

# **Revised Proof Revised Proof Revised Proof Revised Proof**

## **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

### **24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD**

#### **DOCKET NO. 24-2801-2301 (ZBR CHAPTER REWRITE)**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective, July 1, 2024, after approval.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-5807, 54-5810, 54-5815, and 54-5818, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed are as follows:

- Rules 100.02.e.i. through vi. are being reintroduced after being inadvertently omitted in the proposed rules;
- Rule 100.03 is adding the words “or otherwise approved by the board” to ensure flexibility with emerging technologies;
- Rule 125 is being reintroduced after staff realized deletion of its predecessor (prior rule 326.05) would create additional financial burden;
- Rule 150.01.c.ii. is being deleted as it is an unnecessary barrier to licensure;
- Rule 150.01.c.iii. is removing the word “hairecutter” as it is a vestigial word from an old practice act;
- Rule 150.01.c.iv. is changed to be a more objective standard, but with the same underlying intent;
- Rule 150.02.c. is removing the first sentence which is duplicative of other rules; and
- Rule 150.02.e. is removing subsections i and ii as they are arbitrary barriers to licensure.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the April 5, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 295-326](#).

**FEE SUMMARY:** The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Sections 54-5801 et. seq., and 67-2614, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these pending rules are authorized in Sections 54-5801 et. seq., and 67-2614, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Katie Stuart at 208-577-2489.

DATED this 1st day of November, 2023.

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**DOCKET NO. 24-2801-2301 – ADOPTION OF PENDING RULE  
(Zero Based Regulation (ZBR) Chapter Rewrite)**

**Substantive changes have been made to the pending rule.  
*Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.***

**The text of the proposed rule was published in the Idaho Administrative Bulletin,  
[Volume 23-8, August 2, 2023, pages 295-326.](#)**

**This rule has been adopted as a pending rule by the agency and is now awaiting  
review and final approval by the 2024 Idaho State Legislature.**

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-2801-2301  
(Only those sections or subsections that have changed from the original proposed text  
are printed in this Bulletin following this notice.)**

*\*Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

**100. LICENSURE.**

**01. Approved Examination.** The National Interstate Council of State Boards of Cosmetology’s written and practical examinations. ( )

**02. Additional Licensure Educational Requirements.** ( )

**a.** Barber License. A currently licensed cosmetologist must complete one hundred (100) hours of barber-related instruction, to include barber theory, haircuts, and shaving. ( )

**b.** Barber-Stylist License. A currently licensed cosmetologist must complete one hundred (100) hours of barber-stylist instruction, to include barber theory, haircuts, and shaving. ( )

**c.** Cosmetologist License. ( )

**i.** A currently licensed barber-stylist must complete three hundred (300) hours of cosmetology instruction, to include nail technology, esthetics, cosmetology theory, and hairstyling. ( )

**ii.** A currently licensed barber must complete seven hundred (700) hours of cosmetology instruction, to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling. ( )

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iii. A currently licensed esthetician or nail technician must complete one thousand four hundred (1,400) hours of cosmetology instruction or two thousand eight hundred (2,800) hours as a cosmetology apprentice. ( )

iv. A currently certificated makeup artist must complete one thousand five hundred fifty (1,500) hours of cosmetology instruction or three thousand one hundred (3,100) hours as a cosmetology apprentice. ( )

d. Esthetician License. A currently certified makeup artist must complete five hundred fifty (550) hours of esthetics instruction or one thousand one hundred (1,100) hours as an esthetician apprentice.. ( )

e. Out of State Licensure. A current licensee in another state, territory, possession or country, and who does not meet the qualifications for licensure through endorsement may be credited hours of instruction for practical work experience: ( )

i. Barber: One Hundred (100) hours as a student or two hundred (200) hours as an apprentice for every six (6) months of practical experience in barbering; ( )

ii. Barber-Stylist: Two hundred (200) hours as a student or four hundred (400) hours as an apprentice for every six (6) months of practical experience in barber-styling; ( )

iii. Cosmetologist: Two hundred (200) hours as a student or four hundred (400) hours as apprentice for every six (6) months of practical experience in cosmetology; ( )

iv. Electrologist: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months of practical experience in electrology; ( )

v. Esthetician: Sixty (60) hours as a student or one hundred twenty (120) hours as an apprentice for every six (6) months of practical experience in esthetics; ( )

vi. Nail Technician: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months in practical experience in nail technology. ( )

**03. Makeup Artist Certificate Approved Instruction.** Classroom instruction, training, practical experience, or a combination received from a cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country, or otherwise approved by the board. If an applicant does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may require additional training or other demonstration of competency in that area. ( )

