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SENATE FILE 2353

BY COMMITTEE ON WAYS AND MEANS

*Approved (f. 890)*

(SUCCESSOR TO SF 2340)

Passed Senate, Date 4-1-92 (p. 1130) Passed House, Date 4/21/92 (P. 1684)

Vote: Ayes 46 Nays 0 Vote: Ayes 100 Nays 0

Approved May 14, 1992

A BILL FOR

1 An Act relating to cosmetology arts and sciences and imposing  
2 fees and penalties.

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

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SF 2353

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

4 157.1 DEFINITIONS.

5 For purposes of this chapter:

6 1. "Board" means the board of cosmetology arts and  
7 sciences examiners.

8 2. "Cosmetologist" means a person who performs the  
9 practice of cosmetology, or otherwise by the person's  
10 occupation claims to have knowledge or skill particular to the  
11 practice of cosmetology. Cosmetologists shall not represent  
12 themselves to the public as being primarily in the practice of  
13 haircutting unless that function is, in fact, their primary  
14 specialty.

15 3. "Cosmetology" means all of the following practices:

16 a. Arranging, dressing, curling, waving, shampooing,  
17 cutting, singeing, bleaching, coloring, or similar works, upon  
18 the hair of any person; or upon a wig or hairpiece when done  
19 in conjunction with haircutting or hairstyling by any means.

20 b. Massaging, cleansing, stimulating, exercising,  
21 beautifying, or similar techniques upon the scalp, face, neck,  
22 arms, hands, or upper part of the body of any person with the  
23 hands or mechanical or electrical apparatus or appliances or  
24 with the use of cosmetic preparations, antiseptics, tonics,  
25 lotions, creams, or other preparations.

26 c. Manicuring the nails of any person.

27 d. Electrology.

28 e. Esthetics.

29 f. Nail technology.

30 4. "Cosmetology arts and sciences" means any or all of the  
31 following practices, performed with or without compensation by  
32 a licensee:

33 a. Cosmetology.

34 b. Electrology.

35 c. Esthetics.

- 1 d. Nail technology.
- 2 5. "Department" means the Iowa department of public  
3 health.
- 4 6. "Electrologist" means a person who performs the  
5 practice of electrology.
- 6 7. "Electrology" means the removal of superfluous hair of  
7 a person by the use of an electric needle or other electronic  
8 process.
- 9 8. "Esthetician" means a person who performs the practice  
10 of esthetics.
- 11 9. "Esthetics" means the following:
- 12 a. Beautifying, massaging, cleansing, or stimulating the  
13 skin of a person, except the scalp, by the use of cosmetic  
14 preparations, antiseptics, tonics, lotions, or creams or any  
15 device, electrical or otherwise, for the care of the skin.
- 16 b. Applying makeup or eyelashes to a person, tinting  
17 eyelashes or eyebrows, or lightening hair on the body except  
18 the scalp.
- 19 c. Removing superfluous hair from the body of a person by  
20 the use of depilatories, waxing, or tweezers.
- 21 10. "Instructor" means a person licensed for the purpose  
22 of teaching cosmetology arts and sciences.
- 23 11. "Nail technologist" means a person who performs the  
24 practice of nail technology.
- 25 12. "Nail technology" means all of the following:
- 26 a. Applying sculptured nails, nail extensions, wraps,  
27 overlays, nail art, or any other nail technique to the  
28 fingernails and toenails of a person.
- 29 b. Massaging the hands and arms of a person.
- 30 c. Removing superfluous hair from hands, arms, feet, or  
31 legs of a person by the use of wax or a tweezer.
- 32 13. "Salon" means a fixed establishment or place where one  
33 or more persons engage in the practice of cosmetology arts and  
34 sciences, including, but not limited to, a retail  
35 establishment where cosmetologists engage in the practice of

1 cosmetology arts and sciences.

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

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

7 157.2 PROHIBITION -- EXCEPTIONS.

8 It is unlawful for a person to practice cosmetology arts  
9 and sciences with or without compensation unless the person  
10 possesses a license issued under ~~the provision of~~ section  
11 157.3. However, practices listed in 157.1 when performed by  
12 the following persons are not defined as the practice of  
13 cosmetology arts and sciences:

14 1. Licensed physicians and surgeons, osteopaths,  
15 osteopathic physicians and surgeons, nurses, dentists,  
16 podiatrists, optometrists, chiropractors, and physical  
17 therapists, when exclusively engaged in the practice of their  
18 respective professions.

19 2. Licensed barbers who practice barbering as defined in  
20 section 158.1.

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

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

27 5. Employees and residents of hospitals, health care  
28 facilities, orphans' homes, juvenile homes, and other similar  
29 facilities who shampoo, arrange, dress, or curl the hair of  
30 any resident without receiving direct compensation from the  
31 person receiving the service.

32 6. Persons who perform any of the practices listed in  
33 section 157.1 on themselves or on a member of the person's  
34 immediate family.

35 ~~7.--Persons-licensed-as-manicurists-pursuant-to-this~~

1 ~~chapter, when manicuring the nails of any person.~~

2 8 7. Employees of a licensed barbershop when manicuring  
3 fingernails, if permitted under section 158.14, subsection 2.

4 9. ~~Persons licensed as electrologists pursuant to section~~  
5 ~~157.57, when practicing electrolysis as described in that~~  
6 ~~section.~~

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

9 157.3 LICENSE REQUIREMENTS.

10 1. An applicant shall be issued a license to practice any  
11 of the cosmetology arts and sciences by the department when  
12 the applicant satisfies all of the following:

13 a. Presents to the department the certificate of a  
14 licensed physician and surgeon, osteopath, or osteopathic  
15 physician and surgeon that the applicant is free from any  
16 infectious or contagious disease.

