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October 26, 1971

DEPARTMENT OF LAW LETTER OPINION NO. 71-27-L (R-88)

REQUESTED BY: JAMES W. DeVOE
President
Arizona State Board of Cosmetology

QUESTION: May a licensed cosmetologist, who is not licensed as an instructor, teach advanced hair styling?

ANSWER: No.

The applicable statutes reviewed are A.R.S. §§ 32-501.2, 501.3, 501.7 and 501.11; A.R.S. § 32-524.B; A.R.S. § 32-527.A; A.R.S. §§ 32-551.A.4, 551.B.2, 551.B.5 and 551-B.6.

As you will note from the above, cosmetology includes the styling of hair, and does not differentiate between basic techniques and advanced techniques. A.R.S. § 32-524.B permits an instructor to "practice" in a cosmetology shop, but does not authorize teaching by an instructor in a shop. Likewise, cosmetology is taught only in schools licensed for that and by persons specifically trained and licensed as instructors. Nor may a cosmetology school and shop occupy the same premises. See A.R.S. § 32-551.B.2. It is axiomatic, then, that if the definition of cosmetology includes hairstyling, and may only be taught in cosmetology schools by licensed instructors, that no instruction in the art of hairstyling, be it advanced or other techniques, may be taught by licensed cosmetologists in cosmetology shops.

The cosmetology statutes, in this regard, do not suffer from the same defect as contained in the sections of the Arizona Revised Statutes controlling the practice of barbering, as analyzed in Attorney General Opinion No. 69-15-L.

Respectfully submitted,

Gary K. Nelson
by F.S.

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The Attorney General

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