

FIRST REGULAR SESSION

# HOUSE BILL NO. 752

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOHNSON (61), WILSON (42) (Co-sponsors) AND CURLS.

Read 1<sup>st</sup> time February 12, 2001 and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1842L.011

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### AN ACT

To repeal sections 329.010, 329.040 and 329.050, RSMo 2000, relating to cosmetologists, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 329.010, 329.040 and 329.050, RSMo 2000, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 329.010, 329.040 and 329.050, to  
3 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) "Apprentice" or "student", a person who is engaged in training within a cosmetology  
4 establishment or school, and while so training performs any of the practices of the classified  
5 occupations within this chapter under the immediate direction and supervision of a registered  
6 cosmetologist or instructor;

7 (2) "Board", the state board of cosmetology;

8 (3) **"Braider", any person who engages for compensation in the practice of**  
9 **cosmetology as defined in paragraph (b) of subdivision (5) of this section;**

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

12 [(4)] (5) "Cosmetology" includes performing or offering to engage in any acts of the  
13 classified occupations of cosmetology for compensation, which shall include:

14 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving,  
15 permanent waving, cleansing, cutting, bleaching, tinting, coloring, **braiding, hair weaving, hair**

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

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

24 (b) **"Class CB - braider" includes arranging, curling, cleansing, cutting, braiding,**  
25 **hair weaving, hair extensions, hair twisting, hair dreadlocking or other similar work upon**  
26 **the hair of any person;**

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

32 [(c)] (d) **"Class CA - [hairdressing and manicuring] hairdresser and manicurist"**  
33 includes all practices of cosmetology, as defined in paragraphs (a) [and], (b) **and (c)** of this  
34 subdivision;

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

42 [(5)] (6) **"Cosmetology establishment"**, that part of any building wherein or whereupon  
43 any of the classified occupations are practiced;

44 [(6)] (7) **"Hairdresser"**, any person who, for compensation, engages in the practice of  
45 cosmetology as defined in paragraph (a) of subdivision [(4)] (5) of this section;

46 [(7)] (8) **"Instructor"**, any person who is licensed to teach cosmetology or any practices  
47 of cosmetology pursuant to this chapter;

48 [(8)] (9) **"Manicurist"**, any person who, for compensation, engages in any or all of the  
49 practices in paragraph [(b)] (c) of subdivision [(4)] (5) of this section;

50 [(9)] (10) **"School of cosmetology" or "school of manicuring"**, an establishment operated  
51 for the purpose of teaching cosmetology as defined in subdivision [(4)] (5) of this section.

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

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

3. No school of cosmetology shall be granted a license [under] **pursuant to** this chapter unless it:

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

(2) Requires all students to be enrolled in a course of study of no less than three hours per day and no more than eight hours per day with a weekly total that is no less than fifteen hours and no more than forty-eight hours;

(3) Requires for the classified occupation of [cosmetologist,] **"Class CA - hairdresser and manicurist"** the course of study shall be no less than one thousand five hundred hours or, for a student in public vocational/technical school no less than one thousand two hundred twenty hours. The student must earn a minimum of one hundred and sixty hours of classroom training before the student may perform any of the acts of the classified occupation of [cosmetology] **hairdresser or manicurist** on any patron or customer of the school of cosmetology;

(4) **Requires for the classified occupation of "Class CH - hairdresser" the course of study shall be no less than one thousand hours. The student must earn a minimum of one hundred and sixty hours or credits of classroom training before the student may perform any of the acts of the classified occupation of stylist on any patron or customer of the school of cosmetology;**

(5) Requires for the classified occupation of **"Class MO - manicurist[,]"** the course of study shall be no less than [three hundred and ninety] **four hundred** hours. The student must earn a minimum of fifty hours of classroom training before the student may perform any of the acts of the classified occupation of manicurist on any patron or customer of the school of cosmetology;

37        [(5)] (6) Requires for the classified occupation of "Class E - esthetician[,]" the course  
38 of study shall be no less than seven hundred fifty hours. The student shall earn a minimum of  
39 seventy-five hours of classroom training before the student may perform any of the acts of the  
40 classified occupation of esthetics on any patron or customer of the school of cosmetology or an  
41 esthetics school;

42        (7) **Requires for the classified occupation of "Class CB - braider" the course of**  
43 **study shall be no less than six hundred fifty hours. The student must earn a minimum of**  
44 **one hundred hours of classroom training before the student may perform any of the acts**  
45 **of the classified occupation of braider on any patron or customer of the school of**  
46 **cosmetology.**

47        4. The subjects to be taught for the classified occupation of cosmetology shall be as  
48 follows and the hours required for each subject shall be not less than those contained in this  
49 subsection:

- 50        (1) Shampooing of all kinds, forty hours;
- 51        (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- 52        (3) Hair cutting and shaping, one hundred thirty hours;
- 53        (4) Permanent waving and relaxing, one hundred twenty-five hours;
- 54        (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- 55        (6) Combouts and hair styling techniques, one hundred five hours;
- 56        (7) Scalp treatments and scalp diseases, thirty hours;
- 57        (8) Facials, eyebrows and arches, forty hours;
- 58        (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- 59        (10) Cosmetic chemistry, twenty-five hours;
- 60        (11) Salesmanship and shop management, ten hours;
- 61        (12) Sanitation and sterilization, thirty hours;
- 62        (13) Anatomy, twenty hours;
- 63        (14) State law, ten hours;
- 64        (15) Curriculum to be defined by school, not less than four hundred seventy hours.

65        5. **The subjects to be taught for the classified occupation of "Class CH -**  
66 **hairstylist" shall be as follows and the hours required for each subject shall be not less**  
67 **than those contained in this subsection:**

- 68        (1) **Shampooing of all kinds, forty hours;**
- 69        (2) **Hair coloring, bleaches and rinses, one hundred thirty hours;**
- 70        (3) **Hair cutting and shaping, one hundred hours;**
- 71        (4) **Permanent waving and relaxing, one hundred hours;**
- 72        (5) **Hairsetting, pin curls, fingerwaves, thermal curling, one hundred twenty-five**

73 **hours;**

74 **(6) Combouts and hair styling techniques, one hundred five hours;**

75 **(7) Scalp treatments and scalp diseases, thirty hours;**

76 **(8) Salesmanship and shop management, ten hours;**

77 **(9) Sanitation and sterilization, thirty hours;**

78 **(10) Anatomy, twenty hours;**

79 **(11) State law, ten hours; and**

80 **(12) Curriculum to be defined by school, not less than three hundred hours.**

81 **6. The subjects to be taught for the classified occupation of "Class CB - braider"**

82 **shall be as follows and the hours required for each subject shall be not less than those**

83 **contained in this subsection:**

84 **(1) Shampooing of all kinds, forty hours;**

85 **(2) Hair coloring, bleaches and rinses, fifty hours;**

86 **(3) Hair cutting and shaping, fifty hours;**

87 **(4) Permanent waving and relaxing, fifty hours;**

88 **(5) Hairsetting, pin curls, fingerwaves, thermal curling, twenty-five hours;**

89 **(6) Combouts and hair styling techniques, one hundred five hours;**

90 **(7) Scalp treatments and scalp diseases, thirty hours;**

91 **(8) Salesmanship and shop management, ten hours;**

92 **(9) Sanitation and sterilization, thirty hours;**

93 **(10) Anatomy, twenty hours;**

94 **(11) State law, ten hours; and**

95 **(12) Curriculum to be defined by school, not less than two hundred thirty hours.**

96 **7. The subjects to be taught for the classified occupation of "Class MO - manicurist"**

97 **shall be as follows and the hours required for each subject shall be not less than those contained**

98 **in this subsection:**

99 **(1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty**  
100 **hours;**

101 **(2) Salesmanship and shop management, twenty hours;**

102 **(3) Sanitation and sterilization, twenty hours;**

103 **(4) Anatomy, ten hours;**

104 **(5) State law, ten hours;**

105 **(6) Study of the use and application of certain chemicals, forty hours; and**

106 **(7) Curriculum to be defined by school, not less than [seventy] **eighty** hours.**

107 **[6.] 8. The subjects to be taught for the classified occupation of "Class E - esthetician"**

108 **shall be as follows, and the hours required for each subject shall not be less than those contained**

109 in this subsection:

- 110 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- 111 (2) Makeup application, all phases, one hundred hours;
- 112 (3) Hair removal, thirty hours;
- 113 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- 114 (5) Reflexology, thirty-five hours;
- 115 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- 116 (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- 117 (8) Salon management and salesmanship, fifty-five hours;
- 118 (9) Sanitation and sterilization, safety, forty-five hours;
- 119 (10) State law, ten hours; **and**
- 120 (11) Curriculum to be defined by school, not less than seventy-five hours.

121 [7.] **9.** Training for all classified occupations shall include practical demonstrations,  
122 written and/or oral tests, and practical instruction in sanitation, sterilization and the use of  
123 antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical  
124 requirements as applicable to the classified occupations as provided in this chapter.

125 [8.] **10.** No school of cosmetology shall operate within this state unless a proper license  
126 [under] **pursuant to** this chapter has first been obtained.

