

REFERENCE TITLE: **cosmetology; regulation**

State of Arizona
House of Representatives
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2014

HB 2439

Introduced by
Representatives Gowan, Cardenas, Stevens: Forese, Gray, Livingston,
Montenegro, Orr, Thorpe

AN ACT

AMENDING SECTIONS 32-501, 32-510, 32-511, 32-512, 32-515, 32-516, 32-531 AND 32-532, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 5, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-565; RELATING TO COSMETOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-501, Arizona Revised Statutes, is amended to
3 read:
4 32-501. Definitions
5 In this chapter, unless the context otherwise requires:
6 1. "Aesthetician" means a person who is licensed to practice skin care
7 pursuant to this chapter.
8 2. "Aesthetics" means any one or a combination of the following
9 practices if they are performed for cosmetic purposes:
10 (a) Massaging, cleansing, stimulating, manipulating, exercising,
11 beautifying or applying oils, creams, antiseptics, clays, lotions or other
12 preparations, either by hand or by mechanical or electrical appliances.
13 (b) Arching eyebrows or tinting eyebrows and eyelashes.
14 (c) Removing superfluous hair by means other than ~~electrolysis or~~
15 threading.
16 3. "Board" means the board of cosmetology.
17 4. "Cosmetic purposes" means for the purpose of beautifying,
18 preserving or conferring comeliness, excluding therapeutic massage and
19 manipulations.
20 5. "Cosmetologist" means a person who is licensed to practice
21 cosmetology pursuant to this chapter.
22 6. "Cosmetology" means any one or a combination of the following
23 practices if they are performed for cosmetic purposes:
24 (a) Cutting, clipping or trimming hair.
25 (b) Massaging, cleansing, stimulating, manipulating, exercising,
26 beautifying or applying oils, creams, antiseptics, clays, lotions or other
27 preparations, either by hand or by mechanical or electrical appliances.
28 (c) Styling, arranging, dressing, curling, waving, permanent waving,
29 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or
30 similarly treating hair.
31 (d) Arching eyebrows or tinting eyebrows and eyelashes.
32 (e) Removing superfluous hair by means other than ~~electrolysis or~~
33 threading.
34 (f) Nail technology.
35 7. "Electrical appliances" means devices that use electrical current
36 and includes lasers and IPL devices as defined in section 32-516.
37 8. "Instructor" means a person who is licensed to teach cosmetology,
38 aesthetics or nail technology, or any combination thereof, pursuant to this
39 chapter.
40 9. "Nail technician" means a person who is licensed to practice nail
41 technology pursuant to this chapter.
42 10. "Nail technology" means:
43 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or
44 otherwise treating a person's nails.
45 (b) Applying artificial nails.

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

2 11. "Salon" means any of the following:

3 (a) An establishment that is operated for the purpose of engaging in
4 the practice of cosmetology, aesthetics or nail technology, or any
5 combination of the listed practices.

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

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

16 12. "School" means an establishment that is operated for the purpose of
17 teaching cosmetology, aesthetics or nail technology, or any combination of
18 the listed practices.

19 13. "Threading" means a service that results in the removal of hair
20 from its follicle from around the eyebrows and from other parts of the face
21 with the use of a single strand of cotton thread and an over-the-counter
22 astringent, if the service does not use chemicals of any kind, wax or any
23 implements, instruments or tools to remove hair.

24 Sec. 2. Section 32-510, Arizona Revised Statutes, is amended to read:

25 32-510. Aestheticians; applications; qualifications

26 A person is entitled to receive an aesthetician's license if the
27 person:

28 1. Submits to the board an application for an aesthetician's license
29 on a form supplied by the board.

30 2. Completes and receives appropriate credits for at least two years
31 of high school education or its equivalent as prescribed by the board in its
32 rules ~~or~~ AND submits to the board satisfactory evidence that the person is at
33 least ~~twenty-three~~ SIXTEEN years of age.

34 3. Submits to the board satisfactory evidence of either of the
35 following:

36 (a) That the person is a graduate of an aesthetician school in another
37 state or country that has substantially the same requirements as this state
38 for schools licensed pursuant to this chapter.

