

SECOND REGULAR SESSION

HOUSE BILL NO. 2254

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

5295H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 329.010, 329.040, 329.050, and 329.080, RSMo, and to enact in lieu thereof five new sections relating to the practice of hair braiding.

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

Section A. Sections 329.010, 329.040, 329.050, and 329.080, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 329.010, 329.040, 329.050, 329.080, and 329.270, to read as follows:

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

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

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

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

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

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

(a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring, or similar work upon the hair

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.

17 of any person by any means; or removing superfluous hair from the body of any person by means
18 other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes.
19 Class CH - hairdresser also includes any person who either with the person's hands or with
20 mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations,
21 antiseptics, tonics, lotions or creams engages for compensation in any one or any combination
22 of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or
23 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, as
30 defined in paragraphs (a) [and], (b) **and (e)** 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 to
33 exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one,
34 or any combination, of the following practices: massaging, cleansing, stimulating, manipulating,
35 exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso,
36 legs or feet and removing superfluous hair by means other than electric needle or any other
37 means of arching or tinting eyebrows or tinting eyelashes, of any person;

38 (e) **"Class HB - hair braiding" includes hair braiding as defined in this section;**

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

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

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

47 (9) **"Hair braiding", the braiding, twisting, wrapping, weaving, extending, or**
48 **locking of human hair by hand or mechanical device, provided that the service does not**
49 **include hair cutting or the application of dyes, reactive chemicals, or other preparations**
50 **to alter the color of the hair or alter the structure of the hair;**

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

53 [(9)] (11) "Instructor", any person who is licensed to teach cosmetology or any practices
54 of cosmetology pursuant to this chapter;

55 [(10)] (12) "Manicurist", any person who, for compensation, engages in any or all of the
56 practices in paragraph (b) of subdivision (5) of this section;

57 [(11)] (13) "Parental consent", the written informed consent of a minor's parent or legal
58 guardian that must be obtained prior to providing body waxing on or near the genitalia;

59 [(12)] (14) "School of cosmetology" or "school of manicuring", an establishment
60 operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

329.040. 1. Any person of good moral character may make application to the board for
2 a license to own a school of cosmetology on a form provided upon request by the board. Every
3 school of cosmetology in which any of the classified occupations of cosmetology are taught shall
4 be required to obtain a license from the board prior to opening. The license shall be issued upon
5 approval of the application by the board, the payment of the required fees, and the applicant
6 meets other requirements provided in this chapter. The license shall be kept posted in plain view
7 within the school at all times.

8 2. A school license renewal fee shall be due on or before the renewal date of any school
9 license issued pursuant to this section. If the school license renewal fee is not paid on or before
10 the renewal date, a late fee shall be added to the regular school license fee.

11 3. No school of cosmetology shall be granted a license pursuant to this chapter unless
12 it:

13 (1) Employs and has present in the school a competent licensed instructor for every
14 twenty-five students in attendance for a given class period and one to ten additional students may
15 be in attendance with the assistance of an instructor trainee. One instructor is authorized to teach
16 up to three instructor trainees immediately after being granted an instructor's license;

17 (2) Requires all students to be enrolled in a course of study of no less than three hours
18 per day and no more than twelve hours per day with a weekly total that is no less than fifteen
19 hours and no more than seventy-two hours;

20 (3) Requires for the classified occupation of cosmetologist, the course of study shall be
21 no less than one thousand five hundred hours or, for a student in public vocational/technical
22 school no less than one thousand two hundred twenty hours; provided that, a school may elect
23 to base the course of study on credit hours by applying the credit hour formula in Subpart A of
24 Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The
25 student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom
26 training before the student may perform any of the acts of the classified occupation of
27 cosmetology on any patron or customer of the school of cosmetology;

28 **(4) Requires for the classified occupation of hair braider, the course of study shall**
29 **be no less than five hundred hours or the credit hours determined by the formula in**
30 **Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as**
31 **amended. The student shall earn a minimum of fifty hours or equivalent credits of**
32 **classroom training before the student may perform any acts of hair braiding on any patron**
33 **or customer of the school of cosmetology. The subjects to be taught for the classified**
34 **occupation of hair braiding shall be prescribed by rule and the hours required for each**
35 **subject shall not be less than those contained in this subsection or the credit hours**
36 **determined by the formula in subpart A of Part 668 of Section 668.8 of Title 34 of the Code**
37 **of Federal Regulations as amended;**

38 **(5) Requires for the classified occupation of manicurist, the course of study shall be no**
39 **less than four hundred hours or the credit hours determined by the formula in Subpart A of Part**
40 **668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student**
41 **must earn a minimum of fifty hours or equivalent credits of classroom training before the student**
42 **may perform any of the acts of the classified occupation of manicurist on any patron or customer**
43 **of the school of cosmetology;**

