

**COSMETOLOGY AND HAIR BRAIDING**

2013 GENERAL SESSION

STATE OF UTAH

---

---

**LONG TITLE**

**General Description:**

This bill adds an exemption for licensure in the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act for a person that braids hair and creates new licensing classifications related to hair braiders.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ changes the name of the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act to the Barber, Cosmetologist/Barber, Esthetician, Electrologist, Hair Braider, and Nail Technician Licensing Act;
- ▶ adds an exemption from licensure for a person that braids hair under certain circumstances and does not engage in other activity requiring licensure;
- ▶ creates new licensing classifications and describes the requirements for being licensed as:
  - a hair braider;
  - an advanced hair braider;
  - a hair braiding instructor; and
  - a hair braiding school;
- ▶ adds certain eyelash and eyebrow treatments to the practice of basic esthetics;
- ▶ modifies what constitutes unlawful conduct under the act; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

33           **58-11a-101**, as last amended by Laws of Utah 2007, Chapter 209  
 34           **58-11a-102**, as last amended by Laws of Utah 2012, Chapter 362  
 35           **58-11a-103**, as last amended by Laws of Utah 2007, Chapter 209  
 36           **58-11a-201**, as last amended by Laws of Utah 2007, Chapter 209  
 37           **58-11a-301**, as last amended by Laws of Utah 2009, Chapter 130  
 38           **58-11a-302**, as last amended by Laws of Utah 2010, Chapter 145  
 39           **58-11a-304**, as last amended by Laws of Utah 2012, Chapter 110  
 40           **58-11a-306**, as last amended by Laws of Utah 2009, Chapter 130  
 41           **58-11a-502**, as last amended by Laws of Utah 2012, Chapter 362  
 42           **58-11a-503**, as last amended by Laws of Utah 2008, Chapter 382

43

---

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

45           Section 1. Section **58-11a-101** is amended to read:

46           **58-11a-101. Title.**

47           This chapter is known as the "Barber, Cosmetologist/Barber, Esthetician, Electrologist,  
 48   Hair Braider, and Nail Technician Licensing Act."

49           Section 2. Section **58-11a-102** is amended to read:

50           **58-11a-102. Definitions.**

51           As used in this chapter:

52           (1) "Advanced hair braider" means a person who is licensed under this chapter to  
 53   engage in the practice of advanced hair braiding.

54           (2) "Approved advanced hair braiding apprenticeship" means an apprenticeship that  
 55   meets the requirements of Subsection 58-11a-306(7) and the requirements established by rule  
 56   by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
 57   Administrative Rulemaking Act.

58           ~~(1)~~ (3) "Approved barber or cosmetologist/barber apprenticeship" means an  
 59   apprenticeship that meets the requirements of Subsection 58-11a-306(1) for barbers or  
 60   Subsection 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule  
 61   by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
 62   Administrative Rulemaking Act.

63           ~~(2)~~ (4) "Approved esthetician apprenticeship" means an apprenticeship that meets the

64 requirements of Subsection 58-11a-306(3) and the requirements established by rule by the  
65 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
66 Administrative Rulemaking Act.

67 (5) "Approved hair braiding apprenticeship" means an apprenticeship that meets the  
68 requirements of Subsection 58-11a-306(6) and the requirements established by rule by the  
69 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
70 Administrative Rulemaking Act.

71 ~~[(3)]~~ (6) "Approved master esthetician apprenticeship" means an apprenticeship that  
72 meets the requirements of Subsection 58-11a-306(4) and the requirements established by rule  
73 by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
74 Administrative Rulemaking Act.

75 ~~[(4)]~~ (7) "Approved nail technician apprenticeship" means an apprenticeship that meets  
76 the requirements of Subsection 58-11a-306(5) and the requirements established by rule by the  
77 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
78 Administrative Rulemaking Act.

79 ~~[(5)]~~ (8) "Barber" means a person who is licensed under this chapter to engage in the  
80 practice of barbering.

81 ~~[(6)]~~ (9) "Barber instructor" means a barber who is licensed under this chapter to teach  
82 barbering at a licensed barber school or in an apprenticeship program as defined in Section  
83 58-11a-306.

84 ~~[(7)]~~ (10) "Board" means the Barber, Cosmetology/Barbering, Esthetics, Electrology,  
85 Hair Braiding, and Nail Technology Licensing Board created in Section 58-11a-201.

86 ~~[(8)]~~ (11) "Cosmetic laser procedure" includes a nonablative procedure as defined in  
87 Section 58-67-102.

88 ~~[(9)]~~ (12) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

89 ~~[(10)]~~ (13) "Cosmetologist/barber" means a person who is licensed under this chapter  
90 to engage in the practice of cosmetology/barbering.

91 ~~[(11)]~~ (14) "Cosmetologist/barber instructor" means a cosmetologist/barber who is  
92 licensed under this chapter to teach cosmetology/barbering at a licensed cosmetology/barber  
93 school, licensed barber school, licensed nail technology school, or in an apprenticeship  
94 program as defined in Subsection 58-11a-306(2).

95           ~~[(12)]~~ (15) "Direct supervision" means that the supervisor of an apprentice or the  
96 instructor of a student is immediately available for consultation, advice, instruction, and  
97 evaluation.

98           ~~[(13)]~~ (16) "Electrologist" means a person who is licensed under this chapter to engage  
99 in the practice of electrology.

100           ~~[(14)]~~ (17) "Electrologist instructor" means an electrologist who is licensed under this  
101 chapter to teach electrology at a licensed electrology school.

102           ~~[(15)]~~ (18) "Esthetician" means a person who is licensed under this chapter to engage  
103 in the practice of esthetics.

104           ~~[(16)]~~ (19) "Esthetician instructor" means a master esthetician who is licensed under  
105 this chapter to teach the practice of esthetics and the practice of master-level esthetics at a  
106 licensed esthetics school, a licensed cosmetology/barber school, or in an apprenticeship  
107 program as defined in Subsection 58-11a-306(3).

108           ~~[(17)]~~ (20) "Fund" means the Barber, Cosmetologist/Barber, Esthetician, Electrologist,  
109 Hair Braider, and Nail Technician Education and Enforcement Fund created in Section  
110 58-11a-103.

111           (21) "Hair braider" means a person who is licensed under this chapter to engage in the  
112 practice of hair braiding.

