

REFERENCE TITLE: board of barbering and cosmetology

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2552**

Introduced by  
Representatives Gallardo: Lopes

### AN ACT

CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, TO "BOARD OF BARBERING AND COSMETOLOGY"; AMENDING SECTIONS 15-1851, 32-301, 32-302, 32-303, 32-304, 32-305, 32-501, 32-504, 32-573, 41-1092 AND 41-3014.09, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-502, 32-503, 32-505 AND 41-3014.12, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF BARBERING AND COSMETOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-1851, Arizona Revised Statutes, is amended to  
3 read:  
4 15-1851. Commission for postsecondary education; purpose;  
5 report; members; terms; powers and duties;  
6 compensation; quorum; personal liability; definition  
7 A. The commission for postsecondary education is established as the  
8 postsecondary review entity for this state for the conduct, supervision and  
9 coordination of the review of postsecondary education institutions in order  
10 to determine the eligibility of those institutions for student financial aid  
11 monies pursuant to ~~the provisions of~~ TITLE IV, part H, subpart one of the  
12 higher education amendments of 1992 (P.L. 102-325; 106 Stat. 638; 20 United  
13 States Code section 1099a). The commission shall accomplish the purpose of  
14 this subsection through the accumulation of information, the performance of  
15 studies and the determination of compliance by the postsecondary education  
16 institutions with ~~the provisions of~~ TITLE IV, part H, subpart one of the  
17 higher education amendments of 1992. The review authority of the commission  
18 shall be limited to circumstances where the United States department of  
19 education has referred an institution to the commission for review or where  
20 the United States department of education has approved the review of an  
21 institution in accordance with criteria established by the United States  
22 department of education. The commission shall keep records of its  
23 activities, and the commission shall provide information when requested to  
24 the United States secretary of education for financial and compliance audits  
25 and for institution evaluation. The scope of authority of the commission  
26 acting as a postsecondary review entity to review any educational institution  
27 is limited specifically to compliance by the institution with title IV, part  
28 H, subpart one of the higher education amendments of 1992. Any review of any  
29 institution conducted by the commission shall be performed in the context of  
30 the institution's individual mission and purposes. The commission shall not  
31 exercise planning, policy, coordinating, supervisory, budgeting or  
32 administrative powers over any postsecondary institution in this state.  
33 B. The commission shall also administer the applicable programs  
34 identified under section 1203 of the higher education act amendments of 1998  
35 (P.L. 105-244), including the leveraging educational assistance partnership  
36 program, the federal family education loan program and the Paul Douglas  
37 teacher scholarships program, and shall supervise the state guarantee agency  
38 under the higher education act amendments of 1998.  
39 C. In addition to the responsibilities prescribed in subsections A and  
40 B of this section, the commission shall:  
41 1. Provide a forum to public and private postsecondary education  
42 institutions for discussion of issues of mutual interest, including the  
43 following:

- 1 (a) The postsecondary needs of unserved and underserved individuals in  
2 this state.
- 3 (b) The resources of public and private institutions, organizations  
4 and agencies that are located in this state and that are capable of providing  
5 postsecondary education opportunities.
- 6 (c) Enrollment demand and public policy options to meet statewide  
7 needs for postsecondary education services.
- 8 (d) Cooperative comprehensive instructional and capital planning.
- 9 2. Provide reports pursuant to this subsection on discussions of  
10 issues of mutual interest.
- 11 3. Coordinate and promote collaborative studies on issues of mutual  
12 interest to public and private postsecondary education institutions.
- 13 4. Compile and disseminate information to the public regarding  
14 postsecondary education opportunities in this state.
- 15 5. Prepare an annual report that summarizes the results of the  
16 commission's activities prescribed in this section and section 15-1852. The  
17 annual report shall be submitted to the speaker of the house of  
18 representatives, the president of the senate, the governor and the Arizona  
19 state library, archives and public records by December 28.
- 20 D. The commission consists of the executive director of the Arizona  
21 board of regents, the executive director of the state board for private  
22 postsecondary education and the following additional members who shall be  
23 appointed by the governor pursuant to section 38-211:
- 24 1. Two members who hold senior executive or managerial positions in a  
25 university under the jurisdiction of the Arizona board of regents.
- 26 2. Two members who hold senior executive or managerial positions in a  
27 community college district, one representing a community college district in  
28 a county with a population of five hundred thousand persons or more and one  
29 representing a community college district in a county with a population of  
30 less than five hundred thousand persons.
- 31 3. Two members who hold senior executive or managerial positions in  
32 private postsecondary institutions of higher education that are licensed  
33 under title 32, chapter 30, that are located in this state, that offer  
34 bachelor or higher degrees and that are accredited by a regional  
35 accreditation agency approved by the United States department of education.
- 36 4. Two members who hold senior executive or managerial positions in  
37 private postsecondary institutions of higher education that are licensed  
38 under title 32, chapter 30, that are located in this state, that offer  
39 vocational education programs and that are accredited by a national  
40 accreditation agency approved by the United States department of education.
- 41 5. One member who holds a senior executive or managerial position in a  
42 private cosmetology school that is licensed under title 32, chapter 5, that  
43 is located in this state, that offers cosmetology programs approved by the  
44 board of BARBERING AND cosmetology and that is accredited by a national  
45 accreditation agency approved by the United States department of education.

1           6. One member who holds a senior executive or managerial position in  
2 an institution that is licensed under title 32, chapter 23 or under ~~the~~  
3 ~~provisions of~~ 14 Code of Federal Regulations part 147, that offers vocational  
4 education programs at the postsecondary level, that is located in this state  
5 and that is not an institution that is qualified under any other category.

6           7. One member who has held a senior executive or managerial level  
7 position in commerce or industry in this state for at least three years  
8 before the member's appointment and who is not qualified to serve under any  
9 other category.

10          8. Two members who hold senior executive or managerial positions in  
11 the high school education system in this state.

12          9. One member who is an owner, operator or administrator of a charter  
13 school in this state.

14          E. Members of the commission appointed pursuant to subsection D,  
15 paragraphs 1 through 9 of this section shall serve four year terms.  
16 Appointed members of the commission shall be residents of this state.  
17 Appointed members of the commission at all times during their terms shall  
18 continue to be eligible for appointment under the category that they were  
19 appointed to represent. Terms of appointed members of the commission begin  
20 on the third Monday in January. No appointed member of the commission may  
21 serve more than two consecutive terms.

22          F. The executive director of the Arizona board of regents and the  
23 executive director of the state board for private postsecondary education  
24 serve as members of the commission during their respective terms of office  
25 and are not eligible to vote with respect to the commission's review of any  
26 postsecondary institution.

27          G. Members appointed pursuant to subsection D, paragraphs 1 through 9  
28 of this section are eligible to receive compensation pursuant to section  
29 38-611 for each day spent in the performance of commission duties and may be  
30 reimbursed for expenses properly incurred in connection with the attendance  
31 at meetings or hearings of the commission.

32          H. The governor shall appoint a chairman from among the members of the  
33 commission who shall serve a one year term that begins on the third Monday in  
34 January.

35          I. Except as provided in subsection J of this section, a majority of  
36 the members of the commission constitutes a quorum for the transaction of  
37 commission business. The vote of a majority of the quorum constitutes  
38 authority for the commission to act.

39          J. For all purposes relating to title IV, part H, subpart one of the  
40 higher education amendments of 1992, the commission membership shall consist  
41 only of the members appointed pursuant to subsection D, paragraphs 1 through  
42 7 of this section, and all commission actions taken pursuant to title IV,  
43 part H, subpart one of the higher education ~~act~~ AMENDMENTS of 1992 require  
44 the affirmative vote of at least six members.

1 K. Members of the commission are immune from personal liability with  
2 respect to all actions that are taken in good faith and within the scope of  
3 the commission's authority.

4 L. For the purposes of this section, "community college district"  
5 means a community college district that is established pursuant to sections  
6 15-1402 and 15-1403 and that is a political subdivision of this state.

