

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1500

AN ACT

To repeal sections 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo, and to enact in lieu thereof fourteen new sections relating to reduction in regulation of certain occupations.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 328.080, 328.100, 329.010, 329.040,  
2           329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo,  
3           are repealed and fourteen new sections enacted in lieu thereof,  
4           to be known as sections 324.047, 328.025, 328.080, 329.010,  
5           329.032, 329.033, 329.040, 329.050, 329.060, 329.070, 329.080,  
6           329.085, 329.130, and 329.275, to read as follows:

7           324.047. 1. The purpose of this section is to promote  
8           general welfare by establishing guidelines for the regulation of  
9           occupations and professions not regulated prior to January 1,  
10           2019, and guidelines for combining any additional occupations or  
11           professions under a single license regulated by the state prior  
12           to January 1, 2019.

13           2. For purposes of this section, the following terms mean:

1       (1) "Applicant group", any occupational or professional  
2 group or organization, any individual, or any other interested  
3 party that seeks to be licensed or further regulated or supports  
4 any bill that proposes to combine any additional occupations or  
5 professions under a single license regulated by the state prior  
6 to January 1, 2019;

7       (2) "Certification", a program in which the government  
8 grants nontransferable recognition to an individual who meets  
9 personal qualifications established by a regulatory entity. Upon  
10 approval, the individual may use "certified" as a designated  
11 title. This term shall not be synonymous with an occupational  
12 license;

13       (3) "Department", the department of insurance, financial  
14 institutions and professional registration;

15       (4) "Director", the director of the division of  
16 professional registration;

17       (5) "Division", the division of professional registration;

18       (6) "General welfare", the concern of the government for  
19 the health, peace, morality, and safety of its residents;

20       (7) "Lawful occupation", a course of conduct, pursuit, or  
21 profession that includes the sale of goods or services that are  
22 not themselves illegal to sell irrespective of whether the  
23 individual selling them is subject to an occupational regulation;

24       (8) "Least restrictive type of occupational regulation",  
25 the regulation that is least restrictive, in which the following  
26 list of regulations in order from least to most restrictive is  
27 used to make such determination:

28       (a) Bonding or insurance;

1       (b) Registration;

2       (c) Certification;

3       (d) Occupational license;

4       (9) "Occupational license", a nontransferable authorization  
5 in law for an individual to perform a lawful occupation for  
6 compensation based on meeting personal qualifications established  
7 by a regulatory entity and that, if not possessed, prohibits the  
8 individual from performing the occupation for compensation;

9       (10) "Occupational regulation", a statute, ordinance, rule,  
10 practice, policy, or other law requiring an individual to possess  
11 certain personal qualifications to work in a lawful occupation;

12       (11) "Personal qualifications", criteria related to an  
13 individual's personal background, including completion of an  
14 approved educational program, satisfactory performance on an  
15 examination, work experience, criminal history, and completion of  
16 continuing education;

17       (12) "Practitioner", an individual who has achieved  
18 knowledge and skill by practice and is actively engaged in a  
19 specified occupation or profession;

20       (13) "Registration", a requirement established by the  
21 general assembly in which an individual:

22       (a) Submits notification to a state agency; and

23       (b) May use "registered" as a designated title.

24  
25 Notification may include the individual's name and address, the  
26 individual's agent for service of process, the location of the  
27 activity to be performed, and a description of the service the  
28 individual provides. Registration may include a requirement to

1 post a bond but does not include education or experience  
2 requirements. If the requirement of registration is not met, the  
3 individual is prohibited from performing the occupation for  
4 compensation or using "registered" as a designated title. The  
5 term "registration" shall not be synonymous with an occupational  
6 license;

7 (14) "Regulatory entity", any board, commission, agency,  
8 division, or other unit or subunit of state government that  
9 regulates one or more professions, occupations, industries,  
10 businesses, or other endeavors in this state;

11 (15) "State agency", every state office, department, board,  
12 commission, regulatory entity, and agency of the state. The term  
13 "state agency" includes, if provided by law, programs and  
14 activities involving less than the full responsibility of a state  
15 agency;

16 (16) "Substantial burden", a requirement in an occupational  
17 regulation that imposes significant difficulty or cost on an  
18 individual seeking to enter into or continue in a lawful  
19 occupation and is more than an incidental burden.

