

IN THE SENATE

SENATE BILL NO. 1354

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BARBER AND COSMETOLOGY SERVICES; AMENDING SECTION 54-5802,
2 IDAHO CODE, TO DEFINE TERMS, TO REMOVE A DEFINITION, AND TO REVISE
3 DEFINITIONS; AMENDING SECTION 54-5810, IDAHO CODE, TO ESTABLISH AN AP-
4 PRENTICESHIP PROGRAM FOR CERTAIN HIGH SCHOOL STUDENTS; AND DECLARING AN
5 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 54-5802, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-5802. DEFINITIONS. As used in this chapter:

11 (1) "Apprentice" means a person registered with the barber and cosme-
12 tology services licensing board to learn an occupation in a licensed estab-
13 lishment who, while so learning, performs or assists in performing any prac-
14 tices of barbering, barber-styling, cosmetology, or electrology.

15 (2) "Barber" means a person licensed to practice barbering as defined
16 in this section.

17 (3) "Barbering" means any one (1) or any combination of the following
18 practices when performed on the upper part of the human body for cosmetic
19 purposes and not for the treatment of disease or physical or mental ailments:

20 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-
21 ing, cleansing, singeing or performing similar work on the hair;

22 (b) Fitting, cutting or dressing hairpieces or toupees;

23 (c) Giving facial and scalp massages or treatments with oils, creams,
24 lotions or other preparations, either by hand or by a mechanical appli-
25 ance; and

26 (d) Applying cosmetic preparations, antiseptics, powders, oils, clays
27 or lotions to the scalp, face, and neck.

28 (4) "Barber-styling" means any one (1) or any combination of the fol-
29 lowing practices when performed on the upper part of the human body for cos-
30 metic purposes and not for the treatment of disease or physical or mental
31 ailments:

32 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-
33 ing, waving by any method, straightening, cleansing, singeing, bleach-
34 ing, coloring or performing similar work on the hair;

35 (b) Fitting, cutting or dressing hairpieces or toupees;

36 (c) Giving facial and scalp massages or treatments with oils, creams,
37 lotions or other preparations, either by hand or by a mechanical appli-
38 ance; and

39 (d) Applying cosmetic preparations, antiseptics, powders, oils, clays
40 or lotions to the scalp, face, and neck.

41 (5) "Barber-stylist" means a person licensed to practice bar-
42 ber-styling as defined in this section.

1 (6) "Board" means the barber and cosmetology services licensing board
2 established by section 54-5806, Idaho Code.

3 (7) ~~"Bureau" means the bureau of occupational licenses.~~

4 ~~(8) "Cosmetologist" means a person licensed to practice cosmetology as~~
5 defined in this section.

6 (98) "Cosmetology" means any one (1) or any combination of the follow-
7 ing practices when performed on the human body for cosmetic purposes and not
8 for the treatment of disease or physical or mental ailments:

9 (a) Cutting, trimming, arranging, dressing, curling, waving by any
10 method, cleansing, singeing, bleaching, coloring or performing similar
11 work on the hair;

12 (b) Fitting, cutting or dressing hairpieces or toupees;

13 (c) Noninvasive care of the skin by application of cosmetic prepa-
14 rations, antiseptics, tonics, lotions, creams and essential oils
15 to cleanse, massage, exfoliate, hydrate and stimulate; makeup ap-
16 plication; pore extraction; use of chemical exfoliants approved for
17 professional esthetic use; particle exfoliation; use of any class I
18 medical device, as classified by the United States food and drug admin-
19 istration, designed for care of the skin, except that a class II medical
20 device designed for care of the skin may be used as directed and super-
21 vised by an authorized and licensed health care practitioner; temporary
22 removal of superfluous hair by lotions, creams, waxing, tweezing, de-
23 pilatories or other means; and tinting or perming the eyebrows and
24 eyelashes; and

25 (d) Manicuring and pedicuring nails and applying artificial nails.

26 (9) "Division" means the division of occupational and professional li-
27 censes.

28 (10) "Electrologist" means a person licensed to practice electrology,
29 as defined in this section, and skilled in the permanent removal of unwanted
30 hair.

31 (11) "Electrology" or "electrolysis" means the permanent removal of
32 hair by destroying the hair-producing cells of the skin and vascular system
33 through the use of equipment and devices approved by and registered with the
34 United States food and drug administration.

35 (12) "Establishment" means a place licensed under this chapter, other
36 than a licensed school, where barbering, barber-styling, cosmetology or
37 electrology is practiced.

