

1 **BARBER LICENSING AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Phil Lyman**

5 Senate Sponsor: Michael K. McKell

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7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

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

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **58-11a-302**, as last amended by Laws of Utah 2020, Chapter 339

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

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

24 **58-11a-302. Qualifications for licensure.**

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

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

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



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

- 59 (iii) a minimum of 2,000 hours of experience as a barber; and  
60 (e) meet the examination requirement established by rule.
- 61 (3) Each applicant for licensure as a barber school shall:
- 62 (a) submit an application in a form prescribed by the division;  
63 (b) pay a fee determined by the department under Section 63J-1-504; and  
64 (c) provide satisfactory documentation:
- 65 (i) of appropriate registration with the Division of Corporations and Commercial Code;  
66 (ii) of business licensure from the city, town, or county in which the school is located;  
67 (iii) that the applicant's physical facilities comply with the requirements established by  
68 rule; and
- 69 (iv) that the applicant meets:
- 70 (A) the standards for barber schools, including staff and accreditation requirements,  
71 established by rule; and
- 72 (B) the requirements for recognition as an institution of postsecondary study as  
73 described in Subsection (22).
- 74 (4) Each applicant for licensure as a cosmetologist/barber shall:
- 75 (a) submit an application in a form prescribed by the division;  
76 (b) pay a fee determined by the department under Section 63J-1-504;  
77 (c) provide satisfactory documentation of:
- 78 (i) graduation from a licensed or recognized cosmetology/barber school whose  
79 curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent number of  
80 credit hours, with full flexibility within those hours;
- 81 (ii) (A) graduation from a recognized cosmetology/barber school located in a state  
82 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the  
83 equivalent number of credit hours, with full flexibility within those hours; and
- 84 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less  
85 than the number of hours required to equal 1,600 total hours when added to the hours of  
86 instruction described in Subsection (4)(c)(ii)(A); or
- 87 (iii) completion of an approved cosmetology/barber apprenticeship; and  
88 (d) meet the examination requirement established by rule.
- 89 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:

90 (a) submit an application in a form prescribed by the division;  
91 (b) subject to Subsection (24), pay a fee determined by the department under Section

92 [63J-1-504](#);

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

95 (d) 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 (e) 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) provide satisfactory documentation of having graduated from a licensed or

121 recognized electrology school after completing a curriculum of 600 hours of instruction or the  
122 equivalent number of credit hours; and

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

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

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

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

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

130 (d) provide satisfactory documentation of completion of:

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

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

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

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

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

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

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

142 (c) provide satisfactory documentation:

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

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

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

146 (iv) that the applicant meets:

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

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

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

- 152 (a) submit an application in a form prescribed by the division;
- 153 (b) pay a fee determined by the department under Section 63J-1-504;
- 154 (c) provide satisfactory documentation of one of the following:
  - 155 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized
  - 156 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic
  - 157 instruction with a minimum of 600 hours or the equivalent number of credit hours;
  - 158 (ii) completion of an approved esthetician apprenticeship; or
  - 159 (iii) (A) graduation from a recognized cosmetology/barber school located in a state
  - 160 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
  - 161 equivalent number of credit hours, with full flexibility within those hours; and
  - 162 (B) practice as a licensed cosmetologist/barber for not less than the number of hours
  - 163 required to equal 1,600 total hours when added to the hours of instruction described in
  - 164 Subsection (10)(c)(iii)(A); and
  - 165 (d) meet the examination requirement established by division rule.
- 166 (11) Each applicant for licensure as a master esthetician shall:
  - 167 (a) submit an application in a form prescribed by the division;
  - 168 (b) pay a fee determined by the department under Section 63J-1-504;
  - 169 (c) provide satisfactory documentation of:
    - 170 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
    - 171 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the
    - 172 1,200 hours may have been completed:
      - 173 (A) at a licensed or recognized cosmetology/barbering school, if the applicant
      - 174 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or
      - 175 the equivalent number of credit hours, with full flexibility within those hours; or
      - 176 (B) at a licensed or recognized cosmetology/barber school located in a state other than
      - 177 Utah, if the applicant graduated from the school and its curriculum contained full flexibility
      - 178 within its hours of instruction; or
      - 179 (ii) completion of an approved master esthetician apprenticeship;
      - 180 (d) if the applicant will practice lymphatic massage, provide satisfactory
      - 181 documentation to show completion of 200 hours of training, or the equivalent number of credit
      - 182 hours, in lymphatic massage as defined by division rule; and

- 183 (e) meet the examination requirement established by division rule.
- 184 (12) Each applicant for licensure as an esthetician instructor shall:
- 185 (a) submit an application in a form prescribed by the division;
- 186 (b) subject to Subsection (24), pay a fee determined by the department under Section
- 187 63J-1-504;
- 188 (c) provide satisfactory documentation that the applicant is currently licensed as a
- 189 master esthetician;
- 190 (d) provide satisfactory documentation of completion of:
- 191 (i) an instructor training program conducted by a licensed or recognized school, as
- 192 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
- 193 hours;
- 194 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
- 195 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent
- 196 number of credit hours; or
- 197 (iii) a minimum of 1,000 hours of experience in esthetics; and
- 198 (e) meet the examination requirement established by rule.
- 199 (13) Each applicant for licensure as an esthetics school shall:
- 200 (a) submit an application in a form prescribed by the division;
- 201 (b) pay a fee determined by the department under Section 63J-1-504; and
- 202 (c) provide satisfactory documentation:
- 203 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 204 (ii) of business licensure from the city, town, or county in which the school is located;
- 205 (iii) that the applicant's physical facilities comply with the requirements established by
- 206 rule; and
- 207 (iv) that the applicant meets:
- 208 (A) the standards for esthetics schools, including staff, curriculum, and accreditation
- 209 requirements, established by division rule made in collaboration with the board; and
- 210 (B) the requirements for recognition as an institution of postsecondary study as
- 211 described in Subsection (22).
- 212 (14) Each applicant for licensure as a hair designer shall:
- 213 (a) submit an application in a form prescribed by the division;

