

BARBER LICENSING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Phil Lyman

Senate Sponsor: Michael K. McKell

Cosponsor:

Kera Birkeland

LONG TITLE

General Description:

This bill modifies the Cosmetology and Associated Professions Licensing Act.

Highlighted Provisions:

This bill:

- modifies the testing requirements of obtaining a barber license; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-11a-302, 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-302** is amended to read:

58-11a-302. Qualifications for licensure.

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

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

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

(c) provide satisfactory documentation of:

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

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

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

(iii) completion of an approved barber apprenticeship; and

(d) meet ~~[the examination requirement]~~ one of the following requirements established by rule[-];

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

(ii) pass a practical examination and provide the written attestation of a licensed barber or cosmetologist/barber instructor who participated in the school or training under Subsection (1)(c), stating that the applicant has the necessary training and skill to be a licensed barber.

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

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

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

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

(d) provide satisfactory documentation of completion of:

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

57 hours;

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

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

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

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

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

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

66 (c) provide satisfactory documentation:

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

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

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

71 (iv) that the applicant meets:

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

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

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

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

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

79 (c) provide satisfactory documentation of:

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

83 (ii) (A) graduation from a recognized cosmetology/barber school located in a state
84 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the

equivalent number of credit hours, with full flexibility within those hours; and

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

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

(d) meet the examination requirement established by rule.

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

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

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

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

(d) provide satisfactory documentation of completion of:

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

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

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

(e) meet the examination requirement established by rule.

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

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

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

(c) provide satisfactory documentation:

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

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

(iii) that the applicant's physical facilities comply with the requirements established by

rule; and

(iv) that the applicant meets:

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

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

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

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

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

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

(d) meet the examination requirement established by rule.

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

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

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

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

(d) provide satisfactory documentation of completion of:

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

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

(iii) a minimum of 1,000 hours of experience as an electrologist; and

(e) meet the examination requirement established by rule.

(9) Each applicant for licensure as an electrologist school shall:

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

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

(c) provide satisfactory documentation:

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

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

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

(iv) that the applicant meets:

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

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

(10) Each applicant for licensure as an esthetician shall:

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

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

(c) provide satisfactory documentation of one of the following:

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

(ii) completion of an approved esthetician apprenticeship; or

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

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

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

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

- 169 (a) submit an application in a form prescribed by the division;
170 (b) pay a fee determined by the department under Section 63J-1-504;
171 (c) provide satisfactory documentation of:
172 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
173 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the
174 1,200 hours may have been completed:
175 (A) at a licensed or recognized cosmetology/barbering school, if the applicant
176 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or
177 the equivalent number of credit hours, with full flexibility within those hours; or
178 (B) at a licensed or recognized cosmetology/barber school located in a state other than
179 Utah, if the applicant graduated from the school and its curriculum contained full flexibility
180 within its hours of instruction; or
181 (ii) completion of an approved master esthetician apprenticeship;
182 (d) if the applicant will practice lymphatic massage, provide satisfactory
183 documentation to show completion of 200 hours of training, or the equivalent number of credit
184 hours, in lymphatic massage as defined by division rule; and
185 (e) meet the examination requirement established by division rule.
186 (12) Each applicant for licensure as an esthetician instructor shall:
187 (a) submit an application in a form prescribed by the division;
188 (b) subject to Subsection (24), pay a fee determined by the department under Section
189 63J-1-504;
190 (c) provide satisfactory documentation that the applicant is currently licensed as a
191 master esthetician;
192 (d) provide satisfactory documentation of completion of:
193 (i) an instructor training program conducted by a licensed or recognized school, as
194 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
195 hours;
196 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or

recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit hours; or

(iii) a minimum of 1,000 hours of experience in esthetics; and

(e) meet the examination requirement established by rule.

(13) Each applicant for licensure as an esthetics school shall:

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

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

(c) provide satisfactory documentation:

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

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

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

(iv) that the applicant meets:

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

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

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

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

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

(c) provide satisfactory documentation of:

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

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

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

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

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

(d) meet the examination requirements established by rule.

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

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

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

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

(d) provide satisfactory documentation of completion of:

(i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit hours;

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

(iii) a minimum of 2,500 hours of experience as a hair designer or as a cosmetologist/barber; and

(e) meet the examination requirement established by rule.

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

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

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

(c) provide satisfactory documentation:

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

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

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

(iv) that the applicant meets:

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

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

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

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

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

(c) provide satisfactory documentation of:

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

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

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

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

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

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

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

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

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

(d) provide satisfactory documentation of completion of:

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

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

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

(e) meet the examination requirement established by rule.

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

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

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

(c) provide satisfactory documentation:

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

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

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

(iv) that the applicant meets:

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

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

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

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

(i) a student that did not complete the student's education while attending a different

309 school; or

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

312 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
313 consistent with this section, the division may make rules governing the acceptance of credit
314 hours under Subsection (21)(a).

315 (22) A school licensed or applying for licensure under this chapter shall maintain
316 recognition as an institution of postsecondary study by meeting the following conditions:

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

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

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

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

329 (25) In order to encourage economic development in the state in accordance with
330 Subsection [63G-1-201\(4\)\(e\)](#), the department may offer any required examination under this
331 section, which is prepared by a national testing organization, in languages in addition to
332 English.