



LEGISLATURE OF THE STATE OF IDAHO



Sixty-fourth Legislature

First Regular Session - 2017

IN THE _____

BILL NO. _____

BY _____

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 PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE POLICY AND REQUIRE-
 6 MENTS OF LICENSURE, TO PROVIDE PROHIBITIONS FOR ESTABLISHMENTS AND
 7 EXCEPTIONS, TO PROVIDE CERTAIN EXEMPTIONS, TO ESTABLISH THE BARBER AND
 8 COSMETOLOGY SERVICES LICENSING BOARD, TO PROVIDE POWERS OF THE BOARD,
 9 TO PROVIDE FOR LICENSURE APPLICATIONS, TO PROVIDE FOR EXAMINATIONS, TO
 10 PROVIDE QUALIFICATIONS FOR LICENSURE AND FOR INSTRUCTORS, APPRENTICES
 11 AND STUDENTS, TO PROVIDE FOR LICENSURE OF A RETAIL COSMETICS DEALER, TO
 12 PROVIDE FOR LICENSURE OF A MAKEOVER OR GLAMOUR PHOTOGRAPHY BUSINESS,
 13 TO PROVIDE FOR CERTAIN REGISTRATION, TO PROVIDE REQUIREMENTS FOR CER-
 14 TAIN SCHOOLS, TO PROVIDE FOR ENDORSEMENT LICENSURE, TO PROVIDE SCOPE
 15 OF PRACTICE FOR AN APPRENTICE, TO PROVIDE FOR INSPECTION OF ESTAB-
 16 LISHMENTS, TO REQUIRE CERTAIN DISINFECTION, TO ESTABLISH PROVISIONS
 17 REGARDING ISSUANCE AND DISPLAY OF LICENSES, TO PROVIDE FOR LICENSE RE-
 18 NEWAL AND REINSTATEMENT, TO ESTABLISH PROVISIONS REGARDING FEES, TO
 19 PROVIDE FOR DISCIPLINE OF LICENSEES, TO ESTABLISH PROVISIONS REGARDING
 20 BARBER POLES, TO ESTABLISH PROVISIONS REGARDING PRIOR BOARDS AND LI-
 21 CENSEES, TO PROHIBIT CERTAIN ACTS AND TO PROVIDE SEVERABILITY; AMENDING
 22 SECTION 67-2601, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO
 23 REMOVE OBSOLETE CODE REFERENCES; AND AMENDING SECTION 67-2602, IDAHO
 24 CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REMOVE OBSOLETE TERMINOL-
 25 OGY.
 26

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

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29 hereby repealed.

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31 hereby repealed.

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

35 CHAPTER 58

36 BARBER AND COSMETOLOGY SERVICES ACT

37 54-5801. SHORT TITLE. This chapter shall be known and may be cited as
38 the "Barber and Cosmetology Services Act."

39 54-5802. DEFINITIONS. As used in this chapter:



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

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

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

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

11 (3) "Barber" means a person licensed to practice barbering as defined
12 in subsection (4) of this section.

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

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

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

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

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

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

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

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

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

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

37 (6) "Barber-stylist" means a person licensed to practice bar-
38 ber-styling as defined in subsection (5) of this section.

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

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

42 (9) "Cosmetologist" means a person licensed to practice cosmetology as
43 defined in subsection (10) of this section.

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

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

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

1 (c) Noninvasive care of the skin by application of cosmetic prepara-
2 tions, antiseptics, tonics, lotions, creams and essential oils
3 to cleanse, massage, exfoliate, hydrate and stimulate; makeup ap-
4 plication; pore extraction; use of chemical exfoliants approved for
5 professional esthetic use; particle exfoliation; use of any class I
6 medical device, as classified by the FDA, designed for care of the skin,
7 except that a class II medical device designed for care of the skin may
8 be used as directed and supervised by an authorized and licensed health
9 care practitioner; temporary removal of superfluous hair by lotions,
10 creams, waxing, tweezing, depilatories or other means; and tinting,
11 perming or applying extensions to the eyebrows and eyelashes; and

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

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

15 (12) "Electrologist" means a person licensed to practice electrology,
16 as defined in subsection (13) of this section, and skilled in the permanent
17 removal of unwanted hair.

