

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 167

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO COSMETICIANS; AMENDING SECTION 54-802, IDAHO CODE, TO REVISE A
2 DEFINITION; AND AMENDING SECTION 54-808, IDAHO CODE, TO REVISE PROVI-
3 SIONS RELATING TO REGULATIONS FOR DOMESTIC SCHOOLS OF COSMETOLOGY.
4

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

6 SECTION 1. That Section 54-802, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 54-802. DEFINITIONS. For the purpose of this chapter, the following
9 definitions shall apply:

10 (1) "Cosmetology" shall constitute any one (1) or combination of the
11 following practices when done upon the human body for cosmetic purposes and
12 not for the treatment of disease or physical or mental ailments:

13 (a) Cutting, trimming, arranging, dressing, curling, waving by any
14 method, cleansing, singeing, bleaching, coloring, or similar work upon
15 the hair.

16 (b) Noninvasive care of the skin of the face and body by application of
17 cosmetic preparations, antiseptics, tonics, lotions, creams and essen-
18 tial oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup
19 application; pore extraction; use of chemical exfoliants approved for
20 professional esthetic use; particle exfoliation; use of any mechani-
21 cal or electrical apparatus or appliance designed for nonmedical care
22 of the skin; the temporary removal of superfluous hair by means of lo-
23 tions, creams, waxing, tweezing or depilatories, and tinting of eye-
24 brows and eyelashes.

25 (c) Manicuring, pedicuring the nails, and the application of artifi-
26 cial nails.

27 (2) "Registered cosmetologist" shall mean any person licensed to prac-
28 tice cosmetology.

29 (3) "Nail technology" shall constitute any one (1) or more of the fol-
30 lowing practices when done upon the human body:

31 (a) Manicuring, pedicuring the nails, and the application of all forms
32 of artificial nails.

33 (b) Massage of the hands and feet.

34 (4) "Nail technician" shall mean any licensed person whose practice of
35 cosmetology is limited to nail technology.

36 (5) "Nail technology instructor" shall mean a nail technologist who is
37 licensed to teach nail technology or any practice thereof in a school of cos-
38 metology.

39 (6) "Apprentice" shall mean any person registered with the board to en-
40 gage in the learning or acquiring of any or all of the practices of cosmetol-
41 ogy in a licensed cosmetological establishment, and while so learning per-
42 forms or assists in any of the practices of cosmetology.

1 (7) "Student" shall mean any person engaged in the learning or acquir-
2 ing of any or all of the practices of cosmetology in a licensed school of cos-
3 metology, and while so learning performs or assists in any of the practices
4 of cosmetology.

5 (8) "Instructor" shall mean a cosmetologist who is licensed to teach
6 cosmetology or any practices thereof in a school of cosmetology, school or
7 college of barbering, or cosmetology establishment meeting the requirements
8 for apprenticeship training.

9 (9) "~~Student~~ Instructor trainee" shall mean a registered cosmetolo-
10 gist who is in a school of cosmetology to receive training to teach cosmetol-
11 ogy.

12 (10) "Cosmetological establishment" shall mean any licensed place or
13 part thereof other than a school of cosmetology wherein cosmetology is prac-
14 ticed.

15 (11) "School of cosmetology" shall mean any licensed place or part
16 thereof wherein cosmetology is taught to students.

17 (12) "Board" means the Idaho board of cosmetology.

18 (13) "Department" means the Idaho department of self-governing agen-
19 cies.

20 (14) "Chapter" as used herein refers to chapter 8, title 54, Idaho Code.

21 (15) "Electrologist" means any person licensed to practice electrology
22 and who is skilled in the permanent removal of unwanted hair.

23 (16) "Electrolysis or electrology" means the permanent removal of hair
24 by destroying the hair producing cells of the skin and vascular system using
25 equipment and devices approved by and registered with the United States food
26 and drug administration.