44 **[(5)] (6) Requires for the classified occupation of esthetician, the course of study shall**
45 **be no less than seven hundred fifty hours or the credit hours determined by the formula in**
46 **Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as**
47 **amended. The student shall earn a minimum of seventy-five hours or equivalent credits of**
48 **classroom training before the student may perform any of the acts of the classified occupation**
49 **of esthetics on any patron or customer of the school of cosmetology or an esthetics school.**

50 4. The subjects to be taught for the classified occupation of cosmetology shall be as
51 follows and the hours required for each subject shall be not less than those contained in this
52 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section
53 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- 54 (1) Shampooing of all kinds, forty hours;
55 (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
56 (3) Hair cutting and shaping, one hundred thirty hours;
57 (4) Permanent waving and relaxing, one hundred twenty-five hours;
58 (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
59 (6) Combouts and hair styling techniques, one hundred five hours;
60 (7) Scalp treatments and scalp diseases, thirty hours;
61 (8) Facials, eyebrows and arches, forty hours;
62 (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
63 (10) Cosmetic chemistry, twenty-five hours;

- 64 (11) Salesmanship and shop management, ten hours;
65 (12) Sanitation and sterilization, thirty hours;
66 (13) Anatomy, twenty hours;
67 (14) State law, ten hours;
68 (15) Curriculum to be defined by school, not less than four hundred seventy hours.

69 5. The subjects to be taught for the classified occupation of manicurist shall be as
70 follows and the hours required for each subject shall be not less than those contained in this
71 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section
72 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- 73 (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty
74 hours;
75 (2) Salesmanship and shop management, twenty hours;
76 (3) Sanitation and sterilization, twenty hours;
77 (4) Anatomy, ten hours;
78 (5) State law, ten hours;
79 (6) Study of the use and application of certain chemicals, forty hours; and
80 (7) Curriculum to be defined by school, not less than eighty hours.

81 6. The subjects to be taught for the classified occupation of esthetician shall be as
82 follows, and the hours required for each subject shall not be less than those contained in this
83 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section
84 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- 85 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
86 (2) Makeup application, all phases, one hundred hours;
87 (3) Hair removal, thirty hours;
88 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
89 (5) Reflexology, thirty-five hours;
90 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
91 (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
92 (8) Salon management and salesmanship, fifty-five hours;
93 (9) Sanitation and sterilization, safety, forty-five hours;
94 (10) State law, ten hours; and
95 (11) Curriculum to be defined by school, not less than seventy-five hours.

96 7. **The subjects to be taught for the classified occupation of cosmetology hair**
97 **braiding shall be as follows and the hours required for each subject shall be not less than**
98 **those contained in this subsection or the credit hours determined by the formula in**

99 **Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as**
100 **amended:**

- 101 **(1) Professional requirements and ethics, ten hours;**
102 **(2) Safety and health, thirty-five hours;**
103 **(3) Hair and scalp disorders and diseases, twenty hours;**
104 **(4) Hair analysis and scalp care, twenty hours;**
105 **(5) Client preparation and consultation, ten hours;**
106 **(6) Hair braiding and braid styling, two hundred ninety- five hours;**
107 **(7) State law, ten hours, and;**
108 **(8) Curriculum to be defined by school, one hundred hours.**

109 8. Training for all classified occupations shall include practical demonstrations, written
110 and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics,
111 cosmetics and electrical appliances consistent with the practical and theoretical requirements as
112 applicable to the classified occupations as provided in this chapter.

113 [8.] 9. No school of cosmetology shall operate within this state unless a proper license
114 pursuant to this chapter has first been obtained.

115 [9.] 10. Nothing contained in this chapter shall prohibit a licensee within a cosmetology
116 establishment from teaching any of the practices of the classified occupations for which the
117 licensee has been licensed for not less than two years in the licensee's regular course of business,
118 if the owner or manager of the business does not hold himself or herself out as a school and does
119 not hire or employ or personally teach regularly at any one and the same time, more than one
120 apprentice to each licensee regularly employed within the owner's business, not to exceed one
121 apprentice per establishment, and the owner, manager, or trainer does not accept any fee for
122 instruction.

123 [10.] 11. Each licensed school of cosmetology shall provide a minimum of two thousand
124 square feet of floor space, adequate rooms and equipment, including lecture and demonstration
125 rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements
126 shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet
127 sterilizers, and adequate working facilities for twenty students.

128 [11.] 12. Each licensed school of cosmetology for manicuring only shall provide a
129 minimum of one thousand square feet of floor space, adequate room for theory instruction,
130 adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for
131 ten students. Minimum floor space requirement proportionately increases with student
132 enrollment of over ten students.

