

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0189.01 Kristen Forrestal x4217

SENATE BILL 15-106

SENATE SPONSORSHIP

Woods, Balmer, Jahn

HOUSE SPONSORSHIP

Arndt,

Senate Committees

Business, Labor, & Technology
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATORY AUTHORITY**
102 **GRANTED UNDER THE "BARBER AND COSMETOLOGIST ACT",**
103 **AND, IN CONNECTION THEREWITH, CONTINUING THE**
104 **COSMETOLOGY ADVISORY COMMITTEE AND IMPLEMENTING THE**
105 **OTHER RECOMMENDATIONS OF THE DEPARTMENT OF**
106 **REGULATORY AGENCIES AS CONTAINED IN THE 2014 SUNSET**
107 **REPORT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Sunset Process - Senate Business, Labor, and Technology Committee. The bill continues the "Barber and Cosmetologist Act" (act) and the cosmetology advisory committee (committee) until 2026. Prior to 2005, the department of regulatory agencies (DORA) required a place of business that employed barbers, cosmetologists, hairstylists, estheticians, or nail technicians to register with the division of professions and occupations (division) within DORA. The bill reinstates this requirement.

Currently, hair braiding is included in the definition of the services a hairstylist may provide. The bill removes natural hair braiding from the act and defines the term. The bill also changes the measurement for the length of training required for licensing to what was required prior to 2005.

The bill establishes grounds for discipline for:

- ! Failing to report a conviction for a felony or another crime that relates to the licensee's profession within 45 days after the conviction;
- ! Aiding or abetting the unlicensed practice of barbering, hairstyling, or cosmetology or the unlicensed provision of esthetician or nail technician services; and
- ! Failing to timely respond to a complaint sent to the licensee by the director of the division.

The bill clarifies that a licensee may not treat diseases or physical or mental ailments.

Currently the committee is required to meet at least 4 times per year. The bill changes this requirement to at least once per year. The bill clarifies that the committee members will be reimbursed for their actual and necessary expenses related to duties of the committee.

A licensee who has had a license revoked or has surrendered a license must wait at least 2 years to reapply for licensure. Currently the director is required to send a letter of admonition by certified mail. The bill allows the letter to be sent by regular mail.

The bill makes technical changes, including changing the term "manicurist" to "nail technician".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1203, **repeal** (3)

3 (bb) (I) as follows:

4 **2-3-1203. Sunset review of advisory committees.** (3) The

5 following dates are the dates on which the statutory authorization for the

1 designated advisory committees is scheduled for repeal:

2 (bb) July 1, 2015;

3 (I) ~~The advisory committee appointed pursuant to section~~
4 ~~12-8-108 (2), C.R.S., by the director of the division of professions and~~
5 ~~occupations in the department of regulatory agencies;~~

6 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-8-102 as
7 follows:

8 **12-8-102. Legislative declaration.** The purpose of this article is
9 to protect the public's health, safety, and welfare with respect to the
10 professional practice of barbers, hairstylists, cosmetologists, estheticians,
11 and ~~manicurists~~ NAIL TECHNICIANS, and, therefore, testing procedures and
12 disciplinary actions are of the highest priority. Access of qualified
13 professionals to these professions shall not be unduly restricted. The
14 director of the division of professions and occupations in the department
15 of regulatory agencies is hereby directed to enforce this article to
16 accomplish the purposes set forth in this section.

17 **SECTION 3.** In Colorado Revised Statutes, 12-8-103, **amend** (5),
18 (9), (9.4) introductory portion, (9.5), (9.7) introductory portion, (9.7) (c),
19 (10.5), (11), and (13); and **add** (11.5) as follows;

20 **12-8-103. Definitions.** As used in this article, unless the context
21 otherwise requires:

22 (5) "Beauty school" means an establishment operated by a person
23 for the purpose of teaching cosmetologists, estheticians, HAIRSTYLISTS,
24 and ~~manicurists~~ NAIL TECHNICIANS that is certified by the private
25 occupational school division or the Colorado community college system,
26 or is an accredited technical school that teaches cosmetology.

