

Senate File 387

S-3156

1 Amend Senate File 387 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 10A.104, subsection 14, Code 2023, is  
5 amended to read as follows:

6 14. Administer inspections of cosmetology salons  
7 establishments under [section 157.7](#) and barbershops under  
8 [section 158.6](#) chapter 157.

9 Sec. 2. Section 147.13, subsection 11, Code 2023, is amended  
10 to read as follows:

11 11. For cosmetology arts and sciences, the board of  
12 barbering and cosmetology arts and sciences.

13 Sec. 3. Section 147.13, subsection 12, Code 2023, is amended  
14 by striking the subsection.

15 Sec. 4. Section 147.14, subsection 1, paragraphs a and n,  
16 Code 2023, are amended by striking the paragraphs.

17 Sec. 5. Section 147.14, subsection 1, Code 2023, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. x. For barbering and cosmetology arts  
20 and sciences, three members who are licensed barbers or  
21 cosmetologists, at least one of whom is also a licensed  
22 instructor of cosmetology arts and sciences; one member who is  
23 a licensed electrologist, esthetician, or nail technologist;  
24 one member who owns a school of cosmetology arts and sciences;  
25 and one member who is not licensed in the practice of  
26 cosmetology arts and sciences and who shall represent the  
27 general public.

28 Sec. 6. Section 147.76, Code 2023, is amended to read as  
29 follows:

30 **147.76 Rules.**

31 The boards for the various professions shall adopt all  
32 necessary and proper rules to administer and interpret this  
33 chapter and [chapters 148 through 158](#) [157](#), except [chapter 148D](#).

34 Sec. 7. Section 157.1, Code 2023, is amended by adding the  
35 following new subsections:

1     NEW SUBSECTION. 001. "*Barbering*" means the practices listed  
2 in this subsection performed with or without compensation.  
3 "*Barbering*" includes but is not limited to the following  
4 practices performed upon the upper part of the human body of  
5 any person for cosmetic purposes and not for the treatment of  
6 disease or physical or mental ailments:

7     *a.* Shaving or trimming for hair removal by the use of a  
8 straight edge razor.

9     *b.* Giving facial and scalp massages or treatments with oils,  
10 creams, lotions, or other preparations either by hand, or by  
11 electrical or mechanical appliances.

12     *c.* Singeing, shampooing, hair body processing, curling,  
13 blow waving, hair relaxing, bleaching or coloring the hair, or  
14 applying hair tonics.

15     *d.* Applying cosmetic preparations, antiseptics, powders,  
16 oils, clays, waxes, or lotions to the scalp, face, or neck.

17     *e.* Styling, cutting, or shampooing hairpieces or wigs when  
18 done in conjunction with haircutting or hairstyling.

19     NEW SUBSECTION. 10A. "*Establishment*" means a fixed location  
20 or a location that is readily movable where one or more persons  
21 engage in the practice of cosmetology arts and sciences,  
22 including but not limited to a retail establishment.

23     Sec. 8. Section 157.1, subsections 1 and 4, Code 2023, are  
24 amended to read as follows:

25     1. "*Board*" means the board of barbering and cosmetology arts  
26 and sciences.

27     4. "*Cosmetologist*" or "*barber*" means a person who performs  
28 the practice of cosmetology, or otherwise by the person's  
29 occupation claims to have knowledge or skill particular to the  
30 practice of cosmetology. Cosmetologists and barbers shall not  
31 represent themselves to the public as being primarily in the  
32 practice of haircutting unless that function is, in fact, their  
33 primary specialty.

34     Sec. 9. Section 157.1, subsection 5, paragraph a, Code 2023,  
35 is amended to read as follows:

1     ~~a. Arranging, braiding, dressing,~~ Hairstyling, including  
2 curling, waving, press and curl hair straightening, shampooing,  
3 cutting, singeing, bleaching, coloring, or similar works, upon  
4 the hair of any person, or upon a wig or hairpiece when done in  
5 conjunction with haircutting or hairstyling by any means.

6     Sec. 10. Section 157.1, subsection 5, Code 2023, is amended  
7 by adding the following new paragraph:

8     NEW PARAGRAPH. *f.* Barbering.

9     Sec. 11. Section 157.1, subsection 6, paragraph e, Code  
10 2023, is amended by striking the paragraph.

11     Sec. 12. Section 157.1, subsection 26, Code 2023, is amended  
12 by striking the subsection.

13     Sec. 13. Section 157.1, subsection 27, Code 2023, is amended  
14 by striking the subsection and inserting in lieu thereof the  
15 following:

16     27. *"School of barbering and cosmetology arts and sciences"*  
17 means an establishment operated for the purpose of teaching  
18 cosmetology arts and sciences.

