

barbering, cosmetology, massage therapy; consolidation

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

# HOUSE BILL 2169

## AN ACT

AMENDING SECTIONS 32-301, 32-501, 32-502, 32-503, 32-505, 32-573 AND 32-4201, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-4202, 32-4204 AND 32-4205, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-4222, 32-4228, 41-619.51, 41-1092 AND 41-1758, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-3025.10 AND 41-3026.06, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3028.04; APPROPRIATING MONIES; RELATING TO THE BOARD OF BEAUTY AND WELLNESS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-301, Arizona Revised Statutes, is amended to  
3 read:

4 32-301. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Barber" means a person who is licensed to practice barbering by  
7 the board.

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

11 (a) Cutting, clipping or trimming hair.

12 (b) 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 (c) Styling, arranging, dressing, curling, waving, permanent  
16 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,  
17 coloring or similarly treating hair.

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

20 (e) Shaving or trimming a beard.

21 (f) Providing skin care.

22 3. "Board" means the ~~barbering and cosmetology~~ board OF BEAUTY AND  
23 WELLNESS.

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

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

29 6. "School" means an establishment that is operated for the purpose  
30 of teaching barbering or cosmetology.

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

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

35 32-501. Definitions

36 In this chapter, unless the context otherwise requires:

37 1. "Aesthetician":

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

40 (b) Does not include an eyelash technician.

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

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

- 1 (b) Arching eyebrows or tinting eyebrows and eyelashes.  
2 (c) Removing superfluous hair by means other than electrolysis or  
3 threading.  
4 3. "Barbering" has the same meaning prescribed in section 32-301.  
5 4. "Board" means the ~~barbering and cosmetology~~ board OF BEAUTY AND  
6 WELLNESS.  
7 5. "Cosmetic purposes" means for the purpose of beautifying,  
8 preserving or conferring comeliness, excluding therapeutic massage and  
9 manipulations.  
10 6. "Cosmetologist" means a person who is licensed to practice  
11 cosmetology pursuant to this chapter.  
12 7. "Cosmetology":  
13 (a) Means any one or a combination of the following practices if  
14 they are performed for cosmetic purposes:  
15 (i) Massaging, cleansing, stimulating, manipulating, exercising,  
16 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
17 preparations, either by hand or by mechanical or electrical appliances.  
18 (ii) Arching eyebrows or tinting eyebrows and eyelashes.  
19 (iii) Removing superfluous hair by means other than electrolysis or  
20 threading.  
21 (iv) Nail technology.  
22 (v) Hairstyling.  
23 (b) Does not include performing personal services related to  
24 eyelash extensions.  
25 8. "Electrical appliances" means devices that use electrical  
26 current and includes lasers and IPL devices as defined in section 32-516.  
27 9. "Eyelash extensions":  
28 (a) Means applying, removing and trimming threadlike natural or  
29 synthetic fibers to an eyelash.  
30 (b) Includes cleansing the eye area and lashes.  
31 (c) Does not include applying eyelash enhancements that are  
32 tattoos, color agents, straightening agents, permanent wave solutions or  
33 bleaching agents to the eyebrow or any other cosmetology service.  
34 10. "Eyelash technician" means a person who is not licensed as a  
35 cosmetologist or aesthetician and who for compensation performs personal  
36 services limited to eyelash extensions.  
37 11. "Hairstyling" means any of the following:  
38 (a) Cutting, clipping or trimming hair.  
39 (b) Styling, arranging, dressing, curling, waving, permanent  
40 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,  
41 coloring or similarly treating hair.  
42 (c) Removing superfluous hair from the neck up by means other than  
43 electrolysis or threading.  
44 12. "Hairstylist" means a person who is licensed to practice  
45 hairstyling pursuant to this chapter.

1           13. "Instructor" means a person who is licensed to teach  
2 cosmetology, aesthetics, nail technology or hairstyling, or any  
3 combination thereof, pursuant to this chapter.

4           14. "Mentor" means a cosmetologist who is approved by the board to  
5 train a person in a department of economic security-approved  
6 apprenticeship program in cosmetology in an establishment that is licensed  
7 by the board.

8           15. "Nail technician" means a person who is licensed to practice  
9 nail technology pursuant to this chapter.

10          16. "Nail technology" means any of the following:

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

13           (b) Applying artificial nails.

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

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

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

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

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

29          18. "School" means an establishment that is operated for the  
30 purpose of teaching barbering, cosmetology, aesthetics, nail technology or  
31 hairstyling, or any combination of the listed practices.

