

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 58
BARBER AND COSMETOLOGY SERVICES ACT

54-5801. SHORT TITLE. This chapter shall be known and may be cited as the "Barber and Cosmetology Services Act."

[54-5801, added 2018, ch. 228, sec. 3, p. 520.]

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 barbering, barber-styling, cosmetology, or electrology.

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

(3) "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, and neck.

(4) "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;

(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, and neck.

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

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

(7) "Bureau" means the bureau of occupational licenses.

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

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

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

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

(c) Noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes; and

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

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

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

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

(13) "Esthetician" means a person licensed to practice esthetics as defined in this section.

(14) "Esthetics" means noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes.

(15) "Haircutting" means cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair and fitting, cutting or dressing hairpieces or toupees.

(16) "Instructor" means a person licensed under this chapter to practice and teach any practice defined in this section.

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

(18) "Licensed school" means a postsecondary barber, cosmetology, or electrology 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) of section [54-5810](#) (1), Idaho Code.

(19) "Makeover or glamour photography business" means a business offering photographic services to the general public in which the business's employees apply cosmetic products to customers' faces or arrange the hair of customers in connection with the sale or attempted sale of photographic services.

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

(21) "Makeup artistry" means noninvasive care of the skin by application of cosmetic preparations for cleansing and the application of makeup, which includes the application of cosmetics or any pigment product that is used to cover, camouflage or decorate the skin.

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

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

- (a) Manicuring and pedicuring nails;
- (b) Applying artificial nails; and
- (c) Massaging the hands and feet.

(24) "Retail cosmetics dealer" means a stationary business offering cosmetic products for sale at retail to the general public, in which the business's employees apply cosmetic products to customers' faces in connection with the sale or attempted sale of the products without compensation from the customer other than the regular price of the products.

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

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

[54-5802, added 2018, ch. 228, sec. 3, p. 520; am. 2019, ch. 150, sec. 1, p. 499; am. 2020, ch. 182, sec. 1, p. 558.]

54-5803. POLICY AND REQUIREMENTS OF LICENSURE. In order to safeguard the public health, safety and welfare, persons practicing or offering to practice an occupation defined in and governed by this chapter shall submit evidence of their qualifications and shall be licensed, certificated or registered as hereinafter provided. It shall be unlawful for any person to practice or offer to practice an occupation defined in and governed by this chapter, or to use in connection with that person's name or otherwise assume, use or advertise any title or description tending to convey the impression that the person is licensed, certificated or registered to practice an occupation defined in and governed by this chapter, unless the person has been duly licensed, certificated or registered under the provisions of this chapter. It shall further be unlawful for any person or legal entity to operate a barber or cosmetology establishment or school of barbering or

cosmetology unless the establishment or school has been licensed for such purpose as hereinafter provided.

[54-5803, added 2018, ch. 228, sec. 3, p. 522.]

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

(a) To practice any of the occupations licensed, certificated or registered under this chapter in a place or establishment that is not licensed or registered for such practice, except as specifically authorized by this chapter;

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

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

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

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

(b) A licensed electrologist practicing electrology or a licensed esthetician practicing esthetics under the supervision of a licensed chiropractor, dentist, medical doctor, nurse practitioner or podiatrist at a facility used by the supervising individual;

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

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

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

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

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

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

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

[54-5804, added 2018, ch. 228, sec. 3, p. 523; am. 2020, ch. 182, sec. 2, p. 561.]

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

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

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

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

(4) Persons practicing on a relative without compensation.

(5) Persons whose practice is limited to the facial application of cosmetic products to customers in connection with the sale or attempted sale of cosmetic products on the premises of a retail cosmetics dealer without compensation from the customer other than the price of the products.

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

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

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

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

[54-5805, added 2018, ch. 228, sec. 3, p. 523; am. 2019, ch. 178, sec. 1, p. 573; am. 2020, ch. 182, sec. 3, p. 562.]

54-5806. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby established in the division of occupational and professional licenses the barber and cosmetology services licensing board.

(2) The board shall consist of seven (7) members, two (2) of whom shall be licensed cosmetologists, two (2) of whom shall be licensed barbers or barber-stylists, one (1) of whom shall be a licensed electrologist or esthetician, one (1) of whom shall be a currently active school representative and one (1) of whom shall be a member of the public who does not hold a license issued under this chapter. All board members shall be residents of this state.

