

FILED FEB 13 1976

Reprinted 3/76

SENATE FILE 1141

By COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date 3-2-76 (p.690) Passed House, Date 5-3-76 (P.2374)

Vote: Ayes 43 Nays 1 Vote: Ayes 69 Nays 9

Approved May 24, 1976

A BILL FOR

1 An Act to establish and regulate the practice of barbering and
2 the practice of cosmetology, and to provide penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 1141

S-5184

1 Amend Senate File 1141 as follows:
2 1. Page 10, line 4 by inserting after the
3 word "board" the word "and".

S-5184 FILED - Adopted 2/2 (p.689)
FEBRUARY 20, 1976

BY PHILIP B. HILL

1 Section 1. NEW SECTION. DEFINITIONS. For the purpose
2 of sections one (1) through fifteen (15) of this Act:

3 1. "Cosmetology" means practices performed with or without
4 compensation by cosmetologists which include but are not
5 limited to the practices listed in this subsection:

6 a. Arranging, dressing, curling, waving, shampooing,
7 cutting, singeing, bleaching, coloring, or similar works,
8 upon the hair of any person; or upon a wig or hairpiece when
9 done in conjunction with haircutting or hairstyling by any
10 means.

11 b. Massaging, cleansing, stimulating, exercising,
12 beautifying, or similar techniques upon the scalp, face, neck,
13 arms, hands, or upper part of the body of any person with
14 the hands or mechanical or electrical apparatus or appliances
15 or with the use of cosmetic preparations, antiseptics, tonics,
16 lotions, creams, or other preparations.

17 c. Manicuring the nails of any person.

18 Cosmetologists shall not represent themselves to the public
19 as being primarily in the practice of haircutting unless that
20 function is, in fact their primary specialty.

21 2. "Cosmetologist" means a person who performs practices
22 of cosmetology or otherwise by the person's occupation holds
23 himself or herself out as having knowledge or skill peculiar
24 to the practice of cosmetology.

25 3. "Beauty salon" means a fixed establishment or place
26 where one or more persons engage in the practice of
27 cosmetology.

28 4. "Cosmetology school" means an establishment operated
29 by a person for the purpose of teaching cosmetology.

30 5. "Board" means the board of cosmetology examiners.

31 6. "Department" means the state department of health.

32 Sec. 2. NEW SECTION. PROHIBITION--EXCEPTIONS. It is
33 unlawful for a person to practice cosmetology with or without
34 compensation unless the person possesses a license issued
35 under the provision of section three (3) of this Act. However,

1 practices listed in section one (1) of this Act when performed
2 by the following persons are not defined as the practice of
3 cosmetology:

4 1. Licensed physicians and surgeons, osteopaths,
5 osteopathic physicians and surgeons, nurses, dentists,
6 podiatrists, optometrists, chiropractors, and physical
7 therapists, when exclusively engaged in the practice of their
8 respective professions.

9 2. Licensed barbers who practice barbering as defined
10 in section seventeen (17) of this Act.

11 3. Students enrolled in licensed schools of cosmetology
12 or barber schools who are practicing under the instruction
13 or immediate supervision of an instructor.

14 4. Persons who perform without compensation any of the
15 practices listed in section one (1) of this Act on an emergency
16 basis or on a casual basis.

17 5. Employees and residents of hospitals, health care
18 facilities, orphans' homes, juvenile homes, and other similar
19 facilities who shampoo, arrange, dress, or curl the hair of
20 any resident without receiving direct compensation from the
21 person receiving the service.

22 6. Persons who perform any of the practices listed in
23 section one (1) of this Act on themselves or on a member of
24 the person's immediate family.

25 Sec. 3. NEW SECTION. LICENSE REQUIREMENTS. An applicant
26 shall be issued a license to practice cosmetology by the
27 department when the applicant satisfies all of the following:

28 1. Presents to the department the certificate of a licensed
29 physician and surgeon, osteopath, or osteopathic physician
30 and surgeon that the applicant is free from any infectious
31 or contagious disease.

32 2. Presents to the department a diploma, or similar
33 evidence, issued by a licensed school of cosmetology indicating
34 that the applicant has completed the course of study prescribed
35 by the board.

1 3. Completes the application form prescribed by the board.

2 4. Passes an examination prescribed by the board. The
3 examination shall include both practical demonstrations and
4 written or oral tests and shall not be confined to any specific
5 system or method.

6 Sec. 4. NEW SECTION. TEMPORARY PERMITS. Any person who
7 completes the requirements for licensure as a cosmetologist
8 listed in section three (3) of this Act, except for the
9 examination, shall be known as a trainee and shall be issued
10 a temporary permit by the department which allows the applicant
11 to practice cosmetology from the date of graduation from the
12 licensed school of cosmetology to the date on which the results
13 of the next succeeding examination for cosmetologists are
14 available. Only one permit shall be issued to a person.
15 The fee for the temporary permit shall be established by the
16 board as provided in section one hundred forty-seven point
17 eighty (147.80) of the Code.

18 Sec. 5. NEW SECTION. LICENSE TO PRACTICE ELECTROLYSIS.
19 An applicant for a license to practice cosmetology may obtain
20 a license from the department for authority to remove
21 superfluous hair by the use of the electric needle or
22 electronic process by presenting to the board a diploma, or
23 similar evidence, from a licensed school of cosmetology which
24 teaches a special course in the practice of the use of the
25 electric needle or electronic process and by passing an
26 examination prescribed by the board. The applicant shall
27 pay a license fee as determined by the board under section
28 one hundred forty-seven point eighty (147.80) of the Code.

29 Sec. 6. NEW SECTION. SANITARY RULES--PRACTICE IN THE
30 HOME. The department shall prescribe sanitary rules for
31 beauty salons and schools of cosmetology which shall include
32 the sanitary conditions necessary for the practice of
33 cosmetology and for the prevention of infectious and contagious
34 diseases. Subject to local zoning ordinances, a beauty salon
35 may be established in a residence if a room other than the

1 living quarters is equipped for that purpose. The department
2 shall enforce the provisions of this section and make necessary
3 inspections for enforcement.

4 Sec. 7. NEW SECTION. INSPECTORS. Inspectors and clerical
5 assistants shall be employed by the department under the
6 provisions of chapter nineteen A (19A) of the Code to
7 administer and enforce the provisions of sections one (1)
8 through fifteen (15) of this Act. The costs and expenses
9 of inspectors and clerical assistants shall be paid from funds
10 appropriated to the board.

11 Sec. 8. NEW SECTION. LICENSING OF SCHOOLS OF COSMETOLOGY
12 AND INSTRUCTORS. It is unlawful for a school of cosmetology
13 to operate unless the owner has obtained a license issued
14 by the department. The owner shall file a verified application
15 with the department on forms prescribed by the board. Any
16 person employed as a cosmetology instructor in a licensed
17 school of cosmetology shall be a licensed cosmetologist and
18 shall possess a separate instructor's license which shall
19 be renewed annually. An instructor shall file an application
20 with the department on forms prescribed by the board. The
21 school of cosmetology must pass a sanitary inspection under
22 the provisions of section six (6) of this Act, and the course
23 of study of the school must be approved by the board under
24 the provisions of section ten (10) of this Act. An annual
25 inspection of each school of cosmetology, including the
26 educational activities of each school, shall be conducted
27 and completed by the board prior to renewal of the license.

28 The application for a license for a school shall be
29 accompanied by the annual license fee determined pursuant
30 to section one hundred forty-seven point eighty (147.80) of
31 the Code and shall state the name and location of the school
32 and such other additional information as the board may require.
33 The license is valid for one year and may be renewed. A
34 license for a school of cosmetology shall not be issued for
35 any space in any location where the same space is also licensed

1 as a barber school.

2 The application for an instructor's license shall be accom-
3 panied by the annual license fee determined pursuant to section
4 one hundred forty-seven point eighty (147.80) of the Code.

5 Sec. 9. NEW SECTION. LICENSE SUSPENSION AND REVOCATION.

6 Any license issued by the department under the provisions
7 of sections one (1) through fifteen (15) of this Act may be
8 suspended, revoked, or renewal denied by the board for
9 violation of any provision of this Act or rules promulgated
10 by the board under the provisions of chapter seventeen A (17A)
11 of the Code.

12 Sec. 10. NEW SECTION. COURSE OF STUDY. The course of
13 study of a school of cosmetology shall consist of at least
14 two thousand one hundred hours of instruction as prescribed
15 by the board and shall include instruction in all phases of
16 the practice of cosmetology as defined in section one (1),
17 subsection one (1), of this Act. The course shall require
18 at least ten months of instruction for completion. The course
19 shall include not less than five hundred hours of demonstra-
20 tions and lectures in the following areas: Sanitation and
21 sterilization, hygiene and grooming, professional ethics,
22 anatomy, dermatology, trichology, nails, chemistry and chemical
23 hair straightening, safety precautions, and state law and
24 rules. It shall include not less than one thousand two hun-
25 dred hours of supervised practical instruction in the following
26 areas: Sanitation and sterilization, shampoos and rinses,
27 scalp and hair treatments, hairshaping, hairstyling, wiggery,
28 manicuring, permanent waving, haircoloring and lightening,
29 facial treatment and makeup, and safety precautions.

30 The barber licensed under sections seventeen (17) through
31 thirty-two (32) of this Act who enrolls in a school of
32 cosmetology shall be granted five hundred twenty-five hours
33 credit toward the two thousand one hundred hour requirement,
34 and the ten-month period shall not apply.

35 Sec. 11. NEW SECTION. SALON LICENSES. Commencing January

1 1, 1977, it is unlawful for a beauty salon to operate unless
2 the owner has obtained a license issued by the department.
3 The owner shall apply to the department on forms prescribed
4 by the board. The beauty salon must pass a sanitary inspection
5 before licensing and at least annually thereafter.

6 The application shall be accompanied by the annual license
7 fee determined pursuant to section one hundred forty-seven
8 point eighty (147.80) of the Code. The license is valid for
9 one year and may be renewed.

10 A licensed school of cosmetology at which students practice
11 cosmetology is exempt from licensing as a beauty salon.

12 Sec. 12. NEW SECTION. SUPERVISORS OF COSMETOLOGISTS.
13 Persons who directly supervise the work of cosmetologists
14 shall be licensed cosmetologists.

15 Sec. 13. NEW SECTION. VIOLATIONS. It is unlawful for
16 any person to employ an individual to practice cosmetology
17 unless that individual is a licensed cosmetologist or has
18 obtained a temporary permit. It is unlawful for a licensed
19 cosmetologist to practice cosmetology with or without
20 compensation in any place other than a licensed beauty salon
21 or licensed school of cosmetology, except that a licensed
22 cosmetologist may practice cosmetology at a location which
23 is not a licensed beauty salon or school of cosmetology under
24 extenuating circumstances arising from physical or mental
25 disability or death of a customer. It is unlawful for a
26 licensed cosmetologist to represent himself or herself as
27 a licensed barber.

28 Sec. 14. NEW SECTION. RULES. The board shall promulgate
29 rules under the provisions of chapter seventeen A (17A) of
30 the Code to administer the provisions of sections one (1)
31 through fifteen (15) of this Act. However, any rules adopted
32 by the board shall first be submitted to the department of
33 health for approval.

34 Sec. 15. NEW SECTION. PENALTY. A person convicted of
35 violating any of the provisions of sections one (1) through

1 fourteen (14) of this Act shall be fined not to exceed one
2 hundred dollars.

3 Sec. 16. LICENSE EXTENSION.

4 1. A cosmetologist possessing a license on June 30, 1975
5 and renewing the license at some time during the year beginning
6 July 1, 1975, may have his or her license renewed without
7 examination under the provisions of section one hundred forty-
8 seven point ten (147.10) of the Code.

9 2. A school of cosmetology possessing a license on June
10 30, 1975 and renewing the license at some time during the
11 year beginning July 1, 1975 may have its license renewed
12 under the provisions of this Act.

13 3. Any person who made application to the board of cos-
14 metology examiners for a license to practice cosmetology
15 during the period commencing July 1, 1975 and ending June
16 30, 1976 and who met the requirements of the board of
17 cosmetology examiners and was issued a license may have his
18 or her license renewed without examination under the provisions
19 of section one hundred forty-seven point ten (147.10) of the
20 Code.

