

Senate Engrossed  
eyelash technicians; registration

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# SENATE BILL 1212

AN ACT

AMENDING SECTIONS 32-501, 32-504, 32-506 AND 32-507, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-519; AMENDING SECTIONS 32-571, 32-572, 32-573 AND 32-574, 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 32-501, Arizona Revised Statutes, is amended to  
3 read:

4 32-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Aesthetics":

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

9 (b) DOES NOT INCLUDE AN EYELASH TECHNICIAN.

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

12 (a) 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 (b) Arching eyebrows or tinting eyebrows and eyelashes.

16 (c) Removing superfluous hair by means other than electrolysis or  
17 threading.

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

19 4. "Board" means the barbering and cosmetology board.

20 5. "Cosmetic purposes" means for the purpose of beautifying,  
21 preserving or conferring comeliness, excluding therapeutic massage and  
22 manipulations.

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

25 7. "Cosmetology":

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

28 ~~(a)~~ (i) Massaging, cleansing, stimulating, manipulating,  
29 exercising, beautifying or applying oils, creams, antiseptics, clays,  
30 lotions or other preparations, either by hand or by mechanical or  
31 electrical appliances.

32 ~~(b)~~ (ii) Arching eyebrows or tinting eyebrows and eyelashes.

33 ~~(c)~~ (iii) Removing superfluous hair by means other than  
34 electrolysis or threading.

35 ~~(d)~~ (iv) Nail technology.

36 ~~(e)~~ (v) Hairstyling.

37 (b) DOES NOT INCLUDE PERFORMING PERSONAL SERVICES RELATED TO  
38 EYELASH EXTENSIONS.

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

41 9. "EYELASH EXTENSIONS":

42 (a) MEANS APPLYING, REMOVING AND TRIMMING THREADLIKE NATURAL OR  
43 SYNTHETIC FIBERS TO AN EYELASH.

44 (b) INCLUDES CLEANSING THE EYE AREA AND LASHES.

1 (c) DOES NOT INCLUDE APPLYING EYELASH ENHANCEMENTS THAT ARE  
2 TATTOOS, COLOR AGENTS, STRAIGHTENING AGENTS, PERMANENT WAVE SOLUTIONS OR  
3 BLEACHING AGENTS TO THE EYEBROW OR ANY OTHER COSMETOLOGY SERVICE.

4 10. "EYELASH TECHNICIAN" MEANS A PERSON WHO IS NOT LICENSED AS A  
5 COSMETOLOGIST OR AESTHETICIAN AND WHO FOR COMPENSATION PERFORMS PERSONAL  
6 SERVICES LIMITED TO EYELASH EXTENSIONS.

7 ~~9.~~ 11. "Hairstyling" means any of the following:

8 (a) Cutting, clipping or trimming hair.

9 (b) Styling, arranging, dressing, curling, waving, permanent  
10 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,  
11 coloring or similarly treating hair.

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

14 ~~10.~~ 12. "Hairstylist" means a person who is licensed to practice  
15 hairstyling pursuant to this chapter.

16 ~~11.~~ 13. "Instructor" means a person who is licensed to teach  
17 cosmetology, aesthetics, nail technology or hairstyling, or any  
18 combination thereof, pursuant to this chapter.

19 ~~12.~~ 14. "Mentor" means a cosmetologist who is approved by the  
20 board to train a person in a department of economic security-approved  
21 apprenticeship program in cosmetology in an establishment that is licensed  
22 by the board.

23 ~~13.~~ 15. "Nail technician" means a person who is licensed to  
24 practice nail technology pursuant to this chapter.

25 ~~14.~~ 16. "Nail technology" means any of the following:

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

28 (b) Applying artificial nails.

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

30 ~~15.~~ 17. "Salon" means any of the following:

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

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

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

1           ~~16.~~ 18. "School" means an establishment that is operated for the  
2 purpose of teaching barbering, cosmetology, aesthetics, nail technology or  
3 hairstyling, or any combination of the listed practices.

4           ~~17.~~ 19. "Threading" means a service that results in the removal of  
5 hair from its follicle from around the eyebrows and from other parts of  
6 the face with the use of a single strand of cotton thread and an  
7 over-the-counter astringent, if the service does not use chemicals of any  
8 kind, wax or any implements, instruments or tools to remove hair.

