

IN THE SENATE

SENATE BILL NO. 1343

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE BARBER AND COSMETOLOGY SERVICES ACT; AMENDING SECTION 54-5802, IDAHO CODE, AS ADDED IN SECTION 3 OF SENATE BILL NO. 1324, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH IDAHO LEGISLATURE, TO REVISE THE DEFINITION OF COSMETOLOGY AND TO REVISE THE DEFINITION OF ESTHETICS.

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

SECTION 1. That Section 54-5802, Idaho Code, as added in Section 3 of Senate Bill No. 1324, as enacted by the Second Regular Session of the Sixty-fourth Idaho Legislature, be, and the same is hereby amended to read as follows:

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

(1) "Apprentice" means a person registered with the barber and cosmetology services licensing board to learn an occupation in a licensed establishment who, while so learning, performs or assists in performing any practices of cosmetology.

(2) "Approved or licensed school" means a postsecondary barber or cosmetology school that:

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

(b) Admits as students only those individuals who meet the requirements of paragraphs (a) and (b) in section 54-5810(7), Idaho Code.

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

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

(a) Shaving the face or cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair;

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

(c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, neck or other parts of the upper body.

(5) "Barber-styling" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Shaving the face or cutting, trimming, arranging, dressing, curling, waving by any method, straightening, cleansing, singeing, bleaching, coloring or performing similar work on the hair;

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

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

5 (d) Applying cosmetic preparations, antiseptics, powders, oils, clays
6 or lotions to the scalp, face, neck or other parts of the upper body.

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

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

11 (8) "Bureau" means the bureau of occupational licenses.

12 (9) "Cosmetologist" means a person licensed to practice cosmetology as
13 defined in this section.

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

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

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

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

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

34 (11) "Department" means the Idaho department of self-governing agen-
35 cies.

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

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

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

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

48 (16) "Esthetics" means noninvasive care of the skin by application of
49 cosmetic preparations, antiseptics, tonics, lotions, creams and essential
50 oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup applica-

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

9 (17) "Haircutter" means a person licensed to practice haircutting as
10 defined in this section.

11 (18) "Haircutting" means cutting, trimming, arranging, dressing, curl-
12 ing, cleansing, singeing or performing similar work on the hair and fitting,
13 cutting or dressing hairpieces or toupees.

14 (19) "Instructor" means a barber, barber-stylist or cosmetologist li-
15 censed to teach barbering, barber-styling or cosmetology in a barber school,
16 a cosmetology school or an establishment meeting the requirements for ap-
17 prenticeship training.

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

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

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

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

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

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

36 (a) Manicuring and pedicuring nails;

37 (b) Applying artificial nails; and

38 (c) Massaging the hands and feet.

39 (26) "Nail technology instructor" means a nail technician licensed to
40 teach nail technology at a school of cosmetology.

41 (27) "Person" means a human individual.

42 (28) "Retail cosmetics dealer" means a stationary business offering
43 cosmetic products for sale at retail to the general public, in which the
44 business's employees apply cosmetic products to customers' faces in connec-
45 tion with the sale or attempted sale of the products without compensation
46 from the customer other than the regular price of the products.

47 (29) "Retail thermal styling equipment dealer" means a retail business
48 that offers thermal styling equipment, such as curling irons, curling wands,
49 flat irons, heated hair rollers, blow-dryers or other devices using heat to
50 style hair, for sale at retail to members of the general public and whose em-

1 ployees engage in the limited use of thermal styling equipment on customers
2 in connection with the sale or attempted sale of the equipment without com-
3 pensation from the customer other than the regular price of the equipment.

4 (30) "Student" means a person learning barbering, barber-styling, cos-
5 metology or electrology at a licensed school who, while so learning, per-
6 forms or assists in performing any practices of barbering, barber-styling,
7 cosmetology or electrology.