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

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

31 c d. Completes the application form prescribed by the  
32 board.

33 d e. Passes an examination prescribed by the board. The  
34 examination ~~shall~~ may include both practical demonstrations  
35 and written or oral tests and shall not be confined to any

1 specific system or method. However, a member of the board who  
2 is a licensed instructor of cosmetology arts and sciences  
3 shall not be involved in the selection or administration of  
4 the exam.

5 2. Notwithstanding ~~the-provisions-of~~ subsection 1, any a  
6 person who completes the application form prescribed by the  
7 board and who submits satisfactory proof of having been a  
8 licensed cosmetologist in a practice of the cosmetology arts  
9 and sciences in another state for at least twelve months in  
10 the twenty-four month period preceding the submission of the  
11 application shall be allowed to take the examination for a  
12 license to practice the appropriate practice of the  
13 cosmetology arts and sciences. However, the examination  
14 requirement shall be waived for those persons who submit  
15 evidence of licensure in another state which has a reciprocal  
16 agreement with the state of Iowa under ~~the-provisions-of~~  
17 sections 147.44 to 147.49.

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

20 157.4 TEMPORARY PERMITS.

21 1. Any A person who completes the requirements for  
22 licensure as-a-cosmetologist listed in section 157.3, except  
23 for the examination, shall be known as a trainee and shall be  
24 issued a temporary permit by the department which allows the  
25 applicant to practice in the cosmetology arts and sciences  
26 from the date of graduation-from-the-licensed-school-of  
27 cosmetology-to-the-date-on-which-the-results-of-the-next  
28 succeeding-examination-for-cosmetologists-are-available  
29 application until passage of the examination subject to this  
30 subsection. An applicant shall take the first available  
31 examination administered by the board, and may retain the  
32 temporary permit if the applicant does not pass the  
33 examination. An applicant who does not pass the first  
34 examination shall take the next available examination  
35 administered by the board. The temporary permit of an

1 applicant who does not pass the second examination shall be  
2 revoked. An applicant who passes either examination shall be  
3 issued a license pursuant to section 157.3. The board shall  
4 adopt rules providing for a waiver of the requirement to take  
5 the first available examination for good cause. Only one  
6 ~~permit shall be issued to a person. The fee for the temporary~~  
7 ~~permit shall be established by the board as provided in~~  
8 ~~section 147.80.~~

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

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

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

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

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

27     157.6 SANITARY RULES -- PRACTICE IN THE HOME.

28     The department shall prescribe sanitary rules for beauty  
29 salons and schools of cosmetology arts and sciences which  
30 shall include the sanitary conditions necessary for the  
31 practice of cosmetology arts and sciences and for the  
32 prevention of infectious and contagious diseases. Subject to  
33 local zoning ordinances, a beauty salon may be established in  
34 a residence if a room other than the living quarters is  
35 equipped for that purpose. The department shall enforce the

1 ~~provisions-of~~ this section and make necessary inspections for  
2 enforcement purposes.

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

5 157.8 LICENSING OF SCHOOLS OF COSMETOLOGY ARTS AND  
6 SCIENCES AND INSTRUTORS.

7 1. It is unlawful for a school of cosmetology arts and  
8 sciences to operate unless the owner has obtained a license  
9 issued by the department. The owner shall file a verified  
10 application with the department on forms prescribed by the  
11 board. The application for a license for a school shall be  
12 accompanied by the annual license fee determined pursuant to  
13 section 147.80 and shall state the name and location of the  
14 school and such other additional information as the board may  
15 require. The license is valid for one year and may be  
16 renewed. A license for a school of cosmetology arts and  
17 sciences shall not be issued for any space in any location  
18 where the same space is also licensed as a barber school. The  
19 school of cosmetology arts and sciences must pass a sanitary  
20 inspection under section 157.6. An annual inspection of each  
21 school of cosmetology arts and sciences, including the  
22 educational activities of each school, shall be conducted and  
23 completed by the board prior to renewal of the license.

24 2. The number of instructors for each school shall be  
25 based upon total enrollment, with a minimum of two instructors  
26 employed on a full-time basis for up to thirty students and an  
27 additional instructor for each fifteen additional students.

28 However, a school operated by an area community college prior  
29 to September 1, 1982, with only one instructor per fifteen  
30 students is not subject to this paragraph and may continue to  
31 operate with the ratio of one instructor to fifteen students.

32 a. A person employed as an instructor in the cosmetology  
33 arts and sciences by a licensed school shall be licensed in  
34 the practice and shall possess a separate instructor's license  
35 which shall be renewed biennially. An instructor shall file



1 an application with the department on forms prescribed by the  
2 board. Prior to licensure, an applicant for an instructor's  
3 license shall have been actively engaged in the practice for a  
4 period of two years and complete a course of study required by  
5 the board or an instructor's course at a school for  
6 cosmetology arts and sciences, and meet any other requirement  
7 established by the board.

8 b. The application for an instructor's license shall be  
9 accompanied by the biennial fee determined pursuant to section  
10 147.80.

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

13 157.10 COURSE OF STUDY.

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

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

26 3. A barber licensed under chapter 158 or a student in a  
27 barber school who applies for licensure in a practice of  
28 cosmetology arts and sciences or who enrolls in a school of  
29 cosmetology arts and sciences shall be granted full credit for  
30 each course successfully completed for licensure as a barber  
31 which meets the requirements for licensure in a practice of  
32 cosmetology arts and sciences.

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

35 157.11 SALON LICENSES.

