ARTICLE 8 105
BARBERS AND COSMETOLOGISTS

12-8-102 12-105-102. Legislative declaration.
12-105-103. Applicability of common provisions.
12-8-103 12-105-104. Definitions.
12-8-104. State board of barbers and cosmetologists. (Repealed)
12-8-105. Administrator - assistants. (Repealed)
12-8-106. Meetings - quorum - rules. (Repealed)
12-8-108 12-105-106. Powers and duties of the director - advisory committee.
12-8-109. Rules and orders adopted by the state board of barbers and
          cosmetologists under previous law - persons licensed or
          registered under previous law. (Repealed)
12-8-110 12-105-107. Examinations.
12-8-111 12-105-108. Application - form.
12-8-112 12-105-109. Results of examinations.
12-8-113 12-105-110. When the director admits applicant.
12-8-114 12-105-111. Qualifications of applicants - requirements - rules.
12-8-114.5 12-105-112. Registration for places of business.
12-8-115 12-105-113. Renewal and reinstatement of license.
12-8-116 12-105-114. Fees.
12-8-117. Disposition of fees. (Repealed)
12-8-118 12-105-115. Licensure by endorsement - rules.
12-8-119 12-105-116. Issuance of license - display.
12-8-120 12-105-117. License required.
12-8-121 12-105-118. Exemptions.
12-8-122 12-105-119. Director may employ aid - compensation.
12-8-123 12-105-120. Inspections.
12-8-124. Approved educational program for barbers - requirements.
          (Repealed)
12-8-124.5. Instructors of barbering and cosmetology. (Repealed)
12-8-125. License for beauty school - requirements. (Repealed)
12-8-126. Beauty school operation. (Repealed)
12-8-127 12-105-121. Unauthorized practice - penalties - fines.
12-8-127.5. Cease and desist orders. <Repeal - total redundancy with a
          common provision>
12-105-101. [Formerly 12-8-101] Short title. The short title of this article shall be known and may be cited as 105 is the "Barber and Cosmetologist Act".

12-8-102. [Formerly 12-8-102] Legislative declaration. The purpose of this article 105 is to protect the public's health, safety, and welfare with respect to the professional practice of barbers, hairstylists, cosmetologists, estheticians, and nail technicians, and, therefore, testing procedures and disciplinary actions are of the highest priority. Access of qualified professionals to these professions shall not be unduly restricted. The director of the division of professions and occupations in the department of regulatory agencies is hereby directed to enforce this article 105 to accomplish the purposes set forth in this section.

12-105-103. Applicability of common provisions. Articles 1 and 20 of this title 12 apply, according to their terms, to this article 105.

12-8-104. [Formerly 12-58-103] Definitions. As used in this article 8 105, unless the context otherwise requires:
   (1) "Barber" means a person who engages in any of the practices of barbering.
   (2) "Barbering" means any one or combination of the following practices when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the public generally: Shaving or trimming the beard; cutting the hair; giving facial or scalp massage or treatment with oils, creams, or lotions, or other chemical preparations, either by hand or with mechanical appliances; dyeing the hair or applying hair tonic; applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck, or shoulders.
   (3) "Barber school" means an establishment operated by a person for the purpose of teaching barbering that is certified by the private occupational school division or the Colorado community college system, or is an accredited technical school that teaches
barbering.

(4) "Barbershop" or "beauty salon" means a fixed establishment, temporary location, or place in which one or more persons engage in the practice of barbering or cosmetology. The term "temporary location" includes a motor home as defined in section 42-1-102 (57). C.R.S.

(5) "Beauty school" means an establishment operated by a person for the purpose of teaching cosmetologists, estheticians, hairstylists, and nail technicians that is certified by the private occupational school division or the Colorado community college system, or is an accredited technical school that teaches cosmetology.

(6) Repealed.
(7) (Deleted by amendment, L. 2005, p. 560, § 2, effective July 1, 2005.)
(8) (6) "Cosmetologist" means a person who engages in any of the practices of cosmetology.

