

COMMITTEE ON GOVERNMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2740
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-1851, Arizona Revised Statutes, is amended to
3 read:

4 15-1851. Commission for postsecondary education; purpose;
5 report; members; terms; powers and duties;
6 compensation; quorum; immunity; definition

7 A. The commission for postsecondary education is established and
8 shall administer the applicable programs identified under section 1203 of
9 the higher education act amendments of 1998 (P.L. 105-244), including the
10 leveraging educational assistance partnership program, the federal family
11 education loan program and the Paul Douglas teacher scholarships program,
12 and shall supervise the state guarantee agency under the higher education
13 act amendments of 1998.

14 B. In addition to the responsibilities prescribed in subsection A of
15 this section, the commission shall:

16 1. Provide a forum to public and private postsecondary education
17 institutions for discussion of issues of mutual interest, including the
18 following:

19 (a) The postsecondary needs of unserved and underserved individuals
20 in this state.

21 (b) The resources of public and private institutions, organizations
22 and agencies that are located in this state and that are capable of
23 providing postsecondary education opportunities.

24 (c) Enrollment demand and public policy options to meet statewide
25 needs for postsecondary education services.

1 (d) Cooperative comprehensive instructional and capital planning.

2 2. Provide reports pursuant to this subsection on discussions of
3 issues of mutual interest.

4 3. Coordinate and promote collaborative studies on issues of mutual
5 interest to public and private postsecondary education institutions.

6 4. Compile and disseminate information to the public regarding
7 postsecondary education opportunities in this state.

8 5. Prepare an annual report that summarizes the results of the
9 commission's activities prescribed in this section and section 15-1852.
10 The annual report shall be submitted to the speaker of the house of
11 representatives, the president of the senate, the governor and the ~~Arizona~~
12 ~~state library, archives and public records by~~ SECRETARY OF STATE ON OR
13 BEFORE December 28.

14 6. Administer the Arizona teacher student loan program established
15 by chapter 13, article 11 of this title.

16 C. The commission consists of the executive director of the Arizona
17 board of regents, the executive director of the state board for private
18 postsecondary education and the following additional members who are
19 appointed by the governor pursuant to section 38-211:

20 1. Two members who hold senior executive or managerial positions in
21 a university under the jurisdiction of the Arizona board of regents.

22 2. Two members who hold senior executive or managerial positions in
23 a community college district, one representing a community college district
24 in a county with a population of five hundred thousand persons or more and
25 one representing a community college district in a county with a population
26 of less than five hundred thousand persons.

27 3. Two members who hold senior executive or managerial positions in
28 private postsecondary institutions of higher education that are licensed
29 under title 32, chapter 30, that are located in this state, that offer
30 bachelor's or higher degrees and that are accredited by a regional
31 accreditation agency approved by the United States department of education.

1 4. Two members who hold senior executive or managerial positions in
2 private postsecondary institutions of higher education that are licensed
3 under title 32, chapter 30, that are located in this state, that offer
4 vocational education programs and that are accredited by a national
5 accreditation agency approved by the United States department of education.

6 5. One member who holds a senior executive or managerial position in
7 a private cosmetology school that is licensed under title 32, chapter 5,
8 that is located in this state, that offers cosmetology programs approved by
9 the ~~board of~~ BARBERING AND cosmetology BOARD and that is accredited by a
10 national accreditation agency approved by the United States department of
11 education.

12 6. One member who holds a senior executive or managerial position in
13 an institution that is licensed under title 32, chapter 23 or under 14 Code
14 of Federal Regulations part 147, that offers vocational education programs
15 at the postsecondary level, that is located in this state and that is not
16 an institution that is qualified under any other category.

17 7. One member who has held a senior executive or managerial level
18 position in commerce or industry in this state for at least three years
19 before the member's appointment and who is not qualified to serve under any
20 other category.

21 8. Two members who hold senior executive or managerial positions in
22 the high school education system in this state.

23 9. One member who is an owner, operator or administrator of a
24 charter school in this state.

25 D. Members of the commission appointed pursuant to subsection C,
26 paragraphs 1 through 9 of this section shall serve four-year terms.
27 Appointed members of the commission shall be residents of this state.
28 Appointed members of the commission at all times during their terms shall
29 continue to be eligible for appointment under the category that they were
30 appointed to represent. Terms of appointed members of the commission begin
31 on the third Monday in January. No appointed member of the commission may
32 serve more than two consecutive terms.

1 E. The executive director of the Arizona board of regents and the
2 executive director of the state board for private postsecondary education
3 serve as members of the commission during their respective terms of office
4 and are not eligible to vote with respect to the commission's review of any
5 postsecondary institution.

6 F. Members appointed pursuant to subsection C, paragraphs 1 through
7 9 of this section are eligible to receive compensation pursuant to section
8 38-611 for each day spent in the performance of commission duties and may
9 be reimbursed for expenses properly incurred in connection with the
10 attendance at meetings or hearings of the commission.

