

IN THE SENATE

SENATE BILL NO. 1324

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE BARBER AND COSMETOLOGY SERVICES ACT; REPEALING CHAPTER 5,
2 TITLE 54, IDAHO CODE, RELATING TO BARBERS; REPEALING CHAPTER 8, TITLE
3 54, IDAHO CODE, RELATING TO COSMETICIANS; AMENDING TITLE 54, IDAHO
4 CODE, BY THE ADDITION OF A NEW CHAPTER 58, TITLE 54, IDAHO CODE, TO
5 ESTABLISH THE BARBER AND COSMETOLOGY SERVICES ACT, TO PROVIDE A SHORT
6 TITLE, TO DEFINE TERMS, TO PROVIDE POLICY AND REQUIREMENTS OF LICEN-
7 SURE, TO PROVIDE PROHIBITIONS REGARDING ESTABLISHMENTS AND TO PROVIDE
8 EXCEPTIONS, TO PROVIDE EXEMPTIONS FROM LICENSURE, TO CREATE THE BAR-
9 BER AND COSMETOLOGY SERVICES LICENSING BOARD AND TO PROVIDE FOR THE
10 ORGANIZATION, MEETINGS AND POWERS OF THE BOARD, TO PROVIDE FOR LICENSE
11 AND REGISTRATION APPLICATIONS AND EXAMINATIONS, TO PROVIDE QUALIFICA-
12 TIONS FOR LICENSURE FOR PRACTITIONERS, INSTRUCTORS, APPRENTICES AND
13 STUDENTS, TO REQUIRE A CERTIFICATE FOR A MAKEUP ARTIST, TO REQUIRE A
14 LICENSE FOR A RETAIL COSMETICS DEALER, TO REQUIRE REGISTRATION FOR A
15 RETAIL THERMAL STYLING EQUIPMENT DEALER, TO REQUIRE A LICENSE FOR A
16 MAKEOVER OR GLAMOUR PHOTOGRAPHY BUSINESS, TO PROVIDE FOR BARBER AND
17 COSMETOLOGY SCHOOL REQUIREMENTS, TO AUTHORIZE ENDORSEMENT LICENSURE,
18 TO PROVIDE FOR THE PRACTICE OF A COSMETOLOGY APPRENTICE, TO PROVIDE FOR
19 INSPECTION RULES PERTAINING TO ESTABLISHMENTS, TO PROVIDE DISINFECTION
20 REQUIREMENTS, TO PROVIDE FOR THE ISSUANCE AND DISPLAY OF A LICENSE,
21 CERTIFICATE OR REGISTRATION, TO PROVIDE FOR RENEWAL AND REINSTATEMENT
22 OF LICENSES AND REGISTRATIONS, TO PROVIDE FOR FEES, TO AUTHORIZE THE
23 REFUSAL, REVOCATION OR SUSPENSION OF A LICENSE, CERTIFICATE OR REG-
24 ISTRATION AND TO AUTHORIZE SANCTIONS, TO PROVIDE FOR BARBER POLES, TO
25 PROVIDE FOR BOARDS AND LICENSEES UNDER PRIOR LAW, TO PROHIBIT CERTAIN
26 ACTS AND PROVIDING SEVERABILITY; AMENDING SECTION 67-2601, IDAHO CODE,
27 TO REMOVE REFERENCE TO THE BOARD OF BARBER EXAMINERS AND THE BOARD OF
28 COSMETOLOGY, TO ADD A REFERENCE TO THE BARBER AND COSMETOLOGY SERVICES
29 LICENSING BOARD AS A COMPONENT OF THE DEPARTMENT OF SELF-GOVERNING
30 AGENCIES AND TO REMOVE OBSOLETE LANGUAGE; AND AMENDING SECTION 67-2602,
31 IDAHO CODE, TO AUTHORIZE THE BUREAU OF OCCUPATIONAL LICENSES TO PROVIDE
32 SERVICES TO THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD.
33

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

35 SECTION 1. That Chapter 5, Title 54, Idaho Code, be, and the same is
36 hereby repealed.

37 SECTION 2. That Chapter 8, Title 54, Idaho Code, be, and the same is
38 hereby repealed.

39 SECTION 3. That Title 54, Idaho Code, be, and the same is hereby amended
40 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
41 ter 58, Title 54, Idaho Code, and to read as follows:

1 CHAPTER 58
2 BARBER AND COSMETOLOGY SERVICES ACT

3 54-5801. SHORT TITLE. This chapter shall be known and may be cited as
4 the "Barber and Cosmetology Services Act."

5 54-5802. DEFINITIONS. As used in this chapter:

6 (1) "Apprentice" means a person registered with the barber and cosme-
7 tology services licensing board to learn an occupation in a licensed estab-
8 lishment who, while so learning, performs or assists in performing any prac-
9 tices of cosmetology.

10 (2) "Approved or licensed school" means a postsecondary barber or cos-
11 metology school that:

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

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

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

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

21 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-
22 ing, cleansing, singeing or performing similar work on the hair;

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

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

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

29 (5) "Barber-styling" means any one (1) or any combination of the fol-
30 lowing practices when performed on the upper part of the human body for cos-
31 metic purposes and not for the treatment of disease or physical or mental
32 ailments:

33 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-
34 ing, waving by any method, straightening, cleansing, singeing, bleach-
35 ing, coloring or performing similar work on the hair;

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

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

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

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

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

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

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

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

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

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

8 (c) Noninvasive care of the skin by application of cosmetic prepa-
9 rations, antiseptics, tonics, lotions, creams and essential oils
10 to cleanse, massage, exfoliate, hydrate and stimulate; makeup ap-
11 plication; pore extraction; use of chemical exfoliants approved for
12 professional esthetic use; particle exfoliation; use of any class I
13 medical device, as classified by the United States food and drug admin-
14 istration, designed for care of the skin, except that a class II medical
15 device designed for care of the skin may be used as directed and super-
16 vised by an authorized and licensed health care practitioner; temporary
17 removal of superfluous hair by lotions, creams, waxing, tweezing, de-
18 pilatories or other means; and tinting or perming the eyebrows and
19 eyelashes; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (a) Manicuring and pedicuring nails;

24 (b) Applying artificial nails; and

25 (c) Massaging the hands and feet.

