

Dear Senators PATRICK, Guthrie, Ward-Engelking, and
Representatives BARBIERI, Clow, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Bureau of Occupational Licenses:

IDAPA 24.28.01 - Rules of the Barber and Cosmetology Services Licensing Board (New Chapter,
Fee Rule) - Proposed Rule (Docket No. 24-2801-1802).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/01/2018. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/03/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Legislative Research Analyst - Matt Drake

DATE: October 15, 2018

SUBJECT: Bureau of Occupational Licenses

IDAPA 24.28.01 - Rules of the Barber and Cosmetology Services Licensing Board (New Chapter, Fee Rule) - Proposed Rule (Docket No. 24-2801-1802)

Summary and Stated Reasons for the Rule

The Bureau of Occupational Licenses submits notice of proposed rulemaking relating to the Rules of the Barber and Cosmetology Services Licensing Board. The proposed rules implement Senate Bill 1324 of 2018, which combined the Board of Barber Examiners and the Board of Cosmetology. The proposed rules relate to the newly combined Barber and Cosmetology Services Licensing Board. The Bureau states that the proposed rules are based upon public protection, portability of licenses, and eliminating barriers to employment. The proposed rules reduce the minimum hours of instruction required for cosmetology, barber-stylist, and electrology licenses; create a new certificate for make-up artistry, and create a registration for retail thermal styling equipment dealers to do limited demonstration on potential customers. The rules also specify what services a licensee may perform outside a licensed establishment, provide for the transfer of instructional hours between professions, and modernize safety and disinfection requirements. The following fees are established in accordance with Section 54-5822, Idaho Code: original license fee for individual licenses, \$25; original license fee for instructors, \$30; original license fee for establishments, \$20; original license fee for schools, \$300; original license or registration fee for facilities, \$20; renewal fee for individual licenses, \$25; renewal fee for instructors, \$30; renewal fee for establishments, \$20; renewal fee for schools, \$85; renewal fee for facilities, \$20; registration fee for apprentice, \$25; certificate for makeup artist, \$25; and license by endorsement fee, \$35.

Negotiated Rulemaking / Fiscal Impact

The Bureau states that negotiated rulemaking was not conducted because the proposed changes were discussed at noticed, open meetings of the Board. The proposed rule will have no fiscal impact on the general fund. The Bureau states that the fees established for the licensure and renewal of the professions covered by the Idaho Barber and Cosmetology Services Act will cover the costs of administering the act.

Statutory Authority

The proposed rulemaking appears to be within the Board's statutory authority pursuant to Sections 54-5807 and 54-5822, Idaho Code.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
www.legislature.idaho.gov

cc: Bureau of Occupational Licenses
Tana Cory

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

DOCKET NO. 24-2801-1802 (NEW CHAPTER, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-5807 and 54-5822, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Senate Bill 1324, which passed during the 2018 Legislative Session, combined the Boards of Barber Examiners and Cosmetology. The new Barber and Cosmetology Services Licensing Board is adopting rules to implement the new law. These rules are based upon public protection, portability of licenses, and eliminating barriers to employment.

The proposed rules implement Senate Bill 1324, which reduced the minimum hours of instruction required for cosmetology, barber-stylist, and electrology licenses; created a new certificate for individuals who only want to practice make-up artistry; and created a registration for retail thermal styling equipment dealers to do limited demonstration on potential customers. The rules also specify what services a licensee may perform outside a licensed establishment; provide for the transfer of instructional hours between professions; and modernize safety and disinfection requirements.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The Board operates on dedicated funds and must be self-supporting. The following fees are established in accordance with Section 54-5822, Idaho Code, as follows: original license fee for individual licenses: \$25; original license fee for instructors: \$30; original license fee for establishments: \$20; original license fee for schools: \$300; original license or registration fee for facilities: \$20; renewal fee for individual licenses: \$25; renewal fee for instructors: \$30; renewal fee for establishments: \$20; renewal fee for schools: \$85; renewal fee for facilities: \$20; registration fee for apprentice: \$25; certificate for makeup artist: \$25; and license by endorsement fee: \$35.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board. The Board also requested input from licensed schools and stakeholders who had expressed interest in the rules.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jennifer Carr at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 30th day of August, 2018.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-2801-1802
(Only Those Sections With Amendments Are Shown.)

IDAPA 24
TITLE 28
CHAPTER 01

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

000. LEGAL AUTHORITY.

These rules are hereby prescribed and established pursuant to the authority vested in the Barber and Cosmetology Services Licensing Board by the provisions of Section 54-5807, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The rules shall be cited as IDAPA 24.28.01, “Rules of the Barber and Cosmetology Services Licensing Board.” ()

02. Scope. These rules implement the purposes and intent of Chapter 58, Title 54, Idaho Code, to regulate the professions of barbering and cosmetology in the interest of the public health, safety, and welfare. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Board may have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. ()

003. ADMINISTRATIVE APPEAL.

Administrative appeals shall be governed by the Administrative Procedure Act, Chapter 52, Title 67, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into this rule. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

01. Location and Contact Information. The office of the Barber and Cosmetology Services

Licensing Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702, P.O. Box 83720, Boise, Idaho 83720-0063. The telephone number of the Board is (208) 334-3233 and the fax number is (208) 334-3945. The Board's email address is bcbl@ibol.idaho.gov. The Board's official website can be found at <http://www.ibol.idaho.gov>. ()

02. Office Hours. The office is open between the hours of 8:00 a.m. and 5:00 p.m. Mountain Time each day except Saturdays, Sundays, and holidays. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein are subject to and in compliance with the Idaho Public Records Act, Chapter 1, Title 74, Idaho Code. The records associated with the Board are subject to the provisions of the Public Records Act. ()

007. OPEN MEETINGS.

This Board operates pursuant to the Idaho Open Meetings Law, Chapter 2, Title 74, Idaho Code. ()

008. -- 009. (RESERVED)

010. DEFINITIONS.

01. Board. Barber and Cosmetology Services Licensing Board. ()

02. Bureau. Idaho Bureau of Occupational Licenses. ()

03. Clean. Removal of visible or surface debris, washing with soap and water, detergent or chemical "cleaner." Cleaning reduces the number and slows the growth of pathogens on both porous and non-porous surfaces. Cleaning prepares non-porous items for disinfection, but cleaning does not make multi-use items safe for use. ()

04. Clinical Services or Clinical Work. Performing hands-on acts or techniques within the scope of practice of a profession regulated by the Board. ()

05. Disinfect. The process of making a non-porous item safe for use. Disinfecting requires the use of a chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned prior to disinfection. Ultraviolet (UV) light is not acceptable for disinfection. ()

06. Disinfectant. Disinfectant registered by the United States Environmental Protection Agency (EPA) and is bactericidal, virucidal and fungicidal with effectiveness against staphylococcus aureus (including methicillin-resistant staphylococcus aureus (MRSA)), human immunodeficiency virus (HIV) and hepatitis B (HEPB). This includes EPA registered Sodium Hypochlorite 5.25% or higher (household bleach) with instructions for disinfection, diluted as instructed on the label and observing the five (5) minute contact time listed on the manufacturer's label. Bleach must be active (not expired) with a manufacture date of less than six (6) months prior to use. ()

07. Establishment. Establishment means a place licensed under Chapter 58, Title 54, Idaho Code, other than a licensed school or licensed facility, where barber-styling, cosmetology, or electrology is practiced. ()

08. Facility. A retail cosmetics dealer, a retail thermal styling equipment dealer, or a makeover or glamour photography business. ()

09. First-Aid Kit. First-aid kit means a packaged and identifiable assortment of medical supplies, including adhesive bandages, skin antiseptic, disposable gloves, and gauze. ()

10. Makeup. Makeup means makeup, cosmetics, or any pigment product that is used to cover, camouflage, or decorate the skin. ()

11. Patron. Patron means any person who receives the services of anyone licensed, certificated or otherwise regulated by the provisions of Chapter 58, Title 54, Idaho Code. ()

12. Record of Instruction. The final documentation of total hours and operations completed by a

student that is maintained by a school or, in the case of an apprentice, by the instructor. ()

13. Single-Use. Any non-electrical item that cannot be properly cleaned and disinfected is considered single-use. This includes, but is not limited to, pumice stones, buffing blocks, wooden cuticle pushers, cotton balls, pads or swabs, toe separators and flip flops, and all nail files or emery boards that are not made entirely of metal, glass, or crystal. ()

