

1 **COSMETOLOGY LICENSING ACT AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: James A. Dunnigan**

5 **Senate Sponsor: Todd Weiler**

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and  
10 Nail Technician Licensing Act (the act).

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ modifies the name of the act and the related licensing board and education and  
15 enforcement fund;
- 16 ▶ creates a license issued by the Division of Occupational and Professional Licensing  
17 for a hair designer, a hair designer instructor, and a hair design school;
- 18 ▶ describes the requirements for obtaining a license as a hair designer, a hair designer  
19 instructor, and a hair design school;
- 20 ▶ modifies the requirements for licensed instructors under the act; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 58-11a-101, as last amended by Laws of Utah 2007, Chapter 209

29 58-11a-102, as last amended by Laws of Utah 2016, Chapters 75 and 274

30 58-11a-103, as last amended by Laws of Utah 2013, Chapter 400

31 58-11a-201, as last amended by Laws of Utah 2007, Chapter 209

32 58-11a-301, as last amended by Laws of Utah 2016, Chapter 274

33 58-11a-302, as last amended by Laws of Utah 2016, Chapter 274

34

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

36 Section 1. Section **58-11a-101** is amended to read:

37

**CHAPTER 11a. COSMETOLOGY AND ASSOCIATED**

38

**PROFESSIONS LICENSING ACT**

39 **58-11a-101. Title.**

40 This chapter is known as the [~~Barber, Cosmetologist/Barber, Esthetician, Electrologist,~~  
41 ~~and Nail Technician~~] "Cosmetology and Associated Professions Licensing Act."

42 Section 2. Section **58-11a-102** is amended to read:

43 **58-11a-102. Definitions.**

44 As used in this chapter:

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

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

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

58 (4) "Approved nail technician apprenticeship" means an apprenticeship that meets the  
59 requirements of Subsection 58-11a-306(5) and the requirements established by rule by the  
60 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
61 Administrative Rulemaking Act.

62 (5) "Barber" means a person who is licensed under this chapter to engage in the  
63 practice of barbering.

64 (6) "Barber instructor" means a barber who is licensed under this chapter to engage in  
65 the practice of barbering instruction.

66 (7) "Board" means the [~~Barber, Cosmetology/Barbering, Esthetics, Electrology, and~~  
67 ~~Nail Technology~~] Cosmetology and Associated Professions Licensing Board created in Section  
68 58-11a-201.

69 (8) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section  
70 58-67-102.

71 (9) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

72 (10) "Cosmetologist/barber" means a person who is licensed under this chapter to  
73 engage in the practice of cosmetology/barbering.

74 (11) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed  
75 under this chapter to engage in the practice of cosmetology/barbering instruction.

76 (12) "Direct supervision" means that the supervisor of an apprentice or the instructor of  
77 a student is immediately available for consultation, advice, instruction, and evaluation.

78 (13) "Electrologist" means a person who is licensed under this chapter to engage in the  
79 practice of electrology.

80 (14) "Electrologist instructor" means an electrologist who is licensed under this chapter  
81 to engage in the practice of electrology instruction.

82 (15) "Esthetician" means a person who is licensed under this chapter to engage in the  
83 practice of esthetics.

84 (16) "Esthetician instructor" means a master esthetician who is licensed under this  
85 chapter to engage in the practice of esthetics instruction.

86 (17) "Fund" means the [~~Barber, Cosmetologist/Barber, Esthetician, Electrologist, and~~  
87 ~~Nail Technician~~] Cosmetology and Associated Professions Education and Enforcement Fund  
88 created in Section 58-11a-103.

89 (18) (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's  
90 natural human hair.

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

92 (i) African-style braiding;

93 (ii) box braids;

94 (iii) cornrows;

95 (iv) dreadlocks;

96 (v) french braids;

97 (vi) invisible braids;

98 (vii) micro braids;

99 (viii) single braids;

100 (ix) single plaits;

101 (x) twists;

102 (xi) visible braids;

103 (xii) the use of lock braids; and

104 (xiii) the use of decorative beads, accessories, and nonhair extensions.

