

Senator J. Stuart Adams proposes the following substitute bill:

PROFESSIONAL LICENSING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Brad R. Wilson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ permits an esthetics school to provide a certain percent of its curriculum online; and
- ▶ amends unprofessional conduct provisions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-11a-501, as last amended by Laws of Utah 2009, Chapter 130

ENACTS:

58-11a-302.5, Utah Code Annotated 1953

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



26 Section 1. Section **58-11a-302.5** is enacted to read:

27 **58-11a-302.5. Qualification for licensure as esthetics school -- Online curriculum.**

28 (1) An applicant for licensure as an esthetics school under Subsection 58-11a-302(13)

29 and an esthetics school licensed under this chapter may offer up to 30% of its total curriculum

30 online:

31 (a) for instruction in theory; and

32 (b) in accordance with standards adopted by nationally recognized accrediting

33 organizations.

34 (2) The provisions of this section do not:

35 (a) require the board to allow other schools licensed under this chapter to offer

36 curriculum online; or

37 (b) limit the authority of the board to allow other schools licensed under this chapter to

38 offer curriculum online.

39 Section 2. Section **58-11a-501** is amended to read:

40 **58-11a-501. Unprofessional conduct.**

41 Unprofessional conduct includes:

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

43 (2) failing as a licensed school to comply with the standards of accreditation applicable

44 to such schools;

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

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

47 (5) failing as an instructor to provide direct supervision to students who are providing

48 services to an individual under [~~their instruction~~] the instructor's supervision;

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

50 apprenticeship programs under this chapter;

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

52 unsanitary condition;

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

54 (9) failing to display licenses or certificates as required under Section **58-11a-305**;

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

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

57 (12) failing to adequately monitor patrons using steam rooms, dry heat rooms, baths,
58 showers, or saunas;

59 (13) prescribing or administering prescription drugs;

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

61 (15) engaging in any act or practice in a professional capacity that is outside the
62 applicable scope of practice;

63 (16) engaging in any act or practice in a professional capacity which the licensee is not
64 competent to perform through education or training;

65 (17) in connection with the use of a chemical exfoliant, unless under the supervision of
66 a licensed health care practitioner acting within the scope of his or her license:

67 (a) using any acid, concentration of an acid, or combination of treatments which
68 violates the standards established by rule;

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

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

71 (18) in connection with the sanding of the skin, unless under the supervision of a
72 licensed health care practitioner acting within the scope of his or her license, removing any
73 layer of skin deeper than the stratum corneum of the epidermis; or

74 (19) using as a barber, cosmetologist/barber, or nail technician any laser procedure or
75 intense, pulsed light source, except that nothing in this chapter precludes an individual licensed
76 under this chapter from using a nonprescriptive laser device.