

Senator David P. Hinkins proposes the following substitute bill:

COSMETOLOGY LICENSING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Cosmetology and Associated Professions Licensing.

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;



- 26 • a hair designer instructor; and
- 27 • a nail technician instructor;
- 28 ▶ provides for an eyelash and eyebrow technician apprenticeship; and
- 29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **58-11a-102**, as last amended by Laws of Utah 2021, Chapter 115
- 37 **58-11a-201**, as last amended by Laws of Utah 2017, Chapter 342
- 38 **58-11a-301**, as last amended by Laws of Utah 2017, Chapter 342
- 39 **58-11a-302**, as last amended by Laws of Utah 2021, Chapters 285, 409
- 40 **58-11a-304**, as last amended by Laws of Utah 2021, Chapter 227
- 41 **58-11a-306**, as last amended by Laws of Utah 2020, Chapter 339
- 42 **58-11a-501**, as last amended by Laws of Utah 2023, Chapter 328



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

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

46 **58-11a-102. Definitions.**

47 As used in this chapter:

48 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship
49 that meets the requirements of Subsection **58-11a-306**(1) for barbers or Subsection
50 **58-11a-306**(2) for cosmetologist/barbers and the requirements established by rule by the
51 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
52 Administrative Rulemaking Act.

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

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

61 ~~[(3)]~~ (4) "Approved hair designer apprenticeship" means an apprenticeship that meets
62 the requirements of Subsection 58-11a-306(3) and the requirements established by rule by the
63 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
64 Administrative Rulemaking Act.

65 ~~[(4)]~~ (5) "Approved master esthetician apprenticeship" means an apprenticeship that
66 meets the requirements of Subsection 58-11a-306(5) and the requirements established by rule
67 by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
68 Administrative Rulemaking Act.

69 ~~[(5)]~~ (6) "Approved nail technician apprenticeship" means an apprenticeship that meets
70 the requirements of Subsection 58-11a-306(6) and the requirements established by rule by the
71 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
72 Administrative Rulemaking Act.

73 ~~[(6)]~~ (7) "Barber" means a person who is licensed under this chapter to engage in the
74 practice of barbering.

75 ~~[(7)]~~ (8) "Barber instructor" means a barber who is licensed under this chapter to
76 engage in the practice of barbering instruction.

77 ~~[(8)]~~ (9) "Board" means the Cosmetology and Associated Professions Licensing Board
78 created in Section 58-11a-201.

79 ~~[(9)]~~ (10) "Cosmetic laser procedure" includes a nonablative procedure as defined in
80 Section 58-67-102.

81 ~~[(10)]~~ (11) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

82 ~~[(11)]~~ (12) "Cosmetologist/barber" means a person who is licensed under this chapter
83 to engage in the practice of cosmetology/barbering.

84 ~~[(12)]~~ (13) "Cosmetologist/barber instructor" means a cosmetologist/barber who is
85 licensed under this chapter to engage in the practice of cosmetology/barbering instruction.

86 ~~[(13)]~~ (14) "Direct supervision" means that the supervisor of an apprentice or the
87 instructor of a student is ~~[immediately available]~~ physically present in the same building as the

88 apprentice or student and readily able to establish direct contact with apprentice or student for
89 consultation, advice, instruction, and evaluation.

90 [~~14~~] (15) "Electrologist" means a person who is licensed under this chapter to engage
91 in the practice of electrology.

92 [~~15~~] (16) "Electrologist instructor" means an electrologist who is licensed under this
93 chapter to engage in the practice of electrology instruction.

94 [~~16~~] (17) "Esthetician" means a person who is licensed under this chapter to engage
95 in the practice of esthetics.

96 [~~17~~] (18) "Esthetician instructor" means a master esthetician who is licensed under
97 this chapter to engage in the practice of esthetics instruction.

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

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

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

105 [~~19~~] (22) (a) "Hair braiding" means the twisting, weaving, or interweaving of a
106 person's natural human hair.

