

Scott D. Sandall proposes the following substitute bill:

Cosmetology Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor:

LONG TITLE

General Description:

This bill restructures the licensing standards for the Cosmetology and Associated Professions Licensing Act.

Highlighted Provisions:

This bill:

- defines terms;
- creates a scope of practice for professionals regulated by the Cosmetology and Associated Professions Licensing Act;
- restructures the existing Cosmetology and Associated Professions Licensing Board;
- restructures the license classifications regulated by the Cosmetology and Associated Professions Licensing Act;
- restructures the qualifications for licensure for professionals regulated by the Cosmetology and Associated Professions Licensing Act;
- establishes standards for apprenticeship for professionals regulated by the Cosmetology and Associated Professions Licensing Act;
- addresses unprofessional conduct;
- allows a school to receive curriculum approval from the Division of Professional Licensing; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 29 **58-1-102**, as last amended by Laws of Utah 2024, Chapter 486
- 30 **58-1-506**, as last amended by Laws of Utah 2024, Chapter 486
- 31 **58-11a-201**, as last amended by Laws of Utah 2024, Chapter 479
- 32 **58-11a-303**, as last amended by Laws of Utah 2001, Chapter 204
- 33 **58-11a-304**, as last amended by Laws of Utah 2024, Chapter 479
- 34 **58-11a-503**, as last amended by Laws of Utah 2020, Chapter 339
- 35 **58-67-102**, as last amended by Laws of Utah 2024, Chapter 507
- 36 **58-68-102**, as last amended by Laws of Utah 2024, Chapter 507

37 ENACTS:

- 38 **58-11a-302.10**, Utah Code Annotated 1953
- 39 **58-11a-302.11**, Utah Code Annotated 1953
- 40 **58-11a-302.12**, Utah Code Annotated 1953
- 41 **58-11a-302.13**, Utah Code Annotated 1953
- 42 **58-11a-302.14**, Utah Code Annotated 1953
- 43 **58-11a-302.15**, Utah Code Annotated 1953
- 44 **58-11a-302.16**, Utah Code Annotated 1953
- 45 **58-11a-302.17**, Utah Code Annotated 1953
- 46 **58-11a-302.18**, Utah Code Annotated 1953
- 47 **58-11a-302.19**, Utah Code Annotated 1953
- 48 **58-11a-302.20**, Utah Code Annotated 1953
- 49 **58-11a-302.21**, Utah Code Annotated 1953
- 50 **58-11a-302.22**, Utah Code Annotated 1953

51 REPEALS AND REENACTS:

- 52 **58-11a-102**, as last amended by Laws of Utah 2024, Chapter 479
- 53 **58-11a-301**, as last amended by Laws of Utah 2024, Chapter 479
- 54 **58-11a-302**, as last amended by Laws of Utah 2024, Chapters 137, 479
- 55 **58-11a-306**, as last amended by Laws of Utah 2024, Chapter 479
- 56 **58-11a-501**, as last amended by Laws of Utah 2024, Chapter 479

57

58 *Be it enacted by the Legislature of the state of Utah:*

59 Section 1. Section **58-1-102** is amended to read:

60 **58-1-102 . Definitions.**

61 As used in this title:

62 (1)(a) "Ablative procedure" means the same as that term is defined in Section 58-67-102.

- 63 (b) "Ablative procedure" does not include laser tattoo removal.
- 64 (2) "Cosmetic medical procedure":
- 65 (a) means the same as that term is defined in Section 58-67-102; and
- 66 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic
- 67 Medical Practice Act, does not apply to the scope of practice of an individual
- 68 licensed under this title if the individual's scope of practice includes the authority to
- 69 operate or perform surgical procedures.
- 70 (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature
- 71 to reduce fat deposits in certain areas of the body.
- 72 (4) "Department" means the Department of Commerce.
- 73 (5) "Director" means the director of the Division of Professional Licensing.
- 74 (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 75 (7) "Executive director" means the executive director of the Department of Commerce.
- 76 (8) "Licensee" includes any holder of a license, certificate, registration, permit, student
- 77 card, or apprentice card authorized under this title.
- 78 (9)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
- 79 alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or
- 80 remove living tissue.
- 81 (ii) Notwithstanding Subsection [~~(8)(a)(i)~~] (9)(a)(i), nonablative procedure includes
- 82 hair removal and cryolipolysis.
- 83 (b) "Nonablative procedure" does not include:
- 84 (i) a superficial procedure;
- 85 (ii) the application of permanent make-up;
- 86 (iii) laser tattoo removal; or
- 87 [~~(iii)~~] (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that
- 88 are performed by an individual licensed under this title who is acting within their
- 89 scope of practice.
- 90 (10) "Pain clinic" means:
- 91 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
- 92 (b) a clinic in which greater than 50% of the clinic's annual patient population receive
- 93 treatment primarily for non-terminal chronic pain using Schedule II-III controlled
- 94 substances.
- 95 (11) "Superficial procedure" means a procedure that is expected or intended to temporarily
- 96 alter living skin tissue and may excise or remove stratum corneum but have no

97 appreciable risk of damage to any tissue below the stratum corneum.

98 (12) "Telemedicine service" means the same as that term is defined in Section 26B-4-704.

99 (13) "Unlawful conduct" means the same as that term is defined in Subsection 58-1-501(1).

100 (14) "Unprofessional conduct" means the same as that term is defined in Subsection
101 58-1-501(2).

102 Section 2. Section **58-1-506** is amended to read:

103 **58-1-506 . Supervision of cosmetic medical procedures.**

104 (1) For purposes of this section:

105 (a) "Delegation group A" means the following who are licensed under this title, acting
106 within their respective scopes of practice, and qualified under Subsections (2)(f)(i)
107 and (iii):

108 (i) a physician assistant, if acting in accordance with Chapter 70a, Utah Physician
109 Assistant Act;

110 (ii) a registered nurse;

111 (iii) a master esthetician; and

112 (iv) an electrologist, if evaluating for or performing laser hair removal.

113 (b) "Delegation group B" means:

114 (i) a practical nurse [~~or an esthetician~~] who is licensed under this title, acting within [
115 ~~their respective scopes~~] the nurse's scope of practice, and qualified under
116 Subsections (2)(f)(i) and (iii); and

117 (ii) a medical assistant who is qualified under Subsections (2)(f)(i) and (iii).

118 (c) "Direct cosmetic medical procedure supervision" means the supervisor:

119 (i) has authorized the procedure to be done on the patient by the supervisee; and

120 (ii) is present and available for a face-to-face communication with the supervisee
121 when and where a cosmetic medical procedure is performed.

122 (d) "General cosmetic medical procedure supervision" means the supervisor:

123 (i) has authorized the procedure to be done on the patient by the supervisee;

124 (ii) is available in a timely and appropriate manner in person to evaluate and initiate
125 care for a patient with a suspected adverse reaction or complication; and

126 (iii) is located within 60 minutes or 60 miles of the cosmetic medical facility.

127 (e) "Hair removal review" means:

128 (i) conducting an in-person, face-to-face interview of a patient based on the responses
129 provided by the patient to a detailed medical history assessment that was prepared
130 by the supervisor;

- 131 (ii) evaluating for contraindications and conditions that are part of the treatment plan;
132 and
- 133 (iii) if the patient history or patient presentation deviates in any way from the
134 treatment plan, referring the patient to the supervisor and receiving clearance from
135 the supervisor before starting the treatment.
- 136 (f) "Indirect cosmetic medical procedure supervision" means the supervisor:
- 137 (i) has authorized the procedure to be done on the patient by the supervisee;
138 (ii) has given written instructions to the person being supervised;
139 (iii) is present within the cosmetic medical facility in which the person being
140 supervised is providing services; and
141 (iv) is available to:
- 142 (A) provide immediate face-to-face communication with the person being
143 supervised; and
144 (B) evaluate the patient, as necessary.
- 145 (2) A supervisor supervising a nonablative cosmetic medical procedure for hair removal
146 shall:
- 147 (a) have an unrestricted license to practice medicine or advanced practice registered
148 nursing in the state;
149 (b) develop the medical treatment plan for the procedure;
150 (c) conduct a hair removal review, or delegate the hair removal review to a member of
151 delegation group A, of the patient prior to initiating treatment or a series of
152 treatments;
153 (d) personally perform the nonablative cosmetic medical procedure for hair removal, or
154 authorize and delegate the procedure to a member of delegation group A or B;
155 (e) during the nonablative cosmetic medical procedure for hair removal provide general
156 cosmetic medical procedure supervision to individuals in delegation group A
157 performing the procedure, except physician assistants, who shall act in accordance
158 with Chapter 70a, Utah Physician Assistant Act, and indirect cosmetic medical
159 procedure supervision to individuals in delegation group B performing the procedure;
160 and
- 161 (f) verify that a person to whom the supervisor delegates an evaluation under Subsection
162 (2)(c) or delegates a procedure under Subsection (2)(d) ~~or (3)(e)(ii)~~]:
- 163 (i) has received appropriate training regarding the medical procedures developed
164 under Subsection (2)(b);

- 165 (ii) has an unrestricted license under this title or is performing under the license of the
 166 supervising physician and surgeon; and
- 167 (iii) has maintained competence to perform the nonablative cosmetic medical
 168 procedure through documented education and experience of at least 80 hours, as
 169 further defined by rule, regarding:
- 170 (A) the appropriate standard of care for performing nonablative cosmetic medical
 171 procedures;
- 172 (B) physiology of the skin;
- 173 (C) skin typing and analysis;
- 174 (D) skin conditions, disorders, and diseases;
- 175 (E) pre- and post-procedure care;
- 176 (F) infection control;
- 177 (G) laser and light physics training;
- 178 (H) laser technologies and applications;
- 179 (I) safety and maintenance of lasers;
- 180 (J) cosmetic medical procedures an individual is permitted to perform under this
 181 title;
- 182 (K) recognition and appropriate management of complications from a procedure;
 183 and
- 184 (L) cardiopulmonary resuscitation (CPR).
- 185 [~~(3) For a nonablative cosmetic medical procedure for tattoo removal:]~~
- 186 [~~(a) a supervisor supervising a nonablative cosmetic medical procedure for tattoo~~
 187 ~~removal shall:]~~
- 188 [~~(i) have an unrestricted license to practice medicine or advanced practice registered~~
 189 ~~nursing in the state; and]~~
- 190 [~~(ii) develop the medical treatment plan for the procedure; and]~~
- 191 [~~(b) a nurse practitioner or physician assistant:]~~
- 192 [~~(i) shall conduct an in-person face-to-face evaluation of a patient before initiating a~~
 193 ~~treatment protocol or series of treatments for removing a tattoo;]~~
- 194 [~~(ii) shall inspect the patient's skin for any discoloration unrelated to the tattoo and~~
 195 ~~any other indication of cancer or other condition that should be treated or further~~
 196 ~~evaluated before the tattoo is removed;]~~
- 197 [~~(iii) shall refer a patient with a condition described in Subsection (3)(b)(ii) to a~~
 198 ~~physician for treatment or further evaluation; and]~~

