

Representative James A. Dunnigan proposes the following substitute bill:

COSMETOLOGY AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ modifies provisions related to approved apprenticeships;
- ▶ requires an apprentice to register with the Division of Occupational and Professional Licensing before beginning an approved apprenticeship;
- ▶ lowers the training hour requirements and modifies other requirements for obtaining certain instructor licenses; and
- ▶ modifies exemptions from licensure.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 [58-11a-102](#), as last amended by Laws of Utah 2013, Chapter 13
 - 27 [58-11a-301](#), as last amended by Laws of Utah 2009, Chapter 130
 - 28 [58-11a-302](#), as last amended by Laws of Utah 2015, Chapter 258
 - 29 [58-11a-306](#), as last amended by Laws of Utah 2009, Chapter 130
 - 30 [58-11a-501](#), as last amended by Laws of Utah 2009, Chapter 130
 - 31 [58-11a-502](#), as last amended by Laws of Utah 2014, Chapter 100
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33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section [58-11a-102](#) is amended to read:

35 **[58-11a-102](#). Definitions.**

36 As used in this chapter:

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

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

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

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

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

56 (6) "Barber instructor" means a barber who is licensed under this chapter to [teach

57 ~~barbering at a licensed barber school or in an apprenticeship program as defined in Section~~
58 ~~58-11a-306~~ engage in the practice of barbering instruction.

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

61 (8) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section
62 ~~58-67-102~~.

63 (9) "Cosmetic supervisor" means a supervisor as defined in Section ~~58-1-505~~.

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

66 (11) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed
67 under this chapter to ~~[teach cosmetology/barbering at a licensed cosmetology/barber school,~~
68 ~~licensed barber school, licensed nail technology school, or in an apprenticeship program as~~
69 ~~defined in Subsection 58-11a-306(2)]~~ engage in the practice of cosmetology/barbering
70 instruction.

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

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

75 (14) "Electrologist instructor" means an electrologist who is licensed under this chapter
76 to ~~[teach electrology at a licensed electrology school]~~ engage in the practice of electrology
77 instruction.

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

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

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

86 (18) (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's
87 natural human hair.

- 88 (b) "Hair braiding" includes the following methods or styles:
- 89 (i) African-style braiding;
- 90 (ii) box braids;
- 91 (iii) cornrows;
- 92 (iv) dreadlocks;
- 93 (v) french braids;
- 94 (vi) invisible braids;
- 95 (vii) micro braids;
- 96 (viii) single braids;
- 97 (ix) single plaits;
- 98 (x) twists;
- 99 (xi) visible braids;
- 100 (xii) the use of lock braids; and
- 101 (xiii) the use of decorative beads, accessories, and nonhair extensions.
- 102 (c) "Hair braiding" does not include:
- 103 (i) the use of:
- 104 (A) wefts;
- 105 (B) synthetic tape;
- 106 (C) synthetic glue;
- 107 (D) keratin bonds;
- 108 (E) fusion bonds; or
- 109 (F) heat tools;
- 110 (ii) the cutting of human hair; or
- 111 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
- 112 (A) alter the color of the hair; or
- 113 (B) straighten, curl, or alter the structure of the hair.
- 114 (19) "Licensed barber or cosmetology/barber school" means a barber or
- 115 cosmetology/barber school licensed under this chapter.
- 116 (20) "Licensed electrology school" means an electrology school licensed under this
- 117 chapter.
- 118 (21) "Licensed esthetics school" means an esthetics school licensed under this chapter.

119 (22) "Licensed nail technology school" means a nail technology school licensed under
120 this chapter.

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

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

125 (25) "Nail technician instructor" means a nail technician licensed under this chapter to
126 ~~[teach the practice of nail technology in a licensed nail technology school, a licensed~~
127 ~~cosmetology/barber school, or in an apprenticeship program as defined in Subsection~~
128 ~~58-11a-306(5)]~~ engage in the practice of nail technology instruction.

129 (26) "Practice of barbering" means:

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

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

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

134 (27) "Practice of barbering instruction" means ~~[instructing]~~ teaching the practice of
135 barbering [in] at a licensed barber school, at a licensed cosmetology/barber school, or [in an
136 apprenticeship program as defined in Subsection 58-11a-306(1)] for an approved barber
137 apprenticeship.