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

37          Sec. 3. Section 32-502, Arizona Revised Statutes, is amended to  
38 read:

39          32-502. Board of beauty and wellness; members; appointment;  
40           qualifications; terms

41          A. The ~~barbering and cosmetology~~ board OF BEAUTY AND WELLNESS is  
42 established consisting of the following members who are appointed by the  
43 governor:

44           1. One cosmetologist who has actively practiced cosmetology in this  
45 state for at least three years immediately preceding appointment.

1           2. ~~Two~~ THREE school owners who do not own the same school, one of  
2 whom owns a school that teaches cosmetology, ~~and~~ one of whom owns a school  
3 that teaches barbering AND ONE OF WHOM OWNS A SCHOOL THAT TEACHES MASSAGE  
4 THERAPY.

5           3. Five public members, preferably one of whom is an educator, who  
6 are not and have never been associated with the barbering, cosmetology, ~~or~~  
7 nail technology ~~industry~~ OR MASSAGE THERAPY INDUSTRIES, licensed as a  
8 barber, cosmetologist, ~~or~~ nail technician OR MASSAGE THERAPIST or involved  
9 in manufacturing barbering, cosmetology, ~~or~~ nail technology OR MASSAGE  
10 THERAPY products. TWO OF THE PUBLIC MEMBERS SHALL BE HEALTH  
11 PROFESSIONALS.

12           4. One barber who has actively practiced barbering in this state  
13 for at least three years.

14           5. ONE MASSAGE THERAPIST WHO HAS ACTIVELY PRACTICED IN THIS STATE  
15 FOR AT LEAST THREE YEARS.

16           B. The term of office for members is three years beginning and  
17 ending June 22.

18           C. The governor may remove board members for neglect of duty,  
19 malfeasance or misfeasance.

20           Sec. 4. Section 32-503, Arizona Revised Statutes, is amended to  
21 read:

22           32-503. Organization; meetings; personnel; compensation

23           A. The board shall annually elect a chairman, vice chairman and  
24 secretary-treasurer from among its membership.

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

27           C. Subject to title 41, chapter 4, article 4, the board may employ  
28 the following personnel as it deems necessary to carry out the purposes of  
29 this chapter and ~~chapter~~ CHAPTERS 3 AND 42 of this title and designate  
30 their duties:

31           1. An executive director.

32           2. A supervisor of examinations who is an instructor licensed  
33 ~~pursuant to this chapter or chapter 3 of this title~~ BY THE BOARD and who  
34 has worked at least two of the five years immediately preceding employment  
35 as an instructor in a school licensed ~~pursuant to this chapter~~ BY THE  
36 BOARD.

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

39           4. Persons to provide investigative, professional and clerical  
40 assistance.

41           5. Consultants to assist the board in performing its duties.

42           6. Other personnel.

43           D. Members of the board are eligible to receive compensation as  
44 determined pursuant to section 38-611 for each day of actual service in

1 the business of the board. The board shall compensate its executive  
2 director and other personnel as determined pursuant to section 38-611.

3 Sec. 5. Section 32-505, Arizona Revised Statutes, is amended to  
4 read:

5 32-505. Beauty and wellness fund

6 A. The ~~barbering and cosmetology~~ BEAUTY AND WELLNESS fund is  
7 established. Except as provided in subsection C of this section, before  
8 the end of each calendar month the board shall deposit, pursuant to  
9 sections 35-146 and 35-147, ten percent of all monies from whatever source  
10 that come into the possession of the board in the state general fund and  
11 deposit the remaining ninety percent in the ~~barbering and cosmetology~~  
12 BEAUTY AND WELLNESS fund.

13 B. Except as provided in section 32-573, subsection G, monies  
14 deposited in the ~~barbering and cosmetology~~ BEAUTY AND WELLNESS fund are  
15 subject to section 35-143.01.

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

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

21 32-573. Procedure for disciplinary action; appeal

22 A. The board on its own motion may investigate any information that  
23 appears to show the existence of any of the causes set forth in section  
24 32-572. The board shall investigate the report of any person that appears  
25 to show the existence of any of the causes set forth in section 32-572. A  
26 person who reports pursuant to this section and who provides the  
27 information in good faith is not subject to liability for civil damages as  
28 a result.

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

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

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

40 C. If, in the opinion of the board, it appears the information or  
41 report is or may be true, the board shall request an informal interview  
42 with the licensee or registrant concerned. The interview shall be  
43 requested by the board in writing, stating the reasons for the interview  
44 and setting a date at least ten days after the date of the notice for  
45 conducting the interview.

1 D. If, after an informal interview, the board finds that the  
2 evidence warrants suspension or revocation of a license or registration  
3 issued pursuant to this chapter, imposition of a civil penalty or public  
4 reproof or if the licensee or registrant under investigation refuses to  
5 attend the informal interview, a complaint shall be issued and formal  
6 proceedings shall be initiated. All proceedings pursuant to this  
7 subsection shall be conducted in accordance with title 41, chapter 6,  
8 article 10.