7 Sec. 2. Heading change

8 The article heading of title 32, chapter 3, article 1, Arizona Revised  
9 Statutes, is changed from "BOARD OF BARBERS" to "BOARD OF BARBERING AND  
10 COSMETOLOGY".

11 Sec. 3. Section 32-301, Arizona Revised Statutes, is amended to read:

12 32-301. Definitions

13 In this chapter, unless the context otherwise requires:

14 1. "Barber" means a person licensed to practice barbering pursuant to  
15 this chapter.

16 2. "Barbering" means any one or a combination of the following  
17 practices if they are performed on a person's head, face, neck or shoulders  
18 for cosmetic purposes:

19 (a) Cutting, clipping or trimming hair.

20 (b) Massaging, cleansing, stimulating, manipulating, exercising,  
21 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
22 preparations, either by hand or by mechanical or electrical appliances.

23 (c) Styling, arranging, dressing, curling, waving, permanent waving,  
24 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or  
25 similarly treating hair.

26 (d) FITTING hair attachments, extensions, hairpieces and wigs when  
27 performed by a barber.

28 (e) Shaving or trimming a beard.

29 (f) Skin care.

30 3. "Board" means the board of ~~barbers~~ BARBERING AND COSMETOLOGY.

31 4. "Instructor" means a person licensed to teach barbering pursuant to  
32 this chapter.

33 5. "School" means an establishment operated for the purpose of  
34 teaching barbering.

35 6. "Shop" or "salon" means an establishment operated for the purpose  
36 of engaging in the practice of barbering.

37 Sec. 4. Section 32-302, Arizona Revised Statutes, is amended to read:

38 32-302. Board of barbering and cosmetology; appointment;  
39 qualifications; terms

40 A. A board of ~~barbers~~ BARBERING AND COSMETOLOGY is established  
41 consisting of the following ~~five~~ THIRTEEN members appointed by the governor:

42 1. One barber who has been actively practicing barbering in this state  
43 for at least five years.

1           2. One member who is a holder of a barber school license who is a  
2 barber or a holder of a shop or salon license who is a barber or a barber who  
3 has been actively practicing barbering in this state for at least five  
4 years. Preference will be given to a holder of a barber school license then  
5 to a holder of a barber shop or salon license and then to a barber.

6           3. One holder of a barber shop or salon license who is a barber.

7           4. TWO COSMETOLOGISTS AS DEFINED IN SECTION 32-501 WHO HAVE BEEN  
8 ACTIVELY PRACTICING IN THIS STATE FOR AT LEAST THREE YEARS IMMEDIATELY  
9 PRECEDING APPOINTMENT.

10          5. ONE NAIL TECHNICIAN WHO HAS BEEN ACTIVELY PRACTICING IN THIS STATE  
11 FOR AT LEAST THREE YEARS IMMEDIATELY PRECEDING APPOINTMENT.

12          6. ONE INSTRUCTOR AS DEFINED IN SECTION 32-501 WHO HAS BEEN ACTIVELY  
13 PRACTICING IN THIS STATE FOR AT LEAST THREE YEARS IMMEDIATELY PRECEDING  
14 APPOINTMENT.

15          7. ONE SCHOOL OWNER. FOR THE PURPOSES OF THIS PARAGRAPH, "SCHOOL" HAS  
16 THE SAME MEANING PRESCRIBED IN SECTION 32-501.

17          8. ONE EDUCATOR WHO DOES NOT REPRESENT THE COSMETOLOGY OR NAIL  
18 TECHNOLOGY INDUSTRY AS DEFINED IN SECTION 32-501 AND WHO IS NOT INVOLVED IN  
19 THE MANUFACTURE OF COSMETOLOGY OR NAIL TECHNOLOGY PRODUCTS.

20          ~~4-~~ 9. ~~Two~~ FOUR public members:

21           (a) Preferably one of whom is an educator.

