

State Government
Junkins, Chairperson
Kelly
Drake

FILED FEB 22 1978

SENATE FILE 2149
By HILL of Polk

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to abolish the board of barber examiners and the
2 board of cosmetology examiners and to establish a
3 board of cosmetology-barber examiners.

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

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1 Section 1. NEW SECTION. DEFINITIONS. For the purpose
2 of this Act:

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

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

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

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

19 d. Shaving or trimming the beard of any person.

20 e. Manicuring the nails of any person.

21 Cosmetologist-barbers shall not represent themselves to
22 the public as being primarily in the practice of haircutting
23 unless that function is, in fact their primary specialty.

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

28 3. "Cosmetology-barber shop" means an establishment in
29 a fixed location or place where one or more persons engage
30 in the practice of cosmetology-barbering.

31 4. "Cosmetology-barbering school" means an establishment
32 operated by a person for the purpose of teaching cosmetology-
33 barbering.

34 5. "Board" means the board of cosmetology-barber examiners.

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

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

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

27 Sec. 3. NEW SECTION. LICENSE REQUIREMENTS.

28 1. An applicant shall be issued a license to practice
29 cosmetology-barbering by the department when the applicant
30 satisfies all 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 similar

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

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

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

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

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

25 Sec. 7. NEW SECTION. INSPECTORS. Inspectors and clerical
26 assistants shall be employed by the department under the
27 provisions of chapter nineteen A (19A) of the Code to
28 administer and enforce the provisions of this Act. The costs
29 and expenses of inspectors and clerical assistants shall be
30 paid from funds appropriated to the board.

31 Sec. 8. NEW SECTION. LICENSING OF SCHOOLS OF COSMETOLOGY-
32 BARBERING AND INSTRUCTORS. It is unlawful for a school of
33 cosmetology-barbering to operate unless the owner has obtained
34 a license issued by the department. The owner shall file
35 a verified application with the department on forms prescribed

1 by the board. Any person employed as a cosmetology-barbering
2 instructor in a licensed school of cosmetology-barbering shall
3 be a licensed cosmetologist-barber and shall possess a separate
4 instructor's license which shall be renewed annually. An
5 instructor shall file an application with the department on
6 forms prescribed by the board. The school of cosmetology-
7 barbering must pass a sanitary inspection under the provisions
8 of section six (6) of this Act, and the course of study of
9 the school must be approved by the board under the provisions
10 of section ten (10) of this Act. An annual inspection of
11 each school of cosmetology-barbering, including the educational
12 activities of each school, shall be conducted and completed
13 by the board prior to renewal of the license.

14 The application for a license for a school shall be
15 accompanied by the annual license fee determined pursuant
16 to section one hundred forty-seven point eighty (147.80) of
17 the Code and shall state the name and location of the school
18 and such other additional information as the board may require.
19 The license is valid for one year and may be renewed.

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

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

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

1 course shall require at least ten months of instruction for
2 completion. The course shall include not less than four hundred
3 hours of demonstrations and lectures in the following areas:
4 Sanitation and sterilization, hygiene and grooming,
5 professional ethics, anatomy, dermatology, trichology, nails,
6 chemistry and chemical hair straightening, equipment, shop
7 management, safety precautions, and state law and rules.

8 It shall include not less than one thousand three hundred
9 hours of supervised practical instruction in the following
10 areas: Sanitation and sterilization, shampoos and rinses,
11 scalp and hair treatments, hairshaping, hairstyling, wiggery,
12 manicuring, permanent waving, haircoloring and lightening,
13 facial treatment and makeup, honing and stropping, shaving,
14 beard and mustache trimming and safety precautions.

15 Sec. 11. NEW SECTION. SHOP LICENSES. It is unlawful
16 for a cosmetology-barber shop to operate unless the owner
17 has obtained a license issued by the department. The owner
18 shall apply to the department on forms prescribed by the
19 board. The shop must pass a sanitary inspection before
20 licensing and at least annually thereafter.

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

25 A licensed school of cosmetology-barbering at which students
26 practice cosmetology-barbering is exempt from licensing as
27 a cosmetology-barber shop.

28 Sec. 12. NEW SECTION. SUPERVISORS OF COSMETOLOGIST-
29 BARBERS. Persons who directly supervise the work of
30 cosmetologist-barbers shall be licensed cosmetologist-barbers.