1 ~~Commencing January 17, 1977, a beauty~~ A salon shall not  
2 operate unless the owner has obtained a license issued by the  
3 department. The owner shall apply to the department on forms  
4 prescribed by the board. The department shall perform a  
5 sanitary inspection of each beauty salon biennially and may  
6 perform a sanitary inspection of a beauty salon prior to the  
7 issuance of a license. An inspection of a beauty salon shall  
8 also be conducted upon receipt of a complaint by the  
9 department.

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

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

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

18 157.12 SUPERVISORS OF COSMETOLOGISTS.

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

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

25 157.13 VIOLATIONS.

26 1. It is unlawful for a person to employ an individual to  
27 practice cosmetology arts and sciences unless that individual  
28 is a licensed cosmetologist or has obtained a temporary permit  
29 under this chapter. It is unlawful for a licensed  
30 cosmetologist licensee to practice cosmetology with or without  
31 compensation in any place other than a licensed beauty salon,  
32 a licensed school of cosmetology arts and sciences, or a  
33 licensed barbershop as defined in section 158.1 ~~which has also~~  
34 ~~been licensed as a beauty salon~~, except that a licensed  
35 cosmetologist licensee may practice cosmetology at a location

1 which is not a licensed beauty salon or school of cosmetology  
2 arts and sciences under extenuating circumstances arising from  
3 physical or mental disability or death of a customer. It is  
4 unlawful for a licensed-cosmetologist licensee to claim to be  
5 a licensed barber, but it is lawful for a licensed  
6 cosmetologist to work in a licensed barbershop ~~if-the-same~~  
7 ~~premises-are-also-licensed-as-a-beauty-salon.~~

8 2. If the owner or manager of a beauty salon does not  
9 comply with the sanitary rules adopted under ~~the-provisions-of~~  
10 section 157.6 or fails to maintain the beauty salon as  
11 prescribed by rules of the department, the department may  
12 notify the owner or manager in writing of the failure to  
13 comply. If the rules are not complied with within five days  
14 after receipt of the written notice by the owner or manager,  
15 the department shall in writing order the beauty salon closed  
16 until the rules are complied with. It is unlawful for a  
17 person to practice cosmetology in a salon which has been  
18 closed under ~~the-provisions-of~~ this section. The county  
19 attorney in each county shall assist the department in  
20 enforcing ~~the-provisions-of~~ this section.

21 Sec. 12. Section 157.15, Code 1991, is amended to read as  
22 follows:

23 157.15 PENALTY.

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

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

30 2. "Licensed" or "certified" when applied to a physician  
31 and surgeon, podiatrist, osteopath, osteopathic physician and  
32 surgeon, physician assistant, psychologist or associate  
33 psychologist, chiropractor, nurse, dentist, dental hygienist,  
34 optometrist, speech pathologist, audiologist, pharmacist,  
35 physical therapist, occupational therapist, practitioner of

1 cosmetology arts and sciences, practitioner of barbering,  
2 funeral director, dietitian, marital and family therapist,  
3 mental health counselor, or social worker means a person  
4 licensed under this title.

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

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

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

17 Sec. 15. Section 147.14, subsection 1, Code Supplement  
18 1991, is amended to read as follows:

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

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

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

1 public.

2 Sec. 17. Section 147.80, subsection 15, Code Supplement  
3 1991, is amended to read as follows:

4 15. License to practice cosmetology arts and sciences  
5 issued upon the basis of an examination given by the board of  
6 cosmetology arts and sciences examiners, license to practice  
7 cosmetology arts and sciences under a reciprocal agreement,  
8 renewal of a license to practice cosmetology arts and  
9 sciences, temporary permit to practice as a cosmetology arts  
10 and sciences trainee, original license to conduct a school of  
11 cosmetology arts and sciences, renewal of license to conduct a  
12 school of cosmetology arts and sciences, original license to  
13 operate a beauty salon, renewal of a license to operate a  
14 beauty salon, ~~original-license-and-examination-to-practice~~  
15 ~~electrolysis,-renewal-of-a-license-to-practice-electrolysis,-~~  
16 original license to practice manicuring, renewal of a license  
17 to practice manicuring, annual inspection of a school of  
18 cosmetology arts and sciences, annual inspection of a beauty  
19 salon, original cosmetology arts and sciences school  
20 instructor's license, and renewal of cosmetology arts and  
21 sciences school instructor's license.

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

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

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

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

32 158.4 TEMPORARY PERMITS.

33 1. A person who completes the requirements for licensure  
34 listed in section 158.3, except for the examination, shall be  
35 known as a trainee and shall be issued a temporary permit by

1 the department which allows the applicant to practice  
2 barbering from the date of application until passage of the  
3 examination subject to this subsection. An applicant shall  
4 take the first available examination administered by the  
5 board, and may retain the temporary permit if the applicant  
6 does not pass the examination. An applicant who does not pass  
7 the first examination shall take the next available  
8 examination administered by the board. The temporary permit  
9 of an applicant who does not pass the second examination shall  
10 be revoked. An applicant who passes either examination shall  
11 be issued a license pursuant to section 158.3. The board  
12 shall adopt rules providing for a waiver of the requirement to  
13 take the first available examination for good cause.

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

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

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

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

1 barber school.

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

4 158.11 BARBER ASSISTANTS.

5 The department shall issue a license to practice as a  
6 barber assistant to any person who submits proof of completion  
7 of a course of not less than one hundred sixty hours in a  
8 licensed barber school or licensed school of cosmetology arts  
9 and sciences. The board shall adopt rules defining the course  
10 of study of a barber assistant and the practices which a  
11 barber assistant may perform. The course of study shall  
12 include but not be limited to demonstrations, lectures, and  
13 supervised practical instruction in scalp care, rinses, hair  
14 treatments, anatomy of scalp and hair and their common  
15 disorders, and sanitation and sterilization. A barber  
16 assistant shall work under the direct supervision of a  
17 licensed barber. The fee for the license shall be established  
18 by the board as provided in section 147.80.

