

## HOUSE BILL NO. HB0312

State board of barbers and cosmetology.

Sponsored by: Representative(s) Gray

A BILL

for

1 AN ACT relating to professions and occupations; merging the  
 2 state board of barber examiners into the state board of  
 3 cosmetology; making conforming amendments; repealing obsolete  
 4 provisions; and providing for an effective date.

5

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

7

8       **Section 1.** W.S. 27-3-108(a)(ix)(intro), 33-12-119,  
 9 33-12-120(a)(iii), (x) through (xv), (xvii), (xix), by  
 10 creating new paragraphs (xx) through (xxii) and by amending  
 11 and renumbering (xx) as (xxiii), 33-12-121, 33-12-123(a)(i),  
 12 (ii), (v) and by creating a new subsection (b), 33-12-126,  
 13 33-12-127(a), (b), (c)(i), (d), (e) and by creating a new  
 14 subsection (f), 33-12-128, 33-12-129, 33-12-130(a)(intro),  
 15 (i) and (b), 33-12-131, 33-12-132, 33-12-135(a)(iii), (iv),  
 16 (vi), (viii), (ix) and by creating new paragraphs (x) and

1 (xi), 33-12-136, 33-12-138(a)(i) and (ii) and  
2 33-12-139(a)(i), (iv), (ix), (xii) and by creating new  
3 paragraphs (xiv) through (xvi) 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 service  
8 performed:

9

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

12

13 **33-12-119. Citation.**

14

15 This act shall be known and may be cited as the "Wyoming  
16 Barbers and Cosmetology Act".

17

18 **33-12-120. Definitions.**

19

20 (a) As used in this act:

21

22 (iii) "Board" means the state board of barbers and  
23 cosmetology;

1

2

(x) "Instructor" means a person licensed to teach:

3

4

(A) Cosmetology or any practices thereof in a school of cosmetology as defined by this act and rules of the board; or

7

8

(B) Barbering or any practices thereof in a school of barbering as defined by this act and rules of the board.

10

11

12

(xi) "License" means a current document recognizing the barber, cosmetologist, ~~manicurist or~~ nail technician, esthetician, hair stylist, instructor, ~~salon~~ licensed establishment or school has met the qualifications required for doing business in this state;

17

18

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

23

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

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

12  
13           (xv) "Patron" means a paying customer in a  
14 ~~cosmetology salon~~ licensed establishment or school;

15  
16           (xvii) "School" means any place licensed under  
17 this act where cosmetology or barbering is taught to students;

18  
19           (xix) "Unprofessional" means acting in an extreme  
20 manner not conforming to current standards of the barbering  
21 industry or the cosmetology industry;

22

1           (xx) "Barbering" means the practice upon any  
2 person of an act that is:

3  
4           (A) One (1) or more of the following listed  
5 acts: shaving or treating the beard or cutting the hair,  
6 singeing, shampooing or dyeing the hair, permanent waving or  
7 applying hair tonics, massaging, applying cosmetic  
8 preparations, antiseptics, powder, oil, clay or lotions to  
9 the scalp, face or neck;

10

11           (B) Done for cosmetic purposes and not for  
12 the treatment of physical or mental ailments;

13

14           (C) Done for payment, either directly or  
15 indirectly.

16

17           (xxi) "Barbershop" means any place licensed under  
18 this act in which barbering is practiced;

19

20           (xxii) "Licensed establishment" means a  
21 barbershop or salon;

22

1           ~~(xx)~~(xxiii) "This act" means W.S. 33-12-119  
2 through ~~33-12-140~~33-12-142.

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)~~six (6) members  
8 appointed by the governor. ~~Each member~~Three (3) members shall  
9 be ~~a cosmetologist~~cosmetologists licensed in Wyoming, ~~and~~ at  
10 least one (1) of whom shall be an instructor of cosmetology  
11 licensed in Wyoming. Each ~~member of~~cosmetologist appointed  
12 to the board shall ~~be a resident of Wyoming with~~have at least  
13 five (5) years of experience as a cosmetologist in Wyoming  
14 immediately preceding the appointment. Three (3) members  
15 shall be barbers licensed in Wyoming, each of whom shall have  
16 at least five (5) years of experience as a barber in Wyoming  
17 immediately preceding the appointment. All members shall be  
18 residents of Wyoming. Appointments shall represent various  
19 geographical areas of Wyoming. The term of each appointee  
20 shall be three (3) years, unless sooner removed from the  
21 board, or until a successor is appointed. The terms shall be  
22 staggered so that the terms of not more than two (2) members  
23 expire each year. ~~The members of the board holding office on~~

1 ~~the effective date of this act shall serve as members for the~~  
2 ~~remainder of their respective terms.~~

3

4 (b) No member of the board shall be affiliated with or  
5 hold interest in any cosmetology school or any school of  
6 barbering while serving as a member of the board.

