

## COSMETOLOGY

### Footnotes

Enforcement, §147.87, 147.90, 147.92

#### 157.1 Definitions.

For purposes of this chapter:

1. *"Board"* means the board of cosmetology arts and sciences examiners.
2. *"Certified laser product"* means a product which is certified by a manufacturer pursuant to the requirements of 21 C.F.R. pt. 1040 and as specified by rule.
3. *"Chemical exfoliation"* means the removal of surface epidermal cells of the skin by using only nonmedical strength cosmetic preparations consistent with labeled instructions and as specified by rule.
4. *"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.
5. *"Cosmetology"* means all of the following practices:
  - a. Arranging, braiding, dressing, curling, waving, press and curl hair straightening, 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, or beautifying the superficial epidermis of the scalp, face, neck, arms, hands, legs, feet, or upper body of any person with the hands or mechanical or electrical apparatus or appliances or with the use of cosmetic preparations, including cleansers, toners, moisturizers, or masques.
  - c. Removing superfluous hair from the face or body of a person with the use of depilatories, wax, sugars, or tweezing.
  - d. Applying makeup or eyelashes, tinting of lashes or brows, or lightening of hair on the face or body.
  - e. Cleansing, shaping, or polishing the fingernails, applying sculptured nails, nail extensions, wraps, overlays, nail art, or any other nail technique to the fingernails or toenails of a person.
6. *"Cosmetology arts and sciences"* means any or all of the following disciplines, performed with or without compensation by a licensee:
  - a. Cosmetology.
  - b. Electrology.
  - c. Esthetics.
  - d. Nail technology.

e. Manicuring.

7. "*Department*" means the Iowa department of public health.

8. "*Depilatory*" means an agent used for the temporary removal of superfluous hair by dissolving it at the epidermal surface.

9. "*Electrologist*" means a person who performs the practice of electrology.

10. "*Electrology*" means the removal of superfluous hair of a person by the use of an electric needle or other electronic process.

11. "*Esthetician*" means a person who performs the practice of esthetics.

12. "*Esthetics*" means the following:

a. Beautifying, massaging, cleansing, stimulating, or hydrating the skin of a person, except the scalp, by the use of cosmetic preparations, including cleansers, antiseptics, tonics, lotions, creams, exfoliants, masques, and essential oils, to be applied with the hands or any device, electrical or otherwise, designed for the nonmedical 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, sugaring, tweezers, or use of any certified laser products or intense pulsed light devices. This excludes the practice of electrology, whereby hair is removed with an electric needle.

d. The application of permanent makeup or cosmetic micropigmentation.

13. "*Exfoliation*" means the process whereby the superficial epidermal cells are removed from the skin.

14. "*General supervision*" means the supervising physician is not on site for laser procedures or use of an intense pulsed light device for hair removal conducted on minors, but is available for direct communication, either in person or by telephone, radio, radiotelephone, television, or similar means.

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

16. "*Intense pulsed light device*" means a device that uses incoherent light to destroy the vein of the hair bulb.

17. "*Laser*" means light amplification by the stimulated emission of radiation.

18. "*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.

19. "*Manicurist*" means a person who performs the practice of manicuring.

20. "*Mechanical exfoliation*" means the physical removal of surface epidermal cells by means that include but are not limited to brushing machines, granulated scrubs, peel-off masques, peeling creams or drying preparations that are rubbed off, and microdermabrasion.

21. "*Microdermabrasion*" means mechanical exfoliation using an abrasive material or apparatus to remove

surface epidermal cells with a machine which is specified by rule.

22. "*Minor*" means an unmarried person who is under the age of eighteen years.

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

24. "*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.

25. "*Physician*" means a person licensed in Iowa to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

26. "*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.

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

[C27, 31, 35, § 2585-b1; C39, § **2585.10**; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, § 157.1]

92 Acts, ch 1205, § 1; 93 Acts, ch 61, § 1; 2004 Acts, ch 1044, §16; 2005 Acts, ch 89, §2022

### **157.2 Prohibitions exceptions.**

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

a. Licensed physicians and surgeons, osteopaths, osteopathic physicians and surgeons, nurses, dentists, podiatric physicians, optometrists, chiropractors, and physical therapists, when exclusively engaged in the practice of their respective professions.

b. Licensed barbers who practice barbering as defined in section 158.1.

c. 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.

d. Persons who perform without compensation any of the practices listed in section 157.1 on an emergency basis or on a casual basis.

e. 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.