21 4. For the purpose of this section, the definitions in
22 section one (1) of this Act shall apply.

23 Sec. 17. NEW SECTION. DEFINITION. For the purpose of
24 sections seventeen (17) through thirty-two (32) of this Act:

25 1. "Barbering" means practices listed in this subsection
26 performed with or without compensation. The practices include
27 but are not limited to the following practices performed upon
28 the upper part of the human body of any person for cosmetic
29 purposes and not for the treatment of disease or physical
30 or mental ailments:

31 a. Shaving or trimming the beard or cutting the hair.

32 b. Giving facial and scalp massages or treatments with
33 oils, creams, lotions, or other preparations either by hand,
34 or by electrical or mechanical appliances.

35 c. Singeing, shampooing, hair body processing, arranging,

1 dressing, curling, blow waving, hair relaxing, bleaching or
2 coloring the hair, or applying hair tonics.

3 d. Applying cosmetic preparations, antiseptics, powders,
4 oils, clays, or lotions to scalp, face, or neck.

5 e. Styling, cutting or shampooing hairpieces or wigs when
6 done in conjunction with haircutting or hairstyling.

7 Barbers shall not represent themselves to the public as
8 being primarily engaged in practices other than haircutting
9 unless the functions are in fact their primary function or
10 specialty.

11 2. "Barber" means a person who performs practices of
12 barbering or otherwise by the person's occupation holds himself
13 or herself out as having knowledge or skill peculiar to the
14 practice of barbering.

15 3. "Barbershop" means an establishment in a fixed location
16 where one or more persons engage in the practice of barbering.

17 4. "Barber school" means an establishment operated by
18 a person for the purpose of teaching barbering.

19 5. "Board" means the board of barber examiners.

20 6. "Department" means the state department of health.

21 Sec. 18. NEW SECTION. PROHIBITION--EXCEPTIONS. It is
22 unlawful for a person to practice barbering with or without
23 compensation unless the person possesses a license issued
24 under the provisions of section nineteen (19) of this Act.
25 Practices listed in section seventeen (17) of this Act when
26 performed by the following persons are not defined as
27 practicing barbering:

28 1. Licensed physicians and surgeons, osteopaths,
29 osteopathic physicians and surgeons, nurses, dentists,
30 podiatrists, optometrists, chiropractors, and physical
31 therapists, when exclusively engaged in the practice of their
32 respective professions.

33 2. Licensed cosmetologists who practice cosmetology as
34 defined in section one (1) of this Act.

35 3. Students enrolled in licensed barber schools or schools

1 of cosmetology who are practicing under the instruction or
2 immediate supervision of an instructor.

3 4. Persons who, without compensation, perform any of the
4 practices on an emergency basis or on a casual basis.

5 5. Employees and residents of hospitals, health care
6 facilities, orphans' homes, juvenile homes, and other similar
7 facilities who shampoo, arrange, dress, or curl the hair of
8 any resident, or who shave or trim the beard of any resident,
9 without receiving direct compensation from the person receiving
10 the service.

11 6. Persons who perform any of the practices listed in
12 section seventeen (17) of this Act on themselves or on a
13 member of the person's immediate family.

14 Sec. 19. NEW SECTION. LICENSE REQUIREMENTS.

15 1. An applicant shall be issued a license to practice
16 barbering by the department when the applicant satisfies all
17 of the following:

18 a. Presents to the department the certificate of a licensed
19 physician and surgeon, osteopath, or osteopathic physician
20 and surgeon that the applicant is free from any infectious
21 or contagious disease.

22 b. Presents to the department a diploma, or other like
23 evidence, issued by a licensed barber school indicating that
24 the applicant has completed the course of study prescribed
25 by the board.

26 c. Completes the application form prescribed by the board.

27 d. Passes an examination prescribed by the board. The
28 examination shall include both practical demonstrations and
29 written or oral tests and shall not be confined to any specific
30 system or method.

31 e. Presents a certificate, or satisfactory evidence, to
32 the department that the applicant has successfully completed
33 tenth grade, or the equivalent. The provisions of this
34 subsection shall not apply to students enrolled in a barber
35 school maintained at an institution under the control of a

1 director of a division of the department of social services.

2 2. Notwithstanding the provisions of subsection one (1)
3 of this section, any person who completes the application
4 form prescribed by the board who submits satisfactory proof
5 of having practiced barbering in another state for at least
6 twelve months in the twenty-four month period preceding the
7 submission of the application shall be allowed to take the
8 examination for a license to practice barbering.

9 3. Notwithstanding the provisions of subsection one (1)
10 of this section, any person who is registered as a barber's
11 apprentice on the effective date of this Act may apply to
12 the department prior to October 1, 1976 and shall be issued
13 a license to practice barbering upon payment of the fee
14 prescribed under the provisions of section one hundred forty-
15 seven point eighty (147.80) of the Code.

16 Sec. 20. NEW SECTION. TEMPORARY PERMITS. Any person
17 who completes the requirements for licensure as a barber
18 listed in section nineteen (19) of this Act, except for the
19 examination, shall be known as a trainee and shall be issued
20 a temporary permit by the department. The temporary permit
21 allows the applicant to practice barbering from the date of
22 graduation from the licensed barber school to the date on
23 which the results of the next succeeding examination for
24 barbers are available. Only one permit shall be issued to
25 a person. The fee for the temporary permit shall be established
26 by the board as provided in section one hundred forty-seven
27 point eighty (147.80) of the Code.

28 Sec. 21. NEW SECTION. SANITARY RULES. The department
29 shall prescribe sanitary rules for barbershops and barber
30 schools which shall include the sanitary conditions necessary
31 for the practice of barbering and for the prevention of
32 infectious and contagious diseases. Barbering shall not be
33 practiced in the living quarters of any person. The department
34 shall enforce the provisions of this section and make necessary
35 inspections for enforcement.

1 Sec. 22. NEW SECTION. INSPECTORS. Inspectors and clerical
2 assistants shall be employed by the department under the
3 provisions of chapter nineteen A (19A) of the Code to
4 administer and enforce the provisions of sections seventeen
5 (17) through thirty-two (32) of this Act. The costs and
6 expenses of inspectors and clerical assistants shall be paid
7 from funds appropriated to the board.

8 Sec. 23. NEW SECTION. LICENSING BARBER SCHOOLS. It is
9 unlawful for a barber school to operate unless the owner has
10 obtained a license issued by the department. The owner shall
11 file a verified application with the department on forms
12 prescribed by the board. The barber school must pass a
13 sanitary inspection, and the course of study of the school
14 must be approved by the board under the provisions of section
15 twenty-four (24) of this Act.

16 An annual inspection of each barber school, including the
17 educational activities of each school, shall be conducted
18 and completed by the board prior to renewal of the license.

19 The application shall be accompanied by the annual license
20 fee determined under the provisions of section one hundred
21 forty-seven point eighty (147.80) of the Code and shall state
22 the name and location of the school, name of the owner, name
23 of the manager, and such other additional information as the
24 board may require. The license is valid for one year and
25 may be renewed.

26 A license for a barber school shall not be issued for any
27 space in any location where the same space is licensed as
28 a school of cosmetology.

29 Sec. 24. NEW SECTION. COURSE OF STUDY. The course of
30 study of a barber school shall consist of at least two thousand
31 one hundred hours of instruction as prescribed by the board
32 and shall include instruction in all phases of the practice
33 of barbering as defined in section seventeen (17), subsection
34 one (1) of this Act. The course shall require at least ten
35 months of instruction for completion. The course shall include

1 not less than three hundred hours of demonstrations and
2 lectures in the following areas: Law; ethics; equipment;
3 shop management; history of barbering; sanitation;
4 sterilization; personal hygiene; first aid; bacteriology;
5 anatomy; scalp, skin, hair and their common disorders;
6 electricity as applied to barbering; chemistry and
7 pharmacology; scalp care; hair body processing; hairpieces;
8 honing and stropping; shaving; facials, massage and packs;
9 haircutting; hair tonics; dyeing and bleaching; instruments;
10 soaps; and shampoos, creams, lotions, and tonics. It shall
11 include not less than one thousand four hundred hours of
12 supervised practical instruction in the following areas:
13 Scalp care and shampooing, honing and stropping, shaving,
14 haircutting, hairstyling and blow waving, dyeing and bleaching,
15 hair body processing, facials, massage and packs, beard and
16 mustache trimming, and hairpieces.

17 A cosmetologist licensed under section three (3) of this
18 Act who enrolls in a barber school shall be granted five
19 hundred twenty-five hours credit toward the two thousand one
20 hundred hour requirement, and the ten-month period shall not
21 apply.

22 Sec. 25. NEW SECTION. INSTRUCTORS. In order to be
23 eligible for licensing, a barber school shall employ at least
24 two licensed instructors for every thirty students, or fraction
25 of thirty students, enrolled in the school and one additional
26 licensed instructor for every additional fifteen students,
27 or fraction of fifteen students, enrolled in the school.
28 Barbering instructors in a licensed barber school shall be
29 licensed barbers and shall possess a separate instructor's
30 license which shall be renewed annually. Instructors shall
31 devote their entire time during hours of instruction to the
32 instruction and supervision of student work and shall not
33 practice barbering during the hours of instruction. An
34 instructor shall file an application for an instructor's
35 license with the department on forms prescribed by the board.

1 The application shall be accompanied by the annual license
2 fee determined pursuant to section one hundred forty-seven
3 point eighty (147.80) of the Code.

4 Sec. 26. NEW SECTION. BARBERSHOP LICENSES. It is unlawful
5 for a barbershop to operate unless the owner has obtained
6 a license issued by the department. The owner shall apply
7 to the department on forms prescribed by the board. The
8 barbershop must pass a sanitary inspection before obtaining
9 a license and at least annually thereafter.

10 The application shall be accompanied by the annual license
11 fee determined pursuant to section one hundred forty-seven
12 point eighty (147.80) of the Code. The license is valid for
13 one year and may be renewed.

14 A licensed barber school at which students practice
15 barbering is exempt from licensing as a barbershop.

16 Sec. 27. NEW SECTION. SUPERVISORS OF BARBERS. Persons
17 who directly supervise the work of barbers shall be licensed
18 barbers.

19 Sec. 28. NEW SECTION. LICENSE SUSPENSION AND REVOCATION.
20 Any license issued by the department under the provisions
21 of sections seventeen (17) through thirty-two (32) of this
22 Act may be suspended, revoked, or renewal denied by the board
23 for violation of any provision of this Act or rules promulgated
24 by the board under the provisions of chapter seventeen A (17A)
25 of the Code.

26 Sec. 29. NEW SECTION. VIOLATIONS.

27 1. It is unlawful for any person to employ an individual
28 to practice barbering unless that individual is a licensed
29 barber or has obtained a temporary permit. It is unlawful
30 for a licensed barber to practice barbering with or without
31 compensation in any place other than a licensed barbershop
32 or barber school, except that a licensed barber may practice
33 barbering at a location which is not a licensed barbershop
34 or barber school under extenuating circumstances arising from
35 physical or mental disability or death of a customer. It

1 is unlawful for a licensed barber to represent himself or
2 herself as a licensed cosmetologist.

3 2. If the owner or manager of a barbershop does not comply
4 with the sanitary rules adopted under the provisions of section
5 twenty-one (21) of this Act or fails to maintain the barbershop
6 as prescribed by rules of the state department of health,
7 the department may notify the owner or manager in writing
8 of the failure to comply. If the rules are not complied with
9 within five days after receipt of the written notice by the
10 owner or manager, the department shall in writing order the
11 shop closed until the rules are complied with. It is unlawful
12 for a person to practice barbering in a shop which has been
13 closed under the provisions of this section. The county
14 attorney in each county shall assist the department in
15 enforcing the provisions of this section.

16 Sec. 30. NEW SECTION. MANICURISTS. A licensed barber-
17 shop may employ a person who is not a licensed cosmetologist
18 to manicure the fingernails of any person.

19 Sec. 31. NEW SECTION. RULES. The board shall promulgate
20 rules under the provisions of chapter seventeen A (17A) of
21 the Code to administer the provisions of sections seventeen
22 (17) through thirty-two (32) of this Act. However, any rules
23 adopted by the board shall first be submitted to the department
24 of health for approval.

