

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# **HB 2035**

Introduced by  
Representative Gowan

**AN ACT**

**AMENDING SECTIONS 32-502, 32-510, 32-511, 32-512, 32-516, 32-531, 32-532 AND 32-574, ARIZONA REVISED STATUTES; 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 32-502, Arizona Revised Statutes, is amended to  
3 read:  
4 32-502. Board of cosmetology; members; appointment;  
5 qualifications; terms  
6 A. ~~A~~ THE board of cosmetology is established consisting of the  
7 following seven members who are appointed by the governor:  
8 1. Two cosmetologists who have been actively practicing in this state  
9 for at least three years immediately preceding appointment.  
10 2. One nail technician who has been actively practicing in this state  
11 for at least three years immediately preceding appointment.  
12 3. One instructor who has been actively practicing in this state for  
13 at least three years immediately preceding appointment.  
14 4. One school owner.  
15 ~~5. One educator who does not represent the cosmetology or nail~~  
16 ~~technology industry and is not involved in the manufacture of cosmetology or~~  
17 ~~nail technology products.~~  
18 ~~6.~~ 5. One TWO public member MEMBERS who ~~is~~ ARE not and ~~has~~ HAVE never  
19 been associated with the cosmetology or nail technology industry, licensed as  
20 a cosmetologist or nail technician or involved in the manufacture of  
21 cosmetology or nail technology products.  
22 B. The term of office for members is three years beginning and ending  
23 June 22.  
24 C. The governor may remove board members for neglect of duty,  
25 malfeasance or misfeasance.  
26 Sec. 2. Section 32-510, Arizona Revised Statutes, is amended to read:  
27 32-510. Aestheticians; applications; qualifications  
28 A person is entitled to receive an aesthetician's license if the  
29 person:  
30 1. Submits to the board an application for an aesthetician's license  
31 on a form supplied by the board.  
32 2. DOES EITHER OF THE FOLLOWING:  
33 (a) Completes and receives appropriate credits for at least two years  
34 of high school education or its equivalent as prescribed by the board in its  
35 rules and submits to the board satisfactory evidence that the person is at  
36 least sixteen years of age.  
37 (b) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS AT  
38 LEAST TWENTY-FOUR YEARS OF AGE.  
39 3. Submits to the board satisfactory evidence of either of the  
40 following:  
41 (a) That the person is a graduate of an aesthetician school in another  
42 state or country that has substantially the same requirements as this state  
43 for schools licensed pursuant to this chapter.

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

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

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

6 Sec. 3. Section 32-511, Arizona Revised Statutes, is amended to read:  
7 32-511. Cosmetologists; applications; qualifications

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

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

11 2. **DOES EITHER OF THE FOLLOWING:**

12 (a) Completes and receives appropriate credits for at least two years  
13 of high school education or its equivalent as prescribed by the board in its  
14 rules and submits satisfactory evidence that the person is at least sixteen  
15 years of age.

16 (b) **SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS AT  
17 LEAST TWENTY-FOUR YEARS OF AGE.**

18 3. Submits to the board satisfactory evidence of either of the  
19 following:

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

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

27 4. Passes the examination for a cosmetologist license.

28 5. Pays the prescribed fees.

29 Sec. 4. Section 32-512, Arizona Revised Statutes, is amended to read:  
30 32-512. Nail technicians; applications; qualifications

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

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

35 2. **DOES EITHER OF THE FOLLOWING:**

36 (a) Completes and receives appropriate credits for at least two years  
37 of high school education or its equivalent as prescribed by the board in its  
38 rules and submits satisfactory evidence that the person is at least sixteen  
39 years of age.

40 (b) **SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS AT  
41 LEAST TWENTY-FOUR YEARS OF AGE.**

42 3. Submits to the board satisfactory evidence of either of the  
43 following:

44 (a) That the person graduated from a nail technology school in another  
45 state or country that had at the time of the person's graduation

1 substantially the same requirements as this state for schools licensed  
2 pursuant to this chapter.

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

6 4. Pays the prescribed fees for a nail technician license.