**04. Establishment.** An establishment may be licensed as primary or contiguous. ( )

a. An applicant for primary establishment licensure must provide proof of compliance with Rule 200.01.a. A primary establishment license will not be issued if it includes or overlaps any portion of an existing establishment license. ( )

b. An applicant for contiguous establishment licensure must certify that it is associated with and operates within a currently licensed primary establishment and the primary establishment license holder must certify that the primary establishment is equipped to meet all safety and disinfection requirements. ( )

c. Establishment licenses cannot be transferred. A change of location or a full change in ownership requires a new license application. In a multiple ownership establishment, an owner may be removed upon written statement by all owners, including the withdrawing owner. ( )

**101. -- 124. (RESERVED)**

**125. OUT OF BUSINESS.**

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**01. Submittal.** Whenever any establishment or facility ceases operation at the licensed location, the owner(s) or authorized agent of the establishment or facility shall notify the Board by submitting: ( )

**a.** A signed letter by the owner(s) or authorized agent advising that the establishment or facility is out of business; or ( )

**b.** The establishment or facility license bearing the signature of the owner(s) or authorized agent and marked out of business; or ( )

**c.** In the event that the Board has not been notified about the cessation of operations pursuant to this rule and documentation or evidence has been obtained that an establishment or facility has ceased operation at the licensed or registered location, the Board may cancel the license or facility registration upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment or facility. ( )

**126. -- 149. (RESERVED)**

## **150. EDUCATION.**

**01. Licensed Schools.** A licensed barber or cosmetology school must comply with the following: ( )

**a.** The premises will provide adequate space, ventilation, lighting, facilities to safely accommodate all students, instructors, and customers and provide a restroom with a sink with hot and cold running water and drainage system. ( )

**b.** Instructors are permitted to teach subject matters only within the instructor's licensed scope of practice. A cosmetology school teaching electrology will employ one (1) licensed electrologist instructor for every six (6) students being trained and require instructors to directly supervise the training. ( )

**c.** Curriculum. To obtain approval to teach a subject, a school must submit a curriculum and course catalog which complies with Section 54-5815, Idaho Code. Any proposed changes to a curriculum or catalog must be submitted to the Board for approval. ( )

**i.** A school may teach no more than fifty percent (50%) of its curriculum through distance education. ( )

**ii.** For an esthetician, barber, barber stylist, or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200) hours, toward the required instructional hours for a cosmetology course. ( )

**iii.** A licensed cosmetology school may credit two hundred (200) hours toward the required instructional hours for a nail technology course or esthetics course for a cosmetology student. ( )

**iv.** Clinical work will be performed under the supervision of a licensed instructor. ( )

**v.** A student may receive up to thirty (30) hours of credit toward the required hours of instruction for instructor-approved activities occurring outside the school. ( )

**d.** A school will maintain a record of instruction for each student showing the classroom hours, the clinical hours, operations, and approved outside school activities completed each month in which the student is enrolled. The record of instruction will be provided to the student and maintained by the school for five (5) years from completion or termination. In the event of cessation of school operations, records of instruction will be provided to each enrolled student at or before the cessation of operations. ( )

**e.** Licenses may not be transferred; any change in ownership or location requires a new license application. ( )

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- 02. Apprenticeships.** ( )
- a.** An apprenticeship must be completed within the following period: ( )
- i.** Barber: fifty-seven (57) weeks; ( )
- ii.** Barber-Stylist: ninety-four (94) weeks; ( )
- iii.** Cosmetologist: one hundred four (104) weeks; ( )
- iv.** Estheticians/Electrologist: thirty-eight (38) weeks; ( )
- v.** Nail Technicians: twenty-five (25) weeks. ( )
- b.** Prior to beginning instruction, the instructor must submit and obtain Board approval of a curriculum which complies with Section 54-5815(1)(g), Idaho Code and Rule 150.02.a. ( )
- c.** An electrology apprentice may only work under the direct personal supervision of a licensed electrologist instructor. Instructors and supervisor licensees may teach or supervise work only within their licensed scope of practice. An apprentice cannot be permitted to render clinical services to patrons prior to completion of five percent (5%) of the required hours of instruction. ( )
- d.** An establishment or instructor under ongoing discipline may not supervise an apprentice. ( )
- e.** Recordkeeping. The establishment must maintain the daily work records for a period of five (5) years following the apprentice's completion or termination. The apprentice must be provided access to the daily work records and be provided monthly progress reports. ( )
- f.** An apprentice who has discontinued an apprenticeship must apply for and receive a new registration prior to resuming instruction. ( )
- g.** Out of State Apprenticeship. An applicant who received instruction as an apprentice in another state must submit a summary or record of the out of state apprenticeship, including detailed information regarding operations and hours of instruction, which is certified by the relevant licensing agency or instructor(s). ( )

