Regulatory Analysis

Notice of Intended Action to be published: 645—Chapters 21 through 25
"Licensure; Infection Control for Barbershops and Barber Schools; Barber Schools; Continuing Education for Barbers; Discipline for Barbers, Barber Instructors, Barbershops and Barber Schools"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 147, and 272C; 2023 Iowa Acts, House File 652; and Executive Order 10

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 147, and 272C; 2023 Iowa Acts, House File 652; and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 19, 2024 11 to 11:30 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Board of Barbering and Cosmetology Arts and Sciences no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Venus Vendoures Walsh
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: venus.vendoures-walsh@dia.iowa.gov

Purpose and Summary

This proposed rulemaking would complete the merger process as directed by 2023 Iowa Acts, House File 652, which repealed Iowa Code chapter 158, created the Board by merging the Board of Barbering and the Board of Barbering and Cosmetology Arts and Sciences, and preserved the legacy Board of Barbering rules until such time as the rules expire on their own terms or are otherwise repealed by the Board. Since the merger, the Board has merged and promulgated comprehensive administrative rules governing the barbering and cosmetology arts and sciences, which became effective July 1, 2024. The Board now intends to repeal all legacy rules of the Board of Barbering.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

The proposed rulemaking eliminates all Board of Barbering chapters in agency [645] as required by Executive Order 10, in accordance with state government realignment, and pursuant to 2023 Iowa Acts, House File 652, which repealed Iowa Code chapter 158 and consolidated the Board of Barbering and the Board of Cosmetology Arts and Sciences.

- **Classes of persons that will benefit from the proposed rulemaking:**

Interested stakeholders (barbers, establishments, schools, board licensees, associations, the public) will benefit from the removal of the Board of Barbering Chapters 21, 22, 23, 24, and 25 because it will prevent confusion and regulatory overlap with the Board's comprehensive rules that took effect under 481—Chapters 940, 941, 943, 944, and 945.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no impact identified for the rescission of these chapters now that the merged rules have been published.

- **Qualitative description of impact:**

There is no impact identified for the rescission of these chapters.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no implementation and enforcement costs anticipated by the agency or any other agency.

- **Anticipated effect on state revenues:**

There is no anticipated effect on state revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The benefit of the proposed rulemaking compared to inaction is to avoid confusion and regulatory overlap between the Board of Barbering Chapters 21, 22, 23, 24, and 25 and the Board's comprehensive rules that took effect under 481—Chapters 940, 941, 943, 944, and 945.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No alternative methods exist to achieve the same purpose.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were identified or considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

No alternative method was identified that would be any more efficient than this method of rulemaking.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking has no different impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **645—Chapter 21**.

ITEM 2. Rescind and reserve **645—Chapter 22**.

ITEM 3. Rescind and reserve **645—Chapter 23**.

ITEM 4. Rescind and reserve **645—Chapter 24**.

ITEM 5. Rescind and reserve **645—Chapter 25**.