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SENATE FILE 433  
BY GENTLEMAN

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 board of  
2 cosmetology examiners and to establish a board of cosmetology  
3 and barber examiners.

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

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SF 433

1 Section 1. NEW SECTION. 158A.1 DEFINITIONS.

2 For the purpose of this Act:

3 1. "Board" means the board of cosmetology and barber  
4 examiners.

5 2. "Cosmetologist and barber" means a person who performs  
6 practices of cosmetology and barbering or otherwise by the  
7 person's occupation claims to have knowledge or skill peculiar  
8 to the practice of cosmetology and barbering.

9 3. "Cosmetology and barbering" means practices performed  
10 with or without compensation which include but are not limited  
11 to the practices listed in this subsection:

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

17 b. Massaging, cleansing, stimulating, exercising, or simi-  
18 lar techniques upon the scalp, face, neck, arms, hands, or  
19 upper part of the body of any person with the hands or  
20 mechanical or electrical apparatus or appliances or with the  
21 use of cosmetic preparations, antiseptics, tonics, lotions,  
22 creams, or other preparations.

23 c. Styling, cutting, or shampooing hairpieces or wigs.

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

25 e. Manicuring the nails of any person.

26 Cosmetologists and barbers shall not represent themselves  
27 to the public as being primarily in the practice of  
28 cosmetology and barbering unless that function is, in fact,  
29 their primary specialty.

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

33 5. "Cosmetology and barber shop" means an establishment in  
34 a fixed location or place where one or more persons engage in  
35 the practice of cosmetology and barbering.

1 6. "Department" means the Iowa department of public  
2 health.

3 Sec. 2. NEW SECTION. 158A.2 PROHIBITION -- EXCEPTIONS.

4 It is unlawful for a person to practice cosmetology and  
5 barbering with or without compensation unless the person  
6 possesses a license issued under section 158A.3. However,  
7 practices listed in section 158A.1 when performed by the  
8 following persons are not defined as the practice of  
9 cosmetology and barbering:

10 1. Licensed physicians and surgeons, osteopaths, osteo-  
11 pathic physicians and surgeons, nurses, dentists, podiatrists,  
12 optometrists, chiropractors, and physical therapists, when  
13 exclusively engaged in the practice of their respective pro-  
14 fessions.

15 2. Students enrolled in licensed schools of cosmetology  
16 and barbering who are practicing under the instruction or im-  
17 mediate supervision of an instructor.

18 3. Persons who perform without compensation any of the  
19 practices listed in section 158A.1 on an emergency basis or on  
20 a casual basis.

21 4. Employees and residents of hospitals, health care fa-  
22 cilities, orphans' homes, juvenile homes, and other similar  
23 facilities who shampoo, arrange, dress, or curl the hair of  
24 any resident without receiving direct compensation from the  
25 person receiving the service.

26 5. Persons who perform any of the practices listed in  
27 section 158A.1 on themselves or on members of their immediate  
28 family.

29 Sec. 3. NEW SECTION. 158A.3 LICENSE REQUIREMENTS.

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

33 a. Presents to the department the certificate of a li-  
34 censed physician and surgeon, osteopath, or osteopathic  
35 physician and surgeon that the applicant is free from any

1 infectious or contagious disease.

2 b. Presents to the department a diploma, or similar evi-  
3 dence, issued by a licensed school of cosmetology and barber-  
4 ing indicating that the applicant has completed the course of  
5 study prescribed by the board.

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

7 d. Passes an examination prescribed by the board. The  
8 examination shall include both practical demonstrations and  
9 written or oral tests and shall not be confined to any spe-  
10 cific system or method.

11 2. Notwithstanding subsection 1, a person who completes  
12 the application form prescribed by the board and who submits  
13 satisfactory proof of having been a licensed cosmetologist and  
14 barber in another state for at least twelve months in the  
15 twenty-four month period preceding the submission of the ap-  
16 plication shall be allowed to take the examination for a  
17 license to practice cosmetology and barbering. However, the  
18 examination requirement shall be waived for those persons who  
19 submit evidence of licensure in another state which has a  
20 reciprocal agreement with the state of Iowa under sections  
21 147.44 through 147.54.

22 Sec. 4. NEW SECTION. 158A.4 TEMPORARY PERMITS.

23 A person who completes the requirements for licensure in  
24 section 158A.3, except for the examination, shall be known as  
25 a trainee and shall be issued a temporary permit by the  
26 department which allows the applicant to practice cosmetology  
27 and barbering from the date of graduation from the licensed  
28 school of cosmetology and barbering to the date on which the  
29 results of the next succeeding examination for cosmetologists  
30 and barbers are available. Only one temporary permit shall be  
31 issued to a person. The fee for the temporary permit shall be  
32 established by the board as provided in section 147.80.

