

Senate File 41 - Introduced

SENATE FILE 41
BY GREEN

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:

unofficial

1 Section 1. Section 157.2, subsection 1, Code 2025, is amended
2 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 2025, is amended to
7 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. NEW SECTION. **157.12D Establishment training**
15 **program.**

16 1. An establishment training program is created. The
17 board shall create an establishment training program and allow
18 establishments to register to participate in the program. An
19 establishment licensed pursuant to section 157.11, including an
20 establishment operating in a residence pursuant to section 157.6
21 may participate in the program by registering with the board.

22 2. An establishment that registers with the board may employ
23 persons, without regard to the person's licensure status, to
24 provide the services of shampooing, cutting, coloring, and
25 styling hair under the supervision of a licensee who regularly
26 provides the services. A person providing services without
27 a license must first complete two hours of education related
28 to barbering and cosmetology laws in this state and rules and
29 sanitation, as determined by the board by rule, before offering
30 services permitted under the program. The establishment owner
31 is responsible for ensuring the education, training, skills,
32 and competence of persons who provide services in the owner's
33 establishment.

34 3. An establishment participating in the establishment
35 training program shall comply with all facility and

1 minimum equipment requirements, safety and infection control
2 provisions, inspection requirements, management requirements, and
3 establishment licensing renewal requirements. The department
4 shall inspect an establishment participating in the program as
5 the department deems necessary to ensure compliance with these
6 requirements.

7 4. The establishment shall disclose in writing prior to
8 the consumer's receipt of services from an unlicensed provider
9 that the establishment is participating in the program and
10 that the provider is not licensed. The disclosure shall be
11 clearly legible and state: "This licensed establishment is
12 registered to participate in an establishment training program.
13 This establishment employs unlicensed providers who work under
14 the supervision of licensed providers. The services you are
15 receiving are from an unlicensed provider participating in this
16 program."

17 5. In addition to any other remedy provided by law, in
18 an action based on an injury alleged to have occurred in
19 an establishment participating in the establishment training
20 program, a prevailing party may recover reasonable attorney's
21 fees and receive other equitable relief as determined by the
22 court.

23 6. In addition to any other disciplinary powers established
24 pursuant to this chapter, the board may, when it has probable
25 cause to believe that human health is endangered, order an
26 establishment participating in the program to immediately cease
27 participation in the program. The board shall conduct formal
28 proceedings pursuant to this chapter to determine whether the
29 problem has been corrected, whether to suspend, revoke, or
30 reinstate the establishment's participation in the program, and
31 whether to suspend, revoke, or reinstate the establishment's
32 license.

33 7. For the purposes of this section, "supervision" means
34 within the physical presence of a licensee and the licensee is
35 available to assist in providing services.

1 Sec. 4. Section 157.13, subsection 1, Code 2025, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. d. When the practice is performed by a person
4 without a license under the supervision of a licensee in an
5 establishment registered with the board pursuant to section
6 157.12D.

7 Sec. 5. Section 157.13, subsection 4, unnumbered paragraph 1,
8 Code 2025, is amended to read as follows:

9 If the board has reasonable grounds to believe that a person
10 or establishment which is not licensed under this chapter and
11 that is not participating in an establishment training program
12 pursuant to section 157.12D has engaged, or is about to engage,
13 in an act or practice which requires licensure under this
14 chapter, or otherwise violates a provision of this chapter, the
15 board may issue an order to require the unlicensed person or
16 establishment to comply with the provisions of this chapter, and
17 may impose a civil penalty not to exceed one thousand dollars
18 for each violation of this chapter by an unlicensed person or
19 establishment. Each day of a continued violation after an order
20 or citation by the board constitutes a separate offense, with the
21 maximum penalty not to exceed ten thousand dollars.

22 EXPLANATION

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

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

1 barbering and cosmetology laws and rules and sanitation. The
2 owner of an establishment participating in the program is
3 responsible for ensuring the education, training, skills, and
4 competence of persons who provide services in the owner's
5 establishment.

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

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