

1 **OFFICIAL LANGUAGE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kirk A. Cullimore**

5 House Sponsor: Mike Schultz

7 **LONG TITLE**

8 **General Description:**

9 This bill removes provisions relating to English being the sole language of government
10 in Utah.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ removes the provision that English is the sole language for the government in the
14 state of Utah;
- 15 ▶ removes the provision requiring all official government documents, transactions,
16 proceedings, meetings, or publications to be in English;
- 17 ▶ removes provisions relating to the return of state funds appropriated or designated
18 for the printing or translation of materials or the provision of services or information
19 in a language other than English; and
- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **58-1-311**, as enacted by Laws of Utah 2019, Chapter 117

28 **58-11a-302**, as last amended by Laws of Utah 2020, Chapter 339

29 **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.

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

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

58-11a-302. Qualifications for licensure.

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

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

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

(c) provide satisfactory documentation of:

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

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

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

(iii) completion of an approved barber apprenticeship; and

(d) meet the examination requirement established by rule.

(2) Each applicant for licensure as a barber instructor shall:

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

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

58 (c) provide satisfactory documentation that the applicant is currently licensed as a
59 barber;

60 (d) provide satisfactory documentation of completion of:

61 (i) an instructor training program conducted by a licensed or recognized school, as
62 defined by rule, consisting of a minimum of 250 hours or the equivalent number of credit
63 hours;

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

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

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

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

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

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

72 (c) provide satisfactory documentation:

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

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

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

77 (iv) that the applicant meets:

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

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

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

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

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

85 (c) provide satisfactory documentation of:

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

89 (ii) (A) graduation from a recognized cosmetology/barber school located in a state
90 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
91 equivalent number of credit hours, with full flexibility within those hours; and

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

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

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

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

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

99 (b) subject to Subsection (24), pay a fee determined by the department under Section
100 [63J-1-504](#);

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

103 (d) provide satisfactory documentation of completion of:

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

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

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

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

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

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

- 114 (b) pay a fee determined by the department under Section 63J-1-504; and
- 115 (c) provide satisfactory documentation:
 - 116 (i) of appropriate registration with the Division of Corporations and Commercial Code;
 - 117 (ii) of business licensure from the city, town, or county in which the school is located;
 - 118 (iii) that the applicant's physical facilities comply with the requirements established by
 - 119 rule; and
 - 120 (iv) that the applicant meets:
 - 121 (A) the standards for cosmetology schools, including staff and accreditation
 - 122 requirements, established by rule; and
 - 123 (B) the requirements for recognition as an institution of postsecondary study as
 - 124 described in Subsection (22).
- 125 (7) Each applicant for licensure as an electrologist shall:
 - 126 (a) submit an application in a form prescribed by the division;
 - 127 (b) pay a fee determined by the department under Section 63J-1-504;
 - 128 (c) provide satisfactory documentation of having graduated from a licensed or
 - 129 recognized electrology school after completing a curriculum of 600 hours of instruction or the
 - 130 equivalent number of credit hours; and
 - 131 (d) meet the examination requirement established by rule.
- 132 (8) Each applicant for licensure as an electrologist instructor shall:
 - 133 (a) submit an application in a form prescribed by the division;
 - 134 (b) subject to Subsection (24), pay a fee determined by the department under Section
 - 135 63J-1-504;
 - 136 (c) provide satisfactory documentation that the applicant is currently licensed as an
 - 137 electrologist;
 - 138 (d) provide satisfactory documentation of completion of:
 - 139 (i) an instructor training program conducted by a licensed or recognized school, as
 - 140 defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit
 - 141 hours;

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

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

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

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

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

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

150 (c) provide satisfactory documentation:

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

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

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

154 (iv) that the applicant meets:

155 (A) the standards for electrologist schools, including staff, curriculum, and

156 accreditation requirements, established by rule; and

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

158 described in Subsection (22).

