



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

FACT SHEET FOR H.B. 2168

~~technical correction; conservation easements; applicability~~  
(NOW: barbering; cosmetology; conforming legislation)

Purpose

Modifies statutes relating to the regulation of the barbering and cosmetology profession.

Background

In 2021, the Legislature established the Board of Barbering and Cosmetology (Board) through the consolidation of the Board of Barbering and the Board of Cosmetology ([Laws 2021, Ch.334](#)).

The Board was established to administer and enforce the regulatory requirements relating to barbering and cosmetology professionals and establishments, including sanitary and safety requirements. These professionals include aestheticians, barbers, cosmetologists, hairstylists, nail technicians and eyelash technicians. The Board consists of nine Governor-appointed members that include: 1) one cosmetologist who has actively practiced cosmetology in Arizona for at least three years immediately preceding appointment; 2) two school owners who do not own the same school, one of whom owns a school that teaches cosmetology and one of whom owns a school that teaches barbering; 3) five public members, preferably one of whom is an educator, who are not and have never been associated with the barbering, cosmetology or nail technology industry, licensed as a barber, cosmetologist or nail technician or involved in manufacturing barbering, cosmetology or nail technology products; and 4) one barber who has actively practiced barbering in Arizona for at least three years.

The Board is self-funded, depositing 10 percent of all monies from whatever source that come into the possession of the Board in the state General Fund (state GF) and the remaining 90 percent in the Barbering and Cosmetology Fund (Fund). The duties of the Board include: 1) adopting rules that are necessary and proper for the administration of the statutory requirements; 2) administering and enforcing barbering and cosmetology regulations, including taking disciplinary action; and 3) making and maintaining records of its acts and proceedings, including issuance, denial, renewal or revocation of a license or registration ([A.R.S. Title 32, Ch. 3 and 5](#)).

If there is a change in the amount of fees collected by the Board, there may be a fiscal impact to the state GF.

Provisions

***Licensing Requirements***

1. Repeals the barbering statutes and incorporates barbers into the cosmetology statutes.

2. Stipulates that the Barbering and Cosmetology statutes do not apply to:
  - a) persons who perform services without compensation in either an emergency or a domestic administration; or
  - b) persons who perform barbering, cosmetology, hairstyling or nail technology services in a funeral establishment.
3. Includes barbering in the requirement for the Board to select an administrator of written and practical examinations for licensure.
4. Includes barbers in the requirement to:
  - a) renew the person's license by the person's birthday once every two years; and
  - b) pay the prescribed delinquent renewal penalty if the person fails to renew the person's license by the person's birthday.
5. Stipulates that a barber, cosmetologist, aesthetician, nail technician or hairstylist must pay the prescribed renewal fee and comply with statutory requirements to renew the person's license.
6. Decreases, from 5 to 10 years, the time period for a license to be inactive before it automatically reverts to inactive status, including an instructor license.
7. Includes barbering in the cosmetology statute relating to unlawful acts.
8. Adds, to the list of unlawful acts, the operation of an establishment without being licensed by the Board and without having an individual designated as the manager of the establishment.

#### ***Board Duties***

9. Eliminates the authorization for the Board to employ:
  - a) a supervisor of examinations who is a Board-licensed instructor and who has worked at least two of the five years immediately preceding employment as an instructor in a licensed school; or
  - b) examiners who are not employed as instructors in any licensed school.
10. Requires the Board to adopt rules that are necessary and proper to administer mobile facility requirements.
11. Includes aesthetics, barbering, hairstyling and nail technology in the requirement for the Board to either prepare, administer and grade practical and written examinations or contract with a national professional organization.
12. Clarifies that the Board must make and maintain records for registrations.
13. Removes the requirement for the Board to make an annual report to the Governor by October 1 of each year covering its official acts and financial transactions during the preceding fiscal year and making recommendations it deems necessary.
14. Clarifies that the Board must prescribe standards and requirements for services through mobile facilities, rather than services through mobile units.

15. Adds aestheticians, barbers and hairstylists to the requirement for the Board to approve a mentor based on the licensee's record of compliance.
16. Eliminates the requirement for the Board to only issue a duplicate license on receipt of a written request that states the reason for the request for a duplicate license.
17. Includes barbering in the cosmetology statute relating to the Board taking disciplinary action or refusing to issue or renew a license or regulation for prescribed causes.

