

HOUSE BILL NO. HB0218

Wyoming Cosmetology Act amendments.

Sponsored by: Representative(s) Esquibel, F.

A BILL

for

1 AN ACT relating to the Wyoming Cosmetology Act; clarifying
2 requirements for independent contractors of cosmetology
3 salons and schools; authorizing investigations and
4 penalties for violations of the act; specifying that
5 practicing outside the scope of a license is a violation of
6 the act; authorizing the board of cosmetology to seek
7 injunctions to prevent violations of the act as specified;
8 and providing for an effective date.

9

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

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12 **Section 1.** W.S. 33-12-141 is created to read:

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14 **33-12-141. Action for injunction.**

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16 The board in its own name may bring an action for an
17 injunction, and courts of this state may enjoin any person

1 from engaging in a violation of this act. An action under
2 this section may be prosecuted by the attorney general's
3 office or by private counsel.

4

5 **Section 2.** W.S. 33-12-127 by creating a new
6 subsection (c) and by renumbering (c) as (d) and (d) as
7 (f), 33-12-135(a)(intro) and by creating a new paragraph
8 (x) and 33-12-138(a)(i) are amended to read:

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10 **33-12-127. Licenses required; failure to comply;**
11 **fines.**

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13 (c) A licensee who is not an employee of a salon or
14 school shall not engage in the practice of or as an
15 instructor of cosmetology, manicuring/nail technology,
16 esthetics or hair styling without having received from the
17 board a certificate to practice as an independent
18 contractor within a salon or school.

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20 ~~(e)~~(d) The licenses required in subsections (a) and
21 (b) of this section shall:

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23 (i) Be issued in the name of the licensed
24 cosmetologist, manicurist or nail technician, esthetician,

1 hair stylist, instructor, owner of the salon or owner of
2 the school;

3

4 (ii) State the licensing and expiration dates;
5 and

6

7 (iii) Be displayed at all times in a conspicuous
8 place in the principal office, place of business or
9 employment of the licensee.

10

11 ~~(d)~~ (f) Any person who practices or teaches
12 cosmetology, manicuring or nail technology, esthetics or
13 hair styling for compensation, or who carries on any
14 business, practice or operation governed by this act,
15 without the applicable license when a license is required,
16 is guilty of a misdemeanor punishable, upon conviction, by
17 a fine of not more than seven hundred fifty dollars
18 (\$750.00).

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20 **33-12-135. Powers to revoke, refuse, suspend, refuse**
21 **to renew licenses; grounds; procedures.**

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23 (a) The board, upon a written sworn complaint or upon
24 its own motion, may investigate the actions of any licensee

1 governed by this act. The board may refuse to issue a
2 license under this act or censure, revoke, suspend or
3 refuse to renew a license issued pursuant to this act, or
4 impose an administrative fine not to exceed one thousand
5 five hundred dollars (\$1,500.00) for each separate offense,
6 after not less than twenty (20) days notice and a hearing,
7 held pursuant to the provisions of W.S. 16-3-101 through
8 16-3-115, for any of the following acts:

9
10 (x) Practicing outside the established scope of
11 practice of a person's license as defined by the act or
12 rules of the board.

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14 **33-12-138. Publications.**

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16 (a) The board shall:

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18 (i) ~~Provide~~ Make available a copy of appropriate
19 statutes and rules to every licensed cosmetologist,
20 manicurist or nail technician, esthetician, hair stylist,
21 salon and school. Additional copies shall be made
22 available upon payment of a fee for the publication;

23

24 **Section 3.** W.S. 33-12-127(e) is repealed.

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2 **Section 4.** This act is effective July 1, 2007.

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(END)