9 E. A licensee or registrant who has been notified pursuant to  
10 subsection D of this section of charges pending against the licensee or  
11 registrant shall file with the board an answer in writing to the charges  
12 not more than thirty days after the licensee or registrant receives the  
13 complaint. If the licensee or registrant fails to answer in writing  
14 within this time, it is deemed an admission by the licensee or registrant  
15 of the acts charged in the complaint and the board may take disciplinary  
16 action allowed by this chapter without a hearing.

17 F. If the board finds that the evidence is not of sufficient  
18 seriousness to merit suspension or revocation of a license or registration  
19 issued pursuant to this chapter, imposition of a civil penalty or public  
20 reproof, the board may take the following actions:

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

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

29 3. Impose probation requirements.

30 G. If a licensee or registrant violates this chapter or a rule  
31 adopted pursuant to this chapter, the board may assess the licensee or  
32 registrant with the board's reasonable costs and expenses, including  
33 attorney fees, incurred in conducting the investigation and administrative  
34 hearing. All monies collected pursuant to this subsection shall be  
35 deposited, pursuant to sections 35-146 and 35-147, in a separate account  
36 in the ~~barbering and cosmetology~~ BEAUTY AND WELLNESS fund established by  
37 section 32-505. The board may only use these monies to defray its  
38 expenses in connection with investigation related training and education,  
39 disciplinary investigations and all costs related to administrative  
40 hearings. Notwithstanding section 35-143.01, the separate account monies  
41 may be spent without legislative appropriation.

42 H. Except as provided in section 41-1092.08, subsection H, final  
43 decisions of the board are subject to judicial review pursuant to title  
44 12, chapter 7, article 6.

1           Sec. 7. Section 32-4201, Arizona Revised Statutes, is amended to  
2 read:

3           32-4201. Definitions

4           In this chapter, unless the context otherwise requires:

5           1. "Board" means the board of ~~massage therapy~~ BEAUTY AND WELLNESS.  
6           2. "Board recognized school" means a school that is any of the  
7 following:

8           (a) Accredited to offer massage therapy education by an agency  
9 recognized by the secretary of the United States department of education.

10           (b) If located in this state, offered by a community college or  
11 approved by the state board for private postsecondary education.

12           (c) If located in another state or a Canadian province, approved by  
13 an agency similar to the state board for private postsecondary education.

14           (d) A career technical education district program that is offered  
15 by a career technical education district as defined in section 15-391.

16           3. "Bodywork therapy" means massage therapy.

17           4. "Massage therapist" means a person who is licensed under this  
18 chapter to engage in the practice of massage therapy.

19           5. "Massage therapy" means the following that are undertaken to  
20 increase wellness, relaxation, stress reduction, pain relief and postural  
21 improvement or provide general or specific therapeutic benefits:

22           (a) The manual application of compression, stretch, vibration or  
23 mobilization of the organs and tissues beneath the dermis, including the  
24 components of the musculoskeletal system, peripheral vessels of the  
25 circulatory system and fascia, when applied primarily to parts of the body  
26 other than the hands, feet and head.

27           (b) The manual application of compression, stretch, vibration or  
28 mobilization using the forearms, elbows, knees or feet or handheld  
29 mechanical or electrical devices.

30           (c) Any combination of range of motion, directed, assisted or  
31 passive movements of the joints.

32           (d) Hydrotherapy, including the therapeutic applications of water,  
33 heat, cold, wraps, essential oils, skin brushing, salt glows and similar  
34 applications of products to the skin.

35           6. "Practice of massage therapy" means the application of massage  
36 therapy to any person for a fee or other consideration. Practice of  
37 massage therapy does not include the diagnosis of illness or disease,  
38 medical procedures, naturopathic manipulative medicine, osteopathic  
39 manipulative medicine, chiropractic adjustive procedures, homeopathic  
40 neuromuscular integration, electrical stimulation, ultrasound,  
41 prescription of medicines or the use of modalities for which a license to  
42 practice medicine, chiropractic, nursing, occupational therapy, athletic  
43 training, physical therapy, acupuncture or podiatry is required by law.

1           Sec. 8. Repeal; transfer of monies

2           A. Sections 32-4202, 32-4204 and 32-4205, Arizona Revised Statutes,  
3 are repealed.

4           B. All unexpended and unencumbered monies remaining in the board of  
5 massage therapy fund established by section 32-4205, Arizona Revised  
6 Statutes, as repealed by subsection A of this section, are transferred to  
7 the beauty and wellness fund established by section 32-505, Arizona  
8 Revised Statutes, as amended by this act.

