



UTAH DEPARTMENT  
OF COMMERCE

Office of Professional Licensure Review

# 2024 Periodic Review

# Cosmetology

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# Executive Summary

## *Purpose of Review*

This report has been prepared according to Utah Code title 13-1b, which governs the Office of Professional Licensure Review (OPLR)'s periodic review of professions in Utah. The review assesses cosmetology licensure relative to review criteria, including consumer health, safety and financial welfare, market access, and economic opportunity. The recommended changes will improve consumer safety, expand economic opportunity, and address emerging areas in the industry. OPLR reviewed over 100 relevant pieces of literature, surveyed all licensees in the state, interviewed current students and licensees, and engaged with public and private beauty schools, business owners, and investigators at the Division of Professional Licensing.

Cosmetology was reviewed in part because it can provide economic opportunity, especially for lower-income populations or those who do not wish to pursue a college degree. With 56,766 licensees,<sup>1</sup> **cosmetology has the most licensees of any industry in the state**, makes up a significant portion of the Utah economy and workforce, and thus is **an avenue of economic opportunity for many Utahns**.

## *Key Findings*

**Context:** Cosmetology is most often a part-time, supplemental source of income for licensees choosing not to pursue a college degree, making it important for economic mobility. Licensees are overwhelmingly female (95%), typically do not have a 4-year college degree (86%), and 46% of those licensed in the last decade were Pell-eligible, indicating lower income.<sup>2</sup> The average educational debt incurred by those licensed in the last decade was \$6,300, with an average of \$4,000 still outstanding.<sup>3</sup> According to OPLR's licensee survey, the vast majority work part-time, with many more active licensees working zero hours (32%) than work more than 30 hours (17%).<sup>4</sup> The U.S. Bureau of Labor Statistics estimates that cosmetologists earned a median wage of \$16.87 per hour in 2023.<sup>5</sup>

Given the relatively high cost of training and low average earnings for cosmetology, **it is critical that state-mandated training for licensure is narrowly focused on consumer safety and not overly burdensome for new entrants** into the field.

Utah ranks 6th highest among all states, with 52 cosmetologists per 10,000, indicating that consumers have sufficient access to services.<sup>6</sup>

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<sup>1</sup> [DOPL Active Licensee Count](#), accessed December 18, 2024.

<sup>2</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> [U.S. Bureau of Labor Statistics \(2024\)](#).

<sup>6</sup> [U.S. Census Bureau \(2022\)](#).

**Consumer safety:** Services provided by cosmetologists and related professionals do contain potential risks to consumers that merit regulation. These harms are usually low to moderate in severity and most often temporary, with a small probability of more severe or permanent harms.

- While most U.S. states have coalesced around the current model of 1,000 to 1,800 hours for the main cosmetologist/barber license, **OPLR finds no rigorous evidence based on consumer safety to support the status quo** licensing structure and entry requirements.
- The current training **does not always align with the relative risk of harm for consumers**, with some areas of significant ‘over-training’ beyond that required for consumer safety (e.g., students doing over 100 haircuts and thermal stylings), and some areas of under-training creating safety concerns for consumers (e.g. students doing no eyelash perms).<sup>7</sup>
- Medical training benchmarks show that **medical practitioners in training perform between 5 and 45 hands-on repetitions** while in training to ensure patient safety in higher-risk procedures.<sup>8</sup>
- There is evidence that the **quality of instructors and apprenticeship supervisors is inconsistent** and that required hours may not be utilized effectively to teach students.

**Access:** The current licensing structure creates unnecessary burdens on new entrants by maintaining broad licenses with high, non-specific hours requirements with some elements unrelated to consumer safety.

- Because licensing is framed around **broad licenses with non-specific hours requirements**, training programs have discretion in how students are trained. This structure allows training programs to require more training than necessary for a student’s chosen line of work (e.g., a full master esthetics license for someone wanting to perform just laser tattoo removal).
- Training programs **may require excessive repetitions of some services** (e.g., hair).
- On net, **Utah’s hours requirements impose unnecessary burdens on new entrants in the form of higher hours and higher-cost than necessary** to ensure consumer safety.

When students are required to do more repetitions of a service than is needed to perform that service safely, the State imposes an unnecessary burden to entering the occupation. Licensing requirements unrelated to consumer safety result in economic inefficiencies.<sup>9</sup> OPLR estimates that **Utah’s current licensing policy compelled licensees to spend over 26 million hours in training beyond what is required for them to learn to perform their jobs safely**. While some

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<sup>7</sup> OPLR reviewed the service count sheets for one public and one private cosmetology program.

<sup>8</sup> See, for example, [Yeo et al. \(2015\)](#); [Uribe et al. \(2004\)](#); [de Oliveira Filho \(2002\)](#); and [Accreditation Council for Graduate Medical Education \(2017\)](#).

<sup>9</sup> [Knepper et al. \(2022\)](#) and [Occupational Licensing: A Framework for Policy Makers, The White House \(2015\)](#).

may have chosen to pursue the extra training on their own, the current licensing law likely generates significant economic waste for students and licensees.

Conversely, when students are not getting enough repetitions of a service for consumer safety through state-mandated training, consumers can be harmed. Utah's training regime demonstrates both issues—excessive requirements in many areas that create unnecessary barriers to entry and under-training in a few areas that put consumers at risk.

The current licensing regime harms students in that it compels *all* students to take longer, costlier training programs than they might otherwise choose. This raises costs for students who become licensed, which flows through to the consumer as higher prices for cosmetic services. The current regime also directly harms consumers who may be physically hurt by an underprepared licensee (e.g., impaired vision from poor application of eyelash extensions).

State licensing sets a minimum standard for safety—not a ceiling. Beauty schools can compete in the marketplace to attract students for higher levels of training beyond the state-mandated license in the same way that culinary programs provide training well beyond the food handler permit required by law. Those who argue for licensing requirements above those required for safety are, in essence, requesting that the State compel students to purchase more training than they may otherwise choose. Instead, the State should remove such artificial protections and allow beauty schools to compete on the caliber and price of their instruction, which will, in turn, lower costs for students and consumers.

### *Recommendations*

- OPLR recommends the creation of two pathways for licensure: 1) a traditional path leading to a full license with a broad scope of practice, and 2) an 'endorsement' structure for individuals to choose narrower licensure a la carte, allowing for more flexibility and lower cost for the new entrant.
- OPLR recommends establishing 'minimum service counts' (a required number of hands-on procedures performed while in training) to ensure consistency in hands-on training, increase safety guardrails for all licensees and consumers, and limit instances of over-training above that required for consumer safety.
- OPLR recommends increasing training hours for instructors and aligning apprenticeship and school requirements to better prepare licensees, especially for services with relatively higher risk to consumers (e.g., eyelash extensions).
- Hour requirements for each license or endorsement should be established based on the time required for 1) teaching theory required for safety and 2) minimum hands-on training repetitions required for safety for each service included in the scope of practice.

By applying these recommendations, OPLR estimates that a **hair-related license (e.g., 'hair design')** should require a range of **460-800 hours**, and a **skin-related license (e.g.,**

**'esthetics')** should require a range of **640-1000 hours**. The hours for other narrow-scope endorsements or stand-alone licenses such as nail technician, electrology, or laser tattoo removal should be built up in the same way.

#### Additional Considerations

- OPLR recommends legislators and lawmakers consider adjusting supervision requirements for laser tattoo removal and laser hair removal in UCA 58-1-506 to be consistent with the new licensing structure.
- The regulations of non-invasive body contouring should be clarified and designed to address potential physical, psychological, and financial harms.

## Introduction

### *Purpose of Review*

The objective of this periodic review is to evaluate Utah's occupational licensing policy for the cosmetology profession and to recommend changes that would improve consumer health, safety, and financial well-being, expand economic opportunity, and address emerging areas in the industry. The Office of Professional Licensure Review (OPLR), in collaboration with the Department of Commerce, proposed reviewing the cosmetology profession this year because licensees within the industry make up nearly 3% of the entire workforce in Utah,<sup>10</sup> indicating that the profession has the potential to be a source of economic opportunity, especially for lower-income populations. Additionally, policymakers within Utah and nationally have asserted that the industry is over-regulated relative to consumer safety concerns.

Consistent with its legislative mandate,<sup>11</sup> OPLR used several criteria in its evaluation, including:

1. Harm to the public, including the likelihood, severity, and permanence of harm, as well as whether the harm is present, recognizable, and significant
2. Fair access to the occupation for potential entrants
3. Economic impact of regulation on both practitioners and consumers
4. Portability and reciprocity with other states
5. The cost and administrative burden to the State
6. Regulation of the occupation in other jurisdictions
7. Less burdensome alternatives to the existing regulation

The following report outlines the key findings and recommendations that came from this review.

### *Methodology*

OPLR's review of cosmetology included extensive research into the profession through a review of relevant literature, a survey of all active licensees in the state ([See appendix 1.1](#)), focus groups with current students and licensees, and engagement with school representatives, salon owners, medical experts, as well as with investigators and bureau managers in the Division of Professional Licensing (DOPL). ([See appendix 7](#)). OPLR used the findings from this research to create recommendations, which were then vetted by industry leaders and legislators and refined based on additional information received.

## Background

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<sup>10</sup> [U.S. Bureau of Labor Statistics \(2025\)](#).

<sup>11</sup> [UT Code 13-1b-302](#)

Cosmetology is a broad field encompassing services meant to beautify, enhance, and maintain the health of hair, skin, and nails. This includes a long, wide-ranging list of services that continue to grow as technology and methods evolve.

In Utah, cosmetology licensees are heavily female (95%) and typically do not have a 4-year college degree (86%). A sizable minority of those who were licensed in the last decade were eligible for Pell grants (46%), indicating that the profession can be a source of opportunity for those with lower-income.<sup>12</sup>

### *Utah - Current Landscape*

Utah currently has eight licenses within the cosmetology field: cosmetologist/barber, hair designer, barber, master esthetician, basic esthetician, eyelash and eyebrow technician, nail technician, and electrologist. The number of training hours required and the scopes of practice<sup>13</sup> vary by license type, though there is significant overlap between the scopes of practice.<sup>14</sup> ([See appendix 1.2](#)). The State has taken steps in recent years to create more specialty licenses, such as the hair design license and the eyelash and eyebrow technician license, allowing people to be trained faster in a more narrow scope of practice.<sup>15</sup>

The cosmetology profession has the largest number of licensees of any licensed profession in the state, and the number of cosmetology licensees continues to grow.<sup>16</sup> Currently, there are over 56,000 unique individuals with at least one cosmetology license in the state of Utah, with the cosmetology/barber license being the most common (33,449) and the electrologist license being the least common (206).<sup>17</sup> ([See appendix 1.3](#)) National data projects the industry will continue to grow ([See appendix 1.4](#)).<sup>18</sup>

In Utah, training for cosmetology programs takes place in both public and private schools, as well as through approved apprenticeships which provide an alternative to traditional beauty school preparation for licensure. There are currently 110 licensed cosmetology programs in the State (91 private and 19 public),<sup>19</sup> and there are 949 people participating in registered apprenticeships as of the writing of this report.<sup>20</sup>

Additionally, a person must receive an instructor license to teach or supervise someone seeking to gain licensure in the cosmetology field. To become an instructor, a person must be licensed in

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<sup>12</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

<sup>13</sup> A scope of practice is the set of services a licensed individual is allowed to provide for compensation.

<sup>14</sup> [UT Code 58-11a](#).

<sup>15</sup> The hair design license was created in 2017, and the eyelash and eyebrow technician license was created in 2024. See [H.B 287, 2017](#) and [S.B. 112, 2024](#).

<sup>16</sup> Division of Professional Licensing (DOPL) Licensee Data, accessed December 18, 2024; As of December 2024, there are 56,766 individuals with at least one active cosmetology license. The next largest occupation, nursing, has 55,009. These numbers include actively registered apprentices.

<sup>17</sup> [DOPL Active Licensee Count](#), accessed December 18, 2024.

<sup>18</sup> [U.S. Bureau of Labor Statistics \(2024\)](#).

<sup>19</sup> DOPL Licensee Data, accessed December 18, 2024.

<sup>20</sup> DOPL Licensee Data, accessed December 18, 2024.

the field they want to teach (e.g., as a barber) and must either complete an instructor program, complete on-the-job instructor training, or practice with their license for a certain amount of time.<sup>21</sup> The number of hours required for an instructor program, on-the-job instructor training, and time practicing with a license depend on the type of instructor license a person is seeking. ([See appendix 1.5](#)).

### *National Landscape*

Every state in the country has licenses for at least some cosmetology-related services, though the names, scopes, and requirements of these licenses differ. Some licenses are common throughout the country; esthetics (all 50 states), nail technology (all 50 states), cosmetology (49 states), and haircutting with chemical services (48 states). Other licenses offered in Utah are less common nationally; haircutting without chemical services (16 states), electrology (15 states), master esthetics (6 states), and eyelash/eyebrow technology (4 states).<sup>22</sup> ([See appendix 1.6](#)).

Utah's required hours are slightly more than the national average for some licenses (cosmetology, master esthetics, and electrology) and are slightly less than the national average for others (basic esthetics, haircutting without chemical services, haircutting with chemical services, nail technology, and eyelash/eyebrow technology). Differences do not exceed 150 hours.<sup>23</sup> ([See appendix 1.6](#)).

