

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 363

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO COSMETICIANS; AMENDING SECTION 54-804, IDAHO CODE, TO PROVIDE
2 AN ADDITIONAL INSTANCE IN WHICH THE PROVISIONS OF CHAPTER 8, TITLE 54,
3 IDAHO CODE, DO NOT APPLY; AMENDING SECTION 54-807, IDAHO CODE, TO REVISE
4 PROVISIONS RELATING TO THE PRACTICE OF LICENSED APPRENTICES; AND AMEND-
5 ING SECTION 54-829, IDAHO CODE, TO REMOVE A REQUIREMENT THAT NO MEMBER
6 OF THE IDAHO BOARD OF COSMETOLOGY BE AFFILIATED WITH A SCHOOL OF COSME-
7 TOLOGY AND TO MAKE TECHNICAL CORRECTIONS.
8

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

10 SECTION 1. That Section 54-804, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 54-804. EXEMPTIONS. The provisions of this chapter shall not apply in
13 the following instances:

14 (1) Persons authorized by the laws of this state to practice as a nurse
15 or any of the healing arts, while in the proper discharge of their profes-
16 sional duties.

17 (2) Persons licensed to practice barbering or barber-styling in this
18 state.

19 However, the provisions of this section shall not be construed to autho-
20 rize the practice of cosmetology, except those acts that are permitted under
21 the Idaho barber law.

22 (3) Persons practicing in their own home without compensation, and not
23 practicing on the public in general.

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

25 (5) The provisions of section 54-803(1), Idaho Code, shall not apply to
26 licensed parties performing cosmetological services for persons unable by
27 reason of ill health, medical confinement or involuntary incarceration to go
28 to a cosmetological establishment.

29 (~~5~~6) The provisions of section 54-803(1), Idaho Code, shall not apply
30 to licensed electrologists or licensed estheticians practicing electrology
31 or esthetics under the supervision of a person licensed as a chiropractor,
32 dentist, medical doctor or podiatrist at a facility utilized by the doctor.

33 (~~6~~7) Persons whose practice is limited to the facial application of
34 cosmetic products to customers in connection with the sale, or attempted
35 sale, on the premises of a retail cosmetics dealer, of cosmetic products at
36 retail, without compensation from the customer other than the regular price
37 of the merchandise.

38 SECTION 2. That Section 54-807, Idaho Code, be, and the same is hereby
39 amended to read as follows:

1 54-807. PRACTICE OF APPRENTICE. No licensed apprentice may practice
2 independently, ~~but~~. A licensed apprentice may ~~do~~ perform any and all acts
3 necessary for the training as a cosmetologist, nail technician, electrologist
4 or esthetician providing the same is done under the in a profession
5 within the scope of this chapter when such acts are performed in compliance
6 with board rule, including immediate personal supervision of licensed reg-
7 istered cosmetologists, nail technicians, electrologists or estheticians
8 in licensed cosmetological establishments where one (1) of said regis-
9 tered cosmetologists, nail technicians, electrologists or estheticians is
10 a licensed instructor, and only one (1) such apprentice shall be employed
11 for each two (2) licensed registered cosmetologists, nail technicians,
12 electrologists or estheticians in any cosmetological establishment the ap-
13 prentice by a licensed instructor. Cosmetological establishments employing
14 apprentices shall keep a daily work record of the attendance of such appren-
15 tices and shall, upon the termination of such apprenticeship, certify to the
16 board the total number of hours worked and the types of instruction given the
17 apprentice.

18 SECTION 3. That Section 54-829, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 54-829. BOARD -- QUALIFICATIONS OF MEMBERS. Members of the board shall
21 be at least twenty-five (25) years of age, ~~and~~ residents of this state for at
22 least five (5) years prior to their appointment, and they shall have been en-
23 gaged in the practice of cosmetology for at least three (3) years immediately
24 preceding their appointment, and shall be licensed cosmetologists under the
25 provision of this ~~act~~ chapter. No member of the board shall be affiliated
26 with a ~~school of cosmetology or~~ company selling cosmetic supplies while
27 in office, and no two (2) members of the board can be graduates of the same
28 school of cosmetology except that the qualifications for the cosmetology
29 school representative and the electrologists shall be established by board
30 regulations rules.