(9) (7) "Cosmetology" means any one act or practice, or any combination of acts or practices, not for the treatment of disease, physical illness, or a behavioral, mental health, or substance use disorder, when done for payment either directly or indirectly or when done without payment for the public generally, usually performed by and included in or known as the profession of beauty culturists, beauty operators, beauticians, estheticians, cosmetologists, or hairdressers or of any other person, partnership, corporation, or other legal entity holding itself out as practicing cosmetology by whatever designation and within the meaning of this article 8 105. In particular, "cosmetology" includes, but is not limited to, any one or a combination of the following acts or practices: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of a person by any means and, with hands or a mechanical or electrical apparatus or appliance or by the use of cosmetic or chemical preparations; manicuring or pedicuring the nails of a person; giving facials, applying makeup, giving skin care, or applying eyelashes involving physical contact with a person; beautifying the face, neck, arms, bust, or torso of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; massaging, cleaning, or stimulating the face, neck, arms, bust, or torso of the human body with the use of antiseptics, tonics, lotions, or creams; removing superfluous hair from the body of a person by the use of depilatories or waxing or by the use of tweezers; and the trimming of the beard.

(9.3) "Director" means the director of the division of professions and occupations in the department of regulatory agencies. <(Redundant with definitions common provision, 12-20-102 (6)).>

(9.4) (8) "Esthetician" means any person who engages in any one or more of the following practices not for the treatment of disease or physical ailments:

(a) Giving facials, applying makeup, giving skin care, or applying eyelashes, involving physical contact, to any person;
(b) Beautifying the face, neck, arms, bust, or torso of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(c) Massaging, cleaning, or stimulating the face, neck, arms, bust, or torso of the human body by means of the hands, devices, apparatus, or appliances with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(d) Removing superfluous hair from the body of any person by the use of depilatories or waxing or by the use of tweezers.

(9.5) Repealed.

(9.7)(9) "Hairstyling" means providing one or more of the following hair care services not for the treatment of disease or physical or mental ailments upon the upper part of the human body for cosmetic purposes for payment either directly or indirectly, or when done without payment for the public generally:

(a) Cleansing, massaging, or stimulating the scalp with oils, creams, lotions, or other cosmetic or chemical preparations, using the hands or with manual, mechanical, or electrical implements or appliances;

(b) Applying cosmetic or chemical preparations, antiseptics, powders, oils, clays, or lotions to the scalp;

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

(d) Cleansing, coloring, lightening, waving, or straightening the hair with cosmetic or chemical preparations, using manual, mechanical, or electrical implements or appliances;

(e) Trimming the beard.

(9.8) (10) "Hairstylist" means a person who engages in any of the practices of hairstyling.

(10) Repealed.

(10.5) (11) "Manicuring" means any one act or practice, or combination of acts or practices, not for the treatment of disease or physical or mental ailments, when done for direct or indirect payment or when done without payment for the public generally. "Manicuring" includes, but is not limited to, the filing, buffing, polishing, cleansing, extending, protecting, wrapping, covering, building, pushing, or trimming of nails or any other similar work upon the nails of a person by any means, including the softening of the hands, arms, ankles, or feet of a person by use of hands, a mechanical or electrical apparatus or appliance, cosmetic or chemical preparations, antiseptics, lotions, or creams or by massaging, cleansing, stimulating, manipulating, or exercising the arms, hands, feet, or ankles of a person. Manicuring also includes waxing or the use of depilatories on the leg up to the knee and the waxing or the use of depilatories on the arm up to the elbow.

(11) (12) "Nail technician" means a person who engages in the limited practices of cosmetology known as manicuring. Unless otherwise licensed under this article 105, a nail
technician shall not engage in the practice of cosmetology, except manicuring.

(11.5) (13) "Natural hair braiding" means a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or with a mechanical device, as long as the service does not include hair cutting or the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

(12) (14) "Owner" includes any person who has a financial interest in a barbershop or beauty salon or any other place of business entitling such THE person to participate in the promotion, management, or proceeds thereof. It does not include a person whose connection with the barbershop, beauty salon, or other place of business entitles such THE person only to reasonable salary or wages for services actually rendered. The owner of a place of business is the person responsible for registering such THE place of business with the director.