18 (13) "Electrology" or "electrolysis" means the permanent removal of
19 hair by destroying the hair-producing cells of the skin and vascular system
20 through the use of equipment and devices approved by and registered with the
21 FDA.

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

25 (15) "Esthetician" means a person licensed to practice esthetics as de-
26 fined by subsection (16) of this section.

27 (16) "Esthetics" means noninvasive care of the skin by application of
28 cosmetic preparations, antiseptics, tonics, lotions, creams and essential
29 oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup applica-
30 tion; pore extraction; use of chemical exfoliants approved for professional
31 esthetic use; particle exfoliation; use of any class I medical device, as
32 classified by the FDA, designed for care of the skin, except that a class II
33 medical device designed for care of the skin may be used as directed and su-
34 pervised by an authorized and licensed health care practitioner; temporary
35 removal of superfluous hair by lotions, creams, waxing, tweezing, depilato-
36 ries or other means; and tinting, perming or applying extensions to the eye-
37 brows and eyelashes.

38 (17) "Haircutter" means a person licensed to practice haircutting as
39 defined by subsection (18) of this section.

40 (18) "Haircutting" means cutting, trimming, arranging, dressing, curl-
41 ing, cleansing, singeing or performing similar work on the hair, and fit-
42 ting, cutting or dressing hairpieces or toupees.

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

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

1 (21) "Makeover or glamour photography business" means a business of-
2 fering photographic services to the general public in which the business's
3 employees apply cosmetic products to customers' faces, or arrange the hair
4 of customers, in connection with the sale or attempted sale of photographic
5 services.

6 (22) "Nail technician" means a person licensed to practice nail tech-
7 nology as defined by subsection (23) of this section.

8 (23) "Nail technology" means any one (1) or more of the following prac-
9 tices when performed on the human body:

10 (a) Manicuring and pedicuring nails;

11 (b) Applying artificial nails; and

12 (c) Massaging the hands and feet.

13 (24) "Nail technology instructor" means a nail technician licensed to
14 teach nail technology at a school of cosmetology.

15 (25) "Person" means a human individual.

16 (26) "Retail cosmetics dealer" means a stationary business offering
17 cosmetic products for sale at retail to the general public, in which the
18 business's employees apply cosmetic products to customers' faces in connec-
19 tion with the sale, or attempted sale, of the products without compensation
20 from the customer other than the regular price of the products.

21 (27) "Student" means a person learning barbering, barber-styling, cos-
22 metology or electrology at a licensed school who, while so learning, per-
23 forms or assists in performing any practices of barbering, barber-styling,
24 cosmetology or electrology.

25 54-5803. POLICY AND REQUIREMENTS OF LICENSURE. In order to safeguard
26 the public health, safety and welfare, persons practicing or offering to
27 practice an occupation defined in and governed by this chapter shall sub-
28 mit evidence of their qualifications and shall be licensed as hereinafter
29 provided; and it shall be unlawful for any person to practice or offer to
30 practice an occupation defined in and governed by this chapter, or to use
31 in connection with that person's name or otherwise assume, use or advertise
32 any title or description tending to convey the impression that the person is
33 licensed to practice an occupation defined in and governed by this chapter,
34 unless such person has been duly licensed under the provisions of this chap-
35 ter. It shall further be unlawful for any person or legal entity to operate
36 a barber or cosmetology establishment or school of barbering or cosmetology
37 unless such establishment or school has been licensed for such purpose as
38 hereinafter provided.

39 54-5804. PROHIBITIONS REGARDING ESTABLISHMENTS -- EXCEPTIONS. (1) It
40 shall be unlawful:

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

44 (b) For any establishment license holder to employ, or allow to be em-
45 ployed, in or about the licensed establishment, a person who is not li-
46 censed under this chapter, unless the person is performing tasks that do
47 not require a license; and

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

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

7 (a) Licensees under this chapter who are performing licensed services
8 for persons unable by reason of ill health, medical confinement or in-
9 voluntary incarceration to go to a licensed establishment; or

10 (b) A licensed electrologist practicing electrology or a licensed es-
11 thetician practicing esthetics under the supervision of a licensed chi-
12 ropractor, dentist, medical doctor, nurse practitioner or podiatrist
13 at a facility used by the supervising individual.

