

Effective 5/9/2017

Chapter 11a
Cosmetology and Associated Professions Licensing Act

Part 1
General Provisions

58-11a-101 Title.

This chapter is known as the "Cosmetology and Associated Professions Licensing Act."

Amended by Chapter 342, 2017 General Session

Superseded 1/1/2026

58-11a-102 Definitions.

As used in this chapter:

- (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(4) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) "Approved eyelash and eyebrow technician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(7) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) "Approved hair designer apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(3) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) "Approved master esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(5) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (6) "Approved nail technician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(6) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (7) "Barber" means a person who is licensed under this chapter to engage in the practice of barbering.
- (8) "Barber instructor" means a barber who is licensed under this chapter to engage in the practice of barbering instruction.
- (9) "Board" means the Cosmetology and Associated Professions Licensing Board created in Section 58-11a-201.
- (10) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section 58-67-102.
- (11) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

- (12) "Cosmetologist/barber" means a person who is licensed under this chapter to engage in the practice of cosmetology/barbering.
- (13) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed under this chapter to engage in the practice of cosmetology/barbering instruction.
- (14) "Direct supervision" means that the supervisor of an apprentice or the instructor of a student is physically present in the same building as the apprentice or student and readily able to establish direct contact with the apprentice or student for consultation, advice, instruction, and evaluation.
- (15) "Electrologist" means a person who is licensed under this chapter to engage in the practice of electrology.
- (16) "Electrologist instructor" means an electrologist who is licensed under this chapter to engage in the practice of electrology instruction.
- (17) "Esthetician" means a person who is licensed under this chapter to engage in the practice of esthetics.
- (18) "Esthetician instructor" means a master esthetician who is licensed under this chapter to engage in the practice of esthetics instruction.
- (19) "Eyelash and eyebrow technician" means a person who is licensed under this chapter to engage in the practice of eyelash and eyebrow technology.
- (20) "Eyelash and eyebrow technician instructor" means an eyelash and eyebrow technician licensed under this chapter to engage in the practice of eyelash and eyebrow technology instruction.
- (21) "Fund" means the Cosmetology and Associated Professions Education and Enforcement Fund created in Section 58-11a-103.
- (22)
 - (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's natural human hair.
 - (b) "Hair braiding" includes the following methods or styles:
 - (i) African-style braiding;
 - (ii) box braids;
 - (iii) cornrows;
 - (iv) dreadlocks;
 - (v) french braids;
 - (vi) invisible braids;
 - (vii) micro braids;
 - (viii) single braids;
 - (ix) single plaits;
 - (x) twists;
 - (xi) visible braids;
 - (xii) the use of lock braids;
 - (xiii) the use of decorative beads, accessories, and extensions; and
 - (xiv) the use of wefts if applied without the use of glue or tape.
 - (c) "Hair braiding" does not include:
 - (i) the use of:
 - (A) wefts if applied with the use of glue or tape;
 - (B) synthetic tape;
 - (C) synthetic glue;
 - (D) keratin bonds;
 - (E) fusion bonds; or
 - (F) heat tools;

- (ii) the cutting of human hair; or
- (iii) the application of heat, dye, a reactive chemical, or other preparation to:
 - (A) alter the color of the hair; or
 - (B) straighten, curl, or alter the structure of the hair.
- (23) "Hair designer" means a person who is licensed under this chapter to engage in the practice of hair design.
- (24) "Hair designer instructor" means a hair designer who is licensed under this chapter to engage in the practice of hair design instruction.
- (25) "Licensed barber or cosmetology/barber school" means a barber or cosmetology/barber school licensed under this chapter.
- (26) "Licensed electrology school" means an electrology school licensed under this chapter.
- (27) "Licensed esthetics school" means an esthetics school licensed under this chapter.
- (28) "Licensed hair design school" means a hair design school licensed under this chapter.
- (29) "Licensed nail technology school" means a nail technology school licensed under this chapter.
- (30) "Master esthetician" means an individual who is licensed under this chapter to engage in the practice of master-level esthetics.
- (31) "Nail technician" means an individual who is licensed under this chapter to engage in the practice of nail technology.
- (32) "Nail technician instructor" means a nail technician licensed under this chapter to engage in the practice of nail technology instruction.
- (33) "Practice of barbering" means:
 - (a) cutting, clipping, or trimming the hair of the head of any person by the use of scissors, shears, clippers, or other appliances;
 - (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;
 - (c) removing hair from the face or neck of a person by the use of shaving equipment; and
 - (d) when providing other services described in this Subsection (33), gently massaging the head, back of the neck, and shoulders by manual or mechanical means.
- (34) "Practice of barbering instruction" means teaching the practice of barbering at a licensed barber school, at any school licensed under this chapter or for an approved barber apprenticeship.
- (35) "Practice of basic esthetics" means any one of the following skin care procedures done on the body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:
 - (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous removal by buffing or filing;
 - (b) limited chemical exfoliation as defined by rule;
 - (c) removing superfluous hair by means other than electrolysis, except that an individual is not required to be licensed as an esthetician to engage in the practice of threading;
 - (d) other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not for the treatment of medical, physical, or mental ailments;
 - (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or applying eyelash or eyebrow extensions; or
 - (f) except as provided in Subsection (35)(f)(i), cosmetic laser procedures under the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the following:
 - (i) superfluous hair removal which shall be under indirect supervision;
 - (ii) anti-aging resurfacing enhancements;

- (iii) photo rejuvenation; or
 - (iv) tattoo removal.
- (36)
- (a) "Practice of cosmetology/barbering" means:
 - (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a person;
 - (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or other appliances;
 - (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, applying eyelash or eyebrow extensions;
 - (iv) removing hair from the body of a person by the use of depilatories, waxing, or shaving equipment;
 - (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces or both on the human head; or
 - (vi) practicing hair weaving or hair fusing or servicing previously medically implanted hair.
 - (b) The term "practice of cosmetology/barbering" includes:
 - (i) the practice of barbering;
 - (ii) the practice of basic esthetics;
 - (iii) the practice of nail technology; and
 - (iv) the practice of eyelash and eyebrow technology.
 - (c) An individual is not required to be licensed as a cosmetologist/barber to engage in the practice of threading.
- (37) "Practice of cosmetology/barbering instruction" means teaching the practice of cosmetology/barbering:
- (a) at any school licensed under this chapter; or
 - (b) for an approved cosmetologist/barber apprenticeship.
- (38) "Practice of electrology" means:
- (a) the removal of superfluous hair from the body of a person by the use of electricity, waxing, shaving, or tweezing; or
 - (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to superfluous hair removal.
- (39) "Practice of electrology instruction" means teaching the practice of electrology at any school licensed under this chapter.
- (40) "Practice of esthetics instruction" means teaching the practice of basic esthetics or the practice of master-level esthetics:
- (a) at any school licensed under this chapter; or
 - (b) for an approved esthetician apprenticeship or an approved master esthetician apprenticeship.
- (41) "Practice of eyelash and eyebrow technology" means arching eyebrows by tweezing, tinting eyelashes or eyebrows, perming eyelashes or eyebrows, or applying eyelash or eyebrow extensions.
- (42) "Practice of eyelash and eyebrow technology instruction" means teaching the practice of eyelash and eyebrow technology at any school licensed under this chapter or for an approved eyelash and eyebrow technician apprenticeship.
- (43) "Practice of hair design" means:
- (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a person;
 - (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors, shears, clippers, or other appliances;

- (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or both on the human head; or
 - (d) practicing hair weaving, hair fusing, or servicing previously medically implanted hair.
- (44) "Practice of hair design instruction" means teaching the practice of hair design at any school licensed under this chapter.
- (45)
- (a) "Practice of master-level esthetics" means:
 - (i) any of the following when done for cosmetic purposes on the body and not for the treatment of medical, physical, or mental ailments:
 - (A) body wraps as defined by rule;
 - (B) hydrotherapy as defined by rule;
 - (C) chemical exfoliation as defined by rule;
 - (D) advanced pedicures as defined by rule;
 - (E) sanding, including microdermabrasion;
 - (F) advanced extraction;
 - (G) dermaplaning;
 - (H) other esthetic preparations or procedures with the use of:
 - (I) the hands; or
 - (II) a mechanical or electrical apparatus which is approved for use by division rule for beautifying or similar work performed on the body for cosmetic purposes and not for the treatment of a medical, physical, or mental ailment; or
 - (I) cosmetic laser procedures under the supervision of a cosmetic supervisor with a physician's evaluation before the procedure, as needed, unless specifically required under Section 58-1-506, and limited to the following:
 - (I) superfluous hair removal;
 - (II) anti-aging resurfacing enhancements;
 - (III) photo rejuvenation; or
 - (IV) tattoo removal with a physician's, advanced practice nurse's, or physician assistant's evaluation before the tattoo removal procedure, as required by Subsection 58-1-506(3)(a); and
 - (ii) lymphatic massage by manual or other means as defined by rule.
 - (b) Notwithstanding the provisions of Subsection (45)(a), a master-level esthetician may perform procedures listed in Subsection (45)(a)(i)(I) if done under the supervision of a cosmetic supervisor acting within the scope of the cosmetic supervisor license.
 - (c) The term "practice of master-level esthetics" includes:
 - (i) the practice of esthetics, but an individual is not required to be licensed as an esthetician or master-level esthetician to engage in the practice of threading; and
 - (ii) the practice of eyelash and eyebrow technology.
- (46)
- (a) "Practice of nail technology" means to trim, cut, clean, manicure, shape, massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams.
 - (b) "Practice of nail technology" includes:
 - (i) the application and removal of sculptured or artificial nails; and
 - (ii) using blades, including corn or callus planer or rasp, for smoothing, shaving, or removing dead skin from the feet.
- (47) "Practice of nail technology instruction" means teaching the practice of nail technology at any school licensed under this chapter or for an approved nail technician apprenticeship.

