

**COSMETOLOGIST/BARBER LICENSING AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keith Grover**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill expands the practice of cosmetology/barbering to include microneedling under certain circumstances.

**Highlighted Provisions:**

This bill:

- ▶ expands the practice of cosmetology/barbering for a person licensed as a cosmetologist/barber to permit microneedling under certain circumstances, including if needle penetration does not exceed 1.5 millimeters;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-11a-102**, as last amended by Laws of Utah 2021, Chapter 115

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

Section 1. Section **58-11a-102** is amended to read:



28 **58-11a-102. Definitions.**

29 As used in this chapter:

30 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship  
31 that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection  
32 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the  
33 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
34 Administrative Rulemaking Act.

35 (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the  
36 requirements of Subsection 58-11a-306(4) and the requirements established by rule by the  
37 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
38 Administrative Rulemaking Act.

39 (3) "Approved hair designer apprenticeship" means an apprenticeship that meets the  
40 requirements of Subsection 58-11a-306(3) and the requirements established by rule by the  
41 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
42 Administrative Rulemaking Act.

43 (4) "Approved master esthetician apprenticeship" means an apprenticeship that meets  
44 the requirements of Subsection 58-11a-306(5) and the requirements established by rule by the  
45 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
46 Administrative Rulemaking Act.

47 (5) "Approved nail technician apprenticeship" means an apprenticeship that meets the  
48 requirements of Subsection 58-11a-306(6) and the requirements established by rule by the  
49 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
50 Administrative Rulemaking Act.

51 (6) "Barber" means a person who is licensed under this chapter to engage in the  
52 practice of barbering.

53 (7) "Barber instructor" means a barber who is licensed under this chapter to engage in  
54 the practice of barbering instruction.

55 (8) "Board" means the Cosmetology and Associated Professions Licensing Board  
56 created in Section 58-11a-201.

57 (9) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section  
58 58-67-102.

- 59 (10) "Cosmetic supervisor" means a supervisor as defined in Section [58-1-505](#).
- 60 (11) "Cosmetologist/barber" means a person who is licensed under this chapter to  
61 engage in the practice of cosmetology/barbering.
- 62 (12) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed  
63 under this chapter to engage in the practice of cosmetology/barbering instruction.
- 64 (13) "Direct supervision" means that the supervisor of an apprentice or the instructor of  
65 a student is immediately available for consultation, advice, instruction, and evaluation.
- 66 (14) "Electrologist" means a person who is licensed under this chapter to engage in the  
67 practice of electrology.
- 68 (15) "Electrologist instructor" means an electrologist who is licensed under this chapter  
69 to engage in the practice of electrology instruction.
- 70 (16) "Esthetician" means a person who is licensed under this chapter to engage in the  
71 practice of esthetics.
- 72 (17) "Esthetician instructor" means a master esthetician who is licensed under this  
73 chapter to engage in the practice of esthetics instruction.
- 74 (18) "Fund" means the Cosmetology and Associated Professions Education and  
75 Enforcement Fund created in Section [58-11a-103](#).
- 76 (19) (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's  
77 natural human hair.
- 78 (b) "Hair braiding" includes the following methods or styles:
- 79 (i) African-style braiding;
- 80 (ii) box braids;
- 81 (iii) cornrows;
- 82 (iv) dreadlocks;
- 83 (v) french braids;
- 84 (vi) invisible braids;
- 85 (vii) micro braids;
- 86 (viii) single braids;
- 87 (ix) single plaits;
- 88 (x) twists;
- 89 (xi) visible braids;

- 90 (xii) the use of lock braids;
- 91 (xiii) the use of decorative beads, accessories, and extensions; and
- 92 (xiv) the use of wefts if applied without the use of glue or tape.
- 93 (c) "Hair braiding" does not include:
- 94 (i) the use of:
- 95 (A) wefts if applied with the use of glue or tape;
- 96 (B) synthetic tape;
- 97 (C) synthetic glue;
- 98 (D) keratin bonds;
- 99 (E) fusion bonds; or
- 100 (F) heat tools;
- 101 (ii) the cutting of human hair; or
- 102 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
- 103 (A) alter the color of the hair; or
- 104 (B) straighten, curl, or alter the structure of the hair.
- 105 (20) "Hair designer" means a person who is licensed under this chapter to engage in the
- 106 practice of hair design.
- 107 (21) "Hair designer instructor" means a hair designer who is licensed under this chapter
- 108 to engage in the practice of hair design instruction.
- 109 (22) "Licensed barber or cosmetology/barber school" means a barber or
- 110 cosmetology/barber school licensed under this chapter.
- 111 (23) "Licensed electrology school" means an electrology school licensed under this
- 112 chapter.
- 113 (24) "Licensed esthetics school" means an esthetics school licensed under this chapter.
- 114 (25) "Licensed hair design school" means a hair design school licensed under this
- 115 chapter.
- 116 (26) "Licensed nail technology school" means a nail technology school licensed under
- 117 this chapter.
- 118 (27) "Master esthetician" means an individual who is licensed under this chapter to
- 119 engage in the practice of master-level esthetics.
- 120 (28) "Microneedling" means the use of multiple, tiny, solid needles designed to pierce