133 [12.] 13. Each licensed school of cosmetology for esthetics only shall provide a
134 minimum of one thousand square feet of floor space, adequate room for theory instruction,

135 adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for
136 ten students. Minimum floor space requirement increases fifty square feet per student with
137 student enrollment of over ten.

138 [13.] 14. No school of cosmetology may have a greater number of students enrolled and
139 scheduled to be in attendance for a given class period than the total floor space of that school will
140 accommodate. Floor space required per student shall be no less than fifty square feet per
141 additional student beyond twenty students for a school of cosmetology, beyond ten students for
142 a school of manicuring and beyond ten students for a school of esthetics.

143 [14.] 15. Each applicant for a new school shall file a written application with the board
144 upon a form approved and furnished upon request by the board. The applicant shall include a
145 list of equipment, the proposed curriculum, and the name and qualifications of any and all of the
146 instructors.

147 [15.] 16. Each school shall display in a conspicuous place, visible upon entry to the
148 school, a sign stating that all cosmetology services in this school are performed by students who
149 are in training.

150 [16.] 17. Any student who wishes to remain in school longer than the required training
151 period may make application for an additional training license and remain in school. A fee is
152 required for such additional training license.

153 [17.] 18. All contractual fees that a student owes to any cosmetology school shall be paid
154 before such student may be allowed to apply for any examination required to be taken by an
155 applicant applying for a license pursuant to the provisions of this chapter.

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

3 (1) They must be persons of good moral character, have an education equivalent to the
4 successful completion of the tenth grade and be at least seventeen years of age;

5 (2) If the applicants are apprentices, they shall have served and completed, as an
6 apprentice under the supervision of a licensed cosmetologist, the time and studies required by
7 the board which shall be no less than three thousand hours for cosmetologists, and no less than
8 eight hundred hours for manicurists and no less than fifteen hundred hours for esthetics **and no**
9 **less than one thousand hours for hair braiders**. However, when the classified occupation of
10 manicurist is apprenticed in conjunction with the classified occupation of cosmetologist, the
11 apprentice shall be required to successfully complete an apprenticeship of no less than a total of
12 three thousand hours;

13 (3) If the applicants are students, they shall have had the required time in a licensed
14 school of no less than one thousand five hundred hours training or the credit hours determined
15 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal

16 Regulations, as amended, for the classification of cosmetologist, with the exception of public
17 vocational technical schools in which a student shall complete no less than one thousand two
18 hundred twenty hours training. All students shall complete no less than four hundred hours or
19 the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34
20 of the Code of Federal Regulations, as amended, for the classification of manicurist. **All**
21 **students shall complete no less than five hundred hours or the credit hours determined by**
22 **the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal**
23 **Regulations, as amended, for the classification of hair braider.** All students shall complete
24 no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart
25 A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for
26 the classification of esthetician. However, when the classified occupation of manicurist is taken
27 in conjunction with the classified occupation of cosmetologist, the student shall not be required
28 to serve the extra four hundred hours or the credit hours determined by the formula in Subpart
29 A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended,
30 otherwise required to include manicuring of nails; and

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

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

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

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

51 5. (1) **Until and including July 31, 2016, any person shall be eligible for a class HB**
52 **- hair braiding license without further training or examination if the applicant holds a hair**
53 **braiding license from another state, territory of the United States, District of Columbia,**
54 **or country; provides a certification from the other state, territory of the United States,**
55 **District of Columbia, or country verifying that the applicant holds a license to practice hair**
56 **braiding in such state, territory of the United States, District of Columbia, or country and**
57 **that the license is active, in good standing, and not subject to any disciplinary terms; or**
58 **provides proof of practicing the art of hair braiding for three consecutive years, attends**
59 **an infection control class approved by the board, and passes the state law and infection**
60 **control test.**

61 (2) **After July 31, 2016, to be eligible for initial licensure as a class HB - hair**
62 **braider, a person shall meet the training requirements under section 329.040 and pass both**
63 **the written and practical portions of the examination presently administered in Missouri**
64 **as required by rule.**

65 (3) **After July 31, 2016, to be eligible for licensure by reciprocity as a hair braider,**
66 **the application shall be accompanied by the application fee and certification from the other**
67 **state, territory of the United States, or District of Columbia verifying that the applicant**
68 **holds a license to practice hair braiding in such state, territory of the United States, or**
69 **District of Columbia whose requirements for licensure are substantially equal to the**
70 **licensing requirements in Missouri at the time the application is filed or who has practiced**
71 **hair braiding for at least two consecutive years. The license shall be active, in good**
72 **standing, and not subject to any disciplinary terms. A licensee who is currently under**
73 **disciplinary action with another board of cosmetology or barber examiners, or comparable**
74 **governmental entities as determined by the board, shall not be licensed by reciprocity**
75 **under the provisions of this chapter.**

76 (4) **This section shall not apply to class CA - hairdressing and manicuring**
77 **cosmetologists or barbers licensed to practice in Missouri in their respective professions.**

78 6. For the purpose of meeting the minimum requirements for examination, training
79 completed by a student or apprentice shall be recognized by the board for a period of no more
80 than five years from the date it is received.