27 (9) "Cosmetology" means any one act or practice, or any

1 combination of acts or practices, NOT FOR THE TREATMENT OF DISEASE OR
2 PHYSICAL OR MENTAL ILLNESS, when done for payment either directly or
3 indirectly or when done without payment for the public generally, usually
4 performed by and included in or known as the profession of beauty
5 culturists, beauty operators, beauticians, estheticians, cosmetologists, or
6 hairdressers or of any other person, partnership, corporation, or other
7 legal entity holding itself out as practicing cosmetology by whatever
8 designation and within the meaning of this article. In particular,
9 "cosmetology" includes, but is not limited to, any one or a combination
10 of the following acts or practices: Arranging, dressing, curling, waving,
11 cleansing, cutting, singeing, bleaching, coloring, or similar work upon the
12 hair of ~~any~~ A person by any means and, with hands or A mechanical or
13 electrical apparatus or ~~appliances~~ APPLIANCE or by the use of cosmetic or
14 chemical preparations, manicuring or pedicuring the nails of ~~any~~ A
15 person; giving facials, applying makeup, giving skin care, or applying
16 eyelashes involving physical contact with ~~any~~ A person; beautifying the
17 face, neck, arms, bust, or torso of the human body by use of cosmetic
18 preparations, antiseptics, tonics, lotions, or creams; massaging, cleaning,
19 or stimulating the face, neck, arms, bust, or torso of the human body with
20 the use of antiseptics, tonics, lotions, or creams; removing superfluous
21 hair from the body of ~~any~~ A person by the use of depilatories or waxing
22 or by the use of tweezers; and the trimming of the beard.

23 (9.4) "Esthetician" means any person who engages in any one or
24 more of the following practices NOT FOR THE TREATMENT OF DISEASE OR
25 PHYSICAL AILMENTS:

26 (9.5) "Free lance shop operator" means an individual who engages
27 in barbering, hairstyling, or cosmetology or practices as an esthetician or

1 ~~manicurist~~ NAIL TECHNICIAN at locations other than fixed or mobile
2 barbershops or beauty shops.

3 (9.7) "Hairstyling" means providing one or more of the following
4 hair care services NOT FOR THE TREATMENT OF DISEASE OR PHYSICAL OR
5 MENTAL AILMENTS upon the upper part of the human body for cosmetic
6 purposes for payment either directly or indirectly, or when done without
7 payment for the public generally:

8 (c) Cutting, arranging, ~~braiding~~, applying hair extensions to, or
9 styling the hair by any means using the hands or with manual, mechanical,
10 or electrical implements or appliances;

11 (10.5) "Manicuring" means any one act or practice, or
12 combination of acts or practices, NOT FOR THE TREATMENT OF DISEASE OR
13 PHYSICAL OR MENTAL AILMENTS, when done for direct or indirect
14 payment or when done without payment for the public generally.
15 "Manicuring" includes, but is not limited to, the filing, buffing, polishing,
16 cleansing, extending, protecting, wrapping, covering, building, pushing,
17 or trimming of nails or any other similar work upon the nails of ~~any~~ A
18 person by any means, including the softening of the hands, arms, ankles,
19 or feet of ~~any~~ A person by use of hands, A mechanical or electrical
20 apparatus or ~~appliances~~ APPLIANCE, cosmetic or chemical preparations,
21 antiseptics, lotions, or creams or by massaging, cleansing, stimulating,
22 manipulating, or exercising the arms, hands, feet, or ankles of ~~any~~ A
23 person. Manicuring also includes waxing or the use of depilatories on the
24 leg up to the knee and the waxing or the use of depilatories on the arm up
25 to the elbow.

26 (11) "~~Manicurist~~" "NAIL TECHNICIAN" means a person who
27 engages in the limited practices of cosmetology known as manicuring.

1 Unless otherwise licensed under this article, a ~~manicurist~~ NAIL
2 TECHNICIAN shall not engage in the practice of cosmetology, ~~barbering,~~
3 ~~or hairstyling,~~ or practice as an ~~esthetician~~ EXCEPT MANICURING.

4 (11.5) "NATURAL HAIR BRAIDING" MEANS A SERVICE THAT
5 RESULTS IN TENSION ON HAIR STRANDS OR ROOTS BY TWISTING, WRAPPING,
6 WEAVING, EXTENDING, LOCKING, OR BRAIDING BY HAND OR WITH A
7 MECHANICAL DEVICE, AS LONG AS THE SERVICE DOES NOT INCLUDE HAIR
8 CUTTING OR THE APPLICATION OF DYES, REACTIVE CHEMICALS, OR OTHER
9 PREPARATIONS TO ALTER THE COLOR OF THE HAIR OR TO STRAIGHTEN,
10 CURL, OR ALTER THE STRUCTURE OF THE HAIR.