22           (b) ONE OF WHOM IS NOT AND HAS NEVER BEEN ASSOCIATED WITH THE  
23 COSMETOLOGY OR NAIL TECHNOLOGY INDUSTRY, LICENSED AS A COSMETOLOGIST OR NAIL  
24 TECHNICIAN OR INVOLVED IN THE MANUFACTURE OF COSMETOLOGY OR NAIL TECHNOLOGY  
25 PRODUCTS. FOR THE PURPOSES OF THIS SUBDIVISION, "COSMETOLOGIST",  
26 "COSMETOLOGY", "NAIL TECHNICIAN" AND "NAIL TECHNOLOGY" HAVE THE SAME MEANINGS  
27 PRESCRIBED IN SECTION 32-501.

28          B. A public member shall not be associated, directly or indirectly,  
29 with the manufacture of barber appliances or supplies or their rental, sale  
30 or distribution to licensees or represent the barbering industry in any  
31 manner.

32          C. The terms of office of board members are five years beginning and  
33 ending June 30. Members shall not serve more than two consecutive terms.

34          D. The governor may remove a board member for neglect of duty,  
35 malfeasance or misfeasance.

36          Sec. 5. Section 32-303, Arizona Revised Statutes, is amended to read:  
37 32-303. Organization; meetings; employees; compensation

38          A. The board shall annually elect a chairman and vice-chairman from  
39 its membership.

40          B. The board may hold meetings at times and places it designates.

41          C. A majority of the members of the board constitutes a quorum.

42          D. THE BOARD MAY EMPLOY:

43           1. AN EXECUTIVE DIRECTOR WHO HAS BEEN A LICENSED BARBER FOR AT LEAST  
44 FIVE YEARS PRECEDING EMPLOYMENT OR A COSMETOLOGIST AS DEFINED IN SECTION  
45 32-501 FOR AT LEAST ONE OF THE FIVE YEARS PRECEDING EMPLOYMENT.

1           2. OTHER PERMANENT OR TEMPORARY PERSONNEL THE BOARD DEEMS NECESSARY.  
 2           3. A SUPERVISOR OF EXAMINATIONS WHO IS AN INSTRUCTOR LICENSED PURSUANT  
 3 TO CHAPTER 5 OF THIS TITLE AND WHO HAS WORKED AT LEAST TWO OF THE FIVE YEARS  
 4 IMMEDIATELY PRECEDING EMPLOYMENT AS AN INSTRUCTOR IN A SCHOOL LICENSED  
 5 PURSUANT TO CHAPTER 5 OF THIS TITLE.

6           4. EXAMINERS WHO SHALL NOT BE EMPLOYED AS INSTRUCTORS IN ANY SCHOOL  
 7 LICENSED PURSUANT TO THIS CHAPTER OR CHAPTER 5 OF THIS TITLE.

8           E. THE BOARD SHALL COMPENSATE ITS EXECUTIVE DIRECTOR AND OTHER  
 9 PERMANENT AND TEMPORARY PERSONNEL AS DETERMINED PURSUANT TO SECTION 38-611.

10          ~~D.~~ F. Members of the board are eligible to receive compensation as  
 11 determined pursuant to section 38-611 for each day of actual service in the  
 12 business of the board.

13          Sec. 6. Section 32-304, Arizona Revised Statutes, is amended to read:

14          32-304. Powers and duties

15          A. The board shall:

16           1. Make and adopt rules ~~which~~ THAT are necessary or proper for the  
 17 administration of this chapter, including sanitary and safety requirements  
 18 for schools and shops or salons, sanitary and safety standards for the  
 19 practice of barbering and mobile unit requirements.

20           2. Administer and enforce ~~the provisions of~~ this chapter and rules  
 21 adopted pursuant to this chapter.

22           3. Maintain a record of its acts and proceedings, including issuance,  
 23 refusal, renewal, suspension and revocation of licenses, and a record of the  
 24 name, address and license date of each licensee.

25           4. Keep the records of the board open to public inspection at all  
 26 reasonable times.

27           5. Furnish a copy of its rules to a barber or to the owner or manager  
 28 of each shop or salon on request.

29           6. Have a seal, the imprint of which shall be used to evidence its  
 30 official acts.

31           7. Prescribe minimum school curriculum requirements.

