

FIRST REGULAR SESSION

HOUSE BILL NO. 835

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YATES.

Read 1st time February 12, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1049L.02I

AN ACT

To repeal sections 328.010, 328.015, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 328.075, 328.080, 328.085, 328.090, 328.100, 328.110, 328.115, 328.120, 328.130, 328.140, 328.150, 328.160, 329.010, 329.015, 329.023, 329.025, 329.028, 329.035, 329.040, 329.045, 329.050, 329.060, 329.070, 329.080, 329.085, 329.110, 329.120, 329.130, 329.170, 329.180, 329.190, 329.210, 329.220, 329.240, 329.250, 329.260, and 329.265, RSMo, and to enact in lieu thereof twenty-two new sections relating to registration for cosmetology-related professions, with penalty provisions.

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

Section A. Sections 328.010, 328.015, 328.020, 328.030, 328.040, 328.050, 328.060, 2 328.070, 328.075, 328.080, 328.085, 328.090, 328.100, 328.110, 328.115, 328.120, 328.130, 3 328.140, 328.150, 328.160, 329.010, 329.015, 329.023, 329.025, 329.028, 329.035, 329.040, 4 329.045, 329.050, 329.060, 329.070, 329.080, 329.085, 329.110, 329.120, 329.130, 329.170, 5 329.180, 329.190, 329.210, 329.220, 329.240, 329.250, 329.260, and 329.265, RSMo, are 6 repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 329.010, 7 329.015, 329.023, 329.025, 329.028, 329.034, 329.040, 329.045, 329.050, 329.060, 329.070, 8 329.080, 329.085, 329.110, 329.120, 329.130, 329.170, 329.190, 329.210, 329.220, 329.240, and 9 329.250, to read as follows:

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

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.

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

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

11 (3) **"Barber", any person who engaged in the capacity so as to shave the beard or**
12 **cut and dress the hair for the general public;**

13 (4) **"Barber or cosmetology establishment", the part of a building where any**
14 **occupation of barbering or cosmetology is being practiced within a licensed establishment**
15 **by a person licensed under this chapter for the purpose of rendering barbering or**
16 **cosmetology services;**

17 (5) "Board", the state board of cosmetology and [barber examiners] **barbering;**

18 [(4)] (6) "Cosmetologist", any person who[, for compensation,] engages in the practice
19 of cosmetology, as defined in subdivision [(5)] (7) of this section;

20 [(5)] (7) "Cosmetology" includes performing or offering to engage in any acts of the
21 classified occupations of cosmetology [for compensation], which shall include:

22 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving,
23 permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair
24 of any person by any means; or removing superfluous hair from the [body] **neckline or above,**
25 **from the arms, hands, legs, or feet** of any person by means other than electricity, or any other
26 means of arching or tinting eyebrows or tinting eyelashes. Class CH - hairdresser also includes
27 any person who either with the person's hands or with mechanical or electrical apparatuses or
28 appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams engages
29 [for compensation] in any one or any combination of the following: massaging, cleaning,
30 stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck,
31 **ears, arms, or [bust] the neckline and above. A Class CH license shall not be issued by the**
32 **board after August 28, 2007, provided that any person who is licensed as a Class CH**
33 **cosmetologist by the board on August 28, 2007, or who is enrolled in or has completed the**
34 **required training or education for a Class CH license on August 28, 2007, shall be issued**
35 **and entitled to renew their Class CH license upon satisfying all applicable examination and**
36 **licensing requirements. A Class CH license issued shall be recognized by the board and**
37 **shall be entitled to retain any existing status, so long as the licensee complies with the**

38 **provisions of sections 329.010 to 329.265 and any rules promulgated pursuant to such**
39 **sections;**

40 (b) "Class [MO - manicurist] **NT - nail technician**" includes cutting, **filing, shaping,**
41 trimming, polishing, coloring, [tinting,] cleaning or otherwise beautifying a person's [fingernails]
42 **nails**, applying artificial [fingernails] **nails**, massaging, cleaning a person's hands [and] , arms[;
43 pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise
44 beautifying a person's toenails, applying artificial toenails, massaging and cleaning a person's]
45 , legs, and feet;

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

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

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

59 [(7)] **(8)** "Cross-over license", a license that is issued to any person who has met the
60 licensure and examination requirements for both barbering and cosmetology;

61 [(8)] **(9)** "Hairdresser", any person who[, for compensation,] engages in the practice of
62 cosmetology as defined in paragraph (a) of subdivision [(5)] **(7)** of this section;

63 [(9)] **(10)** "Instructor", any person who is licensed to teach [cosmetology or] any
64 practices [of cosmetology] pursuant to this chapter;

65 [(10) "Manicurist"] **(11) "Nail Technician"**, any person who[, for compensation,]
66 engages in any or all of the practices in paragraph (b) of subdivision [(5)] **(7)** of this section;

67 [(11)] **(12)** "Parental consent", the written informed consent of a minor's parent or legal
68 guardian that must be obtained prior to providing body waxing on or near the genitalia;

69 [(12)] **(13)** "School of cosmetology" or **"school of barbering" or "school of esthetics",**
70 **or "school of [manicuring] nail technology"**, an establishment operated for the purpose of
71 teaching [cosmetology as defined in subdivision (5) of this section] **one of the occupations**
72 **defined in subdivision (7) of this section.**

329.015. 1. There is hereby created and established a "Board of Cosmetology and [Barber Examiners] **Barbering**" for the purpose of licensing all persons engaged in the practice of cosmetology, manicuring, esthetics, and barbering, including but not limited to shaving or trimming the beard or cutting the hair; and to fulfill all other duties and responsibilities delegated by [chapter 328, RSMo, as it pertains to barbers and] this chapter [as it pertains to cosmetologists]. The duties and responsibilities of the board of cosmetology and [barber examiners] **barbering** as such duties and responsibilities pertain to barbers and cosmetologists shall not take full force and effect until such time as the governor appoints the members of the board of cosmetology and [barber examiners] **barbering** and the appointments are confirmed by the senate. [At such time, the powers and duties of the board of barber examiners and the state board of cosmetology shall be merged into the board under section 329.023.]

2. The governor shall appoint members to the board by and with the advice and consent of the senate. The board shall consist of eleven members each of whom are United States citizens and who have been residents of this state for at least one year immediately preceding their appointment **and who are registered voters**. Of these eleven members, three shall be licensed cosmetologists holding a Class CA license classification, one shall be an accredited cosmetology school owner as defined in section 329.010, one shall be the owner of a school licensed under subsection 1 of section 329.040, [one] **two** shall be [a cosmetologist] **cosmetologists** with a license of any type of cosmetology classification, three shall be licensed barbers, and [two] **one** shall be a voting public [members] **member**. All members, except the public [members] **member** and the accredited cosmetology school owner member, shall be cosmetologists and barbers duly registered as such and licensed under the laws of this state and shall have been actively engaged in the lawful practice of their profession for a period of at least five years immediately preceding their appointment. All members of the board, including [public members] **the public member** and the accredited cosmetology school owner member, shall be chosen from lists submitted by the director of the division of professional registration.

