

Dear Senators FOREMAN, Lenney, Ward-Engelking, and  
Representatives CLOW, Redman, Berch:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Division of Occupational and Professional Licenses - Barber and Cosmetology Services Licensing Board:  
IDAPA 24.28.01 - Rules of the Barber and Cosmetology Services Licensing Board (Fee  
Rule)-Proposed Rule (Docket No. 24-2801-2501).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 11/24/2025. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/22/2025.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



**Terri Kondeff**  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

**FROM:** Division Manager - Matt Drake

**DATE:** November 05, 2025

**SUBJECT:** Division of Occupational and Professional Licenses - Barber and Cosmetology Services Licensing Board

IDAPA 24.28.01 - Rules of the Barber and Cosmetology Services Licensing Board (Fee Rule)-Proposed Rule (Docket No. 24-2801-2501)

#### Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - Barber and Cosmetology Services Licensing Board submits notice of proposed rulemaking at Docket No. 24-2801-2501. The proposed rulemaking removes references to makeup artists and makeover/glamour photography businesses which were delicensed pursuant to HB 121a and 122 of 2025. In addition, the proposed rule increases license fees. The Division states that the increases are "necessary to comply with the cash balance expectations of Section 67-2608(3), Idaho Code."

In addition to the foregoing, the rule also establishes mobile establishment licensure. The Division states that it is authorized to provide for the licensure of mobile establishments through the powers of the board conveyed pursuant to Section 54-5807(1)(h), Idaho Code, which provides that the board shall have the power to "[a]dopt and revise such rules as may be necessary to carry into effect the provisions of this chapter in compliance with chapter 52, title 67, Idaho Code."

Chapter 52, Title 67, Idaho Code, does not make reference to the concept of mobile establishment licensure. However, that code chapter does not generally define the types of places that may be used as licensed establishments. Rather, the code chapter specifies that a location must be licensed and provides for such location to observe and comply with the inspection, safety, and disinfection requirements established by board rule. See 54-5804 (2)(c)(ii), Idaho Code. It appears that the Division's rulemaking seeks to put additional requirements on mobile establishments such that a location that is mobile will satisfy the inspection, safety, and disinfection requirements established by Chapter 52, Title 67, Idaho Code, and board rule.

#### Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rulemaking is not anticipated to have any negative fiscal impact. However, the rulemaking does increase licensure fees as shown in the fee table.

#### Statutory Authority

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
legislature.idaho.gov

As described above, the elimination of references to certain former licensure is pursuant to HB 121a and 122 of 2025. The Division states that fees are being increased pursuant to Section 67-2608(3), Idaho Code. As described above, Chapter 52, Title 67, Idaho Code does not make reference to the concept of mobile establishment licensure. However, it appears that the Division's rulemaking seeks to ensure that mobile establishments must satisfy the requirements necessary to be a licensed establishment in compliance with the existing inspection, safety, and disinfection requirements established by Chapter 52, Title 67, Idaho Code, and board rule.

cc: Division of Occupational and Professional Licenses - Barber and Cosmetology Services Licensing Board  
Ryan Bernard

**\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

# IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

## 24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

### DOCKET NO. 24-2801-2501 (FEE RULE)

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-5807\(1\)\(h\)](#), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

An amendment to Rule 400 regarding a potential increase in fees to address the Barber and Cosmetology Services Licensing Board's cash balances. Additionally added the necessary definitions and provisions to allow for Mobile Establishment Licensure under the Board's existing statutory authority.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The increase proposed is fifteen (15) to twenty (20) percent of the current fees. Fee authorized by [Section 54-5807\(1\)\(h\)](#), Idaho Code. This increase is necessary to comply with the cash balance expectations of [Section 67-2608\(3\)](#), Idaho Code.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No fiscal impact on the state General Fund will occur as a result of these changes.