113           (22) "Hair braiding instructor" means an advanced hair braider who is licensed under  
114 this chapter to teach the practice of hair braiding and advanced hair braiding at a licensed hair  
115 braiding school, a licensed cosmetology/barber school, or in an apprentice program as defined  
116 in Subsections 58-11a-306(6) and (7).

117           ~~[(18)]~~ (23) "Licensed barber or cosmetology/barber school" means a barber or  
118 cosmetology/barber school licensed under this chapter.

119           ~~[(19)]~~ (24) "Licensed electrology school" means an electrology school licensed under  
120 this chapter.

121           ~~[(20)]~~ (25) "Licensed esthetics school" means an esthetics school licensed under this  
122 chapter.

123           (26) "Licensed hair braiding school" means a hair braiding school licensed under this  
124 chapter.

125           ~~[(21)]~~ (27) "Licensed nail technology school" means a nail technology school licensed

126 under this chapter.

127 ~~[(22)]~~ (28) "Master esthetician" means an individual who is licensed under this chapter  
128 to engage in the practice of master-level esthetics.

129 ~~[(23)]~~ (29) "Nail technician" means an individual who is licensed under this chapter to  
130 engage in the practice of nail technology.

131 ~~[(24)]~~ (30) "Nail technician instructor" means a nail technician licensed under this  
132 chapter to teach the practice of nail technology in a licensed nail technology school, a licensed  
133 cosmetology/barber school, or in an apprenticeship program as defined in Subsection  
134 58-11a-306(5).

135 (31) (a) "Natural hair braiding" means the twisting, weaving, or interweaving of a  
136 person's natural human hair.

137 (b) "Natural hair braiding" includes the following methods or styles:

138 (i) African-style braiding;

139 (ii) box braids;

140 (iii) cornrows;

141 (iv) dreadlocks;

142 (v) french braids;

143 (vi) invisible braids;

144 (vii) micro braids;

145 (viii) single braids;

146 (ix) single plaits;

147 (x) twists; and

148 (xi) visible braids.

149 (c) "Natural hair braiding" does not include:

150 (i) the use of natural or synthetic hair extensions or wefts;

151 (ii) the use of natural or synthetic fibers;

152 (iii) the cutting of human hair; or

153 (iv) the application of heat, dye, a reactive chemical, or other preparation to:

154 (A) alter the color of the hair; or

155 (B) straighten, curl, or alter the structure of the hair.

156 ~~[(25)]~~ (32) "Practice of barbering" means:

157 (a) cutting, clipping, or trimming the hair of the head of any person by the use of  
158 scissors, shears, clippers, or other appliances;

159 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying; and

160 (c) removing hair from the face or neck of a person by the use of shaving equipment.

161 ~~[(26)]~~ (33) "Practice of barbering instruction" means instructing barbering in a licensed  
162 barber school, licensed cosmetology/barber school, or in an apprenticeship program as defined  
163 in Subsection 58-11a-306(1).

164 ~~[(27)]~~ (34) "Practice of basic esthetics" means any one of the following skin care  
165 procedures done on the head, face, neck, arms, hands, legs, feet, eyebrows, or eyelashes for  
166 cosmetic purposes and not for the treatment of medical, physical, or mental ailments:

167 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or  
168 masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the  
169 application of eyelash extensions, natural nail manicures or pedicures, or callous removal by  
170 buffing or filing;

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

172 (c) removing superfluous hair by means other than electrolysis, except that an  
173 individual is not required to be licensed as an esthetician to engage in the practice of threading;

174 (d) other esthetic preparations or procedures with the use of the hands, a  
175 high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not  
176 for the treatment of medical, physical, or mental ailments; ~~[or]~~

177 (e) arching eyebrows, tinting or perming eyebrows or eyelashes, applying eyelash  
178 extensions, or a combination of these procedures; or

179 ~~[(e)]~~ (f) except as provided in Subsection (27)~~[(e)]~~(f)(i), cosmetic laser procedures  
180 under the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the  
181 following:

182 (i) superfluous hair removal which shall be under indirect supervision;

183 (ii) anti-aging resurfacing enhancements;

184 (iii) photo rejuvenation; or

185 (iv) tattoo removal.

186 ~~[(28)]~~ (35) (a) "Practice of cosmetology/barbering" means:

187 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,

188 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a  
189 person;

190 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or  
191 other appliances;

192 (iii) arching eyebrows, or tinting eyebrows or eyelashes, applying eyelash extensions,  
193 or any combination of these procedures;

194 (iv) removing hair from the face, neck, shoulders, arms, back, torso, feet, bikini line, or  
195 legs of a person by the use of depilatories, waxing, or shaving equipment;

196 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces  
197 or both on the human head; or

198 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted  
199 hair.

200 (b) The term "practice of cosmetology/barbering" includes:

201 (i) the practice of basic esthetics; ~~and~~

202 (ii) the practice of nail technology~~[-]; and~~

203 (iii) the practice of advanced hair braiding.

204 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in  
205 the practice of threading.

206 ~~[(29)]~~ (36) "Practice of cosmetology/barbering instruction" means instructing  
207 cosmetology/barbering as defined in Subsection ~~[(28)]~~ (35) in a licensed cosmetology/barber  
208 school or in an apprenticeship program as defined in Subsection 58-11a-306(2).

209 ~~[(30)]~~ (37) "Practice of electrology" means:

210 (a) the removal of superfluous hair from the body of a person by the use of electricity,  
211 waxing, shaving, or tweezing; or

212 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to  
213 superfluous hair removal.

214 ~~[(31)]~~ (38) "Practice of electrology instruction" means instructing electrology in a  
215 licensed electrology school.

216 ~~[(32)]~~ (39) "Practice of esthetics instruction" means instructing esthetics in a licensed  
217 esthetics school, a licensed cosmetology/barber school, or instructing master-level esthetics in a  
218 licensed esthetics school or in an apprenticeship program as defined in Subsections

219 58-11a-306(2), (3), and (4).

220 (40) (a) "Practice of advanced hair braiding" means the braiding, twisting, weaving, or  
221 interweaving of:

222 (i) a person's natural human hair; or

223 (ii) a person's natural human hair along with natural or synthetic hair extensions, beads,  
224 or other materials.