- (48) "Recognized barber school" means a barber school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (49) "Recognized cosmetology/barber school" means a cosmetology/barber school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (50) "Recognized electrology school" means an electrology school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (51) "Recognized esthetics school" means an esthetics school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (52) "Recognized eyelash and eyebrow technology school" means an eyelash and eyebrow technology school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (53) "Recognized hair design school" means a hair design school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (54) "Recognized nail technology school" means a nail technology school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.
- (55) "Salon" means a place, shop, or establishment in which cosmetology/barbering, esthetics, electrology, nail technology, or eyelash and eyebrow technology is practiced.
- (56) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.
- (57) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-11a-501 and as may be further defined by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 277, 2025 General Session

Effective 1/1/2026

58-11a-102 Definitions.

As used in this chapter:

- (1) "Approved apprenticeship" means an apprenticeship that meets the requirements of Section 58-11a-306 for any applicable license or permit type and the requirements established by administrative rules made by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) "Board" means the Cosmetology and Associated Professions Licensing Board created in Section 58-11a-201.
- (3)
 - (a) "Cosmetic medical device" means a nonablative tissue altering energy based device, including a laser, that is expected or intended to alter living tissue, but is not intended or expected to excise, vaporize, disintegrate, or remove living tissue.
 - (b) "Cosmetic medical device" includes:
 - (i) American National Standards Institute designated Class IIIb and Class IV lasers;
 - (ii) devices that utilize intense pulsed light;
 - (iii) radio frequency devices; and
 - (iv) lipolytic devices.

- (c) "Cosmetic medical device" does not include an American National Standards Institute designated Class IIIa and lower powered device.
- (4) "Dermaplane" means the use of a scalpel or bladed instrument to shave the upper layers of the stratum corneum.
- (5) "Direct supervision" means that the supervisor of an apprentice or the instructor of a student is physically present in the same building as the apprentice or student and readily able to establish direct contact with the apprentice or student for consultation, advice, instruction, and evaluation.
- (6) "Division" means the Division of Professional Licensing, created in Section 58-1-103.
- (7)
 - (a) "Hair braiding" means the twisting, weaving, or interweaving of an individual's natural human hair.
 - (b) "Hair braiding" includes the following methods or styles:
 - (i) African-style braiding;
 - (ii) box braids;
 - (iii) cornrows;
 - (iv) dreadlocks;
 - (v) french braids;
 - (vi) invisible braids;
 - (vii) micro braids;
 - (viii) single braids;
 - (ix) single plaits;
 - (x) twists;
 - (xi) visible braids;
 - (xii) the use of lock braids;
 - (xiii) the use of decorative beads, accessories, and extensions; and
 - (xiv) the use of wefts if applied without the use of glue or tape.
 - (c) "Hair braiding" does not include:
 - (i) the use of:
 - (A) wefts if applied with the use of glue or tape;
 - (B) synthetic tape;
 - (C) synthetic glue;
 - (D) keratin bonds;
 - (E) fusion bonds; or
 - (F) heat tools;
 - (ii) the cutting of human hair; or
 - (iii) the application of heat, dye, a reactive chemical, or other preparation to:
 - (A) alter the color of the hair; or
 - (B) straighten, curl, or alter the structure of the hair.
- (8) "Instructor" means an individual that is licensed to instruct a discipline that is regulated by this chapter.
- (9) "Licensed school" means a school in Utah that:
 - (a) meets the standards for accreditation established by administrative rules made by the division; or
 - (b) is using curriculum approved by the division.
- (10)
 - (a) "Manual hair removal" means superfluous hair removal that is performed without using a cosmetic medical device or electrolysis.

- (b) "Manual hair removal" includes:
 - (i) the use of depilatories;
 - (ii) shaving;
 - (iii) sugaring;
 - (iv) tweezing; and
 - (v) waxing.
- (c) "Manual hair removal" does not include threading.
- (11) "Minimum service count" means the minimum number of repetitions of a given service a license or permit applicant is required to complete to gain a minimum level of competence as established by administrative rules made by the division for a service.
- (12) "Permit" means a safety permit that gives the holder authority to perform certain services.
- (13) "Recognized school" means a school located in a jurisdiction other than Utah whose students, upon graduation, are recognized as having completed the educational requirements for the licensure in the jurisdiction in which the school is located.
- (14) "Representative of a licensed school" means an individual:
 - (a) that is acting in the individual's capacity as an employee of a licensed school; or
 - (b) with an ownership or financial interest in a licensed school.
- (15) "Salon" means a place, shop, or establishment in which an individual licensed or permitted under this chapter practices the individual's discipline.
- (16) "Threading" means a method of removing hair from the eyebrows, upper lip, or other body parts by using cotton thread to pull hair from follicles without the use of chemicals, heat, or wax.
- (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-11a-502.
- (18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-11a-501 and as may be further defined by administrative rules made by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Repealed and Re-enacted by Chapter 491, 2025 General Session

58-11a-103 Education and enforcement fund.

- (1) There is created an expendable special revenue fund known as the "Cosmetology and Associated Professions Education and Enforcement Fund."
- (2) The fund consists of money from administrative penalties collected pursuant to this chapter.
- (3) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
- (4) The director may, with concurrence of the board, make distributions from the fund for the following purposes:
 - (a) education and training of licensees under this chapter;
 - (b) education and training of the public or other interested persons in matters concerning the laws governing the practices licensed under this chapter; and
 - (c) enforcement of this chapter by:
 - (i) investigating unprofessional or unlawful conduct; and
 - (ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.
- (5) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund.

Amended by Chapter 342, 2017 General Session

Part 2 Board

Superseded 1/1/2026

58-11a-201 Board.

- (1) There is created the Cosmetology and Associated Professions Licensing Board consisting of the following members:
 - (a) one barber or cosmetologist/barber;
 - (b)
 - (i) one barber or cosmetologist/barber instructor; or
 - (ii) one representative of a licensed barber or cosmetology/barber school;
 - (c) one master esthetician;
 - (d)
 - (i) one esthetician instructor; or
 - (ii) one representative of a licensed esthetics school;
 - (e) one nail technician;
 - (f)
 - (i) one nail technician instructor; or
 - (ii) one representative of a licensed nail technology school;
 - (g) one electrologist;
 - (h) one eyelash and eyebrow technician;
 - (i)
 - (i) one eyelash and eyebrow technician instructor; or
 - (ii) one representative of a licensed eyelash and eyebrow technology school; and
 - (j) two members from the general public.
- (2)
 - (a) The board shall be appointed and serve in accordance with Section 58-1-201.
 - (b)
 - (i) At least one of the members of the board appointed under Subsections (1)(b), (d), and (f) shall be an instructor at or a representative of a public school.
 - (ii) At least one of the members of the board appointed under Subsections (1)(b), (d), and (f) shall be an instructor at or a representative of a private school.
- (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 479, 2024 General Session

Effective 1/1/2026

58-11a-201 Board.

- (1) There is created the Cosmetology and Associated Professions Licensing Board consisting of the following members:
 - (a)
 - (i) one cosmetologist; or
 - (ii) one cosmetologist instructor;
 - (b)
 - (i) one master esthetician; or
 - (ii) one master esthetician instructor;
 - (c)
 - (i) one nail technician; or
 - (ii) one nail technician instructor;
 - (d)
 - (i) one electrologist; or
 - (ii) one electrologist instructor;
 - (e) one representative of a licensed school that is publicly funded;
 - (f) one representative of a licensed school that is privately funded;
 - (g) one supervisor as defined in Section 58-1-505; and
 - (h) two members from the general public.
- (2)
 - (a) The board shall be appointed and serve in accordance with Section 58-1-201.
 - (b) Except for the members specified in Subsections (1)(e) and (1)(f), a member may not participate as a representative of a licensed school.
- (3)
 - (a) The board shall perform the duties and responsibilities described in Sections 58-1-202 and 58-1-203.
 - (b) The board shall designate one of the board members on a permanent or rotating basis to:
 - (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (ii) advise the division in the division's investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in the investigation of the complaint may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 491, 2025 General Session

Part 3
Licensing

Superseded 1/1/2026

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

- (1) Except as specifically provided in Section 58-1-307 or 58-11a-304, a license is required to:
 - (a) engage in the practice of:
 - (i) barbering;
 - (ii) barbering instruction;

