

UNIFORM MODEL PRACTICE ACT

NIC EXECUTIVE DIRECTORS COMMITTEE 2018

NATIONAL-INTERSTATE COUNCIL OF
STATE BOARDS OF COSMETOLOGY

UNIFORM MODEL PRACTICE ACT

Article II

Title, Purpose, and Definitions

An ACT concerning the regulation of the practice of cosmetology and related matters.
Be it enacted...

Section 101. Title of Act.

This Act shall be known as the “(Name of State) Cosmetology Practice Act.”

Section 102. Legislative Declaration.

The practice of cosmetology in the state of (Name of State) is declared a professional practice affecting the public health, safety, and welfare and is subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of cosmetology, as defined in the Act, merit and receive the confidence of the public and only those qualified persons are permitted to engage in the practice of cosmetology in the state of (Name of State). This Act shall carry out these objectives and purposes.

Section 103. Statement of Purpose.

It is the purpose of this Act to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of persons, that practice cosmetology within this state.

Section 104. Practice of Cosmetology.

The Practice of Cosmetology means to offer services in the areas of:

1. Hair Styling;
2. Esthetics; and
3. Nail technology.

Section 105. Exempt persons or activities.

The practice of cosmetology shall not apply to the following:

1. Any officer serving in the United States armed forces or in the federal government performing cosmetology services within the scope of official duties, provided such cosmetology services are limited to the period of such service;
2. Any person rendering gratuitous services in cases of emergency;
3. Any cosmetology professional who is licensed in another state or country and who is consulting with a cosmetology professional licensed in this state provided such service is limited to such consultation;
4. Any student enrolled and in good standing in a school of cosmetology approved by the Board who engages in practice at a licensed cosmetology school or under the supervision of a licensed cosmetology professional under this article.

Section 106. Definitions.

(a) **Approved Provider of Continuing Education** means:

Any professional association, university or college, corporation or other entity that has met the requirements of the Board to provide educational courses that are designed to assure continued competence in the practice of cosmetology.

(b) **Approved Program of Continuing Education** means:

An educational program offered by an approved provider of continuing education.

(c) **Approved Cosmetology Program** means:

A school of cosmetology or a cosmetology education program that is approved by the Board.

(d) **Board of Cosmetology** means:

The Board of Cosmetology created under this Act. In this document referred to as "Board".

(e) **Client** means:

An entity, person, group or corporation that has entered into an agreement with a cosmetology professional for the purposes of obtaining cosmetology services.

(f) **Continuing Education** means:

Training which is designed for continued competence in the practice of cosmetology.

(g) **Continuing Education Contact Hour** means:

A fifty (50) minute clock hour of instruction, not including breaks or meals.

(h) **Conviction** means:

Conviction of a crime by a court of competent jurisdiction and shall include a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered on admission of guilt, a no consent plea, a plea of nolo contendere, or a guilty plea.

(i) **Examination** means:

An examination approved by the Board.

(j) **Felony** means:

A criminal act as defined by this state or any other state or by definition under federal law.

(k) **Informed Consent** means:

The cosmetology professional has informed the client or the client's authorized representative, in a manner understood by the client or representative, of the service, risk assessment, and has provided the client with an estimate of the charges for cosmetology services to be rendered and the client has consented to the recommended service.

(l) **Licensee** means:

A person duly licensed under this Act.

(m) **Person** means:

Any individual, firm, partnership, association, joint venture, cooperative, corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

(n) **Supervision** related terms are defined as follows:

1. Indirect supervision means a cosmetology professional who assumes responsibility for the professional care given to a client by a person working under his or her direction.
2. Direct supervision means the supervising cosmetology professional is in the immediate area and within audible and visual range of the cosmetology professional servicing the client.

(o) **Cosmetologist** means:

A person who is a graduate of an approved cosmetology program and is duly licensed under the provisions of this Act to practice cosmetology.

(p) **Hair stylist** means:

A person who is a graduate of an approved hair stylist program and is duly licensed under the provisions of this Act to practice hair styling.

(q) **Esthetician** means:

A person who is a graduate of an approved esthetician program and is duly licensed under the provisions of this Act to practice esthetics.

(r) **Nail Technologist** means:

A person who is a graduate of an approved nail technology program and is duly licensed under the provisions of this Act to practice nail technology.

(s) **Cosmetology Salon** means:

Any place or unit from which the Practice of Cosmetology is conducted.

(t) **Cosmetology** means the practice of:

1. Hair styling;
2. Esthetics; and
3. Nail Technology.

(u) **Hair Styling** means the practice of:

1. Arranging, beautifying, bleaching, cleansing, coloring, curling, cutting, dressing, manipulation, permanent waving, singeing, tinting, and trimming of natural or artificial hair;
2. Use of lotions, creams, and antiseptics; and
3. Massaging and stimulation of the scalp.

(v) **Esthetics** means the practice of:

1. Beautifying, cleansing, cosmetic preparations, exfoliating, facials, makeup, removal of superfluous hair, stimulation, tinting, tweezing and waxing;
2. Eyelash tinting, artificial eyelashes and eyelash extensions;
3. Use of lotions, creams, oils, antiseptics and depilatories; and
4. Massaging the skin.

(w) **Nail Technology** means the practice of:

1. Manicuring and pedicuring real and artificial nails for the purpose of beautifying which includes:
 - a. Cleaning;
 - b. Trimming;
 - c. Cutting;
 - d. Shaping;
 - e. Sculpting;
 - f. Polishing; and
2. Massaging the hands and feet.

(x) **Massaging** means:

Surface manipulation in relation to skin care; or cleaning or stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of hands, devices, apparatus, or appliances along with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(y) **Natural Hair Styling** means:

Tension on hair strands or roots by braiding, locking, weaving, interweaving, extending, twisting, wrapping, arranging, corn rowing, threading, manipulating, and straightening natural hair by hand or mechanical devices.

(z) Reciprocity/Endorsement – Endorsement/Reciprocity means:

Acceptance of a practitioner applicant for licensure from outside the state or jurisdiction based on documented prior record of training and/or experience in work hours from another state or jurisdiction without additional testing with the exception of state law exams this could include:

- a. License for license; or
- b. Mutual exchange of license privileges; or
- c. A recognition by other states of the validity of licenses or privileges granted by the other.