

**OFFICIAL STATE LANGUAGE REPEAL**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Kwan**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill repeals the provision that English is the official language of Utah.

**Highlighted Provisions:**

This bill:

- ▶ repeals the provision that English is the official language of Utah; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-1-311**, as enacted by Laws of Utah 2019, Chapter 117

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

REPEALS:

**63G-1-201**, as last amended by Laws of Utah 2020, Chapter 134

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

Section 1. Section **58-1-311** is amended to read:

**58-1-311. Required examinations in languages in addition to English.**



28 In order to encourage economic development in the state [~~in accordance with~~  
29 ~~Subsection 63G-1-201(4)(c)~~], the department may offer any required examination under this  
30 title, which is prepared by a national testing organization, in languages in addition to English.

31 Section 2. Section **58-11a-302** is amended to read:

32 **58-11a-302. Qualifications for licensure.**

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

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

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

36 (c) provide satisfactory documentation of:

37 (i) graduation from a licensed or recognized barber school, or a licensed or recognized  
38 cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of  
39 instruction, or the equivalent number of credit hours, over a period of not less than 25 weeks;

40 (ii) (A) graduation from a recognized barber school located in a state other than Utah  
41 whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of  
42 credit hours; and

43 (B) practice as a licensed barber in a state other than Utah for not less than the number  
44 of hours required to equal 1,000 total hours when added to the hours of instruction described in  
45 Subsection (1)(c)(ii)(A); or

46 (iii) completion of an approved barber apprenticeship; and

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

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)(c)~~], 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.

333 Section 3. **Repealer.**

334 This bill repeals:

335 Section 63G-1-201, **Official state language.**