

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 120

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE BARBER AND COSMETOLOGY SERVICES ACT; AMENDING SECTION  
2 54-5802, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 54-5805,  
3 IDAHO CODE, TO REMOVE A PROVISION REGARDING REGISTERED THERMAL STYLING  
4 EQUIPMENT DEALERS AND TO MAKE A TECHNICAL CORRECTION; REPEALING SEC-  
5 TION 54-5813, IDAHO CODE, RELATING TO REGISTRATION FOR RETAIL THERMAL  
6 STYLING EQUIPMENT DEALERS; AMENDING SECTION 54-5818, IDAHO CODE, TO  
7 REMOVE PROVISIONS REGARDING RETAIL THERMAL STYLING EQUIPMENT DEALERS;  
8 AMENDING SECTION 54-5826, IDAHO CODE, TO REMOVE PROVISIONS REGARDING  
9 RETAIL THERMAL STYLING EQUIPMENT DEALERS; AND DECLARING AN EMERGENCY  
10 AND PROVIDING AN EFFECTIVE DATE.  
11

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

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

15 54-5802. DEFINITIONS. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (7) "Cosmetologist" means a person licensed to practice cosmetology as  
11 defined in this section.

12 (8) "Cosmetology" means any one (1) or any combination of the following  
13 practices when performed on the human body for cosmetic purposes and not for  
14 the treatment of disease or physical or mental ailments:

15 (a) Cutting, trimming, arranging, dressing, curling, waving by any  
16 method, cleansing, singeing, bleaching, coloring or performing similar  
17 work on the hair, except as provided for in subsection (26) of this sec-  
18 tion;

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

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

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

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

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

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

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

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

47 (14) "Esthetics" means noninvasive care of the skin by application of  
48 cosmetic preparations, antiseptics, tonics, lotions, creams and essential  
49 oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup applica-  
50 tion; pore extraction; use of chemical exfoliants approved for professional

1 esthetic use; particle exfoliation; use of any class I medical device, as  
2 classified by the United States food and drug administration, designed for  
3 care of the skin, except that a class II medical device designed for care  
4 of the skin may be used as directed and supervised by an authorized and li-  
5 censed health care practitioner; temporary removal of superfluous hair by  
6 lotions, creams, waxing, tweezing, depilatories or other means; and tinting  
7 or perming the eyebrows and eyelashes.

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

11 (16) "Hairpieces or toupees" means a full or partial head covering that  
12 is made from natural or synthetic hair that is affixed to a person's scalp,  
13 hair, or head with an adhesive agent such as glue, tape, keratin bonds, fu-  
14 sion bonds, or other bonding agent, and is worn during activities such as  
15 sleep, exercise, and bathing.

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

19 (18) "Instructor" means a person licensed under this chapter to prac-  
20 tice and teach any practice defined in this section.

21 (19) "Instructor trainee" means a barber, barber-stylist or cosmetol-  
22 ogist attending a licensed school to receive training to teach barbering,  
23 barber-styling or cosmetology.

24 (20) "Licensed school" means a secondary or postsecondary barber, cos-  
25 metology, or electrology school that:

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

28 (b) Admits as students only those individuals who meet the requirements  
29 of section 54-5810(1)(b), Idaho Code.

30 (21) "Makeover or glamour photography business" means a business offer-  
31 ing photographic services to the general public in which the business's em-  
32 ployees apply cosmetic products to customers' faces or arrange the hair of  
33 customers in connection with the sale or attempted sale of photographic ser-  
34 vices.

35 (22) "Makeup artist" means a person certificated to practice makeup  
36 artistry as defined in this section.

37 (23) "Makeup artistry" means noninvasive care of the skin by applica-  
38 tion of cosmetic preparations for cleansing and the application of makeup,  
39 which includes the application of cosmetics or any pigment product that is  
40 used to cover, camouflage or decorate the skin.

41 (24) "Nail technician" means a person licensed to practice nail tech-  
42 nology as defined in this section.