**NEGOTIATED RULEMAKING:** Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Pages 64-65](#).

**INCORPORATION BY REFERENCE:** Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October, 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish  
Chief Legal Counsel  
11341 W. Chinden Blvd., Bldg. 4  
Boise, ID 83714  
Phone: (208) 577-2519  
Email: [kolby.reddish@dopl.idaho.gov](mailto:kolby.reddish@dopl.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-2801-2501**  
**(Only Those Sections With Amendments Are Shown.)**

**24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD**

**002. DEFINITIONS.**

**01. Clean.** Removal of debris, washing with soap and water, detergent or chemical “cleaner.” Cleaning prepares non-porous items for disinfection, but cleaning does not make multi-use items safe for use. (7-1-24)

**02. Disinfect.** The process of making a non-porous item safe for use. Disinfecting requires the use of a chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned prior to disinfection. Ultraviolet (UV) light is not acceptable for disinfection. (7-1-24)

**03. Disinfectant.** Disinfectant registered by the United States Environmental Protection Agency (EPA) and is bactericidal, virucidal and fungicidal with effectiveness against staphylococcus aureus (including methicillin-resistant staphylococcus aureus (MRSA)), human immunodeficiency virus (HIV) and hepatitis B (HEPB). This includes EPA registered Sodium Hypochlorite 5.25% or higher (household bleach) with instructions for disinfection, diluted as instructed on the label and observing the contact time listed on the manufacturer’s label. Bleach must be active (not expired) with a manufacture date of less than six (6) months prior to use. (7-1-24)

**04. First-Aid Kit.** A packaged and identifiable assortment of medical supplies, including adhesive bandages, skin antiseptic, disposable gloves, and gauze. (7-1-24)

**05. Mobile Establishment.** A mobile establishment is a self-contained, enclosed vehicle, trailer, or portable structure that is licensed to provide barbering and cosmetology services outside of a fixed location. ( )

~~056.~~ **Single-Use.** Any non-electrical item that cannot be properly cleaned and disinfected. (7-1-24)

~~067.~~ **Sterilize.** The eradication of all microbial life through the use of heat, steam or chemical sterilants. Items to be sterilized must be cleaned prior to sterilization. (7-1-24)

~~078.~~ **Sterilant.** Autoclaves or dry heat sterilizers approved by and used in accordance with the United States Food and Drug Administration. (7-1-24)

**003. -- 099. (RESERVED)**

**100. LICENSURE.**

**01. Approved Examination.** The National Interstate Council of State Boards of Cosmetology’s written and practical examinations. (7-1-24)

**02. Additional Licensure Educational Requirements.** (7-1-24)

**a. Barber License.** A currently licensed cosmetologist must complete one hundred (100) hours of barber-related instruction, to include barber theory, haircuts, and shaving. (7-1-24)

**b. Barber-Stylist License.** A currently licensed cosmetologist must complete one hundred (100) hours of barber-stylist instruction, to include barber theory, haircuts, and shaving. (7-1-24)

**c. Cosmetologist License.** (7-1-24)

i. A currently licensed barber-stylist must complete three hundred (300) hours of cosmetology instruction, to include nail technology, esthetics, cosmetology theory, and hairstyling. (7-1-24)

ii. A currently licensed barber must complete seven hundred (700) hours of cosmetology instruction, to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling. (7-1-24)

iii. A currently licensed esthetician or nail technician must complete one thousand four hundred (1,400) hours of cosmetology instruction or two thousand eight hundred (2,800) hours as a cosmetology apprentice. (7-1-24)

~~iv. A currently certificated makeup artist must complete one thousand five hundred fifty (1,500) hours of cosmetology instruction or three thousand one hundred (3,100) hours as a cosmetology apprentice. (7-1-24)~~

~~d. Esthetician License. A currently certified makeup artist must complete five hundred fifty (550) hours of esthetics instruction or one thousand one hundred (1,100) hours as an esthetician apprentice. (7-1-24)~~

