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**BARBER, COSMETOLOGIST/BARBER,  
ESTHETICIAN, ELECTROLOGIST, AND  
NAIL TECHNICIAN LICENSING ACT  
AMENDMENTS**

2010 GENERAL SESSION  
STATE OF UTAH

**Chief Sponsor: Merlynn T. Newbold**  
Senate Sponsor: Allen M. Christensen

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**LONG TITLE**

**General Description:**

This bill amends definition and licensing qualification provisions of the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act.

**Highlighted Provisions:**

This bill:

▶ modifies the definitions of the practice of basic esthetics and practice of cosmetology/barbering;

▶ provides for acceptance of graduation from an out-of-state recognized

~~H~~→ master ←~~H~~ esthetics

school ~~H~~→ [~~or cosmetology/barbering school~~] ←~~H~~ and practicing at least 4,000 hours as a

licensed ~~H~~→ master ←~~H~~ esthetician as another option for satisfying one of the requirements to become a licensed master esthetician; and

▶ provides for the accepted transferability of credit hours towards graduation.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

29 **58-11a-102**, as last amended by Laws of Utah 2009, Chapter 130

30 **58-11a-302**, as last amended by Laws of Utah 2009, Chapters 130 and 183

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

33 Section 1. Section **58-11a-102** is amended to read:

34 **58-11a-102. Definitions.**

35 As used in this chapter:

36 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship  
37 that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection  
38 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the  
39 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
40 Administrative Rulemaking Act.

41 (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the  
42 requirements of Subsection 58-11a-306(3) and the requirements established by rule by the  
43 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
44 Administrative Rulemaking Act.

45 (3) "Approved master esthetician apprenticeship" means an apprenticeship that meets  
46 the requirements of Subsection 58-11a-306(4) and the requirements established by rule by the  
47 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
48 Administrative Rulemaking Act.

49 (4) "Approved nail technician apprenticeship" means an apprenticeship that meets the  
50 requirements of Subsection 58-11a-306(5) and the requirements established by rule by the  
51 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
52 Administrative Rulemaking Act.

53 (5) "Barber" means a person who is licensed under this chapter to engage in the  
54 practice of barbering.

55 (6) "Barber instructor" means a barber who is licensed under this chapter to teach  
56 barbering at a licensed barber school or in an apprenticeship program as defined in Section  
57 58-11a-306.

58 (7) "Board" means the Barber, Cosmetology/Barbering, Esthetics, Electrology, and

59 Nail Technology Licensing Board created in Section 58-11a-201.

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

62 (9) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed  
63 under this chapter to teach cosmetology/barbering at a licensed cosmetology/barber school,  
64 licensed barber school, licensed nail technology school, or in an apprenticeship program as  
65 defined in Subsection 58-11a-306(2).

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

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

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

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

74 (14) "Esthetician instructor" means a master esthetician who is licensed under this  
75 chapter to teach the practice of esthetics and the practice of master-level esthetics at a licensed  
76 esthetics school, a licensed cosmetology/barber school, or in an apprenticeship program as  
77 defined in Subsection 58-11a-306(3).

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

80 (16) "Licensed barber or cosmetology/barber school" means a barber or  
81 cosmetology/barber school licensed under this chapter.

82 (17) "Licensed electrology school" means an electrology school licensed under this  
83 chapter.

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

85 (19) "Licensed nail technology school" means a nail technology school licensed under  
86 this chapter.

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

89 (21) "Nail technician" means an individual who is licensed under this chapter to engage

90 in the practice of nail technology.

91 (22) "Nail technician instructor" means a nail technician licensed under this chapter to  
 92 teach the practice of nail technology in a licensed nail technology school, a licensed  
 93 cosmetology/barber school, or in an apprenticeship program as defined in Subsection  
 94 58-11a-306(5).

