

Cosmetology Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor:

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

- 31 **58-11a-201**, as last amended by Laws of Utah 2024, Chapter 479
- 32 **58-11a-303**, as last amended by Laws of Utah 2001, Chapter 204
- 33 **58-11a-304**, as last amended by Laws of Utah 2024, Chapter 479
- 34 **58-11a-503**, as last amended by Laws of Utah 2020, Chapter 339
- 35 **58-67-102**, as last amended by Laws of Utah 2024, Chapter 507
- 36 **58-68-102**, as last amended by Laws of Utah 2024, Chapter 507

37 ENACTS:

- 38 **58-11a-302.10**, Utah Code Annotated 1953
- 39 **58-11a-302.11**, Utah Code Annotated 1953
- 40 **58-11a-302.12**, Utah Code Annotated 1953
- 41 **58-11a-302.13**, Utah Code Annotated 1953
- 42 **58-11a-302.14**, Utah Code Annotated 1953
- 43 **58-11a-302.15**, Utah Code Annotated 1953
- 44 **58-11a-302.16**, Utah Code Annotated 1953
- 45 **58-11a-302.17**, Utah Code Annotated 1953
- 46 **58-11a-302.18**, Utah Code Annotated 1953
- 47 **58-11a-302.19**, Utah Code Annotated 1953
- 48 **58-11a-302.20**, Utah Code Annotated 1953
- 49 **58-11a-302.21**, Utah Code Annotated 1953
- 50 **58-11a-302.22**, Utah Code Annotated 1953

51 REPEALS AND REENACTS:

- 52 **58-11a-102**, as last amended by Laws of Utah 2024, Chapter 479
- 53 **58-11a-301**, as last amended by Laws of Utah 2024, Chapter 479
- 54 **58-11a-302**, as last amended by Laws of Utah 2024, Chapters 137, 479
- 55 **58-11a-306**, as last amended by Laws of Utah 2024, Chapter 479
- 56 **58-11a-501**, as last amended by Laws of Utah 2024, Chapter 479



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

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

60 **58-1-102 . Definitions.**

61 As used in this title:

- 62 (1) "Ablative procedure" means the same as that term is defined in Section 58-67-102.
- 63 (2) "Cosmetic medical procedure":
- 64 (a) means the same as that term is defined in Section 58-67-102; and

- 65 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic
66 Medical Practice Act, does not apply to the scope of practice of an individual
67 licensed under this title if the individual's scope of practice includes the authority to
68 operate or perform surgical procedures.
- 69 (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature
70 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
76 card, or apprentice card authorized under this title.
- 77 (9)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
78 alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or
79 remove living tissue.
- 80 (ii) Notwithstanding Subsection [~~(8)(a)(i)~~] (9)(a)(i), nonablative procedure includes
81 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
87 are performed by an individual licensed under this title who is acting within their
88 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
92 treatment primarily for non-terminal chronic pain using Schedule II-III controlled
93 substances.
- 94 (11) "Superficial procedure" means a procedure that is expected or intended to temporarily
95 alter living skin tissue and may excise or remove stratum corneum but have no
96 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.
- 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
100 58-1-501(2).
- 101 Section 2. Section **58-1-506** is amended to read:
102 **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
105 within their respective scopes of practice, and qualified under Subsections (2)(f)(i)
106 and (iii):
- 107 (i) a physician assistant, if acting in accordance with Chapter 70a, Utah Physician
108 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
114 within their respective scopes of practice, and qualified under Subsections (2)(f)(i)
115 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
120 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
124 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
128 provided by the patient to a detailed medical history assessment that was prepared
129 by the supervisor;
- 130 (ii) evaluating for contraindications and conditions that are part of the treatment plan;
131 and
- 132 (iii) if the patient history or patient presentation deviates in any way from the

133 treatment plan, referring the patient to the supervisor and receiving clearance from
134 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
139 supervised is providing services; and

140 (iv) is available to:

141 (A) provide immediate face-to-face communication with the person being
142 supervised; and

143 (B) evaluate the patient, as necessary.

144 (2) A supervisor supervising a nonablative cosmetic medical procedure for hair removal
145 shall:

146 (a) have an unrestricted license to practice medicine or advanced practice registered
147 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
150 delegation group A, of the patient prior to initiating treatment or a series of
151 treatments;

152 (d) personally perform the nonablative cosmetic medical procedure for hair removal, or
153 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
155 cosmetic medical procedure supervision to individuals in delegation group A
156 performing the procedure, except physician assistants, who shall act in accordance
157 with Chapter 70a, Utah Physician Assistant Act, and indirect cosmetic medical
158 procedure supervision to individuals in delegation group B performing the procedure;
159 and

160 (f) verify that a person to whom the supervisor delegates an evaluation under Subsection
161 (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
163 under Subsection (2)(b);

164 (ii) has an unrestricted license under this title or is performing under the license of the
165 supervising physician and surgeon; and

166 (iii) has maintained competence to perform the nonablative cosmetic medical

- 167 procedure through documented education and experience of at least 80 hours, as
 168 further defined by rule, regarding:
- 169 (A) the appropriate standard of care for performing nonablative cosmetic medical
 170 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
 180 title;
 - 181 (K) recognition and appropriate management of complications from a procedure;
 182 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
 186 removal shall:]~~

187 [~~(i) have an unrestricted license to practice medicine or advanced practice registered
 188 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
 192 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
 194 any other indication of cancer or other condition that should be treated or further
 195 evaluated before the tattoo is removed;]~~

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

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

- 201 ~~[(4)]~~ (3) For a nonablative cosmetic medical procedure other than hair removal under
 202 Subsection (2)~~[-or tattoo removal under Subsection (3)]~~:
- 203 (a) a physician who has an unrestricted license to practice medicine, a nurse practitioner
 204 who has an unrestricted license for advanced practice registered nursing, or a
 205 physician assistant acting in accordance with Chapter 70a, Utah Physician Assistant
 206 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
 209 telemedicine visit before the initiation of a treatment protocol or series of
 210 treatments; and
- 211 (b) the supervisor supervising the procedure shall:
- 212 (i) have an unrestricted license to practice medicine or advanced practice registered
 213 nursing;
- 214 (ii) personally perform the nonablative cosmetic medical procedure or:
- 215 (A) authorize and provide general cosmetic medical procedure supervision for the
 216 nonablative cosmetic medical procedure that is performed by a registered nurse
 217 or a master esthetician;
- 218 (B) authorize and provide supervision as provided in Chapter 70a, Utah Physician
 219 Assistant Act, for the nonablative cosmetic medical procedure that is
 220 performed by a physician assistant; or
- 221 (C) authorize and provide direct cosmetic medical procedure supervision for the
 222 nonablative cosmetic medical procedure that is performed by ~~[an]~~ a master
 223 esthetician~~[-and]~~ .
- 224 ~~[(iii) verify that a person to whom the supervisor delegates a procedure under~~
 225 ~~Subsection (3)(e):]~~
- 226 ~~[(A) has received appropriate training regarding the medical procedures to be~~
 227 ~~performed;]~~
- 228 ~~[(B) has an unrestricted license and is acting within the person's scope of practice~~
 229 ~~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
 232 Subsection (2) or (3)~~[-or (4)]~~ shall ensure that:
- 233 (a) the supervisor's name is prominently posted at the cosmetic medical facility
 234 identifying the supervisor;

