ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

COMMITTEE ON REGULATORY AFFAIRS

Report of Regular Meeting
Wednesday, February 8, 2023
House Hearing Room 5 -- 2:00 P.M.

Convened 2:00 P.M.
Recessed
Reconvened
Adjourned 3:46 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
2-13-23

Members Present
Representative Bravo
Representative Gutierrez
Representative Hernandez
Representative Payne
Representative Peña
Representative McGarr, Vice-Chairman
Representative Hendrix, Chairman

Members Absent

Agenda
Original Agenda – Attachment 1

Request to Speak
Report – Attachment 2

Committee Attendance
Report – Attachment 3

Committee Action

Bill	Action	Vote	Attachments
HB2172	DP	7-0-0-0	4, 5
HB2525	DPA	4-3-0-0	6, 7, 8, 9
HB2199	DPA	7-0-0-0	10, 11, 12
HB2550	DP	7-0-0-0	13, 14
HB2429	DP	7-0-0-0	15, 16
HB2230	DP	6-0-0-1	17, 18

Julie Ryberg, Committee Secretary
February 9, 2023

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

Convened 2:00pm
Adjourned 3:46pm

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON REGULATORY AFFAIRS

DATE Wednesday, February 8, 2023 ROOM HHR 5 TIME 2:00 P.M.

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2023021033

Members:

Representative Bravo
Representative Gutierrez
Representative Hernandez A
Representative Payne
Representative Peña
Representative McGarr, Vice-Chairman
Representative Hendrix, Chairman

	Bills		Short Title	Strike Everything Title
(1)	*HB2172	DP	massage therapy; communication proficiency; repeal	
		7-0-0-0	(Longdon: Dunn, Pawlik, et al) RA, RULES	
(3)	*HB2199	DPA	cosmetology instructors (Wilmeth)	
		7-0-0-0	RA, RULES	
(6)	*HB2230	DP	appraiser; claims; time limitation (Harris: Jones, Smith)	
	**	6-0-0-1	RA, RULES	
(5)	HB2429	DP	occupational licenses; convictions (Wilmeth)	
		7-0-0-0	RA, RULES	
(2)	HB2525	DPA	barbering; cosmetology; salons; unlicensed employees (Hendrix)	
		4-3-0-0	RA, RULES	

Attachment 1

Bills		Short Title	Strike Everything Title
~~HB2542~~		~~cosmetology licensure interstate compact~~	
		~~(Dunn)~~	
		~~RA, RULES~~	
(4) HB2550	DP	eyelash technicians; registration..	
		(Wilmeth)	
	7-0-0-0	RA, RULES	

* On previous agenda
** Pending unanimous consent pursuant to House Rule 9 (C) 3

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

~~JY~~
RA
~~02/02/2023~~
~~02/06/2023~~
02/08/2023

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Information Registered on the Request to Speak System

House Regulatory Affairs (2/8/2023)

HB2172, massage therapy; communication proficiency; repeal

Testified in support:

Lauren Bouton, representing self; Michael Tapscott, representing self; Michelle Cordero, representing self

Support:

David Kahn, REPUBLICAN LIBERTY CAUCUS OF ARIZONA; Charles Schinke, representing self; DEBRA SCHINKE, representing self; Claribeth Davis, representing self; R Morrison, representing self; Cynthia Newswander, representing self; Carol Stines, representing self; Wendy Jonessee, representing self; Gretchen Petersen, representing self; Sue VanRiper, representing self; Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER, Self

All Comments:

Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER, Self: This bill eliminates a needless burden to earning an honest living. Arizona's requirement is unique in the nation and should be eliminated.

HB2199, cosmetology instructors

Testified in support:

cathy koluch, representing self

Support:

Alexandria Mendoza, ARIZONA COSMETOLOGY SCHOOLS COALITION; David Kahn, REPUBLICAN LIBERTY CAUCUS OF ARIZONA; Charles Schinke, representing self; Jacqueline Mesa, representing self; DEBRA SCHINKE, representing self; Claribeth Davis, representing self; R Morrison, representing self; Cynthia Newswander, representing self; Wendy Jonessee, representing self; Gretchen Petersen, representing self; Sue VanRiper, representing self

All Comments:

cathy koluch, Self: This reduces barrier to entry for those who move to AZ and are experienced educators in another state that do not require an educator license. It also helps AZ residents who wish to become an educator.