7

8 (c) Vacancies shall be filled for the unexpired term.  
9 The governor shall remove any board member whose ~~cosmetology~~  
10 license has been suspended or revoked. The governor may remove  
11 any board member as provided in W.S. 9-1-202.

12

13 **33-12-123. Duties of board members.**

14

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

17

18 (i) Develop rules setting uniform and reasonable  
19 standards of competency for the licensing, practice and  
20 teaching of barbering, cosmetology, ~~manicuring~~ or nail  
21 technology, esthetics or hair styling, for the operation of  
22 ~~salons~~ licensed establishments and schools, and procedures  
23 for its own conduct. In promulgating rules under this

1 paragraph the board shall require a uniform number of hours  
2 of study for each profession authorized by this act as is  
3 reasonably practicable;

4  
5 (ii) Administer examinations to determine  
6 competency for licensure of barbers, cosmetologists,  
7 manicurists or nail technicians, estheticians, hair stylists  
8 and instructors;

9  
10 (v) Annually inspect, or appoint persons to  
11 inspect, all ~~salons~~licensed establishments and schools for  
12 proper licensure of the ~~salon,~~licensed establishment or  
13 school and all barbers, cosmetologists, ~~manicurists or~~ nail  
14 technicians, estheticians, hair stylists whether practicing  
15 as a proprietor, employee or independent contractor, or  
16 instructors practicing or teaching and for the purpose of  
17 determining compliance with the provisions of this act and  
18 board rules. Licensed establishments and schools in the state  
19 of Wyoming shall be open to county health officers, members  
20 of the board and the board's inspectors or representatives  
21 during business hours;

22



1       (b) The member of the board who is an instructor shall  
2 not conduct examinations or train or supervise examiners  
3 conducting examinations under this act.

4

5       **33-12-126. Executive director; duties; accountability;**  
6 **compensation.**

7

8 The board shall employ an executive director who shall be  
9 responsible for the administration of this act and rules of  
10 the board, and other duties as the board may direct. The  
11 executive director shall be a cosmetologist or barber  
12 licensed in Wyoming and qualified by education and  
13 experience. The executive director may act in the board's  
14 behalf during the period between meetings on matters of  
15 licensure, applications for examination and other  
16 administrative functions. The executive director shall be  
17 responsible for the coordination and security of board  
18 examinations, shall assist the board members with adoption of  
19 rules and regulations, shall assist in legislative matters,  
20 shall attend board meetings and assist in implementation of  
21 board decisions. The annual salary of the executive director  
22 shall be determined by the state personnel division. The  
23 executive director shall receive mileage and per diem

1 allowance for expenses incurred in the performance of  
2 official duties as provided for other state employees.

3

4 **33-12-127. Licenses required; failure to comply; fines.**

5

6 (a) ~~From and after the effective date of this act,~~ No  
7 person shall engage in the practice or instruction of  
8 barbering, cosmetology, ~~manicuring or~~ nail technology,  
9 esthetics or hair styling and no place shall be maintained  
10 and operated for the practice or teaching of barbering,  
11 cosmetology, ~~manicuring or~~ nail technology, esthetics or hair  
12 styling except under a license issued in compliance with this  
13 act and the rules adopted pursuant to this act.

14

15 (b) No school or ~~salon-~~licensed establishment shall  
16 employ, hire or in any manner allow any individual to practice  
17 or teach barbering, cosmetology, ~~manicuring or~~ nail  
18 technology, esthetics or hair styling unless that individual  
19 has a current license to practice or teach the applicable  
20 specific practice of barbering, cosmetology, ~~manicuring or~~  
21 nail technology, esthetics or hair styling.

22

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

3  
4           (i) Be issued in the name of the licensed barber,  
5 cosmetologist, ~~manicurist or~~ nail technician, esthetician,  
6 hair stylist, instructor, owner of the ~~salon~~ licensed  
7 establishment or owner of the school;

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

16  
17           (e) Upon request of a licensee, the board may issue a  
18 certificate to the licensee to practice activities authorized  
19 under the license as an independent contractor within a ~~salon~~  
20 licensed establishment. The board may charge an additional  
21 fee for the issuance of the certificate as established  
22 pursuant to W.S. 33-12-139.