11 G. The governor shall appoint a chairman from among the members of
12 the commission who shall serve a one-year term that begins on the third
13 Monday in January.

14 H. A majority of the members of the commission constitute a quorum
15 for the transaction of commission business. The vote of a majority of the
16 quorum constitutes authority for the commission to act.

17 I. Members of the commission are immune from personal liability with
18 respect to all actions that are taken in good faith and within the scope of
19 the commission's authority.

20 J. For the purposes of this section, "community college district"
21 means a community college district that is established pursuant to sections
22 15-1402 and 15-1403 or section 15-1402.01 and that is a political
23 subdivision of this state.

24 Sec. 2. Heading change

25 The article heading of title 32, chapter 3, article 1, Arizona
26 Revised Statutes, is changed from "BOARD OF BARBERS" to "BARBERING".

27 Sec. 3. Section 32-301, Arizona Revised Statutes, is amended to
28 read:

29 32-301. Definitions

30 In this chapter, unless the context otherwise requires:

31 1. "Barber" means a person who is licensed to practice barbering
32 ~~pursuant to this chapter~~ BY THE BOARD.

1 2. "Barbering" means any one or a combination of the following
2 practices if they are performed on a person's head, face, neck or shoulders
3 for cosmetic purposes:

4 (a) Cutting, clipping or trimming hair.

5 (b) Massaging, cleansing, stimulating, manipulating, exercising,
6 beautifying or applying oils, creams, antiseptics, clays, lotions or other
7 preparations, either by hand or by mechanical or electrical appliances.

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

11 (d) Providing hair attachments, extensions, hairpieces and wigs when
12 performed by a barber.

13 (e) Shaving or trimming a beard.

14 (f) Providing skin care.

15 3. "Board" means the BARBERING AND COSMETOLOGY board ~~of barbers~~.

16 4. "Instructor" means a person who is licensed to teach barbering
17 pursuant to this chapter.

18 5. "Mentor" means a barber who is approved by the board to train a
19 person in a department of economic security-approved apprenticeship program
20 in barbering in an establishment that is licensed by the board.

21 6. "School" means an establishment that is operated for the purpose
22 of teaching barbering OR COSMETOLOGY.

23 7. "Shop" or "salon" means an establishment that is operated for the
24 purpose of engaging in the practice of barbering.

25 Sec. 4. Repeal

26 Sections 32-302 and 32-303, Arizona Revised Statutes, are repealed.

27 Sec. 5. 32-304, Arizona Revised Statutes, is amended to read:

28 32-304. Powers and duties

29 A. The board shall:

30 1. Make and adopt rules that are necessary or proper ~~for the~~
31 ~~administration of~~ TO ADMINISTER this chapter, including sanitary and safety

1 requirements for schools and shops or salons, sanitary and safety standards
2 for the practice of barbering and mobile unit requirements.

3 2. Administer and enforce this chapter and rules adopted pursuant to
4 this chapter.

5 3. Maintain a record of its acts and proceedings, including
6 issuance, refusal, renewal, suspension and revocation of licenses, and a
7 record of the name, address and license date of each licensee.

8 4. Keep the records of the board open to public inspection at all
9 reasonable times.

10 5. Furnish a copy of its rules to a barber or to the owner or
11 manager of each shop or salon on request.

12 6. Have a seal, the imprint of which shall be used to evidence its
13 official acts.

14 7. Prescribe minimum school curriculum requirements.

15 8. Approve a barber as a mentor based on the barber's record of
16 compliance with this chapter. The board may not condition the approval on
17 the barber's payment of an additional fee or completion of an additional
18 requirement.

19 B. The board may ~~:-~~

20 ~~1. Subject to title 41, chapter 4, article 4, employ an executive~~
21 ~~director who has been a licensed barber for at least five years preceding~~
22 ~~employment and other personnel it deems necessary. The board shall~~
23 ~~compensate its executive director and other personnel as determined~~
24 ~~pursuant to section 38-611.~~

25 ~~2.~~ inspect the premises of any school, shop or salon during business
26 hours.

27 Sec. 6. Section 32-305, Arizona Revised Statutes, is amended to
28 read:

29 32-305. Barbers fund

30 A. ~~A board of~~ THE barbers fund is established. Except as provided
31 in subsection C of this section, before the end of each calendar month,
32 pursuant to sections 35-146 and 35-147, the board shall deposit ten ~~per~~

1 ~~cent~~ PERCENT of all monies from whatever source ~~which~~ THAT come into the
2 possession of the board PURSUANT TO THIS CHAPTER in the state general fund
3 and deposit the remaining ninety ~~per cent~~ PERCENT in the ~~board of~~ barbers
4 fund.

5 B. Monies deposited in the ~~board of~~ barbers fund are subject to
6 section 35-143.01.

7 C. Monies from civil penalties received pursuant to section 32-352
8 shall be deposited, pursuant to sections 35-146 and 35-147, in the state
9 general fund.

