

## SB0222S01 compared with SB0222

~~deleted text~~ shows text that was in SB0222 but was deleted in SB0222S01.

inserted text shows text that was not in SB0222 but was inserted into SB0222S01.

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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

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#### 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:

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AMENDS:

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

ENACTS:

**58-11a-302.5**, Utah Code Annotated 1953

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

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

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

(1) An applicant for licensure as an esthetics school under Subsection 58-11a-302(13) and an esthetics school licensed under this chapter may offer up to ~~39%~~30% of its total curriculum online;

(a) for instruction in theory; and

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

(2) The provisions of this section do not:

(a) require the board to allow other schools licensed under this chapter to offer curriculum online; or

(b) limit the authority of the board to allow other schools licensed under this chapter to offer curriculum online.

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

**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 ~~[their instruction]~~ the instructor's supervision;

(6) failing as an apprentice supervisor to comply with division rules relating to apprenticeship programs under this chapter;

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- (7) keeping a salon or school, its furnishing, tools, utensils, linen, or appliances in an unsanitary condition;
- (8) failing to comply with Title 26, Utah Health 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; or
- (19) using as a barber, cosmetologist/barber, or nail 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.

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~~Office of Legislative Research and General Counsel~~