

ARTICLE 8 105
BARBERS AND COSMETOLOGISTS

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1 **12-105-101. [Formerly 12-8-101] Short title.** THE SHORT TITLE OF this article shall
2 ~~be known and may be cited as 105~~ IS the "Barber and Cosmetologist Act".

3
4 **12-8-102. [Formerly 12-8-102] Legislative declaration.** The purpose of this article
5 **105** is to protect the public's health, safety, and welfare with respect to the professional
6 practice of barbers, hairstylists, cosmetologists, estheticians, and nail technicians, and,
7 therefore, testing procedures and disciplinary actions are of the highest priority. Access of
8 qualified professionals to these professions shall not be unduly restricted. The director of the
9 ~~division of professions and occupations in the department of regulatory agencies~~ is hereby
10 directed to enforce this article **105** to accomplish the purposes set forth in this section.

11
12 **12-105-103. Applicability of common provisions.** ARTICLES 1 AND 20 OF THIS TITLE
13 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 105.

14
15 **12-8-104. [Formerly 12-58-103] Definitions.** As used in this article & **105**, unless the
16 context otherwise requires:

- 17 (1) "Barber" means a person who engages in any of the practices of barbering.
- 18 (2) "Barbering" means any one or combination of the following practices when done
19 upon the upper part of the human body for cosmetic purposes and not for the treatment of
20 disease or physical or mental ailments and when done for payment either directly or
21 indirectly or when done without payment for the public generally: Shaving or trimming the
22 beard; cutting the hair; giving facial or scalp massage or treatment with oils, creams, or
23 lotions, or other chemical preparations, either by hand or with mechanical appliances; dyeing
24 the hair or applying hair tonic; applying cosmetic preparations, antiseptics, powders, oils,
25 clays, or lotions to the scalp, face, neck, or shoulders.
- 26 (3) "Barber school" means an establishment operated by a person for the purpose of
27 teaching barbering that is certified by the private occupational school division or the
28 Colorado community college system, or is an accredited technical school that teaches

1 barbering.

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

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

10 ~~(6) Repealed.~~

11 ~~(7) (Deleted by amendment, L. 2005, p. 560, § 2, effective July 1, 2005.)~~

12 ~~(8) (6) "Cosmetologist" means a person who engages in any of the practices of~~
13 ~~cosmetology.~~

14 ~~(9) (7) "Cosmetology" means any one act or practice, or any combination of acts or~~
15 ~~practices, not for the treatment of disease, physical illness, or a behavioral, mental health, or~~
16 ~~substance use disorder, when done for payment either directly or indirectly or when done~~
17 ~~without payment for the public generally, usually performed by and included in or known as~~
18 ~~the profession of beauty culturists, beauty operators, beauticians, estheticians, cosmetologists,~~
19 ~~or hairdressers or of any other person, partnership, corporation, or other legal entity holding~~
20 ~~itself out as practicing cosmetology by whatever designation and within the meaning of this~~
21 ~~article § 105. In particular, "cosmetology" includes, but is not limited to, any one or a~~
22 ~~combination of the following acts or practices: Arranging, dressing, curling, waving,~~
23 ~~cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of a person~~
24 ~~by any means and, with hands or a mechanical or electrical apparatus or appliance or by the~~
25 ~~use of cosmetic or chemical preparations; manicuring or pedicuring the nails of a person;~~
26 ~~giving facials, applying makeup, giving skin care, or applying eyelashes involving physical~~
27 ~~contact with a person; beautifying the face, neck, arms, bust, or torso of the human body by~~
28 ~~use of cosmetic preparations, antiseptics, tonics, lotions, or creams; massaging, cleaning, or~~
29 ~~stimulating the face, neck, arms, bust, or torso of the human body with the use of antiseptics,~~
30 ~~tonics, lotions, or creams; removing superfluous hair from the body of a person by the use~~
31 ~~of depilatories or waxing or by the use of tweezers; and the trimming of the beard.~~

