

~~technical correction; conservation easements; applicability~~
(now: barbering; cosmetology; conforming legislation)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2168

AN ACT

AMENDING SECTION 11-811, ARIZONA REVISED STATUTES; REPEALING TITLE 32, CHAPTER 3, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-501, 32-503, 32-504, 32-506 AND 32-507, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-512.02; AMENDING SECTIONS 32-513, 32-514, 32-516, 32-517, 32-518, 32-531, 32-532, 32-536, 32-537, 32-541, 32-542, 32-543, 32-544, 32-545, 32-551, 32-556, 32-557, 32-560, 32-572, 32-574, 32-3021, 32-3234, 41-3026.06 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 11-811, Arizona Revised Statutes, is amended to
3 read:
4 11-811. Zoning ordinance; zoning districts; definitions
5 A. Pursuant to this article, the board of supervisors may adopt a
6 zoning ordinance in order to conserve and promote the public health,
7 safety, convenience and general welfare. The zoning ordinance and all
8 rezonings and zoning regulations amendments adopted under this article
9 shall be consistent with and conform to the adopted comprehensive plan.
10 In addition to the other matters that are required or authorized under
11 this section and article 1 of this chapter, the zoning ordinance:
12 1. Shall show the zoning districts designated as appropriate for
13 various classes of residential, business and industrial uses and shall
14 provide for the establishment of setback lines and other plans providing
15 for adequate light, air and parking facilities and for expediting traffic
16 within the districts.
17 2. May establish the percentage of a lot or parcel that may be
18 covered by buildings and the size of yards, courts and other open spaces.
19 3. Shall consider access to incident solar energy.
20 4. May provide for retirement community zoning districts.
21 5. May provide for the regulation and use of business licenses,
22 adult oriented business manager permits and adult service provider permits
23 in conjunction with the establishment or operation of adult oriented
24 businesses and facilities, including adult arcades, adult bookstores or
25 video stores, cabarets, adult live entertainment establishments, adult
26 motion picture theaters, adult theaters, massage establishments and nude
27 model studios. With respect to cabarets, the ordinance shall not conflict
28 with specific statutory or valid regulatory requirements applicable to
29 persons licensed to dispense alcoholic beverages, but the ordinance may
30 include regulation of the age and conduct of erotic entertainers in a
31 manner at least as restrictive as rules adopted under title 4.
32 Notwithstanding section 11-812, a county in regulating or licensing
33 businesses and facilities pursuant to this paragraph may impose reasonable
34 operating requirements that affect the existing uses of businesses and
35 facilities.
36 6. Shall designate and zone appropriate areas of reasonable size in
37 which there may be established with reasonable permanency canneries,
38 fertilizer plants, refineries, commercial feedlots, meat packing plants,
39 tallow works and other like businesses. A dairy operation, including
40 areas designated for the raising of replacement heifers or bulls owned by
41 the same dairy operation, is not subject to this paragraph, and is a
42 general agricultural purpose under subsection D, paragraph 2 of this
43 section and section 11-812, subsection A, paragraph 2. A replacement
44 heifer or bull raising operation of a dairy that is not on contiguous

1 property of the dairy is subject to this paragraph unless the operation
2 begins within one-quarter mile of the dairy.

3 B. To carry out the purposes of this article, the board may adopt
4 overlay zoning districts and regulations applicable to particular
5 buildings, structures and land within individual zones. For the purposes
6 of this subsection, "overlay zoning district" means a special zoning
7 district that includes regulations that modify regulations in another
8 zoning district with which the overlay zoning district is combined.
9 Overlay zoning districts and regulations shall be adopted pursuant to
10 section 11-813. The provisions of overlay zoning shall apply
11 retroactively to authorize overlay zoning districts and regulations
12 adopted before April 20, 1993.

13 C. In accordance with article II, sections 1 and 2, Constitution of
14 Arizona, the board shall consider the individual property rights and
15 personal liberties of the residents of the county before adopting any
16 zoning ordinance.

17 D. This section does not authorize:

18 1. The imposition of dedications, exactions, fees or other
19 requirements that are not otherwise authorized by law.

20 2. The regulation or restriction of the use or occupation of land
21 or improvements for railroad, mining, metallurgical, grazing or general
22 agricultural purposes, if the tract concerned is five or more contiguous
23 commercial acres. For the purposes of this paragraph, general
24 agricultural purposes do not include the cultivation of cannabis as
25 defined in section 13-3401 or marijuana as defined in section 13-3401 or
26 36-2801.

27 E. For the purposes of this section:

28 1. "Adult arcade" means any place to which the public is ~~permitted~~
29 ~~ALLOWED~~ or invited and in which coin-operated or slug-operated or
30 electronically, electrically or mechanically controlled still or motion
31 picture machines, projectors or other ~~image-producing~~ ~~IMAGE-PRODUCING~~
32 devices are maintained to show images involving specific sexual activities
33 or specific anatomical areas to persons in booths or viewing rooms.

34 2. "Adult bookstore or video store" means a commercial
35 establishment that offers for sale or rent any of the following as one of
36 its principal business purposes:

37 (a) Books, magazines, periodicals or other printed matter,
38 photographs, films, motion pictures, videocassettes or reproductions or
39 slides or other visual representations that depict or describe specific
40 sexual activities or specific anatomical areas.

41 (b) Instruments, devices or paraphernalia that are designed for use
42 in connection with specific sexual activities.

43 3. "Adult live entertainment establishment" means an establishment
44 that features either:

45 (a) Persons who appear in a state of nudity.

1 (b) Live performances that are characterized by the exposure of
2 specific anatomical areas or specific sexual activities.

3 4. "Adult motion picture theater" means a commercial establishment
4 in which for any form of consideration films, motion pictures,
5 videocassettes, slides or other similar photographic reproductions that
6 are characterized by the depiction or description of specific sexual
7 activities or specific anatomical areas are predominantly shown.

8 5. "Adult oriented business" means adult arcades, adult bookstores
9 or video stores, cabarets, adult live entertainment establishments, adult
10 motion picture theaters, adult theaters, massage establishments that offer
11 adult service or nude model studios.

12 6. "Adult oriented business manager" means a person on the premises
13 of an adult oriented business who is authorized to exercise overall
14 operational control of the business.

15 7. "Adult service" means dancing, serving food or beverages,
16 modeling, posing, wrestling, singing, reading, talking, listening or other
17 performances or activities conducted for any consideration in an adult
18 oriented business by a person who is nude or seminude during all or part
19 of the time that the person is providing the service.

20 8. "Adult service provider" or "erotic entertainer" means any
21 natural person who provides an adult service.

22 9. "Adult theater" means a theater, concert hall, auditorium or
23 similar commercial establishment that predominantly features persons who
24 appear in a state of nudity or who engage in live performances that are
25 characterized by the exposure of specific anatomical areas or specific
26 sexual activities.

27 10. "Cabaret" means an adult oriented business licensed to provide
28 alcoholic beverages pursuant to title 4, chapter 2, article 1.

29 11. "Discernibly turgid state" means the state of being visibly
30 swollen, bloated, inflated or distended.

31 12. "Massage establishment" means an establishment in which a
32 person, firm, association or corporation engages in or permits massage
33 activities, including any method of pressure on, friction against,
34 stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating
35 of external soft parts of the body with the hands or with the aid of any
36 mechanical apparatus or electrical apparatus or appliance. This paragraph
37 does not apply to:

38 (a) Persons who are licensed pursuant to title 32, chapter 7, 8,
39 13, 14 or 17.

40 (b) Registered nurses, licensed practical nurses or technicians who
41 are acting under the supervision of a physician who is licensed pursuant
42 to title 32, chapter 13 or 17.

43 (c) Registered nurse practitioners who are licensed pursuant to
44 title 32, chapter 15.

1 (d) Persons who are employed or acting as trainers for a bona fide
2 amateur, semiprofessional or professional athlete or athletic team.

3 (e) Persons who are licensed pursuant to title 32, chapter ~~3~~ or 5
4 if the activity is limited to the head, face or neck.

5 13. "Nude model studio" means a place in which a person who appears
6 in a state of nudity or who displays specific anatomical areas is
7 observed, sketched, drawn, painted, sculptured, photographed or otherwise
8 depicted by other persons who pay money or other consideration. Nude
9 model studio does not include a proprietary school that is licensed by
10 this state, a college, community college or university that is supported
11 entirely or in part by taxation, a private college or university that
12 maintains and operates educational programs in which credits are
13 transferable to a college, community college or university that is
14 supported entirely or in part by taxation or a structure to which the
15 following apply:

16 (a) A sign is not visible from the exterior of the structure and no
17 other advertising appears indicating that a nude person is available for
18 viewing.