199 ~~[(iv) may not perform a nonablative cosmetic medical procedure to remove a tattoo~~
 200 ~~on a patient unless the patient is approved for the tattoo removal by a physician~~
 201 ~~after the physician evaluates the patient.]~~

202 ~~[(4)]~~ (3) For a nonablative cosmetic medical procedure other than hair removal under
 203 Subsection (2)~~[or tattoo removal under Subsection (3)]~~:

204 (a) a physician who has an unrestricted license to practice medicine, a nurse practitioner
 205 who has an unrestricted license for advanced practice registered nursing, or a
 206 physician assistant acting in accordance with Chapter 70a, Utah Physician Assistant
 207 Act, who has an unrestricted license to practice as a physician assistant, shall:

208 (i) develop a treatment plan for the nonablative cosmetic medical procedure; and

209 (ii) conduct an evaluation of the patient either in-person or utilizing a live
 210 telemedicine visit before the initiation of a treatment protocol or series of
 211 treatments; and

212 (b) the supervisor supervising the procedure shall:

213 (i) have an unrestricted license to practice medicine or advanced practice registered
 214 nursing;

215 (ii) personally perform the nonablative cosmetic medical procedure or:

216 (A) authorize and provide general cosmetic medical procedure supervision for the
 217 nonablative cosmetic medical procedure that is performed by a registered nurse
 218 or a master esthetician; or

219 (B) authorize and provide supervision as provided in Chapter 70a, Utah Physician
 220 Assistant Act, for the nonablative cosmetic medical procedure that is
 221 performed by a physician assistant; ~~[or]~~ and

222 (C) authorize and provide direct cosmetic medical procedure supervision for the
 223 nonablative cosmetic medical procedure that is performed by ~~[an esthetician]~~ a
 224 practical nurse; and

225 (iii) verify that a person to whom the supervisor delegates a procedure under
 226 Subsection ~~[(3)(e)]~~ (3)(b):

227 (A) has received appropriate training regarding the medical procedures to be
 228 performed;

229 (B) has an unrestricted license and is acting within the person's scope of practice
 230 under this title; and

231 (C) is qualified under Subsection (2)(f)(iii).

232 ~~[(5)]~~ (4) A supervisor performing or supervising a cosmetic medical procedure under

- 233 Subsection (2) or (3) ~~or (4)~~ shall ensure that:
- 234 (a) the supervisor's name is prominently posted at the cosmetic medical facility
- 235 identifying the supervisor;
- 236 (b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical
- 237 facility;
- 238 (c) the patient receives written information with the name and licensing information of
- 239 the supervisor who is supervising the nonablative cosmetic medical procedure and
- 240 the person who is performing the nonablative cosmetic medical procedure;
- 241 (d) the patient is provided with a telephone number that is answered within 24 hours for
- 242 follow-up communication; and
- 243 (e) the cosmetic medical facility's contract with a master esthetician who performs a
- 244 nonablative cosmetic medical procedure at the facility is kept on the premises of the
- 245 facility.

246 ~~[(6)]~~ (5) Failure to comply with the provisions of this section is unprofessional conduct.

247 ~~[(7)]~~ (6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician

248 Practice Act, is not subject to the supervision requirements in this section for a

249 nonablative cosmetic medical procedure for hair removal if the chiropractic physician is

250 acting within the scope of practice of a chiropractic physician and with training specific

251 to nonablative hair removal.

252 Section 3. Section **58-11a-102** is repealed and reenacted to read:

253 **58-11a-102 . Definitions.**

254 As used in this chapter:

- 255 (1) "Approved apprenticeship" means an apprenticeship that meets the requirements of
- 256 Section 58-11a-306 for any applicable license or permit type and the requirements
- 257 established by administrative rules made by the division in collaboration with the board
- 258 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 259 (2) "Board" means the Cosmetology and Associated Professions Licensing Board created in
- 260 Section 58-11a-201.
- 261 (3)(a) "Cosmetic medical device" means a tissue altering energy based device that has
- 262 the potential for altering living tissue and that is used to perform ablative or
- 263 nonablative procedures.
- 264 (b) "Cosmetic medical device" includes:
- 265 (i) an American National Standards Institute designated Class IIIb and Class IV
- 266 lasers;

- 267 (ii) a device that utilizes intense pulsed light;
268 (iii) a radio frequency devices; and
269 (iv) a lipolytic devices.
- 270 (c) "Cosmetic medical device" does not include an American National Standards
271 Institute designated Class IIIa and lower powered device.
- 272 (4) "Dermaplane" means the use of a scalpel or bladed instrument to shave the upper layers
273 of the stratum corneum.
- 274 (5) "Direct supervision" means that the supervisor of an apprentice or the instructor of a
275 student is physically present in the same building as the apprentice or student and readily
276 able to establish direct contact with the apprentice or student for consultation, advice,
277 instruction, and evaluation.
- 278 (6) "Division" means the Division of Professional Licensing, created in Section 58-1-103.
- 279 (7)(a) "Hair braiding" means the twisting, weaving, or interweaving of an individual's
280 natural human hair.
- 281 (b) "Hair braiding" includes the following methods or styles:
- 282 (i) African-style braiding;
283 (ii) box braids;
284 (iii) cornrows;
285 (iv) dreadlocks;
286 (v) french braids;
287 (vi) invisible braids;
288 (vii) micro braids;
289 (viii) single braids;
290 (ix) single plaits;
291 (x) twists;
292 (xi) visible braids;
293 (xii) the use of lock braids;
294 (xiii) the use of decorative beads, accessories, and extensions; and
295 (xiv) the use of wefts if applied without the use of glue or tape.
- 296 (c) "Hair braiding" does not include:
- 297 (i) the use of:
- 298 (A) wefts if applied with the use of glue or tape;
299 (B) synthetic tape;
300 (C) synthetic glue;

- 301 (D) keratin bonds;
302 (E) fusion bonds; or
303 (F) heat tools;
304 (ii) the cutting of human hair; or
305 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
306 (A) alter the color of the hair; or
307 (B) straighten, curl, or alter the structure of the hair.
- 308 (8) "Instructor" means an individual that is licensed to instruct a discipline that is regulated
309 by this chapter.
- 310 (9) "Licensed school" means a school in Utah that:
311 (a) meets the standards for accreditation established by administrative rules made by the
312 division; or
313 (b) is using curriculum approved by the division.
- 314 (10)(a) "Manual hair removal" means superfluous hair removal that is performed
315 without using a cosmetic medical device or electrolysis.
316 (b) "Manual hair removal" includes:
317 (i) the use of depilatories;
318 (ii) shaving;
319 (iii) sugaring;
320 (iv) tweezing; and
321 (v) waxing.
322 (c) "Manual hair removal" does not include threading.
- 323 (11) "Minimum service count" means the minimum number of repetitions of a given
324 service a license or permit applicant is required to complete to gain a minimum level of
325 competence as established by administrative rules made by the division for a service.
- 326 (12) "Permit" means a safety permit that gives the holder authority to perform certain
327 services.
- 328 (13) "Recognized school" means a school located in a jurisdiction other than Utah whose
329 students, upon graduation, are recognized as having completed the educational
330 requirements for the licensure in the jurisdiction in which the school is located.
- 331 (14) "Representative of a licensed school" means an individual:
332 (a) that is acting in the individual's capacity as an employee of a licensed school; or
333 (b) with an ownership or financial interest in a licensed school.
- 334 (15) "Salon" means a place, shop, or establishment in which an individual licensed or

335 permitted under this chapter practices the individual's discipline.

336 (16) "Threading" means a method of removing hair from the eyebrows, upper lip, or other
 337 body parts by using cotton thread to pull hair from follicles without the use of chemicals,
 338 heat, or wax.

339 (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
 340 58-11a-502.

341 (18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
 342 and 58-11a-501 and as may be further defined by administrative rules made by the
 343 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
 344 Administrative Rulemaking Act.

345 Section 4. Section **58-11a-201** is amended to read:

346 **58-11a-201 . Board.**

347 (1) There is created the Cosmetology and Associated Professions Licensing Board
 348 consisting of the following members:

349 (a)(i) ~~one [barber or]cosmetologist[barber]; or~~

350 (ii) ~~one cosmetologist instructor;~~

351 ~~[(b)(i) one barber or cosmetologist/barber instructor; or]~~

352 ~~[(ii) one representative of a licensed barber or cosmetology/barber school;]~~

353 ~~[(e)] (b)(i) one master esthetician; or~~

354 (ii) ~~one master esthetician instructor;~~

355 (c)(i) ~~one nail technician; or~~

356 (ii) ~~one nail technician instructor;~~

357 ~~[(d)(i) one esthetician instructor; or]~~

358 ~~[(ii) one representative of a licensed esthetics school;]~~

359 ~~[(e) one nail technician;]~~

360 ~~[(f)(i) one nail technician instructor; or]~~

361 ~~[(ii) one representative of a licensed nail technology school;]~~

362 ~~[(g)] (d)(i) one electrologist; or~~

363 (ii) ~~one electrologist instructor;~~

364 (e) ~~one representative of a licensed school that is publicly funded;~~

365 (f) ~~one representative of a licensed school that is privately funded;~~

366 (g) ~~one supervisor as defined in Section 58-1-505; and~~

367 ~~[(h) one eyelash and eyebrow technician;]~~

368 ~~[(i)(i) one eyelash and eyebrow technician instructor; or]~~

- 369 (ii) ~~one representative of a licensed eyelash and eyebrow technology school; and~~
 370 ~~[(j)]~~ (h) two members from the general public.
- 371 (2)(a) The board shall be appointed and serve in accordance with Section 58-1-201.
- 372 (b) Except for the members specified in Subsections (1)(e) and (1)(f), a member may not
 373 participate as a representative of a licensed school.
- 374 ~~[(b)(i) At least one of the members of the board appointed under Subsections (1)(b),~~
 375 ~~(d), and (f) shall be an instructor at or a representative of a public school.]~~
- 376 ~~[(ii) At least one of the members of the board appointed under Subsections (1)(b),~~
 377 ~~(d), and (f) shall be an instructor at or a representative of a private school.]~~
- 378 (3)(a) ~~[The]~~ The board shall perform the duties and responsibilities ~~[of the board are in~~
 379 ~~accordance with]~~ described in Sections 58-1-202 and 58-1-203.
- 380 (b) ~~[In addition, the]~~ The board shall designate one of [its] the board members on a
 381 permanent or rotating basis to:
- 382 ~~[(a)]~~ (i) assist the division in reviewing complaints concerning the unlawful or
 383 unprofessional conduct of a licensee; and
- 384 ~~[(b)]~~ (ii) advise the division in [its] the division's investigation of these complaints.
- 385 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in [its]
 386 the investigation of the complaint may be disqualified from participating with the board
 387 when the board serves as a presiding officer in an adjudicative proceeding concerning
 388 the complaint.

