

House File 2117 - Introduced

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BY COLLINS

A BILL FOR

1 An Act relating to a barbering and cosmetology establishment
2 training program.

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

1 Section 1. Section 157.2, subsection 1, Code 2024, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. h. Persons providing services pursuant to an
4 establishment training program authorized pursuant to section
5 157.12D.

6 Sec. 2. Section 157.2, subsection 3, Code 2024, is amended
7 to read as follows:

8 3. With the exception of hair removal, manicuring, and nail
9 technology services, persons licensed under this chapter or
10 participating in an establishment training program authorized
11 pursuant to section 157.12D shall not administer any procedure
12 in which human tissue is cut, shaped, vaporized, or otherwise
13 structurally altered.

14 Sec. 3. Section 157.13, subsection 1, Code 2024, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. d. When the practice is performed by a
17 person without a license under the supervision of a licensee in
18 an establishment registered with the board pursuant to section
19 157.12D.

20 Sec. 4. Section 157.13, subsection 4, unnumbered paragraph
21 1, Code 2024, is amended to read as follows:

22 If the board has reasonable grounds to believe that a person
23 or establishment which is not licensed under this chapter and
24 that is not participating in an establishment training program
25 pursuant to section 157.12D has engaged, or is about to engage,
26 in an act or practice which requires licensure under this
27 chapter, or otherwise violates a provision of this chapter, the
28 board may issue an order to require the unlicensed person or
29 establishment to comply with the provisions of this chapter,
30 and may impose a civil penalty not to exceed one thousand
31 dollars for each violation of this chapter by an unlicensed
32 person or establishment. Each day of a continued violation
33 after an order or citation by the board constitutes a separate
34 offense, with the maximum penalty not to exceed ten thousand
35 dollars.

1 Sec. 5. NEW SECTION. 157.12D Establishment training
2 program.

3 1. An establishment training program is created. The
4 board shall create an establishment training program and allow
5 establishments to register to participate in the program. An
6 establishment licensed pursuant to section 157.11, including
7 an establishment operating in a residence pursuant to section
8 157.6 may participate in the program by registering with the
9 board.

10 2. An establishment that registers with the board may employ
11 persons, without regard to the person's licensure status, to
12 provide the services of shampooing, cutting, coloring, and
13 styling hair under the supervision of a licensee who regularly
14 provides the services. A person providing services without
15 a license must first complete two hours of education related
16 to barbering and cosmetology laws in this state and rules and
17 sanitation, as determined by the board by rule, before offering
18 services permitted under the program. The establishment owner
19 is responsible for ensuring the education, training, skills,
20 and competence of persons who provide services in the owner's
21 establishment.

22 3. An establishment participating in the establishment
23 training program shall comply with all facility and minimum
24 equipment requirements, safety and infection control
25 provisions, inspection requirements, management requirements,
26 and establishment licensing renewal requirements. The
27 department shall inspect an establishment participating in the
28 program as the department deems necessary to ensure compliance
29 with these requirements.

30 4. The establishment shall disclose in writing prior to
31 the consumer's receipt of services from an unlicensed provider
32 that the establishment is participating in the program and
33 that the provider is not licensed. The disclosure shall be
34 clearly legible and state: "This licensed establishment is
35 registered to participate in an establishment training program.

1 This establishment employs unlicensed providers who work under
2 the supervision of licensed providers. The services you are
3 receiving are from an unlicensed provider participating in this
4 program."

5 5. In addition to any other remedy provided by law, in
6 an action based on an injury alleged to have occurred in an
7 establishment participating in the establishment training
8 program, a prevailing party may recover reasonable attorney's
9 fees and receive other equitable relief as determined by the
10 court.

11 6. In addition to any other disciplinary powers established
12 pursuant to this chapter, the board may, when it has probable
13 cause to believe that human health is endangered, order an
14 establishment participating in the program to immediately cease
15 participation in the program. The board shall conduct formal
16 proceedings pursuant to this chapter to determine whether the
17 problem has been corrected, whether to suspend, revoke, or
18 reinstate the establishment's participation in the program, and
19 whether to suspend, revoke, or reinstate the establishment's
20 license.

21 7. For the purposes of this section, "*supervision*" means
22 within the physical presence of a licensee and the licensee is
23 available to assist in providing services.

24 EXPLANATION

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

27 This bill relates to the practice of barbering and
28 cosmetology arts and sciences by certain unlicensed persons.
29 The bill requires the board of barbering and cosmetology arts
30 and sciences to create an establishment training program
31 (program). The bill allows an establishment to participate in
32 the program by registering with the board. The bill allows an
33 establishment participating in the program to employ unlicensed
34 persons to perform certain cosmetology arts and sciences
35 under the supervision, defined in the bill, of a licensee

1 who regularly provides those services. The bill requires an
2 unlicensed person participating in the program to first receive
3 education regarding barbering and cosmetology laws and rules
4 and sanitation. The owner of an establishment participating
5 in the program is responsible for ensuring the education,
6 training, skills, and competence of persons who provide
7 services in the owner's establishment.

8 The bill requires an establishment participating in the
9 program to comply with all facility and minimum equipment
10 requirements, safety and infection control provisions,
11 inspection requirements, management requirements, and
12 establishment licensing renewal requirements. The bill
13 requires the department of inspections, appeals, and licensing
14 to inspect an establishment participating in the program
15 as often as it deems necessary to ensure compliance with
16 these requirements. The bill also requires an establishment
17 participating in the program to inform a consumer receiving
18 services from an unlicensed person in writing prior to the
19 provision of services.

20 The bill allows a party prevailing in an action based
21 on an injury alleged to have occurred in an establishment
22 participating in the program to recover reasonable attorney's
23 fees and receive other equitable relief as determined by the
24 court. The bill allows the board to order an establishment
25 to immediately cease participation in the program if it has
26 probable cause to believe that human health is endangered.
27 The bill requires the board to formally investigate an
28 establishment subject to discipline under the bill and
29 allows the board to reinstate or revoke the establishment's
30 participation in the program, and to suspend, revoke, or
31 reinstate the establishment's license.