25 Sec. 32. NEW SECTION. PENALTY. A person convicted of
26 violating any of the provisions of sections seventeen (17)
27 through thirty-one (31) of this Act shall be fined not to
28 exceed one hundred dollars.

29 Sec. 33. LICENSE EXTENSION.

30 1. A barber possessing a license on June 30, 1975 and
31 renewing the license at some time during the year beginning
32 July 1, 1975, may have his or her license renewed without
33 examination under the provisions of section one hundred forty-
34 seven point ten (147.10) of the Code.

35 2. A barber school possessing a license on June 30, 1975

1 and renewing the license at some time during the year begin-
2 ning July 1, 1975, may have its license renewed under the
3 provisions of this Act.

4 3. Any person who made application to the board of barber
5 examiners for a license to practice barbering during the
6 period commencing July 1, 1975 and ending June 30, 1976 and
7 who met the requirements of the board of barber examiners
8 and was issued a license may have his or her license renewed
9 without examination under the provisions of section one hundred
10 forty-seven point ten (147.10) of the Code.

11 4. For the purpose of this section, the definitions in
12 section one (1) of this Act shall apply.

13 Sec. 34. Section one hundred forty-seven point eighty
14 (147.80), subsections thirteen (13) and fourteen (14), Code
15 1975, are amended to read as follows:

16 13. License to practice cosmetology issued upon the basis
17 of an examination given by the board of cosmetology examiners,
18 license to practice cosmetology under a reciprocal agreement,
19 renewal of a license to practice cosmetology, temporary permit
20 to practice as ~~an-apprentice-in~~ a cosmetology trainee, original
21 license to conduct a school teaching of cosmetology, renewal
22 of license to conduct a school of cosmetology, original license
23 to operate a beauty salon, renewal of a license to operate
24 a beauty salon, original license and examination to practice
25 electrolysis, renewal of a license to practice electrolysis,
26 annual inspection of a school of cosmetology, annual inspection
27 of a beauty salon, original cosmetology school instructor's
28 license, renewal of cosmetology school instructor's license.

29 14. License to practice barbering on the basis of an
30 examination given by the board of barber examiners, licensed
31 to practice barbering under a reciprocal agreement, renewal
32 of a license to practice barbering, annual inspection by the
33 state department of health and of barber school and annual
34 inspection of barbershop, an original barber school license,
35 renewal of a barber school license, transfer of license upon

1 change of ownership of a barber shop or barber school,
2 inspection by the department and an original barber shop
3 license, renewal of a barber shop license, original barber
4 school instructor's license, renewal of a barber school
5 instructor's license, ~~original apprentice barber's license,~~
6 ~~renewal of an apprentice barber's license.~~

7 Sec. 35. Section one hundred forty-seven point eighty-
8 six (147.86), Code 1975, is amended to read as follows:

9 147.86 PENALTIES. Any person violating any provision
10 of this or the following chapters of this title, except insofar
11 as said provisions apply or relate to or affect the practice
12 of pharmacy, ~~of cosmetology, and of barbering,~~ shall be fined
13 not less than one hundred dollars nor more than one thousand
14 dollars or be imprisoned in the county jail for not more than
15 six months or by both such fine and imprisonment.

16 Sec. 36. The Code editor is directed to publish sections
17 one (1) through fifteen (15) of this Act as a new chapter
18 of the Code and sections seventeen (17) through thirty-two
19 (32) of this Act as a new chapter of the Code.

20 EXPLANATION

21 This bill revises Senate File 296 which was vetoed by the
22 Governor. It revises the definitions of barbering and
23 cosmetology. It prescribes the total hours of instruction
24 and the required courses for both barber schools and schools
25 of cosmetology. Partial credit is given for licensed barbers
26 enrolled in a school of cosmetology and for licensed cosme-
27 tologists enrolled in a barber school. The apprentice program
28 of barbers is eliminated. Persons may manicure the finger-
29 nails of patrons in barbershops without obtaining a license.
30 The bill provides for licensing of both barbershops and beauty
31 salons. Barbers must represent themselves as barbers and
32 not as cosmetologists, and cosmetologists must represent
33 themselves as cosmetologists and not as barbers. Provision
34 is made for instructors' licenses for both professions, and
35 there is a requirement that supervisors of barbers be licensed

1 barbers and supervisors of cosmetologists be licensed
2 cosmetologists.

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S-5237

1 Amend Senate File 1141 as follows:

2 1. Page 6, by inserting after line 9 the following:

3 "A licensed salon shall not employ more than one
4 licensed cosmetology assistant for each five licensed
5 cosmetologists."

6 2. Page 6, by inserting after line 11 the follow-
7 ing section:

8 "Sec. ____ . NEW SECTION. COSMETOLOGY ASSISTANTS.

9 The department shall issue a license to practice as
10 a cosmetology assistant to any person who submits
11 proof of completion of a course of not less than one
12 hundred sixty hours in a licensed school of cosmetology
13 or licensed barber school. The board shall adopt
14 rules defining the course of study of a cosmetology
15 assistant and the practices which a cosmetology
16 assistant may perform. The course of study shall
17 include but not be limited to demonstrations, lectures,
18 and supervised practical instruction in scalp care,
19 rinses, hair treatments, anatomy of scalp and hair
20 and their common disorders, and sanitation and
21 sterilization. A cosmetology assistant shall work
22 under the direct supervision of a licensed
23 cosmetologist. The fee for the license shall be
24 established by the board as provided in section one
25 hundred forty-seven point eighty (147.80) of the
26 Code."

27 3. Page 13, by inserting after line 13 the follow-
28 ing:

29 "A licensed barber shop shall not employ more than
30 one licensed barber assistant for each five licensed
31 barbers."

32 4. Page 13, by inserting after line 18, the follow-
33 ing section:

34 "Sec. ____ . NEW SECTION. BARBER ASSISTANTS. The
35 department shall issue a license to practice as a
36 barber assistant to any person who submits proof of
37 completion of a course of not less than one hundred
38 sixty hours in a licensed barber school or licensed
39 school of cosmetology. The board shall adopt rules
40 defining the course of study of a barber assistant
41 and the practices which a barber assistant may perform.
42 The course of study shall include but not be limited
43 to demonstrations, lectures, and supervised practical
44 instruction in scalp care, rinses, hair treatments,
45 anatomy of scalp and hair and their common disorders,
46 and sanitation and sterilization. A barber assistant
47 shall work under the direct supervision of a licensed
48 barber. The fee for the license shall be established
49 by the board as provided in section one hundred forty-
50 seven point eighty (147.80) of the Code."

PAGE 2

1. 5. By renumbering sections as necessary.

S-5237 FILED - Adopted 3/2 (689)

MARCH 1, 1976

BY E. KEVIN KELLY

SENATE FILE 1141

S-5192

1 Amend S-5185, filed by Hill of Polk, to Senate
2 File 1141, as follows:

3 1. Page 1, lines 17 and 18, by striking the words
4 "practiced cosmetology" and inserting in lieu thereof
5 the words "been a licensed cosmetologist".

6 2. Page 1, line 24, by striking the words "to-
7 gether with proof".

8 3. Page 1, by striking lines 25 and 26 and
9 inserting in lieu thereof the words "which has a
10 reciprocal agreement with the state of Iowa under
11 the provisions sections one hundred forty-seven point
12 forty-four (147.44) through one hundred forty-seven
13 point forty-nine (147.49) of the Code." A

14 4. Page 1, line 46, by striking the word "shop"
15 and inserting in lieu thereof the word "salon".

16 5. Page 2, line 3, by striking the word "together".

17 6. Page 2, by striking lines 4 and 5 and inserting
18 in lieu thereof the words "which has a reciprocal
19 agreement with the state of Iowa under the provisions
20 of sections one hundred forty-seven point forty-four
21 (147.44) through one hundred forty-seven point forty-
22 nine (147.49) of the Code."

23 7. Page 2, by striking lines 13 through 22. *B. Withdrawn 3/2*

S-5192 FILED - *A - adopted 3/2 (688)*
FEBRUARY 23, 1976

BY C. JOSEPH COLEMAN

SENATE FILE 1141

S-5193

1 Amend Senate File 1141, page 10, line 5, by striking
2 the words "practiced barbering" and inserting in lieu
3 thereof the words "been a licensed barber".

S-5193 FILED - *Adopted 3/2 (690)*
FEBRUARY 23, 1976

BY C. JOSEPH COLEMAN

S-5185

1 Amend Senate File 1141 as follows:

- 2 1. Page 2, line 25, by striking the word "An"
3 and inserting in lieu thereof the figure and word
4 "1. An".
- 5 2. Page 2, line 28, by striking the figure "1"
6 and inserting in lieu thereof the letter "a".
- 7 3. Page 2, line 32, by striking the figure "2"
8 and inserting in lieu thereof the letter "b".
- 9 4. Page 3, line 1, by striking the figure "3"
10 and inserting in lieu thereof the letter "c".
- 11 5. Page 3, line 2, by striking the figure "4"
12 and inserting in lieu thereof the letter "d".
- 13 6. Page 3, by inserting after line 5 the following:
14 "2. Notwithstanding the provisions of subsec-
15 tion one (1) of this section, any person who com-
16 pletes the application form prescribed by the board and
17 who submits satisfactory proof of having practiced
18 cosmetology in another state for at least twelve
19 months in the twenty-four month period preceding the
20 submission of the application shall be allowed to
21 take the examination for a license to practice
22 cosmetology. However, the examination requirement
23 shall be waived for those persons who submit evidence
24 of licensure in another state together with proof
25 of graduation from a school of cosmetology in the
26 state in which the person was licensed."
- 27 7. Page 3, line 25, by inserting after the word
28 "process" the words "indicating that the applicant
29 has successfully completed the special course,".
- 30 8. Page 6, line 15, by striking the word "It"
31 and inserting in lieu thereof the figure and word
32 "1. It".
- 33 9. Page 6, by inserting after line 27 the
34 following:
35 "2. If the owner or manager of a beauty salon
36 does not comply with the sanitary rules adopted under
37 the provisions of section six (6) of this Act or fails
38 to maintain the beauty salon as prescribed by rules
39 of the state department of health, the department
40 may notify the owner or manager in writing of the
41 failure to comply. If the rules are not complied
42 with within five days after receipt of the written
43 notice by the owner or manager, the department shall
44 in writing order the beauty salon closed until the
45 rules are complied with. It is unlawful for a person
46 to practice cosmetology in a shop which has been
47 closed under the provisions of this section. The
48 county attorney in each county shall assist the depart-
49 ment in enforcing the provisions of this section."
- 50 10. Page 10, line 8, by inserting after the word

1 "barbering." the words "However, the examination
2 requirement shall be waived for those persons who
3 submit evidence of licensure in another state together
4 with proof of graduation from a barber school in the
5 state in which the person was licensed."

6 11. Page 10, lines 32 and 33, by striking the
7 words "Barbering shall not be practiced in the living
8 quarters of any person." and inserting in lieu thereof
9 the words "Subject to local zoning ordinances, a
10 barbershop may be established in a residence if a
11 room other than the living quarters is equipped for
12 that purpose."

13 12. Page 11, line 12, by inserting after the word
14 "board." the words "Any person employed as a barbering
15 instructor in a licensed barber school shall be a
16 licensed barber and shall possess a separate
17 instructor's license which shall be renewed annually.
18 An instructor shall file an application with the
19 department on forms prescribed by the board."

20 13. Page 12, by striking lines 22 through 35. B

21 14. Page 13, by striking lines 1, 2, and 3.

22 15. By renumbering sections as necessary.

S-5185 FILED - *Adopted 3/2 as amended by*
FEBRUARY 20, 1976 *5192 (p. 688)*

BY PHILIP B. HILL

SENATE FILE 1141

By COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the Senate March 2, 1976)

Passed Senate, ^{as amended by House} Date 5-12-76 (p. 1910) Passed House, Date 5-3-76 (p. 2374)
 Vote: Ayes 41 Nays 3 Vote: Ayes 69 Nays 9
 Approved May 24, 1976

A BILL FOR

1 An Act to establish and regulate the practice of barbering and
 2 the practice of cosmetology, and to provide penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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_____ = New Language
 by the Senate

1 Section 1. NEW SECTION. DEFINITIONS. For the purpose
2 of sections one (1) through fifteen (15) of this Act:

3 1. "Cosmetology" means practices performed with or without
4 compensation by cosmetologists which include but are not
5 limited to the practices listed in this subsection:

6 a. Arranging, dressing, curling, waving, shampooing,
7 cutting, singeing, bleaching, coloring, or similar works,
8 upon the hair of any person; or upon a wig or hairpiece when
9 done in conjunction with haircutting or hairstyling by any
10 means.