9           Sec. 2. Section 32-504, Arizona Revised Statutes, is amended to  
10 read:

11           32-504. Powers and duties

12           A. The board shall:

13           1. Adopt rules that are necessary and proper for the administration  
14 of this chapter, including sanitary and safety requirements for salons and  
15 schools and sanitary and safety standards for the practice of cosmetology,  
16 aesthetics, nail technology and hairstyling.

17           2. Administer and enforce this chapter and rules adopted pursuant  
18 to this chapter.

19           3. Either prepare, administer and grade practical and written  
20 examinations or contract with a national professional organization for  
21 cosmetology selected by the board to prepare, administer and grade  
22 practical and written examinations.

23           4. Make and maintain a record of its acts and proceedings,  
24 including the issuance, denial, renewal, suspension or revocation of  
25 licenses and public reproofs of licensees.

26           5. Evidence its official acts by the signature of the chairman or  
27 ~~vice-chairman~~ VICE CHAIRMAN of the board or a representative designated by  
28 the board.

29           6. Keep records of the board open to public inspection at all  
30 reasonable times.

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

34           8. Prescribe minimum school curriculum requirements for  
35 cosmetologists, aestheticians, nail technicians, hairstylists and  
36 instructors.

37           9. Prescribe standards and requirements for the provision of salon  
38 services through mobile units and in customer locations.

39           10. Approve a cosmetologist as a mentor based on the  
40 cosmetologist's record of compliance with this chapter. The board may not  
41 condition the approval on the cosmetologist's payment of an additional fee  
42 or completion of an additional requirement.

43           B. The board may:

44           1. Inspect the premises of any salon or school during business  
45 hours.

1           2. Delegate authority to its executive director to issue licenses  
2 **AND REGISTRATIONS** to applicants who meet the requirements of this chapter.

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

5           32-506. Nonapplicability of chapter

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

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

10          2. Commissioned physicians and surgeons who are serving in the  
11 armed forces of the United States or other federal agencies.

12          3. Persons who are licensed pursuant to chapter 3 or 12 of this  
13 title.

14          4. Students who are attending schools licensed ~~pursuant to this~~  
15 **chapter BY THE BOARD** while they are on school premises during school hours  
16 or off campus at a school-sponsored event.

17          5. Persons employed by theatrical groups who apply makeup, oils and  
18 cosmetics.

19          6. Persons who sell makeup, oils and cosmetics and who apply such  
20 products during the process of selling such products.

21          7. Shampoo assistants who shampoo hair under the direction of a  
22 cosmetologist or hairstylist licensed pursuant to this chapter.

23          8. Services performed by and for persons who are in the custody of  
24 the state department of corrections.

25          9. Persons who apply makeup, oils and cosmetics to patients in a  
26 hospital, nursing home or residential care institution with the consent of  
27 the patient and the hospital, nursing home or residential care  
28 institution.

29          10. Persons who provide a service that results in tension on hair  
30 strands or roots by twisting, wrapping, weaving, extending, locking or  
31 braiding if the service does not include the application of dyes, reactive  
32 chemicals or other preparations to alter the color of the hair or to  
33 straighten, curl or alter the structure of the hair.

34          11. Persons who provide threading.

35          12. Persons who provide tanning services by means of airbrushing,  
36 tanning beds or spray tanning.

37          13. Persons who apply makeup, including eyelash enhancements. This  
38 paragraph does not apply if a person is engaging in the practice of  
39 aesthetics or cosmetology. A person who is exempt pursuant to this  
40 paragraph shall post a sign in a conspicuous location in the person's  
41 place of business notifying the public that the person's services are not  
42 regulated by the board.

43          14. Persons who dry, style, arrange, dress, curl, hot iron or  
44 shampoo and condition hair if the service does not include applying  
45 reactive chemicals to permanently straighten, curl or alter the structure

1 of the hair and if the person takes and completes a class relating to  
2 sanitation, infection protection and law review that is provided by the  
3 board or its designee. This paragraph does not apply if a person is  
4 engaging in the practice of aesthetics or cosmetology. A person who is  
5 exempt pursuant to this paragraph shall post a sign in a conspicuous  
6 location in the person's place of business notifying the public that the  
7 person's services are not regulated by the board.