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

108 (i) African-style braiding;

109 (ii) box braids;

110 (iii) cornrows;

111 (iv) dreadlocks;

112 (v) french braids;

113 (vi) invisible braids;

114 (vii) micro braids;

115 (viii) single braids;

116 (ix) single plaits;

117 (x) twists;

118 (xi) visible braids;

- 119 (xii) the use of lock braids;
- 120 (xiii) the use of decorative beads, accessories, and extensions; and
- 121 (xiv) the use of wefts if applied without the use of glue or tape.
- 122 (c) "Hair braiding" does not include:
- 123 (i) the use of:
- 124 (A) wefts if applied with the use of glue or tape;
- 125 (B) synthetic tape;
- 126 (C) synthetic glue;
- 127 (D) keratin bonds;
- 128 (E) fusion bonds; or
- 129 (F) heat tools;
- 130 (ii) the cutting of human hair; or
- 131 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
- 132 (A) alter the color of the hair; or
- 133 (B) straighten, curl, or alter the structure of the hair.
- 134 [~~(20)~~] (23) "Hair designer" means a person who is licensed under this chapter to
- 135 engage in the practice of hair design.
- 136 [~~(21)~~] (24) "Hair designer instructor" means a hair designer who is licensed under this
- 137 chapter to engage in the practice of hair design instruction.
- 138 [~~(22)~~] (25) "Licensed barber or cosmetology/barber school" means a barber or
- 139 cosmetology/barber school licensed under this chapter.
- 140 [~~(23)~~] (26) "Licensed electrology school" means an electrology school licensed under
- 141 this chapter.
- 142 [~~(24)~~] (27) "Licensed esthetics school" means an esthetics school licensed under this
- 143 chapter.
- 144 [~~(25)~~] (28) "Licensed hair design school" means a hair design school licensed under
- 145 this chapter.
- 146 [~~(26)~~] (29) "Licensed nail technology school" means a nail technology school licensed
- 147 under this chapter.
- 148 [~~(27)~~] (30) "Master esthetician" means an individual who is licensed under this chapter
- 149 to engage in the practice of master-level esthetics.

150 [(28)] (31) "Nail technician" means an individual who is licensed under this chapter to
151 engage in the practice of nail technology.

152 [(29)] (32) "Nail technician instructor" means a nail technician licensed under this
153 chapter to engage in the practice of nail technology instruction.

154 [(30)] (33) "Practice of barbering" means:

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

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

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

160 (d) when providing other services described in this Subsection [(30)] (33), gently
161 massaging the head, back of the neck, and shoulders by manual or mechanical means.

162 [(31)] (34) "Practice of barbering instruction" means teaching the practice of barbering
163 at a licensed barber school, at a [~~licensed cosmetology/barber school,~~] school licensed under
164 this chapter or for an approved barber apprenticeship.

165 [(32)] (35) "Practice of basic esthetics" means any one of the following skin care
166 procedures done on the body for cosmetic purposes and not for the treatment of medical,
167 physical, or mental ailments:

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

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

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

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

178 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or
179 applying eyelash or eyebrow extensions; or

180 (f) except as provided in Subsection [(32)(f)(i)] (35)(f)(i), cosmetic laser procedures

181 under the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the
182 following:

- 183 (i) superfluous hair removal which shall be under indirect supervision;
- 184 (ii) anti-aging resurfacing enhancements;
- 185 (iii) photo rejuvenation; or
- 186 (iv) tattoo removal.

187 ~~[(33)]~~ (36) (a) "Practice of cosmetology/barbering" means:

- 188 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
189 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
190 person;
- 191 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or
192 other appliances;
- 193 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows,
194 applying eyelash or eyebrow extensions;
- 195 (iv) removing hair from the body of a person by the use of depilatories, waxing, or
196 shaving equipment;
- 197 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces
198 or both on the human head; or
- 199 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted
200 hair.

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

- 202 (i) the practice of barbering;
- 203 (ii) the practice of basic esthetics; ~~[and]~~
- 204 (iii) the practice of nail technology~~[-]; and~~
- 205 (iv) the practice of eyelash and eyebrow technology.

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

208 ~~[(34)]~~ (37) "Practice of cosmetology/barbering instruction" means teaching the practice
209 of cosmetology/barbering:

- 210 (a) at a ~~[licensed cosmetology/barber school, a licensed barber school, or a licensed~~
211 nail technology school] school licensed under this chapter; or

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

213 ~~[(35)]~~ (38) "Practice of electrology" means:

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

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

218 ~~[(36)]~~ (39) "Practice of electrology instruction" means teaching the practice of
219 electrology at a ~~[licensed electrology school]~~ school licensed under this chapter.

220 ~~[(37)]~~ (40) "Practice of esthetics instruction" means teaching the practice of basic
221 esthetics or the practice of master-level esthetics:

222 (a) at a ~~[licensed esthetics school or a licensed cosmetology/barber school]~~ school
223 licensed under this chapter; or

224 (b) for an approved esthetician apprenticeship or an approved master esthetician
225 apprenticeship.

