

SECOND REGULAR SESSION

# HOUSE BILL NO. 2234

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRATT.

3906L.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal sections 328.080, 328.090, 328.110, 329.010, 329.015, 329.025, 329.030, 329.035, 329.040, 329.050, 329.060, 329.080, 329.085, 329.100, 329.120, and 329.255, RSMo, and to enact in lieu thereof sixteen new sections relating to the regulation of barber and cosmetology licensure, with a penalty provision.

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

Section A. Sections 328.080, 328.090, 328.110, 329.010, 329.015, 329.025, 329.030, 329.035, 329.040, 329.050, 329.060, 329.080, 329.085, 329.100, 329.120, and 329.255, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 328.080, 328.090, 328.110, 329.010, 329.015, 329.025, 329.030, 329.035, 329.040, 329.050, 329.060, 329.080, 329.085, 329.100, 329.120, and 329.255, to read as follows:

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

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

(1) Is seventeen years of age or older and of good moral character;

(2) [Is free of contagious or infectious diseases;

(3)] Has studied for at least [one thousand] **fifteen hundred** hours in a period of not less than six months in a properly appointed and conducted barber school under the direct supervision of a licensed instructor; or, if the applicant is an apprentice, the applicant shall have served and

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.

12 completed no less than [two] **three** thousand hours under the direct supervision of a licensed  
13 barber apprentice supervisor;

14 [(4)] **(3)** Is possessed of requisite skill in the trade of barbering to properly perform the  
15 duties thereof, including the preparation of tools, shaving, haircutting and all the duties and  
16 services incident thereto; and

17 [(5)] **(4)** Has sufficient knowledge of the common diseases of the face and skin to avoid  
18 the aggravation and spread thereof in the practice of barbering.

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

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

23 5. For the purposes of meeting the minimum requirements for examination, the  
24 apprentice training shall be recognized by the board for a period not to exceed five years **from**  
25 **the date the board issues the relevant student or apprentice license to the person.**

328.090. **1.** Any person desiring to teach [barbering] in this state in a [barber] school,  
2 college or [barber shop must] **establishment shall** first possess a license to practice the  
3 occupation [of barbering] and make application to the board for an examination as a teacher or  
4 instructor in said occupation and shall pay the required instructor examination fee. [The board  
5 shall examine such applicant and] After finding that [he or she] **the applicant** is duly qualified  
6 to teach said occupation, the board shall issue to him or her a license entitling him or her to teach  
7 [barbering] in this state, subject to all the provisions of this chapter **and chapter 329.**

8 **2.** Holders of licenses to teach barbering shall, on or before the expiration of their  
9 respective licenses, make application for the renewal of same, and shall in each case pay the  
10 instructor renewal fee. **For each renewal the instructor shall submit proof of having**  
11 **attended a teacher training seminar or workshop at least once every two years, specifically**  
12 **approved by the board to satisfy the requirement for continued training under this section.**  
13 **Renewal fees shall be due and payable on or before the renewal date and, if the fee remains**  
14 **unpaid thereafter in such license period, there shall be a late fee in addition to the regular**  
15 **fee.**

16 **3.** Should any person holding a license to teach barbering fail to renew same within the  
17 time prescribed herein, such person shall be required to pay a reinstatement fee in addition to the  
18 regular license fee provided for herein. Any person failing to renew his or her license to teach  
19 barbering for a period not exceeding two years may reinstate said license upon the payment of  
20 the renewal fee in addition to the reinstatement fee, but any person failing to renew his or her  
21 license to teach barbering for a period exceeding two years and desiring to be licensed as a

22 teacher of barbering in this state will be required to pass a satisfactory examination as to his or  
23 her qualifications to teach barbering and shall pay the instructor examination fee.

