

REFERENCE TITLE: **barbering and cosmetology boards; consolidation**

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

# HB 2029

Introduced by  
Representative Kavanagh

## AN ACT

AMENDING SECTIONS 15-1851 AND 32-301, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-302 AND 32-303, ARIZONA REVISED STATUTES; AMENDING SECTION 32-304, ARIZONA REVISED STATUTES; REPEALING SECTION 32-305, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-321 AND 32-322, ARIZONA REVISED STATUTES; REPEALING SECTION 32-324, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-324; AMENDING SECTIONS 32-325, 32-501, 32-502, 32-503, 32-505, 32-506, 32-514, 32-556, 32-573, 32-574 AND 41-1092, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3022.23, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-3024.05 AND 44-6852, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO BARBERING AND COSMETOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1851, Arizona Revised Statutes, is amended to  
3 read:

4 15-1851. Commission for postsecondary education; purpose;  
5 reporting requirements; members; terms; powers and  
6 duties; compensation; quorum; immunity; definition

7 A. The commission for postsecondary education is established and  
8 shall administer the applicable programs identified under section 1203 of  
9 the higher education act amendments of 1998 (P.L. 105-244), including the  
10 leveraging educational assistance partnership program, the federal family  
11 education loan program and the Paul Douglas teacher scholarships program,  
12 and shall supervise the state guarantee agency under the higher education  
13 act amendments of 1998.

14 B. In addition to the responsibilities prescribed in subsection A  
15 of this section, the commission shall:

16 1. Provide a forum to public and private postsecondary education  
17 institutions for ~~discussion of~~ DISCUSSING issues of mutual interest,  
18 including the following:

19 (a) The postsecondary needs of unserved and underserved individuals  
20 in this state.

21 (b) The resources of public and private institutions, organizations  
22 and agencies that are located in this state and that are capable of  
23 providing postsecondary education opportunities.

24 (c) Enrollment demand and public policy options to meet statewide  
25 needs for postsecondary education services.

26 (d) Cooperative comprehensive instructional and capital planning.

27 2. Provide reports pursuant to this subsection on discussions of  
28 issues of mutual interest.

29 3. Coordinate and promote collaborative studies on issues of mutual  
30 interest to public and private postsecondary education institutions.

31 4. Compile and disseminate information to the public regarding  
32 postsecondary education opportunities in this state.

33 5. Prepare an annual report that summarizes the results of the  
34 commission's activities prescribed in this section and section 15-1852.  
35 The annual report shall be submitted to the speaker of the house of  
36 representatives, the president of the senate, the governor and the ~~Arizona~~  
37 ~~state library, archives and public records by~~ SECRETARY OF STATE ON OR  
38 BEFORE December 28.

39 6. Administer the Arizona teacher student loan program established  
40 by chapter 13, article 11 of this title.

41 C. The commission consists of the executive director of the Arizona  
42 board of regents, the executive director of the state board for private  
43 postsecondary education and the following additional members who are  
44 appointed by the governor pursuant to section 38-211:

- 1           1. Two members who hold senior executive or managerial positions in  
2 a university under the jurisdiction of the Arizona board of regents.
- 3           2. Two members who hold senior executive or managerial positions in  
4 a community college district, one representing a community college  
5 district in a county with a population of five hundred thousand persons or  
6 more and one representing a community college district in a county with a  
7 population of less than five hundred thousand persons.
- 8           3. Two members who hold senior executive or managerial positions in  
9 private postsecondary institutions of higher education that are licensed  
10 under title 32, chapter 30, that are located in this state, that offer  
11 bachelor's or higher degrees and that are accredited by a regional  
12 accreditation agency approved by the United States department of  
13 education.
- 14           4. Two members who hold senior executive or managerial positions in  
15 private postsecondary institutions of higher education that are licensed  
16 under title 32, chapter 30, that are located in this state, that offer  
17 vocational education programs and that are accredited by a national  
18 accreditation agency approved by the United States department of  
19 education.
- 20           5. One member who holds a senior executive or managerial position  
21 in a private cosmetology school that is licensed under title 32, chapter  
22 5, that is located in this state, that offers cosmetology programs  
23 approved by the ~~board of~~ BARBERING AND cosmetology BOARD and that is  
24 accredited by a national accreditation agency approved by the United  
25 States department of education.
- 26           6. One member who holds a senior executive or managerial position  
27 in an institution that is licensed under title 32, chapter 23 or under 14  
28 Code of Federal Regulations part 147, that offers vocational education  
29 programs at the postsecondary level, that is located in this state and  
30 that is not an institution that is qualified under any other category.
- 31           7. One member who has held a senior executive or managerial level  
32 position in commerce or industry in this state for at least three years  
33 before the member's appointment and who is not qualified to serve under  
34 any other category.
- 35           8. Two members who hold senior executive or managerial positions in  
36 the high school education system in this state.
- 37           9. One member who is an owner, operator or administrator of a  
38 charter school in this state.
- 39           D. Members of the commission appointed pursuant to subsection C,  
40 paragraphs 1 through 9 of this section shall serve four-year terms.  
41 Appointed members of the commission shall be residents of this state.  
42 Appointed members of the commission at all times during their terms shall  
43 continue to be eligible for appointment under the category that they were  
44 appointed to represent. Terms of appointed members of the commission

1 begin on the third Monday in January. ~~to~~ AN appointed member of the  
2 commission may NOT serve more than two consecutive terms.

3 E. The executive director of the Arizona board of regents and the  
4 executive director of the state board for private postsecondary education  
5 serve as members of the commission during their respective terms of office  
6 and are not eligible to vote with respect to the commission's review of  
7 any postsecondary institution.

8 F. Members appointed pursuant to subsection C, paragraphs 1 through  
9 of this section are eligible to receive compensation pursuant to section  
10 38-611 for each day spent in the performance of commission duties and may  
11 be reimbursed for expenses properly incurred in connection with the  
12 attendance at meetings or hearings of the commission.