31 Sec. 13. NEW SECTION. ASSISTANTS. The department shall
32 issue a license to practice as a cosmetologist-barber assistant
33 to any person who submits proof of completion of a course
34 of not less than one hundred sixty hours in a licensed school
35 of cosmetology-barbering. The board shall adopt rules defining

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

11 Sec. 14. NEW SECTION. VIOLATIONS.

12 1. It is unlawful for any person to employ an individual
13 to practice cosmetology-barbering unless that individual is
14 a licensed cosmetologist-barber or has obtained a temporary
15 permit. It is unlawful for a licensed cosmetologist-barber
16 to practice cosmetology-barbering with or without compensation
17 in any place other than a licensed cosmetology-barber shop
18 or licensed school of cosmetology-barbering, except that a
19 licensed cosmetologist-barber may practice cosmetology-
20 barbering at a location which is not a licensed cosmetology-
21 barber shop or school of cosmetology-barbering under
22 extenuating circumstances arising from physical or mental
23 disability or death of a customer.

24 2. If the owner or manager of a cosmetology-barber shop
25 does not comply with the sanitary rules adopted under the
26 provisions of section one hundred fifty-seven point six (157.6)
27 of the Code or fails to maintain the cosmetology-barber shop
28 as prescribed by rules of the state department of health,
29 the department may notify the owner or manager in writing
30 of the failure to comply. If the rules are not complied with
31 within five days after receipt of the written notice by the
32 owner or manager, the department shall in writing order the
33 cosmetology-barber shop closed until the rules are complied
34 with. It is unlawful for a person to practice cosmetology-
35 barbering in a shop which has been closed under the provisions

1 of this section. Any person who practices cosmetology-
 2 barbering in a shop which has been closed may be assessed
 3 a civil penalty of one hundred dollars per day for each day
 4 the shop is open in violation of the provisions of this
 5 section. The county attorney in each county shall assist
 6 the department in enforcing the provisions of this section.

7 3. It is unlawful for a school of cosmetology-barbering,
 8 or the owner, stockholders, or partners of the school, to
 9 own or have a direct or indirect interest in a cosmetology-
 10 barber shop.

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

16 Sec. 16. NEW SECTION. PENALTY. A person convicted of
 17 violating any of the provisions of sections of this chapter
 18 shall be guilty of a simple misdemeanor.

19 Sec. 17. Section one hundred forty-seven point one (147.1),
 20 subsections two (2) and three (3), Code 1977, are amended
 21 to read as follows:

22 2. "Licensed" or "certified" when applied to a physician
 23 and surgeon, podiatrist, osteopath, osteopathic physician
 24 and surgeon, psychologist or associate psychologist,
 25 chiropractor, nurse, dentist, dental hygienist, optometrist,
 26 speech pathologist, audiologist, pharmacist, physical
 27 therapist, practitioner of ~~cosmetology-practitioner-of~~
 28 barbering cosmetology-barbering, funeral director or embalmer
 29 shall mean a person licensed under this title.

30 3. "Profession" shall mean medicine and surgery, podiatry,
 31 osteopathy, osteopathic medicine and surgery, psychology,
 32 chiropractic, nursing, dentistry, dental hygiene, optometry,
 33 speech pathology, audiology, pharmacy, physical therapy,
 34 ~~cosmetology-barbering~~ cosmetology-barbering, funeral directing
 35 or embalming.

1 Sec. 18. Section one hundred forty-seven point two (147.2),
2 Code 1977, is amended to read as follows:

3 147.2 LICENSE REQUIRED. No person shall engage in the
4 practice of medicine and surgery, podiatry, osteopathy,
5 osteopathic medicine and surgery, psychology, chiropractic,
6 physical therapy, nursing, dentistry, dental hygiene,
7 optometry, speech pathology, audiology, pharmacy, ~~cosmetology,~~
8 ~~barbering~~ cosmetology-barbering, funeral directing or embalming
9 as defined in the following chapters of this title, unless
10 he or she shall have obtained from the state department of
11 health a license for that purpose.

12 Sec. 19. Section one hundred forty-seven point three
13 (147.3), Code 1977, is amended to read as follows:

14 147.3 QUALIFICATIONS. An applicant for a license to
15 practice a profession under this title shall not be ineligible
16 because of age, citizenship, sex, race, religion, marital
17 status or national origin, although the application form may
18 require citizenship information. Any board may consider the
19 past felony record of an applicant only if the felony
20 conviction relates directly to the practice of medicine,
21 podiatry, osteopathy, osteopathy and surgery, chiropractic,
22 nursing, psychology, optometry, speech pathology, audiology,
23 pharmacy, physical therapy, ~~cosmetology,~~ cosmetology-
24 barbering or funeral directing or embalming for which the
25 applicant requests to be licensed. Character references may
26 be required, but shall not be obtained from licensed members
27 of the profession.