**ed.** Out of State Licensure. A current licensee in another state, territory, possession or country, and who does not meet the qualifications for licensure through endorsement may be credited hours of instruction for practical work experience: (7-1-24)

i. Barber: One Hundred (100) hours as a student or two hundred (200) hours as an apprentice for every six (6) months of practical experience in barbering; (7-1-24)

ii. Barber-Stylist: Two hundred (200) hours as a student or four hundred (400) hours as an apprentice for every six (6) months of practical experience in barber-styling; (7-1-24)

iii. Cosmetologist: Two hundred (200) hours as a student or four hundred (400) hours as apprentice for every six (6) months of practical experience in cosmetology; (7-1-24)

iv. Electrologist: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months of practical experience in electrology; (7-1-24)

v. Esthetician: Sixty (60) hours as a student or one hundred twenty (120) hours as an apprentice for every six (6) months of practical experience in esthetics; (7-1-24)

vi. Nail Technician: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months in practical experience in nail technology. (7-1-24)

~~**03.** **Makeup Artist Certificate Approved Instruction.** Classroom instruction, training, practical experience, or a combination received from a cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country, or otherwise approved by the board. If an applicant does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may require additional training or other demonstration of competency in that area. (7-1-24)~~

**043.** **Establishment.** An establishment may be licensed as primary or contiguous. (7-1-24)

**a.** An applicant for primary establishment licensure must provide proof of compliance with Rule 200.01.a. A primary establishment license will not be issued if it includes or overlaps any portion of an existing establishment license. (7-1-24)

**b.** An applicant for contiguous establishment licensure must certify that it is associated with and operates within a currently licensed primary establishment and the primary establishment license holder must certify that the primary establishment is equipped to meet all safety and disinfection requirements. (7-1-24)

c. Establishment licenses cannot be transferred. A change of location or a full change in ownership requires a new license application. In a multiple ownership establishment, an owner may be removed upon written statement by all owners, including the withdrawing owner. (7-1-24)

d. Mobile establishments must comply with all rules regarding licensure, safety, sanitation, disinfection, equipment, and waste disposal as set forth in Title 54, Chapter 58, Idaho Code, and these rules. The requirements of Rule 200.01.a for a permanent water source and restroom are satisfied for a mobile establishment if the mobile unit contains a functional sink with hot and cold running water and self-contained fresh water and waste water tanks. Mobile establishments may not be used for residential purposes or any other non-service-related purpose. Mobile establishments must provide a phone number that can be reached during operating hours. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. PRACTICE STANDARDS.**

**01. Premises.** (7-1-24)

a. A primary establishment must have: (1) a clearly defined and designated working floor space that allows the safe and sanitary practice of cosmetology and/or barber-styling for all stations that may be in operation and provides safe access to restrooms and access areas; (2) a hot and cold running water source and drainage system that are within the perimeters of the primary establishment, separate from restroom facilities, and available to any contiguous establishment or facility that may exist; and (3) restrooms that are accessible from the building in which the primary establishment is located and from any contiguous establishments or facility that may exist and which contain hot and cold running water and drainage separate from the work area facilities. The license holder is responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the designated licensed area of the primary establishment, including “common areas.” (7-1-24)

b. A contiguous establishment must operate only in the contiguous establishment designated areas within the associated primary establishment. The contiguous establishment license holder is responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the contiguous designated area where it operates. (7-1-24)

c. Retail cosmetic dealers must have access to hot and cold running water; access to restroom facilities; disinfectants; single-use samples, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product; and a first-aid kit. (7-1-24)