14 54-5805. EXEMPTIONS FROM LICENSURE. The licensing provisions of this
15 chapter shall not apply to the following:

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

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

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

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

26 (5) Currently enrolled students or actively registered apprentices
27 practicing or demonstrating outside of a licensed school or establishment
28 when that practice or demonstration is under the direct supervision of a
29 licensed instructor. Members of the public may not be charged for any ser-
30 vices performed by a student or an apprentice practicing pursuant to this
31 subsection.

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

40 (7) Persons employed or contracted to perform barber-styling, cosme-
41 tology or esthetics services in the course of and incidental to the produc-
42 tion of a theatrical or other visual arts production including, but not lim-
43 ited to, stage productions, television and motion pictures.

44 54-5806. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby es-
45 tablished in the department of self-governing agencies, bureau of occupa-
46 tional licenses, the barber and cosmetology services licensing board.

47 (2) The board shall consist of seven (7) members, two (2) of whom shall
48 be licensed cosmetologists, two (2) of whom shall be licensed barbers or bar-



1 ber-stylists, one (1) of whom shall be a licensed electrologist or estheti-
2 cian, one (1) of whom shall be a currently active school representative, and
3 one (1) of whom shall be a member of the public who has an interest in barber
4 and cosmetology services but who does not hold a license issued under this
5 chapter. All board members shall be residents of this state.

6 (3) Initial appointments to the board by the governor shall begin on
7 July 1, 2017, and be for the following terms: two (2) members whose terms
8 shall expire on July 1, 2018; two (2) members whose terms shall expire on July
9 1, 2019; and three (3) members whose terms shall expire on July 1, 2020.

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

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

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

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

26 54-5807. POWERS OF THE BOARD. (1) The board shall have the power to:

27 (a) Receive applications for licensure, determine the qualifications
28 of persons applying for licensure, provide licenses to applicants qual-
29 ified under the provisions of this chapter and reinstate and deny li-
30 censes;

31 (b) Establish fees by rule, and collect fees as prescribed by this chap-
32 ter;

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

35 (d) Judge the qualifications and fitness of applicants for licenses;

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

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

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

43 (h) Adopt and revise such rules as may be necessary to carry into effect
44 the provisions of this chapter in compliance with chapter 52, title 67,
45 Idaho Code, including specific rules governing the sanitation require-
46 ments for establishments and practice as provided by this chapter;

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

1 (j) Approve relevant cosmetology education for barber and bar-
2 ber-styling licenses and approve relevant barber and barber-styling
3 education for cosmetology licenses; and

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

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

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

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 of this chap-
25 ter or of rules adopted by the board.

26 54-5808. APPLICATIONS. Each applicant for a license shall:

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

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

33 (3) Pay to the board the required fee.

34 (4) Provide such documentation and information to establish that the
35 applicant meets the requirements for the license sought.

36 54-5809. EXAMINATIONS. The scope of the examinations for licensure
37 and the methods of procedure shall be prescribed by the board with special
38 reference to the applicant's general knowledge in the particular practices
39 for which a license is sought and the applicant's ability to perform the par-
40 ticular work satisfactorily. Examinations shall include both a practical
41 demonstration and a written test.

42 54-5810. QUALIFICATIONS FOR LICENSURE -- INSTRUCTORS -- APPRENTICES
43 -- STUDENTS. (1) To qualify for licensure under this chapter, an applicant
44 for licensure 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;

1 (c) Be of good moral character; and

2 (d) Pass an examination for the occupation in which the applicant is
3 seeking licensure, which examination shall be conducted or approved by
4 the board.

