

Scott D. Sandall proposes the following substitute bill:

**Cosmetology Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: A. Cory Maloy

**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

- 29           **58-1-102**, as last amended by Laws of Utah 2024, Chapter 486
- 30           **58-1-506**, as last amended by Laws of Utah 2024, Chapter 486
- 31           **58-11a-201**, as last amended by Laws of Utah 2024, Chapter 479
- 32           **58-11a-303**, as last amended by Laws of Utah 2001, Chapter 204
- 33           **58-11a-304**, as last amended by Laws of Utah 2024, Chapter 479
- 34           **58-11a-503**, as last amended by Laws of Utah 2020, Chapter 339
- 35           **58-67-102**, as last amended by Laws of Utah 2024, Chapter 507
- 36           **58-68-102**, as last amended by Laws of Utah 2024, Chapter 507

37 ENACTS:

- 38           **58-11a-302.10**, Utah Code Annotated 1953
- 39           **58-11a-302.11**, Utah Code Annotated 1953
- 40           **58-11a-302.12**, Utah Code Annotated 1953
- 41           **58-11a-302.13**, Utah Code Annotated 1953
- 42           **58-11a-302.14**, Utah Code Annotated 1953
- 43           **58-11a-302.15**, Utah Code Annotated 1953
- 44           **58-11a-302.16**, Utah Code Annotated 1953
- 45           **58-11a-302.17**, Utah Code Annotated 1953
- 46           **58-11a-302.18**, Utah Code Annotated 1953
- 47           **58-11a-302.19**, Utah Code Annotated 1953
- 48           **58-11a-302.20**, Utah Code Annotated 1953
- 49           **58-11a-302.21**, Utah Code Annotated 1953
- 50           **58-11a-302.22**, Utah Code Annotated 1953
- 51           **58-11a-302.23**, Utah Code Annotated 1953
- 52           **58-11a-302.24**, Utah Code Annotated 1953

53 REPEALS AND REENACTS:

- 54           **58-11a-102**, as last amended by Laws of Utah 2024, Chapter 479
- 55           **58-11a-301**, as last amended by Laws of Utah 2024, Chapter 479
- 56           **58-11a-302**, as last amended by Laws of Utah 2024, Chapters 137, 479
- 57           **58-11a-306**, as last amended by Laws of Utah 2024, Chapter 479
- 58           **58-11a-501**, as last amended by Laws of Utah 2024, Chapter 479

59 

---

---

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

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

62           **58-1-102 . Definitions.**

63 As used in this title:

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

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

66 (2) "Cosmetic medical procedure":

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

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

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

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

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

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

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

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

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

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

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

86 (i) a superficial procedure;

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

88 (iii) laser tattoo removal; or

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

92 (10) "Pain clinic" means:

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

94 (b) a clinic in which greater than 50% of the clinic's annual patient population receive  
95 treatment primarily for non-terminal chronic pain using Schedule II-III controlled  
96 substances.

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

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

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

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

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

105 **58-1-506 . Supervision of cosmetic medical procedures.**

106 (1) For purposes of this section:

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

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

112 (ii) a registered nurse;

113 (iii) a master esthetician; and

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

115 (b) "Delegation group B" means:

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

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

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

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

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

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

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

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

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

129 (e) "Hair removal review" means:

130 (i) conducting an in-person, face-to-face interview of a patient based on the responses

- 131 provided by the patient to a detailed medical history assessment that was prepared  
132 by the supervisor;
- 133 (ii) evaluating for contraindications and conditions that are part of the treatment plan;  
134 and
- 135 (iii) if the patient history or patient presentation deviates in any way from the  
136 treatment plan, referring the patient to the supervisor and receiving clearance from  
137 the supervisor before starting the treatment.
- 138 (f) "Indirect cosmetic medical procedure supervision" means the supervisor:
- 139 (i) has authorized the procedure to be done on the patient by the supervisee;  
140 (ii) has given written instructions to the person being supervised;  
141 (iii) is present within the cosmetic medical facility in which the person being  
142 supervised is providing services; and  
143 (iv) is available to:
- 144 (A) provide immediate face-to-face communication with the person being  
145 supervised; and  
146 (B) evaluate the patient, as necessary.
- 147 (2) A supervisor supervising a nonablative cosmetic medical procedure for hair removal  
148 shall:
- 149 (a) have an unrestricted license to practice medicine or advanced practice registered  
150 nursing in the state;
- 151 (b) develop the medical treatment plan for the procedure;
- 152 (c) conduct a hair removal review, or delegate the hair removal review to a member of  
153 delegation group A, of the patient prior to initiating treatment or a series of  
154 treatments;
- 155 (d) personally perform the nonablative cosmetic medical procedure for hair removal, or  
156 authorize and delegate the procedure to a member of delegation group A or B;
- 157 (e) during the nonablative cosmetic medical procedure for hair removal provide general  
158 cosmetic medical procedure supervision to individuals in delegation group A  
159 performing the procedure, except physician assistants, who shall act in accordance  
160 with Chapter 70a, Utah Physician Assistant Act, and indirect cosmetic medical  
161 procedure supervision to individuals in delegation group B performing the procedure;  
162 and
- 163 (f) verify that a person to whom the supervisor delegates an evaluation under Subsection  
164 (2)(c) or delegates a procedure under Subsection (2)(d)[~~or (3)(e)(ii)~~]:

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

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

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

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

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

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

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

196 [~~(ii) shall inspect the patient's skin for any discoloration unrelated to the tattoo and  
 197 any other indication of cancer or other condition that should be treated or further  
 198 evaluated before the tattoo is removed;]~~

- 199           ~~[(iii) shall refer a patient with a condition described in Subsection (3)(b)(ii) to a~~  
200           ~~physician for treatment or further evaluation; and]~~
- 201           ~~[(iv) may not perform a nonablative cosmetic medical procedure to remove a tattoo~~  
202           ~~on a patient unless the patient is approved for the tattoo removal by a physician~~  
203           ~~after the physician evaluates the patient.]~~
- 204    ~~[(4)]~~ (3) For a nonablative cosmetic medical procedure other than hair removal under  
205    Subsection (2)~~[-or tattoo removal under Subsection (3)]:~~
- 206    (a) a physician who has an unrestricted license to practice medicine, a nurse practitioner  
207    who has an unrestricted license for advanced practice registered nursing, or a  
208    physician assistant acting in accordance with Chapter 70a, Utah Physician Assistant  
209    Act, who has an unrestricted license to practice as a physician assistant, shall:
- 210    (i) develop a treatment plan for the nonablative cosmetic medical procedure; and  
211    (ii) conduct an evaluation of the patient either in-person or utilizing a live  
212    telemedicine visit before the initiation of a treatment protocol or series of  
213    treatments; and
- 214    (b) the supervisor supervising the procedure shall:
- 215    (i) have an unrestricted license to practice medicine or advanced practice registered  
216    nursing;
- 217    (ii) personally perform the nonablative cosmetic medical procedure or:
- 218    (A) authorize and provide general cosmetic medical procedure supervision for the  
219    nonablative cosmetic medical procedure that is performed by a registered nurse  
220    or a master esthetician; or
- 221    (B) authorize and provide supervision as provided in Chapter 70a, Utah Physician  
222    Assistant Act, for the nonablative cosmetic medical procedure that is  
223    performed by a physician assistant; ~~[-or]~~ and
- 224    (C) authorize and provide direct cosmetic medical procedure supervision for the  
225    nonablative cosmetic medical procedure that is performed by an esthetician or  
226    a practical nurse; and
- 227    (iii) verify that a person to whom the supervisor delegates a procedure under  
228    Subsection ~~[(3)(e)]~~ (3)(b):
- 229    (A) has received appropriate training regarding the medical procedures to be  
230    performed;
- 231    (B) has an unrestricted license and is acting within the person's scope of practice  
232    under this title; and

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

234 ~~[(5)]~~ (4) A supervisor performing or supervising a cosmetic medical procedure under  
 235 Subsection (2) or (3)~~[-or-(4)]~~ shall ensure that:

- 236 (a) the supervisor's name is prominently posted at the cosmetic medical facility  
 237 identifying the supervisor;
- 238 (b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical  
 239 facility;
- 240 (c) the patient receives written information with the name and licensing information of  
 241 the supervisor who is supervising the nonablative cosmetic medical procedure and  
 242 the person who is performing the nonablative cosmetic medical procedure;
- 243 (d) the patient is provided with a telephone number that is answered within 24 hours for  
 244 follow-up communication; and
- 245 (e) the cosmetic medical facility's contract with a master esthetician who performs a  
 246 nonablative cosmetic medical procedure at the facility is kept on the premises of the  
 247 facility.