389 Section 5. Section **58-11a-301** is repealed and reenacted to read:

390 **58-11a-301 . Licensure or permit required.**

- 391 (1) Subject to Subsection (2), a person must be licensed or permitted as required under this
 392 chapter to practice a discipline regulated by this chapter.
- 393 (2) An individual is not required to be licensed or permitted if the individual:
- 394 (a) is a registered apprentice in accordance with this chapter; or
- 395 (b) qualifies for an exemption under:
- 396 (i) Section 58-1-307; or
- 397 (ii) Section 58-11a-304.

398 Section 6. Section **58-11a-302** is repealed and reenacted to read:

399 **58-11a-302 . General qualifications for licensure and permitting.**

- 400 (1) An applicant for a license or permit under this chapter shall:
- 401 (a)(i) submit an application in a form prescribed by the division; and
- 402 (ii) pay a fee determined by the division in compliance with Section 63J-1-504;

- 403 (b) provide satisfactory documentation of completion of required minimum service
404 counts, certified by the applicant's school, or, if under an apprenticeship, the
405 applicant's supervisor; and:
406 (i) compliance with educational requirements of the respective license or permit; or
407 (ii) completion of an approved apprenticeship; and
408 (c) pass an examination, as required by administrative rule established by the division.
409 (2) The division shall establish administrative rules to determine how many hours for an
410 existing license or permit that an applicant may credit towards the hours required for an
411 additional permit or license.

412 Section 7. Section **58-11a-302.10** is enacted to read:

413 **58-11a-302.10 . Practice of barbering -- Barbering permit -- Qualifications.**

- 414 (1) The practice of barbering includes:
415 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
416 shears, clippers, or other appliances;
417 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
418 drying;
419 (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on
420 the human head;
421 (d) removing hair from the face or neck of an individual by using shaving equipment,
422 including an electric trimmer; and
423 (e) when providing other services described in this Subsection (1), gently massaging the
424 head, back of the neck, and shoulders by manual or mechanical means.
425 (2) An individual may not engage in the practice of barbering unless the individual holds a
426 barbering permit.
427 (3) An applicant for a barbering permit shall comply with the requirements in Section
428 58-11a-302 and:
429 (a) attend a licensed or recognized school and complete a curriculum that:
430 (i) covers:
431 (A) hair safety requirements; and
432 (B) barbering; and
433 (ii) has a minimum of 130 hours of instruction or the equivalent number of credit
434 hours; or
435 (b) complete an approved barber apprenticeship.
436 (4) If the applicant graduates from a recognized school with less than 130 hours of

437 instruction, the applicant may count hours practiced as a barber in a jurisdiction other
 438 than Utah to satisfy the 130 total hours requirement.

439 Section 8. Section **58-11a-302.11** is enacted to read:

440 **58-11a-302.11 . Practice of basic esthetics -- Basic esthetics permit --**

441 **Qualifications.**

442 (1) The practice of basic esthetics means any one of the following skincare procedures done
 443 on the face or body for cosmetic purposes and not for the treatment of medical, physical,
 444 or mental ailments:

445 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or
 446 masks, and manual extraction, including a comedone extractor;

447 (b) manual hair removal; or

448 (c) limited chemical exfoliation as defined by administrative rules made by the division.

449 (2) An individual may not engage in the practice of basic esthetics unless the individual
 450 holds a basic esthetics permit.

451 (3) An applicant for a basic esthetics permit shall comply with the requirements in Section
 452 58-11a-302 and:

453 (a) attend a licensed or recognized school and complete a curriculum that:

454 (i) covers:

455 (A) basic esthetics; and

456 (B) manual hair removal; and

457 (ii) has a minimum of 200 hours of instruction or the equivalent number of credit
 458 hours; or

459 (b) complete an approved basic esthetics permit apprenticeship.

460 (4) If the applicant graduates from a recognized school with less than 200 hours of
 461 instruction, the applicant may count hours practiced as an esthetician in a jurisdiction
 462 other than Utah to satisfy the 200 total hours requirement.

463 Section 9. Section **58-11a-302.12** is enacted to read:

464 **58-11a-302.12 . Practice of chemical hair services -- Chemical hair services**
 465 **permit -- Qualifications.**

466 (1) The practice of chemical hair services includes bleaching, tinting, coloring, relaxing,
 467 permanent waving, or similarly treating the hair of the head of an individual.

468 (2) An individual may not engage in the practice of chemical hair services unless the
 469 individual holds a chemical hair services permit.

470 (3) An applicant for a chemical hair service permit shall comply with the requirements in

471 Section 58-11a-302 and:

472 (a) attend a licensed or recognized school and complete a curriculum that:

473 (i) covers chemical hair services; and

474 (ii) has a minimum of 260 hours of instruction or the equivalent number of credit
475 hours; or

476 (b) complete an approved chemical hair service apprenticeship.

477 (4) If the applicant graduates from a recognized school with less than 260 hours of
478 instruction, the applicant may count hours practiced as a chemical hair service technician
479 in a jurisdiction other than Utah to satisfy the 260 total hours requirement.

480 Section 10. Section **58-11a-302.13** is enacted to read:

481 **58-11a-302.13 . Practice of cosmetology -- Cosmetology license -- Qualifications.**

482 (1) The practice of cosmetology includes:

483 (a) styling, arranging, dressing, curling, waving, cleaning, singeing, bleaching, tinting,
484 coloring, permanent waving, or similarly treating the hair of the head of an individual;

485 (b) cutting, clipping, or trimming the hair by using scissors, shears, clippers, or other
486 appliances;

487 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
488 drying;

489 (d) removing hair from the face or neck of an individual by using shaving equipment;

490 (e) arching eyebrows by tweezing, tinting eyebrows or eyelashes, perming eyelashes or
491 eyebrows;

492 (f) manual hair removal;

493 (g) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or
494 masks, and manual extraction, including a comedone extractor;

495 (h) limited chemical exfoliation as defined by administrative rules made by the division;

496 (i) cutting, curling, styling, fitting, measuring, or forming caps for wigs and hairpieces
497 on the human head;

498 (j) practicing hair weaving or hair fusing or servicing previously medically implanted
499 hair;

500 (k) trimming, cutting, cleaning, manicuring, shaping, massaging, or enhancing the
501 appearance of the hands, feet, and nails of an individual by using the cosmetologist's
502 hands, mechanical or electrical preparation, antiseptic, lotion, or cream;

503 (l) natural nail manicures and pedicures;

504 (m) applying and removing sculptured or artificial nails; and

- 505 (n) using blades, including corn or callus planer or rasp, for smoothing, shaving, or
506 removing dead skin from the feet.
- 507 (2) An individual may not engage in the practice of cosmetology unless the individual holds
508 a cosmetology license.
- 509 (3) An applicant for a cosmetology license shall comply with the requirements in Section
510 58-11a-302 and:
- 511 (a) attend a licensed or recognized school and complete a curriculum that:
- 512 (i) covers:
- 513 (A) barbering;
- 514 (B) haircutting;
- 515 (C) chemical hair services;
- 516 (D) manual hair removal;
- 517 (E) eyelash and eyebrow technology, except for eyelash extensions;
- 518 (F) basic esthetics; and
- 519 (G) nail technology; and
- 520 (ii) has a minimum of 1,250 hours of instruction or the equivalent number of credit
521 hours; or
- 522 (b) complete an approved cosmetologist apprenticeship.
- 523 (4) If the applicant graduates from a recognized school with less than 1,250 hours of
524 instruction, the applicant may count hours practiced as a cosmetologist in a jurisdiction
525 other than Utah to satisfy the 1,250 total hours requirement.
- 526 (5) An individual with a cosmetology license may be known as a cosmetologist or a barber.
- 527 Section 11. Section **58-11a-302.14** is enacted to read:
- 528 **58-11a-302.14 . Practice of electrology -- Electrology license -- Qualifications.**
- 529 (1) The practice of electrology includes removing superfluous hair:
- 530 (a) from the body and face of an individual by using electricity, waxing, shaving, or
531 tweezing; and
- 532 (b) by using a laser pursuant to requirements described in Section 58-1-506.
- 533 (2) An individual may not engage in the practice of electrology unless the individual holds
534 an electrology license.
- 535 (3) An applicant for an electrology license shall comply with the requirements of Section
536 58-11a-302 and:
- 537 (a) attend a licensed or recognized school and complete a curriculum that:
- 538 (i) covers:

- 539 (A) laser hair removal;
 540 (B) electrolysis; and
 541 (C) waxing; and
 542 (ii) has a minimum of 600 hours of instruction or the equivalent number of credit
 543 hours; or

544 (b) complete an approved electrology technician apprenticeship.

- 545 (4) If the applicant graduates from a recognized school with less than 600 hours of
 546 instruction, the applicant may count hours practiced as a licensed electrologist in a
 547 jurisdiction other than Utah to satisfy the 600 total hours requirement.

