

COMMITTEE ON GOVERNMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2168
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 11-811, Arizona Revised Statutes, is amended to
3 read:

4 11-811. Zoning ordinance; zoning districts; definitions

5 A. Pursuant to this article, the board of supervisors may adopt a
6 zoning ordinance in order to conserve and promote the public health,
7 safety, convenience and general welfare. The zoning ordinance and all
8 rezonings and zoning regulations amendments adopted under this article
9 shall be consistent with and conform to the adopted comprehensive plan. In
10 addition to the other matters that are required or authorized under this
11 section and article 1 of this chapter, the zoning ordinance:

12 1. Shall show the zoning districts designated as appropriate for
13 various classes of residential, business and industrial uses and shall
14 provide for the establishment of setback lines and other plans providing
15 for adequate light, air and parking facilities and for expediting traffic
16 within the districts.

17 2. May establish the percentage of a lot or parcel that may be
18 covered by buildings and the size of yards, courts and other open spaces.

19 3. Shall consider access to incident solar energy.

20 4. May provide for retirement community zoning districts.

21 5. May provide for the regulation and use of business licenses,
22 adult oriented business manager permits and adult service provider permits
23 in conjunction with the establishment or operation of adult oriented
24 businesses and facilities, including adult arcades, adult bookstores or
25 video stores, cabarets, adult live entertainment establishments, adult

1 motion picture theaters, adult theaters, massage establishments and nude
2 model studios. With respect to cabarets, the ordinance shall not conflict
3 with specific statutory or valid regulatory requirements applicable to
4 persons licensed to dispense alcoholic beverages, but the ordinance may
5 include regulation of the age and conduct of erotic entertainers in a
6 manner at least as restrictive as rules adopted under title 4.
7 Notwithstanding section 11-812, a county in regulating or licensing
8 businesses and facilities pursuant to this paragraph may impose reasonable
9 operating requirements that affect the existing uses of businesses and
10 facilities.

11 6. Shall designate and zone appropriate areas of reasonable size in
12 which there may be established with reasonable permanency canneries,
13 fertilizer plants, refineries, commercial feedlots, meat packing plants,
14 tallow works and other like businesses. A dairy operation, including areas
15 designated for the raising of replacement heifers or bulls owned by the
16 same dairy operation, is not subject to this paragraph, and is a general
17 agricultural purpose under subsection D, paragraph 2 of this section and
18 section 11-812, subsection A, paragraph 2. A replacement heifer or bull
19 raising operation of a dairy that is not on contiguous property of the
20 dairy is subject to this paragraph unless the operation begins within
21 one-quarter mile of the dairy.

22 B. To carry out the purposes of this article, the board may adopt
23 overlay zoning districts and regulations applicable to particular
24 buildings, structures and land within individual zones. For the purposes
25 of this subsection, "overlay zoning district" means a special zoning
26 district that includes regulations that modify regulations in another
27 zoning district with which the overlay zoning district is combined.
28 Overlay zoning districts and regulations shall be adopted pursuant to
29 section 11-813. The provisions of overlay zoning shall apply retroactively
30 to authorize overlay zoning districts and regulations adopted before April
31 20, 1993.

32 C. In accordance with article II, sections 1 and 2, Constitution of
33 Arizona, the board shall consider the individual property rights and

1 personal liberties of the residents of the county before adopting any
2 zoning ordinance.

3 D. This section does not authorize:

4 1. The imposition of dedications, exactions, fees or other
5 requirements that are not otherwise authorized by law.

6 2. The regulation or restriction of the use or occupation of land or
7 improvements for railroad, mining, metallurgical, grazing or general
8 agricultural purposes, if the tract concerned is five or more contiguous
9 commercial acres. For the purposes of this paragraph, general agricultural
10 purposes do not include the cultivation of cannabis as defined in section
11 13-3401 or marijuana as defined in section 13-3401 or 36-2801.

12 E. For the purposes of this section:

13 1. "Adult arcade" means any place to which the public is ~~permitted~~
14 **ALLOWED** or invited and in which coin-operated or slug-operated or
15 electronically, electrically or mechanically controlled still or motion
16 picture machines, projectors or other ~~image-producing~~ **IMAGE-PRODUCING**
17 devices are maintained to show images involving specific sexual activities
18 or specific anatomical areas to persons in booths or viewing rooms.

19 2. "Adult bookstore or video store" means a commercial establishment
20 that offers for sale or rent any of the following as one of its principal
21 business purposes:

22 (a) Books, magazines, periodicals or other printed matter,
23 photographs, films, motion pictures, videocassettes or reproductions or
24 slides or other visual representations that depict or describe specific
25 sexual activities or specific anatomical areas.

26 (b) Instruments, devices or paraphernalia that are designed for use
27 in connection with specific sexual activities.

28 3. "Adult live entertainment establishment" means an establishment
29 that features either:

30 (a) Persons who appear in a state of nudity.

31 (b) Live performances that are characterized by the exposure of
32 specific anatomical areas or specific sexual activities.

1 4. "Adult motion picture theater" means a commercial establishment
2 in which for any form of consideration films, motion pictures,
3 videocassettes, slides or other similar photographic reproductions that are
4 characterized by the depiction or description of specific sexual activities
5 or specific anatomical areas are predominantly shown.

6 5. "Adult oriented business" means adult arcades, adult bookstores
7 or video stores, cabarets, adult live entertainment establishments, adult
8 motion picture theaters, adult theaters, massage establishments that offer
9 adult service or nude model studios.

10 6. "Adult oriented business manager" means a person on the premises
11 of an adult oriented business who is authorized to exercise overall
12 operational control of the business.

13 7. "Adult service" means dancing, serving food or beverages,
14 modeling, posing, wrestling, singing, reading, talking, listening or other
15 performances or activities conducted for any consideration in an adult
16 oriented business by a person who is nude or seminude during all or part of
17 the time that the person is providing the service.

18 8. "Adult service provider" or "erotic entertainer" means any
19 natural person who provides an adult service.

20 9. "Adult theater" means a theater, concert hall, auditorium or
21 similar commercial establishment that predominantly features persons who
22 appear in a state of nudity or who engage in live performances that are
23 characterized by the exposure of specific anatomical areas or specific
24 sexual activities.

25 10. "Cabaret" means an adult oriented business licensed to provide
26 alcoholic beverages pursuant to title 4, chapter 2, article 1.

27 11. "Discernibly turgid state" means the state of being visibly
28 swollen, bloated, inflated or distended.

29 12. "Massage establishment" means an establishment in which a
30 person, firm, association or corporation engages in or permits massage
31 activities, including any method of pressure on, friction against,
32 stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of
33 external soft parts of the body with the hands or with the aid of any

1 mechanical apparatus or electrical apparatus or appliance. This paragraph
2 does not apply to:

3 (a) Persons who are licensed pursuant to title 32, chapter 7, 8, 13,
4 14 or 17.

5 (b) Registered nurses, licensed practical nurses or technicians who
6 are acting under the supervision of a physician who is licensed pursuant to
7 title 32, chapter 13 or 17.

8 (c) Registered nurse practitioners who are licensed pursuant to
9 title 32, chapter 15.

10 (d) Persons who are employed or acting as trainers for a bona fide
11 amateur, semiprofessional or professional athlete or athletic team.

12 (e) Persons who are licensed pursuant to title 32, chapter ~~3 or~~ 5 if
13 the activity is limited to the head, face or neck.

14 13. "Nude model studio" means a place in which a person who appears
15 in a state of nudity or who displays specific anatomical areas is observed,
16 sketched, drawn, painted, sculptured, photographed or otherwise depicted by
17 other persons who pay money or other consideration. Nude model studio does
18 not include a proprietary school that is licensed by this state, a college,
19 community college or university that is supported entirely or in part by
20 taxation, a private college or university that maintains and operates
21 educational programs in which credits are transferable to a college,
22 community college or university that is supported entirely or in part by
23 taxation or a structure to which the following apply:

24 (a) A sign is not visible from the exterior of the structure and no
25 other advertising appears indicating that a nude person is available for
26 viewing.

