

Sec. 20. Section 358.9, unnumbered paragraph 4, Code 1991, is amended by striking the unnumbered paragraph.

Sec. 21. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 1992

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**CHAPTER 1205**  
COSMETOLOGY ARTS AND SCIENCES  
*S.F. 2353*

**AN ACT** relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 157.1, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

157.1 DEFINITIONS.

For purposes of this chapter:

1. "Board" means the board of cosmetology arts and sciences examiners.
2. "Cosmetologist" means a person who performs the practice of cosmetology, or otherwise by the person's occupation claims to have knowledge or skill particular to the practice of cosmetology. 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.
3. "Cosmetology" means all of the following practices:
  - 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.
  - d. Electrology.
  - e. Esthetics.
  - f. Nail technology.
4. "Cosmetology arts and sciences" means any or all of the following practices, performed with or without compensation by a licensee:
  - a. Cosmetology.
  - b. Electrology.
  - c. Esthetics.
  - d. Nail technology.
5. "Department" means the Iowa department of public health.
6. "Electrologist" means a person who performs the practice of electrology.
7. "Electrology" means the removal of superfluous hair of a person by the use of an electric needle or other electronic process.
8. "Esthetician" means a person who performs the practice of esthetics.

9. "Esthetics" means the following:

a. Beautifying, massaging, cleansing, or stimulating the skin of a person, except the scalp, by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams or any device, electrical or otherwise, for the care of the skin.

b. Applying makeup or eyelashes to a person, tinting eyelashes or eyebrows, or lightening hair on the body except the scalp.

c. Removing superfluous hair from the body of a person by the use of depilatories, waxing, or tweezers.

10. "Instructor" means a person licensed for the purpose of teaching cosmetology arts and sciences.

10A. "Manicuring" means the practice of cleansing, shaping, or polishing the fingernails and massaging the hands and lower arms of a person. "Manicuring" does not include the application of sculptured nails or nail extensions to the fingernails or toenails of a person, and does not include the practice of pedicuring.

10B. "Manicurist" means a person who performs the practice of manicuring.

11. "Nail technologist" means a person who performs the practice of nail technology.

12. "Nail technology" means all of the following:

a. Applying sculptured nails, nail extensions, wraps, overlays, nail art, or any other nail technique to the fingernails and toenails of a person.

b. Massaging the hands, arms, ankles, and feet of a person.

c. Removing superfluous hair from hands, arms, feet, or legs of a person by the use of wax or a tweezer.

d. Manicuring the nails of a person.

13. "Salon" means a fixed establishment or place where one or more persons engage in the practice of cosmetology arts and sciences, including, but not limited to, a retail establishment where cosmetologists engage in the practice of cosmetology arts and sciences.

14. "School of cosmetology arts and sciences" means an establishment licensed for the purpose of teaching all of the cosmetology arts and sciences.

Sec. 2. Section 157.2, Code 1991, is amended to read as follows:

#### 157.2 PROHIBITION – EXCEPTIONS.

It is unlawful for a person to practice cosmetology arts and sciences with or without compensation unless the person possesses a license issued under the provision of section 157.3. However, practices listed in 157.1 when performed by the following persons are not defined as the practice of cosmetology arts and sciences:

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 158.1.

3. Students enrolled in licensed schools of cosmetology arts and sciences 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 157.1 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 157.1 on themselves or on a member of the person's immediate family.

7. Persons licensed as manicurists pursuant to this chapter, when manicuring the nails of any person.

8. Employees of a licensed barbershop when manicuring fingernails, if permitted under section 158.14, subsection 2.

9. Persons licensed as electrologists pursuant to section 157.5, when practicing electrolysis as described in that section.

Sec. 3. Section 157.3, Code 1991, is amended to read as follows:

157.3 LICENSE REQUIREMENTS.

1. An applicant shall be issued a license to practice any of the cosmetology arts and sciences 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.

Presents to the department a high school diploma or its equivalent.

b. Presents to the department a diploma, or similar evidence, issued by a licensed school of cosmetology arts and sciences indicating that the applicant has completed the course of study for the appropriate practice of the cosmetology arts and sciences prescribed by the board. An applicant may satisfy this requirement upon presenting a diploma or similar evidence issued by a school in another state, recognized by the board, which provides instruction regarding the practice for which licensure is sought, provided that the course of study is equivalent to or greater in length and scope than that required for a school in this state, and is approved by the board.

c. Completes the application form prescribed by the board.

d. Passes an examination prescribed by the board. The examination shall may include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method. However, a member of the board who is a licensed instructor of cosmetology arts and sciences shall not be involved in the selection or administration of the exam.