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

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

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

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

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

45 54-5803. POLICY AND REQUIREMENTS OF LICENSURE. In order to safeguard
46 the public health, safety and welfare, persons practicing or offering to
47 practice an occupation defined in and governed by this chapter shall submit
48 evidence of their qualifications and shall be licensed, certificated or
49 registered as hereinafter provided. It shall be unlawful for any person to

1 practice or offer to practice an occupation defined in and governed by this
 2 chapter, or to use in connection with that person's name or otherwise assume,
 3 use or advertise any title or description tending to convey the impression
 4 that the person is licensed, certificated or registered to practice an oc-
 5 cupation defined in and governed by this chapter, unless the person has been
 6 duly licensed, certificated or registered under the provisions of this chap-
 7 ter. It shall further be unlawful for any person or legal entity to operate
 8 a barber or cosmetology establishment or school of barbering or cosmetology
 9 unless the establishment or school has been licensed for such purpose as
 10 hereinafter provided.

11 54-5804. PROHIBITIONS REGARDING ESTABLISHMENTS -- EXCEPTIONS.

12 (1) It shall be unlawful:

13 (a) To practice any of the occupations licensed, certificated or reg-
 14 istered under this chapter in a place or establishment that is not li-
 15 censed or registered for such practice, except as specifically autho-
 16 rized by this chapter;

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

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

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

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

31 (b) A licensed electrologist practicing electrology or a licensed es-
 32 thetician practicing esthetics under the supervision of a licensed chi-
 33 ropractor, dentist, medical doctor, nurse practitioner or podiatrist
 34 at a facility used by the supervising individual; or

35 (c) A person licensed or certificated under this chapter to prac-
 36 tice barbering, barber-styling, cosmetology, esthetics, haircutting,
 37 makeup artistry or nail technology provided that:

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

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

44 54-5805. EXEMPTIONS FROM LICENSURE. The licensing, certification and
 45 registration provisions of this chapter shall not apply to the following:

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

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

3 (3) Persons practicing on a relative without compensation.

4 (4) Persons whose practice is limited to the facial application of cos-
5 metic products to customers in connection with the sale or attempted sale of
6 cosmetic products on the premises of a retail cosmetics dealer without com-
7 pensation from the customer other than the price of the products.

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

13 (6) Currently enrolled students or actively registered apprentices
14 practicing or demonstrating outside of a licensed school or establishment
15 when that practice or demonstration is under the direct supervision of a
16 licensed instructor. Members of the public may not be charged for any ser-
17 vices performed by a student or an apprentice practicing pursuant to this
18 subsection.

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

27 (8) Persons who are licensed or qualified through proper documentation
28 and in good standing to practice barber-styling and cosmetology services in
29 another jurisdiction of the United States or in a foreign country and who are
30 employed or contracted to perform barber-styling or cosmetology services in
31 the course of and incidental to the production of a theatrical or other vi-
32 sual arts production including, but not limited to, stage productions, tele-
33 vision and motion pictures.

34 54-5806. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby es-
35 tablished in the department of self-governing agencies, bureau of occupa-
36 tional licenses, the barber and cosmetology services licensing board.

37 (2) The board shall consist of seven (7) members, two (2) of whom shall
38 be licensed cosmetologists, two (2) of whom shall be licensed barbers or bar-
39 ber-stylists, one (1) of whom shall be a licensed electrologist or estheti-
40 cian, one (1) of whom shall be a currently active school representative and
41 one (1) of whom shall be a member of the public who has an interest in barber
42 and cosmetology services but who does not hold a license issued under this
43 chapter. All board members shall be residents of this state.

44 (3) Initial appointments to the board by the governor shall begin on
45 July 1, 2018, and be for the following terms: two (2) members whose terms
46 shall expire on July 1, 2019; two (2) members whose terms shall expire on July
47 1, 2020; and three (3) members whose terms shall expire on July 1, 2021.

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

4 (5) In the event of the death, resignation or removal of any board mem-
5 ber before the expiration of the term to which the member is appointed, the
6 vacancy shall be filled for the unexpired portion of the term in the same man-
7 ner as the original appointment.

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

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

17 54-5807. POWERS OF THE BOARD. (1) The board shall have the power to:

18 (a) Receive applications for licensure and certification, determine
19 the qualifications of persons applying for licensure, certification
20 and registration, provide licenses, certificates and registrations to
21 applicants qualified under the provisions of this chapter, and rein-
22 state and deny licenses, certificates and registrations;

23 (b) Establish fees by rule and collect fees as prescribed by this chap-
24 ter;

25 (c) Maintain records necessary to carry out its duties under this chap-
26 ter;

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

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

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

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

38 (h) Adopt and revise such rules as may be necessary to carry into ef-
39 fect the provisions of this chapter in compliance with chapter 52, title
40 67, Idaho Code, including specific rules governing the disinfection and
41 sanitation requirements for establishments and practice as provided by
42 this chapter;

43 (i) Take such action as may be necessary to enforce the provisions of
44 this chapter and to regulate the practice of occupations licensed, cer-
45 tificated and registered under this chapter;

46 (j) Approve relevant cosmetology education for barber and barber-
47 styling licenses and approve relevant barber and barber-styling
48 education for cosmetology licenses; provided that the total instruc-
49 tional hours required for a licensed cosmetologist to qualify for a

1 barber or barber-styling license shall not exceed one hundred (100)
2 hours; and

3 (k) Authorize, by written agreement, the bureau of occupational li-
4 censes as its agent to act in its interest and, at the board's discre-
5 tion, contract with the bureau of occupational licenses for those ser-
6 vices deemed necessary for the proper administration of this chapter.