*f.* Persons who perform any of the practices listed in section 157.1 on themselves or on a member of the person's immediate family.

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

*h.* Persons who apply samples of makeup, nail polish or other nail care products, cosmetics, or other cosmetology or esthetics preparations to persons to demonstrate the products in the regular course of business.

2. Cosmetologists shall not represent themselves to the public as electrologists, estheticians, or nail technologists unless the cosmetologist has completed the additional course study for the respective practice as prescribed by the board pursuant to section 157.10.

3. Persons licensed under this chapter shall not administer any practice of removing the skin by means of a razor-edged instrument.

4. With the exception of hair removal, manicuring, and nail technology services, persons licensed under this chapter shall not administer any procedure in which human tissue is cut, shaped, vaporized, or otherwise structurally altered.

5. Persons licensed under this chapter shall only use intense pulsed light devices for purposes of hair removal.

[C27, 31, 35, § 2585-b2; C39, § **2585.11**; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, § 157.2]

89 Acts, ch 240, § 2; 92 Acts, ch 1205, § 2; 93 Acts, ch 61, § 2, 3; 96 Acts, ch 1034, § 68; 2004 Acts, ch 1044, §7; 2005 Acts, ch 89, §23

### **157.3 License requirements.**

1. An applicant who has graduated from high school or its equivalent 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 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.

*b.* Completes the application form prescribed by the board.

*c.* Passes an examination prescribed by the board. The examination 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 subsection 1, a person who completes the application form prescribed by the board and who submits satisfactory proof of having been licensed 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 sections 147.44 to 147.49.

[C27, 31, 35, § 2585-b3, -b4; C39, § **2585.12, 2585.13**; C46, 50, 54, 58, 62, 66, 71, 73, § 157.3, 157.4; C77, 79, 81, § 157.3]

92 Acts, ch 1097, § 5; 92 Acts, ch 1205, § 3; 2005 Acts, ch 89, §24

### **157.3A License requirements additional training.**

In addition to the license requirements of section 157.3, a written application and proof of additional training and certification shall be required prior to approval by the board for the provision of the services described in this section.

1. *a.* A licensed esthetician, who intends to provide services pursuant to section 157.1, subsection 12, paragraphs "a" and "c", having received additional training on the use of microdermabrasion, a certified laser product, or an intense pulsed light device, shall submit a written application and proof of additional training and certification for approval by the board. Training shall be specific to the service provided or certified laser product used.

*b.* A licensed esthetician who applies permanent makeup or cosmetic micropigmentation shall comply with the provisions of section 135.37 and applicable rules.

*c.* Extractions shall be administered only by a licensed esthetician who has been trained in extraction procedures.

*d.* Chemical peels shall be administered only by a licensed esthetician who has been certified by the manufacturer of the product being used.

2. *a.* A licensed cosmetologist having received additional training in the use of chemical peels, microdermabrasion, a certified laser product, or an intense pulsed light device for hair removal shall submit a written application and proof of additional training and certification for approval by the board. A cosmetologist who is licensed after July 1, 2005, shall not be eligible to provide chemical peels, practice microdermabrasion procedures, use certified laser products, or use an intense pulsed light device for hair removal.

*b.* A licensed cosmetologist who applies permanent makeup or cosmetic micropigmentation shall comply with the provisions of section 135.37 and applicable rules.

3. A licensed electrologist having received additional training on the use of a certified laser product or an intense pulsed light device for the purpose of hair removal shall submit a written application and proof of additional training and certification for approval by the board.

4. Any additional training received by a licensed esthetician, cosmetologist, or electrologist and submitted to the board relating to utilization of a certified laser product or an intense pulsed light device shall include a safety training component which provides a thorough understanding of the procedures being performed. The training program shall address fundamentals of nonbeam hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

5. A certified laser product shall only be used on surface epidermal layers of the skin except for hair removal.

2004 Acts, ch 1044, §8; 2005 Acts, ch 3, §39; 2005 Acts, ch 89, §2528

#### **157.4 Temporary permits.**

1. The department may issue a temporary permit which allows the applicant to practice in the cosmetology arts and sciences for purposes determined by rule. The board shall determine and state its recommendations and the length of time the temporary permit issued under this subsection is valid.
2. The fee for a temporary permit shall be established by the board as provided in section 147.80.

