

Reported Recommending
 Ind. Postponed
 Passed House
 Failed to Pass House
 Passed Senate
 Failed to Pass Senate

House File 416

February 27, 1947.
 Public Health.

By WALKER.

A BILL FOR

An Act to amend section one hundred fifty-seven point one (157.1), Code 1946; to repeal section one hundred fifty-seven point twelve (157.12), Code 1946, and to enact a new section in lieu thereof; to amend subsections five (5) and seven (7) of section one hundred forty-seven point eighty (147.80), Code 1946; to amend section one hundred forty-seven point two (147.2), Code 1946; to amend the law as it appears in chapter one hundred forty-seven (147), Code 1946, by prescribing certain powers and duties of the board of cosmetology examiners, including the appointment of a full-time secretary, for said examiners, and prescribing the powers and duties of such secretary; by providing for the appointment of assistants and inspectors by the board of cosmetology examiners; to amend the law as it appears in chapter one hundred fifty-seven (157), Code 1946, by providing minimum qualifications and license for instructors in accredited schools of cosmetology and by prescribing the procedure to be followed by means of which the board of cosmetology examiners may revoke its approval of accredited schools teaching cosmetology, and providing for appeal therefrom to the district court.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section one hundred fifty-seven point one
 2 (157.1), Code 1946, is amended by adding subsection three (3)
 3 as follows: "3. Persons who for profit or compensation
 4 whether directly or indirectly paid by any patron, manufacturer,

5 distributor, or dealer, instruct or demonstrate in the use of
6 any articles, instruments, machines, or preparations used or
7 to be use in the practice of cosmetology as that practice is
8 defined in subsections 1 and 2 of this section. Dealers, or
9 agents of manufacturers, dealers, or distributors, who
10 instruct or demonstrate solely to licensed cosmetologists
11 shall not for that reason alone be deemed to be engaged in the
12 practice of cosmetology.”

1 Sec. 2. Section one hundred fifty-seven point twelve
2 (157.12), Code 1946, is repealed and the following section
3 enacted in lieu thereof: “157.12. Managers—License required.
4 Managers of shops, schools, or other places where cosmetology
5 is practiced, or is taught, who directly or indirectly super-
6 vise the work of cosmetologists, or of instructors or students
7 in the case of schools, shall be licensed cosmetologists, and
8 if such manager is in charge of an accredited school shall
9 have been such licensed cosmetologist in this state, or in a
10 state entitled to reciprocal licensing, or a combination
11 thereof, for a period of five consecutive years.”

1 Sec. 3. Section one hundred forty-seven point eighty
2 (147.80), Code 1946, is amended by adding immediately after
3 the word “pharmacy,” in line two of subsection five (5)
4 thereof, the following: “instructing in cosmetology,”; and
5 by striking all of subsection seven (7) thereof after the word
6 “barbering” in line four (4) and enacting in lieu thereof the
7 following: “, instructing in cosmetology, or cosmetology, any

8 of which shall be three dollars.”

1 Sec. 4. Section one hundred forty-seven point two (147.2),
2 Code 1946, is amended by adding after the word “cosmetology,”
3 in line five (5) thereof the following: “instructing in
4 cosmetology,”.

1 Sec. 5. Chapter one hundred forty-seven (147), Code 1946,
2 is amended by including therein and making a part thereof,
3 immediately after section one hundred forty-seven point one
4 hundred ten (147.110), the following: “Secretary—The board of
5 cosmetology examiners is authorized to appoint a full-time
6 secretary who shall not be a member of the board and the
7 provisions of section 147.22 which provides for a secretary
8 for each examining board shall not apply in this respect to
9 the board of cosmetology examiners.”

10 “Duties—All records which pertain to the licensing of
11 cosmetologists, instructors of cosmetology, and schools of
12 cosmetology shall be kept by the secretary who shall keep a
13 record of all proceedings of the board of cosmetology examiners
14 and perform such further duties as the board shall generally
15 or specifically determine.

16 “Assistants and Inspectors—Subject to the approval of the
17 commissioner of public health, the board may appoint such
18 assistants and inspectors as may be necessary for the board to
19 properly administer and examine into compliance with the laws
20 relating to cosmetology and of the rules and regulations
21 promulgated by the board. They shall perform such other duties

22 as the board shall assign them.

23 “Tenure—No person shall be appointed to the board of cosmetology
24 examiners for more than two consecutive terms. The secretary
25 of the board shall be appointed annually by the board at its
26 organization meeting, or in the case of resignation, removal
27 or other inability to act, at any time to serve until the next
28 annual organization. The secretary may be removed for cause
29 by the executive council on recommendation of the board.

30 “Powers of the board—The board shall have power, with the
31 approval of the commissioner to promulgate rules and
32 regulations prescribing the curriculum for all courses of
33 study at all accredited schools of cosmetology in Iowa, and
34 for the maintenance and inspection of scholastic records
35 pertaining to the students thereof, which shall be published
36 in the same manner as provided in section 147.91.”