27 (17) "Esthetics" means noninvasive care of the skin of the face and body
28 by application of cosmetic preparations, antiseptics, tonics, lotions,
29 creams and essential oils to cleanse, massage, exfoliate, hydrate and stim-
30 ulate; makeup application; pore extraction; use of chemical exfoliants
31 approved for professional esthetic use; particle exfoliation; use of any me-
32 chanical or electrical apparatus or appliance designed for nonmedical care
33 of the skin; the temporary removal of superfluous hair by means of lotions,
34 creams, waxing, tweezing or depilatories, and tinting of eyebrows and eye-
35 lashes.

36 (18) "Esthetician" means any person licensed to practice esthetics.

37 (19) "Esthetics instructor" shall mean an esthetician who is licensed
38 to teach esthetics or any practice thereof in a school of cosmetology ap-
39 proved to teach esthetics.

40 (20) "Electrologist instructor" shall mean an electrologist who is li-
41 censed to teach electrology or any practices thereof in a school of cosmetol-
42 ogy approved to teach electrology.

43 (21) "Student electrologist instructor" shall mean an electrologist
44 who is in a school of cosmetology approved to teach electrology to receive
45 training to teach electrology.

46 (22) "Makeover or glamour photography business" means any business
47 engaged in the offering of photographic services to the general public and
48 whose employees engage in the facial application of cosmetic products or the
49 arranging of the hair of customers in connection with the sale, or attempted
50 sale, of photographic services.

1 (23) "Retail cosmetics dealer" means a fixed retail business which of-
 2 fers cosmetic products for sale at retail to members of the general public
 3 and whose employees engage in the facial application of cosmetic products
 4 to customers in connection with the sale, or attempted sale, of the products
 5 without compensation from the customer other than the regular price of the
 6 merchandise.

7 (24) "Demonstration, competition or production" means an organized
 8 event of limited duration where cosmetology services may be performed, if
 9 sponsored by a salon, school of cosmetology or cosmetology-related organi-
 10 zation.

11 (25) "Haircutting" means cutting, trimming, arranging, dressing, curl-
 12 ing, cleansing, singeing or similar work upon the hair.

13 (26) "Haircutter" means any licensed person whose practice of cosmetol-
 14 ogy is limited to haircutting.

15 SECTION 2. That Section 54-808, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 54-808. REGULATIONS FOR SCHOOLS. Every domestic school of cosmetology
 18 must be licensed under the provisions of this chapter and shall meet the fol-
 19 lowing standards and provisions:

20 (1) Employ and maintain at least one (1) licensed instructor for ev-
 21 ery twenty (20) students or fraction thereof with an ~~student~~ instructor ~~not~~
 22 trainee counting as an ~~student~~ instructor for purposes of the student-in-
 23 structor ratio, so long as there is a licensed instructor on the premises and
 24 available at all times;

25 (2) Possess sufficient apparatus and equipment for the proper and full
 26 teaching of all subjects of its curriculum;

27 (3) Keep a daily attendance record for each student;

28 (4) Maintain regular class and instruction hours, establish grades,
 29 and hold monthly examinations;

30 (5) Prescribe a school term for training in all phases of the practice
 31 of cosmetology;

32 (6) Provide applicable curriculums embracing subjects covering the
 33 scientific fundamentals for cosmetology, nail technology, esthetics, elec-
 34 trology, instructors and haircutting as follows:

35 (a) The curriculum for cosmetology shall include hygiene, bacteriol-
 36 ogy, histology of the hair, skin, muscles, nails and nerves, structure
 37 of the head, face and neck, elementary chemistry relating to steril-
 38 ization and antiseptics, diseases of the skin, hair, glands and nails,
 39 massaging and manipulating the muscles of the body, permanent waving,
 40 haircutting and arranging, dressing, coloring, bleaching and tinting
 41 of the hair, a study of electricity as applied to cosmetology, and the
 42 Idaho laws and rules governing the practice of cosmetology;

43 (b) The curriculum for nail technology shall include hygiene, bacteri-
 44 ology, histology of the hands and feet, skin, muscles, nails and nerves,
 45 structure of the hands and feet, elementary chemistry relating to ster-
 46 ilization and antiseptics, diseases of the skin, glands and nails, mas-
 47 saging and manipulating the muscles of the hands and feet, a study of
 48 electricity as applied to nail technology, and the Idaho laws and rules
 49 governing the practice of nail technology;