[Agency redlined courtesy copy]

## 24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

### ~~301.100. QUALIFICATIONS FOR ADDITIONAL LICENSE~~ LICENSURE.

~~The Board may grant a license to an applicant for licensure who meets the requirements set forth in Section 54-5810, Idaho Code, pays the required fee, meets the requirements prescribed in Section 300 of these rules, and the following education or apprenticeship, experience, and examination qualifications are required:~~ ( )

#### ~~021. Additional Licensure Educational Requirements. Original Barber License.~~ ( )

**a.** ~~Education- Barber License. For a~~ currently licensed cosmetologist, ~~a licensed barber school must credit eight hundred (800) hours toward the required nine hundred (900) hours for a barber course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the barber course curriculum, provided that~~ The remaining must complete one hundred (100) hours of barber-related instruction, to include ~~must at a minimum include:~~ ( )

~~i. Barber theory, including male haircuts, and~~ ( )

~~ii. Shaving.~~ ( )

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~~b.~~ For a currently licensed barber in another state, territory, possession or country, and who does not meet the qualifications for licensure by endorsement, fifty (50) hours of instruction may be credited for each three (3) months of practical experience in barbering. ( )

## ~~02.~~ Original Barber Stylist License. ( )

~~a.b.~~ Barber-Stylist License. For a ~~a~~ currently licensed cosmetologist, a licensed barber school must credit one thousand four hundred (1,400) hours toward the required one thousand five hundred (1,500) hours for a barber-stylist course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the barber-stylist course curriculum, provided that ~~t~~ The remaining must complete one hundred (100) hours of barber-stylist instruction, to must at a minimum include the following: ( )

~~i.~~ B barber theory, including male haircuts, and ( )

~~ii.~~ Sshaving. ( )

~~b.~~ For a currently licensed barber stylist in another state, territory, possession or country, fifty (50) hours of instruction may be credited for each three (3) months of practical experience in barber-styling. ( )

## ~~03.~~ Original Cosmetologist License. ( )

### ~~a.c.~~ Education. Cosmetologist License.

~~i.~~ For a ~~a~~ currently licensed barber-stylist, a licensed cosmetology school must credit one thousand three hundred (1,300) hours toward the required one thousand six hundred (1,600) hours for a cosmetology course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the cosmetology course curriculum, provided that ~~t~~ The remaining must complete three hundred (300) hours of cosmetology instruction, to must at a minimum include the following: ( )

~~i.~~ Nnail technology, ( )

~~ii.~~ Esthetics, ( ) and ( )

~~iii.~~ Cosmetology theory, including female and hairstyling. ( )

~~b.ii.~~ For a ~~a~~ currently licensed barber, a licensed cosmetology school must credit nine hundred (900) hours toward the required one thousand six hundred (1,600) hours for a cosmetology course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining must complete seven hundred (700) hours of cosmetology instruction, to will be allotted among the subjects in the cosmetology course curriculum, provided that the remaining hours of instruction must at a minimum include the following: ( )

~~i.~~ Working on the hair with chemicals, ( )

~~ii.~~ Nnail technology, ( )

~~iii.~~ Esthetics, ( ) and ( )

~~iv.~~ Cosmetology theory, and including female hairstyling. ( )

~~e.iii.~~ A currently licensed esthetician, haircutter, or nail technician must be given credit of two hundred (200) hours toward the required complete one thousand six four hundred (1,460) hours of hours for a cosmetology course instruction or four hundred (400) hours toward the required three two thousand two eight hundred (2,280) hours as a cosmetology apprentice. ( )

~~d.iv.~~ For a ~~a~~ currently certificated makeup artist in this state, a licensed cosmetology school may credit up to fifty (50) hours toward the required instructional hours for a cosmetology course, or a licensed instructor may

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~~credit up to one hundred (100) hours toward the required apprenticeship hours. Must complete one thousand five hundred fifty (1,500) hours of cosmetology instruction or three thousand one hundred (3,100) hours as a cosmetology apprentice.( )~~

~~e. For an esthetician, haircutter~~barber, barber stylist,~~ or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200) hours, toward the required instructional hours for a cosmetology course.( )~~

~~f. For a currently licensed cosmetologist in another state, territory, possession or country, one hundred (100) hours of instruction or two hundred (200) hours as an apprentice may be credited for each six-month period of practical experience in cosmetology.( )~~

~~04. **Original Electrologist License.** Education. For a currently licensed electrologist in another state, territory, possession or country, forty (40) hours of instruction or eighty (80) hours as an apprentice may be credited for each six-month period of practical experience in electrology.( )~~

