

REFERENCE TITLE: eyelash technicians; registration..

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2550

Introduced by
Representative Wilmeth

AN ACT

AMENDING SECTIONS 32-501, 32-504, 32-506 AND 32-507, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-519; AMENDING SECTIONS 32-571, 32-572, 32-573 AND 32-574, ARIZONA REVISED STATUTES; RELATING TO THE BARBERING AND COSMETOLOGY BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-501, Arizona Revised Statutes, is amended to
3 read:
4 32-501. Definitions
5 In this chapter, unless the context otherwise requires:
6 1. "Aesthetician":
7 (a) Means a person who is licensed to practice skin care pursuant
8 to this chapter.
9 (b) DOES NOT INCLUDE AN EYELASH TECHNICIAN.
10 2. "Aesthetics" means any one or a combination of the following
11 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 3. "Barbering" has the same meaning prescribed in section 32-301.
19 4. "Board" means the barbering and cosmetology board.
20 5. "Cosmetic purposes" means for the purpose of beautifying,
21 preserving or conferring comeliness, excluding therapeutic massage and
22 manipulations.
23 6. "Cosmetologist" means a person who is licensed to practice
24 cosmetology pursuant to this chapter.
25 7. "Cosmetology":
26 (a) Means any one or a combination of the following practices if
27 they are performed for cosmetic purposes:
28 ~~(a)~~ (i) Massaging, cleansing, stimulating, manipulating,
29 exercising, beautifying or applying oils, creams, antiseptics, clays,
30 lotions or other preparations, either by hand or by mechanical or
31 electrical appliances.
32 ~~(b)~~ (ii) Arching eyebrows or tinting eyebrows and eyelashes.
33 ~~(c)~~ (iii) Removing superfluous hair by means other than
34 electrolysis or threading.
35 ~~(d)~~ (iv) Nail technology.
36 ~~(e)~~ (v) Hairstyling.
37 (b) DOES NOT INCLUDE PERFORMING PERSONAL SERVICES RELATED TO
38 EYELASH EXTENSIONS.
39 8. "Electrical appliances" means devices that use electrical
40 current and includes lasers and IPL devices as defined in section 32-516.
41 9. "EYELASH EXTENSIONS":
42 (a) MEANS APPLYING, REMOVING AND TRIMMING THREADLIKE NATURAL OR
43 SYNTHETIC FIBERS TO AN EYELASH.
44 (b) INCLUDES CLEANSING THE EYE AREA AND LASHES.

1 (c) DOES NOT INCLUDE APPLYING EYELASH ENHANCEMENTS THAT ARE
2 TATTOOS, COLOR AGENTS, STRAIGHTENING AGENTS, PERMANENT WAVE SOLUTIONS OR
3 BLEACHING AGENTS TO THE EYEBROW OR ANY OTHER COSMETOLOGY SERVICE.

4 10. "EYELASH TECHNICIAN" MEANS A PERSON WHO IS NOT LICENSED AS A
5 COSMETOLOGIST OR AESTHETICIAN AND WHO FOR COMPENSATION PERFORMS PERSONAL
6 SERVICES LIMITED TO EYELASH EXTENSIONS.

7 ~~9.~~ 11. "Hairstyling" means any of the following:

8 (a) Cutting, clipping or trimming hair.

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

12 (c) Removing superfluous hair from the neck up by means other than
13 electrolysis or threading.

14 ~~10.~~ 12. "Hairstylist" means a person who is licensed to practice
15 hairstyling pursuant to this chapter.

16 ~~11.~~ 13. "Instructor" means a person who is licensed to teach
17 cosmetology, aesthetics, nail technology or hairstyling, or any
18 combination thereof, pursuant to this chapter.

19 ~~12.~~ 14. "Mentor" means a cosmetologist who is approved by the
20 board to train a person in a department of economic security-approved
21 apprenticeship program in cosmetology in an establishment that is licensed
22 by the board.

23 ~~13.~~ 15. "Nail technician" means a person who is licensed to
24 practice nail technology pursuant to this chapter.

25 ~~14.~~ 16. "Nail technology" means any of the following:

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

28 (b) Applying artificial nails.

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

30 ~~15.~~ 17. "Salon" means any of the following:

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

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

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

1 ~~16.~~ 18. "School" means an establishment that is operated for the
2 purpose of teaching barbering, cosmetology, aesthetics, nail technology or
3 hairstyling, or any combination of the listed practices.