- (iii) cosmetology/barbering;
- (iv) cosmetology/barbering instruction;
- (v) electrology;
- (vi) electrology instruction;
- (vii) esthetics;
- (viii) master-level esthetics;
- (ix) esthetics instruction;
- (x) hair design;
- (xi) hair design instruction;
- (xii) nail technology;
- (xiii) nail technology instruction;
- (xiv) eyelash and eyebrow technology; or
- (xv) eyelash and eyebrow technology instruction; or
- (b) operate:
 - (i) a barbering school;
 - (ii) a cosmetology/barbering school;
 - (iii) an electrology school;
 - (iv) an esthetics school;
 - (v) a hair design school;
 - (vi) a nail technology school; or
 - (vii) an eyelash and eyebrow technology school.
- (2) The division shall issue to a person who qualifies under this chapter a license in the following classifications:
 - (a) barber;
 - (b) barber instructor;
 - (c) barber school;
 - (d) cosmetologist/barber;
 - (e) cosmetologist/barber instructor;
 - (f) cosmetology/barber school;
 - (g) electrologist;
 - (h) electrologist instructor;
 - (i) electrology school;
 - (j) esthetician;
 - (k) master esthetician;
 - (l) esthetician instructor;
 - (m) esthetics school;
 - (n) hair designer;
 - (o) hair designer instructor;
 - (p) hair design school;
 - (q) nail technician;
 - (r) nail technology instructor;
 - (s) nail technology school;
 - (t) eyelash and eyebrow technician;
 - (u) eyelash and eyebrow technology instructor; and
 - (v) eyelash and eyebrow technology school.
- (3) A person who participates as an apprentice in an approved apprenticeship under this chapter shall register with the division as described in Section 58-11a-306.

Amended by Chapter 479, 2024 General Session

Effective 1/1/2026

58-11a-301 Licensure or permit required.

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

Repealed and Re-enacted by Chapter 491, 2025 General Session

Superseded 1/1/2026

58-11a-302 Qualifications for licensure.

- (1) Each applicant for licensure as a barber shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation of:
 - (i) graduation from a licensed or recognized barber school, or a licensed or recognized cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of instruction, or the equivalent number of credit hours;
 - (ii)
 - (A) graduation from a recognized barber school located in a state other than Utah whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of credit hours; and
 - (B) practice as a licensed barber in a state other than Utah for not less than the number of hours required to equal 1,000 total hours when added to the hours of instruction described in Subsection (1)(c)(ii)(A); or
 - (iii) completion of an approved barber apprenticeship; and
 - (d) meet one of the following requirements established by rule:
 - (i) pass an examination that consists of a written theory portion and a practical portion; or
 - (ii) pass a practical examination and provide the written attestation of a licensed barber or cosmetologist/barber instructor who participated in the school or training under Subsection (1)(c), stating that the applicant has the necessary training and skill to be a licensed barber.
- (2) Each applicant for licensure as a barber instructor shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) subject to Subsection (27), pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as a barber;
 - (d) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit hours;
 - (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 1,000 hours of experience as a barber; and
 - (e) meet the examination requirement established by rule.

- (3) Each applicant for licensure as a barber school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's physical facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for barber schools, including staff and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (25).
- (4) Each applicant for licensure as a cosmetologist/barber shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation of:
 - (i) graduation from a licensed or recognized cosmetology/barber school whose curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours;
 - (ii)
 - (A) graduation from a recognized cosmetology/barber school located in a state other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours; and
 - (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less than the number of hours required to equal 1,600 total hours when added to the hours of instruction described in Subsection (4)(c)(ii)(A); or
 - (iii) completion of an approved cosmetology/barber apprenticeship; and
 - (d) meet the examination requirement established by rule.
- (5) Each applicant for licensure as a cosmetologist/barber instructor shall:
- (a) submit an application in a form prescribed by the division;
 - (b) subject to Subsection (27), pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as a cosmetologist/barber;
 - (d) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 240 hours or the equivalent number of credit hours;
 - (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 240 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 1,600 hours of experience as a cosmetologist/barber; and
 - (e) meet the examination requirement established by rule.
- (6) Each applicant for licensure as a cosmetologist/barber school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's physical facilities comply with the requirements established by rule; and

- (iv) that the applicant meets:
 - (A) the standards for cosmetology schools, including staff and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (25).
- (7) Each applicant for licensure as an electrologist shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation of having graduated from a licensed or recognized electrology school after completing a curriculum of 600 hours of instruction or the equivalent number of credit hours; and
 - (d) meet the examination requirement established by rule.
- (8) Each applicant for licensure as an electrologist instructor shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) subject to Subsection (27), pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as an electrologist;
 - (d) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 90 hours or the equivalent number of credit hours;
 - (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of (90) hours or the equivalent number of credit hours; or
 - (iii) a minimum of 1,000 hours of experience as an electrologist; and
 - (e) meet the examination requirement established by rule.
- (9) Each applicant for licensure as an electrologist school shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for electrologist schools, including staff, curriculum, and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (25).
- (10) Each applicant for licensure as an esthetician shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation of one of the following:
 - (i) graduation from a licensed or recognized esthetic school or a licensed or recognized cosmetology/barber school with a minimum of 600 hours or the equivalent number of credit hours;
 - (ii) completion of an approved esthetician apprenticeship; or
 - (iii)
 - (A) graduation from a recognized cosmetology/barber school located in a state other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours; and

- (B) practice as a licensed cosmetologist/barber for not less than the number of hours required to equal 1,600 total hours when added to the hours of instruction described in Subsection (10)(c)(iii)(A); and
 - (d) meet the examination requirement established by division rule.
- (11) Each applicant for licensure as a master esthetician shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation of:
 - (i) completion of at least 1,200 hours of training, or the equivalent number of credit hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the 1,200 hours may have been completed:
 - (A) at a licensed or recognized cosmetology/barbering school, if the applicant graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours; or
 - (B) at a licensed or recognized cosmetology/barber school located in a state other than Utah, if the applicant graduated from the school and its curriculum contained full flexibility within its hours of instruction; or
 - (ii) completion of an approved master esthetician apprenticeship;
 - (d) if the applicant will practice lymphatic massage, provide satisfactory documentation to show completion of 200 hours of training, or the equivalent number of credit hours, in lymphatic massage as defined by division rule; and
 - (e) meet the examination requirement established by division rule.
- (12) Each applicant for licensure as an esthetician instructor shall:
- (a) submit an application in a form prescribed by the division;
 - (b) subject to Subsection (27), pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as a master esthetician;
 - (d) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 180 hours or the equivalent number of credit hours;
 - (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 180 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 900 hours of experience in esthetics; and
 - (e) meet the examination requirement established by rule.
- (13) Each applicant for licensure as an esthetics school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's physical facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for esthetics schools, including staff, curriculum, and accreditation requirements, established by division rule made in collaboration with the board; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (25).
- (14) Each applicant for licensure as a hair designer shall:

- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation of:
 - (i) graduation from a licensed or recognized cosmetology/barber, hair design, or barbering school whose curriculum consists of a minimum of 1,200 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours;
 - (ii)
 - (A) graduation from a recognized cosmetology/barber, hair design, or barbering school located in a state other than Utah whose curriculum consists of less than 1,200 hours of instruction, or the equivalent number of credit hours, with full flexibility within those hours; and
 - (B) practice as a licensed cosmetologist/barber or hair designer in a state other than Utah for not less than the number of hours required to equal 1,200 total hours when added to the hours of instruction described in Subsection (14)(c)(ii)(A);
 - (iii) being a state licensed cosmetologist/barber; or
 - (iv) completion of an approved hair designer apprenticeship; and
 - (d) meet the examination requirements established by rule.
- (15) Each applicant for licensure as a hair designer instructor shall:
- (a) submit an application in a form prescribed by the division;
 - (b) subject to Subsection (27), pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as a hair designer or as a cosmetologist/barber;
 - (d) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 180 hours or the equivalent number of credit hours;
 - (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 180 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 1,200 hours of experience as a hair designer or as a cosmetologist/barber; and
 - (e) meet the examination requirement established by rule.
- (16) Each applicant for licensure as a hair design school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's physical facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for a hair design school, including staff and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (25).
- (17) Each applicant for licensure as a nail technician shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation of:

- (i) graduation from a licensed or recognized nail technology school, or a licensed or recognized cosmetology/barber school, whose curriculum consists of not less than 300 hours of instruction, or the equivalent number of credit hours;
 - (ii)
 - (A) graduation from a recognized nail technology school located in a state other than Utah whose curriculum consists of less than 300 hours of instruction or the equivalent number of credit hours; and
 - (B) practice as a licensed nail technician in a state other than Utah for not less than the number of hours required to equal 300 total hours when added to the hours of instruction described in Subsection (17)(c)(ii)(A); or
 - (iii) completion of an approved nail technician apprenticeship; and
 - (d) meet the examination requirement established by division rule.
- (18) Each applicant for licensure as a nail technician instructor shall:
- (a) submit an application in a form prescribed by the division;
 - (b) subject to Subsection (27), pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as a nail technician;
 - (d) provide satisfactory documentation of completion of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of (45) hours or the equivalent number of credit hours;
 - (ii) an on-the-job instructor training program conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of (45) hours or the equivalent number of credit hours; or
 - (iii) a minimum of 300 hours of experience in nail technology; and
 - (e) meet the examination requirement established by rule.
- (19) Each applicant for licensure as a nail technology school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for nail technology schools, including staff, curriculum, and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (25).
- (20) Each applicant for licensure as an eyelash and eyebrow technician shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation of:
 - (i) completion of a course or program in eyelash and eyebrow technology from a licensed or recognized eyelash and eyebrow technology school, a licensed or recognized esthetics school, or a licensed or recognized cosmetology/barber school, whose curriculum consists of not less than 100 hours of instruction, or the equivalent number of credit hours;
 - (ii)
 - (A) completion of a course or program in eyelash and eyebrow technology from a recognized eyebrow and eyelash technology school or recognized cosmetology/barber school located