39 (b) That the person is a graduate of an aesthetician course consisting
40 of at least six hundred hours of training in a school licensed pursuant to
41 this chapter.

42 4. Passes the examination for an aesthetician's license.

43 5. Pays the prescribed fees for an aesthetician's license.

1 Sec. 3. Section 32-511, Arizona Revised Statutes, is amended to read:
2 32-511. Cosmetologist; applications; qualifications

3 A person is entitled to receive a cosmetologist license if the person:
4 1. Submits to the board an application for a cosmetologist license on
5 a form supplied by the board.

6 2. Completes and receives appropriate credits for at least two years
7 of high school education or its equivalent as prescribed by the board in its
8 rules ~~or~~ AND submits satisfactory evidence that the person is at least
9 ~~twenty-three~~ SIXTEEN years of age.

10 3. Submits to the board satisfactory evidence of either of the
11 following:

12 (a) That the person is a graduate of a cosmetology course consisting
13 of at least sixteen hundred hours of training in a school licensed pursuant
14 to this chapter.

15 (b) That the person is a graduate of a cosmetology school in another
16 state or country that had at the time of the person's graduation
17 substantially the same requirements as this state for schools licensed
18 pursuant to this chapter.

19 4. Passes the examination for a cosmetologist license.

20 5. Pays the prescribed fees.

21 Sec. 4. Section 32-512, Arizona Revised Statutes, is amended to read:
22 32-512. Nail technician; applications; qualifications

23 A person is entitled to receive a license to practice nail technology
24 if the person does all of the following:

25 1. Submits to the board an application for a nail technician license
26 on a form supplied by the board.

27 2. Completes and receives appropriate credits for at least two years
28 of high school education or its equivalent as prescribed by the board in its
29 rules ~~or~~ AND submits satisfactory evidence that the person is at least
30 ~~twenty-three~~ SIXTEEN years of age.

31 3. Submits to the board satisfactory evidence of either of the
32 following:

33 (a) That the person graduated from a nail technology school in another
34 state or country that had at the time of the person's graduation
35 substantially the same requirements as this state for schools licensed
36 pursuant to this chapter.

37 (b) That the person completed a nail technician course consisting of
38 at least six hundred hours of training in a school licensed pursuant to this
39 chapter.

40 4. Pays the prescribed fees for a nail ~~technician's~~ TECHNICIAN
41 license.

42 5. Passes the examination for a nail technician license.

1 Sec. 5. Section 32-515, Arizona Revised Statutes, is amended to read:
2 32-515. Reexaminations

3 A. An applicant who fails an examination for a license pursuant to
4 this article is entitled to a reexamination.

5 B. If an applicant fails either part of the examination, the applicant
6 shall only retake the part of the examination that the applicant failed.

7 C. If one year or more elapses between an applicant's initial
8 examination and reexamination, the applicant shall take both the written and
9 practical parts of the examination.

10 D. An applicant desiring to be reexamined shall:

11 1. Apply to the board, ~~IF THE BOARD IS ADMINISTERING THE EXAMINATION,~~
12 on forms it prescribes and furnishes ~~and~~ ~~OR TO A NATIONAL PROFESSIONAL~~
13 ~~ORGANIZATION SELECTED BY THE BOARD TO ADMINISTER THE EXAMINATION.~~

14 2. Pay the prescribed examination fee.

15 Sec. 6. Section 32-516, Arizona Revised Statutes, is amended to read:
16 32-516. Aestheticians; cosmetologists; cosmetic laser and IPL

17 device use; certification; fees; definitions

18 A. An aesthetician ~~OR A COSMETOLOGIST~~ who wishes to perform cosmetic
19 laser procedures and procedures using IPL devices must:

20 1. Apply for and receive a certificate from the agency.

21 2. Comply with the requirements of this section and agency rules.

22 3. Successfully complete forty hours of didactic training as required
23 by agency rules at an agency-certified training program. The program shall
24 provide a provisional certificate to the applicant verifying the successful
25 completion of the didactic training.