226 (41) "Practice of eyelash and eyebrow technology" means arching eyebrows by
227 tweezing, tinting eyelashes or eyebrows, perming eyelashes or eyebrows, or applying eyelash or
228 eyebrow extensions.

229 (42) "Practice of eyelash and eyebrow technology instruction" means teaching the
230 practice of eyelash and eyebrow technology at a school licensed under this chapter or for an
231 approved eyelash and eyebrow technician apprenticeship.

232 ~~[(38)]~~ (43) "Practice of hair design" means:

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

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

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

240 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted
241 hair.

242 ~~[(39)]~~ (44) "Practice of hair design instruction" means teaching the practice of hair

243 design at a [~~licensed cosmetology/barber school, a licensed hair design school, or a licensed~~
 244 ~~barber school~~] school licensed under this chapter.

245 [~~(40)~~] (45) (a) "Practice of master-level esthetics" means:

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

248 (A) body wraps as defined by rule;

249 (B) hydrotherapy as defined by rule;

250 (C) chemical exfoliation as defined by rule;

251 (D) advanced pedicures as defined by rule;

252 (E) sanding, including microdermabrasion;

253 (F) advanced extraction;

254 (G) dermaplaning;

255 [~~(G)~~] (H) other esthetic preparations or procedures with the use of:

256 (I) the hands; or

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

260 [~~(H)~~] (I) cosmetic laser procedures under the supervision of a cosmetic supervisor with
 261 a physician's evaluation before the procedure, as needed, unless specifically required under
 262 Section [58-1-506](#), and limited to the following:

263 (I) superfluous hair removal;

264 (II) anti-aging resurfacing enhancements;

265 (III) photo rejuvenation; or

266 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician
 267 assistant's evaluation before the tattoo removal procedure, as required by Subsection
 268 [58-1-506\(3\)\(a\)](#); and

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

270 (b) Notwithstanding the provisions of Subsection [~~(40)(a)~~] (45)(a), a master-level
 271 esthetician may perform procedures listed in Subsection [~~(40)(a)(i)(H)~~] (45)(a)(i)(H) if done
 272 under the supervision of a cosmetic supervisor acting within the scope of the cosmetic
 273 supervisor license.

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

277 ~~[(41)]~~ (46) "Practice of nail technology" means to trim, cut, clean, manicure, shape,
278 massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of
279 hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the
280 application and removal of sculptured or artificial nails.

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 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
285 than 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
288 school 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
291 state other than Utah, whose students, upon graduation, are recognized as having completed the
292 educational requirements for licensure in that state.

293 ~~[(46)]~~ (51) "Recognized esthetics school" means an esthetics school located in a state
294 other 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
297 eyebrow 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 state.

299 ~~[(47)]~~ (53) "Recognized hair design school" means a hair design school located in a
300 state other than Utah, whose students, upon graduation, are recognized as having completed the
301 educational requirements for licensure in that state.

302 ~~[(48)]~~ (54) "Recognized nail technology school" means a nail technology school
303 located in a state other than Utah, whose students, upon graduation, are recognized as having
304 completed the educational requirements for licensure in that state.

305 ~~[(49)]~~ (55) "Salon" means a place, shop, or establishment in which
 306 cosmetology/barbering, esthetics, electrology, ~~[or]~~ nail technology, or eyelash and eyebrow
 307 technology is practiced.

308 ~~[(50)]~~ (56) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

309 ~~[(51)]~~ (57) "Unprofessional conduct" is as defined in Sections 58-1-501 and
 310 58-11a-501 and as may be further defined by rule by the division in collaboration with the
 311 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

313 **58-11a-201. Board.**

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

316 (a) one barber or cosmetologist/barber;

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

318 (ii) one representative of a licensed barber or cosmetology/barber school;

319 (c) one master esthetician;

320 (d) (i) one esthetician instructor; or

321 (ii) one representative of a licensed esthetics school;

322 (e) one nail technician;

323 (f) (i) one nail technician instructor; or

324 (ii) one representative of a licensed nail ~~[technician]~~ technology school;

325 (g) one electrologist; ~~[and]~~

326 (h) one eyelash and eyebrow technician;

327 (i) (i) one eyelash and eyebrow technician instructor; or

328 (ii) one representative of a licensed eyelash and eyebrow technology school; and

329 ~~[(h)]~~ (j) two members from the general public.