4 ~~17.~~ 19. "Threading" means a service that results in the removal of
5 hair from its follicle from around the eyebrows and from other parts of
6 the face with the use of a single strand of cotton thread and an
7 over-the-counter astringent, if the service does not use chemicals of any
8 kind, wax or any implements, instruments or tools to remove hair.

9 Sec. 2. Section 32-504, Arizona Revised Statutes, is amended to
10 read:

11 32-504. Powers and duties

12 A. The board shall:

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

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

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

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

26 5. Evidence its official acts by the signature of the chairman or
27 ~~vice-chairman~~ VICE CHAIRMAN of the board or a representative designated by
28 the board.

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

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

34 8. Prescribe minimum school curriculum requirements for
35 cosmetologists, aestheticians, nail technicians, hairstylists and
36 instructors.

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

39 10. Approve a cosmetologist as a mentor based on the
40 cosmetologist's record of compliance with this chapter. The board may not
41 condition the approval on the cosmetologist's payment of an additional fee
42 or completion of an additional requirement.

43 B. The board may:

44 1. Inspect the premises of any salon or school during business
45 hours.

1 2. Delegate authority to its executive director to issue licenses
2 **AND REGISTRATIONS** to applicants who meet the requirements of this chapter.

3 Sec. 3. Section 32-506, Arizona Revised Statutes, is amended to
4 read:

5 32-506. Nonapplicability of chapter

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

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

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

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

14 4. Students who are attending schools licensed ~~pursuant to this~~
15 ~~chapter~~ **BY THE BOARD** while they are on school premises during school hours
16 or off campus at a school-sponsored event.

17 5. Persons employed by theatrical groups who apply makeup, oils and
18 cosmetics.

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

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

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

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

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

34 11. Persons who provide threading.

35 12. Persons who provide tanning services by means of airbrushing,
36 tanning beds or spray tanning.

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

43 14. Persons who dry, style, arrange, dress, curl, hot iron or
44 shampoo and condition hair if the service does not include applying
45 reactive chemicals to permanently straighten, curl or alter the structure

1 of the hair and if the person takes and completes a class relating to
2 sanitation, infection protection and law review that is provided by the
3 board or its designee. This paragraph does not apply if a person is
4 engaging in the practice of aesthetics or cosmetology. A person who is
5 exempt pursuant to this paragraph shall post a sign in a conspicuous
6 location in the person's place of business notifying the public that the
7 person's services are not regulated by the board.

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

12 16. Persons who are licensed in another state and who are working
13 in this state at a charitable event that benefits a nonprofit
14 organization.

15 17. Persons who are licensed in another state, who are in this
16 state for not more than two weeks and who provide services for persons who
17 are attending an athletic, charitable, artistic or social event in this
18 state.

19 18. Persons who are enrolled in a school that is licensed by the
20 board and who shampoo, rinse and apply cream rinse, conditioners and
21 reconstructors to hair, including hair that has been treated with color or
22 bleach.

23 Sec. 4. Section 32-507, Arizona Revised Statutes, is amended to
24 read:

25 32-507. Fees

26 A. The board shall establish and collect fees not to exceed the
27 following:

- 28 1. Written examination, ~~one hundred dollars~~ \$100.
- 29 2. Practical examination, ~~one hundred dollars~~ \$100.
- 30 3. Application for initial personal license, a ~~one-time~~ ONETIME fee
31 of ~~eighty-three dollars~~ \$83.
- 32 4. Application for personal reciprocity license, a ~~one-time~~ ONETIME
33 fee of ~~one hundred fifty dollars~~ \$150.
- 34 5. Application for salon license, ~~one hundred twelve dollars~~ \$112.
- 35 6. Application for school license, ~~six hundred dollars~~ \$600.
- 36 7. Application for certification of licensure or hours, ~~thirty~~
37 ~~dollars~~ \$30.
- 38 8. Personal license renewal, ~~seventy-six dollars~~ \$76 to be paid
39 once every two years pursuant to section 32-517 or 32-535.
- 40 9. Personal license delinquent renewal, ~~sixty dollars~~ \$60.
- 41 10. Salon license renewal, ~~fifty dollars~~ \$50.
- 42 11. Salon license delinquent renewal, ~~eighty dollars~~ \$80.
- 43 12. School license renewal, ~~five hundred dollars~~ \$500.
- 44 13. School license delinquent renewal, ~~six hundred dollars~~ \$600.

