



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency the promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

**NOTICE OF PROPOSED RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 5. BOARD OF BARBERS**

[R15-50]

PREAMBLE

<u>1. Articles, Parts, and Sections Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-5-101	Amend
R4-5-102	Amend
R4-5-103	Amend
R4-5-104	Amend
R4-5-105	Repeal
R4-5-106	Amend
R4-5-107	Amend
R4-5-108	Amend
Table 1	New Table
R4-5-109	ReNUMBER
R4-5-109	Amend
Article 2	Amend
R4-5-201	Amend
R4-5-202	Amend
R4-5-203	Amend
R4-5-204	ReNUMBER
R4-5-301	Amend
R4-5-302	Amend
R4-5-303	Amend
R4-5-304	Amend
R4-5-305	New Section
R4-5-401	Amend
R4-5-402	Amend
R4-5-403	Amend
R4-5-404	Amend
R4-5-405	Amend
Exhibit 1	Amend
Exhibit 2	Amend
R4-5-406	Amend
R4-5-407	Amend
R4-5-408	Amend
R4-5-409	Amend
R4-5-410	Repeal
R4-5-411	Amend
R4-5-501	Amend



R4-5-502

Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 32-304(A)(1)

Implementing statute: A.R.S. §§ 32-304(A)(7), 32-322, 32-323, 32-324, 32-325, 32-326, 32-327, 32-328, 32-351, 32-352, 32-353, 32-354, and 32-355

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 21 A.A.R. 889, June 19, 2015 (*in this issue*).

4. The agency's contact person who can answer questions about the rulemaking:

Name: Sam Barcelona
Address: 1400 W. Washington St., Suite 220
Phoenix, AZ 85007
Telephone: (602) 542-4498
Fax: (602) 542-3093
E-mail: sam.barcelona@azbarberboard.us
Web site: www.azbarberboard.us

5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Board's rules have not been amended since 2005. In a five-year-review report approved by Council on September 14, 2010, the Board identified several rules that needed to be amended. In this rulemaking, the Board makes necessary amendments. Additionally, the Board increases the length of its licensing time-frames and establishes requirements regarding blood and body fluid spills and regarding notice to students when a licensed barber school closes.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated May 18, 2015.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board has not reviewed and does not propose to rely on a study in its evaluation of or justification for any rule in this rulemaking.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Board anticipates the rule changes will have minimal economic impact. The owner of a licensed shop that is not complying with current industry standards regarding sanitation will incur some cost to comply with the new sanitation standards. The owner of a licensed school that closes will incur a minimal cost to provide notice to students affected by the closure.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Sam Barcelona
Address: 1400 W. Washington St., Suite 220
Phoenix, AZ 85007
Telephone: (602) 542-4498
Fax: (602) 542-3093
E-mail: sam.barcelona@azbarberboard.us
Web site: www.azbarberboard.us

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Monday, July 20, 2015
Time: 9:00 a.m.
Location: 1400 W. Washington St., 2nd floor conference room
Phoenix, AZ 85007



11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The licenses listed in Table 1 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

No federal law is applicable to the subject matter of the rules.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

No materials are incorporated by reference.

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 5. BOARD OF BARBERS

ARTICLE 1. GENERAL PROVISIONS

Section	
R4-5-101.	Definitions
R4-5-102.	Fees and Service Charges
R4-5-103.	Fee Payment
R4-5-104.	Safety and Sanitation Infection Control Provisions
R4-5-105.	Disinfectants: Approval, Usage Guidelines Repealed
R4-5-106.	Change of Ownership or Location
R4-5-107.	Inspections
R4-5-108.	Licensing Time-frames
Table 1.	Time-frames (in days)
R4-5-204. R4-5-109.	License Renewal

ARTICLE 2. EXAMINATION; AND PRACTITIONER LICENSING BARBER AND INSTRUCTOR LICENSE APPLICATION

Section	
R4-5-201.	Examinations
R4-5-202.	Barber License Application
R4-5-203.	Instructor License Application
R4-5-204.	License Renewal Renumbered

ARTICLE 3. SHOPS

Section	
R4-5-301.	Shop License Application for a License to Operate a Shop
R4-5-302.	Shop Premises and Basic Equipment Required in a Shop
R4-5-303.	Shop Supervision
R4-5-304.	Shop Mobile Units
R4-5-305.	Display of Barber Pole

ARTICLE 4. SCHOOLS

Section	
R4-5-401.	Barber School Application for a License to Operate a School
R4-5-402.	Notification of Changes
R4-5-403.	Use of "Accredited," "Approved," or Similar Terms
R4-5-404.	School Premises and Basic Equipment
R4-5-405.	School Operations and Enrollment
Exhibit 1.	Required Age and Education Notice to a Barber Trainee
Exhibit 2.	Required Age and Education Notice to an Instructor Trainee
R4-5-406.	Student Training and Supervision



- R4-5-407. School Curriculum
- R4-5-408. School Records
- R4-5-409. School Closure
- R4-5-410. ~~Multiple Location Schools~~ Repealed
- R4-5-411. Offsite Training Facility

ARTICLE 5. HEARINGS

- Section
- R4-5-501. Hearing Procedures
- R4-5-502. Rehearing and Review of Decision

ARTICLE 1. GENERAL PROVISIONS

R4-5-101. Definitions

The definitions in A.R.S. § 32-301 apply to this Chapter. Additionally, the following definitions apply to this Chapter unless the context otherwise requires:

“Barber pole” means a stationary or revolving sign that features a helical stripe of red, white, and blue or a likeness of the sign.

“Barbering implement” means any tool or device used for barbering.

“Certified hour” means instructional hours for which a barber school has issued a student a Certification of Completion or Withdrawal.

“Change of ownership” means there is a change of 10 percent or more of the owners holding a license to operate a shop or school.

“Diploma from a high school or its equivalent,” as used in A.R.S. § 32-323(B), means any of the following:

A document that certifies successful course completion from any accredited secondary school in the United States, a U.S. territory, the District of Columbia, or a foreign country;

~~A cumulative score of no fewer than 45 points on a General Education Development “GED” test;~~

A high school equivalency diploma that certifies successful passing of a General Education Development “GED” test; or

An academic degree from an accredited college or university ~~in the United States, a U.S. territory, the District of Columbia, or a foreign country.~~

“Direct supervision” means a supervisor is physically present and observing the work of a supervisee.

“Disinfect” means the use of chemicals to kill most microbial life that can lead to infection in humans.

“Domestic administration” means barbering performed:

On oneself, or

On another person to whom the practitioner is related as follows:

- Father,
- Mother,
- Grandfather,
- Grandmother,
- Child,
- Step-child,
- Brother,
- Sister,
- Foster parent,
- Legal guardian,
- Step-parent, or
- Spouse.

“Dry sanitizer” means a container large enough to store any barbering implement that requires:

~~Sanitation by a Board-approved fumigant or ultraviolet radiation, and~~

~~Maintenance of the implement’s sanitary condition.~~

“EPA” means the United State Environmental Protection Agency.

“Establishment” means a distinct physical location in which a shop or school is located but does not include an offsite training facility.

“Instructional hour” means 60 minutes during which a student receives classroom or practical instruction.

“Liquid sanitizer” means a container large enough to immerse completely any barbering implement that requires disinfecting by a solution made from an EPA-registered disinfectant by solution sanitization.

“One year’s experience as a licensed barber,” as used in A.R.S. § 32-322(C), means that during ~~any period of 12 consecutive months, a person an individual:~~

Maintained a valid license prescribed under A.R.S. § 32-322, and

Engaged in barbering at least ~~1,200~~ 1,500 hours.

“Owner” means a person ~~who that~~ has controlling interest in a barber shop or school or the owner’s designee.

“Patron” means ~~a person an individual~~ who receives barbering services.

“Practiced barbering for at least two years,” as used in A.R.S. § 32-323(B), means that during ~~any period of 24 consec-~~



utive months, ~~a person~~ an individual engaged in barbering at least ~~1,200~~ 1,500 hours during each 12-month consecutive period.

