

1 **BARBER LICENSING AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Phil Lyman**

5 Senate Sponsor: Michael K. McKell

6 Cosponsor:

7 Kera Birkeland

8

9 **LONG TITLE**

10 **General Description:**

11 This bill modifies the Cosmetology and Associated Professions Licensing Act.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies the testing requirements of obtaining a barber license; and
- 15 ▶ makes technical changes.

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 2020, Chapter 339

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

57 hours;

58 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
59 recognized school, as defined by rule, consisting of a minimum of 250 hours or the equivalent
60 number of credit hours; or

61 (iii) a minimum of 2,000 hours of experience as a barber; and

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

63 (3) Each applicant for licensure as a barber school shall:

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

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

66 (c) provide satisfactory documentation:

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

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

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

71 (iv) that the applicant meets:

72 (A) the standards for barber schools, including staff and accreditation requirements,
73 established by rule; and

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

76 (4) Each applicant for licensure as a cosmetologist/barber shall:

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

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

79 (c) provide satisfactory documentation of:

80 (i) graduation from a licensed or recognized cosmetology/barber school whose
81 curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent number of
82 credit hours, with full flexibility within those hours;

83 (ii) (A) graduation from a recognized cosmetology/barber school located in a state
84 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the

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

86 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less
87 than the number of hours required to equal 1,600 total hours when added to the hours of
88 instruction described in Subsection (4)(c)(ii)(A); or

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

90 (d) meet the examination requirement established by rule.

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

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

93 (b) subject to Subsection (24), pay a fee determined by the department under Section
94 [63J-1-504](#);

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

97 (d) provide satisfactory documentation of completion of:

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

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

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

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

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

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

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

109 (c) provide satisfactory documentation:

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

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

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

113 rule; and

114 (iv) that the applicant meets:

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

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

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

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

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

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

125 (d) meet the examination requirement established by rule.

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

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

128 (b) subject to Subsection (24), pay a fee determined by the department under Section
129 63J-1-504;

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

132 (d) 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 (e) 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) provide satisfactory documentation of one of the following:
- 157 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized
- 158 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic
- 159 instruction with a minimum of 600 hours or the equivalent number of credit hours;
- 160 (ii) completion of an approved esthetician apprenticeship; or
- 161 (iii) (A) graduation from a recognized cosmetology/barber school located in a state
- 162 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
- 163 equivalent number of credit hours, with full flexibility within those hours; and
- 164 (B) practice as a licensed cosmetologist/barber for not less than the number of hours
- 165 required to equal 1,600 total hours when added to the hours of instruction described in
- 166 Subsection (10)(c)(iii)(A); and
- 167 (d) meet the examination requirement established by division rule.
- 168 (11) Each applicant for licensure as a master esthetician shall:

- 169 (a) submit an application in a form prescribed by the division;
- 170 (b) pay a fee determined by the department under Section 63J-1-504;
- 171 (c) provide satisfactory documentation of:
 - 172 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
 - 173 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the
 - 174 1,200 hours may have been completed:
 - 175 (A) at a licensed or recognized cosmetology/barbering school, if the applicant
 - 176 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or
 - 177 the equivalent number of credit hours, with full flexibility within those hours; or
 - 178 (B) at a licensed or recognized cosmetology/barber school located in a state other than
 - 179 Utah, if the applicant graduated from the school and its curriculum contained full flexibility
 - 180 within its hours of instruction; or
 - 181 (ii) completion of an approved master esthetician apprenticeship;
 - 182 (d) if the applicant will practice lymphatic massage, provide satisfactory
 - 183 documentation to show completion of 200 hours of training, or the equivalent number of credit
 - 184 hours, in lymphatic massage as defined by division rule; and
 - 185 (e) meet the examination requirement established by division rule.
- 186 (12) Each applicant for licensure as an esthetician instructor shall:
 - 187 (a) submit an application in a form prescribed by the division;
 - 188 (b) subject to Subsection (24), pay a fee determined by the department under Section
 - 189 63J-1-504;
 - 190 (c) provide satisfactory documentation that the applicant is currently licensed as a
 - 191 master esthetician;
 - 192 (d) provide satisfactory documentation of completion of:
 - 193 (i) an instructor training program conducted by a licensed or recognized school, as
 - 194 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
 - 195 hours;
 - 196 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or

