

REFERENCE TITLE: **barbering; cosmetology; salons; unlicensed employees**

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

HB 2525

Introduced by
Representative Hendrix

AN ACT

AMENDING SECTION 32-321, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-357; AMENDING SECTIONS 32-506, 32-510, 32-511, 32-512 AND 32-512.01, ARIZONA REVISED STATUTES; RELATING TO THE BARBERING AND COSMETOLOGY BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-321, Arizona Revised Statutes, is amended to
3 read:

4 32-321. Nonapplicability of chapter

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

7 1. Medical practitioners licensed pursuant to this title who treat
8 physical or mental ailments or disease.

9 2. Persons who perform services without compensation in case of
10 emergency or in domestic administration.

11 3. Commissioned physicians and surgeons serving in the armed forces
12 of the United States or other federal agencies.

13 4. Students attending schools licensed ~~pursuant to this chapter or~~
14 ~~chapter 5 of this title~~ BY THE BOARD while they are on school premises
15 during school hours.

16 5. Persons licensed pursuant to chapter 5 or 12 of this title.

17 6. Shampoo assistants who shampoo hair under the direction of a
18 barber licensed pursuant to this chapter.

19 7. Persons who are in the custody of the state department of
20 corrections and who perform services for persons in the custody of the
21 state department of corrections.

22 8. Persons who are participating in a department of economic
23 security-approved apprenticeship program in barbering as described in
24 section 32-322 while working with a mentor in an establishment that is
25 licensed by the board.

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

29 10. PERSONS WHO ARE PARTICIPATING IN THE SHOP AND SALON INSPECTION
30 PROGRAM PURSUANT TO SECTION 32-358.

31 Sec. 2. Title 32, chapter 3, article 3, Arizona Revised Statutes,
32 is amended by adding section 32-357, to read:

33 32-357. Shop and salon inspection program; requirements;
34 definition

35 A. THE BOARD SHALL ESTABLISH A SHOP AND SALON INSPECTION PROGRAM TO
36 ALLOW SHOPS AND SALONS TO EMPLOY UNLICENSED PERSONS. THE BOARD SHALL
37 ESTABLISH A SHOP AND SALON REGISTRY FOR A LICENSED SHOP OR SALON THAT
38 QUALIFIES AND WISHES TO PARTICIPATE IN THE SHOP AND SALON INSPECTION
39 PROGRAM.

40 B. A SHOP OR SALON THAT IS LICENSED PURSUANT TO THIS CHAPTER OR
41 CHAPTER 5 OF THIS TITLE MAY PARTICIPATE IN THE SHOP AND SALON INSPECTION
42 PROGRAM BY REGISTERING WITH THE BOARD IN A MANNER DETERMINED BY THE BOARD.

43 C. A SHOP OR SALON AS DEFINED IN SECTION 32-301 THAT REGISTERS WITH
44 THE BOARD MAY EMPLOY AN UNLICENSED PERSON TO PROVIDE BARBERING. A SALON
45 AS DEFINED IN SECTION 32-501 THAT REGISTERS WITH THE BOARD MAY EMPLOY AN

1 UNLICENSED PERSON TO PROVIDE AESTHETICS, BARBERING, COSMETOLOGY,
2 HAIRSTYLING AND NAIL TECHNOLOGY AS DEFINED IN SECTION 32-501.

3 D. A SHOP OR SALON PARTICIPATING IN THE SHOP AND SALON INSPECTION
4 PROGRAM SHALL POST A SIGN IN A CONSPICUOUS LOCATION IN THE SHOP OR SALON
5 NOTIFYING THE PUBLIC THAT A PERSON PROVIDING SERVICES IN THE SHOP OR SALON
6 MIGHT NOT BE REGULATED BY THE BOARD.

