

REFERENCE TITLE: **hairstylist licenses; cosmetology**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

# **SB 1130**

Introduced by  
Senators Griffin: Brophy McGee, Farley; Representatives Allen J,  
Clodfelter, Grantham, John, Nutt, Shope, Thorpe

## AN ACT

AMENDING SECTIONS 32-322, 32-501, 32-504 AND 32-506, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-512.01; AMENDING SECTIONS 32-513, 32-514, 32-517, 32-531, 32-532, 32-542, 32-543, 32-551, 32-557, 32-572 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 32-322, Arizona Revised Statutes, is amended to  
3 read:

4 **32-322. Barber license: application: qualifications:**  
5 **reciprocity**

6 A. An applicant for a barber license shall file the following with  
7 the board:

- 8 1. A written application on a form prescribed by the board.
- 9 2. Evidence satisfactory to the board that the applicant possesses  
10 the necessary qualifications.

11 3. One signed photograph.

12 B. Each applicant shall:

- 13 1. Be at least sixteen years of age.
- 14 2. Complete and receive appropriate credits for at least two years  
15 of high school education or its equivalent as prescribed by the board in  
16 its rules and submit satisfactory evidence that the person is at least  
17 sixteen years of age.
- 18 3. Pass an examination given under the direction of the board.
- 19 4. Pay the prescribed fees.

20 5. Be a graduate of a school that is licensed pursuant to this  
21 chapter or a graduate of a school or program in another state that at the  
22 time of the applicant's graduation met the barber licensing requirements  
23 of that state.

24 C. An applicant who holds a valid license to practice barbering  
25 issued by another state that has, in the opinion of the board, licensure  
26 requirements that are substantially equivalent to the requirements of this  
27 state and that grants similar reciprocal privileges to barbers licensed by  
28 this state and who has at least one year's experience as a licensed barber  
29 is exempt from subsection B, paragraph 3 of this section.

30 D. Notwithstanding subsection B, paragraph 5 of this section, an  
31 applicant for a barber license who holds a cosmetologist license **OR A**  
**HAIRSTYLIST LICENSE** issued pursuant to chapter 5 of this title shall  
33 complete a seven hundred fifty-hour course of study consisting of  
34 barbering techniques in a barbering school licensed pursuant to this  
35 chapter.

36 Sec. 2. Section 32-501, Arizona Revised Statutes, is amended to  
37 read:

38 **32-501. Definitions**

39 In this chapter, unless the context otherwise requires:

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

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

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

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

5       (c) Removing superfluous hair by means other than electrolysis or  
6 threading.

7       3. "Board" means the board of cosmetology.

8       4. "Cosmetic purposes" means for the purpose of beautifying,  
9 preserving or conferring comeliness, excluding therapeutic massage and  
10 manipulations.

11       5. "Cosmetologist" means a person who is licensed to practice  
12 cosmetology pursuant to this chapter.

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

15       ~~(a) Cutting, clipping or trimming hair.~~

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

20       ~~(c) Styling, arranging, dressing, curling, waving, permanent  
21 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,  
22 coloring or similarly treating hair.~~

23       ~~(d)~~ (b) Arching eyebrows or tinting eyebrows and eyelashes.

24       ~~(e)~~ (c) Removing superfluous hair by means other than electrolysis  
25 or threading.

26       ~~(f)~~ (d) Nail technology.

27       (e) HAIRSTYLING.

28       7. "Electrical appliances" means devices that use electrical  
29 current and includes lasers and IPL devices as defined in section 32-516.

30       8. "HAIRSTYLING" MEANS EITHER OF THE FOLLOWING:

31       (a) CUTTING, CLIPPING OR TRIMMING HAIR.

32       (b) STYLING, ARRANGING, DRESSING, CURLING, WAVING, PERMANENT  
33 WAVING, STRAIGHTENING, CLEANSING, SINGEING, BLEACHING, DYEING, TINTING,  
34 COLORING OR SIMILARLY TREATING HAIR.

35       9. "HAIRSTYLIST" MEANS A PERSON WHO IS LICENSED TO PRACTICE  
36 HAIRSTYLING PURSUANT TO THIS CHAPTER.

37       8. 10. "Instructor" means a person who is licensed to teach  
38 cosmetology, aesthetics, ~~or~~ nail technology ~~OR~~ HAIRSTYLING, or any  
39 combination thereof, pursuant to this chapter.

40       9. 11. "Nail technician" means a person who is licensed to  
41 practice nail technology pursuant to this chapter.