While licensing structure and requirements differ state by state, there are forces working to standardize the industry across the country. The National Interstate Council of State Boards of Cosmetology (NIC) writes tests for states to use in licensing their cosmetology professionals, collects nationwide data, and works to increase reciprocity between states.<sup>24</sup> Most states have policies in place to help someone become licensed if they are licensed already in a different state (known as portability).

### **Findings: Consumer Safety**

OPLR evaluated the relative severity, permanence, and likelihood of harm from cosmetology services as well as how current licensing policies are protecting against those harms by 1) gathering qualitative data directly from students, licensees, and experts, 2) engaging in independent research of the various services offered, and 3) reviewing DOPL complaint data for instances of substantiated harm to consumers

### *Risk of Harm*

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<sup>21</sup> [UT Code 58-11a-302](#).

<sup>22</sup> Data from the National Interstate Council of State Boards of Cosmetology.

<sup>23</sup> Ibid.

<sup>24</sup> [National Interstate Council of State Boards of Cosmetology](#).



Services provided by cosmetologists and related professionals do contain potential risks to consumers, though these risks tend to be low or moderate as compared to other professions and are most often temporary in nature.<sup>25</sup> According to the U.S. Department of Labor’s rating of professions according to the severity of harm that can come with an error by a practitioner, which runs from zero (“not serious at all”) to 100 (“extremely serious”), cosmetology and related professions land between 17 (manicurists and pedicurists) and 41 (skin care specialists).<sup>26</sup> ([See appendix 2.1](#)). The most serious harms appear to stem from skincare services, such as laser hair removal and photo rejuvenation, which can lead to harms that are moderately severe, such as blistering and thrombophlebitis, and more permanent, such as scarring and hyper- and hypopigmentation, though these harms appear rare.<sup>27</sup> On the other hand, harms from haircutting and nail services tend to be more minor, such as lacerations, and treatable and temporary, such as infections.<sup>28</sup>

The likelihood of harm from cosmetology services also appears low, with only 5.5% of survey licensees reporting that they witnessed “serious harm to a client” in the past year.<sup>29</sup> While the number of complaints submitted to the Division of Professional Licensing (DOPL) against cosmetology licensees is not insignificant (2,563 between 2017 and 2022), the vast majority were related to unlicensed practice, and only a small proportion involved some form of consumer harm.<sup>30</sup> An analysis of a random sample of 100 of these complaints revealed that a consumer was harmed in only 10% of cases.<sup>31</sup> ([See appendix 2.2](#)). Importantly, DOPL complaints likely do not capture all instances of consumer harm because those who are injured may not know that they can complain to DOPL or may not want to file a complaint. However, this underreporting may also be a consequence of temporary or less severe harms that do not merit a complaint. DOPL data shows a high rate of complaints for other occupations (contractors, for instance),<sup>32</sup> so it can be assumed that when consumers suffer more serious harm, they do come forward to DOPL.

In addition, OPLR found that the risk of harm in cosmetology professions varies by service type (rather than by license type) and is largely dependent on the tools and products being used. This is especially true for the licenses with a larger scope of practice, like cosmetology and master esthetics. For example, a master esthetician can perform both basic facials, which pose little risk to a consumer, and laser hair removal, which does have relatively severe potential side effects.<sup>33</sup> A focus group of cosmetologists/barbers identified some services, like chemical hair services and manicures/pedicures, that pose little risk to consumers and identified other services, such as eyelash extensions and perms and relaxers, that pose more risk to

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<sup>25</sup> [O\\*NET Online](#).

<sup>26</sup> [O\\*NET Online](#).

<sup>27</sup> [Lanigan \(2003\)](#) and [Stangl et al. \(2008\)](#).

<sup>28</sup> [Winthrop et al. \(2002\)](#).

<sup>29</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

<sup>30</sup> DOPL Complaint Data, accessed December 18, 2024. Of the 2,563 complaints, 1,046 were against unlicensed individuals.

<sup>31</sup> Data provided by DOPL investigators; based on a random sample of 100 substantiated complaint case notes between 2019 and 2023.

<sup>32</sup> DOPL Complaint Data, 2018-2022.

<sup>33</sup> OPLR focus group with 12 licensed master estheticians, June 7, 2024.

consumers.<sup>34</sup> Similarly, a focus group of master estheticians differentiated low-risk services, such as facials and galvanic current services, from comparably higher-risk services, such as laser hair removal and laser tattoo removal.<sup>35</sup> ([See appendix 2.3](#)).

### *Training*

While state law dictates the minimum hour length of programs and general curriculum topics,<sup>36</sup> beauty schools have broad discretion in what they teach within those requirements. On a service-by-service basis, cosmetology training does not always align with the relative risk of harm to consumers. Current training is often disproportionately weighted toward training on low-risk, high-demand, or non-scope protected services at the expense of higher-risk services. For example, a cosmetologist/barber student may be asked to complete over a hundred haircuts, a relatively low-risk service, and not be required to do any eyelash extensions,<sup>37</sup> which was the most frequent service type to see substantiated complaints related to consumer harm in a random sample of DOPL complaints.<sup>38</sup> In addition, some schools require repetitions on services that are not scope-protected, such as make-up application, shampooing, and hair braiding.<sup>39</sup> ([See appendix 2.4](#)).

A similar issue exists in the esthetics space. A master esthetics student at a public program told OPLR that they received no hands-on training with a laser,<sup>40</sup> and a licensed master esthetician reported paying \$10,000 for a program, hoping to focus on laser esthetics, only to perform no laser services in school.<sup>41</sup>

In addition, the ‘service counts’ students are performing vary from school to school.<sup>42</sup> For example, one public cosmetology program aims to have students do over 100 perms, while a private cosmetology program aims to have students do only 20.<sup>43</sup> ([See appendix 2.4](#)). Even students within the same program may receive different service counts. In a focus group with several cosmetologist/barber and hair design students, one student reported doing one perm in 10 months, while another student performed about one perm a week. They posited that the school puts students on the services they perform well rather than ensuring all students get

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<sup>34</sup> OPLR focus group with 20 licensed cosmetologist/barbers, June 5, 2024.

<sup>35</sup> OPLR focus group with 12 licensed master estheticians, June 7, 2024.

<sup>36</sup> [UT Code 58-11a-302](#) and [UT Rule R156-11a-700](#).

<sup>37</sup> OPLR reviewed the service count sheets for one public and one private cosmetology program.

<sup>38</sup> Data provided by DOPL investigators; based on a random sample of 100 substantiated complaint case notes between 2019 and 2023. Of the 100 substantiated DOPL complaints, 10 were related to consumer harm. Four of these 10 cases were connected to eyelash extensions.

<sup>39</sup> OPLR reviewed the service count sheets for one public and one private cosmetology program. [UT Rule R156-11a](#) does require cosmetology/barber and esthetics schools to cover make-up application, so it is reasonable for schools to be spending time on it, though the rule does not mandate that students get hands-on training in this area. OPLR is of the opinion that schools should not be required to teach skills that are not scope protected.

<sup>40</sup> OPLR focus group with master esthetics students at a public school, May 2024.

<sup>41</sup> Response from licensee during OPLR webinar.

<sup>42</sup> ‘Service counts’ are the internal guidelines used by schools for how many hands-on repetitions a student should receive during their training program.

<sup>43</sup> OPLR reviewed the service count sheets for one public and one private cosmetology program.

equal training.<sup>44</sup> All individuals with the same license are legally allowed to perform the same services, but they are not all receiving similar training. This is evidence that current licensing policies are not properly fulfilling their role of ensuring minimum training for consumer safety across the profession.

In contrast, OPLR's research into the healthcare field shows that medical professionals performing relatively higher-risk procedures (e.g., laser eye procedures or lumbar punctures) generally require a minimum of 5 to 45 hands-on repetitions while in training to be certified on the procedure.<sup>45</sup> This relatively narrow range for medical training calls into question the very broad range of service counts we see in cosmetology training, with hundreds of reps on some services and none for others.

When students are required to do more repetitions of a service than is needed for them to learn to perform that service safely, the State is creating an unnecessary burden for entering the occupation. When students are not getting enough repetitions of a service to learn to perform that service safely, consumers can be harmed. Current training demonstrates both issues.

### *Quality of Instruction*

Utah's current requirements for instructor licenses are relatively low compared to other nearby states. (See [appendix 1.5](#) and [appendix 5.5](#)). With the option to complete on-the-job instructor training rather than practice with a license for a certain amount of time, some students receive instruction from instructor-trainees who have no experience in the field and have recently graduated from school themselves. Additionally, in terms of apprenticeships, there is currently no cap on the number of trainees with whom an apprenticeship supervisor can contract except for the nail technology and eyelash and eyebrow apprenticeships, which may impact the quality of apprenticeships.<sup>46</sup>

OPLR observed several indicators that instruction quality is inconsistent. First, between 2017 and 2022, 8% of all substantiated complaints against licensed individuals within the cosmetology profession were levied against instructors, which is slightly larger than would be expected given the proportion of licensees who are instructors (6.6%).<sup>47</sup> Second, multiple respondents from OPLR's interviews and focus groups reported "sitting around" during training to complete required program hours or waiting to complete services related to their license.<sup>48</sup> Lastly, a few administrators from cosmetology programs asserted it is difficult to find experts in

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<sup>44</sup> OPLR focus group with cosmetology and hair design students at a private school, May 2024.

<sup>45</sup> See, for example, [Yeo et al. \(2015\)](#); [Uribe et al. \(2004\)](#); [de Oliveira Filho \(2002\)](#); and [Accreditation Council for Graduate Medical Education \(2017\)](#).

<sup>46</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

<sup>47</sup> DOPL Complaint Data, accessed December 18, 2024. This analysis does not include complaints against schools or unlicensed individuals; DOPL Licensee Data, accessed January 6, 2025. Licensees with a missing issue date or status date were removed from the analyses.

<sup>48</sup> OPLR Interview Series and OPLR Focus Group Series.

the profession who can also teach effectively.<sup>49</sup> Schools have begun to offer master education training programs on-site to help improve the quality of teaching.<sup>50</sup>

Some students expressed feeling unprepared to start offering all services outside of school.<sup>51</sup> Beauty schools posit that this is evidence that hours should be increased. However, it is OPLR's perspective that the issue has more to do with how current hours are being used than the number of hours being required. Service counts show that students are spending time performing services that are not scope protected and thus pose very little risk to consumers, such as make-up application, shampooing, and braiding hair. One student told OPLR that she spent time doing a project on the history of lipstick.<sup>52</sup> Training hours for a license should be narrowly focused on ensuring practitioners can safely perform scope-protected activities.

## **Findings: Access**

### *Consumer Access to Services*

Utah consumers appear to have adequate access to cosmetology professionals. There are currently 56,766 people with at least one active cosmetology license in the state, more than in any other licensed profession.<sup>53</sup> Additionally, data from the 2022 American Community Survey showed Utah with the sixth highest ratio of cosmetology professionals per 10,000 people, with a rate of about 52 per 10,000.<sup>54</sup> ([See appendix 3.1](#)).

### *Practitioner Access to the Occupation*

OPLR is of the opinion that current licensing policies create undue economic barriers for those seeking entry into cosmetology occupations. For example, cosmetology is an attractive path for those without a college degree, those who want a part-time career, and those with lower income.<sup>55</sup> ([See appendix 3.2](#)). High costs and time associated with licensing requirements can be especially burdensome for this group, who, by definition, have more limited resources.

### *Training Cost and Time*

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<sup>49</sup> OPLR Interview Series.

<sup>50</sup> OPLR Interview Series.

<sup>51</sup> OPLR Focus Group Series.

<sup>52</sup> OPLR focus group with master esthetics students at a public school, May 2024.

<sup>53</sup> DOPL licensee data, accessed December 18, 2024. The second most populous licensed profession is nursing, with 55,009 individuals.

<sup>54</sup> [U.S. Census Bureau \(2022\)](#); There are some potential issues with the ACS survey data. First, the data does not control for employment rates or demographic makeup. Second, the ACS estimates that Utah has about 17,000 cosmetologists in the state, but there are more than 56,000 unique individuals licensed in the state. This underestimation is concerning, though there is nothing to suggest that the estimation error rate would differ by state. Thus, the data may still be helpful in terms of understanding the relative rank of states in terms of access to cosmetology professionals.

<sup>55</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

The most significant barrier to entry for those seeking a cosmetology license is the cost associated with completing an education program. A review of 56 cosmetology-related programs at 15 different schools (both public and private) revealed an average private program cost of \$20,191 for cosmetology/barbering, \$17,511 for master esthetics, \$15,321 for hair design, \$13,262 for barbering, \$9,113 for basic esthetics, \$7,417 for electrology, and \$5,382 for nail technology.<sup>56</sup> These costs are consistent with OPLR's survey results. ([See appendix 3.3](#)). Public programs costs are significantly lower (roughly \$7,200 for cosmetology/barber),<sup>57</sup> which is to be expected given the State subsidy of programs at USHE institutions. ([See appendix 3.4](#)).