3. [Upon the appointment of the initial board members, at least two cosmetologist members and two barber members shall be appointed by the governor to serve a term of four years; two cosmetologist members, one barber member and a public member shall be appointed to serve a term of three years, and the remaining members of the initial board shall be appointed for a term of two years. Thereafter,] All members shall be appointed by the governor by and with the advice and consent of the senate to serve four-year terms. The governor shall appoint members to fill any vacancies, whether it occurs by the expiration of a term or otherwise; provided, however, that any board member shall serve until his or her successor is appointed and duly qualified. No person shall be eligible for reappointment that has served as a member of the board for a total of twelve years.

37 4. At the time of appointment, the [public members] **public member** shall be [citizens]
38 **a citizen** of the United States, [residents] **a resident** of this state for a period of at least one year
39 immediately preceding [their] **his or her** appointment, and a registered voter. The public
40 [members] **member** and the spouse of such [members] **member** shall be persons who are not
41 and never were a member of any profession licensed or regulated by the board. The public
42 [members] **member** and the spouse of such [members] **member** shall be persons who do not
43 have and **has** never [have] had a material financial interest in the provision of the professional
44 services regulated by the board, or an activity or organization directly related to any professions
45 licensed or regulated by the board. The duties of the public [members and the accredited school
46 owner] member shall not include the determination of the technical requirements to be met for
47 licensure, or whether any person meets such technical requirements, or of the technical
48 competence or technical judgment of a licensee or a candidate for licensure.

49 5. [Any member who is a school owner shall not be allowed access to the testing and
50 examination materials nor shall any such member be allowed to attend the administration of the
51 examinations, except when such member is being examined for licensure.

52 6.] The members of the board shall receive as compensation for their services the sum
53 set by the board not to exceed seventy dollars for each day actually spent in attendance at
54 meetings of the board plus actual and necessary expenses.

329.023. [1. Upon appointment by the governor and confirmation by the senate of the
2 board, the state board of cosmetology is abolished and its duties and responsibilities shall merge
3 into the board as established under section 329.015. The board shall be a continuance of and
4 shall carry out the duties of the state board of cosmetology.

5 2. Upon appointment by the governor and confirmation by the senate of the board, all
6 of the powers, duties, and functions of the state board of cosmetology are transferred to,
7 conferred, and imposed upon the board. The board shall be the successor in every way to the
8 powers, duties, and functions of the state board of cosmetology.

9 3. Every act performed in the exercise of such powers, duties, and authorities by or under
10 the authority of the board shall be deemed to have the same force and effect as if performed by
11 the state board of cosmetology under this chapter, including any amendments thereto effective
12 with the passage of this law or prior to August 28, 2005.

13 4.] All rules and regulations of the state board of cosmetology **and barbers** and any
14 amendments thereto shall continue to be effective and shall be deemed to be duly adopted rules
15 and regulations of the board until revised, amended, or repealed by the board. The board shall
16 review such rules and regulations and shall adopt new rules as required for the administration
17 of the licensure law for barbers and cosmetologists.

18 [5. Any person or entity licensed or provisionally licensed by the state board of
19 cosmetology prior to the appointment by the governor and confirmation by the senate of the
20 board, shall be considered licensed in the same manner by the board of cosmetology and barber
21 examiners.]

329.025. 1. The board shall have power to:

2 (1) Prescribe by rule for the examination of applicants for licensure [to practice the
3 classified occupations of barbering and cosmetology] and issue licenses;

4 (2) Prescribe by rule for the inspection of [barber and cosmetology] establishments [and
5 schools] **as to their sanitary conditions** and appoint the necessary inspectors and examining
6 assistants;

7 (3) [Prescribe by rule for the inspection of establishments and schools of barbering and
8 cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if
9 necessary, examining assistants;

10 [(4)] Set the amount of the fees that this chapter [and chapter 328, RSMo, authorize and
11 require] **authorizes and requires**, by rules promulgated under section 536.021, RSMo. The fees
12 shall be set at a level sufficient to produce revenue that shall not substantially exceed the cost and
13 expense of administering this chapter [and chapter 328, RSMo];

14 [(5)] (4) Employ and remove board personnel, as set forth in subdivision (4) of
15 subsection 15 of section 620.010, RSMo, including an executive secretary [or comparable
16 position], inspectors, investigators, legal counsel and secretarial support staff, as may be
17 necessary for the efficient operation of the board, within the limitations of its appropriation;

18 [(6)] (5) Elect one of its members president, one vice president, and one secretary with
19 the limitation that no single profession can hold the positions of president and vice president at
20 the same time;

21 [(7)] (6) Promulgate rules necessary to carry out the duties and responsibilities
22 designated by this chapter [and chapter 328, RSMo];

23 [(8)] (7) Determine the sufficiency of the qualifications of applicants, **including the**
24 **continuing education credits established in the rules and regulations**; [and]

25 [(9)] (8) Prescribe by rule the minimum standards and methods of accountability for the
26 schools [of barbering and cosmetology] licensed under this chapter [and chapter 328, RSMo] ;
27 **and**

28 (9) **Waive the examination and grant a license to any applicant who is licensed in**
29 **good standing in another state.**

30 2. The board shall create no expense exceeding the sum received from time to time from
31 fees imposed under this chapter [and chapter 328, RSMo].

32 3. A majority of the board, with at least one representative of each profession being
33 present, shall constitute a quorum for the transaction of business.

34 4. The board shall meet not less than six times annually.

35 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
36 is created under the authority delegated in this chapter and chapter 328, RSMo, shall become
37 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
38 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
39 nonseverable and if any of the powers vested with the general assembly under chapter 536,
40 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently
41 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
42 after August 28, 2001, shall be invalid and void.

 329.028. 1. There is hereby created in the state treasury a fund to be known as the
2 "Board of Cosmetology and [Barber Examiners] **Barber** Fund", which shall consist of all
3 moneys collected by the board. All fees provided for in this chapter [and chapter 328, RSMo,]
4 shall be payable to the director of the division of professional registration in the department of
5 economic development, who shall keep a record of the account showing the total payments
6 received and shall immediately thereafter transmit them to the department of revenue for deposit
7 in the state treasury to the credit of the board of cosmetology and barber [examiners] fund. All
8 the salaries and expenses for the operation of the board shall be appropriated and paid from such
9 fund.

10 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
11 this fund shall not be transferred and placed to the credit of general revenue until the amount in
12 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
13 board's funds for the preceding fiscal year or, if the board requires by rule license renewal less
14 frequently than yearly, then three times the appropriation from the board's funds for the preceding
15 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which
16 exceeds the appropriate multiple of the appropriations from the board's funds for the preceding
17 fiscal year.

18 [3. Upon appointment by the governor and confirmation by the senate of the board, all
19 moneys deposited in the board of barbers fund created in section 328.050, RSMo, and the state
20 board of cosmetology fund created in section 329.240, shall be transferred to the board of
21 cosmetology and barber examiners fund created in subsection 1 of this section. The board of
22 barbers fund and the state board of cosmetology fund shall be abolished when all moneys are
23 transferred to the board of cosmetology and barber examiners fund.]

