

House Study Bill 231 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to the practice of barbering and cosmetology
2 arts and sciences and providing transition provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.104, subsection 14, Code 2019, is
2 amended to read as follows:

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

5 Sec. 2. Section 147.13, subsection 11, Code 2019, is amended
6 to read as follows:

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

9 Sec. 3. Section 147.13, subsection 12, Code 2019, is amended
10 by striking the subsection.

11 Sec. 4. Section 147.14, subsection 1, paragraphs a and n,
12 Code 2019, are amended by striking the paragraphs.

13 Sec. 5. Section 147.14, subsection 1, Code 2019, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. x. For barbering and cosmetology arts and
16 sciences, three members who are licensed cosmetologists; three
17 members who are licensed to practice barbering and hairstyling;
18 one member who is a licensed electrologist, esthetician, or
19 nail technologist; one member who is a licensed instructor of
20 cosmetology arts and sciences or hairstyling at a public or
21 private school and who does not own a school of cosmetology
22 arts and sciences; and four members who are not licensed to
23 practice barbering and hairstyling or licensed in a practice
24 of cosmetology arts and sciences and who shall represent the
25 general public.

26 Sec. 6. Section 147.76, Code 2019, is amended to read as
27 follows:

28 **147.76 Rules.**

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

32 Sec. 7. Section 157.1, Code 2019, is amended by adding the
33 following new subsections:

34 NEW SUBSECTION. 001. "*Barber and hairstylist*" means a
35 person who performs the practice of barbering and hairstyling,

1 or otherwise by the person's occupation claims to have
2 knowledge or skill particular to the practice of barbering and
3 hairstyling.

4 NEW SUBSECTION. 01. "*Barbering*" means the practices listed
5 in this subsection performed with or without compensation.
6 "*Barbering*" includes but is not limited to the following
7 practices performed upon the upper part of the human body of
8 any person for cosmetic purposes and not for the treatment of
9 disease or physical or mental ailments:

10 a. Shaving or trimming the beard or cutting the hair.

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

14 c. Singeing, shampooing, hair body processing, arranging,
15 dressing, curling, blow waving, hair relaxing, bleaching or
16 coloring the hair, or applying hair tonics.

17 d. Applying cosmetic preparations, antiseptics, powders,
18 oils, clays, waxes, or lotions to the scalp, face, or neck.

19 e. Styling, cutting, or shampooing hairpieces or wigs when
20 done in conjunction with haircutting or hairstyling.

21 NEW SUBSECTION. 14A. "*Hairstyling*" means curling, waving,
22 press and curl hair straightening, shampooing, cutting,
23 singeing, bleaching, coloring, or similar works, upon the hair
24 on the head of any person, or upon a wig or hairpiece when done
25 in conjunction with haircutting or styling by any means.

26 Sec. 8. Section 157.1, subsection 1, Code 2019, is amended
27 to read as follows:

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

30 Sec. 9. Section 157.1, subsection 5, paragraph a, Code 2019,
31 is amended to read as follows:

32 a. ~~Arranging, braiding, dressing,~~ Hairstyling, including
33 curling, waving, press and curl hair straightening, shampooing,
34 cutting, singeing, bleaching, coloring, or similar works, upon
35 the hair of any person, or upon a wig or hairpiece when done in

1 conjunction with haircutting or hairstyling by any means.

2 Sec. 10. Section 157.1, subsection 5, Code 2019, is amended
3 by adding the following new paragraphs:

4 NEW PARAGRAPH. *f.* Esthetics.

5 NEW PARAGRAPH. *g.* Manicuring.

6 NEW PARAGRAPH. *h.* Barbering.

7 Sec. 11. Section 157.1, subsection 6, Code 2019, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *f.* Hairstyling.

10 Sec. 12. Section 157.1, subsection 26, Code 2019, is amended
11 to read as follows:

12 26. "*Salon*" means a fixed establishment or place, or an
13 establishment that is readily movable which either operates up
14 to three consecutive days at one location or returns to a home
15 base at the end of the day, where one or more persons engage
16 in the practice of cosmetology arts and sciences, including,
17 but not limited to, a retail establishment where ~~cosmetologists~~
18 engage a person engages in the practice of cosmetology arts and
19 sciences.