(13) (15) "Place of business" means a fixed establishment, temporary location, or place, including any mobile barber shop or beauty salon, in which one or more persons engage in the practice of barbering, hairstyling, or cosmetology or practice as a nail technician or an esthetician. The term "temporary location" includes a motor home as defined in section 42-1-102 (57). C.R.S.:
(b) (a) To revoke or suspend a license or registration pursuant to section 12-8-114.5; or to deny, fine, place on probation, take disciplinary or other action as authorized in section 12-20-404 or limit the scope of practice of an applicant, licensee, or registrant, upon proof of a violation of this article 105 or the rules promulgated pursuant to this article 105; <{Redundant with disciplinary authority common provision, 12-20-404. Recommend amending as indicated.}>  
(e) (b) To prescribe, with the approval of the department of public health and environment, such safety and sanitary rules as the director may deem necessary to protect the health and safety of the public;  
(d) (c) To supervise and regulate the industries of barbering, hairstyling, and cosmetology and the practices of estheticians and nail technicians of this state in accordance with this article 105, but nothing contained in this article 105 shall be construed to abrogate the status, force, or operation of any provisions of any public health law of this state or any local health ordinance or regulation;  
(e) (d) To establish criteria for applicant eligibility for examination and to establish procedures for the registration of places of business;  
(f) (I) (e) To investigate upon his or her own initiative or upon receiving a complaint all suspected or alleged violations of this article 105, unless the director or his or her designee determines that a complaint or alleged violation is without merit, and to enter premises in which violations are alleged to have occurred during business hours. SECTION 12-20-403 APPLIES FOR PURPOSES OF INVESTIGATIONS UNDER THIS SUBSECTION (1)(e). <{Redundant with hearing/investigate powers common provision, 12-20-403. Recommend amending as indicated.}>  
(II) The director or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence; and materials in any hearing, investigation, accusation, or other matter coming before the director pursuant to this article. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the director. <{Redundant with subpoena powers common provision, 12-20-403 (2)(a) and (3).}>  
(III) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business; upon application by the board or director with notice to the subpoenaed person or licensee; may issue to the person or licensee an order requiring that person or licensee to appear before the director, to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt
of court. <{Redundant with subpoena powers common provision, 12-20-403 (2)(b).}>

(g) (f) By and through the attorney general of this state, to apply, PURSUANT TO SECTION 12-20-406, to a court of competent jurisdiction for an order enjoining any act or practice which constitutes a violation of this article 105. Upon a showing to the satisfaction of the court that a person is engaging or intends to engage in any such act or practice, an injunction, temporary restraining order, or other appropriate order shall be granted by such court, regardless of the existence of another remedy therefor. The requirements for notice, hearing, duration of any injunction or temporary restraining order issued pursuant to this paragraph (g) SUBSECTION (1)(f), or other similar matter shall be in accordance with the Colorado rules of civil procedure. <{Some redundancy with injunctive relief common provision, 12-20-406. Suggest amending as indicated.}>

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

(II) When a letter of admonition is sent by the director to a licensee or registrant, the licensee or registrant shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based:

(III) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings. <{Redundant with letters of admonition common provision, 12-2-404 (4). With recommended amendment to (1)(a), above, to refer to procedures under 12-20-404, this provision is no longer needed.}>

(i) (g) To issue cease-and-desist orders pursuant to section 12-8-127.5 12-20-405.

(j) To issue confidential letters of concern. When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the licensee or registrant that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee or registrant. <{Redundant with confidential letters of concern common provision, 12-2-404 (5). With recommended amendment to (1)(a), above, to refer to procedures under 12-20-404, this provision is no longer needed.}>

(2) (a) The director shall appoint a six-member advisory committee to assist in the performance of the director's duties. The advisory committee consists of at least three licensees who have expertise in the area under review; one owner or operator of a school that provides training for licensees in the industry and is licensed by the private occupational school division; a representative from a Colorado licensed school that provides training for
licensees in the industry; and a member of the public. Members of the advisory committee shall not be compensated for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties under this article 105. The advisory committee shall meet at least once per year and prior to the adoption of rules, and at the request of the director.

(b) (Deleted by amendment, L. 2015.)

12-8-109. Rules and orders adopted by the state board of barbers and cosmetologists under previous law—persons licensed or registered under previous law. (Repealed)

12-105-107. [Formerly 12-8-110] Examinations. (1) For the benefit of applicants, the director shall hold examinations as often as necessary, subject to appropriation constraints.

(2) The respective examinations of applicants for licenses to practice barbering, hairstyling, or cosmetology under this article 105 shall be conducted under rules prescribed by the director and shall include practical demonstrations, written tests in reference to the practices to which a license is applied, and such related studies or subjects as the director may determine necessary for the proper and efficient performance of such the practices, and such the examinations shall not be confined to any specific system or method. The practical demonstrations shall be conducted under conditions that are as similar to actual operating conditions as possible. The director is authorized to rent adequate facilities in which to hold such the examinations.

