

SECOND REGULAR SESSION

HOUSE BILL NO. 1328

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHAAF (Sponsor) AND PAGE (Co-sponsor).

Read 1st time January 11, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3969L.01I

AN ACT

To repeal section 329.010, RSMo, and to enact in lieu thereof three new sections relating to use of lasers and pulse light sources.

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

Section A. Section 329.010, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 329.010, 329.033, and 334.158, to read as follows: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:

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.

15 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving,
16 permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair
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) of this subdivision, **and the use of class I, II, and III lasers,**
31 **as defined by the federal Food and Drug Administration, for cosmetic purposes, including**
32 **but not limited to the removal or reduction of superfluous hair, wrinkles, scars, moles, and**
33 **other blemishes; except that, for lasers and pulse light sources that are capable of**
34 **coagulating tissue as defined by rule of the state board of registration for the healing arts,**
35 **such lasers and pulse light sources shall only be used under the direct supervision of a**
36 **licensed physician;**

37 (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or
38 appliances, **class I, II, or III lasers as defined by the federal Food and Drug Administration,**
39 or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten
40 percent phenol, engages for compensation, either directly or indirectly, in any one, or any
41 combination, of the following practices: massaging, cleansing, stimulating, manipulating,
42 exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso,
43 legs or feet and removing superfluous hair by means other than electric needle or any other
44 means of arching or tinting eyebrows or tinting eyelashes, of any person; **except that, for lasers**
45 **and pulse light sources that are capable of coagulating tissue as defined by rule of the state**
46 **board of registration for the healing arts, such lasers and pulse light sources shall only be**
47 **used under the direct supervision of a licensed physician;**

48 (6) "Cosmetology establishment", that part of any building wherein or whereupon any
49 of the classified occupations are practiced including any space rented within a licensed

50 establishment by a person licensed under this chapter, for the purpose of rendering cosmetology
51 services;

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

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

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

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

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

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

**329.033. 1. Except for lasers and pulse light sources defined and regulated under
2 section 334.158, RSMo, the state board of cosmetology and barber examiners, in
3 consultation with the state board of registration for the healing arts, shall promulgate rules
4 regarding the training and authorized use of lasers and pulse light sources by
5 cosmetologists.**

**6 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
7 that is created under the authority delegated in this section shall become effective only if
8 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
9 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
10 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
11 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
12 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
13 adopted after August 28, 2006, shall be invalid and void.**

**334.158. 1. The state board of registration for the healing arts, in consultation with
2 the state board of cosmetology and barber examiners, shall promulgate rules that:**

**3 (1) Define the types and classifications of lasers and pulse light sources that are
4 capable of coagulating tissue; and**

**5 (2) Require the direct supervision of a licensed physician for the use of such lasers
6 and pulse light sources defined in subdivision (1) of this subsection.**

**7 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
8 that is created under the authority delegated in this section shall become effective only if
9 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**

10 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
11 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
12 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
13 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
14 adopted after August 28, 2006, shall be invalid and void.

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