

## HOUSE REPUBLICAN STAFF ANALYSIS

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|----------------|--------------------------|------------------|--------------------------------|
| Bill:          | House File 652 (HSB 211) | House Committee: | <b>PASSED</b> March 2 (22-0)   |
| Committee:     | State Government         | House Floor:     | <b>PASSED</b> March 22 (84-11) |
| Floor Manager: | Rep. Wulf                | Senate Floor:    |                                |
| Date:          | March 22, 2023           | Governor:        |                                |
| Staff:         | Jason Covey (1-3626)     |                  |                                |

### Combining Cosmetology and Barbering Boards

- The Board of Cosmetology Arts and Sciences and the Board of Barbering combine and are now the Board of Barbering and Cosmetology Arts and Sciences.
- Allows schools of cosmetology to use their space for uses outside of instruction.

### Section by Section Analysis

Section 1 – Powers and duties of the director (Iowa Code 10A.104(14))  
Conforming code change for the combined board.

Section 2 – Designation of boards (Iowa Code 147.13(11))  
Changes the name of the board to “The Board of Barbering and Cosmetology Arts and Sciences” that oversees cosmetology.

Section 3 – Designation of boards (Iowa Code 147.13(12))  
Strikes the paragraph for barbering and the board of barbering. The board of barbering is being dissolved.

Section 4 – Composition of boards – quorum (Iowa Code 147.14(1)(a,n))  
Strikes both paragraphs regarding composition of barbering and cosmetology boards.

Section 5 – Composition of boards – quorum (Iowa Code 147.14(1)(x))  
New paragraph – Adding the composition for the barbering and cosmetology to be 3 cosmetologists, 1 instructor), 2 members licensed to practice barbering and hairstyling, 1 electrologist/esthetician/nail technologist, 1 cosmetology school owner, 2 members of the public who are not licensed in a practice of cosmetology arts and sciences.

Section 6 – Rules (Iowa Code 147.76)  
Strikes reference to the board of barbering.

Section 7 – Definitions (Iowa Code 157.1(01))  
Adds definitions for “barber and hairstylist”, “barbering”, “establishment”, and “hairstyling” to the chapter on Cosmetology.

Section 8 – Definitions (Iowa Code 157.1(1))

Amends the definition of board to mean the board of barbering and cosmetology.

Section 9 – Definitions (Iowa Code 157.1(1))

Removes arranging, braiding, and dressing hair in the definitions of a cosmetologist.

Section 10 – Definitions (Iowa Code 157.1(5)(a))

Adds barbering to the practices of cosmetology.

Section 11 – Definitions (Iowa Code 157.1(6)(e))

Strikes manicuring and pedicuring and adds “hairstyling” to the disciplines performed by a licensee.

Section 12 – Definitions (Iowa Code 157.1(26))

Strikes “salon” from definitions.

Section 13 – Definitions (Iowa Code 157.1(27))

Updates the language to include barbering in the name for schools.

Section 14 – Prohibitions — exceptions (Iowa Code 157.2(1)(b,h))

Strikes barbering from section of code that no longer applies.

Section 15 – Prohibitions — exceptions (Iowa Code 157.2(2))

Prohibits cosmetologists from representing themselves as electrologists, estheticians, or nail technologists unless they’ve completed the board prescribed courses.

Section 16 – License requirements (Iowa Code 157.3(1)(a))

Updates the language to include barbering in the name for licensed schools.

Section 17 – License requirements (Iowa Code 157.3(3))

New subsection – The board shall adopt rules for the licensing and practice of barbering and hairstyling.

Section 18 – License requirements — additional training (Iowa Code 157.3A(6))

New subsection – adds language regarding straight razor performance.

Section 19 – Temporary permits (Iowa Code 157.4(3)(a))

Amends code to conform to the new terms enacted by this bill.

Section 20 – Sanitary rules — practice in the home (Iowa Code 157.6)

Amends code to conform to the new terms enacted by this bill.

Section 21 – Inspectors and clerical assistants (Iowa Code 157.7(1))

Strikes reference to the chapter on Barbering.

Section 22 – Licensing of schools of cosmetology arts and sciences and instructors (Iowa Code 157.8(1))

Amends code to conform to the new terms enacted by this bill.

Section 23 – Licensing of schools of cosmetology arts and sciences and instructors (Iowa Code 157.8(2)(c))

Strikes language regarding separation of cosmetology and barbering schools being in the same space.

