

SENATE FILE NO. SF0091

Wyoming Cosmetology Act.

Sponsored by: Senator(s) Mockler and Representative(s)
Esquibel

A BILL

for

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

7

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

9

10 **Section 1.** W.S. 33-12-120(a)(iv), (v), by creating
11 new paragraphs (vi) through (x) and by amending and
12 renumbering (vi) through (xiii) as (xi) through (xx),
13 33-12-121(a), 33-12-123(a)(i), (ii) and (v), 33-12-124,
14 33-12-127(a), (b), (c)(i) and (d), 33-12-128, 33-12-129,
15 33-12-130(a)(i) and (ii), 33-12-131(b), 33-12-132,
16 33-12-134(c), 33-12-135, 33-12-138(a)(i) and (ii),

1 33-12-139(a) and by creating new paragraphs (viii) through
2 (xiii) 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) "Esthetician" means a person who engages in
19 the practice of esthetics as defined by this act and rules
20 of the board and who is licensed under this act;

21

22 (vii) "Practice of esthetics" means any one (1)
23 of a combination of practices or services performed for

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

3

4 (viii) "Grossly unprofessional" means acting in
5 an extreme manner not conforming to current standards of
6 the cosmetology industry;

7

8 (ix) "Hair stylist" means a person who engages
9 in the practice of hair styling as defined by this act and
10 rules of the board and who is licensed under this act;

11

12 (x) "Practice of hair styling" means any one (1)
13 of a combination of practices or services performed for
14 others for the improvement and beautification of the hair
15 for cosmetic purposes;

16

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

20

21 ~~(vii)~~ (xii) "License" means a current document
22 recognizing the cosmetologist, manicurist or nail
23 technician, esthetician, hair stylist, instructor, salon or

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

3

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

8

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

13

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

19

20 ~~(ix)~~ (xvi) "Patron" means a paying customer in a
21 cosmetology salon or school;

22

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

1

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

4

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

7

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

10

11 **33-12-121. Board; membership; appointment;**
12 **qualifications; term of office; vacancies; removal.**

13

14 (a) The board shall consist of five (5) members
15 appointed by the governor. Each member shall be a
16 cosmetologist licensed in Wyoming, and at least one (1)
17 shall be an instructor licensed in Wyoming. Each member of
18 the board shall be a resident of Wyoming with at least five
19 (5) years experience as a cosmetologist in Wyoming
20 immediately preceding the appointment. Appointments shall
21 represent various geographical areas of Wyoming. The term
22 of each appointee shall be three (3) years, unless sooner
23 removed from the board, or until a successor is appointed.
24 The terms shall be staggered so that the terms of not more

1 than two (2) members expire each year. The members of the
2 board holding office on the effective date of this act
3 shall serve as members for the remainder of their
4 respective terms.

5

6 **33-12-123. Duties of board members.**

7

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

10

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

16

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

21

22 (v) Annually inspect, or appoint persons to
23 inspect, all salons and schools for proper licensure of the
24 salon, school and all cosmetologists, manicurists or nail

1 technicians, estheticians, hair stylists or instructors
2 practicing or teaching and for the purpose of determining
3 compliance with the provisions of this act and board rules;

4

5 **33-12-124. Meetings.**

6

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

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 or nail technology, esthetics or
23 hair styling and no place shall be maintained and operated
24 for the practice or teaching of cosmetology, manicuring or

1 nail 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 or nail technology, esthetics or
8 hair styling unless that individual has a current license
9 to practice or teach cosmetology, manicuring or nail
10 technology, 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 or nail technician,
17 esthetician, 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 or nail technology, esthetics or hair styling
22 for compensation, or who carries on any business, practice
23 or 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 or 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 or 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 at a licensed school before applying for
5 examination and shall then be required to take the board
6 examination.

7

8 **33-12-130. Licensure by examination.**

9

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

12

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

17

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

21

22 **33-12-131. Time, place and scope of examinations.**

23

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

8

9 **33-12-132. Licensure by endorsement.**

10

11 An applicant for a license to practice or instruct
12 cosmetology, manicuring or nail technology, esthetics or
13 hair styling in Wyoming who is a qualified and currently
14 licensed cosmetologist, manicurist or nail technician,
15 esthetician, hair stylist or ~~cosmetology~~ instructor in
16 another state, upon submitting an application to the board,
17 a certification from the board or licensing agency of the
18 state in which the applicant is licensed, proof of meeting
19 the requirements of this section and payment of the
20 required fee, may receive a cosmetologist, manicurist or
21 nail technician, esthetician, hair stylist or ~~cosmetology~~
22 instructor license by endorsement without examination in
23 this state. An applicant from another state which does not
24 require a board examination for licensure, or an applicant

1 who did not attend a ~~licensed~~ state approved cosmetology,
2 manicuring or nail technology, esthetics or hair styling
3 school meeting requirements of the rules of the board,
4 shall not obtain a Wyoming license by endorsement. An
5 applicant from another state who has not practiced
6 cosmetology, manicuring or nail technology, esthetics or
7 hair styling full time for at least one (1) year prior to
8 application shall obtain a Wyoming license by endorsement
9 only if he was licensed under requirements which the board
10 determines to be at least equal to those established
11 pursuant to this act.

12

13 **33-12-134. Promulgation of rules.**

14

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

22

23 **33-12-135. Powers to revoke, refuse, suspend, refuse**
24 **to renew licenses; grounds; procedures.**

1

2 (a) The board may refuse to issue a license under
3 this act or censure, revoke, suspend or refuse to renew a
4 license issued pursuant to this act after twenty (20) days
5 notice and a hearing, held pursuant to the provisions of
6 W.S. 16-3-101 through 16-3-115, for the violation of this
7 act or any rule of the board by any person or entity
8 holding a license- for any of the following acts:

9

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

12

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

15

16 (iii) Grossly unprofessional or dishonest
17 conduct as defined by this act and rules of the board;

18

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

24

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

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 or nail technology, esthetics
7 or hair styling.

8

9 (b) The board may require the attendance of witnesses
10 and the production of books, records or papers it
11 determines necessary for any investigation of any violation
12 of this act or rule of the board. Any member of the board
13 may administer oaths to witnesses appearing to testify
14 before the board or before any board member.

15

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

1 the failure of any person, salon or school to display
2 required licenses and inspection certificates.

3

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

13

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

15

16 (a) The board shall:

17

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

23

1 (ii) Prepare and maintain a current list of the
2 names and addresses of all cosmetologists, manicurist or
3 nail technicians, estheticians, hair stylists, salons and
4 schools licensed in Wyoming, the names and addresses of the
5 members of the board and their terms of office. The list
6 shall be available for inspection and copying and for
7 reproduction in whole or in part upon payment of the cost
8 of reproduction.

9

10 **33-12-139. Fees; disposition of fees.**

11

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

14

15 (viii) On line testing;

16

17 (ix) Manicurist or nail technician license;

18

19 (x) Esthetician license;

20

21 (xi) Temporary location license;

22

23 (xii) Independent contractor license; and

24

