

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0355.01 Christopher McMichael x4775

HOUSE BILL 26-1181

HOUSE SPONSORSHIP

Ricks and Richardson, Lieder

SENATE SPONSORSHIP

Michaelson Jenet,

House Committees

Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE "BARBER AND**
102 **COSMETOLOGIST ACT", AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT**
104 **OF REGULATORY AGENCIES IN THE DEPARTMENT'S 2025 SUNSET**
105 **REPORT.**

Bill Summary

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

Sunset Process - House Business Affairs and Labor Committee. The bill implements the recommendations of the department

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

of regulatory agencies in its 2025 sunset review and report by:

- Continuing the "Barber and Cosmetologist Act" (act) for 11 years until 2037;
- Repealing the advisory committee that is part of the act;
- Updating definitions and terminology within the act;
- Specifying certain services and providers that are exempt from the act; and
- Replacing gendered language with gender-neutral language.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-105-126
3 as follows:

4 **12-105-126. Repeal of article - review of functions.**

5 This article 105 is repealed, effective ~~September 1, 2026~~
6 SEPTEMBER 1, 2037. Before the repeal, the functions of the director ~~and~~
7 the advisory committee ~~created in section 12-105-106~~ are scheduled for
8 review in accordance with section 24-34-104.

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
10 (27)(a)(I); and **add** (38)(a)(II) as follows:

11 **24-34-104. General assembly review of regulatory agencies
12 and functions for repeal, continuation, or reestablishment - legislative
13 declaration - repeal.**

14 (27) (a) The following agencies, functions, or both, are scheduled
15 for repeal on September 1, 2026:

16 (I) ~~The regulation of barbers, hairstylists, cosmetologists,
17 estheticians, nail technicians, and registered places of business under
18 section 12-105-112 by the director of the division of professions and
19 occupations in accordance with article 105 of title 12;~~

20 (38) (a) The following agencies, functions, or both, are scheduled

1 for repeal on September 1, 2037:

2 (II) THE REGULATION OF BARBERS, HAIRSTYLISTS,
3 COSMETOLOGISTS, ESTHETICIANS, NAIL TECHNICIANS, AND REGISTERED
4 PLACES OF BUSINESS UNDER SECTION 12-105-112 BY THE DIRECTOR OF THE
5 DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH
6 ARTICLE 105 OF TITLE 12.

7 **SECTION 3.** In Colorado Revised Statutes, 12-105-106, **repeal**
8 (2) as follows:

9 **12-105-106. Powers and duties of the director.**

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

22 **SECTION 4.** In Colorado Revised Statutes, 12-105-107, **amend**
23 (3) as follows:

24 **12-105-107. Examinations.**

25 (3) The examinations must be consistent with the practical and
26 theoretical requirements of the practices of barbering, hairstyling, or
27 cosmetology or providing nail technician or esthetician services as

1 provided by this article 105, and the director shall review, revise, and
2 update the examinations periodically on a reasonable basis. ~~in~~
3 ~~consultation with the advisory committee created pursuant to section~~
4 ~~12-105-106~~. Examinations must be graded promptly, and the results of
5 the examinations must be made available to the applicants promptly. The
6 ~~examination~~ EXAMINATIONS must emphasize health and safety issues.

7 **SECTION 5.** In Colorado Revised Statutes, 12-105-104, **amend**
8 (2), (7), (8) introductory portion, (8)(d), and (9)(c); and **add** (8)(e) as
9 follows:

10 **12-105-104. Definitions.**

11 As used in this article 105, unless the context otherwise requires:

12 (2) "Barbering" means any one or combination of the following
13 practices when done upon the upper part of the human body for cosmetic
14 purposes and not for the treatment of disease or physical or mental
15 ailments and when done for payment either directly or indirectly or when
16 done without payment for the public generally:

17 (a) Shaving or trimming the beard;

18 (b) Cutting the hair;

19 (c) ~~Giving facial or scalp massage or~~ PROVIDING SCALP treatment
20 with oils, creams, or lotions or other chemical preparations, either by
21 hand or with mechanical appliances;

22 (d) ~~Dyeing the~~ Hair LIGHTENING AND COLORING or applying hair
23 tonic; OR

24 (e) Applying cosmetic preparations, antiseptics, powders, oils,
25 clays, or lotions to the scalp, face, neck, or shoulders.