1 (c) The curriculum for esthetics shall include hygiene, bacteriology,
2 histology of the skin, muscles and nerves, structure of the head, face
3 and neck, elementary chemistry relating to sterilization and antiseptics,
4 diseases of the skin, glands and nails, massaging and manipulating
5 the muscles of the body, a study of electricity as applied to cosmetology,
6 and the Idaho laws and rules governing the practice of esthetics;
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8 (d) The curriculum for electrology shall include hygiene, bacteriology,
9 histology of the hair, skin, muscles, nails and nerves, structure
10 of the body, elementary chemistry relating to sterilization and antiseptics,
11 diseases of the skin, hair, glands and nails, hypertrichosis,
12 permanent removal of unwanted hair, a study of electricity as applied to
13 electrology including the use and study of galvanic current, and the use
14 and study of both automatic and manual high frequency current, and the
15 Idaho laws and rules governing the practice of electrology;

16 (e) The curriculum for instructors shall include fundamentals of adult
17 education, communication, preparation of lesson plans, practical and
18 theoretical presentation and demonstration, use of teaching aids, measurement
19 and evaluation, and the Idaho laws and rules governing cosmetology and
20 electrology, in addition to teaching the acts prescribed in
21 section 54-802, Idaho Code;

22 (f) The curriculum for haircutting shall include hygiene, bacteriology,
23 histology of the hair, skin, muscles and nerves, structure of the
24 head and neck, elementary chemistry relating to sterilization and antiseptics,
25 diseases of the skin, hair and glands, massaging and manipulating of the
26 muscles of the head and neck, haircutting and arranging, the study of
27 electricity as applied to haircutting and Idaho laws and rules governing
28 the practice of haircutting;

29 (7) Denote with clarity that the establishment is a school and that work
30 is done by students. Such fact shall be made clear to the patron by signs
31 conspicuously posted in the school and the adjoining shop, if any;

32 (8) All instructors must be licensed instructors in this state;

33 (9) Such school shall not permit any student or apprentice to receive
34 instruction unless licensed under the provisions of this chapter;

35 (10) Every instructor shall devote his entire time during school or
36 class hours to that of instructing the students and shall not apply his time
37 to that of private or public practice;

38 (11) School hours for the purpose of instruction shall be offered on not
39 less than a five (5) day week;

40 (12) Training received in an establishment not meeting the requirements
41 for schools as herein set forth shall receive credit for said training as an
42 apprentice rather than as a student, provided said training meets the
43 requirements for apprentice training;

44 (13) Training received in electrology in a school shall not be recognized
45 unless the school has been approved for such training by the board and
46 the school meets and maintains the requirements to train electrologists as
47 established by board rules;

48 (14) Training received in esthetics shall not be recognized unless the
49 school has been approved for such training by the board, and the school meets

1 and maintains the requirements to train estheticians as established by board
2 rules;

3 (15) Training received in nail technology shall not be recognized un-
4 less the school has been approved for such training by the board, and the
5 school meets and maintains the requirements to train nail technicians as es-
6 tablished by board rules;

7 (16) Every school approved by the board shall deliver to the board, a
8 bond to the state of Idaho in a form approved by the board, and renew the same
9 annually, in the sum of twenty-five thousand dollars (\$25,000) executed by a
10 corporate surety company duly authorized to do business in this state, con-
11 ditioned that such school shall continue to give its courses of instruction,
12 in accordance with the provisions of this chapter, until it has completed
13 all such courses for which students have enrolled, and conditioned that such
14 school shall fully comply with all promises or representations made to en-
15 rolled students as an inducement to such students to enroll. Any student so
16 enrolled who may be damaged by reason of the failure of such school to comply
17 with such conditions, shall have a right of action in his or her own name, on
18 such bonds, for such damage;

19 (17) Training received in haircutting shall not be recognized unless
20 the school has been approved for such training by the board and the school
21 meets and maintains the requirements to train haircutters as established by
22 board rules.