43 (25) "Nail technology" means any one (1) or more of the following prac-  
44 tices when performed on the human body:

45 (a) Manicuring and pedicuring nails;

46 (b) Applying artificial nails; and

47 (c) Massaging the hands and feet.

48 (26) "Natural hair braiding" means the service of twisting, wrapping,  
49 weaving, extending, locking, or braiding hair by hand or with a mechanical  
50 device.

1 (a) "Natural hair braiding" includes:

2 (i) The use of natural or synthetic hair extensions, natural or  
3 synthetic hair and fibers, and decorative beads and other hair ac-  
4 cessories;

5 (ii) Minor trimming of natural hair or hair extensions incidental  
6 to twisting, wrapping, weaving, extending, locking, or braiding  
7 hair;

8 (iii) The making of wigs from natural hair, natural fibers, syn-  
9 thetic fibers, and hair extensions; and

10 (iv) The use of topical agents, such as conditioners, gels,  
11 moisturizers, oils, pomades, and shampoos, in conjunction with  
12 performing services under subparagraphs (i) or (ii) of this para-  
13 graph.

14 (b) "Natural hair braiding" does not include:

15 (i) The application of dyes, reactive chemicals, or other prepa-  
16 rations to alter the color of the hair or to straighten, curl, or  
17 alter the structure of the hair; or

18 (ii) The use of chemical hair joining agents, such as synthetic  
19 tape, keratin bonds, or fusion bonds.

20 (27) "Retail cosmetics dealer" means a stationary business offering  
21 cosmetic products for sale at retail to the general public in which the busi-  
22 ness's employees apply cosmetic products to customers' faces in connection  
23 with the sale or attempted sale of the products without compensation from the  
24 customer other than the regular price of the products.

25 ~~(28) "Retail thermal styling equipment dealer" means a retail business~~  
26 ~~that offers thermal styling equipment, such as curling irons, curling wands,~~  
27 ~~flat irons, heated hair rollers, blow-dryers or other devices using heat to~~  
28 ~~style hair, for sale at retail to members of the general public and whose em-~~  
29 ~~ployees engage in the limited use of thermal styling equipment on customers~~  
30 ~~in connection with the sale or attempted sale of the equipment without com-~~  
31 ~~ensation from the customer other than the regular price of the equipment.~~

32 ~~(29) (28) "Student" means a person learning barbering, barber-styling,~~  
33 ~~cosmetology or electrology at a licensed school who, while so learning, per-~~  
34 ~~forms or assists in performing any practices of barbering, barber-styling,~~  
35 ~~cosmetology or electrology.~~

36 ~~(30) (29) "Wig" means a removable head covering that is made from nat-~~  
37 ~~ural hair, natural fibers that resemble hair, or synthetic fibers that re-~~  
38 ~~semble hair. A wig is not affixed to a person's scalp or hair using an adhe-~~  
39 ~~sive agent such as glue, tape, keratin bonds, fusion bonds, or other bonding~~  
40 ~~agent.~~

41 SECTION 2. That Section 54-5805, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 54-5805. EXEMPTIONS FROM LICENSURE. The licensing, certification,  
44 and registration provisions of this chapter shall not apply to the follow-  
45 ing:

46 (1) Persons authorized by the laws of this state to practice as a nurse  
47 or to practice any of the healing arts while in the proper discharge or dele-  
48 gation of their professional duties.

1 (2) Persons who provide on-site personal care or hygiene services, in-  
2 cluding shaving; trimming of hair, beard, or mustache; washing, brushing, or  
3 combing hair; and basic skin care and nail care, to residents at facilities  
4 licensed under the department of health and welfare, division of licensing  
5 and certification.

6 (3) Persons practicing in their own home without compensation who are  
7 not practicing on the public in general.

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

9 (5) Persons whose practice is limited to the facial application of cos-  
10 metic products to customers in connection with the sale or attempted sale of  
11 cosmetic products on the premises of a retail cosmetics dealer without com-  
12 pensation from the customer other than the price of the products.

