

COSMETOLOGY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Cosmetology and Associated Professions Licensing Act (cosmetology act).

Highlighted Provisions:

This bill:

- ▶ creates an exemption from licensure under the cosmetology act for an individual

who:

- only dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- receives a hair safety permit; and
- displays a sign in the individual's place of business informing the public that the individual is not licensed under the cosmetology act; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

58-11a-304, as last amended by Laws of Utah 2020, Chapter 339



28 **Utah Code Sections Affected by Coordination Clause:**

29 **58-11a-304**, as last amended by Laws of Utah 2020, Chapter 339



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

32 Section 1. Section **58-11a-304** is amended to read:

33 **58-11a-304. Exemptions from licensure.**

34 In addition to the exemptions from licensure in Section **58-1-307**, the following persons
35 may engage in the practice of barbering, cosmetology/barbering, hair design, esthetics,
36 master-level esthetics, electrology, or nail technology without being licensed under this
37 chapter:

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

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

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

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

47 (5) a person who engages in the practice of barbering, cosmetology/barbering, hair
48 design, esthetics, master-level esthetics, electrology, or nail technology without compensation;

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

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

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

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

58 (ii) the instructor receives no compensation;

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

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

67 (9) a person enrolled in an approved apprenticeship pursuant to Section 58-11a-306;

68 (10) an employee of a company that is primarily engaged in the business of selling
69 products used in the practice of barbering, cosmetology/barbering, hair design, esthetics,
70 master-level esthetics, electrology, or nail technology when demonstrating the company's
71 products to a potential customer, provided the employee makes no representation to a potential
72 customer that attending such a demonstration will certify or qualify the attendee to perform a
73 service for compensation that requires licensure under this chapter;

74 (11) a person who:

75 (a) is qualified to engage in the practice of barbering, cosmetology/barbering, hair
76 design, esthetics, master-level esthetics, electrology, or nail technology in another jurisdiction
77 as evidenced by licensure, certification, or lawful practice in the other jurisdiction;

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

79 (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics,
80 master-level esthetics, electrology, or nail technology in the state:

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

82 (ii) for no more than 120 days per calendar year; [~~and~~]

83 (12) a person who:

84 (a) engages in hair braiding; and

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

87 (13) a person who:

88 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;

89 (b) does not cut the hair;

- 90 (c) does not apply dye to alter the color of the hair;
- 91 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the
- 92 hair;
- 93 (e) unless it is expressly exempted under this section or Section 58-1-307, does not
- 94 engage in other activity requiring licensure under this chapter;
- 95 (f) has received a hair safety permit from completing a hair safety program that:
- 96 (i) is approved by the division;
- 97 (ii) is offered by a provider approved by the division; and
- 98 (iii) includes an exam that requires a passing score of 75%; and
- 99 (g) displays in a conspicuous location in the person's place of business:
- 100 (i) a valid hair safety permit as described in Subsection (13)(f); and
- 101 (ii) a sign notifying the public that the person's services are not provided by an
- 102 individual who has a license under this chapter.

103 **Section 2. Coordinating H.B. 266 with S.B. 87 -- Superseding technical and**

104 **substantive amendments.**

105 If this H.B. 266 and S.B. 87, Professional Licensing Amendments, both pass and

106 become law, it is the intent of the Legislature that the amendments to Section 58-11a-304 in

107 S.B. 87 supersede the amendments to Section 58-11a-304 in this bill when the Office of

108 Legislative Research and General Counsel prepares the Utah Code database for publication.