38 (13) "Esthetician" means a person licensed to practice esthetics as de-
39 fined in this section.

40 (14) "Esthetics" means noninvasive care of the skin by application of
41 cosmetic preparations, antiseptics, tonics, lotions, creams and essential
42 oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup applica-
43 tion; pore extraction; use of chemical exfoliants approved for professional
44 esthetic use; particle exfoliation; use of any class I medical device, as
45 classified by the United States food and drug administration, designed for
46 care of the skin, except that a class II medical device designed for care
47 of the skin may be used as directed and supervised by an authorized and li-
48 censed health care practitioner; temporary removal of superfluous hair by
49 lotions, creams, waxing, tweezing, depilatories or other means; and tinting
50 or perming the eyebrows and eyelashes.

1 (15) "Haircutting" means cutting, trimming, arranging, dressing, curl-
 2 ing, cleansing, singeing or performing similar work on the hair and fitting,
 3 cutting or dressing hairpieces or toupees.

4 (16) "High school student" means a person who has completed the first
 5 two (2) years of high school and is enrolled in a high school or secondary
 6 school licensed under this chapter.

7 (17) "Instructor" means a person licensed under this chapter to prac-
 8 tice and teach any practice defined in this section.

9 (178) "Instructor trainee" means a barber, barber-stylist or cosmetol-
 10 ogist attending a licensed school to receive training to teach barbering,
 11 barber-styling or cosmetology.

12 (189) "Licensed school" means a secondary or postsecondary barber, cos-
 13 metology, or electrology school that:

14 (a) Is licensed under its official name by the barber and cosmetology
 15 services licensing board; and

16 (b) Admits as students only those individuals who meet the requirements
 17 of ~~paragraphs (a) and (b) of~~ section 54-5810(1) (b), Idaho Code.

18 ~~(1920)~~ "Makeover or glamour photography business" means a business of-
 19 fering photographic services to the general public in which the business's
 20 employees apply cosmetic products to customers' faces or arrange the hair of
 21 customers in connection with the sale or attempted sale of photographic ser-
 22 vices.

23 (201) "Makeup artist" means a person certificated to practice makeup
 24 artistry as defined in this section.

25 (212) "Makeup artistry" means noninvasive care of the skin by applica-
 26 tion of cosmetic preparations for cleansing and the application of makeup,
 27 which includes the application of cosmetics or any pigment product that is
 28 used to cover, camouflage or decorate the skin.

29 (223) "Nail technician" means a person licensed to practice nail tech-
 30 nology as defined in this section.

31 (234) "Nail technology" means any one (1) or more of the following prac-
 32 tices when performed on the human body:

33 (a) Manicuring and pedicuring nails;

34 (b) Applying artificial nails; and

35 (c) Massaging the hands and feet.

36 (245) "Retail cosmetics dealer" means a stationary business offering
 37 cosmetic products for sale at retail to the general public, in which the
 38 business's employees apply cosmetic products to customers' faces in connec-
 39 tion with the sale or attempted sale of the products without compensation
 40 from the customer other than the regular price of the products.

41 (256) "Retail thermal styling equipment dealer" means a retail business
 42 that offers thermal styling equipment, such as curling irons, curling wands,
 43 flat irons, heated hair rollers, blow-dryers or other devices using heat to
 44 style hair, for sale at retail to members of the general public and whose em-
 45 ployees engage in the limited use of thermal styling equipment on customers
 46 in connection with the sale or attempted sale of the equipment without com-
 47 pensation from the customer other than the regular price of the equipment.

48 (267) "Student" means a person learning barbering, barber-styling,
 49 cosmetology or electrology at a licensed school who, while so learning, per-

1 forms or assists in performing any practices of barbering, barber-styling,
2 cosmetology or electrology.

3 SECTION 2. That Section 54-5810, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-5810. QUALIFICATIONS FOR LICENSURE -- INSTRUCTORS -- APPRENTICES
6 -- STUDENTS. (1) To qualify for licensure under this chapter, an applicant
7 for licensure must:

8 (a) Be at least sixteen and one-half (16 1/2) years of age at the time of
9 application;

10 (b) Have completed at least two (2) years of high school or have at-
11 tained an equivalent education as determined by the board;

12 (c) Pass an examination for the occupation in which the applicant is
13 seeking licensure, which examination shall be conducted or approved by
14 the board; and

15 (d) Prove to the satisfaction of the board that the applicant has not
16 engaged in conduct that would constitute grounds for discipline under
17 section 54-5823, Idaho Code.