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

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

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

335 (3) The duties and responsibilities of the board are in accordance with Sections

336 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a
337 permanent or rotating basis to:

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

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

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

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

345 **58-11a-301. Licensure required -- License classifications.**

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

348 (a) engage in the practice of:

349 (i) barbering;

350 (ii) barbering instruction;

351 (iii) cosmetology/barbering;

352 (iv) cosmetology/barbering instruction;

353 (v) electrology;

354 (vi) electrology instruction;

355 (vii) esthetics;

356 (viii) master-level esthetics;

357 (ix) esthetics instruction;

358 (x) hair design;

359 (xi) hair design instruction;

360 (xii) nail technology; [or]

361 (xiii) nail technology instruction; [or]

362 (xiv) eyelash and eyebrow technology; or

363 (xv) eyelash and eyebrow technology instruction; or

364 (b) operate:

365 (i) a barbering school;

366 (ii) a cosmetology/barbering school;

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

398 Section 4. Section **58-11a-302** is amended to read:

399 **58-11a-302. Qualifications for licensure.**

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

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

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

403 (c) provide satisfactory documentation of:

404 (i) graduation from a licensed or recognized barber school, or a licensed or recognized

405 cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of

406 instruction, or the equivalent number of credit hours, over a period of not less than 25 weeks;

407 (ii) (A) graduation from a recognized barber school located in a state other than Utah

408 whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of

409 credit hours; and

410 (B) practice as a licensed barber in a state other than Utah for not less than the number

411 of hours required to equal 1,000 total hours when added to the hours of instruction described in

412 Subsection (1)(c)(ii)(A); or

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

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

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

416 or

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

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

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

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

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

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

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

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

425 barber;

426 (d) provide satisfactory documentation of completion of:

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

428 defined by rule, consisting of a minimum of [~~250~~] 150 hours or the equivalent number of credit

429 hours;

430 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
431 recognized school, as defined by rule, consisting of a minimum of [~~250~~] 150 hours or the
432 equivalent number of credit hours; or

433 (iii) a minimum of [~~2,000~~] 1,000 hours of experience as a barber; and

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

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

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

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

438 (c) provide satisfactory documentation:

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

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

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

443 (iv) that the applicant meets:

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

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

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

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

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

451 (c) provide satisfactory documentation of:

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

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

458 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less
459 than the number of hours required to equal 1,600 total hours when added to the hours of

460 instruction described in Subsection (4)(c)(ii)(A); or
461 (iii) completion of an approved cosmetology/barber apprenticeship; and
462 (d) meet the examination requirement established by rule.
463 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:
464 (a) submit an application in a form prescribed by the division;
465 (b) subject to Subsection [~~(24)~~] (27), pay a fee determined by the department under
466 Section 63J-1-504;
467 (c) provide satisfactory documentation that the applicant is currently licensed as a
468 cosmetologist/barber;
469 (d) provide satisfactory documentation of completion of:
470 (i) an instructor training program conducted by a licensed or recognized school, as
471 defined by rule, consisting of a minimum of [~~400~~] 240 hours or the equivalent number of credit
472 hours;
473 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
474 recognized school, as defined by rule, consisting of a minimum of [~~400~~] 240 hours or the
475 equivalent number of credit hours; or
476 (iii) a minimum of [~~3,000~~] 1,600 hours of experience as a cosmetologist/barber; and
477 (e) meet the examination requirement established by rule.
478 (6) Each applicant for licensure as a cosmetologist/barber school shall:
479 (a) submit an application in a form prescribed by the division;
480 (b) pay a fee determined by the department under Section 63J-1-504; and
481 (c) provide satisfactory documentation:
482 (i) of appropriate registration with the Division of Corporations and Commercial Code;
483 (ii) of business licensure from the city, town, or county in which the school is located;
484 (iii) that the applicant's physical facilities comply with the requirements established by
485 rule; and
486 (iv) that the applicant meets:
487 (A) the standards for cosmetology schools, including staff and accreditation
488 requirements, established by rule; and
489 (B) the requirements for recognition as an institution of postsecondary study as
490 described in Subsection [~~(22)~~] (25).