9           Sec. 9. Section 32-4222, Arizona Revised Statutes, is amended to  
10 read:

11           32-4222. Qualifications for licensure

12           A. An applicant for a license as a massage therapist shall:

13           1. Be at least eighteen years of age.

14           2. Be a citizen or legal resident of the United States.

15           3. Satisfy the requirements of section 32-4224.

16           4. Receive either a high school diploma or general equivalency  
17 diploma or a similar document or certificate or submit proof that the  
18 applicant has passed an ability to benefit examination recognized by the  
19 United States department of education.

20           5. Pay the fees established pursuant to section 32-4227.

21           6. Within five years preceding the date of the application for  
22 initial licensure, not have been convicted of a misdemeanor involving  
23 prostitution or solicitation or another similar offense involving moral  
24 turpitude that has a reasonable relationship to the practice of massage  
25 therapy.

26           7. Within the preceding five years, not have voluntarily  
27 surrendered a license under section 32-4254 or not have had a license to  
28 practice massage therapy or another similar license revoked by a political  
29 subdivision of this state or a regulatory agency in another jurisdiction  
30 in the United States for an act that occurred in that jurisdiction and  
31 that would be subject to discipline pursuant to this chapter.

32           8. Not be currently under investigation, suspension or restriction  
33 by a political subdivision of this state or a regulatory agency in another  
34 jurisdiction in the United States for an act that occurred in that  
35 jurisdiction and that would be subject to discipline pursuant to this  
36 chapter. If the applicant is under investigation by a regulatory agency  
37 in another jurisdiction, the board shall suspend the application process  
38 and may not issue or deny a license to the applicant until the  
39 investigation is resolved.

40           9. For initial licensure, submit a full set of fingerprints to the  
41 board for the purpose of obtaining a state and federal criminal records  
42 check pursuant to section 41-1750 and Public Law 92-544. The department  
43 of public safety may exchange this fingerprint data with the federal  
44 bureau of investigation. The board may charge the cost of each criminal  
45 background check to the applicant.

1           10. Beginning January 1, 2023, possess a valid fingerprint  
2 clearance card issued pursuant to title 41, chapter 12, article 3.1 for  
3 initial licensure, license renewal, a temporary license or license  
4 reinstatement pursuant to this chapter.

5           B. In addition to the requirements of subsection A of this section,  
6 an applicant for licensure as a massage therapist shall either:

7           1. Have successfully completed a course of study of massage therapy  
8 or bodywork therapy consisting of a minimum of ~~five~~ SEVEN hundred  
9 classroom and clinical hours of supervised instruction at a board  
10 recognized school in this state that is accredited by an agency recognized  
11 by the secretary of the United States department of education.

12           2. Have done both of the following:

13           (a) Successfully completed a course of study in massage therapy or  
14 bodywork therapy consisting of a minimum of ~~five~~ SEVEN hundred classroom  
15 and clinical hours of supervised instruction at a school in this state  
16 that is licensed by the state board for private postsecondary education or  
17 at a school outside of this state that is recognized by the board pursuant  
18 to section 32-4228.

19           (b) Successfully passed an examination administered by a national  
20 board accredited by the certifying agency that has been approved by the  
21 national commission on competency assurance and that is in good standing  
22 with that agency or have successfully passed an examination that is  
23 administered or approved by the board.

24           C. The board may adopt rules to allow it to consider the education  
25 and experience of an applicant who came from a foreign country. The board  
26 by rule may increase the minimum number of classroom hours of supervised  
27 instruction at a board recognized school that an applicant for licensure  
28 must successfully have completed.

29           D. If the board is satisfied that an applicant meets the  
30 requirements of this section, the board shall issue a license to the  
31 applicant.

32           E. Subject to the board's approval, the executive director may  
33 issue licenses to applicants who meet the requirements of this chapter.

34           F. The board may deny an application for a license if the applicant  
35 committed an act that would subject a person licensed under this chapter  
36 to disciplinary action.

37           Sec. 10. Section 32-4228, Arizona Revised Statutes, is amended to  
38 read:

39           32-4228. Massage therapy schools; recognition

40           A. The board shall recognize a school of massage therapy located in  
41 this state if it is approved by the state board for private postsecondary  
42 education, is accredited to offer massage therapy education by an agency  
43 recognized by the secretary of the United States department of education  
44 or is a career technical education district program that is offered by a  
45 career technical education district as defined in section 15-391.