32 ~~(9.3) "Director" means the director of the division of professions and occupations in~~
33 ~~the department of regulatory agencies. <{**Redundant with definitions common provision,**~~
34 ~~**12-20-102 (6).**>~~

35 ~~(9.4) (8) "Esthetician" means any person who engages in any one or more of the~~
36 ~~following practices not for the treatment of disease or physical ailments:~~

37 (a) Giving facials, applying makeup, giving skin care, or applying eyelashes,
38 involving physical contact, to any person;

1 (b) Beautifying the face, neck, arms, bust, or torso of the human body by the use of
2 cosmetic preparations, antiseptics, tonics, lotions, or creams;

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

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

8 ~~(9.5) Repeated.~~

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

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

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

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

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

22 (e) Trimming the beard.

23 ~~(9.8)~~ (10) "Hairstylist" means a person who engages in any of the practices of
24 hairstyling.

25 ~~(10) Repeated.~~

26 ~~(10.5)~~ (11) "Manicuring" means any one act or practice, or combination of acts or
27 practices, not for the treatment of disease or physical or mental ailments, when done for
28 direct or indirect payment or when done without payment for the public generally.
29 "Manicuring" includes, but is not limited to, the filing, buffing, polishing, cleansing,
30 extending, protecting, wrapping, covering, building, pushing, or trimming of nails or any
31 other similar work upon the nails of a person by any means, including the softening of the
32 hands, arms, ankles, or feet of a person by use of hands, a mechanical or electrical apparatus
33 or appliance, cosmetic or chemical preparations, antiseptics, lotions, or creams or by
34 massaging, cleansing, stimulating, manipulating, or exercising the arms, hands, feet, or
35 ankles of a person. Manicuring also includes waxing or the use of depilatories on the leg up
36 to the knee and the waxing or the use of depilatories on the arm up to the elbow.

37 ~~(11)~~ (12) "Nail technician" means a person who engages in the limited practices of
38 cosmetology known as manicuring. Unless otherwise licensed under this article **105**, a nail

1 technician shall not engage in the practice of cosmetology, except manicuring.

2 ~~(11.5)~~ (13) "Natural hair braiding" means a service that results in tension on hair
3 strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or
4 with a mechanical device, as long as the service does not include hair cutting or the
5 application of dyes, reactive chemicals, or other preparations to alter the color of the hair or
6 to straighten, curl, or alter the structure of the hair.

7 ~~(12)~~ (14) "Owner" includes any person who has a financial interest in a barbershop
8 or beauty salon or any other place of business entitling ~~such~~ THE person to participate in the
9 promotion, management, or proceeds thereof. It does not include a person whose connection
10 with the barbershop, beauty salon, or other place of business entitles ~~such~~ THE person only
11 to reasonable salary or wages for services actually rendered. The owner of a place of business
12 is the person responsible for registering ~~such~~ THE place of business with the director.

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

18
19 ~~**12-8-104. State board of barbers and cosmetologists. (Repealed)**~~

20 ~~**12-8-105. Administrator – assistants. (Repealed)**~~

21 ~~**12-8-106. Meetings – quorum – rules. (Repealed)**~~

22
23 **12-105-105. [Formerly 12-8-107] Books and records - report - publications.**

24 (1) The director shall keep a record of proceedings. The director shall keep a register of
25 applicants for licenses showing the name and address of each applicant and whether such
26 applicant was granted or refused a license. The director shall keep a register of places of
27 business showing each owner's name and the address of each such place of business. The
28 books and records of the director shall be prima facie evidence of matters contained therein
29 and shall constitute public records.