121 the skin:

122 (a) to stimulate collagen production or cellular renewal; and

123 (b) not for the purpose of treating a medical, physical, or mental ailment.

124 (29) "Microneedling device" means a mechanical or electrical apparatus used for

125 microneedling.

126 [~~(28)~~] (30) "Nail technician" means an individual who is licensed under this chapter to  
127 engage in the practice of nail technology.

128 [~~(29)~~] (31) "Nail technician instructor" means a nail technician licensed under this  
129 chapter to engage in the practice of nail technology instruction.

130 [~~(30)~~] (32) "Practice of barbering" means:

131 (a) cutting, clipping, or trimming the hair of the head of any person by the use of  
132 scissors, shears, clippers, or other appliances;

133 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;

134 (c) removing hair from the face or neck of a person by the use of shaving equipment;

135 and

136 (d) when providing other services described in this Subsection [~~(30)~~] (32), gently  
137 massaging the head, back of the neck, and shoulders by manual or mechanical means.

138 [~~(31)~~] (33) "Practice of barbering instruction" means teaching the practice of barbering  
139 at a licensed barber school, at a licensed cosmetology/barber school, or for an approved barber  
140 apprenticeship.

141 [~~(32)~~] (34) "Practice of basic esthetics" means any one of the following skin care  
142 procedures done on the body for cosmetic purposes and not for the treatment of medical,  
143 physical, or mental ailments:

144 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or  
145 masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the  
146 application of eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous  
147 removal by buffing or filing;

148 (b) limited chemical exfoliation as defined by rule;

149 (c) removing superfluous hair by means other than electrolysis, except that an  
150 individual is not required to be licensed as an esthetician to engage in the practice of threading;

151 (d) other esthetic preparations or procedures with the use of the hands, a

152 high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not  
153 for the treatment of medical, physical, or mental ailments;

154 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, or applying  
155 eyelash or eyebrow extensions; or

156 (f) except as provided in Subsection [~~(32)(f)(i)~~] (34)(f)(i), cosmetic laser procedures  
157 under the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the  
158 following:

159 (i) superfluous hair removal which shall be under indirect supervision;

160 (ii) anti-aging resurfacing enhancements;

161 (iii) photo rejuvenation; or

162 (iv) tattoo removal.

163 [~~(33)~~] (35) (a) "Practice of cosmetology/barbering" means:

164 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,  
165 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a  
166 person;

167 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or  
168 other appliances;

169 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying  
170 eyelash or eyebrow extensions;

171 (iv) removing hair from the body of a person by the use of depilatories, waxing, or  
172 shaving equipment;

173 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces  
174 or both on the human head; [or]

175 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted  
176 hair[-]; or

177 (vii) microneedling using a microneedling device approved by the division if needle  
178 penetration does not exceed 1.5 millimeters.

179 (b) The term "practice of cosmetology/barbering" includes:

180 (i) the practice of barbering;

181 (ii) the practice of basic esthetics; and

182 (iii) the practice of nail technology.

183 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in  
184 the practice of threading.

185 [~~34~~] (36) "Practice of cosmetology/barbering instruction" means teaching the practice  
186 of cosmetology/barbering:

187 (a) at a licensed cosmetology/barber school, a licensed barber school, or a licensed nail  
188 technology school; or

189 (b) for an approved cosmetologist/barber apprenticeship.

190 [~~35~~] (37) "Practice of electrology" means:

191 (a) the removal of superfluous hair from the body of a person by the use of electricity,  
192 waxing, shaving, or tweezing; or

193 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to  
194 superfluous hair removal.

195 [~~36~~] (38) "Practice of electrology instruction" means teaching the practice of  
196 electrology at a licensed electrology school.