5 (2) Except as otherwise provided, and in addition to the requirements
6 listed in subsection (1) of this section, an applicant for licensure:

7 (a) As a barber must have completed and graduated from a course of in-
8 struction of at least nine hundred (900) hours in a barber school ap-
9 proved by the board;

10 (b) As a barber-stylist must have completed and graduated from a course
11 of instruction of at least one thousand eight hundred (1,800) hours in a
12 barber school approved by the board;

13 (c) As a cosmetologist must have:

14 (i) Completed and graduated from a course of instruction of at
15 least two thousand (2,000) hours in a cosmetology school approved
16 by the board; or

17 (ii) Completed at least four thousand (4,000) hours as an appren-
18 tice in an apprenticeship that covered all aspects of the practice
19 of cosmetology.

20 (d) As an electrologist must have:

21 (i) Completed and graduated from a course of instruction of at
22 least six hundred (600) hours in a school approved by the board; or

23 (ii) Completed at least one thousand two hundred (1,200) hours
24 as an apprentice in a cosmetological establishment under the di-
25 rect personal supervision of a licensed electrologist instructor.
26 Such establishment must have at least one (1) licensed electrolo-
27 gist on-site in accordance with board rules.

28 (e) As an esthetician must have:

29 (i) Completed and graduated from a course of instruction of at
30 least six hundred (600) hours in a school approved by the board; or

31 (ii) Completed at least one thousand two hundred (1,200) hours
32 as an apprentice in a cosmetological establishment under the di-
33 rect personal supervision of a licensed cosmetology instructor.
34 Such establishment must have at least one (1) licensed esthetician
35 on-site in accordance with board rules.

36 (f) As a haircutter must have completed and graduated from a course of
37 instruction of at least nine hundred (900) hours in a school approved by
38 the board;

39 (g) As a nail technician must have:

40 (i) Completed and graduated from a course of instruction of at
41 least four hundred (400) hours in a school approved by the board;
42 or

43 (ii) Completed at least eight hundred (800) hours as an apprentice
44 in a cosmetological establishment under the direct personal su-
45 pervision of a licensed cosmetology instructor. Such establish-
46 ment shall have at least one (1) licensed nail technician on-site
47 in accordance with board rules.

48 (3) To qualify as a barber-instructor, an applicant must:

49 (a) Hold a current barber license;

50 (b) Pass an examination approved by the board; and

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

48 54-5811. LICENSE FOR RETAIL COSMETICS DEALER. (1) The board shall is-
49 sue a license to a retail cosmetics dealer if the dealer:

1 (a) Completes the application form for licensure as required by the
2 board;

3 (b) Pays the license fee as required by section 54-5821, Idaho Code;

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

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

10 (i) Hot and cold running water;

11 (ii) A disinfectant registered by the federal environmental pro-
12 tection agency effective against staphylococcus aureus (includ-
13 ing methicillin-resistant staphylococcus aureus), human immunod-
14 efficiency virus and hepatitis B. All disinfectant shall be mixed
15 and changed, and used according to the manufacturers' instruc-
16 tions for disinfection, between customer application services;

17 (iii) Single-use samples, wipes, spatulas or other dispensing
18 techniques designed to prevent contamination of the cosmetic
19 product;

20 (iv) A first aid kit; and

21 (v) Restroom facilities.

22 (2) Upon approval of an application for license as set forth in subsec-
23 tion (1) of this section, the board may issue a limited license to allow the
24 application of cosmetic products to customers' faces in connection with the
25 sale, or attempted sale, of the products, without compensation from the cus-
26 tomer other than the price of the products.

27 (3) A license issued pursuant to this section will not entitle a busi-
28 ness or any employee of such business to furnish any cosmetological services
29 not specifically set forth in subsection (2) of this section.

30 54-5812. LICENSE FOR MAKEOVER OR GLAMOUR PHOTOGRAPHY BUSINESS. (1)
31 The board shall issue a license to a makeover or glamour photography business
32 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 54-5821, Idaho Code;

36 (c) Specifies a location within the business premises as the area where
37 the cosmetological 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) A disinfectant registered by the federal environmental pro-
45 tection agency effective against staphylococcus aureus (includ-
46 ing methicillin-resistant staphylococcus aureus), human immunod-
47 efficiency virus and hepatitis B. All disinfectant shall be mixed
48 and changed, and used according to the manufacturers' instruc-
49 tions for disinfection, between customer application services;



- 1 (iii) Single-use applicators, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product;
- 2
- 3
- 4 (iv) A first aid kit; and
- 5 (v) Restroom facilities.