- 235 (b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical
 236 facility;
- 237 (c) the patient receives written information with the name and licensing information of
 238 the supervisor who is supervising the nonablative cosmetic medical procedure and
 239 the person who is performing the nonablative cosmetic medical procedure;
- 240 (d) the patient is provided with a telephone number that is answered within 24 hours for
 241 follow-up communication; and
- 242 (e) the cosmetic medical facility's contract with a master esthetician who performs a
 243 nonablative cosmetic medical procedure at the facility is kept on the premises of the
 244 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
 247 Practice Act, is not subject to the supervision requirements in this section for a
 248 nonablative cosmetic medical procedure for hair removal if the chiropractic physician is
 249 acting within the scope of practice of a chiropractic physician and with training specific
 250 to nonablative hair removal.

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

252 **58-11a-102 . Definitions.**

253 As used in this chapter:

- 254 (1) "Approved apprenticeship" means an apprenticeship that meets the requirements of
 255 Section 58-11a-306 for any applicable license or permit type and the requirements
 256 established by administrative rules made by the division in collaboration with the board
 257 pursuant to Section 58-1-106 and in accordance with Title 63G, Chapter 3, Utah
 258 Administrative Rulemaking Act.
- 259 (2) "Board" means the Cosmetology and Associated Professions Licensing Board created in
 260 Section 58-11a-201.
- 261 (3) "Cosmetic laser procedure" means a nonablative procedure, as that term is defined in
 262 Section 58-67-102, that is performed with the use of a laser.
- 263 (4) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.
- 264 (5) "Dermaplane" means the use of a scalpel or bladed instrument to shave the upper layers
 265 of the stratum corneum.
- 266 (6) "Direct supervision" means that the supervisor of an apprentice or the instructor of a
 267 student is physically present in the same building as the apprentice or student and readily
 268 able to establish direct contact with the apprentice or student for consultation, advice,

- 269 instruction, and evaluation.
- 270 (7) "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
272 allowed in Section 58-1-302.
- 273 (9) "Fund" means the Cosmetology and Associated Professions Education and Enforcement
274 Fund created in Section 58-11a-103.
- 275 (10)(a) "Hair braiding" means the twisting, weaving, or interweaving of an individual's
276 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;
- 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) "Instructor" means an individual that is licensed to instruct a trade that is regulated by
305 this chapter.
- 306 (12) "Licensed school" means a school in Utah that:
- 307 (a) meets the standards for accreditation established by administrative rules made by the
308 division; and
- 309 (b) is using curriculum approved by the division.
- 310 (13) "Minimum service count" means the minimum number of repetitions of a given
311 service a license or permit applicant is required to complete to gain a minimum level of
312 competence as established by administrative rules made by the division for each service.
- 313 (14) "Permit" means a safety permit that gives the holder authority to perform certain
314 services.
- 315 (15) "Practice of basic skincare" means any one of the following skincare procedures done
316 on the body for cosmetic purposes and not for the treatment of medical, physical, or
317 mental ailments:
- 318 (a) cleaning, stimulating, manipulating, exercising, applying oils, antiseptics, clays or
319 masks, manual extraction, including a comedone extractor, depilatories, waxes,
320 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 (c) other esthetic preparations or procedures with the use of the hands, a high-frequency
323 or galvanic electrical apparatus, or a heat lamp; or
- 324 (d) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or
325 applying eyelash or eyebrow extensions.
- 326 (16) "Recognized school" means a school located in a jurisdiction other than Utah whose
327 students, upon graduation, are recognized as having completed the educational
328 requirements for the licensure in the jurisdiction in which the school is located.
- 329 (17) "Representative of a recognized school" means an individual:
- 330 (a) that is acting in the individual's capacity as an employee of a recognized school; or
331 (b) with an ownership or financial interest in a recognized school.
- 332 (18) "Salon" means a place, shop, or establishment in which an individual licensed or
333 permitted under this chapter practices the individual's trade.
- 334 (19) "Threading" means a method of removing hair from the eyebrows, upper lip, or other
335 body parts by using cotton thread to pull hair from follicles without the use of chemicals,
336 heat, or wax.

- 337 (20) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
 338 58-11a-502.
- 339 (21) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
 340 and 58-11a-501 and as may be further defined by administrative rules made by the
 341 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
 342 Administrative Rulemaking Act.
- 343 Section 4. Section **58-11a-201** is amended to read:
- 344 **58-11a-201 . Board.**
- 345 (1) There is created the Cosmetology and Associated Professions Licensing Board
 346 consisting of the following members:
- 347 (a)(i) ~~one [barber or] cosmetologist[/~~barber~~]; or~~
 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.
- 370 (b) Except for the members specified in Subsections (1)(e) and (1)(f), a member may not

- 371 participate as a representative of a recognized school.
- 372 ~~[(b)(i) At least one of the members of the board appointed under Subsections (1)(b),~~
 373 ~~(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),~~
 375 ~~(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~~
 377 ~~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~~
 379 ~~permanent or rotating basis to:~~
- 380 ~~[(a)] (i) assist the division in reviewing complaints concerning the unlawful or~~
 381 ~~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]
 384 the investigation of the complaint may be disqualified from participating with the board
 385 when the board serves as a presiding officer in an adjudicative proceeding concerning
 386 the complaint.

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

388 **58-11a-301 . Licensure or permit required.**

- 389 (1) Subject to Subsection (2), a person must be licensed or permitted as required under this
 390 chapter to practice a trade 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.