1 B. The board shall recognize a school of massage therapy located in  
2 another state or a Canadian province if it is accredited or approved by an  
3 agency similar to the state board for private postsecondary education or  
4 it is accredited to offer massage therapy education by an agency  
5 recognized by the secretary of the United States department of education.

6 C. Each school of massage therapy that is located in this state and  
7 that receives approval from the state board for private postsecondary  
8 education shall report to the board ~~of massage therapy~~:

9 1. The physical address of the school and each instructional  
10 facility maintained or operated by the school.

11 2. All faculty and instructional staff, and all additions to or  
12 deletions from the faculty and staff.

13 D. The board shall maintain a list of recognized schools.

14 Sec. 11. Section 41-619.51, Arizona Revised Statutes, is amended to  
15 read:

16 41-619.51. Definitions

17 In this article, unless the context otherwise requires:

18 1. "Agency" means the supreme court, the department of economic  
19 security, the department of child safety, the department of education, the  
20 department of health services, the department of juvenile corrections, the  
21 department of emergency and military affairs, the department of public  
22 safety, the department of transportation, the state real estate  
23 department, the department of insurance and financial institutions, the  
24 Arizona game and fish department, the Arizona department of agriculture,  
25 the board of examiners of nursing care institution administrators and  
26 assisted living facility managers, the state board of dental examiners,  
27 the Arizona state board of pharmacy, the board of physical therapy, the  
28 state board of psychologist examiners, the board of athletic training, the  
29 board of occupational therapy examiners, the state board of podiatry  
30 examiners, the acupuncture board of examiners, the state board of  
31 technical registration, ~~or~~ the board of ~~massage therapy~~ BEAUTY AND  
32 WELLNESS or the Arizona department of housing.

33 2. "Board" means the board of fingerprinting.

34 3. "Central registry exception" means notification to the  
35 department of economic security, the department of child safety or the  
36 department of health services, as appropriate, pursuant to section  
37 41-619.57 that the person is not disqualified because of a central  
38 registry check conducted pursuant to section 8-804.

39 4. "Expedited review" means an examination, in accordance with  
40 board rule, of the documents an applicant submits by the board or its  
41 hearing officer without the applicant being present.

42 5. "Good cause exception" means the issuance of a fingerprint  
43 clearance card to an employee pursuant to section 41-619.55.

1           6. "Person" means a person who is required to be fingerprinted  
2 pursuant to this article or who is subject to a central registry check and  
3 any of the following:

- 4           (a) Section 3-314.
- 5           (b) Section 8-105.
- 6           (c) Section 8-322.
- 7           (d) Section 8-463.
- 8           (e) Section 8-509.
- 9           (f) Section 8-802.
- 10          (g) Section 8-804.
- 11          (h) Section 15-183.
- 12          (i) Section 15-503.
- 13          (j) Section 15-512.
- 14          (k) Section 15-534.
- 15          (l) Section 15-763.01.
- 16          (m) Section 15-782.02.
- 17          (n) Section 15-1330.
- 18          (o) Section 15-1881.
- 19          (p) Section 17-215.
- 20          (q) Section 28-3228.
- 21          (r) Section 28-3413.
- 22          (s) Section 32-122.02.
- 23          (t) Section 32-122.05.
- 24          (u) Section 32-122.06.
- 25          (v) Section 32-823.
- 26          (w) Section 32-1232.
- 27          (x) Section 32-1276.01.
- 28          (y) Section 32-1284.
- 29          (z) Section 32-1297.01.
- 30          (aa) Section 32-1904.
- 31          (bb) Section 32-1941.
- 32          (cc) Section 32-1982.
- 33          (dd) Section 32-2022.
- 34          (ee) Section 32-2063.
- 35          (ff) Section 32-2108.01.
- 36          (gg) Section 32-2123.
- 37          (hh) Section 32-2371.
- 38          (ii) Section 32-3430.
- 39          (jj) Section 32-3620.
- 40          (kk) Section 32-3668.
- 41          (ll) Section 32-3669.
- 42          (mm) Section 32-3922.
- 43          (nn) Section 32-3924.
- 44          (oo) Section 32-4222.
- 45          (pp) Section 32-4128.