32          B. The board may ~~:-~~

33           ~~1. Employ an executive director who has been a licensed barber for at  
 34 least five years preceding employment and other permanent or temporary  
 35 personnel it deems necessary. The board shall compensate its executive  
 36 director and other permanent and temporary personnel as determined pursuant  
 37 to section 38-611.~~

38           ~~2.~~ inspect the premises of any school, shop or salon during business  
 39 hours.

40          Sec. 7. Section 32-305, Arizona Revised Statutes, is amended to read:

41          32-305. Board of barbering and cosmetology fund

42          A. A board of ~~barbers~~ BARBERING AND COSMETOLOGY fund is established.  
 43 Except as provided in subsection C of this section, before the end of each  
 44 calendar month, pursuant to sections 35-146 and 35-147, the board shall  
 45 deposit ten per cent of all monies from whatever source ~~which~~ THAT come into

1 the possession of the board in the state general fund and deposit the  
2 remaining ninety per cent in the board of ~~barbers~~ BARBERING AND COSMETOLOGY  
3 fund.

4 B. EXCEPT AS PROVIDED IN SECTION 32-573, SUBSECTION G, monies  
5 deposited in the board of ~~barbers~~ BARBERING AND COSMETOLOGY fund are subject  
6 to section 35-143.01.

7 C. Monies from civil penalties received pursuant to ~~section~~ SECTIONS  
8 32-352 AND 32-571 shall be deposited, pursuant to sections 35-146 and 35-147,  
9 in the state general fund.

10 Sec. 8. Section 32-501, Arizona Revised Statutes, is amended to read:

11 32-501. Definitions

12 In this chapter, unless the context otherwise requires:

13 1. "Aesthetician" means a person who is licensed to practice skin care  
14 pursuant to this chapter.

15 2. "Aesthetics" means any one or a combination of the following  
16 practices if they are performed for cosmetic purposes:

17 (a) Massaging, cleansing, stimulating, manipulating, exercising,  
18 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
19 preparations, either by hand or by mechanical or electrical appliances.

20 (b) Arching eyebrows or tinting eyebrows and eyelashes.

21 (c) Removing superfluous hair by means other than electrolysis.

22 3. "Board" means the board of BARBERING AND cosmetology ESTABLISHED BY  
23 CHAPTER 3 OF THIS TITLE.

24 4. "Cosmetic purposes" means for the purpose of beautifying,  
25 preserving or conferring comeliness, excluding therapeutic massage and  
26 manipulations.

27 5. "Cosmetologist" means a person licensed to practice cosmetology  
28 pursuant to this chapter.

29 6. "Cosmetology" means any one or a combination of the following  
30 practices if they are performed for cosmetic purposes:

31 (a) Cutting, clipping or trimming hair.

32 (b) Massaging, cleansing, stimulating, manipulating, exercising,  
33 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
34 preparations, either by hand or by mechanical or electrical appliances.

35 (c) Styling, arranging, dressing, curling, waving, permanent waving,  
36 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or  
37 similarly treating hair.

38 (d) Arching eyebrows or tinting eyebrows and eyelashes.

39 (e) Removing superfluous hair by means other than electrolysis.

40 (f) Nail technology.

41 7. "Instructor" means a person licensed to teach cosmetology,  
42 aesthetics or nail technology, or any combination thereof, pursuant to this  
43 chapter.

44 8. "Nail technician" means a person licensed to practice nail  
45 technology pursuant to this chapter.

1 9. "Nail technology" means:

2 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or  
3 otherwise treating a person's nails.

4 (b) Applying artificial nails.

5 (c) Massaging and cleaning a person's hands, arms, legs and feet.

6 10. "Salon" means any of the following:

7 (a) An establishment operated for the purpose of engaging in the  
8 practice of cosmetology, aesthetics or nail technology, or any combination of  
9 the listed practices.

10 (b) An establishment together with a retrofitted motor vehicle for  
11 exclusive use as a mobile facility for the purpose of engaging in the  
12 practice of cosmetology, aesthetics or nail technology, or any combination of  
13 the listed practices, that is operated and dispatched through the  
14 establishment.