30 ~~(2) Repealed.~~

31 ~~(3)~~ (2) Publications of the director circulated in quantity outside the executive branch
32 shall be issued in accordance with the provisions of section 24-1-136. ~~C.R.S.~~

33
34 **12-105-106. [Formerly 12-8-108] Powers and duties of the director - advisory
35 committee.** (1) The director has the following powers and duties:

36 ~~(a) To promulgate, in accordance with article 4 of title 24, C.R.S., such rules and
37 regulations as are necessary for the administration of this article ~~105~~; < {**Redundant with
38 rule making common provision, 12-20-204**} >~~

1 ~~(b) (a) To revoke or suspend a license or registration pursuant to section 12-8-114.5,~~
2 ~~or to deny, fine, place on probation,~~ TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED
3 IN SECTION 12-20-404 or limit the scope of practice of an applicant, licensee, or registrant,
4 upon proof of a violation of this article **105** or the rules promulgated pursuant to this article
5 **105**; <{Redundant with disciplinary authority common provision, 12-20-404. Recommend
6 amending as indicated.}>

7 ~~(c) (b)~~ To prescribe, with the approval of the department of public health and
8 environment, such safety and sanitary rules as the director may deem necessary to protect the
9 health and safety of the public;

10 ~~(d) (c)~~ To supervise and regulate the industries of barbering, hairstyling, and
11 cosmetology and the practices of estheticians and nail technicians of this state in accordance
12 with this article **105**, but nothing contained in this article **105** shall be construed to abrogate
13 the status, force, or operation of any provisions of any public health law of this state or any
14 local health ordinance or regulation;

15 ~~(e) (d)~~ To establish criteria for applicant eligibility for examination and to establish
16 procedures for the registration of places of business;

17 ~~(f) (f) (e)~~ To investigate upon his or her own initiative or upon receiving a complaint
18 all suspected or alleged violations of this article **105**, unless the director ~~or his or her~~
19 ~~designee~~ determines that a complaint or alleged violation is without merit, and to enter
20 premises in which violations are alleged to have occurred during business hours. SECTION
21 12-20-403 APPLIES FOR PURPOSES OF INVESTIGATIONS UNDER THIS SUBSECTION (1)(e).
22 <{Redundant with hearing/investigate powers common provision, 12-20-403. Recommend
23 amending as indicated.}>

24 ~~(H) The director or an administrative law judge shall have the power to administer~~
25 ~~oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of~~
26 ~~witnesses and the production of all relevant papers, books, records, documentary evidence,~~
27 ~~and materials in any hearing, investigation, accusation, or other matter coming before the~~
28 ~~director pursuant to this article. The director may appoint an administrative law judge~~
29 ~~pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and~~
30 ~~report them to the director.~~ <{Redundant with subpoena powers common provision,
31 12-20-403 (2)(a) and (3).}>

32 ~~(HH) Upon failure of any witness to comply with such subpoena or process, the district~~
33 ~~court of the county in which the subpoenaed person or licensee resides or conducts business,~~
34 ~~upon application by the board or director with notice to the subpoenaed person or licensee,~~
35 ~~may issue to the person or licensee an order requiring that person or licensee to appear before~~
36 ~~the director; to produce the relevant papers, books, records, documentary evidence, or~~
37 ~~materials if so ordered; or to give evidence touching the matter under investigation or in~~
38 ~~question. Failure to obey the order of the court may be punished by the court as a contempt~~

1 of court. <{Redundant with subpoena powers common provision, 12-20-403 (2)(b).}>

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

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

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

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

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

26 (j) To issue confidential letters of concern. When a complaint or investigation
27 discloses an instance of conduct that does not warrant formal action by the director and, in
28 the opinion of the director, the complaint should be dismissed, but the director has noticed
29 indications of possible errant conduct by the licensee or registrant that could lead to serious
30 consequences if not corrected, a confidential letter of concern may be issued and sent to the
31 licensee or registrant. <{Redundant with confidential letters of concern common provision,
32 12-2-404 (5). With recommended amendment to (1)(a), above, to refer to procedures under
33 12-20-404, this provision is no longer needed.}>

34 (2) (a) The director shall appoint a six-member advisory committee to assist in the
35 performance of the director's duties. The advisory committee consists of at least three
36 licensees who have expertise in the area under review; one owner or operator of a school that
37 provides training for licensees in the industry and is licensed by the private occupational
38 school division; a representative from a Colorado licensed school that provides training for

1 licensees in the industry; and a member of the public. Members of the advisory committee
2 shall not be compensated for their services but shall be reimbursed for actual and necessary
3 expenses incurred in the performance of their duties under this article **105**. The advisory
4 committee shall meet at least once per year and prior to the adoption of rules, and at the
5 request of the director.