It is not uncommon for students to need federal aid, in the form of Pell grants or loans, to afford schooling in cosmetology. Of those licensed in the last 10 years, about 42% used Pell grants. The average debt incurred by this same group was \$6,300, with an average of \$4,000 still outstanding.<sup>58</sup> Taking on debt may be especially difficult for people working within the cosmetology space, as average hours worked and typical earnings are low. According to OPLR's licensee survey, 72% of licensees currently work 20 hours or less a week, with 32% not working any hours, and more than half of licensees who are working in each license type make less than \$30,000 a year.<sup>59</sup>

The time needed to complete an education represents another barrier. Completion time is impacted both by hour requirements for the license<sup>60</sup> and the pace of the particular program. According to OPLR's licensee survey, the average time needed to complete a program is more than a year for some (cosmetologist/barber and hair design programs), about a year for others (barber, basic esthetics, and master esthetics programs), and about six months for the smaller-scope licenses (nail technology and electrologist programs).<sup>61</sup> ([See appendix 3.5](#)).

Cosmetology as a part-time, episodic source of income is a benefit, not a problem, for those who pursue these licenses. OPLR's statutory concern is not with the part-time, episodic, or lower earnings but rather to ensure that students and potential entrants can access the industry without undue burden from state licensure.

### **Analysis: Professional Choice and Economic Opportunity**

There is a need for more flexibility in cosmetology licensing to increase professional choice and expand economic opportunity. While many potential entrants told OPLR that they are happy with the broad licenses, a significant portion of potential licensees have other preferences. Currently,

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<sup>56</sup> OPLR analysis of program costs (56 programs at 15 private and public schools).

<sup>57</sup> Ibid.

<sup>58</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

<sup>59</sup> Ibid.

<sup>60</sup> [Menjou et al. \(2021\)](#): Researchers at the Institute for Justice found that about 96% of cosmetology programs throughout the country require the exact amount of hours needed for licensure. Previously, federal regulation allowed these programs to be eligible for Pell grants for up to 150% of the needed hours for licensure. However, federal regulations that went into effect in 2024 reduced this requirement to 100% of the hours needed for licensure. See [Federal Register \(2023\)](#).

<sup>61</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

licensees who want to specialize in one area may be required to receive a broader license, resulting in a higher cost and longer time of training than is necessary. For example, a person who wants to offer waxing services must complete a full, 600-hour basic esthetics program, where they will be required to learn about and perform services that have no bearing on their ability to safely offer waxing services. Such licensing requirements have been the subject of multiple lawsuits over the past decade.<sup>62</sup>

Licensing requirements unrelated to consumer safety result in economic inefficiencies.<sup>63</sup> OPLR estimates that Utah's current licensing policy compelled licensees to spend over 26 million hours in training beyond what is required for them to learn to perform their jobs safely. (See [appendix 4.1](#)). While some may have chosen to pursue extra training on their own, the current licensing law likely generates significant economic waste for students and licensees. As discussed above, the costs of training for cosmetology programs are high relative to consumer risks and wages for new entrants. Licensees wishing to specialize may spend unnecessary time and money to earn an overly broad license and may not get adequate training on the services they do want to offer. One stakeholder told OPLR that she would be required to receive a master esthetics license in order to begin a career in laser tattoo removal in Utah and that the master esthetics program closest to her spent only one day on laser procedures.<sup>64</sup>

Flexibility is especially important for this profession. A majority of licensees who are working (87%) are, at least in part, self-employed (independent contractors, sole practitioners, or business owners), and the majority work part-time.<sup>65</sup> (See [appendix 3.2](#)). For many, a career in cosmetology offers an opportunity to specialize in a specific subset of skills and to offer them as an independent practitioner. Cosmetology, in this sense, could serve as a faster, cheaper pathway to a career for those choosing not to pursue longer, more expensive post-secondary degrees. However, current cosmetology licenses are overly broad and often do not allow future practitioners to design their scope of practice as granularly as they may like. With overly broad licenses, the State is essentially dictating the structure of the cosmetology industry and maintaining a higher cost to enter the profession, with no resulting improvement in consumer safety. Allowing individual practitioners and consumers to decide what the cosmetology industry should offer (within the bounds of safety) is a more effective and fair approach. Focus group respondents offered compelling evidence of untapped demand for more narrow-scope licenses.<sup>66</sup> (See [appendix 4.2](#)).

Some employers and training programs have argued that state licensure should, in fact, hold licensees to a higher standard (e.g., quality and competence) than pure consumer safety. They argue that state licensure does no harm when it supports higher quality or competence. One version of this is to say that 'beauty school is the equivalent of college for this industry,' ergo, it must set the standard for quality. OPLR finds two problems with this line of thinking. First, there

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<sup>62</sup> [Clayton v. Steinagel \(2012\)](#) and [Rojas v. Steinagel \(2021\)](#).

<sup>63</sup> [Knepper et al. \(2022\)](#) and [Occupational Licensing: A Framework for Policy Makers, The White House \(2015\)](#).

<sup>64</sup> OPLR Interview Series.

<sup>65</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

<sup>66</sup> OPLR Focus Group Series.

is a clear cost to students when the State compels them to spend more time and money beyond consumer safety to become licensed. Imagine potential entrants who do not want comprehensive, high-quality training but simply the legally required minimum. They may be already skilled due to prior experience overseas or simply want to be licensed in order to legally charge neighbors for simple hair services provided in a home salon setting. These potential licensees are hurt by the current licensing structure in that they will pay thousands of dollars above what is necessary to safely practice.

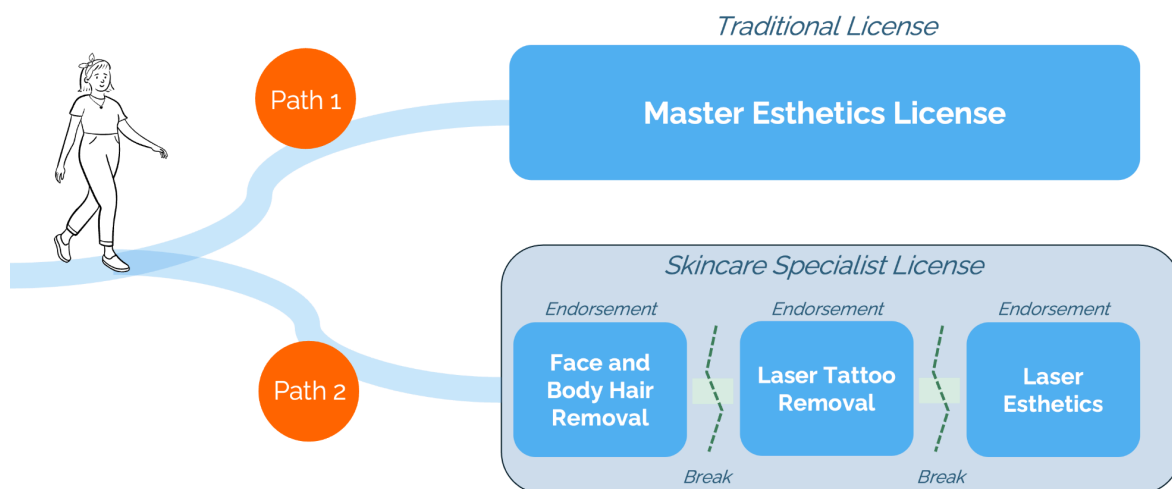
Second, state licensure sets the floor for training—it does not preclude beauty schools from providing additional programs aimed at preparing students to practice with higher levels of competence and quality. In this sense, beauty schools can create programs and compete to attract students. In turn, those students will compete to attract clients who recognize the value of a particular training course—just as markets work in occupations without state licensure.

Beauty schools and others who push for high standards in state licensing above those required for consumer safety are essentially requesting that the State compel students to subsidize their businesses rather than competing on the caliber and price of their instruction.

## Recommendations

### Licensing Structure

OPLR recommends modifying the structure of cosmetology licenses to create two potential pathways for prospective licensees: 1) a traditional, full-scope license or 2) one or more limited-scope “endorsements” of their choosing after receiving a safety permit. ([See appendix 5.1](#)). This structure would give licenses greater choice and flexibility when choosing the scope of practice they want to be trained in.



### *Full-Licenses and Stand-Alone Licenses*

Under this new structure, there would be two full-scope licenses; a hair design license, focused solely on hair-related services, and a master esthetics license, focused solely on skin-related services. The only point of overlap between the two scopes of practice would be eyelash and eyebrow services because these services typically take place in both haircare and skincare settings. (See [appendix 5.2](#)). While most states combine hair, skin, and nails into a single 'cosmetology' license, OPLR's view is that this license is overly broad and obscures the actual scope of practice that a licensee is trained and qualified to perform safely. Additionally, there is enough variation in the mechanisms of harm to consumers across hair and skin, especially where the knowledge of scissors, clippers, bleach, and relaxers is very different from knowledge of chemical exfoliants, laser machines, and cryolipolysis procedures. Clearly demarcating those fields helps practitioners feel confident in their skills, and consumers feel confident in the practitioner.

Three smaller-scope licenses would exist solely as stand-alone licenses: nail technology, electrolysis, and laser tattoo removal. These stand-alone licenses reflect market demand and allow those wanting to offer a narrow subset of services to be trained without the time and cost of having to learn about unrelated services. In addition, by removing nail technology services from the hair- and skin-related licenses and removing laser tattoo removal from the skin-related license, students in these larger programs will receive more targeted training on the remaining services in their scope of practice. Creating laser tattoo removal as a standalone license requires conforming changes to 58-1-506 to allow for medical supervision similar to the current supervision for laser hair removal (see Additional Considerations for more).

### *Endorsements and Permits*

In this new structure, the State would create a hair specialist license and a skincare specialist license in statute and would give DOPL, in collaboration with the Cosmetology and Associated Professions Licensing Board (the Board), the authority to create "endorsements", each made up of a subset of services within the statutory hair design or master esthetics scopes of practice. To receive a hair specialist license, a person would need to receive a hair safety permit and at least one hair-related endorsement (e.g., barbering). To receive a skincare specialist license, a person would need to get, at a minimum, the basic skincare endorsement, which includes a skincare safety permit, though they could choose to get more endorsements as well. This would allow prospective licensees to more precisely choose the scope of practice they want to learn.

Hair-related endorsements would likely include:

- Barbering
- Haircutting
- Facial hair removal
- Chemical hair services



- Eyelash and eyebrow services
- [plus any new endorsements as needed]

Skin-related endorsements would likely include:

- Basic skincare
- Advanced skincare<sup>67</sup>
- Face and body hair removal
- Powered, non-invasive body contouring ([see appendix 5.3](#)).
- Laser esthetics services
- Eyelash and eyebrow services
- [plus any new endorsements as needed]

The hair safety permit, which a person receives after taking a two-hour class and passing a test, allows someone to legally perform the following services:

- Dry hair
- Style hair
- Arrange hair
- Dress hair
- Curl hair
- Use hot irons
- Shampoo hair
- Condition hair<sup>68</sup>

This permit allows people to quickly and easily gain the legal right to perform low-risk services safely. OPLR is of the opinion that some other lower risk services, such as scalp treatments and designing wigs, could be taken out of the scope of hair design and added to the hair safety permit.

OPLR also recommends creating a skin safety permit to mirror the hair safety permit. The skin safety permit would include basic theory regarding the proper care of skin and how it heals after injury and would qualify someone to perform low-risk skin services such as basic facials and limited chemical exfoliation.

In practical terms, a hair specialist's license would include a list of all potential endorsements and a checkmark for those the individual is licensed to perform (e.g., barbering and chemical hair services).

#### *Title Protection for Endorsements and “Cosmetologist”*

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<sup>67</sup> DOPL could choose to break up the advanced skincare endorsement if it gets too large. For example, they could create separate endorsements around things like chemical peels and microneedling.

<sup>68</sup> [UT Code 58-11a-304\(13\)](#).

OPLR recommends creating protected titles that can be used by individuals with certain endorsements. For example, only a person holding a hair specialist license with a barber endorsement would be able to legally refer to themselves as a “barberr.” DOPL would create titles for other endorsements as well (e.g., eyelash/eyebrow technician, face and body hair removal technician, laser esthetics technician, etc.) in rule and in collaboration with the Board.

In addition, OPLR recommends allowing individuals with a hair design license, a nail technology license, and a skincare specialist license, with at least a face and body hair removal endorsement, to legally refer to themselves as “cosmetologists”. Forty-nine states, including Utah, have a license for a “cosmetologist” that includes hair services and some skin services.<sup>69</sup> Under this new proposal, there would no longer be a license called “cosmetology”. However, because the term “cosmetologist” is common across the country and has significant meaning to those in the industry, it would be beneficial to continue to protect the title. The title ‘cosmetologist’ could also aid in license portability for those moving to another state. Those without these credentials would not be legally allowed to refer to themselves as a cosmetologist.

### *Minimum Service Counts*

OPLR recommends that the State, in rule through DOPL and in collaboration with the Board, establish a minimum number of hands on repetitions (or service counts) for each scope-protected activity that must be completed while in training before a person can receive a license. Such requirements should be based on consumer safety and mirror the level of risk to consumers, such that lower-risk services require fewer repetitions, and higher-risk services require more.

A license gives the practitioner the legal, and oftentimes sole, right to offer particular services. The State should grant this legal right only to those who know how to safely perform the services, something that, in cosmetology and related professions, can only be done through hands-on practice. For this reason, the state’s licensing policies should be geared towards ensuring that licensees receive the proper amount of hands-on experience needed to learn to safely perform each service licensees will legally be allowed to offer.

State-established minimum service counts will help to ‘right-size’ hands-on training for scope-protected activities. This would help to properly distribute the training that cosmetology professionals receive across the various services they can legally offer. With state-mandated minimum service requirements, hands-on training will likely be increased for higher-risk activities and lowered for lower-risk activities. Additionally, the requirement of minimum service counts would ensure that students completing an apprenticeship or a school program are receiving comparable training. Several other states have pursued this concept of minimum service counts, including Alaska, Oregon, and Minnesota.