(3) Initial appointments to the board by the governor shall begin on July 1, 2018, and be for the following terms: two (2) members whose terms

shall expire on July 1, 2019; two (2) members whose terms shall expire on July 1, 2020; and three (3) members whose terms shall expire on July 1, 2021.

(4) After their initial appointment, board members shall be appointed for a term of three (3) years by the governor. All board members shall serve at the pleasure of the governor.

(5) In the event of the death, resignation or removal of any board member before the expiration of the term to which the member is appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(6) The board shall meet annually and at such times as deemed necessary and advisable by the chair of the board, by a majority of the board's members or by the governor. Four (4) members of the board shall constitute a quorum, provided at least one (1) board member of the relevant profession is present when any board action is taken that affects the profession, its licensees or its applicants. The board may act by virtue of a majority vote of members present in which a quorum is present.

(7) Members of the board shall be reimbursed for expenses as provided in section [59-509](#)(n), Idaho Code.

[54-5806, added 2018, ch. 228, sec. 3, p. 524; am. 2020, ch. 182, sec. 4, p. 562; am. 2021, ch. 222, sec. 42, p. 653.]

54-5807. POWERS OF THE BOARD. (1) The board shall have the power to:

(a) Receive applications for licensure, certification, and registration, determine the qualifications of applicants, provide licenses, certificates, and registrations to applicants qualified under the provisions of this chapter, and reinstate and deny licenses, certificates, and registrations;

(b) Establish fees by rule and collect fees as prescribed by this chapter;

(c) Maintain records necessary to carry out its duties under this chapter;

(d) Judge the qualifications and fitness of applicants for licenses, certificates and registrations;

(e) Examine for, deny, approve, issue, revoke and suspend licenses, certificates and registrations, or sanction or impose education, training or supervision on any licensee, certificand or registrant pursuant to this chapter and conduct investigations in connection with such actions;

(f) Conduct hearings and proceedings in accordance with the provisions of [chapter 52, title 67](#), Idaho Code;

(g) Establish requirements for reinstatement and renewal of licenses and registrations;

(h) Adopt 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;

(i) Take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of occupations licensed, certificated and registered under this chapter;

(j) Approve relevant cosmetology education for barber and barber-styling licenses and approve relevant barber and barber-styling education for cosmetology licenses; provided that the total instructional hours required for a licensed cosmetologist to qualify for a

barber or barber-styling license shall not exceed one hundred (100) hours, unless required by a national accrediting body; and

(k) Authorize, by written agreement, the bureau of occupational licenses as its agent to act in its interest and, at the board's discretion, contract with the bureau of occupational licenses for those services deemed necessary for the proper administration of this chapter.

(2) In any proceeding before the board authorized by this chapter, the board or its designee may administer oaths or affirmations to witnesses appearing before it, may subpoena witnesses and compel their attendance and also may require the production of books, papers, documents, electronically stored information and items at such proceedings. If any person shall refuse to obey any subpoena so issued or shall refuse to testify or comply with a request for production, the board may present its petition to a district judge to cause an order to be issued requiring such witness to appear before the board to testify and to produce such books, papers and other documents and items as directed in the subpoena. Any person failing or refusing to obey such order shall be punished for contempt of court.

(3) In a final order, the board may impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation by a licensee, certificiant or registrant of this chapter or of rules adopted by the board.

[54-5807, added 2018, ch. 228, sec. 3, p. 525; am. 2020, ch. 182, sec. 5, p. 563.]

54-5808. APPLICATIONS. Each applicant for a license, certificate or registration shall:

(1) Make application to the board on forms authorized and furnished by the board, such application to contain proof under oath by the applicant of the particular qualifications of the applicant;

(2) Pay to the board the required fee; and

(3) Provide documentation and information to establish that the applicant meets the requirements for the license, certificate or registration sought.

[54-5808, added 2018, ch. 228, sec. 3, p. 526; am. 2020, ch. 182, sec. 6, p. 564.]

54-5809. EXAMINATIONS. The scope of the examinations for licensure and the methods of procedure shall be prescribed by the board with special reference to the applicant's general knowledge in the particular practices for which a license is sought and the applicant's ability to perform the particular work satisfactorily. Examinations shall include both a practical demonstration and a written test.

[54-5809, added 2018, ch. 228, sec. 3, p. 526.]