8 15. Persons who are participating in a department of economic  
9 security-approved apprenticeship program in cosmetology as described in  
10 section 32-511 while working with a mentor in an establishment that is  
11 licensed by the board.

12 16. Persons who are licensed in another state and who are working  
13 in this state at a charitable event that benefits a nonprofit  
14 organization.

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

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

23 Sec. 4. Section 32-507, Arizona Revised Statutes, is amended to  
24 read:

25 32-507. Fees

26 A. The board shall establish and collect fees not to exceed the  
27 following:

- 28 1. Written examination, ~~one hundred dollars~~ \$100.
- 29 2. Practical examination, ~~one hundred dollars~~ \$100.
- 30 3. Application for initial personal license, a ~~one-time~~ ONETIME fee  
31 of ~~eighty-three dollars~~ \$83.
- 32 4. Application for personal reciprocity license, a ~~one-time~~ ONETIME  
33 fee of ~~one hundred fifty dollars~~ \$150.
- 34 5. Application for salon license, ~~one hundred twelve dollars~~ \$112.
- 35 6. Application for school license, ~~six hundred dollars~~ \$600.
- 36 7. Application for certification of licensure or hours, ~~thirty~~  
37 ~~dollars~~ \$30.
- 38 8. Personal license renewal, ~~seventy-six dollars~~ \$76 to be paid  
39 once every two years pursuant to section 32-517 or 32-535.
- 40 9. Personal license delinquent renewal, ~~sixty dollars~~ \$60.
- 41 10. Salon license renewal, ~~fifty dollars~~ \$50.

- 1 11. Salon license delinquent renewal, ~~eighty dollars~~ \$80.
- 2 12. School license renewal, ~~five hundred dollars~~ \$500.
- 3 13. School license delinquent renewal, ~~six hundred dollars~~ \$600.
- 4 14. Delinquent penalties for each year or portion of a year for
- 5 which the license was inactive.
- 6 15. Computer printouts of names of licensees, ~~twenty-five cents~~
- 7 \$.25 per name.
- 8 16. Duplicate license, ~~thirty dollars~~ \$30.
- 9 17. Dishonored checks, ~~twenty dollars~~ \$20.
- 10 18. Copying charges, ~~one dollar~~ \$1 per page. For audiotapes,
- 11 videotapes, computer discs or other mediums used for recording sounds,
- 12 images or information, ~~fifteen dollars~~ \$15 per tape, disc or other medium.
- 13 19. Board-administered educational classes, ~~one hundred dollars~~
- 14 \$100.
- 15 20. Review of examination, ~~fifty dollars~~ \$50.
- 16 21. Regrading of examinations, ~~twenty-five dollars~~ \$25.
- 17 22. Service charges for persons who pay with alternative payment
- 18 methods, including credit cards, charge cards, debit cards and electronic
- 19 transfers, not to exceed the cost of the alternative payment method.
- 20 23. EYELASH TECHNICIAN REGISTRATION, AN AMOUNT TO BE DETERMINED BY
- 21 THE BOARD.
- 22 24. EYELASH TECHNICIAN REGISTRATION RENEWAL, AN AMOUNT TO BE
- 23 DETERMINED BY THE BOARD.
- 24 25. EYELASH TECHNICIAN REGISTRATION DELINQUENT RENEWAL, AN AMOUNT
- 25 TO BE DETERMINED BY THE BOARD
- 26 B. The board may charge additional fees for:
- 27 1. Documents and publications provided by the board.
- 28 2. Services that the board deems appropriate to carry out its
- 29 intent and purpose. These additional fees shall not exceed the costs of
- 30 rendering the services.
- 31 C. The board shall only issue a duplicate license on receipt of a
- 32 written request that states the reason for the request for a duplicate
- 33 license.
- 34 Sec. 5. Heading change
- 35 The article heading of title 32, chapter 2, article 2, Arizona
- 36 Revised Statutes, is changed from "COSMETOLOGISTS, AESTHETICIANS, NAIL
- 37 TECHNICIANS AND HAIRSTYLISTS" to "COSMETOLOGISTS, AESTHETICIANS, NAIL
- 38 TECHNICIANS, HAIRSTYLISTS AND EYELASH TECHNICIANS".
- 39 Sec. 6. Title 32, chapter 5, article 2, Arizona Revised Statutes,
- 40 is amended by adding section 32-519, to read:
- 41 32-519. Eyelash technicians; registration; renewal; registry
- 42 A. AN EYELASH TECHNICIAN MUST BE REGISTERED BY THE BOARD. A PERSON
- 43 IS ENTITLED TO RECEIVE AN EYELASH TECHNICIAN REGISTRATION IF THE PERSON
- 44 DOES ALL OF THE FOLLOWING:

1           1. SUBMITS TO THE BOARD AN APPLICATION FOR AN EYELASH TECHNICIAN  
2 REGISTRATION ON A FORM SUPPLIED BY THE BOARD.

3           2. EITHER:

4           (a) COMPLETES AND RECEIVES APPROPRIATE CREDITS FOR AT LEAST TWO  
5 YEARS OF HIGH SCHOOL EDUCATION OR ITS EQUIVALENT AS PRESCRIBED BY THE  
6 BOARD IN ITS RULES AND SUBMITS SATISFACTORY EVIDENCE THAT THE PERSON IS AT  
7 LEAST SIXTEEN YEARS OF AGE.

8           (b) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON IS  
9 AT LEAST EIGHTEEN YEARS OF AGE.

10          3. SUBMITS TO THE BOARD SATISFACTORY EVIDENCE THAT THE PERSON  
11 SUCCESSFULLY COMPLETED A BOARD-APPROVED TRAINING PROGRAM. THE BOARD SHALL  
12 REQUIRE NO MORE THAN THIRTY HOURS OF TRAINING. A TRAINING PROGRAM SHALL  
13 NOT BE REQUIRED TO BE LICENSED AS A SCHOOL BY THE BOARD TO BE  
14 APPROVED. THE BOARD-APPROVED TRAINING PROGRAM SHALL PROVIDE A PROVISIONAL  
15 REGISTRATION TO THE PERSON VERIFYING THE SUCCESSFUL COMPLETION OF THE  
16 TRAINING. ANY PERSON WHO SATISFACTORILY DEMONSTRATES TRAINING RECEIVED  
17 PRIOR TO THE EFFECTIVE DATE OF THIS ENACTMENT SHALL BE ELIGIBLE FOR  
18 REGISTRATION.

19          4. PAYS THE PRESCRIBED FEES.

20          B. EXCEPT AS PROVIDED IN SECTION 32-4301, AN EYELASH TECHNICIAN  
21 SHALL RENEW THE PERSON'S REGISTRATION ON OR BEFORE THE PERSON'S BIRTHDAY  
22 ONCE EVERY TWO YEARS. AN EYELASH TECHNICIAN SHALL SUBMIT AN APPLICATION  
23 FOR RENEWAL ACCOMPANIED BY THE PRESCRIBED RENEWAL FEE TO RENEW THE  
24 PERSON'S REGISTRATION. AN EYELASH TECHNICIAN WHO FAILS TO RENEW THE  
25 PERSON'S REGISTRATION ON OR BEFORE THE PERSON'S BIRTHDAY SHALL ALSO PAY  
26 THE PRESCRIBED DELINQUENT RENEWAL PENALTY TO RENEW THE REGISTRATION.

27          C. THE BOARD SHALL MAINTAIN A CURRENT REGISTER OF REGISTERED  
28 EYELASH TECHNICIANS WHO ARE IN GOOD STANDING WITH THE BOARD.

29          Sec. 7. Section 32-571, Arizona Revised Statutes, is amended to  
30 read:

31           32-571. Disciplinary action

32           The board may take any one or a combination of the following  
33 disciplinary actions:

34           1. Revoke a license OR REGISTRATION.

35           2. Suspend a license OR REGISTRATION.

36           3. Impose a civil penalty in an amount OF not ~~to exceed two~~  
37 ~~thousand dollars~~ MORE THAN \$2,000.

38           4. Impose probation requirements best adapted to protect the public  
39 safety, health and welfare, including requirements for restitution  
40 payments to patrons.

41           5. Publicly reprove a licensee OR REGISTRANT.

42           6. Issue a letter of concern.



