



KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

May 26, 2023

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

House File 652, an Act relating to the practice of barbering and cosmetology arts and sciences and providing transition provisions.

The above House is hereby approved on this date.

Sincerely,

A handwritten signature in black ink that reads "Kim Reynolds".

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 652

AN ACT

RELATING TO THE PRACTICE OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES AND PROVIDING TRANSITION PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

14. Administer inspections of cosmetology ~~salons~~ establishments under ~~section 157.7~~ and ~~barbershops~~ under ~~section 158.6~~ chapter 157.

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

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

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

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

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

NEW PARAGRAPH. *x.* For barbering and cosmetology arts and sciences, three members who are licensed barbers or cosmetologists; one member who is a licensed instructor of barbering and cosmetology arts and sciences; one member who is a licensed electrologist, esthetician, or nail technologist; one member who owns a school of barbering and cosmetology arts and sciences; and one member who is not licensed in the

practice of barbering and cosmetology arts and sciences and who shall represent the general public.

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

147.76 Rules.

The boards for the various professions shall adopt all necessary and proper rules to administer and interpret this chapter and chapters 148 through ~~158~~ 157, except chapter 148D.

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

NEW SUBSECTION. 001. "*Barbering and cosmetology*" means all of the following practices performed for cosmetic purposes and not for the treatment of disease of physical or mental ailments:

a. Curling, waving, press and curl hair straightening, shampooing, cutting, singeing, bleaching, coloring, hair body processing, blow waving, hair relaxing, applying hair tonics, or similar works, upon the hair or beard 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, masques, antiseptics, powders, oils, clays, waxes, or lotions.

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.

f. Shaving or trimming for hair removal by the use of a straight edge razor.

NEW SUBSECTION. 0001. "*Barbering and cosmetology arts and sciences*" means any or all of the following disciplines

performed with or without compensation by a licensee:

- a. Barbering and cosmetology.
- b. Electrology.
- c. Esthetics.
- d. Nail technology.

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

Sec. 8. Section 157.1, subsections 1, 4, and 15, Code 2023, are amended to read as follows:

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

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

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

Sec. 9. Section 157.1, subsections 5 and 6, Code 2023, are amended by striking the subsections.

Sec. 10. Section 157.1, subsection 26, Code 2023, is amended by striking the subsection.

Sec. 11. Section 157.1, subsection 27, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

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

Sec. 12. Section 157.2, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

It is unlawful for a person to practice barbering and 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 barbering and cosmetology arts and sciences:

Sec. 13. Section 157.2, subsection 1, paragraphs b and h, Code 2023, are amended by striking the paragraphs.

Sec. 14. Section 157.2, subsection 1, paragraphs c and e, Code 2023, are amended to read as follows:

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

e. Employees of hospitals, health care facilities, orphans' homes, juvenile homes, and other similar facilities who perform barbering and cosmetology services for any resident without receiving direct compensation from the person receiving the service.

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

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

Sec. 16. Section 157.2, subsection 3, Code 2023, is amended by striking the subsection.

Sec. 17. Section 157.3, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An applicant who has graduated from high school or its equivalent shall be issued a license to practice any of the barbering and cosmetology arts and sciences by the department when the applicant satisfies all of the following:

Sec. 18. Section 157.3, subsection 1, paragraphs a and c, Code 2023, are amended to read as follows:

a. Presents to the department a diploma, or similar evidence, issued by a licensed school of barbering and 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. 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 barbering and cosmetology arts and sciences shall not be involved in the selection or administration of the exam.

Sec. 19. Section 157.3, subsection 2, Code 2023, is amended to read as follows:

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 barbering and 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 barbering and 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, 147.48, and 147.49.

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

a. A licensed cosmetologist or barber 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 or barber 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 or barber who applies permanent

makeup or cosmetic micropigmentation shall comply with the provisions of section 135.37 and applicable rules.

Sec. 21. Section 157.3A, subsection 4, Code 2023, is amended to read as follows:

4. Any additional training received by a licensed esthetician, cosmetologist or barber, 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.