6 (2) Upon approval of an application for license as set forth in subsection (1) of this section, the board may issue a limited license for the practice of cosmetology, which license will limit the business to the application of facial cosmetics incidental to the photographic service offered and which license will include the ability for the photographer or employee to arrange hair utilizing combs, brushes, picks and thermal curling devices such as curling irons, crimpers or heated rollers.

7 (3) A license issued pursuant to this section will not entitle a business or any employee of such business to furnish any cosmetological services unless incidental to the providing of photographic services and will not entitle such an individual or business to furnish any cosmetological services not specifically set forth in subsection (2) of this section.

18 54-5813. REGISTRATION TO PRACTICE OUTSIDE A LICENSED ESTABLISHMENT. (1) A person licensed under this chapter to practice barbering, barber-styling, cosmetology, esthetics, haircutting or nail technology shall be authorized to practice on an occasional basis outside a licensed establishment upon filing a registration form with the board. A registration for this purpose shall specify when and where such practice shall take place. The authority granted under this section shall be limited to such day or days, time and place. The authority granted under this section shall not exceed a cumulative total of twenty-four (24) days within the twelve (12) months preceding the expiration of the person's license.

19 (2) Facilities or locations used pursuant to a registration obtained under this section shall not be subject to the provisions of section 54-5804(1), Idaho Code. However, the registrant, as well as the facility or location, must observe and comply with the inspection and disinfection requirements established by board rule.

33 54-5814. SCHOOL REQUIREMENTS. (1) Every barber school or cosmetology school located in this state must:

- 34 (a) Be licensed under the provisions of this chapter;
- 35 (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 an approved school must be licensed in the state of Idaho as a barber instructor, barber-stylist instructor or cosmetology instructor;
- 36 (c) Possess sufficient apparatus and equipment for the proper and full teaching of all subjects of its curriculum;
- 37 (d) Keep a daily attendance record for each student;
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- 1 (e) Maintain regular class and instruction hours, establish grades and
2 hold monthly examinations;
- 3 (f) Prescribe a school term for training in all aspects of the practice
4 of barbering, barber-styling, cosmetology or electrology;
- 5 (g) If a school of cosmetology, provide applicable curricula on sub-
6 jects relating to cosmetology, nail technology, esthetics, electrol-
7 ogy, instructors and haircutting as follows:
- 8 (i) The curriculum for cosmetology shall include hygiene; bacte-
9 riology; histology of the hair, skin, muscles, nails and nerves;
10 structure of the head, face and neck; elementary chemistry relat-
11 ing to disinfection and antiseptics; diseases of the skin, hair,
12 glands and nails; massaging and manipulating the muscles of the
13 body; permanent waving, haircutting and arranging, dressing, col-
14 oring, bleaching and tinting of the hair; a study of electricity as
15 applied to cosmetology; and the Idaho laws and rules governing the
16 practice of cosmetology;
- 17 (ii) The curriculum for nail technology shall include hygiene;
18 bacteriology; histology of the hands and feet, skin, muscles,
19 nails and nerves; structure of the hands and feet; elementary
20 chemistry relating to disinfection and antiseptics; diseases of
21 the skin, glands and nails; massaging and manipulating the muscles
22 of the hands and feet; a study of electricity as applied to nail
23 technology; and the Idaho laws and rules governing the practice of
24 nail technology;
- 25 (iii) The curriculum for esthetics shall include hygiene; bacte-
26 riology; histology of the skin, muscles and nerves; structure of
27 the head, face and neck; elementary chemistry relating to disin-
28 fection and antiseptics; diseases of the skin, glands and nails;
29 massaging and manipulating the muscles of the body; a study of
30 electricity as applied to cosmetology; and the Idaho laws and
31 rules governing the practice of esthetics;
- 32 (iv) The curriculum for electrology shall include hygiene; bacte-
33 riology; histology of the hair, skin, muscles, nails and nerves;
34 structure of the body; elementary chemistry relating to disin-
35 fection and antiseptics; diseases of the skin, hair, glands and
36 nails; hypertrichosis; permanent removal of unwanted hair; a
37 study of electricity as applied to electrology, including the use
38 and study of galvanic current and the use and study of both auto-
39 matic and manual high-frequency current; and the Idaho laws and
40 rules governing the practice of electrology;
- 41 (v) The curriculum for instructors shall include fundamentals
42 of adult education; communication; preparation of lesson plans;
43 practical and theoretical presentation and demonstration; use
44 of teaching aids; measurement and evaluation; and the Idaho laws
45 and rules governing cosmetology and electrology, in addition to
46 teaching the occupations defined in section 54-5802, Idaho Code;
47 and
- 48 (vi) The curriculum for haircutting shall include hygiene; bacte-
49 riology; histology of the hair, skin, muscles and nerves; struc-
50 ture of the head and neck; elementary chemistry relating to dis-

