

Dear Senators TIPPETS, Patrick, Schmidt, and
Representatives HENDERSON, Thompson, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Bureau of Occupational Licenses :

IDAPA 24.02.01 - Rules Pertaining To The Board of Barber Examiners - Proposed Rule (Docket
No. 24-0201-1401);

IDAPA 24.04.01 - Rules Pertaining To The Idaho Board of Cosmetology - Proposed Rule (Docket
No. 24-0401-1401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/27/2014. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/25/2014.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Legislative Research Analyst - Elizabeth Bowen

DATE: October 07, 2014

SUBJECT: Bureau of Occupational Licenses

IDAPA 24.02.01 - Rules Pertaining To The Board of Barber Examiners - Proposed Rule (Docket No. 24-0201-1401)

IDAPA 24.04.01 - Rules Pertaining To The Idaho Board of Cosmetology - Proposed Rule (Docket No. 24-0401-1401)

(1) IDAPA 24.02.01 - Rules Pertaining To The Board of Barber Examiners - Proposed Rule (Docket No. 24-0201-1401)

The Board of Barber Examiners submits notice of proposed rulemaking at IDAPA 24.02.01. The proposed rule simplifies and clarifies licensing procedures that allow licensees to practice as independent contractors. Additionally, the rule updates language relating to sanitation and safety standards.

There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted; however, the Board consulted with interested parties in developing the rule, which is consistent with Board's authority under Section 54-521, Idaho Code.

(2) IDAPA 24.04.01 - Rules Pertaining To The Idaho Board of Cosmetology - Proposed Rule (Docket No. 24-0401-1401)

The Board of Cosmetology submits notice of proposed rulemaking at IDAPA 24.04.01. The proposed rule simplifies and clarifies licensing procedures that allow licensees to practice as independent contractors.

There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted; however, the Board consulted with interested parties in developing the rule, which is consistent with the Board's authority under Section 54-831, Idaho Code.

cc: Bureau of Occupational Licenses - Idaho Board of Cosmetology
Tana Cory

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.02.01 - RULES OF THE BOARD OF BARBER EXAMINERS

DOCKET NO. 24-0201-1401

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-521, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rules are being updated to simplify and clarify the licensing of contiguous barber shops which allows a licensee to practice as an independent contractor. Currently a license is issued to the space or station within a primary barber shop and a new application is required if the licensee changes the space they are working in. The updates will allow the issuance of a contiguous barber shop license to the address of the primary shop which will allow licensees to move their workspace within the primary shop without reapplying for a new license. The sanitation rules are also being updated to standardize the inspection process.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rules of the Idaho Board of Barber Examiners are being updated to simplify and clarify the licensing of contiguous shops which allows a licensee to practice as an independent contractor. The change will allow a contiguous barber shop license to be issued to the location address of the primary shop rather than a specific station within the primary barber shop. The Board has worked with interested parties including licensees, representatives from the Idaho Department of Labor and the Industrial Commission in order to protect a contiguous licensee's independent contractor status.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 28th Day of August, 2014.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P O Box 83720
Boise, ID 83720-0063
Tel: (208) 334-3233 / Fax: (208) 334-3945

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0201-1401
(Only those Sections being amended are shown.)

