

SECOND REGULAR SESSION

HOUSE BILL NO. 2052

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EL-AMIN.

Read 1st time February 7, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4676L.01I

AN ACT

To repeal sections 329.010, 329.040, 329.050, and 329.080, RSMo, and to enact in lieu thereof five new sections relating to hair braiding.

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

Section A. Sections 329.010, 329.040, 329.050, and 329.080, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 329.010, 329.040, 329.050,
3 329.080, and 329.270, to read as follows:

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

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

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

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

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

13 (5) "Cosmetology" includes performing or offering to engage in any acts of the classified
14 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;

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

38 (e) **"Class HB - hair braiding", includes hair braiding as defined in subdivision (9)**
39 **of this section;**

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

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

46 (8) **"Hair braider", a person who engages in the practice of hair braiding on a**
47 **regular basis for compensation;**

48 (9) **"Hair braiding", the braiding, twisting, wrapping, weaving, extending, or**
49 **locking of human hair by hand or mechanical device, provided that the service does not**

50 **include hair cutting or the application of dyes, reactive chemicals, or other preparation to**
51 **alter the color or alter the structure of the hair;**

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

54 [(9)] (11) "Instructor", any person who is licensed to teach cosmetology or any practices
55 of cosmetology pursuant to this chapter;

56 [(10)] (12) "Manicurist", any person who, for compensation, engages in any or all of the
57 practices in paragraph (b) of subdivision (5) of this section;

58 [(11)] (13) "Parental consent", the written informed consent of a minor's parent or legal
59 guardian that must be obtained prior to providing body waxing on or near the genitalia;

60 [(12)] (14) "School of cosmetology" or "school of manicuring", an establishment
61 operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

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

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

11 3. No school of cosmetology shall be granted a license pursuant to this chapter unless
12 it:

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

17 (2) Requires all students to be enrolled in a course of study of no less than three hours
18 per day and no more than twelve hours per day with a weekly total that is no less than fifteen
19 hours and no more than seventy-two hours;

20 (3) Requires for the classified occupation of cosmetologist, the course of study shall be
21 no less than one thousand five hundred hours or, for a student in public vocational/technical
22 school no less than one thousand two hundred twenty hours; provided that, a school may elect
23 to base the course of study on credit hours by applying the credit hour formula in Subpart A of
24 Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The

25 student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom
26 training before the student may perform any of the acts of the classified occupation of
27 cosmetology on any patron or customer of the school of cosmetology;

28 (4) **Requires for the classified occupation of hair braider, the course of study shall**
29 **be no less than six hundred hours or the credit hours determined by the formula in**
30 **Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as**
31 **amended. The student shall earn a minimum of one hundred hours or equivalent credits**
32 **of classroom training before the student may perform any acts of hair braiding on any**
33 **patron or customer of the school of cosmetology;**

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

40 [(5)] (6) Requires for the classified occupation of esthetician, the course of study shall
41 be no less than seven hundred fifty hours or the credit hours determined by the formula in
42 Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as
43 amended. The student shall earn a minimum of seventy-five hours or equivalent credits of
44 classroom training before the student may perform any of the acts of the classified occupation
45 of esthetics on any patron or customer of the school of cosmetology or an esthetics school.

46 4. The subjects to be taught for the classified occupation of cosmetology shall be as
47 follows and the hours required for each subject shall be not less than those contained in this
48 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section
49 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- 50 (1) Shampooing of all kinds, forty hours;
51 (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
52 (3) Hair cutting and shaping, one hundred thirty hours;
53 (4) Permanent waving and relaxing, one hundred twenty-five hours;
54 (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
55 (6) Combouts, **braiding**, and hair styling techniques, one hundred five hours;
56 (7) Scalp treatments and scalp diseases, thirty hours;
57 (8) Facials, eyebrows and arches, forty hours;
58 (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
59 (10) Cosmetic chemistry, twenty-five hours;
60 (11) Salesmanship and shop management, ten hours;

- 61 (12) Sanitation and sterilization, thirty hours;
62 (13) Anatomy, twenty hours;
63 (14) State law, ten hours;
64 (15) Curriculum to be defined by school, not less than four hundred seventy hours.

