

Representative Christine F. Watkins proposes the following substitute bill:

COSMETOLOGY LICENSING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: Christine F. Watkins

LONG TITLE

General Description:

This bill modifies the Cosmetology and Associated Professions Licensing.

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 the apprentice or student
89 for 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,]~~ any school licensed
164 under 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~~] any 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~~] any 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~~] any 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 any 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~~] any 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:

275 (i) the practice of esthetics, but an individual is not required to be licensed as an
276 esthetician or master-level esthetician to engage in the practice of threading[-]; and

277 (ii) the practice of eyelash and eyebrow technology.

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

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

282 (i) the application and removal of sculptured or artificial nails[-]; and

283 (ii) using blades, including corn or callus planer or rasp, for smoothing, shaving, or
284 removing dead skin from the feet.

285 [(42)] (47) "Practice of nail technology instruction" means teaching the practice of nail
286 technology at [~~a licensed nail technician school, at a licensed cosmetology/barber school,~~] any
287 school licensed under this chapter or for an approved nail technician apprenticeship.

288 [(43)] (48) "Recognized barber school" means a barber school located in a state other
289 than Utah, whose students, upon graduation, are recognized as having completed the
290 educational requirements for licensure in that state.

291 [(44)] (49) "Recognized cosmetology/barber school" means a cosmetology/barber
292 school located in a state other than Utah, whose students, upon graduation, are recognized as
293 having completed the educational requirements for licensure in that state.

294 [(45)] (50) "Recognized electrology school" means an electrology school located in a
295 state other than Utah, whose students, upon graduation, are recognized as having completed the
296 educational requirements for licensure in that state.

297 [(46)] (51) "Recognized esthetics school" means an esthetics school located in a state
298 other than Utah, whose students, upon graduation, are recognized as having completed the
299 educational requirements for licensure in that state.

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

303 [(47)] (53) "Recognized hair design school" means a hair design school located in a
304 state other than Utah, whose students, upon graduation, are recognized as having completed the

305 educational requirements for licensure in that state.

306 ~~[(48)]~~ (54) "Recognized nail technology school" means a nail technology school
 307 located in a state other than Utah, whose students, upon graduation, are recognized as having
 308 completed the educational requirements for licensure in that state.

309 ~~[(49)]~~ (55) "Salon" means a place, shop, or establishment in which
 310 cosmetology/barbering, esthetics, electrology, ~~[or]~~ nail technology, or eyelash and eyebrow
 311 technology is practiced.

312 ~~[(50)]~~ (56) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

313 ~~[(51)]~~ (57) "Unprofessional conduct" is as defined in Sections 58-1-501 and
 314 58-11a-501 and as may be further defined by rule by the division in collaboration with the
 315 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

317 **58-11a-201. Board.**

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

320 (a) one barber or cosmetologist/barber;

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

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

323 (c) one master esthetician;

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

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

326 (e) one nail technician;

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

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

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

330 (h) one eyelash and eyebrow technician;

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

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

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

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

335 (b) (i) At least one of the members of the board appointed under Subsections (1)(b),

336 (d), and (f) shall be an instructor at or a representative of a public school.

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

339 (3) The duties and responsibilities of the board are in accordance with Sections
340 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a
341 permanent or rotating basis to:

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

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

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

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

349 **58-11a-301. Licensure required -- License classifications.**

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

352 (a) engage in the practice of:

353 (i) barbering;

354 (ii) barbering instruction;

355 (iii) cosmetology/barbering;

356 (iv) cosmetology/barbering instruction;

357 (v) electrology;

358 (vi) electrology instruction;

359 (vii) esthetics;

360 (viii) master-level esthetics;

361 (ix) esthetics instruction;

362 (x) hair design;

363 (xi) hair design instruction;

364 (xii) nail technology; [or]

365 (xiii) nail technology instruction; [or]

366 (xiv) eyelash and eyebrow technology; or

- 367 (xv) eyelash and eyebrow technology instruction; or
- 368 (b) operate:
- 369 (i) a barbering school;
- 370 (ii) a cosmetology/barbering school;
- 371 (iii) an electrology school;
- 372 (iv) an esthetics school;
- 373 (v) a hair design school; [~~or~~]
- 374 (vi) a nail technology school[~~;~~]; or
- 375 (vii) an eyelash and eyebrow technology school.