[C31, 35, § 2585-c10; C39, § **2585.20**; C46, 50, 54, 58, 62, 66, 71, 73, § 157.11; C77, 79, 81, § 157.4]

92 Acts, ch 1205, § 4; 2005 Acts, ch 89, §29

#### **157.5 Consent and reporting requirements.**

1. A licensed cosmetologist, esthetician, or electrologist who provides services relating to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall obtain a consent in writing prior to the administration of the services. A consent in writing shall create a presumption that informed consent was given if the consent:

- a. Sets forth in general terms the nature and purpose of the procedure or procedures, together with the known risks associated with the procedure or procedures, if reasonably determinable.
- b. Acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.
- c. Is signed by the client for whom the procedure is to be performed, or if the client for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that client in those circumstances.

2. A licensed cosmetologist, esthetician, or electrologist who provides services related to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall submit a report to the board within thirty days of any incident involving the provision of such services which results in physical injury requiring medical attention. Failure to comply with this section shall result in disciplinary action being taken by the board.

2004 Acts, ch 1044, §9; 2005 Acts, ch 89, §30, 31

#### **157.5A Manicurists.**

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 clock hours of training, or one and three-quarters semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education, 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.

The applicant shall pay a license fee as determined by the board under section 147.80.

The rules of the board shall include a provision whereby a license to practice manicuring may be granted by reciprocity or endorsement to a person who is licensed in another state to practice manicuring.

89 Acts, ch 240, § 4; 92 Acts, ch 1205, § 5; 2004 Acts, ch 1100, §1

### **157.6 Sanitary rules practice in the home.**

The department shall prescribe sanitary rules for 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 salon may be established in a residence if a room other than the living quarters is equipped for that purpose. The department shall enforce this section and make necessary inspections for enforcement purposes.

[C27, 31, 35, § 2585-b6; C39, § **2585.15**; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, § 157.6]

92 Acts, ch 1205, § 6

### **157.7 Inspectors and clerical assistants.**

The department of inspections and appeals shall employ personnel pursuant to chapter 8A, subchapter IV, to perform duties related to inspection functions under this chapter. The department of inspections and appeals shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 158.

The Iowa department of public health may employ clerical assistants pursuant to chapter 8A, subchapter IV, to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department of public health.

[C27, 31, 35, § 2585-b9; C39, § **2585.17**; C46, 50, 54, 58, 62, 66, 71, 73, § 157.8; C77, 79, 81, § 157.7]

90 Acts, ch 1204, §23; 2003 Acts, ch 145, §201

### **157.8 Licensing of schools of cosmetology arts and sciences and instructors.**

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 or its designee 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.

[C31, 35, § 2585-c9; C39, § 2585.18; C46, 50, 54, 58, 62, 66, 71, 73, § 157.9; C77, 79, 81, § 157.8]

83 Acts, ch 68, § 1; 92 Acts, ch 1205, § 7; 2004 Acts, ch 1044, §10

### **157.9 License suspension and revocation.**

Any license issued by the department under the provisions of this chapter may be suspended, revoked, or renewal denied by the board for violation of any provision of this chapter or chapter 158 or rules promulgated by the board under the provisions of chapter 17A.

[C77, 79, 81, § 157.9]

### **157.10 Course of study.**

1. The course of study required for licensure for the practice of cosmetology shall be two thousand one hundred clock hours, or seventy semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education. The clock hours, and equivalent number of semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education, 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.

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.

[C77, 79, 81, § 157.10]

88 Acts, ch 1110, § 1; 92 Acts, ch 1205, § 8; 2004 Acts, ch 1100, §2

### **157.11 Salon licenses.**

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 salon biennially and may perform a sanitary inspection of a salon prior to the issuance of a license. An inspection of a salon shall also be conducted upon receipt of a complaint by the department.

The application shall be accompanied by the biennial license fee determined pursuant to section 147.80. The license is valid for two years 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 salon.

