

REFERENCE TITLE: **barbering, cosmetology, massage therapy; consolidation**

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

HB 2169

Introduced by
Representative Dunn

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 32-4228, 41-619.51, 41-1092 AND 41-1758, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3025.10, ARIZONA REVISED STATUTES; AMENDING SECTION 41-3026.06, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO MASSAGE THERAPY.

(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 **AND MASSAGE THERAPY**
23 board.

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.

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

1 (c) Removing superfluous hair by means other than electrolysis or
2 threading.

3 3. "Barbering" has the same meaning prescribed in section 32-301.

4 4. "Board" means the barbering, ~~and~~ cosmetology **AND MASSAGE THERAPY**
5 board.

6 5. "Cosmetic purposes" means for the purpose of beautifying,
7 preserving or conferring comeliness, excluding therapeutic massage and
8 manipulations.

9 6. "Cosmetologist" means a person who is licensed to practice
10 cosmetology pursuant to this chapter.

11 7. "Cosmetology":

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

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

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

18 (iii) Removing superfluous hair by means other than electrolysis or
19 threading.

20 (iv) Nail technology.

21 (v) Hairstyling.

22 (b) Does not include performing personal services related to
23 eyelash extensions.

24 8. "Electrical appliances" means devices that use electrical
25 current and includes lasers and IPL devices as defined in section 32-516.

26 9. "Eyelash extensions":

27 (a) Means applying, removing and trimming threadlike natural or
28 synthetic fibers to an eyelash.

29 (b) Includes cleansing the eye area and lashes.

30 (c) Does not include applying eyelash enhancements that are
31 tattoos, color agents, straightening agents, permanent wave solutions or
32 bleaching agents to the eyebrow or any other cosmetology service.

33 10. "Eyelash technician" means a person who is not licensed as a
34 cosmetologist or aesthetician and who for compensation performs personal
35 services limited to eyelash extensions.

36 11. "Hairstyling" means any of the following:

37 (a) Cutting, clipping or trimming hair.

38 (b) Styling, arranging, dressing, curling, waving, permanent
39 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,
40 coloring or similarly treating hair.

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

43 12. "Hairstylist" means a person who is licensed to practice
44 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. Barbering, cosmetology and massage therapy board;
40 members; appointment; qualifications; terms

41 A. The barbering, ~~and~~ cosmetology ~~AND~~ MASSAGE THERAPY board 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.

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

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

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

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

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

21 32-503. Organization; meetings; personnel; compensation

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

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

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

30 1. An executive director.

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

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

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

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

41 6. Other personnel.

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

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

3 32-505. Barbering, cosmetology and massage therapy fund

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

11 B. Except as provided in section 32-573, subsection G, monies
12 deposited in the barbering, ~~and~~ cosmetology AND MASSAGE THERAPY fund are
13 subject to section 35-143.01.

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

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

19 32-573. Procedure for disciplinary action; appeal

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

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

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

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

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

44 D. If, after an informal interview, the board finds that the
45 evidence warrants suspension or revocation of a license or registration
46 issued pursuant to this chapter, imposition of a civil penalty or public

1 reproof or if the licensee or registrant under investigation refuses to
2 attend the informal interview, a complaint shall be issued and formal
3 proceedings shall be initiated. All proceedings pursuant to this
4 subsection shall be conducted in accordance with title 41, chapter 6,
5 article 10.

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

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

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

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

26 3. Impose probation requirements.

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

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

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

44 32-4201. Definitions

45 In this chapter, unless the context otherwise requires:

1 1. "Board" means the ~~board of~~ BARBERING, COSMETOLOGY AND massage
2 therapy BOARD.

3 2. "Board recognized school" means a school that is any of the
4 following:

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

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

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

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

13 3. "Bodywork therapy" means massage therapy.

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

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

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

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

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

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

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

41 Sec. 8. Repeal; transfer of monies

42 A. Sections 32-4202, 32-4204 and 32-4205, Arizona Revised Statutes,
43 are repealed.

44 B. All unexpended and unencumbered monies remaining in the board of
45 massage therapy fund established by section 32-4205, Arizona Revised
46 Statutes, as repealed by subsection A of this section, are transferred on

1 the effective date of this section to the barbering, cosmetology and
2 massage therapy fund established by section 32-505, Arizona Revised
3 Statutes, as amended by this act.