- 1 (qq) Section 36-113.
  - 2 (rr) Section 36-207.
  - 3 (ss) Section 36-411.
  - 4 (tt) Section 36-425.03.
  - 5 (uu) Section 36-446.04.
  - 6 (vv) Section 36-594.01.
  - 7 (ww) Section 36-594.02.
  - 8 (xx) Section 36-766.01.
  - 9 (yy) Section 36-882.
  - 10 (zz) Section 36-883.02.
  - 11 (aaa) Section 36-897.01.
  - 12 (bbb) Section 36-897.03.
  - 13 (ccc) Section 36-3008.
  - 14 (ddd) Section 41-619.53.
  - 15 (eee) Section 41-1964.
  - 16 (fff) Section 41-1967.01.
  - 17 (ggg) Section 41-1968.
  - 18 (hhh) Section 41-1969.
  - 19 (iii) Section 41-2814.
  - 20 (jjj) Section 41-4025.
  - 21 (kkk) Section 46-141, subsection A or B.
  - 22 (lll) Section 46-321.
- 23 Sec. 12. Section 41-1092, Arizona Revised Statutes, is amended to  
24 read:
- 25 41-1092. Definitions
- 26 In this article, unless the context otherwise requires:
- 27 1. "Administrative law judge" means an individual or an agency  
28 head, board or commission that sits as an administrative law judge, that  
29 conducts administrative hearings in a contested case or an appealable  
30 agency action and that makes decisions regarding the contested case or  
31 appealable agency action.
- 32 2. "Administrative law judge decision" means the findings of fact,  
33 conclusions of law and recommendations or decisions issued by an  
34 administrative law judge.
- 35 3. "Adversely affected party" means:
- 36 (a) An individual who both:
- 37 (i) Provides evidence of an actual injury or economic damage that  
38 the individual has suffered or will suffer as a direct result of the  
39 action and not due to being a competitor or a general taxpayer.
- 40 (ii) Timely submits comments on the license application that  
41 include, with sufficient specificity, the questions of law, if applicable,  
42 that are the basis for the appeal.
- 43 (b) A group or association that identifies, by name and physical  
44 address in the notice of appeal, a member of the group or association who  
45 would be an adversely affected party in the individual's own right.

1           4. "Appealable agency action" means an action that determines the  
2 legal rights, duties or privileges of a party, including the  
3 administrative completeness of an application other than an application  
4 submitted to the department of water resources pursuant to title 45, and  
5 that is not a contested case. Appealable agency actions do not include  
6 interim orders by self-supporting regulatory boards, rules, orders,  
7 standards or statements of policy of general application issued by an  
8 administrative agency to implement, interpret or make specific the  
9 legislation enforced or administered by it or clarifications of  
10 interpretation, nor does it mean or include rules concerning the internal  
11 management of the agency that do not affect private rights or interests.  
12 For the purposes of this paragraph, administrative hearing does not  
13 include a public hearing held for the purpose of receiving public comment  
14 on a proposed agency action.

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

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

20           7. "Licensee":

21           (a) Means any individual or business entity that has been issued a  
22 license by a state agency to engage in any business or activity in this  
23 state and that is subject to a licensing decision.

24           (b) Includes any individual or business entity that has applied for  
25 such a license and that appeals a licensing decision pursuant to section  
26 41-1092.08 or 41-1092.12.

27           8. "Office" means the office of administrative hearings.

28           9. "Self-supporting regulatory board" means any of the following:

29           (a) The Arizona state board of accountancy.

30           (b) The ~~barbering and cosmetology~~ board OF BEAUTY AND WELLNESS.

31           (c) The board of behavioral health examiners.

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

33           (e) The state board of chiropractic examiners.

34           (f) The state board of dental examiners.

35           (g) The Arizona game and fish commission.

36           (h) The board of homeopathic and integrated medicine examiners.

37           (i) The Arizona medical board.

38           (j) The naturopathic physicians medical board.

39           (k) The Arizona state board of nursing.

40           (l) The board of examiners of nursing care institution  
41 administrators and assisted living facility managers.

42           (m) The board of occupational therapy examiners.

43           (n) The state board of dispensing opticians.

44           (o) The state board of optometry.

- 1 (p) The Arizona board of osteopathic examiners in medicine and
- 2 surgery.
- 3 (q) The Arizona peace officer standards and training board.
- 4 (r) The Arizona state board of pharmacy.
- 5 (s) The board of physical therapy.
- 6 (t) The state board of podiatry examiners.
- 7 (u) The state board for private postsecondary education.
- 8 (v) The state board of psychologist examiners.
- 9 (w) The board of respiratory care examiners.
- 10 (x) The state board of technical registration.
- 11 (y) The Arizona state veterinary medical examining board.
- 12 (z) The acupuncture board of examiners.
- 13 (aa) The Arizona regulatory board of physician assistants.
- 14 (bb) The board of athletic training.