197 [~~37~~] (39) "Practice of esthetics instruction" means teaching the practice of basic  
198 esthetics or the practice of master-level esthetics:

199 (a) at a licensed esthetics school or a licensed cosmetology/barber school; or

200 (b) for an approved esthetician apprenticeship or an approved master esthetician  
201 apprenticeship.

202 [~~38~~] (40) "Practice of hair design" means:

203 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing,  
204 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a  
205 person;

206 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,  
207 shears, clippers, or other appliances;

208 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or  
209 both on the human head; or

210 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted  
211 hair.

212 [~~39~~] (41) "Practice of hair design instruction" means teaching the practice of hair  
213 design at a licensed cosmetology/barber school, a licensed hair design school, or a licensed

214 barber school.

215 ~~[(40)]~~ (42) (a) "Practice of master-level esthetics" means:

216 (i) any of the following when done for cosmetic purposes on the body and not for the  
217 treatment of medical, physical, or mental ailments:

218 (A) body wraps as defined by rule;

219 (B) hydrotherapy as defined by rule;

220 (C) chemical exfoliation as defined by rule;

221 (D) advanced pedicures as defined by rule;

222 (E) sanding, including microdermabrasion;

223 (F) advanced extraction;

224 (G) other esthetic preparations or procedures with the use of:

225 (I) the hands; or

226 (II) a mechanical or electrical apparatus which is approved for use by division rule for  
227 beautifying or similar work performed on the body for cosmetic purposes and not for the  
228 treatment of a medical, physical, or mental ailment; or

229 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a  
230 physician's evaluation before the procedure, as needed, unless specifically required under  
231 Section 58-1-506, and limited to the following:

232 (I) superfluous hair removal;

233 (II) anti-aging resurfacing enhancements;

234 (III) photo rejuvenation; or

235 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician  
236 assistant's evaluation before the tattoo removal procedure, as required by Subsection  
237 58-1-506(3)(a); and

238 (ii) lymphatic massage by manual or other means as defined by rule.

239 (b) Notwithstanding the provisions of Subsection ~~[(40)(a)]~~ (42)(a), a master-level  
240 esthetician may perform procedures listed in Subsection ~~[(40)(a)(i)(H)]~~ (42)(a)(i)(H) if done  
241 under the supervision of a cosmetic supervisor acting within the scope of the cosmetic  
242 supervisor license.

243 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but  
244 an individual is not required to be licensed as an esthetician or master-level esthetician to



245 engage in the practice of threading.

246 ~~[(41)]~~ (43) "Practice of nail technology" means to trim, cut, clean, manicure, shape,  
247 massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of  
248 hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the  
249 application and removal of sculptured or artificial nails.

250 ~~[(42)]~~ (44) "Practice of nail technology instruction" means teaching the practice of nail  
251 technology at a licensed nail technician school, at a licensed cosmetology/barber school, or for  
252 an approved nail technician apprenticeship.

253 ~~[(43)]~~ (45) "Recognized barber school" means a barber school located in a state other  
254 than Utah, whose students, upon graduation, are recognized as having completed the  
255 educational requirements for licensure in that state.

256 ~~[(44)]~~ (46) "Recognized cosmetology/barber school" means a cosmetology/barber  
257 school located in a state other than Utah, whose students, upon graduation, are recognized as  
258 having completed the educational requirements for licensure in that state.

259 ~~[(45)]~~ (47) "Recognized electrology school" means an electrology school located in a  
260 state other than Utah, whose students, upon graduation, are recognized as having completed the  
261 educational requirements for licensure in that state.

262 ~~[(46)]~~ (48) "Recognized esthetics school" means an esthetics school located in a state  
263 other than Utah, whose students, upon graduation, are recognized as having completed the  
264 educational requirements for licensure in that state.

265 ~~[(47)]~~ (49) "Recognized hair design school" means a hair design school located in a  
266 state other than Utah, whose students, upon graduation, are recognized as having completed the  
267 educational requirements for licensure in that state.

268 ~~[(48)]~~ (50) "Recognized nail technology school" means a nail technology school  
269 located in a state other than Utah, whose students, upon graduation, are recognized as having  
270 completed the educational requirements for licensure in that state.

271 ~~[(49)]~~ (51) "Salon" means a place, shop, or establishment in which  
272 cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

273 ~~[(50)]~~ (52) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

274 ~~[(51)]~~ (53) "Unprofessional conduct" is as defined in Sections 58-1-501 and  
275 58-11a-501 and as may be further defined by rule by the division in collaboration with the

276 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.