[C77, 79, 81, § 157.11]

83 Acts, ch 206, § 10; 91 Acts, ch 268, § 431; 92 Acts, ch 1205, § 9; 99 Acts, ch 141, §28

### **157.12 Supervisors.**

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

[C31, 35, § 2585-c11; C39, § **2585.21**; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, § 157.12]

88 Acts, ch 1110, § 2; 92 Acts, ch 1205, § 10

### **157.12A Use of laser or light products on minors.**

A laser hair removal product or device, or intense pulsed light device, shall not be used on a minor unless the minor is accompanied by a parent or guardian and only under the general supervision of a physician.

2004 Acts, ch 1044, §11; 2005 Acts, ch 89, §32

### **157.13 Violations.**

1. It is unlawful for a person to employ an individual to practice cosmetology arts and sciences unless that individual is licensed under this chapter. It is unlawful for a licensee to practice with or without compensation in any place other than a licensed salon, a licensed school of cosmetology arts and sciences, or a licensed barbershop as defined in section 158.1, except that a licensee may practice at a location which is not a licensed salon or school of cosmetology arts and sciences under extenuating circumstances arising from physical or mental disability or death of a customer, or when a temporary permit has been approved by the board. It is unlawful for a licensee to claim to be a licensed barber, but it is lawful for a licensed cosmetologist to work in a licensed barbershop. It is unlawful for a person to employ a licensed cosmetologist, esthetician, or electrologist to perform the services described in section 157.3A if the licensee has not received the additional training and met the other requirements specified in section 157.3A.

2. If the owner or manager of a salon does not comply with the sanitary rules adopted under section 157.6 or fails to maintain the 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 salon closed until the rules are complied with. It is unlawful for a person to practice in a salon which has been closed under this section. The county attorney in each county shall assist the department in enforcing this section.

3. If the board has reasonable grounds to believe that a person or establishment which is not licensed under this chapter has engaged, or is about to engage, in an act or practice which requires licensure under this chapter, or otherwise violates a provision of this chapter, the board may issue an order to require the unlicensed person or establishment to comply with the provisions of this chapter, and may impose a civil penalty not to exceed one thousand dollars for each violation of this chapter by an unlicensed person or establishment. Each day of a continued violation after an order or citation by the board constitutes a separate offense, with the maximum penalty not to exceed ten thousand dollars.

a. In determining the amount of a civil penalty, the board may consider the following:

- (1) Whether the amount imposed will be a substantial economic deterrent to the violation.
- (2) The circumstances leading to or resulting in the violation.

- (3) The severity of the violation and the risk of harm to the public.
- (4) The economic benefits gained by the violator as a result of noncompliance.
- (5) The welfare or best interest of the public.

*b.* The board may conduct an investigation as needed to determine whether probable cause exists to initiate the proceedings described in this subsection. Before issuing an order or citation under this section, the board shall provide written notice and the opportunity to request a hearing on the record. The hearing must be requested within thirty days of the issuance of the notice and shall be conducted as provided in chapter 17A. The board may, in connection with a proceeding under this section, issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence and may request the attorney general to bring an action to enforce the subpoena.

*c.* A person aggrieved by the imposition of a civil penalty under this section may seek judicial review in accordance with section 17A.19. The board shall notify the attorney general of the failure to pay a civil penalty within thirty days after entry of an order pursuant to this subsection, or within ten days following final judgment in favor of the board if an order has been stayed pending appeal. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs. An action to enforce an order under this subsection may be joined with an action for an injunction.

[C31, 35, § 2585-c12; C39, § **2585.22**; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, § 157.13]

88 Acts, ch 1110, § 3; 92 Acts, ch 1205, § 11; 2004 Acts, ch 1044, §12, 13; 2005 Acts, ch 89, §33

#### **157.14 Rules.**

The board shall adopt rules pursuant to chapter 17A to administer the provisions of this chapter.

[C77, 79, 81, § 157.14]

89 Acts, ch 3, §1

#### **157.15 Penalty.**

A person convicted of violating any of the provisions of this chapter or rules adopted pursuant to this chapter is guilty of a serious misdemeanor.

[C35, § 2522; C39, § **2585.24**; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, § 157.15]

92 Acts, ch 1205, § 12