



February 26, 2016

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## ENGROSSED HOUSE BILL No. 1172

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DIGEST OF HB 1172 (Updated February 25, 2016 12:18 pm - DI 55)

**Citations Affected:** IC 25-8.

**Synopsis:** Cosmetology. Adds to the definition of "cosmetology": (1) removing superfluous hair from the body by the use of depilatories, waxing, or tweezers; (2) shaving or trimming beards and mustaches; and (3) giving facials, applying makeup, and giving skin care. Requires the state board of cosmetology and barber examiners (board) to adopt rules specifying whether the definition of "cosmetology" includes the use of a straight razor. Makes changes to the definition of "manicuring". Defines "pedicuring" as cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a person's foot. Makes certain changes to the requirements to obtain a beauty culture school license. Requires the board to adopt rules concerning the minimum amount of space, equipment, and supplies for specific courses of study a beauty culture school offers. Allows the board to adopt rules allowing curriculum offered by a beauty culture school to be delivered within a distance learning environment. Allows an applicant for a cosmetologist license or an esthetician license to be at least 17 years of age.

**Effective:** July 1, 2016.

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### Schaibley, Bacon, Goodin

(SENATE SPONSORS — BOOTS, KRUSE)

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January 7, 2016, read first time and referred to Committee on Employment, Labor and Pensions.

January 12, 2016, reported — Do Pass.

January 14, 2016, read second time, ordered engrossed. Engrossed.

January 19, 2016, read third time, passed. Yeas 65, nays 27.

#### SENATE ACTION

February 3, 2016, read first time and referred to Committee on Commerce & Technology.

February 25, 2016, amended, reported favorably — Do Pass.

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EH 1172—LS 6968/DI 109





February 26, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1172

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-8-2-2.7, AS AMENDED BY P.L.170-2013,  
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 2.7. (a) "Barbering" means performing one (1) or  
4 more of the following practices upon the head, face, or neck of a  
5 person:  
6 (1) Cutting, trimming, styling, arranging, dressing, curling,  
7 permanent waving, cleansing, bleaching, tinting, coloring, or  
8 similarly treating hair.  
9 (2) Shaving or trimming beards and mustaches, **including the use**  
10 **of a straight razor.**  
11 (3) Applying oils, creams, antiseptics, clays, powders, lotions, or  
12 other preparations, either by hand or by mechanical appliances,  
13 in the performance of facial or scalp massage.  
14 (b) "Barbering" does not include performing any of the acts  
15 described in subsection (a) when done:  
16 (1) in treating illness or disease;  
17 (2) as a student in a beauty culture school; or

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- 1 (3) without compensation.
- 2 SECTION 2. IC 25-8-2-5, AS AMENDED BY P.L.170-2013,  
 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2016]: Sec. 5. (a) "Cosmetology" means performing any of the  
 5 following acts on the head, face, neck, shoulders, torso, arms, hands,  
 6 legs, or feet of a person:
- 7 (1) Cutting, trimming, styling, arranging, dressing, curling,  
 8 waving, permanent waving, cleansing, bleaching, tinting,  
 9 coloring, or similarly treating hair.
- 10 (2) Applying oils, creams, antiseptics, clays, lotions, or other  
 11 preparations to massage, cleanse, stimulate, manipulate, exercise,  
 12 or beautify.
- 13 (3) Arching eyebrows.
- 14 (4) ~~Using depilatories.~~ **Removing superfluous hair from the**  
 15 **body by the use of depilatories, waxing, or tweezers.**
- 16 (5) Manicuring and pedicuring.
- 17 **(6) Shaving or trimming beards and mustaches.**
- 18 **(7) Giving facials, applying makeup, and giving skin care.**
- 19 (b) "Cosmetology" does not include performing any of the acts  
 20 described in subsection (a):
- 21 (1) in treating illness or disease;
- 22 (2) as a student in a beauty culture school that complies with the  
 23 notice requirements set forth in IC 25-8-5-6;
- 24 (3) in performing shampooing operations; or
- 25 (4) without compensation.
- 26 (c) "Cosmetology" does not include performing the act of threading.
- 27 SECTION 3. IC 25-8-2-13 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. "Manicuring"  
 29 means cleaning, dressing, polishing, sculpting, tipping, or wrapping the  
 30 nails of a ~~person.~~ **person's hand.**
- 31 SECTION 4. IC 25-8-2-18.5 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 33 1, 2016]: **Sec. 18.5. "Pedicuring" means cleaning, dressing,**  
 34 **polishing, sculpting, tipping, or wrapping the nails of a person's**  
 35 **foot.**
- 36 SECTION 5. IC 25-8-3-5, AS AMENDED BY P.L.170-2013,  
 37 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2016]: Sec. 5. (a) Each of the members of the board must  
 39 reside in Indiana.
- 40 (b) The members of the board must meet the following  
 41 qualifications:
- 42 (1) Two (2) of the members must:



- 1 (A) possess a current cosmetologist license; and  
 2 (B) have practiced cosmetology in Indiana continuously for at  
 3 least five (5) years immediately before appointment.  
 4 (2) Two (2) of the members of the board must:  
 5 (A) possess a current barber license; and  
 6 (B) have practiced barbering in Indiana continuously for at  
 7 least five (5) years immediately before appointment.  
 8 (3) One (1) of the members must be an owner or operator of a  
 9 beauty culture school. However, the member may not be a  
 10 licensed barber or cosmetologist.  
 11 (4) One (1) of the members must be licensed as an electrologist,  
 12 an esthetician, or a manicurist.  
 13 (5) One (1) of the members must not have any association with  
 14 ~~cosmetology or barbering; the practice of beauty culture~~, except  
 15 as a consumer.

16 SECTION 6. IC 25-8-3-23, AS AMENDED BY P.L.170-2013,  
 17 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2016]: Sec. 23. (a) The board shall adopt rules under  
 19 IC 4-22-2 to:

- 20 (1) prescribe sanitary requirements for:  
 21 (A) beauty culture salons; and  
 22 (B) beauty culture schools;  
 23 (2) establish standards for the practice of cosmetology and the  
 24 operation of:  
 25 (A) beauty culture salons; and  
 26 (B) beauty culture schools;  
 27 (3) implement the licensing system under this article and provide  
 28 for a staggered renewal system for licenses; and  
 29 (4) establish requirements for beauty culture school uniforms for  
 30 students and instructors.  
 31 **(b) The board shall adopt rules under IC 4-22-2 to specify**  
 32 **whether the definition set forth in IC 25-8-2-5 includes the use of**  
 33 **a straight razor.**  
 34 ~~(b)~~ (c) The board may adopt rules under IC 4-22-2 to establish the  
 35 following for the practice of cosmetology, barbering, electrology,  
 36 esthetics, or manicuring in a mobile salon:  
 37 (1) Sanitation standards.  
 38 (2) Safety requirements.  
 39 (3) Permanent address requirements at which the following are  
 40 located:  
 41 (A) Records of appointments.  
 42 (B) License numbers of employees.