19     Sec. 14. Section 157.2, subsection 1, paragraphs b and h,  
20 Code 2023, are amended by striking the paragraphs.

21     Sec. 15. Section 157.2, subsection 2, Code 2023, is amended  
22 to read as follows:

23     2. Cosmetologists and barbers shall not represent  
24 themselves to the public as electrologists, estheticians, or  
25 nail technologists unless the cosmetologist or barber has  
26 completed the ~~additional~~ course of study for the respective  
27 practice as prescribed by the board pursuant to [section 157.10](#).

28     Sec. 16. Section 157.3, subsection 1, unnumbered paragraph  
29 1, Code 2023, is amended to read as follows:

30     An applicant who is at least sixteen years of age and has  
31 ~~graduated from high school~~ successfully completed tenth grade  
32 or its equivalent shall be issued a license to practice any of  
33 the cosmetology arts and sciences by the department when the  
34 applicant satisfies all of the following:

35     Sec. 17. Section 157.3, subsection 1, paragraph a, Code

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(amending this SF 387 to CONFORM to HF 652)

1 2023, is amended to read as follows:

2     *a.* Presents to the department a diploma, or similar  
3 evidence, issued by a licensed school of barbering and  
4 cosmetology arts and sciences indicating that the applicant  
5 has completed the course of study for the appropriate practice  
6 of the cosmetology arts and sciences prescribed by the board.  
7 An applicant may satisfy this requirement upon presenting a  
8 diploma or similar evidence issued by a school in another  
9 state, recognized by the board, which provides instruction  
10 regarding the practice for which licensure is sought, provided  
11 that the course of study is equivalent to or greater in length  
12 and scope than that required for a school in this state, and is  
13 approved by the board.

14     Sec. 18. Section 157.3, Code 2023, is amended by adding the  
15 following new subsection:

16     NEW SUBSECTION. 3. An applicant shall indicate on the  
17 applicant's application whether the applicant seeks to be  
18 licensed as a cosmetologist or a barber.

19     Sec. 19. Section 157.3A, subsection 2, paragraphs a and b,  
20 Code 2023, are amended to read as follows:

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

31     *b.* A licensed cosmetologist or barber who applies permanent  
32 makeup or cosmetic micropigmentation shall comply with the  
33 provisions of [section 135.37](#) and applicable rules.

34     Sec. 20. Section 157.3A, subsection 4, Code 2023, is amended  
35 to read as follows:

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

10 Sec. 21. Section 157.3A, Code 2023, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 6. Shaving or trimming for hair removal by  
13 a cosmetologist or barber trained and certified in the use of a  
14 straight edge razor in compliance with applicable rules of the  
15 board. The board shall not require a cosmetologist or barber  
16 to complete more than forty clock hours of training to receive  
17 a certification under this subsection.

18 Sec. 22. Section 157.4, subsection 3, paragraph a, Code  
19 2023, is amended to read as follows:

20 a. The permit shall be issued for a specific event and may  
21 be issued to ~~a salon~~ an establishment, school of barbering and  
22 cosmetology arts and sciences, or person.

23 Sec. 23. Section 157.5, subsection 1, unnumbered paragraph  
24 1, Code 2023, is amended to read as follows:

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

32 Sec. 24. Section 157.5, subsection 2, Code 2023, is amended  
33 to read as follows:

34 2. A licensed cosmetologist or barber, esthetician, or  
35 electrologist who provides services related to the use of a

1 certified laser product, intense pulsed light device for hair  
2 removal, chemical peel, or microdermabrasion, shall submit  
3 a report to the board within thirty days of any incident  
4 involving the provision of such services which results in  
5 physical injury requiring medical attention. Failure to comply  
6 with [this section](#) shall result in disciplinary action being  
7 taken by the board.

8 Sec. 25. Section 157.6, Code 2023, is amended to read as  
9 follows:

10 **157.6 Sanitary rules — practice in the home.**

11 The department shall prescribe sanitary rules for ~~salons~~  
12 establishments and schools of cosmetology arts and sciences  
13 which shall include the sanitary conditions necessary for  
14 the practice of cosmetology arts and sciences and for the  
15 prevention of infectious and contagious diseases. Subject  
16 to local zoning ordinances, ~~a salon~~ an establishment may be  
17 established in a residence if a room other than the living  
18 quarters is equipped for that purpose. The department shall  
19 enforce [this section](#) and make necessary inspections for  
20 enforcement purposes.

