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COSMETOLOGY LICENSING AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: David P. Hinkins
House Sponsor: Christine F. Watkins

LONG TITLE

General Description:

This bill modifies the Cosmetology and Associated Professions Licensing Act.

Highlighted Provisions:

This bill:

- ▶ establishes a state license for each of the following:
 - an eyelash and eyebrow technician;
 - an eyelash and eyebrow technician instructor; and
 - an eyelash and eyebrow technology school;
- ▶ clarifies the definition of "direct supervision";
- ▶ allows a licensed instructor to teach the instructor's scope of practice at any licensed school;
- ▶ modifies the membership of the Cosmetology and Associated Professions Licensing Board;
- ▶ reduces the training and experience requirements for the following licenses:
 - a barber instructor;
 - a cosmetologist/barber instructor;
 - an electrologist instructor;
 - an esthetician instructor;
 - a hair designer instructor; and
 - a nail technician instructor;
- ▶ provides for an eyelash and eyebrow technician apprenticeship; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **58-11a-102**, as last amended by Laws of Utah 2021, Chapter 11533 **58-11a-201**, as last amended by Laws of Utah 2017, Chapter 34234 **58-11a-301**, as last amended by Laws of Utah 2017, Chapter 34235 **58-11a-302**, as last amended by Laws of Utah 2021, Chapters 285, 40936 **58-11a-304**, as last amended by Laws of Utah 2021, Chapter 22737 **58-11a-306**, as last amended by Laws of Utah 2020, Chapter 33938 **58-11a-501**, as last amended by Laws of Utah 2023, Chapter 328

39

40 *Be it enacted by the Legislature of the state of Utah:*41 Section 1. Section **58-11a-102** is amended to read:42 **58-11a-102 . Definitions.**

43 As used in this chapter:

44 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship that
 45 meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection
 46 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the
 47 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
 48 Administrative Rulemaking Act.

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

53 (3) "Approved eyelash and eyebrow technician apprenticeship" means an apprenticeship
 54 that meets the requirements of Subsection 58-11a-306(7) and the requirements
 55 established by rule by the division in collaboration with the board in accordance with
 56 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

57 [(3)] (4) "Approved hair designer apprenticeship" means an apprenticeship that meets the
 58 requirements of Subsection 58-11a-306(3) and the requirements established by rule by
 59 the division in collaboration with the board in accordance with Title 63G, Chapter 3,
 60 Utah Administrative Rulemaking Act.

61 [(4)] (5) "Approved master esthetician apprenticeship" means an apprenticeship that meets

- 62 the requirements of Subsection 58-11a-306(5) and the requirements established by rule
63 by the division in collaboration with the board in accordance with Title 63G, Chapter 3,
64 Utah Administrative Rulemaking Act.
- 65 ~~[(5)]~~ (6) "Approved nail technician apprenticeship" means an apprenticeship that meets the
66 requirements of Subsection 58-11a-306(6) and the requirements established by rule by
67 the division in collaboration with the board in accordance with Title 63G, Chapter 3,
68 Utah Administrative Rulemaking Act.
- 69 ~~[(6)]~~ (7) "Barber" means a person who is licensed under this chapter to engage in the
70 practice of barbering.
- 71 ~~[(7)]~~ (8) "Barber instructor" means a barber who is licensed under this chapter to engage in
72 the practice of barbering instruction.
- 73 ~~[(8)]~~ (9) "Board" means the Cosmetology and Associated Professions Licensing Board
74 created in Section 58-11a-201.
- 75 ~~[(9)]~~ (10) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section
76 58-67-102.
- 77 ~~[(10)]~~ (11) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.
- 78 ~~[(11)]~~ (12) "Cosmetologist/barber" means a person who is licensed under this chapter to
79 engage in the practice of cosmetology/barbering.
- 80 ~~[(12)]~~ (13) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed
81 under this chapter to engage in the practice of cosmetology/barbering instruction.
- 82 ~~[(13)]~~ (14) "Direct supervision" means that the supervisor of an apprentice or the instructor
83 of a student is ~~[immediately available]~~ physically present in the same building as the
84 apprentice or student and readily able to establish direct contact with the apprentice or
85 student for consultation, advice, instruction, and evaluation.
- 86 ~~[(14)]~~ (15) "Electrologist" means a person who is licensed under this chapter to engage in
87 the practice of electrology.
- 88 ~~[(15)]~~ (16) "Electrologist instructor" means an electrologist who is licensed under this
89 chapter to engage in the practice of electrology instruction.
- 90 ~~[(16)]~~ (17) "Esthetician" means a person who is licensed under this chapter to engage in the
91 practice of esthetics.
- 92 ~~[(17)]~~ (18) "Esthetician instructor" means a master esthetician who is licensed under this
93 chapter to engage in the practice of esthetics instruction.
- 94 (19) "Eyelash and eyebrow technician" means a person who is licensed under this chapter
95 to engage in the practice of eyelash and eyebrow technology.

96 (20) "Eyelash and eyebrow technician instructor" means an eyelash and eyebrow technician
97 licensed under this chapter to engage in the practice of eyelash and eyebrow technology
98 instruction.

99 [(18)] (21) "Fund" means the Cosmetology and Associated Professions Education and
100 Enforcement Fund created in Section 58-11a-103.

101 [(19)] (22) (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's
102 natural human hair.

103 (b) "Hair braiding" includes the following methods or styles:

104 (i) African-style braiding;

105 (ii) box braids;

106 (iii) cornrows;

107 (iv) dreadlocks;

108 (v) french braids;

109 (vi) invisible braids;

110 (vii) micro braids;

111 (viii) single braids;

112 (ix) single plaits;

113 (x) twists;

114 (xi) visible braids;

115 (xii) the use of lock braids;

116 (xiii) the use of decorative beads, accessories, and extensions; and

117 (xiv) the use of wefts if applied without the use of glue or tape.

118 (c) "Hair braiding" does not include:

119 (i) the use of:

120 (A) wefts if applied with the use of glue or tape;

121 (B) synthetic tape;

122 (C) synthetic glue;

123 (D) keratin bonds;

124 (E) fusion bonds; or

125 (F) heat tools;

126 (ii) the cutting of human hair; or

127 (iii) the application of heat, dye, a reactive chemical, or other preparation to:

128 (A) alter the color of the hair; or

129 (B) straighten, curl, or alter the structure of the hair.