- in a state other than Utah whose curriculum consists of less than 100 hours of instruction or the equivalent number of credit hours; and
 - (B) practice as a licensed eyelash and eyebrow technician in a state other than Utah for not less than the number of hours required to equal 100 total hours when added to the hours of instruction described in Subsection (20)(c)(ii)(A); or
 - (iii) completion of an approved eyelash and eyebrow apprenticeship; and
 - (d) meet the examination requirement established by division rule.
- (21) Each applicant for licensure as an eyelash and eyebrow technician instructor shall:
- (a) submit an application in a form prescribed by the division;
 - (b) subject to Subsection (27), pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed as an eyelash and eyebrow technician;
 - (d) provide satisfactory documentation of:
 - (i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 15 hours or the equivalent number of credit hours;
 - (ii) an on-the-job instructor training program conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 15 hours or the equivalent number of credit hours; or
 - (iii) a minimum of 100 hours of experience in eyelash and eyebrow technology; and
 - (e) meet the examination requirement established by division rule.
- (22) Each applicant for licensure as an eyelash and eyebrow technology school shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the city, town, or county in which the school is located;
 - (iii) that the applicant's facilities comply with the requirements established by rule; and
 - (iv) that the applicant meets:
 - (A) the standards for eyelash and eyebrow technology schools, including staff, curriculum, and accreditation requirements, established by rule; and
 - (B) the requirements for recognition as an institution of postsecondary study as described in Subsection (25).
- (23) Each applicant for licensure under this chapter whose education in the field for which a license is sought was completed at a foreign school may satisfy the educational requirement for licensure by demonstrating, to the satisfaction of the division, the educational equivalency of the foreign school education with a licensed school under this chapter.
- (24)
- (a) A licensed or recognized school under this section shall accept credit hours towards graduation for documented, relevant, and substantially equivalent coursework previously completed by:
 - (i) a student that did not complete the student's education while attending a different school; or
 - (ii) a licensee of any other profession listed in this section, based on the licensee's schooling, apprenticeship, or experience.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, the division may make rules governing the acceptance of credit hours under Subsection (24)(a).
- (25) A school licensed or applying for licensure under this chapter shall maintain recognition as an institution of postsecondary study by meeting the following conditions:

- (a) the school shall admit as a regular student only an individual who has earned a recognized high school diploma or the equivalent of a recognized high school diploma, or who is beyond the age of compulsory high school attendance as prescribed by Title 53G, Chapter 6, Part 2, Compulsory Education; and
 - (b) the school shall be licensed by name, or in the case of an applicant, shall apply for licensure by name, under this chapter to offer one or more training programs beyond the secondary level.
- (26) A person seeking to qualify for licensure under this chapter by apprenticing in an approved apprenticeship shall register with the division as described in Section 58-11a-306.
- (27) The department may only charge a fee to a person applying for licensure as any type of instructor under this chapter if the person is not a licensed instructor in any other profession under this chapter.
- (28) In order to encourage economic development in the state, the department may offer any required examination under this section, which is prepared by a national testing organization, in languages in addition to English.
- (29) For purposes of a national accrediting agency recognized by the United States Department of Education, on-the-job instructor training described in this section is not considered a program.

Amended by Chapter 137, 2024 General Session

Amended by Chapter 479, 2024 General Session

Effective 1/1/2026

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

- (1) An applicant for a license or permit under this chapter shall:
- (a)
 - (i) submit an application in a form prescribed by the division; and
 - (ii) pay a fee determined by the division in compliance with Section 63J-1-504;
 - (b) provide satisfactory documentation of completion of required minimum service counts, certified by the applicant's school, or, if under an apprenticeship, the applicant's supervisor; and:
 - (i) compliance with educational requirements of the respective license or permit; or
 - (ii) completion of an approved apprenticeship; and
 - (c) pass an examination, as required by administrative rule established by the division.
- (2)
- (a) The division shall establish administrative rules to determine how many hours for an existing license or permit that an applicant may credit towards the hours required for an additional permit or license.
 - (b) An individual that holds a cosmetology license may count 600 hours as a cosmetologist to satisfy the 1,200 total hours requirement for a master esthetics license.

Repealed and Re-enacted by Chapter 491, 2025 General Session

58-11a-302.5 Online curriculum for a licensed school.

A barber school, cosmetology/barber school, electrologist school, esthetics school, hair design school, or nail technology school licensed under this chapter may offer up to 50% of the school's total per program curriculum online in accordance with standards adopted by an applicable nationally recognized accrediting organization.

Amended by Chapter 5, 2020 Special Session 6

Superseded 1/1/2026

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

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

Amended by Chapter 204, 2001 General Session

Effective 1/1/2026

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

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

Amended by Chapter 491, 2025 General Session

Superseded 1/1/2026

58-11a-304 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrolysis, nail technology, or eyelash and eyebrow technology without being licensed under this chapter:

- (1) a person licensed under the laws of this state to engage in the practice of medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the profession for which they are licensed;
- (2) a commissioned physician or surgeon serving in the armed forces of the United States or another federal agency;

- (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when engaged in the practice of the profession for which the person is licensed;
- (4) a person who visits the state to engage in instructional seminars, advanced classes, trade shows, or competitions of a limited duration;
- (5) a person who engages in the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow technology without compensation;
- (6) a person instructing an adult education class or other educational program directed toward persons who are not licensed under this chapter and that is not intended to train persons to become licensed under this chapter, provided:
 - (a) an attendee receives no credit toward educational requirements for licensure under this chapter;
 - (b) the instructor informs each attendee in writing that taking such a class or program will not certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter; and
 - (c)
 - (i) the instructor is properly licensed; or
 - (ii) the instructor receives no compensation;
- (7) a person providing instruction in workshops, seminars, training meetings, or other educational programs whose purpose is to provide continuing professional development to licensed barbers, cosmetologists/barbers, hair designers, estheticians, master estheticians, electrologists, or nail technicians;
- (8) a person enrolled in a licensed barber, cosmetology/barber, or hair design school when participating in an on the job training internship under the direct supervision of a licensed barber, cosmetologist/barber, or hair designer upon completion of a basic program under the standards established by rule by the division in collaboration with the board;
- (9) a person enrolled in an approved apprenticeship pursuant to Section 58-11a-306;
- (10) an employee of a company that is primarily engaged in the business of selling products used in the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow technology when demonstrating the company's products to a potential customer, provided the employee makes no representation to a potential customer that attending such a demonstration will certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter;
- (11) a person who:
 - (a) is qualified to engage in the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow technology in another jurisdiction as evidenced by licensure, certification, or lawful practice in the other jurisdiction;
 - (b) is employed by, or under contract with, a motion picture company; and
 - (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow technology in the state:
 - (i) solely to assist in the production of a motion picture; and
 - (ii) for no more than 120 days per calendar year;
- (12) a person who:
 - (a) engages in hair braiding; and
 - (b) unless it is expressly exempted under this section or Section 58-1-307, does not engage in other activity requiring licensure under this chapter; and

(13) a person who:

- (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- (b) does not cut the hair;
- (c) does not apply dye to alter the color of the hair;
- (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;
- (e) unless it is expressly exempted under this section or Section 58-1-307, does not engage in other activity requiring licensure under this chapter;
- (f) provides evidence to the division that the person has received a hair safety permit from completing a hair safety program that:
 - (i) is approved by the division;
 - (ii) consists of no more than two hours of instruction;
 - (iii) is offered by a provider approved by the division; and
 - (iv) includes an examination that requires a passing score of 75%; and
- (g) displays in a conspicuous location in the person's place of business:
 - (i) a valid hair safety permit as described in Subsection (13)(f); and
 - (ii) a sign notifying the public that the person's services are not provided by an individual who has a license under this chapter.

