

Senate File 387 - Introduced

SENATE FILE 387
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1108)

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 2023, is
2 amended to read as follows:

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

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

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

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

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

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

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

26 Sec. 6. Section 147.76, Code 2023, 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 2023, is amended by adding the
33 following new subsections:

34 NEW SUBSECTION. 01. "*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. 001. "*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 for hair removal by the use of a
11 straight edge razor.

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

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

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

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

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

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

31 Sec. 8. Section 157.1, subsection 1, Code 2023, is amended
32 to read as follows:

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

35 Sec. 9. Section 157.1, subsection 5, paragraph a, Code 2023,

1 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. 10. Section 157.1, subsection 5, Code 2023, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *f.* Barbering.

10 Sec. 11. Section 157.1, subsection 6, paragraph e, Code
11 2023, is amended to read as follows:

12 ~~e. Manicuring and pedicuring~~ Hairstyling.

13 Sec. 12. Section 157.1, subsection 26, Code 2023, is amended
14 by striking the subsection.

15 Sec. 13. Section 157.1, subsection 27, Code 2023, is amended
16 by striking the subsection and inserting in lieu thereof the
17 following:

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

21 Sec. 14. Section 157.2, subsection 1, paragraphs b and h,
22 Code 2023, are amended by striking the paragraphs.

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

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

30 Sec. 16. Section 157.3, subsection 1, paragraph a, Code
31 2023, is amended to read as follows:

32 *a.* Presents to the department a diploma, or similar
33 evidence, issued by a licensed school of barbering and
34 cosmetology arts and sciences indicating that the applicant
35 has completed the course of study for the appropriate practice

1 of the cosmetology arts and sciences prescribed by the board.
2 An applicant may satisfy this requirement upon presenting a
3 diploma or similar evidence issued by a school in another
4 state, recognized by the board, which provides instruction
5 regarding the practice for which licensure is sought, provided
6 that the course of study is equivalent to or greater in length
7 and scope than that required for a school in this state, and is
8 approved by the board.

9 Sec. 17. Section 157.3, Code 2023, 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. 18. Section 157.3A, Code 2023, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 6. Shaving or trimming for hair removal by
21 the use of a straight edge razor shall only be performed by the
22 following persons:

23 a. A licensed barber and hairstylist.

24 b. A cosmetologist trained and certified in the use of a
25 straight edge razor in compliance with applicable rules of
26 the board. The board shall not require a cosmetologist to
27 complete more than forty clock hours of training to receive a
28 certification under this paragraph.

29 Sec. 19. Section 157.4, subsection 3, paragraph a, Code
30 2023, is amended to read as follows:

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

34 Sec. 20. Section 157.6, Code 2023, is amended to read as
35 follows:

1 **157.6 Sanitary rules — practice in the home.**

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

12 Sec. 21. Section 157.7, subsection 1, Code 2023, is amended
13 to read as follows:

14 1. The department of inspections and appeals shall
15 employ personnel pursuant to **chapter 8A, subchapter IV**, to
16 perform duties related to inspection functions under this
17 chapter. ~~The department of inspections and appeals shall, when~~
18 ~~possible, integrate inspection efforts under **this chapter** with~~
19 ~~inspections conducted under **chapter 158**.~~

20 Sec. 22. Section 157.8, subsection 1, Code 2023, is amended
21 to read as follows:

22 1. It is unlawful for a school of barbering and cosmetology
23 arts and sciences to operate unless the owner has obtained
24 a license issued by the department. The owner shall file a
25 verified application with the department on forms prescribed
26 by the board.

27 Sec. 23. Section 157.8, subsection 2, paragraph c, Code
28 2023, is amended by striking the paragraph.

29 Sec. 24. Section 157.8, subsection 2, paragraph d, Code
30 2023, is amended to read as follows:

31 d. The school of barbering and cosmetology arts and sciences
32 must pass a sanitary inspection under **section 157.6**. An annual
33 inspection of each school of barbering and cosmetology arts and
34 sciences, including the educational activities of each school,
35 shall be conducted and completed by the board or its designee

1 prior to renewal of the license.

2 Sec. 25. NEW SECTION. 157.8A Use of schools of barbering
3 and cosmetology arts and sciences.

4 A school of barbering and cosmetology arts and sciences may
5 be used for purposes other than student instruction during
6 scheduled instruction time and work experience time so long as
7 the other activities do not disrupt classes. The board shall
8 adopt rules for the implementation of this section.