- 1 14. Delinquent penalties for each year or portion of a year for
2 which the license was inactive.
- 3 15. Computer printouts of names of licensees, ~~twenty-five cents~~
4 ~~\$.25~~ per name.
- 5 16. Duplicate license, ~~thirty dollars~~ \$30.
- 6 17. Dishonored checks, ~~twenty dollars~~ \$20.
- 7 18. Copying charges, ~~one dollar~~ \$1 per page. For audiotapes,
8 videotapes, computer discs or other mediums used for recording sounds,
9 images or information, ~~fifteen dollars~~ \$15 per tape, disc or other medium.
- 10 19. Board-administered educational classes, ~~one hundred dollars~~
11 ~~\$100~~.
- 12 20. Review of examination, ~~fifty dollars~~ \$50.
- 13 21. Regrading of examinations, ~~twenty-five dollars~~ \$25.
- 14 22. Service charges for persons who pay with alternative payment
15 methods, including credit cards, charge cards, debit cards and electronic
16 transfers, not to exceed the cost of the alternative payment method.
- 17 23. EYELASH TECHNICIAN REGISTRATION, AN AMOUNT TO BE DETERMINED BY
18 THE BOARD.
- 19 24. EYELASH TECHNICIAN REGISTRATION RENEWAL, AN AMOUNT TO BE
20 DETERMINED BY THE BOARD.
- 21 25. EYELASH TECHNICIAN REGISTRATION DELINQUENT RENEWAL, AN AMOUNT
22 TO BE DETERMINED BY THE BOARD.
- 23 B. The board may charge additional fees for:
- 24 1. Documents and publications provided by the board.
- 25 2. Services that the board deems appropriate to carry out its
26 intent and purpose. These additional fees shall not exceed the costs of
27 rendering the services.
- 28 C. The board shall only issue a duplicate license on receipt of a
29 written request that states the reason for the request for a duplicate
30 license.
- 31 Sec. 5. Heading change
- 32 The article heading of title 32, chapter 2, article 2, Arizona
33 Revised Statutes, is changed from "COSMETOLOGISTS, AESTHETICIANS, NAIL
34 TECHNICIANS AND HAIRSTYLISTS" to "COSMETOLOGISTS, AESTHETICIANS, NAIL
35 TECHNICIANS, HAIRSTYLISTS AND EYELASH TECHNICIANS".
- 36 Sec. 6. Title 32, chapter 5, article 2, Arizona Revised Statutes,
37 is amended by adding section 32-519, to read:
- 38 32-519. Eyelash technicians; registration; renewal; registry
- 39 A. AN EYELASH TECHNICIAN MUST BE REGISTERED BY THE BOARD. A PERSON
40 IS ENTITLED TO RECEIVE AN EYELASH TECHNICIAN REGISTRATION IF THE PERSON
41 DOES ALL OF THE FOLLOWING:
- 42 1. SUBMITS TO THE BOARD AN APPLICATION FOR AN EYELASH TECHNICIAN
43 REGISTRATION ON A FORM SUPPLIED BY THE BOARD.

1 2. EITHER:
2 (a) COMPLETES AND RECEIVES APPROPRIATE CREDITS FOR AT LEAST TWO
3 YEARS OF HIGH SCHOOL EDUCATION OR ITS EQUIVALENT AS PRESCRIBED BY THE
4 BOARD IN ITS RULES AND SUBMITS SATISFACTORY EVIDENCE THAT THE PERSON IS AT
5 LEAST SIXTEEN YEARS OF AGE.

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

8 3. SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON
9 SUCCESSFULLY COMPLETED AT LEAST THIRTY HOURS OF TRAINING THROUGH A
10 BOARD-APPROVED TRAINING PROGRAM. THE BOARD-APPROVED TRAINING PROGRAM
11 SHALL PROVIDE A PROVISIONAL REGISTRATION TO THE PERSON VERIFYING THE
12 SUCCESSFUL COMPLETION OF THE TRAINING.

13 4. PAYS THE PRESCRIBED FEES.