19 (b) A student must enroll at least three days in advance of a class
20 in order to participate.

21 (c) No more than one nude or seminude model is on the premises at
22 any time.

23 14. "Nude", "nudity" or "state of nudity" means any of the
24 following:

25 (a) The appearance of a human anus, genitals or a female breast
26 below a point immediately above the top of the areola.

27 (b) A state of dress that fails to opaquely cover a human anus,
28 genitals or a female breast below a point immediately above the top of the
29 areola.

30 15. "Principal business purposes" means that a commercial
31 establishment derives fifty percent or more of its gross income from the
32 sale or rental of items listed in paragraph 2 of this subsection.

33 16. "Seminude" means a state of dress in which clothing covers no
34 more than the genitals, pubic region and female breast below a point
35 immediately above the top of the areola, as well as portions of the body
36 that are covered by supporting straps or devices.

37 17. "Specific anatomical areas" means any of the following:

38 (a) A human anus, genitals, the pubic region or a female breast
39 below a point immediately above the top of the areola that is less than
40 completely and opaquely covered.

41 (b) Male genitals in a discernibly turgid state even if completely
42 and opaquely covered.

43 18. "Specific sexual activities" means any of the following:

44 (a) Human genitals in a state of sexual stimulation or arousal.

1 (b) Sex acts, normal or perverted, actual or simulated, including
2 acts of human masturbation, sexual intercourse, oral copulation or sodomy.

3 (c) Fondling or other erotic touching of the human genitals, pubic
4 region, buttocks, anus or female breast.

5 (d) Excretory functions as part of or in connection with any of the
6 activities under subdivision (a), (b) or (c) of this paragraph.

7 Sec. 2. Repeal

8 Title 32, chapter 3, Arizona Revised Statutes, is repealed.

9 Sec. 3. Heading change

10 A. The chapter heading of title 32, chapter 5, Arizona Revised
11 Statutes, is changed from "COSMETOLOGY" to "BARBERING AND COSMETOLOGY".

12 B. The article heading of title 32, chapter 5, article 2, Arizona
13 Revised Statutes, is changed from "Cosmetologists, Aestheticians, Nail
14 Technicians, Hairstylists and Eyelash Technicians" to "Barbering and
15 Cosmetology Professionals".

16 Sec. 4. Section 32-501, Arizona Revised Statutes, is amended to
17 read:

18 32-501. Definitions

19 In this chapter, unless the context otherwise requires:

20 1. "Aesthetician":

21 (a) Means a person who is licensed to practice skin care pursuant
22 to this chapter.

23 (b) Does not include an eyelash technician.

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

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

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

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

32 3. "BARBER" MEANS A PERSON WHO IS LICENSED TO PRACTICE BARBERING
33 PURSUANT TO THIS CHAPTER.

34 ~~3. 4. "Barbering" has the same meaning prescribed in section~~
35 ~~32-301.~~ MEANS ANY ONE OR A COMBINATION OF THE FOLLOWING PRACTICES IF THEY
36 ARE PERFORMED ON A PERSON'S HEAD, FACE, NECK OR SHOULDERS FOR COSMETIC
37 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, INCLUDING FACIALS, CORRECTIVE TREATMENTS,
5 BLACKHEAD AND ACNE REMOVAL AND MASKS AND TREATMENT CREAMS.

6 (g) REMOVING UNWANTED HAIR BY MEANS OTHER THAN ELECTROLYSIS OR
7 THREADING.

8 ~~4.~~ 5. "Board" means the barbering and cosmetology board.

9 ~~5.~~ 6. "Cosmetic purposes" means for the purpose of beautifying,
10 preserving or conferring comeliness, excluding therapeutic massage and
11 manipulations.

12 ~~6.~~ 7. "Cosmetologist" means a person who is licensed to practice
13 cosmetology pursuant to this chapter.

14 ~~7.~~ 8. "Cosmetology":

15 (a) Means any one or a combination of the following practices if
16 they are performed for cosmetic purposes:

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

20 (ii) Arching eyebrows or tinting eyebrows and eyelashes.

21 (iii) Removing superfluous hair by means other than electrolysis or
22 threading.

23 (iv) Nail technology.

24 (v) Hairstyling.

25 (b) Does not include performing personal services related to
26 eyelash extensions.

27 ~~8.~~ 9. "Electrical appliances" means devices that use electrical
28 current and includes lasers and IPL devices as defined in section 32-516.

29 10. "ESTABLISHMENT" MEANS ANY OF THE FOLLOWING:

30 (a) AN ESTABLISHMENT OR SHOP THAT IS OPERATED FOR THE PURPOSE OF
31 ENGAGING IN THE PRACTICE OF BARBERING, COSMETOLOGY, AESTHETICS, NAIL
32 TECHNOLOGY, HAIRSTYLING OR EYELASH EXTENSIONS OR ANY COMBINATION OF THE
33 PRACTICES LISTED IN THIS SUBDIVISION.

34 (b) AN ESTABLISHMENT OR SHOP TOGETHER WITH A RETROFITTED MOTOR
35 VEHICLE THAT IS USED EXCLUSIVELY AS A MOBILE FACILITY FOR THE PURPOSE OF
36 ENGAGING IN THE PRACTICE OF BARBERING, COSMETOLOGY, AESTHETICS, NAIL
37 TECHNOLOGY OR HAIRSTYLING OR ANY COMBINATION OF THE PRACTICES LISTED IN
38 THIS SUBDIVISION AND THAT IS OPERATED AND DISPATCHED THROUGH THE
39 ESTABLISHMENT.

40 (c) A RETROFITTED MOTOR VEHICLE THAT IS EXCLUSIVELY USED AS A
41 MOBILE FACILITY FOR THE PURPOSE OF ENGAGING IN THE PRACTICE OF BARBERING,
42 COSMETOLOGY, AESTHETICS, NAIL TECHNOLOGY OR HAIRSTYLING OR ANY COMBINATION
43 OF THE PRACTICES LISTED IN THIS SUBDIVISION AND THAT IS OPERATED AND
44 DISPATCHED FROM A BUSINESS THAT HAS A PHYSICAL STREET ADDRESS ON FILE WITH
45 THE BOARD.

- 1 ~~9.~~ 11. "Eyelash extensions":
2 (a) Means applying, removing and trimming threadlike natural or
3 synthetic fibers to an eyelash.
4 (b) Includes cleansing the eye area and lashes.
5 (c) Does not include applying eyelash enhancements that are
6 tattoos, color agents, straightening agents, permanent wave solutions or
7 bleaching agents to the eyebrow or any other cosmetology service.
- 8 ~~10.~~ 12. "Eyelash technician" means a person who is not licensed as
9 a cosmetologist or aesthetician and who for compensation performs personal
10 services limited to eyelash extensions.
- 11 ~~11.~~ 13. "Hairstyling" means any of the following:
12 (a) Cutting, clipping or trimming hair.
13 (b) Styling, arranging, dressing, curling, waving, permanent
14 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,
15 coloring or similarly treating hair.
16 (c) Removing superfluous hair from the neck up by means other than
17 electrolysis or threading.
- 18 ~~12.~~ 14. "Hairstylist" means a person who is licensed to practice
19 hairstyling pursuant to this chapter.
- 20 ~~13.~~ 15. "Instructor" means a person who is licensed to teach
21 BARBERING, cosmetology, aesthetics, nail technology or hairstyling, or any
22 combination thereof OF THESE PRACTICES, pursuant to this chapter.
- 23 ~~14.~~ 16. "Mentor" means a cosmetologist, AESTHETICIAN, BARBER,
24 HAIRSTYLIST OR NAIL TECHNICIAN who is approved by the board to train a
25 person in a department of economic security-approved apprenticeship
26 program in cosmetology OR BARBERING in an establishment that is licensed
27 by the board.
- 28 ~~15.~~ 17. "Nail technician" means a person who is licensed to
29 practice nail technology pursuant to this chapter.
- 30 ~~16.~~ 18. "Nail technology" means any of the following:
31 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or
32 otherwise treating a person's nails.
33 (b) Applying artificial nails.
34 (c) Massaging and cleaning a person's hands, arms, legs and feet.
- 35 ~~17. "Salon" means any of the following:~~
36 ~~(a) An establishment that is operated for the purpose of engaging~~
37 ~~in the practice of cosmetology, aesthetics, nail technology or~~
38 ~~hairstyling, or any combination of the listed practices.~~
39 ~~(b) An establishment together with a retrofitted motor vehicle for~~
40 ~~exclusive use as a mobile facility for the purpose of engaging in the~~
41 ~~practice of cosmetology, aesthetics, nail technology or hairstyling, or~~
42 ~~any combination of the listed practices, that is operated and dispatched~~
43 ~~through the establishment.~~
44 ~~(c) A retrofitted motor vehicle that is exclusively used as a~~
45 ~~mobile facility for the purpose of engaging in the practice of~~

1 ~~cosmetology, aesthetics, nail technology or hairstyling, or any~~
2 ~~combination of the listed practices, and that is operated and dispatched~~
3 ~~from a business that has a physical street address on file with the board.~~

4 ~~18.~~ 19. "School" means an establishment that is operated for the
5 purpose of teaching barbering, cosmetology, aesthetics, nail technology or
6 hairstyling, or any combination of ~~the listed~~ THESE practices.

