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**COSMETOLOGY LICENSING AMENDMENTS**  
2024 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: David P. Hinkins**  
House Sponsor: Christine F. Watkins

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**LONG TITLE**

**General Description:**

This bill modifies the Cosmetology and Associated Professions Licensing Act.

**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;
  - a hair designer instructor; and
  - a nail technician instructor;
- ▶ provides for an eyelash and eyebrow technician apprenticeship; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **58-11a-102**, as last amended by Laws of Utah 2021, Chapter 11533 **58-11a-201**, as last amended by Laws of Utah 2017, Chapter 34234 **58-11a-301**, as last amended by Laws of Utah 2017, Chapter 34235 **58-11a-302**, as last amended by Laws of Utah 2021, Chapters 285, 40936 **58-11a-304**, as last amended by Laws of Utah 2021, Chapter 22737 **58-11a-306**, as last amended by Laws of Utah 2020, Chapter 33938 **58-11a-501**, as last amended by Laws of Utah 2023, Chapter 328

39

40 *Be it enacted by the Legislature of the state of Utah:*41 Section 1. Section **58-11a-102** is amended to read:42 **58-11a-102 . Definitions.**

43 As used in this chapter:

44 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship that  
 45 meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection  
 46 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the  
 47 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
 48 Administrative Rulemaking Act.

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

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

57 [(3)] (4) "Approved hair designer apprenticeship" means an apprenticeship that meets the  
 58 requirements of Subsection 58-11a-306(3) and the requirements established by rule by  
 59 the division in collaboration with the board in accordance with Title 63G, Chapter 3,  
 60 Utah Administrative Rulemaking Act.

61 [(4)] (5) "Approved master esthetician apprenticeship" means an apprenticeship that meets

- 62 the requirements of Subsection 58-11a-306(5) and the requirements established by rule  
63 by the division in collaboration with the board in accordance with Title 63G, Chapter 3,  
64 Utah Administrative Rulemaking Act.
- 65 ~~[(5)]~~ (6) "Approved nail technician apprenticeship" means an apprenticeship that meets the  
66 requirements of Subsection 58-11a-306(6) and the requirements established by rule by  
67 the division in collaboration with the board in accordance with Title 63G, Chapter 3,  
68 Utah Administrative Rulemaking Act.
- 69 ~~[(6)]~~ (7) "Barber" means a person who is licensed under this chapter to engage in the  
70 practice of barbering.
- 71 ~~[(7)]~~ (8) "Barber instructor" means a barber who is licensed under this chapter to engage in  
72 the practice of barbering instruction.
- 73 ~~[(8)]~~ (9) "Board" means the Cosmetology and Associated Professions Licensing Board  
74 created in Section 58-11a-201.
- 75 ~~[(9)]~~ (10) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section  
76 58-67-102.
- 77 ~~[(10)]~~ (11) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.
- 78 ~~[(11)]~~ (12) "Cosmetologist/barber" means a person who is licensed under this chapter to  
79 engage in the practice of cosmetology/barbering.
- 80 ~~[(12)]~~ (13) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed  
81 under this chapter to engage in the practice of cosmetology/barbering instruction.
- 82 ~~[(13)]~~ (14) "Direct supervision" means that the supervisor of an apprentice or the instructor  
83 of a student is ~~[immediately available]~~ physically present in the same building as the  
84 apprentice or student and readily able to establish direct contact with the apprentice or  
85 student for consultation, advice, instruction, and evaluation.
- 86 ~~[(14)]~~ (15) "Electrologist" means a person who is licensed under this chapter to engage in  
87 the practice of electrology.
- 88 ~~[(15)]~~ (16) "Electrologist instructor" means an electrologist who is licensed under this  
89 chapter to engage in the practice of electrology instruction.
- 90 ~~[(16)]~~ (17) "Esthetician" means a person who is licensed under this chapter to engage in the  
91 practice of esthetics.
- 92 ~~[(17)]~~ (18) "Esthetician instructor" means a master esthetician who is licensed under this  
93 chapter to engage in the practice of esthetics instruction.
- 94 (19) "Eyelash and eyebrow technician" means a person who is licensed under this chapter  
95 to engage in the practice of eyelash and eyebrow technology.

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

99 [(18)] (21) "Fund" means the Cosmetology and Associated Professions Education and  
100 Enforcement Fund created in Section 58-11a-103.

101 [(19)] (22) (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's  
102 natural human hair.

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

- 104 (i) African-style braiding;
- 105 (ii) box braids;
- 106 (iii) cornrows;
- 107 (iv) dreadlocks;
- 108 (v) french braids;
- 109 (vi) invisible braids;
- 110 (vii) micro braids;
- 111 (viii) single braids;
- 112 (ix) single plaits;
- 113 (x) twists;
- 114 (xi) visible braids;
- 115 (xii) the use of lock braids;
- 116 (xiii) the use of decorative beads, accessories, and extensions; and
- 117 (xiv) the use of wefts if applied without the use of glue or tape.

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

- 119 (i) the use of:
  - 120 (A) wefts if applied with the use of glue or tape;
  - 121 (B) synthetic tape;
  - 122 (C) synthetic glue;
  - 123 (D) keratin bonds;
  - 124 (E) fusion bonds; or
  - 125 (F) heat tools;
- 126 (ii) the cutting of human hair; or
- 127 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
  - 128 (A) alter the color of the hair; or
  - 129 (B) straighten, curl, or alter the structure of the hair.