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

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

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

18 **4. In lieu of renewal, a licensed barber may apply for an inactive license at the time**  
19 **the barber submits his or her application for renewal of the barber's license and pay the**  
20 **required renewal fee. An inactive license shall be issued and shall be renewed biennially.**  
21 **While the inactive license is in effect, the barber shall not practice as a barber in the state**  
22 **of Missouri. An inactive licensee may apply for an active barber license upon filing a**  
23 **written application on a form provided by the board and submitting the fee established by**  
24 **the board.**

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] **nail technology**", an  
4 establishment operated for the purpose of teaching cosmetology as defined in this section and  
5 meeting the 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:

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] **above the shoulders. A Class-CH**  
24 **license shall not be issued by the board after August 28, 2010; provided that any person**  
25 **who is licensed as a Class-CH cosmetologist by the board on August 28, 2010, or who is**  
26 **enrolled in or has completed the required training or education for a Class-CH license on**  
27 **August 28, 2010, shall be issued and entitled to renew their Class-CH license upon**  
28 **satisfying all applicable examination and licensing requirements. A Class-CH license**  
29 **issued shall be recognized by the board and shall be entitled to retain any existing status,**  
30 **so long as the licensee complies with the provisions of sections 329.010 to 329.265 and any**  
31 **rules promulgated thereunder;**

32 (b) "[Class MO - manicurist] **Class NT - nail technician**" includes cutting, trimming,  
33 polishing, coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying  
34 artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes  
35 cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's  
36 toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;

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

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

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

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

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

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

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

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

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

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

12 2. The governor shall appoint members to the board by and with the advice and consent  
13 of the senate. The board shall consist of [eleven] **seven** members each of whom are United  
14 States citizens and who have been residents of this state for at least one year immediately  
15 preceding their appointment. Of these [eleven] **seven** members, [three] **two** shall be licensed  
16 cosmetologists holding a Class CA license classification, one shall be an accredited cosmetology  
17 school owner as defined in section 329.010, one shall be the owner of a school licensed under  
18 subsection 1 of section 329.040, [one shall be a cosmetologist with a license of any type of  
19 cosmetology classification, three] **two** shall be licensed barbers, and [two] **one** shall be a voting

20 public [members] **member**. All members, except the public members and the accredited  
21 cosmetology school owner member, shall be cosmetologists and barbers duly registered as such  
22 and licensed under the laws of this state and shall have been actively engaged in the lawful  
23 practice of their profession for a period of at least five years immediately preceding their  
24 appointment. All members of the board, including public [members] **member** and the accredited  
25 cosmetology school owner member, shall be chosen from lists submitted by the director of the  
26 division of professional registration.

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

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

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

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

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 and appoint the necessary inspectors and examining assistants;

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

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

13 (5) Employ and remove board personnel, as set forth in subdivision (4) of subsection 10  
14 of section 324.001, RSMo, including an executive secretary or comparable position, inspectors,  
15 investigators, legal counsel and secretarial support staff, as may be necessary for the efficient  
16 operation of the board, within the limitations of its appropriation;

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

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

22 (8) Determine the sufficiency of the qualifications of applicants; [and]

23 (9) Prescribe by rule the minimum standards and methods of accountability for the  
24 schools of barbering and cosmetology licensed under this chapter and chapter 328, RSMo; **and**

25 **(10) Keep a register, in which shall be entered the names of all persons to whom**  
26 **certificates, licenses, or permits are issued, and to whom permits for serving**  
27 **apprenticeships, or as students, are issued under this chapter and chapter 328, and such**  
28 **register shall at all reasonable times be open to public inspection.**

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

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

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

34 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
35 is created under the authority delegated in this chapter and chapter 328, RSMo, shall become  
36 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,  
37 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are

38 nonseverable and if any of the powers vested with the general assembly under chapter 536,  
39 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently  
40 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
41 after August 28, 2001, shall be invalid and void.

329.030. 1. It is unlawful for any person in this state to engage in the occupation of  
2 cosmetology or to operate an establishment or school of cosmetology, unless such person has  
3 first obtained a license as provided by this chapter.

4 **2. No licensee shall provide body waxing on or near the genital area of a minor**  
5 **without parental consent.**

329.035. 1. For the purposes of this section, "person employed in retail cosmetic sales"  
2 means any person who assists customers to select cosmetics by allowing the customer to apply  
3 samples of demonstration cosmetics, assisting the customer to apply cosmetics, or applying the  
4 cosmetic to the customer. There shall be no skin-to-skin contact between the salesperson and  
5 the customer. Assisted cosmetic applications by the customer or the person employed in retail  
6 cosmetic sales shall be performed with single-use applicators, except for perfume or cologne,  
7 samples applied to the hand or the arm or dispensed from a tube, pump, spray or shaker  
8 container, or samples or applicators that have been cleansed before each use or application. No  
9 person employed in retail cosmetic sales as provided in this section shall accept any  
10 remuneration from the customer for performing any of the acts described in this section or make  
11 such assistance or application conditioned on any sale.