10 Sec. 7. Section 32-321, Arizona Revised Statutes, is amended to
11 read:

12 32-321. Nonapplicability of chapter

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

15 1. Medical practitioners licensed pursuant to this title who treat
16 physical or mental ailments or disease.

17 2. Persons who perform services without compensation in case of
18 emergency or in domestic administration.

19 3. Commissioned physicians and surgeons serving in the armed forces
20 of the United States or other federal agencies.

21 4. Students attending schools licensed pursuant to this chapter OR
22 CHAPTER 5 OF THIS TITLE while they are on school premises during school
23 hours.

24 5. Persons licensed pursuant to chapter 5 or 12 of this title.

25 6. Shampoo assistants who shampoo hair under the direction of a
26 barber licensed pursuant to this chapter.

27 7. Persons who are in the custody of the state department of
28 corrections and who perform services for persons in the custody of the
29 state department of corrections.

30 8. Persons who are participating in a department of economic
31 security-approved apprenticeship program in barbering as described in

1 section 32-322 while working with a mentor in an establishment that is
2 licensed by the board.

3 9. PERSONS WHO ARE LICENSED IN ANOTHER STATE, WHO ARE IN THIS STATE
4 FOR NOT MORE THAN TWO WEEKS AND WHO PROVIDE SERVICES FOR PERSONS WHO ARE
5 ATTENDING AN ATHLETIC, CHARITABLE, ARTISTIC OR SOCIAL EVENT IN THIS STATE.

6 Sec. 8. Repeal

7 Section 32-324, Arizona Revised Statutes, is repealed.

8 Sec. 9. Title 32, chapter 3, article 2, Arizona Revised Statutes, is
9 amended by adding a new section 32-324, to read:

10 32-324. Examinations

11 A. THE BOARD OR A NATIONAL PROFESSIONAL ORGANIZATION FOR BARBERING
12 SELECTED BY THE BOARD SHALL ADMINISTER WRITTEN AND PRACTICAL EXAMINATIONS
13 FOR A BARBER OR INSTRUCTOR LICENSE. THE EXAMINATIONS SHALL TEST FOR
14 REQUISITE KNOWLEDGE AND SKILLS IN THE TECHNICAL APPLICATION OF BARBERING
15 SERVICES. AN APPLICANT MAY TAKE AN EXAMINATION BEFORE THE APPLICANT HAS
16 COMPLETED THE REQUIRED HOURS OF COURSE INSTRUCTION PRESCRIBED BY THIS
17 ARTICLE.

18 B. THE BOARD OR A NATIONAL PROFESSIONAL ORGANIZATION FOR BARBERING
19 SELECTED BY THE BOARD SHALL INFORM EACH APPLICANT OF THE EXAMINATION
20 RESULTS.

21 C. THE BOARD SHALL MAKE AN ACCURATE RECORD OF EACH EXAMINATION.

22 Sec. 10. Section 32-325, Arizona Revised Statutes, is amended to
23 read:

24 32-325. School license; application; qualifications

25 A. An applicant for a license to operate a school shall file a
26 written application on a form prescribed by the board. The application
27 shall be under oath and accompanied by the prescribed fee.

28 B. A course of instruction in a licensed school ~~which~~ THAT teaches
29 barbering shall consist of at least one thousand ~~five hundred~~ hours of
30 instruction of not more than eight hours in any one working day. The
31 course of instruction shall include:

1 1. At least two hundred fifty hours devoted to the study of the
2 fundamentals of barbering, hygiene, bacteriology, histology of the hair,
3 skin, muscles and nerves, structure of the head, face and neck, elementary
4 chemistry relating to sterilization and antiseptics and diseases of the
5 skin, hair and glands.

6 2. At least one thousand two hundred fifty hours devoted to the
7 practice and study of massaging and manipulating muscles of the scalp, face
8 and neck, hair cutting, shaving and chemical work relating to permanent
9 waves and hair straightening, coloring and bleaching.

10 C. A licensed school shall:

11 1. Be operated under the general supervision of a licensed
12 instructor.

13 2. Have and maintain sufficient equipment to properly train all its
14 students in the use, function and operation of equipment ~~which~~ THAT is at
15 the time in use in barbering.

16 3. Provide:

17 (a) Separate lecture rooms or classrooms.

18 (b) Locker spaces for students.

19 (c) An area appropriate in size for ~~the placement of~~ PLACING the
20 training equipment.

21 4. Require that a student pass examinations in all phases of
22 barbering before ~~he graduates~~ GRADUATING.

23 5. Pass an inspection by the board before a school license is
24 issued.

25 6. Furnish to the board and maintain in force a bond in the sum of
26 ~~twenty-five thousand dollars~~ \$25,000 approved by the board and executed by
27 a corporate bonding company authorized to do business in this state. The
28 bond shall be for the benefit of and subject to the claims of ~~the~~ THIS
29 state for failure to comply with the requirements of this chapter and
30 conditioned that the school licensed pursuant to this chapter shall afford
31 to its students the full course of instruction required pursuant to this

chapter, in default of which the full amount of the tuition paid by the student shall be refunded.