- 130 [(20)] (23) "Hair designer" means a person who is licensed under this chapter to engage in
131 the practice of hair design.
- 132 [(21)] (24) "Hair designer instructor" means a hair designer who is licensed under this
133 chapter to engage in the practice of hair design instruction.
- 134 [(22)] (25) "Licensed barber or cosmetology/barber school" means a barber or
135 cosmetology/barber school licensed under this chapter.
- 136 [(23)] (26) "Licensed electrology school" means an electrology school licensed under this
137 chapter.
- 138 [(24)] (27) "Licensed esthetics school" means an esthetics school licensed under this chapter.
- 139 [(25)] (28) "Licensed hair design school" means a hair design school licensed under this
140 chapter.
- 141 [(26)] (29) "Licensed nail technology school" means a nail technology school licensed under
142 this chapter.
- 143 [(27)] (30) "Master esthetician" means an individual who is licensed under this chapter to
144 engage in the practice of master-level esthetics.
- 145 [(28)] (31) "Nail technician" means an individual who is licensed under this chapter to
146 engage in the practice of nail technology.
- 147 [(29)] (32) "Nail technician instructor" means a nail technician licensed under this chapter to
148 engage in the practice of nail technology instruction.
- 149 [(30)] (33) "Practice of barbering" means:
- 150 (a) cutting, clipping, or trimming the hair of the head of any person by the use of
151 scissors, shears, clippers, or other appliances;
- 152 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 153 (c) removing hair from the face or neck of a person by the use of shaving equipment; and
- 154 (d) when providing other services described in this Subsection [(30)] (33), gently
155 massaging the head, back of the neck, and shoulders by manual or mechanical means.
- 156 [(31)] (34) "Practice of barbering instruction" means teaching the practice of barbering at a
157 licensed barber school, at [~~a licensed cosmetology/barber school,~~] any school licensed
158 under this chapter or for an approved barber apprenticeship.
- 159 [(32)] (35) "Practice of basic esthetics" means any one of the following skin care procedures
160 done on the body for cosmetic purposes and not for the treatment of medical, physical,
161 or mental ailments:
- 162 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or
163 masks, manual extraction, including a comedone extractor, depilatories, waxes,

164 tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or
165 pedicures, or callous removal by buffing or filing;

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

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

169 (d) other esthetic preparations or procedures with the use of the hands, a high-frequency
170 or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not for the
171 treatment of medical, physical, or mental ailments;

172 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or
173 applying eyelash or eyebrow extensions; or

174 (f) except as provided in Subsection [~~(32)(f)(i)~~] (35)(f)(i), cosmetic laser procedures
175 under the direct cosmetic medical procedure supervision of a cosmetic supervisor
176 limited to the following:

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

178 (ii) anti-aging resurfacing enhancements;

179 (iii) photo rejuvenation; or

180 (iv) tattoo removal.

181 [~~(33)~~] (36) (a) "Practice of cosmetology/barbering" means:

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

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

187 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows,
188 applying eyelash or eyebrow extensions;

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

191 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces
192 or both on the human head; or

193 (vi) practicing hair weaving or hair fusing or servicing previously medically
194 implanted hair.

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

196 (i) the practice of barbering;

197 (ii) the practice of basic esthetics; [~~and~~]

- 198 (iii) the practice of nail technology[:] ; and
199 (iv) the practice of eyelash and eyebrow technology.
- 200 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in
201 the practice of threading.
- 202 [(34)] (37) "Practice of cosmetology/barbering instruction" means teaching the practice of
203 cosmetology/barbering:
- 204 (a) at [~~a licensed cosmetology/barber school, a licensed barber school, or a licensed nail~~
205 ~~technology school~~] any school licensed under this chapter; or
- 206 (b) for an approved cosmetologist/barber apprenticeship.
- 207 [(35)] (38) "Practice of electrology" means:
- 208 (a) the removal of superfluous hair from the body of a person by the use of electricity,
209 waxing, shaving, or tweezing; or
- 210 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to
211 superfluous hair removal.
- 212 [(36)] (39) "Practice of electrology instruction" means teaching the practice of electrology at [
213 ~~a licensed electrology school~~] any school licensed under this chapter.
- 214 [(37)] (40) "Practice of esthetics instruction" means teaching the practice of basic esthetics
215 or the practice of master-level esthetics:
- 216 (a) at [~~a licensed esthetics school or a licensed cosmetology/barber school~~] any school
217 licensed under this chapter; or
- 218 (b) for an approved esthetician apprenticeship or an approved master esthetician
219 apprenticeship.
- 220 (41) "Practice of eyelash and eyebrow technology" means arching eyebrows by tweezing,
221 tinting eyelashes or eyebrows, perming eyelashes or eyebrows, or applying eyelash or
222 eyebrow extensions.
- 223 (42) "Practice of eyelash and eyebrow technology instruction" means teaching the practice
224 of eyelash and eyebrow technology at any school licensed under this chapter or for an
225 approved eyelash and eyebrow technician apprenticeship.
- 226 [(38)] (43) "Practice of hair design" means:
- 227 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing,
228 bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
229 person;
- 230 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,
231 shears, clippers, or other appliances;

- 232 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or
 233 both on the human head; or
- 234 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted
 235 hair.
- 236 ~~[(39)]~~ (44) "Practice of hair design instruction" means teaching the practice of hair design at [
 237 a licensed cosmetology/barber school, a licensed hair design school, or a licensed barber
 238 school] any school licensed under this chapter.
- 239 ~~[(40)]~~ (45) (a) "Practice of master-level esthetics" means:
- 240 (i) any of the following when done for cosmetic purposes on the body and not for the
 241 treatment of medical, physical, or mental ailments:
- 242 (A) body wraps as defined by rule;
- 243 (B) hydrotherapy as defined by rule;
- 244 (C) chemical exfoliation as defined by rule;
- 245 (D) advanced pedicures as defined by rule;
- 246 (E) sanding, including microdermabrasion;
- 247 (F) advanced extraction;
- 248 ~~(G) dermaplaning;~~
- 249 ~~[(G)]~~ (H) other esthetic preparations or procedures with the use of:
- 250 (I) the hands; or
- 251 (II) a mechanical or electrical apparatus which is approved for use by division
 252 rule for beautifying or similar work performed on the body for cosmetic
 253 purposes and not for the treatment of a medical, physical, or mental ailment;
- 254 or
- 255 ~~[(H)]~~ (I) cosmetic laser procedures under the supervision of a cosmetic supervisor
 256 with a physician's evaluation before the procedure, as needed, unless
 257 specifically required under Section 58-1-506, and limited to the following:
- 258 (I) superfluous hair removal;
- 259 (II) anti-aging resurfacing enhancements;
- 260 (III) photo rejuvenation; or
- 261 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician
 262 assistant's evaluation before the tattoo removal procedure, as required by
 263 Subsection 58-1-506(3)(a); and
- 264 (ii) lymphatic massage by manual or other means as defined by rule.
- 265 (b) Notwithstanding the provisions of Subsection ~~[(40)(a)]~~ (45)(a), a master-level

266 esthetician may perform procedures listed in Subsection ~~[(40)(a)(i)(H)]~~ (45)(a)(i)(H)
267 if done under the supervision of a cosmetic supervisor acting within the scope of the
268 cosmetic supervisor license.

