

~~barbering and cosmetology boards; consolidation~~
~~(now: consolidation; barbering and cosmetology boards)~~
(now: commerce; masks; barbering; cosmetology; licensing)

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

HOUSE BILL 2029

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, 32-510, 32-511, 32-512, 32-512.01, 32-514, 32-556, 32-573, 32-574 AND 41-1092, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-3022.23 AND 41-3024.05, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, BY ADDING SECTION 41-3026.06; AMENDING SECTION 44-6852, ARIZONA REVISED STATUTES; AMENDING SECTION 44-7951, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2021, CHAPTER 201, SECTION 1; APPROPRIATING MONIES; RELATING TO COMMERCE.

(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 report; members; terms; powers and duties;
6 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
35 15-1852. The annual report shall be submitted to the speaker of the house
36 of representatives, the president of the senate, the governor and the
37 ~~Arizona state library, archives and public records by~~ SECRETARY OF STATE
38 ON OR 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
41 terms. Appointed members of the commission shall be residents of this
42 state. Appointed members of the commission at all times during their
43 terms shall continue to be eligible for appointment under the category
44 that they were appointed to represent. Terms of appointed members of the

1 commission begin on the third Monday in January. ~~to~~ AN appointed member
2 of the 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. 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 WHO ARE**
38 **ATTENDING 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 hours of instruction as
20 described in section 32-325, subsection B, paragraph 1. The instruction
21 prescribed by this subdivision shall be completed through either:
- 22 (i) A school that is licensed pursuant to this chapter or a school
23 or program in another state that has, in the board's opinion, licensure
24 requirements that are substantially equivalent to the requirements of this
25 state.
- 26 (ii) A department of economic security-approved apprenticeship
27 program.
- 28 C. An applicant who holds a valid license to practice barbering
29 issued by another state is exempt from subsection B, paragraph 3 of this
30 section if the applicant submits both of the following to the board:
- 31 1. Proof that the applicant has one year of experience as a barber.
- 32 2. A document signed by the applicant stating that the applicant
33 has read and understands the laws prescribed by this chapter.
- 34 D. An applicant who holds a valid license or authorizing document
35 to practice barbering issued by another country and whose presence in the
36 United States is authorized under federal law is exempt from subsection B,
37 paragraph 5 of this section if all of the following apply:
- 38 1. The board determines that the applicant is proficient in
39 barbering.
- 40 2. The applicant completes at least three hundred fifty hours of
41 education at a school or program that is licensed pursuant to this
42 chapter.
- 43 3. The applicant signs a document stating that the applicant has
44 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~~ TWO HUNDRED-HOUR course ~~of study~~
5 consisting of barbering techniques in a ~~barbering~~ school licensed ~~pursuant~~
6 ~~to this chapter~~ BY THE BOARD.

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 SELECTED BY THE BOARD SHALL ADMINISTER WRITTEN AND PRACTICAL EXAMINATIONS
14 FOR A BARBER OR INSTRUCTOR LICENSE. THE EXAMINATIONS SHALL TEST FOR
15 REQUISITE KNOWLEDGE AND SKILLS IN THE TECHNICAL APPLICATION OF BARBERING
16 SERVICES. AN APPLICANT MAY TAKE AN EXAMINATION BEFORE THE APPLICANT HAS
17 COMPLETED THE REQUIRED HOURS OF COURSE INSTRUCTION PRESCRIBED BY THIS
18 ARTICLE, BUT THE APPLICANT MUST COMPLETE THE REQUIRED HOURS OF COURSE
19 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 EXAMINATION
22 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

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~~ TWO 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 hours devoted to the study of the
35 fundamentals of barbering, hygiene, bacteriology, histology of the hair,
36 skin, muscles and nerves, structure of the head, face and neck, elementary
37 chemistry relating to sterilization and antiseptics and diseases of the
38 skin, hair and glands.

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

43 C. A licensed school shall:

44 1. Be operated under the general supervision of a licensed
45 instructor.