33 Sec. 5. NEW SECTION. 158A.5 LICENSE TO PRACTICE ELEC-  
34 TROLYSIS.

35 An applicant for a license to practice cosmetology and

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

12 Sec. 6. NEW SECTION. 158A.6 SANITARY RULES -- PRACTICE  
13 IN THE HOME.

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

24 Sec. 7. NEW SECTION. 158A.7 INSPECTORS.

25 Inspectors and clerical assistants shall be employed by the  
26 department under chapter 19A to administer and enforce this  
27 chapter. The costs and expenses of inspectors and clerical  
28 assistants shall be paid from funds appropriated to the board.

29 Sec. 8. NEW SECTION. 158A.8 LICENSING OF SCHOOLS OF  
30 COSMETOLOGY AND BARBERING AND INSTRUCTORS.

31 It is unlawful for a school of cosmetology and barbering to  
32 operate unless the owner has obtained a license issued by the  
33 department. The owner shall file a verified application with  
34 the department on forms prescribed by the board. A person  
35 employed as a cosmetology and barbering instructor in a

1 licensed school of cosmetology and barbering shall be a li-  
2 censed cosmetologist and barber and shall possess a separate  
3 instructor's license which shall be renewed biennially. An  
4 instructor shall file an application with the department on  
5 forms prescribed by the board. The school of cosmetology and  
6 barbering must pass a sanitary inspection under section  
7 158A.6, and the course of study of the school must be approved  
8 by the board under section 158A.10. An annual inspection of  
9 each school of cosmetology and barbering, including the  
10 educational activities of each school, shall be conducted and  
11 completed by the board prior to renewal of the license.

12 The application for a license for a school shall be ac-  
13 companied by the annual license fee determined pursuant to  
14 section 147.80 and shall state the name and location of the  
15 school and other information the board requires. The license  
16 is valid for one year and may be renewed.

17 The application for an instructor's license shall be ac-  
18 companied by the annual license fee determined pursuant to  
19 section 147.80.

20 Sec. 9. NEW SECTION. 158A.9 LICENSE SUSPENSION AND REVO-  
21 CATION.

22 A license issued by the department under this chapter may  
23 be suspended, revoked, or renewal denied by the board for  
24 violation of any provision of this chapter or the rules  
25 adopted by the board under chapter 17A.

26 Sec. 10. NEW SECTION. 158A.10 COURSE OF STUDY.

27 The course of study of a school of cosmetology and barber-  
28 ing shall consist of at least two thousand one hundred hours  
29 of instruction as prescribed by the board and shall include  
30 instruction in all phases of the practice of cosmetology and  
31 barbering as defined in section 158A.1, subsection 1. The  
32 course shall require at least ten months of instruction for  
33 completion. The course shall include not less than six hun-  
34 dred hours of demonstrations and lectures in the following  
35 areas: sanitation and sterilization, hygiene and grooming,

1 professional ethics, anatomy, dermatology, trichology, nails,  
2 chemistry and chemical hair straightening, equipment, shop  
3 management, safety precautions, and state law and rules. It  
4 shall include not less than one thousand one hundred hours of  
5 supervised practical instruction in the following areas:  
6 sanitation and sterilization, shampoos and rinses, scalp and  
7 hair treatments, hairshaping, hairstyling, wiggery, manicur-  
8 ing, permanent waving, haircoloring and lightening, facial  
9 treatment and makeup, honing and stropping, shaving, beard and  
10 mustache trimming, and safety precautions.

11 Sec. 11. NEW SECTION. 158A.11 SHOP LICENSES.

12 It is unlawful for a cosmetology and barber shop to operate  
13 unless the owner has obtained a license issued by the  
14 department. The owner shall apply to the department on forms  
15 prescribed by the board. The shop must pass a sanitary  
16 inspection before licensing and at least annually thereafter.

17 The application shall be accompanied by the annual license  
18 fee determined pursuant to section 147.80. The license is  
19 valid for one year and may be renewed.

20 A licensed school of cosmetology and barbering at which  
21 students practice cosmetology and barbering is exempt from  
22 licensing as a cosmetology and barber shop.

23 Sec. 12. NEW SECTION. 158A.12 SUPERVISORS OF  
24 COSMETOLOGISTS AND BARBERS.

25 Persons who directly supervise the work of cosmetologists  
26 and barbers shall be licensed cosmetologists and barbers.

27 Sec. 13. NEW SECTION. 158A.13 VIOLATIONS.

28 1. It is unlawful for a person to employ an individual to  
29 practice cosmetology and barbering unless that individual is a  
30 licensed cosmetologist and barber or has obtained a temporary  
31 permit. It is unlawful for a licensed cosmetologist and  
32 barber to practice cosmetology and barbering with or without  
33 compensation in any place other than a licensed cosmetology  
34 and barber shop or licensed school of cosmetology and  
35 barbering, except that a licensed cosmetologist and barber may

1 practice cosmetology and barbering at a location which is not  
2 a licensed cosmetology and barber shop or school of  
3 cosmetology and barbering under extenuating circumstances  
4 arising from physical or mental disability or death of a  
5 customer.