- 214 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 215 (c) provide satisfactory documentation of:
  - 216 (i) graduation from a licensed or recognized cosmetology/barber, hair design, or
  - 217 barbering school whose curriculum consists of a minimum of 1,200 hours of instruction, or the
  - 218 equivalent number of credit hours, with full flexibility within those hours;
  - 219 (ii) (A) graduation from a recognized cosmetology/barber, hair design, or barbering
  - 220 school located in a state other than Utah whose curriculum consists of less than 1,200 hours of
  - 221 instruction, or the equivalent number of credit hours, with full flexibility within those hours;
  - 222 and
  - 223 (B) practice as a licensed cosmetologist/barber or hair designer in a state other than
  - 224 Utah for not less than the number of hours required to equal 1,200 total hours when added to
  - 225 the hours of instruction described in Subsection (14)(c)(ii)(A);
  - 226 (iii) being a state licensed cosmetologist/barber; or
  - 227 (iv) completion of an approved hair designer apprenticeship; and
  - 228 (d) meet the examination requirements established by rule.
- 229 (15) Each applicant for licensure as a hair designer instructor shall:
  - 230 (a) submit an application in a form prescribed by the division;
  - 231 (b) subject to Subsection (24), pay a fee determined by the department under Section
  - 232 [63J-1-504](#);
  - 233 (c) provide satisfactory documentation that the applicant is currently licensed as a hair
  - 234 designer or as a cosmetologist/barber;
  - 235 (d) provide satisfactory documentation of completion of:
    - 236 (i) an instructor training program conducted by a licensed or recognized school, as
    - 237 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
    - 238 hours;
    - 239 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
    - 240 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent
    - 241 number of credit hours; or
    - 242 (iii) a minimum of 2,500 hours of experience as a hair designer or as a
    - 243 cosmetologist/barber; and
    - 244 (e) meet the examination requirement established by rule.



- 245 (16) Each applicant for licensure as a hair design school shall:
- 246 (a) submit an application in a form prescribed by the division;
- 247 (b) pay a fee determined by the department under Section 63J-1-504; and
- 248 (c) provide satisfactory documentation:
- 249 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 250 (ii) of business licensure from the city, town, or county in which the school is located;
- 251 (iii) that the applicant's physical facilities comply with the requirements established by
- 252 rule; and
- 253 (iv) that the applicant meets:
- 254 (A) the standards for a hair design school, including staff and accreditation
- 255 requirements, established by rule; and
- 256 (B) the requirements for recognition as an institution of postsecondary study as
- 257 described in Subsection (22).
- 258 (17) Each applicant for licensure as a nail technician shall:
- 259 (a) submit an application in a form prescribed by the division;
- 260 (b) pay a fee determined by the department under Section 63J-1-504;
- 261 (c) provide satisfactory documentation of:
- 262 (i) graduation from a licensed or recognized nail technology school, or a licensed or
- 263 recognized cosmetology/barber school, whose curriculum consists of not less than 300 hours of
- 264 instruction, or the equivalent number of credit hours;
- 265 (ii) (A) graduation from a recognized nail technology school located in a state other
- 266 than Utah whose curriculum consists of less than 300 hours of instruction or the equivalent
- 267 number of credit hours; and
- 268 (B) practice as a licensed nail technician in a state other than Utah for not less than the
- 269 number of hours required to equal 300 total hours when added to the hours of instruction
- 270 described in Subsection (17)(c)(ii)(A); or
- 271 (iii) completion of an approved nail technician apprenticeship; and
- 272 (d) meet the examination requirement established by division rule.
- 273 (18) Each applicant for licensure as a nail technician instructor shall:
- 274 (a) submit an application in a form prescribed by the division;
- 275 (b) subject to Subsection (24), pay a fee determined by the department under Section

276 63J-1-504;

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

279 (d) provide satisfactory documentation of completion of:

280 (i) an instructor training program conducted by a licensed or recognized school, as  
281 defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours;

282 (ii) an on-the-job instructor training program conducted by a licensed instructor at a  
283 licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the  
284 equivalent number of credit hours; or

285 (iii) a minimum of 600 hours of experience in nail technology; and

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

287 (19) Each applicant for licensure as a nail technology school shall:

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

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

290 (c) provide satisfactory documentation:

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

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

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

294 (iv) that the applicant meets:

295 (A) the standards for nail technology schools, including staff, curriculum, and  
296 accreditation requirements, established by rule; and

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

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

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

306 (i) a student that did not complete the student's education while attending a different

307 school; or

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

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

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

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

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

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

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

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