20 3. All individuals may engage in the occupation of their  
21 choice, free from unreasonable government regulation. The state  
22 shall not impose a substantial burden on an individual's pursuit  
23 of his or her occupation or profession unless there is a  
24 reasonable interest for the state to protect the general welfare.  
25 If such an interest exists, the regulation adopted by the state  
26 shall be the least restrictive type of occupational regulation  
27 consistent with the public interest to be protected.

28 4. All bills introduced in the general assembly to

1 regulate, pursuant to subsection 6 of this section, an occupation  
2 or profession shall be reviewed according to the following  
3 criteria. An occupation or profession shall be regulated by the  
4 state if:

5 (1) Unregulated practice could cause harm and endanger the  
6 general welfare, and the potential for further harm and  
7 endangerment is recognizable;

8 (2) The public can reasonably be expected to benefit from  
9 an assurance of personal qualifications; and

10 (3) The general welfare cannot be sufficiently protected by  
11 other means.

12 5. After evaluating the criteria in subdivision (3) of this  
13 subsection and considering governmental, economic, and societal  
14 costs and benefits, if the general assembly finds that the state  
15 has a reasonable interest in regulating, pursuant to subsection 6  
16 of this section, an occupation or profession not previously  
17 regulated by law, the most efficient form of regulation shall be  
18 implemented, consistent with this section and with the need to  
19 protect the general welfare, as follows:

20 (1) If the threat to the general welfare resulting from the  
21 practitioner's services is easily predictable, the regulation  
22 shall implement a system of insurance, bonding, or registration;

23 (2) If the consumer has challenges accessing credentialing  
24 information or possesses significantly less information on how to  
25 report abuses such that the practitioner puts the consumer in a  
26 disadvantageous position relative to the practitioner to judge  
27 the quality of the practitioner's services, the regulation shall  
28 implement a system of certification; and

1       (3) If other regulatory structures, such as bonding,  
2 insurance, registration, and certification, insufficiently  
3 protect the general welfare from recognizable harm, the  
4 regulation shall implement a system of licensing.

5       6. After January 1, 2019, any relevant regulatory entity  
6 shall report, and the department shall make available to the  
7 general assembly, upon the filing of a bill that proposes  
8 additional regulation of a profession or occupation currently  
9 regulated by the regulatory entity, the following factors to the  
10 department:

11       (1) A description of the professional or occupational group  
12 proposed for expansion of regulation, including the number of  
13 individuals or business entities that would be subject to  
14 regulation to the extent that such information is available; the  
15 names and addresses of associations, organizations, and other  
16 groups representing the practitioners; and an estimate of the  
17 number of practitioners in each group;

18       (2) Whether practice of the profession or occupation  
19 proposed for expansion of regulation requires such a specialized  
20 skill that the public is not qualified to select a competent  
21 practitioner without assurances that minimum qualifications have  
22 been met;

23       (3) The nature and extent of potential harm to the public  
24 if the profession or occupation is not regulated as described in  
25 the bill, the extent to which there is a threat to the general  
26 welfare, and production of evidence of potential harm, including  
27 a description of any complaints filed with state law enforcement  
28 authorities, courts, departmental agencies, professional or

1 occupational boards, and professional and occupational  
2 associations that have been lodged against practitioners of the  
3 profession or occupation in this state within the past five  
4 years. Notwithstanding the provisions of this section or any  
5 other section, the relevant regulatory entity shall provide, and  
6 the department shall make available to the general assembly, the  
7 information relating to such complaints even if the information  
8 is considered a closed record or otherwise confidential; except  
9 that, the regulatory entity and the department shall redact names  
10 and other personally identifiable information from the  
11 information released;

12 (4) A description of the voluntary efforts made by  
13 practitioners of the profession or occupation to protect the  
14 public through self-regulation, private certifications,  
15 membership in professional or occupational associations, or  
16 academic credentials and a statement of why these efforts are  
17 inadequate to protect the public;

18 (5) The extent to which expansion of regulation of the  
19 profession or occupation will increase the cost of goods or  
20 services provided by practitioners and the overall cost-  
21 effectiveness and economic impact of the proposed regulation,  
22 including the direct cost to the government and the indirect  
23 costs to consumers;

24 (6) The extent to which expansion of regulation of the  
25 profession or occupation would increase or decrease the  
26 availability of services to the public;

27 (7) The extent to which existing legal remedies are  
28 inadequate to prevent or redress the kinds of harm potentially

1 resulting from the lack of the requirements outlined in the bill;

2 (8) Why bonding and insurance, registration, certification,  
3 occupational license to practice, or another type of regulation  
4 is being proposed, why that regulatory alternative was chosen,  
5 and whether the proposed method of regulation is appropriate;