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

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

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

162 (c) provide satisfactory documentation of one of the following:

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

164 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic
165 instruction with a minimum of 600 hours or the equivalent number of credit hours;

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

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

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

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

170 (B) practice as a licensed cosmetologist/barber for not less than the number of hours
171 required to equal 1,600 total hours when added to the hours of instruction described in
172 Subsection (10)(c)(iii)(A); and

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

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

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

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

177 (c) provide satisfactory documentation of:

178 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
179 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the
180 1,200 hours may have been completed:

181 (A) at a licensed or recognized cosmetology/barbering school, if the applicant
182 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or
183 the equivalent number of credit hours, with full flexibility within those hours; or

184 (B) at a licensed or recognized cosmetology/barber school located in a state other than
185 Utah, if the applicant graduated from the school and its curriculum contained full flexibility
186 within its hours of instruction; or

187 (ii) completion of an approved master esthetician apprenticeship;

188 (d) if the applicant will practice lymphatic massage, provide satisfactory
189 documentation to show completion of 200 hours of training, or the equivalent number of credit
190 hours, in lymphatic massage as defined by division rule; and

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

192 (12) Each applicant for licensure as an esthetician instructor shall:

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

194 (b) subject to Subsection (24), pay a fee determined by the department under Section
195 63J-1-504;

196 (c) provide satisfactory documentation that the applicant is currently licensed as a
197 master esthetician;

- 198 (d) provide satisfactory documentation of completion of:
- 199 (i) an instructor training program conducted by a licensed or recognized school, as
200 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
201 hours;
- 202 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
203 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent
204 number of credit hours; or
- 205 (iii) a minimum of 1,000 hours of experience in esthetics; and
- 206 (e) meet the examination requirement established by rule.
- 207 (13) Each applicant for licensure as an esthetics school shall:
- 208 (a) submit an application in a form prescribed by the division;
- 209 (b) pay a fee determined by the department under Section [63J-1-504](#); and
- 210 (c) provide satisfactory documentation:
- 211 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 212 (ii) of business licensure from the city, town, or county in which the school is located;
- 213 (iii) that the applicant's physical facilities comply with the requirements established by
214 rule; and
- 215 (iv) that the applicant meets:
- 216 (A) the standards for esthetics schools, including staff, curriculum, and accreditation
217 requirements, established by division rule made in collaboration with the board; and
- 218 (B) the requirements for recognition as an institution of postsecondary study as
219 described in Subsection (22).
- 220 (14) Each applicant for licensure as a hair designer shall:
- 221 (a) submit an application in a form prescribed by the division;
- 222 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 223 (c) provide satisfactory documentation of:
- 224 (i) graduation from a licensed or recognized cosmetology/barber, hair design, or
225 barbering school whose curriculum consists of a minimum of 1,200 hours of instruction, or the

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

227 (ii) (A) graduation from a recognized cosmetology/barber, hair design, or barbering

228 school located in a state other than Utah whose curriculum consists of less than 1,200 hours of

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

230 and

231 (B) practice as a licensed cosmetologist/barber or hair designer in a state other than

232 Utah for not less than the number of hours required to equal 1,200 total hours when added to

233 the hours of instruction described in Subsection (14)(c)(ii)(A);

234 (iii) being a state licensed cosmetologist/barber; or

235 (iv) completion of an approved hair designer apprenticeship; and

236 (d) meet the examination requirements established by rule.

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

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

239 (b) subject to Subsection (24), pay a fee determined by the department under Section

240 [63J-1-504](#);

241 (c) provide satisfactory documentation that the applicant is currently licensed as a hair

242 designer or as a cosmetologist/barber;

243 (d) provide satisfactory documentation of completion of:

244 (i) an instructor training program conducted by a licensed or recognized school, as

245 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit

246 hours;

247 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or

248 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent

249 number of credit hours; or

250 (iii) a minimum of 2,500 hours of experience as a hair designer or as a

251 cosmetologist/barber; and

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

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

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

- 282 (a) submit an application in a form prescribed by the division;
- 283 (b) subject to Subsection (24), pay a fee determined by the department under Section
- 284 63J-1-504;
- 285 (c) provide satisfactory documentation that the applicant is currently licensed as a nail
- 286 technician;
- 287 (d) 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 (e) 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 53G, Chapter 6,
326 Part 2, Compulsory Education; 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-1-201(4)(c)~~], 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.