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<sup>69</sup> Data provided by the National Interstate Council of State Boards of Cosmetology. The only state without a license that includes hair and basic skincare services is Oregon.

Required hours for licenses and endorsements would be made up of the hours required to complete minimum service counts, hours for theory instruction, and additional hours added as a buffer to give schools time to provide specific students extra training as needed. OPLR went through the process of estimating minimum service counts to build a ‘bottom-up’ hours recommendation for the hair design, master esthetics, nail technology, electrology, and laser tattoo removal licenses. ([See appendix 5.4](#)). We recommend that the total hours required for all endorsements established in rule be equal to the overall hours requirement for the related traditional license so that all the hair-related endorsements would add up to the overall hair design hours requirement as set in statute. Additionally, we recommend a statutory cap of 250 hours per endorsement. This ensures that individual endorsements would remain attainable, low-cost options for students, and that any endorsement becoming too lengthy would be split using DOPL’s rulemaking authority.

While OPLR’s estimated service counts informed the recommended hour requirements for the full licenses, actual service counts should ultimately be established by DOPL in rule and in collaboration with the Board. This ensures that those who are experts in the field have input on how to properly divide the hours required for training to best address public safety. In addition, it will allow DOPL and the Board to establish minimum hour requirements for each endorsement in rule. Lastly, because service counts will be established in rule rather than in statute, the State will have increased flexibility to adapt service counts to new services and machines over time.

In developing the minimum service counts, OPLR believes strongly that policymakers should be guided by benchmarks outside the cosmetology industry or outside the U.S. While most U.S. states have coalesced around the current model of 1,000 to 2,000 hours for the main cosmetologist/barber license ([See appendix 1.5](#)), we find no rigorous evidence based on consumer safety to support the status quo structure and requirements. In the absence of such evidence, OPLR looked to medical training to understand how many hands-on repetitions would be required for consumer safety where trainees use fine motor skills to manipulate tools or instruments, and a live human is at risk. The resulting analysis shows that a range of between 5 and 45 repetitions minimum is sufficient to learn to perform the medical procedures identified.<sup>70</sup> Given the lower-risk nature of cosmetic work, OPLR posits that minimum service counts in the range of 5-30 would be appropriate, with higher numbers for higher-risk services. ([See appendix 5.4](#)).

### *Instructor Training and Quality*

OPLR recommends increasing training hours for instructors and aligning apprenticeship and school requirements. While the amount of training needed to be an instructor varies depending on the specialty, requirements are low across the board. If relying on practical experience to qualify as an instructor, a person working 40 hours a week could qualify to be an instructor quickly (anywhere from two and a half weeks for an eyelash/eyebrow technology instructor and 40 weeks for a cosmetology/barber instructor). ([See appendix 1.5](#)).

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<sup>70</sup> See, for example, [Yeo et al. \(2015\)](#); [Uribe et al. \(2004\)](#); [de Oliveira Filho \(2002\)](#); and [Accreditation Council for Graduate Medical Education \(2017\)](#).

OPLR recommends requiring an applicant for any instructor license to spend a certain amount of time (set in rule by DOPL) practicing with their license to gain practical experience and complete a six-month on-the-job instructor training program. Applicants should only be required to do a three-month on-the-job instructor training program if they have at least two years of work experience as a licensed professional in the field. Increasing on-the-job instructor training time, as well as standardizing instructor training across all cosmetology licenses, can lead to safer and more competent practitioners. Increasing instructor training also puts Utah more in line with the training required by other states where instructors typically have one to five years of work experience or six months of instructor training. ([See appendix 5.5](#)).

OPLR recommends the state limit the number of apprentices that a supervisor can contract with to no more than two apprentices at one time for all apprenticeships, ensuring students taking the apprenticeship path receive quality instruction and appropriate hands-on training.<sup>71</sup> Aligning school and apprenticeship hours will help to standardize the quality of instruction for all students, as minimum service counts will be required for both schools and apprenticeships.

### *Hour Requirements*

As mentioned above, OPLR recommends using minimum service count requirements to build up to the required number of hours for each license or endorsement. However, there is some flexibility in this process that can lead to different outcomes depending on the considerations lawmakers decide to take into account. For example, hour requirements based solely on ensuring safety for consumers will look different than hour requirements when practical considerations such as emerging technologies, Pell eligibility, and portability are considered. What follows is 1) a recommended hour requirement based solely on consumer safety and 2) OPLR's recommended hour requirement that takes Pell eligibility, portability, and potential future developments in the profession into consideration.

#### Baseline Structure - Safety Only

Required hours for licensure could be heavily reduced if protecting consumer safety is the State's sole consideration. This would be done by not requiring hands-on repetitions for the most low-risk services, such as scalp treatments, thermal styling, and basic facials. Other services would require minimum service counts, set according to consumer risk, and hours allocated per service would be adjusted to reflect how long a typical service takes for a student in training to perform. ([See appendix 5.6](#)).

Under this structure, licenses would have the following hour requirements:

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<sup>71</sup> OPLR received input that some apprentice supervisors have been misusing the apprenticeship option to avoid registering as a beauty school, taking on the maximum number of apprentices, providing poor quality instruction.

License	Hour Requirement*
Hair Design	460
Master Esthetics	640
Electrology	180
Nail Technology	160
Laser Tattoo Removal	80

\*See [“OPLR 'Baseline' Structure Minimum Service Count to Hour Conversion”](#) to see how minimum service counts were used to arrive at this proposal.

This baseline structure consists of the lowest number of minimum service counts (and thus hours) OPLR believes is required for safety based on permanence, severity, and probability of harm to consumers for each service. This structure would put Utah squarely on the low end of regulation in this space throughout the country. ([See appendix 1.5](#)). However, licensing requirements would still be more stringent than in some other developed countries, such as the U.K. and Spain, where hairdressers are not licensed by the government (only subject to local health and safety inspections).<sup>72</sup>

#### ‘Practical Considerations’ Structure - Safety Plus Other Considerations

Those in the industry often spoke about the importance of maintaining Pell eligibility for students, which requires programs to be 600 hours or 16 credits<sup>73</sup>, and ensuring that Utah licenses are as portable to other states as possible. If policymakers choose to prioritize these practical considerations, OPLR created a version of the new licensing structure adjusting proposed hours requirements higher under the rationale of 1) moving some services slightly higher in terms of minimum service counts and 2) adding extra service counts for any new techniques or technologies that may arise. In addition, service counts were added for some of the lower-risk services that were not assigned any minimum service counts in the baseline version, such as scalp treatment, thermal styling, and basic facials. With these changes, the students seeking a hair design and master esthetics license would be eligible for Pell grants. ([See appendix 5.7](#)).<sup>74</sup>

<sup>72</sup> [Conway \(2022\)](#): The United Kingdom does not license barbers and hair stylists. There are, however, strong non-governmental accrediting bodies, more robust consumer protection laws, and locally enforced safety and sanitation laws that take on some of the roles of licensing.

<sup>73</sup> [Federal Reserve Title 34B, Chapter VI, 668.8](#). Public beauty programs use credit hours to qualify. Due to their conversion rate between hours and credits, public programs aim to be around 750 hours to maintain Pell eligibility; OPLR interview with representative from Utah System of Higher Education, May 2024.

<sup>74</sup> It could be argued that inflating state licensure requirements to meet Pell eligibility is a doubly problematic move, as it both penalizes the non-Pell students with higher tuition, as well as expending public funds (federal and state) to license individuals in a \$17 per hour occupation rather than one of several other higher demand, higher paying industries (healthcare, technology, construction/trades).

Under this structure, licenses would have the following hour requirements:

License	Hour Requirement
Hair Design	800
Master Esthetics	1,000
Electrology	200
Nail Technology	220
Laser Tattoo Removal	110

\*See "[OPLR 'Practical Considerations' Structure Minimum Service Count to Hour Conversion](#)" to see how minimum service counts were used to arrive at this proposal.

## Additional Considerations

### *Cosmetic Supervision*

On the basis of OPLR's review and recommendations, there are several minor conforming changes to Utah Code 58-1-506 that must be made to accommodate new stand-alone licenses and endorsements. Under the current Cosmetic Medical Procedures Act, nonablative cosmetic medical procedures, such as laser hair removal, laser tattoo removal, and body contouring, require supervision.<sup>75</sup> ([See appendix 6.1](#)). The level of supervision is determined by what practitioner is conducting the evaluation or procedure.

Under OPLR's proposed structure and the current statutory language in UC 58-1-506, the master esthetics, electrologist, the new laser tattoo removal license, and skincare specialist licenses (depending on the selected endorsement) would require supervision for some scope-protected services. ([See appendix 6.2](#)).

Additionally, through this review, OPLR identified current supervision requirements that may unnecessarily limit access to certain services for some consumers. ([See appendix 6.3](#)). For instance, supervision is required when estheticians are completing chemical peels with more than 15% acidity.<sup>76</sup>

### *Updates to Supervision Requirements to Accommodate New Structure*

There are three areas where supervision should be updated to reflect OPLR's proposed structure and the prevalence of telemedicine:

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<sup>75</sup> [UT Code 58-1-506](#).

<sup>76</sup> [UT Rule 156-11a-610](#).

- Create a new delegation group for laser tattoo removal and include the skincare specialist license in an existing delegation group. This change is necessary because of the new laser tattoo removal license. ([See appendix 6.4](#)).
- Align laser tattoo removal supervision requirements with those for laser hair removal. This means being able to delegate authority to certain practitioners to operate under general supervision. This change is necessary in part because of the new laser tattoo removal license but also to clarify the existing ambiguous supervision language in 58-1-506 ([See appendix 6.5](#) and [appendix 6.6](#)).

### *Additional Considerations for Supervision*

The Legislature could consider telemedicine as an option for evaluations conducted under general supervision when procedures are delegated. Telemedicine evaluations are already an option for nonablative cosmetic medical procedures other than laser hair removal and laser tattoo removal under Utah Code 58-1-506. ([See appendix 6.7](#)).

Additionally, OPLR recommends allowing licensees to administer chemical peels at an acidity level higher than 15% after meeting additional training requirements with cosmetic medical supervisors. Supervisors are very rarely called upon by licensees related to chemical peels and there is a lack of safety concerns.<sup>77</sup> There is no standard cost for cosmetic supervision, often resulting in high costs for practitioners. Of all supervised services, chemical peel services appear to have little to no need for supervision with additional training.<sup>78</sup>

### *Powered, Non-Invasive Body Contouring*

Based on a review of powered, non-invasive body contouring services ([see appendix 5.3](#)), OPLR recommends the following:

- Allow master estheticians to perform powered, non-invasive body contouring services under general supervision. If DOPL decides to create a skincare endorsement for body contouring, those with this endorsement should also be allowed to perform these services under general supervision.
- Require master estheticians (and those with a body contouring endorsement, if created) to perform a handful (about five) of each type of body contouring service while in training, whether that be in school or an apprenticeship.
- Require master estheticians (and those with a body contouring endorsement, if created) to receive training on body dysmorphia as a contraindication for body contouring services while in school or an apprenticeship.
- Modify the Cosmetology Licensing Act to make it unprofessional for a practitioner to promise cosmetic results to consumers that are far removed from what evidence suggests is possible.

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<sup>77</sup> OPLR Interview Series.

<sup>78</sup> OPLR Interview Series.

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# Appendix

## 1. Methodology and Background

### 1.1 OPLR Cosmetology Licensee Survey

OPLR sent a survey to all active cosmetology licensees in the State using Qualtrics. The survey was open from May 8th to May 15th and was available in English, Vietnamese, and Spanish.

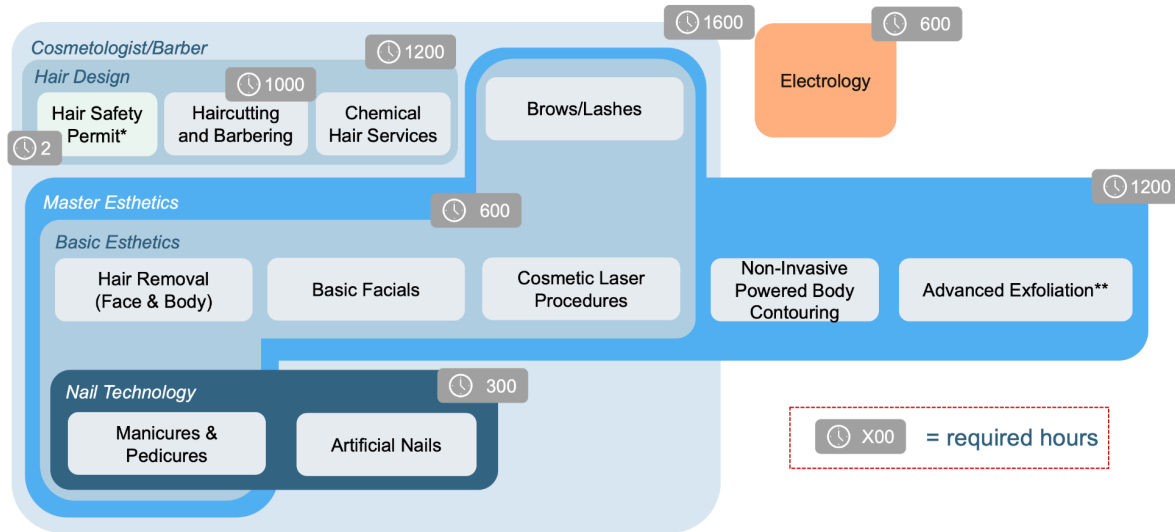
Table 1. Survey Representativeness			
License	Response Rate <sup>79</sup>	Percent of Population	Percent of Survey Responses
Cosmetologist/Barber	8.65%	58.75%	63.80%
Cosmetologist/Barber Apprentice	10.53%	0.17%	0.23%
Barber	8.23%	2.43%	2.51%
Barber Apprentice	3.54%	0.21%	0.09%
Hair Designer	12.57%	0.70%	1.11%
Hair Designer Apprentice	10.71%	0.05%	0.07%
Basic Esthetician	14.80%	4.79%	8.89%
Basic Esthetician Apprentice	3.92%	0.09%	0.05%
Master Esthetician	5.35%	15.44%	10.36%
Master Esthetician Apprentice	3.92%	0.09%	0.05%
Nail Technician	5.93%	16.20%	12.05%
Nail Technician Apprentice	3.28%	0.73%	0.30%
Electrologist	11.70%	0.35%	0.51%
<b>Total</b>	10.2%	-	-

### 1.2 Current Scopes of Practice

<sup>79</sup> [DOPL Active Licensee Count](#), accessed May 2024.

