

HOUSE BILL NO. HB0164

Cosmetology act.

Sponsored by: Representative(s) Esquibel, Alden and Tipton
and Senator(s) Job and Mockler

A BILL

for

1 AN ACT relating to the Wyoming Cosmetology Act; providing
2 definitions; providing for the licensure of
3 manicurists/nail technicians, aestheticians and hair
4 stylists as specified; specifying duties of the board of
5 cosmetology; specifying reasons for the revocation,
6 suspension or nonrenewal of licenses; providing for fees;
7 and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 33-12-120(a)(iv) through (viii) and
12 by creating new paragraphs (xiv) through (xx),
13 33-12-123(a)(i), (ii) and (v), 33-12-127(a), (b), (c)(i)
14 and (d), 33-12-128, 33-12-129, 33-12-130(a)(i) and (ii),
15 33-12-131(b), 33-12-132, 33-12-135(a), (b) and by creating
16 a new subsection (d), 33-12-138(a)(i) and (ii),

1 33-12-139(a) by creating new paragraphs (viii) through
2 (xiii) and 33-12-140(a) are amended to read:

3
4 **33-12-120. Definitions.**

5
6 (a) As used in this act:

7
8 (iv) "Cosmetologist" means a person who engages
9 in ~~any of the practices~~ practice of cosmetology as defined
10 by this act and rules of the board and who is licensed
11 under this act;

12
13 (v) "Practice of cosmetology" means any one (1)
14 of a combination of practices or services performed for
15 others for the improvement and beautification of the hair,
16 skin and nails of the human body for cosmetic purposes;

17
18 (vi) "Instructor" means a person licensed to
19 teach cosmetology or any other practice licensed under this
20 act;

21
22 (vii) "License" means a current document
23 recognizing the cosmetologist, manicurist/nail technician,
24 aesthetician, hair stylist, instructor, salon or school has

1 met the qualifications required for doing business in this
2 state;

3

4 (viii) "Model" means a person who volunteers to
5 allow a licensed cosmetologist, manicurist/nail technician,
6 aesthetician, hair stylist or student enrolled in a
7 cosmetology school to perform cosmetology services without
8 cost;

9

10 (xiv) "Aesthetician" means a person who engages
11 in the practice of aesthetics as defined by this act and
12 rules of the board and who is licensed under this act;

13

14 (xv) "Practice of aesthetics" means any one (1)
15 of a combination of practices or services performed for
16 other persons for the improvement and beautification of the
17 skin or the human body for cosmetic purposes;

18

19 (xvi) "Hair stylist" means a person who engages
20 in the practice of hair styling as defined by this act and
21 rules of the board and who is licensed under this act;

22

23 (xvii) "Practice of hair styling" means any one
24 (1) of a combination of practices or services performed for

1 other persons for the improvement and beautification of the
2 hair for cosmetic purposes;

3
4 (xviii) "Manicurist/nail technologist" means a
5 person who engages in the practice of manicuring/nail
6 technology as defined by this act and rules of the board
7 and who is licensed under this act;

8
9 (xix) "Practice of manicuring/nail technology"
10 means any one (1) of a combination of practices or services
11 performed for other persons for the improvement and
12 beautification of the nails for cosmetic purposes;

13
14 (xx) "Grossly unprofessional" means acting in an
15 extreme manner not conforming to current industry standards
16 of the cosmetology industry.

17
18 **33-12-123. Duties of board members.**

19
20 (a) Within the limitations and authority granted by
21 this act, the board shall:

22
23 (i) Develop rules setting uniform and reasonable
24 standards of competency for the practice and teaching of

1 cosmetology, manicuring/nail technology, aesthetics or hair
2 styling, for the operation of salons and schools, and
3 procedures for its own conduct;

4
5 (ii) Administer examinations to determine
6 competency for licensure of cosmetologists,
7 manicurists/nail technicians, aestheticians, hair stylists
8 and instructors;

9
10 (v) Annually inspect, or appoint persons to
11 inspect, all salons and schools for proper licensure of the
12 salon, school and all cosmetologists, manicurists/nail
13 technicians, aestheticians, hair stylists or instructors
14 practicing or teaching and for the purpose of determining
15 compliance with the provisions of this act and board rules;

16
17 **33-12-127. Licenses required; failure to comply;**
18 **fines.**

19
20 (a) From and after the effective date of this act, no
21 person shall engage in the practice or instruction of
22 cosmetology, manicuring/nail technology, aesthetics or hair
23 styling and no place shall be maintained and operated for
24 the practice or teaching of cosmetology, manicuring/nail

1 technology, aesthetics or hair styling, except under a
2 license issued in compliance with this act and the rules
3 adopted pursuant to this act.

