

BARBER AND COSMETOLOGY SUBCOMMITTEE  
OF THE  
SENATE AND HOUSE COMMITTEES ON STATE GOVERNMENT

Report to the Members of the  
Second Session of the Sixty-sixth General Assembly  
State of Iowa  
1976

R E P O R T  
OF THE  
BARBER AND COSMETOLOGY SUBCOMMITTEE  
OF THE  
SENATE AND HOUSE COMMITTEES ON STATE GOVERNMENT

The Barber-Cosmetology Subcommittee met two times to review Senate File 296 which was passed by the General Assembly in 1975 and vetoed by Governor Ray.

Members of the Subcommittee are:

Senator C. Joseph Coleman, Chairperson  
Senator James M. Redmond  
Senator William P. Winkelman  
Representative LaVern R. Harvey  
Representative Neal Hines  
Representative Jack E. Woods

The Subcommittee heard testimony from the following persons:

Mr. Harry Smith, Attorney for barbers  
Mr. Robert Dreher, Attorney for cosmetologists  
Mr. Samuel Zelden, Attorney for cosmetology schools  
Mr. Tom Studer, Hair stylist  
Ms. Marian Lokken, Cosmetology Examiner  
and other interested barbers and cosmetologists

The Subcommittee voted to remove from the bill the five objections raised by Governor Ray:

1. Restrictions on the number of hours of haircutting that can be taught in barber schools and in schools of cosmetology.
2. Advertising restrictions.
3. Procedure for injunctive relief.
4. Restrictions prohibiting the owners of licensed schools from owning or operating beauty salons or barber shops except for those owned prior to July 1, 1975.
5. Restrictions that managers of beauty salons and barber shops be licensed cosmetologists or barbers, respectively.

The Subcommittee then made the following changes in the bill:

1. Adding definitions of "barber" and "cosmetologist".
2. Adding a provision that limits the performance of the listed practices of cosmetology both "with or without compensation".

3. Establishment of an instructor's license with appropriate fee provisions.

4. Listing of the total hours required and subjects to be taught in barber schools and schools of cosmetology.

5. Adding a requirement that supervisors of barbers and cosmetologists possess a license to practice either barbering or cosmetology.

6. Adding a prohibition against barbers representing themselves as cosmetologists and against cosmetologists representing themselves as barbers.

7. Legalizing licenses issued or renewed during the period that the barber and cosmetology chapters were repealed.

8. Allowing persons to manicure the fingernails of patrons in barber shops without obtaining a license.

9. Striking a prohibition against barbers giving permanent waves.

A copy of the bill is attached.

SENATE FILE \_\_\_\_\_

By COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## 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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1 Section 1. NEW SECTION. DEFINITIONS. For the purpose  
2 of sections one (1) through sixteen (16) of this Act:

3 1. "Cosmetology" means practices performed with or without  
4 compensation by cosmetologists which include but are not  
5 necessarily 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 wig or hairpiece when done  
9 in conjunction with haircutting or hairstyling by any means.  
10 b. Massaging, cleansing, stimulating, exercising,  
11 beautifying, or similar techniques upon the scalp, face, neck,  
12 arms, hands, or upper part of the body of any person with  
13 the hands or mechanical or electrical apparatus or appliances  
14 or with the use of cosmetic preparations, antiseptics, tonics,  
15 lotions, creams, or other preparations.

16 c. Manicuring the nails of any person.

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

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

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

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

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

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

31 Sec. 2. NEW SECTION. PROHIBITION--EXCEPTIONS. It is  
32 unlawful for a person to practice cosmetology with or without  
33 compensation unless the person possesses a license issued  
34 under the provision of section three (3) of this Act. However,  
35 practices listed in section one (1) of this Act when performed

1 by the following persons are not defined as the practice of  
2 cosmetology:

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

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

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

13 4. Persons who perform any of the practices listed in  
14 section one (1) of this Act on an emergency basis or on a  
15 casual basis.

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

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

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

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

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

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

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

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

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

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

1 shall enforce the provisions of this section and make necessary  
2 inspections for enforcement.

3     Sec. 7. NEW SECTION. INSPECTORS. Inspectors and clerical  
4 assistants shall be employed by the department under the  
5 provisions of chapter nineteen A (19A) of the Code to  
6 administer and enforce the provisions of sections one (1)  
7 through sixteen (16) of this Act. The costs and expenses  
8 of inspectors and clerical assistants shall be paid from funds  
9 appropriated to the board.

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

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

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

4 Sec. 9. NEW SECTION. DISAPPROVAL OF LICENSE RENEWAL.

5 If the renewal of a license of a school of cosmetology is  
6 not granted by the department, a hearing shall be held before  
7 the board not less than ten days following the receipt of  
8 written notice by the applicant. The notice shall set forth  
9 a statement of the charges or reasons for the refusal and  
10 the date and place of the hearing. The notice shall be served  
11 in the manner provided for service of original notice under  
12 the rules of civil procedure.

