

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2439

AN ACT

AMENDING SECTIONS 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 32-510, Arizona Revised Statutes, is amended to
3 read:

4 32-510. Aestheticians; applications; qualifications

5 A person is entitled to receive an aesthetician's license if the
6 person:

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

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

13 3. Submits to the board satisfactory evidence of either of the
14 following:

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

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

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

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

23 Sec. 2. Section 32-511, Arizona Revised Statutes, is amended to read:

24 32-511. Cosmetologist; applications; qualifications

25 A person is entitled to receive a cosmetologist license if the person:

26 1. Submits to the board an application for a cosmetologist license on
27 a form supplied by the board.

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

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

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

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

41 4. Passes the examination for a cosmetologist license.

42 5. Pays the prescribed fees.

1 Sec. 3. Section 32-512, Arizona Revised Statutes, is amended to read:
2 32-512. Nail technician; applications; qualifications

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

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

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

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

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

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

20 4. Pays the prescribed fees for a nail ~~technician's~~ TECHNICIAN
21 license.

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

23 Sec. 4. Section 32-515, Arizona Revised Statutes, is amended to read:
24 32-515. Reexaminations

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

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

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

32 D. An applicant desiring to be reexamined shall:

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

36 2. Pay the prescribed examination fee.

37 Sec. 5. Section 32-516, Arizona Revised Statutes, is amended to read:
38 32-516. Aestheticians; cosmetologists; cosmetic laser and IPL

39 device use; certification; fees; definitions

40 A. An aesthetician OR A COSMETOLOGIST who wishes to perform cosmetic
41 laser procedures and procedures using IPL devices must:

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

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

44 3. Successfully complete forty hours of didactic training as required
45 by agency rules at an agency-certified training program. The program shall

1 provide a provisional certificate to the applicant verifying the successful
2 completion of the didactic training.

3 4. For hair removal, complete hands-on training that is supervised by
4 a health professional who is acting within the health professional's scope of
5 practice or by a laser technician who has a minimum of one hundred hours of
6 hands-on experience per procedure. The health professional or laser
7 technician must be present in the room during twenty-four hours of hands-on
8 use of lasers or IPL devices. The supervising health professional or laser
9 technician shall verify that the aesthetician **OR COSMETOLOGIST** has completed
10 the training and supervision as prescribed by this section.

11 5. For other cosmetic laser and IPL device procedures, complete a
12 minimum of an additional twenty-four hours of hands-on training of at least
13 ten cosmetic procedures for each type of specific procedure that is
14 supervised by a health professional who is acting within the health
15 professional's scope of practice or by a laser technician who has a minimum
16 of one hundred hours of hands-on experience per procedure. The health
17 professional or laser technician must be present in the room during
18 twenty-four hours of hands-on use of lasers or IPL devices. The supervising
19 health professional or laser technician shall verify that the aesthetician **OR**
20 **COSMETOLOGIST** has completed the training and supervision as prescribed by
21 this section.

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

25 B. The agency shall issue a laser technician certificate authorizing
26 the aesthetician **OR COSMETOLOGIST** to use lasers and IPL devices if the
27 applicant has completed the training for hair removal or lasers and IPL
28 devices for other cosmetic procedures, as applicable, and shall maintain a
29 current register of those laser technicians in good standing and whether
30 certification is for hair removal only or other cosmetic procedures as well.
31 The agency may establish a fee for the registration of aestheticians **OR**
32 **COSMETOLOGISTS** as laser technicians and the issuance of certificates pursuant
33 to this subsection. The agency shall deposit monies collected pursuant to
34 this subsection in the laser safety fund established by section 32-3234.

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

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

39 2. For cosmetic purposes other than hair removal if the aesthetician
40 **OR COSMETOLOGIST** is directly supervised by a health professional whose scope
41 of practice permits the supervision and the aesthetician **OR COSMETOLOGIST** has
42 been certified in those procedures.

43 D. The board shall investigate any complaint from the public or from
44 another board or agency regarding a licensed aesthetician **OR COSMETOLOGIST**
45 who performs cosmetic laser procedures or procedures using IPL devices

1 pursuant to this section. The board shall report to the agency any complaint
2 it receives about the training or performance of an aesthetician OR A
3 COSMETOLOGIST who is certified as a laser technician.

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

9 F. For the purposes of this section:

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

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

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

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

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

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

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

31 Sec. 6. Section 32-531, Arizona Revised Statutes, is amended to read:
32 32-531. Instructor; applications; qualifications

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

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

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

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

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

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

- 1 (ii) For an aesthetics instructor, five hundred hours.
- 2 (iii) For a nail technician instructor, three hundred fifty hours.
- 3 (b) Has five years of licensed industry experience within the ten
- 4 years preceding the application and meets requirements as prescribed by the
- 5 board in its rules.
- 6 4. Passes the examination for an instructor license.
- 7 5. Pays the prescribed fees.

8 Sec. 7. Section 32-532, Arizona Revised Statutes, is amended to read:
9 32-532. Instructor reciprocity

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

- 15 1. Is a current licensed cosmetologist, aesthetician or nail
- 16 technician instructor in another state or country.
- 17 2. Does all of the following:
 - 18 (a) 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~~ EIGHTEEN years of age.
 - 21 (b) Is a licensed cosmetologist, aesthetician or nail technician in
 - 22 another state or country.
 - 23 (c) Completes instructor training in another state or country ~~which~~
 - 24 THAT has instructor education requirements ~~which~~ THAT are at least
 - 25 substantially equivalent to those of this state.
 - 26 (d) Passes the examination for an instructor license.
- 27 3. Does all of the following:
 - 28 (a) Has five years of licensed industry experience within the ten
 - 29 years preceding application.
 - 30 (b) Holds a high school diploma or its equivalent as prescribed by the
 - 31 board in its rules ~~or~~ AND submits to the board satisfactory evidence that the
 - 32 person is at least ~~twenty-three~~ EIGHTEEN years of age.
 - 33 (c) Meets requirements as prescribed by the board in its rules.
 - 34 (d) Passes the examination for an instructor license.

35 Sec. 8. Title 32, chapter 5, article 5, Arizona Revised Statutes, is
36 amended by adding section 32-565, to read:

37 32-565. Schools; postsecondary education institutions

38 A SCHOOL MUST BE RECOGNIZED AS A POSTSECONDARY EDUCATIONAL INSTITUTION
39 IF BOTH OF THE FOLLOWING APPLY:

- 40 1. THE SCHOOL ADMITS AS REGULAR STUDENTS ONLY INDIVIDUALS WHO HAVE
- 41 EARNED A RECOGNIZED HIGH SCHOOL DIPLOMA OR THE EQUIVALENT OF A RECOGNIZED
- 42 HIGH SCHOOL DIPLOMA OR WHO ARE BEYOND THE AGE OF COMPULSORY EDUCATION AS
- 43 PROVIDED BY SECTION 15-802.
- 44 2. THE SCHOOL IS LICENSED BY NAME BY THE BOARD UNDER THIS CHAPTER TO
- 45 OFFER ONE OR MORE TRAINING PROGRAMS BEYOND THE SECONDARY SCHOOL LEVEL.