225 (b) "Practice of advanced hair braiding" includes:

226 (i) natural hair braiding as defined in this section;

227 (ii) the practice of hair braiding as defined in this section;

228 (iii) the use of lock braids;

229 (iv) the use of beads and other accessories; and

230 (v) the use of extensions and wefts utilizing;

231 (A) synthetic tape;

232 (B) keratin bonds;

233 (C) fusion bonds; and

234 (D) heat tools.

235 (c) "Practice of advanced hair braiding" does not include:

236 (i) the cutting of human hair; or

237 (ii) the application of dye, a reactive chemical, or other preparation to:

238 (A) alter the color of the hair; or

239 (B) straighten, curl, or alter the structure of the hair.

240 (41) (a) "Practice of hair braiding" means the braiding, twisting, weaving, or  
241 interweaving of:

242 (i) a person's natural human hair; or

243 (ii) a person's natural human hair along with natural or synthetic hair extensions.

244 (b) "Practice of hair braiding" includes:

245 (i) natural hair braiding as defined in this section;

246 (ii) dreadlock extensions; and

247 (iii) the use of extensions and wefts utilizing:

248 (A) elastic bands;

249 (B) sewing and crochet techniques; and



- 250 (C) synthetic glue that is not protein based and does not require heat.
- 251 (c) "Practice of hair braiding" does not include:
- 252 (i) except for natural or synthetic hair extensions or wefts, the use of beads or other
- 253 materials;
- 254 (ii) the use of keratin bonds or synthetic tape;
- 255 (iii) the use of fusion bonds;
- 256 (iv) the application of heat;
- 257 (v) the use of lock braids;
- 258 (vi) the cutting of human hair; or
- 259 (vii) the application of heat, dye, a reactive chemical, or other preparation to:
- 260 (A) alter the color of the hair; or
- 261 (B) straighten, curl, or alter the structure of the hair.
- 262 (42) "Practice of hair braiding instruction" means instructing hair braiding or advanced
- 263 hair braiding in a licensed hair braiding school, a licensed cosmetology/barber school, or in an
- 264 apprenticeship program as defined in Subsections 58-11a-306(6) and (7).
- 265 ~~[(33)]~~ (43) (a) "Practice of master-level esthetics" means:
- 266 (i) any of the following when done for cosmetic purposes on the head, face, neck,
- 267 torso, abdomen, back, arms, hands, legs, feet, eyebrows, or eyelashes and not for the treatment
- 268 of medical, physical, or mental ailments:
- 269 (A) body wraps as defined by rule;
- 270 (B) hydrotherapy as defined by rule;
- 271 (C) chemical exfoliation as defined by rule;
- 272 (D) advanced pedicures as defined by rule;
- 273 (E) sanding, including microdermabrasion;
- 274 (F) advanced extraction;
- 275 (G) other esthetic preparations or procedures with the use of:
- 276 (I) the hands; or
- 277 (II) a mechanical or electrical apparatus which is approved for use by division rule for
- 278 beautifying or similar work performed on the body for cosmetic purposes and not for the
- 279 treatment of a medical, physical, or mental ailment; or
- 280 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a

281 physician's evaluation before the procedure, as needed, unless specifically required under  
282 Section 58-1-506, and limited to the following:

- 283 (I) superfluous hair removal;
- 284 (II) anti-aging resurfacing enhancements;
- 285 (III) photo rejuvenation; or
- 286 (IV) tattoo removal with a physician's evaluation before the tattoo removal procedure;

287 and

288 (ii) lymphatic massage by manual or other means as defined by rule.

289 (b) Notwithstanding the provisions of Subsection (33)(a), a master-level esthetician  
290 may perform procedures listed in Subsection (33)(a)(i)(H) if done under the supervision of a  
291 cosmetic supervisor acting within the scope of the cosmetic supervisor license.

292 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but  
293 an individual is not required to be licensed as an esthetician or master-level esthetician to  
294 engage in the practice of threading.

295 ~~[(34)]~~ (44) "Practice of nail technology" means to trim, cut, clean, manicure, shape,  
296 massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of  
297 hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the  
298 application and removal of sculptured or artificial nails.

299 ~~[(35)]~~ (45) "Practice of nail technology instruction" means instructing nail technology  
300 in a licensed nail technician school, licensed cosmetology/barber school, or in an  
301 apprenticeship program as defined in Subsection 58-11a-306(5).

302 ~~[(36)]~~ (46) "Recognized barber school" means a barber school located in a state other  
303 than Utah, whose students, upon graduation, are recognized as having completed the  
304 educational requirements for licensure in that state.

305 ~~[(37)]~~ (47) "Recognized cosmetology/barber school" means a cosmetology/barber  
306 school located in a state other than Utah, whose students, upon graduation, are recognized as  
307 having completed the educational requirements for licensure in that state.

308 ~~[(38)]~~ (48) "Recognized electrology school" means an electrology school located in a  
309 state other than Utah, whose students, upon graduation, are recognized as having completed the  
310 educational requirements for licensure in that state.

311 ~~[(39)]~~ (49) "Recognized esthetics school" means an esthetics school located in a state

312 other than Utah, whose students, upon graduation, are recognized as having completed the  
313 educational requirements for licensure in that state.

314 (50) "Recognized hair braiding school" means a hair braiding school located in a state  
315 other than Utah, whose students, upon graduation, are recognized as having completed the  
316 educational requirements for licensure in that state.

317 [~~(40)~~] (51) "Recognized nail technology school" means a nail technology school  
318 located in a state other than Utah, whose students, upon graduation, are recognized as having  
319 completed the educational requirements for licensure in that state.

320 [~~(41)~~] (52) "Salon" means a place, shop, or establishment in which  
321 cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

322 [~~(42)~~] (53) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

323 [~~(43)~~] (54) "Unprofessional conduct" is as defined in Sections 58-1-501 and  
324 58-11a-501 and as may be further defined by rule by the division in collaboration with the  
325 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

326 Section 3. Section **58-11a-103** is amended to read:

327 **58-11a-103. Education and enforcement fund.**

328 (1) There is created a restricted special revenue fund known as the "Barber,  
329 Cosmetologist/Barber, Esthetician, Electrologist, Hair Braider and Nail Technician Education  
330 and Enforcement Fund."

331 (2) The fund consists of money from administrative penalties collected pursuant to this  
332 chapter.

333 (3) The fund shall earn interest and all interest earned on fund money shall be  
334 deposited into the fund.