7 ~~19.~~ 20. "Threading" means a service that results in the removal of
8 hair from its follicle from around the eyebrows and from other parts of
9 the face with the use of a single strand of cotton thread and an
10 over-the-counter astringent, if the service does not use chemicals of any
11 kind, wax or any implements, instruments or tools to remove hair.

12 Sec. 5. Section 32-503, Arizona Revised Statutes, is amended to
13 read:

14 32-503. Organization; meetings; personnel; compensation

15 A. The board shall annually elect a ~~chairman~~ CHAIRPERSON, vice
16 ~~chairman~~ CHAIRPERSON and secretary-treasurer from among its membership.

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

19 C. Subject to title 41, chapter 4, article 4, the board may employ
20 the following personnel as it deems necessary to carry out the purposes of
21 this chapter ~~and chapter 3 of this title~~ and designate their duties:

22 1. An executive director.

23 ~~2. A supervisor of examinations who is an instructor licensed~~
24 ~~pursuant to this chapter or chapter 3 of this title and who has worked at~~
25 ~~least two of the five years immediately preceding employment as an~~
26 ~~instructor in a school licensed pursuant to this chapter.~~

27 ~~3. Examiners who are not employed as instructors in any school~~
28 ~~licensed pursuant to this chapter or chapter 3 of this title.~~

29 ~~4.~~ 2. Persons to provide investigative, professional and clerical
30 assistance.

31 ~~5.~~ 3. Consultants to assist the board in performing its duties.

32 ~~6.~~ 4. Other personnel.

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

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

39 32-504. Powers and duties

40 A. The board shall:

41 1. Adopt rules that are necessary and proper ~~for the administration~~
42 ~~of~~ TO ADMINISTER this chapter, including:

43 (a) Sanitary and safety requirements for ~~salons~~ ESTABLISHMENTS and
44 schools. ~~And~~

1 (b) Sanitary and safety standards for the ~~practice~~ PRACTICES of
2 BARBERING, cosmetology, aesthetics, nail technology and hairstyling.

3 (c) MOBILE FACILITY REQUIREMENTS.

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

6 3. Either prepare, administer and grade practical and written
7 examinations or contract with a national professional organization for
8 AESTHETICS, BARBERING, cosmetology, HAIRSTYLING AND NAIL TECHNOLOGY THAT
9 IS selected by the board to prepare, administer and grade practical and
10 written examinations.

11 4. Make and maintain a record of its acts and proceedings,
12 including the issuance, denial, renewal, suspension or revocation of
13 licenses AND REGISTRATIONS and public reproofs of licensees AND
14 REGISTRANTS.

15 5. Evidence its official acts by the signature of the ~~chairman~~
16 CHAIRPERSON or vice ~~chairman~~ CHAIRPERSON of the board or a representative
17 designated by the board.

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

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

23 ~~8.~~ 7. Prescribe minimum school curriculum requirements for
24 BARBERS, cosmetologists, aestheticians, nail technicians, hairstylists and
25 instructors.

26 ~~9.~~ 8. Prescribe standards and requirements for the provision of
27 ~~salon~~ ESTABLISHMENT services through mobile ~~units~~ FACILITIES and in
28 customer locations.

29 ~~10.~~ 9. Approve AN AESTHETICIAN, A BARBER, a cosmetologist, A
30 HAIRSTYLIST OR A NAIL TECHNICIAN as a mentor based on the ~~cosmetologist's~~
31 ~~LICENSEE'S~~ record of compliance with this chapter. The board may not
32 condition the approval on the ~~cosmetologist's~~ ~~LICENSEE'S~~ payment of an
33 additional fee or completion of an additional requirement.

34 B. The board may:

35 1. Inspect the premises of any ~~salon~~ ESTABLISHMENT or school during
36 business hours.

37 2. Delegate authority to its executive director to issue licenses
38 and registrations to applicants who meet the requirements of this chapter.

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

41 32-506. Nonapplicability of chapter

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

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

- 1 2. Commissioned physicians and surgeons who are serving in the
2 armed forces of the United States or other federal agencies.
- 3 3. Persons who are licensed pursuant to ~~chapter 3 of this title or~~
4 ~~who work in a profession that is regulated under~~ chapter 12 of this title.
- 5 4. Students who are attending schools licensed by the board while
6 they are on school premises during school hours or off campus at a
7 school-sponsored event.
- 8 5. Persons employed by theatrical groups who apply makeup, oils and
9 cosmetics.
- 10 6. Persons who sell makeup, oils and cosmetics and who apply such
11 products during the process of selling such products.
- 12 7. Shampoo assistants who shampoo hair under the direction of a
13 **BARBER**, cosmetologist or hairstylist licensed pursuant to this chapter.
- 14 8. Services performed by and for persons who are in the custody of
15 the state department of corrections.
- 16 9. Persons who apply makeup, oils and cosmetics to patients in a
17 hospital, nursing home or residential care institution with the consent of
18 the patient and the hospital, nursing home or residential care
19 institution.
- 20 10. Persons who provide a service that results in tension on hair
21 strands or roots by twisting, wrapping, weaving, extending, locking or
22 braiding if the service does not include the application of dyes, reactive
23 chemicals or other preparations to alter the color of the hair or to
24 straighten, curl or alter the structure of the hair.
- 25 11. Persons who provide threading.
- 26 12. Persons who provide tanning services by means of airbrushing,
27 tanning beds or spray tanning.
- 28 13. Persons who apply makeup, including eyelash enhancements. This
29 paragraph does not apply if a person is engaging in the practice of
30 aesthetics or cosmetology. A person who is exempt pursuant to this
31 paragraph shall post a sign in a conspicuous location in the person's
32 place of business notifying the public that the person's services are not
33 regulated by the board.
- 34 14. Persons who dry, style, arrange, dress, curl, hot iron or
35 shampoo and condition hair if the service does not include applying
36 reactive chemicals to permanently straighten, curl or alter the structure
37 of the hair and if the person takes and completes a class relating to
38 sanitation, infection protection and law review that is provided by the
39 board or its designee. This paragraph does not apply if a person is
40 engaging in the practice of aesthetics or cosmetology. A person who is
41 exempt pursuant to this paragraph shall post a sign in a conspicuous
42 location in the person's place of business notifying the public that the
43 person's services are not regulated by the board.
- 44 15. Persons who are participating in a department of economic
45 security-approved apprenticeship program as described in section 32-510,

1 32-511, 32-512, ~~OR~~ 32-512.01 OR 32-512.02 while working with a mentor in
2 an establishment that is licensed by the board.

3 16. Persons who are licensed in another state and who are working
4 in this state at a charitable event that benefits a nonprofit
5 organization.

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

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

14 19. PERSONS WHO PERFORM SERVICES WITHOUT COMPENSATION IN EITHER:

15 (a) AN EMERGENCY.

16 (b) A DOMESTIC ADMINISTRATION.

17 20. PERSONS WHO PERFORM BARBERING, COSMETOLOGY, HAIRSTYLING OR NAIL
18 TECHNOLOGY SERVICES IN A FUNERAL ESTABLISHMENT AS DEFINED IN SECTION
19 32-1301.

20 Sec. 8. Section 32-507, Arizona Revised Statutes, is amended to
21 read:

22 32-507. Fees

23 A. The board shall establish and collect fees not to exceed the
24 following:

25 ~~1. Written examination, \$100.~~

26 ~~2. Practical examination, \$100.~~

27 ~~3.~~ 1. Application for initial personal license, a onetime fee of
28 ~~\$83~~ \$100.

29 ~~4.~~ 2. Application for personal reciprocity OR UNIVERSAL license, a
30 onetime fee of ~~\$150~~ \$200.