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

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

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 **fifty** 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 [manicurist] **nail technician**, the course of  
29 study shall be no less than [four] **six** hundred hours or the credit hours determined by the formula  
30 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] **twelve** hundred fifty hours or the credit hours determined by the formula in  
36 Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as  
37 amended. The student shall earn a minimum of seventy-five hours or equivalent credits of  
38 classroom training before the student may perform any of the acts of the classified occupation  
39 of esthetics on any patron or customer of the school of cosmetology or an esthetics school.

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

42 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section  
43 668.8 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] **sixty-five** hours;
- 46 (3) Hair cutting and shaping, one hundred [thirty] **sixty-five** hours;
- 47 (4) Permanent waving and relaxing, one hundred twenty-five hours;
- 48 (5) Hairsetting, pin curls, fingerwaves, thermal curling, [two hundred twenty-five] **one**  
49 **hundred sixty-five** hours;
- 50 (6) Combouts and hair styling techniques, [one hundred five] **ninety** hours;
- 51 (7) Scalp treatments and scalp diseases, thirty hours;
- 52 (8) Facials, eyebrows and arches, forty hours;
- 53 (9) Manicuring **and pedicuring**, hand [and] , arm, **foot, and leg** massage and treatment  
54 of nails, one hundred ten hours;
- 55 (10) Cosmetic chemistry, twenty-five hours;
- 56 (11) Salesmanship and [shop] **business** management, [ten] **thirty** hours;
- 57 (12) Sanitation and sterilization, thirty hours;
- 58 (13) Anatomy, twenty hours;
- 59 (14) State law, [ten] **twenty** hours;
- 60 (15) Curriculum to be defined by school, not less than four hundred [seventy] **ninety-**  
61 **five** hours.

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

- 66 (1) [Manicuring, hand and arm massage and treatment of nails, two hundred twenty  
67 hours;
- 68 (2) Salesmanship and shop management, twenty hours;
- 69 (3) Sanitation and sterilization, twenty hours;
- 70 (4) Anatomy, ten hours;
- 71 (5) State law, ten hours;
- 72 (6) Study of the use and application of certain chemicals, forty hours; and
- 73 (7) Curriculum to be defined by school, not less than eighty hours] **Orientation, five**  
74 **hours;**
- 75 (2) **Client consultation (client health history, consultation techniques), five hours;**

76 (3) Manicuring (implements and equipment, electric filing, professional products,  
77 nail shapes, procedures, types of manicures - basic, hot oil, paraffin, spa, French, and  
78 American), fifty-five hours;

79 (4) Pedicuring (implements and equipment, electric filing, professional products,  
80 nail shapes, procedures, types of pedicures - basic, hot oil, paraffin, spa, French, and  
81 American), fifty-five hours;

82 (5) Professional development (grooming, customer relations, ethics), ten hours;

83 (6) Infection control, forty hours. Infection control training shall include training  
84 on bacteria and other infectious agents, infection prevention, Occupational Safety and  
85 Health Administration requirements and compliance, Centers for Disease Control and  
86 Prevention requirements and compliance, sanitation and disinfection, Missouri sanitation  
87 requirements, board sanitation rules, material safety data sheets, sanitation and  
88 disinfection products, safety measures and products, safety protection and environmental  
89 safety;

90 (7) Nail tips, forty hours;

91 (8) Nail wraps, sixty hours;

92 (9) Acrylic nails, sixty hours;

93 (10) Gel nails, sixty hours;

94 (11) Nail structure and anatomy, ten hours;

95 (12) Nail disorders and diseases, ten hours;

96 (13) Nail product chemistry, ten hours;

97 (14) Massage, twenty hours;

98 (15) Aromatherapy, ten hours;

99 (16) Skin structure and anatomy, ten hours;

100 (17) Skin disorders and diseases, ten hours;

101 (18) Establishment business and management, ten hours;

102 (19) Salesmanship, ten hours;

103 (20) General anatomy, ten hours;

104 (21) Nail art, ten hours;

105 (22) State law, twenty hours; and

106 (23) Curriculum to be defined by the school, seventy hours.