- 491 (7) Each applicant for licensure as an electrologist shall:
- 492 (a) submit an application in a form prescribed by the division;
- 493 (b) pay a fee determined by the department under Section 63J-1-504;
- 494 (c) provide satisfactory documentation of having graduated from a licensed or
- 495 recognized electrology school after completing a curriculum of 600 hours of instruction or the
- 496 equivalent number of credit hours; and
- 497 (d) meet the examination requirement established by rule.
- 498 (8) Each applicant for licensure as an electrologist instructor shall:
- 499 (a) submit an application in a form prescribed by the division;
- 500 (b) subject to Subsection [~~24~~] (27), pay a fee determined by the department under
- 501 Section 63J-1-504;
- 502 (c) provide satisfactory documentation that the applicant is currently licensed as an
- 503 electrologist;
- 504 (d) provide satisfactory documentation of completion of:
- 505 (i) an instructor training program conducted by a licensed or recognized school, as
- 506 defined by rule, consisting of a minimum of [~~150~~] 90 hours or the equivalent number of credit
- 507 hours;
- 508 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
- 509 recognized school, as defined by rule, consisting of a minimum of [~~150~~] 90 hours or the
- 510 equivalent number of credit hours; or
- 511 (iii) a minimum of 1,000 hours of experience as an electrologist; and
- 512 (e) meet the examination requirement established by rule.
- 513 (9) Each applicant for licensure as an electrologist school shall:
- 514 (a) submit an application in a form prescribed by the division;
- 515 (b) pay a fee determined by the department under Section 63J-1-504; and
- 516 (c) provide satisfactory documentation:
- 517 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 518 (ii) of business licensure from the city, town, or county in which the school is located;
- 519 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 520 (iv) that the applicant meets:
- 521 (A) the standards for electrologist schools, including staff, curriculum, and

522 accreditation requirements, established by rule; and

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

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

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

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

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

529 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized
530 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic
531 instruction with a minimum of 600 hours or the equivalent number of credit hours;

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

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

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

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

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

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

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

543 (c) provide satisfactory documentation of:

544 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
545 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the
546 1,200 hours may have been completed:

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

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

- 553 (ii) completion of an approved master esthetician apprenticeship;
- 554 (d) if the applicant will practice lymphatic massage, provide satisfactory
- 555 documentation to show completion of 200 hours of training, or the equivalent number of credit
- 556 hours, in lymphatic massage as defined by division rule; and
- 557 (e) meet the examination requirement established by division rule.
- 558 (12) Each applicant for licensure as an esthetician instructor shall:
- 559 (a) submit an application in a form prescribed by the division;
- 560 (b) subject to Subsection [~~(24)~~] (27), pay a fee determined by the department under
- 561 Section 63J-1-504;
- 562 (c) provide satisfactory documentation that the applicant is currently licensed as a
- 563 master esthetician;
- 564 (d) provide satisfactory documentation of completion of:
- 565 (i) an instructor training program conducted by a licensed or recognized school, as
- 566 defined by rule, consisting of a minimum of [~~300~~] 180 hours or the equivalent number of credit
- 567 hours;
- 568 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
- 569 recognized school, as defined by rule, consisting of a minimum of [~~300~~] 180 hours or the
- 570 equivalent number of credit hours; or
- 571 (iii) a minimum of [~~1,000~~] 900 hours of experience in esthetics; and
- 572 (e) meet the examination requirement established by rule.
- 573 (13) Each applicant for licensure as an esthetics school shall:
- 574 (a) submit an application in a form prescribed by the division;
- 575 (b) pay a fee determined by the department under Section 63J-1-504; and
- 576 (c) provide satisfactory documentation:
- 577 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 578 (ii) of business licensure from the city, town, or county in which the school is located;
- 579 (iii) that the applicant's physical facilities comply with the requirements established by
- 580 rule; and
- 581 (iv) that the applicant meets:
- 582 (A) the standards for esthetics schools, including staff, curriculum, and accreditation
- 583 requirements, established by division rule made in collaboration with the board; and

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

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

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

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

589 (c) provide satisfactory documentation of:

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

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

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

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

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

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

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

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

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

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

609 (d) provide satisfactory documentation of completion of:

610 (i) an instructor training program conducted by a licensed or recognized school, as
611 defined by rule, consisting of a minimum of [~~300~~] 180 hours or the equivalent number of credit
612 hours;

613 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
614 recognized school, as defined by rule, consisting of a minimum of [~~300~~] 180 hours or the

615 equivalent number of credit hours; or

616 (iii) a minimum of [~~2,500~~] 1,200 hours of experience as a hair designer or as a
617 cosmetologist/barber; and

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

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

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

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

622 (c) provide satisfactory documentation:

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

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

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

627 (iv) that the applicant meets:

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

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

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

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

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

635 (c) provide satisfactory documentation of:

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

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

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

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

- 646 (d) meet the examination requirement established by division rule.
- 647 (18) Each applicant for licensure as a nail technician instructor shall:
- 648 (a) submit an application in a form prescribed by the division;
- 649 (b) subject to Subsection [~~24~~] (27), pay a fee determined by the department under
- 650 Section 63J-1-504;
- 651 (c) provide satisfactory documentation that the applicant is currently licensed as a nail
- 652 technician;
- 653 (d) provide satisfactory documentation of completion of:
- 654 (i) an instructor training program conducted by a licensed or recognized school, as
- 655 defined by rule, consisting of a minimum of [~~75~~] 45 hours or the equivalent number of credit
- 656 hours;
- 657 (ii) an on-the-job instructor training program conducted by a licensed instructor at a
- 658 licensed or recognized school, as defined by rule, consisting of a minimum of [~~75~~] 45 hours or
- 659 the equivalent number of credit hours; or
- 660 (iii) a minimum of [~~600~~] 300 hours of experience in nail technology; and
- 661 (e) meet the examination requirement established by rule.
- 662 (19) Each applicant for licensure as a nail technology school 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; and
- 665 (c) provide satisfactory documentation:
- 666 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 667 (ii) of business licensure from the city, town, or county in which the school is located;
- 668 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 669 (iv) that the applicant meets:
- 670 (A) the standards for nail technology schools, including staff, curriculum, and
- 671 accreditation requirements, established by rule; and
- 672 (B) the requirements for recognition as an institution of postsecondary study as
- 673 described in Subsection [~~22~~] (25).
- 674 (20) Each applicant for licensure as an eyelash and eyebrow technician shall:
- 675 (a) submit an application in a form prescribed by the division;
- 676 (b) pay a fee determined by the department under Section 63J-1-504;

677 (c) provide satisfactory documentation of:

678 (i) completion of a course or program in eyelash and eyebrow technology from a
679 licensed or recognized eyelash and eyebrow technology school or a licensed or recognized
680 cosmetology/barber school, whose curriculum consists of not less than 100 hours of
681 instruction, or the equivalent number of credit hours;

682 (ii) (A) completion of a course or program in eyelash and eyebrow technology from a
683 recognized eyebrow and eyelash technology school or recognized cosmetology/barber school
684 located in a state other than Utah whose curriculum consists of less than 100 hours of
685 instruction or the equivalent number of credit hours; and

686 (B) practice as a licensed eyelash and eyebrow technician in a state other than Utah for
687 not less than the number of hours required to equal 100 total hours when added to the hours of
688 instruction described in Subsection (20)(c)(ii)(A); or

689 (iii) completion of an approved eyelash and eyebrow apprenticeship; and

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

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

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

693 (b) subject to Subsection (27), pay a fee determined by the department under Section
694 [63J-1-504](#);

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

697 (d) provide satisfactory documentation of:

698 (i) an instructor training program conducted by a licensed or recognized school, as
699 defined by rule, consisting of a minimum of 15 hours or the equivalent number of credit hours;

700 (ii) an on-the-job instructor training program conducted by a licensed instructor at a
701 licensed or recognized school, as defined by rule, consisting of a minimum of 15 hours or the
702 equivalent number of credit hours; or

703 (iii) a minimum of 100 hours of experience in eyelash and eyebrow technology; and

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

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

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

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

- 708 (c) provide satisfactory documentation:
709 (i) of appropriate registration with the Division of Corporations and Commercial Code;
710 (ii) of business licensure from the city, town, or county in which the school is located;
711 (iii) that the applicant's facilities comply with the requirements established by rule; and
712 (iv) that the applicant meets:
713 (A) the standards for eyelash and eyebrow technology schools, including staff,
714 curriculum, and accreditation requirements, established by rule; and
715 (B) the requirements for recognition as an institution of postsecondary study as
716 described in Subsection (25).

717 ~~[(20)]~~ (23) Each applicant for licensure under this chapter whose education in the field
718 for which a license is sought was completed at a foreign school may satisfy the educational
719 requirement for licensure by demonstrating, to the satisfaction of the division, the educational
720 equivalency of the foreign school education with a licensed school under this chapter.