54-5810. QUALIFICATIONS FOR LICENSURE -- INSTRUCTORS -- APPRENTICES -- STUDENTS. (1) To qualify for licensure under this chapter, an applicant for licensure must:

(a) Be at least sixteen and one-half (16 1/2) years of age;

(b) Have completed at least two (2) years of high school or have attained an equivalent education as determined by the board;

- (c) Pass an examination for the occupation in which the applicant is seeking licensure, which examination shall be conducted or approved by the board; and
 - (d) Prove to the satisfaction of the board that the applicant has not engaged in conduct that would constitute grounds for discipline under section [54-5823](#), Idaho Code.
- (2) Except as otherwise provided, and in addition to the requirements listed in subsection (1) of this section, an applicant for licensure:
- (a) As a barber, must have:
 - (i) Completed and graduated from a course of instruction of at least nine hundred (900) hours in a barber school approved by the board; or
 - (ii) Completed at least one thousand eight hundred (1,800) hours as an apprentice in an apprenticeship that covered all aspects of the practice of barbering;
 - (b) As a barber-stylist, must have:
 - (i) Completed and graduated from a course of instruction of at least one thousand five hundred (1,500) hours in a barber school approved by the board; or
 - (ii) Completed at least three thousand (3,000) hours as an apprentice in an apprenticeship that covered all aspects of the practice of barber-styling;
 - (c) As a cosmetologist, must have:
 - (i) Completed and graduated from a course of instruction of at least one thousand six hundred (1,600) hours in a cosmetology school approved by the board; or
 - (ii) Completed at least three thousand two hundred (3,200) hours as an apprentice in an apprenticeship that covered all aspects of the practice of cosmetology;
 - (d) As an electrologist, must have:
 - (i) Completed and graduated from a course of instruction of at least six hundred (600) hours in a school approved by the board; or
 - (ii) Completed at least one thousand two hundred (1,200) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed electrologist instructor;
 - (e) As an esthetician, must have:
 - (i) Completed and graduated from a course of instruction of at least six hundred (600) hours in a school approved by the board; or
 - (ii) Completed at least one thousand two hundred (1,200) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed cosmetology instructor. Such establishment must have at least one (1) licensed esthetician on-site in accordance with board rules; and
 - (f) As a nail technician, must have:
 - (i) Completed and graduated from a course of instruction of at least four hundred (400) hours in a school approved by the board; or
 - (ii) Completed at least eight hundred (800) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed cosmetology instructor. Such establishment shall have at least one (1) licensed nail technician on-site in accordance with board rules.

(3) To qualify as an instructor of barbering, barber-styling, cosmetology, electrology, esthetics, or nail technology, an applicant must:

(a) Hold a current license in the profession or closely related profession, as determined by the board, for which the applicant seeks to instruct;

(b) Have worked for at least five (5) of the last seven (7) years as a licensed barber, barber-stylist, cosmetologist, electrologist, esthetician, or nail technician, or have satisfactorily completed:

(i) A minimum six (6) month teacher's course of instruction in one (1) of the specialties described in this subsection; or

(ii) A minimum three (3) month teacher's course of instruction in a school of one (1) of the specialties described in this subsection, if the applicant has at least two (2) years of experience as a licensee in one (1) of the specialties described in this subsection; and

(c) Have completed twelve (12) college credit hours or equivalent education, as determined by the board, or pass an examination approved by the board.

(4) To be qualified to hold an apprenticeship for purposes of this chapter, a person must:

(a) Meet the qualifications set forth in paragraphs (a), (b), and (d) of subsection (1) of this section; and

(b) Be registered as an apprentice with the board.

(5) To be considered a student for purposes of this chapter, a person must:

(a) Meet the qualifications set forth in paragraphs (a) and (b) of subsection (1) of this section; and

(b) Be registered as a student in a licensed barber school or cosmetology school.

[54-5810, added 2018, ch. 228, sec. 3, p. 526; am. 2019, ch. 150, sec. 2, p. 502; am. 2020, ch. 182, sec. 7, p. 564.]

54-5811. CERTIFICATE FOR MAKEUP ARTIST. (1) The board shall issue a certificate to an applicant if the applicant:

(a) Completes the application form for a certificate as required by the board;

(b) Pays the fee as set by board rule;

(c) Meets the qualifications set forth in section [54-5810](#)(1)(a), (b), and (d), Idaho Code; and

(d) Successfully completes instruction approved by the board of at least one hundred (100) hours in the practice of makeup artistry, including safety and infection control.