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

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

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

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

148 (d) other esthetic preparations or procedures with the use of the hands, a
149 high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not

150 for the treatment of medical, physical, or mental ailments;

151 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, or applying
152 eyelash or eyebrow extensions~~[, or a combination of these procedures]~~; or

153 (f) except as provided in Subsection (28)(f)(i), cosmetic laser procedures under the
154 direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the
155 following:

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

157 (ii) anti-aging resurfacing enhancements;

158 (iii) photo rejuvenation; or

159 (iv) tattoo removal.

160 (29) (a) "Practice of cosmetology/barbering" means:

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

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

166 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying
167 eyelash or eyebrow extensions~~[, or a combination of these procedures]~~;

168 (iv) removing hair from the ~~[face, neck, shoulders, arms, back, torso, feet, bikini line,~~
169 ~~or legs]~~ body of a person by the use of depilatories, waxing, or shaving equipment;

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

172 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted
173 hair.

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

175 (i) the practice of basic esthetics; and

176 (ii) the practice of nail technology.

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

179 (30) "Practice of cosmetology/barbering instruction" means ~~[instructing]~~ teaching the
180 practice of cosmetology/barbering ~~[as defined in Subsection (29) in]:~~

181 (a) at a licensed cosmetology/barber school [~~or in an apprenticeship program as defined~~
182 ~~in Subsection 58-11a-306(2)~~], a licensed barber school, or a licensed nail technology school; or

183 (b) for an approved cosmetologist/barber apprenticeship.

184 (31) "Practice of electrology" means:

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

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

189 (32) "Practice of electrology instruction" means [~~instructing~~] teaching the practice of
190 electrology [~~in~~] at a licensed electrology school.

191 (33) "Practice of esthetics instruction" means [~~instructing esthetics in~~] teaching the
192 practice of basic esthetics or the practice of master-level esthetics:

193 (a) at a licensed esthetics school[-]; or a licensed cosmetology/barber school[-]; or
194 [~~instructing master-level esthetics in a licensed esthetics school or in an apprenticeship~~
195 ~~program as defined in Subsections 58-11a-306(2), (3), and (4).~~]

196 (b) for an approved esthetician apprenticeship or an approved master esthetician
197 apprenticeship.

198 (34) (a) "Practice of master-level esthetics" means:

199 (i) any of the following when done for cosmetic purposes on the [~~head, face, neck,~~
200 ~~torso, abdomen, back, arms, hands, legs, feet, eyebrows, or eyelashes~~] body and not for the
201 treatment of medical, physical, or mental ailments:

202 (A) body wraps as defined by rule;

203 (B) hydrotherapy as defined by rule;

204 (C) chemical exfoliation as defined by rule;

205 (D) advanced pedicures as defined by rule;

206 (E) sanding, including microdermabrasion;

207 (F) advanced extraction;

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

209 (I) the hands; or

210 (II) a mechanical or electrical apparatus which is approved for use by division rule for
211 beautifying or similar work performed on the body for cosmetic purposes and not for the

212 treatment of a medical, physical, or mental ailment; or

213 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a
214 physician's evaluation before the procedure, as needed, unless specifically required under
215 Section 58-1-506, and limited to the following:

216 (I) superfluous hair removal;

217 (II) anti-aging resurfacing enhancements;

218 (III) photo rejuvenation; or

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

220 and

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

222 (b) Notwithstanding the provisions of Subsection (34)(a), a master-level esthetician
223 may perform procedures listed in Subsection (34)(a)(i)(H) if done under the supervision of a
224 cosmetic supervisor acting within the scope of the cosmetic supervisor license.

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

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

232 (36) "Practice of nail technology instruction" means ~~[instructing]~~ teaching the practice
233 of nail technology [in] at a licensed nail technician school, at a licensed cosmetology/barber
234 school, or [in an apprenticeship program as defined in Subsection 58-11a-306(5)] for an
235 approved nail technician apprenticeship.

236 (37) "Recognized barber school" means a barber school located in a state other than
237 Utah, whose students, upon graduation, are recognized as having completed the educational
238 requirements for licensure in that state.