27 (b) A student must enroll at least three days in advance of a class
28 in order to participate.

29 (c) No more than one nude or seminude model is on the premises at
30 any time.

31 14. "Nude", "nudity" or "state of nudity" means any of the
32 following:

1 (a) The appearance of a human anus, genitals or a female breast
2 below a point immediately above the top of the areola.

3 (b) A state of dress that fails to opaquely cover a human anus,
4 genitals or a female breast below a point immediately above the top of the
5 areola.

6 15. "Principal business purposes" means that a commercial
7 establishment derives fifty percent or more of its gross income from the
8 sale or rental of items listed in paragraph 2 of this subsection.

9 16. "Seminude" means a state of dress in which clothing covers no
10 more than the genitals, pubic region and female breast below a point
11 immediately above the top of the areola, as well as portions of the body
12 that are covered by supporting straps or devices.

13 17. "Specific anatomical areas" means any of the following:

14 (a) A human anus, genitals, the pubic region or a female breast
15 below a point immediately above the top of the areola that is less than
16 completely and opaquely covered.

17 (b) Male genitals in a discernibly turgid state even if completely
18 and opaquely covered.

19 18. "Specific sexual activities" means any of the following:

20 (a) Human genitals in a state of sexual stimulation or arousal.

21 (b) Sex acts, normal or perverted, actual or simulated, including
22 acts of human masturbation, sexual intercourse, oral copulation or sodomy.

23 (c) Fondling or other erotic touching of the human genitals, pubic
24 region, buttocks, anus or female breast.

25 (d) Excretory functions as part of or in connection with any of the
26 activities under subdivision (a), (b) or (c) of this paragraph.

27 Sec. 2. Repeal

28 Title 32, chapter 3, Arizona Revised Statutes, is repealed.

29 Sec. 3. Heading change

30 A. The chapter heading of title 32, chapter 5, Arizona Revised
31 Statutes, is changed from "COSMETOLOGY" to "BARBERING AND COSMETOLOGY".

32 B. The article heading of title 32, chapter 5, article 2, Arizona
33 Revised Statutes, is changed from "Cosmetologists, Aestheticians, Nail

1 Technicians, Hairstylists and Eyelash Technicians" to "Barbering and
2 Cosmetology Professionals".

3 Sec. 4. Section 32-501, Arizona Revised Statutes, is amended to
4 read:

5 32-501. Definitions

6 In this chapter, unless the context otherwise requires:

7 1. "Aesthetician":

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

10 (b) Does not include an eyelash technician.

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

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

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

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

19 3. "BARBER" MEANS A PERSON WHO IS LICENSED TO PRACTICE BARBERING
20 PURSUANT TO THIS CHAPTER.

21 ~~3.~~ 4. "Barbering" ~~has the same meaning prescribed in section~~
22 ~~32-301.~~ MEANS ANY ONE OR A COMBINATION OF THE FOLLOWING PRACTICES IF THEY
23 ARE PERFORMED ON A PERSON'S HEAD, FACE, NECK OR SHOULDERS FOR COSMETIC
24 PURPOSES:

25 (a) CUTTING, CLIPPING OR TRIMMING HAIR.

26 (b) MASSAGING, CLEANSING, STIMULATING, MANIPULATING, EXERCISING,
27 BEAUTIFYING OR APPLYING OILS, CREAMS, ANTISEPTICS, CLAYS, LOTIONS OR OTHER
28 PREPARATIONS, EITHER BY HAND OR BY MECHANICAL OR ELECTRICAL APPLIANCES.

29 (c) STYLING, ARRANGING, DRESSING, CURLING, WAVING, PERMANENT WAVING,
30 STRAIGHTENING, CLEANSING, SINGEING, BLEACHING, DYEING, TINTING, COLORING OR
31 SIMILARLY TREATING HAIR.

32 (d) PROVIDING HAIR ATTACHMENTS, EXTENSIONS, HAIRPIECES AND WIGS WHEN
33 PERFORMED BY A BARBER.

1 (e) SHAVING OR TRIMMING A BEARD.

2 (f) PROVIDING SKIN CARE, INCLUDING FACIALS, CORRECTIVE TREATMENTS,
3 BLACKHEAD AND ACNE REMOVAL AND MASKS AND TREATMENT CREAMS.

4 (g) REMOVING UNWANTED HAIR BY MEANS OTHER THAN ELECTROLYSIS OR
5 THREADING.

6 ~~4.~~ 5. "Board" means the barbering and cosmetology board.

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

10 ~~6.~~ 7. "Cosmetologist" means a person who is licensed to practice
11 cosmetology pursuant to this chapter.

12 ~~7.~~ 8. "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 eyelash
24 extensions.

25 ~~8.~~ 9. "Electrical appliances" means devices that use electrical
26 current and includes lasers and IPL devices as defined in section 32-516.

27 10. "ESTABLISHMENT" MEANS ANY OF THE FOLLOWING:

28 (a) AN ESTABLISHMENT OR SHOP THAT IS OPERATED FOR THE PURPOSE OF
29 ENGAGING IN THE PRACTICE OF BARBERING, COSMETOLOGY, AESTHETICS, NAIL
30 TECHNOLOGY, HAIRSTYLING OR EYELASH EXTENSIONS OR ANY COMBINATION OF THE
31 PRACTICES LISTED IN THIS SUBDIVISION.

32 (b) AN ESTABLISHMENT OR SHOP TOGETHER WITH A RETROFITTED MOTOR
33 VEHICLE THAT IS USED EXCLUSIVELY AS A MOBILE FACILITY FOR THE PURPOSE OF

1 ENGAGING IN THE PRACTICE OF BARBERING, COSMETOLOGY, AESTHETICS, NAIL
2 TECHNOLOGY OR HAIRSTYLING OR ANY COMBINATION OF THE PRACTICES LISTED IN
3 THIS SUBDIVISION AND THAT IS OPERATED AND DISPATCHED THROUGH THE
4 ESTABLISHMENT.

5 (c) A RETROFITTED MOTOR VEHICLE THAT IS EXCLUSIVELY USED AS A MOBILE
6 FACILITY FOR THE PURPOSE OF ENGAGING IN THE PRACTICE OF BARBERING,
7 COSMETOLOGY, AESTHETICS, NAIL TECHNOLOGY OR HAIRSTYLING OR ANY COMBINATION
8 OF THE PRACTICES LISTED IN THIS SUBDIVISION AND THAT IS OPERATED AND
9 DISPATCHED FROM A BUSINESS THAT HAS A PHYSICAL STREET ADDRESS ON FILE WITH
10 THE BOARD.

11 ~~9.~~ 11. "Eyelash extensions":

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

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

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

18 ~~10.~~ 12. "Eyelash technician" means a person who is not licensed as
19 a cosmetologist or aesthetician and who for compensation performs personal
20 services limited to eyelash extensions.

21 ~~11.~~ 13. "Hairstyling" means any of the following:

22 (a) Cutting, clipping or trimming hair.

23 (b) Styling, arranging, dressing, curling, waving, permanent waving,
24 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or
25 similarly treating hair.

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

28 ~~12.~~ 14. "Hairstylist" means a person who is licensed to practice
29 hairstyling pursuant to this chapter.

30 ~~13.~~ 15. "Instructor" means a person who is licensed to teach
31 BARBERING, cosmetology, aesthetics, nail technology or hairstyling, or any
32 combination ~~thereof~~ OF THESE PRACTICES, pursuant to this chapter.

1 ~~14.~~ 16. "Mentor" means a cosmetologist, AESTHETICIAN, BARBER,
2 HAIRSTYLIST OR NAIL TECHNICIAN who is approved by the board to train a
3 person in a department of economic security-approved apprenticeship program
4 in cosmetology OR BARBERING in an establishment that is licensed by the
5 board.

6 ~~15.~~ 17. "Nail technician" means a person who is licensed to
7 practice nail technology pursuant to this chapter.

8 ~~16.~~ 18. "Nail technology" means any of the following:

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

11 (b) Applying artificial nails.