721 ~~[(21)]~~ (24) (a) A licensed or recognized school under this section shall accept credit
722 hours towards graduation for documented, relevant, and substantially equivalent coursework
723 previously completed by:

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

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

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

731 ~~[(22)]~~ (25) A school licensed or applying for licensure under this chapter shall maintain
732 recognition as an institution of postsecondary study by meeting the following conditions:

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

737 (b) the school shall be licensed by name, or in the case of an applicant, shall apply for
738 licensure by name, under this chapter to offer one or more training programs beyond the

739 secondary level.

740 ~~[(23)]~~ (26) A person seeking to qualify for licensure under this chapter by apprenticing
741 in an approved apprenticeship shall register with the division as described in Section
742 ~~58-11a-306~~.

743 ~~[(24)]~~ (27) The department may only charge a fee to a person applying for licensure as
744 any type of instructor under this chapter if the person is not a licensed instructor in any other
745 profession under this chapter.

746 ~~[(25)]~~ (28) In order to encourage economic development in the state, the department
747 may offer any required examination under this section, which is prepared by a national testing
748 organization, in languages in addition to English.

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

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

753 **58-11a-304. Exemptions from licensure.**

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

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

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

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

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

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

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

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

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

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

779 (ii) the instructor receives no compensation;

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

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

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

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

796 (11) a person who:

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

- 801 (b) is employed by, or under contract with, a motion picture company; and
- 802 (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics,
- 803 master-level esthetics, electrology, [or] nail technology, or eyelash and eyebrow technology in
- 804 the state:
- 805 (i) solely to assist in the production of a motion picture; and
- 806 (ii) for no more than 120 days per calendar year;
- 807 (12) a person who:
- 808 (a) engages in hair braiding; and
- 809 (b) 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 (13) a person who:
- 812 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- 813 (b) does not cut the hair;
- 814 (c) does not apply dye to alter the color of the hair;
- 815 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the
- 816 hair;
- 817 (e) unless it is expressly exempted under this section or Section 58-1-307, does not
- 818 engage in other activity requiring licensure under this chapter; [and]
- 819 (f) provides evidence to the division that the person has received a hair safety permit
- 820 from completing a hair safety program that:
- 821 (i) is approved by the division;
- 822 (ii) consists of no more than two hours of instruction;
- 823 (iii) is offered by a provider approved by the division; and
- 824 (iv) includes an examination that requires a passing score of 75%; and
- 825 (g) displays in a conspicuous location in the person's place of business:
- 826 (i) a valid hair safety permit as described in Subsection (13)(f); and
- 827 (ii) a sign notifying the public that the person's services are not provided by an
- 828 individual who has a license under this chapter.
- 829 Section 6. Section 58-11a-306 is amended to read:
- 830 **58-11a-306. Apprenticeship.**
- 831 (1) An approved barber apprenticeship shall:

- 832 (a) consist of not less than 1,250 hours of training; and
833 (b) be conducted by a supervisor who:
834 (i) is licensed under this chapter as a barber instructor or a cosmetology/barber
835 instructor; and
836 (ii) provides one-on-one direct supervision of the barber apprentice during the
837 apprenticeship program.
- 838 (2) An approved cosmetologist/barber apprenticeship shall:
839 (a) consist of not less than 2,500 hours of training; and
840 (b) be conducted by a supervisor who:
841 (i) is licensed under this chapter as a cosmetologist/barber instructor; and
842 (ii) provides one-on-one direct supervision of the cosmetologist/barber apprentice
843 during the apprenticeship program.
- 844 (3) An approved hair designer apprenticeship shall:
845 (a) consist of not less than 1,600 hours of training; and
846 (b) be conducted by a supervisor who:
847 (i) is licensed under this chapter as a hair designer instructor or a cosmetologist/barber
848 instructor; and
849 (ii) provides one-on-one direct supervision of the hair designer apprentice during the
850 apprenticeship program.
- 851 (4) An approved esthetician apprenticeship shall:
852 (a) consist of not less than 800 hours of training; and
853 (b) be conducted by a supervisor who:
854 (i) is licensed under this chapter as an esthetician instructor; and
855 (ii) provides one-on-one direct supervision of the esthetician apprentice during the
856 apprenticeship program.
- 857 (5) An approved master esthetician apprenticeship shall:
858 (a) consist of not less than 1,500 hours of training; and
859 (b) be conducted by a supervisor who:
860 (i) is licensed under this chapter as a master-level esthetician instructor; and
861 (ii) provides one-on-one direct supervision of the master esthetician apprentice during
862 the apprenticeship program.