Sec. 22. Section 157.3A, Code 2023, is amended by adding the following new subsection:

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

Sec. 23. Section 157.4, subsection 1, Code 2023, is amended to read as follows:

1. The department may issue a temporary permit which allows the applicant to practice in the barbering and 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.

Sec. 24. Section 157.4, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding section 157.13, subsection 1, the board may issue a temporary permit to practice in the barbering and cosmetology arts and sciences for the purpose of demonstrating barbering and cosmetology arts and sciences services to the public or for providing barbering and cosmetology arts and sciences services to the public at not-for-profit events. A permit issued pursuant to this subsection shall be subject to the following requirements:

Sec. 25. Section 157.4, subsection 3, paragraphs a, b, and

g, Code 2023, are amended to read as follows:

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

b. The permit shall be posted and visible to the public at the location where the barbering and cosmetology arts and sciences services are provided.

g. A person providing barbering and cosmetology arts and sciences services at a not-for-profit event shall hold a current license to practice barbering and cosmetology arts and sciences.

Sec. 26. Section 157.4B, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Advertise or market barbering or cosmetology services.

Sec. 27. Section 157.5, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A licensed cosmetologist or barber, 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:

Sec. 28. Section 157.5, subsection 2, Code 2023, is amended to read as follows:

2. A licensed cosmetologist or barber, 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.

Sec. 29. Section 157.6, Code 2023, is amended to read as follows:

157.6 Sanitary rules — practice in the home.

The department shall prescribe sanitary rules for ~~salons~~ establishments and schools of barbering and cosmetology arts

and sciences which shall include the sanitary conditions necessary for the practice of barbering and cosmetology arts and sciences and for the prevention of infectious and contagious diseases. Subject to local zoning ordinances, a ~~salon~~ an establishment 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.

Sec. 30. Section 157.7, subsection 1, Code 2023, is amended to read as follows:

1. 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.~~

Sec. 31. Section 157.8, subsection 1, Code 2023, is amended to read as follows:

1. It is unlawful for a school of barbering and 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.

Sec. 32. Section 157.8, subsection 2, paragraph c, Code 2023, is amended by striking the paragraph.

Sec. 33. Section 157.8, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. The school of barbering and cosmetology arts and sciences must pass a sanitary inspection under section 157.6. An annual inspection of each school of barbering and 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.

Sec. 34. Section 157.8, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. A person employed as an instructor in the barbering and 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. Requirements for licensure as an instructor shall be determined by the board by rule.

Sec. 35. NEW SECTION. 157.8A Use of schools of barbering and cosmetology arts and sciences.

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

Sec. 36. Section 157.9, Code 2023, is amended to read as follows:

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.

Sec. 37. Section 157.10, Code 2023, is amended to read as follows:

157.10 Course of study.

1. a. The course of study required for licensure for the practice of barbering and cosmetology shall be ~~two thousand one hundred clock hours, or seventy~~ a minimum of one thousand five hundred fifty clock hours, or fifty-one 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, and esthetics, nail technology, ~~manicuring, and pedicuring~~ 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.

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

c. The course of study required for licensure which is

limited to the practice of nail technology shall be a minimum of three hundred twenty-five hours.

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

Sec. 38. Section 157.11, Code 2023, is amended to read as follows:

157.11 ~~Salon~~ Establishment licenses.

1. A ~~salon~~ An establishment 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 may perform a sanitary inspection of each ~~salon~~ establishment biennially and may perform a sanitary inspection of a ~~salon~~ an establishment prior to the issuance of a license. An inspection of a ~~salon~~ an establishment may also be conducted upon receipt of a complaint by the department.

2. 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.

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

Sec. 39. Section 157.12, Code 2023, is amended to read as follows:

157.12 Supervisors.

A person who directly supervises the work of practitioners of barbering and cosmetology arts and sciences shall be

licensed in the practice supervised ~~or a barber licensed under section 158.3.~~

Sec. 40. NEW SECTION. 157.12C Blow-dry styling.