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

13 ~~17. "Salon" means any of the following:~~

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

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

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

27 ~~18.~~ 19. "School" means an establishment that is operated for the
28 purpose of teaching barbering, cosmetology, aesthetics, nail technology or
29 hairstyling, or any combination of ~~the listed~~ THESE practices.

30 ~~19.~~ 20. "Threading" means a service that results in the removal of
31 hair from its follicle from around the eyebrows and from other parts of the
32 face with the use of a single strand of cotton thread and an

1 over-the-counter astringent, if the service does not use chemicals of any
2 kind, wax or any implements, instruments or tools to remove hair.

3 Sec. 5. Section 32-503, Arizona Revised Statutes, is amended to
4 read:

5 32-503. Organization; meetings; personnel; compensation

6 A. The board shall annually elect a ~~chairman~~ CHAIRPERSON, vice
7 ~~chairman~~ CHAIRPERSON and secretary-treasurer from among its membership.

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

10 C. Subject to title 41, chapter 4, article 4, the board may employ
11 the following personnel as it deems necessary to carry out the purposes of
12 this chapter ~~and chapter 3 of this title~~ and designate their duties:

13 1. An executive director.

14 ~~2. A supervisor of examinations who is an instructor licensed~~
15 ~~pursuant to this chapter or chapter 3 of this title and who has worked at~~
16 ~~least two of the five years immediately preceding employment as an~~
17 ~~instructor in a school licensed pursuant to this chapter.~~

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

20 ~~4.~~ 2. Persons to provide investigative, professional and clerical
21 assistance.

22 ~~5.~~ 3. Consultants to assist the board in performing its duties.

23 ~~6.~~ 4. Other personnel.

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

28 Sec. 6. Section 32-504, Arizona Revised Statutes, is amended to
29 read:

30 32-504. Powers and duties

31 A. The board shall:

32 1. Adopt rules that are necessary and proper ~~for the administration~~
33 ~~of~~ TO ADMINISTER this chapter, including:

1 (a) Sanitary and safety requirements for ~~salons~~ ESTABLISHMENTS and
2 schools. ~~And~~

3 (b) Sanitary and safety standards for the ~~practice~~ PRACTICES of
4 BARBERING, cosmetology, aesthetics, nail technology and hairstyling.

5 (c) MOBILE FACILITY REQUIREMENTS.

6 2. Administer and enforce this chapter and rules adopted pursuant to
7 this chapter.

8 3. Either prepare, administer and grade practical and written
9 examinations or contract with a national professional organization for
10 AESTHETICS, BARBERING, cosmetology, HAIRSTYLING AND NAIL TECHNOLOGY THAT IS
11 selected by the board to prepare, administer and grade practical and
12 written examinations.

13 4. Make and maintain a record of its acts and proceedings, including
14 the issuance, denial, renewal, suspension or revocation of licenses AND
15 REGISTRATIONS and public reproofs of licensees AND REGISTRANTS.

16 5. Evidence its official acts by the signature of the ~~chairman~~
17 CHAIRPERSON or vice ~~chairman~~ CHAIRPERSON of the board or a representative
18 designated by the board.

19 6. Keep records of the board open to public inspection at all
20 reasonable times.

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

24 ~~8.~~ 7. Prescribe minimum school curriculum requirements for BARBERS,
25 cosmetologists, aestheticians, nail technicians, hairstylists and
26 instructors.

27 ~~9.~~ 8. Prescribe standards and requirements for the provision of
28 ~~salon~~ ESTABLISHMENT services through mobile ~~units~~ FACILITIES and in
29 customer locations.

30 ~~10.~~ 9. Approve AN AESTHETICIAN, A BARBER, a cosmetologist, A
31 HAIRSTYLIST OR A NAIL TECHNICIAN as a mentor based on the ~~cosmetologist's~~
32 LICENSEE'S record of compliance with this chapter. The board may not

1 condition the approval on the ~~cosmetologist's~~ LICENSEE'S payment of an
2 additional fee or completion of an additional requirement.

3 B. The board may:

4 1. Inspect the premises of any ~~salon~~ ESTABLISHMENT or school during
5 business hours.

6 2. Delegate authority to its executive director to issue licenses
7 and registrations to applicants who meet the requirements of this chapter.

8 Sec. 7. Section 32-506, Arizona Revised Statutes, is amended to
9 read:

10 32-506. Nonapplicability of chapter

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

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

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

17 3. Persons who are licensed pursuant to ~~chapter 3 of this title or~~
18 ~~who work in a profession that is regulated under~~ chapter 12 of this title.

19 4. Students who are attending schools licensed by the board while
20 they are on school premises during school hours or off campus at a
21 school-sponsored event.

22 5. Persons employed by theatrical groups who apply makeup, oils and
23 cosmetics.

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

26 7. Shampoo assistants who shampoo hair under the direction of a
27 BARBER, cosmetologist or hairstylist licensed pursuant to this chapter.

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

30 9. Persons who apply makeup, oils and cosmetics to patients in a
31 hospital, nursing home or residential care institution with the consent of
32 the patient and the hospital, nursing home or residential care institution.

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

6 11. Persons who provide threading.

7 12. Persons who provide tanning services by means of airbrushing,
8 tanning beds or spray tanning.

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

15 14. Persons who dry, style, arrange, dress, curl, hot iron or
16 shampoo and condition hair if the service does not include applying
17 reactive chemicals to permanently straighten, curl or alter the structure
18 of the hair and if the person takes and completes a class relating to
19 sanitation, infection protection and law review that is provided by the
20 board or its designee. This paragraph does not apply if a person is
21 engaging in the practice of aesthetics or cosmetology. A person who is
22 exempt pursuant to this paragraph shall post a sign in a conspicuous
23 location in the person's place of business notifying the public that the
24 person's services are not regulated by the board.

25 15. Persons who are participating in a department of economic
26 security-approved apprenticeship program as described in section 32-510,
27 32-511, 32-512, ~~or~~ 32-512.01 OR 32-512.02 while working with a mentor in an
28 establishment that is licensed by the board.

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

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

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

5 19. PERSONS WHO PERFORM SERVICES WITHOUT COMPENSATION IN EITHER:

6 (a) AN EMERGENCY.

7 (b) A DOMESTIC ADMINISTRATION.

8 20. PERSONS WHO PERFORM BARBERING, COSMETOLOGY, HAIRSTYLING OR NAIL
9 TECHNOLOGY SERVICES IN A FUNERAL ESTABLISHMENT AS DEFINED IN SECTION
10 32-1301.

11 Sec. 8. Section 32-507, Arizona Revised Statutes, is amended to
12 read:

13 32-507. Fees

14 A. The board shall establish and collect fees not to exceed the
15 following:

16 ~~1. Written examination, \$100.~~

17 ~~2. Practical examination, \$100.~~

18 ~~3.~~ 1. Application for initial personal license, a onetime fee of
19 ~~\$83~~ \$100.

20 ~~4.~~ 2. Application for personal reciprocity OR UNIVERSAL license, a
21 onetime fee of ~~\$150~~ \$200.

22 ~~5.~~ 3. Application for ~~salon~~ ESTABLISHMENT license, INCLUDING CHANGE
23 OF OWNERSHIP, ~~\$112~~ \$250.

24 ~~6.~~ 4. Application for school license AND INITIAL INSPECTION FEE,
25 INCLUDING CHANGE OF OWNERSHIP AND CHANGE OF LOCATION, ~~\$600~~ \$1,000.

26 ~~7.~~ 5. Application for certification of licensure or hours, \$30.

27 ~~8.~~ 6. Personal license renewal, ~~\$76~~ \$100 to be paid once every two
28 years pursuant to section 32-517 or 32-535.

29 ~~9.~~ 7. Personal license delinquent renewal, ~~\$60~~ \$150.

30 8. ESTABLISHMENT LICENSE AFTER A CHANGE OF LOCATION, \$150.

31 ~~10.~~ 9. ~~Salon~~ ESTABLISHMENT license renewal, ~~\$50~~ \$100.

32 ~~11.~~ 10. ~~Salon~~ ESTABLISHMENT license delinquent renewal, ~~\$80~~ \$150.