329.034. An esthetic practitioner who is a Comite' International D'Esthetique Et de Cosmetologie Organization (CIDESCO) Diplomate shall receive a license to practice esthetics without examination if the practitioner:

- (1) Pays a fee equal to the esthetic license fee; and**
- (2) Provides a copy of the certificate of examination, including the practitioner's candidate code, which shows proof of successful completion of the CIDESCO examination.**

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 pursuant to this chapter unless it:

(1) Employs and has present in the school a competent licensed instructor for every twenty-five students in attendance for a given class period and one to ten additional students may be 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 twelve hours per day with a weekly total that is no less than fifteen hours and no more than seventy-two hours;

(3) Requires for the classified occupation of cosmetologist **and barbering**, 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; provided that, a school may elect to base the course of study on credit hours by applying the credit hour formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation [of cosmetology] on any patron or customer of the school [of cosmetology];

(4) Requires for the classified occupation of [manicurist] **nail technician**, the course of study shall be no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as

31 amended. The student must earn a minimum of fifty hours or equivalent credits of classroom
32 training before the student may perform any of the acts of the classified occupation of
33 [manicurist] **nail technician** on any patron or customer of the school [of cosmetology];

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

40 4. The subjects to be taught for the classified [occupation] **occupations** of cosmetology
41 **and barbering** shall be as follows and the hours required for each subject shall be not less than
42 those contained in this subsection or the credit hours determined by the formula in Subpart A of
43 Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

44 (1) Shampooing of all kinds, forty hours;

45 (2) Hair coloring, bleaches and rinses, one hundred thirty hours;

46 (3) Hair cutting and shaping, **mustache and beard designs**, one hundred thirty hours;

47 (4) Permanent waving and relaxing, **and soft curl perms**, one hundred twenty-five
48 hours;

49 (5) Hairsetting, pin curls, fingerwaves, thermal curling, **hairpieces**, two hundred
50 twenty-five hours;

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

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

53 (8) Facials, eyebrows and arches, **massage and treatments**, forty hours;

54 (9) Manicuring, **pedicuring**, hand [and] , arm, **foot, and leg** massage and treatment of
55 nails, one hundred ten hours;

56 (10) Cosmetic chemistry, **bacteriology**, twenty-five hours;

57 (11) Salesmanship and shop management, **history, professional image, tools and**
58 **equipment**, ten hours;

59 (12) Sanitation and sterilization, thirty hours;

60 (13) Anatomy, twenty hours;

61 (14) State law, ten hours;

62 (15) Curriculum to be defined by school, not less than four hundred seventy hours.

63 5. **A school that wants to be known as a barber college shall include thirty-five**
64 **hours of shaving techniques within the credit hours listed in subsection 4 of this section.**

65 6. The subjects to be taught for the classified occupation of [manicurist] **nail technician**
66 shall be as follows and the hours required for each subject shall be not less than those contained

67 in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of
68 Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

69 (1) Manicuring, hand and arm massage, **pedicuring, feet and leg massage**, and
70 treatment of nails, two hundred twenty hours;

71 (2) Salesmanship and shop management, twenty hours;

72 (3) Sanitation and sterilization, twenty hours;

73 (4) Anatomy, ten hours;

74 (5) State law, ten hours;

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

76 (7) Curriculum to be defined by school, not less than eighty hours.

77 [6.] 7. The subjects to be taught for the classified occupation of esthetician shall be as
78 follows, and the hours required for each subject shall not be less than those contained in this
79 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section
80 668.8 of Title 34 of the Code of Federal Regulations, as amended:

81 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;

82 (2) Makeup application, all phases, one hundred hours;

83 (3) Hair removal, thirty hours;

84 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;

85 (5) Reflexology, thirty-five hours;

86 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;

87 (7) Cosmetic chemistry, products and ingredients, seventy-five hours;

88 (8) Salon management and salesmanship, fifty-five hours;

89 (9) Sanitation and sterilization, safety, forty-five hours;

90 (10) State law, ten hours; and

91 (11) Curriculum to be defined by school, not less than seventy-five hours.

92 [7.] 8. Training for all classified occupations shall include practical demonstrations,
93 written and/or oral tests, and practical instruction in sanitation, sterilization and the use of
94 antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical
95 requirements as applicable to the classified occupations as provided in this chapter.

96 [8.] 9. No school [of cosmetology] shall operate within this state unless a proper license
97 pursuant to this chapter has first been obtained.

98 [9.] 10. Nothing contained in this chapter shall prohibit a licensee [within a cosmetology
99 establishment] from teaching any of the practices of the classified occupations for which the
100 licensee has been licensed for not less than two years in the licensee's regular course of business,
101 if the owner or manager of the business does not hold himself or herself out as a school and does
102 not hire or employ or personally teach regularly at any one and the same time, [more than one

103 apprentice to each licensee regularly employed within the owner's business,] not to exceed one
104 apprentice per establishment, and the owner, manager, or trainer does not accept any fee for
105 instruction.

106 [10.] **11.** Each licensed school of cosmetology shall provide a minimum of two thousand
107 square feet of floor space, adequate rooms and equipment, including lecture and demonstration
108 rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements
109 shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet
110 sterilizers, and adequate working facilities for twenty students.

111 **12.** Each licensed school of barbering shall include a work station for each student
112 for practical instruction to include shampoo bowl, backbar, dust-tight cabinet or drawers,
113 mirror not less than thirty inches in diameter, and barber chair with headrest. Barber
114 chairs shall be mechanically sound with acceptable covering in good condition. Chairs
115 shall be placed at least five feet apart and each chair shall occupy not less than thirty-five
116 square feet of floor space. There shall be electrical outlets between every two chairs.

117 [11.] **13.** Each licensed school [of cosmetology] for [manicuring] **nail technician** only
118 shall provide a minimum of one thousand square feet of floor space, adequate room for theory
119 instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical
120 working area for ten students. Minimum floor space requirement proportionately increases with
121 student enrollment of over ten students.

122 [12.] **14.** Each licensed school [of cosmetology] for esthetics only shall provide a
123 minimum of one thousand square feet of floor space, adequate room for theory instruction,
124 adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for
125 ten students. Minimum floor space requirement increases fifty square feet per student with
126 student enrollment of over ten.

127 [13.] **15.** No school [of cosmetology] may have a greater number of students enrolled and
128 scheduled to be in attendance for a given class period than the total floor space of that school will
129 accommodate. Floor space required per student shall be no less than fifty square feet per
130 additional student beyond twenty students for a school of cosmetology **or barbering**, beyond
131 ten students for a school of [manicuring] **nail tech** and beyond ten students for a school of
132 esthetics.

133 [14.] **16.** Each applicant for a new school shall file a written application with the board
134 upon a form approved and furnished upon request by the board. The applicant shall include a
135 list of equipment, the proposed curriculum, and the name and qualifications of any and all of the
136 instructors.

137 [15.] **17.** Each school shall display in a conspicuous place, visible upon entry to the
138 school, a sign stating that all [cosmetology] services in this school are performed by students
139 who are in training.

140 [16.] **18.** Any student who wishes to remain in school longer than the required training
141 period may make application for an additional training license and remain in school. A fee is
142 required for such additional training license.