15 (c) A retrofitted motor vehicle exclusively used as a mobile facility  
16 for the purpose of engaging in the practice of cosmetology, aesthetics or  
17 nail technology, or any combination of the listed practices, that is operated  
18 and dispatched from a business that has a physical street address that is on  
19 file with the board.

20 11. "School" means an establishment operated for the purpose of  
21 teaching cosmetology, aesthetics or nail technology, or any combination of  
22 the listed practices.

23 Sec. 9. Repeal

24 Sections 32-502, 32-503 and 32-505, Arizona Revised Statutes, are  
25 repealed.

26 Sec. 10. Section 32-504, Arizona Revised Statutes, is amended to read:  
27 32-504. Powers and duties

28 A. The board shall:

29 1. Adopt rules ~~which~~ THAT are necessary and proper for the  
30 administration of this chapter, including sanitary and safety requirements  
31 for salons and schools and sanitary and safety standards for the practice of  
32 cosmetology, aesthetics and nail technology.

33 2. Administer and enforce this chapter and rules adopted pursuant to  
34 this chapter.

35 3. Either prepare, administer and grade practical and written  
36 examinations or contract with a national professional organization for  
37 cosmetology selected by the board to prepare, administer and grade practical  
38 and written examinations.

39 4. Make and maintain a record of its acts and proceedings, including  
40 the issuance, denial, renewal, suspension or revocation of licenses and  
41 public reproofs of licensees.

42 5. Evidence its official acts by the signature of the chairman or  
43 vice-chairman of the board or a representative designated by the board.

44 ~~6. Keep records of the board open to public inspection at all~~  
45 ~~reasonable times.~~

1           ~~7.~~ 6. Make an annual report to the governor on or before October 1 of  
2 each year covering its official acts and financial transactions during the  
3 preceding fiscal year and making recommendations it deems necessary.

4           ~~8.~~ 7. Prescribe minimum school curriculum requirements for  
5 cosmetologists, aestheticians, nail technicians and instructors.

6           ~~9.~~ 8. Prescribe standards and requirements for the provision of salon  
7 services through mobile units and in customer locations.

8           B. The board may inspect the premises of any salon or school during  
9 business hours.

10          Sec. 11. Section 32-573, Arizona Revised Statutes, is amended to read:

11          32-573. Procedure for disciplinary action; appeal

12          A. The board on its own motion may investigate any information ~~which~~  
13 ~~THAT~~ appears to show the existence of any of the causes set forth in section  
14 32-572. The board shall investigate the report of any person which appears  
15 to show the existence of any of the causes set forth in section 32-572. A  
16 person who reports pursuant to this section and who provides the information  
17 in good faith is not subject to liability for civil damages as a result.

18          B. If, after completing its investigation, the board finds that the  
19 evidence is not of sufficient seriousness to merit direct action against a  
20 license, it may take either of the following actions:

21           1. Dismiss if, in the opinion of the board, the evidence is without  
22 merit.

23           2. File a letter of concern if, in the opinion of the board, while  
24 there is insufficient evidence to support direct action against the license  
25 there is sufficient evidence for the board to notify the licensee that  
26 continuation of the activities ~~which~~ ~~THAT~~ led to the information or report  
27 being made to the board may result in action against the licensee's license.

28          C. If, in the opinion of the board, it appears the information or  
29 report is or may be true, the board shall request an informal interview with  
30 the licensee concerned. The interview shall be requested by the board in  
31 writing, stating the reasons for the interview and setting a date not less  
32 than ten days from the date of the notice for conducting the interview.

33          D. If, after an informal interview, the board finds that the evidence  
34 warrants suspension or revocation of a license issued pursuant to this  
35 chapter, imposition of a civil penalty or public reproof or if the licensee  
36 under investigation refuses to attend the informal interview, a complaint  
37 shall be issued and formal proceedings shall be initiated. All proceedings  
38 pursuant to this subsection shall be conducted in accordance with title 41,  
39 chapter 6, article 10.