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

18 (3) The board may recover the actual costs and fees, including attor-
19 ney's fees, incurred by the board in the investigation and prosecution of a
20 licensee, certificiant or registrant upon the finding of a violation of this
21 chapter or of a rule adopted or an order issued by the board under this chap-
22 ter.

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

26 54-5808. APPLICATIONS. Each applicant for a license, certificate or
27 registration shall:

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

31 (2) Furnish to the board a passport photograph of the applicant taken
32 within the year preceding the filing of the application, together with a de-
33 scription of the applicant;

34 (3) Pay to the board the required fee; and

35 (4) Provide documentation and information to establish that the appli-
36 cant meets the requirements for the license, certificate or registration
37 sought.

38 54-5809. EXAMINATIONS. The scope of the examinations for licensure
39 and the methods of procedure shall be prescribed by the board with special
40 reference to the applicant's general knowledge in the particular practices
41 for which a license is sought and the applicant's ability to perform the par-
42 ticular work satisfactorily. Examinations shall include both a practical
43 demonstration and a written test.

44 54-5810. QUALIFICATIONS FOR LICENSURE -- INSTRUCTORS -- APPRENTICES
45 -- STUDENTS. (1) To qualify for licensure under this chapter, an applicant
46 for licensure must:

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

- 1 (b) Have completed at least two (2) years of high school or have at-
2 tained an equivalent education as determined by the board;
- 3 (c) Be of good moral character; and
- 4 (d) Pass an examination for the occupation in which the applicant is
5 seeking licensure, which examination shall be conducted or approved by
6 the board.
- 7 (2) Except as otherwise provided, and in addition to the requirements
8 listed in subsection (1) of this section, an applicant for licensure:
- 9 (a) As a barber must have completed and graduated from a course of in-
10 struction of at least nine hundred (900) hours in a barber school ap-
11 proved by the board;
- 12 (b) As a barber-stylist must have completed and graduated from a course
13 of instruction of at least one thousand five hundred (1,500) hours in a
14 barber school approved by the board;
- 15 (c) As a cosmetologist must have:
- 16 (i) Completed and graduated from a course of instruction of at
17 least one thousand six hundred (1,600) hours in a cosmetology
18 school approved by the board; or
- 19 (ii) Completed at least three thousand two hundred (3,200) hours
20 as an apprentice in an apprenticeship that covered all aspects of
21 the practice of cosmetology;
- 22 (d) As an electrologist must have:
- 23 (i) Completed and graduated from a course of instruction of at
24 least six hundred (600) hours in a school approved by the board; or
- 25 (ii) Completed at least one thousand two hundred (1,200) hours as
26 an apprentice in a cosmetology establishment under the direct per-
27 sonal supervision of a licensed electrologist instructor. Such
28 establishment must have at least one (1) licensed electrologist
29 on-site in accordance with board rules;
- 30 (e) As an esthetician must have:
- 31 (i) Completed and graduated from a course of instruction of at
32 least six hundred (600) hours in a school approved by the board; or
- 33 (ii) Completed at least one thousand two hundred (1,200) hours
34 as an apprentice in a cosmetology establishment under the direct
35 personal supervision of a licensed cosmetology instructor. Such
36 establishment must have at least one (1) licensed esthetician
37 on-site in accordance with board rules;
- 38 (f) As a haircutter must have completed and graduated from a course of
39 instruction of at least nine hundred (900) hours in a school approved by
40 the board;
- 41 (g) As a nail technician must have:
- 42 (i) Completed and graduated from a course of instruction of at
43 least four hundred (400) hours in a school approved by the board;
44 or
- 45 (ii) Completed at least eight hundred (800) hours as an apprentice
46 in a cosmetology establishment under the direct personal super-
47 vision of a licensed cosmetology instructor. Such establishment
48 shall have at least one (1) licensed nail technician on-site in ac-
49 cordance with board rules.
- 50 (3) To qualify as a barber instructor, an applicant must:

- 1 (a) Hold a current barber license;
2 (b) Pass an examination approved by the board; and
3 (c) Have at least five (5) years of experience as a licensed barber or
4 have satisfactorily completed:
5 (i) A minimum six (6) month course of barber instructing as a stu-
6 dent in a licensed barber school; or
7 (ii) A minimum three (3) month course of barber instructing as a
8 student in a licensed barber school, if the applicant has at least
9 two (2) years of experience as a licensed barber.
- 10 (4) To qualify as a barber-stylist instructor, an applicant must:
11 (a) Hold a current barber-stylist license or a cosmetologist license;
12 (b) Pass an examination approved by the board; and
13 (c) Have at least five (5) years of experience as a licensed barber-
14 stylist or have satisfactorily completed:
15 (i) A minimum six (6) month course of barber-stylist instructing
16 as a student in a licensed barber school; or
17 (ii) A minimum three (3) month course of barber-stylist instruct-
18 ing as a student in a licensed barber school, if the applicant has
19 at least two (2) years of experience as a licensed barber-stylist.
- 20 (5) To qualify as an instructor of cosmetology, electrology, esthetics
21 or nail technology, an applicant must:
22 (a) Have completed twelve (12) college credit hours or an equivalent
23 education as determined by the board or pass an examination required by
24 board rules;
25 (b) Hold a current license as a cosmetologist, electrologist, estheti-
26 cian or nail technician; and
27 (c) Have at least five (5) years of experience as a licensed cosmetol-
28 ogist, electrologist, esthetician or nail technician, which years of
29 experience immediately precede the application for an instructor's li-
30 cense, or have satisfactorily completed:
31 (i) A minimum six (6) month teacher's course of instruction in a
32 school of cosmetology; or
33 (ii) A minimum three (3) month teacher's course of instruction
34 in a school of cosmetology, if the applicant has at least two (2)
35 years of experience as a licensed cosmetologist, electrologist,
36 esthetician or nail technician.
- 37 (6) To be qualified to hold an apprenticeship for purposes of this chap-
38 ter, a person must:
39 (a) Be at least sixteen and one-half (16 1/2) years of age;
40 (b) Have completed at least two (2) years of high school or have at-
41 tained an equivalent education as determined by the board; and
42 (c) Be registered as an apprentice with the board.
- 43 (7) To be considered a student for purposes of this chapter, a person
44 must:
45 (a) Be at least sixteen and one-half (16 1/2) years of age;
46 (b) Have completed at least two (2) years of high school or have at-
47 tained an equivalent education as determined by the board; and
48 (c) Be registered as a student in a licensed barber school or cosmetol-
49 ogy school.