HB2230, appraiser; claims; time limitation

Support:

Dale Cooper, MAI, SRA, AI-GRS, AI-RRS, PHOENIX CHAPTER APPRAISAL INSTITUTE

Attachment 2

All Comments:

Dale Cooper, MAI, SRA, AI-GRS, AI-RRS, PHOENIX CHAPTER APPRAISAL INSTITUTE: The Phoenix Chapter of the Appraisal Institute Southern Arizona Chapter of the Appraisal Institute REASA, Real Estate Appraisers of Southern Arizona COAA, Coalition of Arizona Appraisers

HB2429, occupational licenses; convictions

Testified in support:

John Bauters, representing self

Support:

Russell Smoldon, Action For Safety And Justice; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE; Cheryl Todd, representing self; Shaun Rieve, JUSTICE ACTION NETWORK; Marilyn Rodriguez, AZ ATTORNEYS FOR CRIMINAL JUSTICE; Nathan Wade, representing self; Kim Bishop, representing self; R Morrison, representing self; Cassandra Todd-Jameson, representing self; Sue VanRiper, representing self

All Comments:

John Bauters, Self: This bill will remove barriers to employment and self-sufficiency for Arizonans who have completed their sentence for nonviolent offenses, paid fines and fees, and have been approved for judicial sealings or set asides of their convictions.

HB2525, barbering; cosmetology; salons; unlicensed employees

Testified in support:

Lauren Bouton, representing self; Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER, Self

Testified as opposed:

cathy koluch, representing self

Support:

David Kahn, REPUBLICAN LIBERTY CAUCUS OF ARIZONA; Charles Schinke, representing self; DEBRA SCHINKE, representing self; R Morrison, representing self; Cynthia Newswander, representing self; Wendy Jonessee, representing self; Sue VanRiper, representing self

Oppose:

Pierre Desombre, representing self; Steve Schwartz, representing self

All Comments:

Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER, Self: The time and money spent getting a license comes at a great cost and frequently leads to significant debt. The inspection program leaves hiring and training decisions to salon owners. Public health is protected by inspections. Like with restaurants.; cathy koluch, Self: This bill is wreckless. It will lead to harm to the public. Inspections now & again do not guarantee sanitation & infection control will be taught. This will lead to low wage jobs with no future. Salon owners are not educators, they are

technicians.; Steve Schwartz, Self: This bill is hazardous to the public. Would never send my grandmother to an unlicensed person. This will turn into slave labor

HB2550, eyelash technicians; registration..

Testified in support:

cathy koluch, representing self

Testified as neutral:

Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER, Self

Support:

Alexandria Mendoza, ARIZONA COSMETOLOGY SCHOOLS COALITION

All Comments:

cathy koluch, Self: This reduces barrier to entry for those who wish to do just eyelashes extensions with a minimal training course that includes sanitation, infection control, product knowledge and safety; Paul Avelar, INSTITUTE FOR JUSTICE AZ CHAPTER, Self: Although not perfect, this bill (if amended) can solve an existing practical problem in the way Arizona regulates eyelash extensions.

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Regulatory Affairs Bill Number 2525

Date 02/08/2023 ☐ Support ☐ Oppose ☒ Neutral

Name Frank Migali Need to Speak? ☐ Yes ☐ No asked by committee to answer questions

Representing _____ Are you a registered lobbyist? _____

Complete Address 1740 W. Adams St. Phoenix, AZ 85007

E-mail Address fmigali@bcb.az.gov Phone Number _____

Comments: _____

FIVE-MINUTE SPEAKING LIMIT

ARIZONA STATE LEGISLATURE
Fifty-sixth Legislature - First Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **REGULATORY AFFAIRS**

CHAIRMAN: Laurin Hendrix VICE-CHAIRMAN: Cory McGarr

	DATE	01/25/23	2/1 /23	2/8 /23	/23	/23
	CONVENED	2:00 pm	2:03 pm	2:00 pm	m	m
	RECESSED	2:19 pm				
	RECONVENED	2:21 pm				
	ADJOURNED	2:23 PM	3:03 pm	3:46 pm		
MEMBERS						
Bravo		✓	✓	✓		
Gutierrez		✓	✓	✓		
Hernandez A		✓	✓	✓		
Payne		✓	✓	✓		
Peña		✓	✓	✓		
McGarr, Vice-Chairman		✓	✓	✓		
Hendrix, Chairman		✓	✓	✓		

√ Present --- Absent exc Excused

Attachment 3

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2172: massage therapy; communication proficiency; repeal
Sponsor: Representative Longdon, LD 5
Committee on Regulatory Affairs

Overview

Removes the requirement that the Board of Massage Therapy (the Board) have rules for licensure requiring communication proficiency for health and safety in massage therapy.