21 Sec. 26. Section 157.7, subsection 1, Code 2023, is amended  
22 to read as follows:

23 1. The department of inspections and appeals shall  
24 employ personnel pursuant to [chapter 8A, subchapter IV](#), to  
25 perform duties related to inspection functions under this  
26 chapter. ~~The department of inspections and appeals shall, when~~  
27 ~~possible, integrate inspection efforts under [this chapter](#) with~~  
28 ~~inspections conducted under [chapter 158](#).~~

29 Sec. 27. Section 157.8, subsection 1, Code 2023, is amended  
30 to read as follows:

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

1     Sec. 28. Section 157.8, subsection 2, paragraph c, Code  
2 2023, is amended by striking the paragraph.

3     Sec. 29. Section 157.8, subsection 2, paragraph d, Code  
4 2023, is amended to read as follows:

5     *d.* The school of barbering and cosmetology arts and sciences  
6 must pass a sanitary inspection under [section 157.6](#). An annual  
7 inspection of each school of barbering and cosmetology arts and  
8 sciences, including the educational activities of each school,  
9 shall be conducted and completed by the board or its designee  
10 prior to renewal of the license.

11     Sec. 30. NEW SECTION. 157.8A Use of schools of barbering  
12 and cosmetology arts and sciences.

13     A school of barbering and cosmetology arts and sciences may  
14 be used for purposes other than student instruction so long as  
15 the other activities do not disrupt classes. The board shall  
16 adopt rules for the implementation of this section.

17     Sec. 31. Section 157.9, Code 2023, is amended to read as  
18 follows:

19     **157.9 License suspension and revocation.**

20     Any license issued by the department under the provisions  
21 of [this chapter](#) may be suspended, revoked, or renewal denied  
22 by the board for violation of any provision of [this chapter](#)  
23 ~~or [chapter 158](#)~~ or rules promulgated by the board under the  
24 provisions of [chapter 17A](#).

25     Sec. 32. Section 157.10, subsections 1 and 3, Code 2023, are  
26 amended to read as follows:

27     1. *a.* The course of study required for licensure for the  
28 practice of cosmetology shall be ~~two thousand one hundred~~  
29 ~~clock hours, or seventy~~ a minimum of one thousand five hundred  
30 fifty clock hours, or fifty-one semester credit hours or the  
31 equivalent thereof as determined pursuant to administrative  
32 rule and regulations promulgated by the United States  
33 department of education. The clock hours, and equivalent  
34 number of semester credit hours or the equivalent thereof as  
35 determined pursuant to administrative rule and regulations

1 promulgated by the United States department of education, of  
2 a course of study required for licensure for the practices of  
3 electrology, esthetics, and nail technology, ~~manicuring, and~~  
4 ~~pedicuring~~ shall be established by the board. The board shall  
5 adopt rules to define the course and content of study for each  
6 practice of cosmetology arts and sciences.

7 b. The course of study required for licensure which is  
8 limited to the practice of esthetics shall be a minimum of six  
9 hundred hours.

10 c. The course of study required for licensure which is  
11 limited to the practice of nail technology shall be a minimum  
12 of three hundred twenty-five hours.

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

22 Sec. 33. Section 157.11, Code 2023, is amended to read as  
23 follows:

24 **157.11 ~~Salon~~ Establishment licenses.**

25 1. A ~~salon~~ An establishment shall not operate unless the  
26 owner has obtained a license issued by the department. The  
27 owner shall apply to the department on forms prescribed by the  
28 board. The department may perform a sanitary inspection of  
29 each ~~salon~~ establishment biennially and may perform a sanitary  
30 inspection of a ~~salon~~ an establishment prior to the issuance of  
31 a license. An inspection of a ~~salon~~ an establishment may also  
32 be conducted upon receipt of a complaint by the department.

33 2. The application shall be accompanied by the biennial  
34 license fee determined pursuant to [section 147.80](#). The license  
35 is valid for two years and may be renewed.



1 3. A licensed school of cosmetology arts and sciences at  
2 which students practice cosmetology arts and sciences is exempt  
3 from licensing as ~~a salon~~ an establishment.