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

397 **58-11a-302 . General qualifications for licensure and permitting.**

- 398 (1)(a) An applicant for a license or permit under this chapter shall:
- 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
 402 count, certified by the applicant's school, or, if under an apprenticeship, the
 403 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 required for the respective license or permit.
- 407 (2) A student or apprentice shall obtain a release to test from the student's school or the
- 408 apprentice's supervisor prior to taking an examination.
- 409 Section 7. Section **58-11a-302.10** is enacted to read:
- 410 **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,
- 413 shears, clippers, or other appliances;
- 414 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
- 415 drying;
- 416 (c) removing hair from the face or neck of an individual by using shaving equipment,
- 417 including an electric trimmer; and
- 418 (d) when providing other services described in this Subsection (1), gently massaging the
- 419 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
- 421 barbering permit, haircutting permit, master hair design license, master barbering
- 422 license, or cosmetology license.
- 423 (3) An applicant for a barbering permit shall comply with the requirements in Section
- 424 58-11a-302 and:
- 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
- 430 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
- 433 instruction, the applicant may count hours practiced as a barber in a jurisdiction other
- 434 than Utah to satisfy the 130 total hours requirement.
- 435 Section 8. Section **58-11a-302.11** is enacted to read:
- 436 **58-11a-302.11 . Practice of chemical hair services -- Chemical hair services**
- 437 **permit -- Qualifications.**
- 438 (1) The practice of chemical hair services includes bleaching, tinting, coloring, relaxing,

- 439 permanent waving, or similarly treating the hair of the head of an individual.
- 440 (2) An individual may not engage in the practice of chemical hair services unless the
441 individual holds a chemical hair services permit, master hair design license, master
442 barber license, or cosmetology license.
- 443 (3) An applicant for a chemical hair service permit shall comply with the requirements in
444 Section 58-11a-302 and:
- 445 (a) attend a licensed or recognized school and complete a curriculum that:
- 446 (i) covers chemical hair services; and
- 447 (ii) has a minimum of 260 hours of instruction or the equivalent number of credit
448 hours; or
- 449 (b) complete an approved chemical hair service apprenticeship.
- 450 (4) If the applicant graduates from a recognized school with less than 260 hours of
451 instruction, the applicant may count hours practiced as a chemical hair service technician
452 in a jurisdiction other than Utah to satisfy the 260 total hours requirement.

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

454 **58-11a-302.12 . Practice of cosmetology -- Cosmetology license -- Qualifications.**

- 455 (1) The practice of cosmetology includes:
- 456 (a) styling, arranging, dressing, curling, waving, cleaning, singeing, bleaching, tinting,
457 coloring, 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
459 appliances;
- 460 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
461 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
464 eyebrows;
- 465 (f) removing hair from the body of an individual by using depilatories, waxing, or
466 shaving equipment;
- 467 (g) cutting, curling, styling, fitting, measuring, or forming caps for wigs and hairpieces
468 on the human head;
- 469 (h) practicing hair weaving or hair fusing or servicing previously medically implanted
470 hair;
- 471 (i) trimming, cutting, cleaning, manicuring, shaping, massaging, or enhancing the
472 appearance of the hands, feet, and nails of an individual by using the nail technician's

- 473 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
 476 removing dead skin from the feet; and
 477 (l) practicing basic skincare.
 478 (2) An individual may not engage in the practice of cosmetology unless the individual holds
 479 a cosmetology license.
 480 (3) An applicant for a cosmetology license shall comply with the requirements in Section
 481 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) haircutting;
 486 (C) chemical hair services;
 487 (D) facial hair removal by means other than electrolysis or use of a cosmetic
 488 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 hours of instruction or the equivalent number of credit
 493 hours; or
 494 (b) complete an approved cosmetologist apprenticeship.
 495 (4) If the applicant graduates from a recognized school with less than 1,250 hours of
 496 instruction, the applicant may count hours practiced as a cosmetologist in a jurisdiction
 497 other than Utah to satisfy the 1,250 total hours requirement.
 498 (5) An individual with a cosmetology license may be known as a cosmetologist or a barber.
 499 Section 10. Section **58-11a-302.13** is enacted to read:
 500 **58-11a-302.13 . Practice of electrology -- Electrology license -- Qualifications.**
 501 (1) The practice of electrology includes removing superfluous hair:
 502 (a) from the body of an individual by using electricity, waxing, shaving, or tweezing; and
 503 (b) by using cosmetic laser procedures under the supervision of a cosmetic supervisor.
 504 (2) An individual may not engage in the practice of electrology unless the individual holds
 505 an electrology license.
 506 (3) An applicant for an electrology license shall comply with the requirements of Section

507 58-11a-302 and:

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

509 (i) covers:

510 (A) laser hair removal;

511 (B) electrolysis; and

512 (C) waxing; and

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

515 (b) complete an approved electrology technician apprenticeship.

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

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

520 **58-11a-302.14 . Practice of eyelash and eyebrow technology -- Eyelash and**
521 **eyebrow technology license -- Qualifications.**

522 (1) The practice of eyelash and eyebrow technology includes arching eyebrows by tweezing
523 or waxing, tinting eyelashes or eyebrows, perming eyelashes or eyebrows, or applying
524 eyelash or eyebrow extensions.

525 (2) An individual may not engage in the practice of eyelash and eyebrow technology unless
526 the individual holds an eyelash and eyebrow technology license, cosmetology license, or
527 master esthetics license.

528 (3) An applicant for an eyelash and eyebrow technology license shall comply with the
529 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

532 (ii) has a minimum of 270 hours of instruction or the equivalent number of credit
533 hours; or

534 (b) complete an approved eyelash and eyebrow apprenticeship.

535 (4) If the applicant graduates from a recognized school with less than 270 hours of
536 instruction, the applicant may count hours practiced as a licensed eyelash and eyebrow
537 technician in a jurisdiction other than Utah to satisfy the 270 total hours requirement.

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

539 **58-11a-302.15 . Practice of facial hair removal -- Facial hair removal permit --**
540 **Qualifications.**

- 541 (1) The practice of facial hair removal includes cleaning, applying oil, antiseptics,
 542 depilatories, waxes, and tweezing.
- 543 (2) An individual may not engage in the practice of facial hair removal unless the individual
 544 holds a facial hair removal permit or cosmetology license.
- 545 (3) An applicant for a facial hair removal permit shall comply with the requirements of
 546 Section 58-11a-302 and:
- 547 (a) attend a licensed or recognized school and complete a curriculum that:
- 548 (i) covers facial hair removal; and
- 549 (ii) has a minimum of 50 hours of instruction or the equivalent number of credit
 550 hours; or
- 551 (b) complete an approved facial hair removal apprenticeship.
- 552 (4) If the applicant graduates from a recognized school with less than 50 hours of
 553 instruction, the applicant may count hours practiced as a permitted facial hair removal
 554 technician in a jurisdiction other than Utah to satisfy the 50 total hours requirement.
- 555 Section 13. Section **58-11a-302.16** is enacted to read:
- 556 **58-11a-302.16 . Practice of haircutting -- Haircutting permit -- Qualifications.**
- 557 (1) The practice of haircutting includes:
- 558 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
 559 shears, clippers, or other appliances;
- 560 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
 561 drying;
- 562 (c) hair fusing and extensions; and
- 563 (d) when providing other services described in this Subsection (1), gently massaging the
 564 head, back of the neck, and shoulders by manual or mechanical means.
- 565 (2) An individual may not engage in the practice of haircutting unless the individual holds a
 566 haircutting permit, barbering permit, master hair design license, master barber license, or
 567 cosmetology license.
- 568 (3) An applicant for a haircutting permit shall comply with the requirements of Section
 569 58-11a-302 and:
- 570 (a) attend a licensed or recognized school and complete a curriculum that:
- 571 (i) covers:
- 572 (A) hair safety requirements; and
- 573 (B) haircutting; and
- 574 (ii) has a minimum of 150 hours of instruction or the equivalent number of credit

575 hours; or

576 (b) complete an approved haircutting apprenticeship.