Amended by Chapter 479, 2024 General Session

Effective 1/1/2026

58-11a-304 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in a discipline regulated by this chapter without being licensed under this chapter:

- (1) an individual licensed under the laws of this state to engage in the practice of medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the profession for which they are licensed;
- (2) a commissioned physician or surgeon serving in the armed forces of the United States or another federal agency;
- (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when engaged in the practice of the profession for which the individual is licensed;
- (4) an individual who visits the state to engage in instructional seminars, advanced classes, trade shows, or competitions of a limited duration;
- (5) an individual who engages in a practice regulated by this chapter without compensation;
- (6) an individual instructing an adult education class or other educational program directed toward individuals who are not licensed under this chapter and that is not intended to train individuals to become licensed under this chapter, provided:
 - (a) an attendee receives no credit toward educational requirements for licensure under this chapter;
 - (b) the instructor informs each attendee in writing that taking such a class or program will not certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter; and
 - (c)
 - (i) the instructor is properly licensed; or
 - (ii) the instructor receives no compensation;
- (7) an individual providing instruction in workshops, seminars, training meetings, or other educational programs whose purpose is to provide continuing professional development to a qualified licensee or permittee regulated by this chapter;

- (8) an individual enrolled in a licensed school when participating in an on the job training internship under the direct supervision of a licensee under this chapter upon completion of a basic program under the standards established by rule by the division in collaboration with the board;
- (9) an individual registered with the division in an approved apprenticeship pursuant to Section 58-11a-306;
- (10)
 - (a) an employee of a company that is primarily engaged in the business of selling products used by a qualified licensee regulated by this chapter;
 - (b) when demonstrating the company's products to a potential customer; and
 - (c) provided the employee makes no representation to a potential customer that attending the demonstration will certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter;
- (11) an individual who:
 - (a) is qualified to engage in a practice regulated by this chapter in another jurisdiction as evidenced by licensure, certification, or lawful practice in the other jurisdiction;
 - (b) is employed by, or under contract with, a motion picture company; and
 - (c) engages in a practice regulated by this chapter in the state:
 - (i) solely to assist in the production of a motion picture; and
 - (ii) for no more than 120 days per calendar year;
- (12) an individual who:
 - (a) engages in threading;
 - (b) engages in hair braiding; and
 - (c) is not engaged in a practice that requires a license or permit under this chapter; and
- (13) an individual who:
 - (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
 - (b) does not cut the hair;
 - (c) does not apply dye to alter the color of the hair;
 - (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;
 - (e) engages in thermal styling or scalp treatments;
 - (f) is not engaged in a practice that requires a license or permit under this chapter;
 - (g) provides evidence to the division that the individual has received a hair safety permit from completing a hair safety program that:
 - (i) is approved by the division;
 - (ii) consists of no more than two hours of instruction;
 - (iii) is offered by a provider approved by the division; and
 - (iv) includes an examination that requires a passing score of 75%; and
 - (h) displays in a conspicuous location in the individual's place of business:
 - (i) a valid hair safety permit as described in Subsection (13)(f); and
 - (ii) a sign notifying the public that the individual providing the services is not licensed under this chapter.

Amended by Chapter 491, 2025 General Session

58-11a-305 Requirement to display license.

Each licensee under this chapter shall prominently display the licensee's license at the location where the licensee engages in the practice for which that license is issued under this chapter.

Amended by Chapter 204, 2001 General Session

Superseded 1/1/2026

58-11a-306 Apprenticeship.

- (1) An approved barber apprenticeship shall:
 - (a) consist of not less than 1,250 hours of training; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as a barber instructor or a cosmetology/barber instructor; and
 - (ii) provides one-on-one direct supervision of the barber apprentice during the apprenticeship program.
- (2) An approved cosmetologist/barber apprenticeship shall:
 - (a) consist of not less than 2,500 hours of training; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as a cosmetologist/barber instructor; and
 - (ii) provides one-on-one direct supervision of the cosmetologist/barber apprentice during the apprenticeship program.
- (3) An approved hair designer apprenticeship shall:
 - (a) consist of not less than 1,600 hours of training; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as a hair designer instructor or a cosmetologist/barber instructor; and
 - (ii) provides one-on-one direct supervision of the hair designer apprentice during the apprenticeship program.
- (4) An approved esthetician apprenticeship shall:
 - (a) consist of not less than 800 hours of training; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as an esthetician instructor; and
 - (ii) provides one-on-one direct supervision of the esthetician apprentice during the apprenticeship program.
- (5) An approved master esthetician apprenticeship shall:
 - (a) consist of not less than 1,500 hours of training; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as a master-level esthetician instructor; and
 - (ii) provides one-on-one direct supervision of the master esthetician apprentice during the apprenticeship program.
- (6) An approved nail technician apprenticeship shall:
 - (a) consist of not less than 375 hours of training; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as a nail technician instructor or a cosmetology/barber instructor;
 - (ii) provides direct supervision of the nail technician apprentice during the apprenticeship program; and
 - (iii) provides direct supervision to no more than two nail technician apprentices during the apprentice program.
- (7) An approved eyelash and eyebrow technician apprenticeship shall:
 - (a) consist of not less than 125 hours of training; and
 - (b) be conducted by a supervisor who:
 - (i) is licensed under this chapter as an eyelash and eyebrow technician instructor or a cosmetology/barber instructor;

- (ii) provides direct supervision of the eyelash and eyebrow technician apprentice during the apprenticeship program; and
 - (iii) provides direct supervision to no more than two eyelash and eyebrow technician apprentices during the apprenticeship program.
- (8) A person seeking to qualify for licensure by apprenticing in an approved apprenticeship under this chapter shall:
 - (a) register with the division before beginning the training requirements by:
 - (i) submitting a form prescribed by the division, which includes the name of the licensed supervisor; and
 - (ii) paying a fee determined by the department under Section 63J-1-504;
 - (b) complete the apprenticeship within five years of the date on which the division approves the registration; and
 - (c) notify the division within 30 days if the licensed supervisor changes after the registration is approved by the division.
- (9) Notwithstanding Subsection (8), if a person seeking to qualify for licensure by apprenticing in an approved apprenticeship under this chapter registers with the division before January 1, 2017, any training requirements completed by the person as an apprentice in an approved apprenticeship before registration may be applied to successful completion of the approved apprenticeship.

Amended by Chapter 479, 2024 General Session

Effective 1/1/2026

58-11a-306 Apprenticeship.

- (1)
 - (a) An approved apprenticeship shall be conducted by a supervisor who:
 - (i) is licensed under this chapter as an instructor in the discipline of the apprenticeship; and
 - (ii) provides one-on-one direct supervision of the apprentice during the apprenticeship program.
 - (b) An apprenticeship supervisor may not provide direct supervision to more than two apprentices during the apprenticeship program.
- (2) An individual seeking a license or permit through an approved apprenticeship under this chapter shall:
 - (a) register with the division before beginning the training requirements by:
 - (i) submitting a form prescribed by the division, which includes the name of the licensed instructor supervisor; and
 - (ii) paying a fee determined by the division under Section 63J-1-504;
 - (b) complete the apprenticeship within two years of the date on which the division approves the registration; and
 - (c) notify the division within 30 days if the licensed instructor supervisor changes after the registration is approved by the division.
- (3) An individual seeking a license or permit through an approved apprenticeship under this chapter shall complete a minimum of:
 - (a) 1,250 apprenticeship hours for a cosmetology license;
 - (b) 1,200 apprenticeship hours for a master esthetics license;
 - (c) 1,000 apprenticeship hours for:
 - (i) a master barber license; or
 - (ii) a master hair design license;
 - (d) 600 apprenticeship hours for an electrology license;

- (e) 300 apprenticeship hours for a nail technology license;
- (f) 270 apprenticeship hours for an eyelash and eyebrow technology license;
- (g) 260 apprenticeship hours for a chemical hair services permit;
- (h) 200 apprenticeship hours for a basic esthetics permit;
- (i) 150 apprenticeship hours for a haircutting permit;
- (j) 130 apprenticeship hours for a barbering permit; or
- (k) 50 apprenticeship hours for a facial hair removal permit.

Repealed and Re-enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) The practice of barbering includes:
 - (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;
 - (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
 - (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on the human head;
 - (d) removing hair from the face or neck of an individual by using shaving equipment, including an electric trimmer; and
 - (e) when providing other services described in this Subsection (1), gently massaging the head, back of the neck, and shoulders by manual or mechanical means.
- (2) An individual may not engage in the practice of barbering unless the individual holds a barbering permit.
- (3) An applicant for a barbering permit shall comply with the requirements in Section 58-11a-302 and:
 - (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers:
 - (A) hair safety requirements; and
 - (B) barbering; and
 - (ii) has a minimum of 130 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved barber apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 130 hours of instruction, the applicant may count hours practiced as a barber in a jurisdiction other than Utah to satisfy the 130 total hours requirement.
- (5) An individual with a barbering permit may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) The practice of basic esthetics means any one of the following skincare procedures done on the face or body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:
 - (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or masks, and manual extraction, including a comedone extractor; or

- (b) manual hair removal.
- (2) An individual may not engage in the practice of basic esthetics unless the individual holds a basic esthetics permit.
- (3) An applicant for a basic esthetics permit shall comply with the requirements in Section 58-11a-302 and:
 - (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers:
 - (A) basic esthetics; and
 - (B) manual hair removal; and
 - (ii) has a minimum of 200 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved basic esthetics permit apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 200 hours of instruction, the applicant may count hours practiced as an esthetician in a jurisdiction other than Utah to satisfy the 200 total hours requirement.
- (5) An individual with a basic esthetics permit is not considered an esthetician for purposes of Section 58-1-506.
- (6) An individual with a basic esthetics permit may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