329.080. 1. An instructor trainee shall be a licensed cosmetologist, **hair braider,**
2 **esthetician, or manicurist and shall hold a license as an instructor trainee in cosmetology,**
3 **esthetics or manicuring. An applicant for a license to practice as an instructor trainee shall**
4 **submit to the board the required fee and a written application on a form supplied by the board**
5 **upon request that the applicant is of good moral character, in good physical and mental health,**
6 **has successfully completed at least a four-year high school course of study or the equivalent, and**

7 holds a Missouri license to practice as a cosmetologist, esthetician, **hair braider**, or manicurist.
8 Each application shall contain a statement that it is made under oath or affirmation and that its
9 representations are true and correct to the best knowledge and belief of the person signing the
10 application, subject to the penalties of making a false affidavit or declaration.

11 2. An applicant approved by the board shall be issued an instructor trainee license. The
12 license shall be issued for a definite period needed to complete training requirements to become
13 eligible for taking the examinations. An applicant shall be approved for an instructor trainee
14 license only for those classified occupations of cosmetology for which the applicant is licensed
15 at the time the instructor trainee application is submitted to the board.

16 3. The instructor trainee shall be required to complete six hundred hours of instructor
17 training within a Missouri licensed school of cosmetology consisting of a curriculum including
18 both theory and practical training to include the following:

19 (1) Two hundred hours to be devoted to basic principles of student teaching to include
20 teaching principles, lesson planning, curriculum planning and class outlines, teaching methods,
21 teaching aids, testing and evaluation;

22 (2) Fifty hours of psychology as applied to cosmetology, personality and teaching,
23 teacher evaluation, counseling, theories of learning, and speech;

24 (3) Fifty hours of business experience or management including classroom management,
25 record keeping, buying and inventorying supplies, and state law; and

26 (4) Three hundred hours of practice teaching in both theory and practical application.

27 4. For the purpose of meeting the minimum requirements for examination, training
28 completed within a school of cosmetology by an instructor trainee shall be recognized by the
29 board for a period of no more than five years from the date it is received.

30 5. The six hundred hours required pursuant to subsection 3 of this section may be
31 reduced as follows:

32 (1) Three years of experience as a practicing cosmetologist may be substituted for three
33 hundred hours of training. The three hundred hours will be partially reduced in proportion to
34 experience greater than six months but less than three; or

35 (2) Four and one-half college credit hours in teaching methodology, as defined by rule,
36 may be substituted for three hundred hours of training. Applicants requesting credit shall submit
37 to the board a certified transcript together with a course description certified by the
38 administering education institution as being primarily directed to teaching methodology. The
39 three hundred hours will be partially reduced in proportion to college credit hours in teaching
40 methodology of less than four and one-half hours; or

41 (3) Applicants who apply from states where the requirements are not substantially equal
42 to those in force in Missouri at the time of application, may be eligible for the examination if
43 they provide:

44 (a) An affidavit verifying a current, valid instructor license in another state, territory of
45 the United States, District of Columbia, or foreign country, state or province; and

46 (b) Proof of full-time work experience of not less than one year as a cosmetology
47 instructor within the three-year period immediately preceding the application for examination.

48 **6. A person who holds a hair braiding license from another state, territory, or**
49 **country shall be eligible for an instructor license to teach hair braiding without further**
50 **training if the person submits a fully completed instructor application to the board until**
51 **and including July 31, 2016, and passes both the written and practical portion of the**
52 **examination presently administered in Missouri as required by rule. To be eligible for**
53 **licensure, the application shall be accompanied by a certification from the other state,**
54 **territory, or country verifying that the applicant holds a license to practice hair braiding**
55 **in such state, territory, or country and that the license is active, in good standing, and not**
56 **subject to any disciplinary terms. A person shall not be eligible for licensure under this**
57 **subsection unless the hair braiding license held by the applicant is from another state,**
58 **territory, or country that issues a license specifically and separately for hair braiding.**

329.270. No person licensed only as a class HB - hair braider shall engage in the
2 **occupation of cosmetology as defined in subdivision (5) of section 329.010 except as**
3 **expressly permitted in subdivision (9) of section 329.010.**

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