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

21 1. It is unlawful for a person to employ an individual to  
22 practice barbering unless that individual is a licensed barber  
23 or has obtained a temporary permit. It is unlawful for a  
24 licensed barber to practice barbering with or without  
25 compensation in any place other than a licensed barbershop, ~~a~~  
26 or barber school, or a licensed beauty salon as defined in  
27 section 157.1 ~~which has also been licensed as a barbershop,~~  
28 except that a licensed barber may practice barbering at a  
29 location which is not a licensed barbershop or barber school  
30 under extenuating circumstances arising from physical or  
31 mental disability or death of a customer. It is unlawful for  
32 a licensed barber to claim to be a licensed cosmetologist, but  
33 it is lawful for a licensed barber to work in a licensed  
34 ~~beauty salon if the same premises are also licensed as a~~  
35 barbershop.

1 Sec. 23. Section 258A.1, subsection 6, paragraph i, Code  
2 1991, is amended by striking the paragraph and inserting in  
3 lieu thereof the following:

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

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

8 258A.2A CONTINUING EDUCATION MINIMUM REQUIREMENTS --  
9 BARBERING AND COSMETOLOGY ARTS AND SCIENCES.

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

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

21 A person who can demonstrate that the person practiced  
22 esthetics or nail technology in this state with skill and  
23 knowledge satisfactory to the board shall be issued an  
24 appropriate license without meeting any additional  
25 requirements imposed by this Act.

26 Sec. 26. Section 157.5, Code 1991, is repealed.

27 EXPLANATION

28 This bill relates to licensure of professional practices  
29 within the cosmetology arts and sciences. The bill expands  
30 the scope of the practice of cosmetology as currently provided  
31 in the Code to include the practices of electrology,  
32 esthetics, and nail technology, and also provides for  
33 licensure for each of these practices separately. Definitions  
34 of the practices, requirements for licensure, exceptions to  
35 the requirements of the chapter, issuance of temporary



1 permits, licensing of schools and instructors, requirements  
2 for courses of study, requirements for supervisors, and  
3 notification of continuing education opportunities are  
4 provided.

5 Corresponding amendments to general provisions of the Code  
6 regulating health practice professions and barbers are  
7 provided in the bill.

8 The bill does not apply to persons holding a valid license  
9 issued by the board of cosmetology examiners on or before July  
10 1, 1992. The bill also allows a person who can demonstrate  
11 that the person practiced esthetics or nail technology in this  
12 state with skill and knowledge satisfactory to the board to be  
13 granted an appropriate license without meeting any additional  
14 requirements imposed by the bill.

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**SENATE FILE 2353  
FISCAL NOTE**

A fiscal note for Senate File 2353 as amended by S-5398 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2353 expands the scope of the practice of cosmetology, as related to the Board of Cosmetology in the Department of Public Health, to include the practices of electrology, esthetics, and nail technology.

Amendment S-5398 returns the membership of the Board from 7 to 5 members and removes the requirement of the Board to quarterly notify its licensees of continuing education opportunities.

**ASSUMPTIONS:**

1. License volumes:
  - A. Sixty esthetics licenses issued each year with a \$60 fee.
  - B. One hundred fifty technologist licenses issued each year with a \$60 fee.
  - C. Two hundred demonstrator permits issued each year with a \$30 fee.
2. An additional FTE position would be added to the Department of Public Health.

**FISCAL EFFECT:**

	Fiscal Year 1993			Fiscal Year 1994		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
<b>REVENUE</b>						
Fees	\$ 370,015	\$ 388,615	\$ 18,600	\$ 370,015	\$ 388,615	\$ 18,600
<b>EXPENDITURES</b>						
Salaries	\$ 110,927	\$ 131,579	\$ 20,652	\$ 116,473	\$ 138,158	\$ 21,685
Adm Expenses	234,778	240,878	6,100	246,517	252,922	6,405
Total	\$ 345,705	\$ 372,457	\$ 26,752	\$ 362,990	\$ 391,080	\$ 28,090
<b>NET EFFECT</b>	\$ 24,310	\$ 16,158	\$ (8,152)	\$ 7,025	\$ (2,465)	\$ (9,490)

Source: Department of Public Health

(LSB 5632sz, RRS)

FILED MARCH 26, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 2353  
AS AMENDED BY THE SENATE  
FISCAL NOTE**

A fiscal note for Senate File 2353 as amended by the Senate is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2353 expands the scope of the practice of cosmetology, as related to the Board of Cosmetology in the Department of Public Health, to include the practices of electrology, esthetics, and nail technology.

The Senate action removes the requirement of the Board to quarterly notify its licensees of continuing education opportunities and increases the fee for current members of the Board by \$3.00.

ASSUMPTIONS:

1. License volumes:
  - A. Sixty esthetics licenses issued each year with a \$60 fee.
  - B. One hundred fifty technologist licenses issued each year with a \$60 fee.
  - C. Two hundred demonstrator permits issued each year with a \$30 fee.
  - D. Eleven thousand two hundred cosmetologists, electrologists, manicurists, instructors, salons, and temporary permits issued each year affected by the \$3.00 increase in fees.
  