14. Sterilize. The eradication of all microbial life through the use of heat, steam or chemical sterilants. Items to be sterilized must be cleaned prior to sterilization. ()

15. Sterilant. Autoclaves or dry heat sterilizers approved by the United States Food and Drug Administration and spore tested through an independent lab at least once every thirty (30) days. Sterilants must be used only as instructed by the manufacturer. Spore testing results and maintenance records for the most recent twelve (12) months must be kept onsite at the establishment. ()

011. UPDATE OF RECORDS.

Applicants, licensees, registrants, and certificants are responsible for keeping their records updated with the Bureau. All changes including name changes and change of address must be submitted in writing to the Bureau within thirty (30) days. The most recent mailing address on file with the Bureau will be used for purposes of all written communication with a licensee, registrant, or certificant including notification of renewal and notices related to disciplinary actions. ()

012. -- 099. (RESERVED)

100. ORGANIZATION AND OPERATIONS OF THE BOARD.

01. Meetings. The Board shall meet at least annually and at other such times and places as designated by the Chairman, upon the request of the governor, or upon the written request of a majority of the members of the Board. ()

a. A minimum of four (4) Board members shall constitute a quorum and shall be required for the transaction of business, provided at least one (1) board member of the relevant profession is present when any board action is taken that affects the profession, its licensees, or its applicants. A majority vote of the quorum present at a meeting shall be considered the action of the Board as a whole. ()

b. The Chairman shall be a voting member. ()

02. Organization. At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. ()

a. The Chairman shall preside at all meetings when present, appoint all committees with the consent of the Board, and otherwise perform all duties pertaining to the office of Chairman. ()

b. The Bureau shall act as an agent of the Board and shall be the official keeper of all records of the Board. The Bureau shall provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. ()

200. APPLICATION.

01. Filing an Application. Applicants for licensure, certification, or registration shall submit a complete application, verified under oath, to the Board at its official address. The application shall be on the forms approved by the Board and submitted together with the appropriate fee(s) and supporting documentation. ()

02. Supporting Documents. The applicant must provide or facilitate the provision of any supporting third party documents that may be required under the qualifications for the license, certificate, or registration being sought. ()

03. Applications Must Be Complete. Applications shall not be considered complete until all required information, documents, and fees are received by the Board. ()

04. Application Deadline Date. Applications received less than seven (7) days prior to a Board meeting may be held over to the next meeting. ()

05. Lack of Activity. If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon a thirty (30) day written notice, unless good cause is demonstrated to the Board. ()

250. FEES.
Fees are established in accordance with Section 54-5822, Idaho Code, as follows: ()

01. Fees. ()

a. Original License Fee for Individual Licenses. The fee for an original license as a barber, barber-stylist, cosmetologist, electrologist, esthetician, haircutter, or nail technician is twenty-five dollars (\$25). ()

b. Original License Fee for Instructors. The fee for an original instructor license is thirty dollars (\$30). ()

c. Original License Fee for Establishments. The fee for an original license as a primary establishment or contiguous establishment is twenty dollars (\$20). ()

d. Original License Fee for Schools. The fee for an original license as a barber or cosmetology school is three hundred dollars (\$300). ()

e. Original License or Registration Fee for Facilities. The fee for an original license as a retail cosmetics dealer or makeover or glamour photography business or an original registration as a retail thermal styling equipment dealer is twenty dollars (\$20). ()

f. Annual Renewal Fee for Individual Licenses. The annual renewal fee for a license as a barber, barber-stylist, cosmetologist, electrologist, esthetician, haircutter, or nail technician is twenty-five dollars (\$25). ()

g. Annual Renewal Fee for Instructors. The annual renewal fee for a license as an instructor is thirty dollars (\$30). ()

h. Annual Renewal Fee for Establishments. The annual renewal fee for a license as a primary establishment or a contiguous establishment is twenty dollars (\$20). ()

i. Annual Renewal Fee for Schools. The annual renewal fee for a license as a barber or cosmetology school is eighty-five dollars (\$85). ()

j. Annual Renewal Fee for Facilities. The annual renewal fee for a license as a retail cosmetics dealer or makeover or glamour photography business or a registration as a retail thermal styling equipment dealer is twenty dollars (\$20). ()

k. Registration Fee for Apprentice. The fee for a registration as an apprentice is twenty-five dollars (\$25). ()

l. Certificate for Makeup Artist. The fee for a certificate as a makeup artist is twenty-five dollars (\$25). ()

02. License by Endorsement Fee. The fee for licensure by endorsement is thirty-five dollars (\$35). ()

- 03. Duplicate License Fee.** The fee for a duplicate license is ten dollars (\$10). ()
- 04. Reinstatement Fee.** Reinstatement fee is as provided in Section 67-2614, Idaho Code. ()
- 05. Examination Fee.** The fee for those examinations administered by a third party administrator shall be that fee determined by the administrator and shall be paid directly to the administrator by the applicant. ()
- 06. Refund of Fees.** All fees are non-refundable. ()

251. -- 299. (RESERVED)

300. QUALIFICATIONS FOR ALL LICENSES OR CERTIFICATES FOR INDIVIDUALS.

In addition to other qualifications set forth in these rules, each applicant for licensure or certification must meet the following general qualifications: ()

- 01. Age.** Be at least sixteen and one-half (16 ½) years of age. ()
- 02. Education.** Successful completion of at least two (2) years of high school or have attained an equivalent education as determined by the Board as evidenced by: ()
- a.** High school transcripts, a copy of a high school diploma, or a letter written on high school stationery, signed by an officer of the high school, indicating that the applicant has satisfactorily completed the tenth grade and is eligible to commence the eleventh grade; or ()
 - b.** Documents establishing admission to or graduation from an associates, bachelors, or graduate degree program from an accredited college or university; or ()
 - c.** Successful passage of the General Educational Development (G.E.D.) Test; or ()
 - d.** Any test approved by the Department of Education to establish education equivalency shall be approved by the Board when an applicant receives a score approved by the Department of Education as meeting the equivalency requirement; or ()
 - e.** Other proof of satisfactory completion of the tenth grade with eligibility to commence the eleventh grade. ()
- 03. Good Moral Character.** ()

a. An applicant must certify that he/she has not been found guilty, been convicted, or received a withheld judgment or suspended sentence for a felony or a crime involving moral turpitude. If the applicant has been found guilty, been convicted, or received a withheld judgment or suspended sentence for such a crime, the applicant must submit a written statement of suitability for licensure or certification as set forth in Section 312 of these rules. ()

b. An applicant must certify that he/she or his/her license has not been subject to any disciplinary action by a regulatory entity in another state, territory, or country including, but not limited to, having an application for licensure denied. If the applicant or his/her license has been subject to discipline, the applicant must submit a written statement of suitability for licensure or certification as set forth in Section 312 of these rules. ()

301. QUALIFICATIONS FOR ORIGINAL BARBER LICENSE.

The Board may grant a license to an applicant for licensure as a barber who completes an application as set forth in Section 200 of these rules, pays the required fee, and who meets the following general, education, experience, and examination qualifications: ()

- 01. General.** Meet the requirements prescribed in Section 300 of these rules. ()
- 02. Education.** Successful completion and graduation from a program of barbering consisting of not

less than nine hundred (900) hours of instruction in a licensed barber school, or the following equivalent instruction: ()

a. For a currently licensed cosmetologist, a licensed barber school must credit eight hundred (800) hours toward the required nine hundred (900) hours for a barber course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the barber course curriculum, provided that the remaining hours of instruction must at a minimum include the following: ()

i. Barber theory, including male haircuts; and ()

ii. Shaving. ()

b. For a currently licensed barber in another state, territory, possession or country, and who does not meet the qualifications for licensure by endorsement, fifty (50) hours of instruction may be credited for each three (3) months of practical experience in barbering. ()

03. Examination. Successful passage of a barber examination approved by the Board. ()

302. QUALIFICATIONS FOR ORIGINAL BARBER-STYLIST LICENSE.

The Board may grant a license to an applicant for licensure as a barber-stylist who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following general, education, and examination qualifications: ()

01. General. Meet the requirements prescribed in Section 300 of these rules. ()

02. Education. Successful completion and graduation from a program of barber-styling consisting of not less than one thousand five hundred (1,500) hours of instruction in a licensed barber school, or the following equivalent instruction: ()

a. For a currently licensed cosmetologist, a licensed barber school must credit of one thousand four hundred (1,400) hours toward the required one thousand five hundred (1,500) hours for a barber-stylist course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the barber-stylist course curriculum, provided that the remaining hours of instruction must at a minimum include the following: ()

i. Barber theory, including male haircuts; and ()

ii. Shaving. ()

b. For a currently licensed barber-stylist in another state, territory, possession or country, fifty (50) hours of instruction may be credited for each three (3) months of practical experience in barber-styling. ()

