

A. Cory Maloy 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 **58-11a-302.25**, Utah Code Annotated 1953

54 REPEALS AND REENACTS:

- 55 **58-11a-102**, as last amended by Laws of Utah 2024, Chapter 479
- 56 **58-11a-301**, as last amended by Laws of Utah 2024, Chapter 479
- 57 **58-11a-302**, as last amended by Laws of Utah 2024, Chapters 137, 479
- 58 **58-11a-306**, as last amended by Laws of Utah 2024, Chapter 479
- 59 **58-11a-501**, as last amended by Laws of Utah 2024, Chapter 479

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

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

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

64 As used in this title:

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

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

67 (2) "Cosmetic medical procedure":

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

69 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic
70 Medical Practice Act, does not apply to the scope of practice of an individual
71 licensed under this title if the individual's scope of practice includes the authority to
72 operate or perform surgical procedures.73 (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature
74 to reduce fat deposits in certain areas of the body.

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

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

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

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

79 (8) "Licensee" includes any holder of a license, certificate, registration, permit, student
80 card, or apprentice card authorized under this title.81 (9)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
82 alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or
83 remove living tissue.84 (ii) Notwithstanding Subsection [~~(8)(a)(i)~~] (9)(a)(i), nonablative procedure includes
85 hair removal and cryolipolysis.

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

87 (i) a superficial procedure;

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

89 (iii) laser tattoo removal; or90 [~~(iii)~~] (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that
91 are performed by an individual licensed under this title who is acting within their
92 scope of practice.

93 (10) "Pain clinic" means:

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

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

97 substances.

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

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

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

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

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

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

107 (1) For purposes of this section:

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

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

113 (ii) a registered nurse;

114 (iii) a master esthetician; and

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

116 (b) "Delegation group B" means:

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

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

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

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

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

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

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

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

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

130 (e) "Hair removal review" means:

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

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

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

189 [~~(a) a supervisor supervising a nonablative cosmetic medical procedure for tattoo~~

190 ~~removal shall:~~]

191 [~~(i) have an unrestricted license to practice medicine or advanced practice registered~~

192 ~~nursing in the state; and]~~

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

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

195 [~~(i) shall conduct an in-person face-to-face evaluation of a patient before initiating a~~

196 ~~treatment protocol or series of treatments for removing a tattoo;]~~

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

198 ~~any other indication of cancer or other condition that should be treated or further~~

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

233 under this title; and

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

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

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

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

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

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

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

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

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

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

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

257 As used in this chapter:

- 258 (1) "Approved apprenticeship" means an apprenticeship that meets the requirements of
259 Section 58-11a-306 for any applicable license or permit type and the requirements
260 established by administrative rules made by the division in collaboration with the board
261 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
262 (2) "Board" means the Cosmetology and Associated Professions Licensing Board created in
263 Section 58-11a-201.
264 (3)(a) "Cosmetic medical device" means a nonablative tissue altering energy based
265 device, including a laser, that is expected or intended to alter living tissue, but is not
266 intended or expected to excise, vaporize, disintegrate, or remove living tissue.

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

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

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

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

349 **58-11a-201 . Board.**

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

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

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

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

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

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

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

- 403 (1) An applicant for a license or permit under this chapter shall:
404 (a)(i) submit an application in a form prescribed by the division; and
405 (ii) pay a fee determined by the division in compliance with Section 63J-1-504;
406 (b) provide satisfactory documentation of completion of required minimum service
407 counts, certified by the applicant's school, or, if under an apprenticeship, the
408 applicant's supervisor; and:
409 (i) compliance with educational requirements of the respective license or permit; or
410 (ii) completion of an approved apprenticeship; and
411 (c) pass an examination, as required by administrative rule established by the division.

412 (2)(a) The division shall establish administrative rules to determine how many hours for
413 an existing license or permit that an applicant may credit towards the hours required
414 for an additional permit or license.

415 (b) An individual that holds a cosmetology license may count 600 hours as a
416 cosmetologist to satisfy the 1,200 total hours requirement for a master esthetics
417 license.

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

419 **58-11a-302.10 . Practice of barbering -- Barbering permit -- Qualifications.**

- 420 (1) The practice of barbering includes:
421 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
422 shears, clippers, or other appliances;
423 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
424 drying;
425 (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on
426 the human head;
427 (d) removing hair from the face or neck of an individual by using shaving equipment,
428 including an electric trimmer; and
429 (e) when providing other services described in this Subsection (1), gently massaging the
430 head, back of the neck, and shoulders by manual or mechanical means.

431 (2) An individual may not engage in the practice of barbering unless the individual holds a
432 barbering permit.

433 (3) An applicant for a barbering permit shall comply with the requirements in Section
434 58-11a-302 and:

- 435 (a) attend a licensed or recognized school and complete a curriculum that:
436 (i) covers:

- 437 (A) hair safety requirements; and
 438 (B) barbering; and
 439 (ii) has a minimum of 130 hours of instruction or the equivalent number of credit
 440 hours; or
 441 (b) complete an approved barber apprenticeship.

442 (4) If the applicant graduates from a recognized school with less than 130 hours of
 443 instruction, the applicant may count hours practiced as a barber in a jurisdiction other
 444 than Utah to satisfy the 130 total hours requirement.

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

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

448 **58-11a-302.11 . Practice of basic esthetics -- Basic esthetics permit --**

449 **Qualifications.**

450 (1) The practice of basic esthetics means any one of the following skincare procedures done
 451 on the face or body for cosmetic purposes and not for the treatment of medical, physical,
 452 or mental ailments:

453 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or
 454 masks, and manual extraction, including a comedone extractor; or

455 (b) manual hair removal.

456 (2) An individual may not engage in the practice of basic esthetics unless the individual
 457 holds a basic esthetics permit.

458 (3) An applicant for a basic esthetics permit shall comply with the requirements in Section
 459 58-11a-302 and:

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

461 (i) covers:

462 (A) basic esthetics; and

463 (B) manual hair removal; and

464 (ii) has a minimum of 200 hours of instruction or the equivalent number of credit
 465 hours; or

466 (b) complete an approved basic esthetics permit apprenticeship.

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

470 (5) An individual with a basic esthetics permit is not considered an esthetician for purposes

471 of Section 58-1-506.