335 (4) The director may, with concurrence of the board, make distributions from the fund  
336 for the following purposes:

337 (a) education and training of licensees under this chapter;

338 (b) education and training of the public or other interested persons in matters  
339 concerning the laws governing the practices licensed under this chapter; and

340 (c) enforcement of this chapter by:

341 (i) investigating unprofessional or unlawful conduct; and

342 (ii) providing legal representation to the division when the division takes legal action

343 against a person engaging in unprofessional or unlawful conduct.

344 (5) The division shall report annually to the appropriate appropriations subcommittee  
345 of the Legislature concerning the fund.

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

347 **58-11a-201. Board.**

348 (1) There is created the Barbering, Cosmetology/Barbering, Esthetics, Electrology, and  
349 Hair Braiding, Nail Technology Licensing Board consisting of nine members as follows:

350 (a) one barber or cosmetologist/barber;

351 (b) (i) one barber or cosmetologist/barber instructor; or

352 (ii) one representative of a licensed barber or cosmetology/barber school;

353 (c) one master esthetician;

354 (d) (i) one esthetician instructor; or

355 (ii) one representative of a licensed esthetics school;

356 (e) one nail technician;

357 (f) (i) one nail technician instructor; or

358 (ii) one representative of a licensed nail technician school;

359 (g) one electrologist; and

360 (h) two members from the general public.

361 (2) (a) The board shall be appointed and serve in accordance with Section 58-1-201.

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

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

366 (3) The duties and responsibilities of the board are in accordance with Sections  
367 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a  
368 permanent or rotating basis to:

369 (a) assist the division in reviewing complaints concerning the unlawful or  
370 unprofessional conduct of a licensee; and

371 (b) advise the division in its investigation of these complaints.

372 (4) A board member who has, under Subsection (3), reviewed a complaint or advised  
373 in its investigation may be disqualified from participating with the board when the board serves

374 as a presiding officer in an adjudicative proceeding concerning the complaint.

375 Section 5. Section **58-11a-301** is amended to read:

376 **58-11a-301. Licensure required -- License classifications.**

377 (1) Except as specifically provided in Section 58-1-307 or 58-11a-304, a license is  
378 required to:

379 (a) engage in the practice of:

380 (i) barbering;

381 (ii) barbering instruction;

382 (iii) operating a barbering school;

383 (iv) cosmetology/barbering;

384 (v) cosmetology/barbering instruction; or

385 (vi) electrology;

386 (b) operate a cosmetology/barbering school;

387 (c) engage in the practice of:

388 (i) electrology instruction;

389 (ii) esthetics;

390 (iii) master-level esthetics;

391 (iv) esthetics instruction;

392 (v) nail technology; [~~or~~]

393 (vi) nail technology instruction; [~~or~~]

394 (vii) hair braiding;

395 (viii) advanced hair braiding; or

396 (ix) hair braiding instruction; or

397 (d) operate:

398 (i) an electrology school;

399 (ii) an esthetics school; [~~or~~]

400 (iii) a nail technology school[-]; or

401 (iv) a hair braiding school.

402 (2) The division shall issue to a person who qualifies under this chapter a license in the  
403 following classifications:

404 (a) barber;

- 405 (b) barber instructor;  
 406 (c) barber school;  
 407 (d) cosmetologist/barber;  
 408 (e) cosmetologist/barber instructor;  
 409 (f) cosmetology/barber school;  
 410 (g) electrologist;  
 411 (h) electrologist instructor;  
 412 (i) electrology school;  
 413 (j) esthetician;  
 414 (k) master esthetician;  
 415 (l) esthetician instructor;  
 416 (m) esthetics school;  
 417 (n) nail technology;  
 418 (o) nail technology instructor; [~~and~~]  
 419 (p) nail technology school[-];  
 420 (q) hair braider;  
 421 (r) advanced hair braider;  
 422 (s) hair braiding instructor; and  
 423 (t) hair braiding school.

424 Section 6. Section **58-11a-302** is amended to read:

425 **58-11a-302. Qualifications for licensure.**

- 426 (1) Each applicant for licensure as a barber shall:  
 427 (a) submit an application in a form prescribed by the division;  
 428 (b) pay a fee determined by the department under Section 63J-1-504;  
 429 (c) be of good moral character;  
 430 (d) provide satisfactory documentation of:  
 431 (i) graduation from a licensed or recognized barber school or a licensed or recognized  
 432 cosmetology/barber school whose curriculum consists of a minimum of 1,000 hours of  
 433 instruction or the equivalent number of credit hours over a period of not less than 25 weeks;  
 434 (ii) (A) having graduated from a recognized barber school located in a state other than  
 435 Utah whose curriculum consists of less than 1,000 hours of instruction or the equivalent

- 436 number of credit hours; and
- 437 (B) having practiced as a licensed barber for a period of not less than 2,000 hours; or
- 438 (iii) having completed an approved barber apprenticeship; and
- 439 (e) meet the examination requirement established by rule.
- 440 (2) Each applicant for licensure as a barber instructor shall:
- 441 (a) submit an application in a form prescribed by the division;
- 442 (b) pay a fee determined by the department under Section 63J-1-504;
- 443 (c) provide satisfactory documentation that the applicant is currently licensed as a
- 444 barber;
- 445 (d) be of good moral character;
- 446 (e) provide satisfactory documentation of completion of:
- 447 (i) an instructor training program conducted by a licensed or recognized school as
- 448 defined by rule consisting of a minimum of 500 hours or the equivalent number of credit hours;
- 449 or
- 450 (ii) a minimum of 2,000 hours of experience as a barber; and
- 451 (f) meet the examination requirement established by rule.
- 452 (3) Each applicant for licensure as a barber school shall:
- 453 (a) submit an application in a form prescribed by the division;
- 454 (b) pay a fee determined by the department under Section 63J-1-504; and
- 455 (c) provide satisfactory documentation:
- 456 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 457 (ii) of business licensure from the city, town, or county in which the school is located;
- 458 (iii) that the applicant's physical facilities comply with the requirements established by
- 459 rule; and
- 460 (iv) that the applicant meets the standards for barber schools, including staff and
- 461 accreditation requirements, established by rule.
- 462 (4) Each applicant for licensure as a cosmetologist/barber shall:
- 463 (a) submit an application in a form prescribed by the division;
- 464 (b) pay a fee determined by the department under Section 63J-1-504;
- 465 (c) be of good moral character;
- 466 (d) provide satisfactory documentation of:

- 467 (i) graduation from a licensed or recognized cosmetology/barber school whose  
468 curriculum consists of a minimum of 2,000 hours of instruction, with full flexibility within the  
469 2,000 hours, or the equivalent number of credit hours over a period of not less than 50 weeks;
- 470 (ii) (A) having graduated from a recognized cosmetology/barber school located in a  
471 state other than Utah whose curriculum consists of less than 2,000 hours of instruction, with  
472 full flexibility within the 2,000 hours, or the equivalent number of credit hours; and
- 473 (B) having practiced as a licensed cosmetologist/barber for a period of not less than  
474 4,000 hours; or
- 475 (iii) having completed an approved cosmetology/barber apprenticeship; and
- 476 (e) meet the examination requirement established by rule.
- 477 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:
- 478 (a) submit an application in a form prescribed by the division;
- 479 (b) pay a fee determined by the department under Section 63J-1-504;
- 480 (c) provide satisfactory documentation that the applicant is currently licensed as a  
481 cosmetologist/barber;
- 482 (d) be of good moral character;
- 483 (e) provide satisfactory documentation of completion of:
- 484 (i) an instructor training program conducted by a licensed or recognized school as  
485 defined by rule consisting of a minimum of 1,000 hours or the equivalent number of credit  
486 hours; or
- 487 (ii) a minimum of 4,000 hours of experience as a cosmetologist/barber; and
- 488 (f) meet the examination requirement established by rule.
- 489 (6) Each applicant for licensure as a cosmetologist/barber school shall:
- 490 (a) submit an application in a form prescribed by the division;
- 491 (b) pay a fee determined by the department under Section 63J-1-504; and
- 492 (c) provide satisfactory documentation:
- 493 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 494 (ii) of business licensure from the city, town, or county in which the school is located;
- 495 (iii) that the applicant's physical facilities comply with the requirements established by  
496 rule; and
- 497 (iv) that the applicant meets the standards for cosmetology schools, including staff and



498 accreditation requirements, established by rule.

499 (7) Each applicant for licensure as an electrologist shall:

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

501 (b) pay a fee determined by the department under Section 63J-1-504;

502 (c) be of good moral character;

503 (d) provide satisfactory documentation of having graduated from a licensed or

504 recognized electrology school after completing a curriculum of 600 hours of instruction or the

505 equivalent number of credit hours; and

506 (e) meet the examination requirement established by rule.

507 (8) Each applicant for licensure as an electrologist instructor shall:

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

509 (b) pay a fee determined by the department under Section 63J-1-504;

510 (c) provide satisfactory documentation that the applicant is currently licensed as an

511 electrologist;

512 (d) be of good moral character;

513 (e) provide satisfactory documentation of completion of:

514 (i) an instructor training program conducted by a licensed or recognized school as

515 defined by rule consisting of a minimum of 175 hours or the equivalent number of credit hours;

516 or

517 (ii) a minimum of 1,000 hours of experience as an electrologist; and

518 (f) meet the examination requirement established by rule.

519 (9) Each applicant for licensure as an electrologist school shall:

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

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

522 (c) provide satisfactory documentation:

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

524 (ii) of business licensure from the city, town, or county in which the school is located;

525 (iii) that the applicant's facilities comply with the requirements established by rule; and

526 (iv) that the applicant meets the standards for electrologist schools, including staff,

527 curriculum, and accreditation requirements, established by rule.

528 (10) Each applicant for licensure as an esthetician shall:

- 529 (a) submit an application in a form prescribed by the division;
- 530 (b) pay a fee determined by the department under Section 63J-1-504;
- 531 (c) be of good moral character;
- 532 (d) provide satisfactory documentation of one of the following:
- 533 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized
- 534 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic
- 535 instruction with a minimum of 600 hours or the equivalent number of credit hours;
- 536 (ii) completion of an approved esthetician apprenticeship; or
- 537 (iii) (A) having graduated from a recognized cosmetology/barber school located in a
- 538 state other than Utah whose curriculum consists of less than 2,000 hours of instruction with full
- 539 flexibility within the 2,000 hours or the equivalent number of credit hours; and
- 540 (B) having practiced as a licensed cosmetologist/barber for a period of not less than
- 541 4,000 hours; and
- 542 (e) meet the examination requirement established by division rule.
- 543 (11) Each applicant for licensure as a master esthetician shall:
- 544 (a) submit an application in a form prescribed by the division;
- 545 (b) pay a fee determined by the department under Section 63J-1-504;
- 546 (c) be of good moral character; and
- 547 (d) provide satisfactory documentation of one of the following:
- 548 (i) (A) completion of at least 1,200 hours of training or the equivalent number of credit
- 549 hours over a period of not less than 30 weeks at a licensed or recognized esthetics school; or
- 550 (B) accepting up to 600 hours or credit hours towards the 1,200 hours of training or
- 551 equivalent number of credit hours from an applicant who has graduated from a licensed or
- 552 recognized cosmetology/barbering school whose curriculum consists of a minimum of 2,000
- 553 hours of instruction with full flexibility within the 2,000 hours, or the equivalent number of
- 554 credit hours; and
- 555 (C) for practice of lymphatic massage, provide satisfactory documentation to show
- 556 completion of 200 hours of training or equivalent number of credit hours in lymphatic massage
- 557 as defined by division rule; or
- 558 (ii) completion of an approved master esthetician apprenticeship;
- 559 (iii) accepting up to 600 hours or credit hours towards the 1,200 hours of training or

560 equivalent number of credit hours from a recognized cosmetology/barber school located in a  
561 state other than Utah whose curriculum consists of less than 2,000 hours of instruction or the  
562 equivalent number of credit hours; or

563 (iv) (A) having graduated from a recognized master esthetics school located in a state  
564 other than Utah whose curriculum consists of less than 1,200 hours of instruction, with full  
565 flexibility within the 1,200 hours or the equivalent number of credit hours; and

566 (B) having practiced as a licensed master esthetician for a period of not less than 4,000  
567 hours; and

568 (e) meet the examination requirement established by division rule.