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

242 (39) "Recognized electrology school" means an electrology school located in a state

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

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

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

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

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

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

257 Section 2. Section 58-11a-301 is amended to read:

258 **58-11a-301. Licensure required -- License classifications.**

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

261 (a) engage in the practice of:

262 (i) barbering;

263 (ii) barbering instruction;

264 [~~(iii) operating a barbering school;~~]

265 [~~(iv)~~] (iii) cosmetology/barbering;

266 [~~(v)~~] (iv) cosmetology/barbering instruction; [~~or~~]

267 [~~(vi)~~] (v) electrology;

268 [~~(b) operate a cosmetology/barbering school;~~]

269 [~~(c) engage in the practice of:~~]

270 [~~(i)~~] (vi) electrology instruction;

271 [~~(ii)~~] (vii) esthetics;

272 [~~(iii)~~] (viii) master-level esthetics;

273 [~~(iv)~~] (ix) esthetics instruction;

- 274 [~~(v)~~] (x) nail technology; or
- 275 [~~(vi)~~] (xi) nail technology instruction; or
- 276 [~~(d)~~] (b) operate:
- 277 (i) a barbering school;
- 278 (ii) a cosmetology/barbering school;
- 279 [~~(t)~~] (iii) an electrology school;
- 280 [~~(ii)~~] (iv) an esthetics school; or
- 281 [~~(iii)~~] (v) a nail technology school.

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

- 284 (a) barber;
- 285 (b) barber instructor;
- 286 (c) barber school;
- 287 (d) cosmetologist/barber;
- 288 (e) cosmetologist/barber instructor;
- 289 (f) cosmetology/barber school;
- 290 (g) electrologist;
- 291 (h) electrologist instructor;
- 292 (i) electrology school;
- 293 (j) esthetician;
- 294 (k) master esthetician;
- 295 (l) esthetician instructor;
- 296 (m) esthetics school;
- 297 (n) nail technology;
- 298 (o) nail technology instructor; and
- 299 (p) nail technology school.

300 (3) A person who participates as an apprentice in an approved apprenticeship under
301 this chapter shall register with the division as described in Section [58-11a-306](#).

302 Section 3. Section **58-11a-302** is amended to read:

303 **58-11a-302. Qualifications for licensure.**

304 (1) Each applicant for licensure as a barber 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;
- 307 (c) be of good moral character;
- 308 (d) provide satisfactory documentation of:
- 309 (i) graduation from a licensed or recognized barber school, or a licensed or recognized
- 310 cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of
- 311 instruction, or the equivalent number of credit hours, over a period of not less than 25 weeks;
- 312 (ii) (A) graduation from a recognized barber school located in a state other than Utah
- 313 whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of
- 314 credit hours; and
- 315 (B) practice as a licensed barber in a state other than Utah for not less than the number
- 316 of hours required to equal 1,000 total hours when added to the hours of instruction described in
- 317 Subsection (1)(d)(ii)(A); or
- 318 (iii) completion of an approved barber apprenticeship; and
- 319 (e) meet the examination requirement established by rule.
- 320 (2) Each applicant for licensure as a barber instructor shall:
- 321 (a) submit an application in a form prescribed by the division;
- 322 (b) pay a fee determined by the department under Section 63J-1-504;
- 323 (c) provide satisfactory documentation that the applicant is currently licensed as a
- 324 barber;
- 325 (d) be of good moral character;
- 326 (e) provide satisfactory documentation of completion of:
- 327 (i) an instructor training program conducted by a licensed or recognized school, as
- 328 defined by rule, consisting of a minimum of ~~[500]~~ 250 hours or the equivalent number of credit
- 329 hours; ~~[or]~~
- 330 (ii) an on-the-job instructor training program conducted by a licensed instructor, as
- 331 defined by rule, consisting of a minimum of 250 hours or the equivalent number of credit
- 332 hours; or
- 333 ~~[(ii)]~~ (iii) a minimum of 2,000 hours of experience as a barber; and
- 334 (f) meet the examination requirement established by rule.
- 335 (3) Each applicant for licensure as a barber school shall:

- 336 (a) submit an application in a form prescribed by the division;
- 337 (b) pay a fee determined by the department under Section 63J-1-504; and
- 338 (c) provide satisfactory documentation:
 - 339 (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - 340 (ii) of business licensure from the city, town, or county in which the school is located;
 - 341 (iii) that the applicant's physical facilities comply with the requirements established by
 - 342 rule; and
 - 343 (iv) that the applicant meets:
 - 344 (A) the standards for barber schools, including staff and accreditation requirements,
 - 345 established by rule; and
 - 346 (B) the requirements for recognition as an institution of postsecondary study as
 - 347 described in Subsection (19).
- 348 (4) Each applicant for licensure as a cosmetologist/barber shall:
 - 349 (a) submit an application in a form prescribed by the division;
 - 350 (b) pay a fee determined by the department under Section 63J-1-504;
 - 351 (c) be of good moral character;
 - 352 (d) provide satisfactory documentation of:
 - 353 (i) [(A)] graduation from a licensed or recognized cosmetology/barber school whose
 - 354 curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent number of
 - 355 credit hours, with full flexibility within those hours[; if the applicant was not a currently
 - 356 enrolled student of a cosmetology/barber school on January 1, 2013; or];
 - 357 [~~(B) graduation from a licensed or recognized cosmetology/barber school whose~~
 - 358 ~~curriculum consists of a minimum of 2,000 hours of instruction, or the equivalent number of~~
 - 359 ~~credit hours, with full flexibility within those hours, if the applicant's hours of instruction~~
 - 360 ~~commenced before January 1, 2013, and the applicant was a currently enrolled student of a~~
 - 361 ~~cosmetology/barber school on January 1, 2013;]~~
 - 362 (ii) (A) graduation from a recognized cosmetology/barber school located in a state
 - 363 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
 - 364 equivalent number of credit hours, with full flexibility within those hours; and
 - 365 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less
 - 366 than the number of hours required to equal 1,600 total hours when added to the hours of

367 instruction described in Subsection (4)(d)(ii)(A); or

368 (iii) completion of an approved cosmetology/barber apprenticeship; and

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

370 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:

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

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

373 (c) provide satisfactory documentation that the applicant is currently licensed as a

374 cosmetologist/barber;

375 (d) be of good moral character;

376 (e) provide satisfactory documentation of completion of:

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

378 defined by rule, consisting of a minimum of [~~1,000~~] 400 hours or the equivalent number of

379 credit hours; [~~or~~]

380 (ii) an on-the-job instructor training program conducted by a licensed instructor, as

381 defined by rule, consisting of a minimum of 400 hours or the equivalent number of credit

382 hours; or

383 [~~(ii)~~] (iii) a minimum of 3,000 hours of experience as a cosmetologist/barber; and

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

385 (6) Each applicant for licensure as a cosmetologist/barber school shall:

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

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

388 (c) provide satisfactory documentation:

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

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

391 (iii) that the applicant's physical facilities comply with the requirements established by

392 rule; and

393 (iv) that the applicant meets:

394 (A) the standards for cosmetology schools, including staff and accreditation

395 requirements, established by rule; and

396 (B) the requirements for recognition as an institution of postsecondary study as

397 described in Subsection (19).

- 398 (7) Each applicant for licensure as an electrologist shall:
- 399 (a) submit an application in a form prescribed by the division;
- 400 (b) pay a fee determined by the department under Section 63J-1-504;
- 401 (c) be of good moral character;
- 402 (d) provide satisfactory documentation of having graduated from a licensed or
- 403 recognized electrology school after completing a curriculum of 600 hours of instruction or the
- 404 equivalent number of credit hours; and
- 405 (e) meet the examination requirement established by rule.
- 406 (8) Each applicant for licensure as an electrologist instructor 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;
- 409 (c) provide satisfactory documentation that the applicant is currently licensed as an
- 410 electrologist;
- 411 (d) be of good moral character;
- 412 (e) provide satisfactory documentation of completion of:
- 413 (i) an instructor training program conducted by a licensed or recognized school, as
- 414 defined by rule, consisting of a minimum of ~~[175]~~ 150 hours or the equivalent number of credit
- 415 hours; ~~[or]~~
- 416 (ii) an on-the-job instructor training program conducted by a licensed instructor, as
- 417 defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit
- 418 hours; or
- 419 ~~[(ii)]~~ (iii) a minimum of 1,000 hours of experience as an electrologist; and
- 420 (f) meet the examination requirement established by rule.
- 421 (9) Each applicant for licensure as an electrologist school shall:
- 422 (a) submit an application in a form prescribed by the division;
- 423 (b) pay a fee determined by the department under Section 63J-1-504; and
- 424 (c) provide satisfactory documentation:
- 425 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 426 (ii) of business licensure from the city, town, or county in which the school is located;
- 427 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 428 (iv) that the applicant meets:

429 (A) the standards for electrologist schools, including staff, curriculum, and
430 accreditation requirements, established by rule; and

431 (B) the requirements for recognition as an institution of postsecondary study as
432 described in Subsection (19).

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

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

435 (b) pay a fee determined by the department under Section [63J-1-504](#);

436 (c) be of good moral character;

437 (d) provide satisfactory documentation of one of the following:

438 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized
439 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic
440 instruction with a minimum of 600 hours or the equivalent number of credit hours;

441 (ii) completion of an approved esthetician apprenticeship; or

442 (iii) (A) graduation from a recognized cosmetology/barber school located in a state
443 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
444 equivalent number of credit hours, with full flexibility within those hours; and

445 (B) practice as a licensed cosmetologist/barber for not less than the number of hours
446 required to equal 1,600 total hours when added to the hours of instruction described in
447 Subsection (10)(d)(iii)(A); and

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

449 (11) Each applicant for licensure as a master esthetician shall:

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

451 (b) pay a fee determined by the department under Section [63J-1-504](#);

452 (c) be of good moral character;

453 (d) provide satisfactory documentation of:

454 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
455 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the
456 1,200 hours may have been completed:

457 (A) at a licensed or recognized cosmetology/barbering school, if the applicant
458 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or
459 the equivalent number of credit hours, with full flexibility within those hours; or

- 460 (B) at a licensed or recognized cosmetology/barber school located in a state other than
461 Utah, if the applicant graduated from the school and its curriculum contained full flexibility
462 within its hours of instruction; or
- 463 (ii) completion of an approved master esthetician apprenticeship;
- 464 (e) if the applicant will practice lymphatic massage, provide satisfactory documentation
465 to show completion of 200 hours of training, or the equivalent number of credit hours, in
466 lymphatic massage as defined by division rule; and
- 467 (f) meet the examination requirement established by division rule.
- 468 (12) Each applicant for licensure as an esthetician instructor shall:
- 469 (a) submit an application in a form prescribed by the division;
- 470 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 471 (c) provide satisfactory documentation that the applicant is currently licensed as a
472 master esthetician;
- 473 (d) be of good moral character;
- 474 (e) provide satisfactory documentation of completion of:
- 475 (i) an instructor training program conducted by a licensed or recognized school, as
476 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
477 hours; ~~or~~
- 478 (ii) an on-the-job instructor training program conducted by a licensed instructor, as
479 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
480 hours; or
- 481 ~~(ii)~~ (iii) a minimum of 1,000 hours of experience in esthetics; and
- 482 (f) meet the examination requirement established by rule.
- 483 (13) Each applicant for licensure as an esthetics school shall:
- 484 (a) submit an application in a form prescribed by the division;
- 485 (b) pay a fee determined by the department under Section [63J-1-504](#); and
- 486 (c) provide satisfactory documentation:
- 487 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 488 (ii) of business licensure from the city, town, or county in which the school is located;
- 489 (iii) that the applicant's physical facilities comply with the requirements established by
490 rule; and

491 (iv) that the applicant meets:

492 (A) the standards for esthetics schools, including staff, curriculum, and accreditation
493 requirements, established by division rule made in collaboration with the board; and

494 (B) the requirements for recognition as an institution of postsecondary study as
495 described in Subsection (19).