11 (13) "Place of business" means a fixed establishment, temporary
12 location, or place, including any mobile barber shop or beauty salon, in
13 which one or more persons engage in the practice of barbering,
14 hairstyling, or cosmetology or practice as a ~~manicurist~~ NAIL TECHNICIAN
15 or an esthetician. The term "temporary location" includes a motor home
16 as defined in section 42-1-102 (57), C.R.S.

17 **SECTION 4.** In Colorado Revised Statutes, 12-8-108, **amend** (1)
18 (b), (1) (c), (1) (d), (1) (h) (I), (1) (h) (II), and (2) as follows:

19 **12-8-108. Powers and duties of the director - advisory**
20 **committee - rules - repeal.** (1) The director has the following powers
21 and duties:

22 (b) To revoke OR suspend A LICENSE OR REGISTRATION PURSUANT
23 TO SECTION 12-8-114.5, OR TO deny, FINE, PLACE ON PROBATION, or ~~make~~
24 ~~probationary licenses upon proof of violation of the rules and regulations~~
25 ~~established by the director or violation of the statutes of this state~~ LIMIT
26 THE SCOPE OF PRACTICE OF AN APPLICANT, LICENSEE, OR REGISTRANT,
27 UPON PROOF OF A VIOLATION OF THIS ARTICLE OR THE RULES

1 PROMULGATED PURSUANT TO THIS ARTICLE;

2 (c) To prescribe, with the approval of the department of public
3 health and environment, such safety and sanitary rules as the director may
4 deem necessary to protect the health and safety of the public; ~~and of~~
5 ~~employees;~~

6 (d) To supervise and regulate the industries of barbering,
7 hairstyling, and cosmetology and the practices of estheticians and
8 ~~manicurists~~ NAIL TECHNICIANS of this state in accordance with this article,
9 but nothing contained in this article shall be construed to abrogate the
10 status, force, or operation of any provisions of any public health law of
11 this state or any local health ordinance or regulation;

12 (h) (I) To send letters of admonition. When a complaint or
13 investigation discloses an instance of misconduct that, in the opinion of
14 the director, does not warrant formal action by the director but that should
15 not be dismissed as being without merit, a letter of admonition may be
16 issued and sent ~~by certified mail~~, to the licensee or registrant.

17 (II) When a letter of admonition is sent by the director ~~by certified~~
18 ~~mail~~, to a licensee OR REGISTRANT, ~~such~~ THE licensee OR REGISTRANT
19 shall be advised that he or she has the right to request in writing, within
20 twenty days after receipt of the letter, that formal disciplinary proceedings
21 be initiated to adjudicate the propriety of the conduct upon which the
22 letter of admonition is based.

23 (2) (a) The director shall appoint a ~~five-member~~ SIX-MEMBER
24 advisory committee to assist in the performance of the director's duties.
25 The advisory committee ~~shall consist~~ CONSISTS of at least three licensees
26 who have expertise in the area under review; ONE OWNER OR OPERATOR
27 OF A SCHOOL THAT PROVIDES TRAINING FOR LICENSEES IN THE INDUSTRY

1 AND IS LICENSED BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS;
2 a representative from a Colorado licensed school that provides training
3 for licensees in the industry; and a member of the public. Members of the
4 advisory committee shall NOT be compensated for their services ~~in~~
5 ~~accordance with the provisions of section 24-34-102 (13), C.R.S.~~ BUT
6 SHALL BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED
7 IN THE PERFORMANCE OF THEIR DUTIES UNDER THIS ARTICLE. The advisory
8 committee shall meet at least ~~four times a~~ ONCE PER year and prior to the
9 adoption of rules, and at the request of the director.