D. The student to instructor ratio in a school shall be not more than twenty to one.

E. Instructors shall not apply their time to private practice with or without compensation in a school or during school hours.

F. Students shall not teach other students.

G. Students shall be under the constant supervision of an instructor.

H. A SCHOOL MAY OFFER COURSES ON BOTH COSMETOLOGY AND BARBERING IF AN INSTRUCTOR LICENSED PURSUANT TO CHAPTER 5 OF THIS TITLE TEACHES THE COSMETOLOGY COURSES AND AN INSTRUCTOR LICENSED PURSUANT TO THIS CHAPTER TEACHES THE BARBERING COURSES.

Sec. 11. Section 32-501, Arizona Revised Statutes, is amended to read:

32-501. Definitions

In this chapter, unless the context otherwise requires:

1. "Aesthetician" means a person who is licensed to practice skin care pursuant to this chapter.

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

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

(b) Arching eyebrows or tinting eyebrows and eyelashes.

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

3. "BARBERING" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-301.

~~3.~~ 4. "Board" means the ~~board of~~ BARBERING AND cosmetology BOARD.

~~4.~~ 5. "Cosmetic purposes" means for the purpose of beautifying, preserving or conferring comeliness, excluding therapeutic massage and manipulations.

1 ~~5.~~ 6. "Cosmetologist" means a person who is licensed to practice
2 cosmetology pursuant to this chapter.

3 ~~6.~~ 7. "Cosmetology" means any one or a combination of the following
4 practices if they are performed for cosmetic purposes:

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

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

9 (c) Removing superfluous hair by means other than electrolysis or
10 threading.

11 (d) Nail technology.

12 (e) Hairstyling.

13 ~~7.~~ 8. "Electrical appliances" means devices that use electrical
14 current and includes lasers and IPL devices as defined in section 32-516.

15 ~~8.~~ 9. "Hairstyling" means ~~either~~ ANY of the following:

16 (a) Cutting, clipping or trimming hair.

17 (b) Styling, arranging, dressing, curling, waving, permanent waving,
18 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or
19 similarly treating hair.

20 (c) REMOVING SUPERFLUOUS HAIR FROM THE NECK UP BY MEANS OTHER THAN
21 ELECTROLYSIS OR THREADING.

22 ~~9.~~ 10. "Hairstylist" means a person who is licensed to practice
23 hairstyling pursuant to this chapter.

24 ~~10.~~ 11. "Instructor" means a person who is licensed to teach
25 cosmetology, aesthetics, nail technology or hairstyling, or any combination
26 thereof, pursuant to this chapter.

27 ~~11.~~ 12. "Mentor" means a cosmetologist who is approved by the board
28 to train a person in a department of economic security-approved
29 apprenticeship program in cosmetology in an establishment that is licensed
30 by the board.

1 ~~12.~~ 13. "Nail technician" means a person who is licensed to
2 practice nail technology pursuant to this chapter.

3 ~~13.~~ 14. "Nail technology" means any of the following:

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

6 (b) Applying artificial nails.

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

8 ~~14.~~ 15. "Salon" means any of the following:

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

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

17 (c) A retrofitted motor vehicle **THAT IS** exclusively used as a mobile
18 facility for the purpose of engaging in the practice of cosmetology,
19 aesthetics, nail technology or hairstyling, or any combination of the
20 listed practices, **AND** that is operated and dispatched from a business that
21 has a physical street address ~~that is~~ on file with the board.

22 ~~15.~~ 16. "School" means an establishment that is operated for the
23 purpose of teaching **BARBERING**, cosmetology, aesthetics, nail technology or
24 hairstyling, or any combination of the listed practices.

25 ~~16.~~ 17. "Threading" means a service that results in the removal of
26 hair from its follicle from around the eyebrows and from other parts of the
27 face with the use of a single strand of cotton thread and an
28 over-the-counter astringent, if the service does not use chemicals of any
29 kind, wax or any implements, instruments or tools to remove hair.

1 Sec. 12. Section 32-502, Arizona Revised Statutes, is amended to
2 read:

3 32-502. Barbering and cosmetology board; members; appointment;
4 qualifications; terms

5 A. The BARBERING AND COSMETOLOGY board ~~of cosmetology~~ is established
6 consisting of the following ~~seven~~ members who are appointed by the
7 governor:

8 1. ~~Two cosmetologists~~ ONE COSMETOLOGIST who ~~have been~~ HAS actively
9 ~~practicing~~ PRACTICED in this state for at least three years immediately
10 preceding appointment.

11 2. One nail technician OR AESTHETICIAN who has ~~been~~ actively
12 ~~practicing~~ PRACTICED in this state for at least three years immediately
13 preceding appointment.

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

16 ~~4.~~ 3. ~~One~~ TWO school ~~owner~~ OWNERS.

