

### **IC 25-8-3**

#### **Chapter 3. State Board of Cosmetology Examiners**

### **IC 25-8-3-1**

#### **Establishment**

Sec. 1. The state board of cosmetology and barber examiners is established.

*As added by P.L.257-1987, SEC.2. Amended by P.L.84-2010, SEC.29.*

### **IC 25-8-3-2**

#### **Members; appointment**

Sec. 2. The board consists of seven (7) members. The governor shall appoint all the members of the board.

*As added by P.L.257-1987, SEC.2.*

### **IC 25-8-3-3**

#### **Repealed**

*(Repealed by P.L.84-2010, SEC.102.)*

### **IC 25-8-3-4**

#### **Repealed**

*(Repealed by P.L.84-2010, SEC.102.)*

### **IC 25-8-3-5**

#### **Board membership qualifications**

Sec. 5. (a) Each of the members of the board must reside in Indiana.

(b) The members of the board must meet the following qualifications:

(1) Two (2) of the members must:

(A) possess a current cosmetologist license; and

(B) have practiced cosmetology in Indiana continuously for at least five (5) years immediately before appointment.

(2) Two (2) of the members of the board must:

(A) possess a current barber license; and

(B) have practiced barbering in Indiana continuously for at least five (5) years immediately before appointment.

(3) One (1) of the members must be an owner or operator of a beauty culture school. However, the member may not be a licensed barber or cosmetologist.

(4) One (1) of the members must be licensed as an electrologist, an esthetician, or a manicurist.

(5) One (1) of the members must not have any association with cosmetology or barbering, except as a consumer.

*As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.6; P.L.84-2010, SEC.30; P.L.170-2013, SEC.16.*

### **IC 25-8-3-6**

#### **Board member political affiliation**

Sec. 6. No more than five (5) members of the board may belong to the same political party.

*As added by P.L.257-1987, SEC.2. Amended by P.L.84-2010, SEC.31.*

#### **IC 25-8-3-7**

##### **Term of office**

Sec. 7. Each board member serves a term of three (3) years, beginning on the date of appointment and continuing until:

(1) the member is removed under section 8 of this chapter; or

(2) a successor is appointed.

*As added by P.L.257-1987, SEC.2.*

#### **IC 25-8-3-8**

##### **Removal; grounds**

Sec. 8. The governor may remove a board member for incompetency or failure to perform the member's duties under this chapter.

*As added by P.L.257-1987, SEC.2.*

#### **IC 25-8-3-9**

##### **Appointment of successor**

Sec. 9. If a member of the board is removed under section 8 of this chapter, the governor shall appoint a successor to serve for the remainder of the unexpired term.

*As added by P.L.257-1987, SEC.2.*

#### **IC 25-8-3-10**

##### **Election of officers**

Sec. 10. The board shall, at its first meeting of each year, elect a president, vice president, and secretary from among its membership. Election of an officer under this section requires a majority vote of all the members of the board.

*As added by P.L.257-1987, SEC.2.*

#### **IC 25-8-3-11**

##### **Officers; terms of office**

Sec. 11. The officers elected under section 10 of this chapter have terms of one (1) year, beginning upon election and ending upon the election of a successor.

*As added by P.L.257-1987, SEC.2.*

#### **IC 25-8-3-12**

##### **Officers; vacancy**

Sec. 12. If an office described in section 10 of this chapter becomes vacant, the board may fill the vacancy at its next meeting following the vacancy.

*As added by P.L.257-1987, SEC.2.*

#### **IC 25-8-3-13**

### **Quorum**

Sec. 13. The board must have a quorum to transact business. Four (4) members of the board constitute a quorum.  
*As added by P.L.257-1987, SEC.2.*

### **IC 25-8-3-14**

#### **Business office**

Sec. 14. The agency shall furnish the board with suitable quarters to conduct its business.  
*As added by P.L.257-1987, SEC.2.*

### **IC 25-8-3-15**

#### **Seal**

Sec. 15. The board shall adopt a seal to authenticate its orders and records.  
*As added by P.L.257-1987, SEC.2.*

### **IC 25-8-3-16**

#### **Records**

Sec. 16. The agency shall maintain a record of:

- (1) the proceedings of the board;
- (2) each person licensed under this article, stating the:
  - (A) name of the person; and
  - (B) address of the person;
- (3) licenses issued under this article, stating the:
  - (A) number assigned to the license by the agency;
  - (B) date the license was issued; and
  - (C) actions taken by the board concerning the license, including any renewal, suspension, and revocation; and
- (4) applications for a license under this article that were refused.

*As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.7.*

### **IC 25-8-3-17**

#### **Per diem and incurred expenses**

Sec. 17. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.  
*As added by P.L.257-1987, SEC.2.*

### **IC 25-8-3-18**

#### **Disposition of receipts**

Sec. 18. All money received under this article shall be paid to the agency.  
*As added by P.L.257-1987, SEC.2.*

**IC 25-8-3-19****Receipts; deposit**

Sec. 19. The agency shall deposit all money received under this article with the treasurer of state.