4 Sec. 9. Section 32-4228, Arizona Revised Statutes, is amended to
5 read:

6 32-4228. Massage therapy schools; recognition

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

13 B. The board shall recognize a school of massage therapy located in
14 another state or a Canadian province if it is accredited or approved by an
15 agency similar to the state board for private postsecondary education or
16 it is accredited to offer massage therapy education by an agency
17 recognized by the secretary of the United States department of education.

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

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

23 2. All faculty and instructional staff, and all additions to or
24 deletions from the faculty and staff.

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

26 Sec. 10. Section 41-619.51, Arizona Revised Statutes, is amended to
27 read:

28 41-619.51. Definitions

29 In this article, unless the context otherwise requires:

30 1. "Agency" means the supreme court, the department of economic
31 security, the department of child safety, the department of education, the
32 department of health services, the department of juvenile corrections, the
33 department of emergency and military affairs, the department of public
34 safety, the department of transportation, the state real estate
35 department, the department of insurance and financial institutions, the
36 Arizona game and fish department, the Arizona department of agriculture,
37 the board of examiners of nursing care institution administrators and
38 assisted living facility managers, the state board of dental examiners,
39 the Arizona state board of pharmacy, the board of physical therapy, the
40 state board of psychologist examiners, the board of athletic training, the
41 board of occupational therapy examiners, the state board of podiatry
42 examiners, the acupuncture board of examiners, the state board of
43 technical registration, ~~or the board of~~ BARBERING, COSMETOLOGY AND massage
44 therapy BOARD or the Arizona department of housing.

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

1 3. "Central registry exception" means notification to the
2 department of economic security, the department of child safety or the
3 department of health services, as appropriate, pursuant to section
4 41-619.57 that the person is not disqualified because of a central
5 registry check conducted pursuant to section 8-804.

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

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

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

- 14 (a) Section 3-314.
- 15 (b) Section 8-105.
- 16 (c) Section 8-322.
- 17 (d) Section 8-463.
- 18 (e) Section 8-509.
- 19 (f) Section 8-802.
- 20 (g) Section 8-804.
- 21 (h) Section 15-183.
- 22 (i) Section 15-503.
- 23 (j) Section 15-512.
- 24 (k) Section 15-534.
- 25 (l) Section 15-763.01.
- 26 (m) Section 15-782.02.
- 27 (n) Section 15-1330.
- 28 (o) Section 15-1881.
- 29 (p) Section 17-215.
- 30 (q) Section 28-3228.
- 31 (r) Section 28-3413.
- 32 (s) Section 32-122.02.
- 33 (t) Section 32-122.05.
- 34 (u) Section 32-122.06.
- 35 (v) Section 32-823.
- 36 (w) Section 32-1232.
- 37 (x) Section 32-1276.01.
- 38 (y) Section 32-1284.
- 39 (z) Section 32-1297.01.
- 40 (aa) Section 32-1904.
- 41 (bb) Section 32-1941.
- 42 (cc) Section 32-1982.
- 43 (dd) Section 32-2022.
- 44 (ee) Section 32-2063.
- 45 (ff) Section 32-2108.01.
- 46 (gg) Section 32-2123.

1 (hh) Section 32-2371.
2 (ii) Section 32-3430.
3 (jj) Section 32-3620.
4 (kk) Section 32-3668.
5 (ll) Section 32-3669.
6 (mm) Section 32-3922.
7 (nn) Section 32-3924.
8 (oo) Section 32-4222.
9 (pp) Section 32-4128.
10 (qq) Section 36-113.
11 (rr) Section 36-207.
12 (ss) Section 36-411.
13 (tt) Section 36-425.03.
14 (uu) Section 36-446.04.
15 (vv) Section 36-594.01.
16 (ww) Section 36-594.02.
17 (xx) Section 36-766.01.
18 (yy) Section 36-882.
19 (zz) Section 36-883.02.
20 (aaa) Section 36-897.01.
21 (bbb) Section 36-897.03.
22 (ccc) Section 36-3008.
23 (ddd) Section 41-619.53.
24 (eee) Section 41-1964.
25 (fff) Section 41-1967.01.
26 (ggg) Section 41-1968.
27 (hhh) Section 41-1969.
28 (iii) Section 41-2814.
29 (jjj) Section 41-4025.
30 (kkk) Section 46-141, subsection A or B.
31 (lll) Section 46-321.
32 Sec. 11. Section 41-1092, Arizona Revised Statutes, is amended to
33 read:
34 41-1092. Definitions
35 In this article, unless the context otherwise requires:
36 1. "Administrative law judge" means an individual or an agency
37 head, board or commission that sits as an administrative law judge, that
38 conducts administrative hearings in a contested case or an appealable
39 agency action and that makes decisions regarding the contested case or
40 appealable agency action.
41 2. "Administrative law judge decision" means the findings of fact,
42 conclusions of law and recommendations or decisions issued by an
43 administrative law judge.

