

Senate File 582 - Introduced

SENATE FILE 582
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 418)

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

7 *a.* Shaving or trimming the beard or cutting the hair.

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

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

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

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

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

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

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

27 Sec. 9. Section 157.1, subsection 4, Code 2019, is amended
28 to read as follows:

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

35 Sec. 10. Section 157.1, subsection 5, paragraph a, Code

1 2019, is amended to read as follows:

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

7 Sec. 11. Section 157.1, subsection 5, Code 2019, is amended
8 by adding the following new paragraphs:

9 NEW PARAGRAPH. *f.* Esthetics.

10 NEW PARAGRAPH. *g.* Barbering.

11 Sec. 12. Section 157.1, subsection 6, paragraph e, Code
12 2019, is amended to read as follows:

13 ~~e. Manicuring and pedicuring~~ Hairstyling.

14 Sec. 13. Section 157.1, subsection 18, Code 2019, is amended
15 to read as follows:

16 18. *"Manicuring"* means the practice of cleansing, shaping,
17 or polishing the fingernails and massaging the hands and lower
18 arms of a person. ~~*"Manicuring"* does not include the application~~
19 ~~of sculptured nails or nail extensions to the fingernails or~~
20 ~~toenails of a person, and does not include the practice of~~
21 ~~pedicuring.~~

22 Sec. 14. Section 157.1, subsection 19, Code 2019, is amended
23 by striking the subsection.

24 Sec. 15. Section 157.2, subsection 1, paragraphs b and h,
25 Code 2019, are amended by striking the paragraphs.

26 Sec. 16. Section 157.2, subsection 2, Code 2019, is amended
27 to read as follows:

28 2. Cosmetologists shall not represent themselves to the
29 public as electrologists, estheticians, or nail technologists
30 unless the cosmetologist has completed the ~~additional~~ course of
31 study for the respective practice as prescribed by the board
32 pursuant to [section 157.10](#).

33 Sec. 17. Section 157.3, subsection 2, Code 2019, is amended
34 to read as follows:

35 2. Notwithstanding [subsection 1](#) and [sections 147.44,](#)

1 147.48, and 147.49, a person who completes the application form
2 prescribed by the board and who submits satisfactory proof of
3 having been licensed in a practice of the cosmetology arts and
4 sciences in another state for, and having practiced for, at
5 least twelve months in the twenty-four month period preceding
6 the submission of the application shall be ~~allowed to take the~~
7 ~~examination for~~ granted a license to practice the appropriate
8 practice of the cosmetology arts and sciences. ~~However, the~~
9 ~~examination requirement shall be waived for those persons~~
10 ~~who submit evidence of licensure in another state which has~~
11 ~~a reciprocal agreement with the state of Iowa under sections~~
12 ~~147.44, 147.48, and 147.49.~~

13 Sec. 18. Section 157.3, Code 2019, is amended by adding the
14 following new subsection:

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

22 Sec. 19. Section 157.7, Code 2019, is amended to read as
23 follows:

24 **157.7 Inspectors and clerical assistants.**

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

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

1 Sec. 20. Section 157.8, subsection 2, paragraph c, Code
2 2019, is amended by striking the paragraph.

3 Sec. 21. Section 157.8, Code 2019, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 4. A school of cosmetology arts and
6 sciences may provide cosmetology arts and sciences services to
7 members of the public so long as the provision of such services
8 does not interfere with student instruction.

9 Sec. 22. Section 157.9, Code 2019, is amended to read as
10 follows:

11 **157.9 License suspension and revocation.**

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

17 Sec. 23. Section 157.10, subsections 1 and 3, Code 2019, are
18 amended to read as follows:

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

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

1 c. The course of study required for licensure which is
2 limited to the practice of nail technology shall be three
3 hundred twenty-five hours.

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

12 Sec. 24. NEW SECTION. 157.10A Course of study — barbering
13 and hairstyling.

14 The course of study required for a license to practice
15 barbering and hairstyling shall be one thousand five hundred
16 hours. Nothing in this section shall restrict the practice of
17 barbering or hairstyling by a cosmetologist.

18 Sec. 25. Section 157.13, subsection 1, unnumbered paragraph
19 1, Code 2019, is amended to read as follows:

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

28 Sec. 26. Section 261.9, subsection 3, paragraph b, Code
29 2019, is amended to read as follows:

30 b. Is a ~~barber school licensed under section 158.7~~ or
31 a school of cosmetology arts and sciences licensed under
32 chapter 157 and is accredited by a national accrediting agency
33 recognized by the United States department of education. For
34 the fiscal year beginning July 1, 2017, an eligible institution
35 under this paragraph shall provide a matching aggregate amount