17 ~~5.~~ 4. ~~Two~~ THREE public members, PREFERABLY ONE OF WHOM IS AN
18 EDUCATOR, who are not and have never been associated with the BARBERING,
19 cosmetology or nail technology industry, licensed as a BARBER,
20 cosmetologist or nail technician or involved in the manufacture of
21 BARBERING, cosmetology or nail technology products.

22 5. ONE BARBER WHO HAS ACTIVELY PRACTICED BARBERING IN THIS STATE FOR
23 AT LEAST THREE YEARS.

24 6. ONE HOLDER OF A BARBER SHOP OR SALON LICENSE.

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

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

1 Sec. 13. Section 32-503, Arizona Revised Statutes, is amended to
2 read:

3 32-503. Officers; meetings; personnel; compensation

4 A. The board shall annually elect a chairman, ~~vice-chairman~~ VICE
5 CHAIRMAN and secretary-treasurer from among its membership. THE CHAIRMAN
6 MUST BE A SCHOOL OWNER.

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

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

12 1. An executive director.

13 2. A supervisor of examinations who is an instructor licensed
14 pursuant to this chapter OR CHAPTER 3 OF THIS TITLE and WHO has worked at
15 least two of the five years immediately preceding employment as an
16 instructor in a school licensed pursuant to this chapter.

17 3. Examiners who are not employed as instructors in any school
18 licensed pursuant to this chapter OR CHAPTER 3 OF THIS TITLE.

19 4. Persons to provide investigative, professional and clerical
20 assistance.

21 5. Consultants to assist the board in the performance of its duties.

22 6. Other personnel.

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

27 Sec. 14. Section 32-505, Arizona Revised Statutes, is amended to
28 read:

29 32-505. Cosmetology fund

30 A. The ~~board of~~ cosmetology fund is established. Except as provided
31 in subsection C of this section, before the end of each calendar month THE
32 BOARD SHALL DEPOSIT, pursuant to sections 35-146 and 35-147, ~~the board~~

1 ~~shall deposit~~ ten ~~per cent~~ PERCENT of all monies from whatever source ~~which~~
2 THAT come into the possession of the board PURSUANT TO THIS CHAPTER in the
3 state general fund and deposit the remaining ninety ~~per cent~~ PERCENT in the
4 ~~board of~~ cosmetology fund.

5 B. Except as provided in section 32-573, subsection G, monies
6 deposited in the ~~board of~~ cosmetology fund are subject to section
7 35-143.01.

8 C. Monies from civil penalties received pursuant to section 32-571
9 shall be deposited, pursuant to sections 35-146 and 35-147, in the state
10 general fund.

11 Sec. 15. Section 32-506, Arizona Revised Statutes, is amended to
12 read:

13 32-506. Nonapplicability of chapter

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

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

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

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

22 4. Students who are attending schools licensed pursuant to this
23 chapter while they are on school premises during school hours OR OFF CAMPUS
24 AT A SCHOOL-SPONSORED EVENT.

25 5. Persons employed by theatrical groups who apply makeup, oils and
26 cosmetics.

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

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

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

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

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

9 11. Persons who provide threading.

10 12. Persons who provide tanning services by means of airbrushing,
11 tanning beds or spray tanning.

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

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

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

1 16. PERSONS WHO ARE LICENSED IN ANOTHER STATE AND WHO ARE WORKING IN
2 THIS STATE AT A CHARITABLE EVENT THAT BENEFITS A NONPROFIT ORGANIZATION.

3 17. PERSONS WHO ARE LICENSED IN ANOTHER STATE, WHO ARE IN THIS STATE
4 FOR NOT MORE THAN TWO WEEKS AND WHO PROVIDE SERVICES FOR PERSONS WHO ARE
5 ATTENDING AN ATHLETIC, CHARITABLE, ARTISTIC OR SOCIAL EVENT IN THIS STATE.

6 Sec. 16. Section 32-514, Arizona Revised Statutes, is amended to
7 read:

8 32-514. Examinations

9 A. The board or a national professional organization for cosmetology
10 selected by the board shall administer written and practical examinations
11 for a cosmetologist, aesthetician, nail technician, hairstylist or
12 instructor license. The examinations shall test for requisite knowledge
13 and skills in the technical application of cosmetology services. AN
14 APPLICANT MAY TAKE AN EXAMINATION BEFORE THE APPLICANT HAS COMPLETED THE
15 REQUIRED HOURS OF COURSE INSTRUCTION PRESCRIBED BY THIS ARTICLE.

16 B. The board or a national professional organization for cosmetology
17 selected by the board shall inform each applicant of the examination
18 results.

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

20 Sec. 17. Section 32-516, Arizona Revised Statutes, is amended to
21 read:

22 32-516. Aestheticians; cosmetologists; cosmetic laser and IPL
23 device use; certification; fees; definitions

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

26 1. Apply for and receive a certificate from the department.

27 2. Comply with the requirements of this section and department
28 rules.