15 ~~(cc) The board of massage therapy.~~

16 Sec. 13. Section 41-1758, Arizona Revised Statutes, is amended to

17 read:

18 41-1758. Definitions

19 In this article, unless the context otherwise requires:

20 1. "Agency" means the supreme court, the department of economic

21 security, the department of child safety, the department of education, the

22 department of health services, the department of juvenile corrections, the

23 department of emergency and military affairs, the department of public

24 safety, the department of transportation, the state real estate

25 department, the department of insurance and financial institutions, the

26 board of fingerprinting, the Arizona game and fish department, the Arizona

27 department of agriculture, the board of examiners of nursing care

28 institution administrators and assisted living facility managers, the

29 state board of dental examiners, the Arizona state board of pharmacy, the

30 board of physical therapy, the state board of psychologist examiners, the

31 board of athletic training, the board of occupational therapy examiners,

32 the state board of podiatry examiners, the acupuncture board of examiners,

33 the state board of technical registration, ~~or~~ the board of ~~massage therapy~~

34 BEAUTY AND WELLNESS or the Arizona department of housing.

35 2. "Division" means the fingerprinting division in the department

36 of public safety.

37 3. "Electronic or internet-based fingerprinting services" means a

38 secure system for digitizing applicant fingerprints and transmitting the

39 applicant data and fingerprints of a person or entity submitting

40 fingerprints to the department of public safety for any authorized purpose

41 under this title. For the purposes of this paragraph, "secure system"

42 means a system that complies with the information technology security

43 policy approved by the department of public safety.

44 4. "Good cause exception" means the issuance of a fingerprint

45 clearance card to an applicant pursuant to section 41-619.55.

- 1           5. "Person" means a person who is required to be fingerprinted  
2 pursuant to any of the following:
- 3           (a) Section 3-314.
  - 4           (b) Section 8-105.
  - 5           (c) Section 8-322.
  - 6           (d) Section 8-463.
  - 7           (e) Section 8-509.
  - 8           (f) Section 8-802.
  - 9           (g) Section 15-183.
  - 10          (h) Section 15-503.
  - 11          (i) Section 15-512.
  - 12          (j) Section 15-534.
  - 13          (k) Section 15-763.01.
  - 14          (l) Section 15-782.02.
  - 15          (m) Section 15-1330.
  - 16          (n) Section 15-1881.
  - 17          (o) Section 17-215.
  - 18          (p) Section 28-3228.
  - 19          (q) Section 28-3413.
  - 20          (r) Section 32-122.02.
  - 21          (s) Section 32-122.05.
  - 22          (t) Section 32-122.06.
  - 23          (u) Section 32-823.
  - 24          (v) Section 32-1232.
  - 25          (w) Section 32-1276.01.
  - 26          (x) Section 32-1284.
  - 27          (y) Section 32-1297.01.
  - 28          (z) Section 32-1904.
  - 29          (aa) Section 32-1941.
  - 30          (bb) Section 32-1982.
  - 31          (cc) Section 32-2022.
  - 32          (dd) Section 32-2063.
  - 33          (ee) Section 32-2108.01.
  - 34          (ff) Section 32-2123.
  - 35          (gg) Section 32-2371.
  - 36          (hh) Section 32-3430.
  - 37          (ii) Section 32-3620.
  - 38          (jj) Section 32-3668.
  - 39          (kk) Section 32-3669.
  - 40          (ll) Section 32-3922.
  - 41          (mm) Section 32-3924.
  - 42          (nn) Section 32-4128.
  - 43          (oo) Section 32-4222.
  - 44          (pp) Section 36-113.
  - 45          (qq) Section 36-207.

1 (rr) Section 36-411.  
2 (ss) Section 36-425.03.  
3 (tt) Section 36-446.04.  
4 (uu) Section 36-594.01.  
5 (vv) Section 36-594.02.  
6 (ww) Section 36-766.01.  
7 (xx) Section 36-882.  
8 (yy) Section 36-883.02.  
9 (zz) Section 36-897.01.  
10 (aaa) Section 36-897.03.  
11 (bbb) Section 36-3008.  
12 (ccc) Section 41-619.52.  
13 (ddd) Section 41-619.53.  
14 (eee) Section 41-1964.  
15 (fff) Section 41-1967.01.  
16 (ggg) Section 41-1968.  
17 (hhh) Section 41-1969.  
18 (iii) Section 41-2814.  
19 (jjj) Section 41-4025.  
20 (kkk) Section 46-141, subsection A or B.  
21 (lll) Section 46-321.  
22 6. "Vulnerable adult" has the same meaning prescribed in section  
23 13-3623.  
24 Sec. 14. Repeal  
25 Sections 41-3025.10 and 41-3026.06, Arizona Revised Statutes, are  
26 repealed.  
27 Sec. 15. Title 41, chapter 27, article 2, Arizona Revised Statutes,  
28 is amended by adding section 41-3028.04, to read:  
29 41-3028.04. Board of beauty and wellness; termination July 1,  
30 2028  
31 A. THE BOARD OF BEAUTY AND WELLNESS TERMINATES ON JULY 1, 2028.  
32 B. TITLE 32, CHAPTERS 3, 5 AND 42 AND THIS SECTION ARE REPEALED ON  
33 JANUARY 1, 2029.  
34 Sec. 16. Purpose  
35 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,  
36 the legislature establishes the board of beauty and wellness to promote  
37 the safe and professional practice of barbering, cosmetology and massage  
38 therapy in this state.  
39 Sec. 17. Transfer; effect; succession  
40 A. As provided by this act, the board of beauty and wellness  
41 succeeds to the authority, powers, duties and responsibilities of the  
42 board of massage therapy.  
43 B. This act does not alter the effect of any actions that were  
44 taken or impair the valid obligations of the board of massage therapy in  
45 existence before the effective date of this act.