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

12 Sec. 27. Section 261B.11, subsection 1, paragraph i, Code
13 2019, is amended to read as follows:

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

18 Sec. 28. Section 272C.1, subsection 6, paragraph g, Code
19 2019, is amended to read as follows:

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

22 Sec. 29. Section 272C.1, subsection 6, paragraph i, Code
23 2019, is amended by striking the paragraph.

24 Sec. 30. Section 714.18, subsection 2, unnumbered paragraph
25 1, Code 2019, is amended to read as follows:

26 A school licensed under the provisions of [section 157.8](#) ~~or~~
27 ~~[158.7](#)~~ shall file with the college student aid commission the
28 following:

29 Sec. 31. Section 714.25, subsection 2, unnumbered paragraph
30 1, Code 2019, is amended to read as follows:

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

1 ~~licensed under section 158.7, the board of barbering, of all~~
2 of the following:

3 Sec. 32. REPEAL. Chapter 158, Code 2019, is repealed.

4 Sec. 33. EMERGENCY RULES. The board of cosmetology arts
5 and sciences, board of barbering, and board of barbering and
6 cosmetology arts and sciences may adopt emergency rules under
7 section 17A.4, subsection 3, and section 17A.5, subsection 2,
8 paragraph "b", to implement the provisions of this Act and
9 the rules shall be effective immediately upon filing unless
10 a later date is specified in the rules. Any rules adopted
11 in accordance with this section shall also be published as a
12 notice of intended action as provided in section 17A.4.

13 Sec. 34. TRANSITION PROVISIONS.

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

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

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

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

33 b. The rule expires by its own terms.

34 3. Any license or permit issued by the board of cosmetology
35 arts and sciences or board of barbering in effect on the

1 effective date of this Act shall continue in full force and
2 effect until expiration or renewal. A location licensed as a
3 barber school as of the effective date of this Act shall be
4 considered to be a licensed school of cosmetology arts and
5 sciences and shall be issued a license to operate as a school
6 of cosmetology arts and sciences upon the expiration of the
7 location's license to operate as a barber school. A location
8 licensed to operate as a barbershop as of the effective date of
9 this Act shall be considered to be a licensed salon and shall
10 be issued a salon license upon the expiration of the location's
11 barbershop license.

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

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

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

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

29 8. A person licensed as a barber as of the effective
30 date of this Act shall be considered to be a person licensed
31 to practice barbering and hairstyling and shall be issued
32 a license to practice barbering and hairstyling upon the
33 expiration of the person's barbering license. Such a license
34 shall permit such a person to continue to practice barbering as
35 provided in chapter 158, Code 2019.

1 9. A person currently enrolled in a barbering school in a
2 course of study requiring at least two thousand one hundred
3 hours of instruction must complete the course of study by
4 January 1, 2021. Each school of cosmetology arts and sciences
5 shall offer a course of study in barbering and hairstyling by
6 January 1, 2020.

7 EXPLANATION

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

10 This bill relates to the practices of barbering and
11 cosmetology. The bill merges the boards of cosmetology
12 arts and sciences and barbering into the board of barbering
13 and cosmetology arts and sciences, repeals Code chapter
14 158 governing barbering, and makes conforming changes. The
15 bill gives the board of barbering and cosmetology arts and
16 sciences all of the powers and responsibilities of the prior
17 boards. The bill provides that current members of the boards
18 of barbering and cosmetology arts and sciences shall become
19 members of the merged board until their terms otherwise expire
20 or they are otherwise replaced. The bill also provides that
21 the current rules of both boards shall remain in effect until
22 the board of barbering and cosmetology arts and sciences
23 amends, rescinds, or supplements the rules, or the rules expire
24 by their own terms. The bill grants the board of barbering,
25 the board of cosmetology arts and sciences, and the board
26 of barbering and cosmetology arts and sciences emergency
27 rulemaking authority to implement the provisions of the bill.
28 The bill also provides other transition provisions, including
29 but not limited to the transitioning of current licenses held
30 under Code chapter 158 to new licenses under Code chapter 157
31 upon the expiration of the current licenses.

32 The bill changes the definition of "cosmetology" by removing
33 arranging, braiding, and dressing of hair from the definition.
34 The bill adds esthetics and barbering to the practices
35 encompassed within the definition of "cosmetology". The bill

1 changes the definition of "cosmetologist" to exclude a person
2 who claims by the person's occupation to have knowledge or
3 skill particular to the practice of cosmetology.

4 The bill changes the definition of "manicuring" by removing
5 the exclusion of the application of sculpted nails or nail
6 extensions and pedicuring from the definition. The bill also
7 removes manicuring and pedicuring from the definition of
8 "cosmetology arts and sciences".

9 The bill sets the training requirements for a license to
10 practice esthetics to 600 hours and the training requirements
11 for a license to practice manicuring to 325 hours. The bill
12 removes references in the Code to methods of measuring a course
13 of study in a practice of cosmetology other than instructional
14 hours.

15 The bill allows a school of cosmetology arts and sciences
16 to provide services to members of the public so long as the
17 provision of such services does not interfere with student
18 instruction.

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

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

35 The bill also provides for the development of a process

1 for the licensure of persons who provide both hairstyling and
2 barbering services but who do not practice any of the other
3 cosmetology arts and sciences.