03. Examination. Successful passage of a barber-stylist examination approved by the Board. ()

303. QUALIFICATIONS FOR ORIGINAL COSMETOLOGIST LICENSE.

The Board may grant a license to an applicant for licensure as a cosmetologist who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following general, education, and examination qualifications: ()

01. General. Meet the requirements prescribed in Section 300 of these rules. ()

02. Education. Successful completion and graduation from a program of cosmetology consisting of not less than one thousand six hundred (1,600) hours of instruction in a licensed cosmetology school or completed at least three thousand two hundred (3,200) hours in an apprenticeship that meets the requirements of Section 550 of these rules, or the following equivalent instruction: ()

a. For a currently licensed barber-stylist, a licensed cosmetology school must credit one thousand three hundred (1,300) hours toward the required one thousand six hundred (1,600) hours for a cosmetology course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the cosmetology course curriculum, provided that the remaining hours of instruction must at a minimum include the following: ()

- i. Nail technology; ()
- ii. Esthetics; and ()
- iii. Cosmetology theory, including female hairstyling. ()

b. For a currently licensed barber, a licensed cosmetology school must credit nine hundred (900) hours toward the required one thousand six hundred (1,600) hours for a cosmetology course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the cosmetology course curriculum, provided that the remaining hours of instruction must at a minimum include the following: ()

- i. Working on the hair with chemicals; ()
- ii. Nail technology; ()
- iii. Esthetics; and ()
- iv. Cosmetology theory, including female hairstyling. ()

c. A currently licensed esthetician, haircutter, or nail technician must be given credit of two hundred (200) hours toward the required one thousand six hundred (1,600) hours for a cosmetology course or four hundred (400) hours toward the required three thousand two hundred (3,200) hours as a cosmetology apprentice. ()

d. For a currently certificated makeup artist in this state, a licensed cosmetology school may credit up to fifty (50) hours toward the required instructional hours for a cosmetology course, or a licensed instructor may credit up to one hundred (100) hours toward the required apprenticeship hours. ()

e. For an esthetician, haircutter, or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200) hours, toward the required instructional hours for a cosmetology course. ()

f. For a currently licensed cosmetologist in another state, territory, possession or country, one hundred (100) hours of instruction or two hundred (200) hours as an apprentice may be credited for each six-month period of practical experience in cosmetology. ()

03. Examination. Successful passage of the cosmetology examination approved by the Board. ()

304. QUALIFICATIONS FOR ORIGINAL ELECTROLOGIST LICENSE.

The Board may grant a license to an applicant for licensure as an electrologist who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following general, education, and examination qualifications: ()

01. General. Meet the requirements prescribed in Section 300 of these rules. ()

02. Education. Successful completion and graduation from a program of electrology consisting of not less than six hundred (600) hours of instruction in a licensed cosmetology school approved to teach electrology or successful completion of at least one thousand two hundred (1,200) hours in an apprenticeship that meets the requirements of Section 550 of these rules. For a currently licensed electrologist in another state, territory, possession or country, forty (40) hours of instruction or eighty (80) hours as an apprentice may be credited for each six-month period of practical experience in electrology. ()

03. Examination. Successful passage of the electrologist examination conducted or approved by the Board. ()

305. QUALIFICATIONS FOR ORIGINAL ESTHETICIAN LICENSE.

The Board may grant a license to an applicant for licensure as an esthetician who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following general, education, and examination qualifications: ()

01. General. Meet the requirements prescribed in Section 300 of these rules. ()

02. Education. Successful completion and graduation from a program of esthetics consisting of not less than six hundred (600) hours of instruction in a licensed cosmetology school or successful completion of at least one thousand two hundred (1,200) hours in an apprenticeship that meets the requirements of Section 550 of these rules, or the following equivalent instruction: ()

a. For a currently certificated makeup artist in this state, a licensed cosmetology school may credit up to fifty (50) hours toward the required instructional hours for an esthetics course or, a licensed instructor may credit up to one hundred (100) hours toward the required apprenticeship hours. ()

b. A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for an esthetics course for a cosmetology student. ()

c. For a currently licensed esthetician in another state, territory, possession or country, sixty (60) hours of instruction or one hundred twenty (120) hours as an apprentice may be given for each six-month period of practical experience in esthetics. ()

03. Examination. Successful passage of the esthetician examination approved by the Board. ()

306. QUALIFICATIONS FOR ORIGINAL HAIRCUTTER LICENSE.

The Board may grant a license to an applicant for licensure as a haircutter who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following general, education, and examination qualifications: ()

01. General. Meet the requirements prescribed in Section 300 of these rules. ()

02. Education. Successful completion of and graduation from a program of haircutting consisting of not less than nine hundred (900) hours of instruction in a licensed cosmetology school or the following equivalent instruction: ()

a. A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for a haircutter course for a cosmetology student. ()

b. For a currently licensed haircutter in another state, territory, possession or country, ninety (90) hours of instruction or one hundred twenty (120) hours as an apprentice may be credited for each six-month period of practical experience in haircutting, hair design, or cosmetology. ()

307. QUALIFICATIONS FOR ORIGINAL NAIL TECHNICIAN LICENSE.

The Board may grant a license to an applicant for licensure as a nail technician who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following general, education, and examination qualifications: ()

01. General. Meet the requirements prescribed in Section 300 of these rules. ()

02. Education. Successful completion and graduation from a program of nail technology consisting of not less than four hundred (400) hours of instruction in a cosmetology school approved by the Board or completed at least eight hundred (800) hours in an apprenticeship that meets the requirements of Section 550 of these rules, or the

following equivalent instruction: ()

a. A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for a nail technology course for a cosmetology student. ()

b. For a currently licensed nail technician in another state, territory, possession or country, forty (40) hours of instruction or eighty (80) hours as an apprentice may be credited for each six-month period of practical experience in nail technology. ()

03. Examination. Successful passage of the nail technician examination approved by the Board. ()

308. QUALIFICATIONS FOR MAKEUP ARTIST CERTIFICATE.

The Board may grant a certificate to an applicant for certification as a makeup artist who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following general and education/training requirements: ()

01. General. Meet the requirements prescribed in Section 300 of these rules. ()

02. Education/Training. Successful completion of instruction of not less than one hundred (100) hours in makeup artistry, which must include instruction and practical experience in safety and infection control. Hours may be classroom instruction, training, practical experience, or a combination. Instruction may be received from one or more of the following sources: ()

a. A cosmetology school licensed in this state or another state, territory, possession, or country;()

b. A cosmetology or esthetics instructor licensed in this state or another state, territory or possession; ()

c. A retail cosmetics dealer licensed in this state or another state, territory or possession; or ()

d. Other source of instruction that includes: ()

i. Knowledgeable and experienced instructor with a record of safe practices; ()

ii. Instruction in client safety and safe product selection; and ()

iii. Hands-on practice and training in infection control. ()

e. Any combination of the sources listed in Subsections 308.02.a. through d. of these rules. ()

03. Documentation of Education/Training. An applicant may present proof of education/training in makeup artistry in the following ways: ()

a. A current cosmetology or esthetician license from another state, territory, possession or country. ()

b. Transcripts or records of instruction. ()

c. Documentation of work history and training as an employee for a retail cosmetics dealer licensed in this state or another state, territory or possession of the United States. ()

d. Membership in the International Alliance of Theatrical Stage Employees Make-Up Artists and Hair Stylists Guild or other similar organization whose membership requirements meet or exceed the requirements of these rules. ()

e. Documentation of other training/experience must include: ()

- i. Identity and qualifications of the person delivering the instruction/training; ()
- ii. Method of instruction/training and amount of hands-on training provided; and ()
- iii. Subject matters covered, particularly pertaining to topics listed in Subsection 308.02.d. of these rules. ()

04. Additional Education/Training. The Board may require an applicant who does not have a documented record of sufficient training in safety and infection control to obtain additional training or other demonstration of competency in that area. ()

309. QUALIFICATIONS FOR ORIGINAL BARBER OR BARBER-STYLIST INSTRUCTOR LICENSE.

The Board may grant a license to an applicant for licensure as a barber instructor or barber-stylist instructor who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following licensure, education, experience, and examination qualifications: ()

