

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 109
SENATE BILL 1328

AN ACT

AMENDING SECTIONS 32-322, 32-501, 32-504, 32-506 AND 32-511, ARIZONA
REVISED STATUTES; RELATING TO BARBERS AND COSMETOLOGISTS.

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

7 1. A written application on a form prescribed by the board.

8 2. Evidence satisfactory to the board that the applicant possesses
9 the necessary qualifications.

10 3. One signed photograph.

11 B. Each applicant shall:

12 1. Be at least sixteen years of age.

13 2. Complete and receive appropriate credits for at least two years
14 of high school education or its equivalent as prescribed by the board in
15 its rules and submit satisfactory evidence that the person is at least
16 sixteen years of age.

17 3. Pass an examination given under the direction of the board.

18 4. Pay the prescribed fees.

19 5. Either:

20 (a) 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 (b) Complete a United States department of labor-approved or a
25 department of economic security-approved apprenticeship program in
26 barbering that includes at least two hundred fifty hours of instruction as
27 described in section 32-325, subsection B, paragraph 1. The instruction
28 prescribed by this subdivision shall be completed through either:

29 (i) A school that is licensed pursuant to this chapter or a school
30 or program in another state that has, in the board's opinion, licensure
31 requirements that are substantially equivalent to the requirements of this
32 state.

33 (ii) A department of economic security-approved apprenticeship
34 program.

35 C. An applicant who holds a valid license to practice barbering
36 issued by another state ~~that has, in the opinion of the board, licensure~~
37 ~~requirements that are substantially equivalent to the requirements of this~~
38 ~~state and that grants similar reciprocal privileges to barbers licensed by~~
39 ~~this state and who has at least one year's experience as a licensed barber~~
40 is exempt from subsection B, paragraph 3 of this section **IF THE APPLICANT**
41 **SUBMITS BOTH OF THE FOLLOWING TO THE BOARD:**

42 1. **PROOF THAT THE APPLICANT HAS ONE YEAR OF EXPERIENCE AS A BARBER.**

43 2. **A DOCUMENT SIGNED BY THE APPLICANT STATING THAT THE APPLICANT**
44 **HAS READ AND UNDERSTANDS THE LAWS PRESCRIBED BY THIS CHAPTER.**

1 D. AN APPLICANT WHO HOLDS A VALID LICENSE OR AUTHORIZING DOCUMENT
2 TO PRACTICE BARBERING ISSUED BY ANOTHER COUNTRY AND WHOSE PRESENCE IN THE
3 UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW IS EXEMPT FROM SUBSECTION B,
4 PARAGRAPH 5 OF THIS SECTION IF ALL OF THE FOLLOWING APPLY:

5 1. THE BOARD DETERMINES THAT THE APPLICANT IS PROFICIENT IN
6 BARBERING.

7 2. THE APPLICANT COMPLETES AT LEAST THREE HUNDRED FIFTY HOURS OF
8 EDUCATION AT A SCHOOL OR PROGRAM THAT IS LICENSED PURSUANT TO THIS
9 CHAPTER.

10 3. THE APPLICANT SIGNS A DOCUMENT STATING THAT THE APPLICANT HAS
11 READ AND UNDERSTANDS THE REQUIREMENTS OF THIS CHAPTER.

12 ~~D.~~ E. Notwithstanding subsection B, paragraph 5 of this section,
13 an applicant for a barber license who holds a cosmetologist license or a
14 hairstylist license issued pursuant to chapter 5 of this title shall
15 complete a ~~seven hundred fifty-hour~~ THREE HUNDRED FIFTY-HOUR course of
16 study consisting of barbering techniques in a barbering school licensed
17 pursuant to this chapter.

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

20 32-501. Definitions

21 In this chapter, unless the context otherwise requires:

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

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

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

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

30 (c) Removing superfluous hair by means other than electrolysis or
31 threading.

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

33 4. "Cosmetic purposes" means for the purpose of beautifying,
34 preserving or conferring comeliness, excluding therapeutic massage and
35 manipulations.

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

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

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

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

1 (c) Removing superfluous hair by means other than electrolysis or
2 threading.

3 (d) Nail technology.

4 (e) Hairstyling.

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

7 8. "Hairstyling" means either of the following:

8 (a) Cutting, clipping or trimming hair.

9 (b) Styling, arranging, dressing, curling, waving, permanent
10 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,
11 coloring or similarly treating hair.

12 9. "Hairstylist" means a person who is licensed to practice
13 hairstyling pursuant to this chapter.

14 10. "Instructor" means a person who is licensed to teach
15 cosmetology, aesthetics, nail technology or hairstyling, or any
16 combination thereof, pursuant to this chapter.

17 11. "MENTOR" MEANS A COSMETOLOGIST WHO IS APPROVED BY THE BOARD TO
18 TRAIN A PERSON IN A DEPARTMENT OF ECONOMIC SECURITY-APPROVED
19 APPRENTICESHIP PROGRAM IN COSMETOLOGY IN AN ESTABLISHMENT THAT IS LICENSED
20 BY THE BOARD.

21 ~~11.~~ 12. "Nail technician" means a person who is licensed to
22 practice nail technology pursuant to this chapter.

23 ~~12.~~ 13. "Nail technology" means any of the following:

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

26 (b) Applying artificial nails.