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

7
8 ~~**12-8-109. Rules and orders adopted by the state board of barbers and**~~
9 ~~**cosmetologists under previous law - persons licensed or registered under previous law.**~~
10 ~~**(Repealed)**~~

11
12 **12-105-107. [Formerly 12-8-110] Examinations.** (1) For the benefit of applicants,
13 the director shall hold examinations as often as necessary, subject to appropriation
14 constraints.

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

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

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

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

37 (6) ~~Repealed.~~

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

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

8 (3) Repealed.

9 (4) A person who has had a license revoked or has surrendered a license in lieu of
10 discipline may not submit an application for licensure until two years after the date that the
11 license was revoked or surrendered. < {*Repeal rather than add a cross-reference, per DPO*
12 *recommendation at 10/3 meeting.*} > < {*Redundant with waiting period common provision,*
13 *12-2-404 (3).*} >

14
15 **12-105-109. [Formerly 12-8-112] Results of examinations.** The results of
16 examinations and the qualifications of applicants for admission to ~~such~~ THE examinations or
17 for licenses shall be determined by the director or by such person as the director shall
18 designate.

19
20 **12-105-110. [Formerly 12-8-113] When the director admits applicant.** If the
21 director finds that the applicant meets the qualifications of sections ~~12-8-111~~ **12-105-108** and
22 ~~12-8-114~~ **12-105-111** and has submitted any other credentials required by the director for
23 admission to the examination and has paid the required fee, the director shall admit ~~such~~ THE
24 applicant to examination.

25
26 **12-105-111. [Formerly 12-8-114] Qualifications of applicants - requirements -**
27 **rules.** (1) An applicant for any license provided in this article **105** or for examination shall
28 be at least sixteen years of age.

29 (2) An applicant for examination shall furnish proof of graduation from a barber
30 school or beauty school approved by the private occupational school division pursuant to
31 article 64 of title 23; approved by the state board for community colleges and occupational
32 education pursuant to article 60 of title 23; or, if the school is located in another state or
33 country, approved by the governmental agency responsible for approving ~~such~~ THE schools
34 in that state or country. The applicant shall also furnish proof that the applicant has
35 successfully completed educational requirements equal to those set by the director. If the
36 applicant has graduated from a school located outside Colorado, the applicant shall furnish
37 proof that the applicant has successfully completed educational requirements substantially
38 equal to those set by the director.

1 (3) The director shall promulgate rules to implement this section, but shall not require
2 an applicant for examination to furnish proof of training of more than the number of hours
3 of course completion in the subject area in which the applicant seeks licensure as follows:

4 (a) FOR A COSMETOLOGIST:

5 (I) Fifty credits, as defined by:

6 (A) Institutional accreditation requirements;

7 (B) The Colorado commission on higher education full-time equivalent
8 clock-to-credit hour requirements; or

9 (C) The department of education accreditation requirements; or

10 (II) One thousand five hundred contact hours; ~~for a cosmetologist;~~

11 (b) FOR A BARBER:

12 (I) Fifty credits, as defined by:

13 (A) Institutional accreditation requirements;

14 (B) The Colorado commission on higher education full-time equivalent
15 clock-to-credit hour requirements; or

16 (C) The department of education accreditation requirements; or

17 (II) One thousand five hundred contact hours; ~~for a barber;~~

18 (c) Six hundred contact hours for an esthetician;

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

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

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

25 ~~(5) Notwithstanding any law to the contrary, no examinations for a hairstylist license~~
26 ~~and no hairstylist licenses shall be issued until on or after January 15, 2001.~~ <{**Repeal**
27 ***obsolete provision, per DPO approval at 10/3 meeting.***}>
28

29 **12-105-112. [Formerly 12-8-114.5] Registration for places of business.** (1) Each
30 owner of a place of business shall register with the director. The director shall maintain a
31 registry of the places of business. The director is authorized to establish and collect a fee that
32 is based on the director's actual costs associated with the maintenance of the registry.