143 [17.] **19.** All contractual fees that a student owes to any [cosmetology] school shall be
144 paid before such student may be allowed to apply for any examination required to be taken by
145 an applicant applying for a license pursuant to the provisions of this chapter. **No school shall**
146 **be compelled to turn in unearned hours until the contract terms between the student and**
147 **the school is completed.**

329.045. 1. Every establishment in which the [occupation of cosmetology is]
2 **occupations are** practiced shall be required to obtain a license from the board. Every
3 establishment required to be licensed shall pay to the board an establishment fee for the first
4 three licensed cosmetologists esthetician and/or [manicurists] **nail technicians**, and/or
5 **barbering, and/or** apprentices and an additional fee for each additional licensee. The fee shall
6 be due and payable on the renewal date and, if the fee remains unpaid thereafter, there shall be
7 a late fee in addition to the regular establishment fee or, if a new establishment opens any time
8 during the licensing period and does not register before opening, there shall be a delinquent fee
9 in addition to the regular establishment fee. The license shall be kept posted in plain view within
10 the establishment at all times.

11 2. A new license shall be obtained for a cosmetology establishment within forty-five
12 days when the establishment changes ownership or location. The state inspector shall inspect
13 the sanitary conditions required for licensure for an establishment that has changed ownership
14 or location without requiring the owner to close business or deviate in any way from the
15 establishment's regular hours of operation.

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] **twelfth** grade and be at least seventeen years of age **when**
5 **they apply for examination;**

6 (2) If the applicants are apprentices, they shall have served and completed, as an
7 apprentice under the supervision of a licensed cosmetologist, **or barber**, the time and studies
8 required by the board which shall be no less than three thousand hours for cosmetologists **or**
9 **barbers**, and no less than eight hundred hours for [manicurists] **nail technicians**, and no less
10 than fifteen hundred hours for esthetics. However, when the classified occupation of

11 [manicurist] **nail technician** is apprenticed in conjunction with the classified occupation of
12 cosmetologist **or barber**, the apprentice shall be required to successfully complete an
13 apprenticeship of no less than a total of three thousand hours;

14 (3) If the applicants are students, they shall have had the required time in a licensed
15 school of no less than one thousand five hundred hours training or the credit hours determined
16 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
17 Regulations, as amended, for the classification of cosmetologist **or barber**, with the exception
18 of public vocational technical schools in which a student shall complete no less than one
19 thousand two hundred twenty hours training. All students shall complete no less than four
20 hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section
21 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of
22 [manicurist] **nail technician**. All students shall complete no less than seven hundred fifty hours
23 or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title
24 34 of the Code of Federal Regulations, as amended, for the classification of esthetician.
25 However, when the classified occupation of [manicurist] **nail technician** is taken in conjunction
26 with the classified occupation of cosmetologist, the student shall not be required to serve the
27 extra four hundred hours or the credit hours determined by the formula in Subpart A of Part 668
28 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise required
29 to include manicuring **and pedicuring** of nails; and

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

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

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

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

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

 329.060. 1. Every person desiring to sit for the examination for any of the occupations
2 provided for in this chapter shall file with the board a written application on a form supplied to
3 the applicant, and shall submit proof of the required age, educational qualifications, and of good
4 moral character together with the required [cosmetology] examination fee. Each application
5 shall contain a statement that it is made under oath or affirmation and that its representations are
6 true and correct to the best knowledge and belief of the person signing same, subject to the
7 penalties of making a false affidavit or declaration.

8 2. Upon the filing of the application and the payment of the fee, the board shall, upon
9 request, issue to the applicant, if the applicant is qualified to sit for the examination, a temporary
10 license for the practicing of the occupations as provided in this chapter. Any person receiving
11 a temporary license shall be entitled to practice the occupations designated on the temporary
12 license, under the supervision of a person licensed in [cosmetology] **the designated**
13 **occupations**, until the expiration of the temporary license. Any person continuing to practice
14 the occupation beyond the expiration of the temporary license without being licensed [in
15 cosmetology] as provided in this chapter is guilty of an infraction.

 329.070. 1. Apprentices or students shall be licensed with the board and shall pay a
2 student fee or an apprentice fee prior to beginning their course, and shall be of good moral
3 character and have an education equivalent to the successful completion of the [tenth] **twelfth**
4 **grade at the time of application for examination.**

5 2. An apprentice or student shall not be enrolled in a course of study that shall exceed
6 twelve hours per day or that is less than three hours per day. The course of study shall be no
7 more than seventy-two hours per week and no less than fifteen hours per week.

8 3. Every person desiring to act as an apprentice in any of the classified occupations
9 within this chapter shall file with the board a written application on a form supplied to the
10 applicant, together with the required apprentice fee.

 329.080. 1. An instructor trainee shall be a licensed cosmetologist, **barber**, esthetician
2 or [manicurist] **nail technician** and shall hold a license as an instructor trainee in cosmetology,
3 **barbering**, esthetics or [manicuring] **nail technician**. An applicant for a license to practice as
4 an instructor trainee shall submit to the board the required fee and a written application on a form
5 supplied by the board upon request that the applicant is of good moral character, in good physical

6 and mental health, has successfully completed at least a four-year high school course of study
7 or the equivalent, and holds a Missouri license to practice as a cosmetologist, **barber**, esthetician
8 or [manicurist] **nail technician**. Each application shall contain a statement that it is made under
9 oath or affirmation and that its representations are true and correct to the best knowledge and
10 belief of the person signing the application, subject to the penalties of making a false affidavit
11 or declaration.

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

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

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

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

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

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

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

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

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

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

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

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

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

329.085. 1. Any person desiring an instructor license shall submit to the board a written
2 application on a form supplied by the board showing that the applicant has met the requirements
3 set forth in section 329.080. An applicant who has met all requirements as determined by the
4 board shall be allowed to take the instructor examination, including any person who has been
5 licensed three or more years as a cosmetologist, [manicurist or] **barber, esthetician, or nail**
6 **technician**. If the applicant passes the examination to the satisfaction of the board, the board
7 shall issue to the applicant an instructor license.

8 2. The instructor examination fee and the instructor license fee for an instructor license
9 shall be nonrefundable.

10 3. The instructor license renewal fee shall [be in addition to the regular cosmetologist,
11 esthetician or manicurist license renewal fee] **include the regular barber, cosmetologist,**
12 **esthetician, or nail technician license for no additional cost**. For each renewal the instructor
13 shall submit proof of having attended a teacher training seminar or workshop at least once every
14 two years, sponsored by any university, or Missouri vocational association, or bona fide state
15 cosmetology association specifically approved by the board to satisfy the requirement for
16 continued training of this subsection. Renewal fees shall be due and payable on or before the
17 renewal date and, if the fee remains unpaid thereafter in such license period, there shall be a late
18 fee in addition to the regular fee.

19 4. Instructors duly licensed as physicians or attorneys or lecturers on subjects not directly
20 pertaining to the practice pursuant to this chapter need not be holders of licenses provided for
21 in this chapter.

22 5. The board shall grant instructor licensure upon application and payment of a fee
23 equivalent to the sum of the instructor examination fee and the instructor license fee, provided
24 the applicant establishes compliance with the cosmetology, **barbering, esthetician, or nail**
25 **technician** instructor requirements of another state, territory of the United States, or District of
26 Columbia [wherein the requirements are substantially equal or superior to those in force in
27 Missouri at the time the application for licensure is filed] and the applicant holds a current
28 instructor license in the other jurisdiction at the time of making application.

29 6. Any person licensed as a cosmetology instructor prior to the training requirements
30 which became effective January 1, 1979, may continue to be licensed as such, provided such
31 license is maintained and the licensee complies with the continued training requirements as
32 provided in subsection 3 of this section. Any person with an expired instructor license that is not
33 restored to current status within two years of the date of expiration shall be required to meet the
34 training and examination requirements as provided in this section and section 329.080.