548 Section 12. Section **58-11a-302.15** is enacted to read:

549 **58-11a-302.15 . Practice of eyelash and eyebrow technology -- Eyelash and**
 550 **eyebrow technology license -- Qualifications.**

551 (1) The practice of eyelash and eyebrow technology includes arching eyebrows by tweezing
 552 or waxing, tinting eyelashes or eyebrows, facial waxing, perming eyelashes or
 553 eyebrows, and applying eyelash or eyebrow extensions.

554 (2) An individual may not engage in the practice of eyelash and eyebrow technology unless
 555 the individual holds an eyelash and eyebrow technology license.

556 (3) An applicant for an eyelash and eyebrow technology license shall comply with the
 557 requirements of Section 58-11a-302 and:

558 (a) attend a licensed or recognized school and complete a curriculum that:

559 (i) covers eyelash and eyebrow technology; and

560 (ii) has a minimum of 270 hours of instruction or the equivalent number of credit
 561 hours; or

562 (b) complete an approved eyelash and eyebrow apprenticeship.

563 (4) If the applicant graduates from a recognized school with less than 270 hours of
 564 instruction, the applicant may count hours practiced as a licensed eyelash and eyebrow
 565 technician in a jurisdiction other than Utah to satisfy the 270 total hours requirement.

566 Section 13. Section **58-11a-302.16** is enacted to read:

567 **58-11a-302.16 . Practice of facial hair removal -- Facial hair removal permit --**
 568 **Qualifications.**

569 (1) The practice of facial hair removal includes cleansing, applying oil and antiseptics, and
 570 manual hair removal on the face.

571 (2) An individual may not engage in the practice of facial hair removal unless the individual
 572 holds a facial hair removal permit.

- 573 (3) An applicant for a facial hair removal permit shall comply with the requirements of
574 Section 58-11a-302 and:
- 575 (a) attend a licensed or recognized school and complete a curriculum that:
- 576 (i) covers facial hair removal; and
- 577 (ii) has a minimum of 50 hours of instruction or the equivalent number of credit
578 hours; or
- 579 (b) complete an approved facial hair removal apprenticeship.
- 580 (4) If the applicant graduates from a recognized school with less than 50 hours of
581 instruction, the applicant may count hours practiced as a permitted facial hair removal
582 technician in a jurisdiction other than Utah to satisfy the 50 total hours requirement.
- 583 Section 14. Section **58-11a-302.17** is enacted to read:
- 584 **58-11a-302.17 . Practice of haircutting -- Haircutting permit -- Qualifications.**
- 585 (1) The practice of haircutting includes:
- 586 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
587 shears, clippers, or other appliances;
- 588 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
589 drying;
- 590 (c) hair fusing and extensions; and
- 591 (d) when providing other services described in this Subsection (1), gently massaging the
592 head, back of the neck, and shoulders by manual or mechanical means.
- 593 (2) An individual may not engage in the practice of haircutting unless the individual holds a
594 haircutting permit.
- 595 (3) An applicant for a haircutting permit shall comply with the requirements of Section
596 58-11a-302 and:
- 597 (a) attend a licensed or recognized school and complete a curriculum that:
- 598 (i) covers:
- 599 (A) hair safety requirements; and
- 600 (B) haircutting; and
- 601 (ii) has a minimum of 150 hours of instruction or the equivalent number of credit
602 hours; or
- 603 (b) complete an approved haircutting apprenticeship.
- 604 (4) If the applicant graduates from a recognized school with less than 150 hours of
605 instruction, the applicant may count hours practiced as a haircutting technician in a
606 jurisdiction other than Utah to satisfy the 150 total hours requirement.

607 Section 15. Section **58-11a-302.18** is enacted to read:

608 **58-11a-302.18 . Practice of master esthetics -- Master esthetics license --**

609 **Qualifications.**

610 (1)(a) The practice of master esthetics includes:

611 (i) body wraps, as defined by administrative rules made by the division;

612 (ii) hydrotherapy, as defined by administrative rules made by the division;

613 (iii) chemical exfoliation, as defined by administrative rules made by the division;

614 (iv) callous removal by buffing or filing;

615 (v) sanding, including microdermabrasion;

616 (vi) advanced extraction;

617 (vii) dermaplaning;

618 (viii) other esthetic preparations or procedures that use:

619 (A) the hands; or

620 (B) a mechanical or electrical apparatus that is approved for use by administrative
621 rules made by the division;

622 (ix) procedures that are expected or intended to alter living tissue, but are not

623 intended or expected to excise, vaporize, disintegrate, or remove living tissue and
624 performed with the use of a cosmetic medical device, including:

625 (A) laser hair removal;

626 (B) body contouring;

627 (C) anti-aging resurfacing enhancements; and

628 (D) photo rejuvenation;

629 (x) lymphatic massage by manual or other means as defined by administrative rules
630 made by the division;

631 (xi) manual hair removal;

632 (xii) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays
633 or masks, and manual extraction, including a comedone extractor;

634 (xiii) natural nail manicures and pedicures; and

635 (xiv) eyelash and eyebrow technology.

636 (b) An individual with a master esthetics license may not perform any service described
637 in Subsection (1)(a) for the treatment of medical, physical, or mental ailments.

638 (c) A procedure described in Subsection (1)(a)(viii) shall be performed pursuant to the
639 requirements described in Section 58-1-506.

640 (2) An individual may not engage in the practice of master esthetics unless the individual

641 holds a master esthetics license.

642 (3) An applicant for a master esthetics license shall comply with the requirements of
 643 Section 58-11a-302 and:

644 (a) attend a licensed or recognized school and complete a curriculum that:

645 (i) covers:

646 (A) eyelash and eyebrow technology;

647 (B) cosmetic medical procedures;

648 (C) body contouring and lymphatic massage; and

649 (D) advanced skincare; and

650 (ii) has a minimum of 1,200 hours of instruction or the equivalent number of credit
 651 hours; or

652 (b) complete an approved master esthetics apprenticeship.

653 (4) If the applicant graduates from a recognized school with less than 1,200 hours of
 654 instruction, the applicant may count hours practiced as an esthetician in a jurisdiction
 655 other than Utah to satisfy the 1,200 total hours requirement.

656 Section 16. Section **58-11a-302.19** is enacted to read:

657 **58-11a-302.19 . Practice of master hair design and master barbering -- Master**
 658 **hair design license and master barbering license -- Qualifications.**

659 (1) The practice of master hair design and practice of master barbering includes:

660 (a) styling, arranging, dressing, curling, or waving the hair of the head of an individual;

661 (b) cutting, clipping, or trimming the hair of the head of an individual by using scissors,
 662 shears, clippers, or other appliances;

663 (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow
 664 drying;

665 (d) hair fusing and extensions;

666 (e) removing hair from the face or neck of an individual by using shaving equipment;

667 (f) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or
 668 both on the human head;

669 (g) practicing hair weaving, hair fusing, or servicing previously medically implanted
 670 hair;

671 (h) when providing other services described in this Subsection (1), gently massaging the
 672 head, back of the neck, and shoulders by manual or mechanical means; and

673 (i) permanently waving, bleaching, tinting, coloring, relaxing, or similarly treating the
 674 hair of the head of an individual.

- 675 (2) An individual may not engage in the practice of master hair design or master barbering
 676 unless the individual holds a master hair design license or master barbering license.
- 677 (3) An applicant for a master hair design license shall comply with the requirements of
 678 Section 58-11a-302 and:
- 679 (a) attend a licensed or recognized school and complete a curriculum that:
- 680 (i) covers:
- 681 (A) hair safety requirements;
- 682 (B) haircutting and barbering; and
- 683 (C) chemical hair services; and
- 684 (ii) has a minimum of 1,000 hours of instruction or the equivalent number of credit
 685 hours; or
- 686 (b) complete an approved master hair design or an approved master barbering
 687 apprenticeship.
- 688 (4) If the applicant graduates from a recognized school with less than 1,000 hours of
 689 instruction, the applicant may count hours practiced as a licensed master hair design or
 690 master barber in a jurisdiction other than Utah to satisfy the 1,000 total hours
 691 requirement.
- 692 (5) On January 1, 2026, all active hair design licenses shall be converted to a master hair
 693 design license.

694 Section 17. Section **58-11a-302.20** is enacted to read:

695 **58-11a-302.20 . Practice of nail technology -- Nail technology license --**

696 **Qualifications.**

- 697 (1) The practice of nail technology includes:
- 698 (a) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and
 699 feet to knees, or enhancing the appearance of the hands, feet, and nails of an
 700 individual by using the nail technician's hands, mechanical or electrical preparation,
 701 antiseptic, lotion, or cream;
- 702 (b) applying and removing sculptured or artificial nails; and
- 703 (c) using blades, including corn or callus planer or rasp, for smoothing, shaving, or
 704 removing dead skin from the feet.
- 705 (2) An individual may not engage in the practice of nail technology unless the individual
 706 holds a nail technology license.
- 707 (3) An applicant for a nail technology license shall comply with the requirements of Section
 708 58-11a-302 and:

- 709 (a) attend a licensed or recognized school and complete a curriculum that:
- 710 (i) covers:
- 711 (A) manicures and pedicures; and
- 712 (B) artificial nails; and
- 713 (ii) has a minimum of 300 hours of instruction or the equivalent number of credit
- 714 hours; or
- 715 (b) complete an approved nail technology apprenticeship.
- 716 (4) If the applicant graduates from a recognized school with less than 300 hours of
- 717 instruction, the applicant may count hours practiced as a licensed nail technician in a
- 718 jurisdiction other than Utah to satisfy the 300 total hours requirement.
- 719 Section 18. Section **58-11a-302.21** is enacted to read:
- 720 **58-11a-302.21 . Licensed instructor -- Qualifications.**
- 721 (1) An applicant for licensure as an instructor shall:
- 722 (a) submit an application in a form prescribed by the division;
- 723 (b) subject to Subsection (4), pay a fee determined by the division under Section
- 724 63J-1-504;
- 725 (c) provide satisfactory documentation that the applicant is currently licensed or
- 726 permitted in the discipline that the applicant is seeking to instruct;
- 727 (d) provide satisfactory documentation that the applicant has completed six months of
- 728 work experience in the discipline the applicant intends to instruct and:
- 729 (i) an instructor training program for the discipline for which the applicant is
- 730 licensed, by a licensed or recognized school for a minimum of 35% of the
- 731 minimum hours for the license or permit the applicant intends to instruct; or
- 732 (ii) on-the-job instructor training for the discipline for which the applicant is licensed,
- 733 by a licensed or recognized school for a minimum of 35% of the minimum hours
- 734 for the license or permit the applicant intends to instruct; and
- 735 (e) meet the examination requirement established by administrative rules made by the
- 736 division.
- 737 (2) An applicant for an instructor license or permit under this chapter whose education in
- 738 the discipline for which a license or permit is sought was completed at a foreign school
- 739 may satisfy the educational requirement for licensure by demonstrating, to the
- 740 satisfaction of the division, the educational equivalency of the foreign school education
- 741 with a licensed school under this chapter.
- 742 (3)(a) An individual may not instruct a discipline unless the individual has an instructor

- 743 license that allows instruction of that discipline.
- 744 (b) The division shall make rules establishing which disciplines each type of instructor
- 745 license may instruct.
- 746 (4) The division may not charge a fee to an individual applying for licensure as an
- 747 instructor under this chapter if the individual is a licensed instructor in any other
- 748 discipline under this chapter.
- 749 (5) The division may offer any required examination under this section, which is prepared
- 750 by a national testing organization, in languages in addition to English.
- 751 (6) For purposes of a national accrediting agency recognized by the United States
- 752 Department of Education, on-the-job instructor training described in this section is not
- 753 considered a program.