2. An additional FTE position would be added to the Department of Public Health.

FISCAL EFFECT:

	Fiscal Year 1993			Fiscal Year 1994		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
<u>REVENUE</u>						
Fees	\$ 370,015	\$ 422,215	\$ 52,200	\$ 370,015	\$ 422,215	\$ 52,200
<u>EXPENDITURES</u>						
Salaries	\$ 110,927	\$ 133,579	\$ 22,652	\$ 116,473	\$ 140,258	\$ 23,785
Adm Expenses	234,778	244,878	10,100	246,517	257,122	10,605
Total	\$ 345,705	\$ 378,457	\$ 32,752	\$ 362,990	\$ 397,380	\$ 34,390
<u>NET EFFECT</u>	\$ 24,310	\$ 43,758	\$ 19,448	\$ 7,025	\$ 24,835	\$ 17,810

Source: Department of Public Health

(LSB 5632sz.2, RRS)

FILED APRIL 7, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 2353

S-5398

- 1 Amend Senate File 2353 as follows:  
2 1. By striking page 11, line 17, through page 12,  
3 line 1.  
4 2. Page 15, line 15, by striking the word "shall"  
5 and inserting the following: "may".

By LEONARD L. BOSWELL

S-5398 FILED MARCH 26, 1992

*Out of order 4/1 (p. 1130)*

## SENATE FILE 2353

S-5384

- 1 Amend Senate File 2353 as follows:  
2 1. By striking page 11, line 17 through page 12,  
3 line 1.  
4 2. By renumbering as necessary.

By WILLIAM W. DIELEMAN

S-5384 FILED MARCH 25, 1992

*w/d 4/1 (p. 1130)*

## SENATE FILE 2353

S-5452

- 1 Amend Senate File 2353 as follows:
- 2 1. Page 2, by inserting after line 22 the
- 3 following:
- 4 "10A. "Manicuring" means the practice of
- 5 cleansing, shaping, or polishing the fingernails and
- 6 massaging the hands and lower arms of a person.
- 7 "Manicuring" does not include the application of
- 8 sculptured nails or nail extensions to the fingernails
- 9 or toenails of a person, and does not include the
- 10 practice of pedicuring.
- 11 10B. "Manicurist" means a person who performs the
- 12 practice of manicuring."
- 13 2. Page 2, by striking line 29 and inserting the
- 14 following:
- 15 "b. Massaging the hands, arms, ankles, and feet of
- 16 a person."
- 17 3. Page 2, by inserting after line 31 the follow-
- 18 ing:
- 19 "d. Manicuring the nails of a person."
- 20 4. Page 4, by striking lines 13 through 16 and
- 21 inserting the following:
- 22 ~~"a. --Presents to the department the certificate of~~
- 23 ~~a licensed physician and surgeon, osteopath, or~~
- 24 ~~osteopathic physician and surgeon that the applicant~~
- 25 ~~is free from any infectious or contagious disease."~~
- 26 5. Page 15, line 15, by striking the word "shall"
- 27 and inserting the following: "may".
- 28 6. By renumbering and relettering and correcting
- 29 internal references as necessary.

By RICHARD RUNNING

S-5452 FILED MARCH 31, 1992

ADOPTED (p. 1124)

## SENATE FILE 2353

S-5467

- 1 Amend Senate File 2353 as follows:
- 2 1. Page 15, by inserting after line 25 the fol-
- 3 lowing:
- 4 "Sec. \_\_\_\_ . FEES INCREASED. Effective for fees
- 5 collected on or after July 1, 1992, the board of
- 6 cosmetology examiners shall increase by three dollars
- 7 the fee amounts charged before the effective date of
- 8 this Act for licensure, license renewal, reciprocal
- 9 licensure, and temporary permits for all practices or
- 10 operations regulated by the board of cosmetology
- 11 examiners."
- 12 2. Title page, line 2, by inserting after the
- 13 word "penalties" the following: ", and increasing
- 14 fees".

By WILLIAM W. DIELEMAN

S-5467 FILED MARCH 31, 1992

Adopted 4/1 (p. 1180)



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

4 157.1 DEFINITIONS.

5 For purposes of this chapter:

6 1. "Board" means the board of cosmetology arts and  
7 sciences examiners.

8 2. "Cosmetologist" means a person who performs the  
9 practice of cosmetology, or otherwise by the person's  
10 occupation claims to have knowledge or skill particular to the  
11 practice of cosmetology. Cosmetologists shall not represent  
12 themselves to the public as being primarily in the practice of  
13 haircutting unless that function is, in fact, their primary  
14 specialty.

15 3. "Cosmetology" means all of the following practices:

16 a. Arranging, dressing, curling, waving, shampooing,  
17 cutting, singeing, bleaching, coloring, or similar works, upon  
18 the hair of any person; or upon a wig or hairpiece when done  
19 in conjunction with haircutting or hairstyling by any means.

20 b. Massaging, cleansing, stimulating, exercising,  
21 beautifying, or similar techniques upon the scalp, face, neck,  
22 arms, hands, or upper part of the body of any person with the  
23 hands or mechanical or electrical apparatus or appliances or  
24 with the use of cosmetic preparations, antiseptics, tonics,  
25 lotions, creams, or other preparations.

26 c. Manicuring the nails of any person.

27 d. Electrology.

28 e. Esthetics.

29 f. Nail technology.

30 4. "Cosmetology arts and sciences" means any or all of the  
31 following practices, performed with or without compensation by  
32 a licensee:

33 a. Cosmetology.

34 b. Electrology.

35 c. Esthetics.

1 d. Nail technology.

2 5. "Department" means the Iowa department of public  
3 health.

4 6. "Electrologist" means a person who performs the  
5 practice of electrology.

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

9 8. "Esthetician" means a person who performs the practice  
10 of esthetics.

