

Senate File 540 - Reprinted

SENATE FILE 540
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 164)

(As Amended and Passed by the Senate March 10, 2021)

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 2021, 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 2021, 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 2021, is amended
11 by striking the subsection.

12 Sec. 4. Section 147.14, subsection 1, paragraphs a and n,
13 Code 2021, are amended by striking the paragraphs.

14 Sec. 5. Section 147.14, subsection 1, Code 2021, 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 a practice of cosmetology arts and
25 sciences and who shall represent the general public.

26 Sec. 6. Section 147.76, Code 2021, 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 2021, 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 2021, 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 2021,

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 2021, 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 2021, is amended to read as follows:

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

13 Sec. 12. Section 157.1, subsection 26, Code 2021, is amended
14 by striking the subsection.

15 Sec. 13. Section 157.1, subsection 27, Code 2021, is amended
16 to read as follows:

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

20 Sec. 14. Section 157.2, subsection 1, paragraphs b and h,
21 Code 2021, are amended by striking the paragraphs.

22 Sec. 15. Section 157.2, subsection 2, Code 2021, 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. 16. Section 157.3, subsection 1, paragraph a, Code
30 2021, is amended to read as follows:

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

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

8 Sec. 17. Section 157.3, Code 2021, is amended by adding the
9 following new subsection:

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

17 Sec. 18. Section 157.3A, Code 2021, is amended by adding the
18 following new subsection:

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

22 a. A licensed barber and hairstylist.

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

28 Sec. 19. Section 157.4, subsection 3, paragraph a, Code
29 2021, is amended to read as follows:

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

33 Sec. 20. Section 157.6, Code 2021, is amended to read as
34 follows:

35 **157.6 Sanitary rules — practice in the home.**

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

11 Sec. 21. Section 157.7, subsection 1, Code 2021, is amended
12 to read as follows:

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

19 Sec. 22. Section 157.8, subsection 1, Code 2021, is amended
20 to read as follows:

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

26 Sec. 23. Section 157.8, subsection 2, paragraph c, Code
27 2021, is amended by striking the paragraph.

28 Sec. 24. Section 157.8, subsection 2, paragraph d, Code
29 2021, is amended to read as follows:

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

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

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

8 Sec. 26. Section 157.9, Code 2021, is amended to read as
9 follows:

10 157.9 License suspension and revocation.

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

16 Sec. 27. Section 157.10, subsections 1 and 3, Code 2021, are
17 amended to read as follows:

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

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

35 c. The course of study required for licensure which is

1 limited to the practice of nail technology shall be three
2 hundred twenty-five hours.

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

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

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

20 Sec. 29. Section 157.11, Code 2021, is amended to read as
21 follows:

22 **157.11 Salon Establishment licenses.**

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

31 2. The application shall be accompanied by the biennial
32 license fee determined pursuant to section 147.80. The license
33 is valid for two years and may be renewed.

34 3. A licensed school of cosmetology arts and sciences at
35 which students practice cosmetology arts and sciences is exempt

1 from licensing as ~~a salon~~ an establishment.

2 Sec. 30. Section 157.13, subsection 1, unnumbered paragraph
3 1, Code 2021, is amended to read as follows:

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

13 Sec. 31. Section 157.13, subsection 1, paragraph a, Code
14 2021, is amended to read as follows:

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

20 Sec. 32. Section 157.13, subsection 3, Code 2021, is amended
21 to read as follows:

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

34 Sec. 33. Section 261.9, subsection 3, paragraph b, Code
35 2021, is amended to read as follows:

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

18 Sec. 34. Section 261B.11, subsection 1, paragraph i, Code
19 2021, is amended to read as follows:

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

24 Sec. 35. Section 272C.1, subsection 6, paragraph g, Code
25 2021, is amended to read as follows:

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

28 Sec. 36. Section 272C.1, subsection 6, paragraph i, Code
29 2021, is amended by striking the paragraph.

30 Sec. 37. Section 714.25, subsection 2, unnumbered paragraph
31 1, Code 2021, is amended to read as follows:

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

1 ~~and cosmetology arts and sciences or in the case of a school~~
2 ~~licensed under [section 158.7](#), the board of barbering, of all~~
3 of the following:

4 Sec. 38. REPEAL. Chapter 158, Code 2021, is repealed.

5 Sec. 39. EMERGENCY RULES. The board of cosmetology arts
6 and sciences, board of barbering, and board of barbering and
7 cosmetology arts and sciences may adopt emergency rules under
8 section 17A.4, subsection 3, and section 17A.5, subsection 2,
9 paragraph "b", to implement the provisions of this Act and
10 the rules shall be effective immediately upon filing unless
11 a later date is specified in the rules. Any rules adopted
12 in accordance with this section shall also be published as a
13 notice of intended action as provided in section 17A.4.

14 Sec. 40. TRANSITION PROVISIONS.

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

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

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

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

34 b. The rule expires by its own terms.

35 3. Any license or permit issued by the board of cosmetology

1 arts and sciences or board of barbering in effect on the
2 effective date of this Act shall continue in full force and
3 effect until expiration or renewal, except as provided in
4 subsection 8.

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

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

14 6. All client and organizational files in the possession
15 of the board of cosmetology arts and sciences or board of
16 barbering shall become the property of the board of barbering
17 and cosmetology arts and sciences.

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

22 8. A person licensed as a barber as of the July 1, 2021,
23 shall be considered to be a person licensed to practice
24 barbering and hairstyling and shall be issued a license to
25 practice barbering and hairstyling upon the expiration of the
26 person's barbering license. Such a license shall permit such a
27 person to continue to practice barbering as provided in chapter
28 158, Code 2021.

29 9. A person currently enrolled in a barbering school in a
30 course of study requiring at least two thousand one hundred
31 hours of instruction must complete the course of study by
32 August 1, 2022. Each school of cosmetology arts and sciences
33 shall offer a course of study in barbering and hairstyling by
34 August 1, 2022.