31 ~~5.~~ 3. Application for ~~salon~~ ESTABLISHMENT license, INCLUDING
32 CHANGE OF OWNERSHIP, ~~\$112~~ \$250.

33 ~~6.~~ 4. Application for school license AND INITIAL INSPECTION FEE,
34 INCLUDING CHANGE OF OWNERSHIP AND CHANGE OF LOCATION, ~~\$600~~ \$1,000.

35 ~~7.~~ 5. Application for certification of licensure or hours, \$30.

36 ~~8.~~ 6. Personal license renewal, ~~\$76~~ \$100 to be paid once every two
37 years pursuant to section 32-517 or 32-535.

38 ~~9.~~ 7. Personal license delinquent renewal, ~~\$60~~ \$150.

39 8. ESTABLISHMENT LICENSE AFTER A CHANGE OF LOCATION, \$150.

40 ~~10.~~ 9. ~~Salon~~ ESTABLISHMENT license renewal, ~~\$50~~ \$100.

41 ~~11.~~ 10. ~~Salon~~ ESTABLISHMENT license delinquent renewal, ~~\$80~~ \$150.

42 ~~12.~~ 11. School license renewal, \$500.

43 ~~13.~~ 12. School license delinquent renewal, \$600.

44 ~~14.~~ 13. Delinquent penalties for each year or portion of a year
45 for which the license was inactive.

- 1 ~~15.~~ 14. Computer printouts of names of licensees, ~~\$.25~~ UP TO \$.10
2 per name.
- 3 ~~16.~~ 15. Duplicate license, \$30.
- 4 ~~17.~~ 16. Dishonored checks, \$20.
- 5 ~~18.~~ 17. Copying charges, \$1 per page. For audiotapes, videotapes,
6 computer discs or other mediums used for recording sounds, images or
7 information, \$15 per tape, disc or other medium.
- 8 ~~19.~~ 18. Board-administered educational classes, \$100.
- 9 ~~20. Review of examination, \$50.~~
- 10 ~~21. Regrading of examinations, \$25.~~
- 11 ~~22.~~ 19. Service charges for persons who pay with alternative
12 payment methods, including credit cards, charge cards, debit cards and
13 electronic transfers, not to exceed the cost of the alternative payment
14 method.
- 15 ~~23.~~ 20. Eyelash technician registration, an amount to be
16 determined by the board.
- 17 ~~24.~~ 21. Eyelash technician registration renewal, an amount to be
18 determined by the board.
- 19 ~~25.~~ 22. Eyelash technician registration delinquent renewal, an
20 amount to be determined by the board.
- 21 B. The board may charge additional fees for:
- 22 1. Documents and publications provided by the board.
- 23 2. Services that the board deems appropriate to carry out its
24 intent and purpose. These additional fees shall not exceed the costs of
25 rendering the services.
- 26 ~~C. The board shall only issue a duplicate license on receipt of a
27 written request that states the reason for the request for a duplicate
28 license.~~
- 29 Sec. 9. Title 32, chapter 5, article 2, Arizona Revised Statutes,
30 is amended by adding section 32-512.02, to read:
- 31 32-512.02. Barbers; applications; qualifications
- 32 A. AN APPLICANT FOR A BARBER LICENSE SHALL FILE WITH THE BOARD A
33 WRITTEN APPLICATION ON A FORM PRESCRIBED BY THE BOARD.
- 34 B. AN APPLICANT FOR A BARBER LICENSE SHALL MEET ALL OF THE
35 FOLLOWING:
- 36 1. DO EITHER OF THE FOLLOWING:
- 37 (a) COMPLETE AND RECEIVE APPROPRIATE CREDITS FOR AT LEAST TWO YEARS
38 OF HIGH SCHOOL EDUCATION OR THE EQUIVALENT AS PRESCRIBED BY THE BOARD IN
39 ITS RULES AND SUBMIT SATISFACTORY EVIDENCE THAT THE APPLICANT IS AT LEAST
40 SIXTEEN YEARS OF AGE.
- 41 (b) SUBMIT TO THE BOARD SATISFACTORY EVIDENCE THAT THE APPLICANT IS
42 AT LEAST EIGHTEEN YEARS OF AGE.
- 43 2. SUBMIT TO THE BOARD SATISFACTORY EVIDENCE THAT THE APPLICANT
44 MEETS ANY OF THE FOLLOWING:

1 (a) IS A GRADUATE OF A BARBERING COURSE CONSISTING OF AT LEAST ONE
2 THOUSAND TWO HUNDRED HOURS OF TRAINING IN A SCHOOL LICENSED BY THE BOARD.

3 (b) IS A GRADUATE OF A BARBERING SCHOOL IN ANOTHER STATE OR COUNTRY
4 THAT AT THE TIME OF THE APPLICANT'S GRADUATION HAD SUBSTANTIALLY THE SAME
5 REQUIREMENTS AS THIS STATE FOR SCHOOLS THAT ARE LICENSED BY THE BOARD.

6 (c) COMPLETED A UNITED STATES DEPARTMENT OF LABOR-APPROVED OR A
7 DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP PROGRAM IN
8 BARBERING THAT INCLUDES AT LEAST TWO HUNDRED FIFTY HOURS OF INFECTION
9 PROTECTION AND LAW REVIEW INSTRUCTION. THE APPLICANT SHALL COMPLETE THE
10 INSTRUCTION PRESCRIBED BY THIS SUBDIVISION THROUGH EITHER:

11 (i) A SCHOOL THAT IS LICENSED PURSUANT TO THIS CHAPTER OR A SCHOOL
12 OR PROGRAM IN ANOTHER STATE THAT HAS, IN THE BOARD'S OPINION, LICENSURE
13 REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS
14 STATE.

15 (ii) A DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP
16 PROGRAM.

17 3. PASS THE EXAMINATIONS FOR A BARBER LICENSE.

18 4. PAY THE FEES PRESCRIBED IN SECTION 32-507.

19 C. NOTWITHSTANDING SUBSECTION B, PARAGRAPH 2 OF THIS SECTION, AN
20 APPLICANT FOR A BARBER LICENSE WHO HOLDS A COSMETOLOGIST LICENSE OR A
21 HAIRSTYLIST LICENSE ISSUED PURSUANT TO THIS CHAPTER SHALL COMPLETE A TWO
22 HUNDRED HOUR COURSE CONSISTING OF BARBERING TECHNIQUES IN A SCHOOL
23 LICENSED BY THE BOARD.

24 Sec. 10. Section 32-513, Arizona Revised Statutes, is amended to
25 read:

26 32-513. Reciprocity

27 A. Notwithstanding sections 32-510, 32-511, 32-512, ~~and~~ 32-512.01
28 AND 32-512.02, a person is entitled to receive a BARBER, cosmetologist,
29 aesthetician, nail technician or hairstylist license if the person does
30 all of the following:

31 1. Submits to the board an application for a BARBER, cosmetologist,
32 aesthetician, nail technician or hairstylist license on a form supplied by
33 the board.

34 2. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, submits to
35 the board satisfactory evidence that the person is licensed in another
36 state ~~or country~~.

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

41 4. Pays the prescribed reciprocity license fees.

42 B. A PERSON IS EXEMPT FROM SUBSECTION A, PARAGRAPH 2 OF THIS
43 SECTION IF ALL OF THE FOLLOWING APPLY:

44 1. THE PERSON HOLDS A VALID LICENSE OR AUTHORIZING DOCUMENT TO
45 PRACTICE AESTHETICS, BARBERING, COSMETOLOGY, HAIRSTYLING OR NAIL

1 TECHNOLOGY AND THE VALID LICENSE OR AUTHORIZING DOCUMENT IS ISSUED BY
2 ANOTHER COUNTRY.

3 2. THE PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER
4 FEDERAL LAW.

5 3. THE PERSON SUBMITS TO THE BOARD PROOF THAT THE PERSON HAS AT
6 LEAST ONE YEAR OF EXPERIENCE AS AN AESTHETICIAN, BARBER, COSMETOLOGIST,
7 HAIRSTYLIST OR NAIL TECHNICIAN.

8 4. THE BOARD DETERMINES THAT THE PERSON IS PROFICIENT IN THE
9 PRACTICE OF AESTHETICS, BARBERING, COSMETOLOGY, HAIRSTYLING OR NAIL
10 TECHNOLOGY.

11 5. THE PERSON PASSES THE PRACTICAL EXAMINATIONS IN THE PERSON'S
12 PROFESSION.

13 6. THE PERSON TAKES AND COMPLETES AN INFECTION PREVENTION CLASS
14 PROVIDED BY THE BOARD.