127 [9.] **11.** Nothing contained in this chapter shall prohibit a licensee within a cosmetology  
128 establishment from teaching any of the practices of the classified occupations for which the  
129 licensee has been licensed for not less than two years in the licensee's regular course of business,  
130 if the owner or manager of the business does not hold himself or herself out as a school and does  
131 not hire or employ or personally teach regularly at any one and the same time, more than one  
132 apprentice to each licensee regularly employed within the owner's business, not to exceed one  
133 apprentice per establishment, and the owner, manager, or trainer does not accept any fee for  
134 instruction.

135 [10.] **12.** Each licensed school of cosmetology shall provide a minimum of two thousand  
136 square feet of floor space, adequate rooms and equipment, including lecture and demonstration  
137 rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements  
138 shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet  
139 sterilizers, and adequate working facilities for twenty students.

140 [11.] **13.** Each licensed school of cosmetology for manicuring only shall provide a  
141 minimum of one thousand square feet of floor space, adequate room for theory instruction,  
142 adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for  
143 ten students. Minimum floor space requirement proportionately increases with student  
144 enrollment of over ten students.

145 [12.] 14. Each licensed school of cosmetology for esthetics only shall provide a  
146 minimum of one thousand square feet of floor space, adequate room for theory instruction,  
147 adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for  
148 ten students. Minimum floor space requirement increases fifty square feet per student with  
149 student enrollment of over ten.

150 [13.] 15. No school of cosmetology may have a greater number of students enrolled and  
151 scheduled to be in attendance for a given class period than the total floor space of that school will  
152 accommodate. Floor space required per student shall be no less than fifty square feet per  
153 additional student beyond twenty students for a school of cosmetology, beyond ten students for  
154 a school of manicuring and beyond ten students for a school of esthetics.

155 [14.] 16. Each applicant for a new school shall file a written application with the board  
156 upon a form approved and furnished upon request by the board. The applicant shall include a  
157 list of equipment, the proposed curriculum, and the name and qualifications of any and all of the  
158 instructors.

159 [15.] 17. Each school shall display in a conspicuous place, visible upon entry to the  
160 school, a sign stating that all cosmetology services in this school are performed by students, who  
161 are in training.

162 [16.] 18. Any student who wishes to remain in school longer than the required training  
163 period may make application for an additional training license and remain in school. A fee is  
164 required for such additional training license.

165 [17.] 19. All contractual fees that a student owes to any cosmetology school shall be paid  
166 before such student may be allowed to apply for any examination required to be taken by an  
167 applicant applying for a license [under] **pursuant to** the provisions of this chapter.

329.050. 1. Applicants for examination or licensure [under] **pursuant to** this chapter  
2 shall 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] **"Class CA -**  
8 **hairstylist and manicurist"**, **no less than two thousand hours for "Class CH -**  
9 **hairstylist"**, **no less than thirteen hundred hours for "Class CB - braider"**, and no less  
10 than [seven] **eight** hundred [eighty] hours for **"Class MO - manicurist"**. However, when the  
11 classified occupation of **"Class MO - manicurist"** is apprenticed in conjunction with the  
12 classified occupation of [cosmetologist] **"Class CA - hairstylist and manicurist"**, the  
13 apprentices shall be required to successfully complete the apprenticeship of no less than a total

14 of three thousand hours;

15 (3) If the applicants are students, they shall have had the required time in a licensed  
16 school of no less than one thousand five hundred hours training for the classification of  
17 [cosmetologist] **"Class CA - hairdresser and manicurist**, with the exception of public  
18 vocational technical schools in which a student shall complete no less than one thousand two  
19 hundred twenty hours training. **All students shall complete no less than one thousand hours**  
20 **training for the classification of "Class CH - hairdresser"**. All students shall complete no  
21 less than [three] **four** hundred [ninety] hours for the classification of **"Class MO - manicurist"**.  
22 All students shall complete no less than seven hundred fifty hours for the classification of **"Class**  
23 **E - esthetician"**. However, when the classified occupation of **"Class MO - manicurist"** is taken  
24 in conjunction with the classified occupation of [cosmetologist] **"Class CA - hairdresser and**  
25 **manicurist"**, the student shall not be required to serve the extra [three] **four** hundred [ninety]  
26 hours otherwise required to include manicuring of nails. **All students shall complete no less**  
27 **than six hundred fifty hours of training for the classified occupation of "Class CB -**  
28 **braider"**; and

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

30 2. A person may apply to take the examination required by subsection 1 of this section  
31 if the person is a graduate of a school of cosmetology or apprentice program in another state or  
32 territory of the United States which has substantially the same requirements as an educational  
33 establishment licensed pursuant to this chapter.

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

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

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