65 5. The subjects to be taught for the classified occupation of manicurist shall be as
66 follows and the hours required for each subject shall be not less than those contained in this
67 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section
68 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- 69 (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty
70 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. 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. **The subjects to be taught for the classified occupation of cosmetology hair**
93 **braiding shall be as follows, and the hours required for each subject shall not be less than**
94 **those contained in this subsection or the credit hours determined by the formula in**
95 **Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as**
96 **amended:**

- 97 **(1) Professional requirements and ethics, twenty hours;**
98 **(2) Sanitation and health, fifty hours;**
99 **(3) Hair and scalp disorders and diseases, thirty hours;**
100 **(4) Hair analysis and scalp care, forty hours;**
101 **(5) Client preparation and consultation, twenty hours;**
102 **(6) Hair braiding and braid styling, two hundred forty hours;**
103 **(7) State law, ten hours; and**
104 **(8) Curriculum to be defined by school, not less than one hundred ninety hours.**

105 **8.** Training for all classified occupations shall include practical demonstrations, written
106 and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics,
107 cosmetics and electrical appliances consistent with the practical and theoretical requirements as
108 applicable to the classified occupations as provided in this chapter.

109 **[8.] 9.** No school of cosmetology shall operate within this state unless a proper license
110 pursuant to this chapter has first been obtained.

111 **[9.] 10.** Nothing contained in this chapter shall prohibit a licensee within a cosmetology
112 establishment from teaching any of the practices of the classified occupations for which the
113 licensee has been licensed for not less than two years in the licensee's regular course of business,
114 if the owner or manager of the business does not hold himself or herself out as a school and does
115 not hire or employ or personally teach regularly at any one and the same time, more than one
116 apprentice to each licensee regularly employed within the owner's business, not to exceed one
117 apprentice per establishment, and the owner, manager, or trainer does not accept any fee for
118 instruction.

119 **[10.] 11.** Each licensed school of cosmetology shall provide a minimum of two thousand
120 square feet of floor space, adequate rooms and equipment, including lecture and demonstration
121 rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements
122 shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet
123 sterilizers, and adequate working facilities for twenty students.

124 **[11.] 12.** Each licensed school of cosmetology for manicuring only shall provide a
125 minimum of one thousand square feet of floor space, adequate room for theory instruction,
126 adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for
127 ten students. Minimum floor space requirement proportionately increases with student
128 enrollment of over ten students.

129 **[12.] 13.** Each licensed school of cosmetology for esthetics only shall provide a
130 minimum of one thousand square feet of floor space, adequate room for theory instruction,
131 adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for

132 ten students. Minimum floor space requirement increases fifty square feet per student with
133 student enrollment of over ten.

134 [13.] **14.** No school of cosmetology may have a greater number of students enrolled and
135 scheduled to be in attendance for a given class period than the total floor space of that school will
136 accommodate. Floor space required per student shall be no less than fifty square feet per
137 additional student beyond twenty students for a school of cosmetology, beyond ten students for
138 a school of manicuring and beyond ten students for a school of esthetics.

139 [14.] **15.** Each applicant for a new school shall file a written application with the board
140 upon a form approved and furnished upon request by the board. The applicant shall include a
141 list of equipment, the proposed curriculum, and the name and qualifications of any and all of the
142 instructors.

143 [15.] **16.** Each school shall display in a conspicuous place, visible upon entry to the
144 school, a sign stating that all cosmetology services in this school are performed by students who
145 are in training.

146 [16.] **17.** Any student who wishes to remain in school longer than the required training
147 period may make application for an additional training license and remain in school. A fee is
148 required for such additional training license.

149 [17.] **18.** All contractual fees that a student owes to any cosmetology school shall be paid
150 before such student may be allowed to apply for any examination required to be taken by an
151 applicant applying for a license pursuant to the provisions of this chapter.

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 grade and be at least seventeen years of age;

5 (2) If the applicants are apprentices, they shall have served and completed, as an
6 apprentice under the supervision of a licensed cosmetologist, the time and studies required by
7 the board which shall be no less than three thousand hours for cosmetologists, and no less than
8 eight hundred hours for manicurists and no less than fifteen hundred hours for esthetics.
9 However, when the classified occupation of manicurist is apprenticed in conjunction with the
10 classified occupation of cosmetologist, the apprentice shall be required to successfully complete
11 an apprenticeship of no less than a total of three thousand hours;

12 (3) If the applicants are students, they shall have had the required time in a licensed
13 school of no less than one thousand five hundred hours training or the credit hours determined
14 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
15 Regulations, as amended, for the classification of cosmetologist, with the exception of public
16 vocational technical schools in which a student shall complete no less than one thousand two