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

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

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

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

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

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

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

484 (i) covers chemical hair services; and

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

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

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

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

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

494 **58-11a-302.13 . Practice of cosmetology -- Cosmetology license -- Qualifications.**

495 (1) The practice of cosmetology includes:

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

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

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

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

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

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

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

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

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

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

544 **58-11a-302.14 . Practice of electrology -- Electrology license -- Qualifications.**

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

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

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

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

551 (3) An applicant for an electrology license shall comply with the requirements of Section
552 58-11a-302 and:

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

554 (i) covers:

555 (A) laser hair removal;

556 (B) electrolysis; and

557 (C) waxing; and

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

560 (b) complete an approved electrology technician apprenticeship.

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

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

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

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

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

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

573 the individual holds an eyelash and eyebrow technology license.

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

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

577 (i) covers eyelash and eyebrow technology; and

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

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

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

584 (5) An individual with an eyelash and eyebrow technology license may apply credit hours
585 to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

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

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

589 (1) The practice of facial hair removal includes cleansing, applying oil and antiseptics, and
590 manual hair removal on the face.

591 (2) An individual may not engage in the practice of facial hair removal unless the individual
592 holds a facial hair removal permit.

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

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

596 (i) covers facial hair removal; and

597 (ii) has a minimum of 50 hours of instruction or the equivalent number of credit
598 hours; or

599 (b) complete an approved facial hair removal apprenticeship.

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

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

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

606 **58-11a-302.17 . Practice of haircutting -- Haircutting permit -- Qualifications.**

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

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

632 **58-11a-302.18 . Practice of master esthetics -- Master esthetics license --**

633 **Qualifications.**

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

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

- 675 (b) complete an approved master esthetics apprenticeship.
- 676 (4) If the applicant graduates from a recognized school with less than 1,200 hours of
 677 instruction, the applicant may count hours practiced as an esthetician in a jurisdiction
 678 other than Utah to satisfy the 1,200 total hours requirement.
- 679 (5) An individual with a master esthetics license may apply credit hours to another license
 680 or permit under this chapter, as allowed in Subsection 58-11a-302(2).

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

682 **58-11a-302.19 . Practice of master hair design and master barbering -- Master**
 683 **hair design license and master barbering license -- Qualifications.**

- 684 (1) The practice of master hair design and practice of master barbering includes:
- 685 (a) styling, arranging, dressing, curling, or waving the hair of the head of an individual;
 686 (b) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
 687 shears, clippers, or other appliances;
 688 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
 689 drying;
 690 (d) hair fusing and extensions;
 691 (e) removing hair from the face or neck of an individual by using shaving equipment;
 692 (f) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or
 693 both on the human head;
 694 (g) practicing hair weaving, hair fusing, or servicing previously medically implanted
 695 hair;
 696 (h) when providing other services described in this Subsection (1), gently massaging the
 697 head, back of the neck, and shoulders by manual or mechanical means; and
 698 (i) permanently waving, bleaching, tinting, coloring, relaxing, or similarly treating the
 699 hair of the head of an individual.
- 700 (2) An individual may not engage in the practice of master hair design or master barbering
 701 unless the individual holds a master hair design license or master barbering license.
- 702 (3) An applicant for a master hair design license or master barbering license shall comply
 703 with the requirements of Section 58-11a-302 and:
- 704 (a) attend a licensed or recognized school and complete a curriculum that:
- 705 (i) covers:
- 706 (A) hair safety requirements;
 707 (B) haircutting and barbering; and
 708 (C) chemical hair services; and

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

711 (b) complete an approved master hair design or an approved master barbering
 712 apprenticeship.

713 (4) If the applicant graduates from a recognized school with less than 1,000 hours of
 714 instruction, the applicant may count hours practiced as a licensed master hair design or
 715 master barber in a jurisdiction other than Utah to satisfy the 1,000 total hours
 716 requirement.

717 (5) An individual with a master hair design license or master barbering license may apply
 718 credit hours to another license or permit under this chapter, as allowed in Subsection
 719 58-11a-302(2).

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

721 **58-11a-302.20 . Practice of nail technology -- Nail technology license --**

722 **Qualifications.**

723 (1) The practice of nail technology includes:

724 (a) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and
 725 feet to knees, or enhancing the appearance of the hands, feet, and nails of an
 726 individual by using the nail technician's hands, mechanical or electrical preparation,
 727 antiseptic, lotion, or cream;

728 (b) applying and removing sculptured or artificial nails; and

729 (c) using blades, including corn or callus planer or rasp, for smoothing, shaving, or
 730 removing dead skin from the feet.

731 (2) An individual may not engage in the practice of nail technology unless the individual
 732 holds a nail technology license.

733 (3) An applicant for a nail technology license shall comply with the requirements of Section
 734 58-11a-302 and:

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

736 (i) covers:

737 (A) manicures and pedicures; and

738 (B) artificial nails; and

739 (ii) has a minimum of 300 hours of instruction or the equivalent number of credit
 740 hours; or

741 (b) complete an approved nail technology apprenticeship.

742 (4) If the applicant graduates from a recognized school with less than 300 hours of

743 instruction, the applicant may count hours practiced as a licensed nail technician in a
744 jurisdiction other than Utah to satisfy the 300 total hours requirement.

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

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

748 **58-11a-302.21 . Licensed instructor -- Qualifications.**

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

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

751 (b) subject to Subsection (4), pay a fee determined by the division under Section
752 63J-1-504;

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

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

757 (i) an instructor training program for the discipline for which the applicant is
758 licensed, by a licensed or recognized school for a minimum of 35% of the

759 minimum hours for the license or permit the applicant intends to instruct; or

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

763 (e) meet the examination requirement established by administrative rules made by the
764 division.

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

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

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

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

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

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

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

783 **58-11a-302.22 . Licensed school -- Qualifications.**

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

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

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

787 (c) provide satisfactory documentation:

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

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

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

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

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

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

802 (ii) the school shall be licensed by name, or in the case of an applicant, shall apply for
803 licensure by name, under this chapter to offer one or more training programs
804 beyond the secondary level.

805 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
806 division shall establish administrative rules for licensure for a local education agency,
807 technical college, a degree-granting institution with a technical college mission, or
808 private school that primarily serves secondary students.

809 (c) Nothing in this section precludes a local education agency, technical college, a
810 degree-granting institution with a technical college mission, or private school from

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

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

822 **58-11a-302.23 . Practice of esthetics -- Esthetics license -- Qualifications.**

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

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

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

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

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

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

856 **58-11a-302.24 . Practice of barbering -- Barbering license -- Qualifications.**

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

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

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

863 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
864 drying;

865 (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on
866 the human head;

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

869 (e) when providing other services described in this Subsection (2), gently massaging the
870 head, back of the neck, and shoulders by manual or mechanical means.