~~05d. **Original**-Esthetician License.( )~~

~~a. Education. For a ~~currently certificated~~ **certified** makeup artist in this state, a licensed cosmetology school may credit up to fifty (50) hours toward the required **must complete five hundred fifty (550) hours of esthetics instructional hours for an esthetics course or, a licensed instructor may credit up to one hundred (100) hours toward the required apprenticeship hours, one thousand one hundred (1,100) hours as an esthetician apprentice.**( )~~

~~b. A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for an esthetics course for a cosmetology student.( )~~

~~be. For a currently licensed esthetician in another state, territory, possession or country, sixty ~~fifty~~ **(650)** hours of instruction or one ~~hundred twenty (120)~~ **100** hours as an apprentice may be given for each six-month period of practical experience in esthetics.( )~~

## PENDING TEXT [New] 100.02.e. through 100.02.e.vi.

~~e. *Out of State Licensure. A current licensee in another state, territory, possession or country, and who does not meet the qualifications for licensure through endorsement may be credited hours of instruction for practical work experience:( )*~~

~~i. *Barber: One Hundred (100) hours as a student or two hundred (200) hours as an apprentice for every six (6) months of practical experience in barbering:( )*~~

~~ii. *Barber-Stylist: Two hundred (200) hours as a student or four hundred (400) hours as an apprentice for every six (6) months of practical experience in barber-styling:( )*~~

~~iii. *Cosmetologist: Two hundred (200) hours as a student or four hundred (400) hours as apprentice for every six (6) months of practical experience in cosmetology:( )*~~

~~iv. *Electrologist: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months of practical experience in electrology:( )*~~

~~v. *Esthetician: Sixty (60) hours as a student or one hundred twenty (120) hours as an apprentice for every six (6) months of practical experience in esthetics:( )*~~

~~vi. *Nail Technician: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months in practical experience in nail technology.( )*~~

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**06. Original Nail Technician License.**(~~---~~)

~~a. **02.Education.** Successful completion and graduation from a program of nail technology consisting of not less than four hundred (400) hours of instruction in a cosmetology school approved by the Board or completed at least eight hundred (800) hours in an apprenticeship that meets the requirements of Section 550, or the following equivalent instruction: A licensed cosmetology school may credit one seventh (1/7) of accumulated hours toward the required instructional hours for a nail technology course for a cosmetology student.~~(~~---~~)

~~b. For a currently licensed nail technician in another state, territory, possession or country, forty (40) hours of instruction or eighty (80) hours as an apprentice may be credited for each six-month period of practical experience in nail technology.~~(~~---~~)

**037. Makeup Artist Certificate Approved Instruction.**(~~---~~)

~~a. Education/Training. Successful completion of instruction of not less than one hundred (100) hours in makeup artistry, which must include instruction and practical experience in safety and infection control. Hours may be classroom instruction, training, practical experience, or a combination. Instruction may be received from one (one) or more of the following sources:~~(~~---~~)

~~i. A cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country.~~;(

~~ii. A cosmetology or esthetics instructor licensed in this state or another state, territory or possession;~~(~~---~~)

~~iii. A retail cosmetics dealer licensed in this state or another state, territory or possession; or~~(~~---~~)

~~iv. Other source of instruction that includes:~~(~~---~~)

~~(1). Knowledgeable and experienced instructor with a record of safe practices;~~(~~---~~)

~~(2). Instruction in client safety and safe product selection; and~~(~~---~~)

~~(3). Hands-on practice and training in infection control.~~(~~---~~)

~~v. Any combination of the sources listed in Subsections 301.07.a.i. through a.iv. of this rule.~~(~~---~~)

~~b. Documentation of Education/Training. An applicant may present proof of education/training in makeup artistry in the following ways:~~(~~---~~)

~~i. A current cosmetology or esthetician license from another state, territory, possession or country.~~(~~---~~)

~~ii. Transcripts or records of instruction.~~(~~---~~)

~~iii. Documentation of work history and training as an employee for a retail cosmetics dealer licensed in this state or another state, territory or possession of the United States.~~(~~---~~)

~~iv. Membership in the International Alliance of Theatrical Stage Employees Make-Up Artists and Hair Stylists Guild or other similar organization whose membership requirements meet or exceed the requirements of these rules.~~(~~---~~)

~~v. Documentation of other training/experience must include:~~(~~---~~)

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- (1). ~~Identity and qualifications of the person delivering the instruction/training;( )~~
- (2). ~~Method of instruction/training and amount of hands-on training provided; and( )~~
- (3). ~~Subject matters covered, particularly pertaining to topics listed in Subsection 301.07.a.iv of these rules. ( )~~

