

Effective 5/10/2016

Superseded 7/1/2016

58-11a-502 Unlawful conduct.

Unlawful conduct includes:

- (1) practicing or engaging in, or attempting to practice or engage in activity for which a license is required under this chapter unless:
 - (a) the person holds the appropriate license under this chapter; or
 - (b) an exemption in Section 58-1-307 or 58-11a-304 applies;
- (2) aiding or abetting a person engaging in the practice of, or attempting to engage in the practice of, any occupation or profession licensed under this chapter if the employee is not licensed to do so under this chapter or exempt from licensure;
- (3) touching, or applying an instrument or device to the following areas of a client's body:
 - (a) the genitals or the anus, except in cases where the patron states to a licensee that the patron requests a hair removal procedure and signs a written consent form, which must also include the witnessed signature of a legal guardian if the patron is a minor, authorizing the licensee to perform a hair removal procedure; or
 - (b) the breast of a female patron, except in cases in which the female patron states to a licensee that the patron requests breast skin procedures and signs a written consent form, which must also include the witnessed signature of a parent or legal guardian if the patron is a minor, authorizing the licensee to perform breast skin procedures;
- (4) using or possessing a solution composed of at least 10% methyl methacrylate on a client;
- (5) performing an ablative procedure as defined in Section 58-67-102;
- (6) when acting as an instructor regarding a service requiring licensure under this chapter, for a class or education program where attendees are not licensed under this chapter, failing to inform each attendee in writing that:
 - (a) taking the class or program without completing the requirements for licensure under this chapter is insufficient to certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter; and
 - (b) the attendee is required to obtain licensure under this chapter before performing the service for compensation; or
- (7) failing as a salon or school where nail technology is practiced or taught to maintain a source capture system required under Section 15A-3-401, including failing to maintain and clean a source capture system's air filter according to the manufacturer's instructions.