13 G. The governor shall appoint a chairman from among the members of  
14 the commission who shall serve a one-year term that begins on the third  
15 Monday in January.

16 H. A majority of the members of the commission constitute a quorum  
17 for the transaction of commission business. The vote of a majority of the  
18 quorum constitutes authority for the commission to act.

19 I. Members of the commission are immune from personal liability  
20 with respect to all actions that are taken in good faith and within the  
21 scope of the commission's authority.

22 J. For the purposes of this section, "community college district"  
23 means a community college district that is established pursuant to  
24 sections 15-1402 and 15-1403 or section 15-1402.01 and that is a political  
25 subdivision of this state.

26 Sec. 2. Heading change

27 The article heading of title 32, chapter 3, article 1, Arizona  
28 Revised Statutes, is changed from "BOARD OF BARBERS" to "BARBERING".

29 Sec. 3. Section 32-301, Arizona Revised Statutes, is amended to  
30 read:

31 32-301. Definitions

32 In this chapter, unless the context otherwise requires:

33 1. "Barber" means a person who is licensed to practice barbering  
34 ~~pursuant to this chapter~~ BY THE BOARD.

35 2. "Barbering" means any one or a combination of the following  
36 practices if they are performed on a person's head, face, neck or  
37 shoulders for cosmetic purposes:

38 (a) Cutting, clipping or trimming hair.

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

42 (c) Styling, arranging, dressing, curling, waving, permanent  
43 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,  
44 coloring or similarly treating hair.

1 (d) Providing hair attachments, extensions, hairpieces and wigs  
2 when performed by a barber.

3 (e) Shaving or trimming a beard.

4 (f) Providing skin care.

5 3. "Board" means the BARBERING AND COSMETOLOGY board ~~of barbers~~.

6 4. "Instructor" means a person who is licensed to teach barbering  
7 pursuant to this chapter.

8 5. "Mentor" means a barber who is approved by the board to train a  
9 person in a department of economic security-approved apprenticeship  
10 program in barbering in an establishment that is licensed by the board.

11 6. "School" means an establishment that is operated for the purpose  
12 of teaching barbering OR COSMETOLOGY.

13 7. "Shop" or "salon" means an establishment that is operated for  
14 the purpose of engaging in the practice of barbering.

15 Sec. 4. Repeal

16 Sections 32-302 and 32-303, Arizona Revised Statutes, are repealed.

17 Sec. 5. Section 32-304, Arizona Revised Statutes, is amended to  
18 read:

19 32-304. Barbering and cosmetology board; powers and duties

20 A. The board shall:

21 1. Make and adopt rules that are necessary or proper ~~for the~~  
22 ~~administration of~~ TO ADMINISTER this chapter, including sanitary and  
23 safety requirements for schools and shops or salons, sanitary and safety  
24 standards for the practice of barbering and mobile unit requirements.

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

27 3. Maintain a record of its acts and proceedings, including  
28 issuance, refusal, renewal, suspension and revocation of licenses, and a  
29 record of the name, address and license date of each licensee.

30 4. Keep the records of the board open to public inspection at all  
31 reasonable times.

32 5. Furnish a copy of its rules to a barber or to the owner or  
33 manager of each shop or salon on request.

34 6. Have a seal, the imprint of which ~~shall be~~ IS used to evidence  
35 its official acts.

36 7. Prescribe minimum school curriculum requirements.

37 8. Approve a barber as a mentor based on the barber's record of  
38 compliance with this chapter. The board may not condition the approval on  
39 the barber's payment of an additional fee or completion of an additional  
40 requirement.

41 B. The board may ~~:-~~

42 ~~1. Subject to title 41, chapter 4, article 4, employ an executive~~  
43 ~~director who has been a licensed barber for at least five years preceding~~  
44 ~~employment and other personnel it deems necessary. The board shall~~

1 ~~compensate its executive director and other personnel as determined~~  
2 ~~pursuant to section 38-611.~~

3 ~~2.~~ inspect the premises of any school, shop or salon during  
4 business hours.

5 Sec. 6. Repeal; transfer of monies

6 A. Section 32-305, Arizona Revised Statutes, is repealed.

7 B. All unexpended and unencumbered monies remaining in the board of  
8 barbers fund established by section 32-305, Arizona Revised Statutes, as  
9 repealed by subsection A of this section, are transferred to the barbering  
10 and cosmetology fund established by section 32-505, Arizona Revised  
11 Statutes, as amended by this act, on January 1, 2022.

12 Sec. 7. Section 32-321, Arizona Revised Statutes, is amended to  
13 read:

14 32-321. Nonapplicability of chapter

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

17 1. Medical practitioners licensed pursuant to this title who treat  
18 physical or mental ailments or disease.

19 2. Persons who perform services without compensation in case of  
20 emergency or in domestic administration.

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

23 4. Students attending schools licensed pursuant to this chapter **OR**  
24 **CHAPTER 5 OF THIS TITLE** while they are on school premises during school  
25 hours.

26 5. Persons licensed pursuant to chapter 5 or 12 of this title.

27 6. Shampoo assistants who shampoo hair under the direction of a  
28 barber licensed pursuant to this chapter.

29 7. Persons who are in the custody of the state department of  
30 corrections and who perform services for persons in the custody of the  
31 state department of corrections.

32 8. Persons who are participating in a department of economic  
33 security-approved apprenticeship program in barbering as described in  
34 section 32-322 while working with a mentor in an establishment that is  
35 licensed by the board.