95 (23) "Practice of barbering" means:

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

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

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

100 (24) "Practice of barbering instruction" means instructing barbering in a licensed  
 101 barber school, licensed cosmetology/barber school, or in an apprenticeship program as defined  
 102 in Subsection 58-11a-306(1).

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

106 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or  
 107 masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the  
 108 application of eyelash extensions, ~~Ĥ→~~ **[makeup application;]** ~~←Ĥ~~ natural nail manicures or  
 108a pedicures, or

109 callous removal by buffing or filing;

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

111 (c) removing superfluous hair by means other than electrolysis ~~Ŝ→~~ **, except that an**  
 111a **individual is not required to be licensed as an esthetician to engage in the practice of threading** ~~←Ŝ~~ ;

112 (d) other esthetic preparations or procedures with the use of the hands, a  
 113 high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not  
 114 for the treatment of medical, physical, or mental ailments; or

115 (e) cosmetic laser procedures under direct supervision of a licensed health care  
 116 practitioner as defined by rule, limited to the following:

117 (i) superfluous hair removal;

118 (ii) anti-aging resurfacing enhancements;

119 (iii) photo rejuvenation; or

120 (iv) tattoo removal.

121 (26) (a) "Practice of cosmetology/barbering" means:

122 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,  
123 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a  
124 person;

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

127 (iii) arching eyebrows, or tinting eyebrows or eyelashes, [~~or both~~] applying eyelash  
128 extensions, or any combination of these procedures;

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

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

133 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted  
134 hair.

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

136 (i) the practice of basic esthetics; and

137 (ii) the practice of nail technology.

137a **§→ (c) An individual is not required to be licensed as a cosmetologist/barber to engage in**  
137b **the practice of threading. ←§**

138 (27) "Practice of cosmetology/barbering instruction" means instructing  
139 cosmetology/barbering as defined in Subsection (26) in a licensed cosmetology/barber school  
140 or in an apprenticeship program as defined in Subsection 58-11a-306(2).

141 (28) "Practice of electrology" means:

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

144 (b) cosmetic laser procedures under the general supervision of a licensed health care  
145 practitioner as defined by rule, limited to superfluous hair removal.

146 (29) "Practice of electrology instruction" means instructing electrology in a licensed  
147 electrology school.

148 (30) "Practice of esthetics instruction" means instructing esthetics in a licensed  
149 esthetics school, a licensed cosmetology/barber school, or instructing master-level esthetics in a  
150 licensed esthetics school or in an apprenticeship program as defined in Subsections  
151 58-11a-306(2), (3), and (4).

152 (31) (a) "Practice of master-level esthetics" means:

153 (i) any of the following when done for cosmetic purposes on the head, face, neck,  
154 torso, abdomen, back, arms, hands, legs, feet, eyebrows, or eyelashes and not for the treatment  
155 of medical, physical, or mental ailments:

156 (A) body wraps as defined by rule;

157 (B) hydrotherapy as defined by rule;

158 (C) chemical exfoliation as defined by rule;

159 (D) advanced pedicures as defined by rule;

160 (E) sanding, including microdermabrasion;

161 (F) advanced extraction;

162 (G) other esthetic preparations or procedures with the use of:

163 (I) the hands; or

164 (II) a mechanical or electrical apparatus which is approved for use by division rule for  
165 beautifying or similar work performed on the body for cosmetic purposes and not for the  
166 treatment of a medical, physical, or mental ailment; or

167 (H) cosmetic laser procedures under the general supervision of a licensed health care  
168 practitioner as defined by rule, with a physician's evaluation before the procedure, as needed,  
169 and limited to the following:

170 (I) superfluous hair removal;

171 (II) anti-aging resurfacing enhancements;

172 (III) photo rejuvenation; or

173 (IV) tattoo removal with a physician's evaluation before the tattoo removal procedure;

174 and

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

176 (b) Notwithstanding the provisions of Subsection (31)(a), a master-level esthetician  
177 may perform procedures listed in Subsection (31)(a)(i) for noncosmetic purposes if done under  
178 the supervision of a licensed health care practitioner acting within the scope of the licensed  
179 health care practitioner's license as defined by rule.