871 (3) The division shall grant a barbering license to an individual that completes the
872 requirement described in Subsection (4) and:

873 (a) has registered a barbering apprenticeship with the division on or before January 1,
874 2026; or

875 (b) has enrolled and started a barbering program with a licensed school on or before
876 January 1, 2026.

877 (4)(a) An individual described in Subsection (3)(a) shall complete at least 1,250 hours of
878 apprenticeship training that is supervised by a licensed barbering instructor who

- 879 provides one-on-one supervision of the apprentice during the apprenticeship.
- 880 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school
- 881 with a minimum of 1,000 hours or the equivalent number of credit hours.
- 882 (5) An individual with a barbering license may apply credit hours to another license or
- 883 permit under this chapter, as allowed in Subsection 58-11a-302(2).

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

885 **58-11a-302.25 . License transitions.**

886 Beginning on January 1, 2026:

- 887 (1) a cosmetology/barbering license shall be renewed as a cosmetology license;
- 888 (2) a master-level esthetics license shall be renewed as a master esthetics license;
- 889 (3) a hair design license shall be renewed as a master hair design license or a master
- 890 barbering license; and
- 891 (4) an individual with a barbering license may renew the license as a barbering license.

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

893 **58-11a-303 . Terms of license -- Expiration -- Renewal.**

- 894 (1)(a) The division shall issue each license under this chapter in accordance with a
- 895 two-year renewal cycle established by rule, except that an instructor license is a
- 896 one-time certificate and does not expire unless the licensee fails to keep current the
- 897 license that qualified the licensee to be an instructor under Section [58-11a-302]
- 898 58-11a-302.21.
- 899 (b) The division may by rule extend or shorten a renewal period by as much as one year
- 900 to stagger the renewal cycles it administers.
- 901 (2) At the time of renewal, a licensed school shall show satisfactory evidence that the
- 902 school meets the standards for that type of school, including staff, curriculum, and
- 903 accreditation requirements, established by rule.
- 904 (3) Each license expires on the expiration date shown on the license unless the licensee
- 905 renews it in accordance with Section 58-1-308.

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

907 **58-11a-304 . Exemptions from licensure.**

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

909 individuals may engage in [~~the practice of barbering, cosmetology/barbering, hair design,~~

910 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~

911 ~~technology]~~ a discipline regulated by this chapter without being licensed under this chapter:

- 912 (1) [~~a person~~] an individual licensed under the laws of this state to engage in the practice of

- 913 medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the
914 profession for which they are licensed;
- 915 (2) a commissioned physician or surgeon serving in the armed forces of the United States or
916 another federal agency;
- 917 (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when
918 engaged in the practice of the profession for which the [person] individual is licensed;
- 919 (4) ~~[a person-]~~ an individual who visits the state to engage in instructional seminars,
920 advanced classes, trade shows, or competitions of a limited duration;
- 921 ~~[(5) a person who engages in the practice of barbering, cosmetology/barbering, hair design,
922 esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow
923 technology without compensation;]~~
- 924 (5) an individual who engages in a practice regulated by this chapter without compensation;
- 925 (6) ~~[a person-]~~ an individual instructing an adult education class or other educational
926 program directed toward [persons] individuals who are not licensed under this chapter
927 and that is not intended to train [persons] individuals to become licensed under this
928 chapter, provided:
- 929 (a) an attendee receives no credit toward educational requirements for licensure under
930 this chapter;
- 931 (b) the instructor informs each attendee in writing that taking such a class or program
932 will not certify or qualify the attendee to perform a service for compensation that
933 requires licensure under this chapter; and
- 934 (c)(i) the instructor is properly licensed; or
935 (ii) the instructor receives no compensation;
- 936 (7) ~~[a person-]~~ an individual providing instruction in workshops, seminars, training
937 meetings, or other educational programs whose purpose is to provide continuing
938 professional development ~~[to licensed barbers, cosmetologists/barbers, hair designers,
939 estheticians, master estheticians, electrologists, or nail technicians]~~ to a qualified licensee
940 or permittee regulated by this chapter;
- 941 (8) ~~[a person-]~~ an individual enrolled in a licensed ~~[barber, cosmetology/barber, or hair
942 design-]~~school when participating in an on the job training internship under the direct
943 supervision of a ~~[licensed barber, cosmetologist/barber, or hair designer]~~ licensee under
944 this chapter upon completion of a basic program under the standards established by rule
945 by the division in collaboration with the board;
- 946 (9) ~~[a person-enrolled-]~~ an individual registered with the division in an approved

- 947 apprenticeship pursuant to Section 58-11a-306;
- 948 (10)(a) an employee of a company that is primarily engaged in the business of selling
 949 products used [~~in the practice of barbering, cosmetology/barbering, hair design,~~
 950 ~~esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
 951 ~~technology~~] by a qualified licensee regulated by this chapter;
- 952 (b) [-]when demonstrating the company's products to a potential customer[;] ; and
- 953 (c) [-]provided the employee makes no representation to a potential customer that
 954 attending [~~such a~~] the demonstration will certify or qualify the attendee to perform a
 955 service for compensation that requires licensure under this chapter;
- 956 (11) [~~a person~~] an individual who:
- 957 (a) is qualified to engage in [~~the practice of barbering, cosmetology/barbering, hair~~
 958 ~~design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and~~
 959 ~~eyebrow technology~~] a practice regulated by this chapter in another jurisdiction as
 960 evidenced by licensure, certification, or lawful practice in the other jurisdiction;
- 961 (b) is employed by, or under contract with, a motion picture company; and
- 962 (c) engages in [~~the practice of barbering, cosmetology/barbering, hair design, esthetics,~~
 963 ~~master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
 964 ~~technology~~] a practice regulated by this chapter in the state:
- 965 (i) solely to assist in the production of a motion picture; and
- 966 (ii) for no more than 120 days per calendar year;
- 967 (12) [~~a person~~] an individual who:
- 968 (a) engages in threading;
- 969 (b) engages in hair braiding; and
- 970 [(b)] (c) [~~unless it is expressly exempted under this section or Section 58-1-307, does not~~
 971 ~~engage in other activity requiring licensure under this chapter; and~~] is not engaged in
 972 a practice that requires a license or permit under this chapter; and
- 973 (13) [~~a person~~] an individual who:
- 974 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- 975 (b) does not cut the hair;
- 976 (c) does not apply dye to alter the color of the hair;
- 977 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;
- 978 (e) engages in thermal styling or scalp treatments;
- 979 [(e)] (f) [~~unless it is expressly exempted under this section or Section 58-1-307, does not~~
 980 ~~engage in other activity requiring licensure under this chapter~~] is not engaged in a

981 practice that requires a license or permit under this chapter;

982 ~~[(f)]~~ (g) provides evidence to the division that the ~~[person]~~ individual has received a hair

983 safety permit from completing a hair safety program that:

984 (i) is approved by the division;

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

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

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

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

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

990 (ii) a sign notifying the public that the ~~[person's]~~ individual providing the services [are

991 not provided by an individual who has a license under this chapter.] is not licensed

992 under this chapter.