1 infection and antiseptics; diseases of the skin, hair and glands;
2 massaging and manipulating of the muscles of the head and neck;
3 haircutting and arranging hair; the study of electricity as ap-
4 plied to haircutting; and Idaho laws and rules governing the prac-
5 tice of haircutting;

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

8 (i) The curriculum for barbers shall include hygiene; bacteri-
9 ology; histology of the hair, skin, nails, muscles and nerves;
10 structure of the head, face and neck; elementary chemistry re-
11 lating to disinfection and antiseptics; diseases of the skin,
12 hair, glands and nails; massaging and manipulating the muscles of
13 the upper body; haircutting; shaving; arranging and dressing the
14 hair; and Idaho laws and rules governing the practice of barber-
15 ing; and

16 (ii) The curriculum for barber-stylists shall include hygiene;
17 bacteriology; histology of the hair, skin, nails, muscles and
18 nerves; structure of the head, face and neck; elementary chemistry
19 relating to disinfection and antiseptics; diseases of the skin,
20 hair, glands and nails; massaging and manipulating the muscles
21 of the upper body; haircutting; shaving; arranging, dressing,
22 curling, waving, straightening, coloring, bleaching and tinting
23 of the hair; and Idaho laws and rules governing the practice of
24 barber-styling;

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

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

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

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

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

39 (2) Cosmetology training received in an establishment not meeting the
40 requirements for schools as herein set forth shall receive credit for said
41 training as an apprentice rather than as a student, provided said training
42 meets the requirements for apprentice training.

43 (3) Training received in electrology in a school shall not be recognized
44 unless the school has been approved for such training by the board and the
45 school meets and maintains the requirements to train electrologists as es-
46 tablished by board rules.

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

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

5 (6) Training received in haircutting in a school shall not be recognized
6 unless the school has been approved for such training by the board and the
7 school meets and maintains the requirements to train haircutters as estab-
8 lished by board rules.

9 (7) Every school approved by the board shall deliver to the board a bond
10 to the state of Idaho in a form approved by the board, and renew the same bond
11 annually, in the sum of twenty thousand dollars (\$20,000) executed by a cor-
12 porate surety company duly authorized to do business in this state, condi-
13 tioned that such school shall continue to give its courses of instruction
14 in accordance with the provisions of this chapter, until it has completed
15 all such courses for which students have enrolled, and conditioned that such
16 school shall fully comply with all promises or representations made to en-
17 rolled students as an inducement to such students to enroll. Any student so
18 enrolled who may be damaged by reason of the failure of such school to comply
19 with such conditions, shall have a right of action in the student's own name,
20 on such bonds, for such damage.

21 54-5815. ENDORSEMENT LICENSURE. (1) The board, upon application and
22 the payment of the required fee, may issue a license by endorsement, with-
23 out examination, to a person who is at least eighteen (18) years of age and
24 of good moral character who has completed two (2) years of high school or an
25 equivalent education as determined by the board, and who holds a certificate
26 of qualification or a license issued to that person by the proper authority
27 of any state, territory or possession of the United States or of a foreign
28 country, and who either:

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

32 (b) Provides official documentation that said person has practiced the
33 pursuit for which licensure is requested for at least three (3) years of
34 the last five (5) years immediately prior to such application.