 329.110. 1. If an applicant for examination [for cosmetology] passes the examination
2 to the satisfaction of the board and has paid the fee required and complied with the requirements
3 pertaining to this chapter, the board shall cause to be issued a license to that effect. The license
4 shall be evidence that the person to whom it is issued is entitled to engage in the practices,
5 occupation or occupations stipulated therein as prescribed in this chapter. The license shall be
6 conspicuously displayed in his or her principal office, place of business, or employment.

7 2. Whenever anyone who has been licensed in accordance with this chapter practices any
8 of the occupations authorized in this chapter outside of or away from the person's principal
9 office, place of business, or employment, he or she shall deliver to each person in his or her care
10 a certificate of identification. This certificate shall contain his or her signature, the number and
11 date of his or her license, the post office address and the date upon which the certificate of
12 identification is delivered to the person under his or her care.

13 **3. The board may, at any time, require any barber, cosmetologist, esthetician, or**
14 **nail technician to whom a certificate of registration is issued to be examined at the**
15 **licensee's expense by a licensed physician to ascertain if such licensee is free of infectious**
16 **or contagious diseases and not afflicted with any physical or mental ailment which would**
17 **render him or her unfit to practice the occupations of this chapter.**

 329.120. 1. The holder of a license issued by the board who continues in active practice
2 or occupation shall on or before the license renewal date renew the holder's license and pay the
3 renewal fee. A license which has not been renewed prior to the renewal date shall expire on the
4 renewal date. The holder of an expired license may have the license restored within two years
5 of the date of expiration without examination, upon the payment of a delinquent fee in addition
6 to the renewal fee.

7 **2. The holder of a license who has been honorably discharged from the United**
8 **States armed forces, and has not renewed his or her license as herein provided, shall upon**
9 **his or her return to the occupation, within one year from the date of the honorable**
10 **discharge, pay one dollar for the renewal of same.**

 329.130. 1. The board shall grant without examination a license to practice
2 [cosmetology] to any applicant who holds a current license that is issued by another state,
3 territory of the United States, or the District of Columbia [whose requirements for licensure are

4 substantially equal to the licensing requirements in Missouri at the time the application is filed
5 or] who has practiced [cosmetology] for at least two consecutive years in another state, territory
6 of the United States, or the District of Columbia. The applicant under this subsection shall pay
7 the appropriate application and licensure fees at the time of making application. A licensee who
8 is currently under disciplinary action with another board [of cosmetology] shall not be licensed
9 by reciprocity under the provisions of this chapter.

10 2. Any person who lawfully practiced or received training in another state who does not
11 qualify for licensure without examination may apply to the board for licensure by examination.
12 Upon application to the board, the board shall evaluate the applicant's experience and training
13 to determine the extent to which the applicant's training and experience satisfies current Missouri
14 licensing requirements and shall notify the applicant regarding his or her deficiencies and inform
15 the applicant of the action that he or she must take to qualify to take the examination. The
16 applicant for licensure under this subsection shall pay the appropriate examination and licensure
17 fees.

329.170. Nothing in this chapter shall prohibit service in case of emergency or domestic
2 administration, or services by persons authorized under the laws of this state to practice
3 medicine, surgery, dentistry, chiropody, osteopathy, chiropractic [nursing or services by barbers]
4 , **or nurses** lawfully engaged in the performance of the usual and ordinary duties of their
5 vocation.

329.190. [1. The state board of cosmetology shall be composed of seven members,
2 including one voting public member and one member who is a licensed school owner pursuant
3 to subsection 1 of section 329.040, appointed by the governor with the advice and consent of the
4 senate. The term of office of each member shall be four years.

5 2. The members of the board shall receive as compensation for their services the sum
6 set by the board not to exceed fifty dollars for each day actually spent in attendance at meetings
7 of the board, within the state, not to exceed forty-eight days in any calendar year, and in addition
8 thereto they shall be reimbursed for all necessary expenses incurred in the performance of their
9 duties as members of the board.

10 3.] All members, except the public member, shall be **barbers**, cosmetologists,
11 **estheticians**, and [manicurists] **nail technicians** duly registered as such and licensed pursuant
12 to the laws of this state, and shall be United States citizens and shall have been residents of this
13 state for at least one year next preceding their appointments and shall have been actively engaged
14 in the lawful practice of [cosmetology] **their profession** for a period of at least five years. The
15 public member shall be at the time of the person's appointment a citizen of the United States; a
16 resident of this state for a period of one year and a registered voter; a person who is not and never
17 was a member of any profession licensed or regulated pursuant to this chapter or the spouse of

18 such person; and a person who does not have and never has had a material, financial interest in
19 either the providing of the professional services regulated by this chapter, or an activity or
20 organization directly related to any profession licensed or regulated pursuant to this chapter. All
21 members, including public members, shall be chosen from lists submitted by the director of the
22 division of professional registration. The duties of the public member shall not include the
23 determination of the technical requirements to be met for licensure or whether any person meets
24 such technical requirements or of the technical competence or technical judgment of a licensee
25 or a candidate for licensure. [Any member who is a school owner shall not be allowed access
26 to the testing and examination materials nor to attend the administration of the examinations,
27 except when such member is being examined for licensure.]

329.210. 1. The board shall have power to:

- 2 (1) Prescribe by rule for the examinations of applicants for licensure to practice the
3 classified occupation of cosmetology and issue licenses;
- 4 (2) Prescribe by rule for the inspection of [cosmetology] establishments and schools and
5 appoint the necessary inspectors and examining assistants;
- 6 (3) Prescribe by rule for the inspection of establishments and schools [of cosmetology]
7 as to their sanitary conditions and to appoint the necessary inspectors and, if necessary,
8 examining assistants; and set the amount of the fees which this chapter authorizes and requires,
9 by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set
10 at a level sufficient to produce revenue which shall not substantially exceed the cost and expense
11 of administering this chapter;
- 12 (4) Employ and remove board personnel, as defined in subdivision (4) of subsection 15
13 of section 620.010, RSMo, as may be necessary for the efficient operation of the board, within
14 the limitations of its appropriation;
- 15 (5) Elect one of its members president, one vice president and one secretary;
- 16 (6) Determine the sufficiency of the qualifications of applicants; and
- 17 (7) Prescribe by rule the minimum standards and methods of accountability for the
18 schools [of cosmetology] licensed pursuant to this chapter.

19 2. The board shall create no expense exceeding the sum received from time to time from
20 fees imposed pursuant to this chapter.

21 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
22 is created under the authority delegated in this chapter shall become effective only if it complies
23 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
24 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
25 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
26 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the

27 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be
28 invalid and void.

329.220. At all meetings of the board [two] **six** members shall be necessary to constitute
2 a quorum for the transaction of business [but no official action may be taken unless a majority
3 of the whole board may vote therefor].

329.240. 1. All fees provided for in this chapter shall be payable to the director of the
2 division of professional registration in the department of economic development who shall keep
3 a record of the account showing the total payments received and shall immediately thereafter
4 transmit them to the department of revenue for deposit in the state treasury to the credit of a fund
5 to be known as the "State Board of Cosmetology **and Barber** Fund". All the salaries and
6 expenses for the operation of the board shall be appropriated and paid from such fund.