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

106 (i) the use of:

- 107 (A) wefts;  
 108 (B) synthetic tape;  
 109 (C) synthetic glue;  
 110 (D) keratin bonds;  
 111 (E) fusion bonds; or  
 112 (F) heat tools;  
 113 (ii) the cutting of human hair; or

114 (iii) the application of heat, dye, a reactive chemical, or other preparation to:

- 115 (A) alter the color of the hair; or  
 116 (B) straighten, curl, or alter the structure of the hair.

117 (19) "Hair designer" means a person who is licensed under this chapter to engage in the  
 118 practice of hair design.

119 (20) "Hair designer instructor" means a hair designer who is licensed under this chapter  
 120 to engage in the practice of hair design instruction.

121 ~~[(19)]~~ (21) "Licensed barber or cosmetology/barber school" means a barber or  
 122 cosmetology/barber school licensed under this chapter.

123 ~~[(20)]~~ (22) "Licensed electrology school" means an electrology school licensed under  
 124 this chapter.

125 ~~[(24)]~~ (23) "Licensed esthetics school" means an esthetics school licensed under this  
 126 chapter.

127 (24) "Licensed hair design school" means a hair design school licensed under this  
 128 chapter.

129 ~~[(22)]~~ (25) "Licensed nail technology school" means a nail technology school licensed  
 130 under this chapter.

131 ~~[(23)]~~ (26) "Master esthetician" means an individual who is licensed under this chapter  
 132 to engage in the practice of master-level esthetics.

133 ~~[(24)]~~ (27) "Nail technician" means an individual who is licensed under this chapter to  
 134 engage in the practice of nail technology.

135 ~~[(25)]~~ (28) "Nail technician instructor" means a nail technician licensed under this  
 136 chapter to engage in the practice of nail technology instruction.

137 ~~[(26)]~~ (29) "Practice of barbering" means:

- 138 (a) cutting, clipping, or trimming the hair of the head of any person by the use of  
 139 scissors, shears, clippers, or other appliances;  
 140 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying; and  
 141 (c) removing hair from the face or neck of a person by the use of shaving equipment.

142 ~~[(27)]~~ (30) "Practice of barbering instruction" means teaching the practice of barbering  
 143 at a licensed barber school, at a licensed cosmetology/barber school, or for an approved barber  
 144 apprenticeship.

145 ~~[(28)]~~ (31) "Practice of basic esthetics" means any one of the following skin care  
 146 procedures done on the body for cosmetic purposes and not for the treatment of medical,  
 147 physical, or mental ailments:

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

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

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

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

158 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, or applying  
 159 eyelash or eyebrow extensions; or

160 (f) except as provided in Subsection ~~[(28)]~~ (31)(f)(i), cosmetic laser procedures under  
 161 the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the  
 162 following:

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

164 (ii) anti-aging resurfacing enhancements;

165 (iii) photo rejuvenation; or

166 (iv) tattoo removal.

167 ~~[(29)]~~ (32) (a) "Practice of cosmetology/barbering" means:

- 168 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,  
 169 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a

170 person;

171 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or

172 other appliances;

173 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying

174 eyelash or eyebrow extensions;

175 (iv) removing hair from the body of a person by the use of depilatories, waxing, or

176 shaving equipment;

177 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces

178 or both on the human head; or

179 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted

180 hair.

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

182 (i) the practice of basic esthetics; and

183 (ii) the practice of nail technology.

184 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in

185 the practice of threading.

186 ~~[(30)]~~ (33) "Practice of cosmetology/barbering instruction" means teaching the practice

187 of cosmetology/barbering:

188 (a) at a licensed cosmetology/barber school, a licensed barber school, or a licensed nail

189 technology school; or

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

191 ~~[(34)]~~ (34) "Practice of electrology" means:

192 (a) the removal of superfluous hair from the body of a person by the use of electricity,

193 waxing, shaving, or tweezing; or

194 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to

195 superfluous hair removal.

196 ~~[(32)]~~ (35) "Practice of electrology instruction" means teaching the practice of

197 electrology at a licensed electrology school.

198 ~~[(33)]~~ (36) "Practice of esthetics instruction" means teaching the practice of basic

199 esthetics or the practice of master-level esthetics:

200 (a) at a licensed esthetics school or a licensed cosmetology/barber school; or

201 (b) for an approved esthetician apprenticeship or an approved master esthetician

202 apprenticeship.

203 (37) "Practice of hair design" means:

204 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing,

205 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a

206 person;

207 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,

208 shears, clippers, or other appliances;

209 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or

210 both on the human head; or

211 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted

212 hair.