Some licenses' full scopes of practice are encapsulated in the scopes of practice of one or even two other licenses. Currently, the cosmetology/barber license has a broad scope of practice that includes the full scopes of practice of the barber, hair design, basic esthetics, eyebrow and eyelash technician, and nail technician licenses. The scope of the master esthetics license includes the full scope of a basic esthetician plus more advanced skincare services.<sup>80</sup>

Figure 1. Current Licensing Structure and Required Hours



\*The Hair Safety Permit allows individuals to shampoo hair and perform thermal styling services (blow dry, curling, ironing).

\*\*Advanced Exfoliation includes more invasive skincare treatments such as dermaplaning, microneedling, and high-concentration chemical peels.

Table 2. Current License Requirements and Scopes of Practice <sup>81</sup>		
License	Hours Required	Scope of Practice
Cosmetologist/barber	1,600 school hours OR 2,500 apprenticeship hours	Everything within the scope of practice of a barber, hair designer, basic esthetician, eyebrow and eyelash technician, and nail technician
Hair designer	1,200 school hours OR 1,600 apprenticeship hours	Everything within the scope of practice of a barber AND: <ul style="list-style-type: none"> <li>• Use of chemicals in the hair</li> <li>• Designing wigs and hair pieces</li> </ul>

<sup>80</sup> [UT Code 58-11a](#).

<sup>81</sup> Ibid.

		<ul style="list-style-type: none"> <li>• Hair weaving and fusion</li> </ul>
Barber	<p>1,000 school hours OR 1,250 apprenticeship hours</p>	<ul style="list-style-type: none"> <li>• Hair cutting</li> <li>• Scalp treatment</li> <li>• Face shaves</li> <li>• Massaging head and back</li> </ul>
Master esthetician	<p>1,200 school hours OR 1,500 apprenticeship hours</p>	<p>Everything within the scope of practice of a basic esthetician AND:</p> <ul style="list-style-type: none"> <li>• Body wraps</li> <li>• Hydrotherapy</li> <li>• Chemical exfoliation</li> <li>• Advanced pedicures</li> <li>• Sanding</li> <li>• Advance extraction</li> <li>• Dermaplaning</li> <li>• Lymphatic massage</li> <li>• Other esthetic preparations or procedures</li> </ul>
Basic esthetician	<p>600 school hours OR 800 apprenticeship hours</p>	<p>Everything within the scope of practice of an eyebrow and eyelash technician AND:</p> <ul style="list-style-type: none"> <li>• Facials</li> <li>• Manual extraction</li> <li>• Limited chemical exfoliation</li> <li>• Galvanic current/heat lamp</li> <li>• Some laser procedures (under supervision)</li> <li>• Waxing and tweezing</li> <li>• Natural nail manicures and pedicures</li> </ul>
Eyebrow and Eyelash Technician	<p>100 school hours OR 125 apprenticeship hours</p>	<ul style="list-style-type: none"> <li>• Arching eyebrows</li> <li>• Tinting eyelashes and eyebrows</li> <li>• Perming eyelashes and eyebrows</li> <li>• Applying eyelash or eyebrow extensions</li> </ul>
Nail technician	<p>300 school hours OR</p>	<ul style="list-style-type: none"> <li>• Natural nail manicures and pedicures</li> </ul>

	375 apprenticeship hours	<ul style="list-style-type: none"> <li>• Application and removal of artificial nails</li> <li>• Using blades to smooth, shave, or remove dead skin from the feet</li> </ul>
Electrologist	600 school hours <sup>82</sup>	<ul style="list-style-type: none"> <li>• Waxing and tweezing</li> <li>• Laser hair removal (under supervision)</li> <li>• Removal of superfluous hair using electricity</li> </ul>

### 1.3 Current Number of Licensees

The cosmetologist/barber is the most common license type (33,449), followed by the nail technician license (9,938)<sup>83</sup>, though the barber, basic esthetician, and master esthetician licenses experienced the most growth in uptake over the last decade.<sup>84</sup> The number of hair design licensees experienced massive growth between 2018 and 2023, but this is likely due in part to the fact that the hair design license was only created in 2018.<sup>85</sup> The eyelash and eyebrow technician license was created in 2024, so it has not been issued by the State yet.

Table 3. Current Number of Licenses (as of December 18, 2024) <sup>86</sup>								
	Cosmetologist/ Barber	Barber	Hair Designer	Basic Esthetics	Master Esthetics	Eyelash/ Eyebrow Tech.	Nail Tech.	Electrologist
Number of Current Licensees *	33,449	1,528	520	2,890	9,149	0**	9,938	206
Change Between 2013 and 2023 <sup>87</sup>	+34%	+457%	+2,187% ***	+375%	+132%	-	98%	50%

\*The total number of licensees will add up to more than the 56,766 unique individuals reported in the report because these numbers include people who have more than one license in each of the relevant license categories.

\*\*The eyelash/eyebrow technician license was created in 2024 and is yet to be issued

<sup>82</sup> The electrologist license is the only cosmetology license that does not currently have an apprenticeship path to licensure.

<sup>83</sup> [DOPL Active Licensee Count](#), accessed December 18, 2024.

<sup>84</sup> DOPL Licensee Data, accessed January 6, 2025.

<sup>85</sup> Ibid.

<sup>86</sup> [DOPL Active Licensee Count](#), accessed December 18, 2024.

<sup>87</sup> DOPL Licensee Data, accessed January 6, 2025.

\*\*\*The hair design license was not issued until 2018, so this number reflects the change in licensee count between 2018 and 2023.

## 1.4 Future Growth of Cosmetology Industry

The U.S. Bureau of Labor Statistics predicts that, between 2023 and 2033, the barbering/hairstyling/cosmetologist profession will grow by 7%, the esthetics profession will grow by 10%, and the nail technician profession will grow by 12%, all of which would represent faster growth than the average profession.<sup>88</sup>

## 1.5 Instructor License Requirements

Table 4. Utah Cosmetology Instructor License Requirements <sup>89</sup>			
License	Instructor Program Hours	On-the-Job Training Hours	Minimum Hours Practiced with License
Cosmetology Instructor	240 hours	240 hours	1,600 hours
Esthetics Instructor	180 hours	180 hours	900 hours
Barber Instructor	150 hours	150 hours	1,000 hours
Hair Design Instructor	180 hours	180 hours	1,200 hours
Nail Technology Instructor	45 hours	45 hours	300 hours
Eyelash/ Eyebrow Technology Instructor	15 hours	15 hours	100 hours
Electrology Instructor	90 hours	90 hours	1,000 hours

## 1.6 Nationwide License Summary

Table 5. Summary of Cosmetology Licensing Throughout the U.S. <sup>90</sup>					
License	Number of States with License	Low Hour Requirement	High Hour Requirement	Average Hour Requirement	Utah Hour Requirement

<sup>88</sup> [U.S. Bureau of Labor Statistics \(2024\)](#).

<sup>89</sup> [UT Code 58-11a-302](#).

<sup>90</sup> Data from the National Interstate Council of State Boards of Cosmetology.

Cosmetology (hair, basic skincare, nails)	49 states (+DC)	1,000 hours	1,800 hours	1,470 hours	1,600 hours
Basic Esthetics	50 states (+DC)	300 hours	1,000 hours	617 hours	600 hours
Master Esthetics	6 states (+DC)	750 hours	1,200 hours	1,080 hours	1,200 hours
Barber (haircutting, non-chemical )	16 states	600 hours	1,500 hours	1,020 hours	1,000 hours
Hair Design (haircutting, chemical)	48 states (+DC)	750 hours	1,800 hours	1,320 hours	1,200 hours
Nail Technology	50 states (+DC)	250 hours	750 hours	365 hours	300 hours
Eyelash/ Eyebrow Technology	4 states	14 hours	320 hours	120 hours	100 hours
Electrology	15 states	300 hours	1,100 hours	552 hours	600 hours

## 2. Findings: Consumer Harm

### 2.1 U.S. Department of Labor “Consequence of Error” Ratings

The United States Department of Labor has ranked occupations according to their potential for consumer harm if something goes wrong, rating them from 0 (“not serious at all”) to 100 (“extremely serious”). Below is a sample of these rankings<sup>91</sup>:

- Family Medicine Physician: 99
- Nurse Practitioner: 85
- Crane and Tower Operators: 75
- Security and Fire Alarm Systems Installer: 65
- Optometrist: 55
- **Skincare Specialist: 41**
- **Hairdresser/Hairstylist/Cosmetologist: 32**
- Graphic Designer: 25
- **Manicurist/Pedicurist: 17**
- Tutor: 10

<sup>91</sup> [O\\*NET Online](#).

## 2.2 Analysis of DOPL Complaint Data

DOPL investigators chose a random sample of 100 substantiated complaints from 2019 to 2023. Of the 100 complaints, 75 involved a licensee practicing outside of their scope of practice, 68 involved unlicensed practice, 18 involved improper supervision, and 10 involved some form of consumer harm. Of the 75 cases involving a licensee practicing outside of their scope of practice, 6 resulted in some type of consumer harm, meaning that the vast majority (92%) of the instances when someone worked beyond their scope of practice did not result in consumer harm. Interestingly, four of the 10 complaints that resulted in consumer harm came from eyelash extensions services.<sup>92</sup>

## 2.3 Service Risk Rankings from Focus Groups

OPLR views harm through the lenses of severity, permanence, and likelihood. In one focus group with cosmetology/barber licensees and one with master esthetician licensees, respondents rated different services according to these criteria. When the ratings for all three criteria were combined, services were ordered in the following way (from most harmful to least harmful):<sup>93</sup>

### Cosmetology/Barber Services:

1. Lash extensions
2. Perms and relaxers
3. Haircuts and shaves
4. Waxing
5. Artificial nails
6. Brow/lash lifts/tints
7. Manicures/pedicures
8. Chemical services

### Master Esthetics Services

1. Laser hair removal
2. Laser tattoo removal
3. Laser resurfacing
4. Chemical/acid peel
5. Microneedling
6. Dermaplaning
7. Microdermabrasion

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<sup>92</sup> Data provided by DOPL investigators; based on a random sample of 100 substantiated complaint case notes between 2019 and 2023.

<sup>93</sup> OPLR focus group with 20 licensed cosmetologist/barbers, June 5, 2024; OPLR focus group with 12 licensed master estheticians, June 7, 2024.



8. Advanced pedicure
9. Microcurrent
10. Facial and body treatments

## 2.4 Training Service Counts

OPLR analyzed the service count sheets for one public and one private cosmetology/barber program. Service count sheets are internal guidelines for the number of hands-on repetitions of a service a student should receive while in training. Table 2.4 below lists the service count requirements for each skill at both the public and private programs. For some services, the public program had the lower requirement, while in others the private school required less. The table also includes the harm level that OPLR assigned to each service based on research and industry feedback.

Notice that some low-risk services, such as haircuts, thermal styling, and pedicures, have higher service counts than moderate—or high-risk services, such as lash/brow tints, waxing, eyelash/eyebrow extensions, and photo rejuvenation. Additionally, both programs require a large number of repetitions on services that are not scope-protected, such as makeup application, shampooing, and hair braiding. OPLR posits that this is evidence of training that is focused on objectives other than the prevention of consumer harm.

<b>Table 6. Hands-On Service Counts at One Public and One Private Cosmetology Program</b>			
<b>Service Type</b>	<b>Relative Harm Level*</b>	<b>Low Requirement</b>	<b>High Requirement</b>
Haircut	Low	115	230
Shaves	Moderate	10	35
Thermal Styling	Low	50	161
Scalp Treatments	Low	25	41
Perms	High	20	152
Relaxers	High	1	25
Color	Low	10	30
Bleach/Toner	Moderate	103	165
Artificial Hair	Low	0	6
Waxing	Moderate	15	28
Sugaring	Low	0	0
Epilation	Low	0	0
Facials	Low	10	30
Chemical Peel	Moderate	0	0
Laser Hair Removal	High	0	0

Photo Rejuvenation	High	0	0
Tattoo Removal	High	0	0
Galvanic Current	Moderate	0	0
Natural Nail Manicure/Pedicure	Low	35	62
Artificial Nail Application	Moderate	23	60
Artificial Nail In-Fill/Touch-Up	Moderate	0	5
Artificial Nail Removal	Moderate	0	3
Lash/Brow Tints	Moderate	12	20
Eyelash Perm	High	0	0
Eyelash Extension Application	High	5	10
Eyelash Extension Removal	High	0	5
Not Scope Protected	Not Scope Protected	103	781

\*These harm rankings are in relation to each other and do not reflect the level of harm from these services in relation to other professions. Even the services rated “high harm” in this analysis are grounded in the low-to-moderate level harm found in the industry generally.

