

1 **COSMETOLOGY AND ASSOCIATED PROFESSIONS**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen Kwan**

6 Senate Sponsor: Curtis S. Bramble

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions related to cosmetology and associated professions.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ allows the Division of Occupational and Professional Licensing to offer required
14 examinations for cosmetology and related professions in languages in addition to
15 English.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **58-11a-302**, as last amended by Laws of Utah 2017, Chapter 342

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

25 Section 1. Section **58-11a-302** is amended to read:

26 **58-11a-302. Qualifications for licensure.**

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



- 28 (a) submit an application in a form prescribed by the division;
- 29 (b) pay a fee determined by the department under Section 63J-1-504;
- 30 (c) be of good moral character;
- 31 (d) provide satisfactory documentation of:
 - 32 (i) graduation from a licensed or recognized barber school, or a licensed or recognized
 - 33 cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of
 - 34 instruction, or the equivalent number of credit hours, over a period of not less than 25 weeks;
 - 35 (ii) (A) graduation from a recognized barber school located in a state other than Utah
 - 36 whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of
 - 37 credit hours; and
 - 38 (B) practice as a licensed barber in a state other than Utah for not less than the number
 - 39 of hours required to equal 1,000 total hours when added to the hours of instruction described in
 - 40 Subsection (1)(d)(ii)(A); or
 - 41 (iii) completion of an approved barber apprenticeship; and
 - 42 (e) meet the examination requirement established by rule.
- 43 (2) Each applicant for licensure as a barber instructor shall:
 - 44 (a) submit an application in a form prescribed by the division;
 - 45 (b) subject to Subsection (24), pay a fee determined by the department under Section
 - 46 63J-1-504;
 - 47 (c) provide satisfactory documentation that the applicant is currently licensed as a
 - 48 barber;
 - 49 (d) be of good moral character;
 - 50 (e) provide satisfactory documentation of completion of:
 - 51 (i) an instructor training program conducted by a licensed or recognized school, as
 - 52 defined by rule, consisting of a minimum of 250 hours or the equivalent number of credit
 - 53 hours;
 - 54 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
 - 55 recognized school, as defined by rule, consisting of a minimum of 250 hours or the equivalent
 - 56 number of credit hours; or
 - 57 (iii) a minimum of 2,000 hours of experience as a barber; and
 - 58 (f) meet the examination requirement established by rule.

- 59 (3) Each applicant for licensure as a barber school shall:
- 60 (a) submit an application in a form prescribed by the division;
- 61 (b) pay a fee determined by the department under Section 63J-1-504; and
- 62 (c) provide satisfactory documentation:
- 63 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 64 (ii) of business licensure from the city, town, or county in which the school is located;
- 65 (iii) that the applicant's physical facilities comply with the requirements established by
- 66 rule; and
- 67 (iv) that the applicant meets:
- 68 (A) the standards for barber schools, including staff and accreditation requirements,
- 69 established by rule; and
- 70 (B) the requirements for recognition as an institution of postsecondary study as
- 71 described in Subsection (22).
- 72 (4) Each applicant for licensure as a cosmetologist/barber shall:
- 73 (a) submit an application in a form prescribed by the division;
- 74 (b) pay a fee determined by the department under Section 63J-1-504;
- 75 (c) be of good moral character;
- 76 (d) provide satisfactory documentation of:
- 77 (i) graduation from a licensed or recognized cosmetology/barber school whose
- 78 curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent number of
- 79 credit hours, with full flexibility within those hours;
- 80 (ii) (A) graduation from a recognized cosmetology/barber school located in a state
- 81 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
- 82 equivalent number of credit hours, with full flexibility within those hours; and
- 83 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less
- 84 than the number of hours required to equal 1,600 total hours when added to the hours of
- 85 instruction described in Subsection (4)(d)(ii)(A); or
- 86 (iii) completion of an approved cosmetology/barber apprenticeship; and
- 87 (e) meet the examination requirement established by rule.
- 88 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:
- 89 (a) submit an application in a form prescribed by the division;

90 (b) subject to Subsection (24), pay a fee determined by the department under Section
91 [63J-1-504](#);

92 (c) provide satisfactory documentation that the applicant is currently licensed as a
93 cosmetologist/barber;

94 (d) be of good moral character;

95 (e) provide satisfactory documentation of completion of:

96 (i) an instructor training program conducted by a licensed or recognized school, as
97 defined by rule, consisting of a minimum of 400 hours or the equivalent number of credit
98 hours;

99 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
100 recognized school, as defined by rule, consisting of a minimum of 400 hours or the equivalent
101 number of credit hours; or

102 (iii) a minimum of 3,000 hours of experience as a cosmetologist/barber; and

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

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

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

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

107 (c) provide satisfactory documentation:

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

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

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

112 (iv) that the applicant meets:

113 (A) the standards for cosmetology schools, including staff and accreditation
114 requirements, established by rule; and

115 (B) the requirements for recognition as an institution of postsecondary study as
116 described in Subsection (22).