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

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

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

6 (c) Meets the qualifications set forth in section 54-5810(1) (a), (b)
7 and (c), Idaho Code; and

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

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

16 (a) A cosmetology school licensed under this chapter or in another ju-
17 risdiction of the United States or in a foreign country; or

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

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

23 54-5812. LICENSE FOR RETAIL COSMETICS DEALER. (1) The board shall
24 issue a license to a retail cosmetics dealer if the dealer:

25 (a) Completes the application form for licensure as required by the
26 board;

27 (b) Pays the license fee as required by section 54-5822, Idaho Code;

28 (c) Specifies a location within the retail cosmetics dealer's business
29 premises as the area where the cosmetics will be sold; and

30 (d) Provides facilities and equipment in an area within the business
31 premises to disinfect and store equipment and supplies necessary to
32 perform any cosmetic application services provided. The required fa-
33 cilities and equipment shall include:

34 (i) Hot and cold running water;

35 (ii) Disinfectants registered by the United States environmental
36 protection agency as effective against staphylococcus aureus (in-
37 cluding methicillin-resistant staphylococcus aureus), human im-
38 munodeficiency virus and hepatitis B. All disinfectants shall be
39 mixed, changed and used according to the manufacturers' instruc-
40 tions for disinfection between customer application services;

41 (iii) Single-use samples, wipes, spatulas or other dispensing
42 techniques designed to prevent contamination of the cosmetic
43 product;

44 (iv) A first aid kit; and

45 (v) Restroom facilities.

46 (2) Upon approval of an application for license as set forth in sub-
47 section (1) of this section, the board may issue a limited license to allow
48 the application of cosmetic products to customers' faces in connection with

1 the sale or attempted sale of the products without compensation from the cus-
2 tomer other than the price of the products.

3 (3) A license issued pursuant to this section does not entitle a busi-
4 ness or any employee of such business to furnish any cosmetology services not
5 specifically set forth in subsection (2) of this section.

6 54-5813. REGISTRATION FOR RETAIL THERMAL STYLING EQUIPMENT DEALER.
7 The board shall issue a registration to a retail thermal styling equipment
8 dealer if the dealer:

9 (1) Completes the application forms for registration as required by the
10 board;

11 (2) Pays the registration fee as set by board rule;

12 (3) Specifies a location where the thermal styling equipment will be
13 sold;

14 (4) Limits any demonstration of thermal styling equipment to styling
15 less than a substantial portion of the customer's hair;

16 (5) Trains its employees on the proper and safe use of the thermal
17 styling equipment and all disinfection related to the demonstration of the
18 equipment prior to an employee's use of the equipment on customers; and

19 (6) Provides equipment and supplies in the defined area of the retail
20 dealer's location to properly disinfect and store equipment and supplies
21 necessary to perform any demonstration of the thermal styling equipment.

22 The required equipment and supplies shall include:

23 (a) Disinfectants registered by the United States environmental pro-
24 tection agency as effective against staphylococcus aureus (including
25 methicillin-resistant staphylococcus aureus), human immunodeficiency
26 virus and hepatitis B. All disinfectants shall be mixed, changed and
27 used according to the manufacturers' instructions for disinfection be-
28 tween customer application services; and

29 (b) A first aid kit.

30 54-5814. LICENSE FOR MAKEOVER OR GLAMOUR PHOTOGRAPHY BUSINESS.

31 (1) The board shall issue a license to a makeover or glamour photography
32 business that:

33 (a) Completes the application form for licensure as required by the
34 board;

35 (b) Pays the license fee as required by section 54-5822, Idaho Code;

36 (c) Specifies a location within the business premises as the area where
37 the cosmetology practices will take place; and

38 (d) Provides facilities and equipment in the specified area within the
39 business premises to properly disinfect and store equipment and sup-
40 plies necessary to perform any cosmetic application services provided,
41 including the arranging of hair by use of thermal styling equipment.

42 The required facilities and equipment shall include:

43 (i) Hot and cold running water;

44 (ii) Disinfectants registered by the United States environmental
45 protection agency as effective against staphylococcus aureus (in-
46 cluding methicillin-resistant staphylococcus aureus), human im-
47 munodeficiency virus and hepatitis B. All disinfectants shall be

1 mixed, changed and used according to the manufacturers' instruc-
2 tions for disinfection between customer application services;

3 (iii) Single-use applicators, wipes, spatulas or other dispensing
4 techniques designed to prevent contamination of the cosmetic
5 product;

6 (iv) A first aid kit; and

7 (v) Restroom facilities.

8 (2) Upon approval of an application for license as set forth in sub-
9 section (1) of this section, the board may issue a limited license for the
10 practice of cosmetology, which license limits the business to the applica-
11 tion of facial cosmetics incidental to the photographic service offered and
12 which license includes the ability for the photographer or employee to ar-
13 range hair using combs, brushes, picks and thermal curling devices such as
14 curling irons, crimpers or heated rollers.

15 (3) A license issued pursuant to this section does not entitle a busi-
16 ness or any employee of such business to furnish any cosmetology services un-
17 less incidental to the providing of photographic services and does not en-
18 title such an individual or business to furnish any cosmetology services not
19 specifically set forth in subsection (2) of this section.