36 9. **PERSONS WHO ARE LICENSED IN ANOTHER STATE, WHO ARE IN THIS STATE**  
37 **FOR NOT MORE THAN TWO WEEKS AND WHO PROVIDE SERVICES FOR PERSONS ATTENDING**  
38 **AN ATHLETIC, CHARITABLE, ARTISTIC OR SOCIAL EVENT IN THIS STATE.**

39 Sec. 8. Section 32-322, Arizona Revised Statutes, is amended to  
40 read:

41 32-322. Barber license; application; qualifications

42 A. An applicant for a barber license shall file the following with  
43 the board:

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

- 1           2. Evidence satisfactory to the board that the applicant possesses  
2 the necessary qualifications.
- 3           3. One signed photograph.
- 4           B. Each applicant shall:
- 5           1. Be at least sixteen years of age.
- 6           2. Complete and receive appropriate credits for at least two years  
7 of high school education or its equivalent as prescribed by the board in  
8 its rules and submit satisfactory evidence that the person is at least  
9 sixteen years of age.
- 10          3. Pass an examination given under the direction of the board.
- 11          4. Pay the prescribed fees.
- 12          5. Either:
- 13           (a) Be a graduate of a school that is licensed pursuant to this  
14 chapter or a graduate of a school or program in another state that at the  
15 time of the applicant's graduation met the barber licensing requirements  
16 of that state.
- 17           (b) Complete a United States department of labor-approved or a  
18 department of economic security-approved apprenticeship program in  
19 barbering that includes at least ~~two hundred fifty~~ ONE HUNDRED SIXTY-SEVEN  
20 hours of instruction as described in section 32-325, subsection B,  
21 paragraph 1. The instruction prescribed by this subdivision shall be  
22 completed through either:
- 23           (i) A school that is licensed pursuant to this chapter or a school  
24 or program in another state that has, in the board's opinion, licensure  
25 requirements that are substantially equivalent to the requirements of this  
26 state.
- 27           (ii) A department of economic security-approved apprenticeship  
28 program.
- 29          C. An applicant who holds a valid license to practice barbering  
30 issued by another state is exempt from subsection B, paragraph 3 of this  
31 section if the applicant submits both of the following to the board:
- 32           1. Proof that the applicant has one year of experience as a barber.
- 33           2. A document signed by the applicant stating that the applicant  
34 has read and understands the laws prescribed by this chapter.
- 35          D. An applicant who holds a valid license or authorizing document  
36 to practice barbering issued by another country and whose presence in the  
37 United States is authorized under federal law is exempt from subsection B,  
38 paragraph 5 of this section if all of the following apply:
- 39           1. The board determines that the applicant is proficient in  
40 barbering.
- 41           2. The applicant completes at least three hundred fifty hours of  
42 education at a school or program that is licensed pursuant to this  
43 chapter.
- 44           3. The applicant signs a document stating that the applicant has  
45 read and understands the requirements of this chapter.

1 E. Notwithstanding subsection B, paragraph 5 of this section, an  
2 applicant for a barber license who holds a cosmetologist license or a  
3 hairstylist license issued pursuant to chapter 5 of this title shall  
4 complete a three hundred fifty-hour course of study consisting of  
5 barbering techniques in a barbering school licensed pursuant to this  
6 chapter.

7 Sec. 9. Repeal

8 Section 32-324, Arizona Revised Statutes, is repealed.

9 Sec. 10. Title 32, chapter 3, article 2, Arizona Revised Statutes,  
10 is amended by adding a new section 32-324, to read:

11 32-324. Examinations

12 A. THE BOARD OR A NATIONAL PROFESSIONAL ORGANIZATION FOR BARBERING  
13 THAT IS SELECTED BY THE BOARD SHALL ADMINISTER WRITTEN AND PRACTICAL  
14 EXAMINATIONS FOR A BARBER OR INSTRUCTOR LICENSE. THE EXAMINATIONS SHALL  
15 TEST FOR REQUISITE KNOWLEDGE AND SKILLS IN THE TECHNICAL APPLICATION OF  
16 BARBERING SERVICES. AN APPLICANT MAY TAKE AN EXAMINATION BEFORE THE  
17 APPLICANT HAS COMPLETED THE REQUIRED HOURS OF COURSE INSTRUCTION  
18 PRESCRIBED BY THIS ARTICLE, BUT THE APPLICANT MUST COMPLETE THE REQUIRED  
19 HOURS OF COURSE INSTRUCTION BEFORE LICENSURE.

20 B. THE BOARD OR A NATIONAL PROFESSIONAL ORGANIZATION FOR BARBERING  
21 SELECTED BY THE BOARD SHALL INFORM EACH APPLICANT OF THE APPLICANT'S  
22 EXAMINATION RESULTS.

23 C. THE BOARD SHALL MAKE AN ACCURATE RECORD OF EACH EXAMINATION.

24 Sec. 11. Section 32-325, Arizona Revised Statutes, is amended to  
25 read:

26 32-325. School license; application; qualifications; bond

27 A. An applicant for a license to operate a school shall file a  
28 written application on a form prescribed by the board. The application  
29 shall be under oath and accompanied by the prescribed fee.

30 B. A course of instruction in a licensed school ~~which~~ THAT teaches  
31 barbering shall consist of at least one thousand ~~five hundred~~ hours of  
32 instruction of not more than eight hours in any one working day. The  
33 course of instruction shall include:

34 1. At least ~~two hundred fifty~~ ONE HUNDRED SIXTY-SEVEN hours devoted  
35 to the study of the fundamentals of barbering, hygiene, bacteriology,  
36 histology of the hair, skin, muscles and nerves, structure of the head,  
37 face and neck, elementary chemistry relating to sterilization and  
38 antiseptics and diseases of the skin, hair and glands.

39 2. At least ~~one thousand two hundred fifty~~ EIGHT HUNDRED  
40 THIRTY-THREE hours devoted to the practice and study of massaging and  
41 manipulating muscles of the scalp, face and neck, ~~hair-cutting~~  
42 HAIRCUTTING, shaving and chemical work relating to permanent waves and  
43 hair straightening, coloring and bleaching.