248 ~~[(6)]~~ (5) Failure to comply with the provisions of this section is unprofessional conduct.

249 ~~[(7)]~~ (6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician  
 250 Practice Act, is not subject to the supervision requirements in this section for a  
 251 nonablative cosmetic medical procedure for hair removal if the chiropractic physician is  
 252 acting within the scope of practice of a chiropractic physician and with training specific  
 253 to nonablative hair removal.

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

255 **58-11a-102 . Definitions.**

256 As used in this chapter:

- 257 (1) "Approved apprenticeship" means an apprenticeship that meets the requirements of  
 258 Section 58-11a-306 for any applicable license or permit type and the requirements  
 259 established by administrative rules made by the division in collaboration with the board  
 260 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 261 (2) "Board" means the Cosmetology and Associated Professions Licensing Board created in  
 262 Section 58-11a-201.
- 263 (3)(a) "Cosmetic medical device" means a tissue altering energy based device that has  
 264 the potential for altering living tissue and that is used to perform ablative or  
 265 nonablative procedures.
- 266 (b) "Cosmetic medical device" includes:



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

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

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

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

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

- 349 (1) There is created the Cosmetology and Associated Professions Licensing Board  
 350 consisting of the following members:
- 351 (a)(i) ~~one [barber or]cosmetologist[/barber]; or~~  
 352 (ii) one cosmetologist instructor;
- 353 ~~[(b)(i) one barber or cosmetologist/barber instructor; or]~~  
 354 ~~[(ii) one representative of a licensed barber or cosmetology/barber school;]~~
- 355 ~~[(e)] (b)(i) one master esthetician; or~~  
 356 (ii) one master esthetician instructor;
- 357 (c)(i) one nail technician; or  
 358 (ii) one nail technician instructor;
- 359 ~~[(d)(i) one esthetician instructor; or]~~  
 360 ~~[(ii) one representative of a licensed esthetics school;]~~
- 361 ~~[(e) one nail technician;]~~
- 362 ~~[(f)(i) one nail technician instructor; or]~~  
 363 ~~[(ii) one representative of a licensed nail technology school;]~~
- 364 ~~[(g)] (d)(i) one electrologist; or~~  
 365 (ii) one electrologist instructor;
- 366 (e) one representative of a licensed school that is publicly funded;  
 367 (f) one representative of a licensed school that is privately funded;  
 368 (g) one supervisor as defined in Section 58-1-505; and

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

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

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

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

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

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

- 402           (1) An applicant for a license or permit under this chapter shall:

- 403           (a)(i) submit an application in a form prescribed by the division; and  
 404                 (ii) pay a fee determined by the division in compliance with Section 63J-1-504;  
 405           (b) provide satisfactory documentation of completion of required minimum service  
 406                 counts, certified by the applicant's school, or, if under an apprenticeship, the  
 407                 applicant's supervisor; and:  
 408                 (i) compliance with educational requirements of the respective license or permit; or  
 409                 (ii) completion of an approved apprenticeship; and  
 410           (c) pass an examination, as required by administrative rule established by the division.  
 411   (2) The division shall establish administrative rules to determine how many hours for an  
 412                 existing license or permit that an applicant may credit towards the hours required for an  
 413                 additional permit or license.

414           Section 7. Section **58-11a-302.10** is enacted to read:

415           **58-11a-302.10 . Practice of barbering -- Barbering permit -- Qualifications.**

- 416   (1) The practice of barbering includes:  
 417           (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,  
 418                 shears, clippers, or other appliances;  
 419           (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow  
 420                 drying;  
 421           (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on  
 422                 the human head;  
 423           (d) removing hair from the face or neck of an individual by using shaving equipment,  
 424                 including an electric trimmer; and  
 425           (e) when providing other services described in this Subsection (1), gently massaging the  
 426                 head, back of the neck, and shoulders by manual or mechanical means.  
 427   (2) An individual may not engage in the practice of barbering unless the individual holds a  
 428                 barbering permit.  
 429   (3) An applicant for a barbering permit shall comply with the requirements in Section  
 430                 58-11a-302 and:  
 431           (a) attend a licensed or recognized school and complete a curriculum that:  
 432                 (i) covers:  
 433                         (A) hair safety requirements; and  
 434                         (B) barbering; and  
 435                 (ii) has a minimum of 130 hours of instruction or the equivalent number of credit  
 436                 hours; or

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

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

444 **58-11a-302.11 . Practice of basic esthetics -- Basic esthetics permit --**

445 **Qualifications.**

- 446 (1) The practice of basic esthetics means any one of the following skincare procedures done  
447 on the face or body for cosmetic purposes and not for the treatment of medical, physical,  
448 or mental ailments:
- 449 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or  
450 masks, and manual extraction, including a comedone extractor;
- 451 (b) manual hair removal; or
- 452 (c) limited chemical exfoliation as defined by administrative rules made by the division.
- 453 (2) An individual may not engage in the practice of basic esthetics unless the individual  
454 holds a basic esthetics permit.
- 455 (3) An applicant for a basic esthetics permit shall comply with the requirements in Section  
456 58-11a-302 and:
- 457 (a) attend a licensed or recognized school and complete a curriculum that:
- 458 (i) covers:
- 459 (A) basic esthetics; and
- 460 (B) manual hair removal; and
- 461 (ii) has a minimum of 200 hours of instruction or the equivalent number of credit  
462 hours; or
- 463 (b) complete an approved basic esthetics permit apprenticeship.
- 464 (4) If the applicant graduates from a recognized school with less than 200 hours of  
465 instruction, the applicant may count hours practiced as an esthetician in a jurisdiction  
466 other than Utah to satisfy the 200 total hours requirement.
- 467 (5) An individual with a basic esthetics permit is not considered an esthetician for purposes  
468 of Section 58-1-506.
- 469 (6) An individual with a basic esthetics permit may apply credit hours to another license or  
470 permit under this chapter, as allowed in Subsection 58-11a-302(2).

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

472 **58-11a-302.12 . Practice of chemical hair services -- Chemical hair services**  
473 **permit -- Qualifications.**

- 474 (1) The practice of chemical hair services includes bleaching, tinting, coloring, relaxing,  
475 permanent waving, or similarly treating the hair of the head of an individual.
- 476 (2) An individual may not engage in the practice of chemical hair services unless the  
477 individual holds a chemical hair services permit.
- 478 (3) An applicant for a chemical hair service permit shall comply with the requirements in  
479 Section 58-11a-302 and:
- 480 (a) attend a licensed or recognized school and complete a curriculum that:
- 481 (i) covers chemical hair services; and
- 482 (ii) has a minimum of 260 hours of instruction or the equivalent number of credit  
483 hours; or
- 484 (b) complete an approved chemical hair service apprenticeship.
- 485 (4) If the applicant graduates from a recognized school with less than 260 hours of  
486 instruction, the applicant may count hours practiced as a chemical hair service technician  
487 in a jurisdiction other than Utah to satisfy the 260 total hours requirement.
- 488 (5) An individual with a chemical hair services permit may apply credit hours to another  
489 license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

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

491 **58-11a-302.13 . Practice of cosmetology -- Cosmetology license -- Qualifications.**

- 492 (1) The practice of cosmetology includes:
- 493 (a) styling, arranging, dressing, curling, waving, cleaning, singeing, bleaching, tinting,  
494 coloring, permanent waving, or similarly treating the hair of the head of an individual;
- 495 (b) cutting, clipping, or trimming the hair by using scissors, shears, clippers, or other  
496 appliances;
- 497 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow  
498 drying;
- 499 (d) removing hair from the face or neck of an individual by using shaving equipment;
- 500 (e) arching eyebrows by tweezing, tinting eyebrows or eyelashes, perming eyelashes or  
501 eyebrows;
- 502 (f) manual hair removal;
- 503 (g) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or  
504 masks, and manual extraction, including a comedone extractor;

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



539 permit under this chapter, as allowed in Subsection 58-11a-302(2).

