

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 162

BY EDUCATION COMMITTEE

AN ACT

RELATING TO COSMETICIANS; AMENDING SECTION 54-802, IDAHO CODE, TO REVISE A
DEFINITION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-802, Idaho Code, be, and the same is hereby
amended to read as follows:

54-802. DEFINITIONS. For the purpose of this chapter, the following
definitions shall apply:

(1) "Cosmetology" shall constitute any one (1) or combination of the
following practices when done upon 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 similar work upon
the hair.

(b) Noninvasive care of the skin of the face and body by application of
cosmetic preparations, antiseptics, tonics, lotions, creams and essen-
tial 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 mechani-
cal or electrical apparatus or appliance designed for nonmedical care
of the skin; the temporary removal of superfluous hair by means of lo-
tions, creams, waxing, tweezing or depilatories, and tinting of eye-
brows and eyelashes.

(c) Manicuring, pedicuring the nails, and the application of artifi-
cial nails.

(2) "Registered cosmetologist" shall mean any person licensed to prac-
tice cosmetology.

(3) "Nail technology" shall constitute any one (1) or more of the fol-
lowing practices when done upon the human body:

(a) Manicuring, pedicuring the nails, and the application of all forms
of artificial nails.

(b) Massage of the hands and feet.

(4) "Nail technician" shall mean any licensed person whose practice of
cosmetology is limited to nail technology.

(5) "Nail technology instructor" shall mean a nail technologist who is
licensed to teach nail technology or any practice thereof in a school of cos-
metology.

(6) "Apprentice" shall mean any person registered with the board to en-
gage in the learning or acquiring of any or all of the practices of cosmetol-
ogy in a licensed cosmetological establishment, and while so learning per-
forms or assists in any of the practices of cosmetology.

(7) "Student" shall mean any person engaged in the learning or acquiring of any or all of the practices of cosmetology in a licensed school of cosmetology, and while so learning performs or assists in any of the practices of cosmetology.

(8) "Instructor" shall mean a cosmetologist who is licensed to teach cosmetology or any practices thereof in a school of cosmetology, school or college of barbering, or cosmetology establishment meeting the requirements for apprenticeship training.

(9) "Instructor trainee" shall mean a registered cosmetologist who is in a school of cosmetology to receive training to teach cosmetology.

(10) "Cosmetological establishment" shall mean any licensed place or part thereof other than a school of cosmetology wherein cosmetology is practiced.

(11) "School of cosmetology" ~~shall mean any licensed place or part thereof wherein cosmetology is taught to students~~ is a postsecondary school.

(a) Schools of cosmetology must be licensed by name by the state board of cosmetology.

(b) Schools of cosmetology admit as regular students only individuals who meet the requirements of section 54-805, Idaho Code.

(12) "Board" means the Idaho board of cosmetology.

(13) "Department" means the Idaho department of self-governing agencies.

(14) "Chapter" as used herein refers to chapter 8, title 54, Idaho Code.

(15) "Electrologist" means any person licensed to practice electrolysis and who is skilled in the permanent removal of unwanted hair.

(16) "Electrolysis or electrolysis" means the permanent removal of hair by destroying the hair producing cells of the skin and vascular system using equipment and devices approved by and registered with the United States food and drug administration.

(17) "Esthetics" means noninvasive care of the skin of the face and body 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 mechanical or electrical apparatus or appliance designed for nonmedical care of the skin; the temporary removal of superfluous hair by means of lotions, creams, waxing, tweezing or depilatories, and tinting of eyebrows and eyelashes.

(18) "Esthetician" means any person licensed to practice esthetics.

(19) "Esthetics instructor" shall mean an esthetician who is licensed to teach esthetics or any practice thereof in a school of cosmetology approved to teach esthetics.

(20) "Electrologist instructor" shall mean an electrologist who is licensed to teach electrolysis or any practices thereof in a school of cosmetology approved to teach electrolysis.

(21) "Student electrologist instructor" shall mean an electrologist who is in a school of cosmetology approved to teach electrolysis to receive training to teach electrolysis.

(22) "Makeover or glamour photography business" means any business engaged in the offering of photographic services to the general public and

1 whose employees engage in the facial application of cosmetic products or the
2 arranging of the hair of customers in connection with the sale, or attempted
3 sale, of photographic services.

4 (23) "Retail cosmetics dealer" means a fixed retail business which of-
5 fers cosmetic products for sale at retail to members of the general public
6 and whose employees engage in the facial application of cosmetic products
7 to customers in connection with the sale, or attempted sale, of the products
8 without compensation from the customer other than the regular price of the
9 merchandise.

10 (24) "Demonstration, competition or production" means an organized
11 event of limited duration where cosmetology services may be performed, if
12 sponsored by a salon, school of cosmetology or cosmetology-related organi-
13 zation.

14 (25) "Haircutting" means cutting, trimming, arranging, dressing, curl-
15 ing, cleansing, singeing or similar work upon the hair.

16 (26) "Haircutter" means any licensed person whose practice of cosmetol-
17 ogy is limited to haircutting.

18 SECTION 2. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after its
20 passage and approval.