20 54-5815. SCHOOL REQUIREMENTS. (1) Every barber school or cosmetology
21 school located in this state must:

22 (a) Be licensed under the provisions of this chapter;

23 (b) Employ and maintain at least one (1) licensed barber instructor or
24 barber-stylist instructor if a barber school and one (1) licensed cos-
25 metology instructor if a cosmetology school. A school must employ and
26 maintain a licensed instructor for every twenty (20) students or frac-
27 tion thereof, with an instructor trainee counting as an instructor for
28 purposes of the student-instructor ratio as long as there is a licensed
29 instructor on the premises who is available during all school hours. An
30 instructor at an approved school must be licensed in the state of Idaho
31 as a barber instructor, barber-stylist instructor or cosmetology in-
32 structor;

33 (c) Possess sufficient apparatus and equipment for the proper and full
34 teaching of all subjects of its curriculum;

35 (d) Keep a daily attendance record for each student;

36 (e) Maintain regular class and instruction hours, establish grades and
37 hold monthly examinations;

38 (f) Prescribe a school term for training in all aspects of the practice
39 of barbering, barber-styling, cosmetology or electrology;

40 (g) If a school of cosmetology, provide applicable curricula on sub-
41 jects relating to cosmetology, nail technology, esthetics, electrol-
42 ogy, instruction and haircutting as follows:

43 (i) The curriculum for cosmetology shall include hygiene; bacte-
44 riology; histology of the hair, skin, muscles, nails and nerves;
45 structure of the head, face and neck; elementary chemistry relat-
46 ing to disinfection and antiseptics; diseases of the skin, hair,
47 glands and nails; massaging and manipulating the muscles of the
48 body; permanent waving, haircutting and arranging, dressing, col-
49 oring, bleaching and tinting of the hair; a study of electricity as

1 applied to cosmetology; and the Idaho laws and rules governing the
2 practice of cosmetology;

3 (ii) The curriculum for nail technology shall include hygiene;
4 bacteriology; histology of the hands and feet, skin, muscles,
5 nails and nerves; structure of the hands and feet; elementary
6 chemistry relating to disinfection and antiseptics; diseases of
7 the skin, glands and nails; massaging and manipulating the muscles
8 of the hands and feet; a study of electricity as applied to nail
9 technology; and the Idaho laws and rules governing the practice of
10 nail technology;

11 (iii) The curriculum for esthetics shall include hygiene; bacte-
12 riology; histology of the skin, muscles and nerves; structure of
13 the head, face and neck; elementary chemistry relating to disin-
14 fection and antiseptics; diseases of the skin, glands and nails;
15 massaging and manipulating the muscles of the body; a study of
16 electricity as applied to esthetics; and the Idaho laws and rules
17 governing the practice of esthetics;

18 (iv) The curriculum for electrology shall include hygiene; bacte-
19 riology; histology of the hair, skin, muscles, nails and nerves;
20 structure of the body; elementary chemistry relating to disin-
21 fection and antiseptics; diseases of the skin, hair, glands and
22 nails; hypertrichosis; permanent removal of unwanted hair; a
23 study of electricity as applied to electrology, including the use
24 and study of galvanic current and the use and study of both auto-
25 matic and manual high-frequency current; and the Idaho laws and
26 rules governing the practice of electrology;

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

34 (vi) The curriculum for haircutting shall include hygiene; bacte-
35 riology; histology of the hair, skin, muscles and nerves; struc-
36 ture of the head and neck; elementary chemistry relating to dis-
37 infection and antiseptics; diseases of the skin, hair and glands;
38 massaging and manipulating of the muscles of the head and neck;
39 haircutting and arranging hair; the study of electricity as ap-
40 plied to haircutting; and the Idaho laws and rules governing the
41 practice of haircutting;

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

44 (i) The curriculum for barbers shall include hygiene; bacteri-
45 ology; histology of the hair, skin, nails, muscles and nerves;
46 structure of the head, face and neck; elementary chemistry re-
47 lating to disinfection and antiseptics; diseases of the skin,
48 hair, glands and nails; massaging and manipulating the muscles
49 of the upper body; haircutting; shaving; arranging and dressing

1 the hair; and the Idaho laws and rules governing the practice of
2 barbering; and

3 (ii) The curriculum for barber-stylists shall include hygiene;
4 bacteriology; histology of the hair, skin, nails, muscles and
5 nerves; structure of the head, face and neck; elementary chemistry
6 relating to disinfection and antiseptics; diseases of the skin,
7 hair, glands and nails; massaging and manipulating the muscles of
8 the upper body; haircutting; shaving; arranging, dressing, curl-
9 ing, waving, straightening, coloring, bleaching and tinting of
10 the hair; and the Idaho laws and rules governing the practice of
11 barber-styling;

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

18 (j) Employ instructors who are licensed instructors in this state;

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

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

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

26 (2) A person receiving cosmetology training in an establishment not
27 meeting the requirements for schools as herein set forth shall receive
28 credit for said training as an apprentice rather than as a student, provided
29 said training meets the requirements for apprentice training.

30 (3) Training received in electrology in a school shall not be recog-
31 nized unless the school has been approved for such training by the board and
32 the school meets and maintains the requirements to train electrologists as
33 established by board rules.

34 (4) Training received in esthetics in a school shall not be recognized
35 unless the school has been approved for such training by the board and the
36 school meets and maintains the requirements to train estheticians as estab-
37 lished by board rules.

38 (5) Training received in nail technology in a school shall not be recog-
39 nized unless the school has been approved for such training by the board and
40 the school meets and maintains the requirements to train nail technicians as
41 established by board rules.

42 (6) Training received in haircutting in a school shall not be recog-
43 nized unless the school has been approved for such training by the board and
44 the school meets and maintains the requirements to train haircutters as es-
45 tablished by board rules.

