

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 5. BOARD OF BARBERS**

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## ARTICLE 1. GENERAL PROVISIONS

### R4-5-101. Definitions

The definitions in A.R.S. § 32-301 apply to this Chapter. Additionally, the following definitions apply to this Chapter unless the context otherwise requires:

“Barber pole” means a stationary or revolving sign composed of a vertical cylinder or pole with alternating, diagonal, stripes of any combination including red, white, and blue or a likeness of the sign.

“Barbering implement” means any tool or device used for barbering.

“Certified hour” means instructional hours for which a barber school has issued a student a Certification of Completion or Withdrawal.

“Change of ownership” means there is a change of 10 percent or more of the owners holding a license to operate a shop or school.

“Diploma from a high school or its equivalent,” as used in A.R.S. § 32-323(B), means any of the following:

A document that certifies successful course completion from any accredited secondary school in the United States, a U.S. territory, the District of Columbia, or a foreign country;

A high school equivalency diploma that certifies successful passing of a General Education Development “GED” test; or

An academic degree from an accredited college or university.

“Direct supervision” means a supervisor is physically present and observing the work of a supervisee.

“Disinfect” means the use of chemicals to kill most microbial life that can lead to infection in humans.

“Domestic administration” means barbering performed:

On oneself, or

On another person to whom the practitioner is related as follows:

Father,

Mother,

Grandfather,

Grandmother,

Child,

Step-child,

Brother,

Sister,

Foster parent,

Legal guardian,

Step-parent, or

Spouse.

“EPA” means the United States Environmental Protection Agency.

“Establishment” means a distinct physical location in which a shop or school is located but does not include an offsite training facility.

“Instructional hour” means 60 minutes during which a student receives classroom or practical instruction.

“Liquid sanitizer” means a container large enough to immerse completely any barbering implement that requires disinfecting by a solution made from an EPA-registered disinfectant.

“One year’s experience as a licensed barber,” as used in A.R.S. § 32-322(C), means that during 12 consecutive months, an individual:

Maintained a valid license prescribed under A.R.S. § 32-322, and

Engaged in barbering at least 1,500 hours.

“Owner” means a person that has controlling interest in a barber shop or school or the owner’s designee.

“Patron” means an individual who receives barbering services.

“Practiced barbering for at least two years,” as used in A.R.S. § 32-323(B), means that during 24 consecutive months, an individual engaged in barbering at least 1,500 hours during each 12-month consecutive period.

“Tool drawer” means an ultraviolet electrical sanitizer or a clean, dust-proof cabinet, drawer, or other container that is disinfected with an EPA-registered disinfecting agent and used exclusively to store disinfected barbering implements.

“Two years of high school education or its equivalent,” as used in A.R.S. § 32-322(B), means either of the following:

- Successfully completing 10 high school credits, or
- Passing a GED test.

“Workstation” means a specific location within a shop, mobile unit, offsite training facility, or school where barbering is performed not including hair-cleaning activity.

#### **R4-5-102. Fees and Service Charges**

**A.** Under authority of A.R.S. § 32-328, the Board charges the following fees:

1. Barber:
  - a. Examination \$100.
  - b. License by reciprocity \$175.
  - c. Initial license \$40.
  - d. Renewal valid for two years \$80.
2. Instructor:
  - a. Examination \$100.
  - b. Initial license \$50.
  - c. Renewal valid for two years \$60.
3. Shop:
  - a. Application and initial inspection \$150.
  - b. Change of location \$85.
  - c. Change of ownership \$85.
  - d. Renewal \$50 annually.
4. Late-renewal fee for any license issued under subsections (A)(1) through (A)(3):
  - a. First time in a five-year period \$25 plus the renewal fee.
  - b. Second time in a five-year period \$50 plus the renewal fee.
  - c. Third time in a five-year period \$75 plus the renewal fee.
5. School:
  - a. Application and initial inspection \$1,000.
  - b. Change of location \$500.
  - c. Change of ownership \$500.
  - d. Renewal \$400 annually.
  - e. Late-renewal fee:
    - i. First time in five-year period \$50 plus the renewal fee.
    - ii. Second time in five-year period \$100 plus the renewal fee.
    - iii. Third time in five-year period \$150 plus the renewal fee.
6. Re-examination fee for an examinee who failed part of an examination after an original fee assessment under subsection (A)(1)(a) or (A)(2)(a):
  - a. Written \$25.
  - b. Practical \$50.
7. A duplicate of any license issued under this Chapter \$20.

**B.** The Board charges the following for copies of non-confidential records:

1. Name and address of licensee \$.25 per licensee.
2. Public records \$.50 per page.

**C.** As authorized under A.R.S. § 44-6852, the Board shall charge and collect from an applicant that provides the Board with a check that is dishonored by the bank the actual amount assessed by the bank plus a \$10 service fee.

#### **R4-5-103. Fee Payment**

- A. A person shall pay any fee required by the Board in full, in cash or by certified instrument.
- B. The Board shall consider a fee payment timely if:
  - 1. The Board receives the fee on or before the date due, or
  - 2. The fee is postmarked on or before the date due.