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

36 (3) It is unlawful for a place of business to offer barbering, cosmetology, hairstyling,
37 or esthetician or nail technician services in this state unless the place of business is registered
38 with the director.

1 **12-105-113. [Formerly 12-8-115] Renewal and reinstatement of license.** All
2 licenses shall expire pursuant to, a schedule established by the director and shall be renewed
3 or reinstated pursuant to section 24-34-102 (8), C.R.S. The director may establish renewal
4 fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person
5 fails to renew his or her license pursuant to the schedule established by the director of the
6 division of professions and occupations, such license shall expire AND ARE SUBJECT TO THE
7 RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS OF, SECTION 12-20-202 (1)
8 AND (2). Any person whose license has expired shall be subject to the penalties provided in
9 this article ~~105~~ or section ~~24-34-102 (8), C.R.S. 12-20-202.~~ <{Redundant with
10 reinstatement/renewal/fees common provision, 12-20-202. Recommend amending as
11 indicated.}>

12
13 **12-105-114. [Formerly 12-8-116] Fees.** (†) Fees shall be as established pursuant to
14 section ~~24-34-105, C.R.S. 12-20-105~~ AND SHALL NOT BE REFUNDED.

15 (2) ~~No fees shall be refunded.~~

16 (3) ~~The executive director of the department of regulatory agencies shall determine~~
17 ~~the length of time for licensing periods and for license renewal periods, not to exceed three~~
18 ~~years.~~

19 (4) ~~All fees for examinations, registrations, and licenses must be paid in advance,~~
20 ~~except as otherwise provided in this article.~~

21 (5) ~~The director shall collect all fees and transmit the fees to the state treasurer, who~~
22 ~~shall credit the moneys pursuant to section 24-34-105, C.R.S. The general assembly shall~~
23 ~~make annual appropriations pursuant to section 24-34-105, C.R.S., for expenditures of the~~
24 ~~director incurred in the performance of his or her duties pursuant to this article, which~~
25 ~~expenditures must be made by vouchers and warrants drawn pursuant to law.~~ <{Redundant
26 with fees common provision, 12-20-105. Recommend amending and consolidated as
27 indicated.}>

28
29 **~~12-8-117. Disposition of fees. (Repealed)~~**

30
31 **12-105-115. [Formerly 12-8-118] Licensure by endorsement - rules.** (1) The
32 director shall issue a license by endorsement to engage in the practice of barbering,
33 cosmetology, hairstyling, manicuring, or esthetician services in this state to an individual who
34 possesses an active license in good standing to practice in that profession in another state or
35 territory of the United States or in a foreign country if the applicant presents proof that is
36 satisfactory to the director, that the applicant:

37 (a) Possesses a valid license from another state or jurisdiction that is substantially
38 equivalent to the requirements in Colorado for licensure and meets all other requirements for

1 licensure pursuant to this article *105*. The director may specify by rule what shall constitute
2 substantially equivalent licensure and qualifications; and

3 (b) Has paid the prescribed licensure fees.
4

5 **12-105-116. [Formerly 12-8-119] Issuance of license - display.** If an applicant for
6 examination to practice barbering, hairstyling, or cosmetology or to provide esthetician or
7 nail technician services passes the examination and has paid the required fee and complies
8 with the requirements of this article *105*, the director shall issue a license to that effect. The
9 license is evidence that the person to whom it is issued is entitled to engage in the practices,
10 occupation, or occupations stipulated in the license. The license must be conspicuously
11 displayed in the licensee's principal office or place of business or employment.
12

13 **12-105-117. [Formerly 12-8-120] License required.** It is unlawful for any person
14 to engage in, or attempt to engage in, the occupation of barbering, hairstyling, or
15 cosmetology or to provide esthetician or nail technician services in this state unless the
16 person first obtains a license as provided in this article *105*.
17

