
- 1114 (a) to examine in any manner another person, parts of a person's body, substances, fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's body, to determine the source, nature, kind, or extent of a disease or other physical or mental condition;
- 1118 (b) to attempt to conduct an examination or determination described under Subsection (12)(a);
- 1120 (c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection (12)(a); or
- 1122

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- (d) to make an examination or determination as described in Subsection (12)(a) upon or from information supplied directly or indirectly by another person, whether or not in the presence of the person making or attempting the diagnosis or examination.
- 1125 (13) "LCME" means the Liaison Committee on Medical Education of the American Medical Association.
- 1127 (14) "Medical assistant" means an unlicensed individual who may perform tasks as described in Subsection 58-67-305(6).
- 1129 (15) "Medically underserved area" means a geographic area in which there is a shortage of primary care health services for residents, as determined by the Department of Health and Human Services.
- 1132 (16) "Medically underserved population" means a specified group of people living in a defined geographic area with a shortage of primary care health services, as determined by the Department of Health and Human Services.
- 1135 (17)
- (a)
- (i) "Nonablative procedure" means a procedure that is expected or intended to alter living tissue, but is not intended or expected to excise, vaporize, disintegrate, or remove living tissue.
- 1138 (ii) Notwithstanding Subsection (17)(a)(i) nonablative procedure includes hair removal.
- 1140 (b) "Nonablative procedure" does not include:
- 1141 (i) a superficial procedure as defined in Section 58-1-102;
- 1142 (ii) the application of permanent make-up;
- 1143 ~~(iii) laser tattoo removal; or~~
- 1144 ~~[(iii)] (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that are performed by an individual licensed under this title who is acting within the individual's scope of practice.~~
- 1147 (18) "Physician" means both physicians and surgeons licensed under ~~[Section 58-67-301, Utah Medical Practice Act]~~ Part 3, Licensing, and osteopathic physicians and surgeons licensed under ~~[Section 58-68-301, Utah Osteopathic Medical Practice Act]~~ Chapter 68, Part 3, Licensing.
- 1151 (19)
- (a) "Practice of medicine" means:
- 1152 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, including to perform cosmetic medical procedures, or to attempt to do so, by any means or

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instrumentality, and by an individual in Utah or outside the state upon or for any human within the state;

- 1157 (ii) when a person not licensed as a physician directs a licensee under this chapter to withhold or
alter the health care services that the licensee has ordered;
- 1159 (iii) to maintain an office or place of business for the purpose of doing any of the acts described in
Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 1161 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment
of human diseases or conditions in any printed material, stationery, letterhead, envelopes, signs,
or advertisements, the designation "doctor," "doctor of medicine," "physician," "surgeon,"
"physician and surgeon," "Dr.," "M.D.," or any combination of these designations in any
manner which might cause a reasonable person to believe the individual using the designation
is a licensed physician and surgeon, and if the party using the designation is not a licensed
physician and surgeon, the designation must additionally contain the description of the branch
of the healing arts for which the person has a license, provided that an individual who has
received an earned degree of doctor of medicine degree but is not a licensed physician and
surgeon in Utah may use the designation "M.D." if it is followed by "Not Licensed" or "Not
Licensed in Utah" in the same size and style of lettering.
- 1174 (b) The practice of medicine does not include:
- 1175 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii) the conduct described
in Subsection (19)(a)(i) that is performed in accordance with a license issued under another chapter
of this title;
- 1178 (ii) an ablative cosmetic medical procedure if the scope of practice for the person performing the
ablative cosmetic medical procedure includes the authority to operate or perform a surgical
procedure; or
- 1181 (iii) conduct under Subsection 58-67-501(2).
- 1182 (20) "Prescription device" means an instrument, apparatus, implement, machine, contrivance, implant,
in vitro reagent, or other similar or related article, and any component part or accessory, which is
required under federal or state law to be prescribed by a practitioner and dispensed by or through a
person or entity licensed under this chapter or exempt from licensure under this chapter.
- 1187 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be dispensed
only by prescription or is restricted to administration only by practitioners.

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- 1189 (22)
- (a) "Primary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:
- 1192 (i) for an individual whose biological sex at birth is male, castration, orchiectomy, penectomy, vaginoplasty, or vulvoplasty;
- 1194 (ii) for an individual whose biological sex at birth is female, hysterectomy, oophorectomy, metoidioplasty, or phalloplasty; or
- 1196 (iii) any surgical procedure that is related to or necessary for a procedure described in Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual who is not sterile.
- 1199 (b) "Primary sex characteristic surgical procedure" does not include:
- 1200 (i) surgery or other procedures or treatments performed on an individual who:
- 1201 (A) is born with external biological sex characteristics that are irresolvably ambiguous;
- 1203 (B) is born with 46, XX chromosomes with virilization;
- 1204 (C) is born with 46, XY chromosomes with undervirilization;
- 1205 (D) has both ovarian and testicular tissue; or
- 1206 (E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or
- 1210 (ii) removing a body part:
- 1211 (A) because the body part is cancerous or diseased; or
- 1212 (B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.
- 1214 (23)
- (a) "Secondary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:
- 1217 (i) for an individual whose biological sex at birth is male, breast augmentation surgery, chest feminization surgery, or facial feminization surgery; or
- 1219 (ii) for an individual whose biological sex at birth is female, mastectomy, breast reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 1221 (b) "Secondary sex characteristic surgical procedure" does not include:
- 1222 (i) surgery or other procedures or treatments performed on an individual who:

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- 1223 (A) is born with external biological sex characteristics that are irresolvably ambiguous;
- 1225 (B) is born with 46, XX chromosomes with virilization;
- 1226 (C) is born with 46, XY chromosomes with undervirilization;
- 1227 (D) has both ovarian and testicular tissue; or
- 1228 (E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or
- 1232 (ii) removing a body part:
- 1233 (A) because the body part is cancerous or diseased; or
- 1234 (B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.
- 1236 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.
- 1238 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-67-501.
- 1240 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-67-502, and as may be further defined by division rule.
- 1341 Section 29. Section **58-68-102** is amended to read:
- 1342 **58-68-102. Definitions.**
- In addition to the definitions in Section 58-1-102, as used in this chapter:
- 1245 (1)
- (a) "Ablative procedure" means a procedure that is expected to excise, vaporize, disintegrate, or remove living tissue, including the use of carbon dioxide lasers and erbium: YAG lasers.
- 1248 (b) "Ablative procedure" does not include: (i)
- 1348 (i) hair removal; or
- 1349 (ii) laser tattoo removal.
- 1249 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the American Medical Association.
- 1251 (3) "Administrative penalty" means a monetary fine imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 1255 (4) "AOA" means the American Osteopathic Association.
- 1256 (5) "Associate physician" means an individual licensed under Section 58-68-302.5.

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- 1257 (6) "Attempted sex change" means an attempt or effort to change an individual's body to present that
individual as being of a sex or gender that is different from the individual's biological sex at birth.
- 1260 (7) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct
reproductive roles as manifested by:
- 1262 (a) sex and reproductive organ anatomy;
- 1263 (b) chromosomal makeup; and
- 1264 (c) endogenous hormone profiles.
- 1265 (8) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1266 (9) "Collaborating physician" means an individual licensed under Section 58-68-302 who enters into a
collaborative practice arrangement with an associate physician.
- 1268 (10) "Collaborative practice arrangement" means the arrangement described in Section 58-68-807.
- 1270 (11)
- (a) "Cosmetic medical device" means tissue altering energy based devices that have the potential
for altering living tissue and that are used to perform ablative or nonablative procedures, such as
American National Standards Institute [~~ANSI~~]designated Class IIIb and Class IV lasers, intense
pulsed light, radio frequency devices, and lipolytic devices and excludes [~~ANSI~~] American National
Standards Institute designated Class IIIa and lower powered devices.
- 1276 (b) Notwithstanding Subsection (11)(a), if an [~~ANSI~~] American National Standards Institute designated
Class IIIa and lower powered device is being used to perform an ablative procedure, the device is
included in the definition of cosmetic medical device under Subsection (11)(a).
- 1280 (12) "Cosmetic medical procedure":
- 1281 (a) includes the use of cosmetic medical devices to perform ablative or nonablative procedures; and
- 1283 (b) does not include a treatment of the ocular globe such as refractive surgery.
- 1284 (13) "Diagnose" means:
- 1285 (a) to examine in any manner another person, parts of a person's body, substances, fluids, or materials
excreted, taken, or removed from a person's body, or produced by a person's body, to determine the
source, nature, kind, or extent of a disease or other physical or mental condition;
- 1289 (b) to attempt to conduct an examination or determination described under Subsection (13)(a);
- 1291 (c) to hold oneself out as making or to represent that one is making an examination or determination as
described in Subsection (13)(a); or
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- (d) to make an examination or determination as described in Subsection (13)(a) upon or from information supplied directly or indirectly by another person, whether or not in the presence of the person making or attempting the diagnosis or examination.
- 1296 (14) "Medical assistant" means an unlicensed individual who may perform tasks as described in Subsection 58-68-305(6).
- 1298 (15) "Medically underserved area" means a geographic area in which there is a shortage of primary care health services for residents, as determined by the Department of Health and Human Services.
- 1301 (16) "Medically underserved population" means a specified group of people living in a defined geographic area with a shortage of primary care health services, as determined by the Department of Health and Human Services.
- 1304 (17)
- (a)
- (i) "Nonablative procedure" means a procedure that is expected or intended to alter living tissue, but is not expected or intended to excise, vaporize, disintegrate, or remove living tissue.
- 1307 (ii) Notwithstanding Subsection (17)(a)(i), nonablative procedure includes hair removal.
- 1309 (b) "Nonablative procedure" does not include:
- 1310 (i) a superficial procedure as defined in Section 58-1-102;
- 1311 (ii) the application of permanent make-up;
- 1312 ~~(iii) laser tattoo removal;~~ or
- 1313 ~~[(iii)]~~ (iv) the use of photo therapy lasers for neuromusculoskeletal treatments that are performed by an individual licensed under this title who is acting within the individual's scope of practice.
- 1316 (18) "Physician" means both physicians and surgeons licensed under ~~[Section 58-67-301, Utah Medical Practice Act]~~ Part 3, Licensing, and osteopathic physicians and surgeons licensed under ~~[Section 58-68-301, Utah Osteopathic Medical Practice Act]~~ Chapter 68, Part 3, Licensing.
- 1320 (19)
- (a) "Practice of osteopathic medicine" means:
- 1321 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, or to attempt to do so, by any means or instrumentality, which in whole or in part is based upon emphasis of the importance of the musculoskeletal system and manipulative therapy in the