33 ~~12.~~ 11. School license renewal, \$500.

- 1 ~~13.~~ 12. School license delinquent renewal, \$600.
- 2 ~~14.~~ 13. Delinquent penalties for each year or portion of a year for
3 which the license was inactive.
- 4 ~~15.~~ 14. Computer printouts of names of licensees, ~~\$.25~~ UP TO \$.10
5 per name.
- 6 ~~16.~~ 15. Duplicate license, \$30.
- 7 ~~17.~~ 16. Dishonored checks, \$20.
- 8 ~~18.~~ 17. Copying charges, \$1 per page. For audiotapes, videotapes,
9 computer discs or other mediums used for recording sounds, images or
10 information, \$15 per tape, disc or other medium.
- 11 ~~19.~~ 18. Board-administered educational classes, \$100.
- 12 ~~20. Review of examination, \$50.~~
- 13 ~~21. Regrading of examinations, \$25.~~
- 14 ~~22.~~ 19. Service charges for persons who pay with alternative
15 payment methods, including credit cards, charge cards, debit cards and
16 electronic transfers, not to exceed the cost of the alternative payment
17 method.
- 18 ~~23.~~ 20. Eyelash technician registration, an amount to be determined
19 by the board.
- 20 ~~24.~~ 21. Eyelash technician registration renewal, an amount to be
21 determined by the board.
- 22 ~~25.~~ 22. Eyelash technician registration delinquent renewal, an
23 amount to be determined by the board.
- 24 B. The board may charge additional fees for:
- 25 1. Documents and publications provided by the board.
- 26 2. Services that the board deems appropriate to carry out its intent
27 and purpose. These additional fees shall not exceed the costs of rendering
28 the services.
- 29 ~~C. The board shall only issue a duplicate license on receipt of a
30 written request that states the reason for the request for a duplicate
31 license.~~
- 32 Sec. 9. Title 32, chapter 5, article 2, Arizona Revised Statutes, is
33 amended by adding section 32-512.02, to read:

32-512.02. Barbers: applications: qualifications

A. AN APPLICANT FOR A BARBER LICENSE SHALL FILE WITH THE BOARD A WRITTEN APPLICATION ON A FORM PRESCRIBED BY THE BOARD.

B. AN APPLICANT FOR A BARBER LICENSE SHALL MEET ALL FOLLOWING:

1. DO EITHER OF THE FOLLOWING:

(a) COMPLETE AND RECEIVE APPROPRIATE CREDITS FOR AT LEAST TWO YEARS OF HIGH SCHOOL EDUCATION OR THE EQUIVALENT AS PRESCRIBED BY THE BOARD IN ITS RULES AND SUBMIT SATISFACTORY EVIDENCE THAT THE APPLICANT IS AT LEAST SIXTEEN YEARS OF AGE.

(b) SUBMIT TO THE BOARD SATISFACTORY EVIDENCE THAT THE APPLICANT IS AT LEAST EIGHTEEN YEARS OF AGE.

2. SUBMIT TO THE BOARD SATISFACTORY EVIDENCE THAT THE APPLICANT MEETS ANY OF THE FOLLOWING:

(a) IS A GRADUATE OF A BARBERING COURSE CONSISTING OF AT LEAST ONE THOUSAND TWO HUNDRED HOURS OF TRAINING IN A SCHOOL LICENSED BY THE BOARD.

(b) IS A GRADUATE OF A BARBERING SCHOOL IN ANOTHER STATE OR COUNTRY THAT AT THE TIME OF THE APPLICANT'S GRADUATION HAD SUBSTANTIALLY THE SAME REQUIREMENTS AS THIS STATE FOR SCHOOLS THAT ARE LICENSED BY THE BOARD.

(c) COMPLETED A UNITED STATES DEPARTMENT OF LABOR-APPROVED OR A DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP PROGRAM IN BARBERING THAT INCLUDES AT LEAST TWO HUNDRED FIFTY HOURS OF INFECTION PROTECTION AND LAW REVIEW INSTRUCTION. THE APPLICANT SHALL COMPLETE THE INSTRUCTION PRESCRIBED BY THIS SUBDIVISION THROUGH EITHER:

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

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

3. PASS THE EXAMINATIONS FOR A BARBER LICENSE.

4. PAY THE FEES PRESCRIBED IN SECTION 32-507.

C. NOTWITHSTANDING SUBSECTION B, PARAGRAPH 2 OF THIS SECTION, AN APPLICANT FOR A BARBER LICENSE WHO HOLDS A COSMETOLOGIST LICENSE OR A

1 HAIRSTYLIST LICENSE ISSUED PURSUANT TO THIS CHAPTER SHALL COMPLETE A TWO
2 HUNDRED HOUR COURSE CONSISTING OF BARBERING TECHNIQUES IN A SCHOOL LICENSED
3 BY THE BOARD.

4 Sec. 10. Section 32-513, Arizona Revised Statutes, is amended to
5 read:

6 32-513. Reciprocity

7 A. Notwithstanding sections 32-510, 32-511, 32-512, ~~and~~ 32-512.01
8 AND 32-512.02, a person is entitled to receive a BARBER, cosmetologist,
9 aesthetician, nail technician or hairstylist license if the person does all
10 of the following:

11 1. Submits to the board an application for a BARBER, cosmetologist,
12 aesthetician, nail technician or hairstylist license on a form supplied by
13 the board.

14 2. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, submits to
15 the board satisfactory evidence that the person is licensed in another
16 state ~~or country~~.

17 3. Takes and completes a class relating to infection protection and
18 law review that is provided by the board or its designee. The board shall
19 determine the amount of the fees for the class. The applicant shall pay
20 the fees directly to the board or its designee.

21 4. Pays the prescribed reciprocity license fees.

22 B. A PERSON IS EXEMPT FROM SUBSECTION A, PARAGRAPH 2 OF THIS SECTION
23 IF ALL OF THE FOLLOWING APPLY:

24 1. THE PERSON HOLDS A VALID LICENSE OR AUTHORIZING DOCUMENT TO
25 PRACTICE AESTHETICS, BARBERING, COSMETOLOGY, HAIRSTYLING OR NAIL TECHNOLOGY
26 AND THE VALID LICENSE OR AUTHORIZING DOCUMENT IS ISSUED BY ANOTHER COUNTRY.

27 2. THE PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER
28 FEDERAL LAW.

29 3. THE PERSON SUBMITS TO THE BOARD PROOF THAT THE PERSON HAS AT
30 LEAST ONE YEAR OF EXPERIENCE AS AN AESTHETICIAN, BARBER, COSMETOLOGIST,
31 HAIRSTYLIST OR NAIL TECHNICIAN.

1 4. THE BOARD DETERMINES THAT THE PERSON IS PROFICIENT IN THE
2 PRACTICE OF AESTHETICS, BARBERING, COSMETOLOGY, HAIRSTYLING OR NAIL
3 TECHNOLOGY.

4 5. THE PERSON PASSES THE PRACTICAL EXAMINATIONS IN THE PERSON'S
5 PROFESSION.

6 6. THE PERSON TAKES AND COMPLETES AN INFECTION PREVENTION CLASS
7 PROVIDED BY THE BOARD.

8 Sec. 11. Section 32-514, Arizona Revised Statutes, is amended to
9 read:

10 32-514. Examinations

11 A. The board or a national professional organization for BARBERING
12 OR cosmetology, OR BOTH, THAT IS selected by the board shall administer
13 written and practical examinations for a BARBER, cosmetologist,
14 aesthetician, nail technician, hairstylist or instructor license. The
15 examinations shall test for requisite knowledge and skills in the technical
16 application of BARBERING AND cosmetology services. An applicant may take
17 an examination before the applicant has completed the required hours of
18 course instruction prescribed by this article, but the applicant must
19 complete the required hours of course instruction before licensure.

20 B. The board or a national professional organization for BARBERING
21 OR cosmetology, OR BOTH, THAT IS selected by the board shall inform each
22 applicant of the examination results.