117 (7) Each applicant for licensure as an electrologist shall:

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

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

120 (c) be of good moral character;

121 (d) provide satisfactory documentation of having graduated from a licensed or
122 recognized electrology school after completing a curriculum of 600 hours of instruction or the
123 equivalent number of credit hours; and

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

125 (8) Each applicant for licensure as an electrologist instructor shall:

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

127 (b) subject to Subsection (24), pay a fee determined by the department under Section
128 [63J-1-504](#);

129 (c) provide satisfactory documentation that the applicant is currently licensed as an
130 electrologist;

131 (d) be of good moral character;

132 (e) provide satisfactory documentation of completion of:

133 (i) an instructor training program conducted by a licensed or recognized school, as
134 defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit
135 hours;

136 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
137 recognized school, as defined by rule, consisting of a minimum of 150 hours or the equivalent
138 number of credit hours; or

139 (iii) a minimum of 1,000 hours of experience as an electrologist; and

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

141 (9) Each applicant for licensure as an electrologist school shall:

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

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

144 (c) provide satisfactory documentation:

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

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

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

148 (iv) that the applicant meets:

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

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

152 described in Subsection (22).

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

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

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

156 (c) be of good moral character;

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

158 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized

159 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic

160 instruction with a minimum of 600 hours or the equivalent number of credit hours;

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

162 (iii) (A) graduation from a recognized cosmetology/barber school located in a state

163 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the

164 equivalent number of credit hours, with full flexibility within those hours; and

165 (B) practice as a licensed cosmetologist/barber for not less than the number of hours

166 required to equal 1,600 total hours when added to the hours of instruction described in

167 Subsection (10)(d)(iii)(A); and

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

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

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

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

172 (c) be of good moral character;

173 (d) provide satisfactory documentation of:

174 (i) completion of at least 1,200 hours of training, or the equivalent number of credit

175 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the

176 1,200 hours may have been completed:

177 (A) at a licensed or recognized cosmetology/barbering school, if the applicant

178 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or

179 the equivalent number of credit hours, with full flexibility within those hours; or

180 (B) at a licensed or recognized cosmetology/barber school located in a state other than

181 Utah, if the applicant graduated from the school and its curriculum contained full flexibility

182 within its hours of instruction; or

- 183 (ii) completion of an approved master esthetician apprenticeship;
- 184 (e) if the applicant will practice lymphatic massage, provide satisfactory documentation
185 to show completion of 200 hours of training, or the equivalent number of credit hours, in
186 lymphatic massage as defined by division rule; and
- 187 (f) meet the examination requirement established by division rule.
- 188 (12) Each applicant for licensure as an esthetician instructor shall:
- 189 (a) submit an application in a form prescribed by the division;
- 190 (b) subject to Subsection (24), pay a fee determined by the department under Section
191 [63J-1-504](#);
- 192 (c) provide satisfactory documentation that the applicant is currently licensed as a
193 master esthetician;
- 194 (d) be of good moral character;
- 195 (e) provide satisfactory documentation of completion of:
- 196 (i) an instructor training program conducted by a licensed or recognized school, as
197 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
198 hours;
- 199 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
200 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent
201 number of credit hours; or
- 202 (iii) a minimum of 1,000 hours of experience in esthetics; and
- 203 (f) meet the examination requirement established by rule.
- 204 (13) Each applicant for licensure as an esthetics school shall:
- 205 (a) submit an application in a form prescribed by the division;
- 206 (b) pay a fee determined by the department under Section [63J-1-504](#); and
- 207 (c) provide satisfactory documentation:
- 208 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 209 (ii) of business licensure from the city, town, or county in which the school is located;
- 210 (iii) that the applicant's physical facilities comply with the requirements established by
211 rule; and
- 212 (iv) that the applicant meets:
- 213 (A) the standards for esthetics schools, including staff, curriculum, and accreditation

214 requirements, established by division rule made in collaboration with the board; and

215 (B) the requirements for recognition as an institution of postsecondary study as
216 described in Subsection (22).

217 (14) Each applicant for licensure as a hair designer shall:

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

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

220 (c) be of good moral character;

221 (d) provide satisfactory documentation of:

222 (i) graduation from a licensed or recognized cosmetology/barber, hair design, or
223 barbering school whose curriculum consists of a minimum of 1,200 hours of instruction, or the
224 equivalent number of credit hours, with full flexibility within those hours;

225 (ii) (A) graduation from a recognized cosmetology/barber, hair design, or barbering
226 school located in a state other than Utah whose curriculum consists of less than 1,200 hours of
227 instruction, or the equivalent number of credit hours, with full flexibility within those hours;
228 and

229 (B) practice as a licensed cosmetologist/barber or hair designer in a state other than
230 Utah for not less than the number of hours required to equal 1,200 total hours when added to
231 the hours of instruction described in Subsection (14)(d)(ii)(A); or

232 (iii) being a state licensed cosmetologist/barber; and

233 (e) meet the examination requirements established by rule.