11 b. Massaging, cleansing, stimulating, exercising,
12 beautifying, or similar techniques upon the scalp, face, neck,
13 arms, hands, or upper part of the body of any person with
14 the hands or mechanical or electrical apparatus or appliances
15 or with the use of cosmetic preparations, antiseptics, tonics,
16 lotions, creams, or other preparations.

17 c. Manicuring the nails of any person.

18 Cosmetologists shall not represent themselves to the public
19 as being primarily in the practice of haircutting unless that
20 function is, in fact their primary specialty.

21 2. "Cosmetologist" means a person who performs practices
22 of cosmetology or otherwise by the person's occupation holds
23 himself or herself out as having knowledge or skill peculiar
24 to the practice of cosmetology.

25 3. "Beauty salon" means a fixed establishment or place
26 where one or more persons engage in the practice of
27 cosmetology.

28 4. "Cosmetology school" means an establishment operated
29 by a person for the purpose of teaching cosmetology.

30 5. "Board" means the board of cosmetology examiners.

31 6. "Department" means the state department of health.

32 Sec. 2. NEW SECTION. PROHIBITION--EXCEPTIONS. It is
33 unlawful for a person to practice cosmetology with or without
34 compensation unless the person possesses a license issued
35 under the provision of section three (3) of this Act. However,

1 practices listed in section one (1) of this Act when performed
2 by the following persons are not defined as the practice of
3 cosmetology:

- 4 1. Licensed physicians and surgeons, osteopaths,
5 osteopathic physicians and surgeons, nurses, dentists,
6 podiatrists, optometrists, chiropractors, and physical
7 therapists, when exclusively engaged in the practice of their
8 respective professions.
- 9 2. Licensed barbers who practice barbering as defined
10 in section seventeen (17) of this Act.
- 11 3. Students enrolled in licensed schools of cosmetology
12 or barber schools who are practicing under the instruction
13 or immediate supervision of an instructor.
- 14 4. Persons who perform without compensation any of the
15 practices listed in section one (1) of this Act on an emergency
16 basis or on a casual basis.
- 17 5. Employees and residents of hospitals, health care
18 facilities, orphans' homes, juvenile homes, and other similar
19 facilities who shampoo, arrange, dress, or curl the hair of
20 any resident without receiving direct compensation from the
21 person receiving the service.
- 22 6. Persons who perform any of the practices listed in
23 section one (1) of this Act on themselves or on a member of
24 the person's immediate family.

25 Sec. 3. NEW SECTION. LICENSE REQUIREMENTS. 1. An
26 applicant shall be issued a license to practice cosmetology
27 by the department when the applicant satisfies all of the
28 following:

- 29 a. Presents to the department the certificate of a
30 licensed physician and surgeon, osteopath, or osteopathic
31 physician and surgeon that the applicant is free from any
32 infectious or contagious disease.
- 33 b. Presents to the department a diploma, or similar
34 evidence, issued by a licensed school of cosmetology indicating
35 that the applicant has completed the course of study prescribed

1 by the board.

2 c. Completes the application form prescribed by the
3 board.

4 d. Passes an examination prescribed by the board. The
5 examination shall include both practical demonstrations and
6 written or oral tests and shall not be confined to any specific
7 system or method.

8 2. Notwithstanding the provisions of subsection one (1)
9 of this section, any person who completes the application
10 form prescribed by the board who submits satisfactory proof
11 of having been a licensed cosmetologist in another state for
12 at least twelve months in the twenty-four month period
13 preceding the submission of the application shall be allowed
14 to take the examination for a license to practice cosmetology.
15 However, the examination requirement shall be waived for those
16 persons who submit evidence of licensure in another state
17 which has a reciprocal agreement with the state of Iowa under
18 the provisions of sections one hundred forty-seven point
19 forty-four (147.44) through one hundred forty-seven point
20 forty-nine (147.49) of the Code.

21 Sec. 4. NEW SECTION. TEMPORARY PERMITS. Any person who
22 completes the requirements for licensure as a cosmetologist
23 listed in section three (3) of this Act, except for the
24 examination, shall be known as a trainee and shall be issued
25 a temporary permit by the department which allows the applicant
26 to practice cosmetology from the date of graduation from the
27 licensed school of cosmetology to the date on which the results
28 of the next succeeding examination for cosmetologists are
29 available. Only one permit shall be issued to a person.
30 The fee for the temporary permit shall be established by the
31 board as provided in section one hundred forty-seven point
32 eighty (147.80) of the Code.

33 Sec. 5. NEW SECTION. LICENSE TO PRACTICE ELECTROLYSIS.
34 An applicant for a license to practice cosmetology may obtain
35 a license from the department for authority to remove

1 superfluous hair by the use of the electric needle or
2 electronic process by presenting to the board a diploma, or
3 similar evidence, from a licensed school of cosmetology which
4 teaches a special course in the practice of the use of the
5 electric needle or electronic process indicating that the
6 applicant has successfully completed the special course, and
7 by passing an examination prescribed by the board. The
8 applicant shall pay a license fee as determined by the board
9 under section one hundred forty-seven point eighty (147.80)
10 of the Code.

11 Sec. 6. NEW SECTION. SANITARY RULES--PRACTICE IN THE
12 HOME. The department shall prescribe sanitary rules for
13 beauty salons and schools of cosmetology which shall include
14 the sanitary conditions necessary for the practice of
15 cosmetology and for the prevention of infectious and contagious
16 diseases. Subject to local zoning ordinances, a beauty salon
17 may be established in a residence if a room other than the
18 living quarters is equipped for that purpose. The department
19 shall enforce the provisions of this section and make necessary
20 inspections for enforcement.

21 Sec. 7. NEW SECTION. INSPECTORS. Inspectors and clerical
22 assistants shall be employed by the department under the
23 provisions of chapter nineteen A (19A) of the Code to
24 administer and enforce the provisions of sections one (1)
25 through fifteen (15) of this Act. The costs and expenses
26 of inspectors and clerical assistants shall be paid from funds
27 appropriated to the board.

28 Sec. 8. NEW SECTION. LICENSING OF SCHOOLS OF COSMETOLOGY
29 AND INSTRUCTORS. It is unlawful for a school of cosmetology
30 to operate unless the owner has obtained a license issued
31 by the department. The owner shall file a verified application
32 with the department on forms prescribed by the board. Any
33 person employed as a cosmetology instructor in a licensed
34 school of cosmetology shall be a licensed cosmetologist and
35 shall possess a separate instructor's license which shall

1 be renewed annually. An instructor shall file an application
2 with the department on forms prescribed by the board. The
3 school of cosmetology must pass a sanitary inspection under
4 the provisions of section six (6) of this Act, and the course
5 of study of the school must be approved by the board under
6 the provisions of section ten (10) of this Act. An annual
7 inspection of each school of cosmetology, including the
8 educational activities of each school, shall be conducted
9 and completed by the board prior to renewal of the license.

10 The application for a license for a school shall be
11 accompanied by the annual license fee determined pursuant
12 to section one hundred forty-seven point eighty (147.80) of
13 the Code and shall state the name and location of the school
14 and such other additional information as the board may require.
15 The license is valid for one year and may be renewed. A
16 license for a school of cosmetology shall not be issued for
17 any space in any location where the same space is also licensed
18 as a barber school.

19 The application for an instructor's license shall be accom-
20 panied by the annual license fee determined pursuant to section
21 one hundred forty-seven point eighty (147.80) of the Code.

22 Sec. 9. NEW SECTION. LICENSE SUSPENSION AND REVOCATION.
23 Any license issued by the department under the provisions
24 of sections one (1) through fifteen (15) of this Act may be
25 suspended, revoked, or renewal denied by the board for
26 violation of any provision of this Act or rules promulgated
27 by the board under the provisions of chapter seventeen A (17A)
28 of the Code.

29 Sec. 10. NEW SECTION. COURSE OF STUDY. The course of
30 study of a school of cosmetology shall consist of at least
31 two thousand one hundred hours of instruction as prescribed
32 by the board and shall include instruction in all phases of
33 the practice of cosmetology as defined in section one (1),
34 subsection one (1), of this Act. The course shall require
35 at least ten months of instruction for completion. The course

1 shall include not less than five hundred hours of demonstra-
2 tions and lectures in the following areas: Sanitation and
3 sterilization, hygiene and grooming, professional ethics,
4 anatomy, dermatology, trichology, nails, chemistry and chemical
5 hair straightening, safety precautions, and state law and
6 rules. It shall include not less than one thousand two hun-
7 dred hours of supervised practical instruction in the following
8 areas: Sanitation and sterilization, shampoos and rinses,
9 scalp and hair treatments, hairshaping, hairstyling, wiggery,
10 manicuring, permanent waving, haircoloring and lightening,
11 facial treatment and makeup, and safety precautions.

12 The barber licensed under sections seventeen (17) through
13 thirty-two (32) of this Act who enrolls in a school of
14 cosmetology shall be granted five hundred twenty-five hours
15 credit toward the two thousand one hundred hour requirement,
16 and the ten-month period shall not apply.

17 Sec. 11. NEW SECTION. SALON LICENSES. Commencing January
18 1, 1977, it is unlawful for a beauty salon to operate unless
19 the owner has obtained a license issued by the department.
20 The owner shall apply to the department on forms prescribed
21 by the board. The beauty salon must pass a sanitary inspection
22 before licensing and at least annually thereafter.

23 The application shall be accompanied by the annual license
24 fee determined pursuant to section one hundred forty-seven
25 point eighty (147.80) of the Code. The license is valid for
26 one year and may be renewed.

27 A licensed salon shall not employ more than one licensed
28 cosmetology assistant for each five licensed cosmetologists.

29 A licensed school of cosmetology at which students practice
30 cosmetology is exempt from licensing as a beauty salon.

31 Sec. 12. NEW SECTION. COSMETOLOGY ASSISTANTS. The
32 department shall issue a license to practice as a cosmetology
33 assistant to any person who submits proof of completion of
34 a course of not less than one hundred sixty hours in a licensed
35 school of cosmetology or licensed barber school. The board

1 shall adopt rules defining the course of study of a cosmetology
2 assistant and the practices which a cosmetology assistant
3 may perform. The course of study shall include but not be
4 limited to demonstrations, lectures, and supervised practical
5 instruction in scalp care, rinses, hair treatments, anatomy
6 of scalp and hair and their common disorders, and sanitation
7 and sterilization. A cosmetology assistant shall work under
8 the direct supervision of a licensed cosmetologist. The fee
9 for the license shall be established by the board as provided
10 in section one hundred forty-seven point eighty (147.80) of
11 the Code.

12 Sec. 13. NEW SECTION. SUPERVISORS OF COSMETOLOGISTS.
13 Persons who directly supervise the work of cosmetologists
14 shall be licensed cosmetologists.

15 Sec. 14. NEW SECTION. VIOLATIONS. 1. It is unlawful
16 for any person to employ an individual to practice cosmetology
17 unless that individual is a licensed cosmetologist or has
18 obtained a temporary permit. It is unlawful for a licensed
19 cosmetologist to practice cosmetology with or without
20 compensation in any place other than a licensed beauty salon
21 or licensed school of cosmetology, except that a licensed
22 cosmetologist may practice cosmetology at a location which
23 is not a licensed beauty salon or school of cosmetology under
24 extenuating circumstances arising from physical or mental
25 disability or death of a customer. It is unlawful for a
26 licensed cosmetologist to represent himself or herself as
27 a licensed barber.

28 2. If the owner or manager of a beauty salon does not
29 comply with the sanitary rules adopted under the provisions
30 of section six (6) of this Act or fails to maintain the beauty
31 salon as prescribed by rules of the state department of health,
32 the department may notify the owner or manager in writing
33 of the failure to comply. If the rules are not complied with
34 within five days after receipt of the written notice by the
35 owner or manager, the department shall in writing order the

1 beauty salon closed until the rules are complied with. It
2 is unlawful for a person to practice cosmetology in a salon
3 which has been closed under the provisions of this section.
4 The county attorney in each county shall assist the depart-
5 ment in enforcing the provisions of this section.