(3) The examinations must be consistent with the practical and theoretical requirements of the practices of barbering, hairstyling, or cosmetology or providing nail technician or esthetician services as provided by this article 105, and the director shall review, revise, and update the examinations periodically on a reasonable basis in consultation with the advisory committee created pursuant to section 12-8-108 12-105-106. Examinations must be graded promptly, and the results of the examinations must be made available to the applicants promptly. The examination must emphasize health and safety issues.

(4) The director shall offer a separate and complete testing station and facility for each applicant, and no oral examination shall be given in connection with practical demonstrations.

(5) No person is permitted to examine applicants in any of the practical portions for barbers, hairstylists, cosmetologists, estheticians, or nail technicians in which the person has not had practical experience and received a license as provided in this article 105.

(6) Repealed.
12-105-108. [Formerly 12-8-111] Application - form. (1) Each applicant for examination shall file with the director or the director's designee, a written application in such form as the director may require to set forth the qualifications of the applicant and shall submit satisfactory proof of the required age and education.

(2) Each applicant for registration shall file with the director or the director's designee, a written application in such form as the director may require pursuant to section 12-8-114.5 12-105-112.

(3) Repealed.

(4) A person who has had a license revoked or has surrendered a license in lieu of discipline may not submit an application for licensure until two years after the date that the license was revoked or surrendered. <\{Repeal rather than add a cross-reference, per DPO recommendation at 10/3 meeting.\}>

12-105-109. [Formerly 12-8-112] Results of examinations. The results of examinations and the qualifications of applicants for admission to such examinations or for licenses shall be determined by the director or by such person as the director shall designate.

12-105-110. [Formerly 12-8-113] When the director admits applicant. If the director finds that the applicant meets the qualifications of sections 12-8-111 12-105-108 and 12-8-114 12-105-111 and has submitted any other credentials required by the director for admission to the examination and has paid the required fee, the director shall admit such applicant to examination.

12-105-111. [Formerly 12-8-114] Qualifications of applicants - requirements - rules. (1) An applicant for any license provided in this article 105 or for examination shall be at least sixteen years of age.

(2) An applicant for examination shall furnish proof of graduation from a barber school or beauty school approved by the private occupational school division pursuant to article 64 of title 23; approved by the state board for community colleges and occupational education pursuant to article 60 of title 23; or, if the school is located in another state or country, approved by the governmental agency responsible for approving such schools in that state or country. The applicant shall also furnish proof that the applicant has successfully completed educational requirements equal to those set by the director. If the applicant has graduated from a school located outside Colorado, the applicant shall furnish proof that the applicant has successfully completed educational requirements substantially equal to those set by the director.
(3) The director shall promulgate rules to implement this section, but shall not require an applicant for examination to furnish proof of training of more than the number of hours of course completion in the subject area in which the applicant seeks licensure as follows:

(a) For a cosmetologist:
   (I) Fifty credits, as defined by:
       (A) Institutional accreditation requirements;
       (B) The Colorado commission on higher education full-time equivalent clock-to-credit hour requirements; or
   (C) The department of education accreditation requirements; or
   (II) One thousand five hundred contact hours; for a cosmetologist;

(b) For a barber:
   (I) Fifty credits, as defined by:
       (A) Institutional accreditation requirements;
       (B) The Colorado commission on higher education full-time equivalent clock-to-credit hour requirements; or
   (C) The department of education accreditation requirements; or
   (II) One thousand five hundred contact hours; for a barber;

(c) Six hundred contact hours for an esthetician;

(d) Six hundred contact hours for a nail technician;

(e) One thousand two hundred contact hours for a hairstylist.

(4) Every person desiring to obtain a license to practice the occupation of a barber, cosmetologist, hairstylist, or esthetician or nail technician in this state shall apply and pay to the director an examination fee. The director shall issue a license to applicants who successfully pass the examination and who qualify upon the payment of the required fee.

(5) Notwithstanding any law to the contrary, no examinations for a hairstylist license and no hairstylist licenses shall be issued until on or after January 15, 2001. <{Repeal obsolete provision, per DPO approval at 10/3 meeting.}>

12-105-112. [Formerly 12-8-114.5] Registration for places of business. (1) Each owner of a place of business shall register with the director. The director shall maintain a registry of the places of business. The director is authorized to establish and collect a fee that is based on the director's actual costs associated with the maintenance of the registry.