010. DEFINITIONS (RULE 10).

- 01. Approved or Approval.** Approved by or approval of the Board as evidenced by formal action of the Board by a written instrument signed by the chairman of the Board or its agent. (3-13-02)
- 02. Barber College.** A school or college approved by the Board to teach the practice of barbering as required by Section 54-507, Idaho Code, and these rules. (3-13-02)
- 03. Board.** The Board of Barber Examiners as prescribed in Section 54-521, Idaho Code. (7-1-93)
- 04. First Aid Kit.** First-aid kit means an identifiable assortment of medical supplies, including adhesive bandages, skin antiseptic, disposable gloves, and gauze, which may be used for cleaning and protecting minor emergency traumas of the human body. (3-13-02)
- 05. Hospital Grade.** Hospital Grade means a sanitizing agent registered by the Environmental Protection Agency as an effective germicidal/bactericidal, fungicidal, and virucidal disinfectant when used in accordance with the manufacturer's instructions. (7-1-98)
- 06. Practice of Barbering.** Practice of barbering as defined by Section 54-502(2), Idaho Code. (3-13-02)
- 07. Practice of Barber-Styling.** Practice of Barber-Styling as defined by Section 54-502(1), Idaho Code or under the supervision of an instructor as provided in Section 54-507, Idaho Code. (3-13-02)
- 08. Barber.** Any person who holds a valid license authorizing said person to practice as a barber pursuant to Section 54-501, Idaho Code. (3-13-02)
- 09. Barber-Stylist.** Any person who holds a valid license authorizing said person to practice as a barber-stylist pursuant to Section 54-501, Idaho Code. (3-13-02)
- 10. Barber Teacher or Instructor.** Any person who holds a valid license pursuant to Section 54-502, Idaho Code, authorizing said person to teach or practice barbering and barber-styling. The words "Teacher" and "Instructor" mean the same and are used synonymously. (5-8-09)
- 11. Theoretical Scientific Study.** The study of theoretical subjects of instruction in the practice of barbering which shall include the subjects set forth in Section 54-507, Idaho Code. (7-1-93)
- 12. Barber Shop.** Any establishment licensed pursuant to Section 54-501, Idaho Code, in which barbering or barber-styling is practiced. (3-13-02)
- 13. Access.** For the purpose of licensed ~~establishments~~ **shops**, access shall be defined as a minimum three (3) foot wide unobstructed path within a primary ~~establishment~~ **shop** that allows passage to and from entrances, common areas, water sources, restrooms, and contiguous ~~establishments and does not encroach on or overlap any contiguous establishment~~ **shops**. (3-13-02)()
- 14. Direct Personal Supervision.** Direct personal supervision shall be defined as supervision by a properly licensed person who is physically present within the licensed area of a school or shop. (3-13-02)
- 15. Bureau.** The Bureau of Occupational Licenses as prescribed in Sections 54-605 and 67-2602, Idaho Code. (3-13-02)

(BREAK IN CONTINUITY OF SECTIONS)

450. BARBER SHOP REQUIREMENTS (RULE 450).

Except as otherwise provided in statute, a duly licensed individual must practice within a licensed barber shop. A barber shop may be licensed as a primary shop or a contiguous shop that operates within a primary shop. ()

01. Primary Shop, Licensure and Operation Requirements. A primary shop license may be issued and annually renewed only under the following conditions: (7-1-93)()

a. Application for a primary shop license shall be made on forms available from the Bureau and shall include plans and specifications complying with the Board's sanitation requirements, local ordinances, and zoning requirements. All applications shall be submitted to the Idaho Barber Board for approval and a license must be issued before a new shop may open for business; (3-13-02)()

b. There is a clearly defined and designated working floor space of adequate dimension to allow the safe and sanitary practice of barbering or barber-styling for all individual stations that may be in operation in addition to any restroom and access areas; (3-13-02)

c. Business other than cosmetology, ~~or~~ barber shops, ~~and~~ ~~or~~ living quarters shall be separated by ~~solid and immovable walls or partitions and solid closable doors~~ substantial partitions not less than 7 feet high or a complete wall and a closable door separating the business and domestic areas. Doors of separation shall remain closed at all times; (3-13-02)()

d. There is an approved hot and cold running water source and drainage system(s) within the perimeters of the primary shop, ~~and which is~~ separate from the toilet facilities, ~~that is~~ The source and drainage system shall be accessible and available also to any areas designated for the operation of contiguous cosmetology or barber shops ~~that may not have said facility within~~ when the defined designated area of the for a contiguous shop does not contain a separate approved hot and cold running water source and drainage system; (3-13-02)()

~~**e.** The primary shop area does not overlap any portion of a contiguous or other primary shop designated area;~~ (3-13-02)

f. There is access to restroom~~s~~ facilities from within the building in which the shop is located~~;~~ and which shall be accessible from the primary area to all areas designated for the operation of contiguous shops; (3-13-02)()

g. Home shops must provide a separate outside entrance directly into the shop. All doors to a shop from adjacent rooms shall be closed~~;~~; (7-1-93)()

g. Any areas designated by the primary shop for the operation of contiguous shops shall be clearly defined, fixed, and shall provide adequate dimension to allow the safe and sanitary practice of any one (1) or combination of the allowed and defined practices for all stations that may be operated in that area; and ()

h. The holder of the primary shop license will be responsible for complying with the sanitation requirements and all other applicable statutes and rules for the designated licensed area of the primary shop, including access pathways, entrances, common areas, water sources, and restrooms. ()

02. Contiguous Shop, Licensure and Operation Requirements. A contiguous shop license may be issued and annually renewed only under the following conditions: (7-1-93)()

a. Application for a contiguous shop license shall be made on forms available from the Bureau ~~and shall include plans and specifications complying with local ordinances and zoning requirements~~. All applications shall be submitted to the Idaho Barber Board for approval and a license must be issued before a new shop may open for business~~;~~; (3-13-02)()