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

28 ~~13.~~ 14. "Salon" means any of the following:

29 (a) An establishment that is operated for the purpose of engaging
30 in the practice of cosmetology, aesthetics, nail technology or
31 hairstyling, or any combination of the listed practices.

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

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

42 ~~14.~~ 15. "School" means an establishment that is operated for the
43 purpose of teaching cosmetology, aesthetics, nail technology or
44 hairstyling, or any combination of the listed practices.

1 ~~15.~~ 16. "Threading" means a service that results in the removal of
2 hair from its follicle from around the eyebrows and from other parts of
3 the face with the use of a single strand of cotton thread and an
4 over-the-counter astringent, if the service does not use chemicals of any
5 kind, wax or any implements, instruments or tools to remove hair.

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

8 32-504. Powers and duties

9 A. The board shall:

10 1. Adopt rules that are necessary and proper for the administration
11 of this chapter, including sanitary and safety requirements for salons and
12 schools and sanitary and safety standards for the practice of cosmetology,
13 aesthetics, nail technology and hairstyling.

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

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

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

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

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

27 7. Make an annual report to the governor on or before October 1 of
28 each year covering its official acts and financial transactions during the
29 preceding fiscal year and making recommendations it deems necessary.

30 8. Prescribe minimum school curriculum requirements for
31 cosmetologists, aestheticians, nail technicians, hairstylists and
32 instructors.

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

35 10. APPROVE A COSMETOLOGIST AS A MENTOR BASED ON THE
36 COSMETOLOGIST'S RECORD OF COMPLIANCE WITH THIS CHAPTER. THE BOARD MAY NOT
37 CONDITION THE APPROVAL ON THE COSMETOLOGIST'S PAYMENT OF AN ADDITIONAL FEE
38 OR COMPLETION OF AN ADDITIONAL REQUIREMENT.

39 B. The board may:

40 1. Inspect the premises of any salon or school during business
41 hours.

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

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

3 32-506. Nonapplicability of chapter

4 This chapter does not apply to the following persons while in the
5 proper discharge of their professional duties:

6 1. **MEDICAL PRACTITIONERS WHO ARE LICENSED PURSUANT TO THIS TITLE IF**
7 ~~THE practices for the treatment of TREAT~~ physical or mental ailments or
8 disease ~~by medical practitioners licensed pursuant to this title.~~

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

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

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

15 5. Persons employed by theatrical groups who apply makeup, oils and
16 cosmetics.

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

19 7. Shampoo assistants who shampoo hair under the direction of a
20 cosmetologist or hairstylist licensed pursuant to this chapter.

21 8. Services performed by and for persons in the custody of the
22 state department of corrections.

23 9. Persons who apply makeup, oils and cosmetics to patients in a
24 hospital, nursing home or residential care institution with the consent of
25 the patient and the hospital, nursing home or residential care
26 institution.

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

32 11. Persons who provide threading.

33 12. Persons who provide tanning services by means of airbrushing,
34 tanning beds or spray tanning.

35 13. Persons who apply makeup, including eyelash enhancements. This
36 paragraph does not apply if a person is engaging in the practice of
37 aesthetics or cosmetology. A person who is exempt pursuant to this
38 paragraph shall post a sign in a conspicuous location in the person's
39 place of business notifying the public that the person's services are not
40 regulated by the board.

41 14. **PERSONS WHO ARE PARTICIPATING IN A DEPARTMENT OF ECONOMIC**
42 **SECURITY-APPROVED APPRENTICESHIP PROGRAM IN COSMETOLOGY AS DESCRIBED IN**
43 **SECTION 32-511 WHILE WORKING WITH A MENTOR IN AN ESTABLISHMENT THAT IS**
44 **LICENSED BY THE BOARD.**

1 Sec. 5. Section 32-511, Arizona Revised Statutes, is amended to
2 read:

3 32-511. Cosmetologists; applications; qualifications

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

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

8 2. Does either of the following:

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

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

15 3. Submits to the board satisfactory evidence of ~~either~~ ANY of the
16 following:

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

20 (b) That the person is a graduate of a cosmetology school in
21 another 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 (c) THAT THE PERSON COMPLETED A UNITED STATES DEPARTMENT OF
25 LABOR-APPROVED OR A DEPARTMENT OF ECONOMIC SECURITY-APPROVED
26 APPRENTICESHIP PROGRAM IN COSMETOLOGY THAT INCLUDES AT LEAST TWO HUNDRED
27 FIFTY HOURS OF INFECTION PROTECTION AND LAW REVIEW INSTRUCTION. THE
28 PERSON SHALL COMPLETE THE INSTRUCTION PRESCRIBED BY THIS SUBDIVISION
29 THROUGH EITHER:

30 (i) A SCHOOL THAT IS LICENSED PURSUANT TO THIS CHAPTER OR A SCHOOL
31 OR PROGRAM IN ANOTHER STATE THAT HAS, IN THE BOARD'S OPINION, LICENSURE
32 REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS
33 STATE.

34 (ii) A DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP
35 PROGRAM.

36 4. Passes the examination for a cosmetologist license.

37 5. Pays the prescribed fees.

APPROVED BY THE GOVERNOR APRIL 17, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2019.