01. Licensure. Hold a current barber license for a barber instructor applicant or hold a current barber-stylist or cosmetologist license for a barber-stylist instructor applicant. ()

02. Education and Experience. At least five (5) years of experience as a licensed barber for a barber instructor applicant or as a licensed barber-stylist for a barber-stylist instructor applicant or have satisfactorily completed: ()

a. A minimum six (6) month course of barber instructing for a barber instructor applicant or barber-stylist instructing for a barber-stylist instructor applicant as a student in a licensed barber school, provided that the course consist of no less than nine hundred (900) hours; or ()

b. A minimum three (3) month course of barber instructing for a barber instructor applicant or barber-stylist instructing for a barber-stylist instructor applicant as a student in a licensed barber school, if the applicant has at least two (2) years of experience as a licensed barber for a barber instructor applicant or as a barber-stylist for a barber-stylist instructor applicant, provided that the course consist of no less than five hundred (500) hours; or ()

c. Hold a cosmetology instructor license in this state. ()

03. Examination. Successful passage of the instructor examination approved by the Board. ()

310. QUALIFICATIONS FOR ORIGINAL COSMETOLOGY INSTRUCTOR LICENSE.

The Board may grant a license to an applicant for licensure as an instructor of cosmetology, electrology, esthetics, or nail technology who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following licensure, education, experience, and examination qualifications: ()

01. General. Meet the requirements prescribed in Section 300 of these rules. ()

02. Licensure. Hold a current license as a cosmetologist, electrologist, esthetician, or nail technician. ()

03. Education. Earned twelve (12) college credit hours or the equivalent. Credit hours must be obtained from the Education Department, Speech Communications Department or from the Psychology/Sociology Department and other credit at the discretion of the Board. Equivalency is determined as: ()

a. Completion of teaching seminars focusing on cosmetology, nail technology, esthetics, or electrology approved by the Board. Fourteen (14) clock hours is equivalent to one (1) semester college credit hour in an approved seminar. Verification of satisfactory completion must be submitted to the Board for its approval. ()

b. Verified satisfactory teaching as a qualified instructor from another state for one (1) of the previous

three (3) years immediately prior to application. ()

04. Experience. At least five (5) years of experience as a licensed cosmetologist, electrologist, esthetician, or nail technician, which must be immediately preceding the application, or have satisfactorily completed: ()

a. A minimum six (6) month course of cosmetology instructing as a student in a licensed cosmetology school, provided that the course consist of no less than nine hundred (900) hours; or ()

b. A minimum three (3) month course of cosmetology instructing as a student in a licensed cosmetology school, if the applicant has at least two (2) years of experience as a licensed cosmetologist, electrologist, esthetician, or nail technician, provided that the course consist of no less than five hundred (500) hours; or ()

c. Hold a barber or barber-stylist instructor license in this state. ()

05. Examination. Successful passage of the instructor examination approved by the Board. ()

311. APPROVED EXAMINATION.

Approved examinations shall be the written and practical examination provided by the National Interstate Council of State Boards of Cosmetology (NIC) for the discipline for which licensure is sought. A passing score must be obtained on both the written and practical examination. A passing score will be determined by NIC. ()

312. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE OR CERTIFICATION.

An applicant who or whose license has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony or crime involving moral turpitude, or has been subject to discipline in another state, territory or country must submit with his/her application a written statement and any supplemental information establishing his/her current suitability for licensure or certification. ()

01. Consideration of Factors and Evidence. The Board shall consider the following factors or evidence: ()

a. The severity or nature of the crime or discipline; ()

b. The period of time that has passed since the crime or discipline under review; ()

c. The number or pattern of crimes or discipline or other similar incidents; ()

d. The circumstances surrounding the crime or discipline that would help determine the risk of repetition; ()

e. The relationship of the crime or discipline to the practice of barbering or cosmetology; ()

f. The applicant's activities since the crime or discipline under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation; and ()

g. Any other information regarding rehabilitation or mitigating circumstances. ()

02. Interview. The board may, at its discretion, grant an interview of the applicant. ()

03. Applicant Bears the Burden. The applicant shall bear the burden of establishing his/her current suitability for licensure or certification. ()

313. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT.

The Board may grant a license to an applicant for licensure by endorsement who completes an application as set forth in Section 200 of these rules and meets the following requirements: ()

- 01. General Requirements.** The applicant must: ()
- a. Be at least eighteen (18) years of age; ()
 - b. Meet the education requirements set forth in Subsection 300.02 of these rules; and ()
 - c. Meet the good moral character requirements set forth in Subsection 300.03 of these rules. ()

02. Hold a Current License and Have Experience. The applicant must be the holder of a current active license or certificate of qualification in the profession and at the level for which a license is being sought, issued by the authorized regulatory entity in another state, territory, possession, or foreign country. The certification of licensure must be received by the Board from the issuing agency; and ()

a. Must show that the state, territory, possession, or foreign country has licensing requirements substantially equivalent to or higher than those required for new applicants in Idaho; or ()

b. Document at least one (1) year of actual practice under certification or licensure in the three (3) years immediately prior to application in the profession for which a license is being sought. ()

314. -- 324. (RESERVED)

325. LICENSURE AND OPERATION OF PRIMARY AND CONTIGUOUS ESTABLISHMENTS.

Except as otherwise provided in statute and these rules, a licensed individual must practice within a licensed establishment. An establishment may be licensed as a primary establishment or a contiguous establishment that operates within a primary establishment. ()

01. Primary Establishment License. A primary establishment license may be issued and annually renewed only under the following conditions: ()

a. Application for establishment license shall be made on forms furnished by the Board and shall include plans and specifications complying with the Board's safety and disinfection requirements. The fully completed application form, with the required fees, must be submitted to the Board and a license issued prior to the opening or operation of any barber or cosmetology primary establishment; and ()

b. There is a clearly defined and designated working floor space of adequate dimension to allow the safe and sanitary practice of any one (1) or combination of defined practices of cosmetology or barber-styling for all individual stations that may be in operation in addition to any restroom and access areas; and ()

c. There is an approved hot and cold running water source and drainage system that is available to any contiguous establishment or other establishment or facility that may exist; and must be within the perimeters of the licensed establishment and separate from the toilet facilities; and ()

d. There are restroom facilities conveniently located and accessible from within the building in which the primary establishment is located and which shall be accessible from the primary area and to all areas designated for the operation of contiguous establishments. Restroom facilities shall contain an approved hot and cold running water source and approved drainage system. The water source shall be in addition to the work area facilities; and ()

e. Any areas designated by the primary establishment for the operation of contiguous establishments shall be clearly defined and fixed, and shall provide adequate dimension to allow the safe and sanitary practice of any one or a combination of the defined practices of cosmetology or barber-styling for all stations that may be operated in that area. ()

f. The holder of the primary establishment license is responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the designated licensed area of the primary establishment, including areas that are cooperatively or jointly used as "common areas" such as shampoo bowls, restrooms, entrance or reception areas. ()

02. Contiguous Establishment License. A contiguous establishment license may be issued and annually renewed only under the following conditions: ()

a. Application for establishment license shall be made on forms furnished by the Board. The fully completed application form, with the required fees, must be submitted to the Board and a license issued prior to the opening or operation of any barber or cosmetology contiguous establishment; and ()

b. The contiguous establishment is associated with a currently licensed primary establishment and a holder of the primary establishment license provides proof that the primary shop is equipped to meet the safety and disinfection requirements and rules of the Board; and ()

c. The contiguous establishment shall only operate in the contiguous establishment designated areas within the associated primary establishment. ()

d. The holder of the contiguous establishment license will be responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the contiguous designated area where it operates. ()

03. Businesses Other Than a Licensed Establishment or Facility. Businesses other than one licensed under Chapter 58, Title 54, Idaho Code, and living quarters shall be separate and apart. Home establishments must provide a separate outside entrance directly into the establishment and substantial partitions or walls shall extend from the floor to not less than seven (7) feet high, separating the establishment from adjoining rooms used for business or domestic purposes. All doors to an establishment from adjacent rooms shall be closed. ()

04. Conditions for Issuance. No primary establishment license may be issued which includes or overlaps all or any portion of an existing establishment license. ()

326. ESTABLISHMENT CHANGES IN OWNERSHIP OR LOCATION.

Whenever a change of ownership or fixed location of an establishment occurs, an original license fee must be paid and compliance with all rules concerning a new establishment must be met before a new license will be issued. Establishment licenses are not transferable. ()