569 (12) Each applicant for licensure as an esthetician instructor shall:

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

571 (b) pay a fee determined by the department under Section 63J-1-504;

572 (c) provide satisfactory documentation that the applicant is currently licensed as a  
573 master esthetician;

574 (d) be of good moral character;

575 (e) provide satisfactory documentation of completion of:

576 (i) an instructor training program conducted by a licensed or recognized school as  
577 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit  
578 hours; or

579 (ii) a minimum of 1,000 hours of experience in esthetics; and

580 (f) meet the examination requirement established by rule.

581 (13) Each applicant for licensure as an esthetics school shall:

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

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

584 (c) provide satisfactory documentation:

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

586 (ii) of business licensure from the city, town, or county in which the school is located;

587 (iii) that the applicant's physical facilities comply with the requirements established by  
588 rule; and

589 (iv) that the applicant meets the standards for esthetics schools, including staff,  
590 curriculum, and accreditation requirements, established by division rule made in collaboration

591 with the board.

592 (14) Each applicant for licensure as a nail technician shall:

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

594 (b) pay a fee determined by the department under Section 63J-1-504;

595 (c) be of good moral character; and

596 (d) provide satisfactory documentation of:

597 (i) graduation from a licensed or recognized nail technology school or a licensed or  
598 recognized cosmetology/barber school whose curriculum consists of not less than 300 hours or  
599 the equivalent number of credit hours of not more than eight hours a day and six days a week  
600 during the program;

601 (ii) (A) having graduated from a recognized nail technology school located in a state  
602 other than Utah whose curriculum consists of less than 300 hours of instruction or the  
603 equivalent number of credit hours; and

604 (B) having practiced as a licensed nail technician for a period of not less than 1,000  
605 hours; or

606 (iii) having completed an approved nail technician apprenticeship; and

607 (e) meet the examination requirement established by division rule.

608 (15) Each applicant for licensure as a nail technician instructor shall:

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

610 (b) pay a fee determined by the department under Section 63J-1-504;

611 (c) provide satisfactory documentation that the applicant is currently licensed as a nail  
612 technician;

613 (d) be of good moral character;

614 (e) provide satisfactory documentation of completion of:

615 (i) an instructor training program conducted by a licensed or recognized school as  
616 defined by rule consisting of a minimum of 150 hours or the equivalent number of credit hours;

617 or

618 (ii) a minimum of 600 hours of experience in nail technology; and

619 (f) meet the examination requirement established by rule.

620 (16) Each applicant for licensure as a nail technology school shall:

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

- 622 (b) pay a fee determined by the department under Section 63J-1-504; and  
623 (c) provide satisfactory documentation:  
624 (i) of appropriate registration with the Division of Corporations and Commercial Code;  
625 (ii) of business licensure from the city, town, or county in which the school is located;  
626 (iii) that the applicant's facilities comply with the requirements established by rule; and  
627 (iv) that the applicant meets the standards for nail technology schools, including staff,  
628 curriculum, and accreditation requirements, established by rule.

629 (17) Each applicant for licensure as a hair braider shall:

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

631 (b) pay a fee determined by the department under Section 63J-1-504;

632 (c) be of good moral character;

633 (d) provide satisfactory documentation of:

634 (i) graduation from a licensed or recognized hair braiding school or a licensed or  
635 recognized cosmetology/barber school whose curriculum consists of at least eight weeks of  
636 hair-braiding related instruction and includes at least 300 hours of instruction or the equivalent  
637 number of credit hours;

638 (ii) (A) graduation from a recognized hair braiding school located in a state other than  
639 Utah whose curriculum consists of less than 300 hours of instruction or the equivalent number  
640 of credit hours; and

641 (B) having practiced as a licensed hair braider for a period of at least 1,000 hours; or

642 (iii) completion of an approved hair braiding apprenticeship; and

643 (e) meet the examination requirement established by division rule.

644 (18) Each applicant for licensure as an advanced hair braider shall:

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

646 (b) pay a fee determined by the department under Section 63J-1-504;

647 (c) be of good moral character;

648 (d) provide satisfactory documentation of:

649 (i) graduation from a licensed or recognized hair braiding school or a licensed or  
650 recognized cosmetology/barber school whose curriculum consists of at least 15 weeks of  
651 hair-braiding related instruction and includes at least 600 hours of instruction or the equivalent  
652 number of credit hours;

653 (ii) (A) graduation from a recognized hair braiding school located in a state other than  
654 Utah whose curriculum consists of less than 600 hours of instruction or the equivalent number  
655 of credit hours; and

656 (B) having practiced as a licensed hair braider for a period of at least 2,000 hours; or

657 (iii) completion of an approved advanced hair braiding apprenticeship; and

658 (e) meet the examination requirement established by division rule.

659 (19) Each applicant for licensure as a hair braiding instructor shall:

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

661 (b) pay a fee determined by the department under Section 63J-1-504;

662 (c) provide satisfactory documentation that the applicant is currently licensed as an  
663 advanced hair braider;

664 (d) be of good moral character;

665 (e) provide satisfactory documentation of completion of:

666 (i) an instructor training program conducted by a licensed or recognized school as  
667 defined by rule, consisting of a minimum of 175 hours or the equivalent number of credit  
668 hours; or

669 (ii) a minimum of 1,000 hours of experience in hair braiding; and

670 (f) meet the examination requirement established by rule.

671 (20) Each applicant for licensure as a hair braiding school shall:

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

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

674 (c) provide satisfactory documentation:

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

676 (ii) of business licensure from the city, town, or county in which the school is located;

677 (iii) that the applicant's physical facilities comply with the requirements established by  
678 rule; and

679 (iv) that the applicant meets the standards for hair braiding schools, including staff,  
680 curriculum, and accreditation requirements, established by division rule.

681 [(17)] (21) Each applicant for licensure under this chapter whose education in the field  
682 for which a license is sought was completed at a foreign school may satisfy the educational  
683 requirement for licensure by demonstrating, to the satisfaction of the division, the educational

684 equivalency of the foreign school education with a licensed school under this chapter.

685 ~~[(18)]~~ (22) (a) A licensed or recognized school under this section may accept credit  
686 hours towards graduation for any profession listed in this section.

687 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
688 consistent with this section, the division may make rules governing the acceptance of credit  
689 hours under Subsection ~~[(18)]~~ (22)(a).