28 Sec. 20. Section one hundred forty-seven point thirteen
29 (147.13), Code 1977, is amended to read as follows:

30 147.13 DESIGNATION OF BOARDS. The examining boards
31 provided in section 147.12 shall be designated as follows:
32 For medicine and surgery, and osteopathy, and osteopathic
33 medicine and surgery, medical examiners; for psychology,
34 psychology examiners; for podiatry, podiatry examiners; for
35 chiropractic, chiropractic examiners; for physical therapists,

1 physical therapy examiners; for nursing, board of nursing;
2 for dentistry and dental hygiene, dental examiners; for
3 optometry, optometry examiners; for speech pathology and
4 audiology, speech pathology and audiology examiners; for
5 ~~esmetology~~ cosmetology-barbering, ~~esmetology~~ cosmetology-
6 barbers examiners; ~~for-barbering~~, ~~barber-examiners~~; for
7 pharmacy, pharmacy examiners; for funeral directing and
8 embalming, funeral director and embalmer examiners.

9 Sec. 21. Section one hundred forty-seven point fourteen
10 (147.14), subsection one (1), Code 1977, is amended to read
11 as follows:

12 1. For podiatry, physical therapy, ~~esmetology~~, ~~barbering~~,
13 and funeral directing and embalming, three members each,
14 licensed to practice the profession for which the board
15 conducts examinations, and two members who are not licensed
16 to practice the profession for which the board conducts
17 examinations and who shall represent the general public.
18 A quorum shall consist of a majority of the members of the
19 board.

20 Sec. 22. Section one hundred forty-seven point fourteen
21 (147.14), Code 1977, is amended by adding the following new
22 subsection:

23 NEW SUBSECTION. For cosmetology-barbering examiners, four
24 members licensed to practice cosmetology-barbering and five
25 members who are not licensed to practice cosmetology-barbering
26 and who shall represent the general public. A majority of
27 the members of the board shall constitute a quorum.

28 Sec. 23. Section one hundred forty-seven point eighty
29 (147.80), subsection thirteen (13), Code 1977, is amended
30 to read as follows:

31 13. License to practice ~~esmetology~~ cosmetology-barbering
32 issued upon the basis of an examination given by the board
33 of ~~esmetology~~ cosmetology-barber examiners, license to
34 practice ~~esmetology~~ cosmetology-barbering under a reciprocal
35 agreement, renewal of a license to practice ~~esmetology~~

1 cosmetology-barbering, temporary permit to practice as a
2 ~~cosmetology~~ cosmetology-barber trainee, original license to
3 conduct a school of ~~cosmetology~~ cosmetology-barbering, renewal
4 of license to conduct a school of ~~cosmetology~~ cosmetology-
5 barbering, original license to operate a beauty-salon
6 cosmetology-barber shop, renewal of a license to operate a
7 ~~beauty-salon~~ cosmetology-barber shop, original license and
8 examination to practice electrolysis, renewal of a license
9 to practice electrolysis, original cosmetologist-barber
10 assistant's license, renewal of cosmetologist-barber
11 assistant's license, annual inspection of a school of
12 ~~cosmetology~~ cosmetology-barbering, annual inspection of a
13 ~~beauty-salon~~ cosmetology-barber shop, original ~~cosmetology~~
14 cosmetology-barbering school instructor's license, renewal
15 of ~~cosmetology~~ cosmetology-barbering school instructor's
16 license.

17 Sec. 24. Section one hundred forty-seven point eighty
18 (147.80), Code 1977, is amended by striking subsection fourteen
19 (14).

20 Sec. 25. Any person who possesses a license to practice
21 cosmetology or a license to practice barbering shall be issued
22 a license to practice cosmetology-barbering on the effective
23 date of this Act.

24 Sec. 26. For the initial board, two members shall have
25 been licensed as barbers and two members shall have been
26 licensed as cosmetologists. The two barber members and the
27 two cosmetologist members shall be appointed for one and three-
28 year terms for each profession respectively. The five public
29 members shall be appointed so that two members serve two-year
30 terms and three members serve three-year terms.

31 Sec. 27. Chapters one hundred fifty-seven (157) and one
32 hundred fifty-eight (158), Code 1977, are repealed.

33 Sec. 28. This Act shall be effective July 1, 1979.

34 EXPLANATION

35 This bill abolishes the separate professions of barbering

1 and cosmetology and establishes a profession of cosmetology-
2 barbering with a single board established and a single license
3 issued. The separate schools and beauty salons and barber
4 shops are also abolished.

5 Persons licensed as barbers and cosmetologists on July
6 1, 1979 will be issued licenses as cosmetologist-barbers.

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