15 Sec. 11. Section 32-514, Arizona Revised Statutes, is amended to
16 read:

17 32-514. Examinations

18 A. The board or a national professional organization for BARBERING
19 OR cosmetology, OR BOTH, THAT IS selected by the board shall administer
20 written and practical examinations for a BARBER, cosmetologist,
21 aesthetician, nail technician, hairstylist or instructor license. The
22 examinations shall test for requisite knowledge and skills in the
23 technical application of BARBERING AND cosmetology services. An applicant
24 may take an examination before the applicant has completed the required
25 hours of course instruction prescribed by this article, but the applicant
26 must complete the required hours of course instruction before licensure.

27 B. The board or a national professional organization for BARBERING
28 OR cosmetology, OR BOTH, THAT IS selected by the board shall inform each
29 applicant of the examination results.

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

31 Sec. 12. Section 32-516, Arizona Revised Statutes, is amended to
32 read:

33 32-516. Aestheticians; cosmetologists; cosmetic laser and IPL
34 device use; certification; definitions

35 A. An aesthetician or a cosmetologist who wishes to perform
36 cosmetic laser procedures and procedures using IPL devices must:

- 37 1. Apply for and receive a certificate from the department.
- 38 2. Comply with the requirements of this section and department
39 rules.

40 ~~3. Successfully complete forty hours of didactic training as~~
41 ~~required by department rules at a department-certified training~~
42 ~~program. The program shall provide a provisional certificate to the~~
43 ~~applicant verifying the successful completion of the didactic training.~~

44 ~~4. For hair removal, complete hands-on training that is supervised~~
45 ~~by a health professional who is acting within the health professional's~~

1 ~~scope of practice or by a laser technician who has a minimum of one~~
2 ~~hundred hours of hands-on experience per procedure. The health~~
3 ~~professional or laser technician must be present in the room during~~
4 ~~twenty-four hours of hands-on use of lasers or IPL devices. The~~
5 ~~supervising health professional or laser technician shall verify that the~~
6 ~~aesthetician or cosmetologist has completed the training and supervision~~
7 ~~as prescribed by this section.~~

8 ~~5. For other cosmetic laser and IPL device procedures, complete a~~
9 ~~minimum of an additional twenty-four hours of hands-on training of at~~
10 ~~least ten cosmetic procedures for each type of specific procedure that is~~
11 ~~supervised by a health professional who is acting within the health~~
12 ~~professional's scope of practice or by a laser technician who has a~~
13 ~~minimum of one hundred hours of hands-on experience per procedure. The~~
14 ~~health professional or laser technician must be present in the room during~~
15 ~~twenty-four hours of hands-on use of lasers or IPL devices. The~~
16 ~~supervising health professional or laser technician shall verify that the~~
17 ~~aesthetician or cosmetologist has completed the training and supervision~~
18 ~~as prescribed by this section.~~

19 ~~6. Submit to the department the provisional certificate from the~~
20 ~~training program and certification by the health professional or laser~~
21 ~~technician who directly supervised the applicant in the room during the~~
22 ~~hands-on training.~~

23 ~~B. The department shall issue a laser technician certificate~~
24 ~~authorizing the aesthetician or cosmetologist to use lasers and IPL~~
25 ~~devices if the applicant has completed the training for hair removal or~~
26 ~~lasers and IPL devices for other cosmetic procedures, as applicable, and~~
27 ~~shall maintain a current register of those laser technicians in good~~
28 ~~standing and whether certification is for hair removal only or other~~
29 ~~cosmetic procedures as well. The department may establish a fee for the~~
30 ~~registration of aestheticians or cosmetologists as laser technicians and~~
31 ~~the issuance of certificates pursuant to this subsection. The department~~
32 ~~shall deposit monies collected pursuant to this subsection in the laser~~
33 ~~safety fund established by section 32-3234.~~

34 ~~C. B. An aesthetician or a cosmetologist who has been certified as~~
35 ~~a laser technician by the department may use a laser or IPL device. ☹~~

36 ~~1. For hair removal under the indirect supervision of a health~~
37 ~~professional whose scope of practice permits the supervision.~~

38 ~~2. For cosmetic purposes other than hair removal if the~~
39 ~~aesthetician or cosmetologist is directly supervised by a health~~
40 ~~professional whose scope of practice permits the supervision and the~~
41 ~~aesthetician or cosmetologist has been certified in those procedures.~~

42 ~~D. The board shall investigate any complaint from the public or~~
43 ~~from another board or agency regarding a licensed aesthetician or~~
44 ~~cosmetologist who performs cosmetic laser procedures or procedures using~~
45 ~~IPL devices pursuant to this section. The board shall report to the~~

~~department any complaint it receives about the training or performance of an aesthetician or a cosmetologist who is certified as a laser technician.~~

~~E.~~ C. An aesthetician or a cosmetologist who used laser and IPL devices before November 24, 2009 may continue to do so if the aesthetician or cosmetologist received a certificate pursuant to this section before October 1, 2010.

~~F.~~ D. For the purposes of this section:

1. "Department" means the department of health services.

~~2. "Directly supervised" means a health professional who is licensed in this state and whose scope of practice allows the supervisor supervises the use of a laser or IPL device for cosmetic purposes while the health professional is present at the facility where and when the device is being used.~~

~~3. "Health professional" means a person who is licensed pursuant to either:~~

~~(a) Chapter 11, article 2 of this title and who specializes in oral and maxillofacial surgery.~~

~~(b) Chapter 13, 14, 15, 17 or 25 of this title.~~

~~4. "Indirect supervision" means supervision by a health professional who is licensed in this state, whose scope of practice allows the supervisor and who is readily accessible by telecommunication.~~

~~5.~~ 2. "IPL device" means an intense pulse light class II surgical device certified in accordance with the standards of the department for cosmetic procedures.

~~6.~~ 3. "Laser" means any device that can produce or amplify electromagnetic radiation with wavelengths in the range of one hundred eighty nanometers to one millimeter primarily by the process of controlled stimulated emission and certified in accordance with the standards for the department for cosmetic procedures.

~~7.~~ 4. "Laser technician" means a person who is or has been certified by the department pursuant to its rules and chapter 32, article 2 of this title.

Sec. 13. Section 32-517, Arizona Revised Statutes, is amended to read:

32-517. License renewal

A. Except as provided in section 32-4301, a BARBER, A cosmetologist, an aesthetician, a nail technician or a hairstylist shall renew the person's license on or before the person's birthday once every two years.

B. A BARBER, A cosmetologist, an aesthetician, a nail technician or a hairstylist shall ~~submit an application for renewal accompanied by~~ PAY the prescribed renewal fee ~~in order~~ AND COMPLY WITH REQUIREMENTS PRESCRIBED IN THIS CHAPTER to renew the person's license.

C. A BARBER, A cosmetologist, an aesthetician, a nail technician or a hairstylist who fails to renew the person's license on or before the

1 person's birthday shall also pay the prescribed delinquent renewal penalty
2 in order to renew the license.

3 Sec. 14. Section 32-518, Arizona Revised Statutes, is amended to
4 read:

5 32-518. Inactive licenses; reactivation; suspension

6 A. A license that is not renewed pursuant to section 32-517
7 automatically reverts to inactive status.

8 B. A licensee may reactivate an inactive license:

9 1. If a license has been inactive for less than one year, by paying
10 the prescribed delinquent renewal penalty.

11 2. If a license has been inactive for one year or more but less
12 than ~~ten~~ FIVE years, by paying the prescribed delinquent renewal penalty
13 and submitting proof of satisfying educational requirements prescribed by
14 the board in its rules.

15 C. A license that has been inactive for ~~ten~~ FIVE years is
16 automatically suspended.

17 D. A licensee shall not practice under an inactive license.

18 Sec. 15. Section 32-531, Arizona Revised Statutes, is amended to
19 read:

20 32-531. Instructors; applications; qualifications; denial;
21 hearing

22 A. A person is entitled to receive a license to teach BARBERING,
23 cosmetology, aesthetics, nail technology or hairstyling in a school if the
24 person ~~does~~ MEETS all of the following:

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

27 2. ~~Either:~~

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

31 ~~(b) Submits to the board satisfactory evidence that the person is~~
32 ~~at least eighteen years of age.~~

33 3. Is a licensed BARBER, cosmetologist, aesthetician, nail
34 technician or hairstylist, is applying for an instructor license to teach
35 a subject in which the person is licensed, ~~and~~ has practiced for at least
36 one year in the profession for which the person is applying for an
37 instructor license and has received the following hours of instructor
38 training:

39 (a) For a cosmetologist instructor, three hundred fifty hours.