- 1 (C) If applicable, the vehicle identification number of the  
 2 license holder's self-contained facility.
- 3 (4) Enforcement actions to ensure compliance with the  
 4 requirements under this article and all local laws and ordinances.
- 5 SECTION 7. IC 25-8-5-3, AS AMENDED BY P.L.170-2013,  
 6 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2016]: Sec. 3. (a) The application described in section 2 of  
 8 this chapter must state that:
- 9 (1) as a requirement for graduation, the proposed school will  
 10 require its students to successfully complete ~~at least the one~~  
 11 ~~thousand five hundred (1,500)~~ **the** hours of course work required  
 12 **by the student's specific course of study** to be eligible to sit for  
 13 the licensing examination;
- 14 (2) no more than ten (10) hours of course work may be taken by  
 15 a student during one (1) day;
- 16 (3) the course work will instruct the students in all theories and  
 17 practical application of the students' specific course of study;
- 18 (4) the school will provide ~~one (1) instructor for each twenty (20)~~  
 19 ~~students or any fraction of that number;~~ **an adequate number of**  
 20 **instructors based on the subject matter and manner by which**  
 21 **the material is being taught;**
- 22 (5) the school will be operated under the personal supervision of  
 23 a licensed beauty culture instructor;
- 24 (6) the ~~person proposed school~~ has obtained any building permit,  
 25 certificate of occupancy, or other planning approval required  
 26 under IC 22-15-3 and IC 36-7-4 to operate the school;
- 27 (7) the school, if located in the same building as a residence, will:  
 28 (A) be separated from the residence by a substantial floor to  
 29 ceiling partition; and  
 30 (B) have a separate entry;
- 31 (8) as a requirement for graduation, the proposed school must  
 32 administer and require the student to pass:  
 33 (A) a final practical demonstration examination of the acts  
 34 permitted by the license; and  
 35 (B) the written examination required under IC 25-8-4-7(b).
- 36 (9) the applicant has paid the fee set forth in IC 25-8-13-3.
- 37 **(b) The hours of course work required under subsection (a)(1)**  
 38 **for a student to sit for a licensing examination must be at least one**  
 39 **thousand five hundred (1,500) hours if the student's course of study**  
 40 **leads to the student sitting for either the cosmetology or barber**  
 41 **licensing examination.**
- 42 SECTION 8. IC 25-8-5-4, AS AMENDED BY P.L.170-2013,



1 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2016]: Sec. 4. The board may adopt rules under IC 4-22-2  
3 requiring that:

4 (1) the curriculum offered by a beauty culture school licensed  
5 under this chapter provide a minimum number of hours of  
6 instruction of each of the subjects described in section ~~3(3)~~  
7 **3(a)(3)** of this chapter; and

8 **(2) the facility be equipped with a minimum amount of space,**  
9 **equipment, and supplies for the specific courses of study the**  
10 **beauty culture school is offering to allow for flexibility in**  
11 **spatial design and equipment needs when the beauty culture**  
12 **school's curriculum and instructional approach is taken into**  
13 **consideration.**

14 SECTION 9. IC 25-8-5-4.6 IS ADDED TO THE INDIANA CODE  
15 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2016]: **Sec. 4.6. The board may adopt rules under IC 4-22-2 that**  
17 **will allow curriculum offered by a beauty culture school licensed**  
18 **under this chapter to be delivered within a distance learning**  
19 **environment. Instructors used in the distance learning**  
20 **environment must be licensed under IC 25-8-6.**

21 SECTION 10. IC 25-8-7-2, AS AMENDED BY P.L.170-2013,  
22 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2016]: Sec. 2. A person who wishes to obtain a beauty culture  
24 salon license must:

25 (1) do one (1) or more of the following:

26 (A) Select a site for the salon which, if located in the same  
27 building as a residence:

28 (i) is separated from the residence by a substantial floor to  
29 ceiling partition; and

30 (ii) has a separate entry.

31 (B) Meet the requirements for a mobile salon as established by  
32 the board under ~~IC 25-8-3-23(b)~~; **IC 25-8-3-23(c)**;

33 (2) if applicable, obtain any building permit, certificate of  
34 occupancy, or other approval action required under IC 22-15-3  
35 and IC 36-7-4 to operate the beauty culture salon;

36 (3) install the furnishings, if applicable, and obtain the salon  
37 equipment required under rules adopted by the board; and

38 (4) submit a verified statement on a form prescribed by the board  
39 that the beauty culture salon will be under the personal  
40 supervision of a person who is licensed as a beauty culture  
41 professional before the application was submitted under this  
42 chapter.