### ***Barbering Qualifications***

18. Requires an applicant for a barbering license to file with the Board a written application on a form prescribed by Board.
19. Requires an applicant for a barbering license to either:
  - a) complete and receive appropriate credits for at least two years of high school education or the equivalent as prescribed by the Board in its rules and submit proof that the applicant is at least 16 years of age; or
  - b) submit to the Board proof that the applicant is at least 18 years of age.
20. Requires an applicant for a barbering license to submit to the Board proof that the applicant:
  - a) is a graduate of a barbering course consisting of at least 1,200 hours of training in a Board-licensed school;
  - b) is a graduate of a barbering school in another state or country that at the time of the applicant's graduation had substantially the same requirements as Arizona for Board-licensed schools; or
  - c) completed a U.S. Department of Labor-approved or a Department of Economic Security (DES)-approved apprenticeship program in barbering that includes at least 250 hours of infection protection and law review instruction.
21. Requires an applicant to complete the infection protection and law review instruction through:
  - a) a Board-licensed school or a school or program in another state that has, in the Board's opinion, licensure requirements that are substantially equivalent to the requirements of Arizona; or
  - b) a DES-approved apprenticeship program.
22. Requires an applicant for a barbering license to:
  - a) pass the examination for a barber license; and
  - b) pay the statutorily prescribed application fee.
23. Requires an applicant for a barber license who holds a cosmetology or hairstylist license to complete a 200 hour course consisting of barbering techniques in a Board-licensed school.
24. Defines *barber* as a person who is licensed to practice barbering.
25. Modifies the definition *barbering* as any one or a combination of the following practices if they are performed on a person's head, face, neck or shoulders for cosmetic purposes:
  - a) cutting, clipping or trimming hair;

- b) massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances;
- c) styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, singeing, bleaching, dying, tinting, coloring or similarly treating hair;
- d) providing hair attachments, extensions, hairpieces and wigs when performed by a barber;
- e) shaving or trimming a beard;
- f) providing skin care, including facials, corrective treatments, blackhead and acne removal and masks and treatment creams; or
- g) removing unwanted hair by means other than electrolysis or treading.

### *Schools*

- 26. Requires a course of instruction in a Board-licensed school that teaches barbering to consist of at least 1,200 hours of instruction.
- 27. Requires the course of instruction to include:
  - a) at least 250 hours devoted to the study of the fundamentals of barbering, hygiene, bacteriology, histology of the hair, skin muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics and diseases of the skin, hair and glands; and
  - b) at least 950 hours devoted to the practice and study of massaging and manipulating muscles of the scalp, face and neck, haircutting, shaving and chemical work related to permanent waves and hair straightening, coloring and bleaching.
- 28. Requires a Board-licensed school to be operated under the general supervision of a Board-licensed instructor.
- 29. Prohibits students from teaching students at a Board-licensed school.
- 30. Allows a school that holds a school license in barbering and cosmetology to offer courses on both cosmetology and barbering if an instructor licensed as a cosmetologist teaches the cosmetology course and an instructor licensed as a barber teaches the barbering course.
- 31. Clarifies that a school of any type may include programs related to a subject that the Board licenses or registers, rather than only subjects similar to cosmetology.
- 32. Allows a school to offer for sale related products and articles, rather only cosmetology products or articles.
- 33. Clarifies that in order for a student at a school to render services under the supervision of an instructor the school and instructor must both be Board-licensed.
- 34. Applies to any board-licensed school, rather than only cosmetology schools, the requirement to conspicuously post a notice that work is done exclusively by students under the direct supervision on a Board-licensed instructor.
- 35. Deems a violation of the requirement to conspicuously post the notice as an unlawful act subject to a class 1 misdemeanor.

36. Includes barbering services in the prohibition of a student in a school from receiving a salary or commission from the school while enrolled as a student.
37. Allows a student who desires to transfer from one school to another to apply to another school of the student's choice, rather than require the student to execute an application for transfer form prescribed by the Board.
38. Requires transferring schools to provide the student with a completion form documenting the hours and courses that the student has completed.
39. Requires the form to include:
  - a) the school's name, address and license number; and
  - b) the student's dates of attendance.
40. Eliminates the requirement for the transferring school to complete the application for transfer students in triplicate and forward the requested information to the Board within three days after the student executes an application for transfer.

#### *Instructor License*

41. Includes barbering in the cosmetology requirements for licensing instructors.
42. Stipulates that a person is entitled to receive an instructor license if the person hold a high school diploma or its equivalent and submits proof that the person is at least 19 years of age, rather than 16 years of age.
43. Eliminates the option for a person to obtain an instructor license if the person submits proof that the person is at least 18 years of age.
44. Includes 350 hours of instructor training prior to the issuance of a barbering instructor license.
45. Clarifies that prior to the issuance of an instructor license a person must pass a written and practical examination.
46. Adds the requirement for a person applying for an instructor license to complete an infection prevention, sanitation and law review class provided by the Board.
47. Allows an applicant to appeal the Board's denial of an instructor license by requesting a hearing.
48. Requires the hearing to be before the Board at its next regular meeting that follows the Board's receipt of the request.
49. Stipulates that, at the hearing, the burden of proof is on the applicant to demonstrate that the alleged deficiencies that are the basis of the denial do not exist.
50. Modifies the definition of *instructor* to include a person who is licensed to teach barbering.