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

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) The practice of cosmetology includes:
 - (a) styling, arranging, dressing, curling, waving, cleaning, singeing, bleaching, tinting, coloring, permanent waving, or similarly treating the hair of the head of an individual;
 - (b) cutting, clipping, or trimming the hair by using scissors, shears, clippers, or other appliances;

- (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
 - (d) removing hair from the face or neck of an individual by using shaving equipment;
 - (e) arching eyebrows by tweezing, tinting eyebrows or eyelashes, or perming eyelashes or eyebrows;
 - (f) manual hair removal;
 - (g) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or masks, and manual extraction, including a comedone extractor;
 - (h) limited chemical exfoliation as defined by administrative rules made by the division;
 - (i) cutting, curling, styling, fitting, measuring, or forming caps for wigs and hairpieces on the human head;
 - (j) practicing hair weaving or hair fusing or servicing previously medically implanted hair;
 - (k) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and feet to knees, or enhancing the appearance of the hands, feet, and nails of an individual by using the cosmetologist's hands, mechanical or electrical preparation, antiseptic, lotion, or cream;
 - (l) natural nail manicures and pedicures;
 - (m) applying and removing sculptured or artificial nails; and
 - (n) using blades, including corn or callus planer or rasp, for smoothing, shaving, or removing dead skin from the feet.
- (2) An individual may not engage in the practice of cosmetology unless the individual holds a cosmetology license.
- (3) An applicant for a cosmetology license shall comply with the requirements in Section 58-11a-302 and:
- (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers:
 - (A) barbering;
 - (B) haircutting;
 - (C) chemical hair services;
 - (D) manual hair removal;
 - (E) eyelash and eyebrow technology, except for eyelash extensions;
 - (F) basic esthetics; and
 - (G) nail technology; and
 - (ii) has a minimum of 1,250 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved cosmetologist apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 1,250 hours of instruction, the applicant may count hours practiced as a cosmetologist in a jurisdiction other than Utah to satisfy the 1,250 total hours requirement.
- (5) An individual with a cosmetology license may be known as a cosmetologist or a barber.
- (6) An individual with a cosmetology license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) The practice of electrology includes removing superfluous hair:
- (a) from the body and face of an individual by using electricity, waxing, shaving, or tweezing; and
 - (b) by using a laser pursuant to requirements described in Section 58-1-506.

- (2) An individual may not engage in the practice of electrology unless the individual holds an electrology license.
- (3) An applicant for an electrology license shall comply with the requirements of Section 58-11a-302 and:
 - (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers:
 - (A) laser hair removal;
 - (B) electrolysis; and
 - (C) waxing; and
 - (ii) has a minimum of 600 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved electrology technician apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 600 hours of instruction, the applicant may count hours practiced as a licensed electrologist in a jurisdiction other than Utah to satisfy the 600 total hours requirement.
- (5) An individual with an electrology license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) The practice of eyelash and eyebrow technology includes arching eyebrows by tweezing or waxing, tinting eyelashes or eyebrows, facial waxing, perming eyelashes or eyebrows, and applying eyelash or eyebrow extensions.
- (2) An individual may not engage in the practice of eyelash and eyebrow technology unless the individual holds an eyelash and eyebrow technology license.
- (3) An applicant for an eyelash and eyebrow technology license shall comply with the requirements of Section 58-11a-302 and:
 - (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers eyelash and eyebrow technology; and
 - (ii) has a minimum of 270 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved eyelash and eyebrow apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 270 hours of instruction, the applicant may count hours practiced as a licensed eyelash and eyebrow technician in a jurisdiction other than Utah to satisfy the 270 total hours requirement.
- (5) An individual with an eyelash and eyebrow technology license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) The practice of facial hair removal includes cleansing, applying oil and antiseptics, and manual hair removal on the face.
- (2) An individual may not engage in the practice of facial hair removal unless the individual holds a facial hair removal permit.

- (3) An applicant for a facial hair removal permit shall comply with the requirements of Section 58-11a-302 and:
 - (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers facial hair removal; and
 - (ii) has a minimum of 50 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved facial hair removal apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 50 hours of instruction, the applicant may count hours practiced as a permitted facial hair removal technician in a jurisdiction other than Utah to satisfy the 50 total hours requirement.
- (5) An individual with a facial hair removal permit may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

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

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1)
 - (a) The practice of master esthetics includes:
 - (i) body wraps, as defined by administrative rules made by the division;
 - (ii) hydrotherapy, as defined by administrative rules made by the division;

- (iii) limited chemical exfoliation and chemical exfoliation, as defined by administrative rules made by the division;
 - (iv) callous removal by buffing or filing;
 - (v) sanding, including microdermabrasion;
 - (vi) advanced extraction;
 - (vii) dermaplaning;
 - (viii) other esthetic preparations or procedures that use:
 - (A) the hands; or
 - (B) a mechanical or electrical apparatus that is approved for use by administrative rules made by the division;
 - (ix) the use of a cosmetic medical device to perform nonablative procedures, including:
 - (A) laser hair removal;
 - (B) body contouring;
 - (C) anti-aging resurfacing enhancements; and
 - (D) photo rejuvenation;
 - (x) lymphatic massage by manual or other means as defined by administrative rules made by the division;
 - (xi) manual hair removal;
 - (xii) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or masks, and manual extraction, including a comedone extractor;
 - (xiii) natural nail manicures and pedicures; and
 - (xiv) eyelash and eyebrow technology.
- (b) An individual with a master esthetics license may not perform any service described in Subsection (1)(a) for the treatment of medical, physical, or mental ailments.
- (c) An individual with a master esthetics license may perform:
- (i) a procedure described in Subsections (1)(a)(ix)(A) through (D) pursuant to the requirements described in Section 58-1-506; and
 - (ii) chemical exfoliation pursuant to the supervision requirements established by administrative rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (d) Except as required in Subsection (1)(c), a procedure described in this section that is performed by an individual with a master esthetics license may be performed without supervision by a medical professional.
- (2) An individual may not engage in the practice of master esthetics unless the individual holds a master esthetics license.
- (3) An applicant for a master esthetics license shall comply with the requirements of Section 58-11a-302 and:
- (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers:
 - (A) eyelash and eyebrow technology;
 - (B) cosmetic medical procedures;
 - (C) body contouring and lymphatic massage; and
 - (D) advanced skincare; and
 - (ii) has a minimum of 1,200 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved master esthetics apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 1,200 hours of instruction, the applicant may count hours practiced as an esthetician in a jurisdiction other than Utah to satisfy the 1,200 total hours requirement.

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

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) The practice of master hair design and practice of master barbering includes:
- (a) styling, arranging, dressing, curling, or waving the hair of the head of an individual;
 - (b) cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;
 - (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
 - (d) hair fusing and extensions;
 - (e) removing hair from the face or neck of an individual by using shaving equipment;
 - (f) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or both on the human head;
 - (g) practicing hair weaving, hair fusing, or servicing previously medically implanted hair;
 - (h) when providing other services described in this Subsection (1), gently massaging the head, back of the neck, and shoulders by manual or mechanical means; and
 - (i) permanently waving, bleaching, tinting, coloring, relaxing, or similarly treating the hair of the head of an individual.
- (2) An individual may not engage in the practice of master hair design or master barbering unless the individual holds a master hair design license or master barbering license.
- (3) An applicant for a master hair design license or master barbering license shall comply with the requirements of Section 58-11a-302 and:
- (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers:
 - (A) hair safety requirements;
 - (B) haircutting and barbering; and
 - (C) chemical hair services; and
 - (ii) has a minimum of 1,000 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved master hair design or an approved master barbering apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 1,000 hours of instruction, the applicant may count hours practiced as a licensed master hair designer or master barber in a jurisdiction other than Utah to satisfy the 1,000 total hours requirement.
- (5) An individual with a master hair design license or master barbering license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) The practice of nail technology includes:
- (a) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and feet to knees, or enhancing the appearance of the hands, feet, and nails of an individual by using the nail technician's hands, mechanical or electrical preparation, antiseptic, lotion, or cream;
 - (b) applying and removing sculptured or artificial nails; and

- (c) using blades, including corn or callus planer or rasp, for smoothing, shaving, or removing dead skin from the feet.
- (2) An individual may not engage in the practice of nail technology unless the individual holds a nail technology license.
- (3) An applicant for a nail technology license shall comply with the requirements of Section 58-11a-302 and:
 - (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers:
 - (A) manicures and pedicures; and
 - (B) artificial nails; and
 - (ii) has a minimum of 300 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved nail technology apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 300 hours of instruction, the applicant may count hours practiced as a licensed nail technician in a jurisdiction other than Utah to satisfy the 300 total hours requirement.
- (5) An individual with a nail technology license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) An applicant for licensure as an instructor shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) subject to Subsection (4), pay a fee determined by the division under Section 63J-1-504;
 - (c) provide satisfactory documentation that the applicant is currently licensed or permitted in the discipline that the applicant is seeking to instruct;
 - (d) provide satisfactory documentation that the applicant has completed six months of work experience in the discipline the applicant intends to instruct and:
 - (i) an instructor training program for the discipline for which the applicant is licensed, by a licensed or recognized school for a minimum of 35% of the minimum hours for the license or permit the applicant intends to instruct; or
 - (ii) on-the-job instructor training for the discipline for which the applicant is licensed, by a licensed or recognized school for a minimum of 35% of the minimum hours for the license or permit the applicant intends to instruct; and
 - (e) meet the examination requirement established by administrative rules made by the division.
- (2) An applicant for an instructor license or permit under this chapter whose education in the discipline for which a license or permit is sought was completed at a foreign school may satisfy the educational requirement for licensure by demonstrating, to the satisfaction of the division, the educational equivalency of the foreign school education with a licensed school under this chapter.
- (3)
 - (a) An individual may not instruct a discipline unless the individual has an instructor license that allows instruction of that discipline.
 - (b) The division shall make rules establishing which disciplines each type of instructor license may instruct.
- (4) The division may not charge a fee to an individual applying for licensure as an instructor under this chapter if the individual is a licensed instructor in any other discipline under this chapter.