213 (38) "Practice of hair design instruction" means teaching the practice of hair design at a

214 licensed cosmetology/barber school, a licensed hair design school, or a licensed barber school.

215 ~~[(34)]~~ (39) (a) "Practice of master-level esthetics" means:

216 (i) any of the following when done for cosmetic purposes on the body and not for the

217 treatment of medical, physical, or mental ailments:

218 (A) body wraps as defined by rule;

219 (B) hydrotherapy as defined by rule;

220 (C) chemical exfoliation as defined by rule;

221 (D) advanced pedicures as defined by rule;

222 (E) sanding, including microdermabrasion;

223 (F) advanced extraction;

224 (G) other esthetic preparations or procedures with the use of:

225 (I) the hands; or

226 (II) a mechanical or electrical apparatus which is approved for use by division rule for

227 beautifying or similar work performed on the body for cosmetic purposes and not for the

228 treatment of a medical, physical, or mental ailment; or

229 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a

230 physician's evaluation before the procedure, as needed, unless specifically required under

231 Section 58-1-506, and limited to the following:

232 (I) superfluous hair removal;  
 233 (II) anti-aging resurfacing enhancements;  
 234 (III) photo rejuvenation; or  
 235 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician  
 236 assistant's evaluation before the tattoo removal procedure, as required by Subsection  
 237 58-1-506(3)(a); and

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

239 (b) Notwithstanding the provisions of Subsection ~~[(34)] (39)(a)~~, a master-level  
 240 esthetician may perform procedures listed in Subsection ~~[(34)] (39)(a)(i)(H)~~ if done under the  
 241 supervision of a cosmetic supervisor acting within the scope of the cosmetic supervisor license.

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

245 ~~[(35)] (40)~~ "Practice of nail technology" means to trim, cut, clean, manicure, shape,  
 246 massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of  
 247 hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the  
 248 application and removal of sculptured or artificial nails.

249 ~~[(36)] (41)~~ "Practice of nail technology instruction" means teaching the practice of nail  
 250 technology at a licensed nail technician school, at a licensed cosmetology/barber school, or for  
 251 an approved nail technician apprenticeship.

252 ~~[(37)] (42)~~ "Recognized barber school" means a barber school located in a state other  
 253 than Utah, whose students, upon graduation, are recognized as having completed the

254 educational requirements for licensure in that state.

255 ~~[(38)] (43)~~ "Recognized cosmetology/barber school" means a cosmetology/barber  
 256 school located in a state other than Utah, whose students, upon graduation, are recognized as  
 257 having completed the educational requirements for licensure in that state.

258 ~~[(39)] (44)~~ "Recognized electrology school" means an electrology school located in a  
 259 state other than Utah, whose students, upon graduation, are recognized as having completed the  
 260 educational requirements for licensure in that state.

261 ~~[(40)] (45)~~ "Recognized esthetics school" means an esthetics school located in a state  
 262 other than Utah, whose students, upon graduation, are recognized as having completed the  
 263 educational requirements for licensure in that state.

264 (46) "Recognized hair design school" means a hair design school located in a state  
 265 other than Utah, whose students, upon graduation, are recognized as having completed the  
 266 educational requirements for licensure in that state.

267 ~~[(41)] (47)~~ "Recognized nail technology school" means a nail technology school  
 268 located in a state other than Utah, whose students, upon graduation, are recognized as having  
 269 completed the educational requirements for licensure in that state.

270 ~~[(42)] (48)~~ "Salon" means a place, shop, or establishment in which  
 271 cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

272 ~~[(43)] (49)~~ "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

273 ~~[(44)] (50)~~ "Unprofessional conduct" is as defined in Sections 58-1-501 and  
 274 58-11a-501 and as may be further defined by rule by the division in collaboration with the  
 275 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

276 Section 3. Section **58-11a-103** is amended to read:

277 **58-11a-103. Education and enforcement fund.**

278 (1) There is created an expendable special revenue fund known as the [~~"Barber,~~  
 279 ~~Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician]~~ "Cosmetology and  
 280 Associated Professions Education and Enforcement Fund."

281 (2) The fund consists of money from administrative penalties collected pursuant to this

282 chapter.