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

541 **58-11a-302.14 . Practice of electrology -- Electrology license -- Qualifications.**

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

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

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

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

548 (3) An applicant for an electrology license shall comply with the requirements of Section  
549 58-11a-302 and:

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

551 (i) covers:

552 (A) laser hair removal;

553 (B) electrolysis; and

554 (C) waxing; and

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

557 (b) complete an approved electrology technician apprenticeship.

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

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

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

564 **58-11a-302.15 . Practice of eyelash and eyebrow technology -- Eyelash and**  
565 **eyebrow technology license -- Qualifications.**

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

569 (2) An individual may not engage in the practice of eyelash and eyebrow technology unless  
570 the individual holds an eyelash and eyebrow technology license.

571 (3) An applicant for an eyelash and eyebrow technology license shall comply with the  
572 requirements of Section 58-11a-302 and:

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

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

584 **58-11a-302.16 . Practice of facial hair removal -- Facial hair removal permit --**

585 **Qualifications.**

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

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

603 **58-11a-302.17 . Practice of haircutting -- Haircutting permit -- Qualifications.**

- 604 (1) The practice of haircutting includes:  
 605 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,  
 606 shears, clippers, or other appliances;

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

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

629           **58-11a-302.18 . Practice of master esthetics -- Master esthetics license --**

630       **Qualifications.**

- 631       (1)(a) The practice of master esthetics includes:  
 632               (i) body wraps, as defined by administrative rules made by the division;  
 633               (ii) hydrotherapy, as defined by administrative rules made by the division;  
 634               (iii) chemical exfoliation, as defined by administrative rules made by the division;  
 635               (iv) callous removal by buffing or filing;  
 636               (v) sanding, including microdermabrasion;  
 637               (vi) advanced extraction;  
 638               (vii) dermaplaning;  
 639               (viii) other esthetic preparations or procedures that use:  
 640                   (A) the hands; or

- 641 (B) a mechanical or electrical apparatus that is approved for use by administrative  
642 rules made by the division;
- 643 (ix) procedures that are expected or intended to alter living tissue, but are not  
644 intended or expected to excise, vaporize, disintegrate, or remove living tissue and  
645 performed with the use of a cosmetic medical device, including:
- 646 (A) laser hair removal;  
647 (B) body contouring;  
648 (C) anti-aging resurfacing enhancements; and  
649 (D) photo rejuvenation;
- 650 (x) lymphatic massage by manual or other means as defined by administrative rules  
651 made by the division;
- 652 (xi) manual hair removal;  
653 (xii) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays  
654 or masks, and manual extraction, including a comedone extractor;  
655 (xiii) natural nail manicures and pedicures; and  
656 (xiv) eyelash and eyebrow technology.
- 657 (b) An individual with a master esthetics license may not perform any service described  
658 in Subsection (1)(a) for the treatment of medical, physical, or mental ailments.
- 659 (c) A procedure described in Subsection (1)(a)(viii) shall be performed pursuant to the  
660 requirements described in Section 58-1-506.
- 661 (2) An individual may not engage in the practice of master esthetics unless the individual  
662 holds a master esthetics license.
- 663 (3) An applicant for a master esthetics license shall comply with the requirements of  
664 Section 58-11a-302 and:
- 665 (a) attend a licensed or recognized school and complete a curriculum that:
- 666 (i) covers:
- 667 (A) eyelash and eyebrow technology;  
668 (B) cosmetic medical procedures;  
669 (C) body contouring and lymphatic massage; and  
670 (D) advanced skincare; and
- 671 (ii) has a minimum of 1,200 hours of instruction or the equivalent number of credit  
672 hours; or
- 673 (b) complete an approved master esthetics apprenticeship.
- 674 (4) If the applicant graduates from a recognized school with less than 1,200 hours of

675 instruction, the applicant may count hours practiced as an esthetician in a jurisdiction  
 676 other than Utah to satisfy the 1,200 total hours requirement.

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

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

680 **58-11a-302.19 . Practice of master hair design and master barbering -- Master**  
 681 **hair design license and master barbering license -- Qualifications.**

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

683 (a) styling, arranging, dressing, curling, or waving the hair of the head of an individual;

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

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

688 (d) hair fusing and extensions;

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

690 (f) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or  
 691 both on the human head;

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

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

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

698 (2) An individual may not engage in the practice of master hair design or master barbering  
 699 unless the individual holds a master hair design license or master barbering license.

700 (3) An applicant for a master hair design license or master barbering license shall comply  
 701 with the requirements of Section 58-11a-302 and:

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

703 (i) covers:

704 (A) hair safety requirements;

705 (B) haircutting and barbering; and

706 (C) chemical hair services; and

707 (ii) has a minimum of 1,000 hours of instruction or the equivalent number of credit  
 708 hours; or

- 709           (b) complete an approved master hair design or an approved master barbering  
 710           apprenticeship.
- 711       (4) If the applicant graduates from a recognized school with less than 1,000 hours of  
 712           instruction, the applicant may count hours practiced as a licensed master hair design or  
 713           master barber in a jurisdiction other than Utah to satisfy the 1,000 total hours  
 714           requirement.
- 715       (5) An individual with a master hair design license or master barbering license may apply  
 716           credit hours to another license or permit under this chapter, as allowed in Subsection  
 717           58-11a-302(2).

718           Section 17. Section **58-11a-302.20** is enacted to read:

719           **58-11a-302.20 . Practice of nail technology -- Nail technology license --**

720       **Qualifications.**

- 721       (1) The practice of nail technology includes:
- 722           (a) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and  
 723           feet to knees, or enhancing the appearance of the hands, feet, and nails of an  
 724           individual by using the nail technician's hands, mechanical or electrical preparation,  
 725           antiseptic, lotion, or cream;
- 726           (b) applying and removing sculptured or artificial nails; and
- 727           (c) using blades, including corn or callus planer or rasp, for smoothing, shaving, or  
 728           removing dead skin from the feet.
- 729       (2) An individual may not engage in the practice of nail technology unless the individual  
 730           holds a nail technology license.
- 731       (3) An applicant for a nail technology license shall comply with the requirements of Section  
 732           58-11a-302 and:
- 733           (a) attend a licensed or recognized school and complete a curriculum that:
- 734               (i) covers:
- 735                   (A) manicures and pedicures; and
- 736                   (B) artificial nails; and
- 737               (ii) has a minimum of 300 hours of instruction or the equivalent number of credit  
 738               hours; or
- 739           (b) complete an approved nail technology apprenticeship.
- 740       (4) If the applicant graduates from a recognized school with less than 300 hours of  
 741           instruction, the applicant may count hours practiced as a licensed nail technician in a  
 742           jurisdiction other than Utah to satisfy the 300 total hours requirement.

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

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

746 **58-11a-302.21 . Licensed instructor -- Qualifications.**

747 (1) An applicant for licensure as an instructor shall:

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

749 (b) subject to Subsection (4), pay a fee determined by the division under Section  
750 63J-1-504;

751 (c) provide satisfactory documentation that the applicant is currently licensed or  
752 permitted in the discipline that the applicant is seeking to instruct;

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

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

758 (ii) on-the-job instructor training for the discipline for which the applicant is licensed,  
759 by a licensed or recognized school for a minimum of 35% of the minimum hours  
760 for the license or permit the applicant intends to instruct; and

761 (e) meet the examination requirement established by administrative rules made by the  
762 division.

763 (2) An applicant for an instructor license or permit under this chapter whose education in  
764 the discipline for which a license or permit is sought was completed at a foreign school  
765 may satisfy the educational requirement for licensure by demonstrating, to the  
766 satisfaction of the division, the educational equivalency of the foreign school education  
767 with a licensed school under this chapter.

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

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

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

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

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

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

781 **58-11a-302.22 . Licensed school -- Qualifications.**

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

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

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

785 (c) provide satisfactory documentation:

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

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

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

791 (iv) that the applicant meets:

792 (A) the standards established by administrative rules made by the division,  
793 including staff, curriculum, and accreditation requirements; or

794 (B) the requirements for recognition as an institution of postsecondary study as  
795 described in Subsection (2).