#### **R4-5-104. Safety and Infection Control Provisions**

- A. A licensee under A.R.S. Title 32, Chapter 3, and this Chapter shall adhere to the following safety and infection control procedures:
  - 1. Use barbering implements that are:
    - a. New if intended for use on a single patron and disposed of immediately after use in a covered waste receptacle; or
    - b. In good repair, free of defect, and disinfected as described in subsection (A)(2) if intended for multiple use;
  - 2. Disinfect any barbering implement intended for multiple use according to the following procedure:
    - a. For a non-electric barbering implement and removable parts of an electric barbering implement, other than a scissors or razor:
      - i. Remove all hair or debris;
      - ii. Wash with soap and water;
      - iii. Rinse with clean water;
      - iv. Completely immerse in an EPA-registered disinfectant used according to manufacturer's instructions;
      - v. Dry with a clean cloth or air dry; and
      - vi. Store in a tool drawer;
    - b. For a scissors or a razor :
      - i. Follow the procedure under subsection (A)(2)(a); or
      - ii. Wipe the scissors or razor with a cloth bearing an EPA-registered disinfectant used according to manufacturer's instructions and store the scissors or razor in a tool drawer; and
    - c. For an electric barbering implement:
      - i. Remove all hair or debris;
      - ii. Wipe or spray any parts that contact a patron with an EPA-registered disinfectant used according to manufacturer's instructions; and
      - iii. Store in a tool drawer.
  - 3. Care and storage of barbering products. A licensee shall dispense any barbering product listed under subsection (A)(3)(a) according to the procedure prescribed under subsection (A)(3)(b).
    - a. A barbering product under this subsection includes any:
      - i. Oil,
      - ii. Gel,
      - iii. Shampoo,
      - iv. Cream,
      - v. Antiseptic,
      - vi. Clay,
      - vii. Ointment,
      - viii. Waxes, or
      - ix. Other product intended for use on a patron,
    - b. Product-dispensing procedure. Avoid direct manual contact with a barbering product by:
      - i. Using a manufacturer's dispensing device included with the original container; or
      - ii. Using a new disposable or disinfected reusable spoon, spatula, or similar dispensing implement when no manufacturer dispensing device is included with the original container;

- c. After a barbering product is dispensed, do not return any portion of the dispensed product to the original container; and
  - d. Maintain all barbering product containers with clear, correct labels indicating contents and intended use;
4. Ensure that the disinfecting solution required under subsection (A)(2) is changed if it becomes contaminated or according to the manufacturer's instructions;
  5. Maintain towels or cloths for patron use that are:
    - a. New and disposed immediately after use if intended for single use,
    - b. Disinfected by laundering with detergent and chlorine bleach if intended for multiple use,
    - c. Stored in a closed container when disinfected before use, and
    - d. Stored in a closed, ventilated, container separate from disinfected towels or cloths after use;
  6. Maintain a separate, covered, non-leaking, receptacle for garbage and hair and empty, clean, and disinfect the receptacle daily;
  7. Exposure to blood or other body fluids. If there is a blood spill or exposure to other body fluids while performing a barbering service, a licensee shall stop the service and:
    - a. If the blood spill or body fluid is on a patron, the licensee shall:
      - i. Put disposable gloves on both of the licensee's hands;
      - ii. Use a disposable instrument to clean the wound with an antiseptic solution and dispose of the soiled instrument immediately;
      - iii. Use a disposable instrument to apply powdered alum, styptic powder, or a cyanoacrylate to stop bleeding and dispose of the soiled instrument immediately;
      - iv. Cover the wound with a sterile bandage; and
      - v. Dispose of the gloves used;
    - b. If the blood spill or body fluid results from an injury to the licensee, the licensee shall comply with subsections (A)(7)(a)(ii) through (iv) and cover the affected area with a clean, fluid-proof glove or finger cover;
    - c. If the blood spill or body fluid contacts any surface area, the licensee shall disinfect the surface area with an EPA-registered disinfectant used according to the manufacturer's instructions; and
    - d. If the blood spill or body fluid contacts any barbering instrument, the licensee shall disinfect the barbering instrument as specified in subsection (A)(2);
  8. Patron protection. A licensee shall protect the health and safety of a patron by:
    - a. Washing the licensee's hands with liquid or powder soap and water before serving each patron;
    - b. Disinfecting the head rest of the barber or styling chair after each use or at least daily;
    - c. Placing a clean towel or paper sheet on the head rest of the barber or styling chair for each patron;
    - d. Using a clean neck strip with each patron to avoid having the patron contact a non-sanitized object;
    - e. Not performing a barbering service on a patron while the licensee has a contagious disease unless a medically-approved measure is used to prevent transmission of the disease; and
    - f. Not knowingly performing a barbering service on a patron who has a contagious disease;
  9. Prohibited products. To protect the health and safety of a patron, a licensee shall not use any of the following products when performing barbering services:
    - a. Methyl Methacrylate liquid monomers;
    - b. Alum or other astringents in stick or lump form;
    - c. Fumigants such as formalin (formaldehyde) tablets or liquids;
    - d. Any product that penetrates the dermis layer of the skin; and
    - e. Any product that is banned or deemed to be poisonous or unsafe by any responsible federal, state, or local governmental entity.
  10. Prohibited practices. To protect the health and safety of a patron, a licensee shall not engage in the following practices when performing barbering services:
    - a. Allow any animal except a service animal on the establishment premises. A covered aquarium that is maintained in a sanitary condition is allowed; or
    - b. Use a shaving brush and mug unless the shaving brush and mug are personally owned by the patron.

- B.** In addition to licensee requirements under subsection (A), the holder of a license to operate a shop or school shall:
1. Ensure that flooring within six feet of each workstation is made of smooth, durable, and impervious material;
  2. Maintain all furniture and fixtures of each establishment in a clean and orderly manner at all times;
  3. Provide at least one restroom located on or near the establishment premises; and
  4. Comply with all state, local, and federal requirements.

**R4-5-105. Repealed**

**R4-5-106. Change of Ownership or Location**

- A.** A license issued to operate a shop or school is not transferable to:
1. A location other than the location specified on the license; or
  2. An owner other than the owner specified on the license.
- B.** A change in the owner or location of a shop or school requires that the owner apply for a new license.
- C.** At least 15 days before a change in location or ownership of a shop or school, the owner of the re-located shop or school or the new owner shall submit the following to the Board:
1. Written notification of the change;
  2. A completed application to operate a shop, as prescribed under R4-5-301, or school, as prescribed under R4-5-401; and
  3. The applicable fee prescribed under R4-1-102(A)(3)(b), (A)(3)(c), (A)(5)(b), or (A)(5)(c).