- 1 2. Have and maintain sufficient equipment to properly train all its
2 students in the use, function and operation of equipment ~~which~~ THAT is at
3 the time in use in barbering.
- 4 3. Provide:
- 5 (a) Separate lecture rooms or classrooms.
- 6 (b) Locker spaces for students.
- 7 (c) An area appropriate in size for ~~the placement of~~ PLACING the
8 training equipment.
- 9 4. Require that a student pass examinations in all phases of
10 barbering before ~~he graduates~~ GRADUATING.
- 11 5. Pass an inspection by the board before a school license is
12 issued.
- 13 6. Furnish to the board and maintain in force a bond in the sum of
14 ~~twenty-five thousand dollars~~ \$25,000 THAT IS approved by the board and
15 executed by a corporate bonding company authorized to do business in this
16 state. The bond shall be for the benefit of and subject to the claims of
17 ~~the~~ THIS state for failure to comply with the requirements of this chapter
18 and conditioned that the school licensed pursuant to this chapter ~~shall~~
19 ~~afford~~ AFFORDS to its students the full course of instruction required
20 pursuant to this chapter, in default of which the full amount of the
21 tuition paid by the student shall be refunded.
- 22 ~~D. The student to instructor ratio in a school shall be not more~~
23 ~~than twenty to one.~~
- 24 ~~E.~~ D. Instructors shall not apply their time to private practice
25 with or without compensation in a school or during school hours.
- 26 ~~F.~~ E. Students shall not teach other students.
- 27 ~~G.~~ F. Students shall be under the constant supervision of an
28 instructor.
- 29 G. A SCHOOL MAY OFFER COURSES ON BOTH COSMETOLOGY AND BARBERING IF
30 AN INSTRUCTOR LICENSED PURSUANT TO CHAPTER 5 OF THIS TITLE TEACHES THE
31 COSMETOLOGY COURSES AND AN INSTRUCTOR LICENSED PURSUANT TO THIS CHAPTER
32 TEACHES THE BARBERING COURSES.
- 33 Sec. 12. Section 32-501, Arizona Revised Statutes, is amended to
34 read:
- 35 32-501. Definitions
- 36 In this chapter, unless the context otherwise requires:
- 37 1. "Aesthetician" means a person who is licensed to practice skin
38 care pursuant to this chapter.
- 39 2. "Aesthetics" means any one or a combination of the following
40 practices if they are performed for cosmetic purposes:
- 41 (a) Massaging, cleansing, stimulating, manipulating, exercising,
42 beautifying or applying oils, creams, antiseptics, clays, lotions or other
43 preparations, either by hand or by mechanical or electrical appliances.
- 44 (b) Arching eyebrows or tinting eyebrows and eyelashes.

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

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, ONE OF WHOM
39 OWNS A SCHOOL THAT TEACHES COSMETOLOGY AND ONE OF WHOM OWNS A SCHOOL THAT
40 TEACHES BARBERING.

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

1 4. ONE BARBER WHO HAS ACTIVELY PRACTICED BARBERING IN THIS STATE
2 FOR AT LEAST THREE YEARS.

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

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

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

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

12 32-503. Organization; meetings; personnel; compensation

13 A. The board shall annually elect a chairman, ~~vice-chairman~~ VICE
14 CHAIRMAN and secretary-treasurer from among its membership.

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

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

20 1. An executive director.

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

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 18. PERSONS WHO ARE ENROLLED IN A SCHOOL THAT IS LICENSED BY THE
25 BOARD AND WHO SHAMPOO, RINSE AND APPLY CREAM RINSE, CONDITIONERS AND
26 RECONSTRUCTORS TO HAIR, INCLUDING HAIR THAT HAS BEEN TREATED WITH COLOR OR
27 BLEACH.

28 Sec. 17. Section 32-510, Arizona Revised Statutes, is amended to
29 read:

30 32-510. Aestheticians; applications; qualifications

31 A person is entitled to receive an aesthetician's license if the
32 person:

33 1. Submits to the board an application for an aesthetician's
34 license on a form supplied by the board.

35 2. Does either of the following:

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

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

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

1 (a) That the person is a graduate of an aesthetician school in
2 another state or country that has substantially the same requirements as
3 this state for schools licensed ~~pursuant to this chapter~~ BY THE BOARD.

4 (b) That the person is a graduate of an aesthetician course
5 consisting of at least six hundred hours of training in a school licensed
6 ~~pursuant to this chapter~~ BY THE BOARD.