796 (2) A school licensed or applying for licensure under this chapter shall maintain recognition  
797 as an institution of postsecondary study by meeting the following conditions:

798 (a) except as described in Subsection (3), the school only admits an individual that:

799 (i) has earned a recognized high school diploma;

800 (ii) has earned the equivalent of a recognized high school diploma; or

801 (iii) is beyond the age of compulsory high school attendance as provided by Title  
802 53G, Chapter 6, Part 2, Compulsory Education; and

803 (b) the school applies and is licensed by name to offer one or more training programs  
804 under this chapter.

805 (3)(a) A technical college listed in Section 53B-2a-105 or a degree-granting institution

806 with a technical college mission as that term is defined in Title 53B, Technical

807 Education, that is applying for licensure may admit and educate secondary students in

808 compliance with the technical college's statutory responsibilities described in Section  
809 53B-2a-106.

810 (b) An LEA that is applying for licensure may admit and educate secondary students.



- 811 (4) A school licensed under this section shall accept credit hours towards graduation for  
812 documented, relevant, and substantially equivalent coursework previously completed by:  
813 (a) a student that completed only a portion of the student's education while attending a  
814 different school or apprenticeship; or  
815 (b) an individual licensed or permitted under this chapter, based on the individual's  
816 schooling, apprenticeship, or experience.
- 817 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
818 consistent with this section, the division may make rules governing the acceptance of  
819 credit hours.

820 Section 20. Section **58-11a-302.23** is enacted to read:

821 **58-11a-302.23 . Practice of esthetics -- Esthetics license -- Qualifications.**

- 822 (1) Except as provided in Subsection (3), the division may not issue an esthetics license  
823 after January 1, 2026.
- 824 (2) An individual with an esthetics license may perform any of the following skincare  
825 procedures done on the face or body for cosmetic purposes and not for the treatment of  
826 medical, physical, or mental ailments:
- 827 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or  
828 masks, and manual extraction, including a comedone extractor, depilatories, waxes,  
829 tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or  
830 pedicures, or callous removal by buffing or filing;
- 831 (b) limited chemical exfoliation as defined by rule;
- 832 (c) manual hair removal;
- 833 (d) other esthetic preparations or procedures with the use of the hands, a high-frequency  
834 or galvanic electrical apparatus, or a heat lamp;
- 835 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or  
836 applying eyelash or eyebrow extensions; or
- 837 (f) subject to the requirements described in Section 58-1-506:
- 838 (i) laser hair removal;
- 839 (ii) anti-aging resurfacing enhancements; or
- 840 (iii) photo rejuvenation.
- 841 (3) The division shall grant an esthetics license to an individual that completes the  
842 requirements described in Subsection (4) and:
- 843 (a) has registered an esthetics apprenticeship with the division on or before January 1,  
844 2026; or

845 (b) enrolled and started an esthetics program with a licensed school on or before January  
 846 1, 2026.

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

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

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

854 Section 21. Section **58-11a-302.24** is enacted to read:

855 **58-11a-302.24 . License transitions.**

856 Beginning on January 1, 2026:

857 (1) a barbering license shall be renewed as a barbering permit;

858 (2) a cosmetology/barbering license shall be renewed as a cosmetology license;

859 (3) a master-level esthetics license shall be renewed as a master esthetics license; and

860 (4) a hair design license shall be renewed as a master hair design license or a master  
 861 barbering license.

862 Section 22. Section **58-11a-303** is amended to read:

863 **58-11a-303 . Terms of license -- Expiration -- Renewal.**

864 (1)(a) The division shall issue each license under this chapter in accordance with a  
 865 two-year renewal cycle established by rule, except that an instructor license is a  
 866 one-time certificate and does not expire unless the licensee fails to keep current the  
 867 license that qualified the licensee to be an instructor under Section [58-11a-302]  
 868 58-11a-302.21.

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

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

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

876 Section 23. Section **58-11a-304** is amended to read:

877 **58-11a-304 . Exemptions from licensure.**

878 In addition to the exemptions from licensure in Section 58-1-307, the following [persons]

- 879 ~~individuals~~ may engage in [~~the practice of barbering, cosmetology/barbering, hair design,~~  
 880 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~  
 881 ~~technology]~~ a discipline regulated by this chapter without being licensed under this chapter:
- 882 (1) ~~[a person]~~ an individual licensed under the laws of this state to engage in the practice of  
 883 medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the  
 884 profession for which they are licensed;
  - 885 (2) a commissioned physician or surgeon serving in the armed forces of the United States or  
 886 another federal agency;
  - 887 (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when  
 888 engaged in the practice of the profession for which the ~~[person]~~ individual is licensed;
  - 889 (4) ~~[a person]~~ an individual who visits the state to engage in instructional seminars,  
 890 advanced classes, trade shows, or competitions of a limited duration;
  - 891 ~~[(5) a person who engages in the practice of barbering, cosmetology/barbering, hair design,~~  
 892 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~  
 893 ~~technology without compensation;]~~
  - 894 (5) an individual who engages in a practice regulated by this chapter without compensation;
  - 895 (6) ~~[a person]~~ an individual instructing an adult education class or other educational  
 896 program directed toward ~~[persons]~~ individuals who are not licensed under this chapter  
 897 and that is not intended to train ~~[persons]~~ individuals to become licensed under this  
 898 chapter, provided:
    - 899 (a) an attendee receives no credit toward educational requirements for licensure under  
 900 this chapter;
    - 901 (b) the instructor informs each attendee in writing that taking such a class or program  
 902 will not certify or qualify the attendee to perform a service for compensation that  
 903 requires licensure under this chapter; and
    - 904 (c)(i) the instructor is properly licensed; or  
 905 (ii) the instructor receives no compensation;
  - 906 (7) ~~[a person]~~ an individual providing instruction in workshops, seminars, training  
 907 meetings, or other educational programs whose purpose is to provide continuing  
 908 professional development [~~to licensed barbers, cosmetologists/barbers, hair designers,~~  
 909 ~~estheticians, master estheticians, electrologists, or nail technicians]~~ to a qualified licensee  
 910 or permittee regulated by this chapter;
  - 911 (8) ~~[a person]~~ an individual enrolled in a licensed [~~barber, cosmetology/barber, or hair~~  
 912 ~~design]~~ school when participating in an on the job training internship under the direct

- 913 supervision of a [~~icensed barber, cosmetologist/barber, or hair designer~~] licensee under  
914 this chapter upon completion of a basic program under the standards established by rule  
915 by the division in collaboration with the board;
- 916 (9) [~~a person enrolled~~] an individual registered with the division in an approved  
917 apprenticeship pursuant to Section 58-11a-306;
- 918 (10)(a) an employee of a company that is primarily engaged in the business of selling  
919 products used [in the practice of barbering, cosmetology/barbering, hair design,  
920 esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow  
921 technology] by a qualified licensee regulated by this chapter;
- 922 (b) [-]when demonstrating the company's products to a potential customer[;] ; and  
923 (c) [-]provided the employee makes no representation to a potential customer that  
924 attending [~~such a~~] the demonstration will certify or qualify the attendee to perform a  
925 service for compensation that requires licensure under this chapter;
- 926 (11) [~~a person~~] an individual who:
- 927 (a) is qualified to engage in [~~the practice of barbering, cosmetology/barbering, hair~~  
928 ~~design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and~~  
929 ~~eyebrow technology] a practice regulated by this chapter in another jurisdiction as  
930 evidenced by licensure, certification, or lawful practice in the other jurisdiction;~~
- 931 (b) is employed by, or under contract with, a motion picture company; and
- 932 (c) engages in [~~the practice of barbering, cosmetology/barbering, hair design, esthetics,~~  
933 ~~master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~  
934 ~~technology] a practice regulated by this chapter in the state:~~
- 935 (i) solely to assist in the production of a motion picture; and  
936 (ii) for no more than 120 days per calendar year;
- 937 (12) [~~a person~~] an individual who:
- 938 (a) engages in threading;
- 939 (b) engages in hair braiding; and
- 940 [~~(b)~~] (c) [~~unless it is expressly exempted under this section or Section 58-1-307, does not~~  
941 ~~engage in other activity requiring licensure under this chapter; and] is not engaged in  
942 a practice that requires a license or permit under this chapter; and~~
- 943 (13) [~~a person~~] an individual who:
- 944 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- 945 (b) does not cut the hair;
- 946 (c) does not apply dye to alter the color of the hair;

- 947 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;
- 948 (e) ~~[unless it is expressly exempted under this section or Section 58-1-307, does not~~  
 949 ~~engage in other activity requiring licensure under this chapter]~~ is not engaged in a  
 950 practice that requires a license or permit under this chapter;
- 951 (f) provides evidence to the division that the ~~[person]~~ individual has received a hair  
 952 safety permit from completing a hair safety program that:
- 953 (i) is approved by the division;
- 954 (ii) consists of no more than two hours of instruction;
- 955 (iii) is offered by a provider approved by the division; and
- 956 (iv) includes an examination that requires a passing score of 75%; and
- 957 (g) displays in a conspicuous location in the ~~[person's]~~ individual's place of business:
- 958 (i) a valid hair safety permit as described in Subsection (13)(f); and
- 959 (ii) a sign notifying the public that the ~~[person's] individual providing the services [are~~  
 960 ~~not provided by an individual who has a license under this chapter.]~~ is not licensed  
 961 under this chapter.