**R4-5-107. Inspections**

- A.** Applicability. This Section applies to any barbering establishment operating within Arizona and any establishment for which application for licensure has been made.
- B.** Time of inspection. An inspector designated by the Board:
1. Shall inspect the premises of each establishment for which an application for licensure has been made,
  2. Shall inspect each establishment's premises one or more times per calendar year, and
  3. May inspect an establishment at any time permitted under A.R.S. § 32-304(B)(2).
- C.** Inspection procedure. According to the requirements of A.R.S. Title 32, Chapter 3, and this Chapter, the Board's inspector shall document that:
1. Each applicable license issued is current and displayed as prescribed under A.R.S. § 32-351;
  2. Equipment and barbering implements are present, clean, and in appropriate quantity to the number of employees in the establishment;
  3. Each product, implement, and procedure is maintained or followed appropriately by establishment staff; and
  4. All applicable statutes and rules are followed.
- D.** Inspection findings. An inspector shall submit a copy of a completed inspection report to:
1. The license holder or individual assigned by the license holder to operate the inspected establishment; and
  2. The Board.
- E.** Disciplinary action. The Board shall follow disciplinary procedures prescribed under A.R.S. §§ 32-352 through 32-356 for any inspection finding indicating a violation of any provision under A.R.S. Title 32, Chapter 3, or this Chapter.

**R4-5-108. Licensing Time-frames**

- A.** The overall time-frame described in A.R.S. § 41-1072(2) for all licenses issued by the Board under A.R.S. Title 32, Chapter 3, and this Chapter is specified in Table 1. An applicant and the Executive Director of the

Board may agree in writing to extend the substantive review and overall time-frames by no more than 25 percent of the overall time-frame.

- B.** The administrative completeness review time-frame described in A.R.S. §41-1072(1) for a license issued by the Board is specified in Table 1 and begins on the date the Board receives a license application.
  - 1. If the application is incomplete, the Board shall send the applicant a notice of administrative deficiency specifying the information or documents required to complete the application. The administrative completeness review and overall time-frames are suspended until the Board receives the missing information or documents.
  - 2. If the application is complete, the Board shall send the applicant a notice of administrative completeness.
- C.** The substantive review time-frame described in A.R.S. §41-1072(3) for a license issued by the Board begins on the postmark date of the notice of administrative completeness sent under subsection (B)(2).
  - 1. As part of the substantive review for an initial shop or school license, the Board shall inspect the applicant’s premises according to the procedure prescribed under R4-5-107.
  - 2. During the substantive review time-frame, the Board may send a single comprehensive written notice of request for additional information that includes a written statement of the additional information needed for the Board to make a decision. The substantive review and overall time-frames are suspended from the postmark date of the comprehensive written request for additional information until the Board receives the additional information. The Board and the applicant may agree in writing to allow the Board to submit additional supplemental requests for information.
- D.** The Board shall close the file of an applicant if the applicant fails to submit all required information to the Board within the time specified in Table 1. If a person whose file is closed wishes to be considered further for licensure, the person shall submit another application and fee.
- E.** Within the overall time-frame specified in Table 1, the Board shall:
  - 1. Grant a license to a person that meets all requirements in A.R.S. Title 32, Chapter 3 and this Chapter; or
  - 2. Deny a license to a person that fails to meet all requirements in A.R.S. Title 32, Chapter 3 and this Chapter. The Board shall include in the notice of denial the reason for the denial and information regarding the right to appeal the denial under A.R.S. Title 41, Chapter 6, Article 10.

**Table 1. Time-frames (in days)**

License	Authority	Overall Time-frame	Administrative Time-frame	Time to Respond	Substantive Time-frame	Time to Respond
Barber	A.R.S. §§ 32-322; 32-327	28	21	90	7	30
Instructor	A.R.S. §§ 32-323; 32-327	28	21	90	7	30
School	A.R.S. §§ 32-325; 32-327	90	30	30	60	60
Shop	A.R.S. §§ 32-326; 32-327	90	30	30	60	60

**R4-5-109. License Renewal**

- A.** To renew any license issued under this Chapter, a licensee shall submit to the Board:
  - 1. The application for renewal form attached to the license issued by the Board;
  - 2. The renewal fee for the applicable license as prescribed under R1-4-102(A)(1)(d), (A)(2)(c), (A)(3)(d), or (A)(5)(d) :
    - a. No earlier than 30 days before the expiration date, and

- b. No later than midnight on the expiration date; and
- 3. If the documentation submitted under R4-5-202(D)(3), R4-5-203(C)(4), R4-5-301(B)(2)(a)(v), or R4-5-401(C)(4)(a)(iii) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired.
- B.** As provided under A.R.S. § 32-355, a licensee that fails to renew a license timely shall immediately cease providing the services authorized by the license.
- C.** An expired license issued under this Chapter may be renewed within five years after the date of expiration by complying with subsection (A) and paying the late-renewal fee prescribed under R4-5-102.

