

# HOUSE BILL No. 1364

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1-20.5; IC 25-25.

**Synopsis:** Barbering and beauty culture and other occupations. Allows an individual to provide services for compensation as a barber, cosmetologist, electrologist, esthetician, or manicurist without holding a state license or a license from a unit of local government if, before providing the services to a consumer, the individual: (1) provides to the consumer a written document that contains: (A) a statement disclosing that the individual does not have an occupational license; (B) the address and telephone number at which the individual can be contacted; and (C) the individual's dated signature; and (2) obtains the dated signature of the consumer on the document. Provides, however, that the individual is required to comply with all health, safety, security, confidentiality, reporting, and consumer protection requirements applying to an individual who provides the same services pursuant to a state license. Repeals a law entitling a military veteran to a license to vend, hawk, and peddle goods, wares, fruits, and merchandise without paying a license fee.

**Effective:** July 1, 2021.

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## Wesco, VanNatter

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January 14, 2021, read first time and referred to Committee on Employment, Labor and Pensions.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1364

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 25-1-20.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]:  
4 **Chapter 20.5. Practicing Barbering or a Beauty Culture**  
5 **Occupation Without a License**  
6 **Sec. 1. This chapter does not prohibit a state agency or a unit of**  
7 **local government from requiring an individual to:**  
8 **(1) have an occupational license in order to perform work for**  
9 **or on behalf of the state agency or unit of local government;**  
10 **or**  
11 **(2) prepare or submit a document that a holder of a barber,**  
12 **cosmetologist, electrologist, esthetician, or manicurist license**  
13 **is required by law to prepare or submit in connection with a**  
14 **requirement referred to in section 6 of this chapter.**  
15 **Sec. 2. For purposes of this chapter:**  
16 **(1) an individual provides services as a barber by engaging in**  
17 **one (1) or more of the practices set forth in IC 25-8-2-2.7(a);**



- 1 (2) an individual provides services as a cosmetologist by  
 2 performing one (1) or more of the acts set forth in  
 3 IC 25-8-2-5(a);  
 4 (3) an individual provides services as an electrologist by  
 5 performing electrolysis, as defined in IC 25-8-2-8;  
 6 (4) an individual provides services as a esthetician by  
 7 engaging in one (1) or more of the practices set forth in  
 8 IC 25-8-2-9.5(a); and  
 9 (5) an individual provides services as a manicurist by  
 10 performing manicuring, as defined in IC 25-8-2-13.

11 **Sec. 3. As used in this chapter, "state agency" means:**

- 12 (1) the Indiana professional licensing agency established by  
 13 IC 25-1-5-3;  
 14 (2) the state board of cosmetology and barber examiners  
 15 established by IC 25-8-3-1; or  
 16 (3) any other authority, board, branch, commission,  
 17 committee, department, division, or other instrumentality of  
 18 the executive, including the administrative, department of  
 19 state government.

20 **Sec. 4. As used in this chapter, "unit of local government"**  
 21 **means a county, city, town, township, or school corporation.**

22 **Sec. 5. (a) Notwithstanding any other law, an individual may**  
 23 **provide services for compensation as a barber, cosmetologist,**  
 24 **electrologist, esthetician, or manicurist without holding a license**  
 25 **issued under IC 25-8 or a license issued by a unit of local**  
 26 **government if the individual, before providing the services to a**  
 27 **consumer:**

- 28 (1) provides to the consumer a written document that  
 29 contains:  
 30 (A) a conspicuous statement in bold type disclosing that the  
 31 individual does not have an occupational license issued by  
 32 a state agency or a unit of local government;  
 33 (B) the physical address and telephone number at which  
 34 the individual can be contacted; and  
 35 (C) the dated signature of the individual; and  
 36 (2) obtains the dated signature of the consumer on the  
 37 document.

38 (b) Before providing services for compensation as a barber,  
 39 cosmetologist, electrologist, esthetician, or manicurist, an  
 40 individual to whom subsection (a) applies may disclose to the  
 41 consumer to whom the services are provided information  
 42 concerning the individual's qualifications, including:



1 (1) the name of an industry group, trade organization, or  
2 association to which the individual belongs; and

3 (2) a statement that the individual is certified, is recognized,  
4 or has been issued a qualification by an industry group, trade  
5 organization, or association.

6 **Sec. 6.** An individual who provides services for compensation  
7 under section 5(a) of this chapter as a barber, cosmetologist,  
8 electrologist, esthetician, or manicurist shall comply with all  
9 health, safety, security, confidentiality, reporting, and consumer  
10 protection requirements applying to an individual who provides  
11 the same services pursuant to a license issued under IC 25-8,  
12 including requirements concerning:

13 (1) inspections;

14 (2) permits;

15 (3) insurance; and

16 (4) bonding.

17 **Sec. 7. (a)** A state agency or unit of local government that  
18 licenses barbers, cosmetologists, electrologists, estheticians, or  
19 manicurists must set forth:

20 (1) on its Internet web site; and

21 (2) in any written or digital application form to be used in  
22 applying for a barber, cosmetologist, electrologist, esthetician,  
23 or manicurist license from the state agency or unit of local  
24 government;

25 a statement disclosing that an individual may provide services for  
26 compensation as a barber, cosmetologist, electrologist, esthetician,  
27 or manicurist without a license if the individual meets the  
28 conditions of section 5(a) of this chapter.

29 (b) Except as provided in sections 1 and 6 of this chapter:

30 (1) a state agency or unit of local government may not impose  
31 any requirement on an individual who:

32 (A) provides services for compensation as a barber,  
33 cosmetologist, electrologist, esthetician, or manicurist; and

34 (B) complies with section 5(a) of this chapter; and

35 (2) an individual who provides services for compensation as  
36 a barber, cosmetologist, electrologist, esthetician, or  
37 manicurist under section 5(a) of this chapter may not be  
38 required by a state agency or a unit of local government to:

39 (A) comply with any experience, examination, education,  
40 or continuing education requirements; or

41 (B) pay any registration fees.

42 **Sec. 8. (a)** It is a defense to a civil action or criminal proceeding



1       **against an individual for providing services for compensation as a**  
2       **barber, cosmetologist, electrologist, esthetician, or manicurist**  
3       **without a license issued under IC 25-8 that the individual provided**  
4       **the services in compliance with section 5(a) of this chapter.**  
5       **(b) If an individual to whom subsection (a) applies prevails in**  
6       **the civil action or criminal proceeding, the individual is entitled to:**  
7               **(1) reasonable attorney's fees; and**  
8               **(2) a reasonable amount to cover the expenses and costs of**  
9               **defending the action.**  
10       SECTION 2. IC 25-25 IS REPEALED [EFFECTIVE JULY 1,  
11       2021]. (Peddlers, Vendors, and Hawkers).