- (5) The division may offer any required examination under this section, which is prepared by a national testing organization, in languages in addition to English.
- (6) For purposes of a national accrediting agency recognized by the United States Department of Education, on-the-job instructor training described in this section is not considered a program.

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) An applicant for licensure as a licensed school shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the division under Section 63J-1-504; and
 - (c) provide satisfactory documentation:
 - (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure from the municipality in which the school is located;
 - (iii) that the applicant's physical facilities comply with the requirements established by administrative rules made by the division; and
 - (iv) that the applicant meets the standards established by administrative rules made by the division, including staff, curriculum, and accreditation requirements.
- (2)
 - (a) Except as provided in Subsection (2)(b), a school licensed or applying for licensure under this chapter shall maintain recognition as an institution of postsecondary study by meeting the following conditions:
 - (i) the school shall admit as a regular student only an individual who has earned a recognized high school diploma or the equivalent of a recognized high school diploma, or who is beyond the age of compulsory high school attendance as prescribed by Title 53G, Chapter 6, Part 2, Compulsory Education; and
 - (ii) the school shall be licensed by name, or in the case of an applicant, shall apply for licensure by name, under this chapter to offer one or more training programs beyond the secondary level.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall establish administrative rules for licensure for a local education agency, technical college, a degree-granting institution with a technical college mission, or private school that primarily serves secondary students.
 - (c) Nothing in this section precludes a local education agency, technical college, a degree-granting institution with a technical college mission, or private school from administering a licensed program for secondary students.
- (3) A school licensed under this section shall accept credit hours towards graduation for documented, relevant, and substantially equivalent coursework previously completed by:
 - (a) a student that completed only a portion of the student's education while attending a different school or apprenticeship; or
 - (b) an individual licensed or permitted under this chapter, based on the individual's schooling, apprenticeship, or experience.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, the division may make rules governing the acceptance of credit hours.

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) Except as provided in Subsection (3), the division may not issue an esthetics license after January 1, 2026.
- (2) An individual with an esthetics license may perform any of the following skincare procedures done on the face or body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:
 - (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or masks, and manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous removal by buffing or filing;
 - (b) limited chemical exfoliation as defined by rule;
 - (c) manual hair removal;
 - (d) other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp;
 - (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or applying eyelash or eyebrow extensions; or
 - (f) subject to the requirements described in Section 58-1-506:
 - (i) laser hair removal;
 - (ii) anti-aging resurfacing enhancements; or
 - (iii) photo rejuvenation.
- (3) The division shall grant an esthetics license to an individual that completes the requirements described in Subsection (4) and:
 - (a) has registered an esthetics apprenticeship with the division on or before January 1, 2026; or
 - (b) has enrolled and started an esthetics program with a licensed school on or before January 1, 2026.
- (4)
 - (a) An individual described in Subsection (3)(a) shall complete at least 800 hours of apprenticeship training that is supervised by a licensed esthetics instructor who provides one-on-one supervision of the apprentice during the apprenticeship.
 - (b) An individual described in Subsection (3)(b) shall graduate from a licensed school with a minimum of 600 hours or the equivalent number of credit hours.
- (5) An individual with an esthetics license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

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

- (1) Except as provided in Subsection (3), the division may not issue a barbering license after January 1, 2026.
- (2) An individual with a barbering license may engage in the practice of barbering, which includes:
 - (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;
 - (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
 - (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on the human head;
 - (d) removing hair from the face or neck of an individual by using shaving equipment; and

- (e) when providing other services described in this Subsection (2), gently massaging the head, back of the neck, and shoulders by manual or mechanical means.
- (3) The division shall grant a barbering license to an individual that completes the requirement described in Subsection (4) and:
 - (a) has registered a barbering apprenticeship with the division on or before January 1, 2026; or
 - (b) has enrolled and started a barbering program with a licensed school on or before January 1, 2026.
- (4)
 - (a) An individual described in Subsection (3)(a) shall complete at least 1,250 hours of apprenticeship training that is supervised by a licensed barbering instructor who provides one-on-one supervision of the apprentice during the apprenticeship.
 - (b) An individual described in Subsection (3)(b) shall graduate from a licensed school with a minimum of 1,000 hours or the equivalent number of credit hours.
- (5) An individual with a barbering license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

Effective 1/1/2026

58-11a-302.25 License transitions.

Beginning on January 1, 2026:

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

Enacted by Chapter 491, 2025 General Session

Part 4

License Denial and Discipline

58-11a-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 96, 1996 General Session

Part 5

Unprofessional and Unlawful Conduct - Penalties

Superseded 1/1/2026

58-11a-501 Unprofessional conduct.

Unprofessional conduct includes:

- (1) failing as a licensed school to obtain or maintain accreditation as required by rule;
- (2) failing as a licensed school to comply with the standards of accreditation applicable to such schools;
- (3) failing as a licensed school to provide adequate instruction to enrolled students;
- (4) failing as an apprentice supervisor to provide direct supervision to the apprentice;
- (5) failing as an instructor to provide direct supervision to students who are providing services to an individual under the instructor's supervision;
- (6) failing as an apprentice supervisor to comply with division rules relating to apprenticeship programs under this chapter;
- (7) keeping a salon or school, its furnishing, tools, utensils, linen, or appliances in an unsanitary condition;
- (8) failing to comply with Title 26B, Utah Health and Human Services Code;
- (9) failing to display licenses or certificates as required under Section 58-11a-305;
- (10) failing to comply with physical facility requirements established by rule;
- (11) failing to maintain mechanical or electrical equipment in safe operating condition;
- (12) failing to adequately monitor patrons using steam rooms, dry heat rooms, baths, showers, or saunas;
- (13) prescribing or administering prescription drugs;
- (14) failing to comply with all applicable state and local health or sanitation laws;
- (15) engaging in any act or practice in a professional capacity that is outside the applicable scope of practice;
- (16) engaging in any act or practice in a professional capacity which the licensee is not competent to perform through education or training;
- (17) in connection with the use of a chemical exfoliant, unless under the supervision of a licensed health care practitioner acting within the scope of his or her license:
 - (a) using any acid, concentration of an acid, or combination of treatments which violates the standards established by rule;
 - (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
 - (c) using an exfoliant that contains phenol, TCA acid of over 15%, or BCA acid;
- (18) in connection with the sanding of the skin, unless under the supervision of a licensed health care practitioner acting within the scope of his or her license, removing any layer of skin deeper than the stratum corneum of the epidermis;
- (19) using as a barber, cosmetologist/barber, nail technician, or eyelash and eyebrow technician any laser procedure or intense, pulsed light source, except that nothing in this chapter precludes an individual licensed under this chapter from using a nonprescriptive laser device; or
- (20) failing to comply with a judgment order from a court of competent jurisdiction resulting from the failure to pay outstanding tuition or education costs incurred to comply with this chapter.

Amended by Chapter 479, 2024 General Session

Effective 1/1/2026

58-11a-501 Unprofessional conduct.