(2) The board may set by rule the nature of the instruction, training, experience or other qualification in the practice of makeup artistry that may be credited toward the total hours of instruction required under subsection (1) of this section. Instruction may be received from, but not limited to, the following:

(a) A cosmetology school licensed under this chapter or in another jurisdiction of the United States or in a foreign country; or

(b) A retail cosmetics dealer licensed under this chapter or in another jurisdiction of the United States.

(3) The board may set by rule the number of hours that a certificated makeup artist may be credited toward the required hours for a course of instruction or apprenticeship in cosmetology or esthetics.

[54-5811, added 2018, ch. 228, sec. 3, p. 528; am. 2020, ch. 182, sec. 8, p. 567.]

54-5812. LICENSE FOR RETAIL COSMETICS DEALER. The board shall issue a license to a retail cosmetics dealer if the dealer:

- (1) Completes the application form for licensure as required by the board;
- (2) Pays the license fee as required by section [54-5822](#), Idaho Code;
- (3) Specifies a location within the retail cosmetics dealer's business premises as the area where the cosmetics will be sold; and
- (4) Provides facilities and equipment in an area within the business premises to disinfect and store equipment as provided by board rule.

[54-5812, added 2018, ch. 228, sec. 3, p. 528; am. 2020, ch. 182, sec. 9, p. 567.]

54-5813. REGISTRATION FOR RETAIL THERMAL STYLING EQUIPMENT DEALER. The board shall issue a registration to a retail thermal styling equipment dealer if the dealer:

- (1) Completes the application forms for registration as required by the board;
- (2) Pays the registration fee as set by board rule;
- (3) Specifies a location where the thermal styling equipment will be sold;
- (4) Limits any demonstration of thermal styling equipment to styling less than a substantial portion of the customer's hair;
- (5) Trains its employees on the proper and safe use of the thermal styling equipment and all disinfection related to the demonstration of the equipment prior to an employee's use of the equipment on customers; and
- (6) Provides equipment and supplies in the defined area of the retail dealer's location to properly disinfect and store equipment and supplies necessary to perform any demonstration of the thermal styling equipment as provided by board rule.

[54-5813, added 2018, ch. 228, sec. 3, p. 529; am. 2020, ch. 182, sec. 10, p. 568.]

54-5814. FACILITY LICENSE FOR MAKEOVER OR GLAMOUR PHOTOGRAPHY BUSINESS. (1) The board shall issue a license to a makeover or glamour photography business that:

- (a) Completes the application form for licensure as required by the board;
- (b) Pays the license fee as required by board rule;
- (c) Specifies a location within the business premises as the area where the cosmetology practices will take place; and
- (d) Provides facilities and equipment in the specified area within the business premises to properly disinfect and store equipment and supplies necessary to perform any cosmetic application services as provided by board rule.

(2) A license issued pursuant to this section does not entitle a business or any employee of such business to furnish any cosmetology services unless incidental to the providing of photographic services and does not entitle such an individual or business to furnish any cosmetology services not specifically provided by board rule.

[54-5814, added 2018, ch. 228, sec. 3, p. 529; am. 2020, ch. 182, sec. 11, p. 568.]

54-5815. SCHOOL REQUIREMENTS. (1) Every barber school or cosmetology school located in this state must:

- (a) Be licensed under the provisions of this chapter;
- (b) Employ and maintain at least one (1) licensed barber instructor or barber-stylist instructor if a barber school and one (1) licensed cosmetology instructor if a cosmetology school. A school must employ and maintain a licensed instructor for every twenty (20) students or fraction thereof, with an instructor trainee counting as an instructor for purposes of the student-instructor ratio as long as there is a licensed instructor on the premises who is available during all school hours. An instructor at a licensed school must be licensed in the state of Idaho as an instructor;
- (c) Possess sufficient apparatus and equipment for the proper and full teaching of all subjects of its curriculum;
- (d) Keep a daily attendance record for each student;
- (e) Maintain regular class and instruction hours, establish grades and hold monthly examinations;
- (f) Prescribe a school term for training in all aspects of the practice of barbering, barber-styling, cosmetology or electrology;
- (g) Provide applicable curricula on hygiene, bacteriology, and elementary chemistry relating to disinfection and antiseptics;
- (h) If a school of cosmetology, provide applicable curricula on subjects relating to cosmetology, nail technology, esthetics, electrology, instruction and haircutting as follows:
 - (i) The curriculum for cosmetology shall include histology of the hair, skin, muscles, nails and nerves; structure of the head, face and neck; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the body; permanent waving, haircutting and arranging, dressing, coloring, bleaching and tinting of the hair; a study of electricity as applied to cosmetology; and the Idaho laws and rules governing the practice of cosmetology;
 - (ii) The curriculum for nail technology shall include histology of the hands and feet, skin, muscles, nails and nerves; structure of the hands and feet; diseases of the skin, glands and nails; massaging and manipulating the muscles of the hands and feet; a study of electricity as applied to nail technology; and the Idaho laws and rules governing the practice of nail technology;
 - (iii) The curriculum for esthetics shall include histology of the skin, muscles and nerves; structure of the head, face and neck; diseases of the skin, glands and nails; massaging and manipulating the muscles of the body; a study of electricity as applied to esthetics; and the Idaho laws and rules governing the practice of esthetics;
 - (iv) The curriculum for electrology shall include histology of the hair, skin, muscles, nails and nerves; structure of the body;

diseases of the skin, hair, glands and nails; hypertrichosis; permanent removal of unwanted hair; a study of electricity as applied to electrology, including the use and study of galvanic current and the use and study of both automatic and manual high-frequency current; and the Idaho laws and rules governing the practice of electrology; and

(v) The curriculum for instructors shall include fundamentals of adult education; communication; preparation of lesson plans; practical and theoretical presentation and demonstration; use of teaching aids; measurement and evaluation; and the Idaho laws and rules governing cosmetology and electrology, in addition to teaching the occupations defined in section [54-5802](#), Idaho Code;

(i) If a school of barbering, provide applicable curricula on subjects relating to barbering and barber-styling as follows:

(i) The curriculum for barbers shall include histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; haircutting; shaving; arranging and dressing the hair; and the Idaho laws and rules governing the practice of barbering; and

(ii) The curriculum for barber-stylists shall include histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; haircutting; shaving; arranging, dressing, curling, waving, straightening, coloring, bleaching and tinting of the hair; and the Idaho laws and rules governing the practice of barber-styling;

(j) Denote with clarity that the establishment is a school and that work is done by students. Such facts shall be made clear to patrons of the school by signs conspicuously posted in the school and the adjoining shop, if any. Students shall not be permitted to render any chemical service to a live human until such student has completed at least five percent (5%) of the required instruction;

(k) Employ instructors who are licensed instructors in this state;

(l) Not permit any student or apprentice to receive instruction unless the school is licensed under the provisions of this chapter;

(m) Require instructors to devote their time during school or class hours to instructing students rather than to engaging in occupational practice; and

(n) Offer school hours for the purpose of instruction on at least five (5) days per week.

(2) Training received in electrology, esthetics, or nail technology in a school shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train electrologists, estheticians, and nail technicians as established by board rule.

(3) Every school approved by the board shall deliver to the board a bond to the state of Idaho in the sum of twenty thousand dollars (\$20,000) and shall renew the same bond annually, conditioned that such school shall continue to give its courses of instruction in accordance with the provisions of this chapter until it has completed all such courses for which students have enrolled and further conditioned that such school shall fully comply with all promises or representations made to enrolled students as an induce-

ment to such students to enroll. The bond must be in a form approved by the board and must be executed by a corporate surety company duly authorized to do business in this state. Any student so enrolled who may be damaged by reason of the failure of such school to comply with such conditions shall have a right of action in the student's own name on such bonds for such damage.

[54-5815, added 2018, ch. 228, sec. 3, p. 530; am. 2020, ch. 182, sec. 12, p. 569.]

54-5816. ENDORSEMENT LICENSURE. (1) The board, upon application and the payment of the required fee, may issue a license, certificate or registration by endorsement, without examination, to a person who meets the qualifications set forth in section [54-5810](#)(1) (a), (b), and (d), Idaho Code, who holds a certificate of qualification or a license issued to that person by the proper authority of any state, territory or possession of the United States or of a foreign country, and who either:

(a) Provides official documentation that the requirements for licensure or certification under which the license or certificate was issued are of a standard not lower than those specified in this chapter; or

(b) Provides official documentation that said person has practiced the pursuit for which licensure is requested for at least one (1) year of the last three (3) years immediately prior to such application.

