Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 251

HOUSE BILL 2035

AN ACT

AMENDING SECTIONS 32-502, 32-510, 32-511, 32-512, 32-531, 32-532 AND 32-574, ARIZONA REVISED STATUTES; RELATING TO COSMETOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 32-502, Arizona Revised Statutes, is amended to read:

32-502. Board of cosmetology; members; appointment; qualifications; terms

A. ~~A~~ THE board of cosmetology is established consisting of the following seven members who are appointed by the governor:

1. Two cosmetologists who have been actively practicing in this state for at least three years immediately preceding appointment.

2. One nail technician who has been actively practicing in this state for at least three years immediately preceding appointment.

3. One instructor who has been actively practicing in this state for at least three years immediately preceding appointment.

4. One school owner.

~~5. One educator who does not represent the cosmetology or nail technology industry and is not involved in the manufacture of cosmetology or nail technology products.~~

~~6.~~ 5. ~~One~~ TWO public ~~member~~ MEMBERS who ~~is~~ ARE not and ~~has~~ HAVE never been associated with the cosmetology or nail technology industry, licensed as a cosmetologist or nail technician or involved in the manufacture of cosmetology or nail technology products.

B. The term of office for members is three years beginning and ending June 22.

C. The governor may remove board members for neglect of duty, malfeasance or misfeasance.

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

32-510. Aestheticians; applications; qualifications

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

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

2. DOES EITHER OF THE FOLLOWING:

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

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

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

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

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

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

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

Sec. 3. Section 32-511, Arizona Revised Statutes, is amended to read:

32-511. Cosmetologists; applications; qualifications

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

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

2. DOES EITHER OF THE FOLLOWING:

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

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

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

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

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

4. Passes the examination for a cosmetologist license.

5. Pays the prescribed fees.

Sec. 4. Section 32-512, Arizona Revised Statutes, is amended to read:

32-512. Nail technicians; applications; qualifications

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

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

2. DOES EITHER OF THE FOLLOWING:

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

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

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

(a) That the person graduated from a nail technology school in another state or country that had at the time of the person's graduation

substantially the same requirements as this state for schools licensed pursuant to this chapter.

(b) That the person completed a nail technician course consisting of at least six hundred hours of training in a school licensed pursuant to this chapter.

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

5. Passes the examination for a nail technician license.

Sec. 5. Section 32-531, Arizona Revised Statutes, is amended to read:

32-531. Instructors; applications; qualifications

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

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

2. EITHER:

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

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

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

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

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

(ii) For an aesthetics instructor, five hundred hours.

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

(b) Has five years of licensed industry experience within the ten years preceding the application and meets requirements as prescribed by the board in its rules.

4. Passes the examination for an instructor license.

5. Pays the prescribed fees.

Sec. 6. Section 32-532, Arizona Revised Statutes, is amended to read:

32-532. Instructor reciprocity

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

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

2. Does all of the following:

(a) EITHER:

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

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

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

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

(d) Passes the examination for an instructor license.

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

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

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

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

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

Sec. 7. Section 32-574, Arizona Revised Statutes, is amended to read:

32-574. Unlawful acts; violation; classification

A. A person shall not:

1. Perform or attempt to perform cosmetology, aesthetics or nail technology without a license in that category issued pursuant to this chapter, or practice in a category in which the person does not hold a license.

2. Display a sign or in any way advertise or hold oneself out as a cosmetologist, aesthetician or nail technician or as being engaged in the practice or business of cosmetology, aesthetics or nail technology without being licensed pursuant to this chapter.

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

4. Permit an employee or another person under the person's supervision or control to perform cosmetology, aesthetics or nail technology without a license issued pursuant to this chapter.

5. Practice or attempt to practice cosmetology, aesthetics or nail technology in any place other than in a salon licensed pursuant to this chapter unless the person is requested by a customer to go to a place other than a salon licensed pursuant to this chapter and is sent to the customer from the salon, except that a person who is licensed pursuant to this chapter may practice, without the salon's request, cosmetology, aesthetics or nail technology in a health care facility, hospital, residential care institution, nursing home or residence of a person requiring home care because of an illness, infirmity or disability.

6. Obtain or attempt to obtain a license by the use of money other than the prescribed fees or any other thing of value or by fraudulent misrepresentation.

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

8. Operate a salon or school without being licensed pursuant to this chapter.

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

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

11. Use the title of "aesthetician", "cosmetologist" or "nail technician" or any other title or term likely to be confused with "aesthetician", "cosmetologist" or "nail technician" in any advertisement, statement or publication unless that person is licensed pursuant to this chapter.

12. TEACH COSMETOLOGY, AESTHETICS OR NAIL TECHNOLOGY IN THIS STATE UNLESS THE PERSON IS LICENSED AS AN INSTRUCTOR PURSUANT TO ARTICLE 3 OF THIS CHAPTER.

B. An instructor shall not render cosmetology, aesthetics or nail technology services in a school unless the services are directly incidental to the instruction of students.

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

Sec. 8. Term of educator board member

Notwithstanding section 32-502, Arizona Revised Statutes, as amended by this act, a person who is serving as an educator member on the board of cosmetology on the effective date of this act is eligible to continue to serve until expiration of the current term of office. On the expiration of the educator member's term, the governor shall make all subsequent appointments as prescribed by statute.

Sec. 9. Cosmetic lasers study committee; membership; duties; report; delayed repeal

A. The cosmetic lasers study committee is established consisting of the following members who are appointed by the speaker of the house of representatives:

1. Three members of the house of representatives committee on commerce, not more than two of whom shall be from the same political party. The speaker of the house of representatives shall appoint a chairperson from among these members.

2. Three members of the house of representatives committee on health, not more than two of whom shall be from the same political party.

B. The study committee shall study and review:

1. The statutory framework to allow for enhanced opportunities to do business while maintaining safe and prudent practices.

2. The regulatory framework for laser certification.

3. The monitoring process in the use of cosmetic lasers.

C. The study committee shall submit a report regarding the study committee's findings and recommendations on or before December 31, 2016 to the governor, the president of the senate and the speaker of the house of representatives and provide a copy of this report to the secretary of state.

D. This section is repealed from and after September 30, 2017.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2016.

Passed the House February 10, 2016

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

☐ Pro Tempore

Chief Clerk of the House

Passed the Senate March 24, 2016

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

President of the Senate

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. 2035

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 4, 2016,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

Jim Drake Pro Tempore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of May, 2016,

at 8:02 o'clock A. M.

Secretary to the Governor

Approved this 17th day of

May, 2016,

at 10:40 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17th day of May, 2016,

at 11:40 o'clock A M.

Michele Reagan

Secretary of State

H.B. 2035