180 (c) The term "practice of master-level esthetics" includes the practice of esthetics ~~§~~ , **but**  
180a **an individual is not required to be licensed as an esthetician or master-level esthetician to**  
180b **engage in the practice of threading** ~~←§~~ .

181 (32) "Practice of nail technology" means to trim, cut, clean, manicure, shape, massage,  
182 or enhance the appearance of the hands, feet, and nails of an individual by the use of hands,

183 mechanical, or electrical preparation, antiseptic, lotions, or creams, including the application  
184 and removal of sculptured or artificial nails.

185 (33) "Practice of nail technology instruction" means instructing nail technology in a  
186 licensed nail technician school, licensed cosmetology/barber school, or in an apprenticeship  
187 program as defined in Subsection 58-11a-306(5).

188 (34) "Recognized barber school" means a barber school located in a state other than  
189 Utah, whose students, upon graduation, are recognized as having completed the educational  
190 requirements for licensure in that state.

191 (35) "Recognized cosmetology/barber school" means a cosmetology/barber school  
192 located in a state other than Utah, whose students, upon graduation, are recognized as having  
193 completed the educational requirements for licensure in that state.

194 (36) "Recognized electrology school" means an electrology school located in a state  
195 other than Utah, whose students, upon graduation, are recognized as having completed the  
196 educational requirements for licensure in that state.

197 (37) "Recognized esthetics school" means an esthetics school located in a state other  
198 than Utah, whose students, upon graduation, are recognized as having completed the  
199 educational requirements for licensure in that state.

200 (38) "Recognized nail technology school" means a nail technology school located in a  
201 state other than Utah, whose students, upon graduation, are recognized as having completed the  
202 educational requirements for licensure in that state.

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

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

206 (41) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-11a-501 and  
207 as may be further defined by rule by the division in collaboration with the board in accordance  
208 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

209 Section 2. Section **58-11a-302** is amended to read:

210 **58-11a-302. Qualifications for licensure.**

211 (1) Each applicant for licensure as a barber shall:

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

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

- 214 (c) be of good moral character;
- 215 (d) provide satisfactory documentation of:
- 216 (i) graduation from a licensed or recognized barber school or a licensed or recognized
- 217 cosmetology/barber school whose curriculum consists of a minimum of 1,000 hours of
- 218 instruction or the equivalent number of credit hours over a period of not less than 25 weeks;
- 219 (ii) (A) having graduated from a recognized barber school located in a state other than
- 220 Utah whose curriculum consists of less than 1,000 hours of instruction or the equivalent
- 221 number of credit hours; and
- 222 (B) having practiced as a licensed barber for a period of not less than 2,000 hours; or
- 223 (iii) having completed an approved barber apprenticeship; and
- 224 (e) meet the examination requirement established by rule.
- 225 (2) Each applicant for licensure as a barber instructor shall:
- 226 (a) submit an application in a form prescribed by the division;
- 227 (b) pay a fee determined by the department under Section 63J-1-504;
- 228 (c) provide satisfactory documentation that the applicant is currently licensed as a
- 229 barber;
- 230 (d) be of good moral character;
- 231 (e) provide satisfactory documentation of completion of:
- 232 (i) an instructor training program conducted by a licensed or recognized school as
- 233 defined by rule consisting of a minimum of 500 hours or the equivalent number of credit hours;
- 234 or
- 235 (ii) a minimum of 2,000 hours of experience as a barber; and
- 236 (f) meet the examination requirement established by rule.
- 237 (3) Each applicant for licensure as a barber school shall:
- 238 (a) submit an application in a form prescribed by the division;
- 239 (b) pay a fee determined by the department under Section 63J-1-504; and
- 240 (c) provide satisfactory documentation:
- 241 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 242 (ii) of business licensure from the city, town, or county in which the school is located;
- 243 (iii) that the applicant's physical facilities comply with the requirements established by
- 244 rule; and