(2) If an applicant for registration has paid the required fee and complied with the requirements of this article 105, the director shall issue the registration. The registration must be conspicuously displayed in the place of business.

(3) It is unlawful for a place of business to offer barbering, cosmetology, hairstyling, or esthetician or nail technician services in this state unless the place of business is registered with the director.
12-105-113. [Formerly 12-8-115] Renewal and reinstatement of license. All licenses shall expire pursuant to a schedule established by the director and shall be renewed or reinstated pursuant to section 24-34-102 (8), C.R.S. The director may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director of the division of professions and occupations, such license shall expire AND ARE SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS OF, SECTION 12-20-202 (1) AND (2). Any person whose license has expired shall be subject to the penalties provided in this article 105 or section 24-34-102 (8), C.R.S. 12-20-202. <{Redundant with reinstatement/renewal/fees common provision, 12-20-202. Recommend amending as indicated.}> 

12-105-114. [Formerly 12-8-116] Fees. (1) Fees shall be as established pursuant to section 24-34-105, C.R.S. 12-20-105 AND SHALL NOT BE REFUNDED. 
(2) No fees shall be refunded. 
(3) The executive director of the department of regulatory agencies shall determine the length of time for licensing periods and for license renewal periods, not to exceed three years. 
(4) All fees for examinations, registrations, and licenses must be paid in advance, except as otherwise provided in this article: 
(5) The director shall collect all fees and transmit the fees to the state treasurer, who shall credit the moneys pursuant to section 24-34-105, C.R.S. The general assembly shall make annual appropriations pursuant to section 24-34-105, C.R.S., for expenditures of the director incurred in the performance of his or her duties pursuant to this article, which expenditures must be made by vouchers and warrants drawn pursuant to law. <{Redundant with fees common provision, 12-20-105. Recommend amending and consolidated as indicated.}> 

12-8-117. Disposition of fees. (Repealed) 

12-105-115. [Formerly 12-8-118] Licensure by endorsement - rules. (1) The director shall issue a license by endorsement to engage in the practice of barbering, cosmetology, hairstyling, manicuring, or esthetician services in this state to an individual who possesses an active license in good standing to practice in that profession in another state or territory of the United States or in a foreign country if the applicant presents proof that is satisfactory to the director, that the applicant: 
(a) Possesses a valid license from another state or jurisdiction that is substantially equivalent to the requirements in Colorado for licensure and meets all other requirements for
licensure pursuant to this article 105. The director may specify by rule what shall constitute substantially equivalent licensure and qualifications; and

(b) Has paid the prescribed licensure fees.

12-105-116. [Formerly 12-8-119] Issuance of license - display. If an applicant for examination to practice barbering, hairstyling, or cosmetology or to provide esthetician or nail technician services passes the examination and has paid the required fee and complies with the requirements of this article 105, the director shall issue a license to that effect. The license is evidence that the person to whom it is issued is entitled to engage in the practices, occupation, or occupations stipulated in the license. The license must be conspicuously displayed in the licensee's principal office or place of business or employment.

12-105-117. [Formerly 12-8-120] License required. It is unlawful for any person to engage in, or attempt to engage in, the occupation of barbering, hairstyling, or cosmetology or to provide esthetician or nail technician services in this state unless the person first obtains a license as provided in this article 105.

12-105-118. [Formerly 12-8-121] Exemptions. (1) Nothing in this article 105 prohibits services by:

(a) A person who is acting within the scope of practice for which he or she is licensed, registered, or certified;
(b) Licensed or unlicensed volunteers in the performance of charitable services for washing and setting the hair of:
   (I) Patients confined to hospitals or nursing, convalescent, or boarding homes;
   (II) Persons confined to their homes by reason of age, physical or mental infirmity, or physical disability;
(c) A student of a barbering, hairstyling, or cosmetology school or of esthetician or nail technician services who has received more than twenty percent of the hours of instruction required in section 12-8-114(3) 12-105-111 (3) and who is rendering services at the school under supervision of a licensee within the school setting;
(d) A person who provides the service of natural hair braiding.

(2) and (3) Repealed.