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

994 **58-11a-306 . Apprenticeship.**

- 995 (1)(a) An approved apprenticeship shall be conducted by a supervisor who:
- 996 (i) is licensed under this chapter as an instructor in the discipline of the
- 997 apprenticeship; and
- 998 (ii) provides one-on-one direct supervision of the apprentice during the
- 999 apprenticeship program.
- 1000 (b) An apprenticeship supervisor may not provide direct supervision to more than two
- 1001 apprentices during the apprentice program.
- 1002 (2) An individual seeking a license or permit through an approved apprenticeship under this
- 1003 chapter shall:
- 1004 (a) register with the division before beginning the training requirements by:
- 1005 (i) submitting a form prescribed by the division, which includes the name of the
- 1006 licensed instructor supervisor; and
- 1007 (ii) paying a fee determined by the division under Section 63J-1-504;
- 1008 (b) complete the apprenticeship within two years of the date on which the division
- 1009 approves the registration; and
- 1010 (c) notify the division within 30 days if the licensed instructor supervisor changes after
- 1011 the registration is approved by the division.
- 1012 (3) An individual seeking a license or permit through an approved apprenticeship under this
- 1013 chapter shall complete a minimum of:
- 1014 (a) 1,250 apprenticeship hours for a cosmetology license;

- 1015 (b) 1,200 apprenticeship hours for a master esthetics license;
- 1016 (c) 1,000 apprenticeship hours for:
- 1017 (i) a master barber license; or
- 1018 (ii) a master hair design license;
- 1019 (d) 600 apprenticeship hours for an electrology license;
- 1020 (e) 300 apprenticeship hours for a nail technology license;
- 1021 (f) 270 apprenticeship hours for an eyelash and eyebrow technology license;
- 1022 (g) 260 apprenticeship hours for a chemical hair services permit;
- 1023 (h) 200 apprenticeship hours for a basic esthetics permit;
- 1024 (i) 150 apprenticeship hours for a haircutting permit;
- 1025 (j) 130 apprenticeship hours for a barbering permit; or
- 1026 (k) 50 apprenticeship hours for a facial hair removal permit.
- 1027 Section 26. Section **58-11a-501** is repealed and reenacted to read:
- 1028 **58-11a-501 . Unprofessional conduct.**
- 1029 Unprofessional conduct includes:
- 1030 (1) a licensed school that fails to:
- 1031 (a)(i) obtain or maintain accreditation or comply with the required standard of
- 1032 accreditation; and
- 1033 (ii) have curriculum approved by the division, as required by administrative rules
- 1034 made by the division; or
- 1035 (b) provide adequate instruction to enrolled students;
- 1036 (2) an apprentice supervisor that fails to:
- 1037 (a) provide direct supervision to an apprentice; or
- 1038 (b) comply with division rules relating to apprenticeship programs under this chapter;
- 1039 (3) an instructor that fails to provide direct supervision to students who are providing
- 1040 services to an individual under the instructor's supervision;
- 1041 (4) a person that keeps a salon or school, or the salon or school's furnishings, tools, utensils,
- 1042 linen, or appliances in an unsanitary condition;
- 1043 (5) an individual licensed or permitted under this chapter that fails to:
- 1044 (a) comply with Title 26B, Utah Health and Human Services Code;
- 1045 (b) display a license or permit as required under Section 58-11a-305;
- 1046 (c) comply with physical facility requirements established by administrative rules made
- 1047 by the division;
- 1048 (d) maintain mechanical or electrical equipment in safe operating condition;

- 1049 (e) adequately monitor patrons using steam rooms, dry heat rooms, baths, showers, or
1050 saunas;
- 1051 (f) comply with all applicable state and local health or sanitation laws; or
- 1052 (g) comply with a judgment order from a court of competent jurisdiction regarding a
1053 disagreement over tuition or education costs in relation to the requirements outlined
1054 in this chapter;
- 1055 (6) an individual licensed or permitted under this chapter:
- 1056 (a) prescribing or administering prescription drugs;
- 1057 (b) engaging in any act or practice in a professional capacity that is outside of the
1058 applicable scope of practice;
- 1059 (c) engaging in any act or practice in a professional capacity that the individual is not
1060 competent to perform through education or training; or
- 1061 (d) removing proximal nail fold by e-file or other tool or inserting tools beneath the
1062 eponychium;
- 1063 (7) unless the individual is under the supervision of a licensed health care practitioner
1064 acting within the scope of the health care practitioner's license, an individual licensed or
1065 permitted under this chapter, while using a chemical exfoliant:
- 1066 (a) using any acid, concentration of acid, or combination of treatments that violate the
1067 standards established by administrative rules made by the division;
- 1068 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
- 1069 (c) using an exfoliant that contains phenol, trichloroacetic acid of over 15%, or
1070 bicinchoninic acid;
- 1071 (8) while sanding the skin, an individual licensed or permitted under this chapter, removing
1072 any layer of skin deeper than the stratum corneum of the epidermis, unless the individual
1073 is under the supervision of a licensed health care practitioner acting within the scope of
1074 the health care practitioner's license;
- 1075 (9) using any laser procedure or intense, pulsed light source, besides a nonprescriptive laser
1076 device, unless authorized to do so by an individual's license or permit in this chapter;
- 1077 (10) marketing or distinguishing an establishment as a school if the establishment is not
1078 licensed as a school under this chapter; and
- 1079 (11) claiming or advertising unrealistic results for body contouring, including alleviation of
1080 psychological distress.