197 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent
198 number of credit hours; or

199 (iii) a minimum of 1,000 hours of experience in esthetics; and

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

201 (13) Each applicant for licensure as an esthetics school shall:

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

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

204 (c) provide satisfactory documentation:

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

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

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

209 (iv) that the applicant meets:

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

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

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

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

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

217 (c) provide satisfactory documentation of:

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

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

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

- 228 (iii) being a state licensed cosmetologist/barber; or
- 229 (iv) completion of an approved hair designer apprenticeship; and
- 230 (d) meet the examination requirements established by rule.

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

- 232 (a) submit an application in a form prescribed by the division;
- 233 (b) subject to Subsection (24), pay a fee determined by the department under Section
234 [63J-1-504](#);

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

237 (d) provide satisfactory documentation of completion of:

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

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

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

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

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

- 248 (a) submit an application in a form prescribed by the division;
- 249 (b) pay a fee determined by the department under Section [63J-1-504](#); and
- 250 (c) provide satisfactory documentation:

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

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

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

255 (iv) that the applicant meets:

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

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

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

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

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

263 (c) provide satisfactory documentation of:

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

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

270 (B) practice as a licensed nail technician in a state other than Utah for not less than the
271 number of hours required to equal 300 total hours when added to the hours of instruction
272 described in Subsection (17)(c)(ii)(A); or

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

274 (d) meet the examination requirement established by division rule.

275 (18) Each applicant for licensure as a nail technician instructor shall:

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

277 (b) subject to Subsection (24), pay a fee determined by the department under Section
278 [63J-1-504](#);

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

- 281 (d) provide satisfactory documentation of completion of:
- 282 (i) an instructor training program conducted by a licensed or recognized school, as
- 283 defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours;
- 284 (ii) an on-the-job instructor training program conducted by a licensed instructor at a
- 285 licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the
- 286 equivalent number of credit hours; or
- 287 (iii) a minimum of 600 hours of experience in nail technology; and
- 288 (e) meet the examination requirement established by rule.
- 289 (19) Each applicant for licensure as a nail technology school shall:
- 290 (a) submit an application in a form prescribed by the division;
- 291 (b) pay a fee determined by the department under Section [63J-1-504](#); and
- 292 (c) provide satisfactory documentation:
- 293 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 294 (ii) of business licensure from the city, town, or county in which the school is located;
- 295 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 296 (iv) that the applicant meets:
- 297 (A) the standards for nail technology schools, including staff, curriculum, and
- 298 accreditation requirements, established by rule; and
- 299 (B) the requirements for recognition as an institution of postsecondary study as
- 300 described in Subsection (22).
- 301 (20) Each applicant for licensure under this chapter whose education in the field for
- 302 which a license is sought was completed at a foreign school may satisfy the educational
- 303 requirement for licensure by demonstrating, to the satisfaction of the division, the educational
- 304 equivalency of the foreign school education with a licensed school under this chapter.
- 305 (21) (a) A licensed or recognized school under this section shall accept credit hours
- 306 towards graduation for documented, relevant, and substantially equivalent coursework
- 307 previously completed by:
- 308 (i) a student that did not complete the student's education while attending a different

309 school; or

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

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

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

317 (a) the school shall admit as a regular student only an individual who has earned a
318 recognized high school diploma or the equivalent of a recognized high school diploma, or who
319 is beyond the age of compulsory high school attendance as prescribed by Title 53G, Chapter 6,
320 Part 2, Compulsory Education; and

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

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

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

329 (25) In order to encourage economic development in the state in accordance with
330 Subsection [63G-1-201\(4\)\(e\)](#), the department may offer any required examination under this
331 section, which is prepared by a national testing organization, in languages in addition to
332 English.