History

The Board licenses and regulates massage therapists (A.R.S. § 32-4203). The *practice of massage therapy* is defined as the application of massage therapy to an individual for a fee or other consideration. This does not include medical diagnosis, medical procedures, naturopathic manipulative medicine, osteopathic manipulative medicine and chiropractic adjustive procedures, the prescription of medicine or the use of medical modalities requiring an alternative license to practice (A.R.S. § 32-4201).

The Board requires the submission of select direct source documents for initial applicants, which are documents that cannot be submitted by the applicant and must be received directly from the issuing agency/entity. These documents consist of:

1) academic transcripts from each Board-recognized school;
2) written verification of a passing score on the Board Certification in Therapeutic Massage and Bodywork (BCTMB) or the Federation of State Massage Therapy Boards (FSMTB) exams;
3) completed license verification if from or each jurisdiction the applicant has ever held or currently holds a massage therapy or bodywork license; and
4) scores earned on either the Test of English as a Foreign Language (TOEFL) or the Test of English for International Communication (TOEIC) exam if the applicant's native language is not English (Arizona State Board of Massage Therapy – Initial Application).

Provisions

1. Strikes the requirement that the Board of Massage Therapy must adopt rules for licensure involving communication proficiency relating to protecting the health and safety in the practice of massage therapy. (Sec. 1)
2. Makes technical changes. (Sec. 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2172

DATE February 08, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

Julia Ryle
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 5

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2525: barbering; cosmetology; salons; unlicensed employees
Sponsor: Representative Hendrix, LD 14
Committee on Regulatory Affairs

Overview

Establishes a new program and registry administered by the Arizona Board of Barbering and Cosmetology (Board) to allow licensed, participating shops and salons to employ unlicensed individuals.

History

Laws 2021, Chapter 334 consolidated the barbering and cosmetology boards into the *Arizona Board of Barbering and Cosmetology*, effective January 1, 2022. The new nine-member Board is appointed by the Governor to three-year terms and include: 1) a barber; 2) a cosmetologist; 3) two school owners; and 4) five public members. Board powers and duties include adopting pertinent rules for sanitary and safety requirements, administering and enforcing statutes and rules, issuing and maintaining proper licensee records and prescribing school curriculum requirements among others (A.R.S. §§ 32-304, 32-504).

Provisions

Shop and Salon Inspection Program (Inspection Program) and Shop and Salon Registry (Registry) (Sec. 2)

1. Directs the Board to establish an Inspection Program and Registry to allow participating, licensed shops or salons to employ unlicensed individuals.
2. Permits licensed shops and salons to participate in the Inspection Program by registering with the Board.
3. Authorizes appropriately licensed shops or salons that are registered Inspection Program participants to hire unlicensed persons to provide barbering, aesthetics, cosmetology, hairstyling or nail technology.
4. Outlines sign requirements for registered Inspection Program participants.
5. Requires any registered Inspection Program shop or salon to abide by all facility, equipment, safety, infection control, inspection, management and licensing renewal mandates and all other statutory requirements.
6. Stipulates that the owner of any registered and participating Inspection Program shop or salon is responsible for:
   a) ensuring the education, training and competence of persons working in the salon or shop;
   b) protecting the health and safety of all customers and workers, including the sanitation of the shop and equipment.
7. Permits a person to recover reasonable attorney fees and other equitable relief, as determined by the court, for an alleged injury resulting from an action that occurred in a shop or salon.

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

8. Directs the Board to conduct regular inspections of participating Inspection Program shops or salons, as it deems necessary.

9. Empowers the Board to order an Inspection Program shop or salon to cease operations if there is probable cause to believe that human health is endangered and outlines the process and procedures for remedy.