269 (c) The term "practice of master-level esthetics" includes :

- 270 (i) the practice of esthetics, but an individual is not required to be licensed as an
271 esthetician or master-level esthetician to engage in the practice of threading[-] ; and
272 (ii) the practice of eyelash and eyebrow technology.

273 ~~[(41)]~~ (46) (a) "Practice of nail technology" means to trim, cut, clean, manicure, shape,
274 massage, or enhance the appearance of the hands, feet, and nails of an individual by
275 the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams[-
276 including-] .

277 (b) "Practice of nail technology" includes:

- 278 (i) the application and removal of sculptured or artificial nails[-] ; and
279 (ii) using blades, including corn or callus planer or rasp, for smoothing, shaving, or
280 removing dead skin from the feet.

281 ~~[(42)]~~ (47) "Practice of nail technology instruction" means teaching the practice of nail
282 technology at ~~[a licensed nail technician school, at a licensed cosmetology/barber school,]~~
283 any school licensed under this chapter or for an approved nail technician apprenticeship.

284 ~~[(43)]~~ (48) "Recognized barber school" means a barber school located in a state other than
285 Utah, whose students, upon graduation, are recognized as having completed the
286 educational requirements for licensure in that state.

287 ~~[(44)]~~ (49) "Recognized cosmetology/barber school" means a cosmetology/barber school
288 located in a state other than Utah, whose students, upon graduation, are recognized as
289 having completed the educational requirements for licensure in that state.

290 ~~[(45)]~~ (50) "Recognized electrology school" means an electrology school located in a state
291 other than Utah, whose students, upon graduation, are recognized as having completed
292 the educational requirements for licensure in that state.

293 ~~[(46)]~~ (51) "Recognized esthetics school" means an esthetics school located in a state other
294 than Utah, whose students, upon graduation, are recognized as having completed the
295 educational requirements for licensure in that state.

296 (52) "Recognized eyelash and eyebrow technology school" means an eyelash and eyebrow
297 technology school located in a state other than Utah, whose students, upon graduation,
298 are recognized as having completed the educational requirements for licensure in that
299 state.

- 300 [(47)] (53) "Recognized hair design school" means a hair design school located in a state
 301 other than Utah, whose students, upon graduation, are recognized as having completed
 302 the educational requirements for licensure in that state.
- 303 [(48)] (54) "Recognized nail technology school" means a nail technology school located in a
 304 state other than Utah, whose students, upon graduation, are recognized as having
 305 completed the educational requirements for licensure in that state.
- 306 [(49)] (55) "Salon" means a place, shop, or establishment in which cosmetology/barbering,
 307 esthetics, electrology, ~~and~~ nail technology, or eyelash and eyebrow technology is
 308 practiced.
- 309 [(50)] (56) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.
- 310 [(51)] (57) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-11a-501 and
 311 as may be further defined by rule by the division in collaboration with the board in
 312 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

313 Section 2. Section **58-11a-201** is amended to read:

314 **58-11a-201 . Board.**

- 315 (1) There is created the Cosmetology and Associated Professions Licensing Board
 316 consisting of the following ~~nine~~ members:
- 317 (a) one barber or cosmetologist/barber;
- 318 (b) (i) one barber or cosmetologist/barber instructor; or
 319 (ii) one representative of a licensed barber or cosmetology/barber school;
- 320 (c) one master esthetician;
- 321 (d) (i) one esthetician instructor; or
 322 (ii) one representative of a licensed esthetics school;
- 323 (e) one nail technician;
- 324 (f) (i) one nail technician instructor; or
 325 (ii) one representative of a licensed nail ~~technician~~ technology school;
- 326 (g) one electrologist; ~~and~~
- 327 (h) one eyelash and eyebrow technician;
- 328 (i) (i) one eyelash and eyebrow technician instructor; or
 329 (ii) one representative of a licensed eyelash and eyebrow technology school; and
 330 ~~(h)~~ (j) two members from the general public.
- 331 (2) (a) The board shall be appointed and serve in accordance with Section 58-1-201.
- 332 (b) (i) At least one of the members of the board appointed under Subsections (1)(b),
 333 (d), and (f) shall be an instructor at or a representative of a public school.

334 (ii) At least one of the members of the board appointed under Subsections (1)(b), (d),
335 and (f) shall be an instructor at or a representative of a private school.

336 (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202
337 and 58-1-203. In addition, the board shall designate one of its members on a permanent
338 or rotating basis to:

339 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional
340 conduct of a licensee; and

341 (b) advise the division in its investigation of these complaints.

342 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its
343 investigation may be disqualified from participating with the board when the board
344 serves as a presiding officer in an adjudicative proceeding concerning the complaint.

345 Section 3. Section **58-11a-301** is amended to read:

346 **58-11a-301 . Licensure required -- License classifications.**

347 (1) Except as specifically provided in Section 58-1-307 or 58-11a-304, a license is required
348 to:

349 (a) engage in the practice of:

350 (i) barbering;

351 (ii) barbering instruction;

352 (iii) cosmetology/barbering;

353 (iv) cosmetology/barbering instruction;

354 (v) electrology;

355 (vi) electrology instruction;

356 (vii) esthetics;

357 (viii) master-level esthetics;

358 (ix) esthetics instruction;

359 (x) hair design;

360 (xi) hair design instruction;

361 (xii) nail technology; [or]

362 (xiii) nail technology instruction; [or]

363 (xiv) eyelash and eyebrow technology; or

364 (xv) eyelash and eyebrow technology instruction; or

365 (b) operate:

366 (i) a barbering school;

367 (ii) a cosmetology/barbering school;