23

1       (f) Barbers, cosmetologists, nail technicians,  
2 estheticians and hair stylists licensed under this act may  
3 engage in the practice for which they are licensed in the  
4 same licensed establishment that is licensed under the  
5 provisions of this act.

6  
7       **33-12-128. Form; expiration; renewal of license;**  
8 **furnishing printed matter.**

9  
10       (a) The board shall prescribe the form and expiration  
11 date of licenses. Licenses may be renewed by submitting the  
12 required application for renewal and fee to the board before  
13 the license expiration date.

14  
15       (b) If a barber, cosmetologist, ~~manicurist or~~ nail  
16 technician, esthetician, hair stylist or instructor license  
17 is allowed to expire, the license may be renewed within a  
18 period of ninety (90) days after the expiration date, but  
19 after the expiration of ninety (90) days from the date the  
20 license expired the license shall lapse.

21  
22       (c) All permits, licenses or other printed matter  
23 necessary to carry out the provisions of this act shall be

1 provided and issued by the board, and at no expense to the  
2 state.

3  
4 **33-12-129. Expired and lapsed licenses; relicensure.**

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

18  
19 **33-12-130. Licensure by examination.**

20  
21 (a) An applicant for admission to board examination for  
22 a license shall meet the following requirements:

1 (i) Be a graduate of a barber, cosmetology,  
2 manicuring or nail technology, esthetics or hair styling  
3 school and have met training requirements comparable to those  
4 set forth in board rules;

5

6 (b) The board shall issue a license to persons  
7 successfully passing ~~the a~~ board licensing examination and  
8 meeting all requirements of this act and of the board.

9

10 **33-12-131. Time, place and scope of examinations.**

11

12 (a) Except as otherwise provided in this subsection,  
13 examinations shall be held at least six (6) times a year at  
14 a time and place designated by the board. The examinations  
15 shall be ~~conducted by the board or a majority thereof~~ held in  
16 the presence of at least one (1) member of the board except  
17 as provided in W.S. 33-12-123(b) or a qualified examiner as  
18 determined by board rule.

19

20 (b) The examinations shall not be confined to any  
21 specific method or system, may consist of written, oral and  
22 performance examinations and shall be of such scope and  
23 character as to disclose that any person passing the

1 examination is qualified to receive a cosmetologist,  
2 ~~manicurist or~~ nail technician, esthetician, hair stylist or  
3 instructor license.

4  
5 (c) Each applicant for an examination shall make  
6 application to the board on forms prepared and furnished by  
7 the board and shall submit proper credentials and all required  
8 fees as required by the board not less than fifteen (15) days  
9 before the examination is to be given.

10  
11 (d) An applicant for a license who fails to pass an  
12 examination conducted by the board may be examined at the  
13 next examination.

14  
15 (e) The board may declare forfeit the examination fee  
16 of any applicant who fails to appear for examination at two  
17 (2) successive meetings of the board for the examination of  
18 applicants.

19  
20 **33-12-132. Licensure by endorsement.**

21  
22 An applicant for a license to practice or instruct barbering,  
23 cosmetology, ~~manicuring or~~ nail technology, esthetics or hair

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



1

2           **33-12-135. Powers to revoke, refuse, suspend, refuse to**  
3 **renew licenses; grounds; procedures.**

4

5           (a) The board may refuse to issue a license under this  
6 act or censure, revoke, suspend or refuse to renew a license  
7 issued pursuant to this act after not less than twenty (20)  
8 days notice and a hearing, held pursuant to the provisions of  
9 W.S. 16-3-101 through 16-3-115, for any of the following acts:

10

11                   (iii) Unprofessional or dishonest conduct, gross  
12 malpractice or gross incompetency as defined by this act or  
13 rules of the board;

14

15                   (iv) A judicial disposition of guilt or a plea of  
16 nolo contendere relative to a criminal offense which  
17 adversely relates to the practice or instruction of  
18 barbering, cosmetology, nail technology, esthetics or hair  
19 styling;

20

21                   (vi) Use of intoxicating liquor or drugs to such  
22 an extent as to render the individual unfit to practice or

1 teach barbering, cosmetology, ~~manicuring or~~ nail technology,  
2 esthetics or hair styling;

3

4 (viii) Advertising by means of statements known to  
5 be false or deceptive;~~or~~

6

7 (ix) Failure of any person, ~~salon~~licensed  
8 establishment or school to display required licenses and  
9 inspection certificates;~~;~~

10

11 (x) Making a false statement on an application to  
12 the board;

13

14 (xi) Advertising, practicing, or attempting to  
15 practice, under a trade name other than one's own.

