

SENATE FILE NO. SF0053

Wyoming Cosmetology Act.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to the Wyoming Cosmetology Act; providing
2 for the licensure of cosmetologists, manicurists, nail
3 technicians, estheticians and hair stylists; providing for
4 duties of the board of cosmetology; providing for
5 disciplinary actions; providing for fees; making conforming
6 and clarifying amendments; and providing for an effective
7 date.

8

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

10

11 **Section 1.** W.S. 27-3-108(a)(ix)(intro), 33-7-108(b),
12 33-7-209(a)(iii), 33-12-120(a), 33-12-121(a),
13 33-12-123(a)(i), (ii) and (v), 33-12-124, 33-12-127(a),
14 (b), (c)(i), (d) and by creating a new subsection (e),
15 33-12-128, 33-12-129, 33-12-130(a)(i) and (ii),
16 33-12-131(b), 33-12-132, 33-12-134(c) and by creating a new

1 subsection (d), 33-12-135, 33-12-138(a)(i) and (ii),
2 33-12-139(a) by creating new paragraphs (viii) through
3 (xiii) are amended to read:

4

5 **27-3-108. Services excluded from scope of employment.**

6

7 (a) Employment under this act does not include
8 service performed:

9

10 (ix) In a barber shop licensed under W.S.
11 33-7-108 or ~~a beauty shop~~ salon licensed under W.S.
12 33-12-127 if:

13

14 **33-7-108. Shop license; fee; renewal; application;**
15 **inspection fees; nontransferable.**

16

17 (b) Registered barbers, ~~and~~ cosmetologists
18 manicurists or nail technicians, estheticians and hair
19 stylists licensed under W.S. 33-12-119 through 33-12-140
20 may engage in the practice for which they are licensed in
21 the same shop if the shop is licensed under subsection (a)
22 of this section and under W.S. 33-12-119 through 33-12-140.

23

1 **33-7-209. Qualifications for registration as barber;**
2 **examination.**

3

4 (a) No person shall receive a certificate of
5 registration to practice barbering, other than a renewal or
6 restoration, unless he:

7

8 (iii) Is a cosmetologist or hair stylist
9 licensed under W.S. 33-12-119 through 33-12-140, has
10 completed seven hundred fifty (750) hours of training at an
11 approved barber school or college and passed an examination
12 conducted by the board to determine his fitness for
13 practice.

14

15 **33-12-120. Definitions.**

16

17 (a) As used in this act:

18

19 (i) "Applicant" means the person, persons or
20 entity applying for a license, examination or appointment;

21

22 (ii) "Application" means a form prescribed by
23 the board used for making a request for licensure,
24 examination or appointment;

1

2 (iii) "Board" means the state board of
3 cosmetology;

4

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

9

10 (v) "Practice of cosmetology" means any single
11 practice or service or a combination of practices or
12 services performed for others for the improvement and
13 beautification of the hair, skin and nails of the human
14 body for cosmetic purposes;

15

16 (vi) "Esthetician" means a person who engages in
17 the practice of esthetics as defined by this act and rules
18 of the board and who is licensed as an esthetician under
19 this act;

20

21 (vii) "Practice of esthetics" means any single
22 practice or service or a combination of practices or
23 services performed for others for the improvement and

1 beautification of the skin of the human body for cosmetic
2 purposes;

3

4 (viii) "Hair stylist" means a person who engages
5 in the practice of hair styling as defined by this act and
6 rules of the board and who is licensed as a hair stylist
7 under this act;

8

9 (ix) "Practice of hair styling" means any single
10 practice or service or a combination of practices or
11 services performed for others for the improvement and
12 beautification of the hair for cosmetic purposes;

13

14 ~~(vi)~~ (x) "Instructor" means a person licensed to
15 teach cosmetology or any practices thereof in a school of
16 cosmetology as defined by this act and rules of the board;

17

18 ~~(vii)~~ (xi) "License" means a current document
19 recognizing the cosmetologist, manicurist or nail
20 technician, esthetician, hair stylist, instructor, salon or
21 school has met the qualifications required for doing
22 business in this state;

23

1 (xii) "Manicurist or nail technician" means a
2 person who engages in the practice of manicuring or nail
3 technology as defined by this act and rules of the board
4 and who is licensed as a manicurist or nail technician
5 under this act;

6
7 (xiii) "Practice of manicuring or nail
8 technology" means any single practice or service or a
9 combination of practices or services performed for others
10 for the improvement and beautification of the nails and for
11 cosmetic purposes;

12
13 ~~(viii)~~ (xiv) "Model" means a person who
14 volunteers to allow a licensed cosmetologist, manicurist or
15 nail technician, esthetician, hair stylist or student
16 enrolled in a cosmetology school to perform cosmetology
17 services without cost;

18
19 ~~(ix)~~ (xv) "Patron" means a paying customer in a
20 cosmetology salon or school;

21
22 ~~(x)~~ (xvi) "Salon" means any place licensed under
23 this act in which cosmetology is practiced;

24

1 ~~(xi)~~(xvii) "School" means any place licensed
2 under this act where cosmetology is taught to students;

3

4 ~~(xii)~~(xviii) "Student" means a person enrolled
5 in a school licensed under this act;

6

7 (xix) "Unprofessional" means acting in an
8 extreme manner not conforming to current standards of the
9 cosmetology industry;

10

11 ~~(xiii)~~(xx) "This act" means W.S. 33-12-119
12 through 33-12-140.