- 368 (iii) an electrology school;
- 369 (iv) an esthetics school;
- 370 (v) a hair design school; [~~or~~]
- 371 (vi) a nail technology school[~~;~~] ; or
- 372 (vii) an eyelash and eyebrow technology school.
- 373 (2) The division shall issue to a person who qualifies under this chapter a license in the
- 374 following classifications:
- 375 (a) barber;
- 376 (b) barber instructor;
- 377 (c) barber school;
- 378 (d) cosmetologist/barber;
- 379 (e) cosmetologist/barber instructor;
- 380 (f) cosmetology/barber school;
- 381 (g) electrologist;
- 382 (h) electrologist instructor;
- 383 (i) electrology school;
- 384 (j) esthetician;
- 385 (k) master esthetician;
- 386 (l) esthetician instructor;
- 387 (m) esthetics school;
- 388 (n) hair designer;
- 389 (o) hair designer instructor;
- 390 (p) hair design school;
- 391 (q) nail [~~technology~~] technician;
- 392 (r) nail technology instructor; [~~and~~]
- 393 (s) nail technology school[~~;~~] ;
- 394 (t) eyelash and eyebrow technician;
- 395 (u) eyelash and eyebrow technology instructor; and
- 396 (v) eyelash and eyebrow technology school.
- 397 (3) A person who participates as an apprentice in an approved apprenticeship under this
- 398 chapter shall register with the division as described in Section 58-11a-306.
- 399 Section 4. Section **58-11a-302** is amended to read:
- 400 **58-11a-302 . Qualifications for licensure.**
- 401 (1) Each applicant for licensure as a barber shall:

- 402 (a) submit an application in a form prescribed by the division;
- 403 (b) pay a fee determined by the department under Section 63J-1-504;
- 404 (c) provide satisfactory documentation of:
- 405 (i) graduation from a licensed or recognized barber school, or a licensed or
- 406 recognized cosmetology/barber school, whose curriculum consists of a minimum
- 407 of 1,000 hours of instruction, or the equivalent number of credit hours, over a
- 408 period of not less than 25 weeks;
- 409 (ii) (A) graduation from a recognized barber school located in a state other than
- 410 Utah whose curriculum consists of less than 1,000 hours of instruction or the
- 411 equivalent number of credit hours; and
- 412 (B) practice as a licensed barber in a state other than Utah for not less than the
- 413 number of hours required to equal 1,000 total hours when added to the hours of
- 414 instruction described in Subsection (1)(c)(ii)(A); or
- 415 (iii) completion of an approved barber apprenticeship; and
- 416 (d) meet one of the following requirements established by rule:
- 417 (i) pass an examination that consists of a written theory portion and a practical
- 418 portion; or
- 419 (ii) pass a practical examination and provide the written attestation of a licensed
- 420 barber or cosmetologist/barber instructor who participated in the school or training
- 421 under Subsection (1)(c), stating that the applicant has the necessary training and
- 422 skill to be a licensed barber.
- 423 (2) Each applicant for licensure as a barber instructor shall:
- 424 (a) submit an application in a form prescribed by the division;
- 425 (b) subject to Subsection [~~24~~] (27), pay a fee determined by the department under
- 426 Section 63J-1-504;
- 427 (c) provide satisfactory documentation that the applicant is currently licensed as a barber;
- 428 (d) provide satisfactory documentation of completion of:
- 429 (i) an instructor training program conducted by a licensed or recognized school, as
- 430 defined by rule, consisting of a minimum of [~~250~~] 150 hours or the equivalent
- 431 number of credit hours;
- 432 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
- 433 recognized school, as defined by rule, consisting of a minimum of [~~250~~] 150 hours
- 434 or the equivalent number of credit hours; or
- 435 (iii) a minimum of [~~2,000~~] 1,000 hours of experience as a barber; and

- 436 (e) meet the examination requirement established by rule.
- 437 (3) Each applicant for licensure as a barber school shall:
- 438 (a) submit an application in a form prescribed by the division;
- 439 (b) pay a fee determined by the department under Section 63J-1-504; and
- 440 (c) provide satisfactory documentation:
- 441 (i) of appropriate registration with the Division of Corporations and Commercial
- 442 Code;
- 443 (ii) of business licensure from the city, town, or county in which the school is located;
- 444 (iii) that the applicant's physical facilities comply with the requirements established
- 445 by rule; and
- 446 (iv) that the applicant meets:
- 447 (A) the standards for barber schools, including staff and accreditation
- 448 requirements, established by rule; and
- 449 (B) the requirements for recognition as an institution of postsecondary study as
- 450 described in Subsection [~~(22)~~] (25).
- 451 (4) Each applicant for licensure as a cosmetologist/barber shall:
- 452 (a) submit an application in a form prescribed by the division;
- 453 (b) pay a fee determined by the department under Section 63J-1-504;
- 454 (c) provide satisfactory documentation of:
- 455 (i) graduation from a licensed or recognized cosmetology/barber school whose
- 456 curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent
- 457 number of credit hours, with full flexibility within those hours;
- 458 (ii) (A) graduation from a recognized cosmetology/barber school located in a state
- 459 other than Utah whose curriculum consists of less than 1,600 hours of
- 460 instruction, or the equivalent number of credit hours, with full flexibility within
- 461 those hours; and
- 462 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not
- 463 less than the number of hours required to equal 1,600 total hours when added
- 464 to the hours of instruction described in Subsection (4)(c)(ii)(A); or
- 465 (iii) completion of an approved cosmetology/barber apprenticeship; and
- 466 (d) meet the examination requirement established by rule.
- 467 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:
- 468 (a) submit an application in a form prescribed by the division;
- 469 (b) subject to Subsection [~~(24)~~] (27), pay a fee determined by the department under

- 470 Section 63J-1-504;
- 471 (c) provide satisfactory documentation that the applicant is currently licensed as a
472 cosmetologist/barber;
- 473 (d) provide satisfactory documentation of completion of:
- 474 (i) an instructor training program conducted by a licensed or recognized school, as
475 defined by rule, consisting of a minimum of ~~[400]~~ 240 hours or the equivalent
476 number of credit hours;
- 477 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
478 recognized school, as defined by rule, consisting of a minimum of ~~[400]~~ 240 hours
479 or the equivalent number of credit hours; or
- 480 (iii) a minimum of ~~[3,000]~~ 1,600 hours of experience as a cosmetologist/barber; and
- 481 (e) meet the examination requirement established by rule.
- 482 (6) Each applicant for licensure as a cosmetologist/barber school shall:
- 483 (a) submit an application in a form prescribed by the division;
- 484 (b) pay a fee determined by the department under Section 63J-1-504; and
- 485 (c) provide satisfactory documentation:
- 486 (i) of appropriate registration with the Division of Corporations and Commercial
487 Code;
- 488 (ii) of business licensure from the city, town, or county in which the school is located;
- 489 (iii) that the applicant's physical facilities comply with the requirements established
490 by rule; and
- 491 (iv) that the applicant meets:
- 492 (A) the standards for cosmetology schools, including staff and accreditation
493 requirements, established by rule; and
- 494 (B) the requirements for recognition as an institution of postsecondary study as
495 described in Subsection ~~[(22)]~~ (25).
- 496 (7) Each applicant for licensure as an electrologist shall:
- 497 (a) submit an application in a form prescribed by the division;
- 498 (b) pay a fee determined by the department under Section 63J-1-504;
- 499 (c) provide satisfactory documentation of having graduated from a licensed or
500 recognized electrology school after completing a curriculum of 600 hours of
501 instruction or the equivalent number of credit hours; and
- 502 (d) meet the examination requirement established by rule.
- 503 (8) Each applicant for licensure as an electrologist instructor shall:

- 504 (a) submit an application in a form prescribed by the division;
- 505 (b) subject to Subsection [~~(24)~~] (27), pay a fee determined by the department under
- 506 Section 63J-1-504;
- 507 (c) provide satisfactory documentation that the applicant is currently licensed as an
- 508 electrologist;
- 509 (d) provide satisfactory documentation of completion of:
- 510 (i) an instructor training program conducted by a licensed or recognized school, as
- 511 defined by rule, consisting of a minimum of [~~150~~] 90 hours or the equivalent
- 512 number of credit hours;
- 513 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
- 514 recognized school, as defined by rule, consisting of a minimum of [~~150~~] 90 hours
- 515 or the equivalent number of credit hours; or
- 516 (iii) a minimum of 1,000 hours of experience as an electrologist; and
- 517 (e) meet the examination requirement established by rule.
- 518 (9) Each applicant for licensure as an electrologist school shall:
- 519 (a) submit an application in a form prescribed by the division;
- 520 (b) pay a fee determined by the department under Section 63J-1-504; and
- 521 (c) provide satisfactory documentation:
- 522 (i) of appropriate registration with the Division of Corporations and Commercial
- 523 Code;
- 524 (ii) of business licensure from the city, town, or county in which the school is located;
- 525 (iii) that the applicant's facilities comply with the requirements established by rule;
- 526 and
- 527 (iv) that the applicant meets:
- 528 (A) the standards for electrologist schools, including staff, curriculum, and
- 529 accreditation requirements, established by rule; and
- 530 (B) the requirements for recognition as an institution of postsecondary study as
- 531 described in Subsection [~~(22)~~] (25).
- 532 (10) Each applicant for licensure as an esthetician shall:
- 533 (a) submit an application in a form prescribed by the division;
- 534 (b) pay a fee determined by the department under Section 63J-1-504;
- 535 (c) provide satisfactory documentation of one of the following:
- 536 (i) graduation from a licensed or recognized esthetic school or a licensed or
- 537 recognized cosmetology/barber school whose curriculum consists of not less than

- 538 15 weeks of esthetic instruction with a minimum of 600 hours or the equivalent
539 number of credit hours;
- 540 (ii) completion of an approved esthetician apprenticeship; or
- 541 (iii) (A) graduation from a recognized cosmetology/barber school located in a
542 state other than Utah whose curriculum consists of less than 1,600 hours of
543 instruction, or the equivalent number of credit hours, with full flexibility within
544 those hours; and
- 545 (B) practice as a licensed cosmetologist/barber for not less than the number of
546 hours required to equal 1,600 total hours when added to the hours of
547 instruction described in Subsection (10)(c)(iii)(A); and
- 548 (d) meet the examination requirement established by division rule.
- 549 (11) Each applicant for licensure as a master esthetician shall:
- 550 (a) submit an application in a form prescribed by the division;
- 551 (b) pay a fee determined by the department under Section 63J-1-504;
- 552 (c) provide satisfactory documentation of:
- 553 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
554 hours, at a licensed or recognized esthetics school, except that up to 600 hours
555 toward the 1,200 hours may have been completed:
- 556 (A) at a licensed or recognized cosmetology/barbering school, if the applicant
557 graduated from the school and its curriculum consisted of at least 1,600 hours
558 of instruction, or the equivalent number of credit hours, with full flexibility
559 within those hours; or
- 560 (B) at a licensed or recognized cosmetology/barber school located in a state other
561 than Utah, if the applicant graduated from the school and its curriculum
562 contained full flexibility within its hours of instruction; or
- 563 (ii) completion of an approved master esthetician apprenticeship;
- 564 (d) if the applicant will practice lymphatic massage, provide satisfactory documentation
565 to show completion of 200 hours of training, or the equivalent number of credit
566 hours, in lymphatic massage as defined by division rule; and
- 567 (e) meet the examination requirement established by division rule.
- 568 (12) Each applicant for licensure as an esthetician instructor shall:
- 569 (a) submit an application in a form prescribed by the division;
- 570 (b) subject to Subsection [(24)] (27), pay a fee determined by the department under
571 Section 63J-1-504;

- 572 (c) provide satisfactory documentation that the applicant is currently licensed as a master
573 esthetician;
- 574 (d) provide satisfactory documentation of completion of:
- 575 (i) an instructor training program conducted by a licensed or recognized school, as
576 defined by rule, consisting of a minimum of [~~300~~] 180 hours or the equivalent
577 number of credit hours;
- 578 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
579 recognized school, as defined by rule, consisting of a minimum of [~~300~~] 180 hours
580 or the equivalent number of credit hours; or
- 581 (iii) a minimum of [~~1,000~~] 900 hours of experience in esthetics; and
- 582 (e) meet the examination requirement established by rule.
- 583 (13) Each applicant for licensure as an esthetics school shall:
- 584 (a) submit an application in a form prescribed by the division;
- 585 (b) pay a fee determined by the department under Section 63J-1-504; and
- 586 (c) provide satisfactory documentation:
- 587 (i) of appropriate registration with the Division of Corporations and Commercial
588 Code;
- 589 (ii) of business licensure from the city, town, or county in which the school is located;
- 590 (iii) that the applicant's physical facilities comply with the requirements established
591 by rule; and
- 592 (iv) that the applicant meets:
- 593 (A) the standards for esthetics schools, including staff, curriculum, and
594 accreditation requirements, established by division rule made in collaboration
595 with the board; and
- 596 (B) the requirements for recognition as an institution of postsecondary study as
597 described in Subsection [~~(22)~~] (25).
- 598 (14) Each applicant for licensure as a hair designer shall:
- 599 (a) submit an application in a form prescribed by the division;
- 600 (b) pay a fee determined by the department under Section 63J-1-504;
- 601 (c) provide satisfactory documentation of:
- 602 (i) graduation from a licensed or recognized cosmetology/barber, hair design, or
603 barbering school whose curriculum consists of a minimum of 1,200 hours of
604 instruction, or the equivalent number of credit hours, with full flexibility within
605 those hours;

