

HOUSE BILL NO. HB0164

Cosmetology act.

Sponsored by: Representative(s) Esquibel, Alden, Tipton  
and Walsh 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, estheticians 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 esthetician, 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 esthetician, hair stylist or student enrolled in a  
7 cosmetology school to perform cosmetology services without  
8 cost;

9

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

13

14 (xv) "Practice of esthetics" 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, esthetics 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, estheticians, 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, estheticians, 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, esthetics or hair  
23 styling and no place shall be maintained and operated for  
24 the practice or teaching of cosmetology, manicuring/nail

1 technology, esthetics 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, esthetics or hair  
8 styling unless that individual has a current license to  
9 practice or teach cosmetology, manicuring/nail technology,  
10 esthetics 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, esthetician,  
17 hair stylist, instructor, ~~the~~ owner of the salon or ~~the~~  
18 owner of the school;

19  
20 (d) Any person who practices or teaches cosmetology,  
21 manicuring/nail technology, esthetics 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, esthetician, 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, esthetician,  
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 esthetics  
5 courses and three hundred (300) hours for the cosmetology  
6 or hairstyling courses at a licensed school before applying  
7 for examination and shall then be required to take the  
8 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 esthetics 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, esthetician, 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, esthetics or hair  
14 styling in Wyoming who is a qualified and currently  
15 licensed cosmetologist, manicurist/nail technician,  
16 esthetician, 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, esthetician, 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, esthetics 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, esthetics 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 esthetics 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, esthetics or  
7 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, esthetician, 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, estheticians, 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) Esthetician 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.**

24