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

8 Sec. 5. Section 32-516, Arizona Revised Statutes, is amended to read:

9 32-516. Aestheticians; cosmetologists; cosmetic laser and IPL  
10 device use; certification; fees; definitions

11 A. An aesthetician or a cosmetologist who wishes to perform cosmetic  
12 laser procedures and procedures using IPL devices must:

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

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

15 3. Successfully complete forty hours of didactic training as required  
16 by agency rules at an agency-certified training program. The program shall  
17 provide a provisional certificate to the applicant verifying the successful  
18 completion of the didactic training.

19 4. For hair removal, complete hands-on training that is supervised by  
20 a health professional who is acting within the health professional's scope of  
21 practice or by a laser technician who has a minimum of one hundred hours of  
22 hands-on experience per procedure. The health professional or laser  
23 technician must be present in the room during twenty-four hours of hands-on  
24 use of lasers or IPL devices. The supervising health professional or laser  
25 technician shall verify that the aesthetician or cosmetologist has completed  
26 the training and supervision as prescribed by this section.

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

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

41 B. The agency shall issue a laser technician certificate authorizing  
42 the aesthetician or cosmetologist to use lasers and IPL devices if the  
43 applicant has completed the training for hair removal or lasers and IPL  
44 devices for other cosmetic procedures, as applicable, and shall maintain a  
45 current register of those laser technicians in good standing and whether

1 certification is for hair removal only or other cosmetic procedures as well.  
2 The agency may establish a fee for the registration of aestheticians or  
3 cosmetologists as laser technicians and the issuance of certificates pursuant  
4 to this subsection. The agency shall deposit monies collected pursuant to  
5 this subsection in the laser safety fund established by section 32-3234.

6 C. An aesthetician or a cosmetologist who has been certified as a  
7 laser technician by the agency may use a laser or IPL device:

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

10 2. For cosmetic purposes other than hair removal if the aesthetician  
11 or cosmetologist is ~~directly supervised by~~ UNDER THE INDIRECT SUPERVISION OF  
12 a health professional whose scope of practice permits the supervision and the  
13 aesthetician or cosmetologist has been certified in those procedures.

14 D. The board shall investigate any complaint from the public or from  
15 another board or agency regarding a licensed aesthetician or cosmetologist  
16 who performs cosmetic laser procedures or procedures using IPL devices  
17 pursuant to this section. The board shall report to the agency any complaint  
18 it receives about the training or performance of an aesthetician or a  
19 cosmetologist who is certified as a laser technician.

20 E. An aesthetician or a cosmetologist who used laser and IPL devices  
21 before November 24, 2009 may continue to do so if the aesthetician or  
22 cosmetologist received a certificate pursuant to this section before  
23 October 1, 2010.

24 F. For the purposes of this section:

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

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

31 3. "Health professional" means a person who is licensed pursuant to  
32 either:

33 (a) Chapter 11, article 2 of this title and who specializes in oral  
34 and maxillofacial surgery.

35 (b) Chapter 13, 14, 15, 17 or 25 of this title.

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

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

42 6. "Laser" means any device that can produce or amplify  
43 electromagnetic radiation with wavelengths in the range of one hundred eighty  
44 nanometers to one millimeter primarily by the process of controlled

1 stimulated emission and certified in accordance with the standards for the  
2 agency for cosmetic procedures.

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

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

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

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

12 2. EITHER:

13 (a) Holds a diploma from a high school or its equivalent as prescribed  
14 by the board in its rules and submits to the board satisfactory evidence that  
15 the person is at least sixteen years of age.

16 (b) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS AT  
17 LEAST TWENTY-FOUR YEARS OF AGE.

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

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

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

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

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

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

28 4. Passes the examination for an instructor license.

29 5. Pays the prescribed fees.

30 Sec. 7. Section 32-532, Arizona Revised Statutes, is amended to read:  
31 32-532. Instructor reciprocity

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

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

39 2. Does all of the following:

40 (a) EITHER:

41 (i) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS AT  
42 LEAST TWENTY-FOUR YEARS OF AGE.