01. Board Must Be Informed of All Changes. The Board must be informed in writing of any and all changes of ownership and location of establishments. ()

02. Deletion of an Owner. Deletion of an owner in a multiple ownership may be effected by filing a written statement with the Board signed by the person withdrawing and the remaining owner(s). ()

03. Transfer of Ownership. If the transfer involves change of corporate structure or deleting one (1) or more owners, a written notarized statement signed by all former owners as registered with the Board shall be accepted. ()

04. Addition of an Owner. Addition of an owner to a multiple ownership constitutes a change in ownership and the requirements for a new establishment apply. ()

05. Out of Business. Whenever any establishment ceases operation at the licensed location, the owner(s) or authorized agent of the establishment shall notify the Board by submitting: ()

a. A signed letter advising that the establishment is out of business; or ()

b. The establishment license bearing the signature of the owner(s) or authorized agent and marked out-of-business; or ()

c. For a contiguous establishment license, a signed statement by the associated primary establishment advising that the contiguous establishment is out of business. ()

06. License Status. A new primary establishment license will not be issued for any location that is currently licensed as a primary establishment at the time of application. ()

327. RETAIL COSMETICS DEALER LICENSE.

The Board may grant a retail cosmetic dealer license to allow the application of cosmetic products to customers' faces in connection with the sale of the products. An applicant for a retail cosmetic dealer license must complete an application as set forth in Section 200 of these rules, pay the required fee, and meet the following requirements: ()

01. Requirements. All retail cosmetic dealers shall provide an area within the business premises for disinfection and storage of equipment and supplies necessary to perform any cosmetic application services provided. The business premises must have: ()

- a. Access to hot and cold running water; ()
- b. Access to restroom facilities; ()
- c. Disinfectants, as defined in these rules; ()
- d. Single-use samples, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product; and ()
- e. First-aid kit. ()

02. Change in Ownership or Location. Licenses are not transferable. Whenever a change of ownership or location of a facility occurs, a new application for a facility license must be submitted together with the required fee to the Board, and all the facility requirements must be met. ()

03. Cessation of Operation. Whenever any facility ceases operation at the licensed location, the owner(s) shall notify the Board in writing that the facility is out of business and the facility license shall be submitted to the Bureau. ()

328. RETAIL THERMAL STYLING EQUIPMENT DEALER REGISTRATION.

The Board may grant a registration as a retail thermal styling equipment dealer to an applicant who completes an application as set forth in Section 200 of these rules, pay the required fee, and meet the following requirements: ()

01. Training. The dealer is responsible to train all employees on the proper and safe use of the thermal styling equipment and all disinfection related to the demonstration of the equipment prior to permitting an employee's use of the equipment on customers. ()

02. Requirements. All retail thermal styling equipment dealers shall provide the equipment and supplies necessary to perform any demonstration of the thermal styling equipment. The area where the demonstration is being performed must have: ()

- a. Disinfectants, as defined in these rules; and ()
- b. First-aid kit. ()

03. Change in Ownership or Location. Registrations are not transferable. Whenever a change of ownership or location of a facility occurs, a new application for a registration must be submitted together with the required fee to the Board, and all the facility requirements must be met. ()

04. Cessation of Operation. Whenever any facility ceases operation at the licensed location, the owner(s) shall notify the Board in writing that the facility is out of business and the registration shall be submitted to the Bureau. ()

329. -- 399. (RESERVED)

400. RENEWAL OR EXPIRATION OF LICENSE.

A licensee must renew his/her/its license annually as set forth in Section 67-2614, Idaho Code, and may reinstate his/her/its license within five (5) years after expiration as provided in Section 67-2614, Idaho Code. ()

401. -- 499. (RESERVED)

500. BARBER AND COSMETOLOGY SCHOOL REQUIREMENTS.

The Board may grant a license to an applicant for licensure to operate a barber or cosmetology school who completes an application as set forth in Section 200 of these rules, pays the required fee, and who meets the following requirements: ()

01. Premises. The premises of a barber or cosmetology school must: ()

a. Possess sufficient apparatus and equipment for the proper and full teaching of all subjects or its curriculum. Each barber chair in each barber school shall be of such construction that it may be readily cleaned and it shall be mechanically workable and in good working order. Space between barber chairs and the workstand or wall shall be adequate so that no student will be hampered in the performance of his/her work. ()

b. Provide adequate space, ventilation, lighting, and facilities to safely accommodate all students, instructors, and customers. ()

c. Have classroom and training areas equipped with sufficient seating capacity and work stations for all enrolled students. ()

d. Provide a restroom with a sink with hot and cold running water and approved drainage system. ()

02. Faculty or Instructors. A school must be under the direct, personal supervision at all times of a licensed cosmetology instructor if a cosmetology school or a licensed barber or barber-stylist instructor if a barber school and must employ and maintain a licensed instructor for every twenty (20) students or fraction thereof, with an instructor trainee counting as an instructor for the purposes of the student-instructor ratio. ()

a. An instructor shall teach only those subject areas for which the instructor is licensed. ()

b. Instructors must devote their time during school or class hours to instructing students rather than engaging in occupational practice. ()

03. Operations. A barber or cosmetology school must: ()

a. Maintain regular class and instruction hours, establish grades and hold monthly examinations. This information will be transferred to the record of instruction; ()

b. Prescribe a school term for training in all aspects of the practice being taught; and ()

c. Offer school hours for the purpose of instruction on at least five (5) days per week. ()

04. Curriculum. A school must submit a curriculum and course catalog that covers the subjects, as set forth in Section 54-5815(1)(g), Idaho Code, relating to the profession for which the school is seeking approval to teach. Any proposed changes to a curriculum or catalog must be approved by the Board. The submission must identify what specific changes are being made to the curriculum. ()

05. Clinical Work. Each school shall advertise to the public that it is a school and that all work is done by students. The clinic area shall not have connecting entrances to establishments or businesses other than barber or cosmetology schools. ()

a. Students shall not be permitted to render any clinical service to patrons until students have completed at least five percent (5%) of the required hours of instruction. ()

b. All clinical work shall be performed under the supervision of a licensed instructor. ()

c. Clinical work shall be recorded on the record of instruction for each month. ()

06. Student Records To be Maintained by the School. A school must maintain the following records for each enrolled student: ()

a. Proof of age showing student is no less than sixteen and one-half (16 ½) years of age; ()

b. Proof of showing student has satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education as evidenced in a manner identified in Subsection 300.02 of these rules; ()

c. Daily attendance record for each student; ()

d. Record of instruction for each student showing the classroom hours, the clinical hours, and operations done for each month in which the student is enrolled; and ()

e. When a student's course of instruction has been completed or terminated, the completed operations, and number of hours of instruction are to be recorded by the school on the record of instruction form. This form is to be provided to the student and maintained by the school for five (5) years from completion or termination. ()

07. Change in Ownership or Location. ()

a. Licenses are not transferable. ()

b. A new application must be submitted to the Board and a license issued for a new or additional location or a change of ownership of an existing school. ()

08. Cessation of School. When a school ceases to operate as a school, the school must provide each enrolled student his/her records of instruction at or before the cessation of operations. ()

501. RULES FOR COSMETOLOGY SCHOOLS APPROVED TO TEACH ELECTROLOGY.

The Board may grant a license to an applicant to operate an electrology school to an applicant who completes an application as set forth in Section 200 of these rules, pays the required fee, and meets the following requirements: ()

01. Premises. Schools provide a minimum of three hundred (300) square feet of designated floor space per six (6) students. ()

02. Required Equipment. Each school shall have the following equipment, which is considered the minimum equipment necessary for the proper instruction of students. This amount of equipment is based on six (6) students. ()

a. Work stations equal to seventy-five percent (75%) of total enrollment; ()

b. Two (2) brands of machines, one (1) of which has three (3) method capability: Galvanic, Thermolysis, and Blend; ()

c. Two (2) treatment tables and adjustable technician chairs; ()

d. Two (2) swing arm lamps with magnifying lens; ()

e. Two (2) magnifying glasses; ()

- f. Tweezers; ()
- g. One (1) basin with approved water source; ()
- h. Necessary sanitation equipment for implements; and ()
- i. Closed storage cabinet. ()

03. Student Supplies. Each student is to be issued a basic kit containing two (2) tweezers, disposable probes, eye shields, disposable gloves, before treatment solution, after treatment lotion, hair pins or clips, and one (1) sharps container. ()

