

**EYELASH TECHNICIAN LICENSURE**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David P. Hinkins**

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

**LONG TITLE**

**General Description:**

This bill creates state licenses related to eyelash and eyebrow technology.

**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;
- ▶ modifies the membership of the Cosmetology and Associated Professions Licensing Board;
- ▶ provides for an eyelash and eyebrow technician apprenticeship; 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

**58-11a-201**, as last amended by Laws of Utah 2017, Chapter 342



- 28 [58-11a-301](#), as last amended by Laws of Utah 2017, Chapter 342
- 29 [58-11a-302](#), as last amended by Laws of Utah 2021, Chapters 285, 409
- 30 [58-11a-302.5](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 5
- 31 [58-11a-304](#), as last amended by Laws of Utah 2021, Chapter 227
- 32 [58-11a-306](#), as last amended by Laws of Utah 2020, Chapter 339
- 33 [58-11a-501](#), as last amended by Laws of Utah 2023, Chapter 328

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

36 Section 1. Section [58-11a-102](#) is amended to read:

37 **[58-11a-102. Definitions.](#)**

38 As used in this chapter:

39 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship  
40 that meets the requirements of Subsection [58-11a-306](#)(1) for barbers or Subsection  
41 [58-11a-306](#)(2) for cosmetologist/barbers and the requirements established by rule by the  
42 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
43 Administrative Rulemaking Act.

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

48 (3) "Approved eyelash and brow technician apprenticeship" means an apprenticeship  
49 that meets the requirements of Subsection [58-11a-306](#)(7) and the requirements established by  
50 rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3,  
51 Utah Administrative Rulemaking Act.

52 [~~3~~] (4) "Approved hair designer apprenticeship" means an apprenticeship that meets  
53 the requirements of Subsection [58-11a-306](#)(3) and the requirements established by rule by the  
54 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
55 Administrative Rulemaking Act.

56 [~~4~~] (5) "Approved master esthetician apprenticeship" means an apprenticeship that  
57 meets the requirements of Subsection [58-11a-306](#)(5) and the requirements established by rule  
58 by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah

59 Administrative Rulemaking Act.

60 ~~[(5)]~~ (6) "Approved nail technician apprenticeship" means an apprenticeship that meets  
61 the requirements of Subsection 58-11a-306(6) and the requirements established by rule by the  
62 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
63 Administrative Rulemaking Act.

64 ~~[(6)]~~ (7) "Barber" means a person who is licensed under this chapter to engage in the  
65 practice of barbering.

66 ~~[(7)]~~ (8) "Barber instructor" means a barber who is licensed under this chapter to  
67 engage in the practice of barbering instruction.

68 ~~[(8)]~~ (9) "Board" means the Cosmetology and Associated Professions Licensing Board  
69 created in Section 58-11a-201.

70 ~~[(9)]~~ (10) "Cosmetic laser procedure" includes a nonablative procedure as defined in  
71 Section 58-67-102.

72 ~~[(10)]~~ (11) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

73 ~~[(11)]~~ (12) "Cosmetologist/barber" means a person who is licensed under this chapter  
74 to engage in the practice of cosmetology/barbering.

75 ~~[(12)]~~ (13) "Cosmetologist/barber instructor" means a cosmetologist/barber who is  
76 licensed under this chapter to engage in the practice of cosmetology/barbering instruction.

77 ~~[(13)]~~ (14) "Direct supervision" means that the supervisor of an apprentice or the  
78 instructor of a student is immediately available for consultation, advice, instruction, and  
79 evaluation.

80 ~~[(14)]~~ (15) "Electrologist" means a person who is licensed under this chapter to engage  
81 in the practice of electrology.

82 ~~[(15)]~~ (16) "Electrologist instructor" means an electrologist who is licensed under this  
83 chapter to engage in the practice of electrology instruction.

84 ~~[(16)]~~ (17) "Esthetician" means a person who is licensed under this chapter to engage  
85 in the practice of esthetics.

86 (18) "Eyelash and eyebrow technician" means a person who is licensed under this  
87 chapter to engage in the practice of eyelash and eyebrow technology.

88 (19) "Eyelash and eyebrow technician instructor" means an eyelash and eyebrow  
89 technician licensed under this chapter to engage in the practice of eyelash and eyebrow

90 technology instruction.

91 [~~(17)~~] (20) "Esthetician instructor" means a master esthetician who is licensed under  
92 this chapter to engage in the practice of esthetics instruction.

93 [~~(18)~~] (21) "Fund" means the Cosmetology and Associated Professions Education and  
94 Enforcement Fund created in Section 58-11a-103.

95 [~~(19)~~] (22) (a) "Hair braiding" means the twisting, weaving, or interweaving of a  
96 person's natural human hair.