577 (4) If the applicant graduates from a recognized school with less than 150 hours of
 578 instruction, the applicant may count hours practiced as a haircutting technician in a
 579 jurisdiction other than Utah to satisfy the 150 total hours requirement.

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

581 **58-11a-302.17 . Practice of master esthetics -- Master esthetics license --**

582 **Qualifications.**

583 (1)(a) The practice of master esthetics 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

592 (B) a mechanical or electrical apparatus that is approved for use by administrative
 593 rules made by the division;

594 (viii) limited cosmetic laser procedures, under the supervision of a cosmetic
 595 supervisor, including:

596 (A) superfluous hair removal;

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
 600 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) An individual with a master esthetics license may not perform any service described
 605 in Subsection (1)(a) for the treatment of medical, physical, or mental ailments.

606 (c) A procedure described in Subsection (1)(a) shall have an evaluation by a cosmetic
 607 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 unless the individual

- 609 holds a master esthetics license.
- 610 (3) An applicant for a master esthetics license shall comply with the requirements of
- 611 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) body contouring and lymphatic massage; and
- 618 (E) advanced skincare; and
- 619 (ii) has a minimum of 1,200 hours of instruction or the equivalent number of credit
- 620 hours; or

621 (b) complete an approved master esthetics apprenticeship.

622 (4)(a) If the applicant graduates from a recognized school with less than 1,200 hours of

623 instruction, the applicant may count hours practiced as an esthetician in a jurisdiction

624 other than Utah to satisfy the 1,200 total hours requirement.

625 (b) If the applicant holds a cosmetology license, the applicant may count 600 hours as a

626 cosmetologist to satisfy the 1,200 total hours requirement.

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

628 **58-11a-302.18 . Practice of master hair design and master barbering -- Master**

629 **hair design and master barbering license -- Qualifications.**

630 (1) The practice of master hair design and practice of master barbering 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,

633 shears, clippers, or other appliances;

634 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow

635 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

638 both on the human head;

639 (f) practicing hair weaving, hair fusing, or servicing previously medically implanted hair;

640 (g) when providing other services described in this Subsection (1), gently massaging the

641 head, back of the neck, and shoulders by manual or mechanical means; and

642 (h) permanently waving, bleaching, tinting, coloring, relaxing, or similarly treating the

- 643 hair of the head of an individual.
- 644 (2) An individual may not engage in the practice of master hair design or master barbering
645 unless the individual holds a master hair design license, master barbering license, or
646 cosmetology license.
- 647 (3) An applicant for a master hair design license shall comply with the requirements of
648 Section 58-11a-302 and:
- 649 (a) attend a licensed or recognized school and complete a curriculum that:
- 650 (i) covers:
- 651 (A) hair safety requirements;
- 652 (B) haircutting and barbering; and
- 653 (C) chemical hair services; and
- 654 (ii) has a minimum of 1,000 hours of instruction or the equivalent number of credit
655 hours; or
- 656 (b) complete an approved master hair design or an approved master barbering
657 apprenticeship.
- 658 (4) If the applicant graduates from a recognized school with less than 1,000 hours of
659 instruction, the applicant may count hours practiced as a licensed master hair design or
660 master barber in a jurisdiction other than Utah to satisfy the 1,000 total hours
661 requirement.
- 662 (5) On January 1, 2026, all active "hair design" licenses shall be converted to a master hair
663 design license.

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

665 **58-11a-302.19 . Practice of nail technology -- Nail technology license --**

666 **Qualifications.**

- 667 (1) The practice of nail technology includes:
- 668 (a) trimming, cutting, cleaning, manicuring, shaping, massaging, or enhancing the
669 appearance of the hands, feet, and nails of an individual by using the nail technician's
670 hands, mechanical or electrical preparation, antiseptic, lotion, or cream;
- 671 (b) applying and removing sculptured or artificial nails; and
- 672 (c) using blades, including corn or callus planer or rasp, for smoothing, shaving, or
673 removing dead skin from the feet.
- 674 (2) An individual may not engage in the practice of nail technology unless the individual
675 holds a nail technology license or cosmetology license.
- 676 (3) An applicant for a nail technology license shall comply with the requirements of Section

- 677 58-11a-302 and:
- 678 (a) attend a licensed or recognized school and complete a curriculum that:
- 679 (i) covers:
- 680 (A) manicures and pedicures; and
- 681 (B) artificial nails; and
- 682 (ii) has a minimum of 300 hours of instruction or the equivalent number of credit
- 683 hours; or
- 684 (b) complete an approved nail technology apprenticeship.
- 685 (4) If the applicant graduates from a recognized school with less than 300 hours of
- 686 instruction, the applicant may count hours practiced as a licensed nail technician in a
- 687 jurisdiction other than Utah to satisfy the 300 total hours requirement.
- 688 Section 17. Section **58-11a-302.20** is enacted to read:
- 689 **58-11a-302.20 . Licensed instructor -- Qualifications.**
- 690 (1) An applicant for licensure as an instructor shall:
- 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
- 693 63J-1-504;
- 694 (c) provide satisfactory documentation that the applicant is currently licensed or
- 695 permitted in the trade that the applicant is seeking to instruct;
- 696 (d) provide satisfactory documentation that the applicant has completed six months of
- 697 work experience in the trade the applicant intends to instruct and:
- 698 (i) an instructor training program for the discipline for which the applicant is
- 699 licensed, by a licensed or recognized school for a minimum of 35% of the
- 700 minimum hours for the license or permit the applicant intends to instruct; or
- 701 (ii) on-the-job instructor training for the discipline for which the applicant is licensed,
- 702 by a licensed or recognized school for a minimum of 35% of the minimum hours
- 703 for the license or permit the applicant intends to instruct; and
- 704 (e) meet the examination requirement established by administrative rules made by the
- 705 division.
- 706 (2) An applicant for a license or permit under this chapter whose education in the trade for
- 707 which a license or permit is sought was completed at a foreign school may satisfy the
- 708 educational requirement for licensure by demonstrating, to the satisfaction of the
- 709 division, the educational equivalency of the foreign school education with a licensed
- 710 school under this chapter.