18 **12-105-118. [Formerly 12-8-121] Exemptions.** (1) Nothing in this article *105*
19 prohibits services by:

20 (a) A person who is acting within the scope of practice for which he or she is
21 licensed, registered, or certified;

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

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

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

27 (c) A student of a barbering, hairstyling, or cosmetology school or of esthetician or
28 nail technician services who has received more than twenty percent of the hours of
29 instruction required in section ~~12-8-114(3)~~ *12-105-111 (3)* and who is rendering services at
30 the school under supervision of a licensee within the school setting;

31 (d) A person who provides the service of natural hair braiding.

32 ~~(2) and (3) Repealed.~~

33 ~~(4)~~ (2) Lectures and demonstrations on beauty culture, hairdressing, and the use of
34 beauty preparations performed without compensation do not constitute the practice of
35 cosmetology, and nothing in this article *105* prevents the giving of lectures to and
36 demonstrations on any person. The application of beauty products for the exclusive purpose
37 of recommending, demonstrating, or selling the products does not constitute the practice of
38 cosmetology.

1 **12-105-119. [Formerly 12-8-122] Director may employ aid - compensation.** The
2 director may employ any person licensed pursuant to this article **105** for the purpose of
3 conducting examinations. The person must not be connected with any school teaching
4 barbering, hairstyling, or cosmetology or esthetician or nail technician students. Any person
5 employed by the director may receive compensation for services for each day employed in
6 the actual discharge of the person's official duties and actual and necessary expenses
7 incurred, to be set by the director upon the approval of the executive director. ~~of the~~
8 ~~department of regulatory agencies.~~

9
10 **12-105-120. [Formerly 12-8-123] Inspections.** Upon written complaint, inspections
11 under section ~~12-8-108 (1)(f)~~ **12-105-106 (1)(e)** of barbershops, beauty salons, places of
12 business, and booths rented therein operated by independent licensees may be conducted by
13 the director, or the director may contract for ~~such~~ THE inspections. The director shall maintain
14 detailed records of all complaints and responses to ~~such~~ THE complaints.

15
16 ~~**12-8-124. Approved educational program for barbers - requirements.**~~
17 ~~**(Repealed)**~~

18 ~~**12-8-124.5. Instructors of barbering and cosmetology. (Repealed)**~~

19 ~~**12-8-125. License for beauty school - requirements. (Repealed)**~~

20 ~~**12-8-126. Beauty school operation. (Repealed)**~~

21
22 **12-105-121. [Formerly 12-8-127] Unauthorized practice - penalties - fines.**
23 (1) Any person who practices or offers or attempts to practice barbering, hairstyling,
24 esthetics, manicuring, or cosmetology without an active license issued under this article
25 ~~commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501,~~
26 ~~C.R.S., for the first offense, and, for the second or any subsequent offense, the person~~
27 ~~commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.~~ **105**
28 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a). <{**Redundant with**
29 **unauthorized practice common provision, 12-20-407 (1)(a)(V)(A). Recommend amending**
30 **as indicated.**>

31 (2) In addition to any other penalty, any person who violates the provisions of this
32 article **105** or the rules and regulations of the director promulgated under this article **105** may
33 be ~~penalized~~ FINED by the director upon a finding of a violation, pursuant to article 4 of title
34 24, C.R.S., as follows:

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

37 (b) In any subsequent administrative proceeding against any person for transactions
38 occurring after a final agency action determining that a violation of this article **105** has

1 occurred, a fine of not less than one thousand dollars but not more than two thousand dollars
2 per day per violation.

3 (3) Repealed.

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

7
8 ~~**12-8-127.5. Cease-and-desist orders.**~~ (1) (a) If it appears to the director, based upon
9 credible evidence as presented in a written complaint by any person, that a licensee or
10 registrant is acting in a manner that is an imminent threat to the health and safety of the
11 public or a person is acting or has acted without the required license or registration, the
12 director may issue an order to cease and desist such activity. The order shall set forth the
13 statutes and rules alleged to have been violated, the facts alleged to have constituted the
14 violation, and the requirement that all unlawful acts or unlicensed or unregistered practices
15 immediately cease.