- 606 (ii) (A) graduation from a recognized cosmetology/barber, hair design, or
607 barbering school located in a state other than Utah whose curriculum consists
608 of less than 1,200 hours of instruction, or the equivalent number of credit
609 hours, with full flexibility within those hours; and
610 (B) practice as a licensed cosmetologist/barber or hair designer in a state other
611 than Utah for not less than the number of hours required to equal 1,200 total
612 hours when added to the hours of instruction described in Subsection
613 (14)(c)(ii)(A);
- 614 (iii) being a state licensed cosmetologist/barber; or
615 (iv) completion of an approved hair designer apprenticeship; and
616 (d) meet the examination requirements established by rule.
- 617 (15) Each applicant for licensure as a hair designer instructor shall:
- 618 (a) submit an application in a form prescribed by the division;
619 (b) subject to Subsection [~~24~~] (27), pay a fee determined by the department under
620 Section 63J-1-504;
621 (c) provide satisfactory documentation that the applicant is currently licensed as a hair
622 designer or as a cosmetologist/barber;
623 (d) provide satisfactory documentation of completion of:
624 (i) an instructor training program conducted by a licensed or recognized school, as
625 defined by rule, consisting of a minimum of [~~300~~] 180 hours or the equivalent
626 number of credit hours;
627 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
628 recognized school, as defined by rule, consisting of a minimum of [~~300~~] 180 hours
629 or the equivalent number of credit hours; or
630 (iii) a minimum of [~~2,500~~] 1,200 hours of experience as a hair designer or as a
631 cosmetologist/barber; and
632 (e) meet the examination requirement established by rule.
- 633 (16) Each applicant for licensure as a hair design school shall:
- 634 (a) submit an application in a form prescribed by the division;
635 (b) pay a fee determined by the department under Section 63J-1-504; and
636 (c) provide satisfactory documentation:
637 (i) of appropriate registration with the Division of Corporations and Commercial
638 Code;
639 (ii) of business licensure from the city, town, or county in which the school is located;

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

642 (iv) that the applicant meets:

643 (A) the standards for a hair design school, including staff and accreditation
644 requirements, established by rule; and

645 (B) the requirements for recognition as an institution of postsecondary study as
646 described in Subsection [~~22~~] (25).

647 (17) Each applicant for licensure as a nail technician shall:

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

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

650 (c) provide satisfactory documentation of:

651 (i) graduation from a licensed or recognized nail technology school, or a licensed or
652 recognized cosmetology/barber school, whose curriculum consists of not less than
653 300 hours of instruction, or the equivalent number of credit hours;

654 (ii) (A) graduation from a recognized nail technology school located in a state
655 other than Utah whose curriculum consists of less than 300 hours of instruction
656 or the equivalent number of credit hours; and

657 (B) practice as a licensed nail technician in a state other than Utah for not less than
658 the number of hours required to equal 300 total hours when added to the hours
659 of instruction described in Subsection (17)(c)(ii)(A); or

660 (iii) completion of an approved nail technician apprenticeship; and

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

662 (18) Each applicant for licensure as a nail technician instructor shall:

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

664 (b) subject to Subsection [~~24~~] (27), pay a fee determined by the department under
665 Section 63J-1-504;

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

668 (d) provide satisfactory documentation of completion of:

669 (i) an instructor training program conducted by a licensed or recognized school, as
670 defined by rule, consisting of a minimum of [75] 45 hours or the equivalent
671 number of credit hours;

672 (ii) an on-the-job instructor training program conducted by a licensed instructor at a
673 licensed or recognized school, as defined by rule, consisting of a minimum of [75]

- 674 45 hours or the equivalent number of credit hours; or
675 (iii) a minimum of [~~600~~] 300 hours of experience in nail technology; and
676 (e) meet the examination requirement established by rule.
- 677 (19) Each applicant for licensure as a nail technology school shall:
678 (a) submit an application in a form prescribed by the division;
679 (b) pay a fee determined by the department under Section 63J-1-504; and
680 (c) provide satisfactory documentation:
681 (i) of appropriate registration with the Division of Corporations and Commercial
682 Code;
683 (ii) of business licensure from the city, town, or county in which the school is located;
684 (iii) that the applicant's facilities comply with the requirements established by rule;
685 and
686 (iv) that the applicant meets:
687 (A) the standards for nail technology schools, including staff, curriculum, and
688 accreditation requirements, established by rule; and
689 (B) the requirements for recognition as an institution of postsecondary study as
690 described in Subsection [~~(22)~~] (25).
- 691 (20) Each applicant for licensure as an eyelash and eyebrow technician shall:
692 (a) submit an application in a form prescribed by the division;
693 (b) pay a fee determined by the department under Section 63J-1-504;
694 (c) provide satisfactory documentation of:
695 (i) completion of a course or program in eyelash and eyebrow technology from a
696 licensed or recognized eyelash and eyebrow technology school, a licensed or
697 recognized esthetics school, or a licensed or recognized cosmetology/barber
698 school, whose curriculum consists of not less than 100 hours of instruction, or the
699 equivalent number of credit hours;
700 (ii) (A) completion of a course or program in eyelash and eyebrow technology
701 from a recognized eyebrow and eyelash technology school or recognized
702 cosmetology/barber school located in a state other than Utah whose curriculum
703 consists of less than 100 hours of instruction or the equivalent number of credit
704 hours; and
705 (B) practice as a licensed eyelash and eyebrow technician in a state other than
706 Utah for not less than the number of hours required to equal 100 total hours
707 when added to the hours of instruction described in Subsection (20)(c)(ii)(A);

- 708 or
- 709 (iii) completion of an approved eyelash and eyebrow apprenticeship; and
- 710 (d) meet the examination requirement established by division rule.
- 711 (21) Each applicant for licensure as an eyelash and eyebrow technician instructor shall:
- 712 (a) submit an application in a form prescribed by the division;
- 713 (b) subject to Subsection (27), pay a fee determined by the department under Section
- 714 63J-1-504;
- 715 (c) provide satisfactory documentation that the applicant is currently licensed as an
- 716 eyelash and eyebrow technician;
- 717 (d) provide satisfactory documentation of:
- 718 (i) an instructor training program conducted by a licensed or recognized school, as
- 719 defined by rule, consisting of a minimum of 15 hours or the equivalent number of
- 720 credit hours;
- 721 (ii) an on-the-job instructor training program conducted by a licensed instructor at a
- 722 licensed or recognized school, as defined by rule, consisting of a minimum of 15
- 723 hours or the equivalent number of credit hours; or
- 724 (iii) a minimum of 100 hours of experience in eyelash and eyebrow technology; and
- 725 (e) meet the examination requirement established by division rule.
- 726 (22) Each applicant for licensure as an eyelash and eyebrow technology school shall:
- 727 (a) submit an application in a form prescribed by the division;
- 728 (b) pay a fee determined by the department under Section 63J-1-504; and
- 729 (c) provide satisfactory documentation:
- 730 (i) of appropriate registration with the Division of Corporations and Commercial
- 731 Code;
- 732 (ii) of business licensure from the city, town, or county in which the school is located;
- 733 (iii) that the applicant's facilities comply with the requirements established by rule;
- 734 and
- 735 (iv) that the applicant meets:
- 736 (A) the standards for eyelash and eyebrow technology schools, including staff,
- 737 curriculum, and accreditation requirements, established by rule; and
- 738 (B) the requirements for recognition as an institution of postsecondary study as
- 739 described in Subsection (25).
- 740 ~~[(20)]~~ (23) Each applicant for licensure under this chapter whose education in the field for
- 741 which a license is sought was completed at a foreign school may satisfy the educational

742 requirement for licensure by demonstrating, to the satisfaction of the division, the
743 educational equivalency of the foreign school education with a licensed school under
744 this chapter.