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

98 (i) African-style braiding;

99 (ii) box braids;

100 (iii) cornrows;

101 (iv) dreadlocks;

102 (v) french braids;

103 (vi) invisible braids;

104 (vii) micro braids;

105 (viii) single braids;

106 (ix) single plaits;

107 (x) twists;

108 (xi) visible braids;

109 (xii) the use of lock braids;

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

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

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

113 (i) the use of:

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

115 (B) synthetic tape;

116 (C) synthetic glue;

117 (D) keratin bonds;

118 (E) fusion bonds; or

119 (F) heat tools;

120 (ii) the cutting of human hair; or

- 121 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
- 122 (A) alter the color of the hair; or
- 123 (B) straighten, curl, or alter the structure of the hair.
- 124 ~~[(20)]~~ (23) "Hair designer" means a person who is licensed under this chapter to
- 125 engage in the practice of hair design.
- 126 ~~[(21)]~~ (24) "Hair designer instructor" means a hair designer who is licensed under this
- 127 chapter to engage in the practice of hair design instruction.
- 128 ~~[(22)]~~ (25) "Licensed barber or cosmetology/barber school" means a barber or
- 129 cosmetology/barber school licensed under this chapter.
- 130 ~~[(23)]~~ (26) "Licensed electrology school" means an electrology school licensed under
- 131 this chapter.
- 132 ~~[(24)]~~ (27) "Licensed esthetics school" means an esthetics school licensed under this
- 133 chapter.
- 134 ~~[(25)]~~ (28) "Licensed hair design school" means a hair design school licensed under
- 135 this chapter.
- 136 ~~[(26)]~~ (29) "Licensed nail technology school" means a nail technology school licensed
- 137 under this chapter.
- 138 ~~[(27)]~~ (30) "Master esthetician" means an individual who is licensed under this chapter
- 139 to engage in the practice of master-level esthetics.
- 140 ~~[(28)]~~ (31) "Nail technician" means an individual who is licensed under this chapter to
- 141 engage in the practice of nail technology.
- 142 ~~[(29)]~~ (32) "Nail technician instructor" means a nail technician licensed under this
- 143 chapter to engage in the practice of nail technology instruction.
- 144 ~~[(30)]~~ (33) "Practice of barbering" means:
- 145 (a) cutting, clipping, or trimming the hair of the head of any person by the use of
- 146 scissors, shears, clippers, or other appliances;
- 147 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 148 (c) removing hair from the face or neck of a person by the use of shaving equipment;
- 149 and
- 150 (d) when providing other services described in this Subsection ~~[(30)]~~ (33), gently
- 151 massaging the head, back of the neck, and shoulders by manual or mechanical means.

152            [~~(31)~~] (34) "Practice of barbering instruction" means teaching the practice of barbering  
153 at a licensed barber school, at a licensed cosmetology/barber school, or for an approved barber  
154 apprenticeship.

155            [~~(32)~~] (35) "Practice of basic esthetics" means any one of the following skin care  
156 procedures done on the body for cosmetic purposes and not for the treatment of medical,  
157 physical, or mental ailments:

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

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

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

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

168            (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or  
169 applying eyelash or eyebrow extensions; or

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

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

174            (ii) anti-aging resurfacing enhancements;

175            (iii) photo rejuvenation; or

176            (iv) tattoo removal.

177            [~~(33)~~] (36) (a) "Practice of cosmetology/barbering" means:

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

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

183 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows,  
184 applying eyelash or eyebrow extensions;

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

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

189 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted  
190 hair.

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

192 (i) the practice of barbering;

193 (ii) the practice of basic esthetics; ~~and~~

194 (iii) the practice of nail technology~~[-]; and~~

195 (iv) the practice of eyelash and eyebrow technology.

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

198 ~~[(34)]~~ (37) "Practice of cosmetology/barbering instruction" means teaching the practice  
199 of cosmetology/barbering:

200 (a) at a licensed cosmetology/barber school, a licensed barber school, ~~[or]~~ a licensed  
201 nail technology school, or a licensed eyelash and eyebrow technology school; or

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

203 ~~[(35)]~~ (38) "Practice of electrology" means:

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

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

208 ~~[(36)]~~ (39) "Practice of electrology instruction" means teaching the practice of  
209 electrology at a licensed electrology school.

210 ~~[(37)]~~ (40) "Practice of esthetics instruction" means teaching the practice of basic  
211 esthetics or the practice of master-level esthetics:

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

213 (b) for an approved esthetician apprenticeship or an approved master esthetician

214 apprenticeship.

215 (41) "Practice of eyelash and eyebrow technology" means arching eyebrows, tinting  
216 eyelashes or eyebrows, perming eyelashes or eyebrows, or applying eyelash or eyebrow  
217 extensions.

218 (42) "Practice of eyelash and eyebrow technology instruction" means teaching the  
219 practice of eyelash and eyebrow technology at a licensed eyelash and eyebrow technician  
220 school, at a licensed cosmetology/barber school, or for an approved eyelash and eyebrow  
221 technician apprenticeship.

222 [~~38~~] (43) "Practice of hair design" means:

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

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

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

230 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted  
231 hair.

232 [~~39~~] (44) "Practice of hair design instruction" means teaching the practice of hair  
233 design at a licensed cosmetology/barber school, a licensed hair design school, or a licensed  
234 barber school.