04. Faculty or Instructors. A school must be under the direct, personal supervision at all times of one (1) licensed electrologist instructor for every six (6) students or portion thereof being trained therein. ()

05. Curriculum. A school must submit a curriculum and course catalog that covers the subjects relating to electrology as set forth in Section 54-5815(1)(g)(iv), Idaho Code. Any changes to a curriculum or catalog must be approved by the Board prior to implementing the proposed changes. The submission must identify what specific changes are being made to the curriculum. ()

06. Clinical Work. A cosmetology school approved to teach electrology must meet the same requirements regarding clinical work as a school of cosmetology as set forth in Subsection 500.05 of these rules. ()

07. Student Records To be Maintained by the School. Records required of cosmetology schools approved to teach electrology shall be maintained in accordance with the records required for schools of cosmetology as set forth in Subsection 500.06 of these rules. ()

08. Change in Ownership or Location. ()

a. Licenses are not transferable. ()

b. A new application must be submitted to the Board and a license issued for a new or additional location or a change of ownership of an existing school. ()

09. Cessation of School. When a school ceases to operate as a school, the school must provide each enrolled student his/her records of instruction at or before the cessation of operations. ()

502. EDUCATIONAL PROGRAM STANDARDS FOR COURSES OF INSTRUCTION.

A licensed school must maintain the following educational program standards for each course of instruction for which it is approved to teach. ()

01. Barber. Coursework must include courses in the following content areas: ()

a. Haircut; ()

b. Blow dry (does not include haircut); ()

c. Shampoo; ()

d. Shave and Beard Trim; ()

e. Facial; ()

f. Hair and Scalp Treatment; ()

g. Curling Iron; and ()

- h.** Hygiene and disinfection shall be taught on a continuing basis and indicated on the record of instruction. ()
- 02. Barber-Stylist.** Coursework must include courses in the following content areas: ()

 - a.** Haircut; ()
 - b.** Style/blow dry (does not include haircut); ()
 - c.** Shampoo; ()
 - d.** Permanent Wave; ()
 - e.** Shave and Beard Trim; ()
 - f.** Facial; ()
 - g.** Color/Bleach/Rinse; ()
 - h.** Hair and Scalp Treatment; ()
 - i.** Curling Iron; and ()
 - j.** Hygiene and disinfection shall be taught on a continuing basis and indicated on the record of instruction. ()
- 03. Cosmetology.** A record of the operations completed by each student shall be maintained and include the following: ()

 - a.** Creative hair styling which shall include hair styles, wet sets/styling, thermal styles, fingerwaving, braiding/free styling; ()
 - b.** Scalp Treatments; ()
 - c.** Permanent Waves (All Methods); ()
 - d.** Haircutting/shaping which shall include scissor and razor/clipper; ()
 - e.** Bleaching; ()
 - f.** Tinting; ()
 - g.** Semi Permanent/Temporary Color; ()
 - h.** Frosting/Highlights; ()
 - i.** Facials; ()
 - j.** Makeup Application; ()
 - k.** Waxing; ()
 - l.** Manicures which shall include plain and oil; ()
 - m.** Pedicures ()

- n. Artificial Nails; and ()
- o. Hygiene and disinfection shall be taught on a continuing basis and indicated on the record of instruction. ()
- 04. Esthetics.** The recorded operations completed by each student shall be maintained and include the following: ()
 - a. Massage and manipulation application of lotions, creams, tonics, solutions, skin care masks, and similar cosmetic preparations and their effects on the skin and body; ()
 - b. Cleansing, steaming, exfoliation, and extraction procedures; ()
 - c. Cosmetics and makeup application; ()
 - d. Machine Application: use of mechanical or electrical equipment; ()
 - e. Bacteriology, disinfection and sterilization, and safety precautions; ()
 - f. Human anatomy, physiology and histology of skin care; ()
 - g. Follicle growth cycle and hair removal procedures; ()
 - h. Skin analysis, conditions, disorders, and diseases; and ()
 - i. Hygiene and disinfection shall be taught on a continuing basis and indicated on the record of instruction. ()
- 05. Nail Technology.** The recorded operations completed by each student shall be maintained and include the following: ()
 - a. Form nails; ()
 - b. Finished tips; ()
 - c. Wraps and mends; ()
 - d. Basic manicures and pedicures; and ()
 - e. Hygiene and disinfection shall be taught on a continuing basis and indicated on the record of instruction. ()
- 06. Haircutter.** The recorded operations completed by each student shall be maintained and include the following: ()
 - a. Haircutting and Hair shaping; ()
 - b. Creative hair styling which shall include hair styles, wet sets/styling, thermal styles, fingerwaving, braiding/free styling; ()
 - c. Use of cutting implements; ()
 - d. Basic shampooing and conditioning; and ()
 - e. Hygiene and disinfection shall be taught on a continuing basis and indicated on the record of instruction. ()

- 07. Electrology.** The recorded operations completed by each student shall be maintained and include the following: ()
- a.** Bacteriology, disinfection and sterilization, safety precautions, anatomy, and physiology; ()
 - b.** Electricity which shall include the nature of electrical current, principles of operating electrical devices and the various safety precautions used when operating electrical equipment; ()
 - c.** Electrolysis which shall include the use and study of galvanic current; ()
 - d.** Thermolysis, including the use and study of high frequency current, automatic and manual; ()
 - e.** A combination of high frequency and galvanic currents; ()
 - f.** The study and cause of hypertrichosis; and ()
 - g.** Hygiene and disinfection shall be taught on a continuing basis and indicated on the record of instruction. ()

- 08. Instructor.** The recorded operations completed by each student shall be maintained and include the following: ()
- a.** Lesson planning; ()
 - b.** Audio-Visual aid preparation; ()
 - c.** Theory class; ()
 - d.** Practical demonstrations; ()
 - e.** Testing and evaluation theory; ()
 - f.** Testing and evaluation; and ()
 - g.** Clinic floor supervision. ()

503. -- 549. (RESERVED)

550. APPRENTICE REGISTRATION AND APPRENTICESHIPS.

The Board may issue a registration as an apprentice to allow a person to engage in the practice of cosmetology, nail technology, esthetics, electrology, or makeup artistry while completing the required instructional hours for a license or certificate. An apprentice may only practice under direct supervision as provided below. ()

- 01. Application and Qualifications.** An applicant must submit a completed application on a form approved by the Board, pay the required fee, and meet the following qualifications: ()
- a.** Be at least sixteen and one-half (16 ½) years of age; ()
 - b.** Have successfully completed at least two (2) years of high school or have attained an equivalent education as determined by the board as evidenced in a manner identified in Subsection 300.02 of these rules; ()
 - c.** Have certification from the establishment that the applicant is enrolled as an apprentice in the establishment; ()
 - d.** Identify the names and license numbers of the licensed cosmetologists, electrologists, estheticians, and nail technicians employed in the establishment in which the applicant will serve as an apprentice; and ()

e. Identify the name(s) and license number(s) of the licensed cosmetology, electrology, esthetics, or nail technology instructor who will instruct the applicant during the apprenticeship. ()

02. Instruction. The instructor for any apprenticeship must submit to the Board a curriculum for the entire course of apprenticeship instruction. The Board must approve the curriculum prior to the beginning of instruction. The curriculum must cover the subjects relating to the profession for which the apprentice is pursuing licensure as set forth in Section 54-5815(1)(g), Idaho Code. ()

03. Supervision. There must be at least one (1) licensed instructor and one (1) separate supervising licensee for each apprentice in the establishment at all times when an apprentice is being trained, except that an electrology apprentice may be supervised solely by the electrology instructor. ()

a. The instructor must be licensed to teach the profession for which the registrant is pursuing licensure and the supervising licensee must be licensed to practice the profession for which the apprentice is pursuing licensure. ()

b. An instructor may not train more than three (3) currently registered apprentices, except that an electrology instructor may not train more than one (1) currently registered electrology apprentice. ()

c. An establishment may not have more than six (6) currently registered apprentices, unless otherwise approved by the Board. ()

d. An establishment or an instructor under current discipline may not supervise an apprentice. ()

e. An apprentice shall not be permitted to render any clinical service to patrons until the apprentice has completed at least five percent (5%) of the required hours of instruction. ()