107 6. The subjects to be taught for the classified occupation of esthetician shall be as  
108 follows, and the hours required for each subject shall not be less than those contained in this  
109 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section  
110 668.8 of Title 34 of the Code of Federal Regulations, as amended:

111 (1) Facials, cleansing, toning, massaging, [one hundred twenty] **three hundred** hours;

- 112 (2) Makeup application, all phases, one hundred hours;  
113 (3) Hair removal, [thirty] **seventy-five** hours;  
114 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;  
115 (5) Reflexology, [thirty-five] **fifty** hours;  
116 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;  
117 (7) Cosmetic chemistry, products, and ingredients, [seventy-five] **eighty-five** hours;  
118 (8) Salon management and salesmanship, [fifty-five] **seventy-five** hours;  
119 (9) Sanitation and sterilization, safety, [forty-five] **sixty** hours;  
120 (10) **Advanced treatments, microdermabrasion, chemical peels, eighty-five hours;**  
121 **(11) Anatomy, sixty hours;**  
122 **(12) State law, [ten] twenty** hours; and  
123 [(11)] **(13) Curriculum to be defined by school, not less than [seventy-five] one hundred**  
124 **thirty-five** hours.
- 125 7. Training for all classified occupations shall include practical demonstrations, written  
126 and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics,  
127 cosmetics and electrical appliances consistent with the practical and theoretical requirements as  
128 applicable to the classified occupations as provided in this chapter.
- 129 8. No school of cosmetology shall operate within this state unless a proper license  
130 pursuant to this chapter has first been obtained.
- 131 9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology  
132 establishment from teaching any of the practices of the classified occupations for which the  
133 licensee has been licensed for not less than two years in the licensee's regular course of business,  
134 if the owner or manager of the business does not hold himself or herself out as a school and does  
135 not hire or employ or personally teach regularly at any one and the same time, more than one  
136 apprentice to each licensee regularly employed within the owner's business, not to exceed one  
137 apprentice per establishment, and the owner, manager, or trainer does not accept any fee for  
138 instruction.
- 139 10. Each licensed school of cosmetology shall provide a minimum of two thousand  
140 square feet of floor space, adequate rooms and equipment, including lecture and demonstration  
141 rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements  
142 shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet  
143 sterilizers, and adequate working facilities for twenty students.
- 144 11. Each licensed school of cosmetology for [manicuring] **nail technology** only shall  
145 provide a minimum of one thousand square feet of floor space, adequate room for theory  
146 instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical

147 working area for ten students. Minimum floor space requirement proportionately increases with  
148 student enrollment of over ten students.

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

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

159         14. Each applicant for a new school shall file a written application with the board upon  
160 a form approved and furnished upon request by the board. The applicant shall include a list of  
161 equipment, the proposed curriculum, and the name and qualifications of any and all of the  
162 instructors.

163         15. Each school shall display in a conspicuous place, visible upon entry to the school,  
164 a sign stating that all cosmetology services in this school are performed by students who are in  
165 training.

166         16. Any student who wishes to remain in school longer than the required training period  
167 may make application for an additional training license and remain in school. A fee is required  
168 for such additional training license.

169         17. All contractual fees that a student owes to any cosmetology school shall be paid  
170 before such student may be allowed to apply for any examination required to be taken by an  
171 applicant applying for a license pursuant to the provisions of this chapter. **The board may**  
172 **waive the requirements of this section if the student or the student's designated**  
173 **representative provides proof satisfactory to the board that the student has unsuccessfully**  
174 **attempted to provide payment or unsuccessfully attempted to contact the school owner or**  
175 **for other good cause as determined by the board.**

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] **has successfully completed at least a high school**  
5 **course of study or its equivalent** and **shall** be at least seventeen years of age;

6         (2) If the applicants are apprentices, they shall have served and completed, as an  
7 apprentice under the supervision of a **cosmetologist** licensed [cosmetologist] **in the field of the**

8 **apprentice's study**, the time and studies required by the board which shall be no less than three  
9 thousand hours **one hundred** for cosmetologists, and no less than [eight] **twelve** hundred hours  
10 for [manicurists] **nail technicians** and no less than [fifteen] **two thousand five** hundred hours  
11 for esthetics. However, when the classified occupation of [manicurist] **nail technician** is  
12 apprenticed in conjunction with the classified occupation of cosmetologist, the apprentice shall  
13 be required to successfully complete an apprenticeship of no less than a total of three thousand  
14 hours;

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

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

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

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

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

51           5. For the purpose of meeting the minimum requirements for examination, training  
52 **hours** completed by a student or apprentice shall be recognized by the board for a period of [no  
53 more than] five years from the date [it is received] **the board issues the relevant student or**  
54 **apprentice license to the person.**