- 130 [(20)] (23) "Hair designer" means a person who is licensed under this chapter to engage in  
131 the practice of hair design.
- 132 [(21)] (24) "Hair designer instructor" means a hair designer who is licensed under this  
133 chapter to engage in the practice of hair design instruction.
- 134 [(22)] (25) "Licensed barber or cosmetology/barber school" means a barber or  
135 cosmetology/barber school licensed under this chapter.
- 136 [(23)] (26) "Licensed electrology school" means an electrology school licensed under this  
137 chapter.
- 138 [(24)] (27) "Licensed esthetics school" means an esthetics school licensed under this chapter.
- 139 [(25)] (28) "Licensed hair design school" means a hair design school licensed under this  
140 chapter.
- 141 [(26)] (29) "Licensed nail technology school" means a nail technology school licensed under  
142 this chapter.
- 143 [(27)] (30) "Master esthetician" means an individual who is licensed under this chapter to  
144 engage in the practice of master-level esthetics.
- 145 [(28)] (31) "Nail technician" means an individual who is licensed under this chapter to  
146 engage in the practice of nail technology.
- 147 [(29)] (32) "Nail technician instructor" means a nail technician licensed under this chapter to  
148 engage in the practice of nail technology instruction.
- 149 [(30)] (33) "Practice of barbering" means:
- 150 (a) cutting, clipping, or trimming the hair of the head of any person by the use of  
151 scissors, shears, clippers, or other appliances;
- 152 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 153 (c) removing hair from the face or neck of a person by the use of shaving equipment; and
- 154 (d) when providing other services described in this Subsection [(30)] (33), gently  
155 massaging the head, back of the neck, and shoulders by manual or mechanical means.
- 156 [(31)] (34) "Practice of barbering instruction" means teaching the practice of barbering at a  
157 licensed barber school, at [~~a licensed cosmetology/barber school,~~] any school licensed  
158 under this chapter or for an approved barber apprenticeship.
- 159 [(32)] (35) "Practice of basic esthetics" means any one of the following skin care procedures  
160 done on the body for cosmetic purposes and not for the treatment of medical, physical,  
161 or mental ailments:
- 162 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or  
163 masks, manual extraction, including a comedone extractor, depilatories, waxes,

164 tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or  
165 pedicures, or callous removal by buffing or filing;

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

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

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

172 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or  
173 applying eyelash or eyebrow extensions; or

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

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

178 (ii) anti-aging resurfacing enhancements;

179 (iii) photo rejuvenation; or

180 (iv) tattoo removal.

181 [~~(33)~~] (36) (a) "Practice of cosmetology/barbering" means:

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

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

187 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows,  
188 applying eyelash or eyebrow extensions;

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

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

193 (vi) practicing hair weaving or hair fusing or servicing previously medically  
194 implanted hair.

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

196 (i) the practice of barbering;

197 (ii) the practice of basic esthetics; [~~and~~]

- 198 (iii) the practice of nail technology[-] ; and  
199 (iv) the practice of eyelash and eyebrow technology.
- 200 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in  
201 the practice of threading.
- 202 ~~[(34)]~~ (37) "Practice of cosmetology/barbering instruction" means teaching the practice of  
203 cosmetology/barbering:
- 204 (a) at ~~[a licensed cosmetology/barber school, a licensed barber school, or a licensed nail~~  
205 ~~technology school]~~ any school licensed under this chapter; or
- 206 (b) for an approved cosmetologist/barber apprenticeship.
- 207 ~~[(35)]~~ (38) "Practice of electrology" means:
- 208 (a) the removal of superfluous hair from the body of a person by the use of electricity,  
209 waxing, shaving, or tweezing; or
- 210 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to  
211 superfluous hair removal.
- 212 ~~[(36)]~~ (39) "Practice of electrology instruction" means teaching the practice of electrology at [  
213 ~~a licensed electrology school]~~ any school licensed under this chapter.
- 214 ~~[(37)]~~ (40) "Practice of esthetics instruction" means teaching the practice of basic esthetics  
215 or the practice of master-level esthetics:
- 216 (a) at ~~[a licensed esthetics school or a licensed cosmetology/barber school]~~ any school  
217 licensed under this chapter; or
- 218 (b) for an approved esthetician apprenticeship or an approved master esthetician  
219 apprenticeship.
- 220 (41) "Practice of eyelash and eyebrow technology" means arching eyebrows by tweezing,  
221 tinting eyelashes or eyebrows, perming eyelashes or eyebrows, or applying eyelash or  
222 eyebrow extensions.
- 223 (42) "Practice of eyelash and eyebrow technology instruction" means teaching the practice  
224 of eyelash and eyebrow technology at any school licensed under this chapter or for an  
225 approved eyelash and eyebrow technician apprenticeship.
- 226 ~~[(38)]~~ (43) "Practice of hair design" means:
- 227 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing,  
228 bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a  
229 person;
- 230 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,  
231 shears, clippers, or other appliances;

- 232 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or  
 233 both on the human head; or
- 234 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted  
 235 hair.
- 236 ~~[(39)] (44)~~ "Practice of hair design instruction" means teaching the practice of hair design at [  
 237 a licensed cosmetology/barber school, a licensed hair design school, or a licensed barber  
 238 school] any school licensed under this chapter.
- 239 ~~[(40)] (45)~~ (a) "Practice of master-level esthetics" means:
- 240 (i) any of the following when done for cosmetic purposes on the body and not for the  
 241 treatment of medical, physical, or mental ailments:
- 242 (A) body wraps as defined by rule;
- 243 (B) hydrotherapy as defined by rule;
- 244 (C) chemical exfoliation as defined by rule;
- 245 (D) advanced pedicures as defined by rule;
- 246 (E) sanding, including microdermabrasion;
- 247 (F) advanced extraction;
- 248 (G) dermaplaning;
- 249 ~~[(G)] (H)~~ other esthetic preparations or procedures with the use of:
- 250 (I) the hands; or
- 251 (II) a mechanical or electrical apparatus which is approved for use by division  
 252 rule for beautifying or similar work performed on the body for cosmetic  
 253 purposes and not for the treatment of a medical, physical, or mental ailment;
- 254 or
- 255 ~~[(H)] (I)~~ cosmetic laser procedures under the supervision of a cosmetic supervisor  
 256 with a physician's evaluation before the procedure, as needed, unless  
 257 specifically required under Section 58-1-506, and limited to the following:
- 258 (I) superfluous hair removal;
- 259 (II) anti-aging resurfacing enhancements;
- 260 (III) photo rejuvenation; or
- 261 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician  
 262 assistant's evaluation before the tattoo removal procedure, as required by  
 263 Subsection 58-1-506(3)(a); and
- 264 (ii) lymphatic massage by manual or other means as defined by rule.
- 265 (b) Notwithstanding the provisions of Subsection ~~[(40)(a)] (45)(a)~~, a master-level



266            esthetician may perform procedures listed in Subsection ~~[(40)(a)(i)(H)]~~ (45)(a)(i)(H)  
267            if done under the supervision of a cosmetic supervisor acting within the scope of the  
268            cosmetic supervisor license.