13

14 **33-12-121. Board; membership; appointment;**
15 **qualifications; term of office; vacancies; removal.**

16

17 (a) The board shall consist of five (5) members
18 appointed by the governor. Each member shall be a
19 cosmetologist licensed in Wyoming, and at least one (1)
20 shall be an instructor licensed in Wyoming. Each member of
21 the board shall be a resident of Wyoming with at least five
22 (5) years experience as a cosmetologist in Wyoming
23 immediately preceding the appointment. Appointments shall
24 represent various geographical areas of Wyoming. The term

1 of each appointee shall be three (3) years, unless sooner
2 removed from the board, or until a successor is appointed.
3 The terms shall be staggered so that the terms of not more
4 than two (2) members expire each year. The members of the
5 board holding office on the effective date of this act
6 shall serve as members for the remainder of their
7 respective terms.

8

9 **33-12-123. Duties of board members.**

10

11 (a) Within the limitations and authority granted by
12 this act, the board shall:

13

14 (i) Develop rules setting uniform and reasonable
15 standards of competency for the practice and teaching of
16 cosmetology, manicuring or nail technology, esthetics or
17 hair styling, for the operation of salons and schools, and
18 procedures for its own conduct;

19

20 (ii) Administer examinations to determine
21 competency for licensure of cosmetologists, manicurists or
22 nail technicians, estheticians, hair stylists and
23 instructors;

24

1 (v) Annually inspect, or appoint persons to
2 inspect, all salons and schools for proper licensure of the
3 salon, school and all cosmetologists, manicurists or nail
4 technicians, estheticians, hair stylists whether practicing
5 as a proprietor, employee or independent contractor, or
6 instructors practicing or teaching and for the purpose of
7 determining compliance with the provisions of this act and
8 board rules;

9

10 **33-12-124. Meetings.**

11

12 A majority of the board constitutes a quorum for meetings
13 and the transaction of business. The act of the majority of
14 members of the board shall be the act of the board. The
15 board shall meet as often as needed, but not less than four
16 (4) times a year. ~~At least three (3) weeks prior to each~~
17 ~~meeting, written notice of the meeting shall be published~~
18 ~~in three (3) newspapers in the state~~ The meetings shall be
19 held in accordance with W.S. 16-4-401 through 16-4-407. The
20 board shall keep permanent records of its meetings.

21

22 **33-12-127. Licenses required; failure to comply;**
23 **fin.**

24

1 (a) From and after the effective date of this act, no
2 person shall engage in the practice or instruction of
3 cosmetology, manicuring or nail technology, esthetics or
4 hair styling and no place shall be maintained and operated
5 for the practice or teaching of cosmetology, manicuring or
6 nail technology, esthetics or hair styling except under a
7 license issued in compliance with this act and the rules
8 adopted pursuant to this act.

9

10 (b) No school or salon shall employ, hire or in any
11 manner allow any individual to practice or teach
12 cosmetology, manicuring or nail technology, esthetics or
13 hair styling unless that individual has a current license
14 to practice or teach the applicable specific practice of
15 cosmetology, manicuring or nail technology, esthetics or
16 hair styling.

17

18 (c) The licenses required in subsections (a) and (b)
19 of this section shall:

20

21 (i) Be issued in the name of the licensed
22 cosmetologist, ~~the~~ manicurist or nail technician,
23 esthetician, hair stylist, instructor, ~~the~~ owner of the
24 salon or ~~the~~ owner of the school;

1

2 (d) Any person who practices or teaches cosmetology,
3 manicuring or nail technology, esthetics or hair styling
4 for compensation, or who carries on any business, practice
5 or operation governed by this act, without ~~a~~ the applicable
6 license when a license is required, is guilty of a
7 misdemeanor punishable, upon conviction, by a fine of not
8 more than seven hundred fifty dollars (\$750.00).

9

10 (e) Upon request of a licensee, the board may issue a
11 certificate to the licensee to practice activities
12 authorized under the license as an independent contractor
13 within a salon. The board may charge an additional fee for
14 the issuance of the certificate as established pursuant to
15 W.S. 33-12-139.

16

17 **33-12-128. Form; expiration; renewal of license.**

18

19 The board shall prescribe the form and expiration date of
20 licenses. Licenses may be renewed by submitting the
21 required application for renewal and fee to the board
22 before the license expiration date. If a cosmetologist,
23 manicurist or nail technician, esthetician, hair stylist or
24 instructor license is allowed to expire, the license may be

1 renewed within a period of ninety (90) days after the
2 expiration date, but after the expiration of ninety (90)
3 days from the date the license expired the license shall
4 lapse.