~~“Shop” has the meaning prescribed under A.R.S. § 32-301(6) and when used in this Chapter includes the term “salon.”~~

~~“Study” means to receive classroom or practical instruction in a subject.~~

~~“Tool drawer” means an ultraviolet electrical sanitizer or a clean, dust-proof cabinet, drawer, or other container that is disinfected with an EPA-registered disinfecting agent and used exclusively to store disinfected barbering implements.~~

~~“Two years of high school education or its equivalent,” as used in A.R.S. § 32-322(B), means either of the following:~~

~~Receipt of Successfully completing 10 high school credits,~~

~~Receipt of an overall score of no fewer than 39 points on a GED test, or~~

~~Passing a GED test.~~

~~“Workstation” means a specific location within a shop, mobile unit, offsite training facility, or school where barbering is performed not including hair-cleaning activity.~~

R4-5-102. Fees and Service Charges

A. Under authority of A.R.S. § 32-328, the Board charges the following fees:

1. Barber:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
2. Instructor:
 - a. No change
 - b. No change
 - c. No change
3. Shop:
 - a. No change
 - b. No change
 - c. No change
 - d. Renewal \$50 annually.
4. Late-renewal ~~penalty fee~~ for any license issued under subsections (A)(1) through (A)(3):
 - a. First time in a five-year period \$25 plus the renewal fee.
 - b. Second time in a five-year period \$50 plus the renewal fee.
 - c. Third time in a five-year period \$75 plus the renewal fee.
5. School:
 - a. No change
 - b. No change
 - c. No change
 - d. Renewal \$400 annually.
 - e. Late-renewal ~~penalty fee~~:
 - i. First time in five-year period \$50 plus the renewal fee.
 - ii. Second time in five-year period \$100 plus the renewal fee.
 - iii. Third time in five-year period \$150 plus the renewal fee.
6. No change
 - a. No change
 - b. No change
7. A duplicate of any license issued under this ~~Section~~ Chapter \$20.

B. The Board charges the following for copies of non-confidential records:

1. Name and address of licensee \$.25 per licensee.
2. Public records \$.50 per page.

C. As authorized under A.R.S. § 44-6852, the Board shall charge and collect from an applicant that provides the Board with a check that is dishonored by the bank the actual amount assessed by the bank plus a \$10 service fee.

R4-5-103. Fee Payment

A. A person shall pay any fee required by the Board in full, in cash, or by certified instrument.

B. The Board shall consider a fee payment timely if:

1. The Board receives the fee on or before the date due, or
2. The fee is postmarked on or before the date due.

R4-5-104. Safety and Sanitation Infection Control Provisions

A. A licensee under A.R.S. Title 32, Chapter 3, and this Chapter shall ~~conduct~~ adhere to the following safety and ~~sanitation~~ infection control procedures:

1. Use barbering implements that are:
 - a. New if intended for use on a single patron and disposed of immediately after use in a covered waste receptacle; or



- b. In good repair, ~~and~~ free of defect, ~~and~~ disinfected as described in subsection (A)(2) if intended for multiple use;
- 2. ~~Sanitize~~ Disinfect any barbering implement intended for multiple use according to the following procedure:
 - a. For ~~any immersible a non-electric~~ barbering implement and removable parts of an electric barbering implement, other than a scissors or razor, ~~a licensee shall~~:
 - i. Remove all hair or debris;
 - ii. Wash with soap and water;
 - iii. Rinse with clean water;
 - ~~iii.~~ iv. Completely immerse in a disinfectant solution that is approved and used as prescribed under R4-5-105 an EPA-registered disinfectant used according to manufacturer's instructions;
 - ~~iv.~~ Rinse with water;
 - v. Dry completely with a clean cloth or air dry; and
 - vi. Store in a dry sanitizer tool drawer;
 - b. For a scissors or a razor, ~~a licensee may~~:
 - i. ~~follow~~ Follow the procedure under subsection (A)(2)(a); or
 - ii. ~~wipe~~ Wipe the ~~implement~~ scissors or razor with a cloth bearing ~~a disinfectant solution approved and used as prescribed under R4-5-105. The licensee shall store an implement sanitized under this subsection in a dry sanitizer~~ an EPA-registered disinfectant used according to manufacturer's instructions and store the scissors or razor in a tool drawer; and
 - c. For a ~~non-immersible an electric~~ barbering implement, ~~a licensee shall~~:
 - i. Remove all hair or debris;
 - ii. ~~wipe~~ Wipe or spray any parts that contact a patron with ~~a disinfectant solution approved and used as prescribed under R4-5-105. The licensee shall store an implement sanitized under this subsection in a dry sanitizer~~ an EPA-registered disinfectant used according to manufacturer's instructions; and
 - iii. Store in a tool drawer.
- 3. Care and storage of barbering products. ~~Dispense~~ A licensee shall dispense any barbering ~~preparation~~ product listed under subsection (A)(3)(a) according to the procedure prescribed under subsection (A)(3)(b).
 - a. A barbering ~~preparation~~ product under this subsection includes any:
 - i. Oil,
 - ii. Gel,
 - iii. Shampoo,
 - iv. Cream,
 - v. Antiseptic,
 - vi. Clay,
 - vii. Ointment,
 - viii. Waxes, or
 - ~~viii.~~ ix. Other preparation product intended for use on a patron,
 - b. ~~Preparation~~ Product-dispensing procedure. ~~A licensee shall avoid~~ Avoid direct manual contact with a barbering ~~preparation~~ product by:
 - i. Using a manufacturer's dispensing device included with the original container; or
 - ii. Using a new disposable or ~~sanitized~~ disinfected reusable spoon, spatula, or ~~other~~ similar dispensing implement when no manufacturer dispensing device is included with the original container;
 - c. After a barbering product is dispensed, do not return any portion of the dispensed product to the original container; and
 - d. Maintain all barbering product containers with clear, correct labels indicating contents and intended use;
- 4. ~~Maintain a sufficient quantity of uncontaminated sanitizing~~ Ensure that the disinfecting solution approved for use as prescribed under R4-5-105 at all times during the performance of barbering required under subsection (A)(2) is changed if it becomes contaminated or according to the manufacturer's instructions;
- 5. Maintain towels or cloths for patron use that are:
 - a. New and disposed immediately after use if intended for single use,
 - b. ~~Sanitized~~ Disinfected by laundering with detergent and chlorine bleach if intended for multiple use,
 - c. Stored in a closed container when ~~sanitized~~ disinfected before use, and
 - d. Stored in a closed, ventilated, container separate from ~~sanitized~~ disinfected towels or cloths after use;
- 6. Maintain a separate, covered, non-leaking, receptacle for garbage and hair and empty, clean, and disinfect the receptacle daily;
- 7. ~~Maintain all barbering product containers with clear, correct labels indicating contents and intended use;~~
- 7. Exposure to blood or other body fluids. If there is a blood spill or exposure to other body fluids while performing a barbering service, a licensee shall stop the service and:
 - a. If the blood spill or body fluid is on a patron, the licensee shall:
 - i. Put disposable gloves on both of the licensee's hands;



- ii. Use a disposable instrument to clean the wound with an antiseptic solution and dispose of the soiled instrument immediately;
- iii. Use a disposable instrument to apply powdered alum, styptic powder, or a cyanoacrylate to stop bleeding and dispose of the soiled instrument immediately;
- iv. Cover the wound with a sterile bandage; and
- v. Dispose of the gloves used;
- b. If the blood spill or body fluid results from an injury to the licensee, the licensee shall comply with subsections (A)(7)(a)(ii) through (iv) and cover the affected area with a clean, fluid-proof glove or finger cover;
- c. If the blood spill or body fluid contacts any surface area, the licensee shall disinfect the surface area with an EPA-registered disinfectant used according to the manufacturer’s instructions; and
- d. If the blood spill or body fluid contacts any barbering instrument, the licensee shall disinfect the barbering instrument as specified in subsection (A)(2);
- 8. Patron protection. A licensee shall protect the health and safety of a patron by:
 - a. Washing the licensee’s hands with liquid or powder soap and water before serving each patron;
 - b. Disinfecting the head rest of the barber or styling chair after each use or at least daily;
 - c. Placing a clean towel or paper sheet on the head rest of the barber or styling chair for each patron;
 - d. Using a clean neck strip with each patron to avoid having the patron contact a non-sanitized object;
 - e. Not performing a barbering service on a patron while the licensee has a contagious disease unless a medically-approved measure is used to prevent transmission of the disease; and
 - f. Not knowingly performing a barbering service on a patron who has a contagious disease;
- 9. Not use a styptic pencil or lump alum in barbering; Prohibited products. To protect the health and safety of a patron, a licensee shall not use any of the following products when performing barbering services:
 - a. Methyl Methacrylate liquid monomers;
 - b. Alum or other astringents in stick or lump form;
 - c. Fumigants such as formalin (formaldehyde) tablets or liquids;
 - d. Any product that penetrates the dermis layer of the skin; and
 - e. Any product that is banned or deemed to be poisonous or unsafe by any responsible federal, state, or local governmental entity.
- 10. Not reuse a neck strip, end paper, or depilatory wax on multiple patrons; Prohibited practices. To protect the health and safety of a patron, a licensee shall not engage in the following practices when performing barbering services:
 - a. Allow any animal except a service animal on the establishment premises. A covered aquarium that is maintained in a sanitary condition is allowed; or
 - b. Use a shaving brush and mug unless the shaving brush and mug are personally owned by the patron.
- 11. Use a neck strip to prevent a patron’s neck from contacting a non-sanitized object; and
- 12. Store each neck duster not in use in a dry sanitizer.
- B. In addition to licensee requirements under subsection (A), the holder of a licensed license to operate a shop or school owner shall:
 - 1. Ensure that flooring within six feet of each workstation is comprised made of smooth, durable, and impervious material; and
 - 2. Maintain all furniture and fixtures of each facility establishment in a clean and orderly manner at all times; and
 - 3. Provide at least one restroom located on or near the establishment premises; and
 - 4. Comply with all state, local, and federal requirements.