4 Sec. 34. NEW SECTION. 157.12C **Blow-dry styling.**

5 1. A person engaged exclusively in the practice of blow-dry  
6 styling is not required to receive a license issued under  
7 section 157.3.

8 2. A person shall not engage in the practice of blow-dry  
9 styling except at an establishment that is licensed pursuant to  
10 section 157.11 or an establishment established in a residence  
11 pursuant to section 157.6.

12 3. A person shall not engage exclusively in the practice  
13 of blow-dry styling unless the person has completed two hours  
14 of education related to Iowa cosmetology law and rules and  
15 sanitation, as determined by the board by rule.

16 4. For the purposes of this section, *"blow-dry styling"*  
17 means the practice of shampooing, conditioning, drying,  
18 arranging, curling, straightening or styling hair using only  
19 mechanical devices, hair sprays, and topical agents such as  
20 balms, oils and serums, and includes the use and styling of  
21 hair extensions, hair pieces and wigs. *"Blow-dry styling"* does  
22 not include cutting hair or the application of dyes, bleaches,  
23 reactive chemicals, keratin treatments, or other preparations  
24 to color or alter the structure of hair.

25 Sec. 35. Section 157.13, subsection 1, unnumbered paragraph  
26 1, Code 2023, is amended to read as follows:

27 It is unlawful for a person to employ an individual to  
28 practice cosmetology arts and sciences unless that individual  
29 is licensed or has obtained a temporary permit under this  
30 chapter. It is unlawful for a licensee to practice with  
31 or without compensation in any place other than a licensed  
32 ~~salon establishment, or~~ a licensed school of barbering and  
33 ~~cosmetology arts and sciences, or a licensed barbershop as~~  
34 ~~defined in section 158.1.~~ The following exceptions to this  
35 subsection shall apply:

1     Sec. 36. Section 157.13, subsection 1, paragraph a, Code  
2 2023, is amended to read as follows:

3     a. A licensee may practice at a location which is not  
4 a licensed ~~salon~~ establishment, school of barbering and  
5 cosmetology arts and sciences, or licensed barbershop ~~under~~  
6 ~~extenuating circumstances arising from physical or mental~~  
7 ~~disability or death of a customer~~ pursuant to rules adopted by  
8 the board.

9     Sec. 37. Section 157.13, subsections 2 and 3, Code 2023, are  
10 amended to read as follows:

11     2. It is unlawful for a licensee to claim to be a licensed  
12 barber unless the licensee is a licensed barber, however a  
13 licensed cosmetologist may work in a licensed barbershop. It  
14 is unlawful for a person to employ a licensed cosmetologist  
15 or barber, esthetician, or electrologist to perform the  
16 services described in [section 157.3A](#) if the licensee has not  
17 received the additional training and met the other requirements  
18 specified in [section 157.3A](#).

19     3. If the owner or manager of a ~~salon~~ an establishment does  
20 not comply with the sanitary rules adopted under [section 157.6](#)  
21 or fails to maintain the ~~salon~~ establishment as prescribed by  
22 rules of the department, the department may notify the owner  
23 or manager in writing of the failure to comply. If the rules  
24 are not complied with within five days after receipt of the  
25 written notice by the owner or manager, the department shall in  
26 writing order the ~~salon~~ establishment closed until the rules  
27 are complied with. It is unlawful for a person to practice  
28 in a ~~salon~~ an establishment which has been closed under this  
29 section. The county attorney in each county shall assist the  
30 department in enforcing [this section](#).

31     Sec. 38. Section 261.9, subsection 3, paragraph b, Code  
32 2023, is amended to read as follows:

33     b. Is a ~~barber school~~ licensed under ~~[section 158.7](#)~~ or  
34 a school of barbering and cosmetology arts and sciences  
35 licensed under [chapter 157](#) and is accredited by a national

1 accrediting agency recognized by the United States department  
2 of education. For the fiscal year beginning July 1, 2017,  
3 an eligible institution under this paragraph shall provide a  
4 matching aggregate amount of institutional financial aid equal  
5 to at least seventy-five percent of the amount received by  
6 the institution's students for Iowa tuition grant assistance  
7 under [section 261.16A](#). For the fiscal year beginning July  
8 1, 2018, the institution shall provide a matching aggregate  
9 amount of institutional financial aid equal to at least  
10 eighty-five percent of the amount received in that fiscal year.  
11 Commencing with the fiscal year beginning July 1, 2019, and  
12 each succeeding fiscal year, the matching aggregate amount of  
13 institutional financial aid shall be at least equal to the  
14 match provided by eligible institutions under paragraph "a".