754 Section 19. Section **58-11a-302.22** is enacted to read:

755 **58-11a-302.22 . Licensed school -- Qualifications.**

- 756 (1) An applicant for licensure as a licensed school shall:
- 757 (a) submit an application in a form prescribed by the division;
- 758 (b) pay a fee determined by the division under Section 63J-1-504; and
- 759 (c) provide satisfactory documentation:
- 760 (i) of appropriate registration with the Division of Corporations and Commercial
- 761 Code;
- 762 (ii) of business licensure from the municipality in which the school is located;
- 763 (iii) that the applicant's physical facilities comply with the requirements established
- 764 by administrative rules made by the division; and
- 765 (iv) that the applicant meets:
- 766 (A) the standards established by administrative rules made by the division,
- 767 including staff, curriculum, and accreditation requirements; or
- 768 (B) the requirements for recognition as an institution of postsecondary study as
- 769 described in Subsection (2).
- 770 (2) A school licensed or applying for licensure under this chapter shall maintain recognition
- 771 as an institution of postsecondary study by meeting the following conditions:
- 772 (a) except as described in Subsection (3), the school only admits an individual that:
- 773 (i) has earned a recognized high school diploma;
- 774 (ii) has earned the equivalent of a recognized high school diploma; or
- 775 (iii) is beyond the age of compulsory high school attendance as provided by Title
- 776 53G, Chapter 6, Part 2, Compulsory Education; and

- 777 (b) the school applies and is licensed by name to offer one or more training programs
 778 under this chapter.
- 779 (3) A technical college listed in Section 53B-2a-105 or a degree-granting institution with a
 780 technical college mission as that term is defined in Title 53B, Technical Education, that
 781 is applying for licensure may admit and educate secondary students in compliance with
 782 the technical college's statutory responsibilities described in Section 53B-2a-106.
- 783 (4) A school licensed under this section shall accept credit hours towards graduation for
 784 documented, relevant, and substantially equivalent coursework previously completed by:
 785 (a) a student that completed only a portion of the student's education while attending a
 786 different school or apprenticeship; or
 787 (b) an individual licensed or permitted under this chapter, based on the individual's
 788 schooling, apprenticeship, or experience.
- 789 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
 790 consistent with this section, the division may make rules governing the acceptance of
 791 credit hours.

792 Section 20. Section **58-11a-303** is amended to read:

793 **58-11a-303 . Terms of license -- Expiration -- Renewal.**

- 794 (1)(a) The division shall issue each license under this chapter in accordance with a
 795 two-year renewal cycle established by rule, except that an instructor license is a
 796 one-time certificate and does not expire unless the licensee fails to keep current the
 797 license that qualified the licensee to be an instructor under Section [58-11a-302]
 798 58-11a-302.21.
- 799 (b) The division may by rule extend or shorten a renewal period by as much as one year
 800 to stagger the renewal cycles it administers.
- 801 (2) At the time of renewal, a licensed school shall show satisfactory evidence that the
 802 school meets the standards for that type of school, including staff, curriculum, and
 803 accreditation requirements, established by rule.
- 804 (3) Each license expires on the expiration date shown on the license unless the licensee
 805 renews it in accordance with Section 58-1-308.

806 Section 21. Section **58-11a-304** is amended to read:

807 **58-11a-304 . Exemptions from licensure.**

808 In addition to the exemptions from licensure in Section 58-1-307, the following [persons]
 809 individuals may engage in [~~the practice of barbering, cosmetology/barbering, hair design,~~
 810 esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow

- technology] a discipline regulated by this chapter without being licensed under this chapter:
- (1) ~~[a person-]~~ an individual licensed under the laws of this state to engage in the practice of medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the profession for which they are licensed;
 - (2) a commissioned physician or surgeon serving in the armed forces of the United States or another federal agency;
 - (3) a registered nurse, undertaker, or mortician licensed under the laws of this state when engaged in the practice of the profession for which the ~~[person]~~ individual is licensed;
 - (4) ~~[a person-]~~ an individual who visits the state to engage in instructional seminars, advanced classes, trade shows, or competitions of a limited duration;
 - ~~[(5) a person who engages in the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow technology without compensation;]~~
 - (5) an individual who engages in a practice regulated by this chapter without compensation;
 - (6) ~~[a person-]~~ an individual instructing an adult education class or other educational program directed toward ~~[persons]~~ individuals who are not licensed under this chapter and that is not intended to train ~~[persons]~~ individuals to become licensed under this chapter, provided:
 - (a) an attendee receives no credit toward educational requirements for licensure under this chapter;
 - (b) the instructor informs each attendee in writing that taking such a class or program will not certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter; and
 - (c)(i) the instructor is properly licensed; or
 - (ii) the instructor receives no compensation;
 - (7) ~~[a person-]~~ an individual providing instruction in workshops, seminars, training meetings, or other educational programs whose purpose is to provide continuing professional development ~~[to licensed barbers, cosmetologists/barbers, hair designers, estheticians, master estheticians, electrologists, or nail technicians]~~ to a qualified licensee or permittee regulated by this chapter;
 - (8) ~~[a person-]~~ an individual enrolled in a licensed ~~[barber, cosmetology/barber, or hair design-]~~school when participating in an on the job training internship under the direct supervision of a ~~[licensed barber, cosmetologist/barber, or hair designer]~~ licensee under this chapter upon completion of a basic program under the standards established by rule

- 845 by the division in collaboration with the board;
- 846 (9) ~~[a person enrolled-]~~ an individual registered with the division in an approved
- 847 apprenticeship pursuant to Section 58-11a-306;
- 848 (10)(a) an employee of a company that is primarily engaged in the business of selling
- 849 products used [in the practice of barbering, cosmetology/barbering, hair design,
- 850 esthetics, master-level esthetics, electrology, nail technology, or eyelash and eyebrow
- 851 technology] by a qualified licensee regulated by this chapter;
- 852 (b) ~~[-]~~when demonstrating the company's products to a potential customer~~[-]~~; and
- 853 (c) ~~[-]~~provided the employee makes no representation to a potential customer that
- 854 attending ~~[such a]~~ the demonstration will certify or qualify the attendee to perform a
- 855 service for compensation that requires licensure under this chapter;
- 856 (11) ~~[a person-]~~ an individual who:
- 857 (a) is qualified to engage in ~~[the practice of barbering, cosmetology/barbering, hair~~
- 858 ~~design, esthetics, master-level esthetics, electrology, nail technology, or eyelash and~~
- 859 ~~eyebrow technology]~~ a practice regulated by this chapter in another jurisdiction as
- 860 evidenced by licensure, certification, or lawful practice in the other jurisdiction;
- 861 (b) is employed by, or under contract with, a motion picture company; and
- 862 (c) engages in ~~[the practice of barbering, cosmetology/barbering, hair design, esthetics,~~
- 863 ~~master-level esthetics, electrology, nail technology, or eyelash and eyebrow~~
- 864 ~~technology]~~ a practice regulated by this chapter in the state:
- 865 (i) solely to assist in the production of a motion picture; and
- 866 (ii) for no more than 120 days per calendar year;
- 867 (12) ~~[a person-]~~ an individual who:
- 868 (a) engages in threading;
- 869 (b) engages in hair braiding; and
- 870 ~~[(b)] (c) [unless it is expressly exempted under this section or Section 58-1-307, does not~~
- 871 ~~engage in other activity requiring licensure under this chapter; and]~~ is not engaged in
- 872 a practice that requires a license or permit under this chapter; and
- 873 (13) ~~[a person-]~~ an individual who:
- 874 (a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
- 875 (b) does not cut the hair;
- 876 (c) does not apply dye to alter the color of the hair;
- 877 (d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;
- 878 (e) ~~[unless it is expressly exempted under this section or Section 58-1-307, does not~~

- 879 ~~engage in other activity requiring licensure under this chapter]~~ is not engaged in a
 880 practice that requires a license or permit under this chapter;
 881 (f) provides evidence to the division that the [person] individual has received a hair
 882 safety permit from completing a hair safety program that:
 883 (i) is approved by the division;
 884 (ii) consists of no more than two hours of instruction;
 885 (iii) is offered by a provider approved by the division; and
 886 (iv) includes an examination that requires a passing score of 75%; and
 887 (g) displays in a conspicuous location in the [person's] individual's place of business:
 888 (i) a valid hair safety permit as described in Subsection (13)(f); and
 889 (ii) a sign notifying the public that the [person's] individual providing the services [are
 890 not provided by an individual who has a license under this chapter.] is not licensed
 891 under this chapter.

