

IN THE SENATE

SENATE BILL NO. 1053

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE BARBER AND COSMETOLOGY SERVICES ACT; AMENDING SECTION
2 54-5802, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 54-5810,
3 IDAHO CODE, TO PROVIDE FOR BARBER AND BARBER-STYLIST APPRENTICESHIP
4 AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-5817, IDAHO
5 CODE, TO PROVIDE FOR BARBER AND BARBER-STYLIST APPRENTICESHIP.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 54-5802, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-5802. DEFINITIONS. As used in this chapter:

11 (1) "Apprentice" means a person registered with the barber and cosme-
12 tology services licensing board to learn an occupation in a licensed estab-
13 lishment who, while so learning, performs or assists in performing any prac-
14 tices of barbering, barber-styling, or cosmetology.

15 (2) "Approved or licensed school" means a postsecondary barber or cos-
16 metology school that:

17 (a) Is licensed under its official name by the barber and cosmetology
18 services licensing board; and

19 (b) Admits as students only those individuals who meet the requirements
20 of paragraphs (a) and (b) in section 54-5810(7), Idaho Code.

21 (3) "Barber" means a person licensed to practice barbering as defined
22 in this section.

23 (4) "Barbering" means any one (1) or any combination of the following
24 practices when performed on the upper part of the human body for cosmetic
25 purposes and not for the treatment of disease or physical or mental ailments:

26 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-
27 ing, cleansing, singeing or performing similar work on the hair;

28 (b) Fitting, cutting or dressing hairpieces or toupees;

29 (c) Giving facial and scalp massages or treatments with oils, creams,
30 lotions or other preparations, either by hand or by a mechanical appli-
31 ance; and

32 (d) Applying cosmetic preparations, antiseptics, powders, oils, clays
33 or lotions to the scalp, face, neck or other parts of the upper body.

34 (5) "Barber-styling" means any one (1) or any combination of the fol-
35 lowing practices when performed on the upper part of the human body for cos-
36 metic purposes and not for the treatment of disease or physical or mental
37 ailments:

38 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-
39 ing, waving by any method, straightening, cleansing, singeing, bleach-
40 ing, coloring or performing similar work on the hair;

41 (b) Fitting, cutting or dressing hairpieces or toupees;

1 (c) Giving facial and scalp massages or treatments with oils, creams,
2 lotions or other preparations, either by hand or by a mechanical appli-
3 ance; and

4 (d) Applying cosmetic preparations, antiseptics, powders, oils, clays
5 or lotions to the scalp, face, neck or other parts of the upper body.

6 (6) "Barber-stylist" means a person licensed to practice bar-
7 ber-styling as defined in this section.

8 (7) "Board" means the barber and cosmetology services licensing board
9 established by section 54-5806, Idaho Code.

10 (8) "Bureau" means the bureau of occupational licenses.

11 (9) "Cosmetologist" means a person licensed to practice cosmetology as
12 defined in this section.

13 (10) "Cosmetology" means any one (1) or any combination of the following
14 practices when performed on the human body for cosmetic purposes and not for
15 the treatment of disease or physical or mental ailments:

16 (a) Cutting, trimming, arranging, dressing, curling, waving by any
17 method, cleansing, singeing, bleaching, coloring or performing similar
18 work on the hair;

19 (b) Fitting, cutting or dressing hairpieces or toupees;

20 (c) Noninvasive care of the skin by application of cosmetic prepa-
21 rations, antiseptics, tonics, lotions, creams and essential oils
22 to cleanse, massage, exfoliate, hydrate and stimulate; makeup ap-
23 plication; pore extraction; use of chemical exfoliants approved for
24 professional esthetic use; particle exfoliation; use of any class I
25 medical device, as classified by the United States food and drug admin-
26 istration, designed for care of the skin, except that a class II medical
27 device designed for care of the skin may be used as directed and super-
28 vised by an authorized and licensed health care practitioner; temporary
29 removal of superfluous hair by lotions, creams, waxing, tweezing, de-
30 pilatories or other means; and tinting or perming the eyebrows and
31 eyelashes; and

32 (d) Manicuring and pedicuring nails and applying artificial nails.

33 (11) "Department" means the Idaho department of self-governing agen-
34 cies.

35 (12) "Electrologist" means a person licensed to practice electrology,
36 as defined in this section, and skilled in the permanent removal of unwanted
37 hair.

38 (13) "Electrology" or "electrolysis" means the permanent removal of
39 hair by destroying the hair-producing cells of the skin and vascular system
40 through the use of equipment and devices approved by and registered with the
41 United States food and drug administration.

42 (14) "Establishment" means a place licensed under this chapter, other
43 than a licensed school, where barbering, barber-styling, cosmetology or
44 electrology is practiced.

45 (15) "Esthetician" means a person licensed to practice esthetics as de-
46 fined in this section.