690 Section 7. Section **58-11a-304** is amended to read:

691 **58-11a-304. Exemptions from licensure.**

692 In addition to the exemptions from licensure in Section 58-1-307, the following persons  
693 may engage in the practice of barbering, cosmetology/barbering, esthetics, master-level  
694 esthetics, electrology, hair braiding, advanced hair braiding, or nail technology without being  
695 licensed under this chapter:

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

699 (2) a commissioned ~~[physicians and surgeons]~~ physician or surgeon serving in the  
700 armed forces of the United States or another federal agency;

701 (3) a registered ~~[nurses, undertakers, and morticians]~~ nurse, undertaker, or mortician  
702 licensed under the laws of this state when engaged in the practice of the profession for which  
703 ~~[they are]~~ the person is licensed;

704 (4) ~~[persons]~~ a person who visit the state to engage in instructional seminars, advanced  
705 classes, trade shows, or competitions of a limited duration;

706 (5) ~~[persons who engage]~~ a person who engages in the practice of barbering,  
707 cosmetology/barbering, esthetics, master-level esthetics, electrology, hair braiding, advanced  
708 hair braiding, or nail technology without compensation;

709 (6) ~~[persons]~~ a person instructing an adult education ~~[classes and]~~ class or other  
710 educational ~~[programs]~~ program directed toward persons who are not licensed under this  
711 chapter and that are not intended to train persons to become licensed under this chapter,  
712 provided:

713 (a) ~~[attendees receive]~~ an attendee receives no credit toward ~~[the]~~ educational  
714 ~~[requirement]~~ requirements for licensure under this chapter; ~~[and]~~

- 715 (b) the instructor informs each attendee in writing that taking such a class or program  
716 will not certify or qualify the attendee to perform a service for compensation that requires  
717 licensure under this chapter; and
- 718 ~~(b)~~ (c) (i) the instructor is properly licensed; or  
719 (ii) the instructor receives no compensation;
- 720 (7) ~~[persons instructing]~~ a person providing instruction in workshops, seminars,  
721 training meetings, ~~[and]~~ or other educational programs whose purpose is to provide continuing  
722 professional development to licensed barbers, cosmetologist/barbers, estheticians,  
723 electrologists, hair braiders, advanced hair braiders, or master estheticians, nail technicians~~[-or~~  
724 ~~electrologists]~~;
- 725 (8) ~~[persons currently]~~ a person enrolled in a licensed barber or cosmetology/barber  
726 school when participating in an on the job training internship under the direct supervision of a  
727 licensed barber or cosmetologist/barber upon completion of a basic program under the  
728 standards established by rule by the division in collaboration with the board;
- 729 (9) ~~[persons]~~ a person enrolled in an approved apprenticeship pursuant to Section  
730 58-11a-306;
- 731 (10) ~~[employees]~~ an employee of a company ~~[which]~~ that is primarily engaged in the  
732 business of selling products used in the practice of barbering, cosmetology/barbering, esthetics,  
733 master-level esthetics, electrology, hair braiding, advanced hair braiding, or nail technology  
734 when demonstrating the company's products to a potential ~~[customers; or]~~ customer, provided  
735 the employee makes no representation to a potential customer that attending such a  
736 demonstration will certify or qualify the attendee to perform a service for compensation that  
737 requires licensure under this chapter;
- 738 (11) a person who:
- 739 (a) is qualified to engage in the practice of barbering, cosmetology/barbering, esthetics,  
740 master-level esthetics, electrology, hair braiding, advanced hair braiding, or nail technology in  
741 another jurisdiction as evidenced by licensure, certification, or lawful practice in the other  
742 jurisdiction;
- 743 (b) is employed by, or under contract with, a motion picture company; and  
744 (c) engages in the practice of barbering, cosmetology/barbering, esthetics, master-level  
745 esthetics, electrology, hair braiding, advanced hair braiding, or nail technology in the state:



- 746 (i) solely to assist in the production of a motion picture; and  
747 (ii) for no more than 120 days per calendar year[-]; and  
748 (12) a person who:  
749 (a) engages in one specific method or style of natural hair braiding; and  
750 (b) unless it is expressly exempted under this section or Section 58-1-307, does not  
751 engage in other activity requiring licensure under this chapter.

752 Section 8. Section **58-11a-306** is amended to read:

753 **58-11a-306. Apprenticeship.**

754 (1) An approved barber apprenticeship shall:

755 (a) consist of not less than 1,250 hours of training in not less than eight months; and

756 (b) be conducted by a supervisor who:

757 (i) is licensed under this chapter as a barber instructor or a cosmetology/barber  
758 instructor; and

759 (ii) provides direct one-on-one supervision of the barber apprentice during the  
760 apprenticeship program.

761 (2) An approved cosmetologist/barber apprenticeship shall:

762 (a) consist of not less than 2,500 hours of training in not less than 15 months; and

763 (b) be conducted by a supervisor who:

764 (i) is licensed under this chapter as a cosmetologist/barber instructor; and

765 (ii) provides direct one-on-one supervision of the cosmetologist/barber apprentice  
766 during the apprenticeship program.

767 (3) An approved esthetician apprenticeship shall:

768 (a) consist of not less than 800 hours of training in not less than five months; and

769 (b) be conducted by a supervisor who:

770 (i) is licensed under this chapter as an esthetician instructor; and

771 (ii) provides direct one-on-one supervision of the esthetician apprentice during the  
772 apprenticeship program.

773 (4) An approved master esthetician apprenticeship shall:

774 (a) consist of not less than 1,500 hours of training in not less than 10 months; and

775 (b) be conducted by a supervisor who:

776 (i) is licensed under this chapter as a master-level esthetician instructor; and

777 (ii) provides direct one-on-one supervision of the master esthetician apprentice during  
778 the apprenticeship program.

779 (5) An approved nail technician apprenticeship shall:

780 (a) consist of not less than 375 hours of training in not less than three months; and

781 (b) be conducted by a supervisor who:

782 (i) is licensed under this chapter as a nail technician instructor or a cosmetology/barber  
783 instructor; and

784 (ii) provides direct one-on-two supervision of the nail technician apprentice during the  
785 apprenticeship program.

786 (6) An approved hair braiding apprenticeship shall:

787 (a) consist of not less than 400 hours of training in not less than 10 weeks; and

788 (b) be conducted by a supervisor who:

789 (i) is licensed under this chapter as an advanced hair braider; and

790 (ii) provides direct one-on-one supervision of the hair braiding apprentice during the  
791 apprenticeship program.