269            (c) The term "practice of master-level esthetics" includes   :

- 270            (i) the practice of esthetics, but an individual is not required to be licensed as an  
271            esthetician or master-level esthetician to engage in the practice of threading[-] ; and  
272            (ii) the practice of eyelash and eyebrow technology.

273            ~~[(41)]~~ (46) (a) "Practice of nail technology" means to trim, cut, clean, manicure, shape,  
274            massage, or enhance the appearance of the hands, feet, and nails of an individual by  
275            the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams[~~;~~  
276            ~~including-~~ ] .

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

- 278            (i) the application and removal of sculptured or artificial nails[-] ; and  
279            (ii) using blades, including corn or callus planer or rasp, for smoothing, shaving, or  
280            removing dead skin from the feet.

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

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

- 300 ~~[(47)]~~ (53) "Recognized hair design school" means a hair design school located in a state  
 301 other than Utah, whose students, upon graduation, are recognized as having completed  
 302 the educational requirements for licensure in that state.
- 303 ~~[(48)]~~ (54) "Recognized nail technology school" means a nail technology school located in a  
 304 state other than Utah, whose students, upon graduation, are recognized as having  
 305 completed the educational requirements for licensure in that state.
- 306 ~~[(49)]~~ (55) "Salon" means a place, shop, or establishment in which cosmetology/barbering,  
 307 esthetics, electrology,~~[-or]~~ nail technology, or eyelash and eyebrow technology is  
 308 practiced.
- 309 ~~[(50)]~~ (56) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.
- 310 ~~[(51)]~~ (57) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-11a-501 and  
 311 as may be further defined by rule by the division in collaboration with the board in  
 312 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

314 **58-11a-201 . Board.**

- 315 (1) There is created the Cosmetology and Associated Professions Licensing Board  
 316 consisting of the following~~[-nine]~~ members:
- 317 (a) one barber or cosmetologist/barber;
- 318 (b) (i) one barber or cosmetologist/barber instructor; or  
 319 (ii) one representative of a licensed barber or cosmetology/barber school;
- 320 (c) one master esthetician;
- 321 (d) (i) one esthetician instructor; or  
 322 (ii) one representative of a licensed esthetics school;
- 323 (e) one nail technician;
- 324 (f) (i) one nail technician instructor; or  
 325 (ii) one representative of a licensed nail ~~[technician]~~ technology school;
- 326 (g) one electrologist; ~~[and]~~
- 327 (h) one eyelash and eyebrow technician;
- 328 (i) (i) one eyelash and eyebrow technician instructor; or  
 329 (ii) one representative of a licensed eyelash and eyebrow technology school; and  
 330 ~~[(h)]~~ (j) two members from the general public.
- 331 (2) (a) The board shall be appointed and serve in accordance with Section 58-1-201.
- 332 (b) (i) At least one of the members of the board appointed under Subsections (1)(b),  
 333 (d), and (f) shall be an instructor at or a representative of a public school.

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

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

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

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

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

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

346 **58-11a-301 . Licensure required -- License classifications.**

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

349 (a) engage in the practice of:

350 (i) barbering;

351 (ii) barbering instruction;

352 (iii) cosmetology/barbering;

353 (iv) cosmetology/barbering instruction;

354 (v) electrology;

355 (vi) electrology instruction;

356 (vii) esthetics;

357 (viii) master-level esthetics;

358 (ix) esthetics instruction;

359 (x) hair design;

360 (xi) hair design instruction;

361 (xii) nail technology; [☐]

362 (xiii) nail technology instruction; [☐]

363 (xiv) eyelash and eyebrow technology; or

364 (xv) eyelash and eyebrow technology instruction; or

365 (b) operate:

366 (i) a barbering school;

367 (ii) a cosmetology/barbering school;

- 368 (iii) an electrology school;
- 369 (iv) an esthetics school;
- 370 (v) a hair design school; [~~or~~]
- 371 (vi) a nail technology school[-] ; or
- 372 (vii) an eyelash and eyebrow technology school.
- 373 (2) The division shall issue to a person who qualifies under this chapter a license in the
- 374 following classifications:
- 375 (a) barber;
- 376 (b) barber instructor;
- 377 (c) barber school;
- 378 (d) cosmetologist/barber;
- 379 (e) cosmetologist/barber instructor;
- 380 (f) cosmetology/barber school;
- 381 (g) electrologist;
- 382 (h) electrologist instructor;
- 383 (i) electrology school;
- 384 (j) esthetician;
- 385 (k) master esthetician;
- 386 (l) esthetician instructor;
- 387 (m) esthetics school;
- 388 (n) hair designer;
- 389 (o) hair designer instructor;
- 390 (p) hair design school;
- 391 (q) nail [technology] technician;
- 392 (r) nail technology instructor; [~~and~~]
- 393 (s) nail technology school[-] ;
- 394 (t) eyelash and eyebrow technician;
- 395 (u) eyelash and eyebrow technology instructor; and
- 396 (v) eyelash and eyebrow technology school.
- 397 (3) A person who participates as an apprentice in an approved apprenticeship under this
- 398 chapter shall register with the division as described in Section 58-11a-306.
- 399 Section 4. Section **58-11a-302** is amended to read:
- 400 **58-11a-302 . Qualifications for licensure.**
- 401 (1) Each applicant for licensure as a barber shall:

- 402 (a) submit an application in a form prescribed by the division;
- 403 (b) pay a fee determined by the department under Section 63J-1-504;
- 404 (c) provide satisfactory documentation of:
- 405 (i) graduation from a licensed or recognized barber school, or a licensed or
- 406 recognized cosmetology/barber school, whose curriculum consists of a minimum
- 407 of 1,000 hours of instruction, or the equivalent number of credit hours, over a
- 408 period of not less than 25 weeks;
- 409 (ii) (A) graduation from a recognized barber school located in a state other than
- 410 Utah whose curriculum consists of less than 1,000 hours of instruction or the
- 411 equivalent number of credit hours; and
- 412 (B) practice as a licensed barber in a state other than Utah for not less than the
- 413 number of hours required to equal 1,000 total hours when added to the hours of
- 414 instruction described in Subsection (1)(c)(ii)(A); or
- 415 (iii) completion of an approved barber apprenticeship; and
- 416 (d) meet one of the following requirements established by rule:
- 417 (i) pass an examination that consists of a written theory portion and a practical
- 418 portion; or
- 419 (ii) pass a practical examination and provide the written attestation of a licensed
- 420 barber or cosmetologist/barber instructor who participated in the school or training
- 421 under Subsection (1)(c), stating that the applicant has the necessary training and
- 422 skill to be a licensed barber.
- 423 (2) Each applicant for licensure as a barber instructor shall:
- 424 (a) submit an application in a form prescribed by the division;
- 425 (b) subject to Subsection [~~(24)~~ (27)], pay a fee determined by the department under
- 426 Section 63J-1-504;
- 427 (c) provide satisfactory documentation that the applicant is currently licensed as a barber;
- 428 (d) provide satisfactory documentation of completion of:
- 429 (i) an instructor training program conducted by a licensed or recognized school, as
- 430 defined by rule, consisting of a minimum of [~~250~~] 150 hours or the equivalent
- 431 number of credit hours;
- 432 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
- 433 recognized school, as defined by rule, consisting of a minimum of [~~250~~] 150 hours
- 434 or the equivalent number of credit hours; or
- 435 (iii) a minimum of [~~2,000~~] 1,000 hours of experience as a barber; and

- 436 (e) meet the examination requirement established by rule.
- 437 (3) Each applicant for licensure as a barber school shall:
- 438 (a) submit an application in a form prescribed by the division;
- 439 (b) pay a fee determined by the department under Section 63J-1-504; and
- 440 (c) provide satisfactory documentation:
- 441 (i) of appropriate registration with the Division of Corporations and Commercial
- 442 Code;
- 443 (ii) of business licensure from the city, town, or county in which the school is located;
- 444 (iii) that the applicant's physical facilities comply with the requirements established
- 445 by rule; and
- 446 (iv) that the applicant meets:
- 447 (A) the standards for barber schools, including staff and accreditation
- 448 requirements, established by rule; and
- 449 (B) the requirements for recognition as an institution of postsecondary study as
- 450 described in Subsection [~~(22)~~] (25).
- 451 (4) Each applicant for licensure as a cosmetologist/barber shall:
- 452 (a) submit an application in a form prescribed by the division;
- 453 (b) pay a fee determined by the department under Section 63J-1-504;
- 454 (c) provide satisfactory documentation of:
- 455 (i) graduation from a licensed or recognized cosmetology/barber school whose
- 456 curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent
- 457 number of credit hours, with full flexibility within those hours;
- 458 (ii) (A) graduation from a recognized cosmetology/barber school located in a state
- 459 other than Utah whose curriculum consists of less than 1,600 hours of
- 460 instruction, or the equivalent number of credit hours, with full flexibility within
- 461 those hours; and
- 462 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not
- 463 less than the number of hours required to equal 1,600 total hours when added
- 464 to the hours of 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  
476 number of credit 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  
479 or the 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  
487 Code;
- 488 (ii) of business licensure from the city, town, or county in which the school is located;
- 489 (iii) that the applicant's physical facilities comply with the requirements established  
490 by rule; and
- 491 (iv) that the applicant meets:
- 492 (A) the standards for cosmetology schools, including staff and accreditation  
493 requirements, established by rule; and
- 494 (B) the requirements for recognition as an institution of postsecondary study as  
495 described in Subsection ~~[(22)]~~ (25).
- 496 (7) Each applicant for licensure as an electrologist shall:
- 497 (a) submit an application in a form prescribed by the division;
- 498 (b) pay a fee determined by the department under Section 63J-1-504;
- 499 (c) provide satisfactory documentation of having graduated from a licensed or  
500 recognized electrology school after completing a curriculum of 600 hours of  
501 instruction or the equivalent number of credit hours; and
- 502 (d) meet the examination requirement established by rule.
- 503 (8) Each applicant for licensure as an electrologist instructor shall:

- 504 (a) submit an application in a form prescribed by the division;
- 505 (b) subject to Subsection [~~24~~] (27), pay a fee determined by the department under  
506 Section 63J-1-504;
- 507 (c) provide satisfactory documentation that the applicant is currently licensed as an  
508 electrologist;
- 509 (d) provide satisfactory documentation of completion of:
- 510 (i) an instructor training program conducted by a licensed or recognized school, as  
511 defined by rule, consisting of a minimum of [~~150~~] 90 hours or the equivalent  
512 number of credit hours;
- 513 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
514 recognized school, as defined by rule, consisting of a minimum of [~~150~~] 90 hours  
515 or the equivalent number of credit hours; or
- 516 (iii) a minimum of 1,000 hours of experience as an electrologist; and
- 517 (e) meet the examination requirement established by rule.
- 518 (9) Each applicant for licensure as an electrologist school shall:
- 519 (a) submit an application in a form prescribed by the division;
- 520 (b) pay a fee determined by the department under Section 63J-1-504; and
- 521 (c) provide satisfactory documentation:
- 522 (i) of appropriate registration with the Division of Corporations and Commercial  
523 Code;
- 524 (ii) of business licensure from the city, town, or county in which the school is located;
- 525 (iii) that the applicant's facilities comply with the requirements established by rule;
- 526 and
- 527 (iv) that the applicant meets:
- 528 (A) the standards for electrologist schools, including staff, curriculum, and  
529 accreditation requirements, established by rule; and
- 530 (B) the requirements for recognition as an institution of postsecondary study as  
531 described in Subsection [~~22~~] (25).
- 532 (10) Each applicant for licensure as an esthetician shall:
- 533 (a) submit an application in a form prescribed by the division;
- 534 (b) pay a fee determined by the department under Section 63J-1-504;
- 535 (c) provide satisfactory documentation of one of the following:
- 536 (i) graduation from a licensed or recognized esthetic school or a licensed or  
537 recognized cosmetology/barber school whose curriculum consists of not less than



