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LICENSING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ modifies the definition of "hair braiding" in the act ~~H→ [to include the use of wefts if applied without the use of glue or tape] ←H~~ ;
- ▶ modifies the definition of the "practice of barbering" in the act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-11a-102, as last amended by Laws of Utah 2020, Chapter 339

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

Section 1. Section **58-11a-102** is amended to read:

58-11a-102. Definitions.

H.B. 126



28 As used in this chapter:

29 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship
30 that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection
31 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the
32 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
33 Administrative Rulemaking Act.

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

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

42 (4) "Approved master esthetician apprenticeship" means an apprenticeship that meets
43 the requirements of Subsection 58-11a-306(5) and the requirements established by rule by the
44 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
45 Administrative Rulemaking Act.

46 (5) "Approved nail technician apprenticeship" means an apprenticeship that meets the
47 requirements of Subsection 58-11a-306(6) 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 (6) "Barber" means a person who is licensed under this chapter to engage in the
51 practice of barbering.

52 (7) "Barber instructor" means a barber who is licensed under this chapter to engage in
53 the practice of barbering instruction.

54 (8) "Board" means the Cosmetology and Associated Professions Licensing Board
55 created in Section 58-11a-201.

56 (9) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section
57 58-67-102.

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

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

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

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

65 (14) "Electrologist" means a person who is licensed under this chapter to engage in the
66 practice of electrology.

67 (15) "Electrologist instructor" means an electrologist who is licensed under this chapter
68 to engage in the practice of electrology instruction.

69 (16) "Esthetician" means a person who is licensed under this chapter to engage in the
70 practice of esthetics.

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

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

75 (19) (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's
76 natural human hair.

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

78 (i) African-style braiding;

79 (ii) box braids;

80 (iii) cornrows;

81 (iv) dreadlocks;

82 (v) french braids;

83 (vi) invisible braids;

84 (vii) micro braids;

85 (viii) single braids;

86 (ix) single plaits;

87 (x) twists;

88 (xi) visible braids;

89 (xii) the use of lock braids; [~~and~~]

- 90 (xiii) the use of decorative beads, accessories, and ~~hair~~ extensions[-];
- 90a ~~hair~~ **and** ~~hair~~
- 91 (xiv) the use of wefts if applied without the use of glue or tape ~~hair~~ ; **and**
- 91a **(xv) the cutting of an extension braided into the hair.** ~~hair~~
- 92 (c) "Hair braiding" does not include:
- 93 (i) the use of:
- 94 (A) wefts applied with the use of glue or tape;
- 95 (B) synthetic tape;
- 96 (C) synthetic glue;
- 97 (D) keratin bonds;
- 98 (E) fusion bonds; or
- 99 (F) heat tools;
- 100 (ii) the cutting of ~~hair~~ **the natural hair of the head** ; or
- 101 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
- 102 (A) alter the color of the hair; or
- 103 (B) straighten, curl, or alter the structure of the hair.
- 104 (20) "Hair designer" means a person who is licensed under this chapter to engage in the
- 105 practice of hair design.
- 106 (21) "Hair designer instructor" means a hair designer who is licensed under this chapter
- 107 to engage in the practice of hair design instruction.
- 108 (22) "Licensed barber or cosmetology/barber school" means a barber or
- 109 cosmetology/barber school licensed under this chapter.
- 110 (23) "Licensed electrology school" means an electrology school licensed under this
- 111 chapter.
- 112 (24) "Licensed esthetics school" means an esthetics school licensed under this chapter.
- 113 (25) "Licensed hair design school" means a hair design school licensed under this
- 114 chapter.
- 115 (26) "Licensed nail technology school" means a nail technology school licensed under
- 116 this chapter.
- 117 (27) "Master esthetician" means an individual who is licensed under this chapter to
- 118 engage in the practice of master-level esthetics.
- 119 (28) "Nail technician" means an individual who is licensed under this chapter to engage
- 120 in the practice of nail technology.

121 (29) "Nail technician instructor" means a nail technician licensed under this chapter to
122 engage in the practice of nail technology instruction.

123 (30) "Practice of barbering" means:

124 (a) cutting, clipping, or trimming the natural hair of the head of any person by the use
125 of scissors, shears, clippers, or other appliances;

126 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;

127 (c) removing hair from the face or neck of a person by the use of shaving equipment;

128 and

129 (d) when providing other services described in this Subsection (30), gently massaging
130 the head, back of the neck, and shoulders by manual or mechanical means.

131 (31) "Practice of barbering instruction" means teaching the practice of barbering at a
132 licensed barber school, at a licensed cosmetology/barber school, or for an approved barber
133 apprenticeship.