- 711 (3)(a) A licensed instructor shall not instruct regarding the practice of a discipline unless
712 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
714 different than the permit or license that the instructor holds as long as the instructor
715 complies with Subsection (3)(a).
- 716 (4) The division may not charge a fee to an individual applying for licensure as an
717 instructor under this chapter if the individual is a licensed instructor in any other
718 profession under this chapter.
- 719 (5) The division may offer any required examination under this section, which is prepared
720 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
722 Department of Education, on-the-job instructor training described in this section is not
723 considered a program.

724 Section 18. Section **58-11a-302.21** is enacted to read:

725 **58-11a-302.21 . Licensed school -- Qualifications.**

- 726 (1) An applicant for licensure as a licensed school shall:
- 727 (a) submit an application in a form prescribed by the division;
728 (b) pay a fee determined by the division under Section 63J-1-504; and
729 (c) provide satisfactory documentation:
- 730 (i) of appropriate registration with the Division of Corporations and Commercial
731 Code;
732 (ii) of business licensure from the municipality in which the school is located;
733 (iii) that the applicant's physical facilities comply with the requirements established
734 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,
737 including staff, curriculum, and accreditation requirements; or
738 (B) the requirements for recognition as an institution of postsecondary study as
739 described in Subsection (2).
- 740 (2) A school licensed or applying for licensure under this chapter shall maintain recognition
741 as an institution of postsecondary study by meeting the following conditions:
- 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
 746 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
 748 under this chapter.
 749 (3) A school licensed under this section may accept credit hours towards graduation for
 750 documented, relevant, and substantially equivalent coursework previously completed by:
 751 (a) a student that completed only a portion of the student's education while attending a
 752 different school or apprenticeship; or
 753 (b) an individual licensed or permitted under this chapter, based on the individual's
 754 schooling, apprenticeship, or experience.
 755 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
 756 consistent with this section, the division may make rules governing the acceptance of
 757 credit hours.

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

759 **58-11a-302.22 . Existing esthetics license.**

- 760 (1) Except as provided in Subsection (3), the division may not issue an esthetics license
 761 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
 764 requirements described in Subsection (4) and:
 765 (a) has registered an esthetics apprenticeship with the division on or before January 1,
 766 2026; or
 767 (b) enrolled and started an esthetics program with a licensed school on or before January
 768 1, 2026.
 769 (4)(a) An individual described in Subsection (3)(a) shall complete at least 800 hours of
 770 apprenticeship training that is supervised by a licensed esthetician instructor who
 771 provides one-on-one supervision of the apprentice during the apprenticeship.
 772 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school
 773 with a minimum of 600 hours or the equivalent number of credit hours.

774 Section 20. Section **58-11a-303** is amended to read:

775 **58-11a-303 . Terms of license -- Expiration -- Renewal.**

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

779 license that qualified the licensee to be an instructor under Section [58-11a-302]
780 58-11a-302.20.

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

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

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

788 Section 21. Section **58-11a-304** is amended to read:

789 **58-11a-304 . Exemptions from licensure.**

790 In addition to the exemptions from licensure in Section 58-1-307, the following [persons]
791 individuals may engage in [~~the practice of barbering, cosmetology/barbering, hair design,~~
792 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
793 ~~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
795 medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the
796 profession for which they are licensed;

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

799 (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when
800 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,
802 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,~~
804 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
805 ~~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
808 program directed toward [persons] individuals who are not licensed under this chapter
809 and that is not intended to train [persons] individuals to become licensed under this
810 chapter, provided:

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

- 813 (b) the instructor informs each attendee in writing that taking such a class or program
 814 will not certify or qualify the attendee to perform a service for compensation that
 815 requires licensure under this chapter; and
- 816 (c)(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
 819 meetings, or other educational programs whose purpose is to provide continuing
 820 professional development ~~[to licensed barbers, cosmetologists/barbers, hair designers,~~
 821 ~~estheticians, master estheticians, electrologists, or nail technicians]~~ to a qualified licensee
 822 or permittee regulated by this chapter;
- 823 (8) ~~[a person-]~~ an individual enrolled in a licensed ~~[barber, cosmetology/barber, or hair~~
 824 ~~design-]~~school when participating in an on the job training internship under the direct
 825 supervision of a ~~[licensed barber, cosmetologist/barber, or hair designer]~~ licensee under
 826 this chapter upon completion of a basic program under the standards established by rule
 827 by the division in collaboration with the board;
- 828 (9) ~~[a person-enrolled-]~~ an individual registered with the division in an approved
 829 apprenticeship pursuant to Section 58-11a-306;
- 830 (10)(a) an employee of a company that is primarily engaged in the business of selling
 831 products used ~~[in the practice of barbering, cosmetology/barbering, hair design,~~
 832 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
 833 ~~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
 836 attending ~~[such a]~~ the demonstration will certify or qualify the attendee to perform a
 837 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~~
 840 ~~design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and~~
 841 ~~eyebrow technology]~~ a practice regulated by this chapter in another jurisdiction as
 842 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,~~
 845 ~~master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
 846 ~~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~~
853 ~~engage in other activity requiring licensure under this chapter; and]~~ is not engaged in
854 a practice that requires a license or permit under this chapter;
- 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~~
861 ~~engage in other activity requiring licensure under this chapter]~~ is not engaged in a
862 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
864 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 (ii) a sign notifying the public that the ~~[person's]~~ individual providing the services [are
872 not provided by an individual who has a license under this chapter.] is not licensed
873 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
876 practice of barbering;
- 877 (b) the individual provides evidence to the division that the individual has received a
878 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 (c) 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
 886 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
 889 time that are unlicensed, in training, or apprentices.

890 Section 22. Section **58-11a-306** is repealed and reenacted to read:

891 **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 of the apprenticeship; and
 894 (ii) provides one-on-one direct supervision of the apprentice during the
 895 apprenticeship program.
 896 (b) An apprenticeship supervisor for a nail technician apprenticeship or an eyelash and
 897 eyebrow technician apprenticeship may not provide direct supervision to more than
 898 two apprentices during the apprentice program.
 899 (2) An individual seeking a license or permit through an approved apprenticeship under this
 900 chapter shall:
 901 (a) register with the division before beginning the training requirements by:
 902 (i) submitting a form prescribed by the division, which includes the name of the
 903 licensed 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
 906 approves the registration; and
 907 (c) notify the division within 30 days if the licensed supervisor changes after the
 908 registration is approved by the division.
 909 (3) An individual seeking a license or permit through an approved apprenticeship under this
 910 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;
 920 (h) 150 apprenticeship hours for a haircutting permit;
 921 (i) 130 apprenticeship hours for a barbering permit; or
 922 (j) 50 apprenticeship hours for a facial hair removal permit.

