

REFERENCE TITLE: barbering and cosmetology fund; enforcement

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1117

Introduced by
Senator Dunn

AN ACT

AMENDING SECTION 32-573, ARIZONA REVISED STATUTES; 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 32-573, Arizona Revised Statutes, is amended to
3 read:

4 32-573. Procedure for disciplinary action; appeal

5 A. The board on its own motion may investigate any information that
6 appears to show the existence of any of the causes set forth in section
7 32-572. The board shall investigate the report of any person that appears
8 to show the existence of any of the causes set forth in section 32-572. A
9 person who reports pursuant to this section and who provides the
10 information in good faith is not subject to liability for civil damages as
11 a result.

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

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

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

23 C. If, in the opinion of the board, it appears the information or
24 report is or may be true, the board shall request an informal interview
25 with the licensee or registrant concerned. The interview shall be
26 requested by the board in writing, stating the reasons for the interview
27 and setting a date at least ten days after the date of the notice for
28 conducting the interview.

29 D. If, after an informal interview, the board finds that the
30 evidence warrants suspension or revocation of a license or registration
31 issued pursuant to this chapter, imposition of a civil penalty or public
32 reproof or if the licensee or registrant under investigation refuses to
33 attend the informal interview, a complaint shall be issued and formal
34 proceedings shall be initiated. All proceedings pursuant to this
35 subsection shall be conducted in accordance with title 41, chapter 6,
36 article 10.

37 E. A licensee or registrant who has been notified pursuant to
38 subsection D of this section of charges pending against the licensee or
39 registrant shall file with the board an answer in writing to the charges
40 not more than thirty days after the licensee or registrant receives the
41 complaint. If the licensee or registrant fails to answer in writing
42 within this time, it is deemed an admission by the licensee or registrant
43 of the acts charged in the complaint and the board may take disciplinary
44 action allowed by this chapter without a hearing.

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

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

7 2. File a letter of concern if, in the opinion of the board, while
8 there is insufficient evidence to support direct action against the
9 license or registration there is sufficient evidence for the board to
10 notify the licensee or registrant that continuation of the activities
11 which led to the information or report being made to the board may result
12 in action against the licensee's license or registrant's registration.

13 3. Impose probation requirements.

14 G. If a licensee or registrant violates this chapter or a rule
15 adopted pursuant to this chapter, the board may assess the licensee or
16 registrant with the board's reasonable costs and expenses, including
17 attorney fees, incurred in conducting the investigation and administrative
18 hearing. All monies collected pursuant to this subsection shall be
19 deposited, pursuant to sections 35-146 and 35-147, in a separate account
20 in the barbering and cosmetology fund established by section 32-505.
21 NOTWITHSTANDING SECTION 35-143.01, THE SEPARATE ACCOUNT MONIES ARE
22 CONTINUOUSLY APPROPRIATED TO the board ~~may only use these monies~~ to defray
23 its expenses in connection with THE ENFORCEMENT OF THIS CHAPTER, INCLUDING
24 ~~investigation related~~ INVESTIGATION-RELATED training and education,
25 disciplinary investigations and all costs related to administrative
26 hearings. ~~Notwithstanding section 35-143.01 the separate account monies~~
27 ~~may be spent without legislative appropriation.~~

28 H. Except as provided in section 41-1092.08, subsection H, final
29 decisions of the board are subject to judicial review pursuant to title
30 12, chapter 7, article 6.

31 Sec. 2. Barbering and cosmetology fund; enforcement; intent

32 The legislature intends that the appropriation made in Laws 2024,
33 chapter 250, section 36, subsection B be considered ongoing funding in
34 future years.