234 (15) Each applicant for licensure as a hair designer instructor shall:

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

236 (b) subject to Subsection (24), pay a fee determined by the department under Section
237 63J-1-504;

238 (c) provide satisfactory documentation that the applicant is currently licensed as a hair
239 designer or as a cosmetologist/barber;

240 (d) be of good moral character;

241 (e) provide satisfactory documentation of completion of:

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

245 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
246 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent
247 number of credit hours; or

248 (iii) a minimum of 2,500 hours of experience as a hair designer or as a
249 cosmetologist/barber; and

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

251 (16) Each applicant for licensure as a hair design school shall:

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

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

254 (c) provide satisfactory documentation:

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

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

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

259 (iv) that the applicant meets:

260 (A) the standards for a hair design school, including staff and accreditation
261 requirements, established by rule; and

262 (B) the requirements for recognition as an institution of postsecondary study as
263 described in Subsection (22).

264 (17) Each applicant for licensure as a nail technician shall:

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

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

267 (c) be of good moral character;

268 (d) provide satisfactory documentation of:

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

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

275 (B) practice as a licensed nail technician in a state other than Utah for not less than the

276 number of hours required to equal 300 total hours when added to the hours of instruction
277 described in Subsection (17)(d)(ii)(A); or
278 (iii) completion of an approved nail technician apprenticeship; and
279 (e) meet the examination requirement established by division rule.
280 (18) Each applicant for licensure as a nail technician instructor shall:
281 (a) submit an application in a form prescribed by the division;
282 (b) subject to Subsection (24), pay a fee determined by the department under Section
283 63J-1-504;
284 (c) provide satisfactory documentation that the applicant is currently licensed as a nail
285 technician;
286 (d) be of good moral character;
287 (e) provide satisfactory documentation of completion of:
288 (i) an instructor training program conducted by a licensed or recognized school, as
289 defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours;
290 (ii) an on-the-job instructor training program conducted by a licensed instructor at a
291 licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the
292 equivalent number of credit hours; or
293 (iii) a minimum of 600 hours of experience in nail technology; and
294 (f) meet the examination requirement established by rule.
295 (19) Each applicant for licensure as a nail technology school shall:
296 (a) submit an application in a form prescribed by the division;
297 (b) pay a fee determined by the department under Section 63J-1-504; and
298 (c) provide satisfactory documentation:
299 (i) of appropriate registration with the Division of Corporations and Commercial Code;
300 (ii) of business licensure from the city, town, or county in which the school is located;
301 (iii) that the applicant's facilities comply with the requirements established by rule; and
302 (iv) that the applicant meets:
303 (A) the standards for nail technology schools, including staff, curriculum, and
304 accreditation requirements, established by rule; and
305 (B) the requirements for recognition as an institution of postsecondary study as
306 described in Subsection (22).

307 (20) Each applicant for licensure under this chapter whose education in the field for
308 which a license is sought was completed at a foreign school may satisfy the educational
309 requirement for licensure by demonstrating, to the satisfaction of the division, the educational
310 equivalency of the foreign school education with a licensed school under this chapter.

311 (21) (a) A licensed or recognized school under this section shall accept credit hours
312 towards graduation for documented, relevant, and substantially equivalent coursework
313 previously completed by:

314 (i) a student that did not complete the student's education while attending a different
315 school; or

316 (ii) a licensee of any other profession listed in this section, based on the licensee's
317 schooling, apprenticeship, or experience.

318 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
319 consistent with this section, the division may make rules governing the acceptance of credit
320 hours under Subsection (21)(a).

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

323 (a) the school shall admit as a regular student only an individual who has earned a
324 recognized high school diploma or the equivalent of a recognized high school diploma, or who
325 is beyond the age of compulsory high school attendance as prescribed by Title 53A, Chapter
326 11, Students in Public Schools; and

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

330 (23) A person seeking to qualify for licensure under this chapter by apprenticing in an
331 approved apprenticeship shall register with the division as described in Section 58-11a-306.

332 (24) The department may only charge a fee to a person applying for licensure as any
333 type of instructor under this chapter if the person is not a licensed instructor in any other
334 profession under this chapter.

335 (25) In order to encourage economic development in the state in accordance with
336 Subsection 63G-1-301(4)(e), the department may offer any required examination under this
337 section, which is prepared by a national testing organization, in languages in addition to

338 English.

Legislative Review Note
Office of Legislative Research and General Counsel