R4-5-105. ~~Disinfectants: Approval, Usage Guidelines Repealed~~

- ~~A. Approval. For barbering purposes, the Board approves any disinfectant, sanitation, or sterilization product or method registered by the U.S. Environmental Protection Agency for use as:

 - 1. A virucide;
 - 2. A bactericide, or
 - 3. A fungicide.~~
- ~~B. Usage guidelines. Unless a product manufacturer’s instructions specify otherwise, a licensee shall disinfect barbering implements according to the following guidelines:

 - 1. Liquid sanitizing. A licensee shall use one or more of the following:~~

Solution type	Strength	Minimum immersion time
Quaternary Ammonium Compounds “Quats” liquid or dissolved tablet	1:1000	20 minutes
Formalin	25%	10 minutes
Formalin	10%	20 minutes



Alcohol* - Ethyl, Grain, or Isopropanol	70%	10 minutes
Sodium Hypochlorite	10%	10 minutes

* Note: for sharp cutting implement or electrode sanitization

- 2. Dry sanitizing. A licensee shall use either of the following:
 - a. A fumigant prepared as a mixture of:
 - i. One tablespoon of borax; and
 - ii. One tablespoon, one premanufactured tablet, or one container of formalin; or
 - b. An ultraviolet ray electric sanitizer manufactured specifically for sanitation purposes.

R4-5-106. Change of Ownership or Location

- A. A license issued to operate a shop or school is not transferable to:
 - 1. A location other than the location specified on the license; or
 - 2. An owner other than the owner specified on the license.
- B. A change in the owner or location of a shop or school requires that the owner apply for a new license.
- C. ~~Within~~ At least 15 days after before a change in location or ownership of a shop or school, the owner of the re-located shop or school or the new owner shall submit the following to the Board:
 - 1. Written notification of the change;
 - 2. A completed application to operate a shop, as prescribed under R4-5-301, or school, operation application as prescribed under R4-5-401; and
 - 3. The applicable fee prescribed under R4-1-102(A)(3)(b), (A)(3)(c), (A)(5)(b), or (A)(5)(c).

R4-5-107. Inspections

- A. Applicability. This Section applies to any barbering establishment operating within Arizona.
- B. Time of inspection. An inspector designated by the Board:
 - 1. Shall inspect each establishment's premises at least twice one or more times per calendar year, and
 - 2. May inspect an establishment at any time permitted under A.R.S. § 32-304(B)(2).
- C. Inspection procedure. According to the requirements of A.R.S. Title 32, Chapter 3, and this Chapter, the Board's inspector shall document that:
 - 1. Each applicable license is current and displayed as prescribed under A.R.S. § 32-351;
 - 2. Equipment and barbering implements are present, clean, and in appropriate quantity to the number of employees in the establishment;
 - 3. Each sanitary product, implement, and procedure is appropriately maintained or followed appropriately by facility establishment staff; and
 - 4. All applicable statutes and rules are followed.
- D. Inspection findings. An inspector shall submit a copy of a completed inspection report to:
 - 1. The owner of license holder or individual assigned by the license holder to operate the inspected establishment; and
 - 2. The Board.
- E. Disciplinary action. The Board shall follow disciplinary procedures prescribed under A.R.S. §§ 32-352 through 32-356 for any inspection finding indicating a violation of any provision under A.R.S. Title 32, Chapter 3, or this Chapter.

R4-5-108. Licensing Time-frames

- A. ~~Licensure and renewal. For purposes of~~ The overall time-frame described in A.R.S. § ~~41-1073(E)(2)~~ 41-1072(2), ~~the Board shall issue or deny for all licenses and renewals issued by the Board under A.R.S. Title 32, Chapter 3, and this Chapter within seven days of receipt of an application except for an initial school license is specified in Table 1. An applicant and the Executive Director of the Board may agree in writing to extend the substantive review and overall time-frames by no more than 25 percent of the overall time-frame.~~
- B. ~~Initial school licensure. For purposes of A.R.S. Title 41, Chapter 6, Article 7.1, the Board shall issue an initial school license according to the following time-frame:~~
 - 1. ~~The overall time frame for issuance of a license under this subsection is 60 days. The Board and an applicant may agree in writing to extend the substantive review time frame and the overall time frame.~~
 - 2. ~~The administrative completeness review time-frame described in A.R.S. §41-1072(1) for a license under this subsection is 15 days beginning the day issued by the Board is specified in Table 1 and begins on the date the Board receives a school license application.~~
 - 1. ~~a. If the application is incomplete, The the Board shall send the applicant a notice of administrative completeness or deficiencies within the administrative completeness time frame.~~
 - 2. ~~b. In a notice of deficiency, the Board shall list specifying each deficiency and items the information or documents required to complete the application. The administrative completeness review and overall time-frames are suspended until the Board receives the missing information or documents.~~
 - 3. ~~c. The Board shall suspend for a maximum of 30 days the administrative completeness time frame and the overall time-frame to provide the applicant time to submit the items specified in the notice of deficiency under subsection (B)(2)(b).~~



- d. ~~If the applicant fails to submit the deficient items within 30 days after the date of the notice of deficiency, the Board shall consider the application withdrawn.~~
- 2. If the application is complete, the Board shall send the applicant a notice of administrative completeness.
- 3. If the Board grants or denies a license during the administrative completeness review time-frame, the Board shall not issue a separate notice of administrative completeness.
- C. 3. The substantive review time-frame described in A.R.S. §41-1072(3) for a license under this subsection is 45 days beginning issued by the Board begins on the postmark date of a the notice of administrative completeness sent under subsection (B)(2)(a).
 - 1.a. ~~As part of the substantive review for a an initial school license under this subsection, the Board shall inspect the applicant’s premises according to the procedure prescribed under R4-5-107.~~
 - b. ~~The Board shall send a license or a written notice of denial to an applicant within the substantive review time-frame.~~
 - 2. e. During the substantive review time-frame, the Board may send a single comprehensive written notice of request for additional information that includes a written statement of the additional information needed for the Board to make a decision. The substantive review and overall time-frames are suspended from the postmark date of the comprehensive written request for additional information until the Board receives the additional information. The Board and the applicant may agree in writing to allow the Board to submit additional supplemental requests for information.
 - d. ~~An applicant shall submit all required information within 15 days after the date of a notice of request for additional information sent under subsection (B)(3)(e).~~
 - e. ~~The Board may suspend the substantive review time-frame if the Board and applicant agree in writing to a specified amount of time necessary for the applicant to return all information required under subsection (B)(3)(e) to the Board. The Board shall not grant a substantive time-frame extension that exceeds the amount of time allowed under A.R.S. § 41-1075(B).~~
- D. f. The Board shall close the file of an applicant if the applicant fails to submit all required information to the Board within: the time specified in Table 1. If a person whose file is closed wishes to be considered further for licensure, the person shall submit another application and fee.
 - i. ~~The number of days specified under subsection (B)(3)(d); or~~
 - ii. ~~The amount of time specified by written agreement under subsection (B)(3)(e) if applicable.~~
 - g. ~~If the Board denies a license under this subsection, the Board shall send a written denial notice to the applicant that specifies each reason for denial.~~
- E. Within the overall time-frame specified in Table 1, the Board shall:
 - 1. Grant a license to a person that meets all requirements in A.R.S. Title 32, Chapter 3 and this Chapter; or
 - 2. Deny a license to a person that fails to meet all requirements in A.R.S. Title 32, Chapter 3 and this Chapter. The Board shall include in the notice of denial the reason for the denial and information regarding the right to
 - 4. A person denied a school license under this Section may immediately reapply according to the provisions of R4-5-401 and may appeal the denial under A.R.S. Title 41, Chapter 6, Article 10.