13 If, following the hearing, the board enters an order  
14 refusing to renew a license, the applicant may within thirty  
15 days from the date of the hearing appeal from the decision  
16 of the board to the district court. The proceeding before  
17 the district court shall be de novo and all legal evidence  
18 pertaining to the matter may be submitted, including any new  
19 or other evidence, not previously submitted to the board for  
20 the hearing.

21 Sec. 10. NEW SECTION. COURSE OF STUDY. The course of  
22 study of a school of cosmetology shall consist of at least  
23 two thousand one hundred hours of instruction as prescribed  
24 by the board and shall include instruction in all phases of  
25 the practice of cosmetology as defined in section one (1),  
26 subsection one (1), of this Act. The course shall require  
27 at least ten months of instruction for completion. The course  
28 shall include not less than five hundred hours of demonstra-  
29 tions and lectures in the following areas: Sanitation and  
30 sterilization, hygiene and grooming, professional ethics,  
31 anatomy, dermatology, trichology, nails, chemistry and chemical  
32 hair straightening, safety precautions, and state law and  
33 rules. It shall include not less than one thousand two hun-  
34 dred hours of supervised practical instruction in the following  
35 areas: Sanitation and sterilization, shampoos and rinses,

1 scalp and hair treatments, hairshaping, hairstyling, wiggery,  
2 manicuring, permanent waving, haircoloring and lightening,  
3 facial treatment and makeup, and safety precautions.

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

9 Sec. 11. NEW SECTION. SALON LICENSES. Commencing January  
10 1, 1977, it is unlawful for a beauty salon to operate unless  
11 the owner has obtained a license issued by the department.  
12 The owner shall apply to the department on forms prescribed  
13 by the board. The beauty salon must pass a sanitary inspection  
14 before licensing and at least annually thereafter.

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

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

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

24 Sec. 13. Notwithstanding the provisions of section fourteen  
25 (14) of this Act, a licensed cosmetologist may practice  
26 cosmetology under the supervision of a licensed funeral home  
27 director or embalmer in a funeral home.

28 Sec. 14. NEW SECTION. VIOLATIONS. It is unlawful for  
29 any person to employ a person to practice cosmetology unless  
30 that person is a licensed cosmetologist or has obtained a  
31 temporary permit. It is unlawful for a licensed cosmetologist  
32 to practice cosmetology with or without compensation in any  
33 place other than a licensed beauty salon or licensed school  
34 of cosmetology, except that a licensed cosmetologist may  
35 practice cosmetology at a location which is not a licensed

1 beauty salon or school of cosmetology under extenuating  
2 circumstances arising from physical or mental disability of  
3 a customer. It is unlawful for a licensed cosmetologist to  
4 represent himself or herself as a licensed barber.

5 Sec. 15. NEW SECTION. PENALTY. A person convicted of  
6 violating any of the provisions of sections one (1) through  
7 sixteen (16) of this Act shall be fined not to exceed one  
8 hundred dollars.

9 Sec. 16. NEW SECTION. LICENSE EXTENSION.

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

15 2. A school of cosmetology possessing a license on June  
16 30, 1975 and renewing the license at some time during the  
17 year beginning July 1, 1975 may have its license renewed  
18 under the provisions of this Act.

19 3. Any person who made application to the board of cos-  
20 metology examiners for a license to practice cosmetology  
21 during the period commencing July 1, 1975 and ending June  
22 30, 1976 and who met the requirements of the board of  
23 cosmetology examiners and was issued a license may have his  
24 or her license renewed without examination under the provisions  
25 of section one hundred forty-seven point ten (147.10) of the  
26 Code.

27 Sec. 17. NEW SECTION. DEFINITION. For the purpose of  
28 sections seventeen (17) through thirty-four (34) of this Act:

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

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

1        b. Giving facial and scalp massages or treatments with  
2 oils, creams, lotions, or other preparations either by hand,  
3 or by electrical or mechanical appliances.

4        c. Singeing, shampooing, hair body processing, arranging,  
5 dressing, curling, blow waving, hair relaxing, bleaching or  
6 coloring the hair, or applying hair tonics.

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

9        e. Styling or cutting hairpieces or wigs when done in  
10 conjunction with haircutting or hairstyling.

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

15        2. "Barber" means a person who performs practices of  
16 barbering or otherwise by the person's occupation holds himself  
17 or herself out as having knowledge or skill peculiar to the  
18 practice of barbering.

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

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

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

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

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

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

1 respective professions.