15 Sec. 39. Section 261B.11, subsection 1, paragraph i, Code  
16 2023, is amended to read as follows:

17 *i.* Postsecondary educational institutions licensed by  
18 the state of Iowa under ~~[section 157.8](#) or [158.7](#)~~ chapter 157  
19 to operate as schools of cosmetology arts and sciences ~~or as~~  
20 ~~barber schools~~ in the state.

21 Sec. 40. Section 272C.1, subsection 6, paragraph g, Code  
22 2023, is amended to read as follows:

23 *g.* The board of barbering and cosmetology arts and sciences,  
24 created pursuant to [chapter 147](#).

25 Sec. 41. Section 272C.1, subsection 6, paragraph i, Code  
26 2023, is amended by striking the paragraph.

27 Sec. 42. REPEAL. Chapter 158, Code 2023, is repealed.

28 Sec. 43. EMERGENCY RULES. The board of cosmetology arts  
29 and sciences, board of barbering, and board of barbering and  
30 cosmetology arts and sciences may adopt emergency rules under  
31 section 17A.4, subsection 3, and section 17A.5, subsection 2,  
32 paragraph "b", to implement the provisions of this Act and  
33 the rules shall be effective immediately upon filing unless  
34 a later date is specified in the rules. Any rules adopted  
35 in accordance with this section shall also be published as a

1 notice of intended action as provided in section 17A.4.

2 Sec. 44. TRANSITION PROVISIONS.

3 1. a. The merger of the boards of barbering and cosmetology  
4 arts and sciences in this Act shall not affect the appointment  
5 or any term of office of a member of either board prior to the  
6 effective date of this Act. A member of the board of barbering  
7 or the board of cosmetology arts and sciences shall continue to  
8 serve until the member's term expires, as calculated from the  
9 member's initial appointment to the board of barbering or board  
10 of cosmetology arts and sciences, or the member ceases to hold  
11 office, whichever first occurs.

12 b. The initial membership of the board of barbering and  
13 cosmetology arts and sciences shall consist of all members  
14 of the boards of barbering and cosmetology arts and sciences  
15 serving on the effective date of this Act.

16 2. A rule adopted by the board of cosmetology arts and  
17 sciences or board of barbering that is in force and effect  
18 immediately prior to the effective date of this Act shall  
19 continue in full force and effect until the earlier of the  
20 following:

21 a. The rule is amended, rescinded, or supplemented by the  
22 affirmative action of the board of barbering and cosmetology  
23 arts and sciences.

24 b. The rule expires by its own terms.

25 3. Any license or permit issued by the board of cosmetology  
26 arts and sciences or board of barbering in effect on the  
27 effective date of this Act shall continue in full force and  
28 effect until expiration or renewal, except as provided in  
29 subsection 8.

30 4. Any funds in any account or fund of the board of  
31 cosmetology arts and sciences or board of barbering shall  
32 be transferred to the control of the board of barbering and  
33 cosmetology arts and sciences.

34 5. Any cause of action, statute of limitation, or  
35 administrative action relating to or initiated by the board of

1 cosmetology arts and sciences or board of barbering shall not  
2 be affected as a result of this Act and shall apply to the board  
3 of barbering and cosmetology arts and sciences.

4 6. All client and organizational files in the possession  
5 of the board of cosmetology arts and sciences or board of  
6 barbering shall become the property of the board of barbering  
7 and cosmetology arts and sciences.

8 7. Any personnel in the state merit system of employment  
9 who are mandatorily transferred due to the effect of this Act  
10 shall be so transferred without any loss in salary, benefits,  
11 or accrued years of service.

12 8. A person licensed as a barber as of July 1, 2023, shall  
13 be considered to be a person licensed to practice barbering and  
14 hairstyling and shall be issued a license to practice barbering  
15 and hairstyling upon the expiration of the person's barbering  
16 license. Such a license shall permit such a person to continue  
17 to practice barbering as provided in chapter 158, Code 2023.

18 9. A person currently enrolled in a barbering school in a  
19 course of study requiring at least two thousand one hundred  
20 hours of instruction must complete the course of study by  
21 August 1, 2024.>

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CHRIS COURNOYER