Miscellaneous

10. States that a person employed with an Inspection Program shop or salon is not required to be licensed. (Sec. 1, 3)

11. Permits a person with a least 200 hours of infection protection and law review instruction to obtain an aesthetician's license if the person submits the application and meets all other statutory requirements. (Sec. 4)

12. Changes the requirements to receive a cosmetologist license as follows:
    a) decreases, from 1,500 to 1,000, the required training course hours; and
    b) decreases, from 250 to 200, the infection protection and law review instruction hours. (Sec. 5)

13. Revises the requirements to obtain a nail technician license as follow:
    a) decreases, from 600 to 400, the number of required training hours.
    b) permits a person with at least 150 hours of infection protection and law review instruction to obtain a license if the person submits the application and meets all other statutory requirements. (Sec. 6)

14. Modifies the requirements to obtain a hairstyling license as follows:
    a) decreases, from 1,000 to 600, the number of required training hours; and
    b) permits a person with at least 200 hours of infection protection and law review instruction to obtain a license if the person submits the application and meets all other statutory requirements. (Sec. 7)

15. Specifies that the *infection protection and law review instruction* may be completed through an approved federal Department of Labor program or an Arizona Department of Economic Security approved apprenticeship program. (Sec. 4, 6, 7)

16. Makes technical and conforming changes. (Sec. 1, 3, 4, 5, 6, 7)

Fifty-sixth Legislature
First Regular Session

Regulatory Affairs
H.B. 2525

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2525

(Reference to printed bill)

Page 1, line 30, strike "32-358" insert "32-357"

Page 5, strike lines 8 through 44

Renumber to conform

Page 6, line 22, strike "~~six~~ FOUR" insert "six"

Page 7, lines 13 and 14, strike "~~one thousand~~ SIX HUNDRED" insert "one thousand"

Amend title to conform

LAURIN HENDRIX

2525HENDRIX.docx
01/26/2023
08:34 AM
C: MU

Attachment 7

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ___ Analysts Initials ___

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2525

DATE February 08, 2023 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo			✓		
Gutierrez			✓		
Hernandez A			✓		
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		4	3	0	0

Julie Ryan
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 8

Beauty School Debt and Drop-Outs

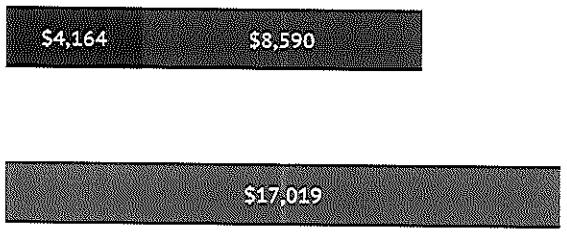
How Arizona Licensing Fails Aspiring Beauty Workers

State cosmetology licensing does little to help students or the public. The main beneficiaries of cosmetology licensing are cosmetology schools. A new report from the Institute for Justice examined federal data on cosmetology schools nationwide and found that cosmetology school, a requirement for a state license to work, is a raw deal for many aspiring beauty workers. Cosmetology school is expensive, time-consuming and risky—and it rarely pays off in terms of earnings.

Read the full report at ij.org/report/beauty-school-debt-and-drop-outs/

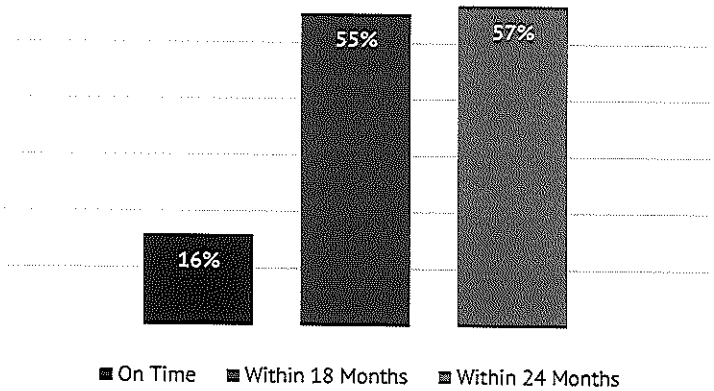
Attachment 9

Average Costs vs. Average Pell Grant Awards and Federal Student Loan Amounts for Awardees, 2011–2012 to 2016–2017



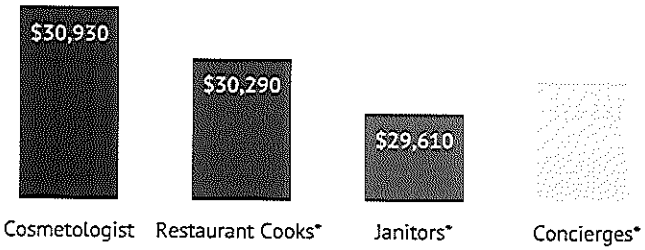
State-mandated cosmetology school is expensive and time-consuming in Arizona. On average, it costs over $17,000 and takes about a year.