04. Recordkeeping. Establishments employing an apprentice shall keep a daily work record of the attendance of the apprentice and a record of the types of instruction given and the work performed by the apprentice as set forth below. ()

a. An apprentice must be given monthly progress records, and the monthly record shall be signed and dated by the apprentice and the instructor. The establishment shall maintain the records for a period of five (5) years following completion or termination of the apprentice instruction. ()

b. When an apprentice's course of instruction has been completed or terminated, the completed operations and number of hours of instruction are to be recorded by the establishment on the Record of Instruction Form. The instructor must submit the Record of Instruction to the Board within fourteen (14) days of the completion of the apprenticeship. The establishment must maintain a copy of the Record of Instruction for a period of five (5) years from completion or termination date. ()

c. Attendance, instruction, and work records must be kept in the establishment in which the apprentice is employed. ()

d. Apprenticeship records are subject to inspection by the Board at any time. ()

05. Termination of Registration. A registration as an apprentice is valid from the date of issuance until the apprentice is no longer enrolled as an apprentice in the establishment identified on the apprentice's application. ()

a. When an apprentice discontinues a course of study, the establishment must complete a Record of Instruction Form with the total number of hours worked and the types of instruction given to the apprentice. The Record of Instruction Form must be submitted to the Board within thirty (30) days of the discontinuance of the apprenticeship. If an apprentice discontinues a course of instruction and does not transfer to another salon within sixty (60) days, the apprentice registration is automatically canceled and is to be submitted to the Board along with the Record of Instruction. ()

b. When an establishment where apprentices are being trained ceases operation as an establishment, the establishment must submit the records of instruction for each apprentice to the Board within thirty (30) days. ()

c. An apprentice who has discontinued a course of study must apply for and be granted a new registration under Subsection 550.01 of these rules, prior to resuming instruction. ()

06. Out of State Apprenticeship. An applicant who has received instruction as an apprentice in another state must file with the Board a copy of the record of instruction from the out of state apprenticeship. For purposes of this section, the record of instruction will be a statement which gives detailed information regarding operations and hours of instruction, and which is to be verified by the licensing agency or instructor(s) in the state in which the instruction was obtained. ()

551. -- 699. (RESERVED)

700. SCOPE OF PRACTICE.

All licensees shall practice in a competent manner consistent with their level of education, training, and experience. ()

701. -- 709. (RESERVED)

710. PRACTICE OUTSIDE OF A LICENSED ESTABLISHMENT.

All licensees and certificants must practice in a place or establishment that is licensed for such practice, except as provided for in Section 54-5804, Idaho Code, or when the services provided by the licensee or certificant are limited to the following: ()

01. Hair Styling. Arranging, styling, dressing of the hair. Trimming of the hair may be performed when it is incidental to the arranging, styling, or dressing of the hair, including facial hair such as beards, mustaches, and eyebrows. ()

02. Coloring. Wash out topical color, tinted powder, spray or chalk to temporarily camouflage the hair.

03. Extensions. Application of extensions with non-permanent adhesive or thread, such as clip in hair, halos, wig and toupees. ()

04. Temporary Hair Removal. Tweezing of hairs on the face and neck. ()

05. Cleansing. Cleansing of the face for the limited purpose of removing makeup and debris and cosmetic preparations for the application of makeup. ()

06. Nail Services. Application of nail polish by painting without the use of a lamp or light, removal of polish that is incidental to the painting of the nail, and shaping of the nail with a single-use emery board. ()

07. Makeup Application. Application of makeup. ()

08. Safety and Disinfection. All licensees and certificants must comply with the safety and disinfection rules applicable to the services being performed, regardless of the location where the services are performed. ()

711. -- 799. (RESERVED)

800. UNPROFESSIONAL CONDUCT.

A licensee shall not engage in unprofessional conduct in the course of his/her practice. Unprofessional conduct is conduct which has endangered or is likely to endanger the health, welfare, or safety of the public and includes, but is not limited to, the following: ()

- 01. Use of MMA.** Use of Methyl Methacrylate acid (MMA); ()
- 02. Use of Skin Cutting Instruments.** Use of skin cutting instruments, including razor-type callus shavers, credo blades, microplane, or other rasps or graters designed to remove corns or calluses by cutting below the skin surface. The presence of such instruments creates a presumption of the instrument's use; ()
- 03. Use of UV Sterilizers.** Use of ultraviolet (UV) sterilizers for disinfection. This does not prohibit the use of ultraviolet dryers or lamps used to dry or cure nail products; ()
- 04. Use of Roll-on Wax.** Use of roll-on wax, except that single-use roll-on wax cartridges are acceptable when they are disposed of immediately after use; ()
- 05. Double-Dipping.** Placing an item or instrument that has been used on a person into a wax pot or other container that holds wax, a compound, solution, or other cosmetic preparation that will be used for more than one (1) than patron. This prohibited practice is commonly referred to as double-dipping; ()
- 06. Reuse of Single-Use or Porous Items.** Use of single-use or porous items on more than one (1) patron. The presence of used single-use or porous items, which have not been disposed of, creates a presumption of the item's use or intended use on more than one patron. ()
- 07. Apprentices.** Failure to adequately supervise, instruct, or train an apprentice; ()
- 08. Inspections and Investigations.** Interference with an inspection or investigation conducted by or on behalf of the Board; ()
- 09. Disease Transmission Prevention.** Performing a service on a patron who has an open sore or a known contagious disease of a nature that may be transmitted by performing the procedure, unless the licensee takes medically-approved measures to prevent transmission of the disease; or ()
- 10. Practice Outside Scope of Training.** Performing services or using machines or devices outside the licensee's area of training, expertise, competence, or scope of practice for the license held. ()

801. -- 849. (RESERVED)

850. INSPECTION OF ESTABLISHMENTS, SCHOOLS AND FACILITIES.

All establishments, schools, and facilities shall be subject to inspection by the Board or its agents during business hours without notice to ensure the safe operation of each establishment, school, or facility and to ensure continued compliance with Chapter 58, Title 54, Idaho Code, and these rules. ()

01. Form. The Board may adopt a form which identifies those general items that will be inspected and a level of compliance necessary for issuance or renewal of a license and for which a failure to meet that level is grounds for discipline. Violations of the Chapter 58, Title 54, Idaho Code, or these rules that are not listed on the form but that are found during inspection are also grounds for discipline. ()

02. Classification Card. Following an inspection, each establishment, school, and facility, except for retail thermal styling equipment dealers, will receive classification as follows: 100%–90% = "A"; 89%–80% = "B"; 79% and below = "C." The "C" classification denotes an unacceptable level of compliance and a reinspection is required. ()

03. Reinspection. A facility, school, or establishment not found to be at an acceptable level of compliance must make improvements within thirty (30) days. The Board may allow an establishment, school, or facility to continue to operate during that period. The Board may take action prior to any reinspection when the circumstances represent an immediate danger to the public health, safety, or welfare. ()

851. SAFETY AND DISINFECTION FOR ESTABLISHMENTS AND SCHOOLS.

All establishments and schools must take every precaution to prevent the transfer of disease-causing pathogens between people and comply with Chapter 58, Title 54, Idaho Code. At a minimum the establishment or school must

meet the following requirements: ()

01. Premises. Establishments and schools must be separated from living areas by substantial walls and/or closable doors. All establishments and schools must be maintained in an orderly manner and shall be heated, lighted, and ventilated so as to be safe and comfortable to the operators and patrons. Floors, walls, ceilings, furniture, and all other fixtures shall be kept clean and in good repair at all times. ()

02. Instrument Cleaning. All instruments used by operators shall be thoroughly cleaned after each use and prior to disinfection. ()

03. Instrument Disinfection or Sterilization. All instruments used by operators shall be disinfected or sterilized after cleaning and prior to use on each patron, with a disinfectant or sterilant as defined in these rules. All disinfectant must be mixed and changed according to the manufacturers' instructions. Disinfection methods such as immersion, sprays, and wipes may be used. Contact time listed on the disinfectant's label must be adhered to in all circumstances. Items or surfaces must remain completely immersed in disinfectant, or visibly wet if using sprays or wipes, for the full amount of contact time. ()

04. Single-Use and Porous Instruments. Instruments that are intended for single use or that are porous shall be immediately disposed of in a waste container after each use on a patron or given to the patron to take home for personal use, provided that the instruments may not be brought back to the establishment for future use. ()