10 (b) ~~This subsection (2) is repealed, effective July 1, 2015. Prior to~~
11 ~~such repeal, the advisory committee shall be reviewed as provided for in~~
12 ~~section 2-3-1203, C.R.S.~~

13 **SECTION 5.** In Colorado Revised Statutes, **repeal** 12-8-109 as
14 follows:

15 **12-8-109. Rules and orders adopted by the state board of**
16 **barbers and cosmetologists under previous law - persons licensed or**
17 **registered under previous law.** ~~(1) All rules, regulations, rates, orders,~~
18 ~~and awards of the state board of barbers and cosmetologists lawfully~~
19 ~~adopted prior to July 1, 2000, shall continue to be effective until revised,~~
20 ~~amended, repealed, or nullified pursuant to law.~~

21 ~~(2) All licenses issued by the state board of barbers and~~
22 ~~cosmetologists to practice barbering or cosmetology prior to July 1, 2000,~~
23 ~~shall remain valid and shall be subject to renewal by the director pursuant~~
24 ~~to section 12-8-115.~~

25 **SECTION 6.** In Colorado Revised Statutes, 12-8-110, **amend** (3)
26 and (5) as follows:

27 **12-8-110. Examinations.** (3) ~~Such~~ THE examinations shall MUST

1 be consistent with the practical and theoretical requirements of the
2 practices of barbering, hairstyling, OR cosmetology ~~manicurist services~~ OR
3 PROVIDING NAIL TECHNICIAN or esthetician services as provided by this
4 article, and ~~such~~ THE DIRECTOR SHALL REVIEW, REVISE, AND UPDATE THE
5 examinations ~~shall be reviewed, revised, and updated~~ periodically on a
6 reasonable basis ~~by the director~~ in consultation with the advisory
7 committee created pursuant to section 12-8-108. Examinations ~~shall~~ MUST
8 be graded promptly, and the results of the examinations ~~shall~~ MUST be
9 made available to the applicants promptly. The examination ~~shall~~ MUST
10 emphasize health and safety issues.

11 (5) No person ~~shall be~~ IS permitted to examine applicants in any
12 of the practical portions for barbers, hairstylists, cosmetologists,
13 ~~cosmeticians~~ ESTHETICIANS, or ~~manicurists~~ NAIL TECHNICIANS in which
14 ~~said~~ THE person has not had practical experience and received a license
15 as provided in this article.

16 **SECTION 7.** In Colorado Revised Statutes, 12-8-111, **repeal** (3);
17 and **add** (4) as follows:

18 **12-8-111. Applications - form.** (3) ~~All fees for examinations,~~
19 ~~registrations, and licenses shall be paid in advance, except as otherwise~~
20 ~~provided in this article.~~

21 (4) A PERSON WHO HAS HAD A LICENSE REVOKED OR HAS
22 SURRENDERED A LICENSE IN LIEU OF DISCIPLINE MAY NOT SUBMIT AN
23 APPLICATION FOR LICENSURE UNTIL TWO YEARS AFTER THE DATE THAT
24 THE LICENSE WAS REVOKED OR SURRENDERED.

25 **SECTION 8.** In Colorado Revised Statutes, 12-8-114, **amend** (3)
26 and (4) as follows:

27 **12-8-114. Qualifications of applicants - requirements.** (3) An

1 applicant for examination shall furnish proof of training of not less than
2 the number of hours of course completion in the subject area in which the
3 applicant seeks licensure as follows:

4 (a) ~~Sixty credit~~ ONE THOUSAND FOUR HUNDRED FIFTY CONTACT
5 hours for a cosmetologist;

6 (b) ~~Fifty credit~~ ONE THOUSAND TWO HUNDRED FIFTY CONTACT
7 hours for a barber;

8 (c) ~~Twenty credit~~ FIVE HUNDRED FIFTY CONTACT hours for an
9 esthetician;

10 (d) ~~Twenty credit~~ THREE HUNDRED FIFTY CONTACT hours for a
11 ~~manicurist~~ NAIL TECHNICIAN;

12 (e) ~~Forty credit~~ ONE THOUSAND ONE HUNDRED FORTY CONTACT
13 hours for a hairstylist.

14 (4) Every person desiring to obtain a license to practice the
15 occupation of a barber, cosmetologist, esthetician, hairstylist, or
16 ~~manicurist~~ NAIL TECHNICIAN in this state shall apply ~~therefor~~ and pay to
17 the director an examination fee. THE DIRECTOR SHALL ISSUE A LICENSE TO
18 applicants who successfully pass ~~such~~ THE examination and who
19 ~~otherwise qualify shall be issued a license~~ upon the payment of the
20 required fee.