Table 1. Time-frames (in days)

License	Authority	Overall Time-frame	Administrative Time-frame	Time to Respond	Substantive Time-frame	Time to Respond
Barber	<u>A.R.S. §§ 3-322; 3-327</u>	28	21	90	7	30
Instructor	<u>A.R.S. §§ 3-323; 3-327</u>	28	21	90	7	30
School	<u>A.R.S. §§ 3-325; 3-327</u>	105	30	30	75	60
Shop	<u>A.R.S. §§ 3-326; 3-327</u>	105	30	30	75	60

R4-5-204.R4-5-109. License Renewal

- A. ~~A licensee shall~~ To renew a any license issued under this Chapter, a licensee shall submit to the Board:
 - 1. The application for renewal form attached to the license issued by the Board;
 - 2. ~~by submitting the~~ The renewal fee for the applicable license type as prescribed under R1-4-102(A)(1)(d), (A)(2)(c), (A)(3)(d), or (A)(5)(d) to the Board:
 - 1. ~~a. No earlier than 30 days before the expiration date;~~ and
 - 2. ~~b. No later than midnight on the expiration date;~~ and
 - 3. If the documentation submitted under R4-5-202(D)(3), R4-5-203(C)(4), R4-5-301(B)(2)(a)(v), or R4-5-401(C)(4)(a)(iii) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired.



- B.** ~~The As provided under A.R.S. § 32-355, a licensee shall pay the fee according to R4-1-103 that fails to renew a license timely shall immediately cease providing the services authorized by the license.~~
- C.** An expired license issued under this Chapter may be renewed within five years after the date of expiration by complying with subsection (A) and paying the late-renewal fee prescribed under R4-5-102.

ARTICLE 2. EXAMINATION; ~~AND PRACTITIONER LICENSING~~ BARBER AND INSTRUCTOR LICENSE APPLICATION

R4-5-201. Examinations

A. Required examinations.

1. Except an applicant for licensure by reciprocity, an applicant for:
 - a. A barber license shall pass an examination covering the topics listed in A.R.S. § 32-324(C); and
 - b. An instructor license shall pass the examination described in A.R.S. § 32-324(D);
2. As authorized under A.R.S. § 32-322(A)(2) and A.R.S. § 32-323(A)(2), the Board shall ensure that applicants for licensure by reciprocity possess necessary qualifications by requiring:
 - a. All applicants for licensure by reciprocity to pass an examination regarding A.R.S. Title 32, Chapter 3 and this Chapter; and
 - b. Applicants for licensure by reciprocity as an instructor to pass an examination regarding procedures the Board uses to measure the practical skills of barbering students.

B. In addition to requirements prescribed under A.R.S. § 32-324, the Board shall make the following provisions for any examination administered by the Board:

1. The Board shall send an applicant written notification of an assigned examination time and location ~~to an applicant for a license under A.R.S. Title 32, Chapter 3, and this Chapter~~ at least seven days before a scheduled examination.
2. Examination language provision. The Board shall:
 - a. Administer an examination under this Section in ~~the English language;~~ and
 - b. Allow an applicant for a barber license to provide a reader or personal foreign language interpreter ~~that who~~ shall not be:
 - i. A currently or previously licensed barber or cosmetologist,
 - ii. A barber or cosmetology instructor, or
 - iii. A barber or cosmetology student in any state ~~of the U.S.~~ or foreign country.
3. Examination integrity provision. The Board shall not:
 - a. ~~Provide advance disclosure of~~ Disclose examination questions; or
 - b. Return a completed examination or other examination records kept by the Board to a school or applicant.
4. The Board shall dismiss an applicant from an examination under penalty of examination fee forfeiture if the applicant:
 - a. Cheats, or
 - b. Solicits any information from another person except the examiner.
5. The Board shall require re-examination if an applicant fails to apply for a license within one year after ~~successfully completing~~ passing an examination.
6. For purposes of an examination's practical portion, an applicant for a barber license shall supply:
 - a. All necessary barbering implements and supplies; and
 - b. ~~Any necessary~~ A live model who shall not be:
 - i. A currently or previously licensed barber or cosmetologist,
 - ii. A barber or cosmetology instructor, or
 - iii. A barber or cosmetology student in any state ~~of the U.S.~~ or foreign country.
7. If an applicant fails ~~to pass~~ a portion of an examination, the Board shall allow the applicant to ~~review~~ meet with Board staff and participate in a general discussion of the failed portion of the examination if the applicant submits a written ~~review~~ request ~~notice~~ to the Board within 30 days after the examination.

R4-5-202. Barber License Application

A. ~~On a form provided by the Board, an initial barber license applicant shall submit the following:~~ An applicant for licensure as a barber shall attach the following to the application attachments required under subsections (B) or (C):

1. ~~Full name;~~ Proof that the applicant is at least 16 years old;
2. ~~Full address;~~ Proof that the applicant has at least two years of high school education or its equivalent. Acceptable proof includes an official transcript from the high school attended or a copy of a high school diploma or GED;
3. ~~Telephone number;~~ Documentation specified under A.R.S. § 41-1080(A) that the applicant's presence in the U.S. is authorized under federal law;
4. ~~Social Security number;~~ A photograph as prescribed under A.R.S. § 32-322(A)(3) that is:
 - a. Professionally produced;
 - b. Of the applicant only;
 - c. U.S. passport sized; and
 - d. Signed by the applicant across the front without blocking the face;



- 5. ~~Birth date; If currently licensed as a barber in another state with which Arizona does not have a reciprocity agreement, a copy of the license; and~~
 - 6. ~~Name and location of high school attended; The applicable fee specified in R4-5-102(A)(1).~~
 - 7. ~~Highest school grade completed;~~
 - 8. ~~Alternate school enrollment name if different from that provided under subsection (A)(1);~~
 - 9. ~~Dates of high school attendance;~~
 - 10. ~~Proof of an earned GED, if applicable;~~
 - 11. ~~A statement and explanation if the applicant has had a barber license suspended or revoked in the five-year period before the application date;~~
 - 12. ~~A statement of any current reciprocal license in another state and state name;~~
 - 13. ~~Any other information required by the Board; and~~
 - 14. ~~The applicant's verification that the information contained on the application is correct and complete, and the applicant's notarized signature.~~
- B.** In addition to the requirements under subsections (A), (D)(1), and (D)(2), the Board shall require the following information on a special application form if an applicant applies for licensure by examination License by examination. In addition to the requirements under subsection (A), an applicant for licensure by examination shall submit an application form, which is available from the Board, and provide the following information:
- 1. ~~A statement whether the applicant was ever previously a licensed barber in Arizona Full name;~~
 - 2. ~~A statement whether the applicant was ever licensed as a barber or apprentice in another state or country and the state or country, if applicable Other names, if any, by which the applicant has been known;~~
 - 3. ~~The date of first barber or apprentice license Full address;~~
 - 4. ~~The name and location of barber school attended Telephone number;~~
 - 5. ~~Total number of earned credit hours Social Security number;~~
 - 6. ~~Attendance dates Date and place of birth;~~
 - 7. ~~Proof that the applicant graduated from barber school Unless currently licensed in another state with which Arizona does not have a reciprocity agreement, name and location of barber school attended; and~~
 - 8. ~~The applicant's verification that the information contained on the special application is correct and complete, and the applicant's notarized signature. Unless currently licensed in another state with which Arizona does not have a reciprocity agreement, the number of certified hours obtained from a barber school;~~
 - 9. ~~A statement whether the applicant has ever been licensed as a barber in Arizona and if so, when;~~
 - 10. ~~A statement whether the applicant has ever been licensed in another state or country as a barber or apprentice barber and if so, when and where;~~
 - 11. ~~A statement whether the applicant has had a barber license suspended or revoked in the five years before the date of application and if so, a complete explanation of the circumstances;~~
 - 12. ~~Any other information required by the Board; and~~
 - 13. ~~The applicant's notarized signature and verification that the information provided is correct and complete.~~
- C.** In addition to the requirements under subsections (A), (D)(1), and (D)(2), an applicant for a barber license by reciprocity shall submit to the Board the following documentation License by reciprocity. In addition to the requirements under subsections (A) and (B)(1) through (6) and (9) through (13), an applicant for licensure by reciprocity shall submit the following:
- 1. ~~Proof the applicant is at least 16 years old A copy of a current barber license issued by a state with which Arizona has a reciprocity agreement; and~~
 - 2. ~~Proof of a minimum tenth grade education in one of the following forms: Documentation of at least one year of barbering work experience. The documentation shall contain the notarized signature of the barber where the work was performed.~~
 - a. ~~A copy of a high school diploma;~~
 - b. ~~A high school transcript or letter that verifies the minimum education requirement under this subsection;~~
 - c. ~~Military discharge documentation that verifies the minimum education requirement under this subsection; or~~
 - d. ~~A GED grade report indicating an overall passing grade as prescribed under R4-5-101 for two years of high school education or its equivalent;~~
 - 3. ~~A copy of a current barber license from a state that has a reciprocity agreement with Arizona; and~~
 - 4. ~~Documentation of at least one year of barbering work experience, notarized by the barber where the work was performed.~~
- D.** The Board shall require any applicant under this Section to submit the following application attachments:
- 1. ~~A photograph as prescribed under A.R.S. § 32-322(A)(3) that is:~~
 - a. ~~A professionally produced photograph of the applicant only;~~
 - b. ~~U.S. passport sized; and~~
 - c. ~~Signed by the applicant across the front, but without blocking the face;~~
 - 2. ~~The applicable fee in cash or by certified instrument for the type of license for which application is made.~~