44 C. A licensed school shall:



- 1 1. Be operated under the general supervision of a licensed  
2 instructor.
- 3 2. Have and maintain sufficient equipment to properly train all its  
4 students in the use, function and operation of equipment ~~which~~ THAT is at  
5 the time in use in barbering.
- 6 3. Provide:
  - 7 (a) Separate lecture rooms or classrooms.
  - 8 (b) Locker spaces for students.
  - 9 (c) An area appropriate in size for ~~the placement of~~ PLACING the  
10 training equipment.
- 11 4. Require that a student pass examinations in all phases of  
12 barbering before ~~he graduates~~ GRADUATING.
- 13 5. Pass an inspection by the board before a school license is  
14 issued.
- 15 6. Furnish to the board and maintain in force a bond in the sum of  
16 ~~twenty-five thousand dollars~~ \$25,000 THAT IS approved by the board and  
17 executed by a corporate bonding company authorized to do business in this  
18 state. The bond shall be for the benefit of and subject to the claims of  
19 ~~the~~ THIS state for failure to comply with the requirements of this chapter  
20 and conditioned that the school licensed pursuant to this chapter ~~shall~~  
21 ~~afford~~ AFFORDS to its students the full course of instruction required  
22 pursuant to this chapter, in default of which the full amount of the  
23 tuition paid by the student shall be refunded.
  - 24 D. The ~~student to instructor~~ STUDENT-TO-INSTRUCTOR ratio in a  
25 school shall be not more than twenty to one.
  - 26 E. Instructors shall not apply their time to private practice with  
27 or without compensation in a school or during school hours.
  - 28 F. Students shall not teach other students.
  - 29 G. Students shall be under the constant supervision of an  
30 instructor.
  - 31 H. A SCHOOL MAY OFFER COURSES ON BOTH COSMETOLOGY AND BARBERING IF  
32 AN INSTRUCTOR WHO IS LICENSED PURSUANT TO CHAPTER 5 OF THIS TITLE TEACHES  
33 THE COSMETOLOGY COURSES AND AN INSTRUCTOR WHO IS LICENSED PURSUANT TO THIS  
34 CHAPTER TEACHES THE BARBERING COURSES.

35 Sec. 12. Section 32-501, Arizona Revised Statutes, is amended to  
36 read:

37 32-501. Definitions

38 In this chapter, unless the context otherwise requires:

- 39 1. "Aesthetician" means a person who is licensed to practice skin  
40 care pursuant to this chapter.
- 41 2. "Aesthetics" means any one or a combination of the following  
42 practices if they are performed for cosmetic purposes:
  - 43 (a) Massaging, cleansing, stimulating, manipulating, exercising,  
44 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
45 preparations, either by hand or by mechanical or electrical appliances.

- 1 (b) Arching eyebrows or tinting eyebrows and eyelashes.  
2 (c) Removing superfluous hair by means other than electrolysis or  
3 threading.
- 4 3. "BARBERING" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-301.  
5 ~~3.~~ 4. "Board" means the ~~board of~~ BARBERING AND cosmetology BOARD.  
6 ~~4.~~ 5. "Cosmetic purposes" means for the purpose of beautifying,  
7 preserving or conferring comeliness, excluding therapeutic massage and  
8 manipulations.
- 9 ~~5.~~ 6. "Cosmetologist" means a person who is licensed to practice  
10 cosmetology pursuant to this chapter.
- 11 ~~6.~~ 7. "Cosmetology" means any one or a combination of the  
12 following practices if they are performed for cosmetic purposes:  
13 (a) Massaging, cleansing, stimulating, manipulating, exercising,  
14 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
15 preparations, either by hand or by mechanical or electrical appliances.  
16 (b) Arching eyebrows or tinting eyebrows and eyelashes.  
17 (c) Removing superfluous hair by means other than electrolysis or  
18 threading.
- 19 (d) Nail technology.  
20 (e) Hairstyling.
- 21 ~~7.~~ 8. "Electrical appliances" means devices that use electrical  
22 current and includes lasers and IPL devices as defined in section 32-516.
- 23 ~~8.~~ 9. "Hairstyling" means ~~either~~ ANY of the following:  
24 (a) Cutting, clipping or trimming hair.  
25 (b) Styling, arranging, dressing, curling, waving, permanent  
26 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,  
27 coloring or similarly treating hair.
- 28 (c) REMOVING SUPERFLUOUS HAIR FROM THE NECK UP BY MEANS OTHER THAN  
29 ELECTROLYSIS OR THREADING.
- 30 ~~9.~~ 10. "Hairstylist" means a person who is licensed to practice  
31 hairstyling pursuant to this chapter.
- 32 ~~10.~~ 11. "Instructor" means a person who is licensed to teach  
33 cosmetology, aesthetics, nail technology or hairstyling, or any  
34 combination thereof, pursuant to this chapter.
- 35 ~~11.~~ 12. "Mentor" means a cosmetologist who is approved by the  
36 board to train a person in a department of economic security-approved  
37 apprenticeship program in cosmetology in an establishment that is licensed  
38 by the board.
- 39 ~~12.~~ 13. "Nail technician" means a person who is licensed to  
40 practice nail technology pursuant to this chapter.
- 41 ~~13.~~ 14. "Nail technology" means any of the following:  
42 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or  
43 otherwise treating a person's nails.  
44 (b) Applying artificial nails.  
45 (c) Massaging and cleaning a person's hands, arms, legs and feet.

1           ~~14.~~ 15. "Salon" means any of the following:

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

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

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

16          ~~15.~~ 16. "School" means an establishment that is operated for the  
17 purpose of teaching **BARBERING**, cosmetology, aesthetics, nail technology or  
18 hairstyling, or any combination of the listed practices.

19          ~~16.~~ 17. "Threading" means a service that results in the removal of  
20 hair from its follicle from around the eyebrows and from other parts of  
21 the face with the use of a single strand of cotton thread and an  
22 over-the-counter astringent, if the service does not use chemicals of any  
23 kind, wax or any implements, instruments or tools to remove hair.