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

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

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

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

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

18 Sec. 19. NEW SECTION. LICENSE REQUIREMENTS.

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

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

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

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

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

35 e. Presents a certificate, or satisfactory evidence, to

1 the department that the applicant has successfully completed  
2 tenth grade, or the equivalent. The provisions of this  
3 subsection shall not apply to students enrolled in a barber  
4 school maintained at an institution under the control of a  
5 director of a division of the department of social services.

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

13 3. Notwithstanding the provisions of subsection one (1)  
14 of this section, any person who is registered as a barber's  
15 apprentice on the effective date of this Act may apply to  
16 the department prior to October 1, 1975 and shall be issued  
17 a license to practice barbering upon payment of the fee  
18 prescribed under the provisions of section one hundred forty-  
19 seven point eighty (147.80) of the Code.

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

32 Sec. 21. NEW SECTION. SANITARY RULES. The department  
33 shall prescribe sanitary rules for barbershops and barber  
34 schools which shall include the sanitary conditions necessary  
35 for the practice of barbering and for the prevention of

1 infectious and contagious diseases. Barbering shall not be  
2 practiced in the living quarters of any person. The department  
3 shall enforce the provisions of this section and make necessary  
4 inspections for enforcement.

5 Sec. 22. NEW SECTION. INSPECTORS. Inspectors and clerical  
6 assistants shall be employed by the department under the  
7 provisions of chapter nineteen A (19A) of the Code to  
8 administer and enforce the provisions of sections seventeen  
9 (17) through thirty-four (34) of this Act. The costs and  
10 expenses of inspectors and clerical assistants shall be paid  
11 from funds appropriated to the board.

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

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

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

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

33 Sec. 24. NEW SECTION. COURSE OF STUDY. The course of  
34 study of a barber school shall consist of at least two thousand  
35 one hundred hours of instruction as prescribed by the board

1 and shall include instruction in all phases of the practice  
2 of barbering as defined in section seventeen (17), subsection  
3 one (1) of this Act. The course shall require at least ten  
4 months of instruction for completion. The course shall include  
5 not less than three hundred hours of demonstrations and  
6 lectures in the following areas: Law; ethics; equipment;  
7 shop management; history of barbering; sanitation;  
8 sterilization; personal hygiene; first aid; bacteriology;  
9 anatomy; scalp, skin, hair and their common disorders;  
10 electricity as applied to barbering; chemistry and  
11 pharmacology; scalp care; hair body processing; hairpieces;  
12 honing and stropping; shaving; facials, massage and packs;  
13 haircutting; hair tonics; dyeing and bleaching; instruments;  
14 soaps; and shampoos, creams, lotions, and tonics. It shall  
15 include not less than one thousand four hundred hours of  
16 supervised practical instruction in the following areas:  
17 Scalp care and shampooing, honing and stropping, shaving,  
18 haircutting, hairstyling and blow waving, dyeing and bleaching,  
19 hair body processing, facials, massage and packs, beard and  
20 mustache trimming, and hairpieces.

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

26 Sec. 25. NEW SECTION. INSTRUCTORS. In order to be  
27 eligible for licensing, a barber school shall employ at least  
28 two licensed instructors for every thirty students, or fraction  
29 of thirty students, enrolled in the school and one additional  
30 licensed instructor for every additional fifteen students,  
31 or fraction of fifteen students, enrolled in the school.  
32 Barbering instructors in a licensed barber school shall be  
33 licensed barbers and shall possess a separate instructor's  
34 license which shall be renewed annually. Instructors shall  
35 devote their entire time during hours of instruction to the

1 instruction and supervision of student work and shall not  
2 practice barbering during the hours of instruction. An  
3 instructor shall file an application for an instructor's  
4 license with the department on forms prescribed by the board.

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

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

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

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

20 Sec. 27. NEW SECTION. SUPERVISORS OF BARBERS. Persons  
21 who directly supervise the work of barbers shall be licensed  
22 barbers.

23 Sec. 28. NEW SECTION. CHANGE OF OWNERSHIP. Every barber-  
24 shop or barber school changing ownership before it may open  
25 for business or before the new owner assumes the control and  
26 management of the barbershop or barber school must be  
27 reinspected. A reinspection fee shall be charged pursuant  
28 to section one hundred forty-seven point eighty (147.80) of  
29 the Code. The remodeling and reopening of a barbershop on  
30 the same site as an existing shop and under the same ownership  
31 shall not for the purpose of this Act be considered a new  
32 shop.

33 Sec. 29. Notwithstanding the provisions of section thirty-  
34 one (31) of this Act, a barber may practice barbering under  
35 the supervision of a licensed funeral home director or embalmer

1 in a funeral home.

2 Sec. 30. NEW SECTION. LICENSE SUSPENSION AND REVOCATION.

3 Any license issued by the department under the provisions  
4 of sections seventeen (17) through thirty-four (34) of this  
5 Act may be suspended, revoked, or renewal denied by the board  
6 for violation of any provision of this Act or rules promulgated  
7 by the board under the provisions of chapter seventeen A (17A)  
8 of the Code. Judicial review of decisions of the board may  
9 be sought pursuant to the provisions of chapter seventeen  
10 A (17A) of the Code.