R4-5-203. Instructor License Application

- A.** An applicant for licensure as an instructor shall attach the following to the application required under subsections (B)



and (C):

1. Proof that the applicant is at least 19 years old;
 2. Proof that the applicant has a high school diploma or its equivalent;
 3. Proof that the applicant has practiced barbering for at least two years. The proof shall contain the notarized signature of the barber or barbers where the work was performed;
 4. Documentation specified under A.R.S. § 41-1080(A) that the applicant's presence in the U.S. is authorized under federal law;
 5. A photograph that is:
 - a. Professionally produced;
 - b. Of the applicant only;
 - c. U.S. passport sized; and
 - d. Signed by the applicant across the front without blocking the face;
 6. If currently licensed as a barber instructor in another state with which Arizona does not have a reciprocity agreement, a copy of the license; and
 7. The applicable fee specified in R4-5-102(A)(2).
- B.** ~~On a form provided by the Board, an applicant for a barbering instructor license~~ License by examination. In addition to the requirements under subsection (A), an applicant for licensure by examination shall submit an application form, which is available from the Board, and provide the following information:
1. Full name;
 2. Other names, if any, by which the applicant has been known;
 - 2-3. Full address;
 - 3-4. Telephone number;
 5. Social Security number;
 - 4-6. Birth date;
 - 5-7. Current Arizona barber license number;
 - 6-8. If the applicant attended school for training as a barber instructor:
 - a. Name and address of barbering school attended for instructor training;
 - 7-b. Total hours of instructor training; and
 - 8-c. Attendance dates Dates during which instructor training was obtained;
 9. ~~An indication~~ A statement whether the applicant:
 - a. ~~Completed more than one instructor examination in Arizona before the current application~~ Has ever been licensed as a barber instructor in Arizona and if so, when;
 - b. ~~Has ever been a licensed barber instructor in any other country or state of the U.S. and if so, the country or state and dates of licensure as a barber instructor;~~ and
 - c. ~~Had~~ Has had a former instructor license suspended or revoked in the five years before the date of application and if so, a complete explanation of the circumstances;
 10. ~~Name and location of high school attended;~~
 11. ~~Highest school grade completed;~~
 12. ~~Alternate school enrollment name if different from that provided under subsection (A)(1);~~
 13. ~~Dates of high school attendance;~~
 14. ~~Proof of an earned GED, if applicable;~~
 - 15-10. ~~Any other information required by the Board; and~~
 - 16-11. ~~The applicant's verification~~ notarized signature verifying that the information contained on the license application provided is correct and complete, and the applicant's notarized signature.
- B.C.** ~~An applicant shall submit the instructor license fee in cash or by certified instrument with the completed application.~~ License by reciprocity. In addition to the requirements under subsections (A) and (B)(1) through (6) and (9) through (11), an applicant for an instructor license by reciprocity shall submit the following:
1. A copy of the current license to instruct barber students issued by a state that has a reciprocity agreement with Arizona; and
 2. Documentation of at least one year's experience as a licensed instructor of barber students. The documentation shall contain the notarized signature of the owner of the barber school at which instruction was provided.

R4-5-204. ~~License Renewal~~ Renumbered

ARTICLE 3. SHOPS

R4-5-301. ~~Shop License Application for a License to Operate a Shop~~

- A. ~~Application time frame. An applicant~~ A person shall submit to the Board the items under subsections (B) and (C) no fewer than seven business days before the ~~opening date on which the person intends to open a barber shop. of the applicant's~~ A person shall not operate a barber shop until an application has been submitted to the Board. A person that intends to operate more than one shop shall apply for and be issued a separate license to operate each shop.
- B. ~~On a form provided by available from the Board, a shop license~~ an applicant for a license to operate a shop shall submit provide the following information:



1. Indicate the applicant's requested licensing action:
 - a. A license to operate a new shop;
 - b. A change of location of an operating shop including the following information:
 - i. The Board file number, and
 - ii. Both the old and new addresses of the shop; or
 - c. A change of ownership of an operating shop including the following information:
 - i. Former owner's name;
 - ii. Former shop name, if the shop name is changed;
 - iii. Board file number; and
 - iv. A copy of the shop's bill of sale or the signature of the former owner on the application;
- ~~1.2.~~ Ownership information:
 - a. Name and Social Security number of If the owner is an individual or partnership:
 - i. Name,
 - ii. Address,
 - iii. Telephone number,
 - iv. Social Security number of the individual or each partner owning at least 10 percent of the partnership, and
 - v. Documentation specified under A.R.S. § 41-1080(A) that the presence in the U.S. of the individual or each partner owning at least 10 percent of the partnership is authorized under federal law; or
 - b. Partnership If the owner is a corporation:
 - i. or corporate Corporate name;;
 - ii. names Names of the all individuals comprising owning at least 10 percent of the partnership or corporation; and
 - iii. the tax Tax identification number of the partnership or corporation;
 - iv. Name and telephone number of a contact person;
 - v. Name and address of the statutory agent, if required by law;
 - vi. Address of corporation; and
 - vii. Telephone number of corporation;
- ~~2.3.~~ Shop information:
 - a. Shop name,
 - b. Full physical address of the shop,
 - c. Telephone number, and
 - d. A map of approximate shop location indicating the names of major cross streets; and;
 - e. Any applicable corporate information that includes:
 - i. Corporate name if different from subsection (B)(2)(a);
 - ii. Name of contact person;
 - iii. Address of corporate headquarters; and
 - iv. Telephone number;
- ~~3.4.~~ If known at the time of application, the name and Arizona license number of the barber who will manage directly supervise the shop on behalf of the licensed owner license holder;
- ~~4.5.~~ A projected date for the Board's initial inspection shop to open;
5. Indicate the applicant's requested licensing action:
 - a. A new shop license;
 - b. A shop relocation; or
 - e. A change of ownership including the following information:
 - i. Former owner's name;
 - ii. Former shop name,
 - iii. Board file number; and
 - iv. A copy of the shop's bill of sale or the signature of the former owner on the application;
6. A listing list of equipment in the applicant's shop including the total number of the following:
 - a. Barber or styling chairs,
 - b. Sinks with hot and cold running water,
 - c. Dry sanitizers Tool drawers,
 - d. Liquid sanitizers,
 - e. Workstations,
 - e-f. Soiled-towel receptacles, and
 - f-g. Garbage and hair receptacles;
7. A description of the shop's floor covering;
8. An indication of whether the applicant's shop is a license to operate the shop has been or will be licensed by obtained from the Board of Cosmetology;
9. Any other information required by the Board; and



10. The applicant's verification that the information contained on the application is correct and complete, and the applicant's notarized signature.
- C. Fee. In addition to ~~the~~ completed ~~shop~~ application form required under subsection (B), an applicant shall submit to the Board ~~in cash or by certified instrument~~ the appropriate fee specified in R4-5-102(A)(3) for the licensing action requested under subsection (B)(1).