- 538 15 weeks of esthetic instruction with a minimum of 600 hours or the equivalent  
539 number of credit hours;
- 540 (ii) completion of an approved esthetician apprenticeship; or
- 541 (iii) (A) graduation from a recognized cosmetology/barber school located in a  
542 state other than Utah whose curriculum consists of less than 1,600 hours of  
543 instruction, or the equivalent number of credit hours, with full flexibility within  
544 those hours; and
- 545 (B) practice as a licensed cosmetologist/barber for not less than the number of  
546 hours required to equal 1,600 total hours when added to the hours of  
547 instruction described in Subsection (10)(c)(iii)(A); and
- 548 (d) meet the examination requirement established by division rule.
- 549 (11) Each applicant for licensure as a master esthetician shall:
- 550 (a) submit an application in a form prescribed by the division;
- 551 (b) pay a fee determined by the department under Section 63J-1-504;
- 552 (c) provide satisfactory documentation of:
- 553 (i) completion of at least 1,200 hours of training, or the equivalent number of credit  
554 hours, at a licensed or recognized esthetics school, except that up to 600 hours  
555 toward the 1,200 hours may have been completed:
- 556 (A) at a licensed or recognized cosmetology/barbering school, if the applicant  
557 graduated from the school and its curriculum consisted of at least 1,600 hours  
558 of instruction, or the equivalent number of credit hours, with full flexibility  
559 within those hours; or
- 560 (B) at a licensed or recognized cosmetology/barber school located in a state other  
561 than Utah, if the applicant graduated from the school and its curriculum  
562 contained full flexibility within its hours of instruction; or
- 563 (ii) completion of an approved master esthetician apprenticeship;
- 564 (d) if the applicant will practice lymphatic massage, provide satisfactory documentation  
565 to show completion of 200 hours of training, or the equivalent number of credit  
566 hours, in lymphatic massage as defined by division rule; and
- 567 (e) meet the examination requirement established by division rule.
- 568 (12) Each applicant for licensure as an esthetician instructor shall:
- 569 (a) submit an application in a form prescribed by the division;
- 570 (b) subject to Subsection [~~(24)~~] (27), pay a fee determined by the department under  
571 Section 63J-1-504;

- 572 (c) provide satisfactory documentation that the applicant is currently licensed as a master  
 573 esthetician;
- 574 (d) provide satisfactory documentation of completion of:
- 575 (i) an instructor training program conducted by a licensed or recognized school, as  
 576 defined by rule, consisting of a minimum of [~~300~~] 180 hours or the equivalent  
 577 number of credit hours;
- 578 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
 579 recognized school, as defined by rule, consisting of a minimum of [~~300~~] 180 hours  
 580 or the equivalent number of credit hours; or
- 581 (iii) a minimum of [~~1,000~~] 900 hours of experience in esthetics; and
- 582 (e) meet the examination requirement established by rule.
- 583 (13) Each applicant for licensure as an esthetics school shall:
- 584 (a) submit an application in a form prescribed by the division;
- 585 (b) pay a fee determined by the department under Section 63J-1-504; and
- 586 (c) provide satisfactory documentation:
- 587 (i) of appropriate registration with the Division of Corporations and Commercial  
 588 Code;
- 589 (ii) of business licensure from the city, town, or county in which the school is located;
- 590 (iii) that the applicant's physical facilities comply with the requirements established  
 591 by rule; and
- 592 (iv) that the applicant meets:
- 593 (A) the standards for esthetics schools, including staff, curriculum, and  
 594 accreditation requirements, established by division rule made in collaboration  
 595 with the board; and
- 596 (B) the requirements for recognition as an institution of postsecondary study as  
 597 described in Subsection [~~(22)~~] (25).
- 598 (14) Each applicant for licensure as a hair designer shall:
- 599 (a) submit an application in a form prescribed by the division;
- 600 (b) pay a fee determined by the department under Section 63J-1-504;
- 601 (c) provide satisfactory documentation of:
- 602 (i) graduation from a licensed or recognized cosmetology/barber, hair design, or  
 603 barbering school whose curriculum consists of a minimum of 1,200 hours of  
 604 instruction, or the equivalent number of credit hours, with full flexibility within  
 605 those hours;

- 606 (ii) (A) graduation from a recognized cosmetology/barber, hair design, or  
607 barbering school located in a state other than Utah whose curriculum consists  
608 of less than 1,200 hours of instruction, or the equivalent number of credit  
609 hours, with full flexibility within those hours; and  
610 (B) practice as a licensed cosmetologist/barber or hair designer in a state other  
611 than Utah for not less than the number of hours required to equal 1,200 total  
612 hours when added to the hours of instruction described in Subsection  
613 (14)(c)(ii)(A);  
614 (iii) being a state licensed cosmetologist/barber; or  
615 (iv) completion of an approved hair designer apprenticeship; and  
616 (d) meet the examination requirements established by rule.
- 617 (15) Each applicant for licensure as a hair designer instructor shall:  
618 (a) submit an application in a form prescribed by the division;  
619 (b) subject to Subsection [~~24~~] (27), pay a fee determined by the department under  
620 Section 63J-1-504;  
621 (c) provide satisfactory documentation that the applicant is currently licensed as a hair  
622 designer or as a cosmetologist/barber;  
623 (d) provide satisfactory documentation of completion of:  
624 (i) an instructor training program conducted by a licensed or recognized school, as  
625 defined by rule, consisting of a minimum of [~~300~~] 180 hours or the equivalent  
626 number of credit hours;  
627 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
628 recognized school, as defined by rule, consisting of a minimum of [~~300~~] 180 hours  
629 or the equivalent number of credit hours; or  
630 (iii) a minimum of [~~2,500~~] 1,200 hours of experience as a hair designer or as a  
631 cosmetologist/barber; and  
632 (e) meet the examination requirement established by rule.
- 633 (16) Each applicant for licensure as a hair design school shall:  
634 (a) submit an application in a form prescribed by the division;  
635 (b) pay a fee determined by the department under Section 63J-1-504; and  
636 (c) provide satisfactory documentation:  
637 (i) of appropriate registration with the Division of Corporations and Commercial  
638 Code;  
639 (ii) of business licensure from the city, town, or county in which the school is located;