11 Sec. 31. NEW SECTION. VIOLATIONS.

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

23 2. If the owner or manager of a barbershop does not comply  
24 with the sanitary rules adopted under the provisions of section  
25 twenty-one (21) of this Act or fails to maintain the barbershop  
26 as prescribed by rules of the state department of health,  
27 the department may notify the owner or manager in writing  
28 of the failure to comply. If the rules are not complied with  
29 within five days after receipt of the written notice by the  
30 owner or manager, the department shall in writing order the  
31 shop closed until the rules are complied with. It is unlawful  
32 for a person to practice barbering in a shop which has been  
33 closed under the provisions of this section. The county  
34 attorney in each county shall assist the department in  
35 enforcing the provisions of this section.

1     Sec. 32. NEW SECTION. MANICURISTS. A licensed barber-  
2 shop may employ a person who is not a licensed cosmetologist  
3 to manicure the fingernails of any person.

4     Sec. 33. NEW SECTION. PENALTY. A person convicted of  
5 violating any of the provisions of sections seventeen (17)  
6 through thirty-four (34) of this Act shall be fined not to  
7 exceed one hundred dollars.

8     Sec. 34. NEW SECTION. LICENSE EXTENSION.

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

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

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

25     Sec. 35. Section one hundred forty-seven point eighty  
26 (147.80), subsections thirteen (13) and fourteen (14), Code  
27 1975, are amended to read as follows:

28     13. License to practice cosmetology issued upon the basis  
29 of an examination given by the board of cosmetology examiners,  
30 license to practice cosmetology under a reciprocal agreement,  
31 renewal of a license to practice cosmetology, temporary permit  
32 to practice as an-apprentice-in a cosmetology trainee, original  
33 license to conduct a school teaching of cosmetology, renewal  
34 of license to conduct a school of cosmetology, original license  
35 to operate a beauty salon, renewal of a license to operate

1 a beauty salon, original license and examination to practice  
2 electrolysis, renewal of a license to practice electrolysis,  
3 annual inspection of a school of cosmetology, annual inspection  
4 of a beauty salon, original cosmetology school instructor's  
5 license, renewal of barber school instructor's license.

6 14. License to practice barbering on the basis of an  
7 examination given by the board of barber examiners, licensed  
8 to practice barbering under a reciprocal agreement, renewal  
9 of a license to practice barbering, annual inspection by the  
10 state department of health and of barber school and annual  
11 inspection of barbershop, an original barber school license,  
12 renewal of a barber school license, transfer of license upon  
13 change of ownership and reinspection of a barber shop or  
14 barber school, inspection by the department and an original  
15 barber shop license, renewal of a barber shop license, original  
16 barber school instructor's license, renewal of a barber school  
17 instructor's license~~7-original-apprentice-barber's-license7~~  
18 ~~renewal-of-an-apprentice-barber's-license.~~

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

21 147.86 PENALTIES. Any person violating any provision  
22 of this or the following chapters of this title, except insofar  
23 as said provisions apply or relate to or affect the practice  
24 of pharmacy~~7-of-cosmetology7-and-of-barbering7~~, shall be fined  
25 not less than one hundred dollars nor more than one thousand  
26 dollars or be imprisoned in the county jail for not more than  
27 six months or by both such fine and imprisonment.

28 Sec. 37. The Code editor is directed to publish sections  
29 one (1) through fifteen (15) of this Act as a new chapter  
30 of the Code and sections seventeen (17) through thirty-three  
31 (33) of this Act as a new chapter of the Code.

32 EXPLANATION

33 This bill revises Senate File 296 which was vetoed by the  
34 Governor. It revises the definitions of barbering and  
35 cosmetology. It prescribes the total hours of instruction

1 and the required courses for both barber schools and schools  
2 of cosmetology. Partial credit is given for licensed barbers  
3 enrolled in a school of cosmetology and for licensed cosme-  
4 tologists enrolled in a barber school. The apprentice program  
5 of barbers is eliminated. Persons may manicure the finger-  
6 nails of patrons in barbershops without obtaining a license.  
7 The bill provides for licensing of both barbershops and beauty  
8 salons. Barbers can only work in barbershops and  
9 cosmetologists can only work in beauty salons. Barbers must  
10 represent themselves as barbers and not as cosmetologists,  
11 and cosmetologists must represent themselves as cosmetologists  
12 and not as barbers. Provision is made for instructors'  
13 licenses for both professions, and there is a requirement  
14 that supervisors of barbers be licensed barbers and supervisors  
15 of cosmetologists be licensed cosmetologists.

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