13 (6) Persons whose practice is limited to the demonstration of thermal  
14 styling equipment on customers in connection with the sale or attempted sale  
15 of thermal styling equipment on the premises of a ~~registered~~ thermal styling  
16 equipment dealer without compensation from the customer other than the price  
17 of the equipment.

18 (7) Currently enrolled students or actively registered apprentices  
19 practicing or demonstrating outside of a licensed school or establishment  
20 when that practice or demonstration is under the direct supervision of a  
21 licensed instructor. Members of the public may not be charged for any ser-  
22 vices performed by a student or an apprentice practicing pursuant to this  
23 subsection.

24 (8) Persons who are licensed or qualified through proper documentation  
25 to practice or teach barbering, barber-styling or cosmetology in a state,  
26 territory or possession of the United States or in a foreign country and  
27 whose practice and activities are limited to education or demonstration  
28 of no more than fourteen (14) consecutive days, provided that such persons  
29 shall observe and comply with sanitation requirements established by rule.  
30 Members of the public may not be charged for any services performed as part of  
31 the demonstration or education.

32 (9) Persons who are employed, participating in, or contracted to per-  
33 form barber-styling or cosmetology services in the course of and incidental  
34 to the production of a theatrical or other visual arts production, including  
35 but not limited to stage productions, television and motion pictures.

36 (10) Persons whose practice is limited to natural hair braiding as de-  
37 fined in section 54-5802, Idaho Code.

38 (11) Persons or businesses selling, offering for sale, or fitting wigs  
39 as defined in this chapter, as long as such persons or businesses do not use  
40 adhesive agents such as glue, tape, keratin bonds, fusion bonds, or other  
41 bonding agents to attach a hairpiece or toupee to a person's scalp, hair, or  
42 head.

43 SECTION 3. That Section [54-5813](#), Idaho Code, be, and the same is hereby  
44 repealed.

45 SECTION 4. That Section 54-5818, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

47 54-5818. ESTABLISHMENTS -- INSPECTION RULES. Inspections for the  
48 purpose of enforcing the provisions of this chapter shall be made by the

1 board. The board shall have authority to prescribe safety, disinfection and  
2 sanitary requirements for barber and cosmetology establishments, retail  
3 cosmetics dealers, ~~retail thermal styling equipment dealers~~ and barber and  
4 cosmetology schools as such requirements apply to the nature of the work  
5 performed. The officers of the board or its agents shall have authority  
6 to enter and inspect at any time during business hours any barber or cos-  
7 metology establishment, retail cosmetics dealer, ~~retail thermal styling~~  
8 ~~equipment dealer~~, barber or cosmetology school, or other location where bar-  
9 ber-styling or cosmetology services are being provided. A copy of the rules  
10 adopted by the board shall be made available upon request by the board to  
11 the owner or manager of each establishment, retail cosmetics dealer, ~~retail~~  
12 ~~thermal styling equipment dealer~~, or school.

13 SECTION 5. That Section 54-5826, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 54-5826. CERTAIN ACTS PROHIBITED. The following acts shall be misde-  
16 meanors:

17 (1) Violating a provision of this chapter;

18 (2) Permitting any person in one's employ, supervision or control to  
19 practice barbering, barber-styling, cosmetology or electrology or to prac-  
20 tice as an apprentice or student, if that person has not complied with the  
21 provisions of this chapter;

22 (3) Obtaining or attempting to obtain a registration, certificate or  
23 license for money other than the required fee or any other thing of value or  
24 by fraudulent misrepresentation;

25 (4) Practicing or offering to practice any of the occupations defined  
26 in this chapter, unless licensed, certificated or registered or otherwise  
27 exempt as herein provided; and

28 (5) Maintaining or operating a barber or cosmetology establishment, a  
29 retail cosmetics dealer facility, ~~a retail thermal styling equipment dealer~~  
30 ~~facility~~, or a barber school or a cosmetology school, unless such facility is  
31 licensed or registered as herein provided.

32 SECTION 6. An emergency existing therefor, which emergency is hereby  
33 declared to exist, this act shall be in full force and effect on and after  
34 July 1, 2025.