7 E. A SHOP OR SALON THAT REGISTERS WITH THE BOARD SHALL COMPLY WITH
8 ALL FACILITY AND MINIMUM EQUIPMENT REQUIREMENTS, SAFETY AND INFECTION
9 CONTROL REQUIREMENTS, ESTABLISHMENT INSPECTION REQUIREMENTS, MANAGEMENT
10 REQUIREMENTS AND SHOP AND SALON LICENSING RENEWAL REQUIREMENTS ESTABLISHED
11 PURSUANT TO THIS CHAPTER AND CHAPTER 5 OF THIS TITLE.

12 F. EACH SHOP OR SALON OWNER IS RESPONSIBLE FOR:

13 1. ENSURING THE EDUCATION, TRAINING, SKILLS AND COMPETENCE OF
14 PERSONS WHO WORK IN THE OWNER'S SHOP OR SALON.

15 2. PROTECTING THE HEALTH AND SAFETY OF CUSTOMERS AND PERSONS WHO
16 WORK IN THE OWNER'S SHOP OR SALON, INCLUDING THE SHOP'S OR SALON'S
17 SANITATION AND EQUIPMENT.

18 G. IN ADDITION TO REMEDIES OTHERWISE PROVIDED BY LAW, IN AN ACTION
19 BASED ON AN INJURY ALLEGED TO HAVE OCCURRED IN A SHOP OR SALON, A PERSON
20 MAY RECOVER REASONABLE ATTORNEY FEES AND RECEIVE OTHER EQUITABLE RELIEF AS
21 DETERMINED BY THE COURT.

22 H. THE BOARD SHALL INSPECT SHOPS AND SALONS PARTICIPATING IN THE
23 SHOP AND SALON INSPECTION PROGRAM ON A REGULAR BASIS AS IT DEEMS
24 NECESSARY.

25 I. IN ADDITION TO ANY OTHER DISCIPLINARY POWERS ESTABLISHED
26 PURSUANT THIS CHAPTER OR CHAPTER 5 OF THIS TITLE, IF THE BOARD HAS
27 PROBABLE CAUSE TO BELIEVE THAT HUMAN HEALTH IS ENDANGERED, THE BOARD MAY
28 ORDER A SHOP OR SALON PARTICIPATING IN THE SHOP AND SALON INSPECTION
29 PROGRAM TO IMMEDIATELY CEASE OPERATIONS. THE BOARD SHALL CONDUCT FORMAL
30 PROCEEDINGS PURSUANT TO SECTION 32-354 OR 32-573 AT ITS NEXT REGULARLY
31 SCHEDULED MEETING TO DETERMINE WHETHER THE PROBLEM HAS BEEN RECTIFIED,
32 WHETHER TO SUSPEND, REVOKE OR REINSTATE THE SHOP'S OR SALON'S
33 PARTICIPATION IN THE PROGRAM AND WHETHER TO SUSPEND, REVOKE OR REINSTATE
34 THE SHOP OR SALON LICENSE.

35 J. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, FOR THE
36 PURPOSES OF THIS SECTION, "SALON" HAS THE SAME MEANING PRESCRIBED IN
37 SECTIONS 32-301 AND 32-501.

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

40 32-506. Nonapplicability of chapter

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

43 1. Medical practitioners who are licensed pursuant to this title if
44 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 or 12 of this
4 title.
- 5 4. Students who are attending schools licensed ~~pursuant to this~~
6 ~~chapter~~ BY THE BOARD while they are on school premises during school hours
7 or off campus at a 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 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.

1 15. Persons who are participating in a department of economic
2 security-approved apprenticeship program ~~in cosmetology~~ as described in
3 section 32-510, 32-511, 32-512 OR 32-512.01 while working with a mentor in
4 an establishment that is licensed by the board.

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

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

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

16 19. PERSONS WHO ARE PARTICIPATING IN THE SHOP AND SALON INSPECTION
17 PROGRAM PURSUANT TO SECTION 32-357.