16

17 **33-12-136. Right of entry.**

18

19 Any member of the board, its agents or assistants may enter  
20 into and inspect any school or ~~salon~~licensed establishment  
21 at any time during business hours.

22

23 **33-12-138. Publications.**

1

2 (a) The board shall:

3

4 (i) Provide a copy of appropriate statutes and  
5 rules to every licensed barber, cosmetologist, ~~manicurist or~~  
6 nail technician, esthetician, hair stylist, salon and school.  
7 Additional copies shall be made available upon payment of a  
8 fee for the publication;

9

10 (ii) Prepare and maintain a current list of the  
11 names and addresses of all barbers, cosmetologists,  
12 ~~manicurist or~~ nail technicians, estheticians, hair stylists,  
13 ~~salons~~ licensed establishments and schools licensed in  
14 Wyoming, the names and addresses of the members of the board  
15 and their terms of office. The list shall be available for  
16 inspection and copying and for reproduction in whole or in  
17 part upon payment of the cost of reproduction.

18

19 **33-12-139. Fees; disposition of fees.**

20

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

23

- 1 (i) Examinations and inspections;
- 2
- 3 (iv) ~~Salon~~Licensed establishment license;
- 4
- 5 (ix) ~~Manicurist or~~Nail technician license;
- 6
- 7 (xii) Independent contractor certificate;~~and~~
- 8
- 9 (xiv) Late fee for license renewal;
- 10
- 11 (xv) Barber's license;
- 12
- 13 (xvi) Duplicate license.
- 14

15 **Section 2.** W.S. 33-7-206 as 33-12-141 and 33-7-112 as  
 16 33-12-142 are amended and renumbered to read:

17

18 ~~33-7-206~~ 33-12-141. **Display.**

19

20 Except as otherwise provided in this section, every holder of  
 21 a ~~certificate of registration~~license shall display it in a  
 22 conspicuous place adjacent to or near his work chair. Every  
 23 holder of a ~~barbershop or barber school~~licensed

1 establishment or school license issued under the provisions  
2 of this act shall display it in a conspicuous place for public  
3 viewing.

4

5 ~~33-7-112~~ 33-12-142. **Penalty.**

6

7 Except as provided in W.S. 33-12-127(d), any violation of  
8 this act constitutes a misdemeanor punishable by a fine of  
9 not less than one hundred dollars (\$100.00) nor more than  
10 seven hundred fifty dollars (\$750.00), imprisonment for not  
11 more than ninety (90) days, or both.

12

13 **Section 3.** W.S. 33-7-101 through 33-7-111, 33-7-201  
14 through 33-7-205 and 33-7-207 through 33-7-211 are repealed.

15

16 **Section 4.** Any amount in the account created under W.S.  
17 33-7-103(b), repealed by this act, shall be transferred to  
18 the account created under W.S. 33-12-139(c) on the effective  
19 date of this act.

20

21 **Section 5.** The members of the board of barber  
22 examiners, repealed by this act, may continue as members of  
23 the board of cosmetology and barbers as created by this act

1 until the expiration of their current term. The governor shall  
2 make any necessary changes and appointments to the board in  
3 accordance with the provisions of this act.

4

5       **Section 6.** This act shall not invalidate any current  
6 license or registration and shall not diminish the period of  
7 time that any existing license or registration is valid.

8

9       **Section 7.** The board of cosmetology, reconstituted by  
10 this act as the board of cosmetology and barbers, shall  
11 promulgate any rules necessary to implement the provisions of  
12 this act including rules to transition existing manicurist  
13 and barber licenses and certificates of registration and  
14 existing barbershop and school licenses to licenses  
15 authorized by the provisions of this act.

16

17       **Section 8.**

18

19       (a) Except as provided in subsection (b) of this section,  
20 this act is effective July 1, 2019.

21

1           (b) Section 7 of this act is effective immediately upon  
2 completion of all acts necessary for a bill to become law as  
3 provided by Article 4, Section 8 of the Wyoming Constitution.

4

5

(END)