43 (ii) Holds a diploma from a high school or its equivalent as  
44 prescribed by the board in its rules and submits to the board satisfactory  
45 evidence that the person is at least 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 that has  
4 instructor education requirements that are at least substantially equivalent  
5 to those of this state.

6 (d) Passes the examination for an instructor license.

7 ~~3. Does all of the following:~~

8 ~~(a)~~ (e) 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 and submits to the board satisfactory evidence that the~~  
12 ~~person is at least sixteen years of age.~~

13 ~~(c)~~ (f) Meets requirements as prescribed by the board in its rules.

14 ~~(d) Passes the examination for an instructor license.~~

15 Sec. 8. Section 32-574, Arizona Revised Statutes, is amended to read:

16 32-574. Unlawful acts; violation; classification

17 A. A person shall not:

18 1. Perform or attempt to perform cosmetology, aesthetics or nail  
19 technology without a license in that category issued pursuant to this  
20 chapter, or practice in a category in which the person does not hold a  
21 license.

22 2. Display a sign or in any way advertise or hold oneself out as a  
23 cosmetologist, aesthetician or nail technician or as being engaged in the  
24 practice or business of cosmetology, aesthetics or nail technology without  
25 being licensed pursuant to this chapter.

26 3. Knowingly make a false statement on an application for a license  
27 pursuant to this chapter.

28 4. Permit an employee or another person under the person's supervision  
29 or control to perform cosmetology, aesthetics or nail technology without a  
30 license issued pursuant to this chapter.

31 5. Practice or attempt to practice cosmetology, aesthetics or nail  
32 technology in any place other than in a salon licensed pursuant to this  
33 chapter unless the person is requested by a customer to go to a place other  
34 than a salon licensed pursuant to this chapter and is sent to the customer  
35 from the salon, except that a person who is licensed pursuant to this chapter  
36 may practice, without the salon's request, cosmetology, aesthetics or nail  
37 technology in a health care facility, hospital, residential care institution,  
38 nursing home or residence of a person requiring home care because of an  
39 illness, infirmity or disability.

40 6. Obtain or attempt to obtain a license by the use of money other  
41 than the prescribed fees or any other thing of value or by fraudulent  
42 misrepresentation.

43 7. Provide any service to a person having a visible disease,  
44 pediculosis or open sores suggesting a communicable disease until the person  
45 furnishes a statement signed by a physician licensed pursuant to chapter 13

1 or 17 of this title stating that the disease or condition is not in an  
2 infectious, contagious or communicable stage.

3 8. Operate a salon or school without being licensed pursuant to this  
4 chapter.

5 9. Violate any provision of this chapter or any rule adopted pursuant  
6 to this chapter.

7 10. Ignore or fail to comply with a board subpoena.

8 11. Use the title of "aesthetician", "cosmetologist" or "nail  
9 technician" or any other title or term likely to be confused with  
10 "aesthetician", "cosmetologist" or "nail technician" in any advertisement,  
11 statement or publication unless that person is licensed pursuant to this  
12 chapter.

13 12. TEACH COSMETOLOGY, AESTHETICS OR NAIL TECHNOLOGY IN THIS STATE  
14 UNLESS THE PERSON IS LICENSED AS AN INSTRUCTOR PURSUANT TO ARTICLE 3 OF THIS  
15 CHAPTER.

16 B. An instructor shall not render cosmetology, aesthetics or nail  
17 technology services in a school unless the services are directly incidental  
18 to the instruction of students.

19 C. A person who violates this section is guilty of a class 1  
20 misdemeanor.

21 Sec. 9. Term of educator board member

22 Notwithstanding section 32-502, Arizona Revised Statutes, as amended by  
23 this act, a person who is serving as an educator member on the board of  
24 cosmetology on the effective date of this act is eligible to continue to  
25 serve until expiration of the current term of office. On the expiration of  
26 the educator member's term, the governor shall make all subsequent  
27 appointments as prescribed by statute.