4
5 (b) No school or salon shall employ, hire or in any
6 manner allow any individual to practice or teach
7 cosmetology, manicuring/nail technology, aesthetics or hair
8 styling unless that individual has a current license to
9 practice or teach cosmetology, manicuring/nail technology,
10 aesthetics or hair styling.

11
12 (c) The licenses required in subsections (a) and (b)
13 of this section shall:

14
15 (i) Be issued in the name of the licensed
16 cosmetologist, ~~the~~ manicurist/nail technician,
17 aesthetician, hair stylist, instructor, ~~the~~ owner of the
18 salon or ~~the~~ owner of the school;

19
20 (d) Any person who practices or teaches cosmetology,
21 manicuring/nail technology, aesthetics or hairstyling for
22 compensation, or who carries on any business, practice or
23 operation governed by this act, without a license when a
24 license is required, is guilty of a misdemeanor punishable,

1 upon conviction, by a fine of not more than seven hundred
2 fifty dollars (\$750.00).

3

4 **33-12-128. Form; expiration; renewal of license.**

5

6 The board shall prescribe the form and expiration date of
7 licenses. Licenses may be renewed by submitting the
8 required application for renewal and fee to the board
9 before the license expiration date. If a cosmetologist,
10 manicurist/nail technician, aesthetician, hair stylist or
11 instructor license is allowed to expire, the license may be
12 renewed within a period of ninety (90) days after the
13 expiration date, but after the expiration of ninety (90)
14 days from the date the license expired the license shall
15 lapse.

16

17 **33-12-129. Expired and lapsed licenses; relicensure.**

18

19 If a salon or school license is allowed to expire a
20 reinstatement fee for late renewal shall be imposed. A
21 cosmetologist, manicurist/nail technician, aesthetician,
22 hair stylist, or instructor license which has lapsed may be
23 reinstated subject to payment of a reinstatement fee in
24 addition to license fees for the lapsed period. Any person

1 whose license has lapsed for five (5) years or more, and
2 who does not qualify for licensure by endorsement, shall be
3 required to complete a refresher course of one hundred
4 (100) hours for the manicuring/nail technology or
5 aesthetics courses and three hundred (300) hours for the
6 cosmetology or hairstyling courses at a licensed school
7 before applying for examination and shall then be required
8 to take the board examination.

9

10 **33-12-130. Licensure by examination.**

11

12 (a) An applicant for admission to board examination
13 shall meet the following requirements:

14

15 (i) Except as provided by W.S. 33-12-134(c), be
16 a graduate of a cosmetology, manicuring/nail technology,
17 aesthetics or hair styling school and have met training
18 requirements comparable to those set forth in board rules;

19

20 (ii) Submit proper credentials as required by
21 the board no less than ~~ten (10)~~ fifteen (15) days before
22 the examination is to be given;

23

24 **33-12-131. Time, place and scope of examinations.**

1

2 (b) The examinations shall not be confined to any
3 specific method or system, may consist of written, oral and
4 performance examinations and shall be of such scope and
5 character as to disclose that any person passing the
6 examination is qualified to receive a cosmetologist,
7 manicurist/nail technician, aesthetician, hair stylist or
8 instructor license.

9

10 **33-12-132. Licensure by endorsement.**

11

12 An applicant for a license to practice or instruct
13 cosmetology, manicuring/nail technology, aesthetics or hair
14 styling in Wyoming who is a qualified and currently
15 licensed cosmetologist, manicurist/nail technician,
16 aesthetician, hair stylist or ~~cosmetology~~-instructor in
17 another state, upon submitting an application to the board,
18 a certification from the board or licensing agency of the
19 state in which the applicant is licensed that the applicant
20 has taken a board-administered, nationally standardized
21 written and practical examination, proof of meeting the
22 requirements of this section and payment of the required
23 fee, may receive a cosmetologist, manicurist/nail
24 technician, aesthetician, hair stylist or ~~cosmetology~~

1 instructor license by endorsement without examination in
2 this state. An applicant from another state which does not
3 require a board examination for licensure, or an applicant
4 who did not attend a ~~licensed~~ state approved cosmetology,
5 manicuring/nail technology, aesthetics or hair styling
6 school meeting requirements of the rules of the board,
7 shall not obtain a Wyoming license by endorsement. An
8 applicant from another state who has not practiced
9 cosmetology, manicuring/nail technology, aesthetics or hair
10 styling, full time for at least one (1) year prior to
11 application shall obtain a Wyoming license by endorsement
12 only if he was licensed under requirements which the board
13 determines to be at least equal to those established
14 pursuant to this act.