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

- 378 (a) barber;
- 379 (b) barber instructor;
- 380 (c) barber school;
- 381 (d) cosmetologist/barber;
- 382 (e) cosmetologist/barber instructor;
- 383 (f) cosmetology/barber school;
- 384 (g) electrologist;
- 385 (h) electrologist instructor;
- 386 (i) electrology school;
- 387 (j) esthetician;
- 388 (k) master esthetician;
- 389 (l) esthetician instructor;
- 390 (m) esthetics school;
- 391 (n) hair designer;
- 392 (o) hair designer instructor;
- 393 (p) hair design school;
- 394 (q) nail [~~technology~~] technician;
- 395 (r) nail technology instructor; [~~and~~]
- 396 (s) nail technology school[~~;~~];
- 397 (t) eyelash and eyebrow technician;

398 (u) eyelash and eyebrow technology instructor; and

399 (v) eyelash and eyebrow technology school.

400 (3) A person who participates as an apprentice in an approved apprenticeship under
401 this chapter shall register with the division as described in Section [58-11a-306](#).

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

403 **58-11a-302. Qualifications for licensure.**

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

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

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

407 (c) provide satisfactory documentation of:

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

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

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

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

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

413 credit hours; and

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

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

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

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

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

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

420 or

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

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

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

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

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

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

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

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

429 barber;

430 (d) provide satisfactory documentation of completion of:

431 (i) an instructor training program conducted by a licensed or recognized school, as
432 defined by rule, consisting of a minimum of [~~250~~] 150 hours or the equivalent number of credit
433 hours;

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

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

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

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

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

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

442 (c) provide satisfactory documentation:

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

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

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

447 (iv) that the applicant meets:

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

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

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

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

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

455 (c) provide satisfactory documentation of:

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

459 (ii) (A) graduation from a recognized cosmetology/barber school located in a state

460 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
461 equivalent number of credit hours, with full flexibility within those hours; and

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

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

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

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

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

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

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

473 (d) provide satisfactory documentation of completion of:

474 (i) an instructor training program conducted by a licensed or recognized school, as
475 defined by rule, consisting of a minimum of [~~400~~] 240 hours or the equivalent number of credit
476 hours;

477 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
478 recognized school, as defined by rule, consisting of a minimum of [~~400~~] 240 hours or the
479 equivalent number of credit hours; or

480 (iii) a minimum of [~~3,000~~] 1,600 hours of experience as a cosmetologist/barber; and

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

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

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

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

485 (c) provide satisfactory documentation:

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

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

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

490 (iv) that the applicant meets:

- 491 (A) the standards for cosmetology schools, including staff and accreditation
492 requirements, established by rule; and
- 493 (B) the requirements for recognition as an institution of postsecondary study as
494 described in Subsection [~~(22)~~] (25).
- 495 (7) Each applicant for licensure as an electrologist shall:
- 496 (a) submit an application in a form prescribed by the division;
497 (b) pay a fee determined by the department under Section 63J-1-504;
498 (c) provide satisfactory documentation of having graduated from a licensed or
499 recognized electrology school after completing a curriculum of 600 hours of instruction or the
500 equivalent number of credit hours; and
- 501 (d) meet the examination requirement established by rule.
- 502 (8) Each applicant for licensure as an electrologist instructor shall:
- 503 (a) submit an application in a form prescribed by the division;
504 (b) subject to Subsection [~~(24)~~] (27), pay a fee determined by the department under
505 Section 63J-1-504;
- 506 (c) provide satisfactory documentation that the applicant is currently licensed as an
507 electrologist;
- 508 (d) provide satisfactory documentation of completion of:
- 509 (i) an instructor training program conducted by a licensed or recognized school, as
510 defined by rule, consisting of a minimum of [~~150~~] 90 hours or the equivalent number of credit
511 hours;
- 512 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
513 recognized school, as defined by rule, consisting of a minimum of [~~150~~] 90 hours or the
514 equivalent number of credit hours; or
- 515 (iii) a minimum of 1,000 hours of experience as an electrologist; and
- 516 (e) meet the examination requirement established by rule.
- 517 (9) Each applicant for licensure as an electrologist school shall:
- 518 (a) submit an application in a form prescribed by the division;
519 (b) pay a fee determined by the department under Section 63J-1-504; and
520 (c) provide satisfactory documentation:
- 521 (i) of appropriate registration with the Division of Corporations and Commercial Code;

- 522 (ii) of business licensure from the city, town, or county in which the school is located;
- 523 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 524 (iv) that the applicant meets:

525 (A) the standards for electrologist schools, including staff, curriculum, and
526 accreditation requirements, established by rule; and

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

529 (10) Each applicant for licensure as an 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 one of the following:

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

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

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

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

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

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

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

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

547 (c) provide satisfactory documentation of:

548 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
549 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the
550 1,200 hours may have been completed:

551 (A) at a licensed or recognized cosmetology/barbering school, if the applicant
552 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or

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

584 rule; and

585 (iv) that the applicant meets:

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

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

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

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

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

593 (c) provide satisfactory documentation of:

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

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

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

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

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

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

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

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

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

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

613 (d) provide satisfactory documentation of completion of:

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

615 defined by rule, consisting of a minimum of [~~300~~] 180 hours or the equivalent number of credit
616 hours;

617 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
618 recognized school, as defined by rule, consisting of a minimum of [~~300~~] 180 hours or the
619 equivalent number of credit hours; or

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

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

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

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

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

626 (c) provide satisfactory documentation:

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

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

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

631 (iv) that the applicant meets:

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

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

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

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

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

639 (c) provide satisfactory documentation of:

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

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

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

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

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

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

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

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

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

657 (d) provide satisfactory documentation of completion of:

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

661 (ii) an on-the-job instructor training program conducted by a licensed instructor at a
662 licensed or recognized school, as defined by rule, consisting of a minimum of [~~75~~] 45 hours or
663 the equivalent number of credit hours; or

664 (iii) a minimum of [~~600~~] 300 hours of experience in nail technology; and

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

666 (19) Each applicant for licensure as a nail technology school shall:

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

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

669 (c) provide satisfactory documentation:

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

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

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

673 (iv) that the applicant meets:

674 (A) the standards for nail technology schools, including staff, curriculum, and
675 accreditation requirements, established by rule; and

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

677 described in Subsection [(22)] (25).

678 (20) Each applicant for licensure as an eyelash and eyebrow technician shall:

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

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

681 (c) provide satisfactory documentation of:

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

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

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

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

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

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

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

697 (b) subject to Subsection (27), pay a fee determined by the department under Section
698 [63J-1-504](#);

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

701 (d) provide satisfactory documentation of:

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

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

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

708 (e) meet the examination requirement established by division rule.
709 (22) Each applicant for licensure as an eyelash and eyebrow technology school shall:
710 (a) submit an application in a form prescribed by the division;
711 (b) pay a fee determined by the department under Section [63J-1-504](#); and
712 (c) provide satisfactory documentation:
713 (i) of appropriate registration with the Division of Corporations and Commercial Code;
714 (ii) of business licensure from the city, town, or county in which the school is located;
715 (iii) that the applicant's facilities comply with the requirements established by rule; and
716 (iv) that the applicant meets:
717 (A) the standards for eyelash and eyebrow technology schools, including staff,
718 curriculum, and accreditation requirements, established by rule; and
719 (B) the requirements for recognition as an institution of postsecondary study as
720 described in Subsection (25).