24          Sec. 13. Section 32-502, Arizona Revised Statutes, is amended to  
25 read:

26          32-502. Barbering and cosmetology board; members;  
27 appointment; qualifications; terms; removal

28          A. The **BARBERING AND COSMETOLOGY** board ~~of cosmetology~~ is  
29 established consisting of the following ~~seven~~ members who are appointed by  
30 the governor:

31           1. ~~Three members~~ **ONE COSMETOLOGIST** who ~~have been~~ **HAS** actively  
32 ~~practicing~~ **PRACTICED COSMETOLOGY** in this state for at least three years  
33 immediately preceding appointment. ~~and who are any of the following:~~

- 34           ~~(a) A cosmetologist.~~
- 35           ~~(b) A nail technician.~~
- 36           ~~(c) An instructor.~~
- 37           ~~(d) A school owner.~~

38           2. **TWO SCHOOL OWNERS WHO DO NOT OWN THE SAME SCHOOL.**

39           ~~2.~~ 3. ~~Four~~ **FIVE** public members, **PREFERABLY ONE OF WHOM IS AN**  
40 **EDUCATOR**, who are not and have never been associated with the **BARBERING**,  
41 cosmetology or nail technology industry, **WHO ARE** licensed as a **BARBER**,  
42 cosmetologist or nail technician or **WHO ARE** involved in ~~the manufacture of~~  
43 **MANUFACTURING BARBERING**, cosmetology or nail technology products.

44           4. **ONE BARBER WHO HAS ACTIVELY PRACTICED BARBERING IN THIS STATE**  
45 **FOR AT LEAST THREE YEARS.**

1 ~~B. The three members who are appointed pursuant to subsection A,~~  
2 ~~paragraph 1 of this section shall be appointed under different~~  
3 ~~subdivisions of subsection A, paragraph 1 of this section.~~

4 ~~C.~~ B. The term of office for members is three years beginning and  
5 ending June 22.

6 ~~D.~~ C. The governor may remove board members for neglect of duty,  
7 malfeasance or misfeasance.

8 Sec. 14. Section 32-503, Arizona Revised Statutes, is amended to  
9 read:

10 32-503. Officers; meetings; personnel; compensation

11 A. The board shall annually elect a chairman, ~~vice-chairman~~ VICE  
12 CHAIRMAN and secretary-treasurer from among its membership. ~~THE CHAIRMAN~~  
13 ~~MUST BE A SCHOOL OWNER.~~

14 B. The board shall hold at least one regular meeting monthly and  
15 may hold other meetings at times and places it designates.

16 C. Subject to title 41, chapter 4, article 4, the board may employ  
17 the following personnel as it deems necessary to carry out the purposes of  
18 this chapter ~~AND CHAPTER 3 OF THIS TITLE~~ and designate their duties:

19 1. An executive director.

20 2. A supervisor of examinations who is an instructor licensed  
21 pursuant to this chapter ~~OR CHAPTER 3 OF THIS TITLE~~ and ~~WHO~~ has worked at  
22 least two of the five years immediately preceding employment as an  
23 instructor in a school licensed pursuant to this chapter ~~OR CHAPTER 3 OF~~  
24 ~~THIS TITLE.~~

25 3. Examiners who are not employed as instructors in any school  
26 licensed pursuant to this chapter ~~OR CHAPTER 3 OF THIS TITLE.~~

27 4. Persons to provide investigative, professional and clerical  
28 assistance.

29 5. Consultants to assist the board in ~~the performance of~~ ~~PERFORMING~~  
30 its duties.

31 6. Other personnel.

32 D. Members of the board are eligible to receive compensation as  
33 determined pursuant to section 38-611 for each day of actual service in  
34 the business of the board. The board shall compensate its executive  
35 director and other personnel as determined pursuant to section 38-611.

36 Sec. 15. Section 32-505, Arizona Revised Statutes, is amended to  
37 read:

38 32-505. Barbering and cosmetology fund

39 A. The ~~board of~~ BARBERING AND cosmetology fund is established.  
40 Except as provided in subsection C of this section, before the end of each  
41 calendar month ~~THE BOARD SHALL DEPOSIT~~, pursuant to sections 35-146 and  
42 35-147, ~~the board shall deposit~~ ten ~~per cent~~ PERCENT of all monies from  
43 whatever source ~~which~~ THAT come into the possession of the board in the  
44 state general fund and deposit the remaining ninety ~~per cent~~ PERCENT in  
45 the ~~board of~~ BARBERING AND cosmetology fund.

1 B. Except as provided in section 32-573, subsection G, monies  
2 deposited in the ~~board of~~ BARBERING AND cosmetology fund are subject to  
3 section 35-143.01.

4 C. Monies from civil penalties received pursuant to section 32-571  
5 shall be deposited, pursuant to sections 35-146 and 35-147, in the state  
6 general fund.

7 Sec. 16. Section 32-506, Arizona Revised Statutes, is amended to  
8 read:

9 32-506. Nonapplicability of chapter

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

12 1. Medical practitioners who are licensed pursuant to this title if  
13 the practices treat physical or mental ailments or disease.

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

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

18 4. Students who are attending schools licensed pursuant to this  
19 chapter while they are on school premises during school hours OR OFF  
20 CAMPUS AT A SCHOOL-SPONSORED EVENT.

21 5. Persons employed by theatrical groups who apply makeup, oils and  
22 cosmetics.

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

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

27 8. Services performed by and for persons who are in the custody of  
28 the state department of corrections.

29 9. Persons who apply makeup, oils and cosmetics to patients in a  
30 hospital, nursing home or residential care institution with the consent of  
31 the patient and the hospital, nursing home or residential care  
32 institution.

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

38 11. Persons who provide threading.

39 12. Persons who provide tanning services by means of airbrushing,  
40 tanning beds or spray tanning.

41 13. Persons who apply makeup, including eyelash enhancements. This  
42 paragraph does not apply if a person is engaging in the practice of  
43 aesthetics or cosmetology. A person who is exempt pursuant to this  
44 paragraph shall post a sign in a conspicuous location in the person's

1 place of business notifying the public that the person's services are not  
2 regulated by the board.