~~b. The area licensed as a contiguous shop shall be contiguous by a minimum three (3) foot access to an area licensed as a primary cosmetology establishment or primary barber shop. The contiguous shop is associated with a currently licensed primary shop and a holder of the primary shop license provides proof that the primary shop is located and equipped to meet the sanitary requirements and rules of the Board;~~ (3-13-02)()

~~c. The licensed contiguous shop area shall not overlap any portion of another contiguous shop designated area~~ The contiguous shop shall only operate in the contiguous shop designated areas within the associated primary shop. (3-13-02)()

~~d. The licensed contiguous shop area shall provide adequate dimension to allow the safe and sanitary practice of barbering or barber styling for all individual stations that may be in operation~~ The holder of the contiguous shop license will be responsible for complying with the sanitation requirements and all other applicable statutes and rules for the contiguous designated area where it operates. (3-13-02)()

~~e. There is access to restrooms from within the building.~~ (7-1-93)

03. Barber Shop Changes in Ownership or Location. (3-13-02)

a. Whenever a change of ownership or fixed location of a primary or contiguous barber shop occurs, an original registration fee must be paid and compliance with all rules concerning a new ~~establishment~~ shop met, before a new license will be issued. SHOP LICENSES ARE NOT TRANSFERABLE. (3-13-02)()

b. Deletion of an owner from multiple ownership does not constitute a change in ownership. (7-1-93)

c. Addition of an owner to multiple ownership constitutes a change in ownership. (7-1-93)

d. Whenever any shop ceases operation at the licensed location, the ~~owner~~ holder(s) of the license shall notify the Board in writing that the shop is out of business and the ~~establishment~~ shop license shall be submitted to the Bureau. In addition, for a contiguous shop license, a holder of the associated primary shop license may notify the Board in writing that the contiguous shop is out of business. A new primary or contiguous establishment license will not be issued for any location that is currently licensed as an establishment at the time of application. (3-13-02)()

e. A new primary shop license will not be issued for any location that is currently licensed as a primary shop at the time of application. ()

(BREAK IN CONTINUITY OF SECTIONS)

550. INSPECTION AND SANITARY RULES. (RULE 550).

Each cosmetological establishment and school of cosmetology and barber shop and school of barbering is subject to inspection by agents of the board or bureau in accordance with the following rules (reference Section 54-824, and 54-524, Idaho Code). Grade score is indicated by number following rule. (7-1-93)

01. Premises. All shops and schools shall be open to inspection during business hours to authorized agents of the Cosmetology/Barber Boards. Shops and schools must be separated from living areas by substantial walls and/or closable doors. All shops and schools must be maintained in an orderly manner and shall be heated, lighted, and ventilated so as to be safe and comfortable to the operators and patrons. Score - 5 (7-1-98)

02. Floors, Walls, and Ceilings. Floors, walls, ceilings, furniture, and all other fixtures shall be kept clean and in good repair at all times. Score - 5 (7-1-98)

03. Instrument Cleaning. All instruments used by operators shall be thoroughly cleaned after each use and prior to storage and/or sanitation. Score - 15 (7-1-98)

04. Instrument Sanitation. All instruments used by operators shall be sanitized, after cleaning and prior to use on the public, with a sanitizing agent registered by the Environmental Protection Agency as Hospital Grade or better. Every precaution shall be taken to prevent the transfer of disease-causing pathogens from person to person. Score - 15 (7-1-98)()

05. Towels. Clean towels shall be used for each patron served. A clean paper or cloth neckband shall be used to provide a sanitary barrier which shall be maintained between each patron's neck and all multi-use capes. Paper towels and paper neckstrips shall be disposed of after one (1) use. Score - 5 (7-1-98)

06. Storage of Equipment. All instruments, towels, and linens shall be stored in clean, closed cabinets, drawers, and/or containers after they are cleaned and sanitized. Score - 5 (7-1-98)

07. Dispensers. All solutions and/or compounds shall be clearly labeled, maintained, and dispensed in a sanitary manner. All single-use applicators shall be disposed of after one (1) use. Paraffins, waxes, and all other solutions and/or compounds shall be maintained free of any foreign contaminants. Score - 5 (7-1-98)()

08. Uniforms. All clothing worn by operators shall be clean and washable. Score - 5 (7-1-98)

09. Water Supply. Water supplies shall be from an approved source. Sufficient basins with hot and cold running water, approved drainage systems, soap and single-use towels shall be conveniently located within the work area. Every operator and/or student shall wash their hands prior to providing service to any patron. Score - 10 (7-1-98)