23 C. The board shall make an accurate record of each examination.

24 Sec. 12. Section 32-516, Arizona Revised Statutes, is amended to
25 read:

26 32-516. Aestheticians; cosmetologists; cosmetic laser and IPL
27 device use; certification; definitions

28 A. An aesthetician or a cosmetologist who wishes to perform cosmetic
29 laser procedures and procedures using IPL devices must:

- 30 1. Apply for and receive a certificate from the department.
31 2. Comply with the requirements of this section and department
32 rules.

1 ~~3. Successfully complete forty hours of didactic training as~~
2 ~~required by department rules at a department-certified training~~
3 ~~program. The program shall provide a provisional certificate to the~~
4 ~~applicant verifying the successful completion of the didactic training.~~

5 ~~4. For hair removal, complete hands-on training that is supervised~~
6 ~~by a health professional who is acting within the health professional's~~
7 ~~scope of practice or by a laser technician who has a minimum of one hundred~~
8 ~~hours of hands-on experience per procedure. The health professional or~~
9 ~~laser technician must be present in the room during twenty-four hours of~~
10 ~~hands-on use of lasers or IPL devices. The supervising health professional~~
11 ~~or laser technician shall verify that the aesthetician or cosmetologist has~~
12 ~~completed the training and supervision as prescribed by this section.~~

13 ~~5. For other cosmetic laser and IPL device procedures, complete a~~
14 ~~minimum of an additional twenty-four hours of hands-on training of at least~~
15 ~~ten cosmetic procedures for each type of specific procedure that is~~
16 ~~supervised by a health professional who is acting within the health~~
17 ~~professional's scope of practice or by a laser technician who has a minimum~~
18 ~~of one hundred hours of hands-on experience per procedure. The health~~
19 ~~professional or laser technician must be present in the room during~~
20 ~~twenty-four hours of hands-on use of lasers or IPL devices. The~~
21 ~~supervising health professional or laser technician shall verify that the~~
22 ~~aesthetician or cosmetologist has completed the training and supervision as~~
23 ~~prescribed by this section.~~

24 ~~6. Submit to the department the provisional certificate from the~~
25 ~~training program and certification by the health professional or laser~~
26 ~~technician who directly supervised the applicant in the room during the~~
27 ~~hands-on training.~~

28 ~~B. The department shall issue a laser technician certificate~~
29 ~~authorizing the aesthetician or cosmetologist to use lasers and IPL devices~~
30 ~~if the applicant has completed the training for hair removal or lasers and~~
31 ~~IPL devices for other cosmetic procedures, as applicable, and shall~~
32 ~~maintain a current register of those laser technicians in good standing and~~
33 ~~whether certification is for hair removal only or other cosmetic procedures~~

1 ~~as well. The department may establish a fee for the registration of~~
2 ~~aestheticians or cosmetologists as laser technicians and the issuance of~~
3 ~~certificates pursuant to this subsection. The department shall deposit~~
4 ~~monies collected pursuant to this subsection in the laser safety fund~~
5 ~~established by section 32-3234.~~

6 ~~C.~~ B. An aesthetician or a cosmetologist who has been certified as
7 a laser technician by the department may use a laser or IPL device. ~~;~~

8 ~~1. For hair removal under the indirect supervision of a health~~
9 ~~professional whose scope of practice permits the supervision.~~

10 ~~2. For cosmetic purposes other than hair removal if the aesthetician~~
11 ~~or cosmetologist is directly supervised by a health professional whose~~
12 ~~scope of practice permits the supervision and the aesthetician or~~
13 ~~cosmetologist has been certified in those procedures.~~

14 ~~D.~~ The board shall investigate any complaint from the public or from
15 another board or agency regarding a licensed aesthetician or cosmetologist
16 who performs cosmetic laser procedures or procedures using IPL devices
17 pursuant to this section. The board shall report to the department any
18 complaint it receives about the training or performance of an aesthetician
19 or a cosmetologist who is certified as a laser technician.

20 ~~E.~~ C. An aesthetician or a cosmetologist who used laser and IPL
21 devices before November 24, 2009 may continue to do so if the aesthetician
22 or cosmetologist received a certificate pursuant to this section before
23 October 1, 2010.

24 ~~F.~~ D. For the purposes of this section:

25 1. "Department" means the department of health services.

26 ~~2. "Directly supervised" means a health professional who is licensed~~
27 ~~in this state and whose scope of practice allows the supervision supervises~~
28 ~~the use of a laser or IPL device for cosmetic purposes while the health~~
29 ~~professional is present at the facility where and when the device is being~~
30 ~~used.~~

31 ~~3. "Health professional" means a person who is licensed pursuant to~~
32 ~~either:~~

1 ~~(a) Chapter 11, article 2 of this title and who specializes in oral~~
2 ~~and maxillofacial surgery.~~

3 ~~(b) Chapter 13, 14, 15, 17 or 25 of this title.~~

4 ~~4. "Indirect supervision" means supervision by a health professional~~
5 ~~who is licensed in this state, whose scope of practice allows the~~
6 ~~supervision and who is readily accessible by telecommunication.~~

7 ~~5.~~ 2. "IPL device" means an intense pulse light class II surgical
8 device certified in accordance with the standards of the department for
9 cosmetic procedures.

10 ~~6.~~ 3. "Laser" means any device that can produce or amplify
11 electromagnetic radiation with wavelengths in the range of one hundred
12 eighty nanometers to one millimeter primarily by the process of controlled
13 stimulated emission and certified in accordance with the standards for the
14 department for cosmetic procedures.

15 ~~7.~~ 4. "Laser technician" means a person who is or has been
16 certified by the department pursuant to its rules and chapter 32, article 2
17 of this title.

18 Sec. 13. Section 32-517, Arizona Revised Statutes, is amended to
19 read:

20 32-517. License renewal

21 A. Except as provided in section 32-4301, a BARBER, A cosmetologist,
22 an aesthetician, a nail technician or a hairstylist shall renew the
23 person's license on or before the person's birthday once every two years.

24 B. A BARBER, A cosmetologist, an aesthetician, a nail technician or
25 a hairstylist shall ~~submit an application for renewal accompanied by~~ PAY
26 the prescribed renewal fee AND COMPLY WITH REQUIREMENTS PRESCRIBED IN THIS
27 CHAPTER ~~in order~~ to renew the person's license.

28 C. A BARBER, A cosmetologist, an aesthetician, a nail technician or
29 a hairstylist who fails to renew the person's license on or before the
30 person's birthday shall also pay the prescribed delinquent renewal penalty
31 in order to renew the license.

32 Sec. 14. Section 32-518, Arizona Revised Statutes, is amended to
33 read:

1 (a) For a cosmetologist instructor, three hundred fifty hours.

2 (b) For an aesthetics instructor, three hundred fifty hours.

3 (c) For a nail technician instructor, three hundred fifty hours.

4 (d) For a hairstylist instructor, three hundred fifty hours.

5 (e) FOR A BARBERING INSTRUCTOR, THREE HUNDRED FIFTY HOURS.

6 4. Passes ~~the~~ A WRITTEN EXAMINATION AND A PRACTICAL examination for
7 an instructor license.

8 5. Pays the prescribed fees.

9 6. COMPLETES AN INFECTION PREVENTION, SANITATION AND LAW REVIEW
10 CLASS PROVIDED BY THE BOARD.

11 B. AN APPLICANT MAY APPEAL THE BOARD'S DENIAL OF AN INSTRUCTOR
12 LICENSE BY REQUESTING A HEARING. THE HEARING SHALL BE BEFORE THE BOARD AT
13 ITS NEXT REGULAR MEETING THAT FOLLOWS THE BOARD'S RECEIPT OF THE REQUEST.
14 AT THE HEARING THE BURDEN OF PROOF IS ON THE APPLICANT TO DEMONSTRATE THAT
15 THE ALLEGED DEFICIENCIES THAT ARE THE BASIS OF THE DENIAL DO NOT EXIST.