6 Sec. 15. NEW SECTION. RULES. The board shall promulgate
7 rules under the provisions of chapter seventeen A (17A) of
8 the Code to administer the provisions of sections one (1)
9 through fifteen (15) of this Act. However, any rules adopted
10 by the board shall first be submitted to the department of
11 health for approval.

12 Sec. 16. NEW SECTION. PENALTY. A person convicted of
13 violating any of the provisions of sections one (1) through
14 fourteen (14) of this Act shall be fined not to exceed one
15 hundred dollars.

16 Sec. 17. LICENSE EXTENSION.

17 1. A cosmetologist possessing a license on June 30, 1975
18 and renewing the license at some time during the year beginning
19 July 1, 1975, may have his or her license renewed without
20 examination under the provisions of section one hundred forty-
21 seven point ten (147.10) of the Code.

22 2. A school of cosmetology possessing a license on June
23 30, 1975 and renewing the license at some time during the
24 year beginning July 1, 1975 may have its license renewed under
25 the provisions of this Act.

26 3. Any person who made application to the board of cos-
27 metology examiners for a license to practice cosmetology
28 during the period commencing July 1, 1975 and ending June
29 30, 1976 and who met the requirements of the board of
30 cosmetology examiners and was issued a license may have his
31 or her license renewed without examination under the provisions
32 of section one hundred forty-seven point ten (147.10) of the
33 Code.

34 4. For the purpose of this section, the definitions in
35 section one (1) of this Act shall apply.

1 Sec. 18. NEW SECTION. DEFINITION. For the purpose of
2 sections seventeen (17) through thirty-two (32) of this Act:

3 1. "Barbering" means practices listed in this subsection
4 performed with or without compensation. The practices include
5 but are not limited to the following practices performed upon
6 the upper part of the human body of any person for cosmetic
7 purposes and not for the treatment of disease or physical
8 or mental ailments:

9 a. Shaving or trimming the beard or cutting the hair.

10 b. Giving facial and scalp massages or treatments with
11 oils, creams, lotions, or other preparations either by hand,
12 or by electrical or mechanical appliances.

13 c. Singeing, shampooing, hair body processing, arranging,
14 dressing, curling, blow waving, hair relaxing, bleaching or
15 coloring the hair, or applying hair tonics.

16 d. Applying cosmetic preparations, antiseptics, powders,
17 oils, clays, or lotions to scalp, face, or neck.

18 e. Styling, cutting or shampooing hairpieces or wigs when
19 done in conjunction with haircutting or hairstyling.

20 Barbers shall not represent themselves to the public as
21 being primarily engaged in practices other than haircutting
22 unless the functions are in fact their primary function or
23 specialty.

24 2. "Barber" means a person who performs practices of
25 barbering or otherwise by the person's occupation holds himself
26 or herself out as having knowledge or skill peculiar to the
27 practice of barbering.

28 3. "Barbershop" means an establishment in a fixed location
29 where one or more persons engage in the practice of barbering.

30 4. "Barber school" means an establishment operated by
31 a person for the purpose of teaching barbering.

32 5. "Board" means the board of barber examiners.

33 6. "Department" means the state department of health.

34 Sec. 19. NEW SECTION. PROHIBITION--EXCEPTIONS. It is
35 unlawful for a person to practice barbering with or without

1 compensation unless the person possesses a license issued
2 under the provisions of section nineteen (19) of this Act.
3 Practices listed in section seventeen (17) of this Act when
4 performed by the following persons are not defined as
5 practicing barbering:

6 1. Licensed physicians and surgeons, osteopaths,
7 osteopathic physicians and surgeons, nurses, dentists,
8 podiatrists, optometrists, chiropractors, and physical
9 therapists, when exclusively engaged in the practice of their
10 respective professions.

11 2. Licensed cosmetologists who practice cosmetology as
12 defined in section one (1) of this Act.

13 3. Students enrolled in licensed barber schools or schools
14 of cosmetology who are practicing under the instruction or
15 immediate supervision of an instructor.

16 4. Persons who, without compensation, perform any of the
17 practices on an emergency basis or on a casual basis.

18 5. Employees and residents of hospitals, health care
19 facilities, orphans' homes, juvenile homes, and other similar
20 facilities who shampoo, arrange, dress, or curl the hair of
21 any resident, or who shave or trim the beard of any resident,
22 without receiving direct compensation from the person receiving
23 the service.

24 6. Persons who perform any of the practices listed in
25 section seventeen (17) of this Act on themselves or on a
26 member of the person's immediate family.

27 Sec. 20. NEW SECTION. LICENSE REQUIREMENTS.

28 1. An applicant shall be issued a license to practice
29 barbering by the department when the applicant satisfies all
30 of the following:

31 a. Presents to the department the certificate of a licensed
32 physician and surgeon, osteopath, or osteopathic physician
33 and surgeon that the applicant is free from any infectious
34 or contagious disease.

35 b. Presents to the department a diploma, or other like

1 evidence, issued by a licensed barber school indicating that
2 the applicant has completed the course of study prescribed
3 by the board.

4 c. Completes the application form prescribed by the board.

5 d. Passes an examination prescribed by the board. The
6 examination shall include both practical demonstrations and
7 written or oral tests and shall not be confined to any specific
8 system or method.

9 e. Presents a certificate, or satisfactory evidence, to
10 the department that the applicant has successfully completed
11 tenth grade, or the equivalent. The provisions of this
12 subsection shall not apply to students enrolled in a barber
13 school maintained at an institution under the control of a
14 director of a division of the department of social services.

15 2. Notwithstanding the provisions of subsection one (1)
16 of this section, any person who completes the application
17 form prescribed by the board and who submits satisfactory
18 proof of having been a licensed barber in another state for
19 at least twelve months in the twenty-four month period
20 preceding the submission of the application shall be allowed
21 to take the examination for a license to practice barbering.
22 However, the examination requirement shall be waived for those
23 persons who submit evidence of licensure in another state
24 which has a reciprocal agreement with the state of Iowa under
25 the provisions of sections one hundred forty-seven point
26 forty-four (147.44) through one hundred forty-seven point
27 forty-nine (147.49) of the Code.

28 3. Notwithstanding the provisions of subsection one (1)
29 of this section, any person who is registered as a barber's
30 apprentice on the effective date of this Act may apply to
31 the department prior to October 1, 1976 and shall be issued
32 a license to practice barbering upon payment of the fee
33 prescribed under the provisions of section one hundred forty-
34 seven point eighty (147.80) of the Code.

35 Sec. 21. NEW SECTION. TEMPORARY PERMITS. Any person

1 who completes the requirements for licensure as a barber
2 listed in section nineteen (19) of this Act, except for the
3 examination, shall be known as a trainee and shall be issued
4 a temporary permit by the department. The temporary permit
5 allows the applicant to practice barbering from the date of
6 graduation from the licensed barber school to the date on
7 which the results of the next succeeding examination for
8 barbers are available. Only one permit shall be issued to
9 a person. The fee for the temporary permit shall be established
10 by the board as provided in section one hundred forty-seven
11 point eighty (147.80) of the Code.

12 Sec. 22. NEW SECTION. SANITARY RULES. The department
13 shall prescribe sanitary rules for barbershops and barber
14 schools which shall include the sanitary conditions necessary
15 for the practice of barbering and for the prevention of
16 infectious and contagious diseases. Subject to local zoning
17 ordinances, a barbershop may be established in a residence
18 if a room other than the living quarters is equipped for that
19 purpose. The department shall enforce the provisions of this
20 section and make necessary inspections for enforcement.

21 Sec. 23. NEW SECTION. INSPECTORS. Inspectors and clerical
22 assistants shall be employed by the department under the
23 provisions of chapter nineteen A (19A) of the Code to
24 administer and enforce the provisions of sections seventeen
25 (17) through thirty-two (32) of this Act. The costs and
26 expenses of inspectors and clerical assistants shall be paid
27 from funds appropriated to the board.

28 Sec. 24. NEW SECTION. LICENSING BARBER SCHOOLS. It is
29 unlawful for a barber school to operate unless the owner has
30 obtained a license issued by the department. The owner shall
31 file a verified application with the department on forms
32 prescribed by the board. Any person employed as a barbering
33 instructor in a licensed barber school shall be a licensed
34 barber and shall possess a separate instructor's license which
35 shall be renewed annually. An instructor shall file an

1 application with the department on forms prescribed by the
2 board. The barber school must pass a sanitary inspection,
3 and the course of study of the school must be approved by
4 the board under the provisions of section twenty-four (24)
5 of this Act.

6 An annual inspection of each barber school, including the
7 educational activities of each school, shall be conducted
8 and completed by the board prior to renewal of the license.

9 The application shall be accompanied by the annual license
10 fee determined under the provisions of section one hundred
11 forty-seven point eighty (147.80) of the Code and shall state
12 the name and location of the school, name of the owner, name
13 of the manager, and such other additional information as the
14 board may require. The license is valid for one year and
15 may be renewed.

16 A license for a barber school shall not be issued for any
17 space in any location where the same space is licensed as
18 a school of cosmetology.

19 Sec. 25. NEW SECTION. COURSE OF STUDY. The course of
20 study of a barber school shall consist of at least two thousand
21 one hundred hours of instruction as prescribed by the board
22 and shall include instruction in all phases of the practice
23 of barbering as defined in section seventeen (17), subsection
24 one (1) of this Act. The course shall require at least ten
25 months of instruction for completion. The course shall include
26 not less than three hundred hours of demonstrations and
27 lectures in the following areas: Law; ethics; equipment;
28 shop management; history of barbering; sanitation;
29 sterilization; personal hygiene; first aid; bacteriology;
30 anatomy; scalp, skin, hair and their common disorders;
31 electricity as applied to barbering; chemistry and
32 pharmacology; scalp care; hair body processing; hairpieces;
33 honing and stropping; shaving; facials, massage and packs;
34 haircutting; hair tonics; dyeing and bleaching; instruments;
35 soaps; and shampoos, creams, lotions, and tonics. It shall

1 include not less than one thousand four hundred hours of
2 supervised practical instruction in the following areas: Scalp
3 care and shampooing, honing and stropping, shaving,
4 haircutting, hairstyling and blow waving, dyeing and bleaching,
5 hair body processing, facials, massage and packs, beard and
6 mustache trimming, and hairpieces.

7 A cosmetologist licensed under section three (3) of this
8 Act who enrolls in a barber school shall be granted five
9 hundred twenty-five hours credit toward the two thousand one
10 hundred hour requirement, and the ten-month period shall not
11 apply.

12 Sec. 26. NEW SECTION. BARBERSHOP LICENSES. It is unlawful
13 for a barbershop to operate unless the owner has obtained
14 a license issued by the department. The owner shall apply
15 to the department on forms prescribed by the board. The
16 barbershop must pass a sanitary inspection before obtaining
17 a license and at least annually thereafter.

18 The application shall be accompanied by the annual license
19 fee determined pursuant to section one hundred forty-seven
20 point eighty (147.80) of the Code. The license is valid for
21 one year and may be renewed.

22 A licensed barber shop shall not employ more than one
23 licensed barber assistant for each five licensed barbers.

24 A licensed barber school at which students practice
25 barbering is exempt from licensing as a barbershop.

26 Sec. 27. NEW SECTION. SUPERVISORS OF BARBERS. Persons
27 who directly supervise the work of barbers shall be licensed
28 barbers.

29 Sec. 28. NEW SECTION. BARBER ASSISTANTS. The department
30 shall issue a license to practice as a barber assistant to
31 any person who submits proof of completion of a course of
32 not less than one hundred sixty hours in a licensed barber
33 school or licensed school of cosmetology. The board shall
34 adopt rules defining the course of study of a barber assistant
35 and the practices which a barber assistant may perform. The

1 course of study shall include but not be limited to
2 demonstrations, lectures, and supervised practical instruction
3 in scalp care, rinses, hair treatments, anatomy of scalp and
4 hair and their common disorders, and sanitation and
5 sterilization. A barber assistant shall work under the direct
6 supervision of a licensed barber. The fee for the license
7 shall be established by the board as provided in section one
8 hundred forty-seven point eighty (147.80) of the Code.