745 ~~[(21)]~~ (24) (a) A licensed or recognized school under this section shall accept credit
746 hours towards graduation for documented, relevant, and substantially equivalent
747 coursework previously completed by:

748 (i) a student that did not complete the student's education while attending a different
749 school; or

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

752 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
753 consistent with this section, the division may make rules governing the acceptance of
754 credit hours under Subsection ~~[(21)(a)]~~ (24)(a).

755 ~~[(22)]~~ (25) A school licensed or applying for licensure under this chapter shall maintain
756 recognition as an institution of postsecondary study by meeting the following conditions:

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

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

764 ~~[(23)]~~ (26) A person seeking to qualify for licensure under this chapter by apprenticing in an
765 approved apprenticeship shall register with the division as described in Section
766 58-11a-306.

767 ~~[(24)]~~ (27) The department may only charge a fee to a person applying for licensure as any
768 type of instructor under this chapter if the person is not a licensed instructor in any other
769 profession under this chapter.

770 ~~[(25)]~~ (28) In order to encourage economic development in the state, the department may
771 offer any required examination under this section, which is prepared by a national
772 testing organization, in languages in addition to English.

773 (29) For purposes of a national accrediting agency recognized by the United States
774 Department of Education, on-the-job instructor training described in this section is not
775 considered a program.

776 Section 5. Section **58-11a-304** is amended to read:

777 **58-11a-304 . Exemptions from licensure.**

778 In addition to the exemptions from licensure in Section 58-1-307, the following
779 persons may engage in the practice of barbering, cosmetology/barbering, hair design,
780 esthetics, master-level esthetics, electrology,~~[-or]~~ nail technology, or eyelash and
781 eyebrow technology without being licensed under this chapter:

- 782 (1) a person licensed under the laws of this state to engage in the practice of medicine,
783 surgery, osteopathy, or chiropractic when engaged in the practice of the profession for
784 which they are licensed;
- 785 (2) a commissioned physician or surgeon serving in the armed forces of the United States or
786 another federal agency;
- 787 (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when
788 engaged in the practice of the profession for which the person is licensed;
- 789 (4) a person who visits the state to engage in instructional seminars, advanced classes, trade
790 shows, or competitions of a limited duration;
- 791 (5) a person who engages in the practice of barbering, cosmetology/barbering, hair design,
792 esthetics, master-level esthetics, electrology,~~[-or]~~ nail technology, or eyelash and
793 eyebrow technology without compensation;
- 794 (6) a person instructing an adult education class or other educational program directed
795 toward persons who are not licensed under this chapter and that is not intended to train
796 persons to become licensed under this chapter, provided:
- 797 (a) an attendee receives no credit toward educational requirements for licensure under
798 this chapter;
- 799 (b) the instructor informs each attendee in writing that taking such a class or program
800 will not certify or qualify the attendee to perform a service for compensation that
801 requires licensure under this chapter; and
- 802 (c) (i) the instructor is properly licensed; or
803 (ii) the instructor receives no compensation;
- 804 (7) a person providing instruction in workshops, seminars, training meetings, or other
805 educational programs whose purpose is to provide continuing professional development
806 to licensed barbers, cosmetologists/barbers, hair designers, estheticians, master
807 estheticians, electrologists, or nail technicians;
- 808 (8) a person enrolled in a licensed barber, cosmetology/barber, or hair design school when
809 participating in an on the job training internship under the direct supervision of a

- 810 licensed barber, cosmetologist/barber, or hair designer upon completion of a basic
811 program under the standards established by rule by the division in collaboration with the
812 board;
- 813 (9) a person enrolled in an approved apprenticeship pursuant to Section 58-11a-306;
- 814 (10) an employee of a company that is primarily engaged in the business of selling products
815 used in the practice of barbering, cosmetology/barbering, hair design, esthetics,
816 master-level esthetics, electrology,~~or~~ nail technology, or eyelash and eyebrow
817 technology when demonstrating the company's products to a potential customer,
818 provided the employee makes no representation to a potential customer that attending
819 such a demonstration will certify or qualify the attendee to perform a service for
820 compensation that requires licensure under this chapter;
- 821 (11) a person who:
- 822 (a) is qualified to engage in the practice of barbering, cosmetology/barbering, hair
823 design, esthetics, master-level esthetics, electrology,~~or~~ nail technology, or eyelash
824 and eyebrow technology in another jurisdiction as evidenced by licensure,
825 certification, or lawful practice in the other jurisdiction;
- 826 (b) is employed by, or under contract with, a motion picture company; and
- 827 (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics,
828 master-level esthetics, electrology,~~or~~ nail technology, or eyelash and eyebrow
829 technology in the state:
- 830 (i) solely to assist in the production of a motion picture; and
831 (ii) for no more than 120 days per calendar year;
- 832 (12) a person who:
- 833 (a) engages in hair braiding; and
834 (b) unless it is expressly exempted under this section or Section 58-1-307, does not
835 engage in other activity requiring licensure under this chapter; and
- 836 (13) a person who:
- 837 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
838 (b) does not cut the hair;
839 (c) does not apply dye to alter the color of the hair;
840 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;
841 (e) unless it is expressly exempted under this section or Section 58-1-307, does not
842 engage in other activity requiring licensure under this chapter; [~~and~~]
843 (f) provides evidence to the division that the person has received a hair safety permit

- 844 from completing a hair safety program that:
- 845 (i) is approved by the division;
- 846 (ii) consists of no more than two hours of instruction;
- 847 (iii) is offered by a provider approved by the division; and
- 848 (iv) includes an examination that requires a passing score of 75%; and
- 849 (g) displays in a conspicuous location in the person's place of business:
- 850 (i) a valid hair safety permit as described in Subsection (13)(f); and
- 851 (ii) a sign notifying the public that the person's services are not provided by an
- 852 individual who has a license under this chapter.

