

BARBER LICENSING RESTRICTION CHANGES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Marc K. Roberts

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

► modifies the definitions of the "practice of barbering" and the "practice of cosmetology/barbering" to include a ~~Ŝ→~~ **[brief] gentle** ~~←Ŝ~~ massage of the ~~Ŝ→~~ **head, back of the** ~~←Ŝ~~ neck ~~Ŝ→~~, ~~←Ŝ~~ and shoulders ~~Ŝ→~~ ~~[~~Ŝ→~~ for no more than two minutes ~~←Ŝ~~]~~ ~~←Ŝ~~ when providing barbering services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-11a-102, as last amended by Laws of Utah 2016, Chapters 75 and 274

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.

As used in this chapter:

S.B. 172



28 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship
29 that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection
30 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the
31 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
32 Administrative Rulemaking Act.

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

37 (3) "Approved master esthetician apprenticeship" means an apprenticeship that meets
38 the requirements of Subsection 58-11a-306(4) 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 (4) "Approved nail technician apprenticeship" means an apprenticeship that meets the
42 requirements of Subsection 58-11a-306(5) 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 (5) "Barber" means a person who is licensed under this chapter to engage in the
46 practice of barbering.

47 (6) "Barber instructor" means a barber who is licensed under this chapter to engage in
48 the practice of barbering instruction.

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

51 (8) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section
52 58-67-102.

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

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

56 (11) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed
57 under this chapter to engage in the practice of cosmetology/barbering instruction.

58 (12) "Direct supervision" means that the supervisor of an apprentice or the instructor of

59 a student is immediately available for consultation, advice, instruction, and evaluation.

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

62 (14) "Electrologist instructor" means an electrologist who is licensed under this chapter
63 to engage in the practice of electrology instruction.

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

66 (16) "Esthetician instructor" means a master esthetician who is licensed under this
67 chapter to engage in the practice of esthetics instruction.

68 (17) "Fund" means the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and
69 Nail Technician Education and Enforcement Fund created in Section [58-11a-103](#).

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

72 (b) "Hair braiding" includes the following methods or styles:

73 (i) African-style braiding;

74 (ii) box braids;

75 (iii) cornrows;

76 (iv) dreadlocks;

77 (v) french braids;

78 (vi) invisible braids;

79 (vii) micro braids;

80 (viii) single braids;

81 (ix) single plaits;

82 (x) twists;

83 (xi) visible braids;

84 (xii) the use of lock braids; and

85 (xiii) the use of decorative beads, accessories, and nonhair extensions.

86 (c) "Hair braiding" does not include:

87 (i) the use of:

88 (A) wefts;

89 (B) synthetic tape;

- 90 (C) synthetic glue;
- 91 (D) keratin bonds;
- 92 (E) fusion bonds; or
- 93 (F) heat tools;
- 94 (ii) the cutting of human hair; or
- 95 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
- 96 (A) alter the color of the hair; or
- 97 (B) straighten, curl, or alter the structure of the hair.

98 (19) "Licensed barber or cosmetology/barber school" means a barber or
 99 cosmetology/barber school licensed under this chapter.

100 (20) "Licensed electrology school" means an electrology school licensed under this
 101 chapter.

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

103 (22) "Licensed nail technology school" means a nail technology school licensed under
 104 this chapter.

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

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

109 (25) "Nail technician instructor" means a nail technician licensed under this chapter to
 110 engage in the practice of nail technology instruction.

111 (26) "Practice of barbering" means:

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

114 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying; [~~and~~]

115 (c) removing hair from the face or neck of a person by the use of shaving equipment[-];

116 and

117 (d) when providing other services described in this Subsection (26), ~~to~~ **briefly** **gently** ~~and~~

117a massaging

118 the ~~to~~ **head, back of the** ~~and~~ **neck** ~~and~~ **shoulders** by manual or mechanical means

118a ~~to~~ **for no more than two minutes** ~~and~~.