46 (7) Every school approved by the board shall deliver to the board a bond
47 to the state of Idaho in the sum of twenty thousand dollars (\$20,000) and
48 shall renew the same bond annually, conditioned that such school shall con-
49 tinue to give its courses of instruction in accordance with the provisions
50 of this chapter until it has completed all such courses for which students

1 have enrolled and further conditioned that such school shall fully comply
2 with all promises or representations made to enrolled students as an induce-
3 ment to such students to enroll. The bond must be in a form approved by the
4 board and must be executed by a corporate surety company duly authorized to
5 do business in this state. Any student so enrolled who may be damaged by rea-
6 son of the failure of such school to comply with such conditions shall have a
7 right of action in the student's own name on such bonds for such damage.

8 54-5816. ENDORSEMENT LICENSURE. (1) The board, upon application and
9 the payment of the required fee, may issue a license, certificate or reg-
10 istration by endorsement, without examination, to a person who is at least
11 eighteen (18) years of age and of good moral character who has completed two
12 (2) years of high school or an equivalent education as determined by the
13 board, who holds a certificate of qualification or a license issued to that
14 person by the proper authority of any state, territory or possession of the
15 United States or of a foreign country, and who either:

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

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

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

24 54-5817. PRACTICE OF COSMETOLOGY APPRENTICE. No cosmetology appren-
25 tice may practice independently. A cosmetology apprentice may perform any
26 and all acts necessary for training in the cosmetology profession within the
27 scope of this chapter when such acts are performed in compliance with board
28 rule, including immediate personal supervision of the apprentice by a li-
29 censed instructor. Barber or cosmetology establishments employing appren-
30 tices shall keep a daily work record of the attendance of such apprentices
31 and shall, upon the termination of such apprenticeship, certify to the board
32 the total number of hours worked and the types of instruction given to the ap-
33 prentice.

34 54-5818. ESTABLISHMENTS -- INSPECTION RULES. Inspections for the pur-
35 pose of enforcing the provisions of this chapter shall be made by the board.
36 The board shall have authority to prescribe safety, disinfection and sani-
37 tary requirements for barber and cosmetology establishments, retail cosmet-
38 ics dealers, retail thermal styling equipment dealers and barber and cos-
39 metology schools as such requirements apply to the nature of the work per-
40 formed. The officers of the board or its agents shall have authority to en-
41 ter and inspect at any time during business hours any barber or cosmetology
42 establishment, retail cosmetics dealer, retail thermal styling equipment
43 dealer, barber or cosmetology school or other location where barber-styling
44 or cosmetology services are being provided. A copy of the rules adopted by
45 the board shall be furnished by the board to the owner or manager of each
46 establishment, retail cosmetics dealer, retail thermal styling equipment
47 dealer, or school.

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

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

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

15 54-5820. ISSUANCE AND DISPLAY OF LICENSE, CERTIFICATE OR REGISTRA-
16 TION. The board shall issue a license, certificate or registration and
17 certificate of licensure to applicants who have successfully met the qual-
18 ifications for licensure, certification or registration. Every holder of
19 a license, certificate or registration shall display it in a publicly con-
20 spicuous place adjacent to or near the area where the practice is conducted.
21 An establishment license must be publicly displayed at all times during the
22 term of licensure in the establishment for which it is issued.

23 54-5821. RENEWAL AND REINSTATEMENT OF LICENSE AND REGISTRATION. All
24 licenses or registrations issued under the provisions of this chapter shall
25 be subject to annual renewal and shall expire unless renewed in the manner
26 prescribed by the board regarding applications for renewal and fees. Li-
27 cense or registration renewal and reinstatement shall be in accordance with
28 section 67-2614, Idaho Code.

29 54-5822. FEES. (1) Any fee required pursuant to this chapter, includ-
30 ing fees for original licenses, certificates, registrations, permits, an-
31 nual renewals, and licenses, certificates and registrations by endorsement,
32 shall be set by board rule in amounts not to exceed the following:

33 (a) Fifty dollars (\$50.00) for:

34 (i) An original license, certificate or registration for an es-
35 tablishment, a retail cosmetics dealer, a retail thermal styling
36 equipment dealer, a makeover or glamour photography business, a
37 barber, a barber-stylist, a cosmetologist, a nail technician, an
38 instructor, an electrologist, an esthetician, a makeup artist or a
39 haircutter; and

40 (ii) Renewal of a license or registration for an establishment,
41 a retail cosmetics dealer, a retail thermal styling equipment
42 dealer, a makeover or glamour photography business, a barber, a
43 barber-stylist, a cosmetologist, a nail technician, an instruc-
44 tor, an electrologist, an esthetician or a haircutter;

45 (b) One hundred dollars (\$100) for a license, certificate or registra-
46 tion by endorsement;

1 (c) Five hundred dollars (\$500) for an original license for a barber
2 school or a cosmetology school;

3 (d) One hundred fifty dollars (\$150) for renewal of a license for a bar-
4 ber school or a cosmetology school; and

5 (e) Twenty dollars (\$20.00) for an apprentice permit (no renewal fee is
6 required).

7 (2) The fee for an examination, when required, shall be equal to the fee
8 charged by the national examining entity.

9 (3) Fees shall not be prorated or returnable.

10 (4) All fees received by the board under the provisions of this chap-
11 ter shall be nonrefundable and shall be deposited in the state treasury to
12 the credit of the occupational license account in the dedicated fund, and all
13 costs and expenses incurred by the board under the provisions of this chapter
14 shall be a charge against and paid from the account for such purposes. The
15 fees collected under this chapter shall be immediately available for the ad-
16 ministration of this chapter, the provisions of any other law notwithstand-
17 ing.