40          E. A licensee who has been notified pursuant to subsection D of this  
41 section of charges pending against the licensee shall file with the board an  
42 answer in writing to the charges not more than thirty days after the licensee  
43 receives the complaint. If the licensee fails to answer in writing within  
44 this time, it is deemed an admission by the licensee of the acts charged in

1 the complaint and the board may take disciplinary action allowed by this  
2 chapter without a hearing.

3 F. If the board finds that the evidence is not of sufficient  
4 seriousness to merit suspension or revocation of a license issued pursuant to  
5 this chapter, imposition of a civil penalty or public reproof, it may take  
6 the following actions:

7 1. Dismiss if, in the opinion of the board, the evidence is without  
8 merit.

9 2. File a letter of concern if, in the opinion of the board, while  
10 there is insufficient evidence to support direct action against the license  
11 there is sufficient evidence for the board to notify the licensee that  
12 continuation of the activities ~~which~~ THAT led to the information or report  
13 being made to the board may result in action against the licensee's license.

14 3. Impose probation requirements.

15 G. If a licensee violates this chapter or a rule adopted pursuant to  
16 this chapter, the board may assess the licensee with the board's reasonable  
17 costs and expenses incurred in conducting the investigation and  
18 administrative hearing. All monies collected pursuant to this subsection  
19 shall be deposited, pursuant to sections 35-146 and 35-147, in a separate  
20 account in the board of BARBERING AND cosmetology fund established by section  
21 ~~32-505~~ 32-305. The board may only use these monies to defray its expenses in  
22 connection with an investigation and an administrative hearing.  
23 Notwithstanding section 35-143.01, the separate account monies may be spent  
24 without legislative appropriation.

25 H. Except as provided in section 41-1092.08, subsection H, final  
26 decisions of the board are subject to judicial review pursuant to title 12,  
27 chapter 7, article 6.

28 Sec. 12. Section 41-1092, Arizona Revised Statutes, is amended to  
29 read:

30 41-1092. Definitions

31 In this article, unless the context otherwise requires:

32 1. "Administrative law judge" means an individual or an agency head,  
33 board or commission that sits as an administrative law judge, that conducts  
34 administrative hearings in a contested case or an appealable agency action  
35 and that makes decisions regarding the contested case or appealable agency  
36 action.

37 2. "Administrative law judge decision" means the findings of fact,  
38 conclusions of law and recommendations or decisions issued by an  
39 administrative law judge.

40 3. "Appealable agency action" means an action that determines the  
41 legal rights, duties or privileges of a party and that is not a contested  
42 case. Appealable agency actions do not include interim orders by  
43 self-supporting regulatory boards or rules, orders, standards or statements  
44 of policy of general application issued by an administrative agency to  
45 implement, interpret or make specific the legislation enforced or

1 administered by it, nor does it mean or include rules concerning the internal  
2 management of the agency that do not affect private rights or interests. For  
3 the purposes of this paragraph, administrative hearing does not include a  
4 public hearing held for the purpose of receiving public comment on a proposed  
5 agency action.

6 4. "Director" means the director of the office of administrative  
7 hearings.

8 5. "Final administrative decision" means a decision by an agency that  
9 is subject to judicial review pursuant to title 12, chapter 7, article 6.

10 6. "Office" means the office of administrative hearings.

11 7. "Self-supporting regulatory board" means any one of the following:

12 (a) The ARIZONA state board of accountancy.

13 (b) The state board of appraisal.

14 (c) The board of ~~barbers~~ BARBERING AND COSMETOLOGY.

15 (d) The board of behavioral health examiners.

16 (e) The Arizona state boxing commission.

17 (f) The state board of chiropractic examiners.

18 ~~(g) The board of cosmetology.~~

19 ~~(h)~~ (g) The state board of dental examiners.

20 ~~(i)~~ (h) The state board of funeral directors and embalmers.

21 ~~(j)~~ (i) The Arizona game and fish commission.

22 ~~(k)~~ (j) The board of homeopathic medical examiners.

23 ~~(l)~~ (k) The Arizona medical board.

24 ~~(m)~~ (l) The naturopathic physicians board of medical examiners.

