



House of Representatives *State of Utah*

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January 25, 2005

Mr. Speaker:

The Business and Labor Committee reports a favorable recommendation on **H.B. 71**, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, by Representative J. Fisher, with the following amendments:

1. *Page 2, Line 31:*

31 AMENDS:

58-11a-102, as last amended by Chapter 204, Laws of Utah 2001

2. *Page 2, Line 37:*

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

Section 1. Section 58-11A-102 is amended to read:

58-11a-102. Definitions.

(1) "Approved cosmetologist/barber apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(1) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(2) "Approved esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(2) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(3) "Approved master esthetician 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 63, Chapter 46a, Utah Administrative Rulemaking Act.

(4) "Approved nail technician apprenticeship" means an apprenticeship

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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 63, Chapter 46a, Utah Administrative Rulemaking Act.

(5) "Board" means the Cosmetology/Barbering, Esthetics, Electrology, and Nail Technology Licensing Board created in Section 58-11a-201.

(6) "Cosmetologist/barber" means a person who is licensed under this chapter to engage in the practice of cosmetology/barbering.

(7) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed under this chapter to teach cosmetology/barbering at a licensed cosmetology/barber school.

(8) "Direct supervision" means that the supervisor of an apprentice or the instructor of a student is immediately available for consultation, advice, instruction, and evaluation.

(9) "Electrologist" means a person who is licensed under this chapter to engage in the practice of electrology.

(10) "Electrologist instructor" means an electrologist who is licensed under this chapter to teach electrology at a licensed electrology school.

(11) "Esthetician" means a person who is licensed under this chapter to engage in the practice of esthetics.

(12) "Esthetician instructor" means a master esthetician who is licensed under this chapter to teach the practice of esthetics and the practice of master-level esthetics at a licensed esthetics school.

(13) "Fund" means the Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Education and Enforcement Fund created in Section 58-11a-103.

(14) "Licensed cosmetology/barber school" means a cosmetology/barber school licensed under this chapter.

(15) "Licensed electrology school" means an electrology school licensed under this chapter.

(16) "Licensed esthetics school" means an esthetics school licensed under this chapter.

(17) "Licensed nail technology school" means a nail technology school licensed under this chapter.

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(18) "Master esthetician" means an individual who is licensed under this chapter to engage in the practice of master-level esthetics.

(19) "Nail technician" means an individual who is licensed under this chapter to engage in the practice of nail technology.

(20) "Nail technician instructor" means a nail technician licensed under this chapter to teach the practice of nail technology in a licensed nail technology school.

(21) (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, or tinting eyebrows or eyelashes, or both;

(iv) removing hair from the face, neck, shoulders, arms, back, bikini line, or legs 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 esthetics; and

(ii) the practice of nail technology.

(22) "Practice of cosmetology/barbering instruction" means instructing cosmetology/barbering in a licensed cosmetology/barber school.

(23) "Practice of electrolysis" means the removal of superfluous hair from the body of a person by the use of electricity.

(24) "Practice of electrolysis instruction" means instructing electrolysis in a licensed electrolysis school.

(25) "Practice of esthetics" means any one of the following skin care procedures done on the head, face, neck, torso, abdomen, back, arms, hands, legs, feet, eyebrows, or eyelashes for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:

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- (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or masks, extraction, depilatories, waxes, tweezing, natural nail manicures or pedicures, or callous removal by buffing or filing;
 - (b) manual lymphatic massage of the face and neck;
 - (c) limited chemical exfoliation as defined by rule;
 - (d) removing superfluous hair by means other than electrolysis or laser procedures; or
 - (e) other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp for beautifying or similar work performed on the body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments.
- (26) "Practice of esthetics instruction" means instructing esthetics or master-level esthetics in a licensed esthetics school.
- (27) (a) "Practice of master-level esthetics" means:
- (i) any of the following when done for cosmetic purposes 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; or
 - (F) 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; and
 - (ii) lymphatic massage by manual or other means.
- (b) Notwithstanding the provisions of Subsection (27)(a), a master-level esthetician may perform procedures listed in Subsection (27)(a)(i) for noncosmetic purposes if done under the supervision of a licensed health care practitioner acting within the scope of his or her license.
- (c) The term "practice of master-level esthetics" includes the practice of

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esthetics.

(28) "Practice of nail technology" means to trim, cut, clean, manicure, shape, massage, or enhance the appearance of the ~~{nails of the}~~ hands ~~{or}~~ feet and nails of an individual by the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the application and removal of sculptured or artificial nails.

(29) "Practice of nail technology instruction" means instructing nail technology in a licensed nail technician school.

(30) "Recognized cosmetology/barber school" means a cosmetology/barber school located in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(31) "Recognized electrology school" means an electrology school located in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(32) "Recognized esthetics school" means an esthetics school located in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(33) "Recognized nail technology school" means a nail technology school in another state,

whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(34) "Salon" means a place, shop, or establishment in which cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

(35) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

(36) "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 63, Chapter 46a, Utah Administrative Rulemaking Act.

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Renumber remaining sections accordingly.

3. *Page 8, Lines 227 through 230:*

- 227 (b) be conducted by a supervisor who:
228 (i) is licensed under this chapter as a nail technician instructor; and
229 (ii) provides direct one-on- ~~{-one-}~~ two supervision of the nail technician
apprentice during the
230 apprenticeship program.

Respectfully,

Stephen D. Clark
Committee Chair

Voting: 10-0-3

3 HB0071.HC1.WPD 1/25/05 5:39 pm msteinagel/MBS JLW/ALH

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