283 (3) The fund shall earn interest and all interest earned on fund money shall be  
 284 deposited into the fund.

285 (4) The director may, with concurrence of the board, make distributions from the fund  
 286 for the following purposes:

287 (a) education and training of licensees under this chapter;

288 (b) education and training of the public or other interested persons in matters  
 289 concerning the laws governing the practices licensed under this chapter; and

290 (c) enforcement of this chapter by:

291 (i) investigating unprofessional or unlawful conduct; and

292 (ii) providing legal representation to the division when the division takes legal action  
 293 against a person engaging in unprofessional or unlawful conduct.

294 (5) The division shall report annually to the appropriate appropriations subcommittee

295 of the Legislature concerning the fund.

296 Section 4. Section **58-11a-201** is amended to read:

297 **58-11a-201. Board.**

298 (1) There is created the [~~Barbering, Cosmetology/Barbering, Esthetics, Electrology,~~  
299 ~~and Nail Technology~~] Cosmetology and Associated Professions Licensing Board consisting of  
300 the following nine members [~~as follows~~]:

- 301 (a) one barber or cosmetologist/barber ;
- 302 (b) (i) one barber or cosmetologist/barber instructor; or
- 303 (ii) one representative of a licensed barber or cosmetology/barber school;
- 304 (c) one master esthetician;
- 305 (d) (i) one esthetician instructor; or
- 306 (ii) one representative of a licensed esthetics school;
- 307 (e) one nail technician;
- 308 (f) (i) one nail technician instructor; or
- 309 (ii) one representative of a licensed nail technician school;

- 310 (g) one electrologist; and
- 311 (h) two members from the general public.

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

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

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

317 (3) The duties and responsibilities of the board are in accordance with Sections  
318 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a  
319 permanent or rotating basis to:

- 320 (a) assist the division in reviewing complaints concerning the unlawful or  
321 unprofessional conduct of a licensee; and
- 322 (b) advise the division in its investigation of these complaints.

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

326 Section 5. Section **58-11a-301** is amended to read:

327 **58-11a-301. Licensure required -- License classifications.**

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

- 330 (a) engage in the practice of:
  - 331 (i) barbering;
  - 332 (ii) barbering instruction;
  - 333 (iii) cosmetology/barbering;
  - 334 (iv) cosmetology/barbering instruction;
  - 335 (v) electrology;
  - 336 (vi) electrology instruction;
  - 337 (vii) esthetics;

338 (viii) master-level esthetics;

339 (ix) esthetics instruction;

340 (x) hair design;

341 (xi) hair design instruction;

342 [~~(xii)~~] (xii) nail technology; or

343 [~~(xiii)~~] (xiii) nail technology instruction; or

344 (b) operate:

- 345 (i) a barbering school;
- 346 (ii) a cosmetology/barbering school;
- 347 (iii) an electrology school;
- 348 (iv) an esthetics school; [~~or~~]
- 349 (v) a hair design school; or
- 350 [~~(vi)~~] (vi) a nail technology school.

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

- 353 (a) barber;
- 354 (b) barber instructor;
- 355 (c) barber school;
- 356 (d) cosmetologist/barber;
- 357 (e) cosmetologist/barber instructor;

358 (f) cosmetology/barber school;  
 359 (g) electrologist;  
 360 (h) electrologist instructor;  
 361 (i) electrology school;  
 362 (j) esthetician;  
 363 (k) master esthetician;  
 364 (l) esthetician instructor;  
 365 (m) esthetics school;

366 (n) hair designer;  
 367 (o) hair designer instructor;  
 368 (p) hair design school;  
 369 [~~(q)~~] (q) nail technology;  
 370 [~~(r)~~] (r) nail technology instructor; and  
 371 [~~(s)~~] (s) nail technology school.