47 (16) "Esthetics" means noninvasive care of the skin by application of
48 cosmetic preparations, antiseptics, tonics, lotions, creams and essential
49 oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup applica-
50 tion; pore extraction; use of chemical exfoliants approved for professional

1 esthetic use; particle exfoliation; use of any class I medical device, as
2 classified by the United States food and drug administration, designed for
3 care of the skin, except that a class II medical device designed for care
4 of the skin may be used as directed and supervised by an authorized and li-
5 censed health care practitioner; temporary removal of superfluous hair by
6 lotions, creams, waxing, tweezing, depilatories or other means; and tinting
7 or perming the eyebrows and eyelashes.

8 (17) "Haircutter" means a person licensed to practice haircutting as
9 defined in this section.

10 (18) "Haircutting" means cutting, trimming, arranging, dressing, curl-
11 ing, cleansing, singeing or performing similar work on the hair and fitting,
12 cutting or dressing hairpieces or toupees.

13 (19) "Instructor" means a barber, barber-stylist or cosmetologist li-
14 censed to teach barbering, barber-styling or cosmetology in a barber school,
15 a cosmetology school or an establishment meeting the requirements for ap-
16 prenticeship training.

17 (20) "Instructor trainee" means a barber, barber-stylist or cosmetol-
18 ogist attending a licensed school to receive training to teach barbering,
19 barber-styling or cosmetology.

20 (21) "Makeover or glamour photography business" means a business offer-
21 ing photographic services to the general public in which the business's em-
22 ployees apply cosmetic products to customers' faces or arrange the hair of
23 customers in connection with the sale or attempted sale of photographic ser-
24 vices.

25 (22) "Makeup artist" means a person certificated to practice makeup
26 artistry as defined in this section.

27 (23) "Makeup artistry" means noninvasive care of the skin by applica-
28 tion of cosmetic preparations for cleansing and the application of makeup,
29 which includes the application of cosmetics or any pigment product that is
30 used to cover, camouflage or decorate the skin.

31 (24) "Nail technician" means a person licensed to practice nail tech-
32 nology as defined in this section.

33 (25) "Nail technology" means any one (1) or more of the following prac-
34 tices when performed on the human body:

35 (a) Manicuring and pedicuring nails;

36 (b) Applying artificial nails; and

37 (c) Massaging the hands and feet.

38 (26) "Nail technology instructor" means a nail technician licensed to
39 teach nail technology at a school of cosmetology.

40 (27) "Person" means a human individual.

41 (28) "Retail cosmetics dealer" means a stationary business offering
42 cosmetic products for sale at retail to the general public, in which the
43 business's employees apply cosmetic products to customers' faces in connec-
44 tion with the sale or attempted sale of the products without compensation
45 from the customer other than the regular price of the products.

46 (29) "Retail thermal styling equipment dealer" means a retail business
47 that offers thermal styling equipment, such as curling irons, curling wands,
48 flat irons, heated hair rollers, blow-dryers or other devices using heat to
49 style hair, for sale at retail to members of the general public and whose em-
50 ployees engage in the limited use of thermal styling equipment on customers

1 in connection with the sale or attempted sale of the equipment without com-
2 pensation from the customer other than the regular price of the equipment.

3 (30) "Student" means a person learning barbering, barber-styling, cos-
4 metology or electrology at a licensed school who, while so learning, per-
5 forms or assists in performing any practices of barbering, barber-styling,
6 cosmetology or electrology.

7 SECTION 2. That Section 54-5810, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 54-5810. QUALIFICATIONS FOR LICENSURE -- INSTRUCTORS -- APPRENTICES
10 -- STUDENTS. (1) To qualify for licensure under this chapter, an applicant
11 for licensure must:

12 (a) Be at least sixteen and one-half (16 1/2) years of age;

13 (b) Have completed at least two (2) years of high school or have at-
14 tained an equivalent education as determined by the board;

15 (c) Be of good moral character; and

16 (d) Pass an examination for the occupation in which the applicant is
17 seeking licensure, which examination shall be conducted or approved by
18 the board.

19 (2) Except as otherwise provided, and in addition to the requirements
20 listed in subsection (1) of this section, an applicant for licensure:

21 (a) As a barber, must have:

22 (i) Completed and graduated from a course of instruction of at
23 least nine hundred (900) hours in a barber school approved by the
24 board; or

25 (ii) Completed at least one thousand eight hundred (1,800) hours
26 as an apprentice in an apprenticeship that covered all aspects of
27 the practice of barbering;

28 (b) As a barber-stylist, must have:

29 (i) Completed and graduated from a course of instruction of at
30 least one thousand five hundred (1,500) hours in a barber school
31 approved by the board; or

32 (ii) Completed at least three thousand (3,000) hours as an appren-
33 tice in an apprenticeship that covered all aspects of the practice
34 of barber-styling;

35 (c) As a cosmetologist, must have:

36 (i) Completed and graduated from a course of instruction of at
37 least one thousand six hundred (1,600) hours in a cosmetology
38 school approved by the board; or

39 (ii) Completed at least three thousand two hundred (3,200) hours
40 as an apprentice in an apprenticeship that covered all aspects of
41 the practice of cosmetology;