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 shall  
5 contain a statement that it is made under oath or affirmation and that its representations are true  
6 and correct to the best knowledge and belief of the person signing same, subject to the penalties  
7 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, until the expiration of the  
13 temporary license. Any person continuing to practice the occupation beyond the expiration of  
14 the temporary license without being licensed in cosmetology as provided in this chapter is guilty  
15 of [an infraction] **a class C misdemeanor.**

329.080. 1. An instructor trainee shall be a licensed cosmetologist, esthetician or  
2 [manicurist] **nail technician** and shall hold a license as an instructor trainee in cosmetology,  
3 esthetics or [manicuring] **nail technology**. An applicant for a license to practice as an instructor  
4 trainee shall submit to the board the required fee and a written application on a form supplied  
5 by the board upon request that the applicant is of good moral character, in good physical and  
6 mental health, has successfully completed at least a four-year high school course of study or the  
7 equivalent, and holds a Missouri license to practice as a cosmetologist, esthetician or  
8 [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 may be substituted for three  
34 hundred hours of training. The three hundred hours will be partially reduced in proportion to  
35 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 states where the requirements are not substantially equal  
43 to those in force in Missouri at the time of application, may be eligible for the examination if  
44 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  
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] **nail technician**, or esthetician. If  
6 the applicant passes the examination to the satisfaction of the board, the board shall issue to the  
7 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] **nail technician** license renewal fee. For each renewal the instructor  
12 shall submit proof of having attended a teacher training seminar or workshop at least once every  
13 two years, sponsored by any university, or Missouri vocational association, or bona fide  
14 **Missouri** state cosmetology association specifically approved by the board to satisfy the  
15 requirement for continued training of this subsection. Renewal fees shall be due and payable on  
16 or before the renewal date and, if the fee remains unpaid thereafter in such license period, there  
17 shall be a late fee in addition to the regular fee.

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

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

28 6. Any person licensed as a cosmetology instructor prior to the training requirements  
29 which became effective January 1, 1979, may continue to be licensed as such, provided such  
30 license is maintained and the licensee complies with the continued training requirements as  
31 provided in subsection 3 of this section. Any person with an expired instructor license that is not

32 restored to current status within two years of the date of expiration shall be required to meet the  
33 training and examination requirements as provided in this section and section 329.080.

329.100. The examination of applicants for licenses to practice under this chapter shall  
2 be conducted under the rules prescribed by the board and shall include both practical  
3 demonstrations and written [and oral] tests in reference to the practices for which a license is  
4 applied and such related studies and subjects as the board may determine necessary for the proper  
5 and efficient performance of such practices and shall not be confined to any specific system or  
6 method, and such examinations shall be consistent with the practical and theoretical  
7 requirements of the classified occupation or occupations as provided by 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. A holder of a cosmetology license who has been honorably discharged from the**  
8 **United States armed forces and has not renewed his or her license as herein provided shall,**  
9 **upon his or her return to cosmetology within one year from date of honorable discharge,**  
10 **pay one dollar for renewal of same.**

11 **3. In lieu of renewal, a licensed cosmetologist may apply for an inactive license at**  
12 **the time the cosmetologist submits his or her application for renewal of the cosmetologist**  
13 **license and pay the required renewal fee. An inactive license shall be issued and shall be**  
14 **renewed biennially. While the inactive license is in effect, the cosmetologist shall not**  
15 **practice as a cosmetologist in the state of Missouri. An inactive licensee may apply for an**  
16 **active cosmetology license upon filing a written application on a form provided by the**  
17 **board and submitting the fee established by the board.**

329.255. 1. Any person:

2 (1) Offering to engage or engaging in the performance of any acts or practices for which  
3 a certificate of registration or authority, permit or license is required by this chapter upon a  
4 showing that such acts or practices were performed or offered to be performed without a  
5 certificate of registration or authority, permit or license; or

6 (2) Engaging in any practice or business authorized by a certificate of registration or  
7 authority, permit or license issued pursuant to this chapter upon a showing that the holder  
8 presents a substantial probability of serious danger to the health, safety or welfare of any resident  
9 of this state or client of the licensee.

10           2. Any person violating the provisions of subsection 1 or 2 of this section shall be  
11 deemed guilty of [an infraction] **a class C misdemeanor.**

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