**02. Practice Outside of Licensed Establishment.** Pursuant to Section 54-5804(2)(c), Idaho Code, a licensee or certificant can provide the following services outside of a licensed establishment: (7-1-24)

a. Hair Styling. Arranging, styling, and dressing of the hair. Trimming may be performed when incidental to the arranging, styling, or dressing, including facial hair such as beards, mustaches, and eyebrows. (7-1-24)

b. Coloring. Wash out topical color, tinted powder, spray or chalk to temporarily camouflage hair. (7-1-24)

c. Temporary Hair Removal. Tweezing of hairs on the face and neck. (7-1-24)

d. Cleansing. Cleansing the face for the limited purpose of removing makeup or debris and cosmetic preparations for the application of makeup. (7-1-24)

e. Nail Services. Application of nail polish by painting without the use of a lamp or light, removal of polish incidental to the painting of the nail, and shaping the nail with a single-use emery board. (7-1-24)

f. Makeup Application. Application of makeup. (7-1-24)

**03. Safety And Disinfection for Establishments and Schools. (7-1-24)**

**a.** Establishments and schools must be separated from living areas by substantial walls and/or closable doors. Floors, walls, ceilings, furniture, fixtures, and restrooms must be kept clean and in good repair at all times. A clearly identifiable first-aid kit must be readily accessible. (7-1-24)

**b.** All instruments and items used by operators must be thoroughly cleaned after each use and then disinfected with a disinfectant or sterilized with a sterilant after cleaning and prior to use on each patron. A disinfectant must be mixed and changed according to the manufacturer's instructions. Disinfection methods of immersion, sprays, and wipes may be used. Contact time listed on the disinfectant's label must be adhered to in all circumstances. Items or surfaces must remain completely immersed in disinfectant or visibly wet, if using sprays or wipes, for the full amount of contact time. (7-1-24)

**c.** Porous or single use instruments and items must be immediately disposed of in a trash container after each use on a patron or given to the patron to take home for personal use, provided that the instruments may not be brought back to the establishment for future use. Skin cutting instruments, including razor-type callus shavers, credo blades, or other rasps or graters which cut below the skin surface are not permitted in the establishment. (7-1-24)

**d.** Paraffins, waxes and other multi-patron use products must be covered and maintained free of any foreign contaminants. Only disinfected or unused single-use items may be placed into a container that holds multi-patron use products. These products must be portioned out for each patron in a container or dispensed in a manner that prevents contamination of the unused supply. All portions used on a patron must be disposed of immediately following use. (7-1-24)

**e.** Pedicure bowls, basins, tubs, drill bits, internal piping, and pumps must be cleaned and disinfected prior to each use as directed by the manufacturer. (7-1-24)

**f.** Operators and students must wash their hands with running water, soap and a single-use towel prior to providing service to any patron. When hand washing is not practicable, hand sanitizer of at least seventy percent (70%) alcohol may be used. (7-1-24)

**g.** No animals are allowed in shops or schools except service dogs, as defined by the U.S. Department of Justice Regulations, trained to do work or perform tasks for persons with disabilities. (7-1-24)

**h.** A current establishment and/or school license, valid operator license(s), a copy of these safety and disinfection rules, and a valid classification card must be conspicuously displayed in the work area of each establishment or school. (7-1-24)

**04. Safety and Disinfection for Retail Cosmetics Dealer Facilities ~~and Makeover or Glamour~~  
~~Photography Businesses.~~ (7-1-24)**

**a.** Makeup that comes in a cake, loose, or liquid form must be transferred to a palette with a disinfected or single-use spatula for use with a single patron and in a manner to prevent any contamination. Excess make-up on the palette must be disposed of immediately following use. (7-1-24)

**b.** Make-up pencils that require a sharpener must be sharpened prior to each use. Sharpeners must be cleaned and disinfected in accordance with Rule 200.03.b. Eyeliner that does not require a sharpener must have a portion transferred to a palette with a disinfected or single-use spatula for use on a single customer. (7-1-24)

**c.** Single-use applicators must be used in the application of mascara. (7-1-24)

**d.** Implements and applicators, including brushes, used on customers or made available for use by customers must be stored, cleaned, and disinfected or discarded in accordance with Rule 200.03.b. and c. (7-1-24)