- 245 (iv) that the applicant meets the standards for barber schools, including staff and  
246 accreditation requirements, established by rule.
- 247 (4) Each applicant for licensure as a cosmetologist/barber shall:
- 248 (a) submit an application in a form prescribed by the division;
- 249 (b) pay a fee determined by the department under Section 63J-1-504;
- 250 (c) be of good moral character;
- 251 (d) provide satisfactory documentation of:
- 252 (i) graduation from a licensed or recognized cosmetology/barber school whose  
253 curriculum consists of a minimum of 2,000 hours of instruction, with full flexibility within the  
254 2,000 hours, or the equivalent number of credit hours over a period of not less than 50 weeks;
- 255 (ii) (A) having graduated from a recognized cosmetology/barber school located in a  
256 state other than Utah whose curriculum consists of less than 2,000 hours of instruction, with  
257 full flexibility within the 2,000 hours, or the equivalent number of credit hours; and
- 258 (B) having practiced as a licensed cosmetologist/barber for a period of not less than  
259 4,000 hours; or
- 260 (iii) having completed an approved cosmetology/barber apprenticeship; and
- 261 (e) meet the examination requirement established by rule.
- 262 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:
- 263 (a) submit an application in a form prescribed by the division;
- 264 (b) pay a fee determined by the department under Section 63J-1-504;
- 265 (c) provide satisfactory documentation that the applicant is currently licensed as a  
266 cosmetologist/barber;
- 267 (d) be of good moral character;
- 268 (e) provide satisfactory documentation of completion of:
- 269 (i) an instructor training program conducted by a licensed or recognized school as  
270 defined by rule consisting of a minimum of 1,000 hours or the equivalent number of credit  
271 hours; or
- 272 (ii) a minimum of 4,000 hours of experience as a cosmetologist/barber; and
- 273 (f) meet the examination requirement established by rule.
- 274 (6) Each applicant for licensure as a cosmetologist/barber school shall:
- 275 (a) submit an application in a form prescribed by the division;

- 276 (b) pay a fee determined by the department under Section 63J-1-504; and
- 277 (c) provide satisfactory documentation:
  - 278 (i) of appropriate registration with the Division of Corporations and Commercial Code;
  - 279 (ii) of business licensure from the city, town, or county in which the school is located;
  - 280 (iii) that the applicant’s physical facilities comply with the requirements established by
  - 281 rule; and
  - 282 (iv) that the applicant meets the standards for cosmetology schools, including staff and
  - 283 accreditation requirements, established by rule.
- 284 (7) Each applicant for licensure as an electrologist shall:
  - 285 (a) submit an application in a form prescribed by the division;
  - 286 (b) pay a fee determined by the department under Section 63J-1-504;
  - 287 (c) be of good moral character;
  - 288 (d) provide satisfactory documentation of having graduated from a licensed or
  - 289 recognized electrology school after completing a curriculum of 600 hours of instruction or the
  - 290 equivalent number of credit hours; and
  - 291 (e) meet the examination requirement established by rule.
- 292 (8) Each applicant for licensure as an electrologist instructor shall:
  - 293 (a) submit an application in a form prescribed by the division;
  - 294 (b) pay a fee determined by the department under Section 63J-1-504;
  - 295 (c) provide satisfactory documentation that the applicant is currently licensed as an
  - 296 electrologist;
  - 297 (d) be of good moral character;
  - 298 (e) provide satisfactory documentation of completion of:
    - 299 (i) an instructor training program conducted by a licensed or recognized school as
    - 300 defined by rule consisting of a minimum of 175 hours or the equivalent number of credit hours;
    - 301 or
    - 302 (ii) a minimum of 1,000 hours of experience as an electrologist; and
  - 303 (f) meet the examination requirement established by rule.
- 304 (9) Each applicant for licensure as an electrologist school shall:
  - 305 (a) submit an application in a form prescribed by the division;
  - 306 (b) pay a fee determined by the department under Section 63J-1-504; and

