

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 220

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO BARBERING AND COSMETOLOGY; AMENDING SECTION 54-504, IDAHO CODE,
2 TO PROVIDE EXCEPTIONS; AMENDING SECTION 54-513, IDAHO CODE, TO PROVIDE
3 THAT A LICENSEE MAY PRACTICE EVENT STYLING OR DEMONSTRATE THE USE OF
4 THERMAL STYLING EQUIPMENT AWAY FROM LICENSED PREMISES; AMENDING SEC-
5 TION 54-803, IDAHO CODE, TO PROVIDE THAT A LICENSEE MAY PRACTICE EVENT
6 STYLING OR DEMONSTRATE THE USE OF THERMAL STYLING EQUIPMENT AWAY FROM
7 LICENSED PREMISES; AMENDING SECTION 54-804, IDAHO CODE, TO PROVIDE EX-
8 EMPTIONS; DECLARING AN EMERGENCY; AND PROVIDING A SUNSET DATE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 54-504, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 54-504. EXCEPTIONS. (1) The provisions of this chapter shall not apply
14 in the following instances:

15 (a) Persons authorized by the laws of the state to practice as a nurse
16 or any of the healing arts while in the proper discharge of their profes-
17 sional duties;

18 (b) Persons who are licensed to practice cosmetology in this state,
19 provided however, the provisions of this section shall not be construed
20 to authorize such persons to practice barbering except those acts that
21 are permitted under the Idaho cosmetology law;

22 (c) Persons practicing in their own home on members of their immediate
23 family without compensation; ~~and~~

24 (d) Persons and the facility that render barber or barber-stylist ser-
25 vices upon persons who are incarcerated in the state of Idaho based upon
26 a criminal offense;

27 (e) Employees or owners of businesses that offer thermal styling equip-
28 ment for sale at retail who demonstrate use of thermal styling equipment
29 on customers' hair in connection with the sale or attempted sale of such
30 equipment, without compensation from the customer other than the price
31 of the equipment. For purposes of this paragraph and paragraph (f)
32 of this subsection, "thermal styling equipment" means curling irons,
33 curling wands, flat irons, heated hair rollers, handheld blowdryers or
34 other devices using heat to style hair; and

35 (f) Persons whose practice for compensation is limited to event
36 styling. For purposes of this paragraph, "event styling" means apply-
37 ing facial cosmetic products to customers, arranging customers' hair
38 or using thermal styling equipment on customers' hair in preparation
39 for events including, but not limited to, weddings, dances, parties and
40 recitals.

41 (2) The provisions of section 54-513, Idaho Code, shall not apply to li-
42 censed parties performing barber or barber-styling services for persons un-

1 able by reason of ill health or medical confinement to go to a barber estab-
2 lishment.

3 SECTION 2. That Section 54-513, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-513. PERFORMANCE OF SERVICES TO BE LIMITED TO LICENSED SHOPS AND
6 SCHOOLS OR COLLEGES. (1) It shall be unlawful to practice barbering or bar-
7 ber-styling in other than a properly licensed barbershop or barber school
8 or college except that the holder of a license issued pursuant to this chap-
9 ter may practice in a properly licensed cosmetology shop and except that a
10 licensed barber instructor may practice in a properly licensed cosmetology
11 school.

12 (2) A person licensed under this chapter may practice event styling
13 or demonstrate the use of thermal styling equipment, as defined in section
14 54-504, Idaho Code, away from licensed premises.

15 SECTION 3. That Section 54-803, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-803. REGULATION OF COSMETOLOGICAL ESTABLISHMENTS. Every estab-
18 lishment licensed under the provisions of this chapter shall meet the
19 following requirements:

20 (1) It shall be unlawful to practice any of the occupations licensed un-
21 der this chapter except in a place or establishment licensed therefor, or li-
22 censed under the provisions of chapter 5, title 54, Idaho Code; provided how-
23 ever, that a person licensed under this chapter may practice event styling
24 or demonstrate the use of thermal styling equipment, as defined in section
25 54-804, Idaho Code, away from licensed premises.

26 (2) It shall be unlawful for any person to employ, or to allow to be
27 employed, in or about an establishment licensed under the provisions of this
28 chapter, any person not duly licensed under the provisions of this chapter
29 except a registered barber holding a valid, unrevoked license practicing
30 barbering.

31 (3) Where a licensed cosmetological establishment is located in or as
32 a part of a home or other building containing living quarters, the portions
33 thereof which are used for the licensed practice of cosmetology shall not be
34 used as living, dining, or sleeping quarters.

35 SECTION 4. That Section 54-804, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 54-804. EXEMPTIONS. The provisions of this chapter shall not apply in
38 the following instances:

39 (1) Persons authorized by the laws of this state to practice as a nurse
40 or any of the healing arts, while in the proper discharge of their profes-
41 sional duties.

42 (2) Persons licensed to practice barbering or barber-styling in this
43 state.

1 However, the provisions of this section shall not be construed to autho-
2 rize the practice of cosmetology, except those acts that are permitted under
3 the Idaho barber law.

4 (3) Persons practicing in their own home without compensation, and not
5 practicing on the public in general.

6 (4) Persons practicing on a relative without compensation.

7 (5) The provisions of section 54-803(1), Idaho Code, shall not apply to
8 licensed parties performing cosmetological services for persons unable by
9 reason of ill health, medical confinement or involuntary incarceration to go
10 to a cosmetological establishment.

11 (6) The provisions of section 54-803(1), Idaho Code, shall not apply to
12 licensed electrologists or licensed estheticians practicing electrology or
13 esthetics under the supervision of a person licensed as a chiropractor, den-
14 tist, medical doctor or podiatrist at a facility utilized by the doctor.

15 (7) Persons whose practice is limited to the facial application of cos-
16 metic products to customers in connection with the sale, or attempted sale,
17 on the premises of a retail cosmetics dealer, of cosmetic products at retail,
18 without compensation from the customer other than the regular price of the
19 merchandise.

20 (8) Employees or owners of businesses that offer thermal styling equip-
21 ment for sale at retail who demonstrate use of thermal styling equipment
22 on customers' hair in connection with the sale or attempted sale of such
23 equipment, without compensation from the customer other than the price of
24 the equipment. For purposes of this subsection and subsection (9) of this
25 section, "thermal styling equipment" means curling irons, curling wands,
26 flat irons, heated hair rollers, handheld blowdryers or other devices using
27 heat to style hair.

28 (9) Persons whose practice for compensation is limited to event
29 styling. For purposes of this subsection, "event styling" means applying
30 facial cosmetic products to customers, arranging customers' hair or using
31 thermal styling equipment on customers' hair in preparation for events in-
32 cluding, but not limited to, weddings, dances, parties and recitals.

33 SECTION 5. An emergency existing therefor, which emergency is hereby
34 declared to exist, the provisions of this act shall be in full force and ef-
35 fect on and after this act's passage and approval.

36 SECTION 6. The provisions of this act shall be null, void and of no force
37 and effect on and after July 1, 2017.