29 3. Successfully complete forty hours of didactic training as
30 required by department rules at a department-certified training program.
31 The program shall provide a provisional certificate to the applicant
32 verifying the successful completion of the didactic training.

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

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

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

24 B. The department shall issue a laser technician certificate
25 authorizing the aesthetician or cosmetologist to use lasers and IPL devices
26 if the applicant has completed the training for hair removal or lasers and
27 IPL devices for other cosmetic procedures, as applicable, and shall
28 maintain a current register of those laser technicians in good standing and
29 whether certification is for hair removal only or other cosmetic procedures
30 as well. The department may establish a fee for the registration of
31 aestheticians or cosmetologists as laser technicians and the issuance of
32 certificates pursuant to this subsection. The department shall deposit

1 monies collected pursuant to this subsection in the laser safety fund
2 established by section 32-3234.

3 C. An aesthetician or a cosmetologist who has been certified as a
4 laser technician by the department may use a laser or IPL device:

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

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

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

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

21 F. For the purposes of this section:

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

23 2. "Directly supervised" means **THAT** a health professional who is
24 licensed in this state and whose scope of practice allows the supervision
25 **OR A LASER SAFETY OFFICER** supervises the use of a laser or IPL device for
26 cosmetic purposes while the health professional **OR LASER SAFETY OFFICER** is
27 present at the facility where and when the device is being used.

28 3. "Health professional" means a person who is licensed pursuant to
29 either:

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

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

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

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

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

7. "LASER SAFETY OFFICER" MEANS A PERSON WHO BOTH:

(a) HAS THE AUTHORITY AND RESPONSIBILITY TO MONITOR AND CONTROL LASER HAZARDS AND TO KNOWLEDGEABLY EVALUATE AND CONTROL LASER HAZARDS.

(b) IS REGULATED BY THE DEPARTMENT BY RULE.

~~7.~~ 8. "Laser technician" means a person who is or has been certified by the department pursuant to its rules and chapter 32, article 2 of this title.

Sec. 18. Section 32-556, Arizona Revised Statutes, is amended to read:

32-556. Schools; programs; sale of products

A school of any type, including a cosmetology school, ~~or otherwise, shall not be conducted with any other business, including~~ MAY INCLUDE PROGRAMS RELATED TO A SUBJECT THAT IS SIMILAR TO COSMETOLOGY BUT MAY NOT INCLUDE a salon. ~~A school of any type, including a cosmetology school or otherwise, and another business shall be separated by walls of permanent construction and not have doors or openings between them.~~ A cosmetology school may offer for sale cosmetology products and related articles.

1 Sec. 19. Section 32-573, Arizona Revised Statutes, is amended to
2 read:

3 32-573. Procedure for disciplinary action; appeal

4 A. The board on its own motion may investigate any information that
5 appears to show the existence of any of the causes set forth in section
6 32-572. The board shall investigate the report of any person that appears
7 to show the existence of any of the causes set forth in section 32-572. A
8 person who reports pursuant to this section and who provides the
9 information in good faith is not subject to liability for civil damages as
10 a result.

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

14 1. Dismiss if, in the opinion of the board, the evidence is without
15 merit.

16 2. File a letter of concern if, in the opinion of the board, while
17 there is insufficient evidence to support direct action against the license
18 there is sufficient evidence for the board to notify the licensee that
19 continuation of the activities that led to the information or report being
20 made to the board may result in action against the licensee's license.

21 C. If, in the opinion of the board, it appears the information or
22 report is or may be true, the board shall request an informal interview
23 with the licensee concerned. The interview shall be requested by the board
24 in writing, stating the reasons for the interview and setting a date ~~not~~
25 ~~less than~~ AT LEAST ten days ~~from~~ AFTER the date of the notice for
26 conducting the interview.

27 D. If, after an informal interview, the board finds that the
28 evidence warrants suspension or revocation of a license issued pursuant to
29 this chapter, imposition of a civil penalty or public reproof or if the
30 licensee under investigation refuses to attend the informal interview, a
31 complaint shall be issued and formal proceedings shall be initiated. All

1 proceedings pursuant to this subsection shall be conducted in accordance
2 with title 41, chapter 6, article 10.

3 E. A licensee who has been notified pursuant to subsection D of this
4 section of charges pending against the licensee shall file with the board
5 an answer in writing to the charges not more than thirty days after the
6 licensee receives the complaint. If the licensee fails to answer in
7 writing within this time, it is deemed an admission by the licensee of the
8 acts charged in the complaint and the board may take disciplinary action
9 allowed by this chapter without a hearing.

10 F. If the board finds that the evidence is not of sufficient
11 seriousness to merit suspension or revocation of a license issued pursuant
12 to this chapter, imposition of a civil penalty or public reproof, ~~it~~ THE
13 BOARD may take the following actions:

14 1. Dismiss if, in the opinion of the board, the evidence is without
15 merit.