18 Sec. 4. Section 32-510, Arizona Revised Statutes, is amended to
19 read:

20 32-510. Aestheticians; applications; qualifications

21 A person is entitled to receive an aesthetician's license if the
22 person:

23 1. Submits to the board an application for an aesthetician's
24 license on a form supplied by the board.

25 2. Does either of the following:

26 (a) Completes and receives appropriate credits for at least two
27 years of high school education or its equivalent as prescribed by the
28 board in its rules and submits to the board satisfactory evidence that the
29 person is at least sixteen years of age.

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

32 3. Submits to the board satisfactory evidence of ~~either~~ ANY of the
33 following:

34 (a) That the person is a graduate of an aesthetician school in
35 another state or country that has substantially the same requirements as
36 this state for schools licensed by the board.

37 (b) That the person is a graduate of an aesthetician course
38 consisting of at least six hundred hours of training in a school licensed
39 by the board.

40 (c) THAT THE PERSON COMPLETED A UNITED STATES DEPARTMENT OF
41 LABOR-APPROVED OR A DEPARTMENT OF ECONOMIC SECURITY-APPROVED
42 APPRENTICESHIP PROGRAM IN AESTHETICS THAT INCLUDES AT LEAST TWO HUNDRED
43 HOURS OF INFECTION PROTECTION AND LAW REVIEW INSTRUCTION. THE PERSON
44 SHALL COMPLETE THE INSTRUCTION PRESCRIBED BY THIS SUBDIVISION THROUGH
45 EITHER:

1 (i) A SCHOOL THAT IS LICENSED BY THE BOARD OR A SCHOOL OR PROGRAM
2 IN ANOTHER STATE THAT HAS, IN THE BOARD'S OPINION, LICENSURE REQUIREMENTS
3 THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS STATE.

4 (ii) A DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP
5 PROGRAM.

6 4. Passes the examination for an aesthetician's license.

7 5. Pays the prescribed fees for an aesthetician's license.

8 Sec. 5. Section 32-511, Arizona Revised Statutes, is amended to
9 read:

10 32-511. Cosmetologists; applications; qualifications

11 A person is entitled to receive a cosmetologist license if the
12 person does all of the following:

13 1. Submits to the board an application for a cosmetologist license
14 on a form supplied by the board.

15 2. Does either of the following:

16 (a) Completes and receives appropriate credits for at least two
17 years of high school education or its equivalent as prescribed by the
18 board in its rules and submits satisfactory evidence that the person is at
19 least sixteen years of age.

20 (b) Submits to the board satisfactory evidence that the person is
21 at least eighteen years of age.

22 3. Submits to the board satisfactory evidence of any of the
23 following:

24 (a) That the person is a graduate of a cosmetology course
25 consisting of at least one thousand ~~five hundred~~ hours of training in a
26 school licensed by the board.

27 (b) That the person is a graduate of a cosmetology school in
28 another state or country that had at the time of the person's graduation
29 substantially the same requirements as this state for schools licensed by
30 the board.

31 (c) That the person completed a United States department of
32 labor-approved or a department of economic security-approved
33 apprenticeship program in cosmetology that includes at least two hundred
34 ~~fifty~~ hours of infection protection and law review instruction. The
35 person shall complete the instruction prescribed by this subdivision
36 through either:

37 (i) A school that is licensed ~~pursuant to this chapter~~ BY THE BOARD
38 or a school or program in another state that has, in the board's opinion,
39 licensure requirements that are substantially equivalent to the
40 requirements of this state.

41 (ii) A department of economic security-approved apprenticeship
42 program.

43 4. Passes the examination for a cosmetologist license.

44 5. Pays the prescribed fees.

1 Sec. 6. Section 32-512, Arizona Revised Statutes, is amended to
2 read:

3 32-512. Nail technicians; applications; qualifications

4 A person is entitled to receive a license to practice nail
5 technology if the person does all of the following:

6 1. Submits to the board an application for a nail technician
7 license on a form supplied by the board.