2. Notwithstanding the provisions of subsection 1, any a person who completes the application form prescribed by the board and who submits satisfactory proof of having been a licensed cosmetologist in a practice of the cosmetology arts and sciences 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 the appropriate practice of the cosmetology arts and sciences. 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 147.44 to 147.49.

Sec. 4. Section 157.4, Code 1991, is amended to read as follows:

157.4 TEMPORARY PERMITS.

1. Any A person who completes the requirements for licensure as a cosmetologist listed in section 157.3, 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 in the cosmetology arts and sciences 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 application until passage of the examination subject to this subsection. An applicant shall take the first available examination administered by the board, and may retain the temporary permit if the applicant does not pass the examination. An applicant who does not pass the first examination shall take the next available examination administered by the board. The temporary permit of an applicant who does not pass the second examination shall be revoked. An applicant who passes either examination shall be issued a license pursuant to section 157.3. The board shall adopt rules providing for a waiver of the requirement to take the first available examination for good cause. 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 147.80.

2. The department may issue a temporary permit for the purpose of demonstrating cosmetology arts and sciences upon recommendation of the board. The board shall determine and state its recommendations and the length of time the temporary permit issued under this subsection is valid.

3. The fee for a temporary permit shall be established by the board as provided in section 147.80.

Sec. 5. Section 157.5A, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department shall issue a license to practice manicuring to any person who submits proof of successful completion of a course of at least forty hours of training relating to manicuring in a licensed school of cosmetology arts and sciences or licensed barber school. The board shall adopt rules defining the course of study for a manicurist and the practices which a licensed manicurist may perform.

Sec. 6. Section 157.6, Code 1991, is amended to read as follows:

157.6 SANITARY RULES – PRACTICE IN THE HOME.

The department shall prescribe sanitary rules for beauty salons and schools of cosmetology arts and sciences which shall include the sanitary conditions necessary for the practice of cosmetology arts and sciences 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 purposes.

Sec. 7. Section 157.8, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

157.8 LICENSING OF SCHOOLS OF COSMETOLOGY ARTS AND SCIENCES AND INSTRUTORS.\*

1. It is unlawful for a school of cosmetology arts and sciences 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. The application for a license for a school shall be accompanied by the annual license fee determined pursuant to section 147.80 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 arts and sciences shall not be issued for any space in any location where the same space is also licensed as a barber school. The school of cosmetology arts and sciences must pass a sanitary inspection under section 157.6. An annual inspection of each school of cosmetology arts and sciences, including the educational activities of each school, shall be conducted and completed by the board prior to renewal of the license.

2. The number of instructors for each school shall be based upon total enrollment, with a minimum of two instructors employed on a full-time basis for up to thirty students and an additional instructor for each fifteen additional students. However, a school operated by an area community college prior to September 1, 1982, with only one instructor per fifteen students is not subject to this paragraph and may continue to operate with the ratio of one instructor to fifteen students.

a. A person employed as an instructor in the cosmetology arts and sciences by a licensed school shall be licensed in the practice and shall possess a separate instructor's license which shall be renewed biennially. An instructor shall file an application with the department on forms prescribed by the board. Prior to licensure, an applicant for an instructor's license shall have been actively engaged in the practice for a period of two years and complete a course of study required by the board or an instructor's course at a school for cosmetology arts and sciences, and meet any other requirement established by the board.

b. The application for an instructor's license shall be accompanied by the biennial fee determined pursuant to section 147.80.

Sec. 8. Section 157.10, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

157.10 COURSE OF STUDY.

1. The course of study required for licensure for the practice of cosmetology shall be two thousand one hundred hours. The hours of a course of study required for licensure for the practices of electrology, esthetics, and nail technology shall be established by the board. The board shall adopt rules to define the course and content of study for each practice of cosmetology arts and sciences.

\*According to enrolled Act

2. A person licensed in or a student of a practice of cosmetology arts and sciences shall be granted full credit for each course successfully completed which meets the requirements for licensure in another practice of cosmetology arts and sciences.

3. A barber licensed under chapter 158 or a student in a barber school who applies for licensure in a practice of cosmetology arts and sciences or who enrolls in a school of cosmetology arts and sciences shall be granted, at the discretion of the school, at least half credit and up to full credit for each course successfully completed for licensure as a barber which meets the requirements for licensure in a practice of cosmetology arts and sciences.