05. Towels. Clean towels shall be used for each patron. Towels and linens that have been used must be placed in a container that is covered and has vented sides to reduce the growth of pathogens, and the container must be disinfected on a weekly basis with a disinfectant and as directed on the disinfectant manufacturer's label. Towels and linens may be laundered commercially or washed on-site. When done on-site, laundry must be dried until hot to the touch. A clean paper or cloth neckband shall be used to provide a barrier to infection which shall be maintained between each patron's neck and all multi-use capes. Paper towels and paper neckstrips shall be disposed of after one (1) use. ()

06. Storage of Equipment. All towels, linens, and instruments, except for electrical instruments, shall be stored in clean, closed cabinets, drawers, or containers after they are cleaned and disinfected. All electrical instruments must be stored in a clean place, such as a hook, stand, or on a clean towel after they are cleaned and disinfected and may not be stored in cabinets, drawers, or containers that contain clean or disinfected items. All items that have been used must be kept in a closed, covered container with solid sides that is clearly identified as containing used items. Containers for used items must be disinfected on a daily basis. ()

07. Dispensers. All solutions and compounds shall be clearly labeled, maintained, and dispensed in a manner to prevent contamination of the unused portion. All single-use applicators used to dispense a solution or compound shall be disposed of in a waste container after one (1) use. ()

08. Waxes and Waxing Services. Paraffins, waxes and all other solutions or compounds shall be covered and maintained free of any foreign contaminants. Only disinfected or unused, single-use items may be placed into a container that holds wax or paraffins. Waxes and paraffins must be dispensed for use on a patron in the following manner: ()

a. Wax may be removed from a multi-use wax pot for use on a patron by one of the following methods: ()

i. Single-use spatula disposed of after a single dip/application; ()

ii. Disinfected plastic spatulas with one disinfected spatula used for each dip into the wax pot; or ()

iii. Placement of all wax needed for entire service in a single-use, disposable cup or a container that can be properly cleaned and disinfected, such as a stainless steel bowl. The cup, any remaining wax, and all single-use applicators must be immediately disposed of at the conclusion of the service. This is the only instance in which a single applicator may be used for an entire service. ()

b. Paraffin wax must be portioned out for each patron in a bag or other container, or dispensed in a manner that prevents contamination of the unused supply. All portions used on a patron must be disposed of immediately following use. ()

09. Makeup Services. All makeup and makeup services must follow the requirements in Section 852 of these rules. ()

10. Nail Services. A licensee must comply with the following disinfection procedures between every patron: ()

a. All pedicure bowls, basins or tubs must be cleaned and disinfected prior to each use as follows: ()

i. Empty pedicure bowl. ()

ii. Remove all removable parts, including screens, foot plates, impellers and fans. ()

iii. Clean removable parts with soap or detergent and water, rinse, and immerse parts in disinfectant following manufacturer's directions for proper contact time. ()

iv. Scrub bowl with soap or detergent and rinse with clean water. ()

v. Replace removable cleaned and disinfected parts. ()

vi. Fill bowl and add disinfectant to achieve proper concentration. ()

vii. Allow disinfectant solution to sit, or run through system for bowls with circulating water for the manufacturer's recommended contact time. ()

viii. Drain the tub, rinse and air dry or wipe dry with clean paper towel. ()

b. Metal drill bits may be soaked in acetone to remove nail product. When removed from the acetone, they must be cleaned using soap, water, and a brush, and then rinsed prior to immersion in disinfectant. Drill bits must remain in disinfectant for the full contact time. ()

11. Water Supply and Hand Washing. Water supplies shall be from an approved source. Sufficient basins with hot and cold running water, approved drainage systems, soap and single-use towels shall be conveniently located within the work area. Operators and students shall wash their hands with running water and soap prior to providing service to any patron. When hand washing is not practicable, hand sanitizer of at least seventy percent (70%) alcohol may be used. ()

12. Restroom Facilities. Clean, adequate and convenient restroom facilities, located and accessible from within the building where the shop or school is located, shall be available for use by operators and patrons. A basin with hot and cold running water, approved drainage systems, soap and single-use towels shall be provided within said facilities. All operators and students must wash their hands with running water and soap and then dry their hands with a single-use towel after using the restroom. ()

13. Safety. Clearly identifiable first-aid kit must be readily accessible on the premises. No animals are allowed in shops or schools except service dogs trained to do work or perform tasks for persons with disabilities. The definition of service animals and disabilities shall be as set forth in U.S. Department of Justice Regulations at 28 C.F.R. Section 36.104 effective August 11, 2016. ()

14. Licenses and Classification Cards. All establishments and schools must be licensed prior to their operation and must be under the direct supervision of a licensed operator. A current establishment and/or school license, valid operator license(s), a copy of these safety and disinfection rules, and a valid classification card shall be conspicuously displayed in the work area of each establishment or school for the information of operators, Board agents, and the public. ()

852. SAFETY AND DISINFECTION FOR RETAIL COSMETICS DEALER FACILITIES AND MAKEOVER OR GLAMOUR PHOTOGRAPHY BUSINESSES.

All retail cosmetic dealers and makeover or glamour photography businesses must take every precaution to prevent the transfer of disease-causing pathogens between people and must comply with Chapter 58, Title 54, Idaho Code. At a minimum the dealer or business must meet the following requirements: ()

01. Cake, Loose, or Liquid Makeup. All makeup that comes in a cake, loose, or liquid form, must be transferred to a palette with a disinfected or single-use spatula for use with a single customer and in a manner to prevent any contamination. Any excess make-up must be disposed of immediately following use on or by a customer. ()

02. Makeup Pencils. Make-up pencils that require a sharpener must be sharpened prior to each use. Sharpeners must be cleaned and disinfected in accordance with Subsections 851.02 and 851.03 of these rules. Eyeliner that does not require a sharpener must have a portion transferred to a palette with a disinfected or single-use spatula for use on a single customer. ()

03. Mascara. Single-use applicators must be used in the application of mascara. ()

04. Brushes and Implements. All implements and applicators, including brushes, that are used on customers or made available to be used by customers must be stored, cleaned, and disinfected or disposed of in accordance with Section 851 of these rules. ()

05. Displays. All make-up should be covered when not in use. When make-up displays are accessible to the public, single-use applicators for all make-up must be readily available. ()

06. Water Supply and Restroom Facilities. The facility or business must meet the requirements in Subsections 851.11 and 851.12 of these rules. ()

07. First-aid Kit. The facility or business must have a clearly identifiable first-aid kit readily accessible on the premises. ()

08. Licenses and Classification Card. All retail cosmetics dealers and glamour or makeover photography businesses must be licensed prior to their operation. A current license, a copy of these safety and disinfection rules, and a valid classification card shall be conspicuously displayed in the work area of each facility for the information of employees, Board agents, and the public. ()

853. SAFETY AND DISINFECTION FOR RETAIL THERMAL STYLING DEALER FACILITIES.

All retail thermal styling equipment dealers must take every precaution to prevent the transfer of disease-causing pathogens between people and must comply with Chapter 58, Title 54, Idaho Code. At a minimum the dealer must meet the following requirements: ()

01. Cleaning, Disinfection, and Storage. All implements and electrical equipment used on a customer must be cleaned, disinfected, and stored in accordance with Subsections 851.02, 851.03, 851.04, and 851.06 of these rules. ()

02. First-aid Kit. The facility or business must have a clearly identifiable first-aid kit readily accessible on the premises. ()

03. Registration and Classification Card. All retail thermal styling equipment dealers must be registered prior to their operation. A current registration, a copy of these safety and disinfection rules, and a valid classification card shall be conspicuously displayed in the work area of each facility for the information of employees, Board agents, and the public. ()

854. -- 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Barber and Cosmetology Services Licensing Board

Agency Contact: Tana Cory, Bureau Chief **Phone:** (208) 334-3233

Date: August 30, 2018

IDAPA, Chapter and Title Number and Chapter Name:

24.28.01 - Rules of the Barber and Cosmetology Services Licensing Board

Fee Rule Status: **Proposed** **Temporary**

Rulemaking Docket Number: 24-2801-1802

STATEMENT OF ECONOMIC IMPACT:

These rules implement Senate Bill 1324 which passed during the 2018 Legislative Session. That bill combined the prior Boards of Barber Examiners and the Board of Cosmetology to create the new Barber and Cosmetology Services Licensing Board. The Board is a dedicated fund agency, and it operates on licensure fees. Therefore, the Board is establishing fees for the licensure and renewal of the professions that fall within the Idaho Barber and Cosmetology Services Act. It is estimated that these fees will cover the costs to the board for administering the Act. The proposed rule will have no impact on General Funds.