1081 Section 27. Section **58-11a-503** is amended to read:

1082 **58-11a-503 . Penalties.**

- 1083 (1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct
1084 under Section 58-11a-502 or who fails to comply with a citation issued under this
1085 section after ~~[it]~~ the citation is final is guilty of a class A misdemeanor.
- 1086 (2) Sexual conduct that violates Section 58-11a-502 and Title 76, Utah Criminal Code, shall
1087 be subject to the applicable penalties in Title 76, Utah Criminal Code.
- 1088 (3) Grounds for immediate suspension of ~~[a licensee's]~~ an individual's license or permit by
1089 the division include the issuance of a citation for violation of Subsection 58-11a-502(1),
1090 (3), (4), (5), or (6).
- 1091 ~~(4)(a)~~ If upon inspection or investigation, the division concludes that ~~[a person]~~ an
1092 individual has violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6),
1093 or a rule or order issued with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6),
1094 and that disciplinary action is appropriate, the director or the director's designee from
1095 within the division shall promptly issue a citation to ~~[the person]~~ the individual
1096 according to this chapter and any pertinent rules, attempt to negotiate a stipulated
1097 settlement, or notify the ~~[person]~~ individual to appear before an adjudicative
1098 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- 1099 ~~(5)~~ An individual that is in violation of Subsection 58-11a-502(1), (3),
1100 (4), (5), or (6), as evidenced by an uncontested citation, a stipulated settlement, or ~~[by a]~~
1101 finding of violation in an adjudicative proceeding, may be assessed a fine ~~[pursuant to]~~ in
1102 accordance with this Subsection ~~(4)~~ (5) and may, in addition to or in lieu of a fine, be
1103 ordered to cease and desist from violating Subsection 58-11a-502(1), (3), (4), (5), or (6).
- 1104 ~~(6)~~ Except for a cease and desist order, the licensure sanctions ~~[cited]~~ described in
1105 Section 58-11a-401 may not be assessed through a citation.
- 1106 ~~(7)(b)~~ (a) Each citation shall be in writing and describe with particularity the
1107 nature of the violation, including a reference to the provision of the chapter, rule,
1108 or order alleged to have been violated.
- 1109 ~~(b)~~ The citation shall clearly state that the recipient must notify the division in
1110 writing within 20 calendar days of service of the citation if the recipient wishes to
1111 contest the citation at a hearing conducted under Title 63G, Chapter 4,
1112 Administrative Procedures Act.
- 1113 ~~(c)~~ The citation shall clearly explain the consequences of failure to timely contest
1114 the citation or to make payment of a fine assessed by the citation within the time
1115 specified in the citation.
- 1116 ~~(d)~~ Each citation issued under this section, or a copy of each citation, may be served

1117 upon ~~[a person]~~ an individual upon whom a summons may be served in accordance
 1118 with the Utah Rules of Civil Procedure and may be made personally or upon the [
 1119 ~~person's]~~ individual's agent by a division investigator or by ~~[a person]~~ an individual
 1120 specially designated by the director or by mail.

1121 ~~[(d)]~~ ~~(e)~~(i) If within 20 calendar days from the service of a citation, the ~~[person to~~
 1122 ~~whom]~~ individual to which the citation was issued fails to request a hearing to
 1123 contest the citation, the citation becomes the final order of the division and is not
 1124 subject to further agency review.

1125 (ii) The period to contest a citation may be extended by the division for cause.

1126 ~~[(e)]~~ ~~(f)~~ The division may refuse to issue or renew, suspend, revoke, or place on
 1127 probation the ~~[license of a licensee who]~~ license or permit of an individual that fails to
 1128 comply with a citation after ~~[it]~~ the citation becomes final.

1129 ~~[(f)]~~ ~~(g)~~ The failure of an applicant for licensure to comply with a citation after ~~[it]~~ the
 1130 citation becomes final is a ground for denial of license.

1131 ~~[(g)]~~ ~~(h)~~ ~~[No citation may be issued.]~~ The director or the director's designee from within
 1132 the division may not issue a citation under this section [after the expiration of] more
 1133 than one year [following] after the date on which the violation that is the subject of
 1134 the citation is reported to the division.

1135 ~~[(h)]~~ ~~(i)~~ ~~[Fines shall be assessed by the director or the director's designee according to the~~
 1136 ~~following:]~~ The director or the director's designee shall assess fines as follows:

1137 (i) for a first offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$1,000;

1138 (ii) for a second offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000; and

1139 (iii) for any subsequent offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000
 1140 for each day of continued offense.

1141 ~~[(i)]~~ ~~(j)~~~~(i)~~ For purposes of issuing a final order under this section and assessing a
 1142 fine under Subsection ~~[(4)(h)]~~ (7)(i), an offense constitutes a second or subsequent
 1143 offense if:

1144 ~~[(A)]~~ ~~(i)~~ the division previously issued a final order determining that ~~[a person]~~ an
 1145 individual committed a first or second offense in violation of Subsection
 1146 58-11a-502(1), (3), (4), (5), or (6); or

1147 ~~[(B)]~~ ~~(ii)~~~~(i)~~ (A) the division initiated an action for a first or second offense;

1148 ~~[(H)]~~ (B) no final order has been issued by the division in the action initiated under
 1149 Subsection ~~[(4)(i)(i)(B)(i)]~~ (7)(j)(ii)(A);

1150 ~~[(H)]~~ (C) the division determines during an investigation that occurred after the

1151 initiation of the action under Subsection [~~(4)(i)(i)(B)(F)~~] (7)(j)(ii)(A) that the [
 1152 ~~person~~] individual committed a second or subsequent violation of Subsection
 1153 58-11a-502(1), (3), (4), (5), or (6); and
 1154 [~~(IV)~~] (D) after determining that the [~~person~~] individual committed a second or
 1155 subsequent offense under Subsection [~~(4)(i)(i)(B)(H)~~] (7)(j)(ii)(C), the division
 1156 issues a final order on the action initiated under Subsection [~~(4)(i)(i)(B)(F)~~]
 1157 (7)(j)(ii)(A).

1158 [(ii)] (k) In issuing a final order for a second or subsequent offense under Subsection [
 1159 ~~(4)(i)(i)~~] (7)(j), the division shall comply with the requirements of this section.

1160 [(5)] (8)(a) A penalty imposed by the director under Subsection [~~(4)(h)~~] (7)(i) shall be
 1161 deposited into the [~~Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail~~
 1162 ~~Technician Education and Enforcement Fund~~] Cosmetology and Associated
 1163 Professions Education and Enforcement Fund.

1164 (b) [~~A penalty which is not paid may be collected by the director by either:~~] The director
 1165 may collect an unpaid penalty by:

1166 (i) referring the matter to a collection agency; or

1167 (ii) bringing an action in the district court of the county in which the [~~person~~]
 1168 individual against whom the penalty is imposed resides or in the county where the
 1169 office of the director is located.