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

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

9 Sec. 18. Section 32-511, Arizona Revised Statutes, is amended to
10 read:

11 32-511. Cosmetologists; applications; qualifications

12 A person is entitled to receive a cosmetologist license if the
13 person DOES ALL OF THE FOLLOWING:

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

16 2. Does either of the following:

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

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

23 3. Submits to the board satisfactory evidence of any of the
24 following:

25 (a) That the person is a graduate of a cosmetology course
26 consisting of at least ~~sixteen~~ ONE THOUSAND FIVE hundred hours of training
27 in a school licensed ~~pursuant to this chapter~~ BY THE BOARD.

28 (b) That the person is a graduate of a cosmetology school in
29 another state or country that had at the time of the person's graduation
30 substantially the same requirements as this state for schools licensed
31 ~~pursuant to this chapter~~ BY THE BOARD.

32 (c) That the person completed a United States department of
33 labor-approved or a department of economic security-approved
34 apprenticeship program in cosmetology that includes at least two hundred
35 fifty hours of infection protection and law review instruction. The
36 person shall complete the instruction prescribed by this subdivision
37 through either:

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

42 (ii) A department of economic security-approved apprenticeship
43 program.

44 4. Passes the examination for a cosmetologist license.

45 5. Pays the prescribed fees.

1 Sec. 19. Section 32-512, Arizona Revised Statutes, is amended to
2 read:

3 32-512. Nail technicians; applications; qualifications

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

6 1. Submits to the board an application for a nail technician
7 license 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 of the
16 following:

17 (a) That the person graduated from a nail technology school in
18 another state or country that had at the time of the person's graduation
19 substantially the same requirements as this state for schools licensed
20 ~~pursuant to this chapter~~ BY THE BOARD.

21 (b) That the person completed a nail technician course consisting
22 of at least six hundred hours of training in a school licensed ~~pursuant to~~
23 ~~this chapter~~ BY THE BOARD.

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

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

26 Sec. 20. Section 32-512.01, Arizona Revised Statutes, is amended to
27 read:

28 32-512.01. Hairstylists; applications; qualifications

29 A person is entitled to receive a license to practice hairstyling if
30 the person does all of the following:

31 1. Submits to the board an application for a hairstylist license on
32 a form supplied by the board.

33 2. Either:

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

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

40 3. Submits to the board satisfactory evidence that the person
41 either:

42 (a) Graduated from a hairstyling school in another state or country
43 that had at the time of the person's graduation substantially the same
44 requirements as this state for schools licensed ~~pursuant to this chapter~~
45 BY THE BOARD.

1 (b) Completed a hairstylist course consisting of at least one
2 thousand hours of training in a school licensed ~~pursuant to this chapter~~
3 **BY THE BOARD.**

4 4. Pays the prescribed fees for a hairstylist license.

5 5. Passes the examination for a hairstylist license.

6 Sec. 21. Section 32-514, Arizona Revised Statutes, is amended to
7 read:

8 32-514. Examinations

9 A. The board or a national professional organization for
10 cosmetology selected by the board shall administer written and practical
11 examinations for a cosmetologist, aesthetician, nail technician,
12 hairstylist or instructor license. The examinations shall test for
13 requisite knowledge and skills in the technical application of cosmetology
14 services. **AN APPLICANT MAY TAKE AN EXAMINATION BEFORE THE APPLICANT HAS**
15 **COMPLETED THE REQUIRED HOURS OF COURSE INSTRUCTION PRESCRIBED BY THIS**
16 **ARTICLE, BUT THE APPLICANT MUST COMPLETE THE REQUIRED HOURS OF COURSE**
17 **INSTRUCTION BEFORE LICENSURE.**

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

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

22 Sec. 22. Section 32-556, Arizona Revised Statutes, is amended to
23 read:

24 32-556. Separation of schools from other businesses

25 A school of any type, including a cosmetology school, ~~or otherwise,~~
26 ~~shall not be conducted with any other business, including~~ **MAY INCLUDE**
27 **PROGRAMS RELATED TO A SUBJECT THAT IS SIMILAR TO COSMETOLOGY BUT MAY NOT**
28 **INCLUDE** a salon. ~~A school of any type, including a cosmetology school or~~
29 ~~otherwise, and another business shall be separated by walls of permanent~~
30 ~~construction and not have doors or openings between them.~~ A cosmetology
31 school may offer for sale cosmetology products and related articles.