1 SECTION 11. IC 25-8-9-3, AS AMENDED BY P.L.170-2013,  
 2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2016]: Sec. 3. The application described in section 2 of this  
 4 chapter must state that the applicant:

- 5 (1) is at least ~~eighteen (18)~~ **seventeen (17)** years of age;  
 6 (2) has successfully completed the tenth grade or received the  
 7 equivalent of tenth grade education;  
 8 (3) has graduated from a beauty culture school;  
 9 (4) has received a satisfactory grade (as defined by IC 25-8-4-9)  
 10 on an examination for cosmetologist license applicants prescribed  
 11 by the board;  
 12 (5) has not committed an act for which the applicant could be  
 13 disciplined under IC 25-8-14; and  
 14 (6) has paid the fee set forth in IC 25-8-13-7 for the issuance of a  
 15 license under this chapter.

16 SECTION 12. IC 25-8-12.5-4, AS AMENDED BY P.L.177-2009,  
 17 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2016]: Sec. 4. To receive a license issued under this chapter,  
 19 a person must:

- 20 (1) be at least ~~eighteen (18)~~ **seventeen (17)** years of age;  
 21 (2) have successfully completed the tenth grade or received the  
 22 equivalent of a tenth grade education;  
 23 (3) have graduated from an esthetics program in a ~~cosmetology~~  
 24 **beauty culture** school;  
 25 (4) have received a satisfactory grade (as defined by IC 25-8-4-9)  
 26 on an examination for esthetician license applicants prescribed by  
 27 the board;  
 28 (5) not have committed an act for which the person could be  
 29 disciplined under IC 25-8-14; and  
 30 (6) pay the fee set forth in IC 25-8-13-11 for the issuance of a  
 31 license under this chapter.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1172 as introduced.)

GUTWEIN

Committee Vote: Yeas 9, Nays 1

## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-8-2-2.7, AS AMENDED BY P.L.170-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.7. (a) "Barbering" means performing one (1) or more of the following practices upon the head, face, or neck of a person:

(1) Cutting, trimming, styling, arranging, dressing, curling, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.

(2) Shaving or trimming beards and mustaches, **including the use of a straight razor.**

(3) Applying oils, creams, antiseptics, clays, powders, lotions, or other preparations, either by hand or by mechanical appliances, in the performance of facial or scalp massage.

(b) "Barbering" does not include performing any of the acts described in subsection (a) when done:

(1) in treating illness or disease;

(2) as a student in a beauty culture school; or

(3) without compensation."

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 6. IC 25-8-3-23, AS AMENDED BY P.L.170-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2016]: Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

- (1) prescribe sanitary requirements for:
  - (A) beauty culture salons; and
  - (B) beauty culture schools;
- (2) establish standards for the practice of cosmetology and the operation of:
  - (A) beauty culture salons; and
  - (B) beauty culture schools;
- (3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and
- (4) establish requirements for beauty culture school uniforms for students and instructors.

**(b) The board shall adopt rules under IC 4-22-2 to specify whether the definition set forth in IC 25-8-2-5 includes the use of a straight razor.**

~~(b)~~ (c) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, barbering, electrology, esthetics, or manicuring in a mobile salon:

- (1) Sanitation standards.
- (2) Safety requirements.
- (3) Permanent address requirements at which the following are located:
  - (A) Records of appointments.
  - (B) License numbers of employees.
  - (C) If applicable, the vehicle identification number of the license holder's self-contained facility.
- (4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances."

Page 4, between lines 13 and 14, begin a new paragraph and insert:  
 "SECTION 10. IC 25-8-7-2, AS AMENDED BY P.L.170-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A person who wishes to obtain a beauty culture salon license must:

- (1) do one (1) or more of the following:
  - (A) Select a site for the salon which, if located in the same building as a residence:
    - (i) is separated from the residence by a substantial floor to ceiling partition; and
    - (ii) has a separate entry.
  - (B) Meet the requirements for a mobile salon as established by



the board under ~~IC 25-8-3-23(b)~~; **IC 25-8-3-23(c)**;  
(2) if applicable, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the beauty culture salon;  
(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and  
(4) submit a verified statement on a form prescribed by the board that the beauty culture salon will be under the personal supervision of a person who is licensed as a beauty culture professional before the application was submitted under this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1172 as printed January 12, 2016.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 1.