119 (27) "Practice of barbering instruction" means teaching the practice of barbering at a
 120 licensed barber school, at a licensed cosmetology/barber school, or for an approved barber

121 apprenticeship.

122 (28) "Practice of basic esthetics" means any one of the following skin care procedures
123 done on the body for cosmetic purposes and not for the treatment of medical, physical, or
124 mental ailments:

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

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

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

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

135 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, or applying
136 eyelash or eyebrow extensions; or

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

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

141 (ii) anti-aging resurfacing enhancements;

142 (iii) photo rejuvenation; or

143 (iv) tattoo removal.

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

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

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

150 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying
151 eyelash or eyebrow extensions;

152 (iv) removing hair from the body of a person by the use of depilatories, waxing, or
153 shaving equipment;

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

156 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted
157 hair.

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

159 (i) the practice of barbering;

160 [~~(i)~~] (ii) the practice of basic esthetics; and

161 [~~(ii)~~] (iii) the practice of nail technology.

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

164 (30) "Practice of cosmetology/barbering instruction" means teaching the practice of
165 cosmetology/barbering:

166 (a) at a licensed cosmetology/barber school, a licensed barber school, or a licensed nail
167 technology school; or

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

169 (31) "Practice of electrology" means:

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

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

174 (32) "Practice of electrology instruction" means teaching the practice of electrology at a
175 licensed electrology school.

176 (33) "Practice of esthetics instruction" means teaching the practice of basic esthetics or
177 the practice of master-level esthetics:

178 (a) at a licensed esthetics school or a licensed cosmetology/barber school; or

179 (b) for an approved esthetician apprenticeship or an approved master esthetician
180 apprenticeship.

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

182 (i) any of the following when done for cosmetic purposes on the body and not for the

- 183 treatment of medical, physical, or mental ailments:
- 184 (A) body wraps as defined by rule;
 - 185 (B) hydrotherapy as defined by rule;
 - 186 (C) chemical exfoliation as defined by rule;
 - 187 (D) advanced pedicures as defined by rule;
 - 188 (E) sanding, including microdermabrasion;
 - 189 (F) advanced extraction;
 - 190 (G) other esthetic preparations or procedures with the use of:
 - 191 (I) the hands; or
 - 192 (II) a mechanical or electrical apparatus which is approved for use by division rule for
 - 193 beautifying or similar work performed on the body for cosmetic purposes and not for the
 - 194 treatment of a medical, physical, or mental ailment; or
 - 195 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a
 - 196 physician's evaluation before the procedure, as needed, unless specifically required under
 - 197 Section 58-1-506, and limited to the following:
 - 198 (I) superfluous hair removal;
 - 199 (II) anti-aging resurfacing enhancements;
 - 200 (III) photo rejuvenation; or
 - 201 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician
 - 202 assistant's evaluation before the tattoo removal procedure, as required by Subsection
 - 203 58-1-506(3)(a); and
 - 204 (ii) lymphatic massage by manual or other means as defined by rule.
 - 205 (b) Notwithstanding the provisions of Subsection (34)(a), a master-level esthetician
 - 206 may perform procedures listed in Subsection (34)(a)(i)(H) if done under the supervision of a
 - 207 cosmetic supervisor acting within the scope of the cosmetic supervisor license.
 - 208 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but
 - 209 an individual is not required to be licensed as an esthetician or master-level esthetician to
 - 210 engage in the practice of threading.
 - 211 (35) "Practice of nail technology" means to trim, cut, clean, manicure, shape, massage,
 - 212 or enhance the appearance of the hands, feet, and nails of an individual by the use of hands,
 - 213 mechanical, or electrical preparation, antiseptic, lotions, or creams, including the application

214 and removal of sculptured or artificial nails.

215 (36) "Practice of nail technology instruction" means teaching the practice of nail
216 technology at a licensed nail technician school, at a licensed cosmetology/barber school, or for
217 an approved nail technician apprenticeship.

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

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

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

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

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

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

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

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