721 ~~[(20)]~~ (23) Each applicant for licensure under this chapter whose education in the field
722 for which a license is sought was completed at a foreign school may satisfy the educational
723 requirement for licensure by demonstrating, to the satisfaction of the division, the educational
724 equivalency of the foreign school education with a licensed school under this chapter.

725 ~~[(21)]~~ (24) (a) A licensed or recognized school under this section shall accept credit
726 hours towards graduation for documented, relevant, and substantially equivalent coursework
727 previously completed by:

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

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

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

735 ~~[(22)]~~ (25) A school licensed or applying for licensure under this chapter shall maintain
736 recognition as an institution of postsecondary study by meeting the following conditions:

737 (a) the school shall admit as a regular student only an individual who has earned a
738 recognized high school diploma or the equivalent of a recognized high school diploma, or who

739 is beyond the age of compulsory high school attendance as prescribed by Title 53G, Chapter 6,
740 Part 2, Compulsory Education; and

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

744 ~~[(23)]~~ (26) A person seeking to qualify for licensure under this chapter by apprenticing
745 in an approved apprenticeship shall register with the division as described in Section
746 [58-11a-306](#).

747 ~~[(24)]~~ (27) The department may only charge a fee to a person applying for licensure as
748 any type of instructor under this chapter if the person is not a licensed instructor in any other
749 profession under this chapter.

750 ~~[(25)]~~ (28) In order to encourage economic development in the state, the department
751 may offer any required examination under this section, which is prepared by a national testing
752 organization, in languages in addition to English.

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

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

757 **58-11a-304. Exemptions from licensure.**

758 In addition to the exemptions from licensure in Section [58-1-307](#), the following persons
759 may engage in the practice of barbering, cosmetology/barbering, hair design, esthetics,
760 master-level esthetics, electrology, ~~[\sigma]~~ nail technology, or eyelash and eyebrow technology
761 without being licensed under this chapter:

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

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

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

769 (4) a person who visits the state to engage in instructional seminars, advanced classes,

770 trade shows, or competitions of a limited duration;

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

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

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

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

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

783 (ii) the instructor receives no compensation;

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

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

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

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

800 (11) a person who:

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

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

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

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

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

811 (12) a person who:

812 (a) engages in hair braiding; and

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

815 (13) a person who:

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

817 (b) does not cut the hair;

818 (c) does not apply dye to alter the color of the hair;

819 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the
820 hair;

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

823 (f) provides evidence to the division that the person has received a hair safety permit
824 from completing a hair safety program that:

825 (i) is approved by the division;

826 (ii) consists of no more than two hours of instruction;

827 (iii) is offered by a provider approved by the division; and

828 (iv) includes an examination that requires a passing score of 75%; and

829 (g) displays in a conspicuous location in the person's place of business:

830 (i) a valid hair safety permit as described in Subsection (13)(f); and

831 (ii) a sign notifying the public that the person's services are not provided by an

832 individual who has a license under this chapter.

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

834 **58-11a-306. Apprenticeship.**

835 (1) An approved barber apprenticeship shall:

836 (a) consist of not less than 1,250 hours of training; and

837 (b) be conducted by a supervisor who:

838 (i) is licensed under this chapter as a barber instructor or a cosmetology/barber

839 instructor; and

840 (ii) provides one-on-one direct supervision of the barber apprentice during the

841 apprenticeship program.

842 (2) An approved cosmetologist/barber apprenticeship shall:

843 (a) consist of not less than 2,500 hours of training; and

844 (b) be conducted by a supervisor who:

845 (i) is licensed under this chapter as a cosmetologist/barber instructor; and

846 (ii) provides one-on-one direct supervision of the cosmetologist/barber apprentice

847 during the apprenticeship program.