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maintenance and restoration of health, by an individual in Utah or outside of the state upon or for any human within the state;

- 1328 (ii) when a person not licensed as a physician directs a licensee under this chapter to withhold or
alter the health care services that the licensee has ordered;
- 1330 (iii) to maintain an office or place of business for the purpose of doing any of the acts described in
Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 1332 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment
of human diseases or conditions, in any printed material, stationery, letterhead, envelopes, signs,
or advertisements, the designation "doctor," "doctor of osteopathic medicine," "osteopathic
physician," "osteopathic surgeon," "osteopathic physician and surgeon," "Dr.," "D.O.," or
any combination of these designations in any manner which might cause a reasonable person
to believe the individual using the designation is a licensed osteopathic physician, and if
the party using the designation is not a licensed osteopathic physician, the designation must
additionally contain the description of the branch of the healing arts for which the person
has a license, provided that an individual who has received an earned degree of doctor of
osteopathic medicine but is not a licensed osteopathic physician and surgeon in Utah may use
the designation "D.O." if it is followed by "Not Licensed" or "Not Licensed in Utah" in the
same size and style of lettering.
- 1345 (b) The practice of osteopathic medicine does not include:
- 1346 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii), the conduct described
in Subsection (19)(a)(i) that is performed in accordance with a license issued under another chapter
of this title;
- 1349 (ii) an ablative cosmetic medical procedure if the scope of practice for the person performing the
ablative cosmetic medical procedure includes the authority to operate or perform a surgical
procedure; or
- 1352 (iii) conduct under Subsection 58-68-501(2).
- 1353 (20) "Prescription device" means an instrument, apparatus, implement, machine, contrivance, implant,
in vitro reagent, or other similar or related article, and any component part or accessory, which is
required under federal or state law to be prescribed by a practitioner and dispensed by or through a
person or entity licensed under this chapter or exempt from licensure under this chapter.

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

1360 (22)

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

1363 (i) for an individual whose biological sex at birth is male, castration, orchiectomy, penectomy, vaginoplasty, or vulvoplasty;

1365 (ii) for an individual whose biological sex at birth is female, hysterectomy, oophorectomy, metoidioplasty, or phalloplasty; or

1367 (iii) any surgical procedure that is related to or necessary for a procedure described in Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual who is not sterile.

1370 (b) "Primary sex characteristic surgical procedure" does not include:

1371 (i) surgery or other procedures or treatments performed on an individual who:

1372 (A) is born with external biological sex characteristics that are irresolvably ambiguous;

1374 (B) is born with 46, XX chromosomes with virilization;

1375 (C) is born with 46, XY chromosomes with undervirilization;

1376 (D) has both ovarian and testicular tissue; or

1377 (E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or

1381 (ii) removing a body part:

1382 (A) because the body part is cancerous or diseased; or

1383 (B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.

1385 (23)

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

1388 (i) for an individual whose biological sex at birth is male, breast augmentation surgery, chest feminization surgery, or facial feminization surgery; or

1390 (ii) for an individual whose biological sex at birth is female, mastectomy, breast reduction surgery, chest masculinization surgery, or facial masculinization surgery.

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- 1392 (b) "Secondary sex characteristic surgical procedure" does not include:
- 1393 (i) surgery or other procedures or treatments performed on an individual who:
- 1394 (A) is born with external biological sex characteristics that are irresolvably ambiguous;
- 1396 (B) is born with 46, XX chromosomes with virilization;
- 1397 (C) is born with 46, XY chromosomes with undervirilization;
- 1398 (D) has both ovarian and testicular tissue; or
- 1399 (E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or
- 1403 (ii) removing a body part:
- 1404 (A) because the body part is cancerous or diseased; or
- 1405 (B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.
- 1407 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.
- 1409 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-68-501.
- 1411 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-68-502 and as may be further defined by division rule.
- 1514 Section 30. **Effective date.**
Effective Date.
This bill takes effect on January 1, 2026.

3-4-25 5:30 PM