

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 121

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE BARBER AND COSMETOLOGY SERVICES ACT; AMENDING SECTION
2 54-5802, IDAHO CODE, TO REMOVE DEFINITIONS; AMENDING SECTION 54-5804,
3 IDAHO CODE, TO REVISE PROVISIONS REGARDING ESTABLISHMENTS; REPEAL-
4 ING SECTION 54-5811, IDAHO CODE, RELATING TO CERTIFICATES FOR MAKEUP
5 ARTISTS; AND DECLARING AN 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) "Cosmetologist" means a person licensed to practice cosmetology as
4 defined in this section.

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

8 (a) Cutting, trimming, arranging, dressing, curling, waving by any
9 method, cleansing, singeing, bleaching, coloring or performing similar
10 work on the hair, except as provided for in subsection ~~(26)~~ (24) of this
11 section;

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

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

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

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

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

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

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

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

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

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

34 ~~(24) (22) "Nail technician" means a person licensed to practice nail~~
 35 ~~technology as defined in this section.~~

36 ~~(25) (23) "Nail technology" means any one (1) or more of the following~~
 37 ~~practices when performed on the human body:~~

38 (a) Manicuring and pedicuring nails;

39 (b) Applying artificial nails; and

40 (c) Massaging the hands and feet.

41 ~~(26) (24) "Natural hair braiding" means the service of twisting, wrap-~~
 42 ~~ping, weaving, extending, locking, or braiding hair by hand or with a mechan-~~
 43 ~~ical device.~~

44 (a) "Natural hair braiding" includes:

45 (i) The use of natural or synthetic hair extensions, natural or
 46 synthetic hair and fibers, and decorative beads and other hair ac-
 47 cessories;

48 (ii) Minor trimming of natural hair or hair extensions incidental
 49 to twisting, wrapping, weaving, extending, locking, or braiding
 50 hair;

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

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

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

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

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

13 ~~(27)~~ (25) "Retail cosmetics dealer" means a stationary business offer-
14 ing cosmetic products for sale at retail to the general public in which the
15 business's employees apply cosmetic products to customers' faces in connec-
16 tion with the sale or attempted sale of the products without compensation
17 from the customer other than the regular price of the products.

18 ~~(28)~~ (26) "Retail thermal styling equipment dealer" means a retail
19 business that offers thermal styling equipment, such as curling irons, curl-
20 ing wands, flat irons, heated hair rollers, blow-dryers or other devices
21 using heat to style hair, for sale at retail to members of the general public
22 and whose employees engage in the limited use of thermal styling equipment
23 on customers in connection with the sale or attempted sale of the equipment
24 without compensation from the customer other than the regular price of the
25 equipment.

26 ~~(29)~~ (27) "Student" means a person learning barbering, barber-styling,
27 cosmetology or electrology at a licensed school who, while so learning, per-
28 forms or assists in performing any practices of barbering, barber-styling,
29 cosmetology or electrology.

30 ~~(30)~~ (28) "Wig" means a removable head covering that is made from nat-
31 ural hair, natural fibers that resemble hair, or synthetic fibers that re-
32 semble hair. A wig is not affixed to a person's scalp or hair using an adhe-
33 sive agent such as glue, tape, keratin bonds, fusion bonds, or other bonding
34 agent.

35 SECTION 2. That Section 54-5804, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 54-5804. PROHIBITIONS REGARDING ESTABLISHMENTS -- EXCEPTIONS. (1) It
38 shall be unlawful:

39 (a) To practice any of the occupations licensed, certificated or reg-
40 istered under this chapter in a place or establishment that is not li-
41 censed or registered for such practice, except as specifically autho-
42 rized by this chapter;

43 (b) For any establishment license holder to employ or allow to be
44 employed in or about the licensed establishment a person who is not
45 licensed or certificated under this chapter, unless the person is per-
46 forming tasks that do not require a license or certificate; and

47 (c) Where a licensed establishment is located in a home or other build-
48 ing containing living quarters, to use the portions of the home or

1 building that are used for the licensed practice as living, dining or
2 sleeping quarters.

3 (2) The provisions of subsection (1) (a) of this section shall not apply
4 to:

5 (a) Licensees or certificants under this chapter who are performing
6 licensed or certificated services for persons unable by reason of ill
7 health, medical confinement or involuntary incarceration to go to a
8 licensed establishment;

9 (b) A licensed electrologist practicing electrology or a licensed es-
10 thetician practicing esthetics under the supervision of a licensed chi-
11 ropractor, dentist, medical doctor, nurse practitioner or podiatrist
12 at a facility used by the supervising individual;

13 (c) A person licensed or certificated under this chapter to practice
14 barbering, barber-styling, cosmetology, esthetics, ~~makeup artistry~~ or
15 nail technology provided that:

16 (i) The services provided outside a licensed establishment are
17 limited to those authorized by board rule; and

18 (ii) The licensee or certificant and the facility or location
19 where the services are provided must observe and comply with the
20 inspection, safety and disinfection requirements established by
21 board rule; or

22 (d) A person licensed or certificated under this chapter to practice
23 barbering, barber-styling, cosmetology, esthetics, ~~makeup artistry,~~
24 or nail technology practicing on a charitable basis, provided that:

25 (i) The person shall not charge, and the public cannot be charged;

26 (ii) The person and the facility or location where the services
27 are provided must observe and comply with the inspection, safety,
28 and disinfection requirements established by board rule; and

29 (iii) Charitable work cannot exceed twelve (12) days in a year.

30 SECTION 3. That Section [54-5811](#), Idaho Code, be, and the same is hereby
31 repealed.

32 SECTION 4. 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.