1           Sec. 8. Section 32-572, Arizona Revised Statutes, is amended to  
2 read:

3           32-572. Grounds for disciplinary action or refusal to issue  
4           or renew license or registration; definition

5           A. The board may take disciplinary action or refuse to issue or  
6 renew a license OR REGISTRATION for any of the following causes:

7           1. Continued performance of cosmetology, aesthetics, nail  
8 technology, ~~or~~ hairstyling OR EYELASH EXTENSION services by a person  
9 knowingly having an infectious or communicable disease.

10           2. Conviction of a crime.

11           3. Commission of an act involving dishonesty, fraud or deceit with  
12 the intent to substantially benefit oneself or another or substantially  
13 injure another.

14           4. Malpractice or incompetency.

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

17           6. Violating ~~any provision of~~ this chapter or any rule adopted  
18 pursuant to this chapter.

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

20           8. Repeated failure to correct infractions of safety and sanitary  
21 requirements prescribed by the board in its rules.

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

23           B. A conviction of a crime or act shall not be a cause of refusal  
24 to issue or renew a license OR REGISTRATION unless the crime or act is  
25 substantially related to the qualifications, functions or duties of the  
26 license OR REGISTRATION for which application is made.

27           C. The expiration, cancellation, suspension or revocation of a  
28 license OR REGISTRATION or a licensee's OR REGISTRANT'S voluntary  
29 surrender of a license OR REGISTRATION does not deprive the board of  
30 jurisdiction to do any of the following:

31           1. Proceed with an investigation of a licensee OR REGISTRANT.

32           2. Proceed with an action or disciplinary proceeding against a  
33 licensee OR REGISTRANT.

34           3. Suspend or revoke a license OR REGISTRATION.

35           4. Deny the renewal or right of renewal of a license OR  
36 REGISTRATION.

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

39           Sec. 9. Section 32-573, Arizona Revised Statutes, is amended to  
40 read:

41           32-573. Procedure for disciplinary action; appeal

42           A. The board on its own motion may investigate any information that  
43 appears to show the existence of any of the causes set forth in section  
44 32-572. The board shall investigate the report of any person that appears  
45 to show the existence of any of the causes set forth in section 32-572. A

1 person who reports pursuant to this section and who provides the  
2 information in good faith is not subject to liability for civil damages as  
3 a result.

4 B. If, after completing its investigation, the board finds that the  
5 evidence is not of sufficient seriousness to merit direct action against a  
6 license OR REGISTRATION, it may take either of the following actions:

7 1. Dismiss if, in the opinion of the board, the evidence is without  
8 merit.

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

15 C. If, in the opinion of the board, it appears the information or  
16 report is or may be true, the board shall request an informal interview  
17 with the licensee OR REGISTRANT concerned. The interview shall be  
18 requested by the board in writing, stating the reasons for the interview  
19 and setting a date at least ten days after the date of the notice for  
20 conducting the interview.

21 D. If, after an informal interview, the board finds that the  
22 evidence warrants suspension or revocation of a license OR REGISTRATION  
23 issued pursuant to this chapter, imposition of a civil penalty or public  
24 reproof or if the licensee OR REGISTRANT under investigation refuses to  
25 attend the informal interview, a complaint shall be issued and formal  
26 proceedings shall be initiated. All proceedings pursuant to this  
27 subsection shall be conducted in accordance with title 41, chapter 6,  
28 article 10.

29 E. A licensee OR REGISTRANT who has been notified pursuant to  
30 subsection D of this section of charges pending against the licensee OR  
31 REGISTRANT shall file with the board an answer in writing to the charges  
32 not more than thirty days after the licensee OR REGISTRANT receives the  
33 complaint. If the licensee OR REGISTRANT fails to answer in writing  
34 within this time, it is deemed an admission by the licensee OR REGISTRANT  
35 of the acts charged in the complaint and the board may take disciplinary  
36 action allowed by this chapter without a hearing.

37 F. If the board finds that the evidence is not of sufficient  
38 seriousness to merit suspension or revocation of a license OR REGISTRATION  
39 issued pursuant to this chapter, imposition of a civil penalty or public  
40 reproof, the board may take the following actions:

41 1. Dismiss if, in the opinion of the board, the evidence is without  
42 merit.