- 307 (c) provide satisfactory documentation:
- 308 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 309 (ii) of business licensure from the city, town, or county in which the school is located;
- 310 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 311 (iv) that the applicant meets the standards for electrologist schools, including staff,
- 312 curriculum, and accreditation requirements, established by rule.
- 313 (10) Each applicant for licensure as an esthetician shall:
- 314 (a) submit an application in a form prescribed by the division;
- 315 (b) pay a fee determined by the department under Section 63J-1-504;
- 316 (c) be of good moral character;
- 317 (d) provide satisfactory documentation of one of the following:
- 318 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized
- 319 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic
- 320 instruction with a minimum of 600 hours or the equivalent number of credit hours;
- 321 (ii) completion of an approved esthetician apprenticeship; or
- 322 (iii) (A) having graduated from a recognized cosmetology/barber school located in a
- 323 state other than Utah whose curriculum consists of less than 2,000 hours of instruction with full
- 324 flexibility within the 2,000 hours or the equivalent number of credit hours; and
- 325 (B) having practiced as a licensed cosmetologist/barber for a period of not less than
- 326 4,000 hours; and
- 327 (e) meet the examination requirement established by division rule.
- 328 (11) Each applicant for licensure as a master esthetician shall:
- 329 (a) submit an application in a form prescribed by the division;
- 330 (b) pay a fee determined by the department under Section 63J-1-504;
- 331 (c) be of good moral character; and
- 332 (d) provide satisfactory documentation of one of the following:
- 333 (i) (A) completion of at least 1,200 hours of training or the equivalent number of credit
- 334 hours over a period of not less than 30 weeks at a licensed or recognized esthetics school; or
- 335 (B) accepting up to 600 hours or credit hours towards the 1,200 hours of training or
- 336 equivalent number of credit hours from an applicant who has graduated from a licensed or
- 337 recognized cosmetology/barbering school whose curriculum consists of a minimum of 2,000

338 hours of instruction with full flexibility within the 2,000 hours, or the equivalent number of  
339 credit hours; and

340 (C) for practice of lymphatic massage, provide satisfactory documentation to show  
341 completion of 200 hours of training or equivalent number of credit hours in lymphatic massage  
342 as defined by division rule; or

343 (ii) completion of an approved master esthetician apprenticeship; [or]

344 (iii) accepting up to 600 hours or credit hours towards the 1,200 hours of training or  
345 equivalent number of credit hours from a recognized cosmetology/barber school located in a  
346 state other than Utah whose curriculum consists of less than 2,000 hours of instruction or the  
347 equivalent number of credit hours; [and] or

348 (iv) (A) having graduated from a recognized ~~H~~→ master ←~~H~~ esthetics school ~~H~~→ [or a  
348a recognized

349 cosmetology/barber school] ←~~H~~ located in a state other than Utah whose curriculum consists of less  
350 than 1,200 hours of instruction, with full flexibility within the 1,200 hours or the equivalent  
351 number of credit hours; and

352 (B) having practiced as a licensed ~~H~~→ master ←~~H~~ esthetician for a period of not less than  
352a 4,000 hours;

353 and

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

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

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

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

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

360 (d) be of good moral character;

361 (e) provide satisfactory documentation of completion of:

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

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

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

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

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

- 369 (b) pay a fee determined by the department under Section 63J-1-504; and
- 370 (c) provide satisfactory documentation:
  - 371 (i) of appropriate registration with the Division of Corporations and Commercial Code;
  - 372 (ii) of business licensure from the city, town, or county in which the school is located;
  - 373 (iii) that the applicant's physical facilities comply with the requirements established by
  - 374 rule; and
  - 375 (iv) that the applicant meets the standards for esthetics schools, including staff,
  - 376 curriculum, and accreditation requirements, established by division rule made in collaboration
  - 377 with the board.
- 378 (14) Each applicant for licensure as a nail technician shall:
  - 379 (a) submit an application in a form prescribed by the division;
  - 380 (b) pay a fee determined by the department under Section 63J-1-504;
  - 381 (c) be of good moral character; and
  - 382 (d) provide satisfactory documentation of:
    - 383 (i) graduation from a licensed or recognized nail technology school or a licensed or
    - 384 recognized cosmetology/barber school whose curriculum consists of not less than 300 hours or
    - 385 the equivalent number of credit hours of not more than eight hours a day and six days a week
    - 386 during the program; [~~or~~]
    - 387 (ii) (A) having graduated from a recognized nail technology school located in a state
    - 388 other than Utah whose curriculum consists of less than 300 hours of instruction or the
    - 389 equivalent number of credit hours; and
    - 390 (B) having practiced as a licensed nail technician for a period of not less than 1,000
    - 391 hours; or
    - 392 (iii) having completed an approved nail technician apprenticeship; and
    - 393 (e) meet the examination requirement established by division rule.
  - 394 (15) Each applicant for licensure as a nail technician instructor shall:
    - 395 (a) submit an application in a form prescribed by the division;
    - 396 (b) pay a fee determined by the department under Section 63J-1-504;
    - 397 (c) provide satisfactory documentation that the applicant is currently licensed as a nail
    - 398 technician;
    - 399 (d) be of good moral character;

400 (e) provide satisfactory documentation of completion of:  
401 (i) an instructor training program conducted by a licensed or recognized school as  
402 defined by rule consisting of a minimum of 150 hours or the equivalent number of credit hours;  
403 or  
404 (ii) a minimum of 600 hours of experience in nail technology; and  
405 (f) meet the examination requirement established by rule.  
406 (16) Each applicant for licensure as a nail technology school shall:  
407 (a) submit an application in a form prescribed by the division;  
408 (b) pay a fee determined by the department under Section 63J-1-504; and  
409 (c) provide satisfactory documentation:  
410 (i) of appropriate registration with the Division of Corporations and Commercial Code;  
411 (ii) of business licensure from the city, town, or county in which the school is located;  
412 (iii) that the applicant's facilities comply with the requirements established by rule; and  
413 (iv) that the applicant meets the standards for nail technology schools, including staff,  
414 curriculum, and accreditation requirements, established by rule.  
415 (17) Each applicant for licensure under this chapter whose education in the field for  
416 which a license is sought was completed at a foreign school may satisfy the educational  
417 requirement for licensure by demonstrating, to the satisfaction of the division, the educational  
418 equivalency of the foreign school education with a licensed school under this chapter.  
419 (18) (a) A licensed or recognized school under this section may accept credit hours  
420 towards graduation for any profession listed in this section.  
421 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
422 consistent with this section, the division may make rules governing the acceptance of credit  
423 hours under Subsection (18)(a).

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**Legislative Review Note**  
**as of 2-9-10 7:59 AM**

**Office of Legislative Research and General Counsel**

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**Fiscal Note****H.B. 379 - Barber, Cosmetologist/barber, Esthetician, Electrologist, and Nail Technician Licensing Act Amendments**

2010 General Session

State of Utah

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**State Impact**

New license revenue is estimated at \$6,000 annually and renewal license revenue is estimated at \$5,200 in even-numbered years. An annual appropriation of \$900 would be required. Commerce Service Fund revenue and expenditures affect the annual transfer to the General Fund.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	\$5,100	\$10,300
Commerce Service Fund	\$0	\$900	\$900	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$900</b>	<b>\$900</b>	<b>\$0</b>	<b>\$5,100</b>	<b>\$10,300</b>

**Individual, Business and/or Local Impact**

Individuals performing eyelash extensions and makeup application will be required to obtain licensure, incurring the license and education costs. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.