42 (d) As an electrologist, must have:

43 (i) Completed and graduated from a course of instruction of at
44 least six hundred (600) hours in a school approved by the board; or

45 (ii) Completed at least one thousand two hundred (1,200) hours as
46 an apprentice in a cosmetology establishment under the direct per-
47 sonal supervision of a licensed electrologist instructor. Such
48 establishment must have at least one (1) licensed electrologist
49 on-site in accordance with board rules;

- 1 (e) As an esthetician, must have:
2 (i) Completed and graduated from a course of instruction of at
3 least six hundred (600) hours in a school approved by the board; or
4 (ii) Completed at least one thousand two hundred (1,200) hours
5 as an apprentice in a cosmetology establishment under the direct
6 personal supervision of a licensed cosmetology instructor. Such
7 establishment must have at least one (1) licensed esthetician
8 on-site in accordance with board rules;
- 9 (f) As a haircutter, must have completed and graduated from a course of
10 instruction of at least nine hundred (900) hours in a school approved by
11 the board;
- 12 (g) As a nail technician, must have:
13 (i) Completed and graduated from a course of instruction of at
14 least four hundred (400) hours in a school approved by the board;
15 or
16 (ii) Completed at least eight hundred (800) hours as an apprentice
17 in a cosmetology establishment under the direct personal super-
18 vision of a licensed cosmetology instructor. Such establishment
19 shall have at least one (1) licensed nail technician on-site in ac-
20 cordance with board rules.
- 21 (3) To qualify as a barber instructor, an applicant must:
22 (a) Hold a current barber license;
23 (b) Pass an examination approved by the board; and
24 (c) Have at least five (5) years of experience as a licensed barber or
25 have satisfactorily completed:
26 (i) A minimum six (6) month course of barber instructing as a stu-
27 dent in a licensed barber school; or
28 (ii) A minimum three (3) month course of barber instructing as a
29 student in a licensed barber school, if the applicant has at least
30 two (2) years of experience as a licensed barber.
- 31 (4) To qualify as a barber-stylist instructor, an applicant must:
32 (a) Hold a current barber-stylist license or a cosmetologist license;
33 (b) Pass an examination approved by the board; and
34 (c) Have at least five (5) years of experience as a licensed barber-
35 stylist or have satisfactorily completed:
36 (i) A minimum six (6) month course of barber-stylist instructing
37 as a student in a licensed barber school; or
38 (ii) A minimum three (3) month course of barber-stylist instruct-
39 ing as a student in a licensed barber school, if the applicant has
40 at least two (2) years of experience as a licensed barber-stylist.
- 41 (5) To qualify as an instructor of cosmetology, electrology, esthetics
42 or nail technology, an applicant must:
43 (a) Have completed twelve (12) college credit hours or an equivalent
44 education as determined by the board or pass an examination required by
45 board rules;
46 (b) Hold a current license as a cosmetologist, electrologist, estheti-
47 cian or nail technician; and
48 (c) Have at least five (5) years of experience as a licensed cosmetol-
49 ogist, electrologist, esthetician or nail technician, which years of

1 experience immediately precede the application for an instructor's li-
 2 cense, or have satisfactorily completed:

3 (i) A minimum six (6) month teacher's course of instruction in a
 4 school of cosmetology; or

5 (ii) A minimum three (3) month teacher's course of instruction
 6 in a school of cosmetology, if the applicant has at least two (2)
 7 years of experience as a licensed cosmetologist, electrologist,
 8 esthetician or nail technician.

9 (6) To be qualified to hold an apprenticeship for purposes of this chap-
 10 ter, a person must:

11 (a) Be at least sixteen and one-half (16 1/2) years of age;

12 (b) Have completed at least two (2) years of high school or have at-
 13 tained an equivalent education as determined by the board; and

14 (c) Be registered as an apprentice with the board.

15 (7) To be considered a student for purposes of this chapter, a person
 16 must:

17 (a) Be at least sixteen and one-half (16 1/2) years of age;

18 (b) Have completed at least two (2) years of high school or have at-
 19 tained an equivalent education as determined by the board; and

20 (c) Be registered as a student in a licensed barber school or cosmetol-
 21 ogy school.

22 SECTION 3. That Section 54-5817, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 54-5817. PRACTICE OF BARBERING, BARBER-STYLING, OR COSMETOLOGY
 25 APPRENTICE. No barber, barber-stylist, or cosmetology apprentice may prac-
 26 tice independently. A barber, barber-stylist, or cosmetology apprentice
 27 may perform any and all acts necessary for professional training ~~in the~~
 28 ~~cosmetology profession~~ within the scope of this chapter when such acts are
 29 performed in compliance with board rule, including immediate personal su-
 30 pervision of the apprentice by a licensed instructor. Barber or cosmetology
 31 establishments employing apprentices shall keep a daily work record of the
 32 attendance of such apprentices and shall, upon the termination of such ap-
 33 prenticeship, certify to the board the total number of hours worked and the
 34 types of instruction given to the apprentice.