

SENATE BILL NO. 445

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

1226S.01H

KRISTINA MARTIN, Secretary

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.

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

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2 repealed and two new sections enacted in lieu thereof, to be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

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

4 (1) "Accredited school of cosmetology or school of
5 manicuring", an establishment operated for the purpose of
6 teaching cosmetology as defined in this section and meeting
7 the criteria set forth under 34 C.F.R. Part 600, Sections
8 600.1 and 600.2;

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

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

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

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

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

37 (b) "Class MO - manicurist" includes cutting,
38 trimming, polishing, coloring, tinting, cleaning or
39 otherwise beautifying a person's fingernails, applying
40 artificial fingernails, massaging, cleaning a person's hands
41 and arms; pedicuring, which includes cutting, trimming,
42 polishing, coloring, tinting, cleaning or otherwise
43 beautifying a person's toenails, applying artificial
44 toenails, massaging and cleaning a person's legs and feet;

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

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

60 **(e) "Class EA - esthetics and manicuring" includes all**
61 **practices of cosmetology, as defined in paragraphs (b) and**
62 **(d) of this subdivision;**

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

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

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

73 (9) "Hair braiding", in accordance with the
74 requirements of section 329.275, the use of techniques that
75 result in tension on hair strands or roots by twisting,
76 wrapping, waving, extending, locking, or braiding of the
77 hair by hand or mechanical device, but does not include the
78 application of dyes, reactive chemicals, or other

79 preparations to alter the color of the hair or to
80 straighten, curl, or alter the structure of the hair;

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

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

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

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

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

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

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

8 (2) If the applicants are apprentices, they shall have
9 served and completed, as an apprentice under the supervision
10 of a licensed cosmetologist, the time and studies required
11 by the board which shall be no less than three thousand
12 hours for cosmetologists, and no less than eight hundred
13 hours for manicurists and no less than fifteen hundred hours
14 for esthetics. **When the classified occupation of manicurist**

15 **is apprenticed in conjunction with the classified occupation**
16 **of esthetician, the apprentice shall be required to**
17 **successfully complete an apprenticeship of no less than a**
18 **total of two thousand three hundred hours.** However, when
19 the classified occupation of manicurist is apprenticed in
20 conjunction with the classified occupation of cosmetologist,
21 the apprentice shall be required to successfully complete an
22 apprenticeship of no less than a total of three thousand
23 hours;

24 (3) If the applicants are students, they shall have
25 had the required time in a licensed school of no less than
26 one thousand five hundred hours training or the credit hours
27 determined by the formula in Subpart A of Part 668 of
28 Section 668.8 of Title 34 of the Code of Federal
29 Regulations, as amended, for the classification of
30 cosmetologist, with the exception of public vocational
31 technical schools in which a student shall complete no less
32 than one thousand two hundred twenty hours training. All
33 students shall complete no less than four hundred hours or
34 the credit hours determined by the formula in Subpart A of
35 Part 668 of Section 668.8 of Title 34 of the Code of Federal
36 Regulations, as amended, for the classification of
37 manicurist. All students shall complete no less than seven
38 hundred fifty hours or the credit hours determined by the
39 formula in Subpart A of Part 668 of Section 668.8 of Title
40 34 of the Code of Federal Regulations, as amended, for the
41 classification of esthetician. **When the classified**
42 **occupation of manicurist is taken in conjunction with the**
43 **classified occupation of esthetician, the student shall be**
44 **required to complete the hours required for both**
45 **occupations.** However, when the classified occupation of
46 manicurist is taken in conjunction with the classified

47 occupation of cosmetologist, the student shall not be
48 required to serve the extra four hundred hours or the credit
49 hours determined by the formula in Subpart A of Part 668 of
50 Section 668.8 of Title 34 of the Code of Federal
51 Regulations, as amended, otherwise required to include
52 manicuring of nails; and

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

55 2. A person may apply to take the examination required
56 by subsection 1 of this section if the person is a graduate
57 of a school of cosmetology or apprentice program in another
58 state or territory of the United States which has
59 substantially the same requirements as an educational
60 establishment licensed pursuant to this chapter. A person
61 may apply to take the examination required by subsection 1
62 of this section if the person is a graduate of an
63 educational establishment in a foreign country that provides
64 training for a classified occupation of cosmetology, as
65 defined by section 329.010, and has educational requirements
66 that are substantially the same requirements as an
67 educational establishment licensed under this chapter. The
68 board has sole discretion to determine the substantial
69 equivalency of such educational requirements. The board may
70 require that transcripts from foreign schools be submitted
71 for its review, and the board may require that the applicant
72 provide an approved English translation of such transcripts.

73 3. Each application shall contain a statement that,
74 subject to the penalties of making a false affidavit or
75 declaration, the application is made under oath or
76 affirmation and that its representations are true and
77 correct to the best knowledge and belief of the person
78 signing the application.

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

83 5. Applications for examination or licensure may be
84 denied if the applicant has pleaded guilty to, entered a
85 plea of nolo contendere to, or been found guilty of any of
86 the following offenses or offenses of a similar nature
87 established under the laws of this state, any other state,
88 the United States, or any other country, notwithstanding
89 whether sentence is imposed:

90 (1) Any dangerous felony as defined under section
91 556.061 or murder in the first degree;

92 (2) Any of the following sexual offenses: rape in the
93 first degree, forcible rape, rape, statutory rape in the
94 first degree, statutory rape in the second degree, rape in
95 the second degree, sexual assault, sodomy in the first
96 degree, forcible sodomy, statutory sodomy in the first
97 degree, statutory sodomy in the second degree, child
98 molestation in the first degree, child molestation in the
99 second degree, sodomy in the second degree, deviate sexual
100 assault, sexual misconduct involving a child, sexual
101 misconduct in the first degree under section 566.090 as it
102 existed prior to August 28, 2013, sexual abuse under section
103 566.100 as it existed prior to August 28, 2013, sexual abuse
104 in the first or second degree, enticement of a child, or
105 attempting to entice a child;

106 (3) Any of the following offenses against the family
107 and related offenses: incest, abandonment of a child in the
108 first degree, abandonment of a child in the second degree,
109 endangering the welfare of a child in the first degree,
110 abuse of a child, using a child in a sexual performance,

111 promoting sexual performance by a child, or trafficking in
112 children; and

113 (4) Any of the following offenses involving child
114 pornography and related offenses: promoting obscenity in
115 the first degree, promoting obscenity in the second degree
116 when the penalty is enhanced to a class E felony, promoting
117 child pornography in the first degree, promoting child
118 pornography in the second degree, possession of child
119 pornography in the first degree, possession of child
120 pornography in the second degree, furnishing child
121 pornography to a minor, furnishing pornographic materials to
122 minors, or coercing acceptance of obscene material.

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