

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Wyoming Cosmetology Act.

Sponsored by: HDRAFT

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), 33-7-108(b), 33-7-  
 12 209(a)(iii), 33-12-120(a)(iv), (v), by creating new  
 13 paragraphs (vi) through (x) and by amending and renumbering  
 14 (vi) through (xiii) as (xi) through (xx), 33-12-121(a),  
 15 33-12-123(a)(i), (ii) and (v), 33-12-124, 33-12-127(a),

1 (b), (c)(i), (d) and by creating a new subsection (e),  
2 33-12-128, 33-12-129, 33-12-130(a)(i) and (ii),  
3 33-12-131(b), 33-12-132, 33-12-134(c), 33-12-135,  
4 33-12-138(a)(i) and (ii), 33-12-139(a) and by creating new  
5 paragraphs (viii) through (xiii) are amended to read:

6

7 **27-3-108. Services excluded from scope of employment.**

8

9 (a) Employment under this act does not include  
10 service performed:

11

12 (ix) In a barber shop licensed under W.S. 33-7-  
13 108 or ~~a beauty shop~~ salon licensed under W.S. 33-12-127  
14 if:

15

16 **33-7-108. Shop license; fee; renewal;  
17 application; inspection fees; nontransferable.**

18

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

1

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

4

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

8

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

15

16           **33-12-120. Definitions.**

17

18           (a) As used in this act:

19

20                   (iv) "Cosmetologist" means a person who engages  
21 in ~~any of the practices~~ practice of cosmetology as defined  
22 by this act and rules of the board and who is licensed as a  
23 cosmetologist under this act;

24

1           (v) "Practice of cosmetology" means any single  
2 practice or service or a combination of practices or  
3 services performed for others for the improvement and  
4 beautification of the hair, skin and nails of the human  
5 body for cosmetic purposes;

6  
7           (vi) "Esthetician" means a person who engages in  
8 the practice of esthetics as defined by this act and rules  
9 of the board and who is licensed as an esthetician under  
10 this act;

11  
12           (vii) "Practice of esthetics" means any single  
13 practice or service or a combination of practices or  
14 services performed for others for the improvement and  
15 beautification of the skin of the human body for cosmetic  
16 purposes;

17  
18           (viii) "Unprofessional" means acting in an  
19 extreme manner not conforming to current standards of the  
20 cosmetology industry;

21  
22           (ix) "Hair stylist" means a person who engages  
23 in the practice of hair styling as defined by this act and

1 rules of the board and who is licensed as a hair stylist  
2 under this act;

3  
4 (x) "Practice of hair styling" means any single  
5 practice or service or a combination of practices or  
6 services performed for others for the improvement and  
7 beautification of the hair for cosmetic purposes;

8  
9 ~~(vi)~~ (xi) "Instructor" means a person licensed to  
10 teach cosmetology or any practices thereof in a school of  
11 cosmetology as defined by this act and rules of the board;

12  
13 ~~(vii)~~ (xii) "License" means a current document  
14 recognizing the cosmetologist, manicurist or nail  
15 technician, esthetician, hair stylist, instructor, salon or  
16 school has met the qualifications required for doing  
17 business in this state;

18  
19 (xiii) "Manicurist or nail technologist" means a  
20 person who engages in the practice of manicuring or nail  
21 technology as defined by this act and rule of the board and  
22 who is licensed as a manicurist or nail technologist under  
23 this act;

24

1            (xiv) "Practice of manicuring or nail  
2 technology" means any single practice or service or a  
3 combination of practices or services performed for others  
4 for the improvement and beautification of the nails and for  
5 cosmetic purposes;

6  
7            ~~(viii)~~ (xv) "Model" means a person who volunteers  
8 to allow a licensed cosmetologist, manicurist or nail  
9 technician, esthetician, hair stylist or student enrolled  
10 in a cosmetology school to perform cosmetology services  
11 without cost;

12  
13            ~~(ix)~~ (xvi) "Patron" means a paying customer in a  
14 cosmetology salon or school;

15  
16            ~~(x)~~ (xvii) "Salon" means any place licensed under  
17 this act in which cosmetology is practiced;