32 Sec. 23. Section 32-573, Arizona Revised Statutes, is amended to
33 read:

34 32-573. Procedure for disciplinary action; appeal

35 A. The board on its own motion may investigate any information that
36 appears to show the existence of any of the causes set forth in section
37 32-572. The board shall investigate the report of any person that appears
38 to show the existence of any of the causes set forth in section 32-572. A
39 person who reports pursuant to this section and who provides the
40 information in good faith is not subject to liability for civil damages as
41 a result.

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

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

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

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

15 D. If, after an informal interview, the board finds that the
16 evidence warrants suspension or revocation of a license issued pursuant to
17 this chapter, imposition of a civil penalty or public reproof or if the
18 licensee under investigation refuses to attend the informal interview, a
19 complaint shall be issued and formal proceedings shall be initiated. All
20 proceedings pursuant to this subsection shall be conducted in accordance
21 with title 41, chapter 6, article 10.

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

29 F. If the board finds that the evidence is not of sufficient
30 seriousness to merit suspension or revocation of a license issued pursuant
31 to this chapter, imposition of a civil penalty or public reproof, ~~it~~ THE
32 BOARD may take the following actions:

33 1. Dismiss if, in the opinion of the board, the evidence is without
34 merit.

35 2. File a letter of concern if, in the opinion of the board, while
36 there is insufficient evidence to support direct action against the
37 license there is sufficient evidence for the board to notify the licensee
38 that continuation of the activities which led to the information or report
39 being made to the board may result in action against the licensee's
40 license.

41 3. Impose probation requirements.

42 G. If a licensee violates this chapter or a rule adopted pursuant
43 to this chapter, the board may assess the licensee with the board's
44 reasonable costs and expenses, including attorney fees, incurred in
45 conducting the investigation and administrative hearing. All monies

1 collected pursuant to this subsection shall be deposited, pursuant to
2 sections 35-146 and 35-147, in a separate account in the ~~board of~~
3 ~~cosmetology~~ BARBERING AND COSMETOLOGY fund established by section 32-505.
4 The board may only use these monies to defray its expenses in connection
5 with investigation related training and education, disciplinary
6 investigations and all costs related to administrative hearings.
7 Notwithstanding section 35-143.01 the separate account monies may be spent
8 without legislative appropriation.

9 H. Except as provided in section 41-1092.08, subsection H, final
10 decisions of the board are subject to judicial review pursuant to title
11 12, chapter 7, article 6.

12 Sec. 24. Section 32-574, Arizona Revised Statutes, is amended to
13 read:

14 32-574. Unlawful acts; violation; classification

15 A. A person shall not:

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

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

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

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

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

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

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

1 pursuant to chapter 13 or 17 of this title stating that the disease or
2 condition is not in an infectious, contagious or communicable stage.

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

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

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

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

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

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

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

21 Sec. 25. Section 41-1092, Arizona Revised Statutes, is amended to
22 read:

23 41-1092. Definitions

24 In this article, unless the context otherwise requires:

25 1. "Administrative law judge" means an individual or an agency
26 head, board or commission that sits as an administrative law judge, that
27 conducts administrative hearings in a contested case or an appealable
28 agency action and that makes decisions regarding the contested case or
29 appealable agency action.

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

33 3. "Appealable agency action" means an action that determines the
34 legal rights, duties or privileges of a party and that is not a contested
35 case. Appealable agency actions do not include interim orders by
36 self-supporting regulatory boards, rules, orders, standards or statements
37 of policy of general application issued by an administrative agency to
38 implement, interpret or make specific the legislation enforced or
39 administered by it or clarifications of interpretation, nor does it mean
40 or include rules concerning the internal management of the agency that do
41 not affect private rights or interests. For the purposes of this
42 paragraph, administrative hearing does not include a public hearing held
43 for the purpose of receiving public comment on a proposed agency action.

44 4. "Director" means the director of the office of administrative
45 hearings.

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

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

5 7. "Self-supporting regulatory board" means any one of the
6 following:

7 (a) The Arizona state board of accountancy.

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

9 (c) The board of behavioral health examiners.

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

11 (e) The state board of chiropractic examiners.

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

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

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

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

16 ~~(j)~~ (i) The board of homeopathic and integrated medicine
17 examiners.

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

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

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

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

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

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

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

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

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

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

30 ~~(u)~~ (t) The board of physical therapy.