1 3. "Adversely affected party" means:

2 (a) An individual who both:

3 (i) Provides evidence of an actual injury or economic damage that
4 the individual has suffered or will suffer as a direct result of the
5 action and not due to being a competitor or a general taxpayer.

6 (ii) Timely submits comments on the license application that
7 include, with sufficient specificity, the questions of law, if applicable,
8 that are the basis for the appeal.

9 (b) A group or association that identifies, by name and physical
10 address in the notice of appeal, a member of the group or association who
11 would be an adversely affected party in the individual's own right.

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

26 5. "Director" means the director of the office of administrative
27 hearings.

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

31 7. "Licensee":

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

35 (b) Includes any individual or business entity that has applied for
36 such a license and that appeals a licensing decision pursuant to section
37 41-1092.08 or 41-1092.12.

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

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

40 (a) The Arizona state board of accountancy.

41 (b) The barbering, ~~and~~ cosmetology ~~AND~~ MASSAGE THERAPY board.

42 (c) The board of behavioral health examiners.

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

44 (e) The state board of chiropractic examiners.

45 (f) The state board of dental examiners.

46 (g) The Arizona game and fish commission.

- 1 (h) The board of homeopathic and integrated medicine examiners.
- 2 (i) The Arizona medical board.
- 3 (j) The naturopathic physicians medical board.
- 4 (k) The Arizona state board of nursing.
- 5 (l) The board of examiners of nursing care institution
- 6 administrators and assisted living facility managers.
- 7 (m) The board of occupational therapy examiners.
- 8 (n) The state board of dispensing opticians.
- 9 (o) The state board of optometry.
- 10 (p) The Arizona board of osteopathic examiners in medicine and
- 11 surgery.
- 12 (q) The Arizona peace officer standards and training board.
- 13 (r) The Arizona state board of pharmacy.
- 14 (s) The board of physical therapy.
- 15 (t) The state board of podiatry examiners.
- 16 (u) The state board for private postsecondary education.
- 17 (v) The state board of psychologist examiners.
- 18 (w) The board of respiratory care examiners.
- 19 (x) The state board of technical registration.
- 20 (y) The Arizona state veterinary medical examining board.
- 21 (z) The acupuncture board of examiners.
- 22 (aa) The Arizona regulatory board of physician assistants.
- 23 (bb) The board of athletic training.

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

25 Sec. 12. Section 41-1758, Arizona Revised Statutes, is amended to
26 read:

27 41-1758. Definitions

28 In this article, unless the context otherwise requires:

29 1. "Agency" means the supreme court, the department of economic
30 security, the department of child safety, the department of education, the
31 department of health services, the department of juvenile corrections, the
32 department of emergency and military affairs, the department of public
33 safety, the department of transportation, the state real estate
34 department, the department of insurance and financial institutions, the
35 board of fingerprinting, the Arizona game and fish department, the Arizona
36 department of agriculture, the board of examiners of nursing care
37 institution administrators and assisted living facility managers, the
38 state board of dental examiners, the Arizona state board of pharmacy, the
39 board of physical therapy, the state board of psychologist examiners, the
40 board of athletic training, the board of occupational therapy examiners,
41 the state board of podiatry examiners, the acupuncture board of examiners,
42 the state board of technical registration, ~~or the board of BARBERING,~~
43 ~~COSMETOLOGY AND~~ massage therapy ~~BOARD~~ or the Arizona department of
44 housing.

45 2. "Division" means the fingerprinting division in the department
46 of public safety.

3. "Electronic or internet-based fingerprinting services" means a secure system for digitizing applicant fingerprints and transmitting the applicant data and fingerprints of a person or entity submitting fingerprints to the department of public safety for any authorized purpose under this title. For the purposes of this paragraph, "secure system" means a system that complies with the information technology security policy approved by the department of public safety.

4. "Good cause exception" means the issuance of a fingerprint clearance card to an applicant pursuant to section 41-619.55.