26 4. For hair removal, complete hands-on training that is supervised by
27 a health professional who is acting within the health professional's scope of
28 practice or by a laser technician who has a minimum of one hundred hours of
29 hands-on experience per procedure. The health professional or laser
30 technician must be present in the room during twenty-four hours of hands-on
31 use of lasers or IPL devices. The supervising health professional or laser
32 technician shall verify that the aesthetician ~~OR COSMETOLOGIST~~ has completed
33 the training and supervision as prescribed by this section.

34 5. For other cosmetic laser and IPL device procedures, complete a
35 minimum of an additional twenty-four hours of hands-on training of at least
36 ten cosmetic procedures for each type of specific procedure that is
37 supervised by a health professional who is acting within the health
38 professional's scope of practice or by a laser technician who has a minimum
39 of one hundred hours of hands-on experience per procedure. The health
40 professional or laser technician must be present in the room during
41 twenty-four hours of hands-on use of lasers or IPL devices. The supervising
42 health professional or laser technician shall verify that the aesthetician ~~OR~~
43 ~~COSMETOLOGIST~~ has completed the training and supervision as prescribed by
44 this section.

1 6. Submit to the agency the provisional certificate from the training
2 program and certification by the health professional or laser technician who
3 directly supervised the applicant in the room during the hands-on training.

4 B. The agency shall issue a laser technician certificate authorizing
5 the aesthetician OR COSMETOLOGIST to use lasers and IPL devices if the
6 applicant has completed the training for hair removal or lasers and IPL
7 devices for other cosmetic procedures, as applicable, and shall maintain a
8 current register of those laser technicians in good standing and whether
9 certification is for hair removal only or other cosmetic procedures as well.
10 The agency may establish a fee for the registration of aestheticians OR
11 COSMETOLOGISTS as laser technicians and the issuance of certificates pursuant
12 to this subsection. The agency shall deposit monies collected pursuant to
13 this subsection in the laser safety fund established by section 32-3234.

14 C. An aesthetician OR A COSMETOLOGIST who has been certified as a
15 laser technician by the agency may use a laser or IPL device:

16 1. For hair removal under the indirect supervision of a health
17 professional whose scope of practice permits the supervision.

18 2. For cosmetic purposes other than hair removal if the aesthetician
19 OR COSMETOLOGIST is directly supervised by a health professional whose scope
20 of practice permits the supervision and the aesthetician OR COSMETOLOGIST has
21 been certified in those procedures.

22 D. The board shall investigate any complaint from the public or from
23 another board or agency regarding a licensed aesthetician OR COSMETOLOGIST
24 who performs cosmetic laser procedures or procedures using IPL devices
25 pursuant to this section. The board shall report to the agency any complaint
26 it receives about the training or performance of an aesthetician OR A
27 COSMETOLOGIST who is certified as a laser technician.

28 E. An aesthetician OR A COSMETOLOGIST who ~~has been using~~ USED laser
29 and IPL devices before ~~the effective date of this amendment to this section~~
30 NOVEMBER 24, 2009 may continue to do so if the aesthetician ~~applies for and~~
31 ~~receives~~ OR COSMETOLOGIST RECEIVED a certificate pursuant to this section
32 before October 1, 2010.

33 F. For the purposes of this section:

34 1. "Agency" means the radiation regulatory agency.

35 2. "Directly supervised" means a health professional who is licensed
36 in this state and whose scope of practice allows the supervision supervises
37 the use of a laser or IPL device for cosmetic purposes while the health
38 professional is present at the facility where and when the device is being
39 used.

40 3. "Health professional" means a person licensed pursuant to chapter
41 13, 14, 15, 17 or 25 of this title.

42 4. "Indirect supervision" means supervision by a health professional
43 who is licensed in this state, whose scope of practice allows the supervision
44 and who is readily accessible by telecommunication.

1 5. "IPL device" means an intense pulse light class II surgical device
2 certified in accordance with the standards of the agency for cosmetic
3 procedures.

4 6. "Laser" means any device that can produce or amplify
5 electromagnetic radiation with wavelengths in the range of one hundred eighty
6 nanometers to one millimeter primarily by the process of controlled
7 stimulated emission and certified in accordance with the standards for the
8 agency for cosmetic procedures.