(2) The board or its agent shall evaluate each application for license or certificate by endorsement.

[54-5816, added 2018, ch. 228, sec. 3, p. 532; am. 2020, ch. 182, sec. 13, p. 572.]

54-5817. APPRENTICESHIPS. No apprentice may practice independently. An apprentice may perform any and all acts necessary for professional training within the scope of this chapter when such acts are performed in compliance with board rule, including immediate personal supervision of the apprentice by a licensed instructor. Establishments employing apprentices shall keep a daily work record of the attendance of such apprentices and shall, upon the termination of such apprenticeship, certify to the board the total number of hours worked and the types of instruction given to the apprentice. All apprenticeships must be completed within three (3) years from the time of commencement, unless an extension is approved by the board for good cause. The specific time allowed for each apprenticeship shall be set by board rule.

[54-5817, added 2018, ch. 228, sec. 3, p. 532; am. 2019, ch. 150, sec. 3, p. 504; am. 2020, ch. 182, sec. 14, p. 572.]

54-5818. ESTABLISHMENTS -- INSPECTION RULES. Inspections for the purpose of enforcing the provisions of this chapter shall be made by the board. The board shall have authority to prescribe safety, disinfection and sanitary requirements for barber and cosmetology establishments, retail cosmetics dealers, retail thermal styling equipment dealers and barber and cosmetology schools as such requirements apply to the nature of the work performed. The officers of the board or its agents shall have authority to enter and inspect at any time during business hours any barber or cosmetology establishment, retail cosmetics dealer, retail thermal styling equipment dealer, barber or cosmetology school or other location where barber-styling

or cosmetology services are being provided. A copy of the rules adopted by the board shall be made available upon request by the board to the owner or manager of each establishment, retail cosmetics dealer, retail thermal styling equipment dealer, or school.

[54-5818, added 2018, ch. 228, sec. 3, p. 532; am. 2020, ch. 182, sec. 15, p. 572.]

54-5819. DISINFECTION. (1) Except as otherwise provided in subsection (2) of this section, all instruments used by persons practicing pursuant to this chapter shall, after cleaning and prior to use on each patron, be disinfected with disinfectants registered by the United States environmental protection agency as effective against staphylococcus aureus (including methicillin-resistant staphylococcus aureus), human immunodeficiency virus and hepatitis B. All disinfectants shall be mixed, changed and used according to the manufacturers' instructions for disinfection between each patron.

(2) Nail instruments that are intended for single use or that are porous shall be disposed of after each use on a patron.

(3) Every precaution shall be taken by persons practicing pursuant to this chapter to prevent the transfer of disease-causing pathogens between people.

[54-5819, added 2018, ch. 228, sec. 3, p. 533.]

54-5820. ISSUANCE AND DISPLAY OF LICENSE, CERTIFICATE OR REGISTRATION. The board shall issue a license, certificate or registration and certificate of licensure to applicants who have successfully met the qualifications for licensure, certification or registration. Every holder of a license, certificate or registration shall display it in a publicly conspicuous place adjacent to or near the area where the practice is conducted. An establishment license must be publicly displayed at all times during the term of licensure in the establishment for which it is issued.

[54-5820, added 2018, ch. 228, sec. 3, p. 533.]

54-5821. RENEWAL AND REINSTATEMENT OF LICENSE, REGISTRATION, AND CERTIFICATES. All licenses, registrations, or certificates issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal and fees. License, registration, or certificate renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code. A barber school or cosmetology school licensed under the provisions of this chapter that fails to renew on or before the expiration date may request retroactive reinstatement to the date of expiration as provided in this section. If the board finds that such school has paid the renewal fee within ninety (90) days of the failure to renew, there being no other cause for the school's license to have been lapsed or canceled, and the school has paid all costs and penalties related to the license renewal and reinstatement required by law or rule, the board may retroactively renew said license to the date of expiration of the previous license. The school may continue to operate during the time period required by the board for consideration of the reinstatement request.

[54-5821, added 2018, ch. 228, sec. 3, p. 533; am. 2020, ch. 163, sec. 1, p. 476; am. 2020, ch. 182, sec. 16, p. 573.]