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

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

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

499 (c) be of good moral character;

500 (d) provide satisfactory documentation of:

501 (i) graduation from a licensed or recognized nail technology school, or a licensed or
502 recognized cosmetology/barber school, whose curriculum consists of not less than 300 hours of
503 instruction, or the equivalent number of credit hours;

504 (ii) (A) graduation from a recognized nail technology school located in a state other
505 than Utah whose curriculum consists of less than 300 hours of instruction or the equivalent
506 number of credit hours; and

507 (B) practice as a licensed nail technician in a state other than Utah for not less than the
508 number of hours required to equal 300 total hours when added to the hours of instruction
509 described in Subsection (14)(d)(ii)(A); or

510 (iii) completion of an approved nail technician apprenticeship; and

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

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

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

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

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

517 (d) be of good moral character;

518 (e) provide satisfactory documentation of completion of:

519 (i) an instructor training program conducted by a licensed or recognized school, as
520 defined by rule, consisting of a minimum of [~~150~~] 75 hours or the equivalent number of credit
521 hours; [~~or~~]

522 (ii) an on-the-job instructor training program conducted by a licensed instructor, as
523 defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours;

524 or

525 [~~ii~~] (iii) a minimum of 600 hours of experience in nail technology; and

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

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

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

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

530 (c) provide satisfactory documentation:

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

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

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

534 (iv) that the applicant meets:

535 (A) the standards for nail technology schools, including staff, curriculum, and

536 accreditation requirements, established by rule; and

537 (B) the requirements for recognition as an institution of postsecondary study as

538 described in Subsection (19).

539 (17) Each applicant for licensure under this chapter whose education in the field for
540 which a license is sought was completed at a foreign school may satisfy the educational
541 requirement for licensure by demonstrating, to the satisfaction of the division, the educational
542 equivalency of the foreign school education with a licensed school under this chapter.

543 (18) (a) A licensed or recognized school under this section may accept credit hours
544 towards graduation for any profession listed in this section.

545 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
546 consistent with this section, the division may make rules governing the acceptance of credit
547 hours under Subsection (18)(a).

548 (19) A school licensed or applying for licensure under this chapter shall maintain
549 recognition as an institution of postsecondary study by meeting the following conditions:

550 (a) the school shall admit as a regular student only an individual who has earned a
551 recognized high school diploma or the equivalent of a recognized high school diploma, or who
552 is beyond the age of compulsory high school attendance as prescribed by Title 53A, Chapter

553 11, Students in Public Schools; and

554 (b) the school shall be licensed by name, or in the case of an applicant, shall apply for
555 licensure by name, under this chapter to offer one or more training programs beyond the
556 secondary level.

557 (20) A person seeking to qualify for licensure under this chapter by apprenticing in an
558 approved apprenticeship shall register with the division as described in Section [58-11a-306](#).

559 Section 4. Section **58-11a-306** is amended to read:

560 **58-11a-306. Apprenticeship.**

561 (1) An approved barber apprenticeship shall:

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

563 (b) be conducted by a supervisor who:

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

566 (ii) provides one-on-one direct [~~one-on-one~~] supervision of the barber apprentice
567 during the apprenticeship program.

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

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

570 (b) be conducted by a supervisor who:

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

572 (ii) provides one-on-one direct [~~one-on-one~~] supervision of the cosmetologist/barber
573 apprentice during the apprenticeship program.

574 (3) An approved esthetician apprenticeship shall:

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

576 (b) be conducted by a supervisor who:

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

578 (ii) provides one-on-one direct [~~one-on-one~~] supervision of the esthetician apprentice
579 during the apprenticeship program.

580 (4) An approved master esthetician apprenticeship shall:

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

582 (b) be conducted by a supervisor who:

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

584 (ii) provides one-on-one direct [~~one-on-one~~] supervision of the master esthetician
585 apprentice during the apprenticeship program.

586 (5) An approved nail technician apprenticeship shall:

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

588 (b) be conducted by a supervisor who:

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

591 (ii) provides one-on-one direct [~~one-on-two~~] supervision of the nail technician
592 apprentice during the apprenticeship program.

593 (6) A person seeking to qualify for licensure by apprenticing in an approved
594 apprenticeship under this chapter shall:

595 (a) register with the division before beginning the training requirements by:

596 (i) submitting a form prescribed by the division, which includes the name of the
597 licensed supervisor; and

598 (ii) paying a fee determined by the department under Section [63J-1-504](#);

599 (b) complete the apprenticeship within five years of the date on which the division
600 approves the registration; and

601 (c) notify the division within 30 days if the licensed supervisor changes after the
602 registration is approved by the division.