9 Sec. 26. Section 157.9, Code 2023, 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. 27. Section 157.10, subsections 1 and 3, Code 2023, 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 of
24 education. The clock hours, and equivalent number of semester
25 credit hours or the equivalent thereof as determined pursuant
26 to administrative rule and regulations promulgated by the
27 United States department of education, of a course of study
28 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 of
7 barbering and cosmetology arts and sciences shall be granted,
8 at the discretion of the school, at least half credit and
9 up to full credit for each course successfully completed for
10 licensure ~~as a barber~~ in the practice of barbering which meets
11 the requirements for licensure in a the practice of barbering
12 and hairstyling or the practice of cosmetology arts and
13 sciences.

14 Sec. 28. NEW SECTION. 157.10A **Course of study — barbering**
15 **and hairstyling.**

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

21 Sec. 29. Section 157.11, Code 2023, is amended to read as
22 follows:

23 **157.11 Salon Establishment licenses.**

24 1. ~~A salon~~ An establishment shall not operate unless the
25 owner has obtained a license issued by the department. The
26 owner shall apply to the department on forms prescribed by the
27 board. The department may perform a sanitary inspection of
28 each ~~salon~~ establishment biennially and may perform a sanitary
29 inspection of ~~a salon~~ an establishment prior to the issuance of
30 a license. An inspection of ~~a salon~~ an establishment may also
31 be conducted upon receipt of a complaint by the department.

32 2. The application shall be accompanied by the biennial
33 license fee determined pursuant to [section 147.80](#). The license
34 is valid for two years and may be renewed.

35 3. A licensed school of cosmetology arts and sciences at

1 which students practice cosmetology arts and sciences is exempt
2 from licensing as ~~a salon~~ an establishment.

3 Sec. 30. Section 157.13, subsection 1, unnumbered paragraph
4 1, Code 2023, is amended to read as follows:

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

14 Sec. 31. Section 157.13, subsection 1, paragraph a, Code
15 2023, is amended to read as follows:

16 a. A licensee may practice at a location which is not
17 a licensed ~~salon establishment~~, school of barbering and
18 cosmetology arts and sciences, or licensed barbershop under
19 extenuating circumstances arising from physical or mental
20 disability or death of a customer.

21 Sec. 32. Section 157.13, subsection 3, Code 2023, is amended
22 to read as follows:

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

35 Sec. 33. Section 261.9, subsection 3, paragraph b, Code

1 2023, is amended to read as follows:

2 *b.* Is a ~~barber school licensed under [section 158.7](#) or~~
3 a school of barbering and cosmetology arts and sciences
4 licensed under [chapter 157](#) and is accredited by a national
5 accrediting agency recognized by the United States department
6 of education. For the fiscal year beginning July 1, 2017,
7 an eligible institution under this paragraph shall provide a
8 matching aggregate amount of institutional financial aid equal
9 to at least seventy-five percent of the amount received by
10 the institution's students for Iowa tuition grant assistance
11 under [section 261.16A](#). For the fiscal year beginning July
12 1, 2018, the institution shall provide a matching aggregate
13 amount of institutional financial aid equal to at least
14 eighty-five percent of the amount received in that fiscal year.
15 Commencing with the fiscal year beginning July 1, 2019, and
16 each succeeding fiscal year, the matching aggregate amount of
17 institutional financial aid shall be at least equal to the
18 match provided by eligible institutions under paragraph "a".

19 Sec. 34. Section 261B.11, subsection 1, paragraph i, Code
20 2023, is amended to read as follows:

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

25 Sec. 35. Section 272C.1, subsection 6, paragraph g, Code
26 2023, is amended to read as follows:

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

29 Sec. 36. Section 272C.1, subsection 6, paragraph i, Code
30 2023, is amended by striking the paragraph.

31 Sec. 37. REPEAL. Chapter 158, Code 2023, is repealed.

32 Sec. 38. EMERGENCY RULES. The board of cosmetology arts
33 and sciences, board of barbering, and board of barbering and
34 cosmetology arts and sciences may adopt emergency rules under
35 section 17A.4, subsection 3, and section 17A.5, subsection 2,

1 paragraph "b", to implement the provisions of this Act and
2 the rules shall be effective immediately upon filing unless
3 a later date is specified in the rules. Any rules adopted
4 in accordance with this section shall also be published as a
5 notice of intended action as provided in section 17A.4.