~~be. Additional Education/Training. The Board may require. If an applicant who does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may to obtain require additional training or other demonstration of competency in that area.( )~~

## PENDING TEXT 100.03

**03. Makeup Artist Certificate Approved Instruction.** Classroom instruction, training, practical experience, or a combination received from a cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country, or otherwise approved by the board. If an applicant does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may require additional training or other demonstration of competency in that area. ( )

## 100.01311. Approved Examinations.

~~Applicants shall pass~~ approved examinations shall be ~~t~~The National Interstate Council of State Boards of Cosmetology's written and practical examinations, provided approved by the board. National Interstate Council of State Boards of Cosmetology (NIC) for the discipline for which licensure is sought. A passing score must be obtained on both the written and practical examination. A passing score will be determined by NIC.( )

## 325100.04. Licensure And Operation Of Primary And Contiguous Establishments License.

~~Except as otherwise provided in statute and these rules, a licensed individual must practice within a licensed establishment. An establishment may be licensed as a primary establishment or a contiguous establishment that operates within a primary establishment. A primary establishment license must be issued prior to the opening or operation of any barber or cosmetology establishment. An applicant for primary establishment licensure must provide proof of compliance with Rule 200.01.a. A primary establishment will not be issued if it includes or overlaps any portion of an existing establishment license. An applicant for contiguous establishment licensure must certify that it is associated with and operates within a currently licensed primary establishment and the primary establishment license holder must certify that the primary establishment is equipped to meet all safety and disinfection requirements.( )~~

~~100.04.c.01. Establishment licenses may~~ cannot be transferred. Any change in ownership or location or a full change in ownership requires ~~original~~ a new license application.

~~01. Board Must Be Informed of All Changes.~~ The Board must be informed in writing of any and all changes of ownership and location of establishments or facilities.( )

~~02. Deletion of an Owner. In a multiple ownership establishment, an owner may be deleted~~ removed from the establishment license by ~~delivering to the Board upon written statement~~ Deletion of an owner in a multiple ownership may be affected by filing a written statement ~~delivered to the Board~~ signed by all owners, including the person withdrawing owner and the remaining owner(s).( )

~~03. In the event the board is notified that an establishment or contingent establishment has gone out of business, the Board shall investigate the claim and may cancel the establishment license upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment facility.~~

~~03. Transfer of Ownership.~~ If the transfer involves change of corporate structure or deleting one (1) or more owners, a written notarized statement signed by all former owners as registered with the Board shall be accepted. ( )

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~~04. **Addition of an Owner.** Addition of an owner to a multiple ownership constitutes a change in ownership and the requirements for a new establishment or facility apply.( )~~

~~05. **Out of Business.** Whenever any establishment or facility ceases operation at the licensed or registered location, the owner(s) or authorized agent of the establishment or facility shall notify the Board by submitting: ( )~~

~~a. A signed letter by the owner(s) or authorized agent advising that the establishment or facility is out of business; or( )~~

~~b. The establishment or facility license or registration bearing the signature of the owner(s) or authorized agent and marked out of business; or( )~~

~~c. For a contiguous establishment license, a signed statement by the associated primary establishment advising that the contiguous establishment is out of business.( )~~

~~d. In the event that the Board has not been notified about the cessation of operations pursuant to this rule and documentation or evidence has been obtained that an establishment or facility has ceased operation at the licensed or registered location, the Board may cancel the establishment license or facility registration upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment or facility.( )~~

~~0604.a **License Status.** A new primary establishment license will not be issued for any location that is currently licensed as a primary establishment at the time of application.( )~~

## PENDING TEXT [New] 125

### 101. -- 124.(RESERVED)

#### 125. **OUT OF BUSINESS.**

01. **Submittal.** Whenever any establishment or facility ceases operation at the licensed location, the owner(s) or authorized agent of the establishment or facility shall notify the Board by submitting:( )

a. A signed letter by the owner(s) or authorized agent advising that the establishment or facility is out of business; or( )

b. The establishment or facility license bearing the signature of the owner(s) or authorized agent and marked out of business; or( )

c. In the event that the Board has not been notified about the cessation of operations pursuant to this rule and documentation or evidence has been obtained that an establishment or facility has ceased operation at the licensed or registered location, the Board may cancel the license or facility registration upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment or facility.( )

### 10126. -- 149.(RESERVED)

## 500150. **BARBER AND COSMETOLOGY SCHOOL REQUIREMENTS EDUCATION.**

The Board may grant a license to an applicant for licensure to operate a

1. **Licensed Schools.** A licensed barber or cosmetology school ~~who must comply with~~meets the following requirements:( )

