

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

CHAPTER 251
HOUSE BILL 2035

AN ACT

AMENDING SECTIONS 32-502, 32-510, 32-511, 32-512, 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 EIGHTEEN 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.

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

1 4. Passes the examination for an aesthetician's license.
2 5. Pays the prescribed fees for an aesthetician's license.
3 Sec. 3. Section 32-511, Arizona Revised Statutes, is amended to read:
4 32-511. Cosmetologists; applications; qualifications
5 A person is entitled to receive a cosmetologist license if the person:
6 1. Submits to the board an application for a cosmetologist license on
7 a form supplied by the board.
8 2. **DOES EITHER OF THE FOLLOWING:**
9 (a) 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 and submits satisfactory evidence that the person is at least sixteen
12 years of age.
13 (b) **SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS AT**
14 **LEAST EIGHTEEN YEARS OF AGE.**
15 3. Submits to the board satisfactory evidence of either of the
16 following:
17 (a) That the person is a graduate of a cosmetology course consisting
18 of at least sixteen hundred hours of training in a school licensed pursuant
19 to this chapter.
20 (b) That the person is a graduate of a cosmetology school in another
21 state or country that had at the time of the person's graduation
22 substantially the same requirements as this state for schools licensed
23 pursuant to this chapter.
24 4. Passes the examination for a cosmetologist license.
25 5. Pays the prescribed fees.
26 Sec. 4. Section 32-512, Arizona Revised Statutes, is amended to read:
27 32-512. Nail technicians; applications; qualifications
28 A person is entitled to receive a license to practice nail technology
29 if the person does all of the following:
30 1. Submits to the board an application for a nail technician 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 satisfactory evidence that the person is at least sixteen
36 years of age.
37 (b) **SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS AT**
38 **LEAST EIGHTEEN YEARS OF AGE.**
39 3. Submits to the board satisfactory evidence of either of the
40 following:
41 (a) That the person graduated from a nail technology school in another
42 state or country that had at the time of the person's graduation
43 substantially the same requirements as this state for schools licensed
44 pursuant to this chapter.

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

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

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

6 Sec. 5. Section 32-531, Arizona Revised Statutes, is amended to read:
7 32-531. Instructors; applications; qualifications

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

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

13 2. EITHER:

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

17 (b) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS AT
18 LEAST EIGHTEEN YEARS OF AGE.

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

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

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

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

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

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

29 4. Passes the examination for an instructor license.

30 5. Pays the prescribed fees.

31 Sec. 6. Section 32-532, Arizona Revised Statutes, is amended to read:
32 32-532. Instructor reciprocity

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

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

40 2. Does all of the following:

41 (a) EITHER:

42 (i) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS AT
43 LEAST EIGHTEEN YEARS OF AGE.

44 (ii) Holds a diploma from a high school or its equivalent as
45 prescribed by the board in its rules and submits to the board satisfactory
46 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. 7. 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. 8. 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.

28 Sec. 9. Cosmetic lasers study committee; membership; duties;
29 report; delayed repeal

30 A. The cosmetic lasers study committee is established consisting of
31 the following members who are appointed by the speaker of the house of
32 representatives:

33 1. Three members of the house of representatives committee on
34 commerce, not more than two of whom shall be from the same political party.
35 The speaker of the house of representatives shall appoint a chairperson from
36 among these members.

37 2. Three members of the house of representatives committee on health,
38 not more than two of whom shall be from the same political party.

39 B. The study committee shall study and review:

40 1. The statutory framework to allow for enhanced opportunities to do
41 business while maintaining safe and prudent practices.

42 2. The regulatory framework for laser certification.

43 3. The monitoring process in the use of cosmetic lasers.

44 C. The study committee shall submit a report regarding the study
45 committee's findings and recommendations on or before December 31, 2016 to

1 the governor, the president of the senate and the speaker of the house of
2 representatives and provide a copy of this report to the secretary of state.
3 D. This section is repealed from and after September 30, 2017.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2016.