26 (7) (a) "Cosmetology" means ~~any one~~ AN act or practice, or ~~any~~
27 A combination of acts or practices, not for the treatment of disease, A

1 physical illness, or a behavioral, mental health, or substance use disorder,
2 when done for payment either directly or indirectly or when done without
3 payment for the public generally, usually performed by and included in
4 or known as the profession of beauty culturists, beauty operators,
5 beauticians, estheticians, cosmetologists, or hairdressers or of any other
6 person, INCLUDING A partnership, corporation, or ~~other~~ legal entity
7 holding itself out as practicing cosmetology by whatever designation and
8 within the meaning of this article 105. ~~In particular,~~

9 (b) "Cosmetology" includes, but is not limited to, ~~any~~ one or a
10 combination of the following acts or practices:

11 (I) Arranging, dressing, curling, waving, cleansing, cutting,
12 singeing, ~~bleaching~~ LIGHTENING, coloring, TRIMMING, or similar work
13 upon the hair OR FACIAL HAIR of a person by any means; ~~and, with hands~~
14 ~~or a mechanical or electrical apparatus or appliance or by the use of~~
15 ~~cosmetic or chemical preparations;~~

16 (II) TRIMMING OF THE BEARD OR MUSTACHE;

17 (III) Manicuring or pedicuring the nails of a person ~~WITH HANDS~~,
18 ~~A MECHANICAL OR ELECTRICAL APPARATUS OR APPLIANCE, OR BY USING~~
19 ~~COSMETIC OR CHEMICAL PREPARATIONS;~~

20 (IV) Giving facials, applying makeup, giving skin care, or
21 applying eyelashes involving physical contact with a person;

22 (V) Beautifying the face, neck, arms, bust, or torso of the human
23 body by use of cosmetic preparations, antiseptics, tonics, lotions, or
24 creams;

25 (VI) Massaging, cleaning, or stimulating the face, neck, arms,
26 bust, or torso of the human body with the use of antiseptics, tonics,
27 lotions, or creams;

(VII) Removing ~~superfluous~~ hair from the body, FACE, OR NECK of a person by the use of depilatories or waxing or by the use of tweezers; and the trimming of the beard OR

(VIII) PROVIDING BODY WRAPS TO A PERSON BY APPLYING OILS, CREAMS, MASKS, SCRUBS, ANTISEPTICS, CLAYS, LOTIONS, OR OTHER PREPARATIONS.

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

(d) Removing ~~superfluous~~ hair from the body, FACE, OR NECK of any A person by the use of depilatories or waxing or by the use of tweezers; OR

(e) PROVIDING BODY WRAPS TO A PERSON BY APPLYING OILS, CREAMS, MASKS, SCRUBS, ANTISEPTICS, CLAYS, LOTIONS, OR OTHER PREPARATIONS.

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

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

24 **SECTION 6.** In Colorado Revised Statutes, 12-105-118, amend
25 (1)(a); and **add** (3) as follows:

12-105-118. Exemptions.

27 (1) Nothing in this article 105 prohibits services by:

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

3 (3) THIS ARTICLE 105 DOES NOT APPLY TO THE FOLLOWING
4 INDIVIDUALS OR SERVICES:

(a) MORTUARY SCIENCE PROFESSIONALS, AS DEFINED IN SECTION 12-135-103 (22.3), WHO PERFORM SERVICES ON DECEASED PERSONS;

(b) TATTOO ARTISTS WHO PERFORM COSMETIC TATTOOING ON THE FACE, INCLUDING THE PRACTICE KNOWN AS "MICROBLADING" EYEBROWS;

9 (c) ELECTROLOGISTS OR AN INDIVIDUAL WHO PERFORMS
10 ELECTROLYSIS FOR THE REMOVAL OF HAIR;

11 (d) AN INDIVIDUAL WHO IS EMPLOYED TO PROVIDE HAIR AND
12 MAKEUP SERVICES FOR THEATRICAL, TELEVISION, OR MOTION PICTURE
13 PRODUCTIONS;

14 (e) AN INDIVIDUAL WHO PREPARES HAIR COLOR FOR A CLIENT TO
15 USE AT HOME;

16 (f) AN INDIVIDUAL WHO PROVIDES FREE HAIRCUTS OR FREE
17 WASHING AND SETTING OF HAIR FOR A NONPROFIT ORGANIZATION;

18 (g) A PERSON THAT PROVIDES BARBERING AND COSMETOLOGY
19 SERVICES WITHIN CORRECTIONAL FACILITIES;

20 (h) A PERSON THAT PROVIDES MAKEUP APPLICATION SERVICES;

21 (i) AN INDIVIDUAL WHO CLEANS, ARRANGES, AND STYLES HAIR BY
22 USE OF MANUAL, MECHANICAL, OR ELECTRICAL IMPLEMENTS OR
23 APPLIANCES; OR

24 (j) AN INDIVIDUAL WHO POLISHES NAILS.

25 **SECTION 7.** In Colorado Revised Statutes, 12-105-125, amend

26 (1) introductory portion and (1)(b) as follows:

12-105-125. Grounds for discipline.