~~01.a **Premises.** The premises of a barber or cosmetology school must will:( )~~

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~~a. Possess sufficient apparatus and equipment for the proper and full teaching of all subjects or its curriculum. ( )~~

~~b. Provide adequate space, ventilation, lighting, and facilities to safely accommodate all students, instructors, and customers; and. ( )~~

~~e. Provide a restroom with a sink with hot and cold running water and approved drainage system. ( )~~

## ~~02. Faculty or Instructors. ( )~~

~~a. A school must be under the direct, personal supervision at all times of a licensed cosmetology instructor if a cosmetology school or a licensed barber or barber stylist instructor if a barber school and must employ and maintain a licensed instructor for every twenty (20) students or fraction thereof, with an instructor trainee counting as an instructor for the purposes of the student instructor ratio. ( )~~

~~b. Instructors are only permitted to teach subject matters within the instructor's licensed scope of practice. A cosmetology school that teaches electrology must be under the direct, personal supervision at all times of will employ one (1) licensed electrologist instructor for every six (6) students or portion thereof being trained therein and require instructors to directly supervise the training. ( )~~

~~b03e. An instructor shall teach only those subject areas for which the instructor has been issued a license by the Board to practice. ( )~~

~~d. Instructors must devote their time during school or class hours to instructing students rather than engaging in occupational practice. ( )~~

## ~~03. Operations. A barber or cosmetology school must: ( )~~

~~a. Maintain regular class and instruction hours, establish grades and hold monthly examinations. This information will be transferred to the record of instruction; ( )~~

~~b. Prescribe a school term for training in all aspects of the practice being taught; and ( )~~

~~04c. Curriculum. Any proposed changes to a curriculum or catalog must be approved by the Board. The submission must identify what specific changes are being made to the curriculum. ( )~~

~~a. To obtain approval to teach a subject. A school must submit a curriculum and course catalog that covers the subjects, as set forth in in which complies with Section 54-5815, Idaho Code, relating to the profession for which the school is seeking approval to teach. Any proposed changes to a curriculum or catalog must be submitted to the Board for approval. ( )~~

~~b. A cosmetology school that teaches electrology must submit a curriculum and course catalog that covers the subjects relating to electrology as set forth in Section 54-5815(1), Idaho Code. ( )~~

~~e. i. A school may teach no more than fifty percent (50%) of its curriculum through distance education. ( )~~

~~ii. A licensed cosmetology school offering an additional license curriculum to a currently licensed barber must submit for approval a written explanation of the seven hundred (700) hour course of cosmetology instruction, such instruction to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling. ( )~~

## **PENDING TEXT [Deleted] 150.01.a.ii.**

~~ii. A licensed cosmetology school offering an additional license curriculum to a currently licensed~~

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~~barber must submit for approval a written explanation of the seven hundred (700) hour course of cosmetology instruction, such instruction to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling.( )~~

iii. For an esthetician, haircutter barber, barber stylist, or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200) hours, toward the required instructional hours for a cosmetology course. ( )

ii. A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for a nail technology course for a cosmetology student. ( )

## **PENDING TEXT 150.01.a.iii.**

iii. A licensed cosmetology school may credit ~~one seventh (1/7) of accumulated~~ two hundred (200) hours toward the required instructional hours for a nail technology course or esthetics course for a cosmetology student. ( )

~~05. Clinical Work. Each school shall advertise to the public that it is a school and that all work is done by students. The clinic area shall not have connecting entrances to establishments or businesses other than barber or cosmetology schools.( )~~

~~a. Students shall not be permitted to render any clinical service to patrons until students have completed at least five percent (5%) of the required hours of instruction.( )~~

~~b.~~ iv. All eclinical work shall will be performed under the supervision of a licensed instructor.( )

~~e. Clinical work shall be recorded on the record of instruction for each month.( )~~

~~vi. 06. Outside School Activities. Schools A student may receive credit a student with a maximum of up to thirty (30) hours of credit toward the required hours of instruction for a course of instruction for instructor-approved activities that take place occurring outside the school. These hours must be approved by the instructor.( )~~

~~07.d. Student Records To be Maintained by the School. A school must will maintain the following records for each enrolled student:( )~~

~~a. Proof of age showing student is no less than sixteen and one-half (16 1/2) years of age;( )~~

~~b. Proof of showing student has satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education as evidenced in a manner identified in Subsection 300.02 of these rules;( )~~

~~a.~~ a Record of instruction for each student showing the classroom hours, the clinical hours, and operations, and approved outside school activities done for completed each month in which the student is enrolled,; and ( )