40 (b) For an aesthetics instructor, three hundred fifty hours.

41 (c) For a nail technician instructor, three hundred fifty hours.

42 (d) For a hairstylist instructor, three hundred fifty hours.

43 (e) FOR A BARBERING INSTRUCTOR, THREE HUNDRED FIFTY HOURS.

44 4. Passes ~~the~~ A WRITTEN EXAMINATION AND A PRACTICAL examination for
45 an instructor license.

1 5. Pays the prescribed fees.

2 6. COMPLETES AN INFECTION PREVENTION, SANITATION AND LAW REVIEW
3 CLASS PROVIDED BY THE BOARD.

4 B. AN APPLICANT MAY APPEAL THE BOARD'S DENIAL OF AN INSTRUCTOR
5 LICENSE BY REQUESTING A HEARING. THE HEARING SHALL BE BEFORE THE BOARD AT
6 ITS NEXT REGULAR MEETING THAT FOLLOWS THE BOARD'S RECEIPT OF THE REQUEST.
7 AT THE HEARING THE BURDEN OF PROOF IS ON THE APPLICANT TO DEMONSTRATE THAT
8 THE ALLEGED DEFICIENCIES THAT ARE THE BASIS OF THE DENIAL DO NOT EXIST.

9 Sec. 16. Section 32-532, Arizona Revised Statutes, is amended to
10 read:

11 32-532. Instructors; license reciprocity

12 Notwithstanding section 32-531, a person is entitled to receive a
13 license to teach BARBERING, cosmetology, aesthetics, nail technology or
14 hairstyling in a school if the person submits to the board an application
15 for an instructor license on a form prescribed by the board, pays the
16 prescribed fees and ~~complies with~~ MEETS one of the following:

17 1. Is a current licensed BARBERING INSTRUCTOR, cosmetology
18 instructor, aesthetics instructor, nail technology instructor or
19 hairstyling instructor in another state or country.

20 2. Is a current licensed BARBER, cosmetologist, aesthetician, nail
21 technician or hairstylist in another state or country and has at least one
22 year of instructor experience in the other state or country in BARBERING,
23 cosmetology, aesthetics, nail technology or hairstyling, or any
24 combination ~~thereof~~ OF THESE PRACTICES.

25 3. ~~Does~~ MEETS all of the following:

26 ~~(a) Either:~~

27 ~~(i) Submits to the board satisfactory evidence that the person is~~
28 ~~at least eighteen years of age.~~

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

32 (b) Is a licensed BARBER, cosmetologist, aesthetician, nail
33 technician or hairstylist in another state or country.

34 (c) Completes instructor training in another state or country that
35 has instructor education requirements that are at least substantially
36 equivalent to those of this state.

37 (d) Passes ~~the~~ A WRITTEN examination AND A PRACTICAL EXAMINATION
38 for an instructor license.

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

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

42 (g) COMPLETES AN INFECTION PREVENTION, SANITATION AND LAW REVIEW
43 CLASS PROVIDED BY THE BOARD.

1 Sec. 17. Section 32-536, Arizona Revised Statutes, is amended to
2 read:

3 32-536. Instructor practice; instruction

4 A. An instructor may practice in the category of practice ~~he~~ IN
5 WHICH THE INSTRUCTOR is licensed to practice in ~~a salon~~ AN ESTABLISHMENT
6 THAT IS licensed pursuant to this chapter.

7 B. An instructor shall teach only in the area ~~he~~ IN WHICH THE
8 INSTRUCTOR is licensed by the board to teach.

9 Sec. 18. Section 32-537, Arizona Revised Statutes, is amended to
10 read:

11 32-537. Instructors; inactive licenses; reactivation;
12 suspension

13 A. An instructor license that is not renewed pursuant to section
14 32-535 automatically reverts to inactive status.

15 B. A licensee may reactivate an inactive license:

16 1. If a license has been inactive for less than one year, by paying
17 the prescribed delinquent renewal penalty.

18 2. If a license has been inactive for one year or more but less
19 than ~~ten~~ FIVE years, by paying the prescribed delinquent renewal penalty
20 and submitting proof of satisfying educational requirements prescribed by
21 the board in its rules.

22 C. A license that has been inactive for ~~ten~~ FIVE years is
23 automatically suspended.

24 D. A licensee shall not practice under an inactive license.

25 Sec. 19. Heading change

26 The article heading of title 32, chapter 5, article 4, Arizona
27 Revised Statutes, is changed from "SALONS" to "ESTABLISHMENTS".

28 Sec. 20. Section 32-541, Arizona Revised Statutes, is amended to
29 read:

30 32-541. Establishment licenses; requirements

31 A. A person is entitled to receive a license to operate ~~a salon~~ AN
32 ESTABLISHMENT if the person:

33 1. Submits to the board an application for ~~a salon~~ AN ESTABLISHMENT
34 license on a form supplied by the board.

35 2. Pays the prescribed fee.

36 B. The safety and sanitary requirements specified by the board in
37 its rules shall be requirements while ~~a salon~~ AN ESTABLISHMENT is
38 operating.

39 C. Each ~~salon~~ ESTABLISHMENT shall have an individual designated as
40 the manager of the ~~salon~~ ESTABLISHMENT.

41 Sec. 21. Section 32-542, Arizona Revised Statutes, is amended to
42 read:

43 32-542. Establishment inspections

44 The board shall inspect ~~salons~~ ESTABLISHMENTS on a regular basis as
45 it deems necessary.

1 Sec. 22. Section 32-543, Arizona Revised Statutes, is amended to
2 read:

3 32-543. Required display; licenses; inspection sheet
4 ~~Salons~~ EACH ESTABLISHMENT shall display the following in a
5 conspicuous location that is readily observable by any patron:

6 1. The current ~~salon~~ ESTABLISHMENT license.

7 2. The current ~~licenses~~ LICENSE for ~~cosmetologists, aestheticians,~~
8 ~~nail technicians or hairstylists~~ EACH BARBER, COSMETOLOGIST, AESTHETICIAN,
9 NAIL TECHNICIAN OR HAIRSTYLIST WHO IS practicing in the ~~salon~~
10 ESTABLISHMENT.

11 3. THE CURRENT REGISTRATION FOR EACH EYELASH TECHNICIAN WHO IS
12 PRACTICING IN THE ESTABLISHMENT.

13 ~~3.~~ 4. The latest inspection sheet FOR THE ESTABLISHMENT.

14 Sec. 23. Section 32-544, Arizona Revised Statutes, is amended to
15 read:

16 32-544. Establishment license renewal

17 A. Except as provided in section 32-4301, ~~a salon~~ AN ESTABLISHMENT
18 license is renewable each year on or before the anniversary date of the
19 first license by meeting all the requirements for ~~a salon~~ AN ESTABLISHMENT
20 license and paying the prescribed renewal fee.

21 B. ~~A salon~~ AN ESTABLISHMENT owner who fails to renew the owner's
22 ~~salon~~ ESTABLISHMENT license each year ~~by~~ ON OR BEFORE the anniversary date
23 of the license shall apply pursuant to section 32-541 and pay the
24 prescribed fee and delinquent renewal penalty.

25 Sec. 24. Section 32-545, Arizona Revised Statutes, is amended to
26 read:

27 32-545. Change of ownership or location; change of trade
28 name; board notification

29 A. ~~A salon~~ AN ESTABLISHMENT shall not change from the name of one
30 licensee to another or from one location to another or change its trade
31 name without filing a new application and paying the prescribed fee.

32 B. ~~A salon owner shall notify the board in writing~~ Within ten days
33 after any change of ownership of the ~~salon~~ ESTABLISHMENT or change in the
34 ~~salon's~~ ESTABLISHMENT'S location, ~~or trade name~~ THE ESTABLISHMENT OWNER
35 SHALL NOTIFY THE BOARD IN WRITING, FILE A NEW APPLICATION and pay the
36 prescribed fee.

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

39 32-551. School licenses; applications; barbering school
40 requirements; supervision; students

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

42 1. The person pays the prescribed fee.

43 2. The person furnishes a surety bond in the amount of ~~ten thousand~~
44 ~~dollars~~ \$10,000 approved by the board and executed by a corporate bonding
45 company authorized to do business in this state. The bond shall be for

1 the benefit of and subject to the claims of the state for failure to
2 comply with the requirements of this chapter and any student who fails to
3 receive the full course of instruction required under this chapter.

4 3. The person submits to the board under oath an application for a
5 school license on a form supplied by the board and other documentation
6 required by the board in its rules.