16 (b) Within ten days after service of the order to cease and desist pursuant to paragraph
17 (a) of this subsection (1), the respondent may request a hearing on the question of whether
18 acts or practices in violation of this article have occurred. Such hearing shall be conducted
19 pursuant to sections 24-4-104 and 24-4-105, C.R.S.

20 (2) (a) If it appears to the director, based upon credible evidence as presented in a
21 written complaint by any person, that a person has violated any other portion of this article,
22 then, in addition to any specific powers granted pursuant to this article, the director may issue
23 to such person an order to show cause as to why the director should not issue a final order
24 directing such person to cease and desist from the unlawful act or unlicensed or unregistered
25 practice.

26 (b) A person against whom an order to show cause has been issued pursuant to
27 paragraph (a) of this subsection (2) shall be promptly notified by the director of the issuance
28 of the order, along with a copy of the order, the factual and legal basis for the order, and the
29 date set by the director for a hearing on the order. Such notice may be served by personal
30 service, by first-class United States mail, postage prepaid, or as may be practicable upon any
31 person against whom such order is issued. Personal service or mailing of an order or
32 document pursuant to this subsection (2) shall constitute notice thereof to the person.

33 (c) (I) The hearing on an order to show cause shall be commenced no sooner than ten
34 and no later than forty-five calendar days after the date of transmission or service of the
35 notification by the director as provided in paragraph (b) of this subsection (2). The hearing
36 may be continued by agreement of all parties based upon the complexity of the matter,
37 number of parties to the matter, and legal issues presented in the matter, but in no event shall
38 the hearing commence later than sixty calendar days after the date of transmission or service

1 of the notification.

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

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

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

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

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

31 ~~(5) A person aggrieved by the final cease-and-desist order may seek judicial review~~
32 ~~of the director's determination or of the director's final order as provided in section 12-8-131~~
33 ~~(7): <{Redundant with cease-and-desist common provision, 12-20-405. Recommend~~
34 ~~repealing.}>~~

35
36 **12-105-122. [Formerly 12-8-128] Enforcement.** It is the duty of the district
37 attorneys of each judicial district of this state and the attorney general of this state to
38 prosecute all persons charged with the violation of any of the provisions of this article **105.**

1 It is the duty of the director to aid ~~said~~ THE attorneys in the enforcement of this article *105*.

2
3 **12-105-123. [Formerly 12-8-129] Investigations.** The practice and procedure of the
4 director with respect to any investigation by the director authorized by this article *105* shall
5 be in accordance with rules ~~and regulations~~ promulgated by the director, which rules ~~and~~
6 ~~regulations~~ shall provide for, but need not be limited to, investigation powers, including the
7 right to enter the premises of any place of business registered or subject to registration under
8 this article *105* at any time ~~said~~ THE business is open or has members of the public present
9 on the premises.

10
11 ~~**12-8-129.1 Immunity.** The director, the director's staff, any person acting as a~~
12 ~~witness or consultant to the director, any witness testifying in a proceeding authorized under~~
13 ~~this article, and any person who lodges a complaint pursuant to this article shall be immune~~
14 ~~from liability in any civil action brought against him or her for acts occurring while acting~~
15 ~~in his or her capacity as director, staff, consultant, or witness, respectively, if such individual~~
16 ~~was acting in good faith within the scope of his or her respective capacity, made a reasonable~~
17 ~~effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable~~
18 ~~belief that the action taken by him or her was warranted by the facts. Any person~~
19 ~~participating in good faith in lodging a complaint or participating in any investigative or~~
20 ~~administrative proceeding pursuant to this article shall be immune from any civil or criminal~~
21 ~~liability that may result from such participation. <{Redundant with immunity common~~
22 ~~provision, 12-20-402. Recommend repealing.}>~~

23
24 ~~**12-8-130. Persons licensed or registered under previous law. (Repealed)**~~

25
26 **12-105-124. [Formerly 12-8-131] Disciplinary proceedings - administrative law**
27 **judges - judicial review.** (1) The director may, through the department, ~~of regulatory~~
28 ~~agencies,~~ employ administrative law judges to conduct hearings as provided by this section
29 or on any matter within the director's jurisdiction upon such conditions and terms as the
30 director may determine.