35 (2) The board shall evaluate each application for license by endorse-
36 ment.

37 54-5816. PRACTICE OF COSMETOLOGY APPRENTICE. No cosmetology appren-
38 tice may practice independently. A cosmetology apprentice may perform any
39 and all acts necessary for training in the cosmetology profession within the
40 scope of this chapter when such acts are performed in compliance with board
41 rule, including immediate personal supervision of the apprentice by a li-
42 censed instructor. Barber or cosmetology establishments employing appren-
43 tices shall keep a daily work record of the attendance of such apprentices
44 and shall, upon the termination of such apprenticeship, certify to the board
45 the total number of hours worked and the types of instruction given to the ap-
46 prentice.

1 54-5817. ESTABLISHMENTS -- INSPECTION RULES. Inspections for the
2 purpose of enforcing the provisions of this chapter shall be made by the
3 board. The board shall have authority to prescribe sanitary requirements
4 for barber and cosmetology establishments, retail cosmetics dealers, and
5 barber and cosmetology schools, to be applicable according to the nature of
6 the work performed. The officers of the board, or its agents, shall have
7 authority to enter and inspect any barber or cosmetology establishment,
8 retail cosmetics dealer, or barber or cosmetology school at any time during
9 business hours. A copy of the rules adopted by the board shall be furnished
10 by the board to the owner or manager of each establishment, retail cosmetics
11 dealer, or school.

12 54-5818. DISINFECTION. (1) Except as otherwise provided in sub-
13 section (2) of this section, all instruments used by persons practicing
14 pursuant to this chapter shall, after cleaning and prior to use on each pa-
15 tron, be disinfected with a disinfecting agent registered by the federal
16 environmental protection agency as effective against staphylococcus aureus
17 (including methicillin-resistant staphylococcus aureus), human immunode-
18 ficiency virus and hepatitis B. All disinfectant shall be mixed and changed,
19 and used according to the manufacturers' instructions for disinfection,
20 between each patron.

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

23 (3) Every precaution shall be taken by persons practicing pursuant to
24 this chapter to prevent the transfer of disease-causing pathogens from per-
25 son to person.

26 54-5819. ISSUANCE AND DISPLAY OF LICENSE. The board shall issue a li-
27 cense and certificate of licensure to applicants who have successfully met
28 the qualifications for licensure. Every holder of a license shall display
29 it in a publicly conspicuous place adjacent to or near the area where prac-
30 tice is conducted. An establishment license must be publicly displayed at
31 all times during the term of licensure in the establishment for which it is
32 issued.

33 54-5820. LICENSE RENEWAL AND REINSTATEMENT. All licenses issued under
34 the provisions of this chapter shall be subject to annual renewal and shall
35 expire unless renewed in the manner prescribed by the board regarding appli-
36 cations for renewal and fees. License renewal and reinstatement shall be in
37 accordance with section 67-2614, Idaho Code.

38 54-5821. FEES. (1) Any fee required pursuant to this chapter, includ-
39 ing fees for original licenses, permits, annual renewals and licenses by en-
40 dorsement, shall be set by board rule in amounts not to exceed the following:

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

42 (i) An original license for an establishment, a retail cosmet-
43 ics dealer, a makeover or glamour photography business, a barber,
44 a barber-stylist, a cosmetologist, a nail technician, an instruc-
45 tor, an electrologist, an esthetician or a haircutter; and