9 Sec. 29. NEW SECTION. LICENSE SUSPENSION AND REVOCATION.
10 Any license issued by the department under the provisions
11 of sections seventeen (17) through thirty-two (32) of this
12 Act may be suspended, revoked, or renewal denied by the board
13 for violation of any provision of this Act or rules promulgated
14 by the board under the provisions of chapter seventeen A (17A)
15 of the Code.

16 Sec. 30. NEW SECTION. VIOLATIONS.

17 1. It is unlawful for any person to employ an individual
18 to practice barbering unless that individual is a licensed
19 barber or has obtained a temporary permit. It is unlawful
20 for a licensed barber to practice barbering with or without
21 compensation in any place other than a licensed barbershop
22 or barber school, except that a licensed barber may practice
23 barbering at a location which is not a licensed barbershop
24 or barber school under extenuating circumstances arising from
25 physical or mental disability or death of a customer. It
26 is unlawful for a licensed barber to represent himself or
27 herself as a licensed cosmetologist.

28 2. If the owner or manager of a barbershop does not comply
29 with the sanitary rules adopted under the provisions of section
30 twenty-one (21) of this Act or fails to maintain the barbershop
31 as prescribed by rules of the state department of health,
32 the department may notify the owner or manager in writing
33 of the failure to comply. If the rules are not complied with
34 within five days after receipt of the written notice by the
35 owner or manager, the department shall in writing order the

1 shop closed until the rules are complied with. It is unlawful
2 for a person to practice barbering in a shop which has been
3 closed under the provisions of this section. The county
4 attorney in each county shall assist the department in
5 enforcing the provisions of this section.

6 Sec. 31. NEW SECTION. MANICURISTS. A licensed barber-
7 shop may employ a person who is not a licensed cosmetologist
8 to manicure the fingernails of any person.

9 Sec. 32. NEW SECTION. RULES. The board shall promulgate
10 rules under the provisions of chapter seventeen A (17A) of
11 the Code to administer the provisions of sections seventeen
12 (17) through thirty-two (32) of this Act. However, any rules
13 adopted by the board shall first be submitted to the department
14 of health for approval.

15 Sec. 33. NEW SECTION. PENALTY. A person convicted of
16 violating any of the provisions of sections seventeen (17)
17 through thirty-one (31) of this Act shall be fined not to
18 exceed one hundred dollars.

19 Sec. 34. LICENSE EXTENSION.

20 1. A barber possessing a license on June 30, 1975 and
21 renewing the license at some time during the year beginning
22 July 1, 1975, may have his or her license renewed without
23 examination under the provisions of section one hundred forty-
24 seven point ten (147.10) of the Code.

25 2. A barber school possessing a license on June 30, 1975
26 and renewing the license at some time during the year begin-
27 ning July 1, 1975, may have its license renewed under the
28 provisions of this Act.

29 3. Any person who made application to the board of barber
30 examiners for a license to practice barbering during the
31 period commencing July 1, 1975 and ending June 30, 1976 and
32 who met the requirements of the board of barber examiners
33 and was issued a license may have his or her license renewed
34 without examination under the provisions of section one hundred
35 forty-seven point ten (147.10) of the Code.

1 4. For the purpose of this section, the definitions in
2 section one (1) of this Act shall apply.

3 Sec. 35. Section one hundred forty-seven point eighty
4 (147.80), subsections thirteen (13) and fourteen (14), Code
5 1975, are amended to read as follows:

6 13. License to practice cosmetology issued upon the basis
7 of an examination given by the board of cosmetology examiners,
8 license to practice cosmetology under a reciprocal agreement,
9 renewal of a license to practice cosmetology, temporary permit
10 to practice as an-apprentice-in a cosmetology trainee, original
11 license to conduct a school teaching of cosmetology, renewal
12 of license to conduct a school of cosmetology, original license
13 to operate a beauty salon, renewal of a license to operate
14 a beauty salon, original license and examination to practice
15 electrolysis, renewal of a license to practice electrolysis,
16 annual inspection of a school of cosmetology, annual inspection
17 of a beauty salon, original cosmetology school instructor's
18 license, renewal of cosmetology school instructor's license.

19 14. License to practice barbering on the basis of an
20 examination given by the board of barber examiners, licensed
21 to practice barbering under a reciprocal agreement, renewal
22 of a license to practice barbering, annual inspection by the
23 state department of health and of barber school and annual
24 inspection of barbershop, an original barber school license,
25 renewal of a barber school license, transfer of license upon
26 change of ownership of a barber shop or barber school,
27 inspection by the department and an original barber shop
28 license, renewal of a barber shop license, original barber
29 school instructor's license, renewal of a barber school
30 instructor's license, ~~original-apprentice-barber's-license,~~
31 ~~renewal-of-an-apprentice-barber's-license.~~

32 Sec. 36. Section one hundred forty-seven point eighty-
33 six (147.86), Code 1975, is amended to read as follows:

34 147.86 PENALTIES. Any person violating any provision
35 of this or the following chapters of this title, except insofar

1 as said provisions apply or relate to or affect the practice
2 of pharmacy, ~~of cosmetology, and of barbering,~~ shall be fined
3 not less than one hundred dollars nor more than one thousand
4 dollars or be imprisoned in the county jail for not more than
5 six months or by both such fine and imprisonment.

6 Sec. 37. The Code editor is directed to publish sections
7 one (1) through fifteen (15) of this Act as a new chapter
8 of the Code and sections seventeen (17) through thirty-two
9 (32) of this Act as a new chapter of the Code.

10 EXPLANATION

11 This bill revises Senate File 296 which was vetoed by the
12 Governor. It revises the definitions of barbering and
13 cosmetology. It prescribes the total hours of instruction
14 and the required courses for both barber schools and schools
15 of cosmetology. Partial credit is given for licensed barbers
16 enrolled in a school of cosmetology and for licensed cosme-
17 tologists enrolled in a barber school. The apprentice program
18 of barbers is eliminated. Persons may manicure the finger-
19 nails of patrons in barbershops without obtaining a license.
20 The bill provides for licensing of both barbershops and beauty
21 salons. Barbers must represent themselves as barbers and
22 not as cosmetologists, and cosmetologists must represent
23 themselves as cosmetologists and not as barbers. Provision
24 is made for instructors' licenses for both professions, and
25 there is a requirement that supervisors of barbers be licensed
26 barbers and supervisors of cosmetologists be licensed
27 cosmetologists.

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SF 1141
db/slc/83
LSB 3209/5

H-5649

- 1 Amend Senate File 1141, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 25, by striking the figure "1."
 - 4 2. Page 2, line 29, by striking the letter "a" 4
the Johnson
 - 5 and inserting in lieu thereof the figure "1".
 - 6 3. Page 2, line 33, by striking the letter "b"
 - 7 and inserting in lieu thereof the figure "2".
 - 8 4. Page 3, line 2, by striking the letter "c"
 - 9 and inserting in lieu thereof the figure "3".
 - 10 5. Page 3, line 4, by striking the letter "d"
 - 11 and inserting in lieu thereof the figure "4".
 - 12 6. Page 3, by striking lines 8 through 20.
 - 13 7. Page 4, by striking lines 5 and 6 and insert-
 - 14 ing in lieu thereof the words "electric needle or
 - 15 electronic process and".
 - 16 8. Page 6, by striking lines 27 and 28. 3
 - 17 9. Page 6, by striking lines 31 through 35. *Adopted*
 - 18 10. Page 7, by striking lines 1 through 11.
 - 19 11. Page 7, line 15, by striking the figure "1."
 - 20 12. Page 7, by striking lines 28 through 35.
 - 21 13. Page 8, by striking lines 1 through 5. *the Johnson*
 - 22 14. Page 11, line 17, by striking the word "and".
 - 23 15. Page 11, line 18, by striking the words "been
 - 24 a licensed barber".
 - 25 16. Page 11, by striking lines 22 through 27.
 - 26 17. Page 12, line 16, by striking the words
 - 27 "Subject to local zoning".
 - 28 18. Page 12, by striking lines 17 and 18.
 - 29 19. Page 12, line 19, by striking the word
 - 30 "purpose."
 - 31 20. Page 12, by striking line 32 and inserting
 - 32 in lieu thereof the words "prescribed by the board."
 - 33 21. Page 12, by striking lines 33, 34, and 35.
 - 34 22. Page 13, by striking line 1.
 - 35 23. Page 13, line 2, by striking the word "board."
 - 36 24. Page 14, by striking lines 22 and 23. 2 - *Johnson*
 - 37 25. Page 14, by striking lines 29 through 35.
 - 38 26. Page 15, by striking lines 1 through 8.

H-5649 FILED
MARCH 9, 1976

BY COMMITTEE ON STATE GOVERNMENT
MONROE of Des Moines, Chair

A. Johnson 5/10/76 2372
B. Adopted
C. Not

SENATE FILE 1141

H-5719

- 1 Amend Senate File 1141, as amended, passed and
 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by striking lines 27 and 28.
 - 4 2. Page 6, by striking lines 31 through 35.
 - 5 3. Page 7, by striking lines 1 through 11.
 - 6 4. Page 14, by striking lines 22 and 23.
 - 7 5. Page 14, by striking lines 29 through 35.
 - 8 6. Page 15, by striking lines 1 through 8.

H-5719 FILED
MARCH 10, 1976

BY SCHROEDER of Pottawattamie

Part of order 5/10/76 (2372)

H-6067

1 Amend Senate File 1141, as amended, passed,
2 and reprinted by the Senate as follows:
3 1. Page 4, line 3, by inserting after the
4 word "cosmetology" the words ", or from any school
5 in another state which is recognized by the
6 board,".

5

H-6067 FILED - *Adopted* BY WOODS of Polk
MARCH 31, 1976 *6/3 (23 73)*

SENATE FILE 1141

H-6501

1 Amend Senate File 1141, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking line 12 and inserting in
4 lieu thereof the words "at least twenty-four months
5 and having been employed as a licensed cosmetologist
6 for at least twelve months of the twenty-four months".
7 2. Page 11, by striking line 19 and inserting
8 in lieu thereof the words "at least twenty-four months
9 and having been employed as a licensed barber for
10 at least twelve months of the twenty-four months".

H-6501 FILED, LOST *(23 73)* BY HARVEY of Scott
MAY 3, 1976 WOODS of Polk

SENATE FILE 1141

H-6502

1 Amend Senate File 1141, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, line 18, by inserting after the words
4 "instructor's license" the words ", original cosmetology
5 assistant's license, renewal of a cosmetology
6 assistant's license".
7 2. Page 17, line 31, by inserting after the word
8 "license" the words "original barber assistant's
9 license, renewal of a barber assistant's license".

H-6502 FILED, BY WOODS of Polk
H-6502A WITHDRAWN, H-6502B ADOPTED *(23 73)*
MAY 3, 1976

HOUSE AMENDMENT TO SENATE FILE 1141

S-5687

- 1 Amend Senate File 1141, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 3, by inserting after the word
4 "cosmetology" the words ", or from any school in
5 another state which is recognized by the board,".
6 2. Page 6, by striking lines 27 and 28.
7 3. Page 6, by striking lines 31 through 35.
8 4. Page 17, line 31, by inserting after the
9 word "~~license~~" the words "original barber assistant's
10 license, renewal of a barber assistant's license".

S-5687 FILED - *See S-5738*
MAY 5, 1976

RECEIVED FROM THE HOUSE

CORRECTED HOUSE AMENDMENT TO
SENATE FILE 1141

S-5738

- 1 Amend Senate File 1141, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 3, by inserting after the word
4 "cosmetology" the words ", or from any school in
5 another state which is recognized by the board,".
6 2. Page 6, by striking lines 27 and 28.
7 3. Page 6, by striking lines 31 through 35.
8 4. Page 7, by striking lines 1 through 11.
9 5. Page 17, line 31, by inserting after the
10 word "~~license~~" the words "original barber assistant's
11 license, renewal of a barber assistant's license".