14 B. EXCEPT AS PROVIDED IN SECTION 32-4301, AN EYELASH TECHNICIAN
15 SHALL RENEW THE PERSON'S REGISTRATION ON OR BEFORE THE PERSON'S BIRTHDAY
16 ONCE EVERY TWO YEARS. AN EYELASH TECHNICIAN SHALL SUBMIT AN APPLICATION
17 FOR RENEWAL ACCOMPANIED BY THE PRESCRIBED RENEWAL FEE TO RENEW THE
18 PERSON'S REGISTRATION. AN EYELASH TECHNICIAN WHO FAILS TO RENEW THE
19 PERSON'S REGISTRATION ON OR BEFORE THE PERSON'S BIRTHDAY SHALL ALSO PAY
20 THE PRESCRIBED DELINQUENT RENEWAL PENALTY TO RENEW THE REGISTRATION.

21 C. THE BOARD SHALL MAINTAIN A CURRENT REGISTER OF REGISTERED
22 EYELASH TECHNICIANS WHO ARE IN GOOD STANDING WITH THE BOARD.

23 Sec. 7. Section 32-571, Arizona Revised Statutes, is amended to
24 read:

25 32-571. Disciplinary action

26 The board may take any one or a combination of the following
27 disciplinary actions:

- 28 1. Revoke a license OR REGISTRATION.
- 29 2. Suspend a license OR REGISTRATION.
- 30 3. Impose a civil penalty in an amount OF not ~~to exceed two~~
31 ~~thousand dollars~~ MORE THAN \$2,000.
- 32 4. Impose probation requirements best adapted to protect the public
33 safety, health and welfare, including requirements for restitution
34 payments to patrons.
- 35 5. Publicly reprove a licensee OR REGISTRANT.
- 36 6. Issue a letter of concern.

37 Sec. 8. Section 32-572, Arizona Revised Statutes, is amended to
38 read:

39 32-572. Grounds for disciplinary action or refusal to issue
40 or renew license or registration; definition

41 A. The board may take disciplinary action or refuse to issue or
42 renew a license OR REGISTRATION for any of the following causes:

- 43 1. Continued performance of cosmetology, aesthetics, nail
44 technology, ~~or~~ hairstyling OR EYELASH EXTENSION services by a person
45 knowingly having an infectious or communicable disease.

- 1 2. Conviction of a crime.
- 2 3. Commission of an act involving dishonesty, fraud or deceit with
3 the intent to substantially benefit oneself or another or substantially
4 injure another.
- 5 4. Malpractice or incompetency.
- 6 5. Knowingly advertising by means of false, misleading, deceptive
7 or fraudulent statements through communication media.
- 8 6. Violating ~~any provision of~~ this chapter or any rule adopted
9 pursuant to this chapter.
- 10 7. Making oral or written false statements to the board.
- 11 8. Repeated failure to correct infractions of safety and sanitary
12 requirements prescribed by the board in its rules.
- 13 9. Failing to comply with an order of the board.
- 14 B. A conviction of a crime or act shall not be a cause of refusal
15 to issue or renew a license OR REGISTRATION unless the crime or act is
16 substantially related to the qualifications, functions or duties of the
17 license OR REGISTRATION for which application is made.
- 18 C. The expiration, cancellation, suspension or revocation of a
19 license OR REGISTRATION or a licensee's OR REGISTRANT'S voluntary
20 surrender of a license OR REGISTRATION does not deprive the board of
21 jurisdiction to do any of the following:
- 22 1. Proceed with an investigation of a licensee OR REGISTRANT.
- 23 2. Proceed with an action or disciplinary proceeding against a
24 licensee OR REGISTRANT.
- 25 3. Suspend or revoke a license OR REGISTRATION.
- 26 4. Deny the renewal or right of renewal of a license OR
27 REGISTRATION.
- 28 D. For the purposes of this section, "conviction" means a plea or
29 verdict of guilty or a conviction following a plea of no contest.
- 30 Sec. 9. Section 32-573, Arizona Revised Statutes, is amended to
31 read:
- 32 32-573. Procedure for disciplinary action: appeal
- 33 A. The board on its own motion may investigate any information that
34 appears to show the existence of any of the causes set forth in section
35 32-572. The board shall investigate the report of any person that appears
36 to show the existence of any of the causes set forth in section 32-572. A
37 person who reports pursuant to this section and who provides the
38 information in good faith is not subject to liability for civil damages as
39 a result.
- 40 B. If, after completing its investigation, the board finds that the
41 evidence is not of sufficient seriousness to merit direct action against a
42 license OR REGISTRATION, it may take either of the following actions:
- 43 1. Dismiss if, in the opinion of the board, the evidence is without
44 merit.