923 Section 23. Section **58-11a-501** is repealed and reenacted to read:

924 **58-11a-501 . Unprofessional conduct.**

925 Unprofessional conduct includes:

- 926 (1) a licensed school that fails to:
 927 (a) obtain or maintain accreditation;
 928 (b) comply with the required standards of accreditation;
 929 (c) have curriculum approved by the division, as required by administrative rules made
 930 by the division; or
 931 (d) 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
 936 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,
 938 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
 943 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
 946 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

949 disagreement over tuition or education costs in relation to the requirements outlined
 950 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
 954 applicable scope of practice;

955 (c) engaging in any act or practice in a professional capacity that the individual is not
 956 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
 958 eponychium;

959 (7) unless the individual is under the supervision of a licensed health care practitioner
 960 acting within the scope of the health care practitioner's license, an individual licensed or
 961 permitted under this chapter, while using a chemical exfoliant:

962 (a) using any acid, concentration of acid, or combination of treatments that violate the
 963 standards established by administrative rules made by the division;

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
 966 bicinchoninic acid;

967 (8) while sanding the skin, an individual licensed or permitted under this chapter, removing
 968 any layer of skin deeper than the stratum corneum of the epidermis, unless the individual
 969 is under the supervision of a licensed health care practitioner acting within the scope of
 970 the health care practitioner's license;

971 (9) in connection to a practice regulated by this chapter, using any laser procedure or
 972 intense, pulsed light source besides a nonprescriptive laser device; and

973 (10) marketing or distinguishing an establishment as a school if the establishment is not
 974 licensed as a school under this chapter.

975 Section 24. Section **58-11a-503** is amended to read:

976 **58-11a-503 . Penalties.**

977 (1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct
 978 under Section 58-11a-502 or who fails to comply with a citation issued under this
 979 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
 981 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

983 the division include the issuance of a citation for violation of Subsection 58-11a-502(1),
984 (3), (4), (5), or (6).

985 (4)~~[(a)]~~ If upon inspection or investigation, the division concludes that ~~[a person]~~ an
986 individual has violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6),
987 or a rule or order issued with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6),
988 and that disciplinary action is appropriate, the director or the director's designee from
989 within the division shall promptly issue a citation to ~~[the person]~~ the individual
990 according to this chapter and any pertinent rules, attempt to negotiate a stipulated
991 settlement, or notify the ~~[person]~~ individual to appear before an adjudicative
992 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),
994 (4), (5), or (6), as evidenced by an uncontested citation, a stipulated settlement, or ~~[by a]~~
995 finding of violation in an adjudicative proceeding, may be assessed a fine ~~[pursuant to]~~ in
996 accordance with this Subsection ~~[(4)]~~ (5) and may, in addition to or in lieu of a fine, be
997 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 ~~[cited]~~ described in
999 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
1001 nature of the violation, including a reference to the provision of the chapter, rule,
1002 or order alleged to have been violated.

1003 ~~[(ii)]~~ (b) The citation shall clearly state that the recipient must notify the division in
1004 writing within 20 calendar days of service of the citation if the recipient wishes to
1005 contest the citation at a hearing conducted under Title 63G, Chapter 4,
1006 Administrative Procedures Act.

1007 ~~[(iii)]~~ (c) The citation shall clearly explain the consequences of failure to timely contest
1008 the citation or to make payment of a fine assessed by the citation within the time
1009 specified in the citation.

1010 ~~[(e)]~~ (d) Each citation issued under this section, or a copy of each citation, may be served
1011 upon ~~[a person]~~ an individual upon whom a summons may be served in accordance
1012 with the Utah Rules of Civil Procedure and may be made personally or upon the [
1013 ~~person's]~~ individual's agent by a division investigator or by ~~[a person]~~ an individual
1014 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~~
1016 ~~whom]~~ individual to which the citation was issued fails to request a hearing to

1017 contest the citation, the citation becomes the final order of the division and is not
 1018 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
 1021 probation the ~~[license of a licensee who]~~ license or permit of an individual that fails to
 1022 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
 1024 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
 1026 the division may not issue a citation under this section [after the expiration of] more
 1027 than one year [following] after the date on which the violation that is the subject of
 1028 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~~
 1030 ~~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
 1034 for each day of continued offense.

1035 ~~[(i)]~~ (j)~~[(i)]~~ For purposes of issuing a final order under this section and assessing a
 1036 fine under Subsection ~~[(4)(h)]~~ (7)(i), an offense constitutes a second or subsequent
 1037 offense if:

1038 ~~[(A)]~~ (i) the division previously issued a final order determining that ~~[a person]~~ an
 1039 individual committed a first or second offense in violation of Subsection
 1040 58-11a-502(1), (3), (4), (5), or (6); or

1041 ~~[(B)]~~ (ii)~~[(i)]~~ (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
 1043 Subsection ~~[(4)(i)(i)(B)(i)]~~ (7)(j)(ii)(A);

1044 ~~[(H)]~~ (C) the division determines during an investigation that occurred after the
 1045 initiation of the action under Subsection ~~[(4)(i)(i)(B)(i)]~~ (7)(j)(ii)(A) that the [
 1046 person] individual committed a second or subsequent violation of Subsection
 1047 58-11a-502(1), (3), (4), (5), or (6); and

1048 ~~[(IV)]~~ (D) after determining that the ~~[person]~~ individual committed a second or
 1049 subsequent offense under Subsection ~~[(4)(i)(i)(B)(H)]~~ (7)(j)(ii)(C), the division
 1050 issues a final order on the action initiated under Subsection ~~[(4)(i)(i)(B)(i)]~~

- 1051 (7)(j)(ii)(A).
- 1052 [(ii)] (k) In issuing a final order for a second or subsequent offense under Subsection [
 1053 (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
 1055 deposited into the [~~Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail~~
 1056 ~~Technician Education and Enforcement Fund~~] Cosmetology and Associated
 1057 Professions Education and Enforcement Fund.
- 1058 (b) [A penalty which is not paid may be collected by the director by either:] The
 1059 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]
 1062 individual against whom the penalty is imposed resides or in the county where the
 1063 office of the director is located.
- 1064 (c) A county attorney or the attorney general of the state shall provide legal assistance
 1065 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
 1067 action brought by the division to collect a penalty.
- 1068 Section 25. Section **58-67-102** is amended to read:
- 1069 **58-67-102 . Definitions.**
- 1070 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,
 1072 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and
 1073 erbium: YAG lasers.
- 1074 (b) "Ablative procedure" does not include hair removal or cryolipolysis.
- 1075 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the
 1076 American Medical Association.
- 1077 (3) "Administrative penalty" means a monetary fine or citation imposed by the division for
 1078 acts or omissions determined to constitute unprofessional or unlawful conduct, in
 1079 accordance with a fine schedule established by the division in collaboration with the
 1080 board, as a result of an adjudicative proceeding conducted in accordance with Title 63G,
 1081 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
 1084 present that individual as being of a sex or gender that is different from the individual's