- 863 (6) An approved nail technician apprenticeship shall:
864 (a) consist of not less than 375 hours of training; and
865 (b) be conducted by a supervisor who:
866 (i) is licensed under this chapter as a nail technician instructor or a cosmetology/barber
867 instructor;
868 (ii) provides direct supervision of the nail technician apprentice during the
869 apprenticeship program; and
870 (iii) provides direct supervision to no more than two nail technician apprentices during
871 the apprentice program.

- 872 (7) An approved eyelash and eyebrow technician apprenticeship shall:
873 (a) consist of not less than 125 hours of training; and
874 (b) be conducted by a supervisor who:
875 (i) is licensed under this chapter as an eyelash and eyebrow technician instructor or a
876 cosmetology/barber instructor;
877 (ii) provides direct supervision of the eyelash and eyebrow technician apprentice
878 during the apprenticeship program; and
879 (iii) provides direct supervision to no more than two eyelash and eyebrow technician
880 apprentices during the apprenticeship program.

- 881 [~~7~~] (8) A person seeking to qualify for licensure by apprenticing in an approved
882 apprenticeship under this chapter shall:
883 (a) register with the division before beginning the training requirements by:
884 (i) submitting a form prescribed by the division, which includes the name of the
885 licensed supervisor; and
886 (ii) paying a fee determined by the department under Section 63J-1-504;
887 (b) complete the apprenticeship within five years of the date on which the division
888 approves the registration; and
889 (c) notify the division within 30 days if the licensed supervisor changes after the
890 registration is approved by the division.

- 891 [~~8~~] (9) Notwithstanding Subsection [~~7~~] (8), if a person seeking to qualify for
892 licensure by apprenticing in an approved apprenticeship under this chapter registers with the
893 division before January 1, 2017, any training requirements completed by the person as an

894 apprentice in an approved apprenticeship before registration may be applied to successful
895 completion of the approved apprenticeship.

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

897 **58-11a-501. Unprofessional conduct.**

898 Unprofessional conduct includes:

899 (1) failing as a licensed school to obtain or maintain accreditation as required by rule;

900 (2) failing as a licensed school to comply with the standards of accreditation applicable
901 to such schools;

902 (3) failing as a licensed school to provide adequate instruction to enrolled students;

903 (4) failing as an apprentice supervisor to provide direct supervision to the apprentice;

904 (5) failing as an instructor to provide direct supervision to students who are providing
905 services to an individual under the instructor's supervision;

906 (6) failing as an apprentice supervisor to comply with division rules relating to
907 apprenticeship programs under this chapter;

908 (7) keeping a salon or school, its furnishing, tools, utensils, linen, or appliances in an
909 unsanitary condition;

910 (8) failing to comply with Title 26B, Utah Health and Human Services Code;

911 (9) failing to display licenses or certificates as required under Section [58-11a-305](#);

912 (10) failing to comply with physical facility requirements established by rule;

913 (11) failing to maintain mechanical or electrical equipment in safe operating condition;

914 (12) failing to adequately monitor patrons using steam rooms, dry heat rooms, baths,
915 showers, or saunas;

916 (13) prescribing or administering prescription drugs;

917 (14) failing to comply with all applicable state and local health or sanitation laws;

918 (15) engaging in any act or practice in a professional capacity that is outside the
919 applicable scope of practice;

920 (16) engaging in any act or practice in a professional capacity which the licensee is not
921 competent to perform through education or training;

922 (17) in connection with the use of a chemical exfoliant, unless under the supervision of
923 a licensed health care practitioner acting within the scope of his or her license:

924 (a) using any acid, concentration of an acid, or combination of treatments which

925 violates the standards established by rule;

926 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or

927 (c) using an exfoliant that contains phenol, TCA acid of over 15%, or BCA acid;

928 (18) in connection with the sanding of the skin, unless under the supervision of a

929 licensed health care practitioner acting within the scope of his or her license, removing any

930 layer of skin deeper than the stratum corneum of the epidermis;

931 (19) using as a barber, cosmetologist/barber, [~~or~~] nail technician, or eyelash and

932 eyebrow technician any laser procedure or intense, pulsed light source, except that nothing in

933 this chapter precludes an individual licensed under this chapter from using a nonprescriptive

934 laser device; or

935 (20) failing to comply with a judgment order from a court of competent jurisdiction

936 resulting from the failure to pay outstanding tuition or education costs incurred to comply with

937 this chapter.

938 Section 8. **Effective date.**

939 This bill takes effect on May 1, 2024.