339 Section 3. Section **63G-1-201** is amended to read:

340 **63G-1-201. Official state language.**

341 [(1)] English is declared to be the official language of Utah.

342 [(2) ~~As the official language of this State, the English language is the sole language of~~
 343 ~~the government, except as otherwise provided in this section.]~~

344 [(3) ~~Except as provided in Subsection (4), all official documents, transactions,~~
 345 ~~proceedings, meetings, or publications issued, conducted, or regulated by, on behalf of, or~~
 346 ~~representing the state and its political subdivisions shall be in English.]~~

347 [(4) ~~Languages other than English may be used when required:]~~

348 [(a) ~~by the United States Constitution, the Utah State Constitution, federal law, or~~
 349 ~~federal regulation;]~~

350 [(b) ~~by law enforcement for public health and safety needs;]~~

351 [(c) ~~by public and higher education systems according to rules made by the State Board~~
 352 ~~of Education and the State Board of Regents to comply with Subsection (5);]~~

353 [(d) ~~in judicial proceedings, when necessary to insure that justice is served;]~~

354 [(e) ~~to promote and encourage tourism and economic development, including the~~
 355 ~~hosting of international events such as the Olympics;]~~

356 [(f) ~~by a recreational, scenic, historic, or cultural facility, site, or area that is frequented~~
 357 ~~by international tourists to:]~~

358 [(i) ~~inform international tourists about the facility, site, or area; and]~~

359 [(ii) ~~address the health and safety of international tourists while visiting the facility,~~
 360 ~~site, or area;]~~

361 [(g) ~~by libraries to:]~~

362 [(i) ~~collect and promote foreign language materials; and]~~

363 [(ii) ~~provide foreign language services and activities; and]~~

364 [(h) ~~by the Utah Educational Savings Plan established under Title 53B, Chapter 8a,~~
 365 ~~Utah Educational Savings Plan.]~~

366 ~~[(5) The State Board of Education and the State Board of Regents shall make rules~~
367 ~~governing the use of foreign languages in the public and higher education systems that promote~~
368 ~~the following principles:]~~

369 ~~[(a) non-English speaking children and adults should become able to read, write, and~~
370 ~~understand English as quickly as possible;]~~

371 ~~[(b) foreign language instruction should be encouraged;]~~

372 ~~[(c) formal and informal programs in English as a Second Language should be~~
373 ~~initiated, continued, and expanded; and]~~

374 ~~[(d) public schools should establish communication with non-English speaking parents~~
375 ~~of children within their systems, using a means designed to maximize understanding when~~
376 ~~necessary, while encouraging those parents who do not speak English to become more~~
377 ~~proficient in English.]~~

378 ~~[(6) Unless exempted by Subsection (4), all state funds appropriated or designated for~~
379 ~~the printing or translation of materials or the provision of services or information in a language~~
380 ~~other than English shall be returned to the General Fund.]~~

381 ~~[(a) Each state agency that has state funds appropriated or designated for the printing or~~
382 ~~translation of materials or the provision of services or information in a language other than~~
383 ~~English shall:]~~

384 ~~[(i) notify the Division of Finance that the money exists and the amount of the money;~~
385 ~~and]~~

386 ~~[(ii) return the money to the Division of Finance.]~~

387 ~~[(b) The Division of Finance shall account for the money and inform the Legislature of~~
388 ~~the existence and amount of the money at the beginning of the Legislature's annual general~~
389 ~~session:.]~~

390 ~~[(c) The Legislature may appropriate any money received under this section to the State~~
391 ~~School Board for use in English as a Second Language programs:]~~

392 ~~[(7) Nothing in this section affects the ability of government employees, private~~
393 ~~businesses, nonprofit organizations, or private individuals to exercise their rights under:]~~

394 ~~[(a) the First Amendment of the United States Constitution; and]~~
395 ~~[(b) Utah Constitution, Article 1, Sections 1 and 15.]~~
396 ~~[(8) If any provision of this section, or the application of any such provision to any~~
397 ~~person or circumstance, is held invalid, the remainder of this act shall be given effect without~~
398 ~~the invalid provision or application.]~~