Average Percent of Students Per School Who Graduated On Time, Within 18 Months and Within 24 Months, 2011–2012 to 2016–2017



Arizona cosmetology schools do a poor job of graduating students on time—or even at all. On average, less than a fifth of students graduate on time.

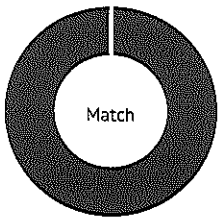
Median Salaries of Cosmetologists, Restaurant Cooks, Janitors and Concierges, 2021



* No burdensome state licensure or education requirements.

Cosmetology school rarely pays off in terms of earnings. Arizona students who graduate and become licensed can expect to earn less than $31,000 a year on average, not much more than restaurant cooks, janitors, or concierges.

Percent of Cosmetology Programs That Match, Fall Below or Exceed State Mandates, 2016–2017



Our data suggest state licensing is the reason cosmetology school takes so long. Even though state requirements differ, most cosmetology programs exactly match state mandates (**100% in Arizona's case**). Most tellingly, when states reduce licensing hours, schools quickly fall in line.

Forcing aspiring beauty workers into costly and lengthy schooling might make sense if it were essential for public safety, but there are good reasons to think it is not. Most cosmetology services are safe, and little of the material states require schools to teach directly addresses health and safety—**only about 25% nationwide**, according to a recent legal analysis.

Contact: Paul Avelar, Managing Attorney of the Institute for Justice Arizona Office, (480) 557-8300, pavelar@ij.org

INSTITUTE FOR JUSTICE 398 S. Mill Ave., Suite 301, Tempe, AZ 85281 www.IJ.ORG

ARIZONA
BARBERING & COSMETOLOGY BOARD

2022 YEAR IN REVIEW

BCB MISSION

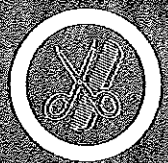
To protect the public's health and safety, our agency will license qualified schools, establishments, and individuals, and ensure compliance with state statutes and regulations.

BCB VISION

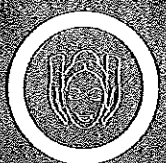
Provide quality and timely service through world-class customer care.

TYPES OF LICENSES

NUMBER OF LICENSEES



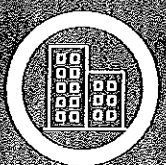
COSMETOLOGY
54,000



AESTHETICIAN
18,400



NAIL TECHNOLOGY
16,300



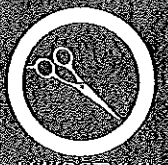
ESTABLISHMENTS
10,970



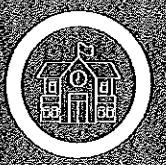
BARBER
7,700



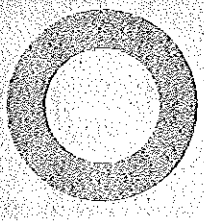
INSTRUCTORS
1,600



HAIRSTYLING
800



SCHOOLS
100



86%
OF INSPECTIONS WERE SATISFACTORY

INSPETCTIONS CONDUCTED:
3,244

2022 SUCCESSES

CONSOLIDATED WEBSITE

Created one website for both Boards for a centralized location to find information.

LICENSE ISSUANCE TIMELINESS

Reduced establishment license issuance from 18 weeks to four weeks or less. Adjusted the examination licensing process to allow candidates to schedule their testing at the beginning of the process, effectively eliminating the 10+ week backlog of examination approvals.

IMPROVED CUSTOMER SERVICE

Reduced average call center wait time from 40+ minutes to less than 10 minutes with an average call handle time of 3:38. Reduced the average number of monthly phone calls from 4,200 to less than 2,900.

TESTING

Implemented a written practical examination for Cosmetology, Aesthetics, Nail Technology and Barber styling, eliminating the need for provisional licensing.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2199: cosmetology instructors
Sponsor: Representative Wilmeth, LD 2
Committee on Regulatory Affairs

Overview
Provides license reciprocity if an individual has at least one year of instructor experience in another state or country.

