

SECOND REGULAR SESSION

# HOUSE BILL NO. 1491

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRIFFITH.

3812H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 329.010 and 329.050, RSMo, and to enact in lieu thereof two new sections relating to the classified occupations of cosmetology.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 329.010 and 329.050, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 329.010 and 329.050, to read as follows:

329.010. As used in this chapter, unless the context clearly indicates otherwise, the  
2 following words and terms mean:

3 (1) "Accredited school of cosmetology or school of manicuring", an establishment  
4 operated for the purpose of teaching cosmetology as defined in this section and meeting the  
5 criteria set forth under 34 C.F.R. Part 600, Sections 600.1 and 600.2;

6 (2) "Apprentice" or "student", a person who is engaged in training within a  
7 cosmetology establishment or school, and while so training performs any of the practices of  
8 the classified occupations within this chapter under the immediate direction and supervision  
9 of a licensed cosmetologist or instructor;

10 (3) "Board", the state board of cosmetology and barber examiners;

11 (4) "Cosmetologist", any person who, for compensation, engages in the practice of  
12 cosmetology, as defined in subdivision (5) of this section;

13 (5) "Cosmetology" includes performing or offering to engage in any acts of the  
14 classified occupations of cosmetology for compensation, which shall include:

15 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving,  
16 permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the  
17 hair of any person by any means; or removing superfluous hair from the body of any person

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 by means other than electricity, or any other means of arching or tinting eyebrows or tinting  
19 eyelashes. Class CH - hairdresser also includes any person who either with the person's hands  
20 or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic  
21 preparations, antiseptics, tonics, lotions or creams engages for compensation in any one or  
22 any combination of the following: massaging, cleaning, stimulating, manipulating,  
23 exercising, beautifying or similar work upon the scalp, face, neck, arms or bust;

24 (b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting,  
25 cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails,  
26 massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming,  
27 polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying  
28 artificial toenails, massaging and cleaning a person's legs and feet;

29 (c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology,  
30 as defined in paragraphs (a) and (b) of this subdivision;

31 (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or  
32 appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not  
33 to exceed ten percent phenol, engages for compensation, either directly or indirectly, in any  
34 one, or any combination, of the following practices: massaging, cleansing, stimulating,  
35 manipulating, exercising, beautifying or similar work upon the scalp, face, neck, ears, arms,  
36 hands, bust, torso, legs or feet and removing superfluous hair by means other than electric  
37 needle or any other means of arching or tinting eyebrows or tinting eyelashes, of any person;

38 (e) **"Class EA - esthetics and manicuring" includes all practices of cosmetology**  
39 **as described in paragraphs (b) and (d) of this subdivision;**

40 (6) "Cosmetology establishment", that part of any building wherein or whereupon any  
41 of the classified occupations are practiced including any space rented within a licensed  
42 establishment by a person licensed under this chapter, for the purpose of rendering  
43 cosmetology services;

44 (7) "Cross-over license", a license that is issued to any person who has met the  
45 licensure and examination requirements for both barbering and cosmetology;

46 (8) "Hair braider", any person who, for compensation, engages in the practice of hair  
47 braiding;

48 (9) "Hair braiding", in accordance with the requirements of section 329.275, the use  
49 of techniques that result in tension on hair strands or roots by twisting, wrapping, waving,  
50 extending, locking, or braiding of the hair by hand or mechanical device, but does not include  
51 the application of dyes, reactive chemicals, or other preparations to alter the color of the hair  
52 or to straighten, curl, or alter the structure of the hair;

53 (10) "Hairdresser", any person who, for compensation, engages in the practice of  
54 cosmetology as defined in paragraph (a) of subdivision (5) of this section;

55 (11) "Instructor", any person who is licensed to teach cosmetology or any practices of  
56 cosmetology pursuant to this chapter;

57 (12) "Manicurist", any person who, for compensation, engages in any or all of the  
58 practices in paragraph (b) of subdivision (5) of this section;

59 (13) "Parental consent", the written informed consent of a minor's parent or legal  
60 guardian that must be obtained prior to providing body waxing on or near the genitalia;

61 (14) "School of cosmetology" or "school of manicuring", an establishment operated  
62 for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

329.050. 1. Applicants for examination or licensure pursuant to this chapter shall  
2 possess the following qualifications:

3 (1) They shall provide documentation of successful completion of courses approved  
4 by the board, have an education equivalent to the successful completion of the tenth grade,  
5 and be at least seventeen years of age;

6 (2) If the applicants are apprentices, they shall have served and completed, as an  
7 apprentice under the supervision of a licensed cosmetologist, the time and studies required by  
8 the board which shall be no less than three thousand hours for cosmetologists, and no less  
9 than eight hundred hours for manicurists and no less than fifteen hundred hours for esthetics.