3 14. Persons who dry, style, arrange, dress, curl, hot iron or  
4 shampoo and condition hair if the service does not include applying  
5 reactive chemicals to permanently straighten, curl or alter the structure  
6 of the hair and if the person takes and completes a class relating to  
7 sanitation, infection protection and law review that is provided by the  
8 board or its designee. This paragraph does not apply if a person is  
9 engaging in the practice of aesthetics or cosmetology. A person who is  
10 exempt pursuant to this paragraph shall post a sign in a conspicuous  
11 location in the person's place of business notifying the public that the  
12 person's services are not regulated by the board.

13 15. Persons who are participating in a department of economic  
14 security-approved apprenticeship program in cosmetology as described in  
15 section 32-511 while working with a mentor in an establishment that is  
16 licensed by the board.

17 16. PERSONS WHO ARE LICENSED IN ANOTHER STATE AND WHO ARE WORKING  
18 IN THIS STATE AT A CHARITABLE EVENT THAT BENEFITS A NONPROFIT  
19 ORGANIZATION.

20 17. PERSONS WHO ARE LICENSED IN ANOTHER STATE, WHO ARE IN THIS  
21 STATE FOR NOT MORE THAN TWO WEEKS AND WHO PROVIDE SERVICES FOR PERSONS WHO  
22 ARE ATTENDING AN ATHLETIC, CHARITABLE, ARTISTIC OR SOCIAL EVENT IN THIS  
23 STATE.

24 Sec. 17. Section 32-514, Arizona Revised Statutes, is amended to  
25 read:

26 32-514. Examinations

27 A. The board or a national professional organization for  
28 cosmetology THAT IS selected by the board shall administer written and  
29 practical examinations for a cosmetologist, aesthetician, nail technician,  
30 hairstylist or instructor license. The examinations shall test for  
31 requisite knowledge and skills in the technical application of cosmetology  
32 services. AN APPLICANT MAY TAKE AN EXAMINATION BEFORE THE APPLICANT HAS  
33 COMPLETED THE REQUIRED HOURS OF COURSE INSTRUCTION PRESCRIBED BY THIS  
34 ARTICLE, BUT THE APPLICANT MUST COMPLETE THE REQUIRED HOURS OF COURSE  
35 INSTRUCTION BEFORE LICENSURE.

36 B. The board or a national professional organization for  
37 cosmetology selected by the board shall inform each applicant of the  
38 APPLICANT'S examination results.

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

40 Sec. 18. Section 32-556, Arizona Revised Statutes, is amended to  
41 read:

42 32-556. Schools; programs; salon; sale of products

43 A school of any type, including a cosmetology school, ~~or otherwise,~~  
44 ~~shall not be conducted with any other business, including~~ MAY INCLUDE  
45 PROGRAMS RELATED TO A SUBJECT THAT IS SIMILAR TO COSMETOLOGY BUT MAY NOT

1 INCLUDE a salon. ~~A school of any type, including a cosmetology school or~~  
2 ~~otherwise, and another business shall be separated by walls of permanent~~  
3 ~~construction and not have doors or openings between them.~~ A cosmetology  
4 school may offer for sale cosmetology products and related articles.

5 Sec. 19. Section 32-573, Arizona Revised Statutes, is amended to  
6 read:

7 32-573. Procedure for disciplinary action; appeal

8 A. The board on its own motion may investigate any information that  
9 appears to show the existence of any of the causes set forth in section  
10 32-572. The board shall investigate the report of any person that appears  
11 to show the existence of any of the causes set forth in section 32-572. A  
12 person who reports pursuant to this section and who provides the  
13 information in good faith is not subject to liability for civil damages as  
14 a result.

15 B. If, after completing its investigation, the board finds that the  
16 evidence is not of sufficient seriousness to merit direct action against a  
17 license, it may take either of the following actions:

18 1. Dismiss if, in the opinion of the board, the evidence is without  
19 merit.

20 2. File a letter of concern if, in the opinion of the board, while  
21 there is insufficient evidence to support direct action against the  
22 license there is sufficient evidence for the board to notify the licensee  
23 that continuation of the activities that led to the information or report  
24 being made to the board may result in action against the licensee's  
25 license.

26 C. If, in the opinion of the board, it appears the information or  
27 report is or may be true, the board shall request an informal interview  
28 with the licensee concerned. The interview shall be requested by the  
29 board in writing, stating the reasons for the interview and setting a date  
30 ~~not less than~~ AT LEAST ten days ~~from~~ AFTER the date of the notice for  
31 conducting the interview.

32 D. If, after an informal interview, the board finds that the  
33 evidence warrants suspension or revocation of a license issued pursuant to  
34 this chapter, imposition of a civil penalty or public reproof or if the  
35 licensee under investigation refuses to attend the informal interview, a  
36 complaint shall be issued and formal proceedings shall be initiated. All  
37 proceedings pursuant to this subsection shall be conducted in accordance  
38 with title 41, chapter 6, article 10.

39 E. A licensee who has been notified pursuant to subsection D of  
40 this section of charges pending against the licensee shall file with the  
41 board an answer in writing to the charges not more than thirty days after  
42 the licensee receives the complaint. If the licensee fails to answer in  
43 writing within this time, it is deemed an admission by the licensee of the  
44 acts charged in the complaint and the board may take disciplinary action  
45 allowed by this chapter without a hearing.

1 F. If the board finds that the evidence is not of sufficient  
2 seriousness to merit suspension or revocation of a license issued pursuant  
3 to this chapter, imposition of a civil penalty or public reproof, ~~††~~ THE  
4 BOARD may take the following actions:

5 1. Dismiss if, in the opinion of the board, the evidence is without  
6 merit.

