ARTICLE 2. LICENSING

Rule 1. Licensing Requirements; Miscellaneous Provisions

820 IAC 2-1-1 Transfer of licenses prohibited
Authority: IC 25-8-3-23
Affected: IC 25-8-4-4

Sec. 1. (a) Under IC 25-8-4-4, licenses issued by the board may not be transferred. Accordingly, cosmetology schools, cosmetology salons, electrology salons, manicurist salons, and esthetic salons may not operate under new ownership or in a new location until a new license has been issued by the board.

(b) Subsection (a) does not apply to cosmetology salons changing locations if approved by the board under IC 25-8-4-4. *(State Board of Cosmetology Examiners; 820 IAC 2-1-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1401, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 561; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-1-2 Cosmetology schools, cosmetology salons, electrology salons, manicurist salons, and esthetic salons; mobile structure prohibited
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 2. Cosmetology schools, cosmetology salons, electrology salons, manicuring salons, and esthetic salons may not be located in mobile structures. *(State Board of Cosmetology Examiners; 820 IAC 2-1-2; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1401, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 561; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-1-3 Cosmetology school license applications; notice of intention
Authority: IC 25-8-3-23
Affected: IC 25-8-5-2

Sec. 3. (a) Thirty (30) days prior to submitting the application for a license, an applicant for a cosmetology school license shall file a "notice of intention" on a form provided by the board listing the owner's name and the location of the school.

(b) Subsequent to the filing of the notice of intention, an on-site inspection of the proposed cosmetology school shall be made by a member of the board.

(c) Within sixty (60) days after filing the notice of intention, the applicant must file a cosmetology school application and pay the required fee, or the notice of intention shall be null and void. *(State Board of Cosmetology Examiners; 820 IAC 2-1-3; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 561; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-1-4 Application for cosmetology school license; required items
Authority: IC 25-8-3-23
Affected: IC 25-8-5-2; IC 25-8-5-3

Sec. 4. (a) An application for cosmetology school license shall include the matters required by IC 25-8-5-3 and the following:

(1) The contract which is to be used between the cosmetology school and its students which must include the school's refund policy.

(2) A report from the office of the state fire marshal showing compliance with fire safety laws.

(3) A copy of the cosmetology school's deed for the property where the cosmetology school is located or a lease for at least one (1) year showing that the premises are to be used as a cosmetology school.

(4) A budget for the first year of operation of the cosmetology school.

(5) A financial statement on a form provided by the board.

(6) A floor plan of the cosmetology school which shall show, in detail, the following:

(A) The placement of students.

(B) Classroom entrances and exits.

(C) Space for waiting customers (indicating the number of chairs).
(D) Separate student and public cloakroom spaces.
(E) Separate lavatory and toilet facilities for men and women.
(7) A list of licensed instructors who will be teaching in the cosmetology school.
(b) The application shall be completed in its entirety and verified. *(State Board of Cosmetology Examiners; 820 IAC 2-1-4; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-1-5 Education equivalencies
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 5. Successful completion of the general education diploma (GED) shall be considered the equivalent of the following:
(1) A tenth grade education for cosmetology applicants under IC 25-8-9-3(2).
(2) A tenth grade education for esthetician applicants under IC 25-8-12.5-4(2).
(3) An eighth grade education for manicurist applicants under IC 25-8-11-4(2).
(4) An eighth grade education for shampoo operator applicants under IC 25-8-12-3(2).
(State Board of Cosmetology Examiners; 820 IAC 2-1-5; filed Dec 3, 1991, 11:00 a.m.: 15 IR 561; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 2-1-6 Signs for cosmetology salons, electrology salons, manicurist salons, and esthetic salons
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 6. (a) A person holding a:
(1) cosmetology salon license;
(2) electrology salon license;
(3) manicurist salon license; or
(4) esthetic salon license;
shall display a sign at the main public entrance of the salon.
(b) The sign must:
(1) be clearly visible at the main public entrance;
(2) state in legible printing the name of the establishment; and
(3) state that the establishment is licensed as a:
(A) cosmetology salon;
(B) electrology salon;
(C) manicurist salon; or
(D) esthetic salon.
(State Board of Cosmetology Examiners; 820 IAC 2-1-6; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 2-1-7 Addresses for cosmetology salons, electrology salons, manicurist salons, and esthetic salons
Authority: IC 25-8-3-23
Affected: IC 25-8-4-2