42       10. 12. "Nail technology" means ANY OF THE FOLLOWING:

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

45       (b) Applying artificial nails.

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

~~11.~~ 13. "Salon" means any of the following:

(a) An establishment that is operated for the purpose of engaging in the practice of cosmetology, aesthetics, ~~or~~ nail technology **OR HAIRSTYLING**, or any combination of the listed practices.

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

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

~~14.~~ 14. "School" means an establishment that is operated for the purpose of teaching cosmetology, aesthetics, ~~or~~ nail technology **OR HAIRSTYLING**, or any combination of the listed practices.

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

Sec. 3. Section 32-504, Arizona Revised Statutes, is amended to read:

### 32-504. Powers and duties

A. The board shall:

1. Adopt rules that are necessary and proper for the administration of this chapter, including sanitary and safety requirements for salons and schools and sanitary and safety standards for the practice of cosmetology, aesthetics, ~~and~~ nail technology **AND HAIRSTYLING**.

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

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

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

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

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

1       7. 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. Prescribe minimum school curriculum requirements for  
5 cosmetologists, aestheticians, nail technicians, **HAIRSTYLISTS** and  
6 instructors.

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

9       B. The board may:  
10      1. Inspect the premises of any salon or school during business  
11 hours.

12      2. Delegate authority to its executive director to issue licenses  
13 to applicants who meet the requirements of this chapter.

14      Sec. 4. Section 32-506, Arizona Revised Statutes, is amended to  
15 read:

16      32-506. Nonapplicability of chapter  
17      This chapter does not apply to the following persons while in the  
18 proper discharge of their professional duties:

19      1. Practices for the treatment of physical or mental ailments or  
20 disease by medical practitioners licensed pursuant to this title.

21      2. Commissioned physicians and surgeons who are serving in the  
22 armed forces of the United States or other federal agencies.

23      3. Persons who are licensed pursuant to chapter 3 or 12 of this  
24 title.

25      4. Students who are attending schools licensed pursuant to this  
26 chapter while they are on school premises during school hours.

27      5. Persons employed by theatrical groups who apply makeup, oils and  
28 cosmetics.

29      6. Persons who sell makeup, oils and cosmetics and who apply such  
30 products during the process of selling such products.

31      7. Shampoo assistants who shampoo hair under the direction of a  
32 cosmetologist **OR HAIRSTYLIST** licensed pursuant to this chapter.

33      8. Services performed by and for persons in the custody of the  
34 state department of corrections.

35      9. Persons who apply makeup, oils and cosmetics to patients in a  
36 hospital, nursing home or residential care institution with the consent of  
37 the patient and the hospital, nursing home or residential care  
38 institution.

39      10. Persons who provide a service that results in tension on hair  
40 strands or roots by twisting, wrapping, weaving, extending, locking or  
41 braiding, if the service does not include the application of dyes,  
42 reactive chemicals or other preparations to alter the color of the hair or  
43 to straighten, curl or alter the structure of the hair.

44      11. Persons who provide threading.

1       12. Persons who provide tanning services by means of airbrushing,  
2 tanning beds or spray tanning.

3       13. Persons who apply makeup, including eyelash enhancements. This  
4 paragraph does not apply if a person is engaging in the practice of  
5 aesthetics or cosmetology. A person who is exempt pursuant to this  
6 paragraph shall ~~conspicuously~~ post a sign **IN A CONSPICUOUS LOCATION** in the  
7 person's place of business notifying the public that the person's services  
8 are not regulated by the board.

9       Sec. 5. Heading change

10      The article heading of title 32, chapter 5, article 2, Arizona  
11 Revised Statutes, is changed from "COSMETOLOGISTS, AESTHETICIANS AND NAIL  
12 TECHNICIANS" to "COSMETOLOGISTS, AESTHETICIANS, NAIL TECHNICIANS AND  
13 HAIRSTYLISTS".

14      Sec. 6. Title 32, chapter 5, article 2, Arizona Revised Statutes,  
15 is amended by adding section 32-512.01, to read:

16      32-512.01. Hairstylists; applications; qualifications

17      A PERSON IS ENTITLED TO RECEIVE A LICENSE TO PRACTICE HAIRSTYLING IF  
18 THE PERSON DOES ALL OF THE FOLLOWING:

19      1. SUBMITS TO THE BOARD AN APPLICATION FOR A HAIRSTYLIST LICENSE ON  
20 A FORM SUPPLIED BY THE BOARD.