892 Section 22. Section **58-11a-306** is repealed and reenacted to read:

893 **58-11a-306 . Apprenticeship.**

- 894 (1)(a) An approved apprenticeship shall be conducted by a supervisor who:
 895 (i) is licensed under this chapter as an instructor in the discipline of the
 896 apprenticeship; and
 897 (ii) provides one-on-one direct supervision of the apprentice during the
 898 apprenticeship program.
 899 (b) An apprenticeship supervisor may not provide direct supervision to more than two
 900 apprentices during the apprentice program.
 901 (2) An individual seeking a license or permit through an approved apprenticeship under this
 902 chapter shall:
 903 (a) register with the division before beginning the training requirements by:
 904 (i) submitting a form prescribed by the division, which includes the name of the
 905 licensed instructor supervisor; and
 906 (ii) paying a fee determined by the division under Section 63J-1-504;
 907 (b) complete the apprenticeship within two years of the date on which the division
 908 approves the registration; and
 909 (c) notify the division within 30 days if the licensed instructor supervisor changes after
 910 the registration is approved by the division.
 911 (3) An individual seeking a license or permit through an approved apprenticeship under this
 912 chapter shall complete a minimum of:

- 913 (a) 1,250 apprenticeship hours for a cosmetology license;
 914 (b) 1,200 apprenticeship hours for a master esthetics license;
 915 (c) 1,000 apprenticeship hours for:
 916 (i) a master barber license; or
 917 (ii) a master hair design license;
 918 (d) 600 apprenticeship hours for an electrology license;
 919 (e) 300 apprenticeship hours for a nail technology license;
 920 (f) 270 apprenticeship hours for an eyelash and eyebrow technology license;
 921 (g) 260 apprenticeship hours for a chemical hair services permit;
 922 (h) 200 apprenticeship hours for a basic esthetics permit;
 923 (i) 150 apprenticeship hours for a haircutting permit;
 924 (j) 130 apprenticeship hours for a barbering permit; or
 925 (k) 50 apprenticeship hours for a facial hair removal permit.

926 Section 23. Section **58-11a-501** is repealed and reenacted to read:

927 **58-11a-501 . Unprofessional conduct.**

928 Unprofessional conduct includes:

- 929 (1) a licensed school that fails to:
 930 (a)(i) obtain or maintain accreditation or comply with the required standard of
 931 accreditation; and
 932 (ii) have curriculum approved by the division, as required by administrative rules
 933 made by the division; or
 934 (b) provide adequate instruction to enrolled students;
 935 (2) an apprentice supervisor that fails to:
 936 (a) provide direct supervision to an apprentice; or
 937 (b) comply with division rules relating to apprenticeship programs under this chapter;
 938 (3) an instructor that fails to provide direct supervision to students who are providing
 939 services to an individual under the instructor's supervision;
 940 (4) a person that keeps a salon or school, or the salon or school's furnishings, tools, utensils,
 941 linen, or appliances in an unsanitary condition;
 942 (5) an individual licensed or permitted under this chapter that fails to:
 943 (a) comply with Title 26B, Utah Health and Human Services Code;
 944 (b) display a license or permit as required under Section 58-11a-305;
 945 (c) comply with physical facility requirements established by administrative rules made
 946 by the division;

- 947 (d) maintain mechanical or electrical equipment in safe operating condition;
948 (e) adequately monitor patrons using steam rooms, dry heat rooms, baths, showers, or
949 saunas;
950 (f) comply with all applicable state and local health or sanitation laws; or
951 (g) comply with a judgment order from a court of competent jurisdiction regarding a
952 disagreement over tuition or education costs in relation to the requirements outlined
953 in this chapter;
- 954 (6) an individual licensed or permitted under this chapter:
955 (a) prescribing or administering prescription drugs;
956 (b) engaging in any act or practice in a professional capacity that is outside of the
957 applicable scope of practice;
958 (c) engaging in any act or practice in a professional capacity that the individual is not
959 competent to perform through education or training; or
960 (d) removing proximal nail fold by e-file or other tool or inserting tools beneath the
961 eponychium;
- 962 (7) unless the individual is under the supervision of a licensed health care practitioner
963 acting within the scope of the health care practitioner's license, an individual licensed or
964 permitted under this chapter, while using a chemical exfoliant:
965 (a) using any acid, concentration of acid, or combination of treatments that violate the
966 standards established by administrative rules made by the division;
967 (b) removing any layer of skin deeper than the stratum corneum of the epidermis; or
968 (c) using an exfoliant that contains phenol, trichloroacetic acid of over 15%, or
969 bicinchoninic acid;
- 970 (8) while sanding the skin, an individual licensed or permitted under this chapter, removing
971 any layer of skin deeper than the stratum corneum of the epidermis, unless the individual
972 is under the supervision of a licensed health care practitioner acting within the scope of
973 the health care practitioner's license;
- 974 (9) using any laser procedure or intense, pulsed light source, besides a nonprescriptive laser
975 device, unless authorized to do so by an individual's license or permit in this chapter;
- 976 (10) marketing or distinguishing an establishment as a school if the establishment is not
977 licensed as a school under this chapter; and
- 978 (11) claiming or advertising unrealistic results for body contouring, including alleviation of
979 psychological distress.

980 Section 24. Section **58-11a-503** is amended to read:

981 **58-11a-503 . Penalties.**

- 982 (1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct
 983 under Section 58-11a-502 or who fails to comply with a citation issued under this
 984 section after ~~[it]~~ the citation is final is guilty of a class A misdemeanor.
- 985 (2) Sexual conduct that violates Section 58-11a-502 and Title 76, Utah Criminal Code, shall
 986 be subject to the applicable penalties in Title 76, Utah Criminal Code.
- 987 (3) Grounds for immediate suspension of ~~[a licensee's]~~ an individual's license or permit by
 988 the division include the issuance of a citation for violation of Subsection 58-11a-502(1),
 989 (3), (4), (5), or (6).
- 990 (4)~~[(a)]~~ If upon inspection or investigation, the division concludes that ~~[a person]~~ an
 991 individual has violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6),
 992 or a rule or order issued with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6),
 993 and that disciplinary action is appropriate, the director or the director's designee from
 994 within the division shall promptly issue a citation to ~~[the person]~~ the individual
 995 according to this chapter and any pertinent rules, attempt to negotiate a stipulated
 996 settlement, or notify the ~~[person]~~ individual to appear before an adjudicative
 997 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- 998 ~~[(i)]~~ ~~(5)~~ ~~[A person who]~~ An individual that is in violation of Subsection 58-11a-502(1), (3),
 999 (4), (5), or (6), as evidenced by an uncontested citation, a stipulated settlement, or ~~[by a]~~
 1000 finding of violation in an adjudicative proceeding, may be assessed a fine ~~[pursuant to]~~ in
 1001 accordance with this Subsection ~~[(4)]~~ (5) and may, in addition to or in lieu of a fine, be
 1002 ordered to cease and desist from violating Subsection 58-11a-502(1), (3), (4), (5), or (6).
- 1003 ~~[(ii)]~~ (6) Except for a cease and desist order, the licensure sanctions ~~[cited]~~ described in
 1004 Section 58-11a-401 may not be assessed through a citation.
- 1005 ~~(7)~~~~[(b)]~~ (a)~~[(i)]~~ Each citation shall be in writing and describe with particularity the
 1006 nature of the violation, including a reference to the provision of the chapter, rule,
 1007 or order alleged to have been violated.
- 1008 ~~[(ii)]~~ (b) The citation shall clearly state that the recipient must notify the division in
 1009 writing within 20 calendar days of service of the citation if the recipient wishes to
 1010 contest the citation at a hearing conducted under Title 63G, Chapter 4,
 1011 Administrative Procedures Act.
- 1012 ~~[(iii)]~~ (c) The citation shall clearly explain the consequences of failure to timely contest
 1013 the citation or to make payment of a fine assessed by the citation within the time
 1014 specified in the citation.

1015 [(e)] (d) Each citation issued under this section, or a copy of each citation, may be served
 1016 upon ~~[a person]~~ an individual upon whom a summons may be served in accordance
 1017 with the Utah Rules of Civil Procedure and may be made personally or upon the [
 1018 person's] individual's agent by a division investigator or by ~~[a person]~~ an individual
 1019 specially designated by the director or by mail.

1020 [(d)] (e)(i) If within 20 calendar days from the service of a citation, the ~~[person to~~
 1021 ~~whom]~~ individual to which the citation was issued fails to request a hearing to
 1022 contest the citation, the citation becomes the final order of the division and is not
 1023 subject to further agency review.

1024 (ii) The period to contest a citation may be extended by the division for cause.

1025 [(e)] (f) The division may refuse to issue or renew, suspend, revoke, or place on
 1026 probation the ~~[license of a licensee who]~~ license or permit of an individual that fails to
 1027 comply with a citation after ~~[it]~~ the citation becomes final.

1028 [(f)] (g) The failure of an applicant for licensure to comply with a citation after ~~[it]~~ the
 1029 citation becomes final is a ground for denial of license.

1030 [(g)] (h) ~~[No citation may be issued.]~~ The director or the director's designee from within
 1031 the division may not issue a citation under this section ~~[after the expiration of]~~ more
 1032 than one year ~~[following]~~ after the date on which the violation that is the subject of
 1033 the citation is reported to the division.

1034 [(h)] (i) ~~[Fines shall be assessed by the director or the director's designee according to the~~
 1035 ~~following:]~~ The director or the director's designee shall assess fines as follows:

1036 (i) for a first offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$1,000;

1037 (ii) for a second offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000; and

1038 (iii) for any subsequent offense under Subsection ~~[(4)(a)]~~ (4), a fine of up to \$2,000
 1039 for each day of continued offense.

1040 [(i)] (j)(i) For purposes of issuing a final order under this section and assessing a
 1041 fine under Subsection ~~[(4)(h)]~~ (7)(i), an offense constitutes a second or subsequent
 1042 offense if:

1043 [(A)] (i) the division previously issued a final order determining that ~~[a person]~~ an
 1044 individual committed a first or second offense in violation of Subsection
 1045 58-11a-502(1), (3), (4), (5), or (6); or

1046 [(B)] (ii)(i) (A) the division initiated an action for a first or second offense;

1047 [(H)] (B) no final order has been issued by the division in the action initiated under
 1048 Subsection ~~[(4)(i)(i)(B)(i)]~~ (7)(j)(ii)(A);

1049 ~~[(HH)]~~ (C) the division determines during an investigation that occurred after the
 1050 initiation of the action under Subsection ~~[(4)(i)(i)(B)(F)]~~ (7)(j)(ii)(A) that the [
 1051 ~~person]~~ individual committed a second or subsequent violation of Subsection
 1052 58-11a-502(1), (3), (4), (5), or (6); and
 1053 ~~[(IV)]~~ (D) after determining that the [~~person]~~ individual committed a second or
 1054 subsequent offense under Subsection ~~[(4)(i)(i)(B)(HH)]~~ (7)(j)(ii)(C), the division
 1055 issues a final order on the action initiated under Subsection ~~[(4)(i)(i)(B)(F)]~~
 1056 (7)(j)(ii)(A).

