

Conference Engrossed

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

CHAPTER 238

## **HOUSE BILL 2439**

AN ACT

AMENDING SECTIONS 32-510, 32-511, 32-512, 32-515, 32-516, 32-531 AND 32-532, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 5, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-565; RELATING TO COSMETOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-510, Arizona Revised Statutes, is amended to  
3 read:

4 32-510. Aestheticians; applications; qualifications

5 A person is entitled to receive an aesthetician's license if the  
6 person:

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

9 2. Completes and receives appropriate credits for at least two years  
10 of high school education or its equivalent as prescribed by the board in its  
11 rules ~~or~~ AND submits to the board satisfactory evidence that the person is at  
12 least ~~twenty-three~~ SIXTEEN years of age.

13 3. Submits to the board satisfactory evidence of either of the  
14 following:

15 (a) That the person is a graduate of an aesthetician school in another  
16 state or country that has substantially the same requirements as this state  
17 for schools licensed pursuant to this chapter.

18 (b) That the person is a graduate of an aesthetician course consisting  
19 of at least six hundred hours of training in a school licensed pursuant to  
20 this chapter.

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

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

23 Sec. 2. Section 32-511, Arizona Revised Statutes, is amended to read:

24 32-511. Cosmetologist; applications; qualifications

25 A person is entitled to receive a cosmetologist license if the person:

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

28 2. Completes and receives appropriate credits for at least two years  
29 of high school education or its equivalent as prescribed by the board in its  
30 rules ~~or~~ AND submits satisfactory evidence that the person is at least  
31 ~~twenty-three~~ SIXTEEN years of age.

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

34 (a) That the person is a graduate of a cosmetology course consisting  
35 of at least sixteen hundred hours of training in a school licensed pursuant  
36 to this chapter.

37 (b) That the person is a graduate of a cosmetology school in another  
38 state or country that had at the time of the person's graduation  
39 substantially the same requirements as this state for schools licensed  
40 pursuant to this chapter.

41 4. Passes the examination for a cosmetologist license.

42 5. Pays the prescribed fees.



1 provide a provisional certificate to the applicant verifying the successful  
2 completion of the didactic training.

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

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

22 6. Submit to the agency the provisional certificate from the training  
23 program and certification by the health professional or laser technician who  
24 directly supervised the applicant in the room during the hands-on training.

25 B. The agency shall issue a laser technician certificate authorizing  
26 the aesthetician OR COSMETOLOGIST to use lasers and IPL devices if the  
27 applicant has completed the training for hair removal or lasers and IPL  
28 devices for other cosmetic procedures, as applicable, and shall maintain a  
29 current register of those laser technicians in good standing and whether  
30 certification is for hair removal only or other cosmetic procedures as well.  
31 The agency may establish a fee for the registration of aestheticians OR  
32 COSMETOLOGISTS as laser technicians and the issuance of certificates pursuant  
33 to this subsection. The agency shall deposit monies collected pursuant to  
34 this subsection in the laser safety fund established by section 32-3234.

35 C. An aesthetician OR A COSMETOLOGIST who has been certified as a  
36 laser technician by the agency may use a laser or IPL device:

37 1. For hair removal under the indirect supervision of a health  
38 professional whose scope of practice permits the supervision.

39 2. For cosmetic purposes other than hair removal if the aesthetician  
40 OR COSMETOLOGIST is directly supervised by a health professional whose scope  
41 of practice permits the supervision and the aesthetician OR COSMETOLOGIST has  
42 been certified in those procedures.

43 D. The board shall investigate any complaint from the public or from  
44 another board or agency regarding a licensed aesthetician OR COSMETOLOGIST  
45 who performs cosmetic laser procedures or procedures using IPL devices

1 pursuant to this section. The board shall report to the agency any complaint  
2 it receives about the training or performance of an aesthetician OR A  
3 COSMETOLOGIST who is certified as a laser technician.

4 E. An aesthetician OR A COSMETOLOGIST who ~~has been using~~ USED laser  
5 and IPL devices before ~~the effective date of this amendment to this section~~  
6 NOVEMBER 24, 2009 may continue to do so if the aesthetician ~~applies for and~~  
7 ~~receives~~ OR COSMETOLOGIST RECEIVED a certificate pursuant to this section  
8 before October 1, 2010.

9 F. For the purposes of this section:

10 1. "Agency" means the radiation regulatory agency.

11 2. "Directly supervised" means a health professional who is licensed  
12 in this state and whose scope of practice allows the supervision supervises  
13 the use of a laser or IPL device for cosmetic purposes while the health  
14 professional is present at the facility where and when the device is being  
15 used.

16 3. "Health professional" means a person licensed pursuant to chapter  
17 13, 14, 15, 17 or 25 of this title.

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

21 5. "IPL device" means an intense pulse light class II surgical device  
22 certified in accordance with the standards of the agency for cosmetic  
23 procedures.

24 6. "Laser" means any device that can produce or amplify  
25 electromagnetic radiation with wavelengths in the range of one hundred eighty  
26 nanometers to one millimeter primarily by the process of controlled  
27 stimulated emission and certified in accordance with the standards for the  
28 agency for cosmetic procedures.

29 7. "Laser technician" means a person who is or has been certified by  
30 the agency pursuant to its rules and chapter 32, article 2 of this title.

31 Sec. 6. Section 32-531, Arizona Revised Statutes, is amended to read:

32 32-531. Instructor; applications; qualifications

33 A person is entitled to receive a license to teach cosmetology,  
34 aesthetics or nail technology in a school if the person does all of the  
35 following:

36 1. Submits to the board an application for an instructor license on a  
37 form prescribed by the board.