235 [~~40~~] (45) (a) "Practice of master-level esthetics" means:

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

238 (A) body wraps as defined by rule;

239 (B) hydrotherapy as defined by rule;

240 (C) chemical exfoliation as defined by rule;

241 (D) advanced pedicures as defined by rule;

242 (E) sanding, including microdermabrasion;

243 (F) advanced extraction;

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



245 (I) the hands; or  
246 (II) a mechanical or electrical apparatus which is approved for use by division rule for  
247 beautifying or similar work performed on the body for cosmetic purposes and not for the  
248 treatment of a medical, physical, or mental ailment; or  
249 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a  
250 physician's evaluation before the procedure, as needed, unless specifically required under  
251 Section 58-1-506, and limited to the following:

252 (I) superfluous hair removal;  
253 (II) anti-aging resurfacing enhancements;  
254 (III) photo rejuvenation; or  
255 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician  
256 assistant's evaluation before the tattoo removal procedure, as required by Subsection  
257 58-1-506(3)(a); and

258 (ii) lymphatic massage by manual or other means as defined by rule.  
259 (b) Notwithstanding the provisions of Subsection [~~(40)(a)~~] (45)(a), a master-level  
260 esthetician may perform procedures listed in Subsection [~~(40)(a)(i)(H)~~] (45)(a)(i)(H) if done  
261 under the supervision of a cosmetic supervisor acting within the scope of the cosmetic  
262 supervisor license.

263 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but  
264 an individual is not required to be licensed as an esthetician or master-level esthetician to  
265 engage in the practice of threading.

266 [~~(41)~~] (46) "Practice of nail technology" means to trim, cut, clean, manicure, shape,  
267 massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of  
268 hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the  
269 application and removal of sculptured or artificial nails.

270 [~~(42)~~] (47) "Practice of nail technology instruction" means teaching the practice of nail  
271 technology at a licensed nail technician school, at a licensed cosmetology/barber school, or for  
272 an approved nail technician apprenticeship.

273 [~~(43)~~] (48) "Recognized barber school" means a barber school located in a state other  
274 than Utah, whose students, upon graduation, are recognized as having completed the  
275 educational requirements for licensure in that state.

276            [~~(44)~~] (49) "Recognized cosmetology/barber school" means a cosmetology/barber  
277 school located in a state other than Utah, whose students, upon graduation, are recognized as  
278 having completed the educational requirements for licensure in that state.

279            [~~(45)~~] (50) "Recognized electrology school" means an electrology school located in a  
280 state other than Utah, whose students, upon graduation, are recognized as having completed the  
281 educational requirements for licensure in that state.

282            [~~(46)~~] (51) "Recognized esthetics school" means an esthetics school located in a state  
283 other than Utah, whose students, upon graduation, are recognized as having completed the  
284 educational requirements for licensure in that state.

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

288            [~~(47)~~] (53) "Recognized hair design school" means a hair design school located in a  
289 state other than Utah, whose students, upon graduation, are recognized as having completed the  
290 educational requirements for licensure in that state.

291            [~~(48)~~] (54) "Recognized nail technology school" means a nail technology school  
292 located in a state other than Utah, whose students, upon graduation, are recognized as having  
293 completed the educational requirements for licensure in that state.

294            [~~(49)~~] (55) "Salon" means a place, shop, or establishment in which  
295 cosmetology/barbering, esthetics, electrology, [~~or~~] nail technology, or eyelash and eyebrow  
296 technology is practiced.

297            [~~(50)~~] (56) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

298            [~~(51)~~] (57) "Unprofessional conduct" is as defined in Sections 58-1-501 and  
299 58-11a-501 and as may be further defined by rule by the division in collaboration with the  
300 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

302            **58-11a-201. Board.**

303            (1) There is created the Cosmetology and Associated Professions Licensing Board  
304 consisting of the following [~~nine~~] members:

305            (a) one barber or cosmetologist/barber;

306            (b) (i) one barber or cosmetologist/barber instructor; or

- 307 (ii) one representative of a licensed barber or cosmetology/barber school;
- 308 (c) one master esthetician;
- 309 (d) (i) one esthetician instructor; or
- 310 (ii) one representative of a licensed esthetics school;
- 311 (e) one nail technician;
- 312 (f) (i) one nail technician instructor; or
- 313 (ii) one representative of a licensed nail ~~[technician]~~ technology school;
- 314 (g) one electrologist; ~~[and]~~
- 315 (h) one eyelash and eyebrow technician;
- 316 (i) (i) one eyelash and eyebrow technician instructor; or
- 317 (ii) one representative of a licensed eyelash and eyebrow technology school; and
- 318 ~~[(h)]~~ (j) two members from the general public.

319 (2) (a) The board shall be appointed and serve in accordance with Section 58-1-201.

320 (b) (i) At least one of the members of the board appointed under Subsections (1)(b),  
321 (d), and (f) shall be an instructor at or a representative of a public school.