16 2. File a letter of concern if, in the opinion of the board, while
17 there is insufficient evidence to support direct action against the license
18 there is sufficient evidence for the board to notify the licensee that
19 continuation of the activities which led to the information or report being
20 made to the board may result in action against the licensee's license.

21 3. Impose probation requirements.

22 G. If a licensee violates this chapter or a rule adopted pursuant to
23 this chapter, the board may assess the licensee with the board's reasonable
24 costs and expenses, including attorney fees, incurred in conducting the
25 investigation and administrative hearing. All monies collected pursuant to
26 this subsection shall be deposited, pursuant to sections 35-146 and 35-147,
27 in a separate account in the COSMETOLOGY ~~board of cosmetology~~ fund
28 established by section 32-505. The board may only use these monies to
29 defray its expenses in connection with investigation related training and
30 education, disciplinary investigations and all costs related to
31 administrative hearings. Notwithstanding section 35-143.01, the separate
32 account monies may be spent without legislative appropriation.

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

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

6 32-574. Unlawful acts; violation; classification

7 A. A person shall not:

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

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

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

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

21 5. Practice or attempt to practice cosmetology, aesthetics, nail
22 technology or hairstyling in any place other than in a salon licensed
23 ~~pursuant to this chapter~~ BY THE BOARD unless the person is requested by a
24 customer to go to a place other than a salon licensed pursuant to this
25 chapter and is sent to the customer from the salon, except that a person
26 who is licensed pursuant to this chapter may practice, without the salon's
27 request, cosmetology, aesthetics, nail technology or hairstyling in a
28 health care facility, hospital, residential care institution, nursing home
29 or residence of a person requiring home care because of an illness,
30 infirmity or disability.

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

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

9 8. Operate a salon or school without being licensed ~~pursuant to this~~
10 ~~chapter~~ BY THE BOARD.

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

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

14 11. Use the title of "aesthetician", "cosmetologist", "nail
15 technician" or "hairstylist" or any other title or term likely to be
16 confused with "aesthetician", "cosmetologist", "nail technician" or
17 "hairstylist" in any advertisement, statement or publication unless that
18 person is licensed ~~pursuant to this chapter~~ BY THE BOARD.

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

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

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

27 Sec. 21. Section 41-1092, Arizona Revised Statutes, is amended to
28 read:

29 41-1092. Definitions

30 In this article, unless the context otherwise requires:

31 1. "Administrative law judge" means an individual or an agency head,
32 board or commission that sits as an administrative law judge, that conducts

1 administrative hearings in a contested case or an appealable agency action
2 and that makes decisions regarding the contested case or appealable agency
3 action.

4 2. "Administrative law judge decision" means the findings of fact,
5 conclusions of law and recommendations or decisions issued by an
6 administrative law judge.

7 3. "Appealable agency action" means an action that determines the
8 legal rights, duties or privileges of a party and that is not a contested
9 case. Appealable agency actions do not include interim orders by
10 self-supporting regulatory boards, rules, orders, standards or statements
11 of policy of general application issued by an administrative agency to
12 implement, interpret or make specific the legislation enforced or
13 administered by it or clarifications of interpretation, nor does it mean or
14 include rules concerning the internal management of the agency that do not
15 affect private rights or interests. For the purposes of this paragraph,
16 administrative hearing does not include a public hearing held for the
17 purpose of receiving public comment on a proposed agency action.

18 4. "Director" means the director of the office of administrative
19 hearings.

20 5. "Final administrative decision" means a decision by an agency
21 that is subject to judicial review pursuant to title 12, chapter 7,
22 article 6.

23 6. "Office" means the office of administrative hearings.

24 7. "Self-supporting regulatory board" means any one of the
25 following:

26 (a) The Arizona state board of accountancy.

27 (b) The BARBERING AND COSMETOLOGY board ~~of barbers~~.

28 (c) The board of behavioral health examiners.

29 (d) The Arizona state boxing and mixed martial arts commission.

30 (e) The state board of chiropractic examiners.