848 (3) An approved hair designer apprenticeship shall:

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

850 (b) be conducted by a supervisor who:

851 (i) is licensed under this chapter as a hair designer instructor or a cosmetologist/barber

852 instructor; and

853 (ii) provides one-on-one direct supervision of the hair designer apprentice during the

854 apprenticeship program.

855 (4) An approved esthetician apprenticeship shall:

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

857 (b) be conducted by a supervisor who:

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

859 (ii) provides one-on-one direct supervision of the esthetician apprentice during the

860 apprenticeship program.

861 (5) An approved master esthetician apprenticeship shall:

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

- 863 (b) be conducted by a supervisor who:
- 864 (i) is licensed under this chapter as a master-level esthetician instructor; and
- 865 (ii) provides one-on-one direct supervision of the master esthetician apprentice during
- 866 the apprenticeship program.
- 867 (6) An approved nail technician apprenticeship shall:
- 868 (a) consist of not less than 375 hours of training; and
- 869 (b) be conducted by a supervisor who:
- 870 (i) is licensed under this chapter as a nail technician instructor or a cosmetology/barber
- 871 instructor;
- 872 (ii) provides direct supervision of the nail technician apprentice during the
- 873 apprenticeship program; and
- 874 (iii) provides direct supervision to no more than two nail technician apprentices during
- 875 the apprentice program.
- 876 (7) An approved eyelash and eyebrow technician apprenticeship shall:
- 877 (a) consist of not less than 125 hours of training; and
- 878 (b) be conducted by a supervisor who:
- 879 (i) is licensed under this chapter as an eyelash and eyebrow technician instructor or a
- 880 cosmetology/barber instructor;
- 881 (ii) provides direct supervision of the eyelash and eyebrow technician apprentice
- 882 during the apprenticeship program; and
- 883 (iii) provides direct supervision to no more than two eyelash and eyebrow technician
- 884 apprentices during the apprenticeship program.
- 885 [~~7~~] (8) A person seeking to qualify for licensure by apprenticing in an approved
- 886 apprenticeship under this chapter shall:
- 887 (a) register with the division before beginning the training requirements by:
- 888 (i) submitting a form prescribed by the division, which includes the name of the
- 889 licensed supervisor; and
- 890 (ii) paying a fee determined by the department under Section 63J-1-504;
- 891 (b) complete the apprenticeship within five years of the date on which the division
- 892 approves the registration; and
- 893 (c) notify the division within 30 days if the licensed supervisor changes after the

894 registration is approved by the division.

895 ~~[(8)]~~ (9) Notwithstanding Subsection ~~[(7)]~~ (8), if a person seeking to qualify for
896 licensure by apprenticing in an approved apprenticeship under this chapter registers with the
897 division before January 1, 2017, any training requirements completed by the person as an
898 apprentice in an approved apprenticeship before registration may be applied to successful
899 completion of the approved apprenticeship.

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

901 **58-11a-501. Unprofessional conduct.**

902 Unprofessional conduct includes:

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

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

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

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

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

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

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

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

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

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

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

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

920 (13) prescribing or administering prescription drugs;

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

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

924 (16) engaging in any act or practice in a professional capacity which the licensee is not

925 competent to perform through education or training;

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

928 (a) using any acid, concentration of an acid, or combination of treatments which
929 violates the standards established by rule;

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

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

932 (18) in connection with the sanding of the skin, unless under the supervision of a
933 licensed health care practitioner acting within the scope of his or her license, removing any
934 layer of skin deeper than the stratum corneum of the epidermis;

935 (19) using as a barber, cosmetologist/barber, [~~or~~] nail technician, or eyelash and
936 eyebrow technician any laser procedure or intense, pulsed light source, except that nothing in
937 this chapter precludes an individual licensed under this chapter from using a nonprescriptive
938 laser device; or

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

942 Section 8. **Effective date.**

943 This bill takes effect on May 1, 2024.