21 **SECTION 9.** In Colorado Revised Statutes, **recreate and**
22 **reenact, with amendments,** 12-8-114.5 as follows:

23 **12-8-114.5. Registration for places of business.** (1) EACH
24 OWNER OF A PLACE OF BUSINESS SHALL REGISTER WITH THE DIRECTOR.
25 THE DIRECTOR SHALL MAINTAIN A REGISTRY OF THE PLACES OF BUSINESS.
26 THE DIRECTOR IS AUTHORIZED TO ESTABLISH AND COLLECT A FEE THAT IS
27 BASED ON THE DIRECTOR'S ACTUAL COSTS ASSOCIATED WITH THE

1 MAINTENANCE OF THE REGISTRY.

2 (2) IF AN APPLICANT FOR REGISTRATION HAS PAID THE REQUIRED
3 FEE AND COMPLIED WITH THE REQUIREMENTS OF THIS ARTICLE, THE
4 DIRECTOR SHALL ISSUE THE REGISTRATION. THE REGISTRATION MUST BE
5 CONSPICUOUSLY DISPLAYED IN THE PLACE OF BUSINESS.

6 (3) IT IS UNLAWFUL FOR A PLACE OF BUSINESS TO OFFER
7 BARBERING, COSMETOLOGY, HAIRSTYLING, OR ESTHETICIAN OR NAIL
8 TECHNICIAN SERVICES IN THIS STATE UNLESS THE PLACE OF BUSINESS IS
9 REGISTERED WITH THE DIRECTOR.

10 **SECTION 10.** In Colorado Revised Statutes, 12-8-116, **add** (4)
11 and (5) as follows:

12 **12-8-116. Fees.** (4) ALL FEES FOR EXAMINATIONS,
13 REGISTRATIONS, AND LICENSES MUST BE PAID IN ADVANCE, EXCEPT AS
14 OTHERWISE PROVIDED IN THIS ARTICLE.

15 (5) THE DIRECTOR SHALL COLLECT ALL FEES AND TRANSMIT THE
16 FEES TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS
17 PURSUANT TO SECTION 24-34-105, C.R.S. THE GENERAL ASSEMBLY SHALL
18 MAKE ANNUAL APPROPRIATIONS PURSUANT TO SECTION 24-34-105,
19 C.R.S., FOR EXPENDITURES OF THE DIRECTOR INCURRED IN THE
20 PERFORMANCE OF HIS OR HER DUTIES PURSUANT TO THIS ARTICLE, WHICH
21 EXPENDITURES MUST BE MADE BY VOUCHERS AND WARRANTS DRAWN
22 PURSUANT TO LAW.

23 **SECTION 11.** In Colorado Revised Statutes, **repeal** 12-8-117 as
24 follows:

25 **12-8-117. Disposition of fees.** ~~All fees shall be collected by the~~
26 ~~director and transmitted to the state treasurer, who shall credit the same~~
27 ~~pursuant to section 24-34-105, C.R.S., and the general assembly shall~~

1 ~~make annual appropriations pursuant to said section for expenditures of~~
2 ~~the director incurred in the performance of the director's duties under this~~
3 ~~article, which expenditures shall be made out of such appropriations upon~~
4 ~~vouchers and warrants drawn pursuant to law.~~

5 **SECTION 12.** In Colorado Revised Statutes, **amend** 12-8-119 as
6 follows:

7 **12-8-119. Issuance of license - display.** If an applicant for
8 examination to practice barbering, hairstyling, or cosmetology or to
9 provide esthetician or ~~manicurist~~ NAIL TECHNICIAN services passes ~~such~~
10 THE examination and has paid the required fee and complies with the
11 requirements of this article, the director shall issue a license to that effect.
12 ~~Such~~ THE license ~~shall be~~ IS evidence that the person to whom it is issued
13 is entitled to engage in the practices, occupation, or occupations stipulated
14 ~~therein. Such~~ IN THE LICENSE. THE license ~~shall~~ MUST be conspicuously
15 displayed in ~~such~~ THE licensee's principal office or place of business or
16 employment.

17 **SECTION 13.** In Colorado Revised Statutes, **amend** 12-8-120 as
18 follows:

19 **12-8-120. License required.** It is unlawful for any person to
20 engage in, or attempt to engage in, the occupation of barbering,
21 hairstyling, or cosmetology or to provide esthetician or ~~manicurist~~ NAIL
22 TECHNICIAN services in this state unless ~~such~~ THE person first obtains a
23 license as provided in this article.