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

9 B. A COURSE OF INSTRUCTION IN A LICENSED SCHOOL THAT TEACHES
10 BARBERING SHALL CONSIST OF AT LEAST ONE THOUSAND TWO HUNDRED HOURS OF
11 INSTRUCTION. THE COURSE OF INSTRUCTION SHALL INCLUDE:

12 1. AT LEAST TWO HUNDRED FIFTY HOURS DEVOTED TO THE STUDY OF THE
13 FUNDAMENTALS OF BARBERING, HYGIENE, BACTERIOLOGY, HISTOLOGY OF THE HAIR,
14 SKIN, MUSCLES AND NERVES, STRUCTURE OF THE HEAD, FACE AND NECK, ELEMENTARY
15 CHEMISTRY RELATING TO STERILIZATION AND ANTISEPTICS AND DISEASES OF THE
16 SKIN, HAIR AND GLANDS.

17 2. AT LEAST NINE HUNDRED FIFTY HOURS DEVOTED TO THE PRACTICE AND
18 STUDY OF MASSAGING AND MANIPULATING MUSCLES OF THE SCALP, FACE AND NECK,
19 HAIRCUTTING, SHAVING AND CHEMICAL WORK RELATING TO PERMANENT WAVES AND
20 HAIR STRAIGHTENING, COLORING AND BLEACHING.

21 C. A LICENSED SCHOOL SHALL BE OPERATED UNDER THE GENERAL
22 SUPERVISION OF A LICENSED INSTRUCTOR.

23 D. STUDENTS MAY NOT TEACH OTHER STUDENTS AT A LICENSED SCHOOL.

24 E. A SCHOOL THAT HOLDS A SCHOOL LICENSE IN BARBERING AND A SCHOOL
25 LICENSE IN COSMETOLOGY MAY OFFER COURSES ON BOTH COSMETOLOGY AND BARBERING
26 IF AN INSTRUCTOR LICENSED AS A COSMETOLOGIST TEACHES THE COSMETOLOGY
27 COURSES AND AN INSTRUCTOR LICENSED AS A BARBER TEACHES THE BARBERING
28 COURSES.

29 Sec. 26. Section 32-556, Arizona Revised Statutes, is amended to
30 read:

31 32-556. Separation of schools from other businesses

32 A school of any type, ~~including a cosmetology school,~~ may include
33 programs related to a subject that ~~is similar to cosmetology~~ THE BOARD
34 LICENSES OR REGISTERS but may not include ~~a salon~~ AN ESTABLISHMENT. A
35 ~~cosmetology~~ school may offer for sale ~~cosmetology~~ RELATED products and
36 ~~related~~ articles.

37 Sec. 27. Section 32-557, Arizona Revised Statutes, is amended to
38 read:

39 32-557. Students; services for the public; notice; salary
40 prohibited; price list

41 A. Students OF A LICENSED SCHOOL may render services to the public
42 only under the direct supervision of ~~an~~ A LICENSED instructor.

43 B. The following notice shall be posted in a conspicuous place
44 within the school in letters large enough to be read across the length of
45 the room: ~~;~~ "School of ~~cosmetology~~ (TYPE OF BOARD-LICENSED SCHOOL) – work

1 done exclusively by students UNDER THE DIRECT SUPERVISION OF A LICENSED
2 INSTRUCTOR."

3 C. A student in a school shall not receive a salary or commission
4 from the school for any BARBERING, cosmetology, aesthetics, nail
5 technology or hairstyling services while enrolled in the school as a
6 student. A student who is enrolled in a school for the purpose of
7 becoming an instructor may be a paid employee of the school.

8 D. A school shall post a price list for services rendered to the
9 public that is large enough to be easily read from a distance of ten feet.

10 Sec. 28. Section 32-560, Arizona Revised Statutes, is amended to
11 read:

12 32-560. Students; transfer; documentation

13 A student who desires to transfer from one school to another ~~shall~~
14 ~~execute an application for transfer form prescribed by the board~~ MAY APPLY
15 TO ANOTHER SCHOOL OF THE STUDENT'S CHOICE. The transferring school shall
16 ~~complete the application for transfer in triplicate and forward the~~
17 ~~requested information to the board within three days after the student~~
18 ~~executes the application for transfer~~ PROVIDE THE STUDENT WITH A
19 COMPLETION FORM DOCUMENTING THE HOURS AND COURSES THAT THE STUDENT HAS
20 SUCCESSFULLY COMPLETED. THE FORM SHALL INCLUDE THE SCHOOL'S NAME, ADDRESS
21 AND LICENSE NUMBER AND THE STUDENT'S DATES OF ATTENDANCE.

22 Sec. 29. Section 32-572, Arizona Revised Statutes, is amended to
23 read:

24 32-572. Grounds for disciplinary action or refusal to issue
25 or renew license or registration; definition

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

28 1. ~~Continued performance of~~ CONTINUING TO PERFORM BARBERING,
29 cosmetology, aesthetics, nail technology, hairstyling or eyelash extension
30 services ~~by a~~ IF THE person knowingly ~~having~~ HAS an infectious or
31 communicable disease.

32 2. ~~Conviction~~ BEING CONVICTED of a crime.

33 3. ~~Commission of~~ COMMITTING an act involving dishonesty, fraud or
34 deceit with the intent to substantially benefit oneself or another or
35 substantially injure another.

36 4. COMMITTING malpractice or incompetency.

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

39 6. Violating this chapter or any rule adopted pursuant to this
40 chapter.

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

42 8. ~~Repeated failure~~ REPEATEDLY FAILING to correct infractions of
43 safety and sanitary requirements prescribed by the board in its rules.

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

1 B. A LICENSEE'S OR REGISTRANT'S conviction of a crime or act ~~shall~~
2 IS not ~~be~~ a cause ~~of refusal~~ FOR THE BOARD TO REFUSE to issue or renew a
3 license or registration unless the crime or act is substantially related
4 to the qualifications, functions or duties of the license or registration
5 for which application is made.

6 C. The expiration, cancellation, suspension or revocation of a
7 license or registration or a licensee's or registrant's voluntary
8 surrender of a license or registration does not deprive the board of
9 jurisdiction to do any of the following:

- 10 1. Proceed with an investigation of a licensee or registrant.
- 11 2. Proceed with an action or disciplinary proceeding against a
12 licensee or registrant.
- 13 3. Suspend or revoke a license or registration.
- 14 4. Deny the renewal or right of renewal of a license or
15 registration.

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

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

20 32-574. Unlawful acts; violations; classification

21 A. A person shall not:

22 1. Perform or attempt to perform BARBERING, cosmetology,
23 aesthetics, nail technology, hairstyling or personal services related to
24 eyelash extensions without a license or registration in that category
25 issued pursuant to this chapter, or practice in a category in which the
26 person does not hold a license or registration.

27 2. Display a sign or in any way advertise or hold oneself out as a
28 BARBER, cosmetologist, aesthetician, nail technician, hairstylist or
29 eyelash technician or as being engaged in the practice or business of
30 BARBERING, cosmetology, aesthetics, nail technology, hairstyling or
31 eyelash extensions without being licensed or registered pursuant to this
32 chapter.

33 3. Knowingly make a false statement on an application for a license
34 or registration pursuant to this chapter.

35 4. Allow an employee or another person under the person's
36 supervision or control to perform BARBERING, cosmetology, aesthetics, nail
37 technology, hairstyling or personal services related to eyelash extensions
38 without a license OR REGISTRATION issued pursuant to this chapter.

39 5. Practice or attempt to practice BARBERING, cosmetology,
40 aesthetics, nail technology, hairstyling or personal services related to
41 eyelash extensions in any place other than in ~~a salon~~ AN ESTABLISHMENT
42 licensed by the board unless the person is requested by a customer to go
43 to a place other than ~~a salon~~ AN ESTABLISHMENT licensed pursuant to this
44 chapter and is sent to the customer from the ~~salon~~ ESTABLISHMENT, except
45 that a person who is licensed or registered pursuant to this chapter may

1 practice, without the ~~salon's~~ ESTABLISHMENT'S request, BARBERING,
2 cosmetology, aesthetics, nail technology, hairstyling or personal services
3 related to eyelash extensions in a health care facility, hospital,
4 residential care institution, nursing home or residence of a person
5 requiring home care because of an illness, infirmity or disability.

6 6. Obtain or attempt to obtain a license or registration by the use
7 of monies other than the prescribed fees or any other thing of value or by
8 fraudulent misrepresentation.

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

14 8. Operate a ~~salon or~~ school without being licensed by the board.