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

324 (3) The duties and responsibilities of the board are in accordance with Sections  
325 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a  
326 permanent or rotating basis to:

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

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

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

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

334 **58-11a-301. Licensure required -- License classifications.**

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

337 (a) engage in the practice of:

- 338 (i) barbering;
- 339 (ii) barbering instruction;
- 340 (iii) cosmetology/barbering;
- 341 (iv) cosmetology/barbering instruction;
- 342 (v) electrology;
- 343 (vi) electrology instruction;
- 344 (vii) esthetics;
- 345 (viii) master-level esthetics;
- 346 (ix) esthetics instruction;
- 347 (x) hair design;
- 348 (xi) hair design instruction;
- 349 (xii) nail technology; [or]
- 350 (xiii) nail technology instruction; [or]
- 351 (xiv) eyelash and eyebrow technology; or
- 352 (xv) eyelash and eyebrow technology instruction; or
- 353 (b) operate:
- 354 (i) a barbering school;
- 355 (ii) a cosmetology/barbering school;
- 356 (iii) an electrology school;
- 357 (iv) an esthetics school;
- 358 (v) a hair design school; [or]
- 359 (vi) a nail technology school[?]; or
- 360 (vii) an eyelash and eyebrow technology school.

361 (2) The division shall issue to a person who qualifies under this chapter a license in the  
362 following classifications:

- 363 (a) barber;
- 364 (b) barber instructor;
- 365 (c) barber school;
- 366 (d) cosmetologist/barber;
- 367 (e) cosmetologist/barber instructor;
- 368 (f) cosmetology/barber school;

- 369 (g) electrologist;
- 370 (h) electrologist instructor;
- 371 (i) electrology school;
- 372 (j) esthetician;
- 373 (k) master esthetician;
- 374 (l) esthetician instructor;
- 375 (m) esthetics school;
- 376 (n) hair designer;
- 377 (o) hair designer instructor;
- 378 (p) hair design school;
- 379 (q) nail ~~technology~~ technician;
- 380 (r) nail technology instructor; ~~and~~
- 381 (s) nail technology school[.];
- 382 (t) eyelash and eyebrow technician;
- 383 (u) eyelash and eyebrow technology instructor; and
- 384 (v) eyelash and eyebrow technology school.
- 385 (3) A person who participates as an apprentice in an approved apprenticeship under
- 386 this chapter shall register with the division as described in Section [58-11a-306](#).
- 387 Section 4. Section **58-11a-302** is amended to read:
- 388 **58-11a-302. Qualifications for licensure.**
- 389 (1) Each applicant for licensure as a barber shall:
- 390 (a) submit an application in a form prescribed by the division;
- 391 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 392 (c) provide satisfactory documentation of:
- 393 (i) graduation from a licensed or recognized barber school, or a licensed or recognized
- 394 cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of
- 395 instruction, or the equivalent number of credit hours, over a period of not less than 25 weeks;
- 396 (ii) (A) graduation from a recognized barber school located in a state other than Utah
- 397 whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of
- 398 credit hours; and
- 399 (B) practice as a licensed barber in a state other than Utah for not less than the number

400 of hours required to equal 1,000 total hours when added to the hours of instruction described in  
401 Subsection (1)(c)(ii)(A); or

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

403 (d) meet one of the following requirements established by rule:

404 (i) pass an examination that consists of a written theory portion and a practical portion;

405 or

406 (ii) pass a practical examination and provide the written attestation of a licensed barber

407 or cosmetologist/barber instructor who participated in the school or training under Subsection

408 (1)(c), stating that the applicant has the necessary training and skill to be a licensed barber.

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

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

411 (b) subject to Subsection [~~(24)~~] (27), pay a fee determined by the department under

412 Section [63J-1-504](#);

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

414 barber;

415 (d) provide satisfactory documentation of completion of:

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

417 defined by rule, consisting of a minimum of 250 hours or the equivalent number of credit

418 hours;

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

420 recognized school, as defined by rule, consisting of a minimum of 250 hours or the equivalent

421 number of credit hours; or

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

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

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

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

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

427 (c) provide satisfactory documentation:

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

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

430 (iii) that the applicant's physical facilities comply with the requirements established by

431 rule; and

432 (iv) that the applicant meets:

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

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

437 (4) Each applicant for licensure as a cosmetologist/barber 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;

440 (c) provide satisfactory documentation of:

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

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

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

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

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

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

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

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

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

458 (d) provide satisfactory documentation of completion of:

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

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

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

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

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

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

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

470 (c) provide satisfactory documentation:

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

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

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

475 (iv) that the applicant meets:

476 (A) the standards for cosmetology schools, including staff and accreditation  
477 requirements, established by rule; and

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

480 (7) Each applicant for licensure as an electrologist shall:

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

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

483 (c) provide satisfactory documentation of having graduated from a licensed or  
484 recognized electrology school after completing a curriculum of 600 hours of instruction or the  
485 equivalent number of credit hours; and

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

487 (8) Each applicant for licensure as an electrologist instructor shall:

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

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

491 (c) provide satisfactory documentation that the applicant is currently licensed as an  
492 electrologist;



- 493 (d) provide satisfactory documentation of completion of:
- 494 (i) an instructor training program conducted by a licensed or recognized school, as  
495 defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit  
496 hours;
- 497 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
498 recognized school, as defined by rule, consisting of a minimum of 150 hours or the equivalent  
499 number of credit hours; or
- 500 (iii) a minimum of 1,000 hours of experience as an electrologist; and
- 501 (e) meet the examination requirement established by rule.
- 502 (9) Each applicant for licensure as an electrologist school shall:
- 503 (a) submit an application in a form prescribed by the division;
- 504 (b) pay a fee determined by the department under Section [63J-1-504](#); and
- 505 (c) provide satisfactory documentation:
- 506 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 507 (ii) of business licensure from the city, town, or county in which the school is located;
- 508 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 509 (iv) that the applicant meets:
- 510 (A) the standards for electrologist schools, including staff, curriculum, and  
511 accreditation requirements, established by rule; and
- 512 (B) the requirements for recognition as an institution of postsecondary study as  
513 described in Subsection [~~(22)~~] (25).
- 514 (10) Each applicant for licensure as an esthetician shall:
- 515 (a) submit an application in a form prescribed by the division;
- 516 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 517 (c) provide satisfactory documentation of one of the following:
- 518 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized  
519 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic  
520 instruction with a minimum of 600 hours or the equivalent number of credit hours;
- 521 (ii) completion of an approved esthetician apprenticeship; or
- 522 (iii) (A) graduation from a recognized cosmetology/barber school located in a state  
523 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the

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

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

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

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

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

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

532 (c) provide satisfactory documentation of:

533 (i) completion of at least 1,200 hours of training, or the equivalent number of credit  
534 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the  
535 1,200 hours may have been completed:

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

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

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

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

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

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

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

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

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

553 (d) provide satisfactory documentation of completion of:

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

555 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit  
556 hours;

557 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
558 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent  
559 number of credit hours; or

560 (iii) a minimum of 1,000 hours of experience in esthetics; and

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

562 (13) Each applicant for licensure as an esthetics school shall:

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

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

565 (c) provide satisfactory documentation:

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

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

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

570 (iv) that the applicant meets:

571 (A) the standards for esthetics schools, including staff, curriculum, and accreditation  
572 requirements, established by division rule made in collaboration with the board; and

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

575 (14) Each applicant for licensure as a hair designer shall:

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

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

578 (c) provide satisfactory documentation of:

579 (i) graduation from a licensed or recognized cosmetology/barber, hair design, or  
580 barbering school whose curriculum consists of a minimum of 1,200 hours of instruction, or the  
581 equivalent number of credit hours, with full flexibility within those hours;

582 (ii) (A) graduation from a recognized cosmetology/barber, hair design, or barbering  
583 school located in a state other than Utah whose curriculum consists of less than 1,200 hours of  
584 instruction, or the equivalent number of credit hours, with full flexibility within those hours;  
585 and

586 (B) practice as a licensed cosmetologist/barber or hair designer in a state other than  
587 Utah for not less than the number of hours required to equal 1,200 total hours when added to  
588 the hours of instruction described in Subsection (14)(c)(ii)(A);

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

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

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

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

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

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

596 (c) provide satisfactory documentation that the applicant is currently licensed as a hair  
597 designer or as a cosmetologist/barber;

598 (d) provide satisfactory documentation of completion of:

599 (i) an instructor training program conducted by a licensed or recognized school, as  
600 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit  
601 hours;

602 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
603 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent  
604 number of credit hours; or

605 (iii) a minimum of 2,500 hours of experience as a hair designer or as a  
606 cosmetologist/barber; and

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

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

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

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

611 (c) provide satisfactory documentation:

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

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

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

616 (iv) that the applicant meets:

- 617 (A) the standards for a hair design school, including staff and accreditation  
618 requirements, established by rule; and
- 619 (B) the requirements for recognition as an institution of postsecondary study as  
620 described in Subsection [~~(22)~~] (25).
- 621 (17) Each applicant for licensure as a nail technician shall:
- 622 (a) submit an application in a form prescribed by the division;
- 623 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 624 (c) provide satisfactory documentation of:
- 625 (i) graduation from a licensed or recognized nail technology school, or a licensed or  
626 recognized cosmetology/barber school, whose curriculum consists of not less than 300 hours of  
627 instruction, or the equivalent number of credit hours;
- 628 (ii) (A) graduation from a recognized nail technology school located in a state other  
629 than Utah whose curriculum consists of less than 300 hours of instruction or the equivalent  
630 number of credit hours; and
- 631 (B) practice as a licensed nail technician in a state other than Utah for not less than the  
632 number of hours required to equal 300 total hours when added to the hours of instruction  
633 described in Subsection (17)(c)(ii)(A); or
- 634 (iii) completion of an approved nail technician apprenticeship; and
- 635 (d) meet the examination requirement established by division rule.
- 636 (18) Each applicant for licensure as a nail technician instructor shall:
- 637 (a) submit an application in a form prescribed by the division;
- 638 (b) subject to Subsection [~~(24)~~] (27), pay a fee determined by the department under  
639 Section [63J-1-504](#);
- 640 (c) provide satisfactory documentation that the applicant is currently licensed as a nail  
641 technician;
- 642 (d) provide satisfactory documentation of completion of:
- 643 (i) an instructor training program conducted by a licensed or recognized school, as  
644 defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours;
- 645 (ii) an on-the-job instructor training program conducted by a licensed instructor at a  
646 licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the  
647 equivalent number of credit hours; or