21      2. EITHER:

22       (a) COMPLETES AND RECEIVES APPROPRIATE CREDITS FOR AT LEAST TWO  
23 YEARS OF HIGH SCHOOL EDUCATION OR ITS EQUIVALENT AS PRESCRIBED BY THE  
24 BOARD IN ITS RULES AND SUBMITS SATISFACTORY EVIDENCE THAT THE PERSON IS AT  
25 LEAST SIXTEEN YEARS OF AGE.

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

28      3. SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON  
29 EITHER:

30       (a) GRADUATED FROM A HAIRSTYLING SCHOOL IN ANOTHER STATE OR COUNTRY  
31 THAT HAD AT THE TIME OF THE PERSON'S GRADUATION SUBSTANTIALLY THE SAME  
32 REQUIREMENTS AS THIS STATE FOR SCHOOLS LICENSED PURSUANT TO THIS CHAPTER.

33       (b) COMPLETED A HAIRSTYLIST COURSE CONSISTING OF AT LEAST ONE  
34 THOUSAND HOURS OF TRAINING IN A SCHOOL LICENSED PURSUANT TO THIS CHAPTER.

35      4. PAYS THE PRESCRIBED FEES FOR A HAIRSTYLIST LICENSE.

36      5. PASSES THE EXAMINATION FOR A HAIRSTYLIST LICENSE.

37      Sec. 7. Section 32-513, Arizona Revised Statutes, is amended to  
38 read:

39      32-513. Reciprocity

40      Notwithstanding sections 32-510, 32-511, ~~and~~ 32-512 **AND 32-512.01**, a  
41 person is entitled to receive a cosmetologist, aesthetician, ~~or~~ nail  
42 technician **OR HAIRSTYLIST** license if the person **DOES ALL OF THE FOLLOWING**:

43      1. Submits to the board an application for a cosmetologist,  
44 aesthetician, ~~or~~ nail technician **OR HAIRSTYLIST** license on a form supplied  
45 by the board.

1       2. Submits to the board satisfactory evidence that the person is  
2 licensed in another state or country.

3       3. Takes and completes a class relating to infection protection and  
4 law review that is provided by the board or its designee. The board shall  
5 determine the amount of the fees for the class. The applicant shall pay  
6 the fees directly to the board or its designee.

7       4. Pays the prescribed reciprocity license fees.

8       Sec. 8. Section 32-514, Arizona Revised Statutes, is amended to  
9 read:

10       32-514. Examinations

11       A. The board or a national professional organization for  
12 cosmetology selected by the board shall administer written and practical  
13 examinations for a cosmetologist, aesthetician, nail technician,  
14 HAIRSTYLIST or instructor license. The examinations shall test for  
15 requisite knowledge and skills in the technical application of cosmetology  
16 services.

17       B. The board or a national professional organization for  
18 cosmetology selected by the board shall inform each applicant of the  
19 examination results.

20       C. The board shall make an accurate record of each examination.

21       Sec. 9. Section 32-517, Arizona Revised Statutes, is amended to  
22 read:

23       32-517. License renewal

24       A. Except as provided in section 32-4301, a cosmetologist, AN  
25 aesthetician, ~~or~~ A nail technician OR A HAIRSTYLIST shall renew the  
26 person's license on or before the person's ~~birth date~~ BIRTHDAY once  
27 every two years.

28       B. A cosmetologist, AN aesthetician, ~~or~~ A nail technician OR A  
29 HAIRSTYLIST shall submit an application for renewal accompanied by the  
30 prescribed renewal fee in order to renew the person's license.

31       C. A cosmetologist, AN aesthetician, ~~or~~ A nail technician OR A  
32 HAIRSTYLIST who fails to renew the person's license on or before the  
33 person's ~~birth date~~ BIRTHDAY shall also pay the prescribed delinquent  
34 renewal penalty in order to renew the license.

35       Sec. 10. Section 32-531, Arizona Revised Statutes, is amended to  
36 read:

37       32-531. Instructors; applications; qualifications

38       A person is entitled to receive a license to teach cosmetology,  
39 aesthetics, ~~or~~ nail technology OR HAIRSTYLING in a school if the person  
40 does all of the following:

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

1       2. Either:

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

5        (b) Submits to the board satisfactory evidence that the person is  
6 at least eighteen years of age.