54-5822. FEES. (1) Any fee required pursuant to this chapter, including fees for original licenses, certificates, registrations, permits, annual renewals, and licenses, certificates, and registrations by endorsement, shall be set by board rule.

(2) All fees received by the board under the provisions of this chapter shall be nonrefundable, except as provided by board rule, and shall be deposited in the state treasury to the credit of the occupational licenses fund in the dedicated fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the fund for such purposes. The fees collected under this chapter shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.

[54-5822, added 2018, ch. 228, sec. 3, p. 533; am. 2020, ch. 182, sec. 17, p. 573; am. 2021, ch. 224, sec. 78, p. 691.]

54-5823. REFUSAL, REVOCATION OR SUSPENSION OF LICENSE, CERTIFICATE OR REGISTRATION -- SANCTIONS. The board may refuse to issue or renew a license, certificate or registration, may suspend or revoke a license, certificate or registration, or may otherwise sanction a licensee, certificant or registrant or impose education, training or supervision on a licensee, certificant or registrant if the licensee, certificant or registrant:

- (1) Is convicted of a felony as evidenced by a certified copy of the record of the court of conviction;
- (2) Commits malpractice or is otherwise professionally incompetent;
- (3) Knowingly practices the licensee's, certificant's or registrant's occupation while having an infectious or contagious disease, except as approved by a physician licensed under [chapter 18, title 54](#), Idaho Code;
- (4) Advertises by means of knowingly false or deceptive statements;
- (5) Is habitually intoxicated, uses illegal drugs, or deliberately misuses or abuses prescription drugs;
- (6) Commits unprofessional conduct as defined by rule;
- (7) Fraudulently applies for or obtains a license, certificate or registration;
- (8) Violates a provision of this chapter or a rule adopted pursuant to this chapter;
- (9) Has had an occupational license, certificate or registration suspended or revoked in any jurisdiction; or
- (10) Fails to comply with a board order entered in a disciplinary matter.

[54-5823, added 2018, ch. 228, sec. 3, p. 534.]

54-5824. BARBER POLES. Only persons licensed pursuant to the provisions of this chapter as a barber or barber-stylist may:

- (1) Hold themselves out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop;
- (2) Use the title or designation "barber" or "barbershop" under circumstances that would create or tend to create the impression to members of the general public that the person is a licensed barber, is a licensed barber-stylist, or is operating a licensed barbershop; or

(3) Place a barber pole in a location that would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop, unless the business is a licensed cosmetology establishment that is leasing space to or employing a licensed barber or a licensed barber-stylist. As used in this section, "barber pole" means a red and white striped vertical cylinder with a ball located on top of the cylinder or any object of a similar nature, regardless of its actual shape or coloring, that would create or tend to create the impression to members of the general public that a business located near the object is a barbershop.

[54-5824, added 2018, ch. 228, sec. 3, p. 534.]

54-5825. PRIOR BOARDS AND LICENSEES. The rights, obligations and authority of the board of barber examiners and the board of cosmetology, as they existed prior to the adoption of this chapter, shall be vested in the barber and cosmetology services licensing board created by this chapter. Persons who qualified for licensure under chapters 5 and 8, [title 54](#), Idaho Code, as repealed by this act, shall be entitled to renew their licenses under this chapter.

[54-5825, added 2018, ch. 228, sec. 3, p. 535.]

54-5826. CERTAIN ACTS PROHIBITED. The following acts shall be misdemeanors:

- (1) Violating a provision of this chapter;
- (2) Permitting any person in one's employ, supervision or control to practice barbering, barber-styling, cosmetology or electrology or to practice as an apprentice or student, if that person has not complied with the provisions of this chapter;
- (3) Obtaining or attempting to obtain a registration, certificate or license for money other than the required fee or any other thing of value or by fraudulent misrepresentation;
- (4) Practicing or offering to practice any of the occupations defined in this chapter, unless licensed, certificated or registered or otherwise exempt as herein provided; and
- (5) Maintaining or operating a barber or cosmetology establishment, a retail cosmetics dealer facility, a retail thermal styling equipment dealer facility, a barber school or a cosmetology school, unless such facility is licensed or registered as herein provided.

[54-5826, added 2018, ch. 228, sec. 3, p. 535.]

54-5827. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

[54-5827, added 2018, ch. 228, sec. 3, p. 535.]