- 648 (iii) a minimum of 600 hours of experience in nail technology; and  
649 (e) meet the examination requirement established by rule.
- 650 (19) Each applicant for licensure as a nail technology school shall:
- 651 (a) submit an application in a form prescribed by the division;  
652 (b) pay a fee determined by the department under Section [63J-1-504](#); and  
653 (c) provide satisfactory documentation:
- 654 (i) of appropriate registration with the Division of Corporations and Commercial Code;  
655 (ii) of business licensure from the city, town, or county in which the school is located;  
656 (iii) that the applicant's facilities comply with the requirements established by rule; and  
657 (iv) that the applicant meets:
- 658 (A) the standards for nail technology schools, including staff, curriculum, and  
659 accreditation requirements, established by rule; and
- 660 (B) the requirements for recognition as an institution of postsecondary study as  
661 described in Subsection [~~(22)~~] (25).
- 662 (20) Each applicant for licensure as an eyelash and eyebrow technician shall:
- 663 (a) submit an application in a form prescribed by the division;  
664 (b) pay a fee determined by the department under Section [63J-1-504](#);  
665 (c) provide satisfactory documentation of:
- 666 (i) completion of a course or program in eyelash and eyebrow technology from a  
667 licensed or recognized eyelash and eyebrow technology school or a licensed or recognized  
668 cosmetology/barber school, whose curriculum consists of not less than 100 hours of  
669 instruction, or the equivalent number of credit hours;
- 670 (ii) (A) completion of a course or program in eyelash and eyebrow technology from a  
671 recognized eyebrow and eyelash technology school or recognized cosmetology/barber school  
672 located in a state other than Utah whose curriculum consists of less than 100 hours of  
673 instruction or the equivalent number of credit hours; and
- 674 (B) practice as a licensed eyelash and eyebrow technician in a state other than Utah for  
675 not less than the number of hours required to equal 100 total hours when added to the hours of  
676 instruction described in Subsection (20)(c)(ii)(A); or
- 677 (iii) completion of an approved eyelash and eyebrow apprenticeship; and  
678 (d) meet the examination requirement established by division rule.

679 (21) Each applicant for licensure as an eyelash and eyebrow technician instructor shall:

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

681 (b) subject to Subsection (27), pay a fee determined by the department under Section  
682 63J-1-504;

683 (c) provide satisfactory documentation that the applicant is currently licensed as an  
684 eyelash and eyebrow technician;

685 (d) provide satisfactory documentation of:

686 (i) an instructor training program conducted by a licensed or recognized school, as  
687 defined by rule, consisting of a minimum of 25 hours or the equivalent number of credit hours;

688 (ii) an on-the-job instructor training program conducted by a licensed instructor at a  
689 licensed or recognized school, as defined by rule, consisting of a minimum of 25 hours or the  
690 equivalent number of credit hours; or

691 (iii) a minimum of 200 hours of experience in eyelash and eyebrow technology; and

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

693 (22) Each applicant for licensure as an eyelash and eyebrow technology school shall:

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

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

696 (c) provide satisfactory documentation:

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

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

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

700 (iv) that the applicant meets:

701 (A) the standards for eyelash and eyebrow technology schools, including staff,

702 curriculum, and accreditation requirements, established by rule; and

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

704 described in Subsection (25).

705 [~~(20)~~] (23) Each applicant for licensure under this chapter whose education in the field  
706 for which a license is sought was completed at a foreign school may satisfy the educational  
707 requirement for licensure by demonstrating, to the satisfaction of the division, the educational  
708 equivalency of the foreign school education with a licensed school under this chapter.

709 [~~(21)~~] (24) (a) A licensed or recognized school under this section shall accept credit

710 hours towards graduation for documented, relevant, and substantially equivalent coursework  
711 previously completed by:

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

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

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

719 [~~(22)~~] (25) A school licensed or applying for licensure under this chapter shall maintain  
720 recognition as an institution of postsecondary study by meeting the following conditions:

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

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

728 [~~(23)~~] (26) A person seeking to qualify for licensure under this chapter by apprenticing  
729 in an approved apprenticeship shall register with the division as described in Section  
730 58-11a-306.

731 [~~(24)~~] (27) The department may only charge a fee to a person applying for licensure as  
732 any type of instructor under this chapter if the person is not a licensed instructor in any other  
733 profession under this chapter.