6 2. If the owner or manager of a cosmetology and barber  
7 shop does not comply with the sanitary rules adopted under  
8 section 158A.6 or fails to maintain the cosmetology and barber  
9 shop as prescribed by rules of the department, the department  
10 may notify the owner or manager in writing of the failure to  
11 comply. If the rules are not complied with within five days  
12 after receipt of the written notice by the owner or manager,  
13 the department shall in writing order the cosmetology and  
14 barber shop closed until the rules are complied with. It is  
15 unlawful for a person to practice cosmetology and barbering in  
16 a shop which has been closed under this section. A person who  
17 practices cosmetology and barbering in a shop which has been  
18 closed may be assessed a civil penalty of one hundred dollars  
19 per day for each day the shop is open in violation of this  
20 section. The county attorney in each county shall assist the  
21 department in enforcing this section.

22 Sec. 14. NEW SECTION. 158A.14 RULES.

23 The board shall adopt rules under chapter 17A to administer  
24 this chapter. However, rules adopted by the board shall first  
25 be submitted to the department for approval.

26 Sec. 15. NEW SECTION. 158A.15 PENALTY.

27 A person convicted of violating any of the provisions of  
28 this chapter is guilty of a simple misdemeanor.

29 Sec. 16. Section 147.1, subsections 2 and 3, Code 1989,  
30 are amended to read as follows:

31 2. "Licensed" or "certified" when applied to a physician  
32 and surgeon, podiatrist, osteopath, osteopathic physician and  
33 surgeon, physician assistant, psychologist or associate  
34 psychologist, chiropractor, nurse, dentist, dental hygienist,  
35 optometrist, speech pathologist, audiologist, pharmacist,

1 physical therapist, occupational therapist, practitioner of  
2 cosmetology, ~~practitioner of~~ and barbering, funeral director,  
3 dietitian, or social worker means a person licensed under this  
4 title.

5 3. "Profession" means medicine and surgery, podiatry,  
6 osteopathy, osteopathic medicine and surgery, practice as a  
7 physician assistant, psychology, chiropractic, nursing,  
8 dentistry, dental hygiene, optometry, speech pathology,  
9 audiology, pharmacy, physical therapy, occupational therapy,  
10 cosmetology, and barbering, mortuary science, social work or  
11 dietetics.

12 Sec. 17. Section 147.2, Code 1989, is amended to read as  
13 follows:

14 147.2 LICENSE REQUIRED.

15 A person shall not engage in the practice of medicine and  
16 surgery, podiatry, osteopathy, osteopathic medicine and  
17 surgery, psychology, chiropractic, physical therapy, nursing,  
18 dentistry, dental hygiene, optometry, speech pathology,  
19 audiology, occupational therapy, pharmacy, cosmetology, and  
20 barbering, electrolysis, manicuring, dietetics, or mortuary  
21 science or shall not practice as a physician assistant as  
22 defined in the following chapters of this title, unless the  
23 person has obtained from the department a license for that  
24 purpose.

25 Sec. 18. Section 147.13, subsections 11 and 12, Code 1989,  
26 are amended to read as follows:

27 11. For cosmetology and barbering, cosmetology and barber  
28 examiners.

29 ~~12. For barbering, barber-examiners.~~

30 Sec. 19. Section 147.14, subsection 1, Code 1989, is  
31 amended to read as follows:

32 1. For podiatry, ~~cosmetology, barbering,~~ mortuary science,  
33 and social work, three members each, licensed to practice the  
34 profession for which the board conducts examinations, and two  
35 members who are not licensed to practice the profession for

1 which the board conducts examinations and who shall represent  
2 the general public. A quorum ~~shall consist~~ consists of a  
3 majority of the members of the board.

4 Sec. 20. Section 147.14, Code 1989, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 13. For cosmetology and barber examiners,  
7 four members licensed to practice cosmetology and barbering  
8 and three members who are not licensed to practice cosmetology  
9 and barbering and who shall represent the general public. A  
10 majority of the members of the board constitutes a quorum.

11 Sec. 21. Section 147.80, subsection 14, Code 1989, is  
12 amended to read as follows:

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

30 Sec. 22. Section 147.80, subsection 15, Code 1989, is  
31 amended by striking the subsection.

32 Sec. 23. A person who possesses a license to practice  
33 cosmetology or a license to practice barbering shall be  
34 eligible for a license to practice cosmetology and barbering  
35 on the effective date of this Act.