### *License Reciprocity*

51. Includes barbers in the cosmetology statute relating to license reciprocity requirements for a person licensed in another state.
52. Entitles a person who holds a valid license or authorizing document to practice aesthetics, barbering, cosmetology, hairstyling or nail technology issued by another country to license reciprocity if:
  - a) the person's presence in the United States is authorized under federal law;
  - b) the person submits to the Board proof that the person has at least one year of experience as an aesthetician, barber, cosmetologist, hairstylist or nail technician;
  - c) the Board determines that the person is proficient in the practice of aesthetics, barbering, cosmetology, hairstyling or nail technology;
  - d) the person passes the practical examinations in the person's profession; and
  - e) the person takes and completes an infection prevention class provided by the Board.
53. Includes barbers in the cosmetology statute relating to instructor license reciprocity.
54. Stipulates that a person is entitled to receive instructor license reciprocity if the person holds a high school diploma or its equivalent and submits proof that the person is at least 19 years of age, rather than 16 years of age.
55. Eliminates the option for a person to obtain an instructor license reciprocity if the person submits proof that the person is at least 18 years of age.
56. Clarifies that prior to the issuance of an instructor license reciprocity a person must pass a written and practical examination.
57. Adds the requirement for a person applying for instructor license reciprocity to complete an infection prevention, sanitation and law review class provided by the Board.

### *Establishments*

58. Replaces references of *salon* in the cosmetology statutes with *establishment*.
59. Eliminates the definition of *salon*.
60. Defines *establishment* as:
  - a) an establishment or shop that is operated for the purpose of engaging in the practice of barbering, cosmetology, aesthetics, nail technology, hairstyling or eyelash extensions or any combination of these practices;
  - b) an establishment or shop together with a retrofitted motor vehicle that is used exclusively as a mobile facility for the purpose of engaging in the practice of barbering, cosmetology, aesthetics, nail technology or hairstyling or any combination of these practices and that is operated and dispatched through the establishment; or
  - c) a retrofitted motor vehicle that is exclusively used as a mobile facility for the purpose of engaging in the practice of barbering, cosmetology, aesthetics, nail technology or hairstyling or any combination of these practices and that is operated and dispatched from a business that has a physical street address on file with the Board.

61. Includes barbers in the cosmetology statute requiring each establishment to display in a conspicuous location the current license of each licensee who is practicing in the establishment.
62. Requires each establishment to display in a conspicuous location the current registration for each eyelash technician who is practicing in the establishment.
63. Clarifies that the requirement to conspicuously display the latest inspection sheet is the inspection sheet for the establishment.
64. Adds the requirement for an establishment owner to file a new application within 10 days after any change of ownership or location.
65. Eliminates the requirement for an establishment owner to notify the Board in writing and pay the prescribed fee within 10 days of a change in the establishment's trade name.

***Board Fees***

66. Eliminates the following fees:
  - a) written examination fee of up to \$100;
  - b) practical examination fee of up to \$100;
  - c) review of examination fee of up to \$50; and
  - d) regrading of examinations fee of up to \$50.
67. Decreases, from \$0.25 to \$0.10, the maximum fee the Board may establish and collect for computer printouts of names of licensees.
68. Increases the following maximum fee amounts the Board may establish and collect:
  - a) the onetime application fee for an initial personal license from \$83 to \$100;
  - b) the onetime application fee for a personal reciprocity license from \$150 to \$200;
  - c) the application for an establishment license from \$112 to \$250;
  - d) the application for a school license from \$600 to \$1,000;
  - e) the personal license renewal fee to be paid once every two years from \$76 to \$100;
  - f) the personal license delinquent renewal fee from \$60 to \$150;
  - g) the establishment license renewal fee from \$50 to \$100; and
  - h) the establishment license delinquent renewal fee from \$80 to \$150.
69. Adds the following maximum fee amounts the Board may establish and collect:
  - a) \$200 onetime application fee for a universal license;
  - b) \$250 application fee for an establishment license change of ownership;
  - c) \$1,000 application fee for school license change of ownership or location; and
  - d) \$150 establishment license fee after a change of location.
70. Stipulates that the fee for an application for a school license includes an initial inspection.

***Miscellaneous***

71. Appropriates \$200,000 from the Fund in FY 2025 and FY 2026 to the Board for information technology development.

- 72. Appropriates \$298,250 and four FTE positions from the Fund in FY 2025 to the Board to enforce the barbering and cosmetology statutes.
- 73. Exempts the appropriations from lapsing.
- 74. Modifies the definition of *mentor* to include an aesthetician, barber, hairstylist or nail technician who is approved by the Board to train a person in a DES-approved apprenticeship program.
- 75. Conforms statutes relating to the requirements for an aesthetician or a cosmetologist who wishes to perform cosmetic laser procedures and procedures using IPL devices to become certified with the Department of Health Services.
- 76. Makes technical and conforming changes.
- 77. Becomes effective of the general effective date.

House Action

GOV	2/14/24	DPA/SE	7-0-0-2
3 <sup>rd</sup> Read	2/22/24		55-3-1-0-1

Prepared by Senate Research  
March 11, 2024  
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