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6 **33-12-129. Expired and lapsed licenses; relicensure.**

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8 If a salon or school license is allowed to expire a
9 reinstatement fee for late renewal shall be imposed. A
10 cosmetologist, manicurist or nail technician, esthetician,
11 hair stylist or instructor license which has lapsed may be
12 reinstated subject to payment of a reinstatement fee in
13 addition to license fees for the lapsed period. Any person
14 whose license has lapsed for five (5) years or more, and
15 who does not qualify for licensure by endorsement, shall be
16 required to complete a refresher course of one hundred
17 (100) hours at a licensed school before applying for
18 examination and shall then be required to take the board
19 examination.

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21 **33-12-130. Licensure by examination.**

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

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

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33-12-132. Licensure by endorsement.

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

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

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

An applicant for a license to practice or instruct
cosmetology, manicuring or nail technology, esthetics or

1 hair styling in Wyoming who is a qualified and currently
2 licensed cosmetologist, manicurist or nail technician,
3 esthetician, hair stylist or ~~cosmetology~~ instructor in
4 another state, upon submitting an application to the board,
5 a certification from the board or licensing agency of the
6 state in which the applicant is licensed, proof of meeting
7 the requirements of this section and payment of the
8 required fee, may receive a cosmetologist, manicurist or
9 nail technician, esthetician, hair stylist or ~~cosmetology~~
10 instructor license by endorsement without examination in
11 this state. An applicant from another state which does not
12 require a board examination for licensure, or an applicant
13 who did not attend a ~~licensed~~ cosmetology, manicuring or
14 nail technology, esthetics or hair styling school meeting
15 requirements of the rules of the board and the licensing
16 entity of the state in which the school is located, shall
17 not obtain a Wyoming license by endorsement. An applicant
18 from another state who has not practiced cosmetology,
19 manicuring or nail technology, esthetics or hair styling
20 full time for at least one (1) year prior to application
21 shall obtain a Wyoming license by endorsement only if he
22 was licensed under requirements which the board determines
23 to be at least equal to those established pursuant to this
24 act.

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33-12-134. Promulgation of rules.

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(c) Notwithstanding any other provision of this act, the board may adopt rules which prescribe reduced qualifications and examination requirements for persons seeking to engage solely in services for the improvement and beautification of the hair, skin or nails. The license issued shall state the limited nature of services which may be performed by the licensee.

(d) In adopting rules defining the professions licensed under this act the board may clarify definitions provided in statute and address new practices but shall not otherwise expand those activities which constitute the practice of a profession licensed under this act.

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

(a) The board may refuse to issue a license under this act or censure, revoke, suspend or refuse to renew a license issued pursuant to this act after not less than twenty (20) days notice and a hearing, held pursuant to the

1 provisions of W.S. 16-3-101 through 16-3-115, ~~for the~~
2 ~~violation of this act or any rule of the board by any~~
3 ~~person or entity holding a license. The board may require~~
4 ~~the attendance of witnesses and the production of books,~~
5 ~~records or papers it determines necessary for any~~
6 ~~investigation of any violation of this act or rule of the~~
7 ~~board. Any member of the board may administer oaths to~~
8 ~~witnesses appearing to testify before the board or before~~
9 ~~any board member.~~ for any of the following acts:

10
11 (i) Any violation of this act or any rule of the
12 board;

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14 (ii) Any infection control violation as defined
15 by this act or rules of the board;

16
17 (iii) Unprofessional or dishonest conduct as
18 defined by this act or rules of the board;

19
20 (iv) A judicial disposition of guilt or a plea
21 of nolo contendere relative to a criminal offense which
22 adversely relates to the practice or instruction of
23 cosmetology, nail technology, esthetics or hair styling;

24

1 (v) Use of any prohibited product as defined by
2 this act or rules of the board;

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

8
9 (vii) Fraud, cheating or unfair practices in
10 passing an examination;

11
12 (viii) Advertising by means of statements known
13 to be false or deceptive; or

14
15 (ix) Failure of any person, salon or school to
16 display required licenses and inspection certificates.

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18 (c) The board may require the attendance of witnesses
19 and the production of books, records or papers it
20 determines necessary for any investigation of any violation
21 of this act or rule of the board. Any member of the board
22 may administer oaths to witnesses appearing to testify
23 before the board or before any board member.

24

1 ~~(e)~~(d) Upon receipt from the department of family
2 services of a certified copy of an order from a court to
3 withhold, suspend or otherwise restrict a license issued by
4 the board, the board shall notify the party named in the
5 court order of the withholding, suspension or restriction
6 of the license in accordance with the terms of the court
7 order. No appeal under the Wyoming Administrative Procedure
8 Act shall be allowed for a license withheld, suspended or
9 restricted under this subsection.

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 or 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 or
23 nail 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) Online testing;

12

13 (ix) Manicurist or nail technician license;

14

15 (x) Esthetician license;

16

17 (xi) Temporary location license;

18

19 (xii) Independent contractor certificate; and

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21 (xiii) Hair stylist license.

22

23 **Section 2.** W.S. 33-12-135(b) is repealed.

24

1 **Section 3.** This act is effective July 1, 2005.

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(END)