## **ARTICLE 2. EXAMINATION; BARBER AND INSTRUCTOR LICENSE APPLICATION**

### **R4-5-201. Examinations**

- A.** Required examinations.
  - 1. Except for an applicant for licensure by reciprocity, an applicant for:
    - a. A barber license shall pass an examination covering the topics listed in A.R.S. § 32-324(C); and
    - b. An instructor license shall pass the examination described in A.R.S. § 32-324(D);
  - 2. As authorized under A.R.S. § 32-322(A)(2) and A.R.S. § 32-323(A)(2), the Board shall ensure that applicants for licensure by reciprocity possess necessary qualifications by requiring:
    - a. All applicants for licensure by reciprocity to pass an examination regarding A.R.S. Title 32, Chapter 3 and this Chapter; and
    - b. Applicants for licensure by reciprocity as an instructor to pass an examination regarding procedures the Board uses to measure the practical skills of barbering students.
- B.** In addition to requirements prescribed under A.R.S. § 32-324, the Board shall make the following provisions for any examination administered by the Board:
  - 1. The Board shall send an applicant written notification of an assigned examination time and location at least seven days before a scheduled examination.
  - 2. Examination language provision. The Board shall:
    - a. Administer an examination under this Section in English; and
    - b. Allow an applicant for a barber license to provide a reader or personal foreign language interpreter who shall not be:
      - i. A currently or previously licensed barber or cosmetologist,
      - ii. A barber or cosmetology instructor, or
      - iii. A barber or cosmetology student in any state or foreign country.
  - 3. Examination integrity provision. The Board shall not:
    - a. Disclose examination questions; or
    - b. Return a completed examination or other examination records kept by the Board to a school or applicant.
  - 4. The Board shall dismiss an applicant from an examination under penalty of examination fee forfeiture if the applicant:
    - a. Cheats, or
    - b. Solicits any information from another person except the examiner.
  - 5. The Board shall require re-examination if an applicant fails to apply for a license within one year after passing an examination.
  - 6. For purposes of an examination's practical portion, an applicant for a barber license shall supply:
    - a. All necessary barbering implements and supplies; and
    - b. A live model who shall not be:
      - i. A currently or previously licensed barber or cosmetologist,
      - ii. A barber or cosmetology instructor, or
      - iii. A barber or cosmetology student in any state or foreign country.

7. If an applicant fails a portion of an examination, the Board shall allow the applicant to meet with Board staff and participate in a general discussion of the failed portion of the examination if the applicant submits a written request to the Board within 30 days after the examination.

#### **R4-5-202. Barber License Application**

- A. An applicant for licensure as a barber shall attach the following to the application required under subsections (B) or (C):
  1. Proof that the applicant is at least 16 years old;
  2. Proof that the applicant has at least two years of high school education or its equivalent. Acceptable proof includes an official transcript from the high school attended or a copy of a high school diploma or GED;
  3. Documentation specified under A.R.S. § 41-1080(A) that the applicant's presence in the U.S. is authorized under federal law;
  4. A photograph, as prescribed under A.R.S. § 32-322(A)(3), that is suitable for use on an identification card and:
    - a. Of the applicant only;
    - b. U.S. passport sized; and
    - c. Signed by the applicant across the front without blocking the face;
  5. If currently licensed as a barber in another state with which Arizona does not have a reciprocity agreement, a copy of the license; and
  6. The applicable fee specified in R4-5-102(A)(1).
- B. License by examination. In addition to the requirements under subsection (A), an applicant for licensure by examination shall submit an application form, which is available from the Board, and provide the following information:
  1. Full name;
  2. Other names, if any, by which the applicant has been known;
  3. Full address;
  4. Telephone number;
  5. Social Security number;
  6. Date and place of birth;
  7. Unless currently licensed in another state with which Arizona does not have a reciprocity agreement, name and location of barber school attended;
  8. Unless currently licensed in another state with which Arizona does not have a reciprocity agreement, the number of certified hours obtained from a barber school;
  9. A statement whether the applicant has ever been licensed as a barber in Arizona and if so, when;
  10. A statement whether the applicant has ever been licensed in another state or country as a barber or apprentice barber and if so, when and where;
  11. A statement whether the applicant has had a barber license suspended or revoked in the five years before the date of application and if so, a complete explanation of the circumstances;
  12. Any other information required by the Board; and
  13. The applicant's notarized signature and verification that the information provided is correct and complete.
- C. License by reciprocity. In addition to the requirements under subsections (A) and (B)(1) through (6) and (9) through (13), an applicant for licensure by reciprocity shall submit the following:
  1. A copy of a current barber license issued by a state with which Arizona has a reciprocity agreement; and
  2. Documentation of at least one year of barbering work experience. The documentation shall contain the notarized signature of the barber where the work was performed.

#### **R4-5-203. Instructor License Application**

- A. An applicant for licensure as an instructor shall attach the following to the application required under subsections (B) and (C):

1. Proof that the applicant is at least 19 years old;
  2. Proof that the applicant has a high school diploma or its equivalent;
  3. Proof that the applicant has practiced barbering for at least two years. The proof shall contain the notarized signature of the barber or barbers where the work was performed;
  4. Documentation specified under A.R.S. § 41-1080(A) that the applicant's presence in the U.S. is authorized under federal law;
  5. A photograph that is suitable for use on an identification card and:
    - a. Of the applicant only;
    - b. U.S. passport sized; and
    - c. Signed by the applicant across the front without blocking the face;
  6. If currently licensed as a barber instructor in another state with which Arizona does not have a reciprocity agreement, a copy of the license; and
  7. The applicable fee specified in R4-5-102(A)(2).
- B.** License by examination. In addition to the requirements under subsection (A), an applicant for licensure by examination shall submit an application form, which is available from the Board, and provide the following information:
1. Full name;
  2. Other names, if any, by which the applicant has been known;
  3. Full address;
  4. Telephone number;
  5. Social Security number;
  6. Birth date;
  7. Current Arizona barber license number;
  8. If the applicant attended school for training as a barber instructor:
    - a. Name and address of barbering school attended for instructor training;
    - b. Total hours of instructor training; and
    - c. Dates during which instructor training was obtained;
  9. A statement regarding whether the applicant:
    - a. Has ever been licensed as a barber instructor in Arizona and if so, when;
    - b. Has ever been a licensed barber instructor in any other country or state and if so, the country or state and dates of licensure as a barber instructor; and
    - c. Has had a former instructor license suspended or revoked in the five years before the date of application and if so, a complete explanation of the circumstances;
  10. Any other information required by the Board; and
  11. The applicant's notarized signature verifying that the information provided is correct and complete.
- C.** License by reciprocity. In addition to the requirements under subsections (A) and (B)(1) through (6) and (9) through (11), an applicant for an instructor license by reciprocity shall submit the following:
1. A copy of the current license to instruct barber students issued by a state that has a reciprocity agreement with Arizona; and
  2. Documentation of at least one year's experience as a licensed instructor of barber students. The documentation shall contain the notarized signature of the owner of the barber school at which instruction was provided.