15 9. OPERATE AN ESTABLISHMENT WITHOUT BEING LICENSED BY THE BOARD AND
16 WITHOUT HAVING AN INDIVIDUAL DESIGNATED AS THE MANAGER OF THE
17 ESTABLISHMENT.

18 ~~9.~~ 10. Violate this chapter or any rule adopted pursuant to this
19 chapter.

20 ~~10.~~ 11. Ignore or fail to comply with a board subpoena.

21 ~~11.~~ 12. Use the title of "aesthetician", "BARBER",
22 "cosmetologist", "nail technician", ~~or~~ "hairstylist" OR "EYELASH
23 TECHNICIAN" or any other title or term likely to be confused with
24 "aesthetician", "BARBER", "cosmetologist", "nail technician",
25 "hairstylist" or "eyelash technician" in any advertisement, statement or
26 publication unless that person is licensed or registered by the board.

27 ~~12.~~ 13. Teach BARBERING, cosmetology, aesthetics, nail technology
28 or hairstyling in this state unless the person is licensed as an
29 instructor pursuant to article 3 of this chapter.

30 B. An instructor shall not render BARBERING, cosmetology,
31 aesthetics, nail technology or hairstyling services in a school unless the
32 services are directly incidental to instructing students.

33 C. A SCHOOL SHALL POST A CONSPICUOUS NOTICE TO THE PUBLIC PURSUANT
34 TO SECTION 32-557 THAT ALL SERVICES ARE PERFORMED BY STUDENTS UNDER THE
35 DIRECT SUPERVISION OF A LICENSED INSTRUCTOR.

36 ~~13.~~ D. A person who violates this section is guilty of a class 1
37 misdemeanor.

38 Sec. 31. Section 32-3021, Arizona Revised Statutes, is amended to
39 read:

40 32-3021. Private vocational program license; qualifications;
41 provision of information; exemptions

42 A. A person shall not operate a private vocational program unless
43 the person holds a private vocational program license issued pursuant to
44 this chapter. Each program offered by a private vocational program
45 licensee shall be authorized on a private vocational program license. The

1 board shall prescribe the manner in which the programs ~~shall be~~ ARE
2 identified on the license.

3 B. An applicant for a private vocational program license shall meet
4 all of the following requirements:

5 1. Furnish a letter of credit, surety bond or cash deposit as
6 provided in section 32-3023.

7 2. Make specific information concerning educational programs,
8 including statements of purpose, objectives, course of study, policies,
9 fees and other pertinent information, available to prospective students
10 and the general public.

11 3. Be financially responsible and have management capability.

12 4. Maintain a qualified faculty.

13 5. Maintain facilities, equipment and materials that are
14 appropriate for the stated program. All facilities shall meet applicable
15 state and local health and safety laws.

16 6. Maintain appropriate records as the board prescribes that are
17 properly safeguarded and preserved.

18 7. Use only advertisements that are consistent with the information
19 made available as provided in paragraph 2 of this subsection.

20 8. Provide courses of instruction that meet stated objectives.

21 9. Provide a grievance procedure for students.

22 10. Comply with all federal and state laws relating to the
23 operation of a private postsecondary educational institution.

24 11. Other requirements the board deems necessary.

25 C. An applicant for a private vocational program license shall
26 submit evidence of meeting the requirements prescribed in subsection B of
27 this section to the board. The board shall verify the evidence submitted.
28 Verification shall include on-site verification.

29 D. The filing of an application grants the board the authority to
30 obtain information from any of the following:

31 1. A licensing board or agency in any state, district, territory or
32 county of the United States or any foreign country.

33 2. The Arizona criminal justice information system as defined in
34 section 41-1750.

35 3. The federal bureau of investigation.

36 E. The board, on application, may issue a private vocational
37 program license to a new educational institution as provided in this
38 section, except that the board shall establish separate minimum standards
39 for licensure requirements of new educational institutions. These minimum
40 standards may include the modification of licensure requirements as
41 provided in subsection B, paragraphs 3, 5, 6, 7 and 8 of this section to
42 meet the circumstances of new educational institutions. The board, on
43 application, may issue a private vocational program license to an
44 educational institution that is otherwise exempt under subsection F of
45 this section. The board shall monitor the new educational institution to

1 ensure compliance with the licensure requirements. The board shall issue a
2 private vocational program license as provided in this subsection one time
3 only to new educational institutions.

4 F. This section does not apply to any of the following:

5 1. A school licensed pursuant to chapter ~~3~~ or 5 of this title.

6 2. An instructional program or course sponsored by a bona fide
7 trade association solely for its members.

8 3. Privately owned academic schools engaged in the process of
9 general education that is designed to produce a level of development
10 equivalent to that necessary to meet the requirements for entrance into a
11 public community college or public university in this state and that may
12 incidentally offer technical and vocational courses as part of the
13 curriculum.

14 4. Schools or private instruction conducted by any person engaged
15 in training, tutoring or teaching individuals or groups, if the
16 instruction is related to hobbies, avocations, academic improvement or
17 recreation and may only incidentally lead to gainful employment.

18 5. Schools conducted by any person solely for training the person's
19 own employees.

20 6. An instructional program or course offered solely for employees
21 and for the purpose of improving the employees in their employment if both
22 of the following apply:

23 (a) The employee is not charged a fee.

24 (b) The employer provides or funds the program or course pursuant
25 to a valid written contract between the employer and a program or course
26 provider.

27 7. Training conducted pursuant to 14 Code of Federal Regulations
28 part 141.

29 8. A school that solely provides an instructional program for
30 certified nursing assistants and licensed nursing assistants and THAT is
31 licensed by the nursing board pursuant to section 32-1606, subsection B,
32 paragraph 11.

33 9. A professional driving training school licensed by the
34 department of transportation pursuant to chapter 23, articles 1, 2 and 3
35 of this title.

36 10. A training program approved by the board of examiners of
37 nursing care institution administrators and assisted living facility
38 managers that solely provides training for managers and caregivers of
39 assisted living facilities.

40 11. A yoga teacher training course or program or a yoga
41 instructional course or program.

42 12. A private instructional program or course that is less than
43 forty contact hours in length and that charges a fee of less than ~~one~~
44 ~~thousand dollars~~ \$1,000. For the purposes of this paragraph, "contact

1 hour" means a fifty-minute session of scheduled in-class or online
2 instruction.

3 Sec. 32. Section 32-3234, Arizona Revised Statutes, is amended to
4 read:

5 32-3234. Laser safety fund

6 The laser safety fund is established consisting of fees collected by
7 the department pursuant to ~~sections 32-516~~ and SECTION 32-3233. The
8 department shall administer the fund. Monies in the fund are continuously
9 appropriated.

10 Sec. 33. Section 41-3026.06, Arizona Revised Statutes, is amended
11 to read:

12 41-3026.06. Barbering and cosmetology board; termination
13 July 1, 2026

14 A. The barbering and cosmetology board terminates on July 1, 2026.

15 B. Title 32, ~~chapters 3~~ and CHAPTER 5 and this section are repealed
16 on January 1, 2027.

17 Sec. 34. Section 44-6852, Arizona Revised Statutes, is amended to
18 read:

19 44-6852. Dishonored checks; service fee

20 Notwithstanding any other law and except as provided in ~~sections~~
21 ~~32-328~~ and SECTION 32-507, the holder, payee or assignee of the holder or
22 payee of a dishonored check, draft, order or note may charge and collect
23 from the maker or drawer a service fee of not more than \$25 plus any
24 actual charges assessed by the financial institution of the holder, payee
25 or assignee of the holder or payee as a result of the dishonored
26 instrument.

27 Sec. 35. Appropriations; barbering and cosmetology board;
28 barbering and cosmetology fund; exemption

29 A. Notwithstanding section 32-505, Arizona Revised Statutes, the
30 sum of \$200,000 is appropriated from the barbering and cosmetology fund
31 established by section 32-505, Arizona Revised Statutes, in fiscal years
32 2024-2025 and 2025-2026 to the barbering and cosmetology board for
33 information technology development.

34 B. Notwithstanding section 32-505, Arizona Revised Statutes, the
35 sum of \$298,250 and four FTE positions are appropriated from the barbering
36 and cosmetology fund established by section 32-505, Arizona Revised
37 Statutes, in fiscal year 2024-2025 to the barbering and cosmetology board
38 to enforce title 32, chapter 5, Arizona Revised Statutes.

39 C. The appropriations made in subsections A and B of this section
40 are exempt from the provisions of section 35-190, Arizona Revised
41 Statutes, relating to lapsing of appropriations.