25 ~~(n)~~ (m) The state board of nursing.

26 ~~(o)~~ (n) The board of examiners of nursing care institution  
27 administrators and adult care home managers.

28 ~~(p)~~ (o) The board of occupational therapy examiners.

29 ~~(q)~~ (p) The state board of dispensing opticians.

30 ~~(r)~~ (q) The state board of optometry.

31 ~~(s)~~ (r) The Arizona board of osteopathic examiners in medicine and  
32 surgery.

33 ~~(t)~~ (s) The Arizona peace officer standards and training board.

34 ~~(u)~~ (t) The Arizona state board of pharmacy.

35 ~~(v)~~ (u) The board of physical therapy examiners.

36 ~~(w)~~ (v) The state board of podiatry examiners.

37 ~~(x)~~ (w) The state board for private postsecondary education.

38 ~~(y)~~ (x) The state board of psychologist examiners.

39 ~~(z)~~ (y) The board of respiratory care examiners.

40 ~~(aa)~~ (z) The structural pest control commission.

41 ~~(bb)~~ (aa) The state board of technical registration.

42 ~~(cc)~~ (bb) The Arizona state veterinary medical examining board.

43 ~~(dd)~~ (cc) The acupuncture board of examiners.

1 ~~(ee)~~ (dd) The Arizona regulatory board of physician assistants.

2 ~~(ff)~~ (ee) The board of athletic training.

3 ~~(gg)~~ (ff) The board of massage therapy.

4 Sec. 13. Section 41-3014.09, Arizona Revised Statutes, is amended to  
5 read:

6 41-3014.09. Board of barbering and cosmetology; termination  
7 July 1, 2014

8 A. The board of ~~barbers~~ BARBERING AND COSMETOLOGY terminates on July  
9 1, 2014.

10 B. Title 32, ~~chapter~~ CHAPTERS 3 ~~is~~ AND 5 ARE repealed on January 1,  
11 2015.

12 Sec. 14. Repeal

13 Section 41-3014.12, Arizona Revised Statutes, is repealed.

14 Sec. 15. Succession; transfer of powers and authority

15 A. As provided by this act, the board of barbering and cosmetology  
16 succeeds to the authority, powers, duties and responsibilities of the board  
17 of barbers and the board of cosmetology.

18 B. This act does not alter the effect of any actions that were taken  
19 or impair the valid obligations of the boards listed in subsection A before  
20 the effective date of this act.

21 C. Administrative rules and orders that were adopted by the boards  
22 listed in subsection A continue in effect until superseded by administrative  
23 action by the board of barbering and cosmetology.

24 D. All administrative matters, contracts and judicial and  
25 quasi-judicial actions, whether completed, pending or in process, of the  
26 boards listed in subsection A on the effective date of this act are  
27 transferred to and retain the same status with the board of barbering and  
28 cosmetology.

29 E. All certificates, licenses, registrations, permits and other  
30 indicia of qualification and authority that were issued by the boards listed  
31 in subsection A retain their validity for the duration of their terms of  
32 validity as provided by law.

33 F. All personnel, equipment, records, furnishings and other property,  
34 all data and investigative findings and all appropriated monies that remain  
35 unexpended and unencumbered on the effective date of this act of the boards  
36 listed in subsection A are transferred to the board of barbering and  
37 cosmetology.

38 Sec. 16. Retention of members

39 Notwithstanding section 32-302, Arizona Revised Statutes, as amended by  
40 this act, all persons serving as members of the board of barbers and the  
41 board of cosmetology may continue to serve until the expiration of their  
42 normal terms. The governor shall make all subsequent appointments as  
43 prescribed by statute.

1           Sec. 17. Purpose

2           Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,  
3 the legislature establishes the board of barbering and cosmetology to ensure  
4 that the public is protected from the incompetent practices of barbering and  
5 cosmetology. This is achieved through the establishment of minimum  
6 qualifications for entry into those professions and through swift and  
7 effective discipline for those practitioners who violate barbering and  
8 cosmetology statutes or rules adopted pursuant to those statutes.