- 1085 biological sex at birth.
- 1086 (6) "Biological sex at birth" means an individual's sex, as being male or female, according
1087 to distinct reproductive roles as manifested by:
- 1088 (a) sex and reproductive organ anatomy;
- 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
1093 enters into a collaborative practice arrangement with an associate physician.
- 1094 (9) "Collaborative practice arrangement" means the arrangement described in Section
1095 58-67-807.
- 1096 (10)(a) "Cosmetic medical device" means tissue altering energy based devices that have
1097 the potential for altering living tissue and that are used to perform ablative or
1098 nonablative procedures, such as American National Standards Institute [~~ANSI~~]
1099 designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency
1100 devices, and lipolytic devices, and excludes [~~ANSI~~] American National Standards
1101 Institute designated Class IIIa and lower powered devices.
- 1102 (b) Notwithstanding Subsection (10)(a), if an [~~ANSI~~] American National Standards
1103 Institute designated Class IIIa and lower powered device is being used to perform an
1104 ablative procedure, the device is included in the definition of cosmetic medical
1105 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
1108 procedures; or
- 1109 (ii) the injection of medication or substance, including a neurotoxin or a filler, for
1110 cosmetic purposes.
- 1111 (b) "Cosmetic medical procedure" does not include a treatment of the ocular globe
1112 including refractive surgery.
- 1113 (12) "Diagnose" means:
- 1114 (a) to examine in any manner another person, parts of a person's body, substances,
1115 fluids, or materials excreted, taken, or removed from a person's body, or produced by
1116 a person's body, to determine the source, nature, kind, or extent of a disease or other
1117 physical or mental condition;
- 1118 (b) to attempt to conduct an examination or determination described under Subsection

- 1119 (12)(a);
- 1120 (c) to hold oneself out as making or to represent that one is making an examination or
1121 determination as described in Subsection (12)(a); or
- 1122 (d) to make an examination or determination as described in Subsection (12)(a) upon or
1123 from information supplied directly or indirectly by another person, whether or not in
1124 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
1126 Medical Association.
- 1127 (14) "Medical assistant" means an unlicensed individual who may perform tasks as
1128 described in Subsection 58-67-305(6).
- 1129 (15) "Medically underserved area" means a geographic area in which there is a shortage of
1130 primary care health services for residents, as determined by the Department of Health
1131 and Human Services.
- 1132 (16) "Medically underserved population" means a specified group of people living in a
1133 defined geographic area with a shortage of primary care health services, as determined
1134 by the Department of Health and Human Services.
- 1135 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
1136 alter living tissue, but is not intended or expected to excise, vaporize, disintegrate,
1137 or remove living tissue.
- 1138 (ii) Notwithstanding Subsection (17)(a)(i) nonablative procedure includes hair
1139 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
1145 are performed by an individual licensed under this title who is acting within the
1146 individual's scope of practice.
- 1147 (18) "Physician" means both physicians and surgeons licensed under ~~[Section 58-67-301,~~
1148 ~~Utah Medical Practice Act]~~ Part 3, Licensing, and osteopathic physicians and surgeons
1149 licensed under ~~[Section 58-68-301, Utah Osteopathic Medical Practice Act]~~ Chapter 68,
1150 Part 3, Licensing.
- 1151 (19)(a) "Practice of medicine" means:
- 1152 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human

1153 disease, ailment, injury, infirmity, deformity, pain or other condition, physical or
 1154 mental, real or imaginary, including to perform cosmetic medical procedures, or to
 1155 attempt to do so, by any means or instrumentality, and by an individual in Utah or
 1156 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
 1158 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
 1160 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
 1162 or treatment of human diseases or conditions in any printed material, stationery,
 1163 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor
 1164 of medicine," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or
 1165 any combination of these designations in any manner which might cause a
 1166 reasonable person to believe the individual using the designation is a licensed
 1167 physician and surgeon, and if the party using the designation is not a licensed
 1168 physician and surgeon, the designation must additionally contain the description
 1169 of the branch of the healing arts for which the person has a license, provided that
 1170 an individual who has received an earned degree of doctor of medicine degree but
 1171 is not a licensed physician and surgeon in Utah may use the designation "M.D." if
 1172 it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and
 1173 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
 1176 conduct described in Subsection (19)(a)(i) that is performed in accordance with a
 1177 license issued under another chapter of this title;