History
Title 32, Section 532, Arizona Revised Statutes, authorizes an individual to receive a license to teach cosmetology, aesthetics, nail technology or hair styling (Professions) in a school if the person applies to the Barbering and Cosmetology Board and pays the required license fees. The person must comply with one of the following:

1) is a currently licensed instructor in one of the Professions in another state or country; or
2) does all the following:
   a) submits proof of being at least 18 years of age; or submits a high school diploma and proof of being at least 16 years of age; and
   b) is a licensed professional in another state or country;
   c) completes training in another state or country with an instructor education program with requirements substantially equivalent to those of Arizona;
   d) passes the required examination for an instructor license;
   e) has five years of industry experience within the 10 years before application; and
   f) meets all Board requirements.

Students may only provide services to the public while under the direct supervision of an instructor and cannot receive any kind of pay for professional services while a student (A.R.S. 32-557).

Provisions
1. For purposes of license reciprocity, permits a person with at least one year of instructor experience in another state or country to obtain an Arizona instructor's license. (Sec. 1)
2. Allows an enrolled student in the school to be a paid employee if the person intends to become an instructor. (Sec. 2)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

Fifty-sixth Legislature
First Regular Session

Regulatory Affairs
H.B. 2199

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2199

(Reference to printed bill)

Page 1, line 41, strike "AND WHO INTENDS TO BECOME" insert "FOR THE PURPOSE OF BECOMING"

Amend title to conform

NANCY GUTIERREZ

2199GUTIERREZ.docx
01/26/2023
02:03 PM
C: MU

Printed By: ccovey
Printed On: January 26, 2023 02:03 PM

Attachment //

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials ___

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2199

DATE February 08, 2023 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

Julia Ryle
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 12

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2550: eyelash technicians; registration..
Sponsor: Representative Wilmeth, LD 2
Committee on Regulatory Affairs

Overview

Allows the Board of Barbering and Cosmetology (Board) to create and implement registration requirements for eyelash technicians.

History

The Board: 1) administers licensing examinations and issues licenses; 2) inspects salons, barber establishments and schools; and 3) investigates violations of sanitation requirements and procedures. The Board may also conduct hearings and impose enforcement actions where appropriate.

Current Statute allows *aestheticians*, individuals licensed to practice skin care and *cosmetologists*, individuals licensed to practice cosmetology, to engage in the practice of arching eyebrows or tinting eyebrows and eyelashes. *Cosmetology* also includes: 1) applying oils, creams and other products by hand or with electrical appliances; 2) removing superfluous hair without electrolysis or threading; 3) nail technology; and 4) hairstyling (A.R.S. § 32-501).

Licensing requirements for aestheticians include: 1) submitting an application to the Board; 2) receiving appropriate credits for at least two years of high school education or a Board education equivalent and evidence the individual is 16 years of age, or evidence that the individual is 18 years of age; 3) providing evidence to the Board that the individual graduated from an aestheticians school outside of the state having similar requirements to that of the state or graduating from a Board-approved aesthetician school with 600 hours of training; 4) passing the aesthetician licensing examination; and 5) paying the licensure fees (A.R.S. § 32-510).

Provisions

1. Authorizes the Board to create registration requirements for eyelash technicians including:
   a) submitting an application to the Board;
   b) completing credits equivalent to two years of a high school education or a Board equivalent and evidence that the applicant is 16 years old; or
   c) providing evidence that the individual is 18 years old; and
   d) providing to the Board proof that the applicant has completed at least 30 hours of training through an approved program and pays the appropriate fees for registration. (Sec. 6)
2. Requires registration be renewed biannually on or before the individual's birthday during the renewal year and that the Board maintain a registry of registered nail technicians. (Sec. 6)
3. Allows the Board to set the fees for registration and registration renewal. (Sec. 4)
4. Incorporates registrations into the Board's disciplinary oversight. (Sec. 7, 8, 9)
5. Stipulates that unregistered practice as an eyelash technician constitutes a Class 1 misdemeanor. (Sec. 10)