6 (9) A list of other states that regulate the profession or  
7 occupation, the type of regulation, copies of other states' laws,  
8 and available evidence from those states of the effect of  
9 regulation on the profession or occupation in terms of a  
10 before-and-after analysis;

11 (10) The details of any previous efforts in this state to  
12 implement regulation of the profession or occupation;

13 (11) Whether the proposed requirements for regulation  
14 exceed the national industry standards of minimal competence, if  
15 such standards exist, and what those standards are if they exist;  
16 and

17 (12) The method proposed to finance the proposed regulation  
18 and financial data pertaining to whether the proposed regulation  
19 can be reasonably financed by current or proposed licensees  
20 through dedicated revenue mechanisms.

21 7. If no existing regulatory entity regulates the  
22 occupation or profession to be regulated in the bill, the  
23 department shall report and make available to the general  
24 assembly, upon the filing of a bill after January 1, 2019, that  
25 proposes new regulation of a profession or occupation, the  
26 following factors:

27 (1) A description of the professional or occupational group  
28 proposed for regulation, including the number of individuals or

1 business entities that would be subject to regulation to the  
2 extent that such information is available; the names and  
3 addresses of associations, organizations, and other groups  
4 representing the practitioners; and an estimate of the number of  
5 practitioners in each group;

6 (2) The nature and extent of potential harm to the public  
7 if the profession or occupation is not regulated, the extent to  
8 which there is a threat to the general welfare, and production of  
9 evidence of potential harm, including a description of any  
10 complaints filed with state law enforcement authorities, courts,  
11 departmental agencies, professional or occupational boards, and  
12 professional and occupational associations that have been lodged  
13 against practitioners of the profession or occupation in this  
14 state within the past five years. Notwithstanding the provisions  
15 of this section or any other section, the department shall  
16 release the information relating to such complaints even if the  
17 information is considered a closed record or otherwise  
18 confidential; except that, the department shall redact names and  
19 other personally identifiable information from the information  
20 released;

21 (3) A list of other states that regulate the profession or  
22 occupation, the type of regulation, copies of other states' laws,  
23 and available evidence from those states of the effect of  
24 regulation on the profession or occupation in terms of a  
25 before-and-after analysis;

26 (4) The details of any previous efforts in this state to  
27 implement regulation of the profession or occupation; and

28 (5) Whether the proposed requirements for regulation exceed

1 the national industry standards of minimal competence, if such  
2 standards exist, and what those standards are if they exist.

3 8. After January 1, 2019, applicant groups may report to  
4 the department, and the department shall make available to the  
5 general assembly, any of the information required in subsection 6  
6 or 7 of this section and whether the profession or occupation  
7 plans to apply for mandated benefits.

8 328.025. If a license issued under this chapter has been  
9 destroyed, lost, mutilated beyond practical usage, or was never  
10 received, the licensee shall obtain a duplicate license from the  
11 board by appearing in person at the board's office or mailing, by  
12 certified mail, return receipt requested, a notarized affidavit  
13 stating that the license has been destroyed, lost, mutilated  
14 beyond practical usage, or was never received.

15 328.080. 1. Any person desiring to practice barbering in  
16 this state shall make application for a license to the board and  
17 shall pay the required barber examination fee.

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

24 (1) Is seventeen years of age or older [and of good moral  
25 character];

26 (2) Is free of contagious or infectious diseases that are  
27 capable of being transmitted during the ordinary course of  
28 business for a person licensed under this chapter;

1           (3) Has studied for at least one thousand hours in a period  
2 of not less than six months in a properly appointed and conducted  
3 barber school under the direct supervision of a licensed  
4 instructor; or, if the applicant is an apprentice, the applicant  
5 shall have served and completed no less than two thousand hours  
6 under the direct supervision of a licensed barber apprentice  
7 supervisor;

8           (4) Is possessed of requisite skill in the trade of  
9 barbering to properly perform the duties thereof, including the  
10 preparation of tools, shaving, haircutting and all the duties and  
11 services incident thereto; and

12           (5) Has sufficient knowledge of the common diseases of the  
13 face and skin to avoid the aggravation and spread thereof in the  
14 practice of barbering.

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

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

21           [5. For the purposes of meeting the minimum requirements  
22 for examination, the apprentice training shall be recognized by  
23 the board for a period not to exceed five years.]