Sec. 7. Applications for cosmetology salon, electrology salon, manicurist salon, and esthetic salon licenses shall include both the applicant's mailing address and the actual location of the salon, if different than the mailing address. *(State Board of Cosmetology Examiners; 820 IAC 2-1-7; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

Rule 2. Examinations

820 IAC 2-2-1 Instructor, electrologist, or esthetician license; reciprocity applicants
Authority: IC 25-8-3-23
Affected: IC 25-8-4-2

Sec. 1. (a) An individual who applies for a cosmetologist, electrologist, or esthetician instructor license under IC 25-8-4-2 in addition to qualifying under those sections *[sic., that section]* must pass an examination on Indiana statutes and rules applicable to cosmetology, electrology, or esthetics, respectively, before being licensed.

(b) The passing score for each of the examinations shall be seventy-five percent (75%). *(State Board of Cosmetology Examiners; 820 IAC 2-2-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1487; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-1.1 Photograph with application
Authority: IC 25-8-3-23; IC 25-8-6-4
Affected: IC 25-8

Sec. 1.1. Individuals submitting an application for examination under IC 25-8 shall include a photograph of the applicant that is at least two (2) inches by three (3) inches with the application. *(State Board of Cosmetology Examiners; 820 IAC 2-2-1.1; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-1.2 Photo identification required
Authority: IC 25-8-3-23; IC 25-8-6-4
Affected: IC 25-8

Sec. 1.2. All applicants for examination are required to bring government issued photo identification to an examination and shall produce the photo identification for inspection upon request while at the examination site. *(State Board of Cosmetology Examiners; 820 IAC 2-2-1.2; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-2 Instructor license; examination fee
Authority: IC 25-1-8-5; IC 25-8-3-23
Affected: IC 25-8-6-3

Sec. 2. The board shall charge a fee of fifteen dollars ($15) for providing an examination to an applicant for an instructor license. *(State Board of Cosmetology Examiners; 820 IAC 2-2-2; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3099; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-3 Age requirement; necessity of examination
Authority: IC 25-8-3-23; IC 25-8-6-4
Affected: IC 25-8

Sec. 3. (a) Individuals submitting an application for examination under IC 25-8 shall be at least eighteen (18) years of age.

(b) All first attempt state board examinations must be taken within one (1) year after graduation from an applicable course in a cosmetology school. Any repeat examination must be successfully completed within three (3) years after graduation from the same course.

(c) The board may waive the requirements in subsection (b) if an applicant can show good cause. *(State Board of Cosmetology Examiners; 820 IAC 2-2-3; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1488; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-4 License examination; attire, equipment
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 4. (a) Each applicant for a cosmetologist license, instructor license, electrologist license, manicurist license, shampoo operator license, and esthetician license shall report to the examination in the following manner:

(1) Attired in a white nurse style uniform and in white noncloth shoes.

(2) With tool cases as follows:

(A) For cosmetology applicants, the tool case required by 820 IAC 4-2-5.

(B) For instructor applicants, the tool case required by 820 IAC 4-2-5.

(C) For electrology applicants, the tool case required by 820 IAC 4-2-9.

(D) For manicurist applicants, the tool case required by 820 IAC 4-2-8.

(E) For esthetician applicants, the tool case required by 820 IAC 4-2-7.

(b) Subsection (a)(2) does not apply to applicants being examined for a shampoo operator license or to applicants being examined under section 1 of this rule. *(State Board of Cosmetology Examiners; 820 IAC 2-2-4; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-5 Repeat examinations; cosmetologist
Authority: IC 25-8-3-23
Affected: IC 25-8-9-5

Sec. 5. (a) An applicant who does not receive a satisfactory grade on the applicant's second attempt on the cosmetology written examination as allowed by IC 25-8-9-5 shall only be allowed to take the written examination again upon submission of proof of completion of an additional one hundred (100) hours of instruction in the theory of cosmetology as a student in a cosmetology school.

(b) An applicant who does not receive a satisfactory grade on the third attempt of the written examination allowed by subsection (a) may take the written examination the fourth time.

(c) The requirements of subsection (a) concerning additional education apply for the fifth written examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-5; filed Dec 3, 1991, 11:00 a.m.: 15 IR 563; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-6 Repeat examinations; instructor
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 6. (a) An instructor applicant who fails the applicant's first attempt on the instructor written examination may repeat the examination.