1057 ~~[(ii)]~~ (k) In issuing a final order for a second or subsequent offense under Subsection [
 1058 ~~(4)(i)(i)]~~ (7)(j), the division shall comply with the requirements of this section.

1059 ~~[(5)]~~ (8)(a) A penalty imposed by the director under Subsection ~~[(4)(h)]~~ (7)(i) shall be
 1060 deposited into the [~~Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail~~
 1061 ~~Technician Education and Enforcement Fund]~~ Cosmetology and Associated
 1062 Professions Education and Enforcement Fund.

1063 (b) ~~[A penalty which is not paid may be collected by the director by either:]~~ The director
 1064 may collect an unpaid penalty by:

1065 (i) referring the matter to a collection agency; or

1066 (ii) bringing an action in the district court of the county in which the [~~person]~~
 1067 individual against whom the penalty is imposed resides or in the county where the
 1068 office of the director is located.

1069 (c) A county attorney or the attorney general of the state shall provide legal assistance
 1070 and advice to the director in an action to collect a penalty.

1071 (d) A court shall award reasonable attorney fees and costs to the prevailing party in an
 1072 action brought by the division to collect a penalty.

1073 Section 25. Section **58-67-102** is amended to read:

1074 **58-67-102 . Definitions.**

1075 In addition to the definitions in Section 58-1-102, as used in this chapter:

1076 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,
 1077 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and
 1078 erbium: YAG lasers.

1079 (b) "Ablative procedure" does not include: [-]

1080 (i) hair removal;

1081 (ii) laser tattoo removal; or [-]

1082 (iii) cryolipolysis.

- 1083 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the
1084 American Medical Association.
- 1085 (3) "Administrative penalty" means a monetary fine or citation imposed by the division for
1086 acts or omissions determined to constitute unprofessional or unlawful conduct, in
1087 accordance with a fine schedule established by the division in collaboration with the
1088 board, as a result of an adjudicative proceeding conducted in accordance with Title 63G,
1089 Chapter 4, Administrative Procedures Act.
- 1090 (4) "Associate physician" means an individual licensed under Section 58-67-302.8.
- 1091 (5) "Attempted sex change" means an attempt or effort to change an individual's body to
1092 present that individual as being of a sex or gender that is different from the individual's
1093 biological sex at birth.
- 1094 (6) "Biological sex at birth" means an individual's sex, as being male or female, according
1095 to distinct reproductive roles as manifested by:
- 1096 (a) sex and reproductive organ anatomy;
- 1097 (b) chromosomal makeup; and
- 1098 (c) endogenous hormone profiles.
- 1099 (7) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1100 (8) "Collaborating physician" means an individual licensed under Section 58-67-302 who
1101 enters into a collaborative practice arrangement with an associate physician.
- 1102 (9) "Collaborative practice arrangement" means the arrangement described in Section
1103 58-67-807.
- 1104 (10)(a) "Cosmetic medical device" means tissue altering energy based devices that have
1105 the potential for altering living tissue and that are used to perform ablative or
1106 nonablative procedures, such as American National Standards Institute [~~ANSI~~]
1107 designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency
1108 devices, and lipolytic devices, and excludes [~~ANSI~~] American National Standards
1109 Institute designated Class IIIa and lower powered devices.
- 1110 (b) Notwithstanding Subsection (10)(a), if an [~~ANSI~~] American National Standards
1111 Institute designated Class IIIa and lower powered device is being used to perform an
1112 ablative procedure, the device is included in the definition of cosmetic medical
1113 device under Subsection (10)(a).
- 1114 (11)(a) "Cosmetic medical procedure" includes:
- 1115 (i) the use of cosmetic medical devices to perform ablative or nonablative
1116 procedures; or

- 1117 (ii) the injection of medication or substance, including a neurotoxin or a filler, for
1118 cosmetic purposes.
- 1119 (b) "Cosmetic medical procedure" does not include a treatment of the ocular globe
1120 including refractive surgery.
- 1121 (12) "Diagnose" means:
- 1122 (a) to examine in any manner another person, parts of a person's body, substances,
1123 fluids, or materials excreted, taken, or removed from a person's body, or produced by
1124 a person's body, to determine the source, nature, kind, or extent of a disease or other
1125 physical or mental condition;
- 1126 (b) to attempt to conduct an examination or determination described under Subsection
1127 (12)(a);
- 1128 (c) to hold oneself out as making or to represent that one is making an examination or
1129 determination as described in Subsection (12)(a); or
- 1130 (d) to make an examination or determination as described in Subsection (12)(a) upon or
1131 from information supplied directly or indirectly by another person, whether or not in
1132 the presence of the person making or attempting the diagnosis or examination.
- 1133 (13) "LCME" means the Liaison Committee on Medical Education of the American
1134 Medical Association.
- 1135 (14) "Medical assistant" means an unlicensed individual who may perform tasks as
1136 described in Subsection 58-67-305(6).
- 1137 (15) "Medically underserved area" means a geographic area in which there is a shortage of
1138 primary care health services for residents, as determined by the Department of Health
1139 and Human Services.
- 1140 (16) "Medically underserved population" means a specified group of people living in a
1141 defined geographic area with a shortage of primary care health services, as determined
1142 by the Department of Health and Human Services.
- 1143 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
1144 alter living tissue, but is not intended or expected to excise, vaporize, disintegrate,
1145 or remove living tissue.
- 1146 (ii) Notwithstanding Subsection (17)(a)(i) nonablative procedure includes hair
1147 removal.
- 1148 (b) "Nonablative procedure" does not include:
- 1149 (i) a superficial procedure as defined in Section 58-1-102;
- 1150 (ii) the application of permanent make-up;

1151 (iii) laser tattoo removal; or
1152 [(iii)] (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that
1153 are performed by an individual licensed under this title who is acting within the
1154 individual's scope of practice.

1155 (18) "Physician" means both physicians and surgeons licensed under [~~Section 58-67-301,~~
1156 ~~Utah Medical Practice Act~~] Part 3, Licensing, and osteopathic physicians and surgeons
1157 licensed under [~~Section 58-68-301, Utah Osteopathic Medical Practice Act~~] Chapter 68,
1158 Part 3, Licensing.

1159 (19)(a) "Practice of medicine" means:

1160 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human
1161 disease, ailment, injury, infirmity, deformity, pain or other condition, physical or
1162 mental, real or imaginary, including to perform cosmetic medical procedures, or to
1163 attempt to do so, by any means or instrumentality, and by an individual in Utah or
1164 outside the state upon or for any human within the state;

1165 (ii) when a person not licensed as a physician directs a licensee under this chapter to
1166 withhold or alter the health care services that the licensee has ordered;

1167 (iii) to maintain an office or place of business for the purpose of doing any of the acts
1168 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or

1169 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis
1170 or treatment of human diseases or conditions in any printed material, stationery,
1171 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor
1172 of medicine," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or
1173 any combination of these designations in any manner which might cause a
1174 reasonable person to believe the individual using the designation is a licensed
1175 physician and surgeon, and if the party using the designation is not a licensed
1176 physician and surgeon, the designation must additionally contain the description
1177 of the branch of the healing arts for which the person has a license, provided that
1178 an individual who has received an earned degree of doctor of medicine degree but
1179 is not a licensed physician and surgeon in Utah may use the designation "M.D." if
1180 it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and
1181 style of lettering.

1182 (b) The practice of medicine does not include:

1183 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii) the
1184 conduct described in Subsection (19)(a)(i) that is performed in accordance with a

- 1185 license issued under another chapter of this title;
- 1186 (ii) an ablative cosmetic medical procedure if the scope of practice for the person
1187 performing the ablative cosmetic medical procedure includes the authority to
1188 operate or perform a surgical procedure; or
- 1189 (iii) conduct under Subsection 58-67-501(2).
- 1190 (20) "Prescription device" means an instrument, apparatus, implement, machine,
1191 contrivance, implant, in vitro reagent, or other similar or related article, and any
1192 component part or accessory, which is required under federal or state law to be
1193 prescribed by a practitioner and dispensed by or through a person or entity licensed
1194 under this chapter or exempt from licensure under this chapter.
- 1195 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be
1196 dispensed only by prescription or is restricted to administration only by practitioners.
- 1197 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if
1198 done for the purpose of effectuating or facilitating an individual's attempted sex
1199 change:
- 1200 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,
1201 penectomy, vaginoplasty, or vulvoplasty;
- 1202 (ii) for an individual whose biological sex at birth is female, hysterectomy,
1203 oophorectomy, metoidioplasty, or phalloplasty; or
- 1204 (iii) any surgical procedure that is related to or necessary for a procedure described in
1205 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual
1206 who is not sterile.
- 1207 (b) "Primary sex characteristic surgical procedure" does not include:
- 1208 (i) surgery or other procedures or treatments performed on an individual who:
- 1209 (A) is born with external biological sex characteristics that are irresolvably
1210 ambiguous;
- 1211 (B) is born with 46, XX chromosomes with virilization;
- 1212 (C) is born with 46, XY chromosomes with undervirilization;
- 1213 (D) has both ovarian and testicular tissue; or
- 1214 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
1215 with a sex development disorder characterized by abnormal sex chromosome
1216 structure, sex steroid hormone production, or sex steroid hormone action for a
1217 male or female; or
- 1218 (ii) removing a body part:

- 1219 (A) because the body part is cancerous or diseased; or
1220 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
1221 individual's attempted sex change.

1222 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if
1223 done for the purpose of effectuating or facilitating an individual's attempted sex
1224 change:

- 1225 (i) for an individual whose biological sex at birth is male, breast augmentation
1226 surgery, chest feminization surgery, or facial feminization surgery; or
1227 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
1228 reduction surgery, chest masculinization surgery, or facial masculinization surgery.

1229 (b) "Secondary sex characteristic surgical procedure" does not include:

1230 (i) surgery or other procedures or treatments performed on an individual who:

1231 (A) is born with external biological sex characteristics that are irresolvably
1232 ambiguous;

1233 (B) is born with 46, XX chromosomes with virilization;

1234 (C) is born with 46, XY chromosomes with undervirilization;

1235 (D) has both ovarian and testicular tissue; or

1236 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
1237 with a sex development disorder characterized by abnormal sex chromosome
1238 structure, sex steroid hormone production, or sex steroid hormone action for a
1239 male or female; or

1240 (ii) removing a body part:

1241 (A) because the body part is cancerous or diseased; or

1242 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
1243 individual's attempted sex change.