**R4-5-204. Renumbered**

## ARTICLE 3. SHOPS

### R4-5-301. Application for a License to Operate a Shop

- A. To apply for a license to operate a shop, a person shall submit to the Board the items under subsections (B) and (C). A person that intends to operate more than one shop shall apply for and be issued a separate license to operate each shop. A person shall not operate a shop before a license is issued.
- B. On a form available from the Board, an applicant for a license to operate a shop shall provide the following information:
1. Indicate the applicant's requested licensing action:
    - a. A license to operate a new shop;
    - b. A change of location of an operating shop including the following information:
      - i. The Board file number, and
      - ii. Both the old and new addresses of the shop; or
    - c. A change of ownership of an operating shop including the following information:
      - i. Former owner's name;
      - ii. Former shop name, if the shop name is changed;
      - iii. Board file number; and
      - iv. A copy of the shop's bill of sale or the signature of the former owner on the application;
  2. Ownership information:
    - a. If the owner is an individual or partnership:
      - i. Name,
      - ii. Address,
      - iii. Telephone number,
      - iv. Social Security number of the individual or each partner owning at least 10 percent of the partnership, and
      - v. Documentation specified under A.R.S. § 41-1080(A) that the presence in the U.S. of the individual or each partner owning at least 10 percent of the partnership is authorized under federal law; or
    - b. If the owner is a corporation:
      - i. Corporate name;
      - ii. Names of all individuals owning at least 10 percent of the corporation;
      - iii. Tax identification number of the corporation;
      - iv. Name and telephone number of a contact person;
      - v. Name and address of the statutory agent, if required by law;
      - vi. Address of the corporation; and
      - vii. Telephone number of the corporation;
  3. Shop information:
    - a. Shop name,
    - b. Full physical address of the shop,
    - c. Telephone number, and
    - d. A map of approximate shop location indicating the names of major cross streets;
  4. If known at the time of application, the name and Arizona license number of the barber who will directly supervise the shop on behalf of the license holder;
  5. A projected date for the shop to open;
  6. A list of equipment in the shop including the total number of the following:
    - a. Barber or styling chairs,
    - b. Sinks with hot and cold running water,
    - c. Tool drawers,
    - d. Liquid sanitizers,
    - e. Workstations,

- f. Soiled-towel receptacles, and
  - g. Garbage and hair receptacles;
  - 7. A description of the shop's floor covering;
  - 8. An indication of whether a license to operate the shop has been or will be obtained from the Board of Cosmetology;
  - 9. Any other information required by the Board; and
  - 10. The applicant's verification that the information contained on the application is correct and complete, and the applicant's notarized signature.
- C. Fee. In addition to the completed application form required under subsection (B), an applicant shall submit to the Board the fee specified in R4-5-102(A)(3) for the licensing action requested under subsection (B)(1).

**R4-5-302. Basic Equipment Required in a Shop**

- A. The holder of a license to operate a shop shall ensure that the shop has at least the following equipment:
- 1. A barber or styling chair;
  - 2. One sink, which has hot and cold running water, for every two barber or styling chairs and located no more than six feet from the barber or styling chairs;
  - 3. Liquid or powder soap and paper towels for use at each sink;
  - 4. A separate, covered, receptacle for each of the following:
    - a. Garbage and hair, and
    - b. Reusable towels or cloths that are soiled;
  - 5. One tool drawer and one liquid sanitizer for each barber or styling chair and the necessary EPA-registered disinfectants for each;
  - 6. One wall mirror located near each barber or styling chair;
  - 7. One workstation for each barber or styling chair; and
  - 8. Cabinet in which to store additional supplies.
- B. Subsection (A)(2) applies only to shops licensed under R4-5-301 after the effective date of this Section.

**R4-5-303. Shop Supervision**

- A. The holder of a license to operate a shop shall designate a barber licensed under this Chapter to directly supervise the shop during all hours of operation.
- B. A license holder or supervising barber shall ensure that:
- 1. Every individual, whether an employee or independent contractor, who practices barbering in the shop has a current license issued under A.R.S. § 32-322 and R4-5-202;
  - 2. Each required license and the most recent Board inspector's record are displayed according to A.R.S. § 32-351(A); and
  - 3. Each licensee complies with all applicable provisions of A.R.S. Title 32, Chapter 3, and this Chapter.
- C. The Board shall hold a license holder and any supervising barber responsible for any violation of an applicable provision of A.R.S. Title 32, Chapter 3, or this Chapter.
- D. The holder of a license to operate a shop who is an Arizona-licensed barber may directly supervise the shop.

**R4-5-304. Shop Mobile Units**

- A. To operate a mobile unit as a shop, the owner of the mobile unit shall make application for a license under R4-5-301.
- B. The Board shall issue a license to operate a mobile unit as a shop only if:
- 1. The mobile unit is self-contained;
  - 2. The mobile unit meets all requirements for a shop specified under A.R.S. Title 32, Chapter 3, and this Chapter; and
  - 3. The owner of the mobile unit agrees to provide the Board with written or oral notice at least 15 days before the mobile unit is placed in a location or moved to a new location.