16 Sec. 16. Section 32-532, Arizona Revised Statutes, is amended to
17 read:

18 32-532. Instructors; license reciprocity

19 Notwithstanding section 32-531, a person is entitled to receive a
20 license to teach BARBERING, cosmetology, aesthetics, nail technology or
21 hairstyling in a school if the person submits to the board an application
22 for an instructor license on a form prescribed by the board, pays the
23 prescribed fees and ~~complies with~~ MEETS one of the following:

24 1. Is a current licensed BARBERING INSTRUCTOR, cosmetology
25 instructor, aesthetics instructor, nail technology instructor or
26 hairstyling instructor in another state or country.

27 2. Is a current licensed BARBER, cosmetologist, aesthetician, nail
28 technician or hairstylist in another state or country and has at least one
29 year of instructor experience in the other state or country in BARBERING,
30 cosmetology, aesthetics, nail technology or hairstyling, or any combination
31 thereof OF THESE PRACTICES.

32 3. ~~Does~~ MEETS all of the following:

33 ~~(a) Either:~~

1 ~~(i) Submits to the board satisfactory evidence that the person is at~~
2 ~~least eighteen years of age.~~

3 ~~(ii)~~ (a) Holds a diploma from a high school or its equivalent as
4 prescribed by the board in its rules and submits to the board satisfactory
5 evidence that the person is at least ~~sixteen~~ NINETEEN years of age.

6 (b) Is a licensed BARBER, cosmetologist, aesthetician, nail
7 technician or hairstylist in another state or country.

8 (c) Completes instructor training in another state or country that
9 has instructor education requirements that are at least substantially
10 equivalent to those of this state.

11 (d) Passes ~~the~~ A WRITTEN examination AND A PRACTICAL EXAMINATION for
12 an instructor license.

13 (e) Has five years of licensed industry experience within the ten
14 years preceding application.

15 (f) Meets requirements as prescribed by the board in its rules.

16 (g) COMPLETES AN INFECTION PREVENTION, SANITATION AND LAW REVIEW
17 CLASS PROVIDED BY THE BOARD.

18 Sec. 17. Section 32-536, Arizona Revised Statutes, is amended to
19 read:

20 32-536. Instructor practice; instruction

21 A. An instructor may practice in the category of practice ~~he~~ IN
22 WHICH THE INSTRUCTOR is licensed to practice in ~~a salon~~ AN ESTABLISHMENT
23 THAT IS licensed pursuant to this chapter.

24 B. An instructor shall teach only in the area ~~he~~ IN WHICH THE
25 INSTRUCTOR is licensed by the board to teach.

26 Sec. 18. Section 32-537, Arizona Revised Statutes, is amended to
27 read:

28 32-537. Instructors; inactive licenses; reactivation;
29 suspension

30 A. An instructor license that is not renewed pursuant to section
31 32-535 automatically reverts to inactive status.

32 B. A licensee may reactivate an inactive license:

1 1. If a license has been inactive for less than one year, by paying
2 the prescribed delinquent renewal penalty.

3 2. If a license has been inactive for one year or more but less than
4 ~~ten~~ FIVE years, by paying the prescribed delinquent renewal penalty and
5 submitting proof of satisfying educational requirements prescribed by the
6 board in its rules.

7 C. A license that has been inactive for ~~ten~~ FIVE years is
8 automatically suspended.

9 D. A licensee shall not practice under an inactive license.

10 Sec. 19. Heading change

11 The article heading of title 32, chapter 5, article 4, Arizona
12 Revised Statutes, is changed from "SALONS" to "ESTABLISHMENTS".

13 Sec. 20. Section 32-541, Arizona Revised Statutes, is amended to
14 read:

15 32-541. Establishment licenses; requirements

16 A. A person is entitled to receive a license to operate ~~a salon~~ AN
17 ESTABLISHMENT if the person:

18 1. Submits to the board an application for ~~a salon~~ AN ESTABLISHMENT
19 license on a form supplied by the board.

20 2. Pays the prescribed fee.

21 B. The safety and sanitary requirements specified by the board in
22 its rules shall be requirements while ~~a salon~~ AN ESTABLISHMENT is
23 operating.

24 C. Each ~~salon~~ ESTABLISHMENT shall have an individual designated as
25 the manager of the ~~salon~~ ESTABLISHMENT.

26 Sec. 21. Section 32-542, Arizona Revised Statutes, is amended to
27 read:

28 32-542. Establishment inspections

29 The board shall inspect ~~salons~~ ESTABLISHMENTS on a regular basis as
30 it deems necessary.

31 Sec. 22. Section 32-543, Arizona Revised Statutes, is amended to
32 read:

33 32-543. Required display; licenses; inspection sheet

1 ~~Salons~~ EACH ESTABLISHMENT shall display the following in a
2 conspicuous location that is readily observable by any patron:

3 1. The current ~~salon~~ ESTABLISHMENT license.

4 2. The current ~~licenses~~ LICENSE for ~~cosmetologists, aestheticians,~~
5 ~~nail technicians or hairstylists~~ EACH BARBER, COSMETOLOGIST, AESTHETICIAN,
6 NAIL TECHNICIAN OR HAIRSTYLIST WHO IS practicing in the ~~salon~~
7 ESTABLISHMENT.

8 3. THE CURRENT REGISTRATION FOR EACH EYELASH TECHNICIAN WHO IS
9 PRACTICING IN THE ESTABLISHMENT.

10 ~~3.~~ 4. The latest inspection sheet FOR THE ESTABLISHMENT.

11 Sec. 23. Section 32-544, Arizona Revised Statutes, is amended to
12 read:

13 32-544. Establishment license renewal

14 A. Except as provided in section 32-4301, ~~a salon~~ AN ESTABLISHMENT
15 license is renewable each year on or before the anniversary date of the
16 first license by meeting all the requirements for ~~a salon~~ AN ESTABLISHMENT
17 license and paying the prescribed renewal fee.

18 B. ~~A salon~~ AN ESTABLISHMENT owner who fails to renew the owner's
19 ~~salon~~ ESTABLISHMENT license each year ~~by~~ ON OR BEFORE the anniversary date
20 of the license shall apply pursuant to section 32-541 and pay the
21 prescribed fee and delinquent renewal penalty.

22 Sec. 24. Section 32-545, Arizona Revised Statutes, is amended to
23 read:

24 32-545. Change of ownership or location; change of trade name;
25 board notification

26 A. ~~A salon~~ AN ESTABLISHMENT shall not change from the name of one
27 licensee to another or from one location to another or change its trade
28 name without filing a new application and paying the prescribed fee.

29 B. ~~A salon owner shall notify the board in writing~~ Within ten days
30 after any change of ownership of the ~~salon~~ ESTABLISHMENT or change in the
31 ~~salon's~~ ESTABLISHMENT'S location, ~~or trade name~~ THE ESTABLISHMENT OWNER
32 SHALL NOTIFY THE BOARD IN WRITING, FILE A NEW APPLICATION and pay the
33 prescribed fee.

1 Sec. 25. Section 32-551, Arizona Revised Statutes, is amended to
2 read:

3 32-551. School licenses; applications; barbering school
4 requirements; supervision; students

5 A. A person is entitled to a license to operate a school if:

6 1. The person pays the prescribed fee.

7 2. The person furnishes a surety bond in the amount of ~~ten thousand~~
8 ~~dollars~~ \$10,000 approved by the board and executed by a corporate bonding
9 company authorized to do business in this state. The bond shall be for the
10 benefit of and subject to the claims of the state for failure to comply
11 with the requirements of this chapter and any student who fails to receive
12 the full course of instruction required under this chapter.

13 3. The person submits to the board under oath an application for a
14 school license on a form supplied by the board and other documentation
15 required by the board in its rules.

16 4. The proposed school passes an inspection by the board before it
17 opens.

18 B. A COURSE OF INSTRUCTION IN A LICENSED SCHOOL THAT TEACHES
19 BARBERING SHALL CONSIST OF AT LEAST ONE THOUSAND TWO HUNDRED HOURS OF
20 INSTRUCTION. THE COURSE OF INSTRUCTION SHALL INCLUDE:

21 1. AT LEAST TWO HUNDRED FIFTY HOURS DEVOTED TO THE STUDY OF THE
22 FUNDAMENTALS OF BARBERING, HYGIENE, BACTERIOLOGY, HISTOLOGY OF THE HAIR,
23 SKIN, MUSCLES AND NERVES, STRUCTURE OF THE HEAD, FACE AND NECK, ELEMENTARY
24 CHEMISTRY RELATING TO STERILIZATION AND ANTISEPTICS AND DISEASES OF THE
25 SKIN, HAIR AND GLANDS.