1170 (c) A county attorney or the attorney general of the state shall provide legal assistance
 1171 and advice to the director in an action to collect a penalty.

1172 (d) A court shall award reasonable attorney fees and costs to the prevailing party in an
 1173 action brought by the division to collect a penalty.

1174 Section 28. Section **58-67-102** is amended to read:

1175 **58-67-102 . Definitions.**

1176 In addition to the definitions in Section 58-1-102, as used in this chapter:

1177 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,
 1178 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and
 1179 erbium: YAG lasers.

1180 (b) "Ablative procedure" does not include: [-]

1181 (i) hair removal;

1182 (ii) laser tattoo removal; or [-]

1183 (iii) cryolipolysis.

1184 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the

- 1185 American Medical Association.
- 1186 (3) "Administrative penalty" means a monetary fine or citation imposed by the division for
1187 acts or omissions determined to constitute unprofessional or unlawful conduct, in
1188 accordance with a fine schedule established by the division in collaboration with the
1189 board, as a result of an adjudicative proceeding conducted in accordance with Title 63G,
1190 Chapter 4, Administrative Procedures Act.
- 1191 (4) "Associate physician" means an individual licensed under Section 58-67-302.8.
- 1192 (5) "Attempted sex change" means an attempt or effort to change an individual's body to
1193 present that individual as being of a sex or gender that is different from the individual's
1194 biological sex at birth.
- 1195 (6) "Biological sex at birth" means an individual's sex, as being male or female, according
1196 to distinct reproductive roles as manifested by:
- 1197 (a) sex and reproductive organ anatomy;
- 1198 (b) chromosomal makeup; and
- 1199 (c) endogenous hormone profiles.
- 1200 (7) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1201 (8) "Collaborating physician" means an individual licensed under Section 58-67-302 who
1202 enters into a collaborative practice arrangement with an associate physician.
- 1203 (9) "Collaborative practice arrangement" means the arrangement described in Section
1204 58-67-807.
- 1205 (10)(a) "Cosmetic medical device" means tissue altering energy based devices that have
1206 the potential for altering living tissue and that are used to perform ablative or
1207 nonablative procedures, such as American National Standards Institute [~~ANSI~~]
1208 designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency
1209 devices, and lipolytic devices, and excludes [~~ANSI~~] American National Standards
1210 Institute designated Class IIIa and lower powered devices.
- 1211 (b) Notwithstanding Subsection (10)(a), if an [~~ANSI~~] American National Standards
1212 Institute designated Class IIIa and lower powered device is being used to perform an
1213 ablative procedure, the device is included in the definition of cosmetic medical
1214 device under Subsection (10)(a).
- 1215 (11)(a) "Cosmetic medical procedure" includes:
- 1216 (i) the use of cosmetic medical devices to perform ablative or nonablative
1217 procedures; or
- 1218 (ii) the injection of medication or substance, including a neurotoxin or a filler, for

- 1219 cosmetic purposes.
- 1220 (b) "Cosmetic medical procedure" does not include a treatment of the ocular globe
1221 including refractive surgery.
- 1222 (12) "Diagnose" means:
- 1223 (a) to examine in any manner another person, parts of a person's body, substances,
1224 fluids, or materials excreted, taken, or removed from a person's body, or produced by
1225 a person's body, to determine the source, nature, kind, or extent of a disease or other
1226 physical or mental condition;
- 1227 (b) to attempt to conduct an examination or determination described under Subsection
1228 (12)(a);
- 1229 (c) to hold oneself out as making or to represent that one is making an examination or
1230 determination as described in Subsection (12)(a); or
- 1231 (d) to make an examination or determination as described in Subsection (12)(a) upon or
1232 from information supplied directly or indirectly by another person, whether or not in
1233 the presence of the person making or attempting the diagnosis or examination.
- 1234 (13) "LCME" means the Liaison Committee on Medical Education of the American
1235 Medical Association.
- 1236 (14) "Medical assistant" means an unlicensed individual who may perform tasks as
1237 described in Subsection 58-67-305(6).
- 1238 (15) "Medically underserved area" means a geographic area in which there is a shortage of
1239 primary care health services for residents, as determined by the Department of Health
1240 and Human Services.
- 1241 (16) "Medically underserved population" means a specified group of people living in a
1242 defined geographic area with a shortage of primary care health services, as determined
1243 by the Department of Health and Human Services.
- 1244 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
1245 alter living tissue, but is not intended or expected to excise, vaporize, disintegrate,
1246 or remove living tissue.
- 1247 (ii) Notwithstanding Subsection (17)(a)(i) nonablative procedure includes hair
1248 removal.
- 1249 (b) "Nonablative procedure" does not include:
- 1250 (i) a superficial procedure as defined in Section 58-1-102;
- 1251 (ii) the application of permanent make-up;
- 1252 (iii) laser tattoo removal; or

1253 [(iii)] (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that
1254 are performed by an individual licensed under this title who is acting within the
1255 individual's scope of practice.

1256 (18) "Physician" means both physicians and surgeons licensed under [~~Section 58-67-301,~~
1257 ~~Utah Medical Practice Act~~] Part 3, Licensing, and osteopathic physicians and surgeons
1258 licensed under [~~Section 58-68-301, Utah Osteopathic Medical Practice Act~~] Chapter 68,
1259 Part 3, Licensing.

1260 (19)(a) "Practice of medicine" means:

1261 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human
1262 disease, ailment, injury, infirmity, deformity, pain or other condition, physical or
1263 mental, real or imaginary, including to perform cosmetic medical procedures, or to
1264 attempt to do so, by any means or instrumentality, and by an individual in Utah or
1265 outside the state upon or for any human within the state;

1266 (ii) when a person not licensed as a physician directs a licensee under this chapter to
1267 withhold or alter the health care services that the licensee has ordered;

1268 (iii) to maintain an office or place of business for the purpose of doing any of the acts
1269 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or

1270 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis
1271 or treatment of human diseases or conditions in any printed material, stationery,
1272 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor
1273 of medicine," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or
1274 any combination of these designations in any manner which might cause a
1275 reasonable person to believe the individual using the designation is a licensed
1276 physician and surgeon, and if the party using the designation is not a licensed
1277 physician and surgeon, the designation must additionally contain the description
1278 of the branch of the healing arts for which the person has a license, provided that
1279 an individual who has received an earned degree of doctor of medicine degree but
1280 is not a licensed physician and surgeon in Utah may use the designation "M.D." if
1281 it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and
1282 style of lettering.