603 (7) Notwithstanding Subsection (6), if a person seeking to qualify for licensure by
604 apprenticing in an approved apprenticeship under this chapter registers with the division before
605 January 1, 2017, any training requirements completed by the person as an apprentice in an
606 approved apprenticeship before registration may be applied to successful completion of the
607 approved apprenticeship.

608 Section 5. Section **58-11a-501** is amended to read:

609 **58-11a-501. Unprofessional conduct.**

610 Unprofessional conduct includes:

611 (1) failing as a licensed school to obtain or maintain accreditation as required by rule;

612 (2) failing as a licensed school to comply with the standards of accreditation applicable
613 to such schools;

614 (3) failing as a licensed school to provide adequate instruction to enrolled students;

615 (4) failing as an apprentice supervisor to provide direct supervision to the apprentice;

616 (5) failing as an instructor to provide direct supervision to students under their

617 instruction;

618 (6) failing as an apprentice supervisor to comply with division rules relating to

619 apprenticeship programs under this chapter;

620 (7) keeping a salon or school, its furnishing, tools, utensils, linen, or appliances in an

621 unsanitary condition;

622 (8) failing to comply with Title 26, Utah Health Code;

623 (9) failing to display licenses or certificates as required under Section [58-11a-305](#);

624 (10) failing to comply with physical facility requirements established by rule;

625 (11) failing to maintain mechanical or electrical equipment in safe operating condition;

626 (12) failing to adequately monitor patrons using steam rooms, dry heat rooms, baths,

627 showers, or saunas;

628 (13) prescribing or administering prescription drugs;

629 (14) failing to comply with all applicable state and local health or sanitation laws;

630 (15) engaging in any act or practice in a professional capacity that is outside the

631 applicable scope of practice;

632 (16) engaging in any act or practice in a professional capacity which the licensee is not

633 competent to perform through education or training;

634 (17) in connection with the use of a chemical exfoliant, unless under the supervision of

635 a licensed health care practitioner acting within the scope of his or her license:

636 (a) using any acid, concentration of an acid, or combination of treatments which

637 violates the standards established by rule;

638 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or

639 (c) using an exfoliant that contains phenol, TCA acid of over 15%, or BCA acid;

640 (18) in connection with the sanding of the skin, unless under the supervision of a

641 licensed health care practitioner acting within the scope of his or her license, removing any

642 layer of skin deeper than the stratum corneum of the epidermis; [or]

643 (19) using as a barber, cosmetologist/barber, or nail technician any laser procedure or

644 intense, pulsed light source, except that nothing in this chapter precludes an individual licensed

645 under this chapter from using a nonprescriptive laser device[-]; or

646 (20) failing to comply with a judgment order from a court of competent jurisdiction
647 resulting from the failure to pay outstanding tuition or education costs incurred to comply with
648 this chapter.

649 Section 6. Section **58-11a-502** is amended to read:

650 **58-11a-502. Unlawful conduct.**

651 Unlawful conduct includes:

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

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

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

656 (2) ~~[knowingly employing any other]~~ aiding or abetting a person [to engage] engaging
657 in [or practice] the practice of, or [attempt] attempting to engage in [or practice] the practice of,
658 any occupation or profession licensed under this chapter if the employee is not licensed to do
659 so under this chapter or exempt from licensure;

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

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

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

670 (4) using or possessing a solution composed of at least 10% methyl methacrylate on a
671 client;

672 (5) performing an ablative procedure as defined in Section 58-67-102;

673 (6) when acting as an instructor regarding a service requiring licensure under this
674 chapter, for a class or education program where attendees are not licensed under this chapter,
675 failing to inform each attendee in writing that:

676 (a) taking the class or program without completing the requirements for licensure under

677 this chapter is insufficient to certify or qualify the attendee to perform a service for
678 compensation that requires licensure under this chapter; and

679 (b) the attendee is required to obtain licensure under this chapter before performing the
680 service for compensation; or

681 (7) failing as a salon or school where nail technology is practiced or taught to maintain
682 a source capture system required under Section [15A-3-401](#), including failing to maintain and
683 clean a source capture system's air filter according to the manufacturer's instructions.