(4) (2) Lectures and demonstrations on beauty culture, hairdressing, and the use of beauty preparations performed without compensation do not constitute the practice of cosmetology, and nothing in this article 105 prevents the giving of lectures to and demonstrations on any person. The application of beauty products for the exclusive purpose of recommending, demonstrating, or selling the products does not constitute the practice of cosmetology.
12-105-119. [Formerly 12-8-122] Director may employ aid - compensation. The director may employ any person licensed pursuant to this article 105 for the purpose of conducting examinations. The person must not be connected with any school teaching barbering, hairstyling, or cosmetology or esthetician or nail technician students. Any person employed by the director may receive compensation for services for each day employed in the actual discharge of the person's official duties and actual and necessary expenses incurred, to be set by the director upon the approval of the executive director of the department of regulatory agencies.

12-105-120. [Formerly 12-8-123] Inspections. Upon written complaint, inspections under section 12-8-108 (1)(f) or 12-105-106 (1)(e) of barbershops, beauty salons, places of business, and booths rented therein operated by independent licensees may be conducted by the director, or the director may contract for such inspections. The director shall maintain detailed records of all complaints and responses to such complaints.

12-8-124. Approved educational program for barbers - requirements. (Repealed)
12-8-124.5. Instructors of barbering and cosmetology. (Repealed)
12-8-125. License for beauty school - requirements. (Repealed)
12-8-126. Beauty school operation. (Repealed)

12-105-121. [Formerly 12-8-127] Unauthorized practice - penalties - fines.
(1) Any person who practices or offers or attempts to practice barbering, hairstyling, esthetics, manicuring, or cosmetology without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

(2) In addition to any other penalty, any person who violates the provisions of this article or the rules and regulations of the director promulgated under this article may be penalized by the director upon a finding of a violation, pursuant to article 4 of title 24, C.R.S., as follows:

(a) In the first administrative proceeding against any person, a fine of not less than one hundred dollars but not more than five hundred dollars per day per violation;

(b) In any subsequent administrative proceeding against any person for transactions occurring after a final agency action determining that a violation of this article has
occurred, a fine of not less than one thousand dollars but not more than two thousand dollars per day per violation.

(3) Repealed.

(4) All fines collected pursuant to this article shall be transferred to the state treasurer, who shall credit such moneys to the general fund. <{Redundant with disposition of fines common provision, 12-20-404 (6). Recommend repealing.}>
of the notification:

(II) If a person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (2) does not appear at the hearing, the director may present evidence that notification was properly sent or served upon such person pursuant to paragraph (b) of this subsection (2) and such other evidence related to the matter as the director deems appropriate. The director shall issue the order within ten days after the director's determination related to reasonable attempts to notify the respondent, and the order shall become final as to that person by operation of law. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(III) If the director reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required license or registration or has or is about to engage in acts or practices constituting violations of this article, a final cease-and-desist order may be issued directing such person to cease and desist from further unlawful acts or unlicensed or unregistered practices.

(IV) The director shall provide notice, in the manner set forth in paragraph (b) of this subsection (2), of the final cease-and-desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) to each person against whom the final order has been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall be effective when issued and shall be a final order for purposes of judicial review.

(3) If it appears to the director, based upon credible evidence presented to the director, that a person has engaged in or is about to engage in any unlicensed or unregistered act or practice, any act or practice constituting a violation of this article, any rule promulgated pursuant to this article, any order issued pursuant to this article, or any act or practice constituting grounds for administrative sanction pursuant to this article, the director may enter into a stipulation with such person:

(4) If any person fails to comply with a final cease-and-desist order or a stipulation, the director may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested such attorney shall bring, suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the final order.

(5) A person aggrieved by the final cease-and-desist order may seek judicial review of the director's determination or of the director's final order as provided in section 12-8-133 (7): <{Redundant with cease-and-desist common provision, 12-20-405. Recommend repealing.}>
It is the duty of the director to aid said THE attorneys in the enforcement of this article 105.

12-105-123. [Formerly 12-8-129] Investigations. The practice and procedure of the director with respect to any investigation by the director authorized by this article 105 shall be in accordance with rules and regulations promulgated by the director, which rules and regulations shall provide for, but need not be limited to, investigation powers, including the right to enter the premises of any place of business registered or subject to registration under this article 105 at any time said THE business is open or has members of the public present on the premises.

12-8-129.1—Immunity. The director, the director's staff, any person acting as a witness or consultant to the director, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as director, staff, consultant, or witness, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any civil or criminal liability that may result from such participation. <{Redundant with immunity common provision, 12-20-402. Recommend repealing.}>}

12-8-130. Persons licensed or registered under previous law. (Repealed)

12-105-124. [Formerly 12-8-131] Disciplinary proceedings - administrative law judges - judicial review. (1) The director may, through the department, of regulatory agencies, employ administrative law judges to conduct hearings as provided by this section or on any matter within the director's jurisdiction upon such conditions and terms as the director may determine.

