

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 227
99TH GENERAL ASSEMBLY

Reported from the Committee on Professional Registration, February 16, 2017, with recommendation that the Senate Committee Substitute do pass.

0504S.05C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 328.010 and 329.010, RSMo, and to enact in lieu thereof four 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Section A. Sections 328.010 and 329.010, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 328.010, 328.022,
3 329.010, and 329.275, to read as follows:

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

3 (1) "Barber", any person who is engaged in the capacity so as to shave the
4 beard or cut and dress the hair for the general public shall be construed as
5 practicing the occupation of "barber", and the said barber or barbers shall be
6 required to fulfill all requirements within the meaning of this chapter;

7 (2) "Barber establishment", that part of any building wherein or
8 whereupon any occupation of barbering is being practiced including any space or
9 barber chair rented within a licensed establishment by a person licensed under
10 this chapter, for the purpose of rendering barbering services;

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

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

14 (5) **"Hair braiding", the use of techniques that result in tension on**
15 **hair strands or roots by twisting, wrapping, waving, extending, locking,**
16 **or braiding the hair by hand or mechanical device, but does not include**
17 **the application of dyes, reactive chemicals, or other preparations to**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 **alter the color of the hair or to straighten, curl, or alter the structure**
19 **of the hair;**

20 (6) "School of barbering", an establishment operated for the purpose of
21 teaching barbering as defined in subdivision (1) of this section.

328.022. The practice of the occupation of a barber shall not
2 **include hair braiding, except that, nothing in this section shall be**
3 **construed as prohibiting a licensed barber from performing the service**
4 **of hair braiding.**

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

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

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

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

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

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

16 (a) "Class CH - hairdresser" includes arranging, dressing, curling,
17 singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting,
18 coloring, or similar work upon the hair of any person by any means; or removing
19 superfluous hair from the body of any person by means other than electricity, or
20 any other means of arching or tinting eyebrows or tinting eyelashes. Class CH
21 - hairdresser also includes any person who either with the person's hands or with
22 mechanical or electrical apparatuses or appliances, or by the use of cosmetic
23 preparations, antiseptics, tonics, lotions or creams engages for compensation in
24 any one or any combination of the following: massaging, cleaning, stimulating,
25 manipulating, exercising, beautifying or similar work upon the scalp, face, neck,
26 arms or bust;

27 (b) "Class MO - manicurist" includes cutting, trimming, polishing,
28 coloring, tinting, cleaning or otherwise beautifying a person's fingernails,

29 applying artificial fingernails, massaging, cleaning a person's hands and arms;
30 pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning
31 or otherwise beautifying a person's toenails, applying artificial toenails,
32 massaging and cleaning a person's legs and feet;

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

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

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

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

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

52 (9) **"Hair braiding", the use of techniques that result in tension**
53 **on hair strands or roots by twisting, wrapping, waving, extending,**
54 **locking, or braiding of the hair by hand or mechanical device, but does**
55 **not include the application of dyes, reactive chemicals, or other**
56 **preparations to alter the color of the hair or to straighten, curl, or alter**
57 **the structure of the hair;**

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

61 [(9)] (11) "Instructor", any person who is licensed to teach cosmetology
62 or any practices of cosmetology pursuant to this chapter;

63 [(10)] (12) "Manicurist", any person who, for compensation, engages in
64 any or all of the practices in paragraph (b) of subdivision (5) of this section;

65 [(11)] **(13)** "Parental consent", the written informed consent of a minor's
66 parent or legal guardian that must be obtained prior to providing body waxing on
67 or near the genitalia;

68 [(12)] **(14)** "School of cosmetology" or "school of manicuring", an
69 establishment operated for the purpose of teaching cosmetology as defined in
70 subdivision (5) of this section.

**329.275. 1. The practice of cosmetology shall not include hair
2 braiding, except that, nothing in this section shall be construed as
3 prohibiting a licensed cosmetologist from performing the service of
4 hair braiding.**

5 **2. No person shall engage in hair braiding for compensation in
6 the state of Missouri without first registering with the
7 board. Applicants for a certificate of registration to engage in hair
8 braiding shall submit to the board an application and a required fee,
9 as set by the board. Such fee shall not exceed twenty dollars. Prior to
10 receiving a certificate, each applicant shall also watch an instructional
11 video prepared by the board in accordance with subsection 4 of this
12 section.**

13 **3. A certificate of registration shall be valid for a period of two
14 years. A registrant shall on or before the registration renewal date
15 renew the registrant's certificate of registration and pay a renewal fee
16 not to exceed twenty dollars. A certificate of registration which has not
17 been renewed prior to the renewal date shall expire on the renewal
18 date.**

19 **4. The board shall develop and prepare an instructional video,
20 no more than two hours in length, that contains information as
21 determined by the board. The instructional video shall be made
22 available to applicants through the board's website.**

23 **5. Any person who registers as a hair braider under this section
24 shall post a copy of his or her certificate of registration in a
25 conspicuous place at his or her place of business. If the person is
26 operating outside his or her place of business he or she shall give the
27 client or customer a copy of his or her certificate of registration.**

28 **6. (1) The board may inspect hair braiding establishments or
29 facilities where hair braiding occurs to ensure:**

30 **(a) Persons registered as hair braiders are not operating outside
31 the scope of practice of hair braiding; and**

32 **(b) Compliance with this section and rules promulgated**
33 **thereunder;**

34 **(2) In addition to the causes listed in section 329.140, the board**
35 **may also suspend or revoke a certificate of registration if a person**
36 **registered as a hair braider is found to be operating outside the scope**
37 **of practice of hair braiding.**

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