1283 (b) The practice of medicine does not include:

1284 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii) the
1285 conduct described in Subsection (19)(a)(i) that is performed in accordance with a
1286 license issued under another chapter of this title;

- 1287 (ii) an ablative cosmetic medical procedure if the scope of practice for the person
1288 performing the ablative cosmetic medical procedure includes the authority to
1289 operate or perform a surgical procedure; or
1290 (iii) conduct under Subsection 58-67-501(2).
- 1291 (20) "Prescription device" means an instrument, apparatus, implement, machine,
1292 contrivance, implant, in vitro reagent, or other similar or related article, and any
1293 component part or accessory, which is required under federal or state law to be
1294 prescribed by a practitioner and dispensed by or through a person or entity licensed
1295 under this chapter or exempt from licensure under this chapter.
- 1296 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be
1297 dispensed only by prescription or is restricted to administration only by practitioners.
- 1298 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if
1299 done for the purpose of effectuating or facilitating an individual's attempted sex
1300 change:
- 1301 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,
1302 penectomy, vaginoplasty, or vulvoplasty;
- 1303 (ii) for an individual whose biological sex at birth is female, hysterectomy,
1304 oophorectomy, metoidioplasty, or phalloplasty; or
- 1305 (iii) any surgical procedure that is related to or necessary for a procedure described in
1306 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual
1307 who is not sterile.
- 1308 (b) "Primary sex characteristic surgical procedure" does not include:
- 1309 (i) surgery or other procedures or treatments performed on an individual who:
- 1310 (A) is born with external biological sex characteristics that are irresolvably
1311 ambiguous;
- 1312 (B) is born with 46, XX chromosomes with virilization;
- 1313 (C) is born with 46, XY chromosomes with undervirilization;
- 1314 (D) has both ovarian and testicular tissue; or
- 1315 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
1316 with a sex development disorder characterized by abnormal sex chromosome
1317 structure, sex steroid hormone production, or sex steroid hormone action for a
1318 male or female; or
- 1319 (ii) removing a body part:
- 1320 (A) because the body part is cancerous or diseased; or

1321 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
1322 individual's attempted sex change.

1323 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if
1324 done for the purpose of effectuating or facilitating an individual's attempted sex
1325 change:

1326 (i) for an individual whose biological sex at birth is male, breast augmentation
1327 surgery, chest feminization surgery, or facial feminization surgery; or

1328 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
1329 reduction surgery, chest masculinization surgery, or facial masculinization surgery.

1330 (b) "Secondary sex characteristic surgical procedure" does not include:

1331 (i) surgery or other procedures or treatments performed on an individual who:

1332 (A) is born with external biological sex characteristics that are irresolvably
1333 ambiguous;

1334 (B) is born with 46, XX chromosomes with virilization;

1335 (C) is born with 46, XY chromosomes with undervirilization;

1336 (D) has both ovarian and testicular tissue; or

1337 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
1338 with a sex development disorder characterized by abnormal sex chromosome
1339 structure, sex steroid hormone production, or sex steroid hormone action for a
1340 male or female; or

1341 (ii) removing a body part:

1342 (A) because the body part is cancerous or diseased; or

1343 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
1344 individual's attempted sex change.

1345 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical
1346 Boards.

1347 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
1348 58-67-501.

1349 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
1350 and 58-67-502, and as may be further defined by division rule.

1351 Section 29. Section **58-68-102** is amended to read:

1352 **58-68-102 . Definitions.**

1353 In addition to the definitions in Section 58-1-102, as used in this chapter:

1354 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,

- 1355 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and
1356 erbium: YAG lasers.
- 1357 (b) "Ablative procedure" does not include: [-]
- 1358 (i) hair removal[-] ; or
- 1359 (ii) laser tattoo removal.
- 1360 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the
1361 American Medical Association.
- 1362 (3) "Administrative penalty" means a monetary fine imposed by the division for acts or
1363 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
1364 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,
1365 Administrative Procedures Act.
- 1366 (4) "AOA" means the American Osteopathic Association.
- 1367 (5) "Associate physician" means an individual licensed under Section 58-68-302.5.
- 1368 (6) "Attempted sex change" means an attempt or effort to change an individual's body to
1369 present that individual as being of a sex or gender that is different from the individual's
1370 biological sex at birth.
- 1371 (7) "Biological sex at birth" means an individual's sex, as being male or female, according
1372 to distinct reproductive roles as manifested by:
- 1373 (a) sex and reproductive organ anatomy;
- 1374 (b) chromosomal makeup; and
- 1375 (c) endogenous hormone profiles.
- 1376 (8) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1377 (9) "Collaborating physician" means an individual licensed under Section 58-68-302 who
1378 enters into a collaborative practice arrangement with an associate physician.
- 1379 (10) "Collaborative practice arrangement" means the arrangement described in Section
1380 58-68-807.
- 1381 (11)(a) "Cosmetic medical device" means tissue altering energy based devices that have
1382 the potential for altering living tissue and that are used to perform ablative or
1383 nonablative procedures, such as American National Standards Institute [~~(ANSI)~~]
1384 designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency
1385 devices, and lipolytic devices and excludes [ANSI] American National Standards
1386 Institute designated Class IIIa and lower powered devices.
- 1387 (b) Notwithstanding Subsection (11)(a), if an [ANSI] American National Standards
1388 Institute designated Class IIIa and lower powered device is being used to perform an