18 54-5823. REFUSAL, REVOCATION OR SUSPENSION OF LICENSE, CERTIFICATE OR
19 REGISTRATION -- SANCTIONS. The board may refuse to issue or renew a license,
20 certificate or registration, may suspend or revoke a license, certificate
21 or registration, or may otherwise sanction a licensee, certificant or reg-
22 istrant or impose education, training or supervision on a licensee, certifi-
23 cant or registrant if the licensee, certificant or registrant:

24 (1) Is convicted of a felony as evidenced by a certified copy of the
25 record of the court of conviction;

26 (2) Commits malpractice or is otherwise professionally incompetent;

27 (3) Knowingly practices the licensee's, certificant's or registrant's
28 occupation while having an infectious or contagious disease, except as ap-
29 proved by a physician licensed under chapter 18, title 54, Idaho Code;

30 (4) Advertises by means of knowingly false or deceptive statements;

31 (5) Is habitually intoxicated, uses illegal drugs, or deliberately
32 misuses or abuses prescription drugs;

33 (6) Commits unprofessional conduct as defined by rule;

34 (7) Fraudulently applies for or obtains a license, certificate or reg-
35 istration;

36 (8) Violates a provision of this chapter or a rule adopted pursuant to
37 this chapter;

38 (9) Has had an occupational license, certificate or registration sus-
39 pended or revoked in any jurisdiction; or

40 (10) Fails to comply with a board order entered in a disciplinary mat-
41 ter.

42 54-5824. BARBER POLES. Only persons licensed pursuant to the provi-
43 sions of this chapter as a barber or barber-stylist may:

44 (1) Hold themselves out to the public, solicit business or advertise as
45 a licensed barber or as operating a licensed barbershop;

46 (2) Use the title or designation "barber" or "barbershop" under cir-
47 cumstances that would create or tend to create the impression to members of

1 the general public that the person is a licensed barber, is a licensed bar-
2 ber-stylist, or is operating a licensed barbershop; or

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

12 54-5825. PRIOR BOARDS AND LICENSEES. The rights, obligations and
13 authority of the board of barber examiners and the board of cosmetology, as
14 they existed prior to the adoption of this chapter, shall be vested in the
15 barber and cosmetology services licensing board created by this chapter.
16 Persons who qualified for licensure under chapters 5 and 8, title 54, Idaho
17 Code, as repealed by this act, shall be entitled to renew their licenses
18 under this chapter.

19 54-5826. CERTAIN ACTS PROHIBITED. The following acts shall be misde-
20 meanors:

21 (1) Violating a provision of this chapter;

22 (2) Permitting any person in one's employ, supervision or control to
23 practice barbering, barber-styling, cosmetology or electrology or to prac-
24 tice as an apprentice or student, if that person has not complied with the
25 provisions of this chapter;

26 (3) Obtaining or attempting to obtain a registration, certificate or
27 license for money other than the required fee or any other thing of value or
28 by fraudulent misrepresentation;

29 (4) Practicing or offering to practice any of the occupations defined
30 in this chapter, unless licensed, certificated or registered or otherwise
31 exempt as herein provided; and

32 (5) Maintaining or operating a barber or cosmetology establishment, a
33 retail cosmetics dealer facility, a retail thermal styling equipment dealer
34 facility, a barber school or a cosmetology school, unless such facility is
35 licensed or registered as herein provided.

36 54-5827. SEVERABILITY. The provisions of this chapter are hereby de-
37 clared to be severable and if any provision of this chapter or the applica-
38 tion of such provision to any person or circumstance is declared invalid for
39 any reason, such declaration shall not affect the validity of the remaining
40 portions of this chapter.

41 SECTION 4. That Section 67-2601, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 67-2601. DEPARTMENT CREATED -- ORGANIZATION -- BUREAU OF OCCUPATIONAL
44 LICENSES CREATED. (1) There is hereby created the department of self-gov-
45 erning agencies. The department shall, for the purposes of section 20, arti-

1 cle IV, of the constitution of the state of Idaho, be an executive department
2 of the state government.

3 (2) The department shall consist of the following:

4 (a) Agricultural commodity commissions: Idaho apple commission, as
5 provided by chapter 36, title 22, Idaho Code; Idaho bean commission,
6 as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as
7 provided by chapter 29, title 25, Idaho Code; Idaho cherry commission,
8 as provided by chapter 37, title 22, Idaho Code; Idaho dairy products
9 commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea
10 and lentil commission, as provided by chapter 35, title 22, Idaho Code;
11 Idaho potato commission, as provided by chapter 12, title 22, Idaho
12 Code; the Idaho wheat commission, as provided by chapter 33, title 22,
13 Idaho Code; ~~the Idaho aquaculture commission, as provided by chapter~~
14 ~~44, title 22, Idaho Code,~~ and the Idaho alfalfa and clover seed commis-
15 sion, as provided in chapter 42, title 22, Idaho Code.

16 (b) Professional and occupational licensing boards: Idaho state board
17 of accountancy, as provided by chapter 2, title 54, Idaho Code; board
18 of acupuncture, as provided by chapter 47, title 54, Idaho Code; board
19 of architectural examiners, as provided by chapter 3, title 54, Idaho
20 Code; state athletic commission, as provided by chapter 4, title 54,
21 Idaho Code; ~~board of barber examiners, as provided by chapter 5, ti-~~
22 ~~tle 54, Idaho Code;~~ board of commissioners of the Idaho state bar,
23 as provided by chapter 4, title 3, Idaho Code; board of chiropractic
24 physicians, as provided by chapter 7, title 54, Idaho Code; ~~Idaho board~~
25 ~~of cosmetology, as provided by chapter 8, title 54, Idaho Code;~~ Idaho
26 state licensing board of professional counselors and marriage and fam-
27 ily therapists, as provided by chapter 34, title 54, Idaho Code; state
28 board of dentistry, as provided by chapter 9, title 54, Idaho Code;
29 state board of denturistry, as provided by chapter 33, title 54, Idaho
30 Code; Idaho board of licensure of professional engineers and profes-
31 sional land surveyors, as provided by chapter 12, title 54, Idaho Code;
32 state board of registration for professional geologists, as provided by
33 chapter 28, title 54, Idaho Code; speech and hearing services licensure
34 board, as provided by chapter 29, title 54, Idaho Code; Idaho physical
35 therapy licensure board, as provided by chapter 22, title 54, Idaho
36 Code; Idaho state board of landscape architects, as provided by chapter
37 30, title 54, Idaho Code; liquefied petroleum gas safety board, as pro-
38 vided by chapter 53, title 54, Idaho Code; state board of medicine, as
39 provided by chapter 18, title 54, Idaho Code; state board of morticians,
40 as provided by chapter 11, title 54, Idaho Code; board of naturopathic
41 medical examiners, as provided by chapter 51, title 54, Idaho Code;
42 board of nursing, as provided by chapter 14, title 54, Idaho Code; board
43 of examiners of nursing home administrators, as provided by chapter 16,
44 title 54, Idaho Code; state board of optometry, as provided by chapter
45 15, title 54, Idaho Code; Idaho outfitters and guides licensing board,
46 as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as
47 provided by chapter 17, title 54, Idaho Code; state board of podiatry,
48 as provided by chapter 6, title 54, Idaho Code; Idaho state board of psy-
49 chologist examiners, as provided by chapter 23, title 54, Idaho Code;
50 Idaho real estate commission, as provided by chapter 20, title 54, Idaho