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

642 (iv) that the applicant meets:

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

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

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

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

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

650 (c) provide satisfactory documentation of:

651 (i) graduation from a licensed or recognized nail technology school, or a licensed or  
652 recognized cosmetology/barber school, whose curriculum consists of not less than  
653 300 hours of instruction, or the equivalent number of credit hours;

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

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

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

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

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

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

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

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

668 (d) provide satisfactory documentation of completion of:

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

672 (ii) an on-the-job instructor training program conducted by a licensed instructor at a  
673 licensed or recognized school, as defined by rule, consisting of a minimum of [75]

- 674                    45 hours or the equivalent number of credit hours; or  
675                    (iii) a minimum of [~~600~~] 300 hours of experience in nail technology; and  
676                    (e) meet the examination requirement established by rule.
- 677 (19) Each applicant for licensure as a nail technology school shall:  
678                    (a) submit an application in a form prescribed by the division;  
679                    (b) pay a fee determined by the department under Section 63J-1-504; and  
680                    (c) provide satisfactory documentation:  
681                    (i) of appropriate registration with the Division of Corporations and Commercial  
682                    Code;  
683                    (ii) of business licensure from the city, town, or county in which the school is located;  
684                    (iii) that the applicant's facilities comply with the requirements established by rule;  
685                    and  
686                    (iv) that the applicant meets:  
687                    (A) the standards for nail technology schools, including staff, curriculum, and  
688                    accreditation requirements, established by rule; and  
689                    (B) the requirements for recognition as an institution of postsecondary study as  
690                    described in Subsection [~~(22)~~] (25).
- 691 (20) Each applicant for licensure as an eyelash and eyebrow technician shall:  
692                    (a) submit an application in a form prescribed by the division;  
693                    (b) pay a fee determined by the department under Section 63J-1-504;  
694                    (c) provide satisfactory documentation of:  
695                    (i) completion of a course or program in eyelash and eyebrow technology from a  
696                    licensed or recognized eyelash and eyebrow technology school, a licensed or  
697                    recognized esthetics school, or a licensed or recognized cosmetology/barber  
698                    school, whose curriculum consists of not less than 100 hours of instruction, or the  
699                    equivalent number of credit hours;  
700                    (ii) (A) completion of a course or program in eyelash and eyebrow technology  
701                    from a recognized eyebrow and eyelash technology school or recognized  
702                    cosmetology/barber school located in a state other than Utah whose curriculum  
703                    consists of less than 100 hours of instruction or the equivalent number of credit  
704                    hours; and  
705                    (B) practice as a licensed eyelash and eyebrow technician in a state other than  
706                    Utah for not less than the number of hours required to equal 100 total hours  
707                    when added to the hours of instruction described in Subsection (20)(c)(ii)(A);

- 708                    or
- 709                    (iii) completion of an approved eyelash and eyebrow apprenticeship; and
- 710                    (d) meet the examination requirement established by division rule.
- 711   (21) Each applicant for licensure as an eyelash and eyebrow technician instructor shall:
- 712                    (a) submit an application in a form prescribed by the division;
- 713                    (b) subject to Subsection (27), pay a fee determined by the department under Section
- 714                    63J-1-504;
- 715                    (c) provide satisfactory documentation that the applicant is currently licensed as an
- 716                    eyelash and eyebrow technician;
- 717                    (d) provide satisfactory documentation of:
- 718                    (i) an instructor training program conducted by a licensed or recognized school, as
- 719                    defined by rule, consisting of a minimum of 15 hours or the equivalent number of
- 720                    credit hours;
- 721                    (ii) an on-the-job instructor training program conducted by a licensed instructor at a
- 722                    licensed or recognized school, as defined by rule, consisting of a minimum of 15
- 723                    hours or the equivalent number of credit hours; or
- 724                    (iii) a minimum of 100 hours of experience in eyelash and eyebrow technology; and
- 725                    (e) meet the examination requirement established by division rule.
- 726   (22) Each applicant for licensure as an eyelash and eyebrow technology school shall:
- 727                    (a) submit an application in a form prescribed by the division;
- 728                    (b) pay a fee determined by the department under Section 63J-1-504; and
- 729                    (c) provide satisfactory documentation:
- 730                    (i) of appropriate registration with the Division of Corporations and Commercial
- 731                    Code;
- 732                    (ii) of business licensure from the city, town, or county in which the school is located;
- 733                    (iii) that the applicant's facilities comply with the requirements established by rule;
- 734                    and
- 735                    (iv) that the applicant meets:
- 736                    (A) the standards for eyelash and eyebrow technology schools, including staff,
- 737                    curriculum, and accreditation requirements, established by rule; and
- 738                    (B) the requirements for recognition as an institution of postsecondary study as
- 739                    described in Subsection (25).
- 740   [~~(20)~~] (23) Each applicant for licensure under this chapter whose education in the field for
- 741                    which a license is sought was completed at a foreign school may satisfy the educational

742 requirement for licensure by demonstrating, to the satisfaction of the division, the  
743 educational equivalency of the foreign school education with a licensed school under  
744 this chapter.