43 2. File a letter of concern if, in the opinion of the board, while  
44 there is insufficient evidence to support direct action against the  
45 license OR REGISTRATION there is sufficient evidence for the board to

1 notify the licensee OR REGISTRANT that continuation of the activities  
2 which led to the information or report being made to the board may result  
3 in action against the licensee's license OR REGISTRANT'S REGISTRATION.

4 3. Impose probation requirements.

5 G. If a licensee OR REGISTRANT violates this chapter or a rule  
6 adopted pursuant to this chapter, the board may assess the licensee OR  
7 REGISTRANT with the board's reasonable costs and expenses, including  
8 attorney fees, incurred in conducting the investigation and administrative  
9 hearing. All monies collected pursuant to this subsection shall be  
10 deposited, pursuant to sections 35-146 and 35-147, in a separate account  
11 in the barbering and cosmetology fund established by section 32-505. The  
12 board may only use these monies to defray its expenses in connection with  
13 investigation related training and education, disciplinary investigations  
14 and all costs related to administrative hearings. Notwithstanding section  
15 35-143.01 the separate account monies may be spent without legislative  
16 appropriation.

17 H. Except as provided in section 41-1092.08, subsection H, final  
18 decisions of the board are subject to judicial review pursuant to title  
19 12, chapter 7, article 6.

20 Sec. 10. Section 32-574, Arizona Revised Statutes, is amended to  
21 read:

22 32-574. Unlawful acts; violation; classification

23 A. A person shall not:

24 1. Perform or attempt to perform cosmetology, aesthetics, nail  
25 technology, ✖ hairstyling OR PERSONAL SERVICES RELATED TO EYELASH  
26 EXTENSIONS without a license OR REGISTRATION in that category issued  
27 pursuant to this chapter, or practice in a category in which the person  
28 does not hold a license OR REGISTRATION.

29 2. Display a sign or in any way advertise or hold oneself out as a  
30 cosmetologist, aesthetician, nail technician, ✖ hairstylist OR EYELASH  
31 TECHNICIAN or as being engaged in the practice or business of cosmetology,  
32 aesthetics, nail technology, ✖ hairstyling OR EYELASH EXTENSIONS without  
33 being licensed OR REGISTERED pursuant to this chapter.

34 3. Knowingly make a false statement on an application for a license  
35 OR REGISTRATION pursuant to this chapter.

36 4. Allow an employee or another person under the person's  
37 supervision or control to perform cosmetology, aesthetics, nail  
38 technology, ✖ hairstyling OR PERSONAL SERVICES RELATED TO EYELASH  
39 EXTENSIONS without a license issued pursuant to this chapter.

40 5. Practice or attempt to practice cosmetology, aesthetics, nail  
41 technology, ✖ hairstyling OR PERSONAL SERVICES RELATED TO EYELASH  
42 EXTENSIONS in any place other than in a salon licensed by the board unless  
43 the person is requested by a customer to go to a place other than a salon  
44 licensed pursuant to this chapter and is sent to the customer from the  
45 salon, except that a person who is licensed OR REGISTERED pursuant to this

1 chapter may practice, without the salon's request, cosmetology,  
2 aesthetics, nail technology, ~~or~~ hairstyling OR PERSONAL SERVICES RELATED  
3 TO EYELASH EXTENSIONS in a health care facility, hospital, residential  
4 care institution, nursing home or residence of a person requiring home  
5 care because of an illness, infirmity or disability.

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

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

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

15 9. Violate ~~any provision of~~ this chapter or any rule adopted  
16 pursuant to this chapter.

17 10. Ignore or fail to comply with a board subpoena.

18 11. Use the title of "aesthetician", "cosmetologist", "nail  
19 technician" or "hairstylist" or any other title or term likely to be  
20 confused with "aesthetician", "cosmetologist", "nail technician", ~~or~~  
21 "hairstylist" OR "EYELASH TECHNICIAN" in any advertisement, statement or  
22 publication unless that person is licensed OR REGISTERED by the board.

23 12. Teach cosmetology, aesthetics, nail technology or hairstyling  
24 in this state unless the person is licensed as an instructor pursuant to  
25 article 3 of this chapter.

26 B. An instructor shall not render cosmetology, aesthetics, nail  
27 technology or hairstyling services in a school unless the services are  
28 directly incidental to instructing students.

29 C. A person who violates this section is guilty of a class 1  
30 misdemeanor.