8 2. Does either of the following:

9 (a) Completes and receives appropriate credits for at least two
10 years of high school education or its equivalent as prescribed by the
11 board in its rules and submits satisfactory evidence that the person is at
12 least sixteen years of age.

13 (b) Submits to the board satisfactory evidence that the person is
14 at least eighteen years of age.

15 3. Submits to the board satisfactory evidence of ~~either~~ ANY of the
16 following:

17 (a) That the person graduated from a nail technology school in
18 another state or country that had at the time of the person's graduation
19 substantially the same requirements as this state for schools licensed by
20 the board.

21 (b) That the person completed a nail technician course consisting
22 of at least ~~six~~ FOUR hundred hours of training in a school licensed by the
23 board.

24 (c) THAT THE PERSON COMPLETED A UNITED STATES DEPARTMENT OF
25 LABOR-APPROVED OR A DEPARTMENT OF ECONOMIC SECURITY-APPROVED
26 APPRENTICESHIP PROGRAM IN NAIL TECHNOLOGY THAT INCLUDES AT LEAST ONE
27 HUNDRED FIFTY HOURS OF INFECTION PROTECTION AND LAW REVIEW INSTRUCTION.
28 THE PERSON SHALL COMPLETE THE INSTRUCTION PRESCRIBED BY THIS SUBDIVISION
29 THROUGH EITHER:

30 (i) A SCHOOL THAT IS LICENSED BY THE BOARD OR A SCHOOL OR PROGRAM
31 IN ANOTHER STATE THAT HAS, IN THE BOARD'S OPINION, LICENSURE REQUIREMENTS
32 THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS STATE.

33 (ii) A DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP
34 PROGRAM.

35 4. Pays the prescribed fees for a nail technician license.

36 5. Passes the examination for a nail technician license.

37 Sec. 7. Section 32-512.01, Arizona Revised Statutes, is amended to
38 read:

39 32-512.01. Hairstylists; applications; qualifications

40 A person is entitled to receive a license to practice hairstyling if
41 the person does all of the following:

42 1. Submits to the board an application for a hairstylist license on
43 a form supplied by the board.

- 1 2. Either:
- 2 (a) Completes and receives appropriate credits for at least two
- 3 years of high school education or its equivalent as prescribed by the
- 4 board in its rules and submits satisfactory evidence that the person is at
- 5 least sixteen years of age.
- 6 (b) Submits to the board satisfactory evidence that the person is
- 7 at least eighteen years of age.
- 8 3. Submits to the board satisfactory evidence that the person
- 9 ~~either~~ MEETS ANY OF THE FOLLOWING:
- 10 (a) Graduated from a hairstyling school in another state or country
- 11 that had at the time of the person's graduation substantially the same
- 12 requirements as this state for schools licensed by the board.
- 13 (b) Completed a hairstylist course consisting of at least ~~one~~
- 14 ~~thousand~~ SIX HUNDRED hours of training in a school licensed by the board.
- 15 (c) COMPLETED A UNITED STATES DEPARTMENT OF LABOR-APPROVED OR A
- 16 DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP PROGRAM IN
- 17 HAIRSTYLING THAT INCLUDES AT LEAST TWO HUNDRED HOURS OF INFECTION
- 18 PROTECTION AND LAW REVIEW INSTRUCTION. THE PERSON SHALL COMPLETE THE
- 19 INSTRUCTION PRESCRIBED BY THIS SUBDIVISION THROUGH EITHER:
- 20 (i) A SCHOOL THAT IS LICENSED BY THE BOARD OR A SCHOOL OR PROGRAM
- 21 IN ANOTHER STATE THAT HAS, IN THE BOARD'S OPINION, LICENSURE REQUIREMENTS
- 22 THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS STATE.
- 23 (ii) A DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP
- 24 PROGRAM.
- 25 4. Pays the prescribed fees for a hairstylist license.
- 26 5. Passes the examination for a hairstylist license.