### 3. Findings: Access

#### 3.1 Size of Utah Cosmetology Workforce

Estimates put the number of “personal appearance professionals” in Utah at about 52 per 10,000 people, giving it the sixth highest rate of any state. Below is a full list of the rates in each state, from highest to lowest. The average is about 44.<sup>94</sup>

State	Personal Appearance Professional Per 10,000 People
Florida	57.76
California	54.41

<sup>94</sup> [U.S. Census Bureau \(2022\)](#); There are some potential issues with the ACS survey data. First, the data does not control for employment rates or demographic makeup. Second, the ACS estimates that Utah has about 17,000 cosmetologists in the state, but there are more than 56,000 unique individuals licensed in the state. This underestimation is concerning, though there is nothing to suggest that the estimation error rate would differ by state. Thus, the data may still be helpful in terms of understanding the relative rank of states in terms of access to cosmetology professionals.

<sup>95</sup> Ibid.

Nevada	54.20
Massachusetts	52.02
Rhode Island	51.98
<b>Utah</b>	<b>51.90</b>
Hawaii	51.73
North Carolina	50.78
New Jersey	50.65
Georgia	50.57
Connecticut	49.91
Louisiana	49.91
Texas	49.08
New York	48.44
Virginia	47.30
Maryland	47.13
Michigan	47.06
Alaska	46.96
Tennessee	46.90
Illinois	46.74
South Carolina	46.22
New Hampshire	45.55
Colorado	45.24
Pennsylvania	44.85
Kansas	44.85
Alabama	44.15
Oklahoma	44.11
New Mexico	42.73
Ohio	42.62
Indiana	42.33
Missouri	42.30
Delaware	42.09
Iowa	41.89
Oregon	41.49
Arkansas	41.43

Washington	41.08
Arizona	41.03
Idaho	40.57
Mississippi	39.28
Montana	38.22
Nebraska	37.86
North Dakota	37.61
Kentucky	37.39
Minnesota	36.79
Wisconsin	36.23
Wyoming	33.18
West Virginia	32.60
Maine	32.36
South Dakota	32.28
District of Columbia	23.74
Vermont	21.71

3.2 Demographic Description of Cosmetology Licensees

Table 8. Cosmetology Licensee Demographics <sup>96</sup>	
<b>Gender</b>	
Female	95%
Male	4%
<b>Race</b>	
White	88%
Non-White	9%
<b>Age</b>	
18-29	20%
30-49	51%

<sup>96</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

50+	30%
<b>Education</b>	
No high school degree	18%
No 4-year college degree	86%
<b>Hours Working Per Week</b>	
0 hours	32%
1-20 hours	40%
21-30 hours	10%
31-40 hours	12%
More than 40 hours	5%
<b>Annual Earnings</b>	
Less than \$20,000	58%
\$20,000-\$39,999	23%
\$40,000-\$59,999	10%
\$60,000+	9%
<b>Use of Pell Grants and Loans for School</b>	
% Using Pell Grants*	42%
Average Debt Incurred*	\$6,300
Average Debt Outstanding*	\$4,000
<b>Employment Type**</b>	
Employee (Full- or Part-Time)	26%
Independent Contractor	34%
Business/Salon Owner	27%
Sole Practitioner	26%
Educator	6%
Other	3%

\*Of those licensed after 2014.

\*\* Total add up to more than 100% because survey respondents could choose more than one employment type.

### 3.3 Costs of Training

	\$3,000 or less	\$4,000-\$7,000	\$8,000-\$11,000	\$12,000-\$15,000	\$16,000-\$19,000	\$20,000-\$23,000	\$24,000-\$27,000	\$28,000-\$29,000	\$30,000 or more
Barber	9%	13%	28%	26%	13%	7%	2%	0%	2%
Cosmetologist /Barber	8%	16%	13%	16%	18%	19%	7%	0%	1%
Electrologist	0%	67%	22%	0%	11%	0%	0%	0%	0%
Basic Esthetician	11%	13%	26%	17%	18%	11%	2%	0%	0%
Hair Designer	21%	13%	21%	17%	17%	8%	4%	0%	0%
Master Esthetician	3%	10%	13%	17%	40%	15%	2%	0%	0%
Nail Technologist	46%	39%	9%	2%	3%	2%	0%	0%	0%

### 3.4 State Subsidization of Public Cosmetology Programs

The difference between average private and public program costs in the sample that OPLR analyzed is 63%, or almost \$9,000, which gives an idea of how much the State is subsidizing public cosmetology programs.<sup>98</sup> However, one USHE representative told OPLR that the State is subsidizing as much as 85-90% of the cost of public cosmetology programs.<sup>99</sup>

### 3.5 Time to Training Completion

	Minimum	Maximum	Average	Median
Cosmetology/Barber	1	24	15.8	15
Hair Designer	3	24	13.8	13
Barber	1	24	11.5	12
Master Esthetics	1	24	10.4	10
Basic Esthetics	1	24	10.3	9
Nail Technology	1	24	6.6	5

<sup>97</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

<sup>98</sup> OPLR analysis of program costs (56 programs at 15 private and public schools).

<sup>99</sup> OPLR interview with representative from Utah System of Higher Education, May 2024.

<sup>100</sup> OPLR Survey of Utah Cosmetology Licensees, May 2024.

Electrologist	3	12	6.2	6
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\*While hours for programs within a license category should be about the same, the time people take to complete the hours depends on whether the person participates in training on a part-time or full-time basis.

## 4. Analysis: Professional Choice and Economic Opportunity

### 4.1 Hours Spent Unrelated to Consumer Safety

OPLR estimates that Utah’s current licensees have completed more than 26 million training hours unrelated to consumer safety. This analysis was done by finding the difference between the current required hours for each license and the number of hours OPLR estimates are required solely to reach an acceptable level of safety based on minimum service counts derived from medical training benchmarks. These differences were then multiplied by the current number of licensees, with an estimation of the number who completed schools or apprenticeships taken from OPLR’s licensee survey responses.

### 4.2 Demand for More Narrow-Scope Licenses

In a focus group of licensed cosmetologists/barbers, 39% expressed interest in a hypothetical narrow license such as the endorsements recommended here. Thirty-five percent expressed interest in three narrow-scope licenses that do not currently exist: hair removal, cosmetic laser procedures, and facials and chemical peels.<sup>101</sup>

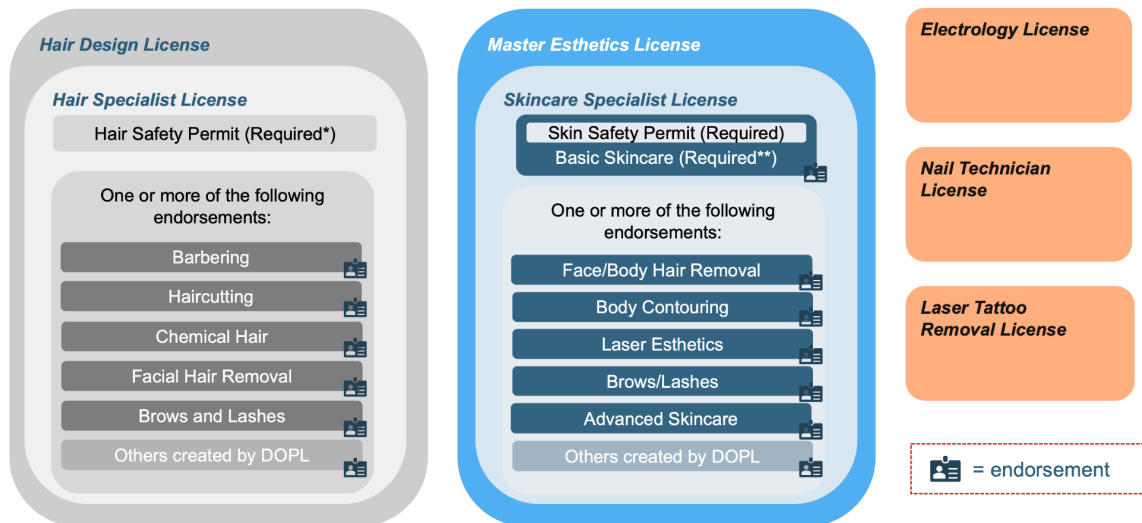
## 5. Recommendations

### 5.1 Proposed Structure

Figure 2. OPLR’s Proposed Licensing Structure

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<sup>101</sup> OPLR focus group with 18 licensed cosmetologist/barbers, July 17, 2024.



\* The hair safety permit is required but must be paired with at least one endorsement to qualify someone for the hair specialist license.  
 \*\* The basic skincare endorsement is required and is sufficient by itself to qualify someone for the skincare specialist license.  
 NOTE: Specific endorsement hours requirements would be set in rule by DOPL in collaboration with the Cosmetology/Barbering board.

## 5.2 Hair Design and Master Esthetics Scopes of Practice

OPLR recommends that the scopes of practice for the hair design and master esthetics licenses be as follows:

### Hair Design:

- Hair cutting, thermal styling, scalp treatments, hair extensions, and wig design
- Chemical hair services
- Facial hair removal through shaving, waxing, or depilatories
- Eyelash and eyebrow services

### Master Esthetics:

- Basic skincare services such as low-intensity chemical peels and facials
- Powered, non-invasive body contouring, such as cryolipolysis, and lymphatic massage
- Facial and body hair removal through shaving, waxing, depilatories, epilation, and sugaring
- Advanced skincare services such as microneedling, dermaplaning, and high-intensity chemical peels
- Laser hair removal and skin rejuvenation
- Eyelash and eyebrow services

These are not exhaustive lists of the services included in the scopes of practice but rather a general overview of the split in services between hair and skin licenses and the inclusion of new



areas, such as body contouring. Depending on the proposal the Legislature pursues, some of the services listed may be included in the hair or skin safety permits rather than a license or endorsement.

### 5.3 Powered, Non-Invasive Body Contouring

Powered, non-invasive body contouring is the use of machines used subcutaneously to break up fat cells, making them easier for the body to discard. Common machines use cold temperatures (cryolipolysis or ‘coolsculpting’), ultrasound (ultrasonic cavitation), or different frequencies of light (radiofrequency, lasers, red light) to destroy fat cells without harming skin or tissue.<sup>102</sup> Typically marketed to people with a low-to-moderate BMI, these procedures can be effective at reducing the size of targeted pockets of fat.<sup>103</sup> The popularity of non-invasive body contouring procedures has increased because of their comparatively low price and short recovery time as compared to more traditional and invasive fat reduction procedures, such as liposuction.<sup>104</sup>

#### *Current Regulation*

Currently, Utah laws regarding devices used for noninvasive body contouring are convoluted and ambiguous, so neither practitioners, educators, nor regulators have clarity on what is allowed. Physicians and APRNs can delegate services defined as “nonablative cosmetic medical procedures” to lower-level medical professionals and to certain non-medical professionals, such as basic and master estheticians.<sup>105</sup> Certain supervision requirements accompany this delegation. However, the definitions of “nonablative” and “cosmetic medical procedure” do not always align.

The Utah Medical Practice Act distinguishes between ablative procedures, which are “expected to excise, vaporize, disintegrate, or remove living tissue,”<sup>106</sup> and non-ablative procedures, which are “expected or intended to alter living tissue, but [are] not intended or expected to excise, vaporize, disintegrate, or remove living tissue.”<sup>107</sup>

The law defines a “cosmetic medical procedure” as, among other things, “the use of cosmetic medical devices to perform ablative or nonablative procedures.”<sup>108</sup> Cosmetic medical devices include “Class IIIb and Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices...”<sup>109</sup>

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<sup>102</sup> [U.S. Food and Drug Administration \(2022\)](#).

<sup>103</sup> See, for example, [Krueger et al. \(2014\)](#); [Teitelbaum et al. \(2007\)](#); [Rzepecki et al. \(2018\)](#).

<sup>104</sup> [Alizadeh et al. \(2016\)](#).

<sup>105</sup> [UT Code 58-1-506](#).

<sup>106</sup> [UT Code 58-67-102\(1\)\(a\)](#).

<sup>107</sup> [UT Code 58-67-102\(17\)\(a\)\(i\)](#).

<sup>108</sup> [UT Code 58-67-102\(11\)\(a\)\(i\)](#).

<sup>109</sup> [UT Code 58-67-102\(10\)\(a\)](#).