*As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.8.*

**IC 25-8-3-20****Repository of receipts**

Sec. 20. The treasurer of state shall deposit the money received under section 19 of this chapter in the state general fund.

*As added by P.L.257-1987, SEC.2. Amended by P.L.1-1990, SEC.250.*

**IC 25-8-3-21****Administration expenses**

Sec. 21. The agency shall pay for the expenses for administering this article from the state general fund under appropriations designated for that purpose.

*As added by P.L.257-1987, SEC.2.*

**IC 25-8-3-22****Implementing rules**

Sec. 22. The board may adopt rules under IC 4-22-2 to implement this article.

*As added by P.L.257-1987, SEC.2.*

**IC 25-8-3-23****Rules prescribing sanitary requirements, establishing standards, implementing licensing system, and establishing requirements for mobile salons**

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 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.

*As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.9; P.L.197-2007, SEC.30; P.L.84-2010, SEC.32; P.L.170-2013, SEC.17.*

#### **IC 25-8-3-24**

##### **Enforcement personnel; compensation**

Sec. 24. The agency shall provide inspectors, investigators, and clerks to enforce this article. The agency shall fix their compensation and reimburse them for their necessary expenses incurred in enforcing this article by payments from the state general fund under appropriations designated for that purpose.

*As added by P.L.257-1987, SEC.2.*

#### **IC 25-8-3-25**

##### **Repealed**

*(Repealed by P.L.214-1993, SEC.91.)*

#### **IC 25-8-3-26**

##### **Sanitary rules given to licensees**

Sec. 26. The board shall furnish each person licensed to operate:

- (1) a beauty culture salon; or
- (2) a beauty culture school;

with a copy of the rules concerning sanitary requirements described in section 23(a)(1) of this chapter.

*As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.10; P.L.84-2010, SEC.33; P.L.170-2013, SEC.18.*

#### **IC 25-8-3-27**

##### **Posting sanitary requirement rules in salon or school**

Sec. 27. A person operating:

- (1) a beauty culture salon; or
- (2) a beauty culture school;

shall post the rules described in section 26 of this chapter in a conspicuous place in that salon or school.

*As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.11; P.L.84-2010, SEC.34; P.L.170-2013, SEC.19.*

#### **IC 25-8-3-28**

##### **Inspections**

Sec. 28. (a) A member of the board or any inspector or investigator may inspect:

- (1) a cosmetology salon;
- (2) a beauty culture school; or

(3) a mobile salon;  
during its regular business hours.

(b) A member of the board or any inspector or investigator may inspect:

- (1) a beauty culture salon;
- (2) a beauty culture school; or
- (3) a mobile salon;

before an initial license is issued.

*As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.12; P.L.157-2006, SEC.37; P.L.177-2009, SEC.24; P.L.84-2010, SEC.35; P.L.170-2013, SEC.20.*

### **IC 25-8-3-29**

#### **Equal treatment for persons with criminal records**

Sec. 29. (a) The board may not adopt a rule establishing different standards for an inmate or former inmate of a penal institution who applies for:

- (1) admission to beauty culture school; or
- (2) a license as a beauty culture professional.

(b) A person who graduates from a beauty culture school operated by a penal institution may not have the person's license denied or revoked as a result of the acts for which the person was convicted.

*As added by P.L.84-2010, SEC.36. Amended by P.L.170-2013, SEC.21.*

### **IC 25-8-3-30**

#### **Civil penalties; investigations; state board of cosmetology and barber examiners compliance fund**

Sec. 30. (a) The board shall implement a program to investigate and assess a civil penalty of not more than five hundred dollars (\$500) against a licensee under this article for the following violations:

- (1) Violation of this article under IC 25-8-14-5.
- (2) Failure to display a license required under IC 25-8-4-13.
- (3) Failure to continue to meet the licensure requirements under IC 25-8-4-29.
- (4) Engaging in beauty culture outside a beauty culture salon under IC 25-8-9-14.
- (5) Operating a tanning facility without a license under IC 25-8-15.4-5.

(b) An individual who is investigated by the board and found by the board to have committed a violation specified in subsection (a) may appeal the determination made by the board in accordance with IC 4-21.5.

(c) The state board of cosmetology and barber examiners compliance fund is established to provide funds for administering and enforcing the investigation of violations specified in subsection (a).

(a). The fund shall be administered by the Indiana professional licensing agency.

(d) The expenses of administering the state board of cosmetology

and barber examiners compliance fund shall be paid from the money in the fund. The fund consists of penalties collected through investigations and assessments by the board concerning violations specified in subsection (a).

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Except as otherwise provided in this subsection, money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds seven hundred fifty thousand dollars (\$750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars (\$750,000) reverts to the state general fund.

*As added by P.L.170-2013, SEC.22.*