7 2. File a letter of concern if, in the opinion of the board, while  
8 there is insufficient evidence to support direct action against the  
9 license there is sufficient evidence for the board to notify the licensee  
10 that continuation of the activities which led to the information or report  
11 being made to the board may result in action against the licensee's  
12 license.

13 3. Impose probation requirements.

14 G. If a licensee violates this chapter or a rule adopted pursuant  
15 to this chapter, the board may assess the licensee with the board's  
16 reasonable costs and expenses, including attorney fees, incurred in  
17 conducting the investigation and administrative hearing. All monies  
18 collected pursuant to this subsection shall be deposited, pursuant to  
19 sections 35-146 and 35-147, in a separate account in the BARBERING AND  
20 COSMETOLOGY ~~board of cosmetology~~ fund established by section 32-505. The  
21 board may only use these monies to defray its expenses in connection with  
22 investigation related training and education, disciplinary investigations  
23 and all costs related to administrative hearings. Notwithstanding section  
24 35-143.01, the separate account monies may be spent without legislative  
25 appropriation.

26 H. Except as provided in section 41-1092.08, subsection H, final  
27 decisions of the board are subject to judicial review pursuant to title  
28 12, chapter 7, article 6.

29 Sec. 20. Section 32-574, Arizona Revised Statutes, is amended to  
30 read:

31 32-574. Unlawful acts; violation; classification

32 A. A person shall not:

33 1. Perform or attempt to perform cosmetology, aesthetics, nail  
34 technology or hairstyling without a license in that category issued  
35 pursuant to this chapter, or practice in a category in which the person  
36 does not hold a license.

37 2. Display a sign or in any way advertise or hold oneself out as a  
38 cosmetologist, aesthetician, nail technician or hairstylist or as being  
39 engaged in the practice or business of cosmetology, aesthetics, nail  
40 technology or hairstyling without being licensed pursuant to this chapter.

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

43 4. ~~Permit~~ ALLOW an employee or another person under the person's  
44 supervision or control to perform cosmetology, aesthetics, nail technology  
45 or hairstyling without a license issued pursuant to this chapter.



1           5. Practice or attempt to practice cosmetology, aesthetics, nail  
2 technology or hairstyling in any place other than in a salon licensed  
3 ~~pursuant to this chapter~~ BY THE BOARD unless the person is requested by a  
4 customer to go to a place other than a salon licensed pursuant to this  
5 chapter and is sent to the customer from the salon, except that a person  
6 who is licensed pursuant to this chapter may practice, without the salon's  
7 request, cosmetology, aesthetics, nail technology or hairstyling in a  
8 health care facility, hospital, residential care institution, nursing home  
9 or residence of a person requiring home care because of an illness,  
10 infirmity or disability.

11           6. Obtain or attempt to obtain a license by the use of ~~money~~ MONIES  
12 other than the prescribed fees or any other thing of value or by  
13 fraudulent misrepresentation.

14           7. Provide any service to a person having a visible disease,  
15 pediculosis or open sores suggesting a communicable disease until the  
16 person furnishes a statement signed by a physician who is licensed  
17 pursuant to chapter 13 or 17 of this title stating that the disease or  
18 condition is not in an infectious, contagious or communicable stage.

19           8. Operate a salon or school without being licensed ~~pursuant to~~  
20 ~~this chapter~~ BY THE BOARD.

21           9. Violate any provision of this chapter or any rule adopted  
22 pursuant to this chapter.

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

24           11. Use the title of "aesthetician", "cosmetologist", "nail  
25 technician" or "hairstylist" or any other title or term likely to be  
26 confused with "aesthetician", "cosmetologist", "nail technician" or  
27 "hairstylist" in any advertisement, statement or publication unless that  
28 person is licensed ~~pursuant to this chapter~~ BY THE BOARD.

29           12. Teach cosmetology, aesthetics, nail technology or hairstyling  
30 in this state unless the person is licensed as an instructor pursuant to  
31 article 3 of this chapter.

32           B. An instructor shall not render cosmetology, aesthetics, nail  
33 technology or hairstyling services in a school unless the services are  
34 directly incidental to ~~the instruction of~~ INSTRUCTING students.

35           C. A person who violates this section is guilty of a class 1  
36 misdemeanor.

37           Sec. 21. Section 41-1092, Arizona Revised Statutes, is amended to  
38 read:

39           41-1092. Definitions

40           In this article, unless the context otherwise requires:

41           1. "Administrative law judge" means an individual or an agency  
42 head, board or commission that sits as an administrative law judge, that  
43 conducts administrative hearings in a contested case or an appealable  
44 agency action and that makes decisions regarding the contested case or  
45 appealable agency action.

1           2. "Administrative law judge decision" means the findings of fact,  
2 conclusions of law and recommendations or decisions issued by an  
3 administrative law judge.

4           3. "Appealable agency action" means an action that determines the  
5 legal rights, duties or privileges of a party and that is not a contested  
6 case. Appealable agency actions do not include interim orders by  
7 self-supporting regulatory boards, rules, orders, standards or statements  
8 of policy of general application issued by an administrative agency to  
9 implement, interpret or make specific the legislation enforced or  
10 administered by it or clarifications of interpretation, nor does it mean  
11 or include rules concerning the internal management of the agency that do  
12 not affect private rights or interests. For the purposes of this  
13 paragraph, administrative hearing does not include a public hearing held  
14 for the purpose of receiving public comment on a proposed agency action.

15           4. "Director" means the director of the office of administrative  
16 hearings.

17           5. "Final administrative decision" means a decision by an agency  
18 that is subject to judicial review pursuant to title 12, chapter 7,  
19 article 6.

20           6. "Office" means the office of administrative hearings.

21           7. "Self-supporting regulatory board" means any one of the  
22 following:

23           (a) The Arizona state board of accountancy.

24           (b) The BARBERING AND COSMETOLOGY board ~~of barbers~~.

25           (c) The board of behavioral health examiners.

26           (d) The Arizona state boxing and mixed martial arts commission.