11 9. "Esthetics" means the following:

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

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

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

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

23 10A. "Manicuring" means the practice of cleansing,  
24 shaping, or polishing the fingernails and massaging the hands  
25 and lower arms of a person. "Manicuring" does not include the  
26 application of sculptured nails or nail extensions to the  
27 fingernails or toenails of a person, and does not include the  
28 practice of pedicuring.

29 10B. "Manicurist" means a person who performs the practice  
30 of manicuring.

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

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

34 a. Applying sculptured nails, nail extensions, wraps,  
35 overlays, nail art, or any other nail technique to the



1 fingernails and toenails of a person.

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

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

6 d. Manicuring the nails of a person.

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

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

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

17 157.2 PROHIBITION -- EXCEPTIONS.

18 It is unlawful for a person to practice cosmetology arts  
19 and sciences with or without compensation unless the person  
20 possesses a license issued under ~~the provision of~~ section  
21 157.3. However, practices listed in 157.1 when performed by  
22 the following persons are not defined as the practice of  
23 cosmetology arts and sciences:

24 1. Licensed physicians and surgeons, osteopaths,  
25 osteopathic physicians and surgeons, nurses, dentists,  
26 podiatrists, optometrists, chiropractors, and physical  
27 therapists, when exclusively engaged in the practice of their  
28 respective professions.

29 2. Licensed barbers who practice barbering as defined in  
30 section 158.1.

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

34 4. Persons who perform without compensation any of the  
35 practices listed in section 157.1 on an emergency basis or on

1 a casual basis.

2 5. Employees and residents of hospitals, health care  
3 facilities, orphans' homes, juvenile homes, and other similar  
4 facilities who shampoo, arrange, dress, or curl the hair of  
5 any resident without receiving direct compensation from the  
6 person receiving the service.

7 6. Persons who perform any of the practices listed in  
8 section 157.1 on themselves or on a member of the person's  
9 immediate family.

10 ~~7--Persons-licensed-as-manicurists-pursuant-to-this~~  
11 ~~chapter-when-manicuring-the-nails-of-any-person-~~

12 8 7. Employees of a licensed barbershop when manicuring  
13 fingernails, if permitted under section 158.14, subsection 2.

14 ~~9--Persons-licensed-as-electrologists-pursuant-to-section~~  
15 ~~157-57-when-practicing-electrolysis-as-described-in-that~~  
16 ~~section-~~

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

19 157.3 LICENSE REQUIREMENTS.

20 1. An applicant shall be issued a license to practice any  
21 of the cosmetology arts and sciences by the department when  
22 the applicant satisfies all of the following:

23 ~~a--Presents-to-the-department-the-certificate-of-a~~  
24 ~~licensed-physician-and-surgeon, osteopath, or osteopathic~~  
25 ~~physician-and-surgeon-that-the-applicant-is-free-from-any~~  
26 ~~infectious-or-contagious-disease-~~

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

29 b c. Presents to the department a diploma, or similar  
30 evidence, issued by a licensed school of cosmetology arts and  
31 sciences indicating that the applicant has completed the  
32 course of study for the appropriate practice of the  
33 cosmetology arts and sciences prescribed by the board. An  
34 applicant may satisfy this requirement upon presenting a  
35 diploma or similar evidence issued by a school in another

1 state, recognized by the board, which provides instruction  
2 regarding the practice for which licensure is sought, provided  
3 that the course of study is equivalent to or greater in length  
4 and scope than that required for a school in this state, and  
5 is approved by the board.

6 c d. Completes the application form prescribed by the  
7 board.

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

15 2. ~~Notwithstanding the provisions of~~ subsection 1, any a  
16 person who completes the application form prescribed by the  
17 board and who submits satisfactory proof of having been a  
18 licensed cosmetologist in a practice of the cosmetology arts  
19 and sciences in another state for at least twelve months in  
20 the twenty-four month period preceding the submission of the  
21 application shall be allowed to take the examination for a  
22 license to practice the appropriate practice of the  
23 cosmetology arts and sciences. However, the examination  
24 requirement shall be waived for those persons who submit  
25 evidence of licensure in another state which has a reciprocal  
26 agreement with the state of Iowa under ~~the provisions of~~  
27 sections 147.44 to 147.49.

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

30 157.4 TEMPORARY PERMITS.

31 1. Any A person who completes the requirements for  
32 licensure ~~as a cosmetologist~~ listed in section 157.3, except  
33 for the examination, shall be known as a trainee and shall be  
34 issued a temporary permit by the department which allows the  
35 applicant to practice in the cosmetology arts and sciences

1 from the date of ~~graduation from the licensed school of~~  
2 ~~cosmetology to the date on which the results of the next~~  
3 ~~succeeding examination for cosmetologists are available~~  
4 application until passage of the examination subject to this  
5 subsection. An applicant shall take the first available  
6 examination administered by the board, and may retain the  
7 temporary permit if the applicant does not pass the  
8 examination. An applicant who does not pass the first  
9 examination shall take the next available examination  
10 administered by the board. The temporary permit of an  
11 applicant who does not pass the second examination shall be  
12 revoked. An applicant who passes either examination shall be  
13 issued a license pursuant to section 157.3. The board shall  
14 adopt rules providing for a waiver of the requirement to take  
15 the first available examination for good cause. Only one  
16 ~~permit shall be issued to a person. The fee for the temporary~~  
17 ~~permit shall be established by the board as provided in~~  
18 ~~section 147.80.~~

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

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

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

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

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

1 follows:

2 157.6 SANITARY RULES -- PRACTICE IN THE HOME.