24           329.010. As used in this chapter, unless the context  
25 clearly indicates otherwise, the following words and terms mean:

26           (1) "Accredited school of cosmetology or school of  
27 manicuring", an establishment operated for the purpose of  
28 teaching cosmetology as defined in this section and meeting the

1 criteria set forth under 34 C.F.R. Part 600, sections 600.1 and  
2 600.2;

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

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

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

13 (5) "Cosmetology" includes performing or offering to engage  
14 in any acts of the classified occupations of cosmetology for  
15 compensation, which shall include:

16 (a) "Class CH - hairdresser" includes arranging, dressing,  
17 curling, singeing, waving, permanent waving, cleansing, cutting,  
18 bleaching, tinting, coloring or similar work upon the hair of any  
19 person by any means; or removing superfluous hair from the body  
20 of any person by means other than electricity, or any other means  
21 of arching or tinting eyebrows or tinting eyelashes. Class CH -  
22 hairdresser also includes any person who either with the person's  
23 hands or with mechanical or electrical apparatuses or appliances,  
24 or by the use of cosmetic preparations, antiseptics, tonics,  
25 lotions or creams engages for compensation in any one or any  
26 combination of the following: massaging, cleaning, stimulating,  
27 manipulating, exercising, beautifying or similar work upon the  
28 scalp, face, neck, arms or bust;

1           (b) "Class MO - manicurist" includes cutting, trimming,  
2           polishing, coloring, tinting, cleaning or otherwise beautifying a  
3           person's fingernails, applying artificial fingernails, massaging,  
4           cleaning a person's hands and arms; pedicuring, which includes  
5           cutting, trimming, polishing, coloring, tinting, cleaning or  
6           otherwise beautifying a person's toenails, applying artificial  
7           toenails, massaging and cleaning a person's legs and feet;

8           (c) "Class CA - hairdressing and manicuring" includes all  
9           practices of cosmetology, as defined in paragraphs (a) and (b) of  
10          this subdivision;

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

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

27          (7) "Cross-over license", a license that is issued to any  
28          person who has met the licensure and examination requirements for

1 both barbering and cosmetology;

2 (8) "Hair braider", any person who, for compensation,  
3 engages in the practice of hair braiding;

4 (9) "Hair braiding", in accordance with the requirements of  
5 section 329.275, the use of techniques that result in tension on  
6 hair strands or roots by twisting, wrapping, waving, extending,  
7 locking, or braiding of the hair by hand or mechanical device,  
8 but does not include the application of dyes, reactive chemicals,  
9 or other preparations to alter the color of the hair or to  
10 straighten, curl, or alter the structure of the hair;

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

14 [(9)] (11) "Instructor", any person who is licensed to  
15 teach cosmetology or any practices of cosmetology pursuant to  
16 this chapter;

17 [(10)] (12) "Manicurist", any person who, for compensation,  
18 engages in any or all of the practices in paragraph (b) of  
19 subdivision (5) of this section;

20 [(11)] (13) "Parental consent", the written informed  
21 consent of a minor's parent or legal guardian that must be  
22 obtained prior to providing body waxing on or near the genitalia;

23 [(12)] (14) "School of cosmetology" or "school of  
24 manicuring", an establishment operated for the purpose of  
25 teaching cosmetology as defined in subdivision (5) of this  
26 section.

27 329.032. 1. Nothing in this chapter shall apply to  
28 hairdressing, manicuring, or facial treatments given for which no

1 charge is made.

2 2. Nothing in this chapter or chapter 328, except for the  
3 provisions of sections 329.010 and 329.275, shall apply to  
4 persons engaged in the practice of hair braiding who have met the  
5 requirements in section 329.275.

6 329.033. If a license issued under this chapter has been  
7 destroyed, lost, mutilated beyond practical usage, or was never  
8 received, the licensee shall obtain a duplicate license from the  
9 board by appearing in person at the board's office or mailing, by  
10 certified mail, return receipt requested, a notarized affidavit  
11 stating that the license has been destroyed, lost, mutilated  
12 beyond practical usage, or was never received.

13 329.040. 1. Any person [of] in good [moral character]  
14 standing with the board may make application to the board for a  
15 license to own a school of cosmetology on a form provided upon  
16 request by the board. Every school of cosmetology in which any  
17 of the classified occupations of cosmetology are taught shall be  
18 required to obtain a license from the board prior to opening.  
19 The license shall be issued upon approval of the application by  
20 the board, the payment of the required fees, and the applicant  
21 meets other requirements provided in this chapter. The license  
22 shall be kept posted in plain view within the school at all  
23 times.