134 (32) "Practice of basic esthetics" means any one of the following skin care procedures
135 done on the body for cosmetic purposes and not for the treatment of medical, physical, or
136 mental ailments:

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

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

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

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

147 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, or applying
148 eyelash or eyebrow extensions; or

149 (f) except as provided in Subsection (32)(f)(i), cosmetic laser procedures under the
150 direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the
151 following:

- 152 (i) superfluous hair removal which shall be under indirect supervision;
- 153 (ii) anti-aging resurfacing enhancements;
- 154 (iii) photo rejuvenation; or
- 155 (iv) tattoo removal.
- 156 (33) (a) "Practice of cosmetology/barbering" means:
- 157 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
- 158 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
- 159 person;
- 160 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or
- 161 other appliances;
- 162 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying
- 163 eyelash or eyebrow extensions;
- 164 (iv) removing hair from the body of a person by the use of depilatories, waxing, or
- 165 shaving equipment;
- 166 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces
- 167 or both on the human head; or
- 168 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted
- 169 hair.
- 170 (b) The term "practice of cosmetology/barbering" includes:
- 171 (i) the practice of barbering;
- 172 (ii) the practice of basic esthetics; and
- 173 (iii) the practice of nail technology.
- 174 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in
- 175 the practice of threading.
- 176 (34) "Practice of cosmetology/barbering instruction" means teaching the practice of
- 177 cosmetology/barbering:
- 178 (a) at a licensed cosmetology/barber school, a licensed barber school, or a licensed nail
- 179 technology school; or
- 180 (b) for an approved cosmetologist/barber apprenticeship.
- 181 (35) "Practice of electrology" means:
- 182 (a) the removal of superfluous hair from the body of a person by the use of electricity,

183 waxing, shaving, or tweezing; or

184 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to
185 superfluous hair removal.

186 (36) "Practice of electrology instruction" means teaching the practice of electrology at a
187 licensed electrology school.

188 (37) "Practice of esthetics instruction" means teaching the practice of basic esthetics or
189 the practice of master-level esthetics:

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

191 (b) for an approved esthetician apprenticeship or an approved master esthetician
192 apprenticeship.

193 (38) "Practice of hair design" means:

194 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
195 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
196 person;

197 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,
198 shears, clippers, or other appliances;

199 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or
200 both on the human head; or

201 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted
202 hair.

203 (39) "Practice of hair design instruction" means teaching the practice of hair design at a
204 licensed cosmetology/barber school, a licensed hair design school, or a licensed barber school.

205 (40) (a) "Practice of master-level esthetics" means:

206 (i) any of the following when done for cosmetic purposes on the body and not for the
207 treatment of medical, physical, or mental ailments:

208 (A) body wraps as defined by rule;

209 (B) hydrotherapy as defined by rule;

210 (C) chemical exfoliation as defined by rule;

211 (D) advanced pedicures as defined by rule;

212 (E) sanding, including microdermabrasion;

213 (F) advanced extraction;

214 (G) other esthetic preparations or procedures with the use of:
215 (I) the hands; or
216 (II) a mechanical or electrical apparatus which is approved for use by division rule for
217 beautifying or similar work performed on the body for cosmetic purposes and not for the
218 treatment of a medical, physical, or mental ailment; or
219 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a
220 physician's evaluation before the procedure, as needed, unless specifically required under
221 Section 58-1-506, and limited to the following:
222 (I) superfluous hair removal;
223 (II) anti-aging resurfacing enhancements;
224 (III) photo rejuvenation; or
225 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician
226 assistant's evaluation before the tattoo removal procedure, as required by Subsection
227 58-1-506(3)(a); and
228 (ii) lymphatic massage by manual or other means as defined by rule.
229 (b) Notwithstanding the provisions of Subsection (40)(a), a master-level esthetician
230 may perform procedures listed in Subsection (40)(a)(i)(H) if done under the supervision of a
231 cosmetic supervisor acting within the scope of the cosmetic supervisor license.
232 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but
233 an individual is not required to be licensed as an esthetician or master-level esthetician to
234 engage in the practice of threading.
235 (41) "Practice of nail technology" means to trim, cut, clean, manicure, shape, massage,
236 or enhance the appearance of the hands, feet, and nails of an individual by the use of hands,
237 mechanical, or electrical preparation, antiseptic, lotions, or creams, including the application
238 and removal of sculptured or artificial nails.
239 (42) "Practice of nail technology instruction" means teaching the practice of nail
240 technology at a licensed nail technician school, at a licensed cosmetology/barber school, or for
241 an approved nail technician apprenticeship.
242 (43) "Recognized barber school" means a barber school located in a state other than
243 Utah, whose students, upon graduation, are recognized as having completed the educational
244 requirements for licensure in that state.

245 (44) "Recognized cosmetology/barber school" means a cosmetology/barber school
246 located in a state other than Utah, whose students, upon graduation, are recognized as having
247 completed the educational requirements for licensure in that state.

248 (45) "Recognized electrology school" means an electrology school located in a state
249 other than Utah, whose students, upon graduation, are recognized as having completed the
250 educational requirements for licensure in that state.

251 (46) "Recognized esthetics school" means an esthetics school located in a state other
252 than Utah, whose students, upon graduation, are recognized as having completed the
253 educational requirements for licensure in that state.

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

257 (48) "Recognized nail technology school" means a nail technology school located in a
258 state other than Utah, whose students, upon graduation, are recognized as having completed the
259 educational requirements for licensure in that state.

260 (49) "Salon" means a place, shop, or establishment in which cosmetology/barbering,
261 esthetics, electrology, or nail technology is practiced.

262 (50) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

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