7        3. Is a licensed cosmetologist, aesthetician, ~~or~~ nail technician **OR**  
8 **HAIRSTYLIST, IS APPLYING FOR AN INSTRUCTOR LICENSE TO TEACH A SUBJECT IN**  
9 **WHICH THE PERSON IS LICENSED** and ~~complies with either of the following:~~

10       ~~(a)~~ has practiced for at least one year, ~~has passed the school~~  
11 ~~examination in the profession for which the person is applying for an~~  
12 ~~instructor license~~ and has received the following hours of instructor  
13 training:

14        ~~(i)~~ (a) For a cosmetologist instructor, ~~six~~ **THREE** hundred fifty  
15 hours.

16        ~~(ii)~~ (b) For an aesthetics instructor, ~~five~~ **THREE** hundred **FIFTY**  
17 hours.

18        ~~(iii)~~ (c) For a nail technician instructor, three hundred fifty  
19 hours.

20        (d) **FOR A HAIRSTYLIST INSTRUCTOR, THREE HUNDRED FIFTY HOURS.**

21        ~~(b) Has five years of licensed industry experience within the ten~~  
22 ~~years preceding the application and meets requirements as prescribed by~~  
23 ~~the board in its rules.~~

24        4. Passes the examination for an instructor license.

25        5. Pays the prescribed fees.

26        Sec. 11. Section 32-532, Arizona Revised Statutes, is amended to  
27 read:

28        32-532. Instructor reciprocity

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

34        1. Is a current licensed cosmetologist, aesthetician, ~~or~~ nail  
35 technician **OR HAIRSTYLIST** instructor in another state or country.

36        2. Does all of the following:

37        (a) Either:

38           (i) Submits to the board satisfactory evidence that the person is  
39 at least eighteen years of age.

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

43           (b) Is a licensed cosmetologist, aesthetician, ~~or~~ nail technician  
44 **OR HAIRSTYLIST** in another state or country.

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

5 (e) Has five years of licensed industry experience within the ten  
6 years preceding application.

7 (f) Meets requirements as prescribed by the board in its rules.

8 Sec. 12. Section 32-542, Arizona Revised Statutes, is amended to  
9 read:

## 32-542. Salon inspections

1           A. The board shall inspect all proposed salons to determine if all  
2 of the requirements are met. The board may issue a license to a salon  
3 pending inspection of the salon as it deems appropriate.

4           **B.** The board shall inspect salons on a regular basis as it deems  
5 necessary.

6 Sec. 13. Section 32-543, Arizona Revised Statutes, is amended to  
7 read:

8 32-543. Required display

9           Salons shall display the following in a conspicuous location ~~which~~  
10 **THAT** is readily observable by any patron:

1. The current salon license.

22       2. The current licenses for cosmetologists, aestheticians, ~~or~~ nail  
23 technicians **OR HAIRSTYLISTS** practicing in the salon.

### 3. The latest inspection sheet.

25 Sec. 14. Section 32-551, Arizona Revised Statutes, is amended to  
26 read:

32-551. School licenses; applications; requirements

8 A. A person is entitled to a license to operate a school if:

1. **He** THE PERSON pays the prescribed fee.

30       2. **He** THE PERSON furnishes a surety bond in the amount of ten  
31 thousand dollars approved by the board and executed by a corporate bonding  
32 company authorized to do business in this state. The bond shall be for  
33 the benefit of and subject to the claims of the state for failure to  
34 comply with the requirements of this chapter and any student who fails to  
35 receive the full course of instruction required under this chapter.

3. ~~He~~ THE PERSON submits to the board under oath an application for a school license on a form supplied by the board and other documentation required by the board in its rules.

4. The proposed school passes an inspection by the board before it opens.

1                   B. An incomplete application shall be returned to an applicant  
2 within thirty days after the board receives it with the causes for the  
3 return.

1        Sec. 15. Section 32-557, Arizona Revised Statutes, is amended to  
2 read:

3            **32-557. Services for the public; restrictions**  
4        A. Students may render services to the public only under the direct  
5 supervision of an instructor.

6        B. The following notice shall be posted in a conspicuous place  
7 within the school in letters large enough to be read across the length of  
8 the room, "school of cosmetology - work done exclusively by students."

9        C. A student in a school shall not receive a salary or commission  
10 from the school for any cosmetology, aesthetics, ~~or~~ nail technology **OR**  
11 **HAIRSTYLING** services while ~~he is~~ enrolled in the school as a student.

12       D. A school shall post a price list for services rendered to the  
13 public ~~which~~ **THAT** is large enough to be easily read from a distance of ten  
14 feet.