7 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
8 this fund shall not be transferred and placed to the credit of general revenue until the amount in
9 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
10 board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less
11 frequently than yearly, then three times the appropriation from the board's funds for the preceding
12 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which
13 exceeds the appropriate multiple of the appropriations from the board's funds for the preceding
14 fiscal year.

329.250. Any person who shall act in any capacity other than by demonstration to or
2 before [licensed cosmetologists] **licensees**, or maintain any business wherein a license is required
3 pursuant to this chapter, without having such license, or any person who violates any provision
4 of this chapter is guilty of a class C misdemeanor.

[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
9 or 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
13 met the licensure and examination requirements for both barbering and
14 cosmetology;

15 (5) "School of barbering", an establishment operated for the purpose of
16 teaching barbering as defined in subdivision (1) of this section.]

2 [328.015. 1. Upon appointment by the governor and confirmation by the
3 senate of the board, the board of barber examiners shall be abolished and its
4 duties and responsibilities shall merge into the board as established under section
5 329.015, RSMo. The board shall be a continuance of and shall carry out the
6 duties of the board of barber examiners.

7 2. Upon appointment by the governor and confirmation by the senate of
8 the board, all of the powers, duties, and functions of the board of barber
9 examiners shall be transferred to, conferred, and imposed upon the board. The
10 board shall be the successor in every way to the powers, duties, and functions of
11 the board of barber examiners.

12 3. Every act performed in the exercise of such powers, duties, and
13 authorities by or under the authority of the board shall be deemed to have the
14 same force and effect as if performed by the board of barber examiners under this
15 chapter, including any amendments thereto effective with the passage of this
16 section or prior to August 28, 2005.

17 4. All rules of the board of barber examiners and any amendments to
18 such rules shall continue to be effective and shall be deemed to be duly adopted
19 rules of the board until revised, amended, or repealed by the board. The board
20 shall review such rules and shall adopt new rules as required for the
21 administration of this chapter for barbers and cosmetologists.

22 5. Any person or entity licensed or provisionally licensed by the board
23 of barber examiners prior to the appointment by the governor and confirmation
24 by the senate of the board, shall be considered licensed in the same manner by the
25 board.]

2 [328.020. It shall be unlawful for any person to practice the occupation
3 of a barber in this state, unless he or she shall have first obtained a license, as
4 provided in this chapter.]

5 [328.030. A board of examiners consisting of four members, including
6 one voting public member, shall be appointed by the governor, by and with the
7 advice and consent of the senate. Each member of the board shall be a United
8 States citizen, shall have been a resident of Missouri for one year and, except for
9 the public member, shall have been a registered and practicing barber for the five
10 years immediately preceding his or her initial appointment. The public member
11 shall be a registered voter and a person who is not and never was a member of
12 any profession licensed or regulated pursuant to this chapter or the spouse of such
13 person; and a person who does not have and never has had a material, financial
14 interest in either the providing of the professional services regulated by this
chapter, or an activity or organization directly related to any profession licensed
or regulated pursuant to this chapter. All members, including public members,
shall be chosen from lists submitted by the director of the division of professional
registration. The duties of the public member shall not include the determination

15 of the technical requirements to be met for licensure or whether any person meets
16 such technical requirements or of the technical competence or technical judgment
17 of a licensee or a candidate for licensure. Each member shall serve for a term of
18 four years and until his or her successor is appointed and qualified, except that
19 the successors to the members whose terms expire in 1981 shall consist of one
20 member whose term shall be for two years, one member whose term shall be for
21 three years, and one member whose term shall be for four years. Each member
22 shall take the oath provided by law for public officers. Vacancies on the board
23 shall be filled by appointment by the governor.]
24

2 [328.040. The board shall annually elect from its number a president,
3 vice president, and secretary-treasurer, shall have its headquarters in Jefferson
4 City, Missouri, may employ such board personnel, as defined in subdivision (4)
5 of subsection 16 of section 620.010, RSMo, as it shall deem necessary within the
6 appropriation therefor. The board shall not create any expense exceeding the sum
7 received from time to time as fees as provided by law, shall have a common seal,
8 and the president and vice president shall have the power to administer oaths. A
9 majority of the board, in meeting duly assembled, may perform the duties and
10 exercise the powers devolving upon the board under the provisions of this
11 chapter.]

2 [328.050. 1. Each member of the board shall receive as compensation
3 an amount set by the board not to exceed fifty dollars for each day devoted to the
4 affairs of the board, and shall be entitled to reimbursement of his expenses
5 necessarily incurred in the discharge of his official duties. All money payable
6 under this chapter shall be collected by the division of professional registration
7 in the department of economic development which shall transmit them to the
8 department of revenue for deposit in the state treasury to the credit of a "Board
9 of Barbers Fund". Warrants shall be drawn upon the treasurer out of this fund
10 only for the payment of the salaries, office and other necessary expenses of the
11 board. A detailed statement of the expenses incurred by the board, approved by
12 the secretary-treasurer of the board, shall be filed with the commissioner of
13 administration before warrants are drawn for their payment.

14 2. The provisions of section 33.080, RSMo, to the contrary
15 notwithstanding, money in this fund shall not be transferred and placed to the
16 credit of general revenue until the amount in the fund at the end of the biennium
17 exceeds two times the amount of the appropriation from the board's funds for the
18 preceding fiscal year or, if the board requires by rule permit renewal less
19 frequently than yearly, then three times the appropriation from the board's funds
20 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
21 is that amount in the fund which exceeds the appropriate multiple of the
22 appropriations from the board's funds for the preceding fiscal year.]

2 [328.060. 1. The board shall set the amount of the fees which this
3 chapter authorizes and requires by rules and regulations promulgated pursuant to
4 section 536.021, RSMo. The fees shall be set at a level to produce revenue which
5 shall not substantially exceed the cost and expense of administering this chapter.

6 2. The board shall, with the approval of the department of health and
7 senior services, prescribe such sanitary rules as it may deem necessary to prevent
8 the creation and spread of infectious and contagious diseases. A copy of such
9 rules shall be posted in a conspicuous place in every barber shop and barber
10 school or college in this state.]

2 [328.070. The board shall hold public examinations at least four times
3 in each year, at such times and places as it may deem advisable, notice of such
4 examinations to be published at least ten days prior to the date of the
5 examination. The board shall publish its notice of the examination date, place,
6 and time in any manner that it deems appropriate. In lieu of holding its own
7 examinations for barber applicants, the board may contract with an outside entity
8 qualified to examine applicants for licensure.]

2 [328.075. 1. Any person desiring to practice as an apprentice for
3 barbering in this state shall apply to the board, shall be registered as an apprentice
4 with the board, and shall pay the appropriate fees prior to beginning their
5 apprenticeship. Barber apprentices shall be of good moral character and shall be
6 at least seventeen years of age.

7 2. Any person desiring to act as an apprentice supervisor for barbering
8 in this state shall first possess a license to practice the occupation of barbering,
9 apply to the board, pay the appropriate fees, complete an eight-hour apprentice
10 supervision instruction course certified by the board, and be issued a license as
11 a barber apprentice supervisor prior to supervising barber apprentices.

12 3. The board may promulgate rules establishing the criteria for the
13 supervision and training of barber apprentices.