27           (e) The state board of chiropractic examiners.

28           ~~(f) The board of cosmetology.~~

29           ~~(g)~~ (f) The state board of dental examiners.

30           ~~(h)~~ (g) The state board of funeral directors and embalmers.

31           ~~(i)~~ (h) The Arizona game and fish commission.

32           ~~(j)~~ (i) The board of homeopathic and integrated medicine  
33 examiners.

34           ~~(k)~~ (j) The Arizona medical board.

35           ~~(l)~~ (k) The naturopathic physicians medical board.

36           ~~(m)~~ (l) The ARIZONA state board of nursing.

37           ~~(n)~~ (m) The board of examiners of nursing care institution  
38 administrators and ~~adult care home~~ ASSISTED LIVING FACILITY managers.

39           ~~(o)~~ (n) The board of occupational therapy examiners.

40           ~~(p)~~ (o) The state board of dispensing opticians.

41           ~~(q)~~ (p) The state board of optometry.

42           ~~(r)~~ (q) The Arizona board of osteopathic examiners in medicine and  
43 surgery.

44           ~~(s)~~ (r) The Arizona peace officer standards and training board.

45           ~~(t)~~ (s) The Arizona state board of pharmacy.

- 1       ~~(t)~~ (t) The board of physical therapy.
- 2       ~~(v)~~ (u) The state board of podiatry examiners.
- 3       ~~(w)~~ (v) The state board for private postsecondary education.
- 4       ~~(x)~~ (w) The state board of psychologist examiners.
- 5       ~~(y)~~ (x) The board of respiratory care examiners.
- 6       ~~(z)~~ (y) The state board of technical registration.
- 7       ~~(aa)~~ (z) The Arizona state veterinary medical examining board.
- 8       ~~(bb)~~ (aa) The acupuncture board of examiners.
- 9       ~~(cc)~~ (bb) The Arizona regulatory board of physician assistants.
- 10      ~~(dd)~~ (cc) The board of athletic training.
- 11      ~~(ee)~~ (dd) The board of massage therapy.

12       Sec. 22. Repeal

13       Section ~~41-3022.23~~, Arizona Revised Statutes, is repealed.

14       Sec. 23. Section 41-3024.05, Arizona Revised Statutes, is amended  
15 to read:

16       ~~41-3024.05.~~ Barbering and cosmetology board; termination  
17       July 1, 2024

18       A. The BARBERING AND COSMETOLOGY board ~~of cosmetology~~ terminates on  
19 July 1, 2024.

20       B. Title 32, ~~chapter~~ CHAPTERS 3 AND 5 ~~is~~ AND THIS SECTION ARE  
21 repealed on January 1, 2025.

22       Sec. 24. Section 44-6852, Arizona Revised Statutes, is amended to  
23 read:

24       ~~44-6852.~~ Dishonored checks; service fee

25       Notwithstanding any other law AND EXCEPT AS PROVIDED IN SECTIONS  
26 32-328 AND 32-507, the holder, payee or assignee of the holder or payee of  
27 a dishonored check, draft, order or note may charge and collect from the  
28 maker or drawer a service fee of not more than ~~twenty-five dollars~~ \$25  
29 plus any actual charges assessed by the financial institution of the  
30 holder, payee or assignee of the holder or payee as a result of the  
31 dishonored instrument.

32       Sec. 25. Transfer; effect; succession

33       A. As provided by this act, the barbering and cosmetology board  
34 succeeds to the authority, powers, duties and responsibilities of the  
35 board of barbers from and after December 31, 2021.

36       B. This act does not alter the effect of any actions that were  
37 taken or impair the valid obligations of the board of barbers in existence  
38 before January 1, 2022.

39       C. All administrative matters, contracts and judicial and  
40 quasi-judicial actions, whether completed, pending or in process, of the  
41 board of barbers on January 1, 2022 are transferred to and retain the same  
42 status with the barbering and cosmetology board.

43       D. All certificates, licenses, registrations, permits and other  
44 indicia of qualification and authority that were issued by the board of

1 barbers retain their validity for the duration of their terms of validity  
2 as provided by law.

3 E. All equipment, records, furnishings and other property and all  
4 data and investigative findings of the board of barbers are transferred to  
5 the barbering and cosmetology board from and after December 31, 2021.

6 Sec. 26. Retention of members

7 All persons serving as members of the board of barbers and the board  
8 of cosmetology on January 1, 2022 may continue to serve on the barbering  
9 and cosmetology board established by section 32-502, Arizona Revised  
10 Statutes, as amended by this act, until the expiration of their normal  
11 terms. The governor shall make all subsequent appointments as prescribed  
12 by statute.

13 Sec. 27. Barbering and cosmetology board; licensing and fees  
14 study; report; use of monies

15 A. The barbering and cosmetology board established by section  
16 32-502, Arizona Revised Statutes, as amended by this act, shall study  
17 licenses and fees that are issued and imposed by the board under title 32,  
18 chapters 3 and 5, Arizona Revised Statutes. The barbering and cosmetology  
19 board shall:

20 1. Identify what is unique to each profession that the board  
21 regulates and determine whether any licenses should be consolidated.

22 2. Study the fee structure for each profession that the board  
23 regulates and determine whether changes are needed.

24 3. Determine whether a reduction of instruction hours that are  
25 required for current licenses is necessary and how a reduction of  
26 instruction hours might affect reciprocity with other states.

27 B. On or before November 1, 2023, the barbering and cosmetology  
28 board shall submit a report of its findings and recommendations to the  
29 governor, the president of the senate and the speaker of the house of  
30 representatives and shall provide a copy of this report to the secretary  
31 of state.

32 C. Notwithstanding any other law, the board may use up to \$750,000  
33 from the barbering and cosmetology fund established by section 32-505,  
34 Arizona Revised Statutes, as amended by this act, to assist in the study  
35 and report required by this section.

36 Sec. 28. Effective date

37 This act is effective from and after December 31, 2021.