962 Section 24. Section **58-11a-306** is repealed and reenacted to read:

963 **58-11a-306 . Apprenticeship.**

- 964 (1)(a) An approved apprenticeship shall be conducted by a supervisor who:
- 965 (i) is licensed under this chapter as an instructor in the discipline of the  
 966 apprenticeship; and
- 967 (ii) provides one-on-one direct supervision of the apprentice during the  
 968 apprenticeship program.
- 969 (b) An apprenticeship supervisor may not provide direct supervision to more than two  
 970 apprentices during the apprentice program.
- 971 (2) An individual seeking a license or permit through an approved apprenticeship under this  
 972 chapter shall:
- 973 (a) register with the division before beginning the training requirements by:
- 974 (i) submitting a form prescribed by the division, which includes the name of the  
 975 licensed instructor supervisor; and
- 976 (ii) paying a fee determined by the division under Section 63J-1-504;
- 977 (b) complete the apprenticeship within two years of the date on which the division  
 978 approves the registration; and
- 979 (c) notify the division within 30 days if the licensed instructor supervisor changes after  
 980 the registration is approved by the division.

- 981 (3) An individual seeking a license or permit through an approved apprenticeship under this  
 982 chapter shall complete a minimum of:  
 983 (a) 1,250 apprenticeship hours for a cosmetology license;  
 984 (b) 1,200 apprenticeship hours for a master esthetics license;  
 985 (c) 1,000 apprenticeship hours for:  
 986 (i) a master barber license; or  
 987 (ii) a master hair design license;  
 988 (d) 600 apprenticeship hours for an electrology license;  
 989 (e) 300 apprenticeship hours for a nail technology license;  
 990 (f) 270 apprenticeship hours for an eyelash and eyebrow technology license;  
 991 (g) 260 apprenticeship hours for a chemical hair services permit;  
 992 (h) 200 apprenticeship hours for a basic esthetics permit;  
 993 (i) 150 apprenticeship hours for a haircutting permit;  
 994 (j) 130 apprenticeship hours for a barbering permit; or  
 995 (k) 50 apprenticeship hours for a facial hair removal permit.

996 Section 25. Section **58-11a-501** is repealed and reenacted to read:

997 **58-11a-501 . Unprofessional conduct.**

998 Unprofessional conduct includes:

- 999 (1) a licensed school that fails to:  
 1000 (a)(i) obtain or maintain accreditation or comply with the required standard of  
 1001 accreditation; and  
 1002 (ii) have curriculum approved by the division, as required by administrative rules  
 1003 made by the division; or  
 1004 (b) provide adequate instruction to enrolled students;  
 1005 (2) an apprentice supervisor that fails to:  
 1006 (a) provide direct supervision to an apprentice; or  
 1007 (b) comply with division rules relating to apprenticeship programs under this chapter;  
 1008 (3) an instructor that fails to provide direct supervision to students who are providing  
 1009 services to an individual under the instructor's supervision;  
 1010 (4) a person that keeps a salon or school, or the salon or school's furnishings, tools, utensils,  
 1011 linen, or appliances in an unsanitary condition;  
 1012 (5) an individual licensed or permitted under this chapter that fails to:  
 1013 (a) comply with Title 26B, Utah Health and Human Services Code;  
 1014 (b) display a license or permit as required under Section 58-11a-305;

- 1015 (c) comply with physical facility requirements established by administrative rules made  
1016 by the division;
- 1017 (d) maintain mechanical or electrical equipment in safe operating condition;
- 1018 (e) adequately monitor patrons using steam rooms, dry heat rooms, baths, showers, or  
1019 saunas;
- 1020 (f) comply with all applicable state and local health or sanitation laws; or
- 1021 (g) comply with a judgment order from a court of competent jurisdiction regarding a  
1022 disagreement over tuition or education costs in relation to the requirements outlined  
1023 in this chapter;
- 1024 (6) an individual licensed or permitted under this chapter:
- 1025 (a) prescribing or administering prescription drugs;
- 1026 (b) engaging in any act or practice in a professional capacity that is outside of the  
1027 applicable scope of practice;
- 1028 (c) engaging in any act or practice in a professional capacity that the individual is not  
1029 competent to perform through education or training; or
- 1030 (d) removing proximal nail fold by e-file or other tool or inserting tools beneath the  
1031 eponychium;
- 1032 (7) unless the individual is under the supervision of a licensed health care practitioner  
1033 acting within the scope of the health care practitioner's license, an individual licensed or  
1034 permitted under this chapter, while using a chemical exfoliant:
- 1035 (a) using any acid, concentration of acid, or combination of treatments that violate the  
1036 standards established by administrative rules made by the division;
- 1037 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
- 1038 (c) using an exfoliant that contains phenol, trichloroacetic acid of over 15%, or  
1039 bicinchoninic acid;
- 1040 (8) while sanding the skin, an individual licensed or permitted under this chapter, removing  
1041 any layer of skin deeper than the stratum corneum of the epidermis, unless the individual  
1042 is under the supervision of a licensed health care practitioner acting within the scope of  
1043 the health care practitioner's license;
- 1044 (9) using any laser procedure or intense, pulsed light source, besides a nonprescriptive laser  
1045 device, unless authorized to do so by an individual's license or permit in this chapter;
- 1046 (10) marketing or distinguishing an establishment as a school if the establishment is not  
1047 licensed as a school under this chapter; and
- 1048 (11) claiming or advertising unrealistic results for body contouring, including alleviation of

1049 psychological distress.

1050 Section 26. Section **58-11a-503** is amended to read:

1051 **58-11a-503 . Penalties.**

1052 (1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct  
1053 under Section 58-11a-502 or who fails to comply with a citation issued under this  
1054 section after [it] the citation is final is guilty of a class A misdemeanor.

1055 (2) Sexual conduct that violates Section 58-11a-502 and Title 76, Utah Criminal Code, shall  
1056 be subject to the applicable penalties in Title 76, Utah Criminal Code.

1057 (3) Grounds for immediate suspension of [a licensee's] an individual's license or permit by  
1058 the division include the issuance of a citation for violation of Subsection 58-11a-502(1),  
1059 (3), (4), (5), or (6).

1060 (4)[(a)] If upon inspection or investigation, the division concludes that [a person] an  
1061 individual has violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6),  
1062 or a rule or order issued with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6),  
1063 and that disciplinary action is appropriate, the director or the director's designee from  
1064 within the division shall promptly issue a citation to [~~the person~~] the individual  
1065 according to this chapter and any pertinent rules, attempt to negotiate a stipulated  
1066 settlement, or notify the [~~person~~] individual to appear before an adjudicative  
1067 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

1068 [(i)] (5) [~~A person who~~] An individual that is in violation of Subsection 58-11a-502(1), (3),  
1069 (4), (5), or (6), as evidenced by an uncontested citation, a stipulated settlement, or [~~by a~~]  
1070 finding of violation in an adjudicative proceeding, may be assessed a fine [~~pursuant to~~] in  
1071 accordance with this Subsection [(4)] (5) and may, in addition to or in lieu of a fine, be  
1072 ordered to cease and desist from violating Subsection 58-11a-502(1), (3), (4), (5), or (6).

1073 [(ii)] (6) Except for a cease and desist order, the licensure sanctions [~~cited~~] described in  
1074 Section 58-11a-401 may not be assessed through a citation.