745 ~~[(21)]~~ (24) (a) A licensed or recognized school under this section shall accept credit  
746 hours towards graduation for documented, relevant, and substantially equivalent  
747 coursework previously completed by:

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

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

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

755 ~~[(22)]~~ (25) A school licensed or applying for licensure under this chapter shall maintain  
756 recognition as an institution of postsecondary study by meeting the following conditions:

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

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

764 ~~[(23)]~~ (26) A person seeking to qualify for licensure under this chapter by apprenticing in an  
765 approved apprenticeship shall register with the division as described in Section  
766 58-11a-306.

767 ~~[(24)]~~ (27) The department may only charge a fee to a person applying for licensure as any  
768 type of instructor under this chapter if the person is not a licensed instructor in any other  
769 profession under this chapter.

770 ~~[(25)]~~ (28) In order to encourage economic development in the state, the department may  
771 offer any required examination under this section, which is prepared by a national  
772 testing organization, in languages in addition to English.

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

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

777 **58-11a-304 . Exemptions from licensure.**

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

- 782 (1) a person licensed under the laws of this state to engage in the practice of medicine,  
783 surgery, osteopathy, or chiropractic when engaged in the practice of the profession for  
784 which they are licensed;
- 785 (2) a commissioned physician or surgeon serving in the armed forces of the United States or  
786 another federal agency;
- 787 (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when  
788 engaged in the practice of the profession for which the person is licensed;
- 789 (4) a person who visits the state to engage in instructional seminars, advanced classes, trade  
790 shows, or competitions of a limited duration;
- 791 (5) a person who engages in the practice of barbering, cosmetology/barbering, hair design,  
792 esthetics, master-level esthetics, electrology,~~[-or]~~ nail technology, or eyelash and  
793 eyebrow technology without compensation;
- 794 (6) a person instructing an adult education class or other educational program directed  
795 toward persons who are not licensed under this chapter and that is not intended to train  
796 persons to become licensed under this chapter, provided:
- 797 (a) an attendee receives no credit toward educational requirements for licensure under  
798 this chapter;
- 799 (b) the instructor informs each attendee in writing that taking such a class or program  
800 will not certify or qualify the attendee to perform a service for compensation that  
801 requires licensure under this chapter; and
- 802 (c) (i) the instructor is properly licensed; or  
803 (ii) the instructor receives no compensation;
- 804 (7) a person providing instruction in workshops, seminars, training meetings, or other  
805 educational programs whose purpose is to provide continuing professional development  
806 to licensed barbers, cosmetologists/barbers, hair designers, estheticians, master  
807 estheticians, electrologists, or nail technicians;
- 808 (8) a person enrolled in a licensed barber, cosmetology/barber, or hair design school when  
809 participating in an on the job training internship under the direct supervision of a



- 810 licensed barber, cosmetologist/barber, or hair designer upon completion of a basic  
811 program under the standards established by rule by the division in collaboration with the  
812 board;
- 813 (9) a person enrolled in an approved apprenticeship pursuant to Section 58-11a-306;
- 814 (10) an employee of a company that is primarily engaged in the business of selling products  
815 used in the practice of barbering, cosmetology/barbering, hair design, esthetics,  
816 master-level esthetics, electrology,~~or~~ nail technology, or eyelash and eyebrow  
817 technology when demonstrating the company's products to a potential customer,  
818 provided the employee makes no representation to a potential customer that attending  
819 such a demonstration will certify or qualify the attendee to perform a service for  
820 compensation that requires licensure under this chapter;
- 821 (11) a person who:
- 822 (a) is qualified to engage in the practice of barbering, cosmetology/barbering, hair  
823 design, esthetics, master-level esthetics, electrology,~~or~~ nail technology, or eyelash  
824 and eyebrow technology in another jurisdiction as evidenced by licensure,  
825 certification, or lawful practice in the other jurisdiction;
- 826 (b) is employed by, or under contract with, a motion picture company; and
- 827 (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics,  
828 master-level esthetics, electrology,~~or~~ nail technology, or eyelash and eyebrow  
829 technology in the state:
- 830 (i) solely to assist in the production of a motion picture; and
- 831 (ii) for no more than 120 days per calendar year;
- 832 (12) a person who:
- 833 (a) engages in hair braiding; and
- 834 (b) unless it is expressly exempted under this section or Section 58-1-307, does not  
835 engage in other activity requiring licensure under this chapter; and
- 836 (13) a person who:
- 837 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- 838 (b) does not cut the hair;
- 839 (c) does not apply dye to alter the color of the hair;
- 840 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;
- 841 (e) unless it is expressly exempted under this section or Section 58-1-307, does not  
842 engage in other activity requiring licensure under this chapter; ~~and~~
- 843 (f) provides evidence to the division that the person has received a hair safety permit

- 844 from completing a hair safety program that:
- 845 (i) is approved by the division;
- 846 (ii) consists of no more than two hours of instruction;
- 847 (iii) is offered by a provider approved by the division; and
- 848 (iv) includes an examination that requires a passing score of 75%; and
- 849 (g) displays in a conspicuous location in the person's place of business:
- 850 (i) a valid hair safety permit as described in Subsection (13)(f); and
- 851 (ii) a sign notifying the public that the person's services are not provided by an
- 852 individual who has a license under this chapter.