~~b.~~ d. When a student's course of instruction has been completed or terminated, the completed operations, and number of hours of instruction are to be recorded by the school on the The record of instruction form, which is. This form is to will be provided to the student and maintained by the school for five (5) years from completion or termination.

e. In the event of cessation of school operations, student records of instruction must will be provided to each enrolled student at or before the cessation of operations( )

~~08. Change in Ownership or Location.( )~~

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~~a. e. -Licenses may not be transferred; Any change in ownership or location requires an original new license application. Licenses are not transferable. (—)~~

~~b. A new application must be submitted to the Board and a license issued for a new or additional location or a change of ownership of an existing school. (—)~~

~~09. Cessation of School. When a school ceases to operate as a school, the school must provide each enrolled student their records of instruction at or before the cessation of operations. (—)~~

## ~~10. Rules for Cosmetology Schools Approved to Teach Electrology. (—)~~

~~a. Schools will provide a minimum of three hundred (300) square feet of designated floor space per six (6) students. (—)~~

~~b. Each school shall have the following equipment, which is considered the minimum equipment necessary for the proper instruction of students. This amount of equipment is based on six (6) students. (—)~~

~~i. Work stations equal to seventy-five percent (75%) of total enrollment; (—)~~

~~ii. Two (2) brands of machines, one (1) of which has three (3) method capability: Galvanic, Thermolysis, and Blend; (—)~~

~~iii. Two (2) treatment tables and adjustable technician chairs; (—)~~

~~iv. Two (2) swing arm lamps with magnifying lens; (—)~~

~~v. Two (2) magnifying glasses; (—)~~

~~vi. Tweezers; (—)~~

~~vii. One (1) basin with approved water source; (—)~~

~~viii. Necessary sanitation equipment for implements; and (—)~~

~~ix. Closed storage cabinet. (—)~~

~~e. Student Supplies. Each student is to be issued a basic kit containing two (2) tweezers, disposable probes, eye shields, disposable gloves, before treatment solution, after treatment lotion, hair pins or clips, and one (1) sharps container. (—)~~

## **5150.02 APPRENTICE REGISTRATION AND Apprenticeships.**

The Board may issue a registration as an apprentice to allow a person to engage in any of the practices licensed under Section 54-5815, Idaho Code, while completing the required instructional hours for a license or certificate. An apprentice may only practice under direct supervision as provided below. (—)

~~01. Application and Qualifications. An applicant must submit a completed application on a form approved by the Board, pay the required fee, and meet the following qualifications: (—)~~

~~a. Be at least sixteen and one-half (16 ½) years of age; (—)~~

~~b. Have successfully completed at least two (2) years of high school or have attained an equivalent education as determined by the Board as evidenced in a manner identified in Subsection 300.01 of these rules; (—)~~

~~ca. Have certification from the establishment that the applicant is enrolled as an apprentice in the~~

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establishment; ( )

~~db.~~ Identify the names and license numbers of the licensed cosmetologists, electrologists, estheticians, and nail technicians employed in the establishment in which the ~~who will supervise the~~ applicant will serve as an apprentice; and ( )

~~ec.~~ Identify the name(s) and license number(s) of the licensed instructor(s) who will instruct the applicant during the apprenticeship.( )

~~b.02. Instruction. Prior to beginning instruction.~~ The instructor for any apprenticeship must submit to the ~~and obtain~~ Board ~~approval of a curriculum for the entire course of apprenticeship instruction as set forth in~~ which complies with Section 54-5815(1)(g), Idaho Code and Rule 150.02.a1. The Board must approve the curriculum prior to the beginning of instruction. The curriculum must cover the subjects relating to the profession for which the apprentice is pursuing licensure as set forth in Section 54-5815(1)(g), Idaho Code.( )

~~03. Supervision.~~ There must be at least one (1) licensed instructor and one (1) separate supervising licensee for each apprentice in the establishment at all times when an apprentice is being trained, except that an electrology apprentice may be supervised solely by the electrology instructor.( )

~~nc.~~ Apprentices must work under the immediate personal supervision of the licensed instructor or other qualified supervisor licensee, except that an electrology apprentice may only work under the direct personal supervision of a licensed electrologist instructor. The instructors and supervisor licensees must be licensed to teach the profession for which the registrant is pursuing licensure and the supervising licensee must be licensed to practice the profession for which the apprentice is pursuing licensure may only teach or supervise work within their licensed scope of practice.( )

## PENDING TEXT 150.02.c.

~~c.~~ Apprentices must work under the immediate personal supervision of the licensed instructor or other qualified supervisor licensee, except that an ~~An~~ electrology apprentice may only ~~only~~ work under the direct personal supervision of a licensed electrologist instructor. Instructors and supervisor licensees may teach or supervise work only within their licensed scope of practice. An apprentice cannot be permitted to render clinical services to patrons prior to completion of five percent (5%) of the required hours of instruction.( )