10 **When the classified occupation of manicurist is apprenticed in conjunction with the**  
11 **classified occupation of esthetician, the apprentice shall be required to successfully**  
12 **complete an apprenticeship of no less than a total of two thousand three hundred hours.**

13 However, when the classified occupation of manicurist is apprenticed in conjunction with the  
14 classified occupation of cosmetologist, the apprentice shall be required to successfully  
15 complete an apprenticeship of no less than a total of three thousand hours;

16 (3) If the applicants are students, they shall have had the required time in a licensed  
17 school of no less than one thousand five hundred hours training or the credit hours determined  
18 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal  
19 Regulations, as amended, for the classification of cosmetologist, with the exception of public  
20 vocational technical schools in which a student shall complete no less than one thousand two  
21 hundred twenty hours training. All students shall complete no less than four hundred hours or  
22 the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title  
23 34 of the Code of Federal Regulations, as amended, for the classification of manicurist. All  
24 students shall complete no less than seven hundred fifty hours or the credit hours determined  
25 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal  
26 Regulations, as amended, for the classification of esthetician. **When the classified**  
27 **occupation of manicurist is taken in conjunction with the classified occupation of**  
28 **esthetician, the student shall be required to complete the hours required for both**  
29 **occupations.** However, when the classified occupation of manicurist is taken in conjunction

30 with the classified occupation of cosmetologist, the student shall not be required to serve the  
31 extra four hundred hours or the credit hours determined by the formula in Subpart A of Part  
32 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise  
33 required to include manicuring of nails; and

34 (4) They shall have passed an examination to the satisfaction of the board.

35 2. A person may apply to take the examination required by subsection 1 of this  
36 section if the person is a graduate of a school of cosmetology or apprentice program in  
37 another state or territory of the United States which has substantially the same requirements  
38 as an educational establishment licensed pursuant to this chapter. A person may apply to take  
39 the examination required by subsection 1 of this section if the person is a graduate of an  
40 educational establishment in a foreign country that provides training for a classified  
41 occupation of cosmetology, as defined by section 329.010, and has educational requirements  
42 that are substantially the same requirements as an educational establishment licensed under  
43 this chapter. The board has sole discretion to determine the substantial equivalency of such  
44 educational requirements. The board may require that transcripts from foreign schools be  
45 submitted for its review, and the board may require that the applicant provide an approved  
46 English translation of such transcripts.

47 3. Each application shall contain a statement that, subject to the penalties of making a  
48 false affidavit or declaration, the application is made under oath or affirmation and that its  
49 representations are true and correct to the best knowledge and belief of the person signing the  
50 application.

51 4. The sufficiency of the qualifications of applicants shall be determined by the board,  
52 but the board may delegate this authority to its executive director subject to such provisions as  
53 the board may adopt.

54 5. Applications for examination or licensure may be denied if the applicant has  
55 pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the  
56 following offenses or offenses of a similar nature established under the laws of this state, any  
57 other state, the United States, or any other country, notwithstanding whether sentence is  
58 imposed:

59 (1) Any dangerous felony as defined under section 556.061 or murder in the first  
60 degree;

61 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,  
62 statutory rape in the first degree, statutory rape in the second degree, rape in the second  
63 degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the  
64 first degree, statutory sodomy in the second degree, child molestation in the first degree, child  
65 molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual  
66 misconduct involving a child, sexual misconduct in the first degree under section 566.090 as

67 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to  
68 August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or  
69 attempting to entice a child;

70 (3) Any of the following offenses against the family and related offenses: incest,  
71 abandonment of a child in the first degree, abandonment of a child in the second degree,  
72 endangering the welfare of a child in the first degree, abuse of a child, using a child in a  
73 sexual performance, promoting sexual performance by a child, or trafficking in children; and

74 (4) Any of the following offenses involving child pornography and related offenses:  
75 promoting obscenity in the first degree, promoting obscenity in the second degree when the  
76 penalty is enhanced to a class E felony, promoting child pornography in the first degree,  
77 promoting child pornography in the second degree, possession of child pornography in the  
78 first degree, possession of child pornography in the second degree, furnishing child  
79 pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance  
80 of obscene material.

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