792 (7) An approved advanced hair braiding apprenticeship shall:

793 (a) consist of not less than 800 hours of training in not less than 20 weeks; and

794 (b) be conducted by a supervisor who:

795 (i) is licensed under this chapter as an advanced hair braider; and

796 (ii) provides direct one-on-one supervision of the hair braiding apprentice during the  
797 apprenticeship program.

798 Section 9. Section **58-11a-502** is amended to read:

799 **58-11a-502. Unlawful conduct.**

800 Unlawful conduct includes:

801 (1) practicing or engaging in, or attempting to practice or engage in activity for which a  
802 license is required under this chapter unless:

803 (a) the person holds the appropriate license under this chapter; or

804 (b) an exemption in Section 58-1-307 or 58-11a-304 applies;

805 (2) knowingly employing any other person to engage in or practice or attempt to  
806 engage in or practice any occupation or profession licensed under this chapter if the employee  
807 is not licensed to do so under this chapter or exempt from licensure;

808 (3) touching, or applying an instrument or device to the following areas of a client's  
809 body:

810 (a) the genitals or the anus, except in cases where the patron states to a licensee that the  
811 patron requests a hair removal procedure and signs a written consent form, which must also  
812 include the witnessed signature of a legal guardian if the patron is a minor, authorizing the  
813 licensee to perform a hair removal procedure; or

814 (b) the breast of a female patron, except in cases in which the female patron states to a  
815 licensee that the patron requests breast skin procedures and signs a written consent form, which  
816 must also include the witnessed signature of a parent or legal guardian if the patron is a minor,  
817 authorizing the licensee to perform breast skin procedures;

818 (4) using or possessing as a nail technician a solution composed of at least 10% methyl  
819 methacrylate on a client; ~~or~~

820 (5) performing an ablative procedure as defined in Section 58-67-102~~[-];~~ or

821 (6) If instructing a class or education program about a service requiring licensure under  
822 this chapter to persons who are not licensed under this chapter, failing to inform each attendee  
823 in writing that:

824 (a) taking the class or program will not certify or qualify the attendee to perform a  
825 service for compensation that requires licensure under this chapter; and

826 (b) the attendee is required to obtain licensure under this chapter before performing the  
827 service for compensation.

828 Section 10. Section **58-11a-503** is amended to read:

829 **58-11a-503. Penalties.**

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

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

835 (3) Grounds for immediate suspension of a licensee's license by the division include  
836 the issuance of a citation for violation of Subsection 58-11a-502(1), (2), ~~or~~ (4), (5), or (6).

837 (4) (a) If upon inspection or investigation, the division concludes that a person has  
838 violated the provisions of Subsection 58-11a-502(1), (2), ~~or~~ (4), (5), or (6), or a rule or order

839 issued with respect to Subsection 58-11a-502(1), (2), [~~or~~] (4), (5), or (6), and that disciplinary  
840 action is appropriate, the director or the director's designee from within the division shall  
841 promptly issue a citation to the person according to this chapter and any pertinent rules, attempt  
842 to negotiate a stipulated settlement, or notify the person to appear before an adjudicative  
843 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

844 (i) A person who is in violation of Subsection 58-11a-502(1), (2), [~~or~~] (4), (5), or (6),  
845 as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in  
846 an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (4) and may, in  
847 addition to or in lieu of, be ordered to cease and desist from violating Subsection  
848 58-11a-502(1), (2), [~~or~~] (4), (5), or (6).

849 (ii) Except for a cease and desist order, the licensure sanctions cited in Section  
850 58-11a-401 may not be assessed through a citation.

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

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

857 (iii) The citation shall clearly explain the consequences of failure to timely contest the  
858 citation or to make payment of a fine assessed by the citation within the time specified in the  
859 citation.

860 (c) Each citation issued under this section, or a copy of each citation, may be served  
861 upon a person upon whom a summons may be served in accordance with the Utah Rules of  
862 Civil Procedure and may be made personally or upon the person's agent by a division  
863 investigator or by a person specially designated by the director or by mail.

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

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

868 (e) The division may refuse to issue or renew, suspend, revoke, or place on probation  
869 the license of a licensee who fails to comply with a citation after it becomes final.

870 (f) The failure of an applicant for licensure to comply with a citation after it becomes  
871 final is a ground for denial of license.

872 (g) No citation may be issued under this section after the expiration of six months  
873 following the occurrence of a violation.

874 (h) Fines shall be assessed by the director or the director's designee according to the  
875 following:

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

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

878 (iii) for any subsequent offense under Subsection (4)(a), a fine of up to \$2,000 for each  
879 day of continued offense.

880 (i) (i) For purposes of issuing a final order under this section and assessing a fine under  
881 Subsection (4)(h), an offense constitutes a second or subsequent offense if:

882 (A) the division previously issued a final order determining that a person committed a  
883 first or second offense in violation of Subsection 58-11a-502(1), (2), ~~(4)~~, (5), or (6); or

884 (B) (I) the division initiated an action for a first or second offense;

885 (II) no final order has been issued by the division in the action initiated under  
886 Subsection (4)(i)(i)(B)(I);

887 (III) the division determines during an investigation that occurred after the initiation of  
888 the action under Subsection (4)(i)(i)(B)(I) that the person committed a second or subsequent  
889 violation of Subsection 58-11a-502(1), (2), ~~(4)~~, (5), or (6); and

890 (IV) after determining that the person committed a second or subsequent offense under  
891 Subsection (4)(i)(i)(B)(III), the division issues a final order on the action initiated under  
892 Subsection (4)(i)(i)(B)(I).

893 (ii) In issuing a final order for a second or subsequent offense under Subsection  
894 (4)(i)(i), the division shall comply with the requirements of this section.

895 (5) (a) A penalty imposed by the director under Subsection (4)(h) shall be deposited  
896 into the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician  
897 Education and Enforcement Fund.

898 (b) A penalty which is not paid may be collected by the director by either referring the  
899 matter to a collection agency or bringing an action in the district court of the county in which  
900 the person against whom the penalty is imposed resides or in the county where the office of the

901 director is located.

902 (c) A county attorney or the attorney general of the state is to provide legal assistance  
903 and advice to the director in an action to collect the penalty.

904 (d) A court shall award reasonable attorney fees and costs in an action brought to  
905 enforce the provisions of this section.