R4-5-302. ~~Shop Premises and Basic Equipment~~ Required in a Shop

- A. The holder of a license to operate a shop owner shall ensure that each the shop has at least the following equipment:
1. A barber or styling chair;
 - ~~1-2.~~ A One sink, that which has hot and cold running water, for every two barber or styling chairs and located no more than three feet from the barber or styling chairs;
 - ~~2-3.~~ Soap Liquid or powder soap and clean paper towels for use at each sink; and
 - ~~3-4.~~ A separate, covered, receptacle for each of the following:
 - a. Garbage and hair, and
 - b. Reusable towels or cloths that are soiled;
 5. One tool drawer and one liquid sanitizer for each barber or styling chair and the necessary EPA-registered disinfectants for each;
 6. One wall mirror located near each barber or styling chair;
 7. One workstation for each barber or styling chair; and
 8. Cabinet in which to store additional supplies.

R4-5-303. Shop Supervision

- A. The holder of a license to operate a shop shall designate a barber licensed under this Chapter to directly supervise the shop during all hours of operation.
- ~~A.B.~~ A shop owner license holder or supervising barber licensed under this Chapter shall ensure that:
1. Each Every individual, whether an employee, or independent contractor, or supervisor that who practices barbering in the shop has a current license that meets the requirements of issued under A.R.S. § 32-322 and R4-5-202;
 2. Each required license and the most recent Board inspector's record are displayed according to A.R.S. § 32-351(A); and
 3. Each licensee complies with any all applicable provision provisions of A.R.S. Title 32, Chapter 3, and this Chapter.
- ~~B.C.~~ The Board shall hold a shop owner license holder and any supervising barber responsible for any violation of an applicable provision of A.R.S. Title 32, Chapter 3, or this Chapter.
- ~~C.D.~~ A The holder of a license to operate a shop owner who is a an Arizona-licensed barber may directly supervise a the shop.

R4-5-304. Shop Mobile Units

- A. To operate a mobile unit as a shop, the owner of the mobile unit shall make application for a license under R4-5-301.
- B. The Board shall issue a license to operate a mobile unit as a shop only if:
1. The mobile unit is self-contained;
 2. The mobile unit meets all requirements for a shop specified under A.R.S. Title 32, Chapter 3, and this Chapter; and
 3. The owner of the mobile unit's owner unit agrees to provide the Board with 15-day written or oral advance notice at least 15 days before of the unit's proposed mobile unit is placed in a location or moved to a change in new location.

R4-5-305. Display of Barber Pole

- A. Under A.R.S. § 32-355(A)(4), it is unlawful to display a sign or advertise as being engaged in the practice or business of barbering without being licensed under A.R.S. Title 32, Chapter 3, and this Chapter.
- B. The Board has trademarked through the Office of the Secretary of State the barber pole as a sign of the barbering business.
- C. A business shall not display a barber pole unless a barber licensed under A.R.S. Title 32, Chapter 3, and this Chapter is available to provide barbering services during the business hours that the barber pole is displayed.

ARTICLE 4. SCHOOLS

R4-5-401. Barber School Application for a License to Operate a School

- A. Before submitting an application under this Section, an applicant for a license to operate a school may request that Board staff review the proposed application and perform a courtesy inspection of the proposed school location.
- B. The owner of a barber school that operates in more than one location, except at an offsite training facility, shall apply for and obtain a separate license to operate the barber school at each location.
- ~~A.C.~~ Application form. On a form provided by available from the Board an applicant for a license to operate a barber school shall submit provide the following information:
1. Indicate the applicant's requested licensing action:
 - a. A license to operate a new school;
 - b. A change of location of an operating school including the following information:
 - i. The Board file number, and
 - ii. Both the old and new addresses of the school; or



- c. A change of ownership of an operating school including the following information:
 - i. Former owner's name;
 - ii. Former school name, if the school name is changed;
 - iii. Board file number; and
 - iv. A copy of the school's bill of sale or the signature of the former owner on the application;
- 2. School information:
 - ~~1-a.~~ School name;
 - ~~2-b.~~ Physical location address of the school; and
 - ~~3-c.~~ Telephone number;
- ~~4-3.~~ Applicant information:
 - a. Name,
 - b. Address, and
 - c. Telephone number;
- ~~5-4.~~ Owner information. If the school owner is other than the person specified under (A)(4), the applicant shall supply the following owner information:
 - a. Owner name; If the owner is an individual or partnership:
 - i. Name of the individual and all partners owning at least 10 percent of the partnership;
 - ii. Social Security number of the individual and all partners owning at least 10 percent of the partnership, and
 - iii. Documentation specified under A.R.S. § 41-1080(A) that the presence in the U.S. of the individual and all partners owning at least 10 percent of the partnership is authorized under federal law; or
 - b. Home address, and If the owner is a corporation:
 - i. Corporate name;
 - ii. Names of all individuals owning at least 10 percent of the corporation;
 - iii. Tax identification number of the corporation;
 - iv. Name and telephone number of a contact person;
 - v. Name and address of the statutory agent, if required by law;
 - vi. Address of corporation; and
 - vii. Telephone number of corporation;
 - e. Telephone number;
- ~~6-5.~~ School manager supervisor information:
 - a. Name, and
 - b. Applicable barber or instructor Arizona instructor license number;
- ~~7.~~ An indication of whether the school is or will be licensed by the Board of Cosmetology;
- ~~8.~~ An indication of the requested licensing action:
 - a. A new school license;
 - b. A school move, or
 - e. A change of ownership;
- ~~9.~~ If the applicant indicates a school move under subsection (A)(8)(b):
 - a. The Board file number, and
 - b. The school's new address;
- ~~10.~~ If the applicant indicates a change of ownership under subsection (A)(8)(c):
 - a. The Board file number;
 - b. The school's former name if applicable, and
 - e. A copy of the bill of sale or the signature of the former owner on the application;
- ~~11-6.~~ A listing list of equipment in the applicant's school including the total number of the following:
 - a. Barber chairs,
 - b. Sinks,
 - c. Dry sanitizers Tool drawers,
 - d. Liquid sanitizers,
 - e. Latherizers,
 - f. Soiled-towel receptacles,
 - g. Garbage and hair receptacles,
 - h. Workstations, and
 - h-i. Student lockers;
- ~~12-7.~~ A description of the establishment's floor covering in the area in which students practice barbering skills;
- ~~8.~~ Number and square footage of classrooms;
- ~~9.~~ Number of students to be admitted;
- ~~10.~~ Number of licensed instructors;
- ~~11.~~ Hours during which instruction will be provided;
- ~~13-12.~~ A projected ready date for the Board's initial inspection;



~~14-13.~~ Any other information required by the Board; and

~~15-14.~~ The applicant's verification, under oath, that the information contained on the application is correct and complete, and the applicant's notarized signature.

D. An applicant for a license to operate a school shall attach the following to the application required under subsection (C):

1. A current school catalog.

2. A list of all courses offered at the school and the number of instructional hours devoted to each course, and

~~B.3.~~ Bond. An applicant for a license to operate a school shall attach to the completed application a A copy of the bond in the amount required under A.R.S. § 32-325(C)(6).

~~C.E.~~ Fee. In addition to ~~a the completed barber school application form~~ required under subsections (C) and (D), an applicant shall submit to the Board ~~in cash or by certified instrument~~ the appropriate fee specified under R4-5-102(A)(5) for the ~~applicant's indicated~~ licensing action requested under subsection (C)(1).

R4-5-402. Notification of Changes

~~A~~ The holder of a license to operate a school owner shall send written ~~notification~~ notice and updated information to the Board within 15 days if the ~~school owner~~ license holder:

1. Amends the school catalog,

~~2. Offers a new curriculum~~ Stops offering a course.

3. Offers a new course,

4. Changes the number of instructional hours devoted to a course listed under R4-5-401(C).

~~4-5.~~ Changes the school operating schedule hours during which instruction is provided,

~~5-6.~~ Changes the school name,

~~6-7.~~ Changes the school manager supervisor.