S-5738 FILED
MAY 11, 1976

RECEIVED FROM THE HOUSE

Senate Concurred 5/12/76

SENATE FILE 1141

AN ACT

TO ESTABLISH AND REGULATE THE PRACTICE OF BARBERING AND THE PRACTICE OF COSMETOLOGY, AND TO PROVIDE PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. DEFINITIONS. For the purpose of sections one (1) through fifteen (15) of this Act:

1. "Cosmetology" means practices performed with or without compensation by cosmetologists which include but are not limited to the practices listed in this subsection:

a. Arranging, dressing, curling, waving, shampooing, cutting, singeing, bleaching, coloring, or similar works, upon the hair of any person; or upon a wig or hairpiece when done in conjunction with haircutting or hairstyling by any means.

b. Massaging, cleansing, stimulating, exercising, beautifying, or similar techniques upon the scalp, face, neck, arms, hands, or upper part of the body of any person with the hands or mechanical or electrical apparatus or appliances or with the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or other preparations.

c. Manicuring the nails of any person.

Cosmetologists shall not represent themselves to the public as being primarily in the practice of haircutting unless that function is, in fact their primary specialty.

2. "Cosmetologist" means a person who performs practices of cosmetology or otherwise by the person's occupation holds himself or herself out as having knowledge or skill peculiar to the practice of cosmetology.

3. "Beauty salon" means a fixed establishment or place where one or more persons engage in the practice of cosmetology.

4. "Cosmetology school" means an establishment operated by a person for the purpose of teaching cosmetology.

5. "Board" means the board of cosmetology examiners.

6. "Department" means the state department of health.

Sec. 2. NEW SECTION. PROHIBITION--EXCEPTIONS. It is unlawful for a person to practice cosmetology with or without compensation unless the person possesses a license issued under the provision of section three (3) of this Act. However practices listed in section one (1) of this Act when performed by the following persons are not defined as the practice of cosmetology:

1. Licensed physicians and surgeons, osteopaths, osteopathic physicians and surgeons, nurses, dentists, podiatrists, optometrists, chiropractors, and physical therapists, when exclusively engaged in the practice of their respective professions.

2. Licensed barbers who practice barbering as defined in section seventeen (17) of this Act.

3. Students enrolled in licensed schools of cosmetology or barber schools who are practicing under the instruction or immediate supervision of an instructor.

4. Persons who perform without compensation any of the practices listed in section one (1) of this Act on an emergency basis or on a casual basis.

5. Employees and residents of hospitals, health care facilities, orphans' homes, juvenile homes, and other similar facilities who shampoo, arrange, dress, or curl the hair of any resident without receiving direct compensation from the person receiving the service.

6. Persons who perform any of the practices listed in section one (1) of this Act on themselves or on a member of the person's immediate family.

Sec. 3. NEW SECTION. LICENSE REQUIREMENTS. 1. An applicant shall be issued a license to practice cosmetology by the department when the applicant satisfies all of the following:

a. Presents to the department the certificate of a licensed physician and surgeon, osteopath, or osteopathic physician and surgeon that the applicant is free from any

infectious or contagious disease.

b. Presents to the department a diploma, or similar evidence, issued by a licensed school of cosmetology indicating that the applicant has completed the course of study prescribed by the board.

c. Completes the application form prescribed by the board.

d. Passes an examination prescribed by the board. The examination shall include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method.

2. Notwithstanding the provisions of subsection one (1) of this section, any person who completes the application form prescribed by the board who submits satisfactory proof of having been a licensed cosmetologist in another state for at least twelve months in the twenty-four month period preceding the submission of the application shall be allowed to take the examination for a license to practice cosmetology. However, the examination requirement shall be waived for those persons who submit evidence of licensure in another state which has a reciprocal agreement with the state of Iowa under the provisions of sections one hundred forty-seven point forty-four (147.44) through one hundred forty-seven point forty-nine (147.49) of the Code.

Sec. 4. NEW SECTION. TEMPORARY PERMITS. Any person who completes the requirements for licensure as a cosmetologist listed in section three (3) of this Act, except for the examination, shall be known as a trainee and shall be issued a temporary permit by the department which allows the applicant to practice cosmetology from the date of graduation from the licensed school of cosmetology to the date on which the results of the next succeeding examination for cosmetologists are available. Only one permit shall be issued to a person. The fee for the temporary permit shall be established by the board as provided in section one hundred forty-seven point eighty (147.80) of the Code.

Sec. 5. NEW SECTION. LICENSE TO PRACTICE ELECTROLYSIS.

An applicant for a license to practice cosmetology may obtain a license from the department for authority to remove superfluous hair by the use of the electric needle or electronic process by presenting to the board a diploma, or similar evidence, from a licensed school of cosmetology, or from any school in another state which is recognized by the board, which teaches a special course in the practice of the use of the electric needle or electronic process indicating that the applicant has successfully completed the special course, and by passing an examination prescribed by the board. The applicant shall pay a license fee as determined by the board under section one hundred forty-seven point eighty (147.80) of the Code.

Sec. 6. NEW SECTION. SANITARY RULES--PRACTICE IN THE HOME. The department shall prescribe sanitary rules for beauty salons and schools of cosmetology which shall include the sanitary conditions necessary for the practice of cosmetology and for the prevention of infectious and contagious diseases. Subject to local zoning ordinances, a beauty salon may be established in a residence if a room other than the living quarters is equipped for that purpose. The department shall enforce the provisions of this section and make necessary inspections for enforcement.

Sec. 7. NEW SECTION. INSPECTORS. Inspectors and clerical assistants shall be employed by the department under the provisions of chapter nineteen A (19A) of the Code to administer and enforce the provisions of sections one (1) through fifteen (15) of this Act. The costs and expenses of inspectors and clerical assistants shall be paid from funds appropriated to the board.

Sec. 8. NEW SECTION. LICENSING OF SCHOOLS OF COSMETOLOGY AND INSTRUCTORS. It is unlawful for a school of cosmetology to operate unless the owner has obtained a license issued by the department. The owner shall file a verified application with the department on forms prescribed by the board. Any person employed as a cosmetology instructor in a licensed school of cosmetology shall be a licensed cosmetologist and

shall possess a separate instructor's license which shall be renewed annually. An instructor shall file an application with the department on forms prescribed by the board. The school of cosmetology must pass a sanitary inspection under the provisions of section six (6) of this Act, and the course of study of the school must be approved by the board under the provisions of section ten (10) of this Act. An annual inspection of each school of cosmetology, including the educational activities of each school, shall be conducted and completed by the board prior to renewal of the license.

The application for a license for a school shall be accompanied by the annual license fee determined pursuant to section one hundred forty-seven point eighty (147.80) of the Code and shall state the name and location of the school and such other additional information as the board may require. The license is valid for one year and may be renewed. A license for a school of cosmetology shall not be issued for any space in any location where the same space is also licensed as a barber school.

The application for an instructor's license shall be accompanied by the annual license fee determined pursuant to section one hundred forty-seven point eighty (147.80) of the Code.

Sec. 9. NEW SECTION. LICENSE SUSPENSION AND REVOCATION. Any license issued by the department under the provisions of sections one (1) through fifteen (15) of this Act may be suspended, revoked, or renewal denied by the board for violation of any provision of this Act or rules promulgated by the board under the provisions of chapter seventeen A (17A) of the Code.

Sec. 10. NEW SECTION. COURSE OF STUDY. The course of study of a school of cosmetology shall consist of at least two thousand one hundred hours of instruction as prescribed by the board and shall include instruction in all phases of the practice of cosmetology as defined in section one (1), subsection one (1), of this Act. The course shall require at least ten months of instruction for completion. The course shall include not less than five hundred hours of demonstra-

tions and lectures in the following areas: Sanitation and sterilization, hygiene and grooming, professional ethics, anatomy, dermatology, trichology, nails, chemistry and chemical hair straightening, safety precautions, and state law and rules. It shall include not less than one thousand two hundred hours of supervised practical instruction in the following areas: Sanitation and sterilization, shampoos and rinses, scalp and hair treatments, hairshaping, hairstyling, wiggery, manicuring, permanent waving, haircoloring and lightening, facial treatment and makeup, and safety precautions.

The barber licensed under sections seventeen (17) through thirty-two (32) of this Act who enrolls in a school of cosmetology shall be granted five hundred twenty-five hours credit toward the two thousand one hundred hour requirement, and the ten-month period shall not apply.

Sec. 11. NEW SECTION. SALON LICENSES. Commencing January 1, 1977, it is unlawful for a beauty salon to operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The beauty salon must pass a sanitary inspection before licensing and at least annually thereafter.

The application shall be accompanied by the annual license fee determined pursuant to section one hundred forty-seven point eighty (147.80) of the Code. The license is valid for one year and may be renewed.

A licensed school of cosmetology at which students practice cosmetology is exempt from licensing as a beauty salon.

Sec. 12. NEW SECTION. SUPERVISORS OF COSMETOLOGISTS. Persons who directly supervise the work of cosmetologists shall be licensed cosmetologists.

Sec. 13. NEW SECTION. VIOLATIONS. 1. It is unlawful for any person to employ an individual to practice cosmetology unless that individual is a licensed cosmetologist or has obtained a temporary permit. It is unlawful for a licensed cosmetologist to practice cosmetology with or without compensation in any place other than a licensed beauty salon or licensed school of cosmetology, except that a licensed

cosmetologist may practice cosmetology at a location which is not a licensed beauty salon or school of cosmetology under extenuating circumstances arising from physical or mental disability or death of a customer. It is unlawful for a licensed cosmetologist to represent himself or herself as a licensed barber.

2. If the owner or manager of a beauty salon does not comply with the sanitary rules adopted under the provisions of section six (6) of this Act or fails to maintain the beauty salon as prescribed by rules of the state department of health, the department may notify the owner or manager in writing of the failure to comply. If the rules are not complied with within five days after receipt of the written notice by the owner or manager, the department shall in writing order the beauty salon closed until the rules are complied with. It is unlawful for a person to practice cosmetology in a salon which has been closed under the provisions of this section. The county attorney in each county shall assist the department in enforcing the provisions of this section.

Sec. 14. NEW SECTION. RULES. The board shall promulgate rules under the provisions of chapter seventeen A (17A) of the Code to administer the provisions of sections one (1) through fifteen (15) of this Act. However, any rules adopted by the board shall first be submitted to the department of health for approval.

Sec. 15. NEW SECTION. PENALTY. A person convicted of violating any of the provisions of sections one (1) through fourteen (14) of this Act shall be fined not to exceed one hundred dollars.

Sec. 16. LICENSE EXTENSION.

1. A cosmetologist possessing a license on June 30, 1975 and renewing the license at some time during the year beginning July 1, 1975, may have his or her license renewed without examination under the provisions of section one hundred forty-seven point ten (147.10) of the Code.

2. A school of cosmetology possessing a license on June 30, 1975 and renewing the license at some time during the

year beginning July 1, 1975 may have its license renewed under the provisions of this Act.

3. Any person who made application to the board of cosmetology examiners for a license to practice cosmetology during the period commencing July 1, 1975 and ending June 30, 1976 and who met the requirements of the board of cosmetology examiners and was issued a license may have his or her license renewed without examination under the provisions of section one hundred forty-seven point ten (147.10) of the Code.

4. For the purpose of this section, the definitions in section one (1) of this Act shall apply.

Sec. 17. NEW SECTION. DEFINITION. For the purpose of sections seventeen (17) through thirty-two (32) of this Act:

1. "Barbering" means practices listed in this subsection performed with or without compensation. The practices include but are not limited to the following practices performed upon the upper part of the human body of any person for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

- a. Shaving or trimming the beard or cutting the hair.
- b. Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand, or by electrical or mechanical appliances.
- c. Singeing, shampooing, hair body processing, arranging, dressing, curling, blow waving, hair relaxing, bleaching or coloring the hair, or applying hair tonics.
- d. Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.
- e. Styling, cutting or shampooing hairpieces or wigs when done in conjunction with haircutting or hairstyling.

Barbers shall not represent themselves to the public as being primarily engaged in practices other than haircutting unless the functions are in fact their primary function or specialty.

2. "Barber" means a person who performs practices of barbering or otherwise by the person's occupation holds himself

or herself out as having knowledge or skill peculiar to the practice of barbering.

3. "Barbershop" means an establishment in a fixed location where one or more persons engage in the practice of barbering.

4. "Barber school" means an establishment operated by a person for the purpose of teaching barbering.

5. "Board" means the board of barber examiners.

6. "Department" means the state department of health.