1244 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical
1245 Boards.

1246 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
1247 58-67-501.

1248 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
1249 and 58-67-502, and as may be further defined by division rule.

1250 Section 26. Section **58-68-102** is amended to read:

1251 **58-68-102 . Definitions.**

1252 In addition to the definitions in Section 58-1-102, as used in this chapter:

- 1253 (1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,
1254 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and
1255 erbium: YAG lasers.
- 1256 (b) "Ablative procedure" does not include: [-]
1257 (i) hair removal[-] ; or
1258 (ii) laser tattoo removal.
- 1259 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the
1260 American Medical Association.
- 1261 (3) "Administrative penalty" means a monetary fine imposed by the division for acts or
1262 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
1263 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,
1264 Administrative Procedures Act.
- 1265 (4) "AOA" means the American Osteopathic Association.
- 1266 (5) "Associate physician" means an individual licensed under Section 58-68-302.5.
- 1267 (6) "Attempted sex change" means an attempt or effort to change an individual's body to
1268 present that individual as being of a sex or gender that is different from the individual's
1269 biological sex at birth.
- 1270 (7) "Biological sex at birth" means an individual's sex, as being male or female, according
1271 to distinct reproductive roles as manifested by:
1272 (a) sex and reproductive organ anatomy;
1273 (b) chromosomal makeup; and
1274 (c) endogenous hormone profiles.
- 1275 (8) "Board" means the Medical Licensing Board created in Section 58-67-201.
- 1276 (9) "Collaborating physician" means an individual licensed under Section 58-68-302 who
1277 enters into a collaborative practice arrangement with an associate physician.
- 1278 (10) "Collaborative practice arrangement" means the arrangement described in Section
1279 58-68-807.
- 1280 (11)(a) "Cosmetic medical device" means tissue altering energy based devices that have
1281 the potential for altering living tissue and that are used to perform ablative or
1282 nonablative procedures, such as American National Standards Institute [~~(ANSI)~~]
1283 designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency
1284 devices, and lipolytic devices and excludes [~~ANSI~~] American National Standards
1285 Institute designated Class IIIa and lower powered devices.
- 1286 (b) Notwithstanding Subsection (11)(a), if an [~~ANSI~~] American National Standards

1287 Institute designated Class IIIa and lower powered device is being used to perform an
1288 ablative procedure, the device is included in the definition of cosmetic medical
1289 device under Subsection (11)(a).

1290 (12) "Cosmetic medical procedure":

1291 (a) includes the use of cosmetic medical devices to perform ablative or nonablative
1292 procedures; and

1293 (b) does not include a treatment of the ocular globe such as refractive surgery.

1294 (13) "Diagnose" means:

1295 (a) to examine in any manner another person, parts of a person's body, substances,
1296 fluids, or materials excreted, taken, or removed from a person's body, or produced by
1297 a person's body, to determine the source, nature, kind, or extent of a disease or other
1298 physical or mental condition;

1299 (b) to attempt to conduct an examination or determination described under Subsection
1300 (13)(a);

1301 (c) to hold oneself out as making or to represent that one is making an examination or
1302 determination as described in Subsection (13)(a); or

1303 (d) to make an examination or determination as described in Subsection (13)(a) upon or
1304 from information supplied directly or indirectly by another person, whether or not in
1305 the presence of the person making or attempting the diagnosis or examination.

1306 (14) "Medical assistant" means an unlicensed individual who may perform tasks as
1307 described in Subsection 58-68-305(6).

1308 (15) "Medically underserved area" means a geographic area in which there is a shortage of
1309 primary care health services for residents, as determined by the Department of Health
1310 and Human Services.

1311 (16) "Medically underserved population" means a specified group of people living in a
1312 defined geographic area with a shortage of primary care health services, as determined
1313 by the Department of Health and Human Services.

1314 (17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to
1315 alter living tissue, but is not expected or intended to excise, vaporize, disintegrate,
1316 or remove living tissue.

1317 (ii) Notwithstanding Subsection (17)(a)(i), nonablative procedure includes hair
1318 removal.

1319 (b) "Nonablative procedure" does not include:

1320 (i) a superficial procedure as defined in Section 58-1-102;

- 1321 (ii) the application of permanent make-up;
 1322 (iii) laser tattoo removal; or
 1323 [~~(iii)~~] (iv) the use of photo therapy lasers for neuromusculoskeletal treatments that are
 1324 performed by an individual licensed under this title who is acting within the
 1325 individual's scope of practice.

1326 (18) "Physician" means both physicians and surgeons licensed under [~~Section 58-67-301,~~
 1327 ~~Utah Medical Practice Act~~] Part 3, Licensing, and osteopathic physicians and surgeons
 1328 licensed under [~~Section 58-68-301, Utah Osteopathic Medical Practice Act~~] Chapter 68,
 1329 Part 3, Licensing.

1330 (19)(a) "Practice of osteopathic medicine" means:

- 1331 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human
 1332 disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or
 1333 mental, real or imaginary, or to attempt to do so, by any means or instrumentality,
 1334 which in whole or in part is based upon emphasis of the importance of the
 1335 musculoskeletal system and manipulative therapy in the maintenance and
 1336 restoration of health, by an individual in Utah or outside of the state upon or for
 1337 any human within the state;
- 1338 (ii) when a person not licensed as a physician directs a licensee under this chapter to
 1339 withhold or alter the health care services that the licensee has ordered;
- 1340 (iii) to maintain an office or place of business for the purpose of doing any of the acts
 1341 described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or
- 1342 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis
 1343 or treatment of human diseases or conditions, in any printed material, stationery,
 1344 letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor
 1345 of osteopathic medicine," "osteopathic physician," "osteopathic surgeon,"
 1346 "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these
 1347 designations in any manner which might cause a reasonable person to believe the
 1348 individual using the designation is a licensed osteopathic physician, and if the
 1349 party using the designation is not a licensed osteopathic physician, the designation
 1350 must additionally contain the description of the branch of the healing arts for
 1351 which the person has a license, provided that an individual who has received an
 1352 earned degree of doctor of osteopathic medicine but is not a licensed osteopathic
 1353 physician and surgeon in Utah may use the designation "D.O." if it is followed by
 1354 "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

- 1355 (b) The practice of osteopathic medicine does not include:
- 1356 (i) except for an ablative medical procedure as provided in Subsection (19)(b)(ii), the
- 1357 conduct described in Subsection (19)(a)(i) that is performed in accordance with a
- 1358 license issued under another chapter of this title;
- 1359 (ii) an ablative cosmetic medical procedure if the scope of practice for the person
- 1360 performing the ablative cosmetic medical procedure includes the authority to
- 1361 operate or perform a surgical procedure; or
- 1362 (iii) conduct under Subsection 58-68-501(2).
- 1363 (20) "Prescription device" means an instrument, apparatus, implement, machine,
- 1364 contrivance, implant, in vitro reagent, or other similar or related article, and any
- 1365 component part or accessory, which is required under federal or state law to be
- 1366 prescribed by a practitioner and dispensed by or through a person or entity licensed
- 1367 under this chapter or exempt from licensure under this chapter.
- 1368 (21) "Prescription drug" means a drug that is required by federal or state law or rule to be
- 1369 dispensed only by prescription or is restricted to administration only by practitioners.
- 1370 (22)(a) "Primary sex characteristic surgical procedure" means any of the following if
- 1371 done for the purpose of effectuating or facilitating an individual's attempted sex
- 1372 change:
- 1373 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,
- 1374 penectomy, vaginoplasty, or vulvoplasty;
- 1375 (ii) for an individual whose biological sex at birth is female, hysterectomy,
- 1376 oophorectomy, metoidioplasty, or phalloplasty; or
- 1377 (iii) any surgical procedure that is related to or necessary for a procedure described in
- 1378 Subsection (22)(a)(i) or (ii), that would result in the sterilization of an individual
- 1379 who is not sterile.
- 1380 (b) "Primary sex characteristic surgical procedure" does not include:
- 1381 (i) surgery or other procedures or treatments performed on an individual who:
- 1382 (A) is born with external biological sex characteristics that are irresolvably
- 1383 ambiguous;
- 1384 (B) is born with 46, XX chromosomes with virilization;
- 1385 (C) is born with 46, XY chromosomes with undervirilization;
- 1386 (D) has both ovarian and testicular tissue; or
- 1387 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
- 1388 with a sex development disorder characterized by abnormal sex chromosome

- 1389 structure, sex steroid hormone production, or sex steroid hormone action for a
1390 male or female; or
- 1391 (ii) removing a body part:
- 1392 (A) because the body part is cancerous or diseased; or
- 1393 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
1394 individual's attempted sex change.
- 1395 (23)(a) "Secondary sex characteristic surgical procedure" means any of the following if
1396 done for the purpose of effectuating or facilitating an individual's attempted sex
1397 change:
- 1398 (i) for an individual whose biological sex at birth is male, breast augmentation
1399 surgery, chest feminization surgery, or facial feminization surgery; or
- 1400 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
1401 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 1402 (b) "Secondary sex characteristic surgical procedure" does not include:
- 1403 (i) surgery or other procedures or treatments performed on an individual who:
- 1404 (A) is born with external biological sex characteristics that are irresolvably
1405 ambiguous;
- 1406 (B) is born with 46, XX chromosomes with virilization;
- 1407 (C) is born with 46, XY chromosomes with undervirilization;
- 1408 (D) has both ovarian and testicular tissue; or
- 1409 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
1410 with a sex development disorder characterized by abnormal sex chromosome
1411 structure, sex steroid hormone production, or sex steroid hormone action for a
1412 male or female; or
- 1413 (ii) removing a body part:
- 1414 (A) because the body part is cancerous or diseased; or
- 1415 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
1416 individual's attempted sex change.
- 1417 (24) "SPEX" means the Special Purpose Examination of the Federation of State Medical
1418 Boards.
- 1419 (25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
1420 58-68-501.
- 1421 (26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
1422 and 58-68-502 and as may be further defined by division rule.

1423 Section 27. **Effective Date.**

1424 This bill takes effect on January 1, 2026.