7. ~~Opens an additional location,~~ or

8. Establishes an offsite training facility in a shop under the provisions of R4-5-411.

R4-5-403. Use of "Accredited," "Approved," or Similar Terms

If "accredited," "approved," or a similar term appears in a school catalog or advertisement, the ~~school's owner~~ holder of the license to operate the school shall ensure that the catalog or advertisement includes the name of the accrediting or approving organization.

R4-5-404. School Premises and Basic Equipment

A. In addition to the requirements of A.R.S. § 32-325(C)(2) and (C)(3), the holder of a license to operate a school owner shall ensure that the school has at least the following ~~at a minimum~~:

1. An instructor, licensed in Arizona, to teach each required course ~~of instruction~~;

2. Instructional furnishings and fixtures for instructor and student use;

3. A workstation for each student scheduled for practical instruction;

4. Filing cabinets for school and student records;

5. Chalkboards or other writing boards;

6. A dispensary to prepare, mix, store, and dispose of supplies and chemicals used to ~~sanitize~~ disinfect barbering implements;

~~7.~~ One liquid sanitizer and one dry sanitizer at each workstation;

~~8-7.~~ At least one One latherizer for every ~~10 students~~ five barber chairs;

~~9-8.~~ At least one One sink, with hot and cold running water, liquid or powder soap, and towels for every ~~three students~~ two barber chairs; ~~and~~

~~10-9.~~ A student library that contains at least the following:

a. A dictionary;

b. Current barbering manuals and textbooks;

c. A current copy of A.R.S. Title 32, Chapter 3; and

d. A current copy of this Chapter; ~~and~~

10. A clock; and

11. All equipment, implements, materials, and supplies necessary for student instruction.

B. ~~A~~ The holder of a license to operate a school owner shall ensure that each student workstation has at least the following:

1. A barber chair;

~~1-2.~~ A wall mirror located behind the barber chair;

~~2-3.~~ A work stand workstation that includes a tool drawer; and

~~3-4.~~ A chair for the patron One liquid sanitizer and one spray disinfectant.

C. ~~A~~ The holder of a license to operate a school owner shall ensure that each student at a workstation has access to the following:

1. A covered receptacle for soiled towels and cloths;

2. A covered receptacle for garbage and hair; and

3. A sufficient supply of ~~tonics, lotions, shampoos, and chemical preparations used to process hair~~ barbering products listed under R4-5-104(A)(3).



R4-5-405. School Operations and Enrollment

- A. ~~A The holder of a license to operate a school owner~~ shall file the school’s operating schedule with the Board before the first scheduled class begins.
- B. ~~A The holder of a license to operate a school owner~~ shall ensure that ~~any item~~ all equipment provided under this Chapter is of ~~shop~~ sufficient quality to meet the educational needs of students and maintained in good repair.
- C. Unless a student who is studying barbering possesses ~~items~~ the equipment listed under this subsection at the time of enrollment, ~~a the holder of a license to operate a school owner~~ shall provide ~~each~~ the student with a non-returnable training kit that includes the following equipment, all of which are new:
 - 1. Course textbooks,
 - 2. One mannequin for barbering practice,
 - 3. Twelve combs and ~~six~~ four brushes ~~without defects,~~
 - 4. One hair dryer,
 - 5. One straight razor with interchangeable blades,
 - 6. One pair of haircutting shears with at least six-inch blades,
 - 7. One pair of thinning shears,
 - 8. One clipper with interchangeable blades sizes 1 and .000 or an adjustable clipper, ~~and~~
 - 9. One neck duster, and
 - 10. A copy of the current statutes and rules governing the Board.
- D. ~~Trainee age and education requirement~~ notices. At the time ~~a the holder of a license to operate a school owner~~ enrolls a student, the ~~school owner~~ license holder shall give Exhibit 1 or 2 to the student, as appropriate, and maintain the completed document for ~~five years~~ the time specified in R4-5-408(H).
- E. An instructor trainee shall not teach students until the instructor trainee has received 40 instructional hours of training in methods of teaching. An instructor trainee shall complete all training in no more than six months.
- F. ~~A person~~ An individual who is not ~~a an~~ an Arizona-licensed instructor shall not teach in a school but may demonstrate any process, product, or appliance to students when the ~~person~~ individual is under the supervision of ~~a an~~ an Arizona-licensed instructor.
- G. Within five days after enrolling a student, ~~a the holder of a license to operate a school owner~~ shall send the following to the Board:
 - 1. A copy of the student’s written application to attend the school ~~that contains~~ containing the following:
 - a. The student’s name and address,
 - b. The student’s enrollment date,
 - c. ~~Indicate~~ An indication whether the student is enrolled in a barber or instructor course, and
 - d. The student’s signature, and
 - 2. Two passport-size photographs of the student.
- H. Within 90 days after enrolling a student, the holder of a license to operate a school shall send the following to the Board:
 - 1. Proof that the student is 16 if enrolled in a barber course or 19 if enrolled in an instructor course;
 - 2. Proof that the student has at least a tenth-grade education if enrolled in a barber course or graduated from high school or its equivalent if enrolled in an instructor course; and
 - 3. Documentation specified under A.R.S. § 41-1080(A) that the student’s presence in the U.S. is authorized under federal law.
- H.I. ~~Upon receipt of enrollment information under subsection (G), the~~ The Board shall use the information provided under subsection (G) to prepare and issue an educational card to a student. ~~The student~~ holder of a license to operate a school shall ensure that a student:
 - 1. ~~Display~~ Displays the card at the student workstation, and
 - 2. ~~Return~~ Returns the card to the Board upon completion of ~~the course~~ or ~~upon~~ withdrawal from the course ~~for any reason.~~

Exhibit 1. Required Age and Education Notice to a Barber Trainee

NOTICE

This Notice is required by the Arizona State Board of Barbers.

You have applied to this school for training that will qualify you to apply for a license to be a barber in Arizona. The Arizona State Board of Barbers will not issue you a license unless: ~~you~~

- 1. You are at least 16 years of age when you apply for the license, ~~and you can~~
- 2. You demonstrate to the Board ~~of Barbers~~ that you have completed and received appropriate credits for at least two years of high school education or its equivalent, and
- 3. You document that your presence in the U.S. is authorized under federal law.

It is your responsibility to make sure ~~that you can~~ meet the requirements of the Board of Barbers, ~~particularly regarding the completion of two years of high school or its equivalent.~~ If you are unsure about whether you ~~can~~ meet the requirements, you should contact the Board of Barbers for further information.

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE

I ~~hereby~~ acknowledge that I ~~have~~ received and understand the foregoing Notice.



(student signature and date) ~~(signature date)~~

Exhibit 2. Required ~~Age and Education~~ Notice to an Instructor Trainee

NOTICE

This Notice is required by the Arizona State Board of Barbers.

You have applied to this school for training that will qualify you to apply for a license to be a barber instructor in Arizona. The Arizona State Board of Barbers will not issue you a license unless; ~~you~~

1. You are at least 19 years of age when you apply for the license, and you can
2. You demonstrate to the Board of Barbers that you hold a high school diploma or its equivalent; and
3. You document that your presence in the U.S. is authorized under federal law.

It is your responsibility to make sure ~~that you can~~ meet the requirements of the Board of Barbers, ~~particularly regarding the holding of a high school diploma or its equivalent.~~ If you are unsure about whether you ~~can~~ meet the requirements, you should contact the Board of Barbers for further information.

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE

I ~~hereby~~ acknowledge that I ~~have~~ received and understand the foregoing Notice.

(student signature and date) ~~(signature date)~~

R4-5-406. Student Training and Supervision

- A. ~~A The holder of a license to operate a school owner shall grade~~ ensure that students are graded at least monthly and ~~inform the students~~ informed of their grades and instructional hours completed.
- B. ~~A~~ A licensed instructor may assist students in the performance of barbering.
- C. A student shall not dismiss a patron until a licensed instructor inspects and approves the student's work.
- D. A student shall not attend a school for ~~longer~~ more than eight hours per day.
- E. A student may receive a maximum of 20 ~~credit~~ instructional hours for field trips pertaining to barbering.
- F. A student may receive up to 50 percent of the student's ~~total~~ training at an offsite training facility operated under the provisions of R4-5-411.
- G. ~~The~~ A licensed instructor shall not ask a student to perform barbering on ~~the public~~ a patron while the student is engaged in classroom instruction or taking a written examination.
- H. A student shall wear a name tag during school attendance that clearly identifies the student by name and student status.