5. "Person" means a person who is required to be fingerprinted pursuant to any of the following:

- (a) Section 3-314.
- (b) Section 8-105.
- (c) Section 8-322.
- (d) Section 8-463.
- (e) Section 8-509.
- (f) Section 8-802.
- (g) Section 15-183.
- (h) Section 15-503.
- (i) Section 15-512.
- (j) Section 15-534.
- (k) Section 15-763.01.
- (l) Section 15-782.02.
- (m) Section 15-1330.
- (n) Section 15-1881.
- (o) Section 17-215.
- (p) Section 28-3228.
- (q) Section 28-3413.
- (r) Section 32-122.02.
- (s) Section 32-122.05.
- (t) Section 32-122.06.
- (u) Section 32-823.
- (v) Section 32-1232.
- (w) Section 32-1276.01.
- (x) Section 32-1284.
- (y) Section 32-1297.01.
- (z) Section 32-1904.
- (aa) Section 32-1941.
- (bb) Section 32-1982.
- (cc) Section 32-2022.
- (dd) Section 32-2063.
- (ee) Section 32-2108.01.
- (ff) Section 32-2123.
- (gg) Section 32-2371.
- (hh) Section 32-3430.
- (ii) Section 32-3620.

1 (jj) Section 32-3668.
 2 (kk) Section 32-3669.
 3 (ll) Section 32-3922.
 4 (mm) Section 32-3924.
 5 (nn) Section 32-4128.
 6 (oo) Section 32-4222.
 7 (pp) Section 36-113.
 8 (qq) Section 36-207.
 9 (rr) Section 36-411.
 10 (ss) Section 36-425.03.
 11 (tt) Section 36-446.04.
 12 (uu) Section 36-594.01.
 13 (vv) Section 36-594.02.
 14 (ww) Section 36-766.01.
 15 (xx) Section 36-882.
 16 (yy) Section 36-883.02.
 17 (zz) Section 36-897.01.
 18 (aaa) Section 36-897.03.
 19 (bbb) Section 36-3008.
 20 (ccc) Section 41-619.52.
 21 (ddd) Section 41-619.53.
 22 (eee) Section 41-1964.
 23 (fff) Section 41-1967.01.
 24 (ggg) Section 41-1968.
 25 (hhh) Section 41-1969.
 26 (iii) Section 41-2814.
 27 (jjj) Section 41-4025.
 28 (kkk) Section 46-141, subsection A or B.
 29 (lll) Section 46-321.
 30 6. "Vulnerable adult" has the same meaning prescribed in section
 31 13-3623.
 32 Sec. 13. Repeal
 33 Section 41-3025.10, Arizona Revised Statutes, is repealed.
 34 Sec. 14. Section 41-3026.06, Arizona Revised Statutes, is amended
 35 to read:
 36 41-3026.06. Barbering, cosmetology and massage therapy board;
 37 termination July 1, 2026
 38 A. The barbering, ~~and~~ cosmetology AND MASSAGE THERAPY board
 39 terminates on July 1, 2026.
 40 B. Title 32, chapters 3, ~~and~~ 5 AND 42 and this section are repealed
 41 on January 1, 2027.
 42 Sec. 15. Transfer; effect; succession
 43 A. As provided by this act, the barbering, cosmetology and massage
 44 therapy board succeeds to the authority, powers, duties and
 45 responsibilities of the board of massage therapy.

1 B. This act does not alter the effect of any actions that were
2 taken or impair the valid obligations of the board of massage therapy in
3 existence before the effective date of this act.

4 C. All administrative matters, contracts and judicial and
5 quasi-judicial actions, whether completed, pending or in process, of the
6 board of massage therapy on the effective date of this act are transferred
7 to and retain the same status with the barbering, cosmetology and massage
8 therapy board.

9 D. All certificates, licenses, registrations, permits and other
10 indicia of qualification and authority that were issued by the board of
11 massage therapy retain their validity for the duration of their terms of
12 validity as provided by law.

13 E. All equipment, records, furnishings and other property and all
14 data and investigative findings of the board of massage therapy are
15 transferred to the barbering, cosmetology and massage therapy board on the
16 effective date of this act.

17 Sec. 16. Initial terms of members of the barbering,
18 cosmetology and massage therapy board

19 A. Notwithstanding section 32-502, Arizona Revised Statutes, as
20 amended by this act, the initial terms of members of the barbering,
21 cosmetology and massage therapy board are:

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

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

28 Sec. 17. Retention of members

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