14 4. Any rule or portion of a rule, as that term is defined in section 536.010,
15 RSMo, that is created under the authority delegated in this section shall become
16 effective only if it complies with and is subject to all of the provisions of chapter
17 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
18 536, RSMo, are nonseverable and if any of the powers vested with the general
19 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date,
20 or to disapprove and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted after August 28,
22 2004, shall be invalid and void.]

2 [328.080. 1. Any person desiring to practice barbering in this state shall
3 make application for a license to the board and shall pay the required barber
examination fee.

4 2. The board shall examine each qualified applicant and, upon successful
5 completion of the examination and payment of the required license fee, shall
6 issue the applicant a license authorizing him or her to practice the occupation of
7 barber in this state. The board shall admit an applicant to the examination, if it
8 finds that he or she:

- 9 (1) Is seventeen years of age or older and of good moral character;
10 (2) Is free of contagious or infectious diseases;
11 (3) Has studied for at least one thousand hours in a period of not less than
12 six months in a properly appointed and conducted barber school under the direct
13 supervision of a licensed instructor; or, if the applicant is an apprentice, the
14 applicant shall have served and completed no less than two thousand hours under
15 the direct supervision of a licensed barber apprentice supervisor;
16 (4) Is possessed of requisite skill in the trade of barbering to properly
17 perform the duties thereof, including the preparation of tools, shaving, haircutting
18 and all the duties and services incident thereto; and
19 (5) Has sufficient knowledge of the common diseases of the face and skin
20 to avoid the aggravation and spread thereof in the practice of barbering.

21 3. The board shall be the judge of whether the barber school, the barber
22 apprenticeship, or college is properly appointed and conducted under proper
23 instruction to give sufficient training in the trade.

24 4. The sufficiency of the qualifications of applicants shall be determined
25 by the board.

26 5. For the purposes of meeting the minimum requirements for
27 examination, the apprentice training shall be recognized by the board for a period
28 not to exceed five years.]
29

[328.085. 1. The board shall grant without examination a license to
2 practice barbering to any applicant who holds a current barber's license which is
3 issued by another state or territory whose requirements for licensure were
4 equivalent to the licensing requirements in effect in Missouri at the time the
5 applicant was licensed or who has practiced the trade in another state for at least
6 two consecutive years. An applicant under this section shall pay the appropriate
7 application and licensure fees at the time of making application. A licensee who
8 is currently under disciplinary action with another board of barbering shall not be
9 licensed by reciprocity under the provisions of this chapter.

10 2. Any person who has lawfully practiced or received training in another
11 state who does not qualify for licensure without examination may apply to the
12 board for licensure by examination. Upon application to the board, the board
13 shall evaluate the applicant's experience and training to determine the extent to
14 which the applicant's training and experience satisfies current Missouri licensing
15 requirements and shall notify the applicant regarding his deficiencies and inform
16 the applicant of the action which he must take to qualify to take the examination.

17 3. The applicant for licensure under this section shall pay a fee equivalent
18 to the barber examination fee.]
19

2 [328.090. Any person desiring to teach barbering in this state in a barber
3 school, college or barber shop must first possess a license to practice the
4 occupation of barbering and make application to the board for an examination as
5 a teacher or instructor in said occupation and shall pay the required instructor
6 examination fee. The board shall examine such applicant and after finding that
7 he or she is duly qualified to teach said occupation, the board shall issue to him
8 or her a license entitling him or her to teach barbering in this state, subject to all
9 the provisions of this chapter. Holders of licenses to teach barbering shall, on or
10 before the expiration of their respective licenses, make application for the
11 renewal of same, and shall in each case pay the instructor renewal fee. Should
12 any person holding a license to teach barbering fail to renew same within the time
13 prescribed herein, such person shall be required to pay a reinstatement fee in
14 addition to the regular license fee provided for herein. Any person failing to
15 renew his or her license to teach barbering for a period not exceeding two years
16 may reinstate said license upon the payment of the renewal fee in addition to the
17 reinstatement fee, but any person failing to renew his or her license to teach
18 barbering for a period exceeding two years and desiring to be licensed as a
19 teacher of barbering in this state will be required to pass a satisfactory
20 examination as to his or her qualifications to teach barbering and shall pay the
21 instructor examination fee.]

2 [328.100. The board may at any time require any barber to whom a
3 certificate of registration is issued to be examined at the licensee's expense by a
4 licensed physician to ascertain if such barber is free of infectious or contagious
5 diseases and is not afflicted with any physical or mental ailment which would
6 render him unfit to practice the occupation of barbering.]

2 [328.110. 1. Every person engaged in barbering shall on or before the
3 renewal date apply for the renewal of his or her license.

4 2. Each application for renewal shall state the number of the licensee's
5 expiring license, and be accompanied by his or her renewal fee. Any person
6 holding a license as a barber, except as herein provided, who fails to apply for
7 renewal within two months of the expiration date of his or her license, shall pay
8 a reinstatement fee in addition to the regular license renewal fee. Any person
9 who fails to renew his or her license, except as herein provided, for a period not
10 exceeding two years may reinstate his or her license upon payment of the license
11 renewal fee for each delinquent year in addition to the reinstatement fee
12 prescribed herein, but any barber, except as herein provided, who fails to renew
13 his or her license for a period exceeding two years but less than five years and
desires to be licensed as a barber in this state will be required to pass the

14 practicum portion of the state's licensing examination as to his or her
15 qualifications to practice barbering and shall pay the barber examination fee.

16 3. A holder of a barber license who has been honorably discharged from
17 the United States armed forces, and has not renewed his or her license as herein
18 provided, shall, upon his or her return to barbering within one year from date of
19 honorable discharge, pay one dollar for renewal of same.]
20

[328.115. 1. The owner of every shop or establishment in which the
2 occupation of barbering is practiced shall obtain a license for such shop or
3 establishment issued by the board before barbering is practiced therein. A new
4 license shall be obtained for a barber establishment within forty- five days when
5 the establishment changes ownership or location. The state inspector shall
6 inspect the sanitary conditions required for licensure, established under
7 subsection 2 of this section, for an establishment that has changed ownership or
8 location without requiring the owner to close business or deviate in any way from
9 the establishment's regular hours of operation.

10 2. The board shall issue a license for a shop or establishment upon receipt
11 of the license fee from the applicant if the board finds that the shop or
12 establishment complies with the sanitary regulations adopted pursuant to section
13 328.060. All barber establishments shall continue to comply with the sanitary
14 regulations. Failure of a barber establishment to comply with the sanitary
15 regulations shall be grounds for the board to file a complaint with the
16 administrative hearing commission to revoke, suspend, or censure the
17 establishment's license or place the establishment's license on probation.

18 3. The license for a barber establishment shall be renewable. The
19 applicant for renewal of the license shall on or before the renewal date submit the
20 completed renewal application accompanied by the required renewal fee. If the
21 renewal application and fee are not submitted within thirty days following the
22 renewal date, a penalty fee plus the renewal fee shall be paid to renew the license.
23 If a new establishment opens any time during the licensing period and does not
24 register a license before opening, there shall be a delinquent fee in addition to the
25 regular fee. The license shall be kept posted in plain view within the barber
26 establishment at all times.]
27

[328.120. 1. Any firm, corporation or person may make application to
2 the board for a license to own and operate a barber school or college on the form
3 prescribed by the board. Every barber school or college in which the occupation
4 of barbering is taught shall be required to obtain a license from the board prior
5 to opening. The license shall be issued upon approval of the application by the
6 board, the payment of the required fees, and the board's determination that the
7 applicant meets all other requirements of this chapter and any rules promulgated
8 thereunder. The license shall be kept posted in plain view within the barber
9 school or college at all times.