**e.** Make-up displays should be covered when not in use. When accessible for use by patrons, single-

use applicators must be readily available. (7-1-24)

f. A clearly identifiable first-aid kit must be readily accessible on the premises. (7-1-24)

g. A current license/registration, a copy of these safety and disinfection rules, and a valid classification card must be conspicuously displayed in the work area of each facility. (7-1-24)

**05. Inspections.** ( )

a. A facility, school, or establishment must make improvements within thirty (30) days of an unacceptable “C” classification inspection result. The Board may allow an establishment, school, or facility to continue to operate during that period. The Board may take action prior to any reinspection when the circumstances represent an immediate danger to the public health, safety, or welfare. (7-1-24)

b. Mobile establishments are subject to periodic and initial inspections by the Board. The license holder must permit the Board to inspect the mobile unit at any time during operating hours or as otherwise requested by the Board. A mobile salon shall submit to the Board, upon request, in a manner specified by the Board, an itinerary for a requested time period showing the dates, exact locations and times service is to be provided. Failure to provide accurate information may be determined to be a violation of Rule 200.06.h below. ( )

**06. Unprofessional Conduct.** The following practices constitute unprofessional conduct. (7-1-24)

a. Use of Methyl Methacrylate acid (MMA). (7-1-24)

b. Use of skin cutting instruments, including razor-type callus shavers, credo blades, or other rasps or graters which cut below the skin surface. The presence of such instruments creates a presumption of the instrument's use. (7-1-24)

c. Use of ultraviolet (UV) sterilizers for disinfection. This does not prohibit the use of ultraviolet dryers or lamps used to dry or cure nail products. (7-1-24)

d. Use of roll-on wax, except that single-use roll-on wax cartridges are acceptable when they are limited to a single client service and disposed of immediately after use. (7-1-24)

e. Placing an item or instrument that has been used on a person or placing a person's body part into a container that holds powder, wax, a compound, solution, or other cosmetic preparation that will be used for more than one (1) patron. (7-1-24)

f. Use of single-use or porous items on more than one (1) patron. The presence of used single-use or porous items, which have not been disposed of in a trash container, creates a presumption of the item's use or intended use on more than one patron. (7-1-24)

g. Failure to adequately supervise, instruct, or train an apprentice. (7-1-24)

h. Interference with an inspection or investigation conducted by or on behalf of the Board. (7-1-24)

i. Performing a service on a patron who has an open sore or a known contagious disease of a nature that may be transmitted by performing the procedure. (7-1-24)

k. Performing services or using machines or devices outside the licensee's area of training, expertise, competence, or scope of practice for the license held. (7-1-24)

**201. -- 399. (RESERVED)**

**400. FEES.**

All fees are non-refundable. Annual fees may be aggregated for biennial licensure.

<b>FEE TYPE</b>	<b>AMOUNT (Not to Exceed)</b>	<b>ANNUAL RENEWAL FEE (Not to Exceed)</b>
Individual Original License or Certificate	<del>\$25</del> <u>30</u>	<del>\$25</del> <u>30</u>
Application	<del>\$25</del> <u>30</u>	
Instructor License	<del>\$30</del> <u>35</u>	<del>\$30</del> <u>35</u>
Establishment, Dealer, Facility License/Registration	<del>\$20</del> <u>25</u>	<del>\$20</del> <u>25</u>
School License	<del>\$300</del> <u>360</u>	<del>\$85</del> <u>100</u>
Apprentice Registration	<del>\$25</del> <u>30</u>	
Endorsement License	<del>\$35</del> <u>45</u>	
Reinstatement	\$35	

(7-1-24)(    )

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

**Agency Contact:** Kolby Reddish **Phone:** (208) 577-2519

**Date:** August 13, 2025

**IDAPA, Chapter and Title Number and Chapter Name:**

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

**Fee Rule Status:** X **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 24-2801-2501

**STATEMENT OF ECONOMIC IMPACT:**