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

7 C. If, in the opinion of the board, it appears the information or
8 report is or may be true, the board shall request an informal interview
9 with the licensee OR REGISTRANT concerned. The interview shall be
10 requested by the board in writing, stating the reasons for the interview
11 and setting a date at least ten days after the date of the notice for
12 conducting the interview.

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

21 E. A licensee OR REGISTRANT who has been notified pursuant to
22 subsection D of this section of charges pending against the licensee OR
23 REGISTRANT shall file with the board an answer in writing to the charges
24 not more than thirty days after the licensee OR REGISTRANT receives the
25 complaint. If the licensee OR REGISTRANT fails to answer in writing
26 within this time, it is deemed an admission by the licensee OR REGISTRANT
27 of the acts charged in the complaint and the board may take disciplinary
28 action 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 OR REGISTRATION
31 issued pursuant to this chapter, imposition of a civil penalty or public
32 reproof, the 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 OR REGISTRATION there is sufficient evidence for the board to
38 notify the licensee OR REGISTRANT that continuation of the activities
39 which led to the information or report being made to the board may result
40 in action against the licensee's license OR REGISTRANT'S REGISTRATION.

41 3. Impose probation requirements.

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

1 hearing. All monies collected pursuant to this subsection shall be
2 deposited, pursuant to sections 35-146 and 35-147, in a separate account
3 in the barbering and cosmetology fund established by section 32-505. The
4 board may only use these monies to defray its expenses in connection with
5 investigation related training and education, disciplinary investigations
6 and all costs related to administrative hearings. Notwithstanding section
7 35-143.01 the separate account monies may be spent without legislative
8 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. 10. 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, ✖ hairstyling OR PERSONAL SERVICES RELATED TO EYELASH
18 EXTENSIONS without a license OR REGISTRATION in that category issued
19 pursuant to this chapter, or practice in a category in which the person
20 does not hold a license OR REGISTRATION.

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

26 3. Knowingly make a false statement on an application for a license
27 OR REGISTRATION pursuant to this chapter.

28 4. Allow an employee or another person under the person's
29 supervision or control to perform cosmetology, aesthetics, nail
30 technology, ✖ hairstyling OR PERSONAL SERVICES RELATED TO EYELASH
31 EXTENSIONS without a license issued pursuant to this chapter.

32 5. Practice or attempt to practice cosmetology, aesthetics, nail
33 technology, ✖ hairstyling OR PERSONAL SERVICES RELATED TO EYELASH
34 EXTENSIONS in any place other than in a salon licensed by the board unless
35 the person is requested by a customer to go to a place other than a salon
36 licensed pursuant to this chapter and is sent to the customer from the
37 salon, except that a person who is licensed OR REGISTERED pursuant to this
38 chapter may practice, without the salon's request, cosmetology,
39 aesthetics, nail technology, ✖ hairstyling OR PERSONAL SERVICES RELATED
40 TO EYELASH EXTENSIONS in a health care facility, hospital, residential
41 care institution, nursing home or residence of a person requiring home
42 care because of an illness, infirmity or disability.

43 6. Obtain or attempt to obtain a license OR REGISTRATION by the use
44 of monies other than the prescribed fees or any other thing of value or by
45 fraudulent misrepresentation.

- 1 7. Provide any service to a person having a visible disease,
2 pediculosis or open sores suggesting a communicable disease until the
3 person furnishes a statement signed by a physician who is licensed
4 pursuant to chapter 13 or 17 of this title stating that the disease or
5 condition is not in an infectious, contagious or communicable stage.
- 6 8. Operate a salon or school without being licensed by the board.
- 7 9. Violate ~~any provision of~~ this chapter or any rule adopted
8 pursuant to this chapter.
- 9 10. Ignore or fail to comply with a board subpoena.
- 10 11. Use the title of "aesthetician", "cosmetologist", "nail
11 technician" or "hairstylist" or any other title or term likely to be
12 confused with "aesthetician", "cosmetologist", "nail technician", ~~or~~
13 "hairstylist" **OR "EYELASH TECHNICIAN"** in any advertisement, statement or
14 publication unless that person is licensed **OR REGISTERED** by the board.
- 15 12. Teach cosmetology, aesthetics, nail technology or hairstyling
16 in this state unless the person is licensed as an instructor pursuant to
17 article 3 of this chapter.
- 18 B. An instructor shall not render cosmetology, aesthetics, nail
19 technology or hairstyling services in a school unless the services are
20 directly incidental to instructing students.
- 21 C. A person who violates this section is guilty of a class 1
22 misdemeanor.