24 **SECTION 14.** In Colorado Revised Statutes, 12-8-121, **amend**
25 (1) and (4) as follows:

26 **12-8-121. Exemptions.** (1) Nothing in this article ~~shall prohibit~~
27 PROHIBITS services by:

1 (a) ~~Persons authorized under the laws of this state to practice~~
2 ~~medicine, surgery, dentistry, podiatry, osteopathy, or chiropractic nor~~
3 ~~services by employees, agents, or volunteers of a health care facility when~~
4 ~~performing duties incidental to patient care~~ A PERSON WHO IS ACTING
5 WITHIN THE SCOPE OF PRACTICE FOR WHICH HE OR SHE IS LICENSED,
6 REGISTERED, OR CERTIFIED;

7 (b) Licensed or unlicensed volunteers in the performance of
8 charitable services for washing and setting the hair of:

9 (I) Patients confined to hospitals or nursing, convalescent, or
10 boarding homes;

11 (II) Persons confined to their homes by reason of age, physical or
12 mental infirmity, or physical disability;

13 (c) ~~Therapists permitted to practice their occupations under the~~
14 ~~laws of this state;~~

15 (d) (c) A student of a barbering, hairstyling, or cosmetology
16 school or of esthetician or ~~manicurist~~ NAIL TECHNICIAN services who has
17 received more than twenty percent of the hours of instruction required in
18 section 12-8-114 (3) and who is rendering services at ~~such~~ THE school
19 under supervision of a licensee within the school setting;

20 (d) A PERSON WHO PROVIDES THE SERVICE OF NATURAL HAIR
21 BRAIDING.

22 (4) Lectures and demonstrations on beauty culture, hairdressing,
23 and the use of beauty preparations ~~in retail stores~~ performed without
24 compensation ~~shall~~ DO not constitute the practice of cosmetology, and
25 nothing in this article ~~shall prevent~~ PREVENTS the giving of ~~such~~ lectures
26 to and demonstrations on any person. ~~in retail stores.~~ THE APPLICATION OF
27 BEAUTY PRODUCTS FOR THE EXCLUSIVE PURPOSE OF RECOMMENDING,

1 DEMONSTRATING, OR SELLING THE PRODUCTS DOES NOT CONSTITUTE THE
2 PRACTICE OF COSMETOLOGY.

3 **SECTION 15.** In Colorado Revised Statutes, **amend** 12-8-122 as
4 follows:

5 **12-8-122. Director may employ aid - compensation.** The
6 director may employ any person licensed pursuant to this article for the
7 purpose of conducting examinations. ~~Such persons shall~~ THE PERSON
8 MUST not be connected with any school teaching barbering, hairstyling,
9 or cosmetology or esthetician or ~~manicurist~~ NAIL TECHNICIAN students.
10 Any person ~~so~~ employed by the director may receive compensation for
11 services for each day employed in the actual discharge of ~~such~~ THE
12 person's official duties and actual and necessary expenses incurred, to be
13 set by the director upon the approval of the executive director of the
14 department of regulatory agencies.

15 **SECTION 16.** In Colorado Revised Statutes, 12-8-131, **amend**
16 (2) and (3) as follows:

17 **12-8-131. Disciplinary proceedings - administrative law judges**
18 **- judicial review.** (2) A proceeding for discipline of a licensee OR
19 REGISTRANT shall be commenced when the director has reasonable
20 grounds to believe that a licensee OR REGISTRANT has committed acts
21 ~~which~~ THAT may violate the provisions of this article. ~~Such~~ THE grounds
22 may be established by an investigation begun by the director on the
23 director's own motion or by an investigation pursuant to a written
24 complaint.

25 (3) Notice of the commencement of disciplinary proceedings
26 pursuant to this section shall be given to the licensee, REGISTRANT, or
27 applicant in the manner prescribed by section 24-4-105, C.R.S.