26 2. AT LEAST NINE HUNDRED FIFTY HOURS DEVOTED TO THE PRACTICE AND
27 STUDY OF MASSAGING AND MANIPULATING MUSCLES OF THE SCALP, FACE AND NECK,
28 HAIRCUTTING, SHAVING AND CHEMICAL WORK RELATING TO PERMANENT WAVES AND HAIR
29 STRAIGHTENING, COLORING AND BLEACHING.

1 C. A LICENSED SCHOOL SHALL BE OPERATED UNDER THE GENERAL SUPERVISION
2 OF A LICENSED INSTRUCTOR.

3 D. STUDENTS MAY NOT TEACH OTHER STUDENTS AT A LICENSED SCHOOL.

4 E. A SCHOOL THAT HOLDS A SCHOOL LICENSE IN BARBERING AND A SCHOOL
5 LICENSE IN COSMETOLOGY MAY OFFER COURSES ON BOTH COSMETOLOGY AND BARBERING
6 IF AN INSTRUCTOR LICENSED AS A COSMETOLOGIST TEACHES THE COSMETOLOGY
7 COURSES AND AN INSTRUCTOR LICENSED AS A BARBER TEACHES THE BARBERING
8 COURSES.

9 Sec. 26. Section 32-556, Arizona Revised Statutes, is amended to
10 read:

11 32-556. Separation of schools from other businesses

12 A school of any type, ~~including a cosmetology school,~~ may include
13 programs related to a subject that ~~is similar to cosmetology~~ THE BOARD
14 LICENSES OR REGISTERS but may not include ~~a salon~~ AN ESTABLISHMENT. A
15 ~~cosmetology~~ school may offer for sale ~~cosmetology~~ RELATED products and
16 ~~related~~ articles.

17 Sec. 27. Section 32-557, Arizona Revised Statutes, is amended to
18 read:

19 32-557. Students: services for the public; notice; salary
20 prohibited; price list

21 A. Students OF A LICENSED SCHOOL may render services to the public
22 only under the direct supervision of ~~an~~ A LICENSED instructor.

23 B. The following notice shall be posted in a conspicuous place
24 within the school in letters large enough to be read across the length of
25 the room: ~~;~~ "School of ~~cosmetology~~ (TYPE OF BOARD-LICENSED SCHOOL) – work
26 done exclusively by students UNDER THE DIRECT SUPERVISION OF A LICENSED
27 INSTRUCTOR."

1 C. A student in a school shall not receive a salary or commission
2 from the school for any BARBERING, cosmetology, aesthetics, nail technology
3 or hairstyling services while enrolled in the school as a student. A
4 student who is enrolled in a school for the purpose of becoming an
5 instructor may be a paid employee of the school.

6 D. A school shall post a price list for services rendered to the
7 public that is large enough to be easily read from a distance of ten feet.

8 Sec. 28. Section 32-560, Arizona Revised Statutes, is amended to
9 read:

10 32-560. Students; transfer; documentation

11 A student who desires to transfer from one school to another ~~shall~~
12 ~~execute an application for transfer form prescribed by the board~~ MAY APPLY
13 TO ANOTHER SCHOOL OF THE STUDENT'S CHOICE. The transferring school shall
14 ~~complete the application for transfer in triplicate and forward the~~
15 ~~requested information to the board within three days after the student~~
16 ~~executes the application for transfer~~ PROVIDE THE STUDENT WITH A COMPLETION
17 FORM DOCUMENTING THE HOURS AND COURSES THAT THE STUDENT HAS SUCCESSFULLY
18 COMPLETED. THE FORM SHALL INCLUDE THE SCHOOL'S NAME, ADDRESS AND LICENSE
19 NUMBER AND THE STUDENT'S DATES OF ATTENDANCE.

20 Sec. 29. Section 32-572, Arizona Revised Statutes, is amended to
21 read:

22 32-572. Grounds for disciplinary action or refusal to issue or
23 renew license or registration; definition

24 A. The board may take disciplinary action or refuse to issue or
25 renew a license or registration for any of the following causes:

26 1. ~~Continued performance of~~ CONTINUING TO PERFORM BARBERING,
27 cosmetology, aesthetics, nail technology, hairstyling or eyelash extension
28 services ~~by a~~ IF THE person knowingly ~~having~~ HAS an infectious or
29 communicable disease.

- 1 2. ~~Conviction~~ BEING CONVICTED of a crime.
- 2 3. ~~Commission of~~ COMMITTING an act involving dishonesty, fraud or
- 3 deceit with the intent to substantially benefit oneself or another or
- 4 substantially injure another.
- 5 4. COMMITTING malpractice or incompetency.
- 6 5. Knowingly advertising by means of false, misleading, deceptive or
- 7 fraudulent statements through communication media.
- 8 6. Violating this chapter or any rule adopted pursuant to this
- 9 chapter.
- 10 7. Making oral or written false statements to the board.
- 11 8. ~~Repeated failure~~ REPEATEDLY FAILING to correct infractions of
- 12 safety and sanitary requirements prescribed by the board in its rules.
- 13 9. Failing to comply with an order of the board.
- 14 B. A LICENSEE'S OR REGISTRANT'S conviction of a crime or act ~~shall~~
- 15 IS not ~~be~~ a cause ~~of refusal~~ FOR THE BOARD TO REFUSE to issue or renew a
- 16 license or registration unless the crime or act is substantially related to
- 17 the qualifications, functions or duties of the license or registration for
- 18 which application is made.
- 19 C. The expiration, cancellation, suspension or revocation of a
- 20 license or registration or a licensee's or registrant's voluntary surrender
- 21 of a license or registration does not deprive the board of jurisdiction to
- 22 do any of the following:
- 23 1. Proceed with an investigation of a licensee or registrant.
- 24 2. Proceed with an action or disciplinary proceeding against a
- 25 licensee or registrant.
- 26 3. Suspend or revoke a license or registration.
- 27 4. Deny the renewal or right of renewal of a license or
- 28 registration.
- 29 D. For the purposes of this section, "conviction" means a plea or
- 30 verdict of guilty or a conviction following a plea of no contest.
- 31 Sec. 30. Section 32-574, Arizona Revised Statutes, is amended to
- 32 read:
- 33 32-574. Unlawful acts; violations; classification

1 A. A person shall not:

2 1. Perform or attempt to perform BARBERING, cosmetology, aesthetics,
3 nail technology, hairstyling or personal services related to eyelash
4 extensions without a license or registration in that category issued
5 pursuant to this chapter, or practice in a category in which the person
6 does not hold a license or registration.

7 2. Display a sign or in any way advertise or hold oneself out as a
8 BARBER, cosmetologist, aesthetician, nail technician, hairstylist or
9 eyelash technician or as being engaged in the practice or business of
10 BARBERING, cosmetology, aesthetics, nail technology, hairstyling or eyelash
11 extensions without being licensed or registered pursuant to this chapter.

12 3. Knowingly make a false statement on an application for a license
13 or registration pursuant to this chapter.

14 4. Allow an employee or another person under the person's
15 supervision or control to perform BARBERING, cosmetology, aesthetics, nail
16 technology, hairstyling or personal services related to eyelash extensions
17 without a license OR REGISTRATION issued pursuant to this chapter.