- 1389 ablative procedure, the device is included in the definition of cosmetic medical
1390 device under Subsection (11)(a).
- 1391 (12) "Cosmetic medical procedure":
- 1392 (a) includes the use of cosmetic medical devices to perform ablative or nonablative
1393 procedures; and
- 1394 (b) does not include a treatment of the ocular globe such as refractive surgery.
- 1395 (13) "Diagnose" means:
- 1396 (a) to examine in any manner another person, parts of a person's body, substances,
1397 fluids, or materials excreted, taken, or removed from a person's body, or produced by
1398 a person's body, to determine the source, nature, kind, or extent of a disease or other
1399 physical or mental condition;
- 1400 (b) to attempt to conduct an examination or determination described under Subsection
1401 (13)(a);
- 1402 (c) to hold oneself out as making or to represent that one is making an examination or
1403 determination as described in Subsection (13)(a); or
- 1404 (d) to make an examination or determination as described in Subsection (13)(a) upon or
1405 from information supplied directly or indirectly by another person, whether or not in
1406 the presence of the person making or attempting the diagnosis or examination.
- 1407 (14) "Medical assistant" means an unlicensed individual who may perform tasks as
1408 described in Subsection 58-68-305(6).
- 1409 (15) "Medically underserved area" means a geographic area in which there is a shortage of
1410 primary care health services for residents, as determined by the Department of Health
1411 and Human Services.
- 1412 (16) "Medically underserved population" means a specified group of people living in a
1413 defined geographic area with a shortage of primary care health services, as determined
1414 by the Department of Health and Human Services.
- 1415 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
1416 alter living tissue, but is not expected or intended to excise, vaporize, disintegrate,
1417 or remove living tissue.
- 1418 (ii) Notwithstanding Subsection (17)(a)(i), nonablative procedure includes hair
1419 removal.
- 1420 (b) "Nonablative procedure" does not include:
- 1421 (i) a superficial procedure as defined in Section 58-1-102;
- 1422 (ii) the application of permanent make-up;

1423 (iii) laser tattoo removal; or
1424 [(iii)] (iv) the use of photo therapy lasers for neuromusculoskeletal treatments that are
1425 performed by an individual licensed under this title who is acting within the
1426 individual's scope of practice.

1427 (18) "Physician" means both physicians and surgeons licensed under [~~Section 58-67-301,~~
1428 ~~Utah Medical Practice Act~~] Part 3, Licensing, and osteopathic physicians and surgeons
1429 licensed under [~~Section 58-68-301, Utah Osteopathic Medical Practice Act~~] Chapter 68,
1430 Part 3, Licensing.

1431 (19)(a) "Practice of osteopathic medicine" means:

- 1432 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human
1433 disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or
1434 mental, real or imaginary, or to attempt to do so, by any means or instrumentality,
1435 which in whole or in part is based upon emphasis of the importance of the
1436 musculoskeletal system and manipulative therapy in the maintenance and
1437 restoration of health, by an individual in Utah or outside of the state upon or for
1438 any human within the state;
- 1439 (ii) when a person not licensed as a physician directs a licensee under this chapter to
1440 withhold or alter the health care services that the licensee has ordered;
- 1441 (iii) to maintain an office or place of business for the purpose of doing any of the acts
1442 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 1443 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis
1444 or treatment of human diseases or conditions, in any printed material, stationery,
1445 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor
1446 of osteopathic medicine," "osteopathic physician," "osteopathic surgeon,"
1447 "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these
1448 designations in any manner which might cause a reasonable person to believe the
1449 individual using the designation is a licensed osteopathic physician, and if the
1450 party using the designation is not a licensed osteopathic physician, the designation
1451 must additionally contain the description of the branch of the healing arts for
1452 which the person has a license, provided that an individual who has received an
1453 earned degree of doctor of osteopathic medicine but is not a licensed osteopathic
1454 physician and surgeon in Utah may use the designation "D.O." if it is followed by
1455 "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

1456 (b) The practice of osteopathic medicine does not include:

- 1457 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii), the
1458 conduct described in Subsection (19)(a)(i) that is performed in accordance with a
1459 license issued under another chapter of this title;
- 1460 (ii) an ablative cosmetic medical procedure if the scope of practice for the person
1461 performing the ablative cosmetic medical procedure includes the authority to
1462 operate or perform a surgical procedure; or
- 1463 (iii) conduct under Subsection 58-68-501(2).
- 1464 (20) "Prescription device" means an instrument, apparatus, implement, machine,
1465 contrivance, implant, in vitro reagent, or other similar or related article, and any
1466 component part or accessory, which is required under federal or state law to be
1467 prescribed by a practitioner and dispensed by or through a person or entity licensed
1468 under this chapter or exempt from licensure under this chapter.
- 1469 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be
1470 dispensed only by prescription or is restricted to administration only by practitioners.
- 1471 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if
1472 done for the purpose of effectuating or facilitating an individual's attempted sex
1473 change:
- 1474 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,
1475 penectomy, vaginoplasty, or vulvoplasty;
- 1476 (ii) for an individual whose biological sex at birth is female, hysterectomy,
1477 oophorectomy, metoidioplasty, or phalloplasty; or
- 1478 (iii) any surgical procedure that is related to or necessary for a procedure described in
1479 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual
1480 who is not sterile.
- 1481 (b) "Primary sex characteristic surgical procedure" does not include:
- 1482 (i) surgery or other procedures or treatments performed on an individual who:
- 1483 (A) is born with external biological sex characteristics that are irresolvably
1484 ambiguous;
- 1485 (B) is born with 46, XX chromosomes with virilization;
- 1486 (C) is born with 46, XY chromosomes with undervirilization;
- 1487 (D) has both ovarian and testicular tissue; or
- 1488 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
1489 with a sex development disorder characterized by abnormal sex chromosome
1490 structure, sex steroid hormone production, or sex steroid hormone action for a

- 1491 male or female; or
- 1492 (ii) removing a body part:
- 1493 (A) because the body part is cancerous or diseased; or
- 1494 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
- 1495 individual's attempted sex change.
- 1496 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if
- 1497 done for the purpose of effectuating or facilitating an individual's attempted sex
- 1498 change:
- 1499 (i) for an individual whose biological sex at birth is male, breast augmentation
- 1500 surgery, chest feminization surgery, or facial feminization surgery; or
- 1501 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
- 1502 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 1503 (b) "Secondary sex characteristic surgical procedure" does not include:
- 1504 (i) surgery or other procedures or treatments performed on an individual who:
- 1505 (A) is born with external biological sex characteristics that are irresolvably
- 1506 ambiguous;
- 1507 (B) is born with 46, XX chromosomes with virilization;
- 1508 (C) is born with 46, XY chromosomes with undervirilization;
- 1509 (D) has both ovarian and testicular tissue; or
- 1510 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
- 1511 with a sex development disorder characterized by abnormal sex chromosome
- 1512 structure, sex steroid hormone production, or sex steroid hormone action for a
- 1513 male or female; or
- 1514 (ii) removing a body part:
- 1515 (A) because the body part is cancerous or diseased; or
- 1516 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
- 1517 individual's attempted sex change.
- 1518 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical
- 1519 Boards.
- 1520 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
- 1521 58-68-501.
- 1522 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
- 1523 and 58-68-502 and as may be further defined by division rule.
- 1524 Section 30. **Effective Date.**

1525 This bill takes effect on January 1, 2026.