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

374 Section 6. Section **58-11a-302** is amended to read:

375 **58-11a-302. Qualifications for licensure.**

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

377 (a) submit an application in a form prescribed by the division;  
 378 (b) pay a fee determined by the department under Section 63J-1-504;  
 379 (c) be of good moral character;  
 380 (d) provide satisfactory documentation of:

381 (i) graduation from a licensed or recognized barber school, or a licensed or recognized  
 382 cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of  
 383 instruction, or the equivalent number of credit hours, over a period of not less than 25 weeks;

384 (ii) (A) graduation from a recognized barber school located in a state other than Utah  
 385 whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of  
 386 credit hours; and

387 (B) practice as a licensed barber in a state other than Utah for not less than the number  
 388 of hours required to equal 1,000 total hours when added to the hours of instruction described in  
 389 Subsection (1)(d)(ii)(A); or

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

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

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

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

394 (b) subject to Subsection (24), pay a fee determined by the department under Section  
 395 63J-1-504;

396 (c) provide satisfactory documentation that the applicant is currently licensed as a  
 397 barber;

398 (d) be of good moral character;

399 (e) provide satisfactory documentation of completion of:

400 (i) an instructor training program conducted by a licensed or recognized school, as  
 401 defined by rule, consisting of a minimum of 250 hours or the equivalent number of credit  
 402 hours;

403 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
 404 recognized school, as defined by rule, consisting of a minimum of 250 hours or the equivalent  
 405 number of credit hours; or

406 (iii) a minimum of 2,000 hours of experience as a barber; and

407 (f) meet the examination requirement established by rule.

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

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

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

411 (c) provide satisfactory documentation:

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

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

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

416 (iv) that the applicant meets:

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

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

420 described in Subsection [(49)] (22).

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

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

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

424 (c) be of good moral character;

425 (d) provide satisfactory documentation of:

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

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

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

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

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

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

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

439 (b) subject to Subsection (24), pay a fee determined by the department under Section  
440 63J-1-504;

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

443 (d) be of good moral character;

444 (e) provide satisfactory documentation of completion of:

445 (i) an instructor training program conducted by a licensed or recognized school, as  
446 defined by rule, consisting of a minimum of 400 hours or the equivalent number of credit  
447 hours;

448 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
449 recognized school, as defined by rule, consisting of a minimum of 400 hours or the equivalent

450 number of credit hours; or

451 (iii) a minimum of 3,000 hours of experience as a cosmetologist/barber; and

452 (f) meet the examination requirement established by rule.

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

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

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

456 (c) provide satisfactory documentation:

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

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

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

461 (iv) that the applicant meets:

462 (A) the standards for cosmetology schools, including staff and accreditation  
463 requirements, established by rule; and

464 (B) the requirements for recognition as an institution of postsecondary study as  
465 described in Subsection [(49)] (22).

466 (7) Each applicant for licensure as an electrologist shall:

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

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

469 (c) be of good moral character;

470 (d) provide satisfactory documentation of having graduated from a licensed or  
471 recognized electrology school after completing a curriculum of 600 hours of instruction or the  
472 equivalent number of credit hours; and

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

474 (8) Each applicant for licensure as an electrologist instructor shall:

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

476 (b) subject to Subsection (24), pay a fee determined by the department under Section  
477 63J-1-504;

478 (c) provide satisfactory documentation that the applicant is currently licensed as an  
479 electrologist;

480 (d) be of good moral character;

481 (e) provide satisfactory documentation of completion of:



- 482 (i) an instructor training program conducted by a licensed or recognized school, as  
 483 defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit  
 484 hours;
- 485 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
 486 recognized school, as defined by rule, consisting of a minimum of 150 hours or the equivalent  
 487 number of credit hours; or
- 488 (iii) a minimum of 1,000 hours of experience as an electrologist; and
- 489 (f) meet the examination requirement established by rule.
- 490 (9) Each applicant for licensure as an electrologist school shall:
- 491 (a) submit an application in a form prescribed by the division;
- 492 (b) pay a fee determined by the department under Section 63J-1-504; and
- 493 (c) provide satisfactory documentation:
- 494 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 495 (ii) of business licensure from the city, town, or county in which the school is located;
- 496 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 497 (iv) that the applicant meets:
- 498 (A) the standards for electrologist schools, including staff, curriculum, and  
 499 accreditation requirements, established by rule; and
- 500 (B) the requirements for recognition as an institution of postsecondary study as  
 501 described in Subsection ~~[(19)]~~ (22).
- 502 (10) Each applicant for licensure as an esthetician shall:
- 503 (a) submit an application in a form prescribed by the division;
- 504 (b) pay a fee determined by the department under Section 63J-1-504;
- 505 (c) be of good moral character;
- 506 (d) provide satisfactory documentation of one of the following:
- 507 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized  
 508 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic  
 509 instruction with a minimum of 600 hours or the equivalent number of credit hours;
- 510 (ii) completion of an approved esthetician apprenticeship; or
- 511 (iii) (A) graduation from a recognized cosmetology/barber school located in a state  
 512 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the  
 513 equivalent number of credit hours, with full flexibility within those hours; and
- 514 (B) practice as a licensed cosmetologist/barber for not less than the number of hours  
 515 required to equal 1,600 total hours when added to the hours of instruction described in  
 516 Subsection (10)(d)(iii)(A); and
- 517 (e) meet the examination requirement established by division rule.
- 518 (11) Each applicant for licensure as a master esthetician 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;
- 521 (c) be of good moral character;
- 522 (d) provide satisfactory documentation of:
- 523 (i) completion of at least 1,200 hours of training, or the equivalent number of credit  
 524 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the  
 525 1,200 hours may have been completed:
- 526 (A) at a licensed or recognized cosmetology/barbering school, if the applicant  
 527 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or  
 528 the equivalent number of credit hours, with full flexibility within those hours; or
- 529 (B) at a licensed or recognized cosmetology/barber school located in a state other than  
 530 Utah, if the applicant graduated from the school and its curriculum contained full flexibility  
 531 within its hours of instruction; or
- 532 (ii) completion of an approved master esthetician apprenticeship;
- 533 (e) if the applicant will practice lymphatic massage, provide satisfactory documentation  
 534 to show completion of 200 hours of training, or the equivalent number of credit hours, in  
 535 lymphatic massage as defined by division rule; and
- 536 (f) meet the examination requirement established by division rule.
- 537 (12) Each applicant for licensure as an esthetician instructor shall:
- 538 (a) submit an application in a form prescribed by the division;
- 539 (b) subject to Subsection (24), pay a fee determined by the department under Section  
 540 63J-1-504;
- 541 (c) provide satisfactory documentation that the applicant is currently licensed as a  
 542 master esthetician;
- 543 (d) be of good moral character;
- 544 (e) provide satisfactory documentation of completion of:

- 545 (i) an instructor training program conducted by a licensed or recognized school, as  
 546 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit  
 547 hours;  
 548 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
 549 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent  
 550 number of credit hours; or  
 551 (iii) a minimum of 1,000 hours of experience in esthetics; and  
 552 (f) meet the examination requirement established by rule.  
 553 (13) Each applicant for licensure as an esthetics school shall:  
 554 (a) submit an application in a form prescribed by the division;  
 555 (b) pay a fee determined by the department under Section 63J-1-504; and  
 556 (c) provide satisfactory documentation:  
 557 (i) of appropriate registration with the Division of Corporations and Commercial Code;  
 558 (ii) of business licensure from the city, town, or county in which the school is located;  
 559 (iii) that the applicant's physical facilities comply with the requirements established by  
 560 rule; and  
 561 (iv) that the applicant meets:

- 562 (A) the standards for esthetics schools, including staff, curriculum, and accreditation  
 563 requirements, established by division rule made in collaboration with the board; and  
 564 (B) the requirements for recognition as an institution of postsecondary study as  
 565 described in Subsection ~~[(19)]~~ (22).  
 566 (14) Each applicant for licensure as a hair designer shall:  
 567 (a) submit an application in a form prescribed by the division;  
 568 (b) pay a fee determined by the department under Section 63J-1-504;  
 569 (c) be of good moral character;  
 570 (d) provide satisfactory documentation of:  
 571 (i) graduation from a licensed or recognized cosmetology/barber, hair design, or  
 572 barbering school whose curriculum consists of a minimum of 1,200 hours of instruction, or the  
 573 equivalent number of credit hours, with full flexibility within those hours;  
 574 (ii) (A) graduation from a recognized cosmetology/barber, hair design, or barbering  
 575 school located in a state other than Utah whose curriculum consists of less than 1,200 hours of  
 576 instruction, or the equivalent number of credit hours, with full flexibility within those hours;  
 577 and  
 578 (B) practice as a licensed cosmetologist/barber or hair designer in a state other than  
 579 Utah for not less than the number of hours required to equal 1,200 total hours when added to  
 580 the hours of instruction described in Subsection (14)(d)(ii)(A); or  
 581 (iii) being a state licensed cosmetologist/barber; and  
 582 (e) meet the examination requirements established by rule.  
 583 (15) Each applicant for licensure as a hair designer instructor shall:  
 584 (a) submit an application in a form prescribed by the division;  
 585 (b) subject to Subsection (24), pay a fee determined by the department under Section  
 586 63J-1-504;  
 587 (c) provide satisfactory documentation that the applicant is currently licensed as a hair  
 588 designer or as a cosmetologist/barber;  
 589 (d) be of good moral character;