853 Section 6. Section **58-11a-306** is amended to read:

854 **58-11a-306 . Apprenticeship.**

- 855 (1) An approved barber apprenticeship shall:
- 856 (a) consist of not less than 1,250 hours of training; and
- 857 (b) be conducted by a supervisor who:
- 858 (i) is licensed under this chapter as a barber instructor or a cosmetology/barber
- 859 instructor; and
- 860 (ii) provides one-on-one direct supervision of the barber apprentice during the
- 861 apprenticeship program.
- 862 (2) An approved cosmetologist/barber apprenticeship shall:
- 863 (a) consist of not less than 2,500 hours of training; and
- 864 (b) be conducted by a supervisor who:
- 865 (i) is licensed under this chapter as a cosmetologist/barber instructor; and
- 866 (ii) provides one-on-one direct supervision of the cosmetologist/barber apprentice
- 867 during the apprenticeship program.
- 868 (3) An approved hair designer apprenticeship shall:
- 869 (a) consist of not less than 1,600 hours of training; and
- 870 (b) be conducted by a supervisor who:
- 871 (i) is licensed under this chapter as a hair designer instructor or a
- 872 cosmetologist/barber instructor; and
- 873 (ii) provides one-on-one direct supervision of the hair designer apprentice during the
- 874 apprenticeship program.
- 875 (4) An approved esthetician apprenticeship shall:
- 876 (a) consist of not less than 800 hours of training; and
- 877 (b) be conducted by a supervisor who:

- 878 (i) is licensed under this chapter as an esthetician instructor; and
879 (ii) provides one-on-one direct supervision of the esthetician apprentice during the
880 apprenticeship program.
- 881 (5) An approved master esthetician apprenticeship shall:
- 882 (a) consist of not less than 1,500 hours of training; and
883 (b) be conducted by a supervisor who:
- 884 (i) is licensed under this chapter as a master-level esthetician instructor; and
885 (ii) provides one-on-one direct supervision of the master esthetician apprentice
886 during the apprenticeship program.
- 887 (6) An approved nail technician apprenticeship shall:
- 888 (a) consist of not less than 375 hours of training; and
889 (b) be conducted by a supervisor who:
- 890 (i) is licensed under this chapter as a nail technician instructor or a
891 cosmetology/barber instructor;
892 (ii) provides direct supervision of the nail technician apprentice during the
893 apprenticeship program; and
894 (iii) provides direct supervision to no more than two nail technician apprentices
895 during the apprentice program.
- 896 (7) An approved eyelash and eyebrow technician apprenticeship shall:
- 897 (a) consist of not less than 125 hours of training; and
898 (b) be conducted by a supervisor who:
- 899 (i) is licensed under this chapter as an eyelash and eyebrow technician instructor or a
900 cosmetology/barber instructor;
901 (ii) provides direct supervision of the eyelash and eyebrow technician apprentice
902 during the apprenticeship program; and
903 (iii) provides direct supervision to no more than two eyelash and eyebrow technician
904 apprentices during the apprenticeship program.
- 905 [(7)] (8) A person seeking to qualify for licensure by apprenticing in an approved
906 apprenticeship under this chapter shall:
- 907 (a) register with the division before beginning the training requirements by:
- 908 (i) submitting a form prescribed by the division, which includes the name of the
909 licensed supervisor; and
910 (ii) paying a fee determined by the department under Section 63J-1-504;
911 (b) complete the apprenticeship within five years of the date on which the division

912 approves the registration; and
 913 (c) notify the division within 30 days if the licensed supervisor changes after the
 914 registration is approved by the division.
 915 ~~[(8)]~~ (9) Notwithstanding Subsection ~~[(7)]~~ (8), if a person seeking to qualify for licensure by
 916 apprenticing in an approved apprenticeship under this chapter registers with the division
 917 before January 1, 2017, any training requirements completed by the person as an
 918 apprentice in an approved apprenticeship before registration may be applied to
 919 successful completion of the approved apprenticeship.

920 Section 7. Section **58-11a-501** is amended to read:

921 **58-11a-501 . Unprofessional conduct.**

922 Unprofessional conduct includes:

- 923 (1) failing as a licensed school to obtain or maintain accreditation as required by rule;
- 924 (2) failing as a licensed school to comply with the standards of accreditation applicable to
 925 such schools;
- 926 (3) failing as a licensed school to provide adequate instruction to enrolled students;
- 927 (4) failing as an apprentice supervisor to provide direct supervision to the apprentice;
- 928 (5) failing as an instructor to provide direct supervision to students who are providing
 929 services to an individual under the instructor's supervision;
- 930 (6) failing as an apprentice supervisor to comply with division rules relating to
 931 apprenticeship programs under this chapter;
- 932 (7) keeping a salon or school, its furnishing, tools, utensils, linen, or appliances in an
 933 unsanitary condition;
- 934 (8) failing to comply with Title 26B, Utah Health and Human Services Code;
- 935 (9) failing to display licenses or certificates as required under Section 58-11a-305;
- 936 (10) failing to comply with physical facility requirements established by rule;
- 937 (11) failing to maintain mechanical or electrical equipment in safe operating condition;
- 938 (12) failing to adequately monitor patrons using steam rooms, dry heat rooms, baths,
 939 showers, or saunas;
- 940 (13) prescribing or administering prescription drugs;
- 941 (14) failing to comply with all applicable state and local health or sanitation laws;
- 942 (15) engaging in any act or practice in a professional capacity that is outside the applicable
 943 scope of practice;
- 944 (16) engaging in any act or practice in a professional capacity which the licensee is not
 945 competent to perform through education or training;

- 946 (17) in connection with the use of a chemical exfoliant, unless under the supervision of a
947 licensed health care practitioner acting within the scope of his or her license:
- 948 (a) using any acid, concentration of an acid, or combination of treatments which violates
949 the standards established by rule;
- 950 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
951 (c) using an exfoliant that contains phenol, TCA acid of over 15%, or BCA acid;
- 952 (18) in connection with the sanding of the skin, unless under the supervision of a licensed
953 health care practitioner acting within the scope of his or her license, removing any layer
954 of skin deeper than the stratum corneum of the epidermis;
- 955 (19) using as a barber, cosmetologist/barber,[-or] nail technician, or eyelash and eyebrow
956 technician any laser procedure or intense, pulsed light source, except that nothing in this
957 chapter precludes an individual licensed under this chapter from using a nonprescriptive
958 laser device; or
- 959 (20) failing to comply with a judgment order from a court of competent jurisdiction
960 resulting from the failure to pay outstanding tuition or education costs incurred to
961 comply with this chapter.

962 Section 8. **Effective date.**

963 This bill takes effect on May 1, 2024.