9 7. "Laser technician" means a person who is or has been certified by
10 the agency pursuant to its rules and chapter 32, article 2 of this title.

11 Sec. 7. Section 32-531, Arizona Revised Statutes, is amended to read:
12 32-531. Instructor; applications; qualifications

13 A person is entitled to receive a license to teach cosmetology,
14 aesthetics or nail technology in a school if the person does all of the
15 following:

16 1. Submits to the board an application for an instructor license on a
17 form prescribed by the board.

18 2. Holds a diploma from a high school or its equivalent as prescribed
19 by the board in its rules ~~or~~ AND submits to the board satisfactory evidence
20 that the person is at least ~~twenty-three~~ SIXTEEN years of age.

21 3. Is a licensed cosmetologist, aesthetician or nail technician and
22 complies with either of the following:

23 (a) Has practiced for at least one year, has passed the school
24 examination and has received the following hours of instructor training:

25 (i) For a cosmetologist instructor, six hundred fifty hours.

26 (ii) For an aesthetics instructor, five hundred hours.

27 (iii) For a nail technician instructor, three hundred fifty hours.

28 (b) Has five years of licensed industry experience within the ten
29 years preceding the application and meets requirements as prescribed by the
30 board in its rules.

31 4. Passes the examination for an instructor license.

32 5. Pays the prescribed fees.

33 Sec. 8. Section 32-532, Arizona Revised Statutes, is amended to read:
34 32-532. Instructor reciprocity

35 Notwithstanding section 32-531, a person is entitled to receive a
36 license to teach cosmetology, aesthetics or nail technology in a school
37 if the person submits to the board an application for an instructor license
38 on a form prescribed by the board, pays the prescribed fees and complies with
39 one of the following:

40 1. Is a current licensed cosmetologist, aesthetician or nail
41 technician instructor in another state or country.

42 2. Does all of the following:

43 (a) Holds a diploma from a high school or its equivalent as prescribed
44 by the board in its rules ~~or~~ AND submits to the board satisfactory evidence
45 that the person is at least ~~twenty-three~~ SIXTEEN years of age.

- 1 (b) Is a licensed cosmetologist, aesthetician or nail technician in
2 another state or country.
- 3 (c) Completes instructor training in another state or country ~~which~~
4 ~~THAT~~ has instructor education requirements ~~which~~ ~~THAT~~ are at least
5 substantially equivalent to those of this state.
- 6 (d) Passes the examination for an instructor license.
- 7 3. Does all of the following:
- 8 (a) Has five years of licensed industry experience within the ten
9 years preceding application.
- 10 (b) Holds a high school diploma or its equivalent as prescribed by the
11 board in its rules ~~or~~ AND submits to the board satisfactory evidence that the
12 person is at least ~~twenty-three~~ SIXTEEN years of age.
- 13 (c) Meets requirements as prescribed by the board in its rules.
- 14 (d) Passes the examination for an instructor license.
- 15 Sec. 9. Title 32, chapter 5, article 5, Arizona Revised Statutes, is
16 amended by adding section 32-565, to read:
- 17 32-565. Schools; postsecondary education institutions
- 18 A SCHOOL MUST BE RECOGNIZED AS A POSTSECONDARY EDUCATIONAL INSTITUTION
19 IF BOTH OF THE FOLLOWING APPLY:
- 20 1. THE SCHOOL ADMITS AS REGULAR STUDENTS ONLY INDIVIDUALS WHO HAVE
21 EARNED A RECOGNIZED HIGH SCHOOL DIPLOMA OR THE EQUIVALENT OF A RECOGNIZED
22 HIGH SCHOOL DIPLOMA OR WHO ARE BEYOND THE AGE OF COMPULSORY EDUCATION AS
23 PROVIDED BY SECTION 15-802.
- 24 2. THE SCHOOL IS LICENSED BY NAME BY THE BOARD UNDER THIS CHAPTER TO
25 OFFER ONE OR MORE TRAINING PROGRAMS BEYOND THE SECONDARY SCHOOL LEVEL.