**R4-5-305. Display of Barber Pole**

- A. Under A.R.S. § 32-355(A)(4), it is unlawful to display a sign or advertise as being engaged in the practice or business of barbering without being licensed under A.R.S. Title 32, Chapter 3, and this Chapter.
- B. The Board has trademarked through the Office of the Secretary of State the barber pole as a sign of the barbering business.
- C. A business shall not display a barber pole unless a barber licensed under A.R.S. Title 32, Chapter 3, and this Chapter is available to provide barbering services during the business hours that the barber pole is displayed.

**ARTICLE 4. SCHOOLS**

**R4-5-401. Application for a License to Operate a School**

- A. Before submitting an application under this Section, an applicant for a license to operate a school may request that Board staff review the proposed application and perform a courtesy inspection of the proposed school location.
- B. The owner of a barber school that operates in more than one location, except at an offsite training facility, shall apply for and obtain a separate license to operate the barber school at each location.
- C. On a form available from the Board an applicant for a license to operate a barber school shall provide the following information:
  - 1. Indicate the applicant's requested licensing action:
    - a. A license to operate a new school;
    - b. A change of location of an operating school including the following information:
      - i. The Board file number, and
      - ii. Both the old and new addresses of the school; or
    - c. A change of ownership of an operating school including the following information:
      - i. Former owner's name;
      - ii. Former school name, if the school name is changed;
      - iii. Board file number; and
      - iv. A copy of the school's bill of sale or the signature of the former owner on the application;
  - 2. School information:
    - a. School name;
    - b. Physical location address of the school; and
    - c. Telephone number;
  - 3. Applicant information:
    - a. Name,
    - b. Address, and
    - c. Telephone number;
  - 4. Owner information:
    - a. If the owner is an individual or partnership:
      - i. Name of the individual and all partners owning at least 10 percent of the partnership,
      - ii. Social Security number of the individual and all partners owning at least 10 percent of the partnership, and
      - iii. Documentation specified under A.R.S. § 41-1080(A) that the presence in the U.S. of the individual and all partners owning at least 10 percent of the partnership is authorized under federal law; or
    - b. If the owner is a corporation:
      - i. Corporate name;
      - ii. Names of all individuals owning at least 10 percent of the corporation;
      - iii. Tax identification number of the corporation;

- iv. Name and telephone number of a contact person;
  - v. Name and address of the statutory agent, if required by law;
  - vi. Address of corporation; and
  - vii. Telephone number of corporation;
5. School supervisor information:
    - a. Name, and
    - b. Arizona instructor license number;
  6. A list of equipment in the school including the total number of the following:
    - a. Barber chairs,
    - b. Sinks,
    - c. Tool drawers,
    - d. Liquid sanitizers,
    - e. Latherizers,
    - f. Soiled-towel receptacles,
    - g. Garbage and hair receptacles,
    - h. Workstations, and
    - i. Student lockers;
  7. A description of the floor covering in the area in which students practice barbering skills;
  8. Number and square footage of classrooms;
  9. Number of students to be admitted;
  10. Number of licensed instructors;
  11. Hours during which instruction will be provided;
  12. A projected date for the Board's initial inspection;
  13. Any other information required by the Board; and
  14. The applicant's verification, under oath, that the information contained on the application is correct and complete, and the applicant's notarized signature.
- D.** An applicant for a license to operate a school shall attach the following to the application required under subsection (C):
1. A current school catalog,
  2. A list of all courses offered at the school and the number of instructional hours devoted to each course, and
  3. A copy of the bond in the amount required under A.R.S. § 32-325(C)(6).
- E. Fee.** In addition to the completed application required under subsections (C) and (D), an applicant shall submit to the Board the fee specified under R4-5-102(A)(5) for the licensing action requested under subsection (C)(1).

**R4-5-402. Notification of Changes**

The holder of a license to operate a school shall send written notice and updated information to the Board within 15 days if the license holder:

1. Amends the school catalog,
2. Stops offering a course,
3. Offers a new course,
4. Changes the number of instructional hours devoted to a course listed under R4-5-401(D),
5. Changes the hours during which instruction is provided,
6. Changes the school name,
7. Changes the school supervisor, or
8. Establishes an offsite training facility in a shop under the provisions of R4-5-411.

#### **R4-5-403. Use of “Accredited,” “Approved,” or Similar Terms**

If “accredited,” “approved,” or a similar term appears in a school catalog or advertisement, the holder of the license to operate the school shall ensure that the catalog or advertisement includes the name of the accrediting or approving organization.

#### **R4-5-404. School Premises and Basic Equipment**

- A.** In addition to the requirements of A.R.S. § 32-325(C)(2) and (C)(3), the holder of a license to operate a school shall ensure that the school has at least the following :
1. An instructor, licensed in Arizona, to teach each required course;
  2. Instructional furnishings and fixtures for instructor and student use;
  3. A workstation for each student scheduled for practical instruction;
  4. Filing cabinets for school and student records;
  5. Chalkboards or other writing boards;
  6. A dispensary to prepare, mix, store, and dispose of supplies and chemicals used to disinfect barbering implements;
  7. One latherizer for every five barber chairs;
  8. One sink, with hot and cold running water, liquid or powder soap, and towels for every two barber chairs;
  9. A student library that contains:
    - a. A dictionary;
    - b. Current barbering manuals and textbooks;
    - c. A current copy of A.R.S. Title 32, Chapter 3; and
    - d. A current copy of this Chapter;
  10. A time clock; and
  11. All equipment, implements, materials, and supplies necessary for student instruction.
- B.** The holder of a license to operate a school shall ensure that each student workstation has at least the following:
1. A barber chair;
  2. A wall mirror located behind the barber chair;
  3. A tool drawer that meets the standard in R4-5-101; and
  4. One liquid sanitizer and one spray disinfectant.
- C.** The holder of a license to operate a school shall ensure that each student at a workstation has access to the following:
1. A covered receptacle for soiled towels and cloths;
  2. A covered receptacle for garbage and hair; and
  3. A sufficient supply of barbering products listed under R4-5-104(A)(3).