6. Asserts that an eyelash technician is not considered an aesthetician and defines pertinent terms including:
   a) *eyelash technician* as a person who is not licensed as a cosmetologist or aesthetician and who for compensation performs personal services limited to eyelash extensions; and
   b) *eyelash extensions* as applying, removing and trimming threadlike natural or synthetic fibers to an eyelash, including cleansing the area of the eyes and lashes, not including applying eyelash enhancements that are tattoos, color agents, straightening agents, permanent wave solutions or bleaching agents to the eyebrow or any other cosmetology service. (Sec. 1)
7. Makes technical and conforming changes. (Sec. 1, 2, 3, 4, 5, 7, 8, 9, 10)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2550

DATE February 08, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

Julie Ryf
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 14

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2429: occupational licenses; convictions
Sponsor: Representative Wilmeth, LD 2
Committee on Regulatory Affairs

Overview

Expands the exemption related to criminal histories for which state agencies may not deny an occupational license. Requires the Department of Public Safety (DPS) to issue a fingerprint clearance card for individuals convicted of specified crimes if their convictions have been set aside or their records have been sealed.

History

Statute requires state agencies to limit occupational regulations to those that are demonstrated to be necessary to specifically fulfill a concern for public health, safety or welfare (A.R.S. § 41-1093.01). State law also prohibits agencies from denying a regular or provisional occupational license to someone who is otherwise qualified but who has been convicted of a drug offense. Occupational licenses include permits, certificates, approvals, registrations, charters or any similar form of permission that allows an individual to use an occupational title or perform work in a lawful occupation (A.R.S. § 41-1093.06).

Arizona statutes require a fingerprint clearance card for several types of professional licenses, certifications and state jobs. Statute establishes two separate lists of crimes, appealable and unappealable, for which DPS must deny a fingerprint clearance card. If a person has been convicted of an offense on the appealable list, the person can appeal to the Board of Fingerprinting for a good cause exception.

Provisions

1. Prohibits state agencies from denying a regular or provisional occupational license to an individual convicted of a felony offense, except if the person was convicted of one of the following:
   a) a dangerous crime against children;
   b) a serious offense; or
   c) a violent or aggravated felony. (Sec. 1)
2. Requires DPS to issue a fingerprint clearance card if all of the following apply:
   a) the person is applying for a fingerprint clearance card to obtain a license under Title 32;
   b) the person's criminal history record does not include any unappealable offenses; and
   c) the person's criminal history record contains an appealable offense and the conviction has been set aside or the record has been sealed. (Sec. 2)
3. Makes conforming changes. (Sec. 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2429

DATE February 08, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

Julie Rogers
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 16

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2230: appraiser; claims; time limitation
Sponsor: Representative Harris, LD 13
Committee on Regulatory Affairs

Overview
Limits the time in which an individual may bring action against a real estate appraiser.

History
An individual who has a cause of action for damages against a home inspector must commence the action within four years following the event that causes the action (A.R.S. § 12-530).

The Appraisal Standards Boards of the Appraisal Foundation sets the uniform standards of practice for real estate appraisers through the Uniform Standards of Professional Appraisal Practice (USPAP). Current Statute has codified these standards into law (A.R.S. § 32-3610).

According to the Appraisal Institute, the *discovery rule,* a court made rule, allows a near infinite statute of limitations due to the time of filing a suit being unable to commence until the filing party discovers, or should have discovered, alleged defects in the appraisal. The USPAP requires that a work file for each appraisal be maintained for a period of five years after the appraisal was conducted or at least two years following a final disposition of any judicial proceeding involving testimony provided by the appraiser relating to the appraisal (Statutes of Repose – The Appraisal Institute).

Provisions
1. Allows an individual to take action against a real estate appraiser for damages either prior to the statute of limitations if it does not exceed four years or within a four-year period following the report date. (Sec. 1)
2. Lists the cause of action for damages against real estate appraisers as malpractice, negligence, an error, a mistake, an omission or breach in connection with a real estate appraisal or appraisal-related service. (Sec. 1)
3. Specifies that the statute of limitations does not apply to a claim in which a real estate appraiser intentionally commits fraud or makes a gross misrepresentation when performing an appraisal or appraisal-related service. (Sec. 1)
4. Defines *report date* as the date in which the appraisal service was completed or should have been completed and defines *real estate appraiser* as a:
   a) state-licensed appraiser;
   b) state-certified residential appraiser;
   c) state-certified general appraiser;
   d) state-registered trainee appraiser; and
   e) any agent, employee, employer or firm of a person listed prior. (Sec. 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2230

DATE February 08, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A					✓
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	0	1

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 18