18  
19            ~~(xi)~~ (xviii) "School" means any place licensed  
20 under this act where cosmetology is taught to students;

21  
22            ~~(xii)~~ (xix) "Student" means a person enrolled in  
23 a school licensed under this act;

24

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

3

4           **33-12-121. Board; membership; appointment;**  
5 **qualifications; term of office; vacancies; removal.**

6

7           (a) The board shall consist of five (5) members  
8 appointed by the governor. Each member shall be a  
9 cosmetologist licensed in Wyoming, and at least one (1)  
10 shall be an instructor licensed in Wyoming. Each member of  
11 the board shall be a resident of Wyoming with at least five  
12 (5) years experience as a cosmetologist in Wyoming  
13 immediately preceding the appointment. Appointments shall  
14 represent various geographical areas of Wyoming. The term  
15 of each appointee shall be three (3) years, unless sooner  
16 removed from the board, or until a successor is appointed.  
17 The terms shall be staggered so that the terms of not more  
18 than two (2) members expire each year. The members of the  
19 board holding office on the effective date of this act  
20 shall serve as members for the remainder of their  
21 respective terms.

22

23           **33-12-123. Duties of board members.**

24

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

3

4 (i) Develop rules setting uniform and reasonable  
5 standards of competency for the practice and teaching of  
6 cosmetology, manicuring or nail technology, esthetics or  
7 hair styling, for the operation of salons and schools, and  
8 procedures for its own conduct;

9

10 (ii) Administer examinations to determine  
11 competency for licensure of cosmetologists, manicurists or  
12 nail technicians, estheticians, hair stylists and  
13 instructors;

14

15 (v) Annually inspect, or appoint persons to  
16 inspect, all salons and schools for proper licensure of the  
17 salon, school and all cosmetologists, manicurists or nail  
18 technicians, estheticians, hair stylists whether practicing  
19 as a proprietor, employee or independent contractor, or  
20 instructors practicing or teaching and for the purpose of  
21 determining compliance with the provisions of this act and  
22 board rules;

23

24 **33-12-124. Meetings.**



1

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

11

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

14

15 (a) From and after the effective date of this act, no  
16 person shall engage in the practice or instruction of  
17 cosmetology, manicuring or nail technology, esthetics or  
18 hair styling and no place shall be maintained and operated  
19 for the practice or teaching of cosmetology, manicuring or  
20 nail technology, esthetics or hair styling except under a  
21 license issued in compliance with this act and the rules  
22 adopted pursuant to this act.

23

1 (b) No school or salon shall employ, hire or in any  
2 manner allow any individual to practice or teach  
3 cosmetology, manicuring or nail technology, esthetics or  
4 hair styling unless that individual has a current license  
5 to practice or teach the applicable specific practice of  
6 cosmetology, manicuring or nail technology, esthetics or  
7 hair styling.

8  
9 (c) The licenses required in subsections (a) and (b)  
10 of this section shall:

11  
12 (i) Be issued in the name of the licensed  
13 cosmetologist, ~~the~~ manicurist or nail technician,  
14 esthetician, hair stylist, instructor, ~~the~~ owner of the  
15 salon or the owner of ~~the~~ school;

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

24

1       (e) Upon request of a licensee, the board may issue a  
2 certificate to the licensee to practice activities  
3 authorized under the license as an independent contractor  
4 within a salon. The board may charge an additional fee for  
5 the issuance of such a certificate as established pursuant  
6 to W.S. 33-12-139.

7  
8           **33-12-128. Form; expiration; renewal of license.**

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

20  
21           **33-12-129. Expired and lapsed licenses; relicensure.**

22  
23       If a salon or school license is allowed to expire a  
24 reinstatement fee for late renewal shall be imposed. A

1 cosmetologist, manicurist or nail technician, esthetician,  
2 hair stylist or instructor license which has lapsed may be  
3 reinstated subject to payment of a reinstatement fee in  
4 addition to license fees for the lapsed period. Any person  
5 whose license has lapsed for five (5) years or more, and  
6 who does not qualify for licensure by endorsement, shall be  
7 required to complete a refresher course of one hundred  
8 (100) hours at a licensed school before applying for  
9 examination and shall then be required to take the board  
10 examination.