734 [~~(25)~~] (28) In order to encourage economic development in the state, the department  
735 may offer any required examination under this section, which is prepared by a national testing  
736 organization, in languages in addition to English.

737 Section 5. Section 58-11a-302.5 is amended to read:

738 **58-11a-302.5. Online curriculum for a licensed school.**

739 A barber school, cosmetology/barber school, electrologist school, esthetics school, hair  
740 design school, ~~[or]~~ nail technology school, or eyelash and eyebrow technology school licensed



741 under this chapter may offer up to 50% of the school's total per program curriculum online in  
742 accordance with standards adopted by an applicable nationally recognized accrediting  
743 organization.

744 Section 6. Section **58-11a-304** is amended to read:

745 **58-11a-304. Exemptions from licensure.**

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

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

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

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

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

759 (5) a person who engages in the practice of barbering, cosmetology/barbering, hair  
760 design, esthetics, master-level esthetics, electrology, ~~[or]~~ eyelash and  
761 eyebrow technology without compensation;

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

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

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

770 (c) (i) the instructor is properly licensed; or

771 (ii) the instructor receives no compensation;

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

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

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

781 (10) an employee of a company that is primarily engaged in the business of selling  
782 products used in the practice of barbering, cosmetology/barbering, hair design, esthetics,  
783 master-level esthetics, electrology, ~~[or]~~ nail technology, or eyelash and eyebrow technology  
784 when demonstrating the company's products to a potential customer, provided the employee  
785 makes no representation to a potential customer that attending such a demonstration will certify  
786 or qualify the attendee to perform a service for compensation that requires licensure under this  
787 chapter;

788 (11) a person who:

789 (a) is qualified to engage in the practice of barbering, cosmetology/barbering, hair  
790 design, esthetics, master-level esthetics, electrology, ~~[or]~~ nail technology, or eyelash and  
791 eyebrow technology in another jurisdiction as evidenced by licensure, certification, or lawful  
792 practice in the other jurisdiction;

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

794 (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics,  
795 master-level esthetics, electrology, ~~[or]~~ nail technology, or eyelash and eyebrow technology in  
796 the state:

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

798 (ii) for no more than 120 days per calendar year;

799 (12) a person who:

800 (a) engages in hair braiding; and

801 (b) unless it is expressly exempted under this section or Section [58-1-307](#), does not  
802 engage in other activity requiring licensure under this chapter; and

- 803 (13) a person who:
- 804 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- 805 (b) does not cut the hair;
- 806 (c) does not apply dye to alter the color of the hair;
- 807 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the
- 808 hair;
- 809 (e) unless it is expressly exempted under this section or Section 58-1-307, does not
- 810 engage in other activity requiring licensure under this chapter; [~~and~~]
- 811 (f) provides evidence to the division that the person has received a hair safety permit
- 812 from completing a hair safety program that:
- 813 (i) is approved by the division;
- 814 (ii) consists of no more than two hours of instruction;
- 815 (iii) is offered by a provider approved by the division; and
- 816 (iv) includes an examination that requires a passing score of 75%; and
- 817 (g) displays in a conspicuous location in the person's place of business:
- 818 (i) a valid hair safety permit as described in Subsection (13)(f); and
- 819 (ii) a sign notifying the public that the person's services are not provided by an
- 820 individual who has a license under this chapter.

821 Section 7. Section 58-11a-306 is amended to read:

822 **58-11a-306. Apprenticeship.**

- 823 (1) An approved barber apprenticeship shall:
- 824 (a) consist of not less than 1,250 hours of training; and
- 825 (b) be conducted by a supervisor who:
- 826 (i) is licensed under this chapter as a barber instructor or a cosmetology/barber
- 827 instructor; and
- 828 (ii) provides one-on-one direct supervision of the barber apprentice during the
- 829 apprenticeship program.
- 830 (2) An approved cosmetologist/barber apprenticeship shall:
- 831 (a) consist of not less than 2,500 hours of training; and
- 832 (b) be conducted by a supervisor who:
- 833 (i) is licensed under this chapter as a cosmetologist/barber instructor; and

834 (ii) provides one-on-one direct supervision of the cosmetologist/barber apprentice  
835 during the apprenticeship program.

836 (3) An approved hair designer apprenticeship shall:

837 (a) consist of not less than 1,600 hours of training; and

838 (b) be conducted by a supervisor who:

839 (i) is licensed under this chapter as a hair designer instructor or a cosmetologist/barber  
840 instructor; and

841 (ii) provides one-on-one direct supervision of the hair designer apprentice during the  
842 apprenticeship program.

843 (4) An approved esthetician apprenticeship shall:

844 (a) consist of not less than 800 hours of training; and

845 (b) be conducted by a supervisor who:

846 (i) is licensed under this chapter as an esthetician instructor; and

847 (ii) provides one-on-one direct supervision of the esthetician apprentice during the  
848 apprenticeship program.

