

REFERENCE TITLE: **hairstylists; cosmetology board; schools**

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1288

Introduced by
Senator Gowan

AN ACT

**AMENDING SECTIONS 32-501, 32-506 AND 32-556, ARIZONA REVISED STATUTES;
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 32-501, Arizona Revised Statutes, is amended to
3 read:

4 32-501. Definitions

5 In this chapter, unless the context otherwise requires:

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

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

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

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

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

16 3. "Board" means the board of cosmetology.

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

20 5. "Cosmetologist" means a person who is licensed to practice
21 cosmetology pursuant to this chapter.

22 6. "Cosmetology" means any one or a combination of the following
23 practices if they are performed for cosmetic purposes:

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

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

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

30 (d) Nail technology.

31 (e) Hairstyling.

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

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

35 (a) Cutting, clipping or trimming hair.

36 (b) Styling, arranging, dressing, curling, waving, permanent
37 waving, straightening, cleansing, singeing, bleaching, dyeing, tinting,
38 coloring or similarly treating hair.

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

41 9. "Hairstylist" means a person who is licensed to practice
42 hairstyling pursuant to this chapter.

43 10. "Instructor" means a person who is licensed to teach
44 cosmetology, aesthetics, nail technology or hairstyling, or any
45 combination thereof, pursuant to this chapter.

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

3 12. "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 13. "Salon" means any of the following:

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

17 (c) A retrofitted motor vehicle 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, that is operated and dispatched from a business that has
21 a physical street address ~~that is~~ on file with the board.

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

25 15. "Threading" means a service that results in the removal of hair
26 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.

30 Sec. 2. Section 32-506, Arizona Revised Statutes, is amended to
31 read:

32 32-506. Nonapplicability of chapter

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

35 1. MEDICAL PRACTITIONERS WHO ARE LICENSED PURSUANT TO THIS TITLE IF
36 THE practices ~~for the treatment of~~ TREAT physical or mental ailments or
37 disease ~~by medical practitioners licensed pursuant to this title.~~

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

40 3. Persons who are licensed pursuant to chapter 3 or 12 of this
41 title.

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

1 5. Persons employed by theatrical groups who apply makeup, oils and
2 cosmetics.

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

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

7 8. Services performed by and for persons in the custody of the
8 state department of corrections.

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

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

18 11. Persons who provide threading.

19 12. Persons who provide tanning services by means of airbrushing,
20 tanning beds or spray tanning.

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

27 14. PERSONS WHO ARE LICENSED IN ANOTHER STATE AND WHO ARE WORKING
28 IN THIS STATE AT A CHARITABLE EVENT THAT BENEFITS A NONPROFIT
29 ORGANIZATION.

30 Sec. 3. Section 32-556, Arizona Revised Statutes, is amended to
31 read:

32 32-556. Separation of schools from other businesses

33 A school of any type, including a cosmetology school, ~~or otherwise,~~
34 ~~shall not be conducted with any other business, including~~ MAY INCLUDE
35 PROGRAMS RELATED TO A SUBJECT THAT IS SIMILAR TO COSMETOLOGY BUT MAY NOT
36 INCLUDE a salon. A school of any type, including a cosmetology school, ~~or~~
37 ~~otherwise, and another business~~ shall ~~be separated~~ SEPARATE ANY OTHER
38 BUSINESS by ~~walls of permanent construction~~ A PERMANENTLY CONSTRUCTED WALL
39 and not have doors or openings between them. A cosmetology school may
40 offer for sale cosmetology products and related articles.