

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 121, As Amended

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 54-5804,  
3 IDAHO CODE, TO REVISE PROVISIONS REGARDING ESTABLISHMENTS; AMENDING  
4 SECTION 54-5805, IDAHO CODE, TO PROVIDE FOR A CERTAIN EXEMPTION FROM  
5 LICENSURE; REPEALING SECTION 54-5811, IDAHO CODE, RELATING TO CERTIFI-  
6 CATES FOR MAKEUP ARTISTS; AND DECLARING AN EMERGENCY AND PROVIDING AN  
7 EFFECTIVE DATE.  
8

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

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

12 54-5802. DEFINITIONS. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (a) Cutting, trimming, arranging, dressing, curling, waving by any  
11 method, cleansing, singeing, bleaching, coloring or performing similar  
12 work on the hair, except as provided for in subsection ~~(26)~~ (23) of this  
13 section;

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

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

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

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

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

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

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

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

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

1 lotions, creams, waxing, tweezing, depilatories or other means; and tinting  
2 or perming the eyebrows and eyelashes.

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

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

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

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

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

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

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

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

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

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

32 ~~(23)~~ (22) "Makeup artistry" means noninvasive care of the skin by appli-  
33 cation of cosmetic preparations for cleansing and the application of makeup,  
34 which includes the application of cosmetics or any pigment product that is  
35 used to cover, camouflage or decorate the skin.

36 ~~(24)~~ (23) "Nail technician" means a person licensed to practice nail  
37 technology as defined in this section.

38 ~~(25)~~ (24) "Nail technology" means any one (1) or more of the following  
39 practices when performed on the human body:

40 (a) Manicuring and pedicuring nails;

41 (b) Applying artificial nails; and

42 (c) Massaging the hands and feet.

43 ~~(26)~~ (25) "Natural hair braiding" means the service of twisting, wrap-  
44 ping, weaving, extending, locking, or braiding hair by hand or with a mechan-  
45 ical device.

46 (a) "Natural hair braiding" includes:

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

1 (ii) Minor trimming of natural hair or hair extensions incidental  
2 to twisting, wrapping, weaving, extending, locking, or braiding  
3 hair;

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

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

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

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

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

16 ~~(27)~~ (26) "Retail cosmetics dealer" means a stationary business offer-  
17 ing cosmetic products for sale at retail to the general public in which the  
18 business's employees apply cosmetic products to customers' faces in connec-  
19 tion with the sale or attempted sale of the products without compensation  
20 from the customer other than the regular price of the products.

21 ~~(28)~~ (27) "Retail thermal styling equipment dealer" means a retail  
22 business that offers thermal styling equipment, such as curling irons, curl-  
23 ing wands, flat irons, heated hair rollers, blow-dryers or other devices  
24 using heat to style hair, for sale at retail to members of the general public  
25 and whose employees engage in the limited use of thermal styling equipment  
26 on customers in connection with the sale or attempted sale of the equipment  
27 without compensation from the customer other than the regular price of the  
28 equipment.

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

33 ~~(30)~~ (29) "Wig" means a removable head covering that is made from nat-  
34 ural hair, natural fibers that resemble hair, or synthetic fibers that re-  
35 semble hair. A wig is not affixed to a person's scalp or hair using an adhe-  
36 sive agent such as glue, tape, keratin bonds, fusion bonds, or other bonding  
37 agent.

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

40 54-5804. PROHIBITIONS REGARDING ESTABLISHMENTS -- EXCEPTIONS. (1) It  
41 shall be unlawful:

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

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

1 (c) Where a licensed establishment is located in a home or other build-  
 2 ing containing living quarters, to use the portions of the home or  
 3 building that are used for the licensed practice as living, dining or  
 4 sleeping quarters.

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

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

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

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

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

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

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

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

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

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

32 SECTION 3. That Section 54-5805, Idaho Code, be, and the same is hereby  
 33 amended to read as follows:

34 54-5805. EXEMPTIONS FROM LICENSURE. The licensing, certification and  
 35 registration provisions of this chapter shall not apply to the following:

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

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

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

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

47 (5) Persons whose practice is limited to the facial application of cos-  
 48 metic products to customers in connection with the sale or attempted sale of

1 cosmetic products on the premises of a retail cosmetics dealer without com-  
2 pensation from the customer other than the price of the products.

3 (6) Persons whose practice is limited to the demonstration of thermal  
4 styling equipment on customers in connection with the sale or attempted sale  
5 of thermal styling equipment on the premises of a registered thermal styling  
6 equipment dealer without compensation from the customer other than the price  
7 of the equipment.

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

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

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

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

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

33 (12) Persons or businesses performing makeup artistry.

34 SECTION 4. That Section [54-5811](#), Idaho Code, be, and the same is hereby  
35 repealed.

36 SECTION 5. An emergency existing therefor, which emergency is hereby  
37 declared to exist, this act shall be in full force and effect on and after  
38 July 1, 2025.