Sec. 18. NEW SECTION. PROHIBITION--EXCEPTIONS. It is unlawful for a person to practice barbering with or without compensation unless the person possesses a license issued under the provisions of section nineteen (19) of this Act. Practices listed in section seventeen (17) of this Act when performed by the following persons are not defined as practicing barbering:

1. Licensed physicians and surgeons, osteopaths, osteopathic physicians and surgeons, nurses, dentists, podiatrists, optometrists, chiropractors, and physical therapists, when exclusively engaged in the practice of their respective professions.

2. Licensed cosmetologists who practice cosmetology as defined in section one (1) of this Act.

3. Students enrolled in licensed barber schools or schools of cosmetology who are practicing under the instruction or immediate supervision of an instructor.

4. Persons who, without compensation, perform any of the practices on an emergency basis or on a casual basis.

5. Employees and residents of hospitals, health care facilities, orphans' homes, juvenile homes, and other similar facilities who shampoo, arrange, dress, or curl the hair of any resident, or who shave or trim the beard of any resident, without receiving direct compensation from the person receiving the service.

6. Persons who perform any of the practices listed in section seventeen (17) of this Act on themselves or on a member of the person's immediate family.

Sec. 19. NEW SECTION. LICENSE REQUIREMENTS.

1. An applicant shall be issued a license to practice barbering by the department when the applicant satisfies all of the following:

a. Presents to the department the certificate of a licensed physician and surgeon, osteopath, or osteopathic physician and surgeon that the applicant is free from any infectious or contagious disease.

b. Presents to the department a diploma, or other like evidence, issued by a licensed barber school indicating that the applicant has completed the course of study prescribed by the board.

c. Completes the application form prescribed by the board.

d. Passes an examination prescribed by the board. The examination shall include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method.

e. Presents a certificate, or satisfactory evidence, to the department that the applicant has successfully completed tenth grade, or the equivalent. The provisions of this subsection shall not apply to students enrolled in a barber school maintained at an institution under the control of a director of a division of the department of social services.

2. Notwithstanding the provisions of subsection one (1) of this section, any person who completes the application form prescribed by the board and who submits satisfactory proof of having been a licensed barber in another state for at least twelve months in the twenty-four month period preceding the submission of the application shall be allowed to take the examination for a license to practice barbering. However, the examination requirement shall be waived for those persons who submit evidence of licensure in another state which has a reciprocal agreement with the state of Iowa under the provisions of sections one hundred forty-seven point forty-four (147.44) through one hundred forty-seven point forty-nine (147.49) of the Code.

3. Notwithstanding the provisions of subsection one (1) of this section, any person who is registered as a barber's

apprentice on the effective date of this Act may apply to the department prior to October 1, 1976 and shall be issued a license to practice barbering upon payment of the fee prescribed under the provisions of section one hundred forty-seven point eighty (147.80) of the Code.

Sec. 20. NEW SECTION. TEMPORARY PERMITS. Any person who completes the requirements for licensure as a barber listed in section nineteen (19) of this Act, except for the examination, shall be known as a trainee and shall be issued a temporary permit by the department. The temporary permit allows the applicant to practice barbering from the date of graduation from the licensed barber school to the date on which the results of the next succeeding examination for barbers are available. Only one permit shall be issued to a person. The fee for the temporary permit shall be established by the board as provided in section one hundred forty-seven point eighty (147.80) of the Code.

Sec. 21. NEW SECTION. SANITARY RULES. The department shall prescribe sanitary rules for barbershops and barber schools which shall include the sanitary conditions necessary for the practice of barbering and for the prevention of infectious and contagious diseases. Subject to local zoning ordinances, a barbershop may be established in a residence if a room other than the living quarters is equipped for that purpose. The department shall enforce the provisions of this section and make necessary inspections for enforcement.

Sec. 22. NEW SECTION. INSPECTORS. Inspectors and clerical assistants shall be employed by the department under the provisions of chapter nineteen A (19A) of the Code to administer and enforce the provisions of sections seventeen (17) through thirty-two (32) of this Act. The costs and expenses of inspectors and clerical assistants shall be paid from funds appropriated to the board.

Sec. 23. NEW SECTION. LICENSING BARBER SCHOOLS. It is unlawful for a barber school to operate unless the owner has obtained a license issued by the department. The owner shall file a verified application with the department on forms

prescribed by the board. Any person employed as a barbering instructor in a licensed barber school shall be a licensed barber and shall possess a separate instructor's license which shall be renewed annually. An instructor shall file an application with the department on forms prescribed by the board. The barber school must pass a sanitary inspection, and the course of study of the school must be approved by the board under the provisions of section twenty-four (24) of this Act.

An annual inspection of each barber school, including the educational activities of each school, shall be conducted and completed by the board prior to renewal of the license.

The application shall be accompanied by the annual license fee determined under the provisions of section one hundred forty-seven point eighty (147.80) of the Code and shall state the name and location of the school, name of the owner, name of the manager, and such other additional information as the board may require. The license is valid for one year and may be renewed.

A license for a barber school shall not be issued for any space in any location where the same space is licensed as a school of cosmetology.

Sec. 24. NEW SECTION. COURSE OF STUDY. The course of study of a barber school shall consist of at least two thousand one hundred hours of instruction as prescribed by the board and shall include instruction in all phases of the practice of barbering as defined in section seventeen (17), subsection one (1) of this Act. The course shall require at least ten months of instruction for completion. The course shall include not less than three hundred hours of demonstrations and lectures in the following areas: Law; ethics; equipment; shop management; history of barbering; sanitation; sterilization; personal hygiene; first aid; bacteriology; anatomy; scalp, skin, hair and their common disorders; electricity as applied to barbering; chemistry and pharmacology; scalp care; hair body processing; hairpieces; honing and stropping; shaving; facials, massage and packs;

haircutting; hair tonics; dyeing and bleaching; instruments; soaps; and shampoos, creams, lotions, and tonics. It shall include not less than one thousand four hundred hours of supervised practical instruction in the following areas: Scalp care and shampooing, honing and stropping, shaving, haircutting, hairstyling and blow waving, dyeing and bleaching, hair body processing, facials, massage and packs, beard and mustache trimming, and hairpieces.

A cosmetologist licensed under section three (3) of this Act who enrolls in a barber school shall be granted five hundred twenty-five hours credit toward the two thousand one hundred hour requirement, and the ten-month period shall not apply.

Sec. 25. NEW SECTION. BARBERSHOP LICENSES. It is unlawful for a barbershop to operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The barbershop must pass a sanitary inspection before obtaining a license and at least annually thereafter.

The application shall be accompanied by the annual license fee determined pursuant to section one hundred forty-seven point eighty (147.80) of the Code. The license is valid for one year and may be renewed.

A licensed barber shop shall not employ more than one licensed barber assistant for each five licensed barbers.

A licensed barber school at which students practice barbering is exempt from licensing as a barbershop.

Sec. 26. NEW SECTION. SUPERVISORS OF BARBERS. Persons who directly supervise the work of barbers shall be licensed barbers.

Sec. 27. NEW SECTION. BARBER ASSISTANTS. The department shall issue a license to practice as a barber assistant to any person who submits proof of completion of a course of not less than one hundred sixty hours in a licensed barber school or licensed school of cosmetology. The board shall adopt rules defining the course of study of a barber assistant and the practices which a barber assistant may perform. The

course of study shall include but not be limited to demonstrations, lectures, and supervised practical instruction in scalp care, rinses, hair treatments, anatomy of scalp and hair and their common disorders, and sanitation and sterilization. A barber assistant shall work under the direct supervision of a licensed barber. The fee for the license shall be established by the board as provided in section one hundred forty-seven point eighty (147.80) of the Code.

Sec. 28. NEW SECTION. LICENSE SUSPENSION AND REVOCATION. Any license issued by the department under the provisions of sections seventeen (17) through thirty-two (32) of this Act may be suspended, revoked, or renewal denied by the board for violation of any provision of this Act or rules promulgated by the board under the provisions of chapter seventeen A (17A) of the Code.

Sec. 29. NEW SECTION. VIOLATIONS.

1. It is unlawful for any person to employ an individual to practice barbering unless that individual is a licensed barber or has obtained a temporary permit. It is unlawful for a licensed barber to practice barbering with or without compensation in any place other than a licensed barbershop or barber school, except that a licensed barber may practice barbering at a location which is not a licensed barbershop or barber school under extenuating circumstances arising from physical or mental disability or death of a customer. It is unlawful for a licensed barber to represent himself or herself as a licensed cosmetologist.

2. If the owner or manager of a barbershop does not comply with the sanitary rules adopted under the provisions of section twenty-one (21) of this Act or fails to maintain the barbershop as prescribed by rules of the state department of health, the department may notify the owner or manager in writing of the failure to comply. If the rules are not complied with within five days after receipt of the written notice by the owner or manager, the department shall in writing order the shop closed until the rules are complied with. It is unlawful for a person to practice barbering in a shop which has been

closed under the provisions of this section. The county attorney in each county shall assist the department in enforcing the provisions of this section.

Sec. 30. NEW SECTION. MANICURISTS. A licensed barber-shop may employ a person who is not a licensed cosmetologist to manicure the fingernails of any person.

Sec. 31. NEW SECTION. RULES. The board shall promulgate rules under the provisions of chapter seventeen A (17A) of the Code to administer the provisions of sections seventeen (17) through thirty-two (32) of this Act. However, any rules adopted by the board shall first be submitted to the department of health for approval.

Sec. 32. NEW SECTION. PENALTY. A person convicted of violating any of the provisions of sections seventeen (17) through thirty-one (31) of this Act shall be fined not to exceed one hundred dollars.

Sec. 33. LICENSE EXTENSION.

1. A barber possessing a license on June 30, 1975 and renewing the license at some time during the year beginning July 1, 1975, may have his or her license renewed without examination under the provisions of section one hundred forty-seven point ten (147.10) of the Code.

2. A barber school possessing a license on June 30, 1975 and renewing the license at some time during the year beginning July 1, 1975, may have its license renewed under the provisions of this Act.

3. Any person who made application to the board of barber examiners for a license to practice barbering during the period commencing July 1, 1975 and ending June 30, 1976 and who met the requirements of the board of barber examiners and was issued a license may have his or her license renewed without examination under the provisions of section one hundred forty-seven point ten (147.10) of the Code.

4. For the purpose of this section, the definitions in section one (1) of this Act shall apply.

Sec. 34. Section one hundred forty-seven point eighty (147.80), subsections thirteen (13) and fourteen (14), Code

1975, are amended to read as follows:

13. License to practice cosmetology issued upon the basis of an examination given by the board of cosmetology examiners, license to practice cosmetology under a reciprocal agreement, renewal of a license to practice cosmetology, temporary permit to practice as an-apprentice-in a cosmetology trainee, original license to conduct a school teaching of cosmetology, renewal of license to conduct a school of cosmetology, original license to operate a beauty salon, renewal of a license to operate a beauty salon, original license and examination to practice electrolysis, renewal of a license to practice electrolysis, annual inspection of a school of cosmetology, annual inspection of a beauty salon, original cosmetology school instructor's license, renewal of cosmetology school instructor's license.

14. License to practice barbering on the basis of an examination given by the board of barber examiners, licensed to practice barbering under a reciprocal agreement, renewal of a license to practice barbering, annual inspection by the state department of health and of barber school and annual inspection of barbershop, an original barber school license, renewal of a barber school license, transfer of license upon change of ownership of a barber shop or barber school, inspection by the department and an original barber shop license, renewal of a barber shop license, original barber school instructor's license, renewal of a barber school instructor's license, ~~original-apprentice-barber's-license, renewal-of-an-apprentice-barber's-license~~ original barber assistant's license, renewal of a barber assistant's license.

Sec. 35. Section one hundred forty-seven point eighty-six (147.86), Code 1975, is amended to read as follows:

147.86 PENALTIES. Any person violating any provision of this or the following chapters of this title, except insofar as said provisions apply or relate to or affect the practice of pharmacy, ~~of cosmetology, and of barbering,~~ shall be fined not less than one hundred dollars nor more than one thousand dollars or be imprisoned in the county jail for not more than six months or by both such fine and imprisonment.

Sec. 36. The Code editor is directed to publish sections one (1) through fifteen (15) of this Act as a new chapter of the Code and sections seventeen (17) through thirty-two (32) of this Act as a new chapter of the Code.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1141, Sixty-sixth General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved May 24, 1976

ROBERT D. RAY
Governor