1 Code; real estate appraiser board, as provided by chapter 41, title 54,
 2 Idaho Code; board of social work examiners, as provided by chapter 32,
 3 title 54, Idaho Code; the board of veterinary medicine, as provided by
 4 chapter 21, title 54, Idaho Code; the board of examiners of residen-
 5 tial care facility administrators, as provided by chapter 42, title
 6 54, Idaho Code; the certified shorthand reporters board, as provided
 7 by chapter 31, title 54, Idaho Code; the driving businesses licensure
 8 board, as provided by chapter 54, title 54, Idaho Code; the board of
 9 drinking water and wastewater professionals, as provided by chapter 24,
 10 title 54, Idaho Code; ~~and~~ the board of midwifery, as provided by chapter
 11 55, title 54, Idaho Code; and the barber and cosmetology services li-
 12 icensing board, as provided by chapter 58, title 54, Idaho Code.

13 (c) The board of examiners, pursuant to section 67-2001, Idaho Code.

14 (d) The division of building safety: building code board, chapter 41,
 15 title 39, Idaho Code; electrical board, chapter 10, title 54, Idaho
 16 Code; public works contractors license board, chapter 19, title 54,
 17 Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public
 18 works construction management, chapter 45, title 54, Idaho Code; the
 19 heating, ventilation and air conditioning board, chapter 50, title 54,
 20 Idaho Code; and factory built structures advisory board, chapter 43,
 21 title 39, Idaho Code.

22 (e) The division of veterans services to be headed by a division ad-
 23 ministrator who shall be a nonclassified employee exempt from the pro-
 24 visions of chapter 53, title 67, Idaho Code. The administrator of the
 25 division shall administer the provisions of chapter 2, title 65, Idaho
 26 Code, and chapter 9, title 66, Idaho Code, with the advice of the vet-
 27 erans affairs commission established under chapter 2, title 65, Idaho
 28 Code, and shall perform such additional duties as are imposed upon him
 29 by law.

30 (f) The board of library commissioners, pursuant to section 33-2502,
 31 Idaho Code.

32 (g) The Idaho state historical society, pursuant to section 67-4123,
 33 Idaho Code.

34 (h) The state public defense commission, pursuant to section 19-849,
 35 Idaho Code.

36 (3) The bureau of occupational licenses is hereby created within the
 37 department of self-governing agencies.

38 SECTION 5. That Section 67-2602, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 67-2602. BUREAU OF OCCUPATIONAL LICENSES. (1) The bureau of occupa-
 41 tional licenses created in the department of self-governing agencies by sec-
 42 tion 67-2601, Idaho Code, shall be empowered, by written agreement between
 43 the bureau and each agency for which it provides administrative or other ser-
 44 vices as provided by law, to provide such services for the board of acupunc-
 45 ture, board of architectural examiners, athletic commission, ~~board of bar-~~
 46 ~~ber examiners,~~ certified shorthand reporters board, board of chiropractic
 47 physicians, Idaho contractors board, ~~board of cosmetology,~~ licensing board
 48 of professional counselors and marriage and family therapists, state board
 49 of denturistry, drinking water and wastewater professionals, state driving

1 businesses licensure board, Idaho board of massage therapy, Idaho board of
2 registration for professional geologists, speech and hearing services li-
3 censure board, physical therapy licensure board, board of landscape archi-
4 tects, liquefied petroleum gas safety board, board of morticians, board of
5 naturopathic medical examiners, board of examiners of nursing home admin-
6 istrators, occupational therapy licensure board, board of optometry, board
7 of podiatry, board of psychologist examiners, real estate appraiser board,
8 board of examiners of residential care facility administrators, board of so-
9 cial work examiners, board of midwifery, barber and cosmetology services li-
10 icensing board and such other professional and occupational licensing boards
11 or commodity commissions as may request such services. The bureau may charge
12 a reasonable fee for such services provided any agency not otherwise pro-
13 vided for by law and shall maintain proper accounting methods for all funds
14 under its jurisdiction.

15 (2) Notwithstanding the statutes governing specific boards, for any
16 board that contracts with the bureau of occupational licenses, each board
17 member shall hold office until a successor has been duly appointed and qual-
18 ified.

19 (3) The department of self-governing agencies, by and through the bu-
20 reau of occupational licenses, shall be empowered to provide administrative
21 or other services for the administration of chapter 48, title 54, Idaho Code,
22 to issue, suspend, revoke or refuse to renew licenses and certificates, to
23 issue subpoenas, to prescribe and impose fees and to assess administrative
24 penalties pursuant to the provisions of chapter 48, title 54, Idaho Code.

25 (4) Agencies that contract with the bureau of occupational licenses for
26 administrative services may assess and the bureau may collect costs, fees
27 and attorney's fees reasonably incurred in the investigation and prosecu-
28 tion of a licensee or registrant who is found to have violated the laws or
29 rules of the agency.