18 5. Practice or attempt to practice BARBERING, cosmetology,
19 aesthetics, nail technology, hairstyling or personal services related to
20 eyelash extensions in any place other than in ~~a salon~~ AN ESTABLISHMENT
21 licensed by the board unless the person is requested by a customer to go to
22 a place other than ~~a salon~~ AN ESTABLISHMENT licensed pursuant to this
23 chapter and is sent to the customer from the ~~salon~~ ESTABLISHMENT, except
24 that a person who is licensed or registered pursuant to this chapter may
25 practice, without the ~~salon's~~ ESTABLISHMENT'S request, BARBERING,
26 cosmetology, aesthetics, nail technology, hairstyling or personal services
27 related to eyelash extensions in a health care facility, hospital,
28 residential care institution, nursing home or residence of a person
29 requiring home care because of an illness, infirmity or disability.

30 6. Obtain or attempt to obtain a license or registration by the use
31 of monies other than the prescribed fees or any other thing of value or by
32 fraudulent misrepresentation.

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

6 8. Operate a ~~salon~~ school without being licensed by the board.

7 9. OPERATE AN ESTABLISHMENT WITHOUT BEING LICENSED BY THE BOARD AND
8 WITHOUT HAVING AN INDIVIDUAL DESIGNATED AS THE MANAGER OF THE
9 ESTABLISHMENT.

10 ~~9.~~ 10. Violate this chapter or any rule adopted pursuant to this
11 chapter.

12 ~~10.~~ 11. Ignore or fail to comply with a board subpoena.

13 ~~11.~~ 12. Use the title of "aesthetician", "BARBER", "cosmetologist",
14 "nail technician", ~~or~~ "hairstylist" OR "EYELASH TECHNICIAN" or any other
15 title or term likely to be confused with "aesthetician", "BARBER",
16 "cosmetologist", "nail technician", "hairstylist" or "eyelash technician"
17 in any advertisement, statement or publication unless that person is
18 licensed or registered by the board.

19 ~~12.~~ 13. Teach BARBERING, cosmetology, aesthetics, nail technology
20 or hairstyling in this state unless the person is licensed as an instructor
21 pursuant to article 3 of this chapter.

22 B. An instructor shall not render BARBERING, cosmetology,
23 aesthetics, nail technology or hairstyling services in a school unless the
24 services are directly incidental to instructing students.

25 C. A SCHOOL SHALL POST A CONSPICUOUS NOTICE TO THE PUBLIC PURSUANT
26 TO SECTION 32-557 THAT ALL SERVICES ARE PERFORMED BY STUDENTS UNDER THE
27 DIRECT SUPERVISION OF A LICENSED INSTRUCTOR.

28 ~~e.~~ D. A person who violates this section is guilty of a class 1
29 misdemeanor.

1 Sec. 31. Section 32-3021, Arizona Revised Statutes, is amended to
2 read:

3 32-3021. Private vocational program license; qualifications;
4 provision of information; exemptions

5 A. A person shall not operate a private vocational program unless
6 the person holds a private vocational program license issued pursuant to
7 this chapter. Each program offered by a private vocational program
8 licensee shall be authorized on a private vocational program license. The
9 board shall prescribe the manner in which the programs ~~shall be~~ ARE
10 identified on the license.

11 B. An applicant for a private vocational program license shall meet
12 all of the following requirements:

13 1. Furnish a letter of credit, surety bond or cash deposit as
14 provided in section 32-3023.

15 2. Make specific information concerning educational programs,
16 including statements of purpose, objectives, course of study, policies,
17 fees and other pertinent information, available to prospective students and
18 the general public.

19 3. Be financially responsible and have management capability.

20 4. Maintain a qualified faculty.

21 5. Maintain facilities, equipment and materials that are appropriate
22 for the stated program. All facilities shall meet applicable state and
23 local health and safety laws.

24 6. Maintain appropriate records as the board prescribes that are
25 properly safeguarded and preserved.

26 7. Use only advertisements that are consistent with the information
27 made available as provided in paragraph 2 of this subsection.

28 8. Provide courses of instruction that meet stated objectives.

29 9. Provide a grievance procedure for students.

30 10. Comply with all federal and state laws relating to the operation
31 of a private postsecondary educational institution.

32 11. Other requirements the board deems necessary.

1 C. An applicant for a private vocational program license shall
2 submit evidence of meeting the requirements prescribed in subsection B of
3 this section to the board. The board shall verify the evidence submitted.
4 Verification shall include on-site verification.

5 D. The filing of an application grants the board the authority to
6 obtain information from any of the following:

7 1. A licensing board or agency in any state, district, territory or
8 county of the United States or any foreign country.

9 2. The Arizona criminal justice information system as defined in
10 section 41-1750.

11 3. The federal bureau of investigation.

12 E. The board, on application, may issue a private vocational program
13 license to a new educational institution as provided in this section,
14 except that the board shall establish separate minimum standards for
15 licensure requirements of new educational institutions. These minimum
16 standards may include the modification of licensure requirements as
17 provided in subsection B, paragraphs 3, 5, 6, 7 and 8 of this section to
18 meet the circumstances of new educational institutions. The board, on
19 application, may issue a private vocational program license to an
20 educational institution that is otherwise exempt under subsection F of this
21 section. The board shall monitor the new educational institution to ensure
22 compliance with the licensure requirements. The board shall issue a private
23 vocational program license as provided in this subsection one time only to
24 new educational institutions.

25 F. This section does not apply to any of the following:

26 1. A school licensed pursuant to chapter ~~3-01~~ 5 of this title.

27 2. An instructional program or course sponsored by a bona fide trade
28 association solely for its members.

1 3. Privately owned academic schools engaged in the process of
2 general education that is designed to produce a level of development
3 equivalent to that necessary to meet the requirements for entrance into a
4 public community college or public university in this state and that may
5 incidentally offer technical and vocational courses as part of the
6 curriculum.

7 4. Schools or private instruction conducted by any person engaged in
8 training, tutoring or teaching individuals or groups, if the instruction is
9 related to hobbies, avocations, academic improvement or recreation and may
10 only incidentally lead to gainful employment.

11 5. Schools conducted by any person solely for training the person's
12 own employees.

13 6. An instructional program or course offered solely for employees
14 and for the purpose of improving the employees in their employment if both
15 of the following apply:

16 (a) The employee is not charged a fee.

17 (b) The employer provides or funds the program or course pursuant to
18 a valid written contract between the employer and a program or course
19 provider.

20 7. Training conducted pursuant to 14 Code of Federal Regulations
21 part 141.

22 8. A school that solely provides an instructional program for
23 certified nursing assistants and licensed nursing assistants and THAT is
24 licensed by the nursing board pursuant to section 32-1606, subsection B,
25 paragraph 11.

26 9. A professional driving training school licensed by the department
27 of transportation pursuant to chapter 23, articles 1, 2 and 3 of this
28 title.

1 Sec. 34. Section 44-6852, Arizona Revised Statutes, is amended to
2 read:

3 44-6852. Dishonored checks; service fee

4 Notwithstanding any other law and except as provided in ~~sections~~
5 ~~32-328~~ and SECTION 32-507, the holder, payee or assignee of the holder or
6 payee of a dishonored check, draft, order or note may charge and collect
7 from the maker or drawer a service fee of not more than \$25 plus any actual
8 charges assessed by the financial institution of the holder, payee or
9 assignee of the holder or payee as a result of the dishonored instrument.

10 Sec. 35. Appropriations; barbering and cosmetology board;
11 barbering and cosmetology fund; exemption

12 A. Notwithstanding section 32-505, Arizona Revised Statutes, the sum
13 of \$200,000 is appropriated from the barbering and cosmetology fund
14 established by section 32-505, Arizona Revised Statutes, in fiscal years
15 2024-2025 and 2025-2026 to the barbering and cosmetology board for
16 information technology development.

17 B. Notwithstanding section 32-505, Arizona Revised Statutes, the sum
18 of \$298,250 and four FTE positions are appropriated from the barbering and
19 cosmetology fund established by section 32-505, Arizona Revised Statutes,
20 in fiscal year 2024-2025 to the barbering and cosmetology board to enforce
21 title 32, chapter 5, Arizona Revised Statutes.

22 C. The appropriations made in subsections A and B of this section
23 are exemption from the provisions of section 35-190, Arizona Revised
24 Statutes, relating to lapsing of appropriations."

25 Amend title to conform

TIMOTHY M. DUNN
CHAIRMAN

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