1178 (ii) an ablative cosmetic medical procedure if the scope of practice for the person
 1179 performing the ablative cosmetic medical procedure includes the authority to
 1180 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,
 1183 contrivance, implant, in vitro reagent, or other similar or related article, and any
 1184 component part or accessory, which is required under federal or state law to be
 1185 prescribed by a practitioner and dispensed by or through a person or entity licensed
 1186 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
1188 dispensed only by prescription or is restricted to administration only by practitioners.
- 1189 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if
1190 done for the purpose of effectuating or facilitating an individual's attempted sex
1191 change:
- 1192 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,
1193 penectomy, vaginoplasty, or vulvoplasty;
 - 1194 (ii) for an individual whose biological sex at birth is female, hysterectomy,
1195 oophorectomy, metoidioplasty, or phalloplasty; or
 - 1196 (iii) any surgical procedure that is related to or necessary for a procedure described in
1197 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual
1198 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
1202 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,
1207 with a sex development disorder characterized by abnormal sex chromosome
1208 structure, sex steroid hormone production, or sex steroid hormone action for a
1209 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
1213 individual's attempted sex change.
- 1214 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if
1215 done for the purpose of effectuating or facilitating an individual's attempted sex
1216 change:
- 1217 (i) for an individual whose biological sex at birth is male, breast augmentation
1218 surgery, chest feminization surgery, or facial feminization surgery; or
 - 1219 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
1220 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:
- 1223 (A) is born with external biological sex characteristics that are irresolvably
- 1224 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,
- 1229 with a sex development disorder characterized by abnormal sex chromosome
- 1230 structure, sex steroid hormone production, or sex steroid hormone action for a
- 1231 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
- 1235 individual's attempted sex change.
- 1236 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical
- 1237 Boards.
- 1238 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
- 1239 58-67-501.
- 1240 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
- 1241 and 58-67-502, and as may be further defined by division rule.
- 1242 Section 26. Section **58-68-102** is amended to read:
- 1243 **58-68-102 . Definitions.**
- 1244 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,
- 1246 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and
- 1247 erbium: YAG lasers.
- 1248 (b) "Ablative procedure" does not include hair removal.
- 1249 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the
- 1250 American Medical Association.
- 1251 (3) "Administrative penalty" means a monetary fine imposed by the division for acts or
- 1252 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
- 1253 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,
- 1254 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.
- 1257 (6) "Attempted sex change" means an attempt or effort to change an individual's body to
1258 present that individual as being of a sex or gender that is different from the individual's
1259 biological sex at birth.
- 1260 (7) "Biological sex at birth" means an individual's sex, as being male or female, according
1261 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
1267 enters into a collaborative practice arrangement with an associate physician.
- 1268 (10) "Collaborative practice arrangement" means the arrangement described in Section
1269 58-68-807.
- 1270 (11)(a) "Cosmetic medical device" means tissue altering energy based devices that have
1271 the potential for altering living tissue and that are used to perform ablative or
1272 nonablative procedures, such as American National Standards Institute [~~ANSI~~]
1273 designated Class IIIB and Class IV lasers, intense pulsed light, radio frequency
1274 devices, and lipolytic devices and excludes [~~ANSI~~] American National Standards
1275 Institute designated Class IIIa and lower powered devices.
- 1276 (b) Notwithstanding Subsection (11)(a), if an [~~ANSI~~] American National Standards
1277 Institute designated Class IIIa and lower powered device is being used to perform an
1278 ablative procedure, the device is included in the definition of cosmetic medical
1279 device under Subsection (11)(a).
- 1280 (12) "Cosmetic medical procedure":
- 1281 (a) includes the use of cosmetic medical devices to perform ablative or nonablative
1282 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,
1286 fluids, or materials excreted, taken, or removed from a person's body, or produced by
1287 a person's body, to determine the source, nature, kind, or extent of a disease or other
1288 physical or mental condition;

- 1289 (b) to attempt to conduct an examination or determination described under Subsection
 1290 (13)(a);
- 1291 (c) to hold oneself out as making or to represent that one is making an examination or
 1292 determination as described in Subsection (13)(a); or
- 1293 (d) to make an examination or determination as described in Subsection (13)(a) upon or
 1294 from information supplied directly or indirectly by another person, whether or not in
 1295 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
 1297 described in Subsection 58-68-305(6).
- 1298 (15) "Medically underserved area" means a geographic area in which there is a shortage of
 1299 primary care health services for residents, as determined by the Department of Health
 1300 and Human Services.
- 1301 (16) "Medically underserved population" means a specified group of people living in a
 1302 defined geographic area with a shortage of primary care health services, as determined
 1303 by the Department of Health and Human Services.
- 1304 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
 1305 alter living tissue, but is not expected or intended to excise, vaporize, disintegrate,
 1306 or remove living tissue.
- 1307 (ii) Notwithstanding Subsection (17)(a)(i), nonablative procedure includes hair
 1308 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
 1314 performed by an individual licensed under this title who is acting within the
 1315 individual's scope of practice.
- 1316 (18) "Physician" means both physicians and surgeons licensed under [~~Section 58-67-301,~~
 1317 ~~Utah Medical Practice Act~~] Part 3, Licensing, and osteopathic physicians and surgeons
 1318 licensed under [~~Section 58-68-301, Utah Osteopathic Medical Practice Act~~] Chapter 68,
 1319 Part 3, Licensing.
- 1320 (19)(a) "Practice of osteopathic medicine" means:
- 1321 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human
 1322 disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or

1323 mental, real or imaginary, or to attempt to do so, by any means or instrumentality,
1324 which in whole or in part is based upon emphasis of the importance of the
1325 musculoskeletal system and manipulative therapy in the maintenance and
1326 restoration of health, by an individual in Utah or outside of the state upon or for
1327 any human within the state;

1328 (ii) when a person not licensed as a physician directs a licensee under this chapter to
1329 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
1331 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
1333 or treatment of human diseases or conditions, in any printed material, stationery,
1334 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor
1335 of osteopathic medicine," "osteopathic physician," "osteopathic surgeon,"
1336 "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these
1337 designations in any manner which might cause a reasonable person to believe the
1338 individual using the designation is a licensed osteopathic physician, and if the
1339 party using the designation is not a licensed osteopathic physician, the designation
1340 must additionally contain the description of the branch of the healing arts for
1341 which the person has a license, provided that an individual who has received an
1342 earned degree of doctor of osteopathic medicine but is not a licensed osteopathic
1343 physician and surgeon in Utah may use the designation "D.O." if it is followed by
1344 "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
1347 conduct described in Subsection (19)(a)(i) that is performed in accordance with a
1348 license issued under another chapter of this title;

1349 (ii) an ablative cosmetic medical procedure if the scope of practice for the person
1350 performing the ablative cosmetic medical procedure includes the authority to
1351 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,
1354 contrivance, implant, in vitro reagent, or other similar or related article, and any
1355 component part or accessory, which is required under federal or state law to be
1356 prescribed by a practitioner and dispensed by or through a person or entity licensed

- 1357 under this chapter or exempt from licensure under this chapter.
- 1358 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be
1359 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
1361 done for the purpose of effectuating or facilitating an individual's attempted sex
1362 change:
- 1363 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,
1364 penectomy, vaginoplasty, or vulvoplasty;
 - 1365 (ii) for an individual whose biological sex at birth is female, hysterectomy,
1366 oophorectomy, metoidioplasty, or phalloplasty; or
 - 1367 (iii) any surgical procedure that is related to or necessary for a procedure described in
1368 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual
1369 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
1373 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,
1378 with a sex development disorder characterized by abnormal sex chromosome
1379 structure, sex steroid hormone production, or sex steroid hormone action for a
1380 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
1384 individual's attempted sex change.
- 1385 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if
1386 done for the purpose of effectuating or facilitating an individual's attempted sex
1387 change:
- 1388 (i) for an individual whose biological sex at birth is male, breast augmentation
1389 surgery, chest feminization surgery, or facial feminization surgery; or
 - 1390 (ii) for an individual whose biological sex at birth is female, mastectomy, breast

1391 reduction surgery, chest masculinization surgery, or facial masculinization surgery.

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
1395 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,
1400 with a sex development disorder characterized by abnormal sex chromosome
1401 structure, sex steroid hormone production, or sex steroid hormone action for a
1402 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
1406 individual's attempted sex change.

1407 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical
1408 Boards.

1409 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
1410 58-68-501.

1411 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
1412 and 58-68-502 and as may be further defined by division rule.

1413 Section 27. **Effective Date.**

1414 This bill takes effect on January 1, 2026.