~~b.~~ An instructor may not train more than three (3) currently registered apprentices, except that an electrology instructor may not train more than one (1) currently registered electrology apprentice.( )

~~e.~~ An establishment may not have more than six (6) currently registered apprentices, unless otherwise approved by the Board.( )

~~ded.~~ An establishment or ~~an~~ instructor under current ongoing discipline may not supervise an apprentice. ( )

~~edc.~~ An apprentice ~~shall cannot~~ be permitted to render ~~any~~ clinical services to patrons ~~until the apprentice has~~ prior to completion of ~~ed at least~~ five percent (5%) of the required hours of instruction.( )

~~04. Recordkeeping.~~ Establishments employing an apprentice shall keep a daily work record of the attendance of the apprentice and a record of the types of instruction given and the work performed by the apprentice as set forth below.( )

~~nc.~~ Recordkeeping. An apprentice must be given monthly progress records, and the monthly record shall be signed and dated by the apprentice and the instructor. The establishment shall must maintain the daily work records for a period of five (5) years following the apprentice's completion or termination ~~of the apprentice instruction.~~ The apprentice must be provided access to the daily work records and be provided monthly progress reports. ( )

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~~bi.~~ When ~~certifying completion of an apprenticeship under Section 54-5817, Idaho Code,~~ an apprentice's course of instruction has been completed or terminated, the completed operations and number of hours of instruction are to be recorded by the establishment on the Record of Instruction Form. ~~The instructor. The establishment must complete and submit the a Record of Instruction certifying completion to the Board within fourteen (14) days of the completion of the apprenticeship. The establishment must maintain a copy of the Record of Instruction for a period of five (5) years from completion or termination date.(~~ )

~~e.~~ Attendance, instruction, and work records must be kept in the establishment in which the apprentice is employed.( )

~~d.~~ Apprenticeship records ~~and~~ are subject to inspection by the Board at any time.( )

~~05. Termination of Registration.~~ A registration as an apprentice is valid from the date of issuance until the apprentice is no longer enrolled as an apprentice in the establishment identified on the apprentice's application. ( )

~~aii.~~ When an apprentice discontinues ~~a course of study~~the apprenticeship or an establishment ceases operation, the establishment must complete ~~and submit~~ a Record of Instruction Form with the total number of hours worked and the types of instruction given to the apprentice. The Record of Instruction Form must be submitted to ~~the apprentice(s) and~~ the Board within thirty (30) days of the discontinuance of the apprenticeship. If an apprentice discontinues a course of instruction and does not transfer to another salon ~~establishment~~ within sixty (60) days, the apprentice registration is automatically canceled and is to be submitted to the Board along with the Record of Instruction. ( )

## PENDING TEXT [Deleted] 150.02.e.i. and ii.

~~i.~~ The establishment must complete and submit a Record of Instruction certifying completion to the Board within fourteen (14) days of the apprenticeship completion.( )

~~ii.~~ When an apprentice discontinues the apprenticeship or an establishment ceases operation, the establishment must complete and submit a Record of Instruction Form to the apprentice(s) and Board within thirty (30) days. ( )

~~b.~~ When an establishment where apprentices are being trained ceases operation as an establishment, the establishment must submit the records of instruction for each apprentice to the Board within thirty (30) days. ( )

~~ef.~~ An apprentice who has discontinued a course of study must apply for and ~~be granted~~receive a new registration ~~under Subsection 550.01 of these rules,~~ prior to resuming instruction.( )

~~06g.~~ Out of State Apprenticeship. An applicant who ~~has~~ received instruction as an apprentice in another state must ~~file with the Board~~submit a ~~copy of the record of instruction from the~~summary or record of the out of state apprenticeship. ~~For purposes of this section, the record of instruction will be a statement which gives including detailed information regarding operations and hours of instruction, and which is to be verified~~certified by the ~~relevant~~ licensing agency or instructor(s) ~~in the state in which the instruction was obtained.~~( )

~~07a. Apprenticeship Length.~~ An apprenticeship ~~registration~~ must ~~not exceed the following lengths of time~~be completed within the following period:( )

~~ai.~~ Barber: fifty-seven (57) weeks;( )

~~bii.~~ Barber-Stylist: ninety-four (94) weeks;( )

~~eiii.~~ Cosmetologist: one hundred four (104) weeks;( )

- diy.** Estheticians/Electrologist: thirty-eight (38) weeks;( )
- ey.** Nail Technicians: twenty-five (25) weeks.( )