10. Toilet Facilities. Clean adequate and convenient toilet facilities located and accessible from within the building where the shop or school is located, shall be available for use by operators and patrons. A basin with hot and cold running water, approved drainage systems, soap and single-use towels shall be provided within said facilities. Score - 10 (7-1-98)

11. Safety. Each shop and school shall have a clearly identifiable first-aid kit readily accessible on the premises. No animals are allowed in shops or schools except ~~those animals~~ service dogs trained to ~~provide service to the physically impaired~~ do work or perform tasks for persons with disabilities. The definition of service animal and disabilities shall be as set forth in U.S. Department of Justice Regulations at 28 C.F.R. Section 36.104 effective March 15, 2011. Score - 5 (7-1-98)()

12. Licenses and Certificates. All shops and schools must be licensed prior to their operation and must be under the direct supervision of a licensed operator. A current shop and/or school license, valid operator license(s) or permit(s), a copy of these sanitary rules, and a valid classification card shall be conspicuously displayed in the work area of each shop and/or school for the information of operators, board agents, and the public in general. Score - 15 (7-1-98)()

13. Classification of Shops and Schools. Following an inspection, each shop and school will receive classification as follows: 100% - 90% = "A"; 89% - 80% = "B"; 79% - 0% = "C." The "C" classification denotes an unacceptable rating and improvements are required within thirty (30) days for continued operation. (7-1-98)

IDAHO BOARD OF BARBER EXAMINERS
Bureau of Occupational Licenses
700 W. State Street
Boise, Idaho 83702

(7-1-93)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-1401

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-803 and 54-831, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rules are being updated to simplify and clarify the licensing of contiguous establishments which allows a licensee to practice as an independent contractor. Currently the licenses are issued to the space or station within a primary establishment and requires a new application if the licensee changes the space they are working in. The updates will allow the issuance of a contiguous license to the address of the primary establishment which will allow licensees to move their workspace within the primary establishment without reapplying for a new establishment license.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rules of the Idaho Board of Cosmetology are being updated to simplify and clarify the licensing of contiguous establishments which allows a licensee to practice as an independent contractor. The change will allow a contiguous establishment license to be issued to the location address of the primary establishment rather than a specific station within the primary establishment. The Board has worked with interested parties including licensees, representatives from the Idaho Department of Labor and the Industrial Commission in order to protect a contiguous licensee's independent contractor status.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 28th Day of August, 2014.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P O Box 83720
Boise, ID 83720-0063
Tel: (208) 334-3233 / Fax: (208) 334-3945

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0401-1401
(Only those Sections being amended are shown.)

300. LICENSURE AND OPERATION OF PRIMARY AND CONTIGUOUS ESTABLISHMENTS (RULE 300).

Except as otherwise provided in statute, a duly licensed individual must practice within a licensed cosmetological establishment. A cosmetological establishment may be licensed as a primary establishment or a contiguous establishment that operates within a primary establishment. ()

01. Applications. Application for establishment license shall be made on forms furnished by the Board. The fully completed application form, with the required fees, must be submitted to the Board and a license issued prior to the opening or operation of any cosmetological establishment. (7-1-97)

02. Primary Establishment License. A primary establishment license may be issued and annually renewed only under the following conditions: (7-1-97)()

a. Compliance with Subsection 300.01; and (7-1-97)

b. There is a clearly defined and designated working floor space of adequate dimension to allow the safe and sanitary practice of any one (1) or combination of defined practices of cosmetology for all individual stations that may be in operation in addition to any restroom and access areas; and (5-3-03)

c. There is an approved hot and cold running water source and drainage system that is available to any contiguous cosmetology establishment or barber shop that may exist; and must be within the perimeters of the licensed establishment and separate from the toilet facilities; and (7-1-97)()

~~**d.** The licensed area does not overlap any portion of a contiguous or other primary establishment designated area; and~~ (7-1-97)

ed. There are restroom facilities in the building in which the primary establishment is located and which shall be accessible from the primary area and to all areas designated for the operation of contiguous establishments. Said restroom facilities shall contain an approved hot and cold running water source and approved drainage system. Said water source shall be in addition to the work area facilities; and (4-9-09)()

fe. All primary areas shall be connected by an access area not less than three (3) feet wide and said access shall not be part of any contiguous establishment's designated area; and (7-1-97)()

f. Any areas designated by the primary establishment for the operation of contiguous establishments shall be clearly defined, fixed, and shall provide adequate dimension to allow the safe and sanitary practice of any one (1) or combination of the defined practices of cosmetology for all stations that may be operated in that area. ()

g. The holder of the primary establishment license will be responsible for complying with the sanitation requirements and all other applicable statutes and rules for the designated licensed area of the primary establishment, including areas that are cooperatively or jointly used as "common areas" such as shampoo bowls, restrooms, entrance or reception areas. ()