31 ~~(f) The board of cosmetology.~~

- 1 ~~(g)~~ (f) The state board of dental examiners.
- 2 ~~(h)~~ (g) The state board of funeral directors and embalmers.
- 3 ~~(i)~~ (h) The Arizona game and fish commission.
- 4 ~~(j)~~ (i) The board of homeopathic and integrated medicine examiners.
- 5 ~~(k)~~ (j) The Arizona medical board.
- 6 ~~(l)~~ (k) The naturopathic physicians medical board.
- 7 ~~(m)~~ (l) The [ARIZONA](#) state board of nursing.
- 8 ~~(n)~~ (m) The board of examiners of nursing care institution
- 9 administrators and ~~adult care home~~ [ASSISTED LIVING FACILITY](#) managers.
- 10 ~~(o)~~ (n) The board of occupational therapy examiners.
- 11 ~~(p)~~ (o) The state board of dispensing opticians.
- 12 ~~(q)~~ (p) The state board of optometry.
- 13 ~~(r)~~ (q) The Arizona board of osteopathic examiners in medicine and
- 14 surgery.
- 15 ~~(s)~~ (r) The Arizona peace officer standards and training board.
- 16 ~~(t)~~ (s) The Arizona state board of pharmacy.
- 17 ~~(u)~~ (t) The board of physical therapy.
- 18 ~~(v)~~ (u) The state board of podiatry examiners.
- 19 ~~(w)~~ (v) The state board for private postsecondary education.
- 20 ~~(x)~~ (w) The state board of psychologist examiners.
- 21 ~~(y)~~ (x) The board of respiratory care examiners.
- 22 ~~(z)~~ (y) The state board of technical registration.
- 23 ~~(aa)~~ (z) The Arizona state veterinary medical examining board.
- 24 ~~(bb)~~ (aa) The acupuncture board of examiners.
- 25 ~~(cc)~~ (bb) The Arizona regulatory board of physician assistants.
- 26 ~~(dd)~~ (cc) The board of athletic training.
- 27 ~~(ee)~~ (dd) The board of massage therapy.
- 28 Sec. 22. [Repeal](#)
- 29 Section [41-3022.23](#), Arizona Revised Statutes, is repealed.

1 Sec. 23. Section 41-3024.05, Arizona Revised Statutes, is amended to
2 read:

3 41-3024.05. Barbering and cosmetology board; termination
4 July 1, 2024

5 A. The BARBERING AND COSMETOLOGY board ~~of cosmetology~~ terminates on
6 July 1, 2024.

7 B. Title 32, ~~chapter~~ CHAPTERS 3 AND 5 AND THIS SECTION ~~is~~ ARE
8 repealed on January 1, 2025.

9 Sec. 24. Section 44-6852, Arizona Revised Statutes, is amended to
10 read:

11 44-6852. Dishonored checks; service fee

12 Notwithstanding any other law AND EXCEPT AS PROVIDED IN SECTIONS
13 32-328 AND 32-507, the holder, payee or assignee of the holder or payee of
14 a dishonored check, draft, order or note may charge and collect from the
15 maker or drawer a service fee of not more than ~~twenty-five dollars~~ \$25 plus
16 any actual charges assessed by the financial institution of the holder,
17 payee or assignee of the holder or payee as a result of the dishonored
18 instrument.

19 Sec. 25. Transfer; effect; succession

20 A. As provided by this act, the barbering and cosmetology board
21 succeeds to the authority, powers, duties and responsibilities of the board
22 of barbers from and after December 31, 2020.

23 B. This act does not alter the effect of any actions that were taken
24 or impair the valid obligations of the board of barbers in existence before
25 January 1, 2021.

26 C. All administrative matters, contracts and judicial and
27 quasi-judicial actions, whether completed, pending or in process, of the
28 board of barbers on January 1, 2021 are transferred to and retain the same
29 status with the barbering and cosmetology board.

1 D. All certificates, licenses, registrations, permits and other
2 indicia of qualification and authority that were issued by the board of
3 barbers retain their validity for the duration of their terms of validity
4 as provided by law.

5 E. All equipment, records, furnishings and other property and all
6 data and investigative findings of the board of barbers are transferred to
7 the barbering and cosmetology board from and after December 31, 2020.

8 Sec. 26. Retention of members

9 All persons serving as members of the board of cosmetology on January
10 1, 2021 may continue to serve on the barbering and cosmetology board
11 established by section 32-502, Arizona Revised Statutes, as amended by this
12 act, until the expiration of their normal terms. The governor shall make
13 all subsequent appointments as prescribed by statute.

14 Sec. 27. Barbering and cosmetology board; licensing and fees
15 study; report; use of monies

16 A. The barbering and cosmetology board established by section
17 32-502, Arizona Revised Statutes, as amended by this act, shall study
18 licenses and fees that are issued and imposed by the board under title 32,
19 chapters 3 and 5, Arizona Revised Statutes. The barbering and cosmetology
20 board shall:

21 1. Identify what is unique to each profession that the board
22 regulates and determine whether any licenses should be consolidated.

23 2. Study the fee structure for each profession that the board
24 regulates and determine whether changes are needed.

25 B. The barbering and cosmetology board shall submit a report of its
26 findings and recommendations to the governor, the president of the senate
27 and the speaker of the house of representatives on or before November 1,
28 2022 and shall provide a copy of this report to the secretary of state.

29 C. Notwithstanding any other law, the board may use the following
30 monies to assist in the study and report required by this section:

1 1. Up to \$250,000 from the barbers fund established by section
2 32-305, Arizona Revised Statutes, as amended by this act.

3 2. Up to \$500,000 from the cosmetology fund established by section
4 32-505, Arizona Revised Statutes, as amended by this act.

5 Sec. 28. Effective date

6 This act is effective from and after December 31, 2020."

7 Amend title to conform

And, as so amended, it do pass

JOHN KAVANAGH
CHAIRMAN

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