#### **R4-5-405. School Operations**

- A.** The holder of a license to operate a school shall file the school’s operating schedule with the Board before the first scheduled class begins.
- B.** The holder of a license to operate a school shall ensure that all equipment provided under this Chapter is of sufficient quality to meet the educational needs of students and maintained in good repair.
- C.** Unless a student who is studying barbering possesses the equipment listed under this subsection at the time of enrollment, the holder of a license to operate a school shall provide the student with a non-returnable training kit that includes the following equipment, all of which are new:
1. Course textbooks,
  2. One mannequin for barbering practice,
  3. Twelve combs and four brushes,
  4. One hair dryer,

5. One straight razor with interchangeable blades,
  6. One pair of haircutting shears with at least six-inch blades,
  7. One pair of thinning shears,
  8. One clipper with interchangeable blades sizes 1 and .000 or an adjustable clipper,
  9. One neck duster, and
  10. One copy of the current statutes and rules governing the Board.
- D.** Trainee notices. At the time the holder of a license to operate a school enrolls a student, the license holder shall give Exhibit 1 or 2 to the student, as appropriate, and maintain the completed document for the time specified in R4-5-408(H).
- E.** An instructor trainee shall not teach students until the instructor trainee has received 40 instructional hours of training in methods of teaching. An instructor trainee shall complete all training in no more than six months.
- F.** An individual who is not an Arizona-licensed instructor shall not teach in a school but may demonstrate any process, product, or appliance to students when the individual is under the supervision of an Arizona-licensed instructor.
- G.** Within five days after enrolling a student, the holder of a license to operate a school shall send the following to the Board:
1. A copy of the student's written application to attend the school containing the following:
    - a. The student's name and address,
    - b. The student's enrollment date,
    - c. An indication regarding whether the student is enrolled in a barber or instructor course, and
    - d. The student's signature, and
  2. Two photographs of the student that meet the standards specified in R4-5-202(A)(4).
- H.** Within 90 days after enrolling a student, the holder of a license to operate a school shall send the following to the Board:
1. Proof that the student is at least 16 years old if enrolled in a barber course or at least 19 years old if enrolled in an instructor course;
  2. Proof that the student has at least a tenth-grade education if enrolled in a barber course or graduated from high school or its equivalent if enrolled in an instructor course; and
  3. Documentation specified under A.R.S. § 41-1080(A) that the student's presence in the U.S. is authorized under federal law.
- I.** The Board shall use the information provided under subsection (G) to prepare and issue an educational card to a student. The holder of a license to operate a school shall ensure that a student:
1. Displays the card at the student workstation, and
  2. Returns the card to the Board upon completion of, or withdrawal from, the course .

**Exhibit 1. Required Notice to a Barber Trainee**

NOTICE

This Notice is required by the Arizona State Board of Barbers.

You have applied to this school for training that will qualify you to apply for a license to be a barber in Arizona. The Arizona State Board of Barbers will not issue you a license unless:

1. You are at least 16 years of age when you apply for the license,
2. You demonstrate to the Board that you have completed and received appropriate credits for at least two years of high school education or its equivalent, and
3. You document that your presence in the U.S. is authorized under federal law.

It is your responsibility to make sure you meet the requirements of the Board of Barbers. If you are unsure about whether you meet the requirements, you should contact the Board of Barbers for further information.

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE

I acknowledge that I received and understand the foregoing Notice.

**(student signature and date)**

**Exhibit 2. Required Notice to an Instructor Trainee**

NOTICE

This Notice is required by the Arizona State Board of Barbers.

You have applied to this school for training that will qualify you to apply for a license to be a barber instructor in Arizona. The Arizona State Board of Barbers will not issue you a license unless:

1. You are at least 19 years of age when you apply for the license,
2. You demonstrate to the Board that you hold a high school diploma or its equivalent; and
3. You document that your presence in the U.S. is authorized under federal law.

It is your responsibility to make sure you meet the requirements of the Board of Barbers. If you are unsure about whether you meet the requirements, you should contact the Board of Barbers for further information.

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE

I acknowledge that I received and understand the foregoing Notice.

**(student signature and date)**

**R4-5-406. Student Training and Supervision**

- A. The holder of a license to operate a school shall ensure that students are graded at least monthly and informed of their grades and instructional hours completed.
- B. A licensed instructor may assist students in the performance of barbering.
- C. A student shall not dismiss a patron until a licensed instructor inspects and approves the student's work.
- D. A student shall not attend a school for more than eight hours per day.
- E. A student may receive a maximum of 20 instructional hours for field trips pertaining to barbering.
- F. A student may receive up to 50 percent of the student's training at an offsite training facility operated under the provisions of R4-5-411.
- G. A licensed instructor shall not ask a student to perform barbering on a patron while the student is engaged in classroom instruction or taking a written examination.
- H. A student shall wear a name tag during school attendance that clearly identifies the student by name and student status.

**R4-5-407. School Curriculum**

- A. The holder of a license to operate a school shall ensure that the barbering curriculum offered complies with A.R.S. § 32-325(B).
- B. In addition to the minimum requirements under A.R.S. § 32-325(B)(1), the license holder shall include instruction in the following:
  1. Professional ethics,