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

37 (3) Notice of the commencement of disciplinary proceedings pursuant to this section
38 shall be given to the licensee, registrant, or applicant in the manner prescribed by section

1 24-4-105, C.R.S.

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

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

12 (6) Review by the director of the initial decision of the administrative law judge upon
13 appeal or upon the director's own motion shall be conducted in accordance with section
14 24-4-105, C.R.S. The findings of fact made by the administrative law judge shall not be set
15 aside by the director on review unless such findings are contrary to the weight of the
16 evidence. The director may remand the matter to the administrative law judge for such
17 further proceedings as the director may direct, or the director may affirm, set aside, or modify
18 the order, sanction, or relief entered, in conformity with the facts and the law. Each decision
19 shall be served as prescribed by section 24-4-105, C.R.S. <{Based on feedback at 10/3
20 meeting, recommend amending subsection (2) to cross-reference *disciplinary procedures*
21 *common provision, 12-20-403, and the Administrative Procedure Act, and repealing*
22 *subsections (3) through (6) as redundant with those provisions.*>

23 (7) (3) Final action by the director may be judicially reviewed. The court of appeals
24 shall have initial jurisdiction to review all final actions and orders that are subject to judicial
25 review. Such proceedings shall be conducted in accordance with section 24-4-106 (11),
26 C.R.S. IN ACCORDANCE WITH SECTION 12-20-408. <{Redundant with *judicial review*
27 *common provision, 12-20-408. Recommend amending as indicated.*>

28 (8) (4) When a complaint or an investigation discloses an instance of misconduct that,
29 in the opinion of the director, warrants formal action, the complaint shall not be resolved by
30 a deferred settlement, action, judgment, or prosecution. SECTION 12-20-404 (2) APPLIES.
31 <{Redundant with *no deferred action common provision, 12-20-404 (2). Recommend*
32 *amending as indicated.*>

33
34 **12-105-125. [Formerly 12-8-132] Grounds for discipline.** (1) The director may
35 deny, revoke, suspend, or make probationary any license or registration issued under the
36 director's authority pursuant to this article TAKE DISCIPLINARY OR OTHER ACTION AS
37 AUTHORIZED IN SECTION 12-20-404 upon proof that the licensee: (a) Has been convicted
38 of or has entered a plea of nolo contendere to a felony. In considering the conviction of or

1 ~~such~~ THE plea to any such crime, the director shall be governed by the provisions of section
2 24-5-101. C.R.S. <{*Redundant with disciplinary authority common provision, 12-20-404.*
3 *Recommend amending as indicated.*}>

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

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

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

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

14 (f) Is guilty of unprofessional or dishonest conduct;

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

16 (h) Fails to display the license as provided in section ~~12-8-119~~ **12-105-116**;

17 (i) Fails to comply with the rules promulgated by the director ~~as provided in~~
18 PURSUANT TO THIS ARTICLE 105 AND section ~~12-8-108 (1)(a)~~ **12-20-204**;

19 (j) Is guilty of willful misrepresentation;

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

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

25 (m) Fails to timely respond to a complaint sent by the director pursuant to section
26 ~~12-8-131~~ **12-105-124**.

27
28 **12-105-126. [Formerly 12-8-133] Repeal of article.** This article **105** is repealed,
29 effective September 1, 2026. ~~Prior to such~~ BEFORE THE repeal, the functions of the director
30 ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104, and the advisory
31 committee created in section ~~12-8-108~~ ~~shall be reviewed as provided for~~ **12-105-106** IS
32 SCHEDULED FOR REVIEW in ACCORDANCE WITH section ~~24-34-104~~ C.R.S. **2-3-1203**.