20 Sec. 13. Section 157.2, subsection 1, paragraphs b and h,
21 Code 2019, are amended by striking the paragraphs.

22 Sec. 14. Section 157.2, subsection 2, Code 2019, is amended
23 to read as follows:

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

29 Sec. 15. Section 157.3, subsection 2, Code 2019, is amended
30 to read as follows:

31 2. Notwithstanding subsection 1 and sections 147.44,
32 147.48, and 147.49, a person who completes the application
33 form prescribed by the board and who submits satisfactory
34 proof of having been licensed in a practice of the cosmetology
35 arts and sciences in another state for at least twelve months

1 in the twenty-four month period preceding the submission of
2 the application shall be ~~allowed to take the examination for~~
3 granted a license to practice the appropriate practice of
4 the cosmetology arts and sciences. ~~However, the examination~~
5 ~~requirement shall be waived for those persons who submit~~
6 ~~evidence of licensure in another state which has a reciprocal~~
7 ~~agreement with the state of Iowa under sections 147.44, 147.48,~~
8 ~~and 147.49.~~

9 Sec. 16. Section 157.3, Code 2019, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 3. The board shall adopt rules for the
12 licensure of persons who perform the practice of barbering
13 and hairstyling. A barber and hairstylist licensed pursuant
14 to this subsection shall not practice any cosmetology art or
15 science other than barbering and hairstyling. Nothing in
16 this subsection shall restrict the practice of barbering or
17 hairstyling by a cosmetologist.

18 Sec. 17. Section 157.7, Code 2019, is amended to read as
19 follows:

20 **157.7 Inspectors and clerical assistants.**

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

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

32 Sec. 18. Section 157.8, subsection 2, paragraph c, Code
33 2019, is amended by striking the paragraph.

34 Sec. 19. Section 157.8, subsection 3, paragraph c, Code
35 2019, is amended to read as follows:

1 *c.* A person employed as an instructor in the cosmetology
2 arts and sciences by a licensed school shall be licensed in
3 the practice and shall possess a separate instructor's license
4 which shall be renewed biennially. An instructor shall file
5 an application with the department on forms prescribed by the
6 board. Requirements for licensure as an instructor shall be
7 determined by the board by rule. The board shall not require
8 an applicant for licensure as an instructor to obtain any
9 additional training hours beyond the hours required for a
10 license to practice cosmetology arts and sciences in order to
11 receive an instructor's license.

12 Sec. 20. Section 157.9, Code 2019, is amended to read as
13 follows:

14 **157.9 License suspension and revocation.**

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

20 Sec. 21. Section 157.10, subsections 1 and 3, Code 2019, are
21 amended to read as follows:

22 1. *a.* The course of study required for licensure for the
23 practice of cosmetology shall be two thousand one hundred clock
24 hours, or seventy semester credit hours or the equivalent
25 thereof as determined pursuant to administrative rule and
26 regulations promulgated by the United States department of
27 education. The clock hours, and equivalent number of semester
28 credit hours or the equivalent thereof as determined pursuant
29 to administrative rule and regulations promulgated by the
30 United States department of education, of a course of study
31 required for licensure for the practices of electrology,
32 esthetics, nail technology, manicuring, and pedicuring shall
33 be established by the board. The board shall adopt rules to
34 define the course and content of study for each practice of
35 cosmetology arts and sciences.

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

4 c. The course of study required for licensure which is
5 limited to the practice of manicuring shall be three hundred
6 twenty-five hours.

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

15 Sec. 22. NEW SECTION. 157.10A Course of study — barbering
16 and hairstyling.

17 The course of study required for a license to practice
18 barbering and hairstyling shall be one thousand five hundred
19 hours or an equivalent number of semester credit hours or the
20 equivalent thereof. Nothing in this section shall restrict the
21 practice of barbering or hairstyling by a cosmetologist.

22 Sec. 23. Section 157.13, subsection 1, unnumbered paragraph
23 1, Code 2019, is amended to read as follows:

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

32 Sec. 24. Section 261.9, subsection 3, paragraph b, Code
33 2019, is amended to read as follows:

34 b. Is a barber school licensed under section 158.7 or
35 a school of cosmetology arts and sciences licensed under

1 chapter 157 and is accredited by a national accrediting agency
2 recognized by the United States department of education. For
3 the fiscal year beginning July 1, 2017, an eligible institution
4 under this paragraph shall provide a matching aggregate amount
5 of institutional financial aid equal to at least seventy-five
6 percent of the amount received by the institution's students
7 for Iowa tuition grant assistance under [section 261.16A](#).

8 For the fiscal year beginning July 1, 2018, the institution
9 shall provide a matching aggregate amount of institutional
10 financial aid equal to at least eighty-five percent of the
11 amount received in that fiscal year. Commencing with the
12 fiscal year beginning July 1, 2019, and each succeeding fiscal
13 year, the matching aggregate amount of institutional financial
14 aid shall be at least equal to the match provided by eligible
15 institutions under paragraph "a".