849 (5) An approved master esthetician apprenticeship shall:

850 (a) consist of not less than 1,500 hours of training; and

851 (b) be conducted by a supervisor who:

852 (i) is licensed under this chapter as a master-level esthetician instructor; and

853 (ii) provides one-on-one direct supervision of the master esthetician apprentice during  
854 the apprenticeship program.

855 (6) An approved nail technician apprenticeship shall:

856 (a) consist of not less than 375 hours of training; and

857 (b) be conducted by a supervisor who:

858 (i) is licensed under this chapter as a nail technician instructor or a cosmetology/barber  
859 instructor;

860 (ii) provides direct supervision of the nail technician apprentice during the  
861 apprenticeship program; and

862 (iii) provides direct supervision to no more than two nail technician apprentices during  
863 the apprentice program.

864 (7) An approved eyelash and eyebrow technician apprenticeship shall:

- 865 (a) consist of not less than 125 hours of training; and
- 866 (b) be conducted by a supervisor who:
- 867 (i) is licensed under this chapter as an eyelash and eyebrow technician instructor or a
- 868 cosmetology/barber instructor;
- 869 (ii) provides direct supervision of the eyelash and eyebrow technician apprentice
- 870 during the apprenticeship program; and
- 871 (iii) provides direct supervision to no more than two eyelash and eyebrow technician
- 872 apprentices during the apprenticeship program.

873 ~~[(7)]~~ (8) A person seeking to qualify for licensure by apprenticing in an approved  
874 apprenticeship under this chapter shall:

- 875 (a) register with the division before beginning the training requirements by:
- 876 (i) submitting a form prescribed by the division, which includes the name of the
- 877 licensed supervisor; and
- 878 (ii) paying a fee determined by the department under Section 63J-1-504;
- 879 (b) complete the apprenticeship within five years of the date on which the division
- 880 approves the registration; and
- 881 (c) notify the division within 30 days if the licensed supervisor changes after the
- 882 registration is approved by the division.

883 ~~[(8)]~~ (9) Notwithstanding Subsection ~~[(7)]~~ (8), if a person seeking to qualify for  
884 licensure by apprenticing in an approved apprenticeship under this chapter registers with the  
885 division before January 1, 2017, any training requirements completed by the person as an  
886 apprentice in an approved apprenticeship before registration may be applied to successful  
887 completion of the approved apprenticeship.

888 Section 8. Section **58-11a-501** is amended to read:

889 **58-11a-501. Unprofessional conduct.**

890 Unprofessional conduct includes:

- 891 (1) failing as a licensed school to obtain or maintain accreditation as required by rule;
- 892 (2) failing as a licensed school to comply with the standards of accreditation applicable
- 893 to such schools;
- 894 (3) failing as a licensed school to provide adequate instruction to enrolled students;
- 895 (4) failing as an apprentice supervisor to provide direct supervision to the apprentice;

- 896 (5) failing as an instructor to provide direct supervision to students who are providing  
897 services to an individual under the instructor's supervision;
- 898 (6) failing as an apprentice supervisor to comply with division rules relating to  
899 apprenticeship programs under this chapter;
- 900 (7) keeping a salon or school, its furnishing, tools, utensils, linen, or appliances in an  
901 unsanitary condition;
- 902 (8) failing to comply with Title 26B, Utah Health and Human Services Code;
- 903 (9) failing to display licenses or certificates as required under Section 58-11a-305;
- 904 (10) failing to comply with physical facility requirements established by rule;
- 905 (11) failing to maintain mechanical or electrical equipment in safe operating condition;
- 906 (12) failing to adequately monitor patrons using steam rooms, dry heat rooms, baths,  
907 showers, or saunas;
- 908 (13) prescribing or administering prescription drugs;
- 909 (14) failing to comply with all applicable state and local health or sanitation laws;
- 910 (15) engaging in any act or practice in a professional capacity that is outside the  
911 applicable scope of practice;
- 912 (16) engaging in any act or practice in a professional capacity which the licensee is not  
913 competent to perform through education or training;
- 914 (17) in connection with the use of a chemical exfoliant, unless under the supervision of  
915 a licensed health care practitioner acting within the scope of his or her license:
- 916 (a) using any acid, concentration of an acid, or combination of treatments which  
917 violates the standards established by rule;
- 918 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
- 919 (c) using an exfoliant that contains phenol, TCA acid of over 15%, or BCA acid;
- 920 (18) in connection with the sanding of the skin, unless under the supervision of a  
921 licensed health care practitioner acting within the scope of his or her license, removing any  
922 layer of skin deeper than the stratum corneum of the epidermis;
- 923 (19) using as a barber, cosmetologist/barber, [or] nail technician, or eyelash and  
924 eyebrow technician any laser procedure or intense, pulsed light source, except that nothing in  
925 this chapter precludes an individual licensed under this chapter from using a nonprescriptive  
926 laser device; or

927           (20) failing to comply with a judgment order from a court of competent jurisdiction  
928 resulting from the failure to pay outstanding tuition or education costs incurred to comply with  
929 this chapter.

930           Section 9. **Effective date.**

931           This bill takes effect on May 1, 2024.