3 The department shall prescribe sanitary rules for beauty  
4 salons and schools of cosmetology arts and sciences which  
5 shall include the sanitary conditions necessary for the  
6 practice of cosmetology arts and sciences and for the  
7 prevention of infectious and contagious diseases. Subject to  
8 local zoning ordinances, a beauty salon may be established in  
9 a residence if a room other than the living quarters is  
10 equipped for that purpose. The department shall enforce the  
11 ~~provisions of~~ this section and make necessary inspections for  
12 enforcement purposes.

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

15 157.8 LICENSING OF SCHOOLS OF COSMETOLOGY ARTS AND  
16 SCIENCES AND INSTRUTORS.

17 1. It is unlawful for a school of cosmetology arts and  
18 sciences to operate unless the owner has obtained a license  
19 issued by the department. The owner shall file a verified  
20 application with the department on forms prescribed by the  
21 board. The application for a license for a school shall be  
22 accompanied by the annual license fee determined pursuant to  
23 section 147.80 and shall state the name and location of the  
24 school and such other additional information as the board may  
25 require. The license is valid for one year and may be  
26 renewed. A license for a school of cosmetology arts and  
27 sciences shall not be issued for any space in any location  
28 where the same space is also licensed as a barber school. The  
29 school of cosmetology arts and sciences must pass a sanitary  
30 inspection under section 157.6. An annual inspection of each  
31 school of cosmetology arts and sciences, including the  
32 educational activities of each school, shall be conducted and  
33 completed by the board prior to renewal of the license.

34 2. The number of instructors for each school shall be  
35 based upon total enrollment, with a minimum of two instructors

1 employed on a full-time basis for up to thirty students and an  
2 additional instructor for each fifteen additional students.  
3 However, a school operated by an area community college prior  
4 to September 1, 1982, with only one instructor per fifteen  
5 students is not subject to this paragraph and may continue to  
6 operate with the ratio of one instructor to fifteen students.

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

18 b. The application for an instructor's license shall be  
19 accompanied by the biennial fee determined pursuant to section  
20 147.80.

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

23 157.10 COURSE OF STUDY.

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

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

1 3. A barber licensed under chapter 158 or a student in a  
2 barber school who applies for licensure in a practice of  
3 cosmetology arts and sciences or who enrolls in a school of  
4 cosmetology arts and sciences shall be granted full credit for  
5 each course successfully completed for licensure as a barber  
6 which meets the requirements for licensure in a practice of  
7 cosmetology arts and sciences.

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

10 157.11 SALON LICENSES.

11 ~~Commencing January 17, 1977, a beauty~~ A salon shall not  
12 operate unless the owner has obtained a license issued by the  
13 department. The owner shall apply to the department on forms  
14 prescribed by the board. The department shall perform a  
15 sanitary inspection of each beauty salon biennially and may  
16 perform a sanitary inspection of a beauty salon prior to the  
17 issuance of a license. An inspection of a beauty salon shall  
18 also be conducted upon receipt of a complaint by the  
19 department.

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

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

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

28 157.12 SUPERVISORS ~~OF COSMETOLOGISTS~~.

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

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

35 157.13 VIOLATIONS.

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

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

31 Sec. 12. Section 157.15, Code 1991, is amended to read as  
32 follows:

33 157.15 PENALTY.

34 A person convicted of violating any of the provisions of  
35 ~~sections-of~~ this chapter shall ~~be-fined-not-to-exceed-one~~



1 hundred-dollars or rules adopted pursuant to this chapter is  
2 guilty of a serious misdemeanor.

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

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

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

23 Sec. 14. Section 147.13, subsection 11, Code Supplement  
24 1991, is amended to read as follows:

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

27 Sec. 15. Section 147.14, subsection 1, Code Supplement  
28 1991, is amended to read as follows:

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

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

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

12 Sec. 17. Section 147.80, subsection 15, Code Supplement  
13 1991, is amended to read as follows:

14 15. License to practice cosmetology arts and sciences  
15 issued upon the basis of an examination given by the board of  
16 cosmetology arts and sciences examiners, license to practice  
17 cosmetology arts and sciences under a reciprocal agreement,  
18 renewal of a license to practice cosmetology arts and  
19 sciences, temporary permit to practice as a cosmetology arts  
20 and sciences trainee, original license to conduct a school of  
21 cosmetology arts and sciences, renewal of license to conduct a  
22 school of cosmetology arts and sciences, original license to  
23 operate a beauty salon, renewal of a license to operate a  
24 beauty salon, ~~original-license-and-examination-to-practice~~  
25 ~~electrolysis,-renewal-of-a-license-to-practice-electrolysis,~~  
26 original license to practice manicuring, renewal of a license  
27 to practice manicuring, annual inspection of a school of  
28 cosmetology arts and sciences, annual inspection of a beauty  
29 salon, original cosmetology arts and sciences school  
30 instructor's license, and renewal of cosmetology arts and  
31 sciences school instructor's license.

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

34 2. Licensed ~~cosmetologists-who-practice-cosmetology~~  
35 practitioners of cosmetology arts and sciences as defined in

1 section 157.1.

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

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

7 158.4 TEMPORARY PERMITS.

8 1. A person who completes the requirements for licensure  
9 listed in section 158.3, except for the examination, shall be  
10 known as a trainee and shall be issued a temporary permit by  
11 the department which allows the applicant to practice  
12 barbering from the date of application until passage of the  
13 examination subject to this subsection. An applicant shall  
14 take the first available examination administered by the  
15 board, and may retain the temporary permit if the applicant  
16 does not pass the examination. An applicant who does not pass  
17 the first examination shall take the next available  
18 examination administered by the board. The temporary permit  
19 of an applicant who does not pass the second examination shall  
20 be revoked. An applicant who passes either examination shall  
21 be issued a license pursuant to section 158.3. The board  
22 shall adopt rules providing for a waiver of the requirement to  
23 take the first available examination for good cause.