11

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

13

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

16

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

21

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

1

2

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

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

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(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 hair styling in Wyoming who is a qualified and currently licensed cosmetologist, manicurist or nail technician, esthetician, hair stylist or ~~cosmetology~~ instructor in another state, upon submitting an application to the board, a certification from the board or licensing agency of the state in which the applicant is licensed, proof of meeting the requirements of this section and payment of the required fee, may receive a cosmetologist, manicurist or nail 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~~ cosmetology, manicuring or  
5 nail technology, esthetics or hair styling school meeting  
6 requirements of the rules of the board and the licensing  
7 entity of the state in which the school is located, shall  
8 not obtain a Wyoming license by endorsement. An applicant  
9 from another state who has not practiced cosmetology,  
10 manicuring or nail technology, esthetics or hair styling  
11 full time for at least one (1) year prior to application  
12 shall obtain a Wyoming license by endorsement only if he  
13 was licensed under requirements which the board determines  
14 to be at least equal to those established pursuant to this  
15 act.

16

17 **33-12-134. Promulgation of rules.**

18

19 (c) Notwithstanding any other provision of this act,  
20 the board may adopt rules which prescribe reduced  
21 qualifications and examination requirements for persons  
22 seeking to engage solely in services for the improvement  
23 and beautification of the hair, skin or nails. The license

1 issued shall state the limited nature of services which may  
2 be performed by the licensee.

3

4 **33-12-135. Powers to revoke, refuse, suspend, refuse**  
5 **to renew licenses; grounds; procedures.**

6

7 (a) The board may refuse to issue a license under  
8 this act or censure, revoke, suspend or refuse to renew a  
9 license issued pursuant to this act after not less than  
10 twenty (20) days notice and a hearing, held pursuant to the  
11 provisions of W.S. 16-3-101 through 16-3-115, ~~for the~~  
12 ~~violation of this act or any rule of the board by any~~  
13 ~~person or entity holding a license.~~ for any of the  
14 following acts:

15

16 (i) Any violation of this act or any rule of the  
17 board;

18

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

21

22 (iii) Unprofessional or dishonest conduct as  
23 defined by this act or rules of the board;

24

1           (iv) A judicial disposition of guilt or a plea  
2 of nolo contendere relative to a criminal offense which  
3 adversely relates to the practice or instruction of  
4 cosmetology, nail technology, esthetics or hair styling;

5  
6           (v) Use of any prohibited product as defined by  
7 this act **or** rules of the board;

8  
9           (vi) Use of intoxicating liquor or drugs to such  
10 an extent as to render the individual unfit to practice or  
11 teach cosmetology, manicuring or nail technology, esthetics  
12 or hair styling;

13  
14           (vii) Fraud, cheating or unfair practices in  
15 passing an examination;

16  
17           (viii) Advertising by means of statements known  
18 to be false or deceptive; or

19  
20           (ix) Failure of any person, salon or school to  
21 display required licenses and inspection certificates.

22  
23       ~~The board may require the attendance of witnesses and~~  
24 ~~the production of books, records or papers it determines~~



1 ~~necessary for any investigation of any violation of this~~  
2 ~~act or rule of the board. Any member of the board may~~  
3 ~~administer oaths to witnesses appearing to testify before~~  
4 ~~the board or before any board member.~~

5  
6 ~~(b) The board may refuse to grant a license to any~~  
7 ~~person guilty of fraud, cheating or unfair practices in~~  
8 ~~passing the examination, or who has at any time been found~~  
9 ~~guilty of a felony or of grossly unprofessional or~~  
10 ~~dishonest conduct, or to anyone addicted to the use of~~  
11 ~~intoxicating liquor or drugs to such an extent as to render~~  
12 ~~him unfit to practice or teach cosmetology, or to anyone~~  
13 ~~advertising by means of statements known to be false or~~  
14 ~~deceptive practices, or for the failure of any person,~~  
15 ~~salon or school to display required licenses and inspection~~  
16 ~~certificates.~~

17  
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) On line 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

20

21 (xiii) Hair stylist license.

22

23 **Section 2.** This act is effective July 1, 2005.

24

1

(END)

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