Currently, cryolipolysis is defined as nonablative but not explicitly as a cosmetic medical procedure<sup>110</sup> (unless it falls within the definition of a “lipolytic device”, which has no definition in statute). On the other hand, radiofrequency devices, lights, and lasers are classified as cosmetic medical devices but not explicitly as nonablative procedures. Ultrasonic cavitation is not defined explicitly as either a nonablative or a cosmetic medical procedure (unless it falls within the definition of a “lipolytic device”, which has no definition in statute). While the statute can reasonably be read to allow master and basic estheticians to do these services under certain delegation and supervision requirements, these oversights likely cause uncertainty among actual and potential practitioners as well as those enforcing the law. In addition, the convoluted state of current regulation leads to inconsistency in training among those who are offering these services, with some being trained in reputable master esthetician programs and others simply learning to perform the services through videos online.<sup>111</sup>

### *Potential for Harm*

Non-invasive body contouring procedures appear to be mostly safe. There are some common physical reactions that can happen, though these events are of minor consequence and are often natural responses to what is being done to the body. These include, for example, swelling and redness of the skin, tenderness, and bruising. These side effects will most likely subside on their own and cause no lasting damage.<sup>112</sup>

There are some more serious potential harms that can come from these devices, though they are much more rare. These include eye damage from lasers, freeze burns from cryolipolysis, nerve damage, and hernias.<sup>113</sup> In addition, there are contraindications that practitioners should be aware of that increase the risk of harm. For example, those with Raynaud's disease may react poorly to cryolipolysis, and some of these services could exacerbate existing hernias.<sup>114</sup>

One of the more serious harms that can arise from cryolipolysis is Paradoxical Adipose Hyperplasia (PAH). This is a condition in which, rather than destroying the fat cells, the treatment actually hardens the fat cells into a hard mass that usually resembles the shape of the applicator.<sup>115</sup> Often, the only way to get rid of this fatty mass is to get it removed through liposuction.<sup>116</sup> The manufacturing company that produces CoolSculpting, the only FDA-approved

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<sup>110</sup> [UT Code 58-1-102](#).

<sup>111</sup> OPLR Interview Series.

<sup>112</sup> OPLR's review of relevant literature revealed 31 unique physical harms from the various forms of non-invasive body contouring. A list of these harms was then sent to two Utah physicians with expertise in the plastic surgery space. Their analysis revealed that, while there are some harms that are relatively likely, these are all low in severity and permanence (these include redness of skin, swelling, and bruising). There is a small group of harms that are more severe and permanent, but they are rare (these include eye damage, freeze burns, and Paradoxical Adipose Hyperplasia).

<sup>113</sup> OPLR analysis with the help of two Utah physicians.

<sup>114</sup> OPLR interview with Utah physician, July 2024.

<sup>115</sup> [Jalilian et al. \(2014\)](#)

<sup>116</sup> OPLR interview with Utah physician, August 2024.

device for cryolipolysis, openly acknowledges that the risk of PAH is inherent in the procedure<sup>117</sup> and will often pay for a patient's liposuction when it happens.<sup>118</sup> While rare, the rate of incidence may be higher than once thought.<sup>119</sup>

There are also potential psychological risks associated with body contouring. Non-invasive body contouring techniques are inextricably connected to body image concerns. Research shows that those who seek out non-surgical cosmetic procedures, such as non-invasive body contouring, have a higher rate of body dysmorphia than the general public.<sup>120</sup> While some may feel increased confidence when a procedure is successful in visibly decreasing a pocket of fat, it may have the opposite impact on those whose body image concerns are more psychologically based. Without addressing the underlying psychological reasons for the intense fixation with their appearance, their concern may soon shift to another part of their body. This has the potential to lead to individuals seeking out one contouring service after another in an addictive-like cycle.<sup>121</sup>

Lastly, there are financial risks associated with these services. While cheaper than surgical methods, these procedures can still cost thousands of dollars, especially as practitioners often recommend multiple procedures for the best results.<sup>122</sup> In addition, service providers may promise extreme results in an attempt to draw in customers creating a consumer protection issue.<sup>123</sup> This is especially dangerous given the psychological factors discussed above; a person who is deeply distressed by their body due to body dysmorphia may be willing to pay large sums of money for the promise of great results. Lastly, the Division of Consumer Protection within the Utah Department of Commerce has seen cases of practitioners offering body contouring services, asking for payment for all visits up front, and then disappearing before completing all services.<sup>124</sup>

### *Recommendation*

OPLR does believe that some regulation of powered, non-invasive body contouring is warranted, given the potential physical, psychological, and financial harms. Because the most common physical harms tend to be non-severe and impermanent, OPLR recommends allowing certain cosmetology licensees who receive hands-on training for these devices to legally

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<sup>117</sup> [CoolSculpting](#): See "Uses & Important Safety Information for CoolSculpting Elite & Cooltone" section at the bottom of the page.

<sup>118</sup> OPLR interview with Utah physician, August 2024.

<sup>119</sup> [Singh et al. \(2015\)](#), [Kode \(2023\)](#), [Nikolis and Enright \(2020\)](#): Note that this study found that rates were reduced with newer CoolSculpting models.

<sup>120</sup> [Pikoos \(2021\)](#).

<sup>121</sup> OPLR interview with Dr. Toni Pikoos, July 2024. In Australia, those undergoing both surgical and non-surgical cosmetic procedures are screened for body dysmorphia before being approved for the procedure. Those who screen positively are directed to resources that can help address underlying psychological difficulties. See [Medical Board of Australia: Ahpra](#).

<sup>122</sup> For example, the average CoolSculpting client spends \$3,200; [Kode \(2023\)](#).

<sup>123</sup> For example, one red light therapy provider in Utah claims that clients will "lose 3 inches" or more from the treated area [on the first visit] with the . . . treatment or 20" or more with our smallest . . . Membership."

<sup>124</sup>OPLR discussion with employee in the Division of Consumer Protections.

perform them. This would likely include master estheticians and those with a skincare specialist license with a body contouring endorsement (if DOPL decides to create such an endorsement). Students should be required to complete a few hands-on repetitions for each body contouring device before licensure. Those who are licensed should be able to perform these services under the general supervision of a medical professional. In-person supervision is unnecessary due to the nature of the harms associated.

Due to the potential psychological risks, OPLR recommends requiring students working on a master esthetics license or a skincare specialist license with a body contouring endorsement to receive training on body dysmorphia as a contraindication for these procedures. At a minimum, those performing these services should be able to identify signs that a patient is suffering with an appearance-related psychological disorder and should understand that going through with the procedure could exacerbate the issue. Training on how to point these clients toward more appropriate mental health support would also be beneficial.

Several things could be done to protect against financial harms in this space. First, the Legislature could expand unprofessional conduct to include promising results to consumers that are far removed from what evidence would suggest is possible. Second, consumer protection laws and investigative resources could be strengthened in this area.

#### 5.4 Minimum Service Count to Hours Process

OPLR identified the distinct services offered by cosmetology-related licensees and grouped these into narrow endorsements that build up to a more traditional-sized license. For example, the list of services for the hair design license, made up of five endorsements, looked like this:

<b>Table 11. List of Services in Hair Design License and Associated Endorsements</b>		
<b>Hair Design</b>	<b>Barbering</b>	Haircuts
		Shaves
		Thermal Styling
		Scalp Treatments
		Hair Pieces/Wigs
	<b>Haircutting</b>	Haircuts
		Hair Extensions/Fusing
		Thermal Styling
		Scalp Treatments
		Hair Pieces/Wigs
	<b>Chemical Hair Services</b>	Perms
		Relaxers
		Color

		Bleach/Toner
	Facial Hair Removal	Depilatories
		Waxing
		Shaving
	Lashes/Brows	Tints
		Arching
		Perms
		Eyebrow Waxing
		Extensions - Application
		Extensions - Removal

After researching these skills, surveying licensees, looking at service count requirements in other states, and soliciting input from beauty schools, OPLR assigned a minimum service count for each service as well as an allotted number of hours per service. Service counts ranged from 5 to 30<sup>125</sup> (based on medical training benchmarks), and hours per service ranged from 1 to 3 hours (based on beauty school input). Multiplying the service count by the hours needed to complete each service and adding this total together for related services produced the total practical hours for each endorsement and traditional license.

OPLR then added hours for theory instruction. For some endorsements and licenses, OPLR had sample theory curricula from schools to help inform the number of theory hours. In the absence of such information, the number of theory hours allotted was based on a ratio of theory to practical hours.

Lastly, OPLR added “other hours”, which act as a buffer for schools to use in case students need more training on certain skills. The number of “other hours” added was a function of the number of theory and practical hours.

The total hours OPLR recommends for each license are the sum of practical, theory, and “other” hours. Under OPLR's recommendation, DOPL would establish the scope and hours required for each endorsement in rule in collaboration with the Board.

## 5.5 Instructor Requirements in Other States

Idaho requires instructors for cosmetology and related professions to have at least five years of work experience within the profession OR have either completed a minimum six-month

<sup>125</sup> OPLR examined the repetitions needed or required for medical services that require fine-motor skills and discovered that most fall in the range of 5-45. See, for example, [Yeo et al. \(2015\)](#); [Uribe et al. \(2004\)](#); [de Oliveira Filho \(2002\)](#); and [Accreditation Council for Graduate Medical Education \(2017\)](#).

instructor course. Only a three-month instructor course is required if the applicant has at least two years of work experience as a licensee in the discipline.<sup>126</sup>

Arizona requires one year of work experience and 350 hours of instructor training.<sup>127</sup> Nevada requires one year of work experience and 500-700 hours of instructor training.<sup>128</sup>

## 5.6 Baseline Structure Proposal for Safety

The baseline structure was created using OPLR's best estimate of the minimum number of repetitions needed to learn to safely perform each individual service. Service counts were kept between 5 and 25, the lower end of what seems to be common for certain medical procedures<sup>129</sup>, and varied depending on the relative consumer safety risk of each service. The lowest-risk services, such as scalp treatments, thermal styling, basic facial preparations, and limited chemical exfoliation, were not given any repetitions. These services would be covered by the hair and skin safety permits and are low enough risk to not necessitate actual hands-on practice. In addition, extra service repetitions for new methods and technologies that come in the future were not included in this model. The hours required to perform each service reflect the time it should take an average student to perform the service based on input from public and private beauty schools.

Figure 3. Baseline Structure for Safety

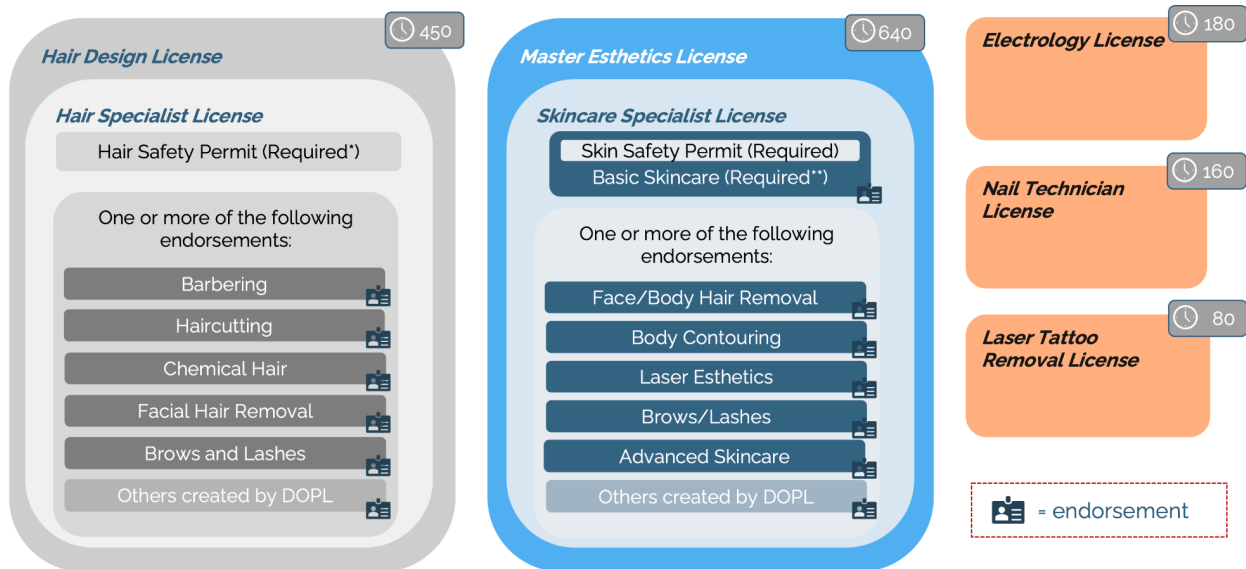
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<sup>126</sup> [Idaho Barber and Cosmetology Services Licensing Board](#).

<sup>127</sup> [Arizona Barbering and Cosmetology Board](#).

<sup>128</sup> [Nevada State Board of Cosmetology](#).

<sup>129</sup> See, for example, [Yeo et al. \(2015\)](#); [Uribe et al. \(2004\)](#); [de Oliveira Filho \(2002\)](#); and [Accreditation Council for Graduate Medical Education \(2017\)](#).