Sec. 9. Section 157.11, Code Supplement 1991, is amended to read as follows:

157.11 SALON LICENSES.

~~Commencing January 1, 1977, a beauty~~ A salon shall not 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 department shall perform a sanitary inspection of each beauty salon biennially and may perform a sanitary inspection of a ~~beauty~~ salon prior to the issuance of a license. An inspection of a ~~beauty~~ salon shall also be conducted upon receipt of a complaint by the department.

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

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

Sec. 10. Section 157.12, Code 1991, is amended to read as follows:

157.12 SUPERVISORS OF COSMETOLOGISTS.

A person who directly supervises the work of ~~cosmetologists~~ practitioners of cosmetology arts and sciences shall be either a ~~cosmetologist~~ licensed under this chapter in the practice supervised or a barber licensed under section 158.3.

Sec. 11. Section 157.13, Code 1991, is amended to read as follows:

157.13 VIOLATIONS.

1. It is unlawful for a person to employ an individual to practice cosmetology arts and sciences unless that individual is a licensed ~~cosmetologist~~ or has obtained a temporary permit under this chapter. It is unlawful for a licensed ~~cosmetologist~~ licensee to practice ~~cosmetology~~ with or without compensation in any place other than a licensed ~~beauty~~ salon, a licensed school of cosmetology arts and sciences, or a licensed barbershop as defined in section 158.1 ~~which has also been licensed as a beauty salon~~, except that a licensed ~~cosmetologist~~ licensee may practice ~~cosmetology~~ at a location which is not a licensed ~~beauty~~ salon or school of cosmetology arts and sciences under extenuating circumstances arising from physical or mental disability or death of a customer. It is unlawful for a licensed ~~cosmetologist~~ licensee to claim to be a licensed barber, but it is lawful for a licensed cosmetologist to work in a licensed barbershop if the ~~same premises are also licensed as a beauty salon~~.

2. If the owner or manager of a ~~beauty~~ salon does not comply with the sanitary rules adopted under the ~~provisions~~ of section 157.6 or fails to maintain the ~~beauty~~ salon as prescribed by rules of the department, 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. 12. Section 157.15, Code 1991, is amended to read as follows:

157.15 PENALTY.

A person convicted of violating any of the provisions of ~~sections~~ of this chapter shall be fined not to exceed one hundred dollars or rules adopted pursuant to this chapter is guilty of a serious misdemeanor.

Sec. 13. Section 147.1, subsections 2 and 3, Code Supplement 1991, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, or social worker means a person licensed under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, or dietetics.

Sec. 14. Section 147.13, subsection 11, Code Supplement 1991, is amended to read as follows:

11. For cosmetology arts and sciences, cosmetology arts and sciences examiners.

Sec. 15. Section 147.14, subsection 1, Code Supplement 1991, is amended to read as follows:

1. For podiatry, ~~cosmetology~~, barbering, mortuary science, and social work, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 16. Section 147.14, Code Supplement 1991, is amended by adding the following new subsection:

**NEW SUBSECTION.** 14. For cosmetology arts and sciences examiners, a total of seven members, three who are licensed cosmetologists, one who is a licensed electrologist, esthetician, or nail technologist, one who is a licensed instructor of cosmetology arts and sciences at a public or private school and who does not own a school of cosmetology arts and sciences, and two who are not licensed in a practice of cosmetology arts and sciences and who shall represent the public.

Sec. 17. Section 147.80, subsection 15, Code Supplement 1991, is amended to read as follows:

15. License to practice cosmetology arts and sciences issued upon the basis of an examination given by the board of cosmetology arts and sciences examiners, license to practice cosmetology arts and sciences under a reciprocal agreement, renewal of a license to practice cosmetology arts and sciences, temporary permit to practice as a cosmetology arts and sciences trainee, original license to conduct a school of cosmetology arts and sciences, renewal of license to conduct a school of cosmetology arts and sciences, 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,~~ original license to practice manicuring, renewal of a license to practice manicuring, annual inspection of a school of cosmetology arts and sciences, annual inspection of a beauty salon, original cosmetology arts and sciences school instructor's license, and renewal of cosmetology arts and sciences school instructor's license.

Sec. 18. Section 158.2, subsections 2 and 3, Code 1991, are amended to read as follows:

2. ~~Licensed cosmetologists who practice cosmetology practitioners of cosmetology arts and sciences~~ as defined in section 157.1.

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

Sec. 19. Section 158.4, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

#### 158.4 TEMPORARY PERMITS.

1. A person who completes the requirements for licensure listed in section 158.3, 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 barbering from the date of application until passage of the examination subject to this subsection. An applicant shall take the first available examination administered by the board, and may retain the temporary permit if the applicant does not pass the examination. An applicant who does not pass the first examination shall take the next available examination administered by the board. The temporary permit of an applicant who does not pass the second examination shall be revoked. An applicant who passes either examination shall be issued a license pursuant to section 158.3. The board shall adopt rules providing for a waiver of the requirement to take the first available examination for good cause.