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

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

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

33 A cosmetologist person licensed under section 157.3 who  
34 enrolls in a barber school shall be granted one-thousand-fifty  
35 hours-credit full credit for each course successfully

1 completed which meets the requirements of the barber school,  
2 which shall be credited toward the two thousand one hundred  
3 hour requirement, and the ten-month period does not apply. A  
4 person who has been a student in a school of cosmetology arts  
5 and sciences licensed under chapter 157 may enroll in a barber  
6 school and ~~at the option of the barber school,~~ shall be  
7 granted a ~~credit of one hour for every two hours the student~~  
8 ~~attended at the school of cosmetology, up to a maximum credit~~  
9 ~~of one thousand fifty hours~~ full credit for each course  
10 successfully completed which meets the requirements of the  
11 barber school.

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

14 158.11 BARBER ASSISTANTS.

15 The department shall issue a license to practice as a  
16 barber assistant to any person who submits proof of completion  
17 of a course of not less than one hundred sixty hours in a  
18 licensed barber school or licensed school of cosmetology arts  
19 and sciences. The board shall adopt rules defining the course  
20 of study of a barber assistant and the practices which a  
21 barber assistant may perform. The course of study shall  
22 include but not be limited to demonstrations, lectures, and  
23 supervised practical instruction in scalp care, rinses, hair  
24 treatments, anatomy of scalp and hair and their common  
25 disorders, and sanitation and sterilization. A barber  
26 assistant shall work under the direct supervision of a  
27 licensed barber. The fee for the license shall be established  
28 by the board as provided in section 147.80.

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

31 1. It is unlawful for a person to employ an individual to  
32 practice barbering unless that individual is a licensed barber  
33 or has obtained a temporary permit. It is unlawful for a  
34 licensed barber to practice barbering with or without  
35 compensation in any place other than a licensed barbershop, a

1 or barber school, or a licensed beauty salon as defined in  
2 section 157.1 ~~which has also been licensed as a barbershop,~~  
3 except that a licensed barber may practice barbering at a  
4 location which is not a licensed barbershop or barber school  
5 under extenuating circumstances arising from physical or  
6 mental disability or death of a customer. It is unlawful for  
7 a licensed barber to claim to be a licensed cosmetologist, but  
8 it is lawful for a licensed barber to work in a licensed  
9 beauty salon ~~if the same premises are also licensed as a~~  
10 barbershop.

11 Sec. 23. Section 258A.1, subsection 6, paragraph i, Code  
12 1991, is amended by striking the paragraph and inserting in  
13 lieu thereof the following:

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

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

18 258A.2A CONTINUING EDUCATION MINIMUM REQUIREMENTS --  
19 BARBERING AND COSMETOLOGY ARTS AND SCIENCES.

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

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

31 A person who can demonstrate that the person practiced  
32 esthetics or nail technology in this state with skill and  
33 knowledge satisfactory to the board shall be issued an  
34 appropriate license without meeting any additional  
35 requirements imposed by this Act.

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

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

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## SENATE FILE 2353

H-5955

1 Amend Senate File 2353, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 8, line 28, by inserting after the words  
4 "by the board" the following: "and shall not exceed  
5 three hundred twenty-five hours".

6 2. Page 9, line 4, by inserting after the word  
7 "granted" the following: ", at the discretion of the  
8 school, at least half credit and up to".

9 3. Page 14, line 7, by striking the word "a" and  
10 inserting the following: "a".

11 4. Page 14, line 9, by inserting after the word  
12 "hours" the following: ", at the discretion of the  
13 school, at least half credit and up to".

14 5. Page 15, line 31, by striking the word  
15 "demonstrate" and inserting the following:  
16 "document".

17 6. Page 15, lines 32 and 33, by striking the  
18 words "with skill and knowledge satisfactory to the  
19 board".

20 7. Page 15, line 33, by inserting before the word  
21 "shall" the following: "before or on July 1, 1992,".

By METCALF of Polk  
MURPHY of Dubuque  
RENAUD of Polk

H-5955 FILED APRIL 16, 1992

*B-Adopted, A #10 4/21 (p.1684)*

HOUSE AMENDMENT TO  
SENATE FILE 2353

S-5793

- 1 Amend Senate File 2353, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 9, line 4, by inserting after the word  
4 "granted" the following: ", at the discretion of the  
5 school, at least half credit and up to".  
6 2. Page 14, line 7, by striking the word "a" and  
7 inserting the following: "a".  
8 3. Page 14, line 9, by inserting after the word  
9 "hours" the following: ", at the discretion of the  
10 school, at least half credit and up to".  
11 4. Page 15, line 31, by striking the word  
12 "demonstrate" and inserting the following:  
13 "document".  
14 5. Page 15, lines 32 and 33, by striking the  
15 words "with skill and knowledge satisfactory to the  
16 board".  
17 6. Page 15, line 33, by inserting before the word  
18 "shall" the following: "before or on July 1, 1992,".

RECEIVED FROM THE HOUSE

S-5793 FILED APRIL 21, 1992

*Senate concurred 4/27/92 (p. 1663)*



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.

SENATE FILE 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.

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

~~9--Persons-licensed-as-electrologists-pursuant-to-section 157.57 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, osteopathy 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.

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 17, 1997, 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.

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MICHAEL E. GRONSTAL  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2353, Seventy-fourth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 14, 1992

**SF 2353**

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TERRY E. BRANSTAD  
Governor