38 2. Holds a diploma from a high school or its equivalent as prescribed  
39 by the board in its rules ~~or~~ AND submits to the board satisfactory evidence  
40 that the person is at least ~~twenty-three~~ SIXTEEN years of age.

41 3. Is a licensed cosmetologist, aesthetician or nail technician and  
42 complies with either of the following:

43 (a) Has practiced for at least one year, has passed the school  
44 examination and has received the following hours of instructor training:

45 (i) For a cosmetologist instructor, six hundred fifty hours.

- 1 (ii) For an aesthetics instructor, five hundred hours.  
2 (iii) For a nail technician instructor, three hundred fifty hours.  
3 (b) Has five years of licensed industry experience within the ten  
4 years preceding the application and meets requirements as prescribed by the  
5 board in its rules.

6 4. Passes the examination for an instructor license.

7 5. Pays the prescribed fees.

8 Sec. 7. Section 32-532, Arizona Revised Statutes, is amended to read:  
9 32-532. Instructor reciprocity

10 Notwithstanding section 32-531, a person is entitled to receive a  
11 license to teach cosmetology, aesthetics or nail technology in a school  
12 if the person submits to the board an application for an instructor license  
13 on a form prescribed by the board, pays the prescribed fees and complies with  
14 one of the following:

15 1. Is a current licensed cosmetologist, aesthetician or nail  
16 technician instructor in another state or country.

17 2. Does all of the following:

18 (a) Holds a diploma from a high school or its equivalent as prescribed  
19 by the board in its rules ~~or~~ AND submits to the board satisfactory evidence  
20 that the person is at least ~~twenty-three~~ SIXTEEN years of age.

21 (b) Is a licensed cosmetologist, aesthetician or nail technician in  
22 another state or country.

23 (c) Completes instructor training in another state or country ~~which~~  
24 THAT has instructor education requirements ~~which~~ THAT are at least  
25 substantially equivalent to those of this state.

26 (d) Passes the examination for an instructor license.

27 3. Does all of the following:

28 (a) Has five years of licensed industry experience within the ten  
29 years preceding application.

30 (b) Holds a high school diploma or its equivalent as prescribed by the  
31 board in its rules ~~or~~ AND submits to the board satisfactory evidence that the  
32 person is at least ~~twenty-three~~ SIXTEEN years of age.

33 (c) Meets requirements as prescribed by the board in its rules.

34 (d) Passes the examination for an instructor license.

35 Sec. 8. Title 32, chapter 5, article 5, Arizona Revised Statutes, is  
36 amended by adding section 32-565, to read:

37 32-565. Schools; postsecondary education institutions

38 A SCHOOL MUST BE RECOGNIZED AS A POSTSECONDARY EDUCATIONAL INSTITUTION  
39 IF BOTH OF THE FOLLOWING APPLY:

40 1. THE SCHOOL ADMITS AS REGULAR STUDENTS ONLY INDIVIDUALS WHO HAVE  
41 EARNED A RECOGNIZED HIGH SCHOOL DIPLOMA OR THE EQUIVALENT OF A RECOGNIZED  
42 HIGH SCHOOL DIPLOMA OR WHO ARE BEYOND THE AGE OF COMPULSORY EDUCATION AS  
43 PROVIDED BY SECTION 15-802.

44 2. THE SCHOOL IS LICENSED BY NAME BY THE BOARD UNDER THIS CHAPTER TO  
45 OFFER ONE OR MORE TRAINING PROGRAMS BEYOND THE SECONDARY SCHOOL LEVEL.

APPROVED BY THE GOVERNOR APRIL 25, 2014.

Passed the House February 10, 2014

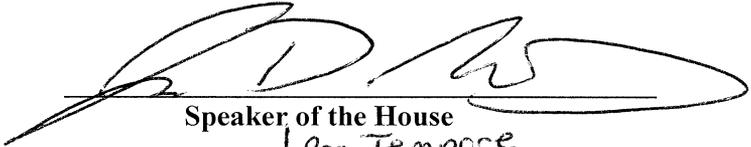
Passed the Senate April 21, 2014

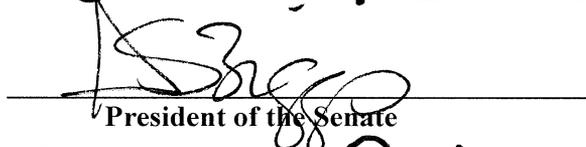
by the following vote: 60 Ayes,

by the following vote: 21 Ayes,

0 Nays, 0 Not Voting

2 Nays, 7 Not Voting

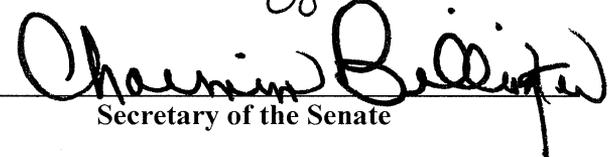




Speaker of the House  
*Pro Tempore*

President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR~~

~~This Bill received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE~~

~~This Bill received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

H.B. 2439

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House April 23, 20 14

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate April 23, 20 14

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

24 day of April, 20 14

at 9:40 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 25<sup>th</sup> day of

April

at 10:25 o'clock A M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 25<sup>th</sup> day of April, 20 14

at 11:53 o'clock a M.

[Signature]  
Secretary of State