24 2. A school license renewal fee shall be due on or before  
25 the renewal date of any school license issued pursuant to this  
26 section. If the school license renewal fee is not paid on or  
27 before the renewal date, a late fee shall be added to the regular  
28 school license fee.

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

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

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

13           (3) Requires for the classified occupation of  
14 cosmetologist, the course of study shall be no less than one  
15 thousand five hundred hours or, for a student in public  
16 vocational/technical school no less than one thousand two hundred  
17 twenty hours; provided that, a school may elect to base the  
18 course of study on credit hours by applying the credit hour  
19 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of  
20 the Code of Federal Regulations, as amended. The student must  
21 earn a minimum of one hundred and sixty hours or equivalent  
22 credits of classroom training before the student may perform any  
23 of the acts of the classified occupation of cosmetology on any  
24 patron or customer of the school of cosmetology;

25           (4) Requires for the classified occupation of manicurist,  
26 the course of study shall be no less than four hundred hours or  
27 the credit hours determined by the formula in Subpart A of Part  
28 668 of Section 668.8 of Title 34 of the Code of Federal

1 Regulations, as amended. The student must earn a minimum of  
2 fifty hours or equivalent credits of classroom training before  
3 the student may perform any of the acts of the classified  
4 occupation of manicurist on any patron or customer of the school  
5 of cosmetology;

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

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

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

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

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

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

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

- 1           (6)   Combouts and hair styling techniques, one hundred five  
2 hours;  
3           (7)   Scalp treatments and scalp diseases, thirty hours;  
4           (8)   Facials, eyebrows and arches, forty hours;  
5           (9)   Manicuring, hand and arm massage and treatment of  
6 nails, one hundred ten hours;  
7           (10)  Cosmetic chemistry, twenty-five hours;  
8           (11)  Salesmanship and shop management, ten hours;  
9           (12)  Sanitation and sterilization, thirty hours;  
10          (13)  Anatomy, twenty hours;  
11          (14)  State law, ten hours;  
12          (15)  Curriculum to be defined by school, not less than four  
13 hundred seventy hours.

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

- 20          (1)   Manicuring, hand and arm massage and treatment of  
21 nails, two hundred twenty hours;  
22          (2)   Salesmanship and shop management, twenty hours;  
23          (3)   Sanitation and sterilization, twenty hours;  
24          (4)   Anatomy, ten hours;  
25          (5)   State law, ten hours;  
26          (6)   Study of the use and application of certain chemicals,  
27 forty hours; and  
28          (7)   Curriculum to be defined by school, not less than

1 eighty hours.

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

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

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

11 (3) Hair removal, thirty hours;

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

14 (5) Reflexology, thirty-five hours;

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

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

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

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

21 (10) State law, ten hours; and

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

24 7. Training for all classified occupations shall include  
25 practical demonstrations, written and/or oral tests, and  
26 practical instruction in sanitation, sterilization and the use of  
27 antiseptics, cosmetics and electrical appliances consistent with  
28 the practical and theoretical requirements as applicable to the

1 classified occupations as provided in this chapter.

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

5 9. Nothing contained in this chapter shall prohibit a  
6 licensee within a cosmetology establishment from teaching any of  
7 the practices of the classified occupations for which the  
8 licensee has been licensed for not less than two years in the  
9 licensee's regular course of business, if the owner or manager of  
10 the business does not hold himself or herself out as a school and  
11 does not hire or employ or personally teach regularly at any one  
12 and the same time, more than one apprentice to each licensee  
13 regularly employed within the owner's business, not to exceed one  
14 apprentice per establishment, and the owner, manager, or trainer  
15 does not accept any fee for instruction.

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

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

1 students.

2 12. Each licensed school of cosmetology for esthetics only  
3 shall provide a minimum of one thousand square feet of floor  
4 space, adequate room for theory instruction, adequate equipment,  
5 lockers, an adequate library, two restrooms and a clinical  
6 working area for ten students. Minimum floor space requirement  
7 increases fifty square feet per student with student enrollment  
8 of over ten.

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

17 14. Each applicant for a new school shall file a written  
18 application with the board upon a form approved and furnished  
19 upon request by the board. The applicant shall include a list of  
20 equipment, the proposed curriculum, and the name and  
21 qualifications of any and all of the instructors.

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

26 16. Any student who wishes to remain in school longer than  
27 the required training period may make application for an  
28 additional training license and remain in school. A fee is

1 required for such additional training license.