2. The department may issue a temporary permit for the purpose of demonstrating barbering upon recommendation of the board. The board shall determine and state its recommendations and the length of time the temporary permit issued under this subsection is valid.

3. The fee for a temporary permit shall be established by the board as provided in section 147.80.

Sec. 20. Section 158.8, unnumbered paragraph 2, Code 1991, is amended to read as follows:

A ~~cosmetologist~~ person licensed under section 157.3 who enrolls in a barber school shall be granted one thousand fifty hours credit full credit for each course successfully completed which meets the requirements of the barber school, which shall be credited toward the two thousand one hundred hour requirement, and the ten-month period does not apply. A person who has been a student in a school of cosmetology arts and sciences licensed under chapter 157 may enroll in a barber school and, ~~at the option of the barber school,~~ shall be granted a credit of one hour for every two hours the student attended at the school of cosmetology, up to a maximum credit of one thousand fifty hours, at the discretion of the school, at least half credit and up to full credit for each course successfully completed which meets the requirements of the barber school.

Sec. 21. Section 158.11, Code 1991, is amended to read as follows:

#### 158.11 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 arts and sciences. 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 147.80.

Sec. 22. Section 158.13, subsection 1, Code 1991, is amended to read as follows:

1. It is unlawful for a 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, ~~a~~ or barber school, or a licensed beauty salon as defined in section 157.1 ~~which has also been licensed as a barbershop,~~ 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 claim to be a licensed cosmetologist, but it is lawful for a licensed barber to work in a licensed beauty salon if the same premises are also licensed as a barbershop.

Sec. 23. Section 258A.1, subsection 6, paragraph i, Code 1991, is amended by striking the paragraph and inserting in lieu thereof the following:

i. The board of cosmetology arts and sciences examiners, created pursuant to chapter 147.

Sec. 24. Section 258A.2A, Code 1991, is amended to read as follows:

**258A.2A CONTINUING EDUCATION MINIMUM REQUIREMENTS — BARBERING AND COSMETOLOGY ARTS AND SCIENCES.**

The board of barber examiners and the board of cosmetology arts and sciences examiners, created pursuant to chapter 147, shall each require, as a condition of license renewal, a minimum of six hours of continuing education in the two years immediately prior to a licensee's license renewal. The board of cosmetology arts and sciences examiners may notify cosmetology arts and sciences licensees on a quarterly basis regarding continuing education opportunities.

Sec. 25. **APPLICABILITY.** This Act does not apply to persons holding a valid license issued by the board of cosmetology examiners before or on July 1, 1992.

A person who can document that the person practiced esthetics or nail technology in this state before or on July 1, 1992, shall be issued an appropriate license without meeting any additional requirements imposed by this Act.

Sec. 26. **FEES INCREASED.** Effective for fees collected on or after July 1, 1992, the board of cosmetology examiners shall increase by three dollars the fee amounts charged before the effective date of this Act for licensure, license renewal, reciprocal licensure, and temporary permits for all practices or operations regulated by the board of cosmetology examiners.

Sec. 27. Section 157.5, Code 1991, is repealed.

Approved May 14, 1992

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## CHAPTER 1206

### HEALTH FACILITIES AND HEALTH DATA COMMISSION

*S.F. 2375*

**AN ACT** relating to the powers and duties of the health data commission, and providing for the collection of fees.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 135.63, subsection 1, Code Supplement 1991, is amended to read as follows:

1. A new institutional health service or changed institutional health service shall not be offered or developed in this state without prior application to the department for and receipt of a certificate of need, pursuant to this division. The application shall be made upon forms furnished or prescribed by the department and shall contain such information as the department may require under this division. The application shall be accompanied by a fee equivalent to ~~two-tenths~~ three-tenths of one percent of the anticipated cost of the project, ~~as determined under rules promulgated by the department.~~ The fee shall be remitted by the department to the treasurer of state, who shall place it in the general fund of the state. If an application is voluntarily withdrawn within thirty calendar days after submission, seventy-five percent of the application fee shall be refunded; if the application is voluntarily withdrawn more than thirty but within sixty days after submission, fifty percent of the application fee shall be refunded; if the application is withdrawn voluntarily more than sixty days after submission, twenty-five percent of the application fee shall be refunded. Notwithstanding the required payment of an application fee under this subsection, an applicant for a new institutional health service or a changed institutional health service offered or developed by an intermediate care