1075 (7)[(b)] (a)[(i)] Each citation shall be in writing and describe with particularity the  
1076 nature of the violation, including a reference to the provision of the chapter, rule,  
1077 or order alleged to have been violated.

1078 [(ii)] (b) The citation shall clearly state that the recipient must notify the division in  
1079 writing within 20 calendar days of service of the citation if the recipient wishes to  
1080 contest the citation at a hearing conducted under Title 63G, Chapter 4,  
1081 Administrative Procedures Act.

1082 [(iii)] (c) The citation shall clearly explain the consequences of failure to timely contest



1083 the citation or to make payment of a fine assessed by the citation within the time  
1084 specified in the citation.

1085 ~~[(e)]~~ (d) Each citation issued under this section, or a copy of each citation, may be served  
1086 upon ~~[a person]~~ an individual upon whom a summons may be served in accordance  
1087 with the Utah Rules of Civil Procedure and may be made personally or upon the [  
1088 ~~person's]~~ individual's agent by a division investigator or by ~~[a person]~~ an individual  
1089 specially designated by the director or by mail.

1090 ~~[(d)]~~ ~~(e)~~(i) If within 20 calendar days from the service of a citation, the ~~[person to~~  
1091 ~~whom]~~ individual to which the citation was issued fails to request a hearing to  
1092 contest the citation, the citation becomes the final order of the division and is not  
1093 subject to further agency review.

1094 (ii) The period to contest a citation may be extended by the division for cause.

1095 ~~[(e)]~~ (f) The division may refuse to issue or renew, suspend, revoke, or place on  
1096 probation the ~~[license of a licensee who]~~ license or permit of an individual that fails to  
1097 comply with a citation after ~~[it]~~ the citation becomes final.

1098 ~~[(f)]~~ (g) The failure of an applicant for licensure to comply with a citation after ~~[it]~~ the  
1099 citation becomes final is a ground for denial of license.

1100 ~~[(g)]~~ (h) ~~[No citation may be issued.]~~ The director or the director's designee from within  
1101 the division may not issue a citation under this section [after the expiration of] more  
1102 than one year [following] after the date on which the violation that is the subject of  
1103 the citation is reported to the division.

1104 ~~[(h)]~~ (i) ~~[Fines shall be assessed by the director or the director's designee according to the~~  
1105 ~~following:]~~ The director or the director's designee shall assess fines as follows:

1106 (i) for a first offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$1,000;

1107 (ii) for a second offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000; and

1108 (iii) for any subsequent offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000

1109 for each day of continued offense.

1110 ~~[(i)]~~ ~~(j)~~~~(i)~~ For purposes of issuing a final order under this section and assessing a  
1111 fine under Subsection ~~[(4)(h)]~~ (7)(i), an offense constitutes a second or subsequent  
1112 offense if:

1113 ~~[(A)]~~ (i) the division previously issued a final order determining that ~~[a person]~~ an  
1114 individual committed a first or second offense in violation of Subsection  
1115 58-11a-502(1), (3), (4), (5), or (6); or

1116 ~~[(B)]~~ (ii)~~(f)~~ (A) the division initiated an action for a first or second offense;

1117 [(H)] (B) no final order has been issued by the division in the action initiated under  
 1118 Subsection [(4)(i)(i)(B)(F)] (7)(j)(ii)(A);

1119 [(H)] (C) the division determines during an investigation that occurred after the  
 1120 initiation of the action under Subsection [(4)(i)(i)(B)(F)] (7)(j)(ii)(A) that the [  
 1121 ~~person~~] individual committed a second or subsequent violation of Subsection  
 1122 58-11a-502(1), (3), (4), (5), or (6); and

1123 [(IV)] (D) after determining that the [~~person~~] individual committed a second or  
 1124 subsequent offense under Subsection [(4)(i)(i)(B)(H)] (7)(j)(ii)(C), the division  
 1125 issues a final order on the action initiated under Subsection [(4)(i)(i)(B)(F)]  
 1126 (7)(j)(ii)(A).

1127 [(ii)] (k) In issuing a final order for a second or subsequent offense under Subsection [  
 1128 (4)(i)(i)] (7)(j), the division shall comply with the requirements of this section.

1129 [(5)] (8)(a) A penalty imposed by the director under Subsection [(4)(h)] (7)(i) shall be  
 1130 deposited into the [~~Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail~~  
 1131 ~~Technician Education and Enforcement Fund~~] Cosmetology and Associated  
 1132 Professions Education and Enforcement Fund.

1133 (b) [~~A penalty which is not paid may be collected by the director by either:~~] The director  
 1134 may collect an unpaid penalty by:

1135 (i) referring the matter to a collection agency; or

1136 (ii) bringing an action in the district court of the county in which the [~~person~~]  
 1137 individual against whom the penalty is imposed resides or in the county where the  
 1138 office of the director is located.

1139 (c) A county attorney or the attorney general of the state shall provide legal assistance  
 1140 and advice to the director in an action to collect a penalty.

1141 (d) A court shall award reasonable attorney fees and costs to the prevailing party in an  
 1142 action brought by the division to collect a penalty.

1143 Section 27. Section **58-67-102** is amended to read:

1144 **58-67-102 . Definitions.**

1145 In addition to the definitions in Section 58-1-102, as used in this chapter:

1146 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,  
 1147 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and  
 1148 erbium: YAG lasers.

1149 (b) "Ablative procedure" does not include: [-]

1150 (i) hair removal;

- 1151           (ii) laser tattoo removal; or[-]
- 1152           (iii) cryolipolysis.
- 1153       (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the  
1154           American Medical Association.
- 1155       (3) "Administrative penalty" means a monetary fine or citation imposed by the division for  
1156           acts or omissions determined to constitute unprofessional or unlawful conduct, in  
1157           accordance with a fine schedule established by the division in collaboration with the  
1158           board, as a result of an adjudicative proceeding conducted in accordance with Title 63G,  
1159           Chapter 4, Administrative Procedures Act.
- 1160       (4) "Associate physician" means an individual licensed under Section 58-67-302.8.
- 1161       (5) "Attempted sex change" means an attempt or effort to change an individual's body to  
1162           present that individual as being of a sex or gender that is different from the individual's  
1163           biological sex at birth.
- 1164       (6) "Biological sex at birth" means an individual's sex, as being male or female, according  
1165           to distinct reproductive roles as manifested by:
- 1166           (a) sex and reproductive organ anatomy;
- 1167           (b) chromosomal makeup; and
- 1168           (c) endogenous hormone profiles.
- 1169       (7) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1170       (8) "Collaborating physician" means an individual licensed under Section 58-67-302 who  
1171           enters into a collaborative practice arrangement with an associate physician.
- 1172       (9) "Collaborative practice arrangement" means the arrangement described in Section  
1173           58-67-807.
- 1174       (10)(a) "Cosmetic medical device" means tissue altering energy based devices that have  
1175           the potential for altering living tissue and that are used to perform ablative or  
1176           nonablative procedures, such as American National Standards Institute [~~ANSI~~]  
1177           designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency  
1178           devices, and lipolytic devices, and excludes [~~ANSI~~] American National Standards  
1179           Institute designated Class IIIa and lower powered devices.
- 1180           (b) Notwithstanding Subsection (10)(a), if an [~~ANSI~~] American National Standards  
1181           Institute designated Class IIIa and lower powered device is being used to perform an  
1182           ablative procedure, the device is included in the definition of cosmetic medical  
1183           device under Subsection (10)(a).
- 1184       (11)(a) "Cosmetic medical procedure" includes:

- 1185 (i) the use of cosmetic medical devices to perform ablative or nonablative  
1186 procedures; or
- 1187 (ii) the injection of medication or substance, including a neurotoxin or a filler, for  
1188 cosmetic purposes.
- 1189 (b) "Cosmetic medical procedure" does not include a treatment of the ocular globe  
1190 including refractive surgery.
- 1191 (12) "Diagnose" means:
- 1192 (a) to examine in any manner another person, parts of a person's body, substances,  
1193 fluids, or materials excreted, taken, or removed from a person's body, or produced by  
1194 a person's body, to determine the source, nature, kind, or extent of a disease or other  
1195 physical or mental condition;
- 1196 (b) to attempt to conduct an examination or determination described under Subsection  
1197 (12)(a);
- 1198 (c) to hold oneself out as making or to represent that one is making an examination or  
1199 determination as described in Subsection (12)(a); or
- 1200 (d) to make an examination or determination as described in Subsection (12)(a) upon or  
1201 from information supplied directly or indirectly by another person, whether or not in  
1202 the presence of the person making or attempting the diagnosis or examination.
- 1203 (13) "LCME" means the Liaison Committee on Medical Education of the American  
1204 Medical Association.
- 1205 (14) "Medical assistant" means an unlicensed individual who may perform tasks as  
1206 described in Subsection 58-67-305(6).
- 1207 (15) "Medically underserved area" means a geographic area in which there is a shortage of  
1208 primary care health services for residents, as determined by the Department of Health  
1209 and Human Services.
- 1210 (16) "Medically underserved population" means a specified group of people living in a  
1211 defined geographic area with a shortage of primary care health services, as determined  
1212 by the Department of Health and Human Services.
- 1213 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to  
1214 alter living tissue, but is not intended or expected to excise, vaporize, disintegrate,  
1215 or remove living tissue.
- 1216 (ii) Notwithstanding Subsection (17)(a)(i) nonablative procedure includes hair  
1217 removal.
- 1218 (b) "Nonablative procedure" does not include:

- 1219 (i) a superficial procedure as defined in Section 58-1-102;  
1220 (ii) the application of permanent make-up;  
1221 (iii) laser tattoo removal; or  
1222 [~~(iii)~~] (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that  
1223 are performed by an individual licensed under this title who is acting within the  
1224 individual's scope of practice.

1225 (18) "Physician" means both physicians and surgeons licensed under [~~Section 58-67-301,~~  
1226 ~~Utah Medical Practice Act~~] Part 3, Licensing, and osteopathic physicians and surgeons  
1227 licensed under [~~Section 58-68-301, Utah Osteopathic Medical Practice Act~~] Chapter 68,  
1228 Part 3, Licensing.

1229 (19)(a) "Practice of medicine" means:

- 1230 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human  
1231 disease, ailment, injury, infirmity, deformity, pain or other condition, physical or  
1232 mental, real or imaginary, including to perform cosmetic medical procedures, or to  
1233 attempt to do so, by any means or instrumentality, and by an individual in Utah or  
1234 outside the state upon or for any human within the state;
- 1235 (ii) when a person not licensed as a physician directs a licensee under this chapter to  
1236 withhold or alter the health care services that the licensee has ordered;
- 1237 (iii) to maintain an office or place of business for the purpose of doing any of the acts  
1238 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 1239 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis  
1240 or treatment of human diseases or conditions in any printed material, stationery,  
1241 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor  
1242 of medicine," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or  
1243 any combination of these designations in any manner which might cause a  
1244 reasonable person to believe the individual using the designation is a licensed  
1245 physician and surgeon, and if the party using the designation is not a licensed  
1246 physician and surgeon, the designation must additionally contain the description  
1247 of the branch of the healing arts for which the person has a license, provided that  
1248 an individual who has received an earned degree of doctor of medicine degree but  
1249 is not a licensed physician and surgeon in Utah may use the designation "M.D." if  
1250 it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and  
1251 style of lettering.

1252 (b) The practice of medicine does not include:

- 1253 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii) the  
1254 conduct described in Subsection (19)(a)(i) that is performed in accordance with a  
1255 license issued under another chapter of this title;
- 1256 (ii) an ablative cosmetic medical procedure if the scope of practice for the person  
1257 performing the ablative cosmetic medical procedure includes the authority to  
1258 operate or perform a surgical procedure; or
- 1259 (iii) conduct under Subsection 58-67-501(2).
- 1260 (20) "Prescription device" means an instrument, apparatus, implement, machine,  
1261 contrivance, implant, in vitro reagent, or other similar or related article, and any  
1262 component part or accessory, which is required under federal or state law to be  
1263 prescribed by a practitioner and dispensed by or through a person or entity licensed  
1264 under this chapter or exempt from licensure under this chapter.
- 1265 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be  
1266 dispensed only by prescription or is restricted to administration only by practitioners.
- 1267 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if  
1268 done for the purpose of effectuating or facilitating an individual's attempted sex  
1269 change:
- 1270 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,  
1271 penectomy, vaginoplasty, or vulvoplasty;
- 1272 (ii) for an individual whose biological sex at birth is female, hysterectomy,  
1273 oophorectomy, metoidioplasty, or phalloplasty; or
- 1274 (iii) any surgical procedure that is related to or necessary for a procedure described in  
1275 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual  
1276 who is not sterile.
- 1277 (b) "Primary sex characteristic surgical procedure" does not include:
- 1278 (i) surgery or other procedures or treatments performed on an individual who:
- 1279 (A) is born with external biological sex characteristics that are irresolvably  
1280 ambiguous;
- 1281 (B) is born with 46, XX chromosomes with virilization;
- 1282 (C) is born with 46, XY chromosomes with undervirilization;
- 1283 (D) has both ovarian and testicular tissue; or
- 1284 (E) has been diagnosed by a physician, based on genetic or biochemical testing,  
1285 with a sex development disorder characterized by abnormal sex chromosome  
1286 structure, sex steroid hormone production, or sex steroid hormone action for a

- 1287 male or female; or
- 1288 (ii) removing a body part:
- 1289 (A) because the body part is cancerous or diseased; or
- 1290 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
- 1291 individual's attempted sex change.
- 1292 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if
- 1293 done for the purpose of effectuating or facilitating an individual's attempted sex
- 1294 change:
- 1295 (i) for an individual whose biological sex at birth is male, breast augmentation
- 1296 surgery, chest feminization surgery, or facial feminization surgery; or
- 1297 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
- 1298 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 1299 (b) "Secondary sex characteristic surgical procedure" does not include:
- 1300 (i) surgery or other procedures or treatments performed on an individual who:
- 1301 (A) is born with external biological sex characteristics that are irresolvably
- 1302 ambiguous;
- 1303 (B) is born with 46, XX chromosomes with virilization;
- 1304 (C) is born with 46, XY chromosomes with undervirilization;
- 1305 (D) has both ovarian and testicular tissue; or
- 1306 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
- 1307 with a sex development disorder characterized by abnormal sex chromosome
- 1308 structure, sex steroid hormone production, or sex steroid hormone action for a
- 1309 male or female; or
- 1310 (ii) removing a body part:
- 1311 (A) because the body part is cancerous or diseased; or
- 1312 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
- 1313 individual's attempted sex change.
- 1314 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical
- 1315 Boards.
- 1316 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
- 1317 58-67-501.
- 1318 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
- 1319 and 58-67-502, and as may be further defined by division rule.
- 1320 Section 28. Section **58-68-102** is amended to read:

1321 **58-68-102 . Definitions.**

1322 In addition to the definitions in Section 58-1-102, as used in this chapter:

- 1323 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,  
1324 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and  
1325 erbium: YAG lasers.
- 1326 (b) "Ablative procedure" does not include: [-]  
1327 (i) hair removal [-] ; or  
1328 (ii) laser tattoo removal.
- 1329 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the  
1330 American Medical Association.
- 1331 (3) "Administrative penalty" means a monetary fine imposed by the division for acts or  
1332 omissions determined to constitute unprofessional or unlawful conduct, as a result of an  
1333 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,  
1334 Administrative Procedures Act.
- 1335 (4) "AOA" means the American Osteopathic Association.
- 1336 (5) "Associate physician" means an individual licensed under Section 58-68-302.5.
- 1337 (6) "Attempted sex change" means an attempt or effort to change an individual's body to  
1338 present that individual as being of a sex or gender that is different from the individual's  
1339 biological sex at birth.
- 1340 (7) "Biological sex at birth" means an individual's sex, as being male or female, according  
1341 to distinct reproductive roles as manifested by:  
1342 (a) sex and reproductive organ anatomy;  
1343 (b) chromosomal makeup; and  
1344 (c) endogenous hormone profiles.
- 1345 (8) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1346 (9) "Collaborating physician" means an individual licensed under Section 58-68-302 who  
1347 enters into a collaborative practice arrangement with an associate physician.
- 1348 (10) "Collaborative practice arrangement" means the arrangement described in Section  
1349 58-68-807.
- 1350 (11)(a) "Cosmetic medical device" means tissue altering energy based devices that have  
1351 the potential for altering living tissue and that are used to perform ablative or  
1352 nonablative procedures, such as American National Standards Institute [~~(ANSI)~~]  
1353 designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency  
1354 devices, and lipolytic devices and excludes [~~ANSI~~] American National Standards