Section 24 – Licensing of schools of cosmetology arts and sciences and instructors (Iowa Code 157.8(2)(d))

Amends code to conform to the new terms enacted by this bill.

Section 25 – Use of schools of barbering and cosmetology (Iowa Code 157.8A)

NEW SECTION – Allows schools to be used for other purposes than instruction during instruction time as long as it doesn't disrupt classes. The board will adopt rules for this section.

Section 26 – License suspension and revocation (Iowa Code 157.9)

Strikes reference to chapter on barbering.

Section 27 – Course of study (Iowa Code 157.10(1))

Strikes manicuring and pedicuring from the course of study for cosmetologists. Course of study for licenses limited to esthetics is 600 hours and course of study for licenses limits to nail technology 325 hours.

Section 28 – Course of study – barbering and hairstyling (Iowa Code 157.10A)

Course of study for a license to practice barbering and hairstyling is 1500 hours.

Section 29 – Establishment Licenses (Iowa Code 157.11(3))

Replaces "salons" with "establishments". DIA may inspect an establishment before opening, biennially, and determined by the board based upon a complaint.

Section 30 – Violations (Iowa Code 157.13(1))

Amends code to conform to the new terms enacted by this bill.

Section 31 – Violations (Iowa Code 157.13(1)(a))

Amends code to conform to the new terms enacted by this bill.

Section 32 – Violations (Iowa Code 157.13(3))

Amends code to conform to the new terms enacted by this bill.

Section 33 – Definitions (Iowa Code 261.9(3)(b))

Strikes reference to chapter on barbering.

Section 34 – Exceptions (Iowa Code 261B.11(1)(i))

Strikes reference to chapter on barbering.

Section 35 – Definitions (Iowa Code 272C.1(6)(g))

Amends code to conform to the new terms enacted by this bill.

Section 36 – Definitions (Iowa Code 272C.1(6)(i))

Amends code to conform to the new terms enacted by this bill.

Section 37 – REPEAL (Iowa Code 158)

Repeals the chapter on barbering.

Section 38 – Emergency Rules

Allows for emergency rules to be adopted to implement the bill.

Section 39 – Transition Provisions

The merging of the boards shall not affect the appointment or term of office of a member prior to the effective date of this act. The initial membership of the Board of Barbering and Cosmetology Arts and Sciences shall consist of all members of each board serving on the effective date of this act.

A rule adopted by either board before the effective date of this act shall continue in full force until the earlier of: amendment, rescinding, or supplemented by the Board of Barbering and Cosmetology Arts and Sciences or the rule expires by its own terms.

Any license issued by either board shall continue in full force and effect until expiration or renewal.

Any remaining funds in any account of either board shall be transferred to the control of the Board of Barbering and Cosmetology Arts and Sciences.

Any cause of action, statute of limitation, or administrative action initiated by either board shall not be affected.

All client and organizational files in the possession of the boards shall not be affective and shall apply to the Board of Barbering and Cosmetology Arts and Sciences.

Any personnel in the state merit system of employment who are mandatorily transferred due to the effect of this act shall not lose salary, benefits, or accrued years of service.

A person licensed as a barber on July 1, 2022 shall be considered to be licensed to practice barbering and shall be issues a license.

A person currently enrolled in a barbering school must complete the course by August 1, 2023.

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## Section by Section Analysis

### **H-1139 by Wulf adopted by VV**

Reduces the number of hours for licensure from 2,100 hours to 1,550 hours. (70 to 51 semester Credits)

Reduces the newly creates board membership to 7 members (3 cosmetologists or barbers, 1 instructor, 1 school owner, and 1 member of the public.

Strikes “barber and hairstylist” from the bill. Cosmetologists and Barbers will be licensed in the practice of cosmetology arts and sciences. The applicant shall indicate on their application whether they are applying to be a barber or cosmetologist.

Technical fix to the definition of “establishment” to match other code sections. (location instead of place)

Strikes “hairstyling” out of the bill.

Strikes the high school diploma or equivalency requirement and replaces it with at least 16 years of age and completed the 10<sup>th</sup> grade.

Adds that someone engage in only blow dry styling is not required to be licensed and cannot practice in a licensed establishment.

Limits the use of cosmetology schools for purposes other than student instruction to only outside of scheduled instruction time and experience time.

Previous membership on the cosmetology or barbering board counts towards the term limits for the newly created Board of Barbering and Cosmetology Arts and Sciences.

**H-1153 by Nielsen (2<sup>nd</sup> Degree) Failed 31-64**

Strikes the change for 16 years of age and completed 10<sup>th</sup> grade.