15

16 **33-12-135. Powers to revoke, refuse, suspend, refuse**
17 **to renew licenses; grounds; procedures.**

18

19 (a) The board may refuse to issue a license under
20 this act or censure, revoke, suspend or refuse to renew a
21 license issued pursuant to this act after twenty (20) days
22 notice and a hearing, held pursuant to the provisions of
23 W.S. 16-3-101 through 16-3-115, for ~~the violation of this~~
24 ~~act or any rule of the board by any person or entity~~

1 ~~holding a license. The board may require the attendance of~~
2 ~~witnesses and the production of books, records or papers it~~
3 ~~determines necessary for any investigation of any violation~~
4 ~~of this act or rule of the board. Any member of the board~~
5 ~~may administer oaths to witnesses appearing to testify~~
6 ~~before the board or before any board member.~~ any of the
7 following acts:

8
9 (i) Any violation of this act or any rule of the
10 board;

11
12 (ii) Any infection control violation as defined
13 by board rule or regulation;

14
15 (iii) Grossly unprofessional or dishonest
16 conduct as defined by board rule;

17
18 (iv) A judicial disposition of guilty or a plea
19 of nolo contendere by a licensee or applicant relative to a
20 criminal offense which adversely relates to the practice
21 or instruction of cosmetology, manicuring/nail technology,
22 aesthetics or hair styling;

23

1 (v) Use of any prohibited product as defined by
2 board rule and regulation;

3
4 (vi) Use of intoxicating liquor or drugs to such
5 an extent as to render the licensee unfit to practice or
6 teach cosmetology, manicuring/nail technology, aesthetics
7 or hair styling;

8
9 (vii) Advertising by means of statements known
10 to be false or deceptive practices; or

11
12 (viii) Failure of any person, salon or school to
13 display required licenses and inspection certificates.

14
15 (b) The board may refuse to grant a license to any
16 person guilty of fraud, cheating or unfair practices in
17 passing the examination., ~~or who has at any time been found~~
18 ~~guilty of a felony or of grossly unprofessional or~~
19 ~~dishonest conduct, or to anyone addicted to the use of~~
20 ~~intoxicating liquor or drugs to such an extent as to render~~
21 ~~him unfit to practice or teach cosmetology, or to anyone~~
22 ~~advertising by means of statements known to be false or~~
23 ~~deceptive practices, or for the failure of any person,~~

1 ~~salon or school to display required licenses and inspection~~
2 ~~certificates.~~

3
4 (d) The board may require the attendance of witnesses
5 and the production of books, records or papers it
6 determines necessary for any investigation of any violation
7 of this act or rule of the board. Any member of the board
8 may administer oaths to witnesses appearing to testify
9 before the board or before any board member.

10
11 **33-12-138. Publications.**

12
13 (a) The board shall:

14
15 (i) Provide a copy of appropriate statutes and
16 rules to every licensed cosmetologist, manicurist/nail
17 technician, aesthetician, hair stylist, salon and school.
18 Additional copies shall be made available upon payment of a
19 fee for the publication;

20
21 (ii) Prepare and maintain a current list of the
22 names and addresses of all cosmetologists, manicurist/nail
23 technicians, aestheticians, hair stylists, salons and
24 schools licensed in Wyoming, the names and addresses of the

1 members of the board and their terms of office. The list
2 shall be available for inspection and copying and for
3 reproduction in whole or in part upon payment of the cost
4 of reproduction.

5
6 **33-12-139. Fees; disposition of fees.**

7
8 (a) Fees for the following shall be determined by the
9 board pursuant to W.S. 33-1-201:

10
11 (viii) Aesthetician license;

12
13 (ix) Hair stylist license;

14
15 (x) Independent contractor license;

16
17 (xi) Manicurist/nail technician license;

18
19 (xii) On-line testing;

20
21 (xiii) Temporary location license.

22
23 **33-12-140. Exemptions.**

(a) Nothing in this act shall prohibit services rendered by licensed physicians, nurses, dentists, podiatrists, chiropractors, physical therapists, massage therapists, morticians or barbers licensed by this state when exclusively engaged in the practice of their respective professions.

7

8 **Section 2.** This act is effective July 1, 2003.

9

10 (END)