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

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

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

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

Sec. 41. Section 157.13, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

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

Sec. 42. Section 157.13, subsection 1, paragraphs a and b, Code 2023, are amended to read as follows:

a. A licensee may practice at a location which is not a licensed ~~salon establishment,~~ school of barbering and cosmetology arts and sciences, or licensed barbershop ~~under~~

~~extenuating circumstances arising from physical or mental disability or death of a customer~~ pursuant to rules adopted by the board.

b. Notwithstanding section 157.12, when the licensee is employed by a physician and provides barbering and cosmetology services at the place of practice of a physician and is under the supervision of a physician licensed to practice pursuant to chapter 148.

Sec. 43. Section 157.13, subsections 2 and 3, Code 2023, are amended to read as follows:

2. ~~It is unlawful for a licensee to claim to be a licensed barber, however a~~ A licensed cosmetologist may work in a licensed barbershop. It is unlawful for a person to employ a licensed cosmetologist or barber, 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.

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

Sec. 44. Section 261.9, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. ~~Is a barber school licensed under section 158.7 or~~ a school of barbering and cosmetology arts and sciences licensed under chapter 157 and is accredited by a national accrediting agency recognized by the United States department of education. For the fiscal year beginning July 1, 2017, an eligible institution under this paragraph shall provide a matching aggregate amount of institutional financial aid equal to at least seventy-five percent of the amount received by

the institution's students for Iowa tuition grant assistance under section 261.16A. For the fiscal year beginning July 1, 2018, the institution shall provide a matching aggregate amount of institutional financial aid equal to at least eighty-five percent of the amount received in that fiscal year. Commencing with the fiscal year beginning July 1, 2019, and each succeeding fiscal year, the matching aggregate amount of institutional financial aid shall be at least equal to the match provided by eligible institutions under paragraph "a".

Sec. 45. Section 261B.11, subsection 1, paragraph i, Code 2023, is amended to read as follows:

i. Postsecondary educational institutions licensed by the state of Iowa under ~~section 157.8 or 158.7~~ chapter 157 to operate as schools of cosmetology arts and sciences ~~or as barber schools~~ in the state.

Sec. 46. Section 272C.1, subsection 6, paragraph g, Code 2023, is amended to read as follows:

g. The board of barbering and cosmetology arts and sciences, created pursuant to chapter 147.

Sec. 47. Section 272C.1, subsection 6, paragraph i, Code 2023, is amended by striking the paragraph.

Sec. 48. REPEAL. Chapter 158, Code 2023, is repealed.

Sec. 49. EMERGENCY RULES. The board of cosmetology arts and sciences, board of barbering, and board of barbering and cosmetology arts and sciences may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 50. TRANSITION PROVISIONS.

1. a. The merger of the boards of barbering and cosmetology arts and sciences in this Act shall not affect the appointment or any term of office of a member of either board prior to the effective date of this Act. A member of the board of barbering or the board of cosmetology arts and sciences shall continue to serve until the member's term expires, as calculated from the member's initial appointment to the board of barbering or board

of cosmetology arts and sciences, or the member ceases to hold office, whichever first occurs.

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

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

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

b. The rule expires by its own terms.

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

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

5. Any cause of action, statute of limitation, or administrative action relating to or initiated by the board of cosmetology arts and sciences or board of barbering shall not be affected as a result of this Act and shall apply to the board of barbering and cosmetology arts and sciences.


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

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


8. A person licensed as a barber as of July 1, 2023, shall be considered to be a person licensed to practice barbering and

cosmetology and shall be issued a license to practice barbering and cosmetology upon the expiration of the person's barbering license. Such a license shall permit such a person to continue to practice barbering as provided in chapter 158, Code 2023.

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

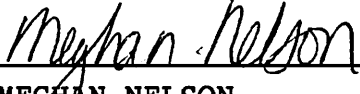


PAT GRASSLEY
Speaker of the House




AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 652, Ninetieth General Assembly.



MEGHAN NELSON
Chief Clerk of the House

Approved May 26th, 2023



KIM REYNOLDS
Governor