6 Sec. 39. TRANSITION PROVISIONS.

7 1. a. The merger of the boards of barbering and cosmetology
8 arts and sciences in this Act shall not affect the appointment
9 or any term of office of a member of either board prior to the
10 effective date of this Act. A member of the board of barbering
11 or the board of cosmetology arts and sciences shall continue to
12 serve until the member's term expires or the member ceases to
13 hold office, whichever first occurs.

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

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

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

26 b. The rule expires by its own terms.

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

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

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

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

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

14 8. A person licensed as a barber as of July 1, 2023, shall
15 be considered to be a person licensed to practice barbering and
16 hairstyling and shall be issued a license to practice barbering
17 and hairstyling upon the expiration of the person's barbering
18 license. Such a license shall permit such a person to continue
19 to practice barbering as provided in chapter 158, Code 2023.

20 9. A person currently enrolled in a barbering school in a
21 course of study requiring at least two thousand one hundred
22 hours of instruction must complete the course of study by
23 August 1, 2024. Each school of cosmetology arts and sciences
24 shall offer a course of study in barbering and hairstyling by
25 August 1, 2024.

26 EXPLANATION

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

29 This bill relates to the practices of barbering and
30 cosmetology. The bill merges the boards of cosmetology
31 arts and sciences and barbering into the board of barbering
32 and cosmetology arts and sciences, repeals Code chapter
33 158 governing barbering, and makes conforming changes. The
34 bill gives the board of barbering and cosmetology arts and
35 sciences all of the powers and responsibilities of the prior

1 boards. The bill provides that current members of the boards
2 of barbering and cosmetology arts and sciences shall become
3 members of the merged board until their terms otherwise expire
4 or they are otherwise replaced. The bill also provides that
5 the current rules of both boards shall remain in effect until
6 the board of barbering and cosmetology arts and sciences
7 amends, rescinds, or supplements the rules, or the rules expire
8 by their own terms. The bill grants the board of barbering,
9 the board of cosmetology arts and sciences, and the board
10 of barbering and cosmetology arts and sciences emergency
11 rulemaking authority to implement the provisions of the bill.
12 The bill also provides other transition provisions.

13 The bill changes the definition of "cosmetology" by removing
14 arranging, braiding, and dressing of hair and adds hairstyling.
15 The bill also adds nail technology and barbering to the
16 practices encompassed within the definition of "cosmetology".
17 The bill directs the board of barbering and cosmetology arts
18 and sciences to develop a program for the certification of
19 current cosmetologists to perform shaving with a straight edge
20 razor. The bill removes "manicuring and pedicuring" from
21 the definition of "cosmetology arts and sciences". The bill
22 replaces the term "salon" with the term "establishment" and
23 defines the "establishment" to mean a fixed or readily movable
24 place where one or more persons engage in the practice of
25 cosmetology arts and sciences.

26 The bill sets the training requirements for a license to
27 practice esthetics to 600 hours and the training requirements
28 for a license to practice nail technology to 325 hours.

29 The bill renames schools of cosmetology arts and sciences
30 to "schools of barbering and cosmetology arts and sciences".
31 The bill allows a school of barbering and cosmetology arts and
32 sciences to be used for purposes other than student instruction
33 so long as the activities do not disturb student instruction.

34 The bill also directs the board of barbering and cosmetology
35 arts and sciences to adopt rules for the licensure of persons

1 who practice barbering and hairstyling. Under current
2 law, cosmetologists and barbers may both provide services
3 that include hairstyling. The bill preserves the ability
4 of cosmetologists to provide such services and instructs
5 the board to create a new license permitting barbering and
6 hairstyling licensees to provide only barbering and hairstyling
7 services. The bill provides a definition of hairstyling
8 and adds hairstyling to the list of cosmetology arts and
9 sciences disciplines. The bill also includes definitions for
10 "barbering" and "hairstyling".

11 The bill also provides for the development of a process
12 for the licensure of persons who provide both hairstyling and
13 barbering services but who do not practice any of the other
14 cosmetology arts and sciences.