- 590 (e) provide satisfactory documentation of completion of:  
 591 (i) an instructor training program conducted by a licensed or recognized school, as  
 592 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit  
 593 hours;  
 594 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or  
 595 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent  
 596 number of credit hours; or  
 597 (iii) a minimum of 2,500 hours of experience as a hair designer or as a  
 598 cosmetologist/barber; and  
 599 (f) meet the examination requirement established by rule.  
 600 (16) Each applicant for licensure as a hair design school shall:  
 601 (a) submit an application in a form prescribed by the division;  
 602 (b) pay a fee determined by the department under Section 63J-1-504; and  
 603 (c) provide satisfactory documentation:  
 604 (i) of appropriate registration with the Division of Corporations and Commercial Code;  
 605 (ii) of business licensure from the city, town, or county in which the school is located;  
 606 (iii) that the applicant's physical facilities comply with the requirements established by  
 607 rule; and

608 (iv) that the applicant meets:

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

611 (B) the requirements for recognition as an institution of postsecondary study as  
 612 described in Subsection (22).

613 ~~[(14)]~~ (17) Each applicant for licensure as a nail technician shall:

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

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

616 (c) be of good moral character;

617 (d) provide satisfactory documentation of:

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

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

624 (B) practice as a licensed nail technician in a state other than Utah for not less than the  
 625 number of hours required to equal 300 total hours when added to the hours of instruction  
 626 described in Subsection ~~[(14)]~~ (17)(d)(ii)(A); or

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

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

629 ~~[(16)]~~ (18) Each applicant for licensure as a nail technician instructor shall:

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

631 (b) subject to Subsection (24), pay a fee determined by the department under Section  
 632 63J-1-504;

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

635 (d) be of good moral character;

636 (e) provide satisfactory documentation of completion of:

637 (i) an instructor training program conducted by a licensed or recognized school, as  
 638 defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours;

639 (ii) an on-the-job instructor training program conducted by a licensed instructor at a  
 640 licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the  
 641 equivalent number of credit hours; or

642 (iii) a minimum of 600 hours of experience in nail technology; and

643 (f) meet the examination requirement established by rule.

644 ~~[(16)]~~ (19) Each applicant for licensure as a nail technology school shall:

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

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

647 (c) provide satisfactory documentation:

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

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

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

651 (iv) that the applicant meets:

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

654 (B) the requirements for recognition as an institution of postsecondary study as  
 655 described in Subsection ~~[(19)]~~ (22).

656 ~~[(17)]~~ (20) Each applicant for licensure under this chapter whose education in the field  
 657 for which a license is sought was completed at a foreign school may satisfy the educational  
 658 requirement for licensure by demonstrating, to the satisfaction of the division, the educational  
 659 equivalency of the foreign school education with a licensed school under this chapter.

660 ~~[(18)]~~ (21) (a) A licensed or recognized school under this section ~~[may]~~ shall accept  
 661 credit hours towards graduation ~~[for any profession listed in this section:]~~ for documented,  
 662 relevant, and substantially equivalent coursework previously completed by:

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

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

667 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
 668 consistent with this section, the division may make rules governing the acceptance of credit  
 669 hours under Subsection ~~[(18)]~~ (21)(a).

670 ~~[(19)]~~ (22) A school licensed or applying for licensure under this chapter shall maintain

671 recognition as an institution of postsecondary study by meeting the following conditions:

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

674 is beyond the age of compulsory high school attendance as prescribed by Title 53A, Chapter  
675 11, Students in Public Schools; and

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

679 ~~[(20)]~~ (23) A person seeking to qualify for licensure under this chapter by apprenticing  
680 in an approved apprenticeship shall register with the division as described in Section  
681 58-11a-306.

682 (24) The department may only charge a fee to a person applying for licensure as any  
683 type of instructor under this chapter if the person is not a licensed instructor in any other  
684 profession under this chapter.