(b) An applicant who does not receive a satisfactory grade on the repeat instructor written examination allowed by subsection (a) may attempt the written examination again upon submission of proof of completion of an additional one hundred fifty (150) hours of instructor training in an approved cosmetology school, within sixty (60) days of receipt of examination failure notice. *(State Board of Cosmetology Examiners; 820 IAC 2-2-6; filed Dec 3, 1991, 11:00 a.m.: 15 IR 563; filed May 4, 2001, 11:16 a.m.: 24 IR 2683; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-7 Repeat examinations; manicurist
Authority: IC 25-8-3-23
Affected: IC 25-8-11-5

Sec. 7. (a) An applicant who does not receive a satisfactory grade on the second attempt on the manicurist written examination as allowed by IC 25-8-11-5 may take the written examination a third time.

(b) An applicant who does not receive a satisfactory grade on the third written examination attempt allowed by subsection

(a) shall only be allowed to take the examination again upon the submission of proof of successful completion of an additional one hundred (100) hours of instruction in the theory of manicuring as a student in a cosmetology school.

(c) The requirement of subsection (b) concerning additional education applies for the fifth written examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-7; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2415; errata filed Jan 21, 1994, 3:00 p.m.: 17 IR 1101; filed May 4, 2001, 11:16 a.m.: 24 IR 2683; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-8 Repeat examinations; electrologist

Authority: IC 25-8-3-23
Affected: IC 25-8-10-3

Sec. 8. (a) An applicant who does not receive a satisfactory grade on the examination described in IC 25-8-10-3(3) may take the written examination a second time.

(b) An applicant who does not receive a satisfactory grade on the second written examination attempt allowed by subsection (a) shall only be allowed to take the written examination again upon submission of proof of the successful completion of an additional one hundred (100) hours of instruction in the theory of electrology in a cosmetology school.

(c) The requirement of subsection (b) concerning additional education applies for the fifth written examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-8; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2416; errata filed Jan 21, 1994, 3:00 p.m.: 17 IR 1101; filed May 4, 2001, 11:16 a.m.: 24 IR 2683; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-9 Repeat examinations; shampoo operator

Authority: IC 25-8-3-23
Affected: IC 25-8-12-4

Sec. 9. (a) An applicant who does not receive a satisfactory grade on the shampoo operator written examination as allowed by IC 25-8-12-4 must successfully complete an additional one hundred (100) hours in the theory of shampoo operation in a cosmetology school.

(b) An applicant who does not receive a satisfactory grade on the third written examination attempt as allowed by subsection (a) may take the written examination a fourth time.

(c) The requirements of subsection (a) concerning additional education applies for the fifth written examination attempt and every odd-numbered year thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-9; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2416; filed May 4, 2001, 11:16 a.m.: 24 IR 2683; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-10 Repeat examinations; esthetician

Authority: IC 25-8-3-23
Affected: IC 25-8-12.5-5

Sec. 10. (a) An applicant who does not receive a satisfactory grade on the second attempt on the written examination as allowed by IC 25-8-12.5-5 may take the written examination a third time.

(b) An applicant who does not receive a satisfactory grade on the third written examination attempt allowed by subsection (a) shall be allowed to take the written examination again upon the submission of proof of successful completion of an additional one hundred (100) hours of instruction in the theory of esthetics as a student in a cosmetology school.

(c) The requirement of subsection (b) concerning additional education applies for the fifth written examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-10; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2416; filed May 4, 2001, 11:16 a.m.: 24 IR 2684; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-11 Repeat examinations; instructor, electrologist, or esthetician license; reciprocity applicants

Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 11. (a) An applicant who fails the first attempt on a *[sic., an]* examination required by section 1 of this rule may repeat the examination.

(b) An applicant who does not receive a satisfactory grade on a repeat examination allowed by subsection (a) may attempt the examination again upon submission of proof of completion of an additional fifty (50) hours of training in a cosmetology school:

(1) for cosmetology applicants, on Indiana statutes and rules applicable to cosmetology;

(2) for esthetician applicants, on Indiana statutes and rules applicable to esthetics;

(3) for electrologist applicants, on Indiana statutes and rules applicable to electrology; or

(4) for cosmetology, esthetics, or electrology instructor applicants, on Indiana statutes and rules applicable to their instructor training.

(c) The requirements of subsection (b) concerning additional education apply for the fifth examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-11; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2416; errata filed Jan 21, 1994, 3:00 p.m.: 17 IR 1101; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1488; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

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