R4-5-407. School Curriculum

- A. ~~A The holder of a license to operate a school owner shall offer~~ ensure that the barbering curriculum offered ~~that~~ complies with A.R.S. § 32-325(B).
- B. In addition to the minimum requirements under A.R.S. § 32-325(B)(1), ~~a school owner~~ the license holder shall include instruction in the following:
 1. Professional ethics,
 2. Shop management, and
 3. Regulatory provisions prescribed under A.R.S. Title 32, Chapter 3, and this Chapter.

R4-5-408. School Records

- A. ~~A The holder of one license to operate a school owner of one school~~ shall keep a student's records at the student's enrollment location.
- B. ~~A The holder of multiple licenses to operate multiple school owner of a multiple location school~~ schools may keep a student's records at the student's enrollment location or ~~as prescribed at R4-5-410~~ a location that serves all the schools operated by the same license holder.
- ~~B.C.~~ A The holder of a license to operate a school owner shall at least weekly enter into each student's record the following:
 1. The date of the recorded entry,
 2. Each subject studied and the number of clock instructional hours earned for each subject,
 3. An indication whether instruction in a subject listed under subsection ~~(B)(2)~~ (C)(2) was classroom or practical instruction, and
 4. The student's signature on a paper copy of the record to acknowledge ~~modification~~ accuracy of information in of the record within three days after each record update.
- ~~C.D.~~ A The holder of a license to operate a school owner shall maintain a permanent complete and accurate record file for each student that includes:
 1. The signed contract made between the student and the school,
 2. The student's current transcript,
 3. The applicable original notice required under R4-5-405(D), and
 4. ~~The records~~ Both the record created under subsection ~~(B)~~ (C) and the student-signed paper copy of the record.
- ~~D.E.~~ Within 15 days after the end of each month, ~~a the holder of a license to operate a school owner~~ shall submit a report to the Board that includes:
 1. A list of each student who graduated during the ~~reporting period~~ month;



- 2. The name and license number of:
 - a. ~~The school's chief supervising~~ instructor, and
 - b. ~~Each licensed instructor providing classroom or practical instruction during the month;~~
- 3. ~~A list of all students currently enrolled and:~~
 - a. A list of total instructional hours earned by each student during the reporting period month;
 - ~~4-b.~~ A list of each student's cumulative instructional hours; and
 - c. A copy of the student-signed reports required under subsection (C)(4) and prepared during the month;
- ~~5-4.~~ The name of any student who, during the applicable reporting period month:
 - a. ~~Transfers~~ Transferred to another school,
 - b. ~~Withdraws~~ Withdrawn, or
 - c. ~~Takes~~ Took a leave-of-absence;
- 6. ~~A copy of the documents signed by a student under R4-5-408(B)(4) during the reporting period; and~~
- ~~7-5.~~ The signature of the holder of the license to operate the school owner or the owner's license holder's representative verifying that all information provided is correct and complete.

F. If a student transfers from one school to another, the holder of the license to operate the school from which the student transferred shall:

- 1. Make final entries to ensure the student's transcript is complete and accurate, and
- 2. Forward a copy of the student's transcript to the student and Board within three days after the student provides notice of transfer.

G. When a student graduates or withdraws from a school, the holder of the license to operate the school shall:

- 1. Complete a Student's Completion of Hours or Withdrawal form;
- 2. Certify the number of hours completed by the student;
- 3. Have the form notarized; and
- 4. Forward a copy of the form to the graduating or withdrawing student and the Board.

H. The holder of a license to operate a school shall maintain the student record file required under subsection (D) permanently unless required under R4-5-409(E) to forward the records to the Board.

R4-5-409. School Closure

- A. The Board shall consider a school closed if the school fails ~~to provide instruction for a five consecutive five-day period~~ school days to provide instruction in accordance ~~that does not comply~~ with the operating schedule on file with the Board.
- B. Closure notification. ~~A~~ The holder of the license to operate a school owner that is closing shall deliver written or oral ~~notification~~ notice of ~~a~~ the school's closure to each currently enrolled student and the Board:
 - 1. Ten days in advance of before closure in a case when the owner anticipates if the license holder can reasonably anticipate the school closure, or
 - 2. Within five days after closure if the school's closure was could not be reasonably anticipated by the owner license holder.
- C. The holder of the license to operate a school that is closing shall ensure that the notice provided to currently enrolled students under subsection (B) includes the following information:
 - 1. When a full refund of paid tuition will be provided to the student.
 - 2. How to make a claim against the bond required under A.R.S. § 32-325(C)(6) and R4-5-401(C)(3).
 - 3. How to obtain a copy of the student's transcript and certification of hours completed.
 - 4. How to obtain possession of the training kit provided under R4-5-405(C) and other personal possessions, and
 - 5. How to access the student's records in the future.
- D. The holder of the license to operate a school that is closing shall obtain a signed statement from each currently enrolled student verifying that the license holder complied with subsection (C).
- ~~C-E.~~ Disposition of student records. A The holder of the license to operate a school owner that is closing shall:
 - 1. Ensure that all student records are updated as required under R4-5-408(C) through the last day on which instruction was provided;
 - 2. ~~forward~~ Forward all records for each ~~student~~ currently enrolled students to the Board within 10 days after the school ~~closure~~ closes; and
 - 3. Forward to the Board a copy of all the signed statements required under subsection (D).

R4-5-410. Multiple Location Schools Repealed

The following provisions apply to a school that operates in more than one location:

- 1. ~~The operator of a multiple location school shall obtain a license for each school location; and~~
- 2. ~~The owner of a multiple location school may keep school records in a single location.~~

R4-5-411. Offsite Training Facility

- A. ~~A~~ The holder of a license to operate a school owner may operate an offsite training facility in a shop that complies with the provisions of A.R.S. § 32-325(C) and R4-5-404(A)(11), R4-5-405(B), (E), and (F), and R4-5-406(B), (C), (D), (G), and (H).
- B. In addition to subsection (A), a ~~school owner~~ license holder operating an offsite training facility shall comply with the following:



1. R4-5-404(A)(1), (3), (6), (7), (8), and (9) if ~~training only practical instruction is provided~~ at the facility ~~is practical only~~; or
 2. Requirements of subsection (B)(1) and R4-5-404(A)(2) and (A)(5) if ~~training classroom instruction is provided~~ at the facility ~~includes classroom study~~.
- C. In addition to the requirements of ~~subsection (A)~~ subsections (A) and (B), a ~~school owner~~ license holder operating an offsite training facility shall:
1. Clearly indicate to the public the specific portion of the shop designated as an offsite training facility,
 2. Post a sign indicating that barbering services at the offsite training facility are provided by students,
 3. Require a student to ~~orally~~ orally give oral notice of status as a student to each patron, and
 4. Restrict student barbering ~~only~~ to the portion of the shop designated as an offsite training facility.

ARTICLE 5. HEARINGS

R4-5-501. Hearing Procedures

For purposes of A.R.S. § 32-354(D), the Board shall conduct all formal ~~hearings proceedings~~ according to A.R.S. Title 41, Chapter 6, Article 10.

R4-5-502. Rehearing and Review of Decision

- A. The Board shall provide for a rehearing and review of a decision under A.R.S. Title 41, Chapter 6, Article 1
- B. ~~A Except as provided in subsection (I), a party shall be required to file a motion for rehearing or review of a Board decision of the Board to exhaust the party's administrative remedies.~~
- C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings of the Board, or any order or abuse of discretion, that deprived the moving party of a fair hearing;
 2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive penalty;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
 7. ~~That the~~ The Board's decision is a result of passion or prejudice; or
 8. ~~That the~~ The findings of fact or decision is not justified by the evidence or is contrary to law.
- E. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.
- F. If a motion for rehearing or review is based upon an affidavit, the affidavit shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days, ~~for good cause as described in subsection (I) if the parties agree.~~
- G. Not later than 30 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- H. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.
- I. ~~The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and:~~
1. ~~A ruling on the motion will further administrative convenience, expedition, or economy; or~~
 2. ~~A ruling on the motion will avoid undue prejudice to any party. If the Board makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Board shall issue the decision as a final decision without an opportunity for rehearing or review.~~