1 Sec. 6. Chapter one hundred fifty-seven (157), Code 1946,
2 is amended by including therein and making a part thereof,
3 immediately following section one hundred fifty-seven point
4 nine (157.9) the following:

5 “Removal from accredited list.—In event any person shall
6 furnish to the board a detailed sworn statement that any
7 accredited school of cosmetology is violating the provisions
8 of this chapter or the rules and regulations of the board, or
9 if such violation is reported by an inspector, the board shall
10 forthwith cause to be made such investigation as will in its
11 discretion determine if the violation charged exists. If such

12 violation is established to the satisfaction of the board, it
13 may in its discretion place such school on probation for a
14 period of not less than thirty days during which time such
15 school may correct such of its practices as are in violation
16 of the law and rules and regulations of the board. At any
17 time before the expiration of such probation period the board
18 may cause to be made an inspection and report to determine
19 whether or not such school has come into compliance. If such
20 inspection establishes that the school is then operating in
21 compliance, it may on its own motion, at any time thereafter
22 revoke such probationary order and give notice thereof to the
23 school. In the event any such inspection shall disclose that
24 the school is not then in compliance, the board shall fix the
25 time, date and place of a hearing for the purpose of determin-
26 ing if such school should be removed from the accredited list,
27 and shall give notice thereof not less than twenty days prior
28 thereto. The respondent school shall be entitled to be
29 present and to be represented by counsel. The board shall
30 consider the evidence and shall determine if the respondent
31 school has failed to come into compliance and shall if its
32 determination be in the affirmative, revoke its approval of
33 such respondent as an accredited school and so notify the
34 commissioner of health who shall remove such school from the
35 accredited list.

36 "Any notice required to be given herein may be sent by United
37 States mail by registered letter addressed to the respondent

38 school at the last address shown by the records of the board
39 and when so sent shall constitute sufficient service.

40 “Any person aggrieved by the action of the board shall have the
41 right of appeal to the district court in the district where
42 such final hearing was held. Such appeal shall be perfected
43 by serving a written notice on the board within thirty days
44 from the entry of the order.

45 “Transcript—Within thirty days after the application for an
46 appeal is filed with the board, it shall make, certify and
47 file in the office of the clerk of the court to which the
48 appeal is taken, a full and complete transcript of all
49 documents and papers relating to the same.

50 “Trial term—The first term after the appeal is taken shall be
51 the trial term, and if the appeal is taken during a pending
52 term, it shall be triable during such term at any time after
53 ten (10) days from the date the transcript is filed by the board.
54 The hearing on appeal shall be tried as a suit in equity and
55 shall be de novo.”

1 Sec. 7. Chapter one hundred fifty-seven (157), Code 1946,
2 is amended by including therein and making a part thereof,
3 immediately after section one hundred fifty-seven point
4 thirteen (157.13), the following: “Instructors in accredited
5 schools. Every accredited school offering a course in
6 cosmetology shall employ or continue to employ only those
7 instructors who are of the age of twenty-one (21) years, have
8 completed an instructor’s training course in any accredited

9 school in this state, or an equivalent course in any other
10 state, and have, in addition to a license to practice
11 cosmetology, procured an instructor's license from the state
12 department of health. Provided, however, that any instructor
13 who has regularly and reputably been employed as such for two
14 consecutive months prior to the effective date of this act
15 shall be entitled to an instructor's license upon application
16 and the payment of the fee therefor without examination. The
17 board may in its discretion waive any or all the provisions of
18 this section for a period of six months (6) from the effective
19 date of this act."

EXPLANATION OF H. F. 416

Section one of this bill redefines the practice of cosmetology to include demonstrations of various products to the general public. It has no application where demonstrated solely to licensed cosmetologists.

Section two adds to existing law the requirement that managers of schools teaching cosmetology be licensed cosmetologists and have been such for five years. It in no way restricts ownership of schools to cosmetologists. Managers of shops are now required to be licensed cosmetologists.

Sections three, four and seven taken collectively establish a cosmetology instructor's license, set the fee, set minimum qualifications and provide for examination upon completion of a course to be prescribed by the board of cosmetology examiners, and for a license without examination to present instructors, and for power of the board to waive the requirements of the act for six months to avoid hardship.

Section five provides for a full-time secretary not a member of the board of cosmetology examiners and prescribes the duties of the secretary. This is the procedure now in effect with the board of nurse examiners. Also provided are assistants and inspectors with power to examine into compliance by shops and schools with all phases of the cosmetology laws, rules and regulations, which power is now limited to sanitary matters. It also provides for a limitation of two consecutive terms for any member of the board. Also provided for is the power of the board to prescribe by rule the curriculum for all courses of study and for the maintenance and inspection of scholastic records.

Section six provides a procedure for investigation and for the method to be employed by the board of cosmetology examiners to revoke its approval of a school as an accredited school. Provided for are probationary period, hearing, and appeal to the courts. Once licensed there is no power in the board to revoke its approval except when the license comes up for renewal annually.