- 1 (ii) Renewal of a license for an establishment, a retail cosmet-
2 ics dealer, a makeover or glamour photography business, a barber,
3 a barber-stylist, a cosmetologist, a nail technician, an instruc-
4 tor, an electrologist, an esthetician or a haircutter;
5 (b) One hundred dollars (\$100) for a license by endorsement;
6 (c) Five hundred dollars (\$500) for an original license for a barber
7 school or a cosmetology school;
8 (d) One hundred fifty dollars (\$150) for renewal of a license for a bar-
9 ber school or a cosmetology school; and
10 (e) Twenty dollars (\$20.00) for an apprentice permit (no renewal fee is
11 required).
- 12 (2) The fee for an examination, when required, shall be equal to the fee
13 charged by the national examining entity.
- 14 (3) Fees shall not be prorated or returnable.
- 15 (4) All fees received by the board under the provisions of this chap-
16 ter shall be nonrefundable and shall be deposited in the state treasury to
17 the credit of the occupational license account in the dedicated fund, and all
18 costs and expenses incurred by the board under the provisions of this chapter
19 shall be a charge against and paid from the account for such purposes. The
20 fees collected under this chapter shall be immediately available for the ad-
21 ministration of this chapter, the provisions of any other law notwithstand-
22 ing.

- 23 54-5822. REFUSAL, REVOCATION OR SUSPENSION OF LICENSE -- SANC-
24 TIONS. The board may refuse to issue or renew a license, may suspend or revoke
25 a license, or may otherwise sanction a licensee or impose education, train-
26 ing or supervision on a licensee, if the licensee:
- 27 (1) Is convicted of a felony as evidenced by a certified copy of the
28 record of the court of conviction;
- 29 (2) Commits malpractice or is otherwise professionally incompetent;
- 30 (3) Knowingly practices the licensee's occupation while having an in-
31 fectionous or contagious disease, except as approved by a physician licensed
32 under chapter 18, title 54, Idaho Code;
- 33 (4) Advertises by means of knowingly false or deceptive statements;
- 34 (5) Is habitually intoxicated, uses illegal drugs, or deliberately
35 misuses or abuses prescription drugs;
- 36 (6) Commits unprofessional conduct as defined by rule;
- 37 (7) Fraudulently applies for or obtains a license;
- 38 (8) Violates a provision of this chapter or a rule adopted pursuant to
39 this chapter;
- 40 (9) Has had an occupational license, certificate or registration sus-
41 pended or revoked in any jurisdiction; or
- 42 (10) Fails to comply with a board order entered in a disciplinary mat-
43 ter.

- 44 54-5823. BARBER POLES. Only persons licensed pursuant to the provi-
45 sions of this chapter as a barber or barber-stylist may:
- 46 (1) Hold themselves out to the public, solicit business or advertise as
47 a licensed barber or as operating a licensed barbershop;

1 (2) Use the title or designation "barber" or "barbershop" under cir-
2 cumstances that would create or tend to create the impression to members of
3 the general public that the person is a licensed barber, a licensed barber-
4 stylist, or is operating a licensed barbershop; or

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

15 54-5824. PRIOR BOARDS AND LICENSEES. The rights, obligations and au-
16 thority of the board of barber examiners and the board of cosmetology, as
17 they existed prior to the adoption of this chapter, shall be vested in the
18 barber and cosmetology services licensing board created by this chapter.
19 Persons who qualified for licensure under chapters 5 and 8, title 54, Idaho
20 Code, as repealed by this act, shall be entitled to renew their licenses
21 under this chapter.

22 54-5825. CERTAIN ACTS PROHIBITED. The following acts shall be misde-
23 meanors:

24 (1) Violating a provision of this chapter;

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

29 (3) Obtaining or attempting to obtain a registration, permit or license
30 for money other than the required fee or any other thing of value or by fraud-
31 ulent misrepresentation;

32 (4) Practicing or offering to practice any of the occupations defined
33 in this chapter, unless licensed as herein provided; and

34 (5) Maintaining or operating a barber or cosmetology establishment,
35 a retail cosmetics dealer, a barber school or a cosmetology school, unless
36 such facility is licensed as herein provided.

37 54-5826. SEVERABILITY. The provisions of this chapter are hereby de-
38 clared to be severable and, if any provision of this chapter or the applica-
39 tion of such provision to any person or circumstance is declared invalid for
40 any reason, such declaration shall not affect the validity of the remaining
41 portions of this chapter.

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

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

1 IV, of the constitution of the state of Idaho, be an executive department of
2 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 ~~ensing 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 censing 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.