Unprofessional conduct includes:

- (1) a licensed school that fails to:
 - (a)
 - (i) obtain or maintain accreditation or comply with the required standard of accreditation; and

- (ii) have curriculum approved by the division, as required by administrative rules made by the division; or
- (b) provide adequate instruction to enrolled students;
- (2) an apprenticeship supervisor that fails to:
 - (a) provide direct supervision to an apprentice; or
 - (b) comply with division rules relating to apprenticeship programs under this chapter;
- (3) an instructor that fails to provide direct supervision to students who are providing services to an individual under the instructor's supervision;
- (4) a person that keeps a salon or school, or the salon or school's furnishings, tools, utensils, linen, or appliances in an unsanitary condition;
- (5) an individual licensed or permitted under this chapter that fails to:
 - (a) comply with Title 26B, Utah Health and Human Services Code;
 - (b) display a license or permit as required under Section 58-11a-305;
 - (c) comply with physical facility requirements established by administrative rules made by the division;
 - (d) maintain mechanical or electrical equipment in safe operating condition;
 - (e) adequately monitor patrons using steam rooms, dry heat rooms, baths, showers, or saunas;
 - (f) comply with all applicable state and local health or sanitation laws; or
 - (g) comply with a judgment order from a court of competent jurisdiction regarding a disagreement over tuition or education costs in relation to the requirements outlined in this chapter;
- (6) an individual licensed or permitted under this chapter:
 - (a) prescribing or administering prescription drugs;
 - (b) engaging in any act or practice in a professional capacity that is outside of the applicable scope of practice;
 - (c) engaging in any act or practice in a professional capacity that the individual is not competent to perform through education or training; or
 - (d) removing proximal nail fold by e-file or other tool or inserting tools beneath the eponychium;
- (7) unless the individual is under the supervision of a licensed health care practitioner acting within the scope of the health care practitioner's license, an individual licensed or permitted under this chapter, while using a chemical exfoliant:
 - (a) using any acid, concentration of acid, or combination of treatments that violate the standards established by administrative rules made by the division;
 - (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
 - (c) using an exfoliant that contains phenol, trichloroacetic acid of over 15%, or bichloroacetic acid;
- (8) while sanding the skin, an individual licensed or permitted under this chapter, removing any layer of skin deeper than the stratum corneum of the epidermis, unless the individual is under the supervision of a licensed health care practitioner acting within the scope of the health care practitioner's license;
- (9) using any laser procedure or intense, pulsed light source, besides a nonprescriptive laser device, unless authorized to do so by an individual's license or permit in this chapter;
- (10) marketing or distinguishing an establishment as a school if the establishment is not licensed as a school under this chapter; and
- (11) claiming or advertising unrealistic results for body contouring, including alleviation of psychological distress.

Repealed and Re-enacted by Chapter 491, 2025 General Session

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) 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;
- (3) using or possessing a solution composed of at least 10% methyl methacrylate on a client;
- (4) performing an ablative procedure as defined in Section 58-67-102;
- (5) 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
- (6) failing as a salon or school where nail technology is practiced or taught to maintain a source capture system required under Title 15A, State Construction and Fire Codes Act, including failing to maintain and clean a source capture system's air filter according to the manufacturer's instructions.

Amended by Chapter 339, 2020 General Session

Superseded 1/1/2026

58-11a-503 Penalties.

- (1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct under Section 58-11a-502 or who fails to comply with a citation issued under this section after it is final is guilty of a class A misdemeanor.
- (2) Sexual conduct that violates Section 58-11a-502 and Title 76, Utah Criminal Code, shall be subject to the applicable penalties in Title 76, Utah Criminal Code.
- (3) Grounds for immediate suspension of a licensee's license by the division include the issuance of a citation for violation of Subsection 58-11a-502(1), (3), (4), (5), or (6).
- (4)
 - (a) If upon inspection or investigation, the division concludes that a person has violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6), or a rule or order issued with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6), and that disciplinary action is appropriate, the director or the director's designee from within the division shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate

a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

- (i) A person who is in violation of Subsection 58-11a-502(1), (3), (4), (5), or (6), as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (4) and may, in addition to or in lieu of, be ordered to cease and desist from violating Subsection 58-11a-502(1), (3), (4), (5), or (6).
 - (ii) Except for a cease and desist order, the licensure sanctions cited in Section 58-11a-401 may not be assessed through a citation.
- (b)
- (i) Each citation shall be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated.
 - (ii) The citation shall clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.
 - (iii) The citation shall clearly explain the consequences of failure to timely contest the citation or to make payment of a fine assessed by the citation within the time specified in the citation.
- (c) Each citation issued under this section, or a copy of each citation, may be served upon a person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon the person's agent by a division investigator or by a person specially designated by the director or by mail.
- (d)
- (i) If within 20 calendar days from the service of a citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
 - (ii) The period to contest a citation may be extended by the division for cause.
- (e) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.
- (f) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.
- (g) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.
- (h) Fines shall be assessed by the director or the director's designee according to the following:
- (i) for a first offense under Subsection (4)(a), a fine of up to \$1,000;
 - (ii) for a second offense under Subsection (4)(a), a fine of up to \$2,000; and
 - (iii) for any subsequent offense under Subsection (4)(a), a fine of up to \$2,000 for each day of continued offense.
- (i)
- (i) For purposes of issuing a final order under this section and assessing a fine under Subsection (4)(h), an offense constitutes a second or subsequent offense if:
 - (A) the division previously issued a final order determining that a person committed a first or second offense in violation of Subsection 58-11a-502(1), (3), (4), (5), or (6); or
 - (B)
 - (I) the division initiated an action for a first or second offense;
 - (II) no final order has been issued by the division in the action initiated under Subsection (4)(i)(i)(B)(I);

- (III) the division determines during an investigation that occurred after the initiation of the action under Subsection (4)(i)(i)(B)(I) that the person committed a second or subsequent violation of Subsection 58-11a-502(1), (3), (4), (5), or (6); and
 - (IV) after determining that the person committed a second or subsequent offense under Subsection (4)(i)(i)(B)(III), the division issues a final order on the action initiated under Subsection (4)(i)(i)(B)(I).
- (ii) In issuing a final order for a second or subsequent offense under Subsection (4)(i)(i), the division shall comply with the requirements of this section.
- (5)
- (a) A penalty imposed by the director under Subsection (4)(h) shall be deposited into the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Education and Enforcement Fund.
 - (b) A penalty which is not paid may be collected by the director by either:
 - (i) referring the matter to a collection agency; or
 - (ii) bringing an action in the district court of the county in which the person against whom the penalty is imposed resides or in the county where the office of the director is located.
 - (c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
 - (d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 339, 2020 General Session

Effective 1/1/2026

58-11a-503 Penalties.

- (1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct under Section 58-11a-502 or who fails to comply with a citation issued under this section after the citation is final is guilty of a class A misdemeanor.
- (2) Sexual conduct that violates Section 58-11a-502 and Title 76, Utah Criminal Code, shall be subject to the applicable penalties in Title 76, Utah Criminal Code.
- (3) Grounds for immediate suspension of an individual's license or permit by the division include the issuance of a citation for violation of Subsection 58-11a-502(1), (3), (4), (5), or (6).
- (4) If upon inspection or investigation, the division concludes that an individual has violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6), or a rule or order issued with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6), and that disciplinary action is appropriate, the director or the director's designee from within the division shall promptly issue a citation to the individual according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the individual to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- (5) An individual that is in violation of Subsection 58-11a-502(1), (3), (4), (5), or (6), as evidenced by an uncontested citation, a stipulated settlement, or finding of violation in an adjudicative proceeding, may be assessed a fine in accordance with this Subsection (5) and may, in addition to or in lieu of a fine, be ordered to cease and desist from violating Subsection 58-11a-502(1), (3), (4), (5), or (6).
- (6) Except for a cease and desist order, the licensure sanctions described in Section 58-11a-401 may not be assessed through a citation.
- (7)

- (a) Each citation shall be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated.
- (b) The citation shall clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- (c) The citation shall clearly explain the consequences of failure to timely contest the citation or to make payment of a fine assessed by the citation within the time specified in the citation.
- (d) Each citation issued under this section, or a copy of each citation, may be served upon an individual upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon the individual's agent by a division investigator or by an individual specially designated by the director or by mail.
- (e)
 - (i) If within 20 calendar days from the service of a citation, the individual to which the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
 - (ii) The period to contest a citation may be extended by the division for cause.
- (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license or permit of an individual that fails to comply with a citation after the citation becomes final.
- (g) The failure of an applicant for licensure to comply with a citation after the citation becomes final is a ground for denial of license.
- (h) The director or the director's designee from within the division may not issue a citation under this section more than one year after the date on which the violation that is the subject of the citation is reported to the division.
- (i) The director or the director's designee shall assess fines as follows:
 - (i) for a first offense under Subsection (4), a fine of up to \$1,000;
 - (ii) for a second offense under Subsection (4), a fine of up to \$2,000; and
 - (iii) for any subsequent offense under Subsection (4), a fine of up to \$2,000 for each day of continued offense.
- (j) For purposes of issuing a final order under this section and assessing a fine under Subsection (7)(i), an offense constitutes a second or subsequent offense if:
 - (i) the division previously issued a final order determining that an individual committed a first or second offense in violation of Subsection 58-11a-502(1), (3), (4), (5), or (6); or
 - (ii)
 - (A) the division initiated an action for a first or second offense;
 - (B) no final order has been issued by the division in the action initiated under Subsection (7)(j)(ii)(A);
 - (C) the division determines during an investigation that occurred after the initiation of the action under Subsection (7)(j)(ii)(A) that the individual committed a second or subsequent violation of Subsection 58-11a-502(1), (3), (4), (5), or (6); and
 - (D) after determining that the individual committed a second or subsequent offense under Subsection (7)(j)(ii)(C), the division issues a final order on the action initiated under Subsection (7)(j)(ii)(A).
- (k) In issuing a final order for a second or subsequent offense under Subsection (7)(j), the division shall comply with the requirements of this section.
- (8)
 - (a) A penalty imposed by the director under Subsection (7)(i) shall be deposited into the Cosmetology and Associated Professions Education and Enforcement Fund.

- (b) The director may collect an unpaid penalty by:
 - (i) referring the matter to a collection agency; or
 - (ii) bringing an action in the district court of the county in which the individual against whom the penalty is imposed resides or in the county where the office of the director is located.
- (c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
- (d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 491, 2025 General Session