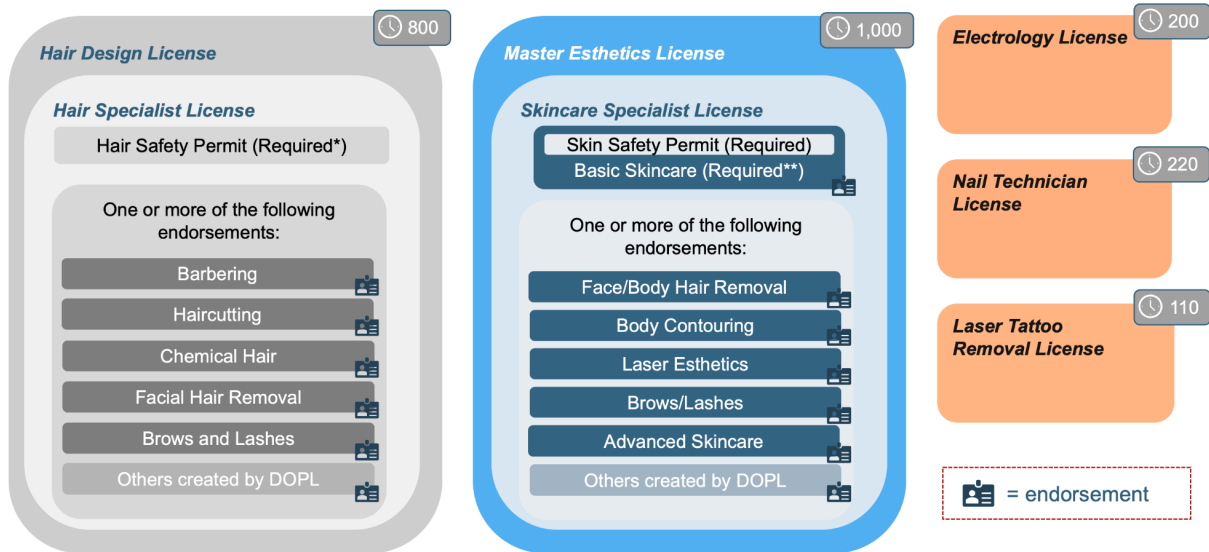


\* The hair safety permit is required but must be paired with at least one endorsement to qualify someone for the hair specialist license  
 \*\* The basic skincare endorsement is required and is sufficient by itself to qualify someone for the skincare specialist license  
 NOTE: Specific endorsement hours requirements would be set in rule by DOPL in collaboration with the Cosmetology/Barbering board

## 5.7 'Practical Considerations' Structure Proposal

This model was created in a similar manner to the baseline proposal, discussed above. However, it includes some repetitions for the lowest-risk services, such as scalp treatments, thermal styling, basic facial preparations, and limited chemical exfoliation. Service counts were increased slightly for certain services and ranged from 5 to 30. The time needed to complete certain services was increased slightly to give additional time for students who may require it. In addition, repetitions were added for potential new methods and technologies that could emerge in the future. In this model, the hair design and master esthetics licenses are eligible for federal financial aid, and hours become closer to what they are in other states.

Figure 4. 'Practical Considerations' Structure



\* The hair safety permit is required but must be paired with at least one endorsement to qualify someone for the hair specialist license.  
\*\* The basic skincare endorsement is required and is sufficient by itself to qualify someone for the skincare specialist license.  
NOTE: Specific endorsement hours requirements would be set in rule by DOPL in collaboration with the Cosmetology/Barbering board.

## 6. Supervision

### 6.1 Cosmetic Medical Procedures Act

As listed in the Cosmetic Medical Procedures Act (Utah Code 58-1-506), nonablative cosmetic medical procedures, such as laser hair removal, laser tattoo removal, and body contouring, require cosmetic medical supervision for both the evaluation and procedure.<sup>130</sup>

Microneedling and microdermabrasion procedures also require supervision when penetrating more than 1.5mm into the skin.<sup>131</sup>

### 6.2 Licenses Requiring Supervision

Under OPLR's proposed recommendation, the master esthetics and skincare specialist licenses (depending on the endorsement) will require supervision for microneedling and microdermabrasion services (when penetration into the skin exceeds 1.5mm), for chemical peel services over 15% acidity, as well as for body contouring services (defined as nonablative and cosmetic medical procedures). The electrologist and master esthetic licenses will require general supervision for laser hair removal if the supervisor delegates authority to the licensee to conduct the evaluation and procedure. Currently, the laser tattoo removal and skincare specialist licenses are not listed in the delegation groups.

<sup>130</sup> [UT Code 58-1-506.](#)

<sup>131</sup> [UT Rule R156-11a-611.](#)



The skincare specialist license, along with the laser tattoo removal license would need to be added to the Cosmetic Medical Procedure Act for both licenses to be allowed possible delegation for evaluations and procedures.

### 6.3 Levels of Cosmetic Supervision

Table 12. Levels of Cosmetic Supervision <sup>132</sup>	
Type of Supervision	Description
General Supervision	<p>The supervisor:</p> <ul style="list-style-type: none"> <li>• authorized the procedure to be done on the patient by the supervisee.</li> <li>• is available in a timely and appropriate manner in person to evaluate and initiate care.</li> <li>• is located <b>within 60 minutes or 60 miles</b> of a cosmetic medical facility during the procedure.</li> </ul>
Indirect Supervision	<p>The supervisor:</p> <ul style="list-style-type: none"> <li>• authorized the procedure to be done on the patient by the supervisee.</li> <li>• has given written instructions to the person being supervised.</li> <li>• is <b>present within the cosmetic medical facility</b> in which the person being supervised is providing services and available to provide immediate face-to-face communication and evaluate the patient.</li> </ul>
Direct Supervision	<p>The supervisor:</p> <ul style="list-style-type: none"> <li>• authorized the procedure to be done on the patient by the supervisee.</li> <li>• is <b>present and available for face-to-face communication</b> when and where a cosmetic medical procedure is performed.</li> </ul>

### 6.4 Delegation Groups

Under Utah Code 58-1-506, practitioners listed in “Delegation group A” or “Delegation group B” are those who are licensed under the title, activating within their respective scopes of practice, and qualified under Subsections (2)(f)(i) and (iii) to perform the delegated evaluation and/or procedure.<sup>133</sup>

### 6.5 Current Supervision Requirements for Laser Hair Removal and Laser Tattoo Removal

<sup>132</sup> [UT Code 58-1-506.](#)

<sup>133</sup> [UT Code 58-1-506.](#)

Laser hair removal requires general supervision when a member of delegation group A (registered nurse, master esthetician, or an electrologist) is delegated to by the cosmetic supervisor to perform the procedure. Indirect supervision is required when a member of delegation group B (a practical nurse, basic esthetician, or medical assistant) or a physician assistant is delegated to perform the procedure. The “hair removal review”, or evaluation, can only be conducted by the supervisor or be delegated to a member of delegation group A.<sup>134</sup>

Laser tattoo removal requires either direct or indirect supervision of a supervisor, and in-person evaluations can be conducted by either a nurse practitioner or a physician assistant. A nurse practitioner or physician assistant may not perform the procedure unless the patient is approved by a physician or advanced practice registered nurse. Currently, no delegation is noted for master estheticians or estheticians to be able to perform laser tattoo removal under general supervision.<sup>135</sup>

## 6.6 Supervision Updates for Laser Tattoo Removal

OPLR recommends adding a laser tattoo removal technician as part of a delegation group with other practitioners who can perform laser tattoo removal. This delegation group may include nurse practitioners, physician assistants, and laser tattoo removal technicians (due to their specific training in the procedure). Experts asserted harm is no higher for laser tattoo removal than for laser hair removal, as laser tattoo removal is less invasive than other laser treatments (only reaching the upper dermis of the skin at about 0.4mm in depth compared to 0.5mm for other treatments), meaning that both procedures can likely be performed under the same type of general supervision.<sup>136</sup>

## 6.7 Requirements for Nonablative Cosmetic Medical Procedures (other than Laser Hair Removal and Laser Tattoo Removal)

For nonablative cosmetic medical procedures other than laser hair removal and laser tattoo removal, such as body contouring, the supervisor provides general supervision when the procedure is performed by a registered nurse or a master esthetician. Indirect supervision is required when the procedure is performed by a physician assistant, and direct supervision is required when the procedure is performed by an esthetician. The evaluation can be conducted by a physician, advanced practice registered nurse, or a physician assistant either in-person or via telemedicine.<sup>137</sup>

## 7. Stakeholder Engagement

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<sup>134</sup> [UT Code 58-1-506](#).

<sup>135</sup> Ibid.

<sup>136</sup> OPLR Interview Series.

<sup>137</sup> [UT Code 58-1-506](#).

**Table 13. Stakeholder Engagement Summary**

Utah State Legislature	
<b>Utah House of Representatives</b>	<b>Rep. Melissa Ballard</b> <b>Rep. Kera Birkeland</b> <b>Rep. Ariel Defay</b> <b>Rep. Cory Maloy</b> <b>Rep. Tom Peterson</b> <b>Rep. Angela Romero</b> <b>Rep. Norman Thurston</b>
<b>Utah Senate</b>	<b>Sen. Heidi Balderree</b> <b>Sen. Curtis Bramble</b> <b>Sen. James Dunnigan</b> <b>Sen. Luz Escamilla</b> <b>Sen. Evan Vickers</b>
Other Government Stakeholders	
<b>Department of Commerce</b>	<b>Margaret Busse</b> , Executive Director <b>Jacob Hart</b> , Deputy Director <b>Carolyn Dennis</b> , Deputy Director <b>Mark Steinagel</b> , Director, Division of Professional Licensing <b>Deborah Blackburn</b> , Assistant Division Director, Division of Professional Licensing <b>Kirsten Shumway</b> , Legal Analyst, Division of Professional Licensing <b>David Wright</b> , Bureau Manager, Division of Professional Licensing <b>Larry Marx</b> , Bureau Manager, Division of Professional Licensing <b>Allyson Pettley</b> , Bureau Manager, Division of Professional Licensing <b>Riane Bailey</b> , Board Secretary, Division of Professional Licensing <b>Lynne Anthony</b> , Investigator, Division of Professional Licensing <b>Camille Farley</b> , Investigator, Division of Professional Licensing <b>Jenna Mayne</b> , Testing Program Manager, Division of Professional Licensing
<b>Division of Professional Licensing (DOPL) Cosmetology/Barber Board</b>	<b>Shanna Gilchrist</b> , Chair, Electrologist <b>Shawna Allen</b> , Cosmetology/Barber Instructor or School Rep <b>Kathy Davis-Rees</b> , Master Esthetician <b>Darlene Durrant</b> , Cosmetologist/Barber <b>Krysti Hammon</b> , Nail Technician Instructor or School Rep <b>Kathleen Martell</b> , Esthetician Instructor or Esthetics School Rep <b>Stafford Palmieri</b> , Public Member

<b>Salt Lake County Health Department</b>	<b>Cooper MacCourtney</b> <b>Jorge Mendez</b>
<b>Industry Stakeholders</b>	
<b>Utah Beauty School Owners Association</b>	<b>Matt Brinton</b> , NIMA Institute <b>Ryan Claybaugh</b> , Paul Mitchell <b>Candace Daly</b> <b>Kenny Gibson</b> , Collective Academy <b>Lenore Gibson</b> , Collective Academy <b>Katy Holton</b> , Paul Mitchell <b>Ricke Mehl</b> , Cameo College <b>Natalie Parkin</b> , Skin Works School <b>Branda Scharman</b> , Cameo College
<b>Public Beauty School Programs</b>	<b>Mark Aiken</b> , Tooele Technical College <b>Alan Barth</b> , Mountainland Technical College <b>Lisa Birch</b> , Mountainland Technical College <b>Chad Campbell</b> , Bridgerland Technical College <b>Time Despain</b> , Davis Technical College <b>Lance Eastman</b> , Davis Technical College (former) <b>Kurtis Ence</b> , Tooele Technical College <b>Tricia Johnson</b> , Bridgerland Technical College <b>Zak Konakis</b> , USU Eastern <b>Karissa Maughan</b> , Bridgerland Technical College <b>Lisa Moon</b> , Bridgerland Technical College <b>James Mullenaux</b> , Southwest Technical College <b>Marlee Patterson</b> , Davis Technical College <b>Chad Price</b> , Snow College <b>Kelley Rhoe-Collins</b> , Bridgerland Technical College <b>Patty Smith</b> , USU Eastern
<b>Utah System of Higher Education</b>	<b>Geoffrey Landward</b> , Commissioner of Higher Education <b>Will Pierce</b> , Assistant Commissioner for Technical Education
<b>Business Owners/Employers</b>	<b>Jenner Feroah</b> , Lunatic Fringe <b>Ashley Mirabelli</b> , Lunatic Fringe <b>J.R. Nielsen</b> , Lunatic Fringe <b>Duke Sorensen</b> , Area Developer, Sports Clips <b>David Spatafore</b> , Owner, Lunatic Fringe <b>Lauren Spatafore</b> , Owner, Lunatic Fringe <b>Christina Thomas</b> , General Manager, Great Clips <b>Kati Torres</b> , Lunatic Fringe <b>Shawn Trujillo</b> , Lunatic Fringe
<b>National Interstate Council of State Boards of Cosmetology</b>	<b>Susan Colard</b> , Executive Director
<b>Prov, Inc.</b>	<b>Dr. Henry Sorenson</b> , CEO
<b>Associated Skin Care Professionals</b>	<b>Spencer Bellott</b> , Risk Manager

<b>Individual Practitioners</b>	<b>Amanda Johnson</b> <b>Jamie Snelson</b> <b>[multiple focus group participants]</b>
<b>Subject-Matter Experts</b>	
<b>Medical Experts</b>	<b>Dr. Jay Agarwal</b> , MD, University of Utah <b>Dr. Lucy Barr</b> , MD, Barr Aesthetics <b>Dr. Richard Fryer</b> , MD, Plastic Surgery, Medical Director for Cameo College
<b>Other</b>	<b>Dr. Cynthia Boruchowicz</b> , PhD, Expert in employment policy <b>Dr. Toni Pikoos</b> , PhD, Expert in the mental health implications of cosmetic procedures

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