

PROFESSIONAL LICENSING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ creates an exemption from licensure under the cosmetology act for an individual who:
 - only dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair; and
 - displays a sign in the individual's place of business informing the public that the individual is not licensed under the cosmetology act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-11a-304, as last amended by Laws of Utah 2020, Chapter 339



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

29 Section 1. Section **58-11a-304** is amended to read:

30 **58-11a-304. Exemptions from licensure.**

31 In addition to the exemptions from licensure in Section **58-1-307**, the following persons
32 may engage in the practice of barbering, cosmetology/barbering, hair design, esthetics,
33 master-level esthetics, electrology, or nail technology without being licensed under this
34 chapter:

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

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

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

42 (4) a person who visits the state to engage in instructional seminars, advanced classes,
43 trade shows, or competitions of a limited duration;

44 (5) a person who engages in the practice of barbering, cosmetology/barbering, hair
45 design, esthetics, master-level esthetics, electrology, or nail technology without compensation;

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

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

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

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

55 (ii) the instructor receives no compensation;

56 (7) a person providing instruction in workshops, seminars, training meetings, or other
57 educational programs whose purpose is to provide continuing professional development to
58 licensed barbers, cosmetologists/barbers, hair designers, estheticians, master estheticians,

59 electrologists, or nail technicians;

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

64 (9) a person enrolled in an approved apprenticeship pursuant to Section 58-11a-306;

65 (10) an employee of a company that is primarily engaged in the business of selling
66 products used in the practice of barbering, cosmetology/barbering, hair design, esthetics,
67 master-level esthetics, electrology, or nail technology when demonstrating the company's
68 products to a potential customer, provided the employee makes no representation to a potential
69 customer that attending such a demonstration will certify or qualify the attendee to perform a
70 service for compensation that requires licensure under this chapter;

71 (11) a person who:

72 (a) is qualified to engage in the practice of barbering, cosmetology/barbering, hair
73 design, esthetics, master-level esthetics, electrology, or nail technology in another jurisdiction
74 as evidenced by licensure, certification, or lawful practice in the other jurisdiction;

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

76 (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics,
77 master-level esthetics, electrology, or nail technology in the state:

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

79 (ii) for no more than 120 days per calendar year; [~~and~~]

80 (12) a person who:

81 (a) engages in hair braiding; and

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

84 (13) a person who:

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

86 (b) does not cut the hair;

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

88 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the

89 hair;

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

92 (f) displays a sign in a conspicuous location in the person's place of business notifying
93 the public that the person's services are not provided by a person who has a license under this
94 chapter.