16 Sec. 25. Section 261B.11, subsection 1, paragraph i, Code
17 2019, is amended to read as follows:

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

22 Sec. 26. Section 272C.1, subsection 6, paragraph g, Code
23 2019, is amended to read as follows:

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

26 Sec. 27. Section 272C.1, subsection 6, paragraph i, Code
27 2019, is amended by striking the paragraph.

28 Sec. 28. Section 714.25, subsection 2, unnumbered paragraph
29 1, Code 2019, is amended to read as follows:

30 A proprietary school shall, prior to the time a student
31 is obligated for payment of any moneys, inform the student,
32 the college student aid commission, and in the case of a
33 school licensed under [section 157.8](#), the board of barbering
34 and cosmetology arts and sciences ~~or in the case of a school~~
35 ~~licensed under [section 158.7](#), the board of barbering, of all~~

1 of the following:

2 Sec. 29. REPEAL. Chapter 158, Code 2019, is repealed.

3 Sec. 30. EMERGENCY RULES. The board of cosmetology arts
4 and sciences, board of barbering, and board of barbering and
5 cosmetology arts and sciences may adopt emergency rules under
6 section 17A.4, subsection 3, and section 17A.5, subsection 2,
7 paragraph "b", to implement the provisions of this Act and
8 the rules shall be effective immediately upon filing unless
9 a later date is specified in the rules. Any rules adopted
10 in accordance with this section shall also be published as a
11 notice of intended action as provided in section 17A.4.

12 Sec. 31. TRANSITION PROVISIONS.

13 1. a. The merger of the boards of barbering and cosmetology
14 arts and sciences in this Act shall not affect the appointment
15 or any term of office of a member of either board prior to the
16 effective date of this Act. A member of the board of barbering
17 or the board of cosmetology arts and sciences shall continue to
18 serve until the member's term expires or the member ceases to
19 hold office, whichever first occurs.

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

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

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

32 b. The rule expires by its own terms.

33 3. Any license or permit issued by the board of cosmetology
34 arts and sciences or board of barbering in effect on the
35 effective date of this Act shall continue in full force and

1 effect until expiration or renewal.

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

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

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

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

19

EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill relates to the practices of barbering and
23 cosmetology. The bill merges the boards of cosmetology
24 arts and sciences and barbering into the board of barbering
25 and cosmetology arts and sciences, repeals Code chapter
26 158 governing barbering, and makes conforming changes. The
27 bill gives the board of barbering and cosmetology arts and
28 sciences all of the powers and responsibilities of the prior
29 boards. The bill provides that current members of the boards
30 of barbering and cosmetology arts and sciences shall become
31 members of the merged board until their terms otherwise expire
32 or they are otherwise replaced. The bill also provides that
33 the current rules of both boards shall remain in effect until
34 the board of barbering and cosmetology arts and sciences
35 amends, rescinds, or supplements the rules, or the rules expire

1 by their own terms. The bill grants the board of barbering,
2 the board of cosmetology arts and sciences, and the board
3 of barbering and cosmetology arts and sciences emergency
4 rulemaking authority to implement the provisions of the bill.
5 The bill also provides other transition provisions.

6 The bill changes the definition of "cosmetology" by
7 removing arranging, braiding, and dressing of hair. The bill
8 adds esthetics, manicuring, and barbering to the practices
9 encompassed within the definition of "cosmetology".

10 The bill sets the training requirements for a license to
11 practice esthetics to 600 hours and the training requirements
12 for a license to practice manicuring to 325 hours.

13 The bill prohibits the board of barbering and cosmetology
14 arts and sciences from requiring additional training for
15 licensed cosmetologists who seek to become licensed cosmetology
16 instructors.

17 The bill requires the board of barbering and cosmetology
18 arts and sciences to grant an Iowa license to practice a
19 cosmetology art or science to a person who presents evidence of
20 having had an equivalent license in another state for at least
21 12 of the last 24 months.

22 The bill also directs the board of barbering and cosmetology
23 arts and sciences to adopt rules for the licensure of persons
24 who practice barbering and hairstyling. Under current
25 law, cosmetologists and barbers may both provide services
26 that include hairstyling. The bill preserves the ability
27 of cosmetologists to provide such services and instructs
28 the board to create a new license permitting barbering and
29 hairstyling licensees to provide only barbering and hairstyling
30 services. The bill provides a definition of hairstyling and
31 adds hairstyling to the list of cosmetology arts and sciences
32 disciplines.

33 The bill also provides for the development of a process
34 for the licensure of persons who provide both hairstyling and
35 barbering services but who do not practice any of the other

H.F. _____

1 cosmetology arts and sciences.