1 **SECTION 17.** In Colorado Revised Statutes, 12-8-132, **amend**
2 (1) introductory portion, (1) (b), (1) (c), and (1) (i); and **add** (1) (k), (1)
3 (l), and (1) (m) as follows:

4 **12-8-132. Grounds for denial, revocation, or suspension of**
5 **license.** (1) The director may deny, revoke, suspend, or make
6 probationary any license OR REGISTRATION issued under the director's
7 authority pursuant to this article upon proof that the licensee:

8 (b) ~~Has~~ Made any misstatement on his or her application for
9 licensure to practice as a barber, hairstylist, cosmetologist, esthetician, or
10 ~~manicurist~~ NAIL TECHNICIAN OR ATTEMPTED TO OBTAIN A LICENSE TO
11 PRACTICE BY FRAUD, DECEPTION, OR MISREPRESENTATION;

12 (c) ~~Is incompetent to practice a profession licensed under this~~
13 ~~article;~~ COMMITTED AN ACT OR FAILED TO PERFORM AN ACT NECESSARY
14 TO MEET THE GENERALLY ACCEPTED STANDARDS TO PRACTICE A
15 PROFESSION LICENSED UNDER THIS ARTICLE, which shall include
16 performing services outside of the person's area of training, experience,
17 or competence;

18 (i) Fails to comply with the rules promulgated by the director as
19 provided in section 12-8-108 (1) (a); ~~or~~

20 (k) FAILS TO DISCLOSE TO THE DIRECTOR WITHIN FORTY-FIVE DAYS
21 A CONVICTION FOR A FELONY OR ANY CRIME THAT IS RELATED TO THE
22 PRACTICE AS A BARBER, COSMETOLOGIST, ESTHETICIAN, HAIRSTYLIST, OR
23 NAIL TECHNICIAN;

24 (l) AIDS OR ABETS THE UNLICENSED PRACTICE OF BARBERING,
25 HAIRSTYLING, OR COSMETOLOGY OR THE UNLICENSED PROVISION OF
26 ESTHETICIAN OR NAIL TECHNICIAN SERVICES; OR

27 (m) FAILS TO TIMELY RESPOND TO A COMPLAINT SENT BY THE

1 DIRECTOR PURSUANT TO SECTION 12-8-131.

2 **SECTION 18.** In Colorado Revised Statutes, **amend** 12-8-133 as
3 follows:

4 **12-8-133. Repeal of article.** This article is repealed, effective ~~July~~
5 ~~1, 2015~~ SEPTEMBER 1, 2026. Prior to such repeal, the ~~licensing~~ functions
6 of the director AND THE ADVISORY COMMITTEE CREATED IN SECTION
7 12-8-108 shall be reviewed as provided for in section 24-34-104, C.R.S.

8 **SECTION 19.** In Colorado Revised Statutes, 24-34-104, **repeal**
9 (46) (f); and **add** (57) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for termination, continuation, or reestablishment.**

12 (46) The following agencies, functions, or both, shall terminate on July
13 1, 2015:

14 (f) ~~The licensing of barbers, hairstylists, cosmetologists,~~
15 ~~cosmeticians, and manicurists by the director of the division of~~
16 ~~professions and occupations pursuant to article 8 of title 12, C.R.S.;~~

17 (57) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL
18 TERMINATE ON SEPTEMBER 1, 2026:

19 (a) THE REGULATION OF BARBERS, HAIRSTYLISTS,
20 COSMETOLOGISTS, ESTHETICIANS, NAIL TECHNICIANS, AND REGISTERED
21 PLACES OF BUSINESS UNDER SECTION 12-8-114.5, C.R.S., BY THE
22 DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS PURSUANT
23 TO ARTICLE 8 OF TITLE 12, C.R.S.

24 **SECTION 20.** In Colorado Revised Statutes, 10-3-1104, **amend**
25 (1) (q) as follows:

26 **10-3-1104. Unfair methods of competition - unfair or deceptive**
27 **acts or practices - repeal.** (1) The following are defined as unfair

1 methods of competition and unfair or deceptive acts or practices in the
2 business of insurance:

3 (q) Increasing the premiums unilaterally or decreasing the
4 coverage benefits on renewal of a policy of insurance, increasing the
5 premium on new policies, or failing to issue an insurance policy to
6 barbers, cosmetologists, ~~cosmeticians, manicurists~~ ESTHETICIANS, NAIL
7 TECHNICIANS, barbershops, or beauty salons, as regulated in article 8 of
8 title 12, C.R.S., regardless of the type of risk insured against, based solely
9 on the decision of the general assembly to stop mandatory inspections of
10 the places of business of such insureds;

11 **SECTION 21. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.