(2) A proceeding for discipline of a licensee or registrant shall be commenced when the director has reasonable grounds to believe that a licensee or registrant has committed acts that may violate the provisions of this article 105. The grounds may be established by an investigation begun by the director on the director's own motion or by an investigation pursuant to a written complaint. SECTION 12-20-403 AND ARTICLE 4 OF TITLE 24 GOVERN PROCEEDINGS UNDER THIS SECTION.

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

(4) Any hearing on the revocation or suspension of a license, or on the denial of an application for a new license, or for renewal of a previously issued license shall be conducted by an administrative law judge, and such administrative law judge shall be vested with all powers and authority prescribed by article 4 of title 24, C.R.S.

(5) The administrative law judge shall make an initial decision, which shall include a statement of findings and conclusions upon all the material issues of fact and law presented by the record and the appropriate order, sanction, or relief. In the absence of an appeal to the director or a review upon motion of the director within thirty days after service of the initial decision of the administrative law judge, the initial decision shall become the decision of the director.

(6) Review by the director of the initial decision of the administrative law judge upon appeal or upon the director's own motion shall be conducted in accordance with section 24-4-105, C.R.S. The findings of fact made by the administrative law judge shall not be set aside by the director on review unless such findings are contrary to the weight of the evidence. The director may remand the matter to the administrative law judge for such further proceedings as the director may direct, or the director may affirm, set aside, or modify the order, sanction, or relief entered, in conformity with the facts and the law. Each decision shall be served as prescribed by section 24-4-105, C.R.S.

(7) Final action by the director may be judicially reviewed. The court of appeals shall have initial jurisdiction to review all final actions and orders that are subject to judicial review. Such proceedings shall be conducted in accordance with section 24-4-106 (11), C.R.S. IN ACCORDANCE WITH SECTION 12-20-408. 

(8) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution SECTION 12-20-404 (2) APPLIES. 

12-105-125. [Formerly 12-8-132] Grounds for discipline. (1) The director may deny, revoke, suspend, or make probationary any license or registration issued under the director's authority pursuant to this article TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404 upon proof that the licensee: (a) Has been convicted of or has entered a plea of nolo contendere to a felony. In considering the conviction of or
such the plea to any such crime, the director shall be governed by the provisions of section 24-5-101. C.R.S. <\{Redundant with disciplinary authority common provision, 12-20-404. Recommend amending as indicated.\}>

(b) Made any misstatement on his or her application for licensure to practice as a barber, hairstylist, cosmetologist, esthetician, or nail technician or attempted to obtain a license to practice by fraud, deception, or misrepresentation;

c) Committed an act or failed to perform an act necessary to meet the generally accepted standards to practice a profession licensed under this article 105, which shall include performing services outside of the person's area of training, experience, or competence;

d) Excessively or habitually uses or abuses alcohol or controlled substances;

e) Has violated any of the provisions of this article 105 or any valid order of the director;

(f) Is guilty of unprofessional or dishonest conduct;

(g) Advertises by means of false or deceptive statement;

(h) Fails to display the license as provided in section 12-8-116; 12-105-116;

(i) Fails to comply with the rules promulgated by the director as provided in PURSUANT TO THIS ARTICLE 105 AND section 12-8-108 (a) 12-20-204;

(j) Is guilty of willful misrepresentation;

(k) Fails to disclose to the director within forty-five days a conviction for a felony or any crime that is related to the practice as a barber, cosmetologist, esthetician, hairstylist, or nail technician;

(l) Aids or abets the unlicensed practice of barbering, hairstyling, or cosmetology or the unlicensed provision of esthetician or nail technician services; or

(m) Fails to timely respond to a complaint sent by the director pursuant to section 12-8-131 12-105-124.

12-105-126. [Formerly 12-8-133] Repeal of article. This article 105 is repealed, effective September 1, 2026. Prior to such BEFORE THE repeal, the functions of the director ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104, and the advisory committee created in section 12-8-108 shall be reviewed as provided for 12-105-106 IS SCHEDULED FOR REVIEW in ACCORDANCE WITH section 24-34-104 C.R.S. 2-3-1203.