1 C. All administrative matters, contracts and judicial and  
2 quasi-judicial actions, whether completed, pending or in process, of the  
3 board of massage therapy on the effective date of this act are transferred  
4 to and retain the same status with the board of beauty and wellness.

5 D. All certificates, licenses, registrations, permits and other  
6 indicia of qualification and authority that were issued by the board of  
7 massage therapy retain their validity for the duration of their terms of  
8 validity as provided by law.

9 E. All equipment, records, furnishings and other property and all  
10 data and investigative findings of the board of massage therapy are  
11 transferred to the board of beauty and wellness on the effective date of  
12 this act.

13 F. The board of beauty and wellness may waive the annual renewal  
14 license fee for any licensee in good standing during the period of  
15 consolidation.

16 Sec. 18. Initial terms of members of the board of beauty and  
17 wellness

18 A. Notwithstanding section 32-502, Arizona Revised Statutes, as  
19 amended by this act, the initial terms of members of the board of beauty  
20 and wellness are:

- 21 1. Two terms ending June 30, 2027.
- 22 2. Two terms ending June 30, 2028.
- 23 3. Three terms ending June 30, 2029.
- 24 4. Four terms ending June 30, 2030.

25 B. The governor shall make all subsequent appointments as  
26 prescribed by statute.

27 Sec. 19. Retention of members

28 All persons serving as members of the former barbering and  
29 cosmetology board and the former board of massage therapy may continue to  
30 serve on the board of beauty and wellness established by section 32-502,  
31 Arizona Revised Statutes, as amended by this act, until the expiration of  
32 their normal terms. The governor shall make all subsequent appointments  
33 as prescribed by statute.

34 Sec. 20. Barbering, cosmetology and massage therapy  
35 consolidation study committee; membership; duties;  
36 report; delayed repeal

37 A. The barbering, cosmetology and massage therapy consolidation  
38 study committee is established consisting of the following members:

- 39 1. The executive director of the barbering and cosmetology board  
40 established by section 32-502, Arizona Revised Statutes.
- 41 2. The chairperson of the barbering and cosmetology board  
42 established by section 32-502, Arizona Revised Statutes.
- 43 3. The executive director of the board of massage therapy  
44 established by section 32-4202, Arizona Revised Statutes.

- 1           4. The chairperson of the board of massage therapy established by  
2 section 32-4202, Arizona Revised Statutes.
- 3           5. Two members who represent massage therapy associations and who  
4 are appointed by the governor.
- 5           B. The committee:
- 6           1. Shall identify necessary statutory changes, information  
7 technology needs, staffing needs and best practices relating to the  
8 consolidation of the barbering and cosmetology board and the board of  
9 massage therapy pursuant to this act.
- 10          2. May work with and consult with experts, agencies, legislators  
11 and legislative staff to implement this act.
- 12          3. On or before December 15, 2024, shall submit a report regarding  
13 the committee's activities and recommendations for administrative or  
14 legislative action to the governor, the president of the senate and the  
15 speaker of the house of representatives and provide a copy of this report  
16 to the secretary of state.
- 17          C. This section is repealed from and after September 30, 2025.
- 18          Sec. 21. Effective date
- 19          A. Sections 32-301, 32-501, 32-502, 32-503, 32-505, 32-573,  
20 32-4201, 32-4222, 32-4228, 41-619.51, 41-1092 and 41-1758, Arizona Revised  
21 Statutes, as amended by this act, are effective from and after June 30,  
22 2025.
- 23          B. Section 41-3028.04, Arizona Revised Statutes, as added by this  
24 act, is effective from and after June 30, 2025.
- 25          C. Sections 32-4202, 32-4204, 32-4205, 41-3025.10 and 41-3026.06,  
26 Arizona Revised Statutes, as repealed by this act, are effective from and  
27 after June 30, 2025.