31 ~~(v)~~ (u) The state board of podiatry examiners.

32 ~~(w)~~ (v) The state board for private postsecondary education.

33 ~~(x)~~ (w) The state board of psychologist examiners.

34 ~~(y)~~ (x) The board of respiratory care examiners.

35 ~~(z)~~ (y) The state board of technical registration.

36 ~~(aa)~~ (z) The Arizona state veterinary medical examining board.

37 ~~(bb)~~ (aa) The acupuncture board of examiners.

38 ~~(cc)~~ (bb) The Arizona regulatory board of physician assistants.

39 ~~(dd)~~ (cc) The board of athletic training.

40 ~~(ee)~~ (dd) The board of massage therapy.

41 Sec. 26. Repeal

42 Sections **41-3022.23** and **41-3024.05**, Arizona Revised Statutes, are
43 repealed.

1 Sec. 27. Title 41, chapter 27, article 2, Arizona Revised Statutes,
2 is amended by adding section 41-3026.06, to read:

3 41-3026.06. Barbering and cosmetology board; termination
4 July 1, 2026

5 A. THE BARBERING AND COSMETOLOGY BOARD TERMINATES ON JULY 1, 2026.

6 B. TITLE 32, CHAPTERS 3 AND 5 AND THIS SECTION ARE REPEALED ON
7 JANUARY 1, 2027.

8 Sec. 28. Section 44-6852, Arizona Revised Statutes, is amended to
9 read:

10 44-6852. Dishonored checks; service fee

11 Notwithstanding any other law AND EXCEPT AS PROVIDED IN SECTIONS
12 32-328 AND 32-507, the holder, payee or assignee of the holder or payee of
13 a dishonored check, draft, order or note may charge and collect from the
14 maker or drawer a service fee of not more than ~~twenty-five dollars~~ \$25
15 plus any actual charges assessed by the financial institution of the
16 holder, payee or assignee of the holder or payee as a result of the
17 dishonored instrument.

18 Sec. 29. Section 44-7951, Arizona Revised Statutes, as added by
19 Laws 2021, chapter 201, section 1, is amended to read:

20 44-7951. Businesses exempt from mask mandate

21 Notwithstanding any other law, a business in this state is not
22 required to enforce on its ~~premises~~ PATRONS a mask mandate that is
23 established by this state, a city, town or county or any other
24 jurisdiction of this state.

25 Sec. 30. Transfer; effect; succession

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

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

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

36 D. All certificates, licenses, registrations, permits and other
37 indicia of qualification and authority that were issued by the board of
38 barbers retain their validity for the duration of their terms of validity
39 as provided by law.

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

43 Sec. 31. Retention of members

44 All persons serving as members of the board of barbers and the board
45 of cosmetology on January 1, 2022 may continue to serve on the barbering

1 and cosmetology board established by section 32-502, Arizona Revised
2 Statutes, as amended by this act, until the expiration of their normal
3 terms. The governor shall make all subsequent appointments as prescribed
4 by statute.

5 Sec. 32. Barbering and cosmetology board; licensing and fees
6 study; report

7 A. The barbering and cosmetology board established by section
8 32-502, Arizona Revised Statutes, as amended by this act, shall study
9 licenses and fees that are issued and imposed by the board under title 32,
10 chapters 3 and 5, Arizona Revised Statutes. The barbering and cosmetology
11 board shall:

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

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

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

19 B. The barbering and cosmetology board shall submit a report of its
20 findings and recommendations to the governor, the president of the senate
21 and the speaker of the house of representatives on or before November 1,
22 2023 and shall provide a copy of this report to the secretary of state.

23 Sec. 33. Purpose

24 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
25 the legislature consolidates the board of barbers and the board of
26 cosmetology into the barbering and cosmetology board to ensure that the
27 public is protected from the incompetent practice of barbering and
28 cosmetology by establishing minimum qualifications for entry into these
29 professions and swift and effective discipline for those practitioners who
30 violate barbering or cosmetology statutes or rules adopted pursuant to
31 those statutes.

32 Sec. 34. Effective date

33 Except for section 44-7951, Arizona Revised Statutes, as added by
34 Laws 2021, chapter 201, section 1 and amended by this act, this act is
35 effective from and after December 31, 2021.