17 hundred twenty hours training. All students shall complete no less than four hundred hours or
18 the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34
19 of the Code of Federal Regulations, as amended, for the classification of manicurist. All students
20 shall complete no less than seven hundred fifty hours or the credit hours determined by the
21 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
22 Regulations, as amended, for the classification of esthetician. However, when the classified
23 occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist,
24 the student shall not be required to serve the extra four hundred hours or the credit hours
25 determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of
26 Federal Regulations, as amended, otherwise required to include manicuring of nails; and

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

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

40 3. **Any person who holds a hair braiding license from another state, territory, or**
41 **country shall be eligible for a Class HB - hair braiding license without further training if**
42 **the person submits a fully completed application to the board for a Class HB - hair**
43 **braiding license prior to August 28, 2009, and passes both the written and practical portion**
44 **of the examination presently administered in Missouri for natural hairstyling. To be**
45 **eligible for licensure, the application shall be accompanied by a certification from the other**
46 **state, territory, or country verifying that the applicant holds a license to practice hair**
47 **braiding in such state, territory, or country and that the license is active, in good standing,**
48 **and not subject to any disciplinary terms. A person shall not be eligible for licensure under**
49 **this subsection unless the hair braiding license held by the applicant is from another state,**
50 **territory, or country that issues a license specifically and separately for hair braiding.**

51 4. Each application shall contain a statement that, subject to the penalties of making a
52 false affidavit or declaration, the application is made under oath or affirmation and that its

53 representations are true and correct to the best knowledge and belief of the person signing the
54 application.

55 [4.] 5. The sufficiency of the qualifications of applicants shall be determined by the
56 board, but the board may delegate this authority to its executive director subject to such
57 provisions as the board may adopt.

58 [5.] 6. For the purpose of meeting the minimum requirements for examination, training
59 completed by a student or apprentice shall be recognized by the board for a period of no more
60 than five years from the date it is received.

329.080. 1. An instructor trainee shall be a licensed cosmetologist, esthetician, **hair**
2 **braider**, or manicurist and shall hold a license as an instructor trainee in cosmetology, esthetics,
3 **hair braiding**, or manicuring. An applicant for a license to practice as an instructor trainee shall
4 submit to the board the required fee and a written application on a form supplied by the board
5 upon request that the applicant is of good moral character, in good physical and mental health,
6 has successfully completed at least a four-year high school course of study or the equivalent, and
7 holds a Missouri license to practice as a cosmetologist, esthetician, **hair braider**, or manicurist.
8 Each application shall contain a statement that it is made under oath or affirmation and that its
9 representations are true and correct to the best knowledge and belief of the person signing the
10 application, subject to the penalties of making a false affidavit or declaration.

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

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

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

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

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

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

27 4. **A person who holds a hair braiding license from another state, territory, or**
28 **country shall be eligible for an instructor license to teach hair braiding without further**

29 training if the person submits a fully completed instructor application to the board prior
30 to August 28, 2009, and passes both the written and practical portion of the examination
31 presently administered in Missouri for natural hairstyling. To be eligible for licensure, the
32 application shall be accompanied by a certification from the other state, territory, or
33 country verifying that the applicant holds a license to practice hair braiding in such state,
34 territory, or country and that the license is active, in good standing, and not subject to any
35 disciplinary terms. A person shall not be eligible for licensure under this subsection unless
36 the hair braiding license held by the applicant is from another state, territory, or country
37 that issues a license specifically and separately for hair braiding.

38 5. For the purpose of meeting the minimum requirements for examination, training
39 completed within a school of cosmetology by an instructor trainee shall be recognized by the
40 board for a period of no more than five years from the date it is received.

41 [5.] 6. The six hundred hours required pursuant to subsection 3 of this section may be
42 reduced as follows:

43 (1) Three years of experience as a practicing cosmetologist may be substituted for three
44 hundred hours of training. The three hundred hours will be partially reduced in proportion to
45 experience greater than six months but less than three; or

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

52 (3) Applicants who apply from states where the requirements are not substantially equal
53 to those in force in Missouri at the time of application, may be eligible for the examination if
54 they provide:

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

57 (b) Proof of full-time work experience of not less than one year as a cosmetology
58 instructor within the three-year period immediately preceding the application for examination.

329.270. No person licensed only as a Class HB - hair braider shall engage in the
2 **occupation of cosmetology by hair cutting, or the application of dyes, reactive chemicals,**
3 **or other preparation to alter the color or alter the structure of the hair.**

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