03. Contiguous Establishment License. A contiguous establishment license may be issued and annually renewed only under the following conditions: (7-1-97)()

a. Compliance with Subsection 300.01; and (7-1-97)

b. ~~The licensed area is contiguous to an area licensed as a primary cosmetology establishment or barber shop and which is accessible from the primary area by not less than a three (3) foot wide access area~~ The contiguous establishment is associated with a currently licensed primary establishment; and (7-1-97)()

~~c. The licensed area does not overlap any portion of a primary or other contiguous establishments' designated area. "Overlap" will not include the cooperative or joint use of "common areas" such as shampoo bowls, restrooms, entrance or reception areas or the like, which are physically located within the designated licensed area of the primary shop but which are not within the designated licensed area of any contiguous shop. As these common areas are within the designated area licensed by the primary establishment, the holder of the primary license will be responsible for any violations which occur there; and The contiguous establishment shall only operate in the contiguous establishment designated areas within the associated primary establishment. (7-1-97)()~~

~~d. The licensed contiguous shop area shall provide adequate dimension to allow the safe and sanitary practice of any one (1) or combination of the defined practices of cosmetology for all individual stations that may be in operation; and The holder of the contiguous establishment license will be responsible for complying with the sanitation requirements and all other applicable statutes and rules for the contiguous designated area where it operates. (5-3-03)()~~

~~e. There is access to restrooms from within the building. (7-1-97)~~

04. Businesses Other Than Cosmetological Establishments or Barber Shops. Businesses other than cosmetological establishments or barber shops, and living quarters shall be separate and apart. Home establishments must provide a separate outside entrance directly into the establishment and substantial partitions or walls shall extend from the floor to not less than seven (7) feet high, separating the establishment from adjoining rooms used for business or domestic purposes. All doors to an establishment from adjacent rooms shall be closed. (7-1-97)

05. Adequate Toilet Facilities. Adequate toilet facilities shall be conveniently located and accessible from within the building where the establishment is located. (7-1-97)

06. Conditions for Issuance. No cosmetological primary establishment license may be issued which includes or overlaps all or any portion of an existing establishment license. (7-1-97)()

301. COSMETOLOGICAL ESTABLISHMENT CHANGES IN - OWNERSHIP - LOCATION - LICENSURE REQUIREMENTS (RULE 301).

01. Change of Ownership or Location. Whenever a change of ownership or fixed location of an establishment occurs, an original license fee must be paid and compliance with all rules concerning a new establishment must be met, before a new license will be issued. ~~In the event of the relocation of a contiguous establishment within the same primary establishment, an original license fee shall not be required provided the contiguous establishment is currently licensed at the time of the relocation.~~ LICENSES ARE NOT TRANSFERABLE. (5-3-03)()

02. Board Must Be Informed of All Changes. The Board must be informed in writing of any and all changes of ownership and location of establishments. (5-3-03)

03. Deletion of an Owner. Deletion of an owner in a multiple ownership may be effected by filing a written statement with the Board signed by the person withdrawing and/or the remaining owner(s). (7-1-97)

04. Transfer of Owner. If the transfer involves change of corporate structure or deleting one (1) or more owners, a written notarized statement signed by all former owners as registered with the Board shall be accepted. If the existing establishment license has expired, the procedure as set forth in Subsection 300.01 shall be followed. (7-1-97)

05. Addition of an Owner. Addition of an owner to multiple ownership constitutes a change in ownership and the requirements for a new establishment apply. (7-1-97)

06. Supervision in an Establishment. A properly licensed establishment must operate under proper supervision, refer to Section 54-803, Idaho Code. (7-1-97)

07. Out of Business. Whenever any ~~shop~~ establishment ceases operation at the licensed location, the

owner(s) or authorized agent of the ~~shop~~ establishment shall notify the Board by submitting *either*: ~~(5-3-03)~~()

a. A signed letter advising that the ~~shop~~ establishment is out of business; or ~~(5-3-03)~~()

b. The establishment license bearing the signature of the owner(s) or authorized agent and marked out-of-business: ~~or~~ ~~(5-3-03)~~()

~~c. For a contiguous establishment license, a signed statement by the associated primary establishment advising that the contiguous establishment is out of business. ()~~

08. **License Status.** A new primary ~~or contiguous~~ establishment license will not be issued for any location that is currently licensed as ~~an~~ primary establishment at the time of application. ~~(5-3-03)~~()