15       Sec. 16. Section 32-572, Arizona Revised Statutes, is amended to  
16 read:

17            **32-572. Grounds for disciplinary action or refusal to issue**  
18            **or renew license: definition**

19        A. The board may take disciplinary action or refuse to issue or  
20 renew a license for any of the following causes:

21        1. Continued performance of cosmetology, aesthetics, ~~or~~ nail  
22 technology **OR** **HAIRSTYLING** services by a person knowingly having an  
23 infectious or communicable disease.

24        2. Conviction of a crime.

25        3. Commission of an act involving dishonesty, fraud or deceit with  
26 the intent to substantially benefit oneself or another or substantially  
27 injure another.

28        4. Malpractice or incompetency.

29        5. Knowingly advertising by means of false, misleading, deceptive  
30 or fraudulent statements through communication media.

31        6. Violating any provision of this chapter or any rule adopted  
32 pursuant to this chapter.

33        7. Making oral or written false statements to the board.

34        8. Repeated failure to correct infractions of safety and sanitary  
35 requirements prescribed by the board in its rules.

36        9. Failing to comply with an order of the board.

37        B. A conviction of a crime or act shall not be a cause of refusal  
38 to issue or renew a license unless the crime or act is substantially  
39 related to the qualifications, functions or duties of the license for  
40 which application is made.

41        C. The expiration, cancellation, suspension or revocation of a  
42 license or a licensee's voluntary surrender of a license does not deprive  
43 the board of jurisdiction to do any of the following:

44        1. Proceed with an investigation of a licensee.

1       2. Proceed with an action or disciplinary proceeding against a  
2 licensee.

3       3. Suspend or revoke a license.

4       4. Deny the renewal or right of renewal of a license.

5       D. For the purposes of this section, "conviction" means a plea or  
6 verdict of guilty or a conviction following a plea of no contest.

7       Sec. 17. Section 32-574, Arizona Revised Statutes, is amended to  
8 read:

9       32-574. **Unlawful acts; violation; classification**

10      A. A person shall not:

11      1. Perform or attempt to perform cosmetology, aesthetics, ~~or~~ nail  
12 technology **OR HAIRSTYLING** without a license in that category issued  
13 pursuant to this chapter, or practice in a category in which the person  
14 does not hold a license.

15      2. Display a sign or in any way advertise or hold oneself out as a  
16 cosmetologist, aesthetician, ~~or~~ nail technician **OR HAIRSTYLIST** or as being  
17 engaged in the practice or business of cosmetology, aesthetics, ~~or~~ nail  
18 technology **OR HAIRSTYLING** without being licensed pursuant to this chapter.

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

21      4. Permit an employee or another person under the person's  
22 supervision or control to perform cosmetology, aesthetics, ~~or~~ nail  
23 technology **OR HAIRSTYLING** without a license issued pursuant to this  
24 chapter.

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

35      6. Obtain or attempt to obtain a license by the use of money other  
36 than the prescribed fees or any other thing of value or by fraudulent  
37 misrepresentation.

38      7. Provide any service to a person having a visible disease,  
39 pediculosis or open sores suggesting a communicable disease until the  
40 person furnishes a statement signed by a physician **WHO IS** licensed  
41 pursuant to chapter 13 or 17 of this title stating that the disease or  
42 condition is not in an infectious, contagious or communicable stage.

43      8. Operate a salon or school without being licensed pursuant to  
44 this chapter.

1       9. Violate any provision of this chapter or any rule adopted  
2 pursuant to this chapter.

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

4       11. Use the title of "aesthetician", "cosmetologist", ~~or~~ "nail  
5 technician" **OR "HAIRSTYLIST"** or any other title or term likely to be  
6 confused with "aesthetician", "cosmetologist", ~~or~~ "nail technician" **OR**  
7 **"HAIRSTYLIST"** in any advertisement, statement or publication unless that  
8 person is licensed pursuant to this chapter.

9       12. Teach cosmetology, aesthetics, ~~or~~ nail technology **OR**  
10 **HAIRSTYLING** in this state unless the person is licensed as an instructor  
11 pursuant to article 3 of this chapter.

12       B. An instructor shall not render cosmetology, aesthetics, ~~or~~ nail  
13 technology **OR HAIRSTYLING** services in a school unless the services are  
14 directly incidental to the instruction of students.

15       C. A person who violates this section is guilty of a class 1  
16 misdemeanor.

17       Sec. 18. **Effective date**

18       This act is effective from and after December 31, 2017.