2. Shop management, and
3. Regulatory provisions prescribed under A.R.S. Title 32, Chapter 3, and this Chapter.

#### **R4-5-408. School Records**

- A.** The holder of one license to operate a school shall keep a student's records at the student's enrollment location.
- B.** The holder of multiple licenses to operate multiple schools may keep a student's records at the student's enrollment location or a location that serves all the schools operated by the same license holder.
- C.** The holder of a license to operate a school shall at least weekly enter into each student's record the following:
  1. The date of the recorded entry,
  2. Each subject studied and the number of instructional hours for each subject,
  3. An indication whether instruction in a subject listed under subsection (C)(2) was classroom or practical , and
  4. The student's signature on a paper copy of the record to acknowledge accuracy of information in the record within three days after each record update.
- D.** The holder of a license to operate a school shall maintain a complete and accurate record file for each student that includes:
  1. The signed contract made between the student and the school,
  2. The student's current transcript,
  3. The applicable original notice required under R4-5-405(D), and
  4. Both the record created under subsection (C) and the student-signed paper copy of the record.
- E.** Within 15 days after the end of each month, the holder of a license to operate a school shall submit a report to the Board that includes:
  1. A list of each student who graduated during the month;
  2. The name and license number of:
    - a. The supervising instructor, and
    - b. Each instructor providing classroom or practical instruction during the month;
  3. A list of all students currently enrolled and:
    - a. A list of total instructional hours earned by each student during the month;
    - b. A list of each student's cumulative instructional hours; and
    - c. A copy of the student-signed reports required under subsection (C)(4) and prepared during the month;
  4. The name of any student who, during the month:
    - a. Transferred to another school,
    - b. Withdrew, or
    - c. Took a leave-of-absence; and
  5. The signature of the holder of the license to operate the school or the license holder's representative verifying that all information provided is correct and complete.
- F.** If a student transfers from one school to another, the holder of the license to operate the school from which the student transferred shall:
  1. Make final entries to ensure the student's transcript is complete and accurate, and
  2. Forward a copy of the student's transcript to the student and Board within three days after the student provides notice of transfer.
- G.** When a student graduates or withdraws from a school, the holder of the license to operate the school shall:
  1. Complete a Student's Completion of Hours or Withdrawal form;
  2. Certify the number of hours completed by the student;
  3. Have the form notarized; and
  4. Forward a copy of the form to the graduating or withdrawing student and the Board.
- H.** The holder of a license to operate a school shall maintain the student record file required under subsection (D) permanently unless required under R4-5-409(E) to forward the records to the Board.

**R4-5-409. School Closure**

- A. The Board shall consider a school closed if the school fails for five consecutive school days to provide instruction in accordance with the operating schedule on file with the Board.
- B. Closure notification. The holder of the license to operate a school that is closing shall deliver written or oral notice of the school's closure to each currently enrolled student and the Board:
  - 1. Ten days before closure if the license holder can reasonably anticipate the school closure, or
  - 2. Within five days after closure if the school's closure could not be reasonably anticipated by the license holder.
- C. The holder of the license to operate a school that is closing shall ensure that the notice provided to currently enrolled students under subsection (B) includes the following information:
  - 1. When a full refund of paid tuition will be provided to the student,
  - 2. How to make a claim against the bond required under A.R.S. § 32-325(C)(6) and R4-5-401(D)(3),
  - 3. How to obtain a copy of the student's transcript and certification of hours completed,
  - 4. How to obtain possession of the training kit provided under R4-5-405(C) and other personal possessions, and
  - 5. How to access the student's records in the future.
- D. The holder of the license to operate a school that is closing shall obtain a signed statement from each currently enrolled student verifying that the license holder complied with subsection (C).
- E. Disposition of student records. The holder of the license to operate a school that is closing shall:
  - 1. Ensure that all student records are updated as required under R4-5-408(C) through the last day on which instruction was provided;
  - 2. Forward all records for currently enrolled students to the Board within 10 days after the school closes; and
  - 3. Forward to the Board a copy of all the signed statements required under subsection (D).

**R4-5-410. Repealed**

**R4-5-411. Offsite Training Facility**

- A. The holder of a license to operate a school may operate an offsite training facility in a shop that complies with the provisions of A.R.S. § 32-325(C) and R4-5-404(A)(11), R4-5-405(B), (E), and (F), and R4-5-406(B), (C), (D), (G), and (H).
- B. In addition to subsection (A), a license holder operating an offsite training facility shall comply with the following:
  - 1. R4-5-404(A)(1), (3), (6), (7), (8), and (9) if only practical instruction is provided at the facility ; or
  - 2. Requirements of subsection (B)(1) and R4-5-404(A)(2) and (A)(5) if classroom instruction is provided at the facility .
- C. In addition to the requirements of subsections (A) and (B), a license holder operating an offsite training facility shall:
  - 1. Clearly indicate to the public the specific portion of the shop designated as an offsite training facility,
  - 2. Post a sign indicating that barbering services at the offsite training facility are provided by students,
  - 3. Require a student to give oral notice of status as a student to each patron, and
  - 4. Restrict student barbering to the portion of the shop designated as an offsite training facility.

**ARTICLE 5. HEARINGS**

#### **R4-5-501. Hearing Procedures**

For purposes of A.R.S. § 32-354(D), the Board shall conduct all formal hearings according to A.R.S. Title 41, Chapter 6, Article 10.

#### **R4-5-502. Rehearing and Review of Decision**

- A.** The Board shall provide for a rehearing and review of a decision under A.R.S. Title 41, Chapter 6, Article 10.
- B.** Except as provided in subsection (I), a party is required to file a motion for rehearing or review of a Board decision to exhaust the party's administrative remedies.
- C.** A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D.** The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
  - 1. Irregularity in the proceedings of the Board, or any order or abuse of discretion, that deprived the moving party of a fair hearing;
  - 2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;
  - 3. Accident or surprise that could not have been prevented by ordinary prudence;
  - 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  - 5. Excessive penalty;
  - 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
  - 7. The Board's decision is a result of passion or prejudice; or
  - 8. The findings of fact or decision is not justified by the evidence or is contrary to law.
- E.** The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.
- F.** If a motion for rehearing or review is based upon an affidavit, the affidavit shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days if the parties agree.
- G.** Not later than 30 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- H.** If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.
- I.** If the Board makes a specific finding that a particular administrative decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Board shall issue the decision as a final administrative decision without an opportunity for rehearing or review.