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

854 **58-11a-306 . Apprenticeship.**

- 855 (1) An approved barber apprenticeship shall:
- 856 (a) consist of not less than 1,250 hours of training; and
- 857 (b) be conducted by a supervisor who:
- 858 (i) is licensed under this chapter as a barber instructor or a cosmetology/barber
- 859 instructor; and
- 860 (ii) provides one-on-one direct supervision of the barber apprentice during the
- 861 apprenticeship program.
- 862 (2) An approved cosmetologist/barber apprenticeship shall:
- 863 (a) consist of not less than 2,500 hours of training; and
- 864 (b) be conducted by a supervisor who:
- 865 (i) is licensed under this chapter as a cosmetologist/barber instructor; and
- 866 (ii) provides one-on-one direct supervision of the cosmetologist/barber apprentice
- 867 during the apprenticeship program.
- 868 (3) An approved hair designer apprenticeship shall:
- 869 (a) consist of not less than 1,600 hours of training; and
- 870 (b) be conducted by a supervisor who:
- 871 (i) is licensed under this chapter as a hair designer instructor or a
- 872 cosmetologist/barber instructor; and
- 873 (ii) provides one-on-one direct supervision of the hair designer apprentice during the
- 874 apprenticeship program.
- 875 (4) An approved esthetician apprenticeship shall:
- 876 (a) consist of not less than 800 hours of training; and
- 877 (b) be conducted by a supervisor who:

- 878 (i) is licensed under this chapter as an esthetician instructor; and  
879 (ii) provides one-on-one direct supervision of the esthetician apprentice during the  
880 apprenticeship program.
- 881 (5) An approved master esthetician apprenticeship shall:
- 882 (a) consist of not less than 1,500 hours of training; and  
883 (b) be conducted by a supervisor who:
- 884 (i) is licensed under this chapter as a master-level esthetician instructor; and  
885 (ii) provides one-on-one direct supervision of the master esthetician apprentice  
886 during the apprenticeship program.
- 887 (6) An approved nail technician apprenticeship shall:
- 888 (a) consist of not less than 375 hours of training; and  
889 (b) be conducted by a supervisor who:
- 890 (i) is licensed under this chapter as a nail technician instructor or a  
891 cosmetology/barber instructor;  
892 (ii) provides direct supervision of the nail technician apprentice during the  
893 apprenticeship program; and  
894 (iii) provides direct supervision to no more than two nail technician apprentices  
895 during the apprentice program.
- 896 (7) An approved eyelash and eyebrow technician apprenticeship shall:
- 897 (a) consist of not less than 125 hours of training; and  
898 (b) be conducted by a supervisor who:
- 899 (i) is licensed under this chapter as an eyelash and eyebrow technician instructor or a  
900 cosmetology/barber instructor;  
901 (ii) provides direct supervision of the eyelash and eyebrow technician apprentice  
902 during the apprenticeship program; and  
903 (iii) provides direct supervision to no more than two eyelash and eyebrow technician  
904 apprentices during the apprenticeship program.
- 905 ~~(7)~~ (8) A person seeking to qualify for licensure by apprenticing in an approved  
906 apprenticeship under this chapter shall:
- 907 (a) register with the division before beginning the training requirements by:  
908 (i) submitting a form prescribed by the division, which includes the name of the  
909 licensed supervisor; and  
910 (ii) paying a fee determined by the department under Section 63J-1-504;  
911 (b) complete the apprenticeship within five years of the date on which the division

912 approves the registration; and  
 913 (c) notify the division within 30 days if the licensed supervisor changes after the  
 914 registration is approved by the division.  
 915 ~~[(8)]~~ (9) Notwithstanding Subsection ~~[(7)]~~ (8), if a person seeking to qualify for licensure by  
 916 apprenticing in an approved apprenticeship under this chapter registers with the division  
 917 before January 1, 2017, any training requirements completed by the person as an  
 918 apprentice in an approved apprenticeship before registration may be applied to  
 919 successful completion of the approved apprenticeship.

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

921 **58-11a-501 . Unprofessional conduct.**

922 Unprofessional conduct includes:

- 923 (1) failing as a licensed school to obtain or maintain accreditation as required by rule;
- 924 (2) failing as a licensed school to comply with the standards of accreditation applicable to  
 925 such schools;
- 926 (3) failing as a licensed school to provide adequate instruction to enrolled students;
- 927 (4) failing as an apprentice supervisor to provide direct supervision to the apprentice;
- 928 (5) failing as an instructor to provide direct supervision to students who are providing  
 929 services to an individual under the instructor's supervision;
- 930 (6) failing as an apprentice supervisor to comply with division rules relating to  
 931 apprenticeship programs under this chapter;
- 932 (7) keeping a salon or school, its furnishing, tools, utensils, linen, or appliances in an  
 933 unsanitary condition;
- 934 (8) failing to comply with Title 26B, Utah Health and Human Services Code;
- 935 (9) failing to display licenses or certificates as required under Section 58-11a-305;
- 936 (10) failing to comply with physical facility requirements established by rule;
- 937 (11) failing to maintain mechanical or electrical equipment in safe operating condition;
- 938 (12) failing to adequately monitor patrons using steam rooms, dry heat rooms, baths,  
 939 showers, or saunas;
- 940 (13) prescribing or administering prescription drugs;
- 941 (14) failing to comply with all applicable state and local health or sanitation laws;
- 942 (15) engaging in any act or practice in a professional capacity that is outside the applicable  
 943 scope of practice;
- 944 (16) engaging in any act or practice in a professional capacity which the licensee is not  
 945 competent to perform through education or training;

- 946 (17) in connection with the use of a chemical exfoliant, unless under the supervision of a  
947 licensed health care practitioner acting within the scope of his or her license:
- 948 (a) using any acid, concentration of an acid, or combination of treatments which violates  
949 the standards established by rule;
- 950 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or  
951 (c) using an exfoliant that contains phenol, TCA acid of over 15%, or BCA acid;
- 952 (18) in connection with the sanding of the skin, unless under the supervision of a licensed  
953 health care practitioner acting within the scope of his or her license, removing any layer  
954 of skin deeper than the stratum corneum of the epidermis;
- 955 (19) using as a barber, cosmetologist/barber, ~~[-or]~~ nail technician, or eyelash and eyebrow  
956 technician any laser procedure or intense, pulsed light source, except that nothing in this  
957 chapter precludes an individual licensed under this chapter from using a nonprescriptive  
958 laser device; or
- 959 (20) failing to comply with a judgment order from a court of competent jurisdiction  
960 resulting from the failure to pay outstanding tuition or education costs incurred to  
961 comply with this chapter.

962 Section 8. **Effective date.**

963 This bill takes effect on May 1, 2024.