18 (2) Except as otherwise provided, and in addition to the requirements
19 listed in subsection (1) of this section, an applicant for licensure:

20 (a) As a barber, must have:

21 (i) Completed and graduated from a course of instruction of at
22 least nine hundred (900) hours in a barber school approved by the
23 board; or

24 (ii) Completed at least one thousand eight hundred (1,800) hours
25 as an apprentice in an apprenticeship that covered all aspects of
26 the practice of barbering;

27 (b) As a barber-stylist, must have:

28 (i) Completed and graduated from a course of instruction of at
29 least one thousand five hundred (1,500) hours in a barber school
30 approved by the board; or

31 (ii) Completed at least three thousand (3,000) hours as an appren-
32 tice in an apprenticeship that covered all aspects of the practice
33 of barber-styling;

34 (c) As a cosmetologist, must have:

35 (i) Completed and graduated from a course of instruction of at
36 least one thousand six hundred (1,600) hours in a cosmetology
37 school approved by the board; or

38 (ii) Completed at least three thousand two hundred (3,200) hours
39 as an apprentice in an apprenticeship that covered all aspects of
40 the practice of cosmetology;

41 (d) As an electrologist, must have:

42 (i) Completed and graduated from a course of instruction of at
43 least six hundred (600) hours in a school approved by the board; or

44 (ii) Completed at least one thousand two hundred (1,200) hours as
45 an apprentice in a cosmetology establishment under the direct per-
46 sonal supervision of a licensed electrologist instructor;

47 (e) As an esthetician, must have:

48 (i) Completed and graduated from a course of instruction of at
49 least six hundred (600) hours in a school approved by the board; or

- 1 (ii) Completed at least one thousand two hundred (1,200) hours
 2 as an apprentice in a cosmetology establishment under the direct
 3 personal supervision of a licensed cosmetology instructor. Such
 4 establishment must have at least one (1) licensed esthetician
 5 on-site in accordance with board rules; and
- 6 (f) As a nail technician, must have:
- 7 (i) Completed and graduated from a course of instruction of at
 8 least four hundred (400) hours in a school approved by the board;
 9 or
- 10 (ii) Completed at least eight hundred (800) hours as an apprentice
 11 in a cosmetology establishment under the direct personal super-
 12 vision of a licensed cosmetology instructor. Such establishment
 13 shall have at least one (1) licensed nail technician on-site in ac-
 14 cordance with board rules.
- 15 (3) To qualify as an instructor of barbering, barber-styling, cosme-
 16 tology, electrology, esthetics, or nail technology, an applicant must:
- 17 (a) Hold a current license in the profession or closely related profes-
 18 sion, as determined by the board, for which the applicant seeks to in-
 19 struct;
- 20 (b) Have worked for at least five (5) of the last seven (7) years as a li-
 21 censed barber, barber-stylist, cosmetologist, electrologist, estheti-
 22 cian, or nail technician, or have satisfactorily completed:
- 23 (i) A minimum six (6) month teacher's course of instruction in one
 24 (1) of the specialties described in this subsection; or
- 25 (ii) A minimum three (3) month teacher's course of instruction in
 26 a school of one (1) of the specialties described in this subsec-
 27 tion, if the applicant has at least two (2) years of experience as
 28 a licensee in one (1) of the specialties described in this subsec-
 29 tion; and
- 30 (c) Have completed twelve (12) college credit hours or equivalent edu-
 31 cation, as determined by the board, or pass an examination approved by
 32 the board.
- 33 (4) To be qualified to hold an apprenticeship for purposes of this chap-
 34 ter, a person must:
- 35 (a) Meet the qualifications set forth in paragraphs (a), (b), and (d) of
 36 subsection (1) of this section; and
- 37 (b) Be registered as an apprentice with the board.
- 38 (5) To be considered a student for purposes of this chapter, a person
 39 must:
- 40 (a) Meet the qualifications set forth in paragraphs ~~(a)~~ and (b) of sub-
 41 section (1) of this section; and
- 42 (b) Be registered as a student in a licensed barber school or cosmetol-
 43 ogy school.
- 44 (6) A high school student enrolled in a licensed school may be under
 45 sixteen and one-half (16 1/2) years of age while accruing the course of in-
 46 struction hours required for licensure.

47 SECTION 3. An emergency existing therefor, which emergency is hereby
 48 declared to exist, this act shall be in full force and effect on and after
 49 July 1, 2022.