

SECOND REGULAR SESSION

HOUSE BILL NO. 2194

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WELLS (Sponsor), BRANDOM, WILSON (130), NANCE,
POLLOCK AND DAY (Co-sponsors).

4802L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 329.040, RSMo, and to enact in lieu thereof one new section relating to cosmetologists.

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

Section A. Section 329.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 329.040, to read as follows:

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;

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.

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 manicurist, the course of study shall be no
29 less than four hundred hours or the credit hours [determined by the formula in Subpart A of Part
30 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended]. The student
31 must earn a minimum of fifty hours or equivalent credits of classroom training before the student
32 may perform any of the acts of the classified occupation of manicurist on any patron or customer
33 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 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 hours;

46 (3) Hair cutting and shaping, one hundred thirty hours;

47 (4) Permanent waving and relaxing, one hundred twenty-five hours;

48 (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;

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

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

51 (8) Facials, eyebrows and arches, forty hours;

52 (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;

- 53 (10) Cosmetic chemistry, twenty-five hours;
54 (11) Salesmanship and shop management, ten hours;
55 (12) Sanitation and sterilization, thirty hours;
56 (13) Anatomy, twenty hours;
57 (14) State law, ten hours;
58 (15) Curriculum to be defined by school, not less than four hundred seventy hours.

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

- 63 (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty
64 hours;
65 (2) Salesmanship and shop management, twenty hours;
66 (3) Sanitation and sterilization, twenty hours;
67 (4) Anatomy, ten hours;
68 (5) State law, ten hours;
69 (6) Study of the use and application of certain chemicals, forty hours; and
70 (7) Curriculum to be defined by school, not less than eighty hours.

71 6. The subjects to be taught for the classified occupation of esthetician shall be as
72 follows, and the hours required for each subject shall not be less than those contained in this
73 subsection or the credit hours [determined by the formula in Subpart A of Part 668 of Section
74 668.8 of Title 34 of the Code of Federal Regulations, as amended]:

- 75 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
76 (2) Makeup application, all phases, one hundred hours;
77 (3) Hair removal, thirty hours;
78 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
79 (5) Reflexology, thirty-five hours;
80 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
81 (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
82 (8) Salon management and salesmanship, fifty-five hours;
83 (9) Sanitation and sterilization, safety, forty-five hours;
84 (10) State law, ten hours; and
85 (11) Curriculum to be defined by school, not less than seventy-five hours.

86 7. Training for all classified occupations shall include practical demonstrations, written
87 and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics,

88 cosmetics and electrical appliances consistent with the practical and theoretical requirements as
89 applicable to the classified occupations as provided in this chapter.

90 8. No school of cosmetology shall operate within this state unless a proper license
91 pursuant to this chapter has first been obtained.

92 9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology
93 establishment from teaching any of the practices of the classified occupations for which the
94 licensee has been licensed for not less than two years in the licensee's regular course of business,
95 if the owner or manager of the business does not hold himself or herself out as a school and does
96 not hire or employ or personally teach regularly at any one and the same time, more than one
97 apprentice to each licensee regularly employed within the owner's business, not to exceed one
98 apprentice per establishment, and the owner, manager, or trainer does not accept any fee for
99 instruction.

100 10. Each licensed school of cosmetology shall provide a minimum of two thousand
101 square feet of floor space, adequate rooms and equipment, including lecture and demonstration
102 rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements
103 shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet
104 sterilizers, and adequate working facilities for twenty students.

105 11. Each licensed school of cosmetology for manicuring only shall provide a minimum
106 of one thousand square feet of floor space, adequate room for theory instruction, adequate
107 equipment, lockers, an adequate library, two restrooms and a clinical working area for ten
108 students. Minimum floor space requirement proportionately increases with student enrollment
109 of over ten students.

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

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

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

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

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

130 17. All contractual fees that a student owes to any cosmetology school shall be paid
131 before such student may be allowed to apply for any examination required to be taken by an
132 applicant applying for a license pursuant to the provisions of this chapter.

133 **18. No applicant for an accredited school of cosmetology or school of manicuring**
134 **and school of cosmetology established under section 329.010 shall be approved by the**
135 **board unless the current active instructor-to-school ratio is equal to or greater than nine**
136 **active instructors to one licensed school. Any school established under section 329.010 that**
137 **holds a valid license on August 28, 2010, shall be recognized by the board and shall be**
138 **entitled to retain existing status. Any school being moved within twenty-five miles of its**
139 **existing location or sold shall be relicensed as if it were an existing school so long as it meets**
140 **other licensing requirements.**

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