2. A barber school or college license renewal application and fee shall be submitted on or before the renewal date of any school or college license issued under this section. If the barber school or college license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular license renewal fee.

3. The board shall promulgate rules and regulations regarding the course of study in a barber school or college, and may revoke any license issued hereunder for any violation of the provisions of this section or rule promulgated pursuant to this section. The board shall follow the procedure prescribed by chapter 621, RSMo, to revoke a barber school license. Licenses shall not be restricted to any one group or person but shall be granted to any reasonably qualified person or group under a fair and nondiscriminating method of determination.

4. There shall be not less than one teacher or instructor for every fifteen students in any barber school or college holding a license under this section.

5. The barber school or college shall immediately file with the board the name and age of each student entering the school, and the board shall cause the same to be entered in a register kept for that purpose. A registration fee shall be paid by the student.

6. The barber school or college shall certify to the board the names of all students who successfully completed a course of study approved by the board and consisting of at least one thousand hours of study under the direct supervision of a licensed instructor in a period of not less than six months.

7. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[328.130. The board shall issue a printed license to each person successfully meeting the board's requirements for licensure, which shall be evidence the holder thereof is entitled to practice the occupation of barbering in this state. The licensee shall post his or her license in a conspicuous place in front of his or her working chair where it may be readily seen by all persons whom he or she may serve.]

[328.140. There shall be kept a register, in which shall be entered the names of all persons to whom certificates are issued, and to whom permits for serving apprenticeship, or as students, under this chapter, and said register shall, at all reasonable times, be open to the public inspection.]

[328.150. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the

5 applicant of his right to file a complaint with the administrative hearing
6 commission as provided by chapter 621, RSMo.

7 2. The board may cause a complaint to be filed with the administrative
8 hearing commission as provided by chapter 161, RSMo, against any holder of
9 any certificate of registration or authority, permit or license required by this
10 chapter or any person who has failed to renew or has surrendered his certificate
11 of registration or authority, permit or license for any one or any combination of
12 the following causes:

13 (1) Use of any controlled substance, as defined in chapter 195, RSMo,
14 or alcoholic beverage to an extent that such use impairs a person's ability to
15 perform the work of any profession licensed or regulated by this chapter;

16 (2) The person has been finally adjudicated and found guilty, or entered
17 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
18 any state or of the United States, for any offense reasonably related to the
19 qualifications, functions or duties of any profession licensed or regulated under
20 this chapter, for any offense an essential element of which is fraud, dishonesty or
21 an act of violence, or for any offense involving moral turpitude, whether or not
22 sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any
24 certificate of registration or authority, permit or license issued pursuant to this
25 chapter or in obtaining permission to take any examination given or required
26 pursuant to this chapter;

27 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
28 compensation by fraud, deception or misrepresentation;

29 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation
30 or dishonesty in the performance of the functions or duties of any profession
31 licensed or regulated by this chapter;

32 (6) Violation of, or assisting or enabling any person to violate, any
33 provision of this chapter, or of any lawful rule or regulation adopted pursuant to
34 this chapter;

35 (7) Impersonation of any person holding a certificate of registration or
36 authority, permit or license or allowing any person to use his or her certificate of
37 registration or authority, permit, license or diploma from any school;

38 (8) Disciplinary action against the holder of a license or other right to
39 practice any profession regulated by this chapter granted by another state,
40 territory, federal agency or country upon grounds for which revocation or
41 suspension is authorized in this state;

42 (9) A person is finally adjudged insane or incompetent by a court of
43 competent jurisdiction;

44 (10) Assisting or enabling any person to practice or offer to practice any
45 profession licensed or regulated by this chapter who is not registered and
46 currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.]

[328.160. Any person practicing the occupation of barbering without having obtained a license as provided in this chapter, or willfully employing a barber who does not hold a valid license issued by the board, managing or conducting a barber school or college without first securing a license from the board, or falsely pretending to be qualified to practice as a barber or instructor or teacher of such occupation under this chapter, or failing to keep any license required by this chapter properly displayed or for any extortion or overcharge practiced, and any barber college, firm, corporation or person operating or conducting a barber college without first having secured the license required by this chapter, or failing to comply with such sanitary rules as the board, in conjunction with the department of health and senior services, prescribes, or for the violation of any of the provisions of this chapter, shall be deemed guilty of a class C misdemeanor. Prosecutions under this chapter shall be initiated and carried on in the same manner as other prosecutions for misdemeanors in this state.]

[329.035. 1. For the purposes of this section, "person employed in retail cosmetic sales" means any person who assists customers to select cosmetics by allowing the customer to apply samples of demonstration cosmetics, assisting the customer to apply cosmetics, or applying the cosmetic to the customer. There shall be no skin-to-skin contact between the salesperson and the customer. Assisted cosmetic applications by the customer or the person employed in retail cosmetic sales shall be performed with single-use applicators, except for perfume or cologne, samples applied to the hand or the arm or dispensed from a tube,

9 pump, spray or shaker container, or samples or applicators that have been
10 cleansed before each use or application. No person employed in retail cosmetic
11 sales as provided in this section shall accept any remuneration from the customer
12 for performing any of the acts described in this section or make such assistance
13 or application conditioned on any sale.

14 2. A license as required under section 329.030 is not required for persons
15 who are employed in retail cosmetic sales if such persons do not hold themselves
16 out to have a license, permit, certificate of registration or any other authority
17 authorizing such person to practice the professions licensed by the board.

18 3. The board may promulgate rules establishing minimum sanitation
19 standards for persons employed in retail cosmetic sales, but such rules shall not
20 require a sink at the cosmetic counter for a source and drainage of water or any
21 other electrical sanitation equipment required in hairdressing or cosmetologist's
22 or manicurist's shops licensed pursuant to this chapter. The board may inspect
23 retail cosmetic sales establishments to ensure compliance with this section and
24 rules promulgated thereunder.]
25

2 [329.180. There is hereby created and established a "State Board of
3 Cosmetology" for the purpose of licensing all persons engaged in the practice of
4 hair dressing, cosmetology and manicuring in this state. The board shall have
5 control and supervision of the licensed occupations, and enforcement of the terms
6 and provisions of this chapter.]

2 [329.260. Any person holding a valid license, certificate, permit, or other
3 authority, regulated or granted pursuant to sections 329.010 to 329.250 on August
4 28, 1995, shall be recognized by the board and shall be entitled to retain any
5 existing status, so long as the person complies with the provisions of sections
6 329.010 to 329.260 and any rules promulgated pursuant thereto. Such
7 recognition shall be as follows:

8 (1) All persons previously licensed as Class A shall be recognized as
9 Class CH;

10 (2) All persons previously licensed as Class B shall be recognized as
11 Class MO;

12 (3) All persons previously licensed as Class A and Class B shall be
13 recognized as Class CA.]

2 [329.265. After July 1, 1999, any licensed cosmetologist shall be required
3 to complete the required training of seven hundred fifty hours and pass the
required examination to be licensed as an esthetician.]

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