- 1355 Institute designated Class IIIa and lower powered devices.
- 1356 (b) Notwithstanding Subsection (11)(a), if an [ANSI] American National Standards  
1357 Institute designated Class IIIa and lower powered device is being used to perform an  
1358 ablative procedure, the device is included in the definition of cosmetic medical  
1359 device under Subsection (11)(a).
- 1360 (12) "Cosmetic medical procedure":
- 1361 (a) includes the use of cosmetic medical devices to perform ablative or nonablative  
1362 procedures; and
- 1363 (b) does not include a treatment of the ocular globe such as refractive surgery.
- 1364 (13) "Diagnose" means:
- 1365 (a) to examine in any manner another person, parts of a person's body, substances,  
1366 fluids, or materials excreted, taken, or removed from a person's body, or produced by  
1367 a person's body, to determine the source, nature, kind, or extent of a disease or other  
1368 physical or mental condition;
- 1369 (b) to attempt to conduct an examination or determination described under Subsection  
1370 (13)(a);
- 1371 (c) to hold oneself out as making or to represent that one is making an examination or  
1372 determination as described in Subsection (13)(a); or
- 1373 (d) to make an examination or determination as described in Subsection (13)(a) upon or  
1374 from information supplied directly or indirectly by another person, whether or not in  
1375 the presence of the person making or attempting the diagnosis or examination.
- 1376 (14) "Medical assistant" means an unlicensed individual who may perform tasks as  
1377 described in Subsection 58-68-305(6).
- 1378 (15) "Medically underserved area" means a geographic area in which there is a shortage of  
1379 primary care health services for residents, as determined by the Department of Health  
1380 and Human Services.
- 1381 (16) "Medically underserved population" means a specified group of people living in a  
1382 defined geographic area with a shortage of primary care health services, as determined  
1383 by the Department of Health and Human Services.
- 1384 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to  
1385 alter living tissue, but is not expected or intended to excise, vaporize, disintegrate,  
1386 or remove living tissue.
- 1387 (ii) Notwithstanding Subsection (17)(a)(i), nonablative procedure includes hair  
1388 removal.

- 1389 (b) "Nonablative procedure" does not include:
- 1390 (i) a superficial procedure as defined in Section 58-1-102;
- 1391 (ii) the application of permanent make-up;
- 1392 (iii) laser tattoo removal; or
- 1393 ~~[(iii)]~~ (iv) the use of photo therapy lasers for neuromusculoskeletal treatments that are
- 1394 performed by an individual licensed under this title who is acting within the
- 1395 individual's scope of practice.
- 1396 (18) "Physician" means both physicians and surgeons licensed under ~~[Section 58-67-301,~~
- 1397 ~~Utah Medical Practice Act]~~ Part 3, Licensing, and osteopathic physicians and surgeons
- 1398 licensed under ~~[Section 58-68-301, Utah Osteopathic Medical Practice Act]~~ Chapter 68,
- 1399 Part 3, Licensing.
- 1400 (19)(a) "Practice of osteopathic medicine" means:
- 1401 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human
- 1402 disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or
- 1403 mental, real or imaginary, or to attempt to do so, by any means or instrumentality,
- 1404 which in whole or in part is based upon emphasis of the importance of the
- 1405 musculoskeletal system and manipulative therapy in the maintenance and
- 1406 restoration of health, by an individual in Utah or outside of the state upon or for
- 1407 any human within the state;
- 1408 (ii) when a person not licensed as a physician directs a licensee under this chapter to
- 1409 withhold or alter the health care services that the licensee has ordered;
- 1410 (iii) to maintain an office or place of business for the purpose of doing any of the acts
- 1411 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 1412 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis
- 1413 or treatment of human diseases or conditions, in any printed material, stationery,
- 1414 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor
- 1415 of osteopathic medicine," "osteopathic physician," "osteopathic surgeon,"
- 1416 "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these
- 1417 designations in any manner which might cause a reasonable person to believe the
- 1418 individual using the designation is a licensed osteopathic physician, and if the
- 1419 party using the designation is not a licensed osteopathic physician, the designation
- 1420 must additionally contain the description of the branch of the healing arts for
- 1421 which the person has a license, provided that an individual who has received an
- 1422 earned degree of doctor of osteopathic medicine but is not a licensed osteopathic

1423 physician and surgeon in Utah may use the designation "D.O." if it is followed by  
1424 "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

1425 (b) The practice of osteopathic medicine does not include:

1426 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii), the  
1427 conduct described in Subsection (19)(a)(i) that is performed in accordance with a  
1428 license issued under another chapter of this title;

1429 (ii) an ablative cosmetic medical procedure if the scope of practice for the person  
1430 performing the ablative cosmetic medical procedure includes the authority to  
1431 operate or perform a surgical procedure; or

1432 (iii) conduct under Subsection 58-68-501(2).

1433 (20) "Prescription device" means an instrument, apparatus, implement, machine,  
1434 contrivance, implant, in vitro reagent, or other similar or related article, and any  
1435 component part or accessory, which is required under federal or state law to be  
1436 prescribed by a practitioner and dispensed by or through a person or entity licensed  
1437 under this chapter or exempt from licensure under this chapter.

1438 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be  
1439 dispensed only by prescription or is restricted to administration only by practitioners.

1440 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if  
1441 done for the purpose of effectuating or facilitating an individual's attempted sex  
1442 change:

1443 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,  
1444 penectomy, vaginoplasty, or vulvoplasty;

1445 (ii) for an individual whose biological sex at birth is female, hysterectomy,  
1446 oophorectomy, metoidioplasty, or phalloplasty; or

1447 (iii) any surgical procedure that is related to or necessary for a procedure described in  
1448 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual  
1449 who is not sterile.

1450 (b) "Primary sex characteristic surgical procedure" does not include:

1451 (i) surgery or other procedures or treatments performed on an individual who:

1452 (A) is born with external biological sex characteristics that are irresolvably  
1453 ambiguous;

1454 (B) is born with 46, XX chromosomes with virilization;

1455 (C) is born with 46, XY chromosomes with undervirilization;

1456 (D) has both ovarian and testicular tissue; or

- 1457 (E) has been diagnosed by a physician, based on genetic or biochemical testing,  
1458 with a sex development disorder characterized by abnormal sex chromosome  
1459 structure, sex steroid hormone production, or sex steroid hormone action for a  
1460 male or female; or
- 1461 (ii) removing a body part:  
1462 (A) because the body part is cancerous or diseased; or  
1463 (B) for a reason that is medically necessary, other than to effectuate or facilitate an  
1464 individual's attempted sex change.
- 1465 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if  
1466 done for the purpose of effectuating or facilitating an individual's attempted sex  
1467 change:
- 1468 (i) for an individual whose biological sex at birth is male, breast augmentation  
1469 surgery, chest feminization surgery, or facial feminization surgery; or  
1470 (ii) for an individual whose biological sex at birth is female, mastectomy, breast  
1471 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 1472 (b) "Secondary sex characteristic surgical procedure" does not include:
- 1473 (i) surgery or other procedures or treatments performed on an individual who:  
1474 (A) is born with external biological sex characteristics that are irresolvably  
1475 ambiguous;  
1476 (B) is born with 46, XX chromosomes with virilization;  
1477 (C) is born with 46, XY chromosomes with undervirilization;  
1478 (D) has both ovarian and testicular tissue; or  
1479 (E) has been diagnosed by a physician, based on genetic or biochemical testing,  
1480 with a sex development disorder characterized by abnormal sex chromosome  
1481 structure, sex steroid hormone production, or sex steroid hormone action for a  
1482 male or female; or
- 1483 (ii) removing a body part:  
1484 (A) because the body part is cancerous or diseased; or  
1485 (B) for a reason that is medically necessary, other than to effectuate or facilitate an  
1486 individual's attempted sex change.
- 1487 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical  
1488 Boards.
- 1489 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and  
1490 58-68-501.

1491 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501  
1492 and 58-68-502 and as may be further defined by division rule.

1493 Section 29. **Effective Date.**

1494 This bill takes effect on January 1, 2026.