

PROFESSIONAL LICENSING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Candice B. Pierucci

LONG TITLE

General Description:

This bill modifies provisions of the Cosmetology and Associated Professions Licensing Act (cosmetology act) and other related provisions.

Highlighted Provisions:

This bill:

- ▶ creates an exemption from licensure under the cosmetology act for an individual who:
 - only dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
 - receives a hair safety permit; and
 - displays a sign in the individual's place of business informing the public that the individual is not licensed under the cosmetology act; and
- ▶ provides that the Department of Health rules of sanitation related to cosmetology professions includes a facility in which individuals are engaged in the exemption from licensure described in this bill; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30 26-15-2, as last amended by Laws of Utah 2007, Chapter 25

31 58-11a-304, as last amended by Laws of Utah 2020, Chapter 339

32

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

34 Section 1. Section 26-15-2 is amended to read:

35 **26-15-2. Minimum rules of sanitation established by department.**

36 The department shall establish and enforce, or provide for the enforcement of minimum
37 rules of sanitation necessary to protect the public health. Such rules shall include, but not be
38 limited to, rules necessary for the design, construction, operation, maintenance, or expansion
39 of:

40 (1) restaurants and all places where food or drink is handled, sold or served to the
41 public;

42 (2) public swimming pools;

43 (3) public baths including saunas, spas, massage parlors, and suntan parlors;

44 (4) public bathing beaches;

45 (5) schools which are publicly or privately owned or operated;

46 (6) recreational resorts, camps, and vehicle parks;

47 (7) amusement parks and all other centers and places used for public gatherings;

48 (8) mobile home parks and highway rest stops;

49 (9) construction or labor camps;

50 (10) jails, prisons and other places of incarceration or confinement;

51 (11) hotels and motels;

52 (12) lodging houses and boarding houses;

53 (13) service stations;

54 (14) barbershops and beauty shops[;], including a facility in which one or more
55 individuals are engaged in:

56 (a) any of the practices licensed under Title 58, Chapter 11a, Cosmetology and
57 Associated Professions Licensing Act; or

58 (b) styling hair in accordance with the exemption from licensure described in Section
59 58-11a-304(13);

- 60 (15) physician and dentist offices;
- 61 (16) public buildings and grounds;
- 62 (17) public conveyances and terminals; and
- 63 (18) commercial tanning facilities.

64 Section 2. Section **58-11a-304** is amended to read:

65 **58-11a-304. Exemptions from licensure.**

66 In addition to the exemptions from licensure in Section 58-1-307, the following persons
67 may engage in the practice of barbering, cosmetology/barbering, hair design, esthetics,
68 master-level esthetics, electrology, or nail technology without being licensed under this
69 chapter:

70 (1) a person licensed under the laws of this state to engage in the practice of medicine,
71 surgery, osteopathy, or chiropractic when engaged in the practice of the profession for which
72 they are licensed;

73 (2) a commissioned physician or surgeon serving in the armed forces of the United
74 States or another federal agency;

75 (3) a registered nurse, undertaker, or mortician licensed under the laws of this state
76 when engaged in the practice of the profession for which the person is licensed;

77 (4) a person who visits the state to engage in instructional seminars, advanced classes,
78 trade shows, or competitions of a limited duration;

79 (5) a person who engages in the practice of barbering, cosmetology/barbering, hair
80 design, esthetics, master-level esthetics, electrology, or nail technology without compensation;

81 (6) a person instructing an adult education class or other educational program directed
82 toward persons who are not licensed under this chapter and that is not intended to train persons
83 to become licensed under this chapter, provided:

84 (a) an attendee receives no credit toward educational requirements for licensure under
85 this chapter;

86 (b) the instructor informs each attendee in writing that taking such a class or program
87 will not certify or qualify the attendee to perform a service for compensation that requires
88 licensure under this chapter; and

89 (c) (i) the instructor is properly licensed; or
90 (ii) the instructor receives no compensation;

91 (7) a person providing instruction in workshops, seminars, training meetings, or other
92 educational programs whose purpose is to provide continuing professional development to
93 licensed barbers, cosmetologists/barbers, hair designers, estheticians, master estheticians,
94 electrologists, or nail technicians;

95 (8) a person enrolled in a licensed barber, cosmetology/barber, or hair design school
96 when participating in an on the job training internship under the direct supervision of a licensed
97 barber, cosmetologist/barber, or hair designer upon completion of a basic program under the
98 standards established by rule by the division in collaboration with the board;

99 (9) a person enrolled in an approved apprenticeship pursuant to Section [58-11a-306](#);

100 (10) an employee of a company that is primarily engaged in the business of selling
101 products used in the practice of barbering, cosmetology/barbering, hair design, esthetics,
102 master-level esthetics, electrology, or nail technology when demonstrating the company's
103 products to a potential customer, provided the employee makes no representation to a potential
104 customer that attending such a demonstration will certify or qualify the attendee to perform a
105 service for compensation that requires licensure under this chapter;

106 (11) a person who:

107 (a) is qualified to engage in the practice of barbering, cosmetology/barbering, hair
108 design, esthetics, master-level esthetics, electrology, or nail technology in another jurisdiction
109 as evidenced by licensure, certification, or lawful practice in the other jurisdiction;

110 (b) is employed by, or under contract with, a motion picture company; and

111 (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics,
112 master-level esthetics, electrology, or nail technology in the state:

113 (i) solely to assist in the production of a motion picture; and

- 114 (ii) for no more than 120 days per calendar year; [~~and~~]
- 115 (12) a person who:
- 116 (a) engages in hair braiding; and
- 117 (b) unless it is expressly exempted under this section or Section 58-1-307, does not
- 118 engage in other activity requiring licensure under this chapter[-]; and
- 119 (13) a person who:
- 120 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- 121 (b) does not cut the hair;
- 122 (c) does not apply dye to alter the color of the hair;
- 123 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the
- 124 hair;
- 125 (e) unless it is expressly exempted under this section or Section 58-1-307, does not
- 126 engage in other activity requiring licensure under this chapter; and
- 127 (f) provides evidence to the division that the person has received a hair safety permit
- 128 from completing a hair safety program that:
- 129 (i) is approved by the division;
- 130 (ii) consists of no more than two hours of instruction;
- 131 (iii) is offered by a provider approved by the division; and
- 132 (iv) includes an examination that requires a passing score of 75%; and
- 133 (g) displays in a conspicuous location in the person's place of business:
- 134 (i) a valid hair safety permit as described in Subsection (13)(f); and
- 135 (ii) a sign notifying the public that the person's services are not provided by an
- 136 individual who has a license under this chapter.