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

7 329.050. 1. Applicants for examination or licensure  
8 pursuant to this chapter shall possess the following  
9 qualifications:

10 (1) They [must be persons of good moral character,] shall  
11 provide documentation of successful completion of courses  
12 approved by the board, have an education equivalent to the  
13 successful completion of the tenth grade, and be at least  
14 seventeen years of age;

15 (2) If the applicants are apprentices, they shall have  
16 served and completed, as an apprentice under the supervision of a  
17 licensed cosmetologist, the time and studies required by the  
18 board which shall be no less than three thousand hours for  
19 cosmetologists, and no less than eight hundred hours for  
20 manicurists and no less than fifteen hundred hours for esthetics.  
21 However, when the classified occupation of manicurist is  
22 apprenticed in conjunction with the classified occupation of  
23 cosmetologist, the apprentice shall be required to successfully  
24 complete an apprenticeship of no less than a total of three  
25 thousand hours;

26 (3) If the applicants are students, they shall have had the  
27 required time in a licensed school of no less than one thousand  
28 five hundred hours training or the credit hours determined by the

1 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of  
2 the Code of Federal Regulations, as amended, for the  
3 classification of cosmetologist, with the exception of public  
4 vocational technical schools in which a student shall complete no  
5 less than one thousand two hundred twenty hours training. All  
6 students shall complete no less than four hundred hours or the  
7 credit hours determined by the formula in Subpart A of Part 668  
8 of Section 668.8 of Title 34 of the Code of Federal Regulations,  
9 as amended, for the classification of manicurist. All students  
10 shall complete no less than seven hundred fifty hours or the  
11 credit hours determined by the formula in Subpart A of Part 668  
12 of Section 668.8 of Title 34 of the Code of Federal Regulations,  
13 as amended, for the classification of esthetician. However, when  
14 the classified occupation of manicurist is taken in conjunction  
15 with the classified occupation of cosmetologist, the student  
16 shall not be required to serve the extra four hundred hours or  
17 the credit hours determined by the formula in Subpart A of Part  
18 668 of Section 668.8 of Title 34 of the Code of Federal  
19 Regulations, as amended, otherwise required to include manicuring  
20 of nails; and

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

23 2. A person may apply to take the examination required by  
24 subsection 1 of this section if the person is a graduate of a  
25 school of cosmetology or apprentice program in another state or  
26 territory of the United States which has substantially the same  
27 requirements as an educational establishment licensed pursuant to  
28 this chapter. A person may apply to take the examination

1 required by subsection 1 of this section if the person is a  
2 graduate of an educational establishment in a foreign country  
3 that provides training for a classified occupation of  
4 cosmetology, as defined by section 329.010, and has educational  
5 requirements that are substantially the same requirements as an  
6 educational establishment licensed under this chapter. The board  
7 has sole discretion to determine the substantial equivalency of  
8 such educational requirements. The board may require that  
9 transcripts from foreign schools be submitted for its review, and  
10 the board may require that the applicant provide an approved  
11 English translation of such transcripts.

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

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

21 5. [For the purpose of meeting the minimum requirements for  
22 examination, training completed by a student or apprentice shall  
23 be recognized by the board for a period of no more than five  
24 years from the date it is received.] Applications for  
25 examination or licensure may be denied if the applicant has  
26 pleaded guilty to, entered a plea of nolo contendere to, or been  
27 found guilty of any of the following offenses or offenses of a  
28 similar nature established under the laws of this state, any

1 other state, the United States, or any other country,  
2 notwithstanding whether sentence is imposed:

3 (1) Any dangerous felony as defined under section 556.061  
4 or murder in the first degree;

5 (2) Any of the following sexual offenses: rape in the  
6 first degree, forcible rape, rape, statutory rape in the first  
7 degree, statutory rape in the second degree, rape in the second  
8 degree, sexual assault, sodomy in the first degree, forcible  
9 sodomy, statutory sodomy in the first degree, statutory sodomy in  
10 the second degree, child molestation in the first degree, child  
11 molestation in the second degree, sodomy in the second degree,  
12 deviate sexual assault, sexual misconduct involving a child,  
13 sexual misconduct in the first degree under section 566.090 as it  
14 existed prior to August 28, 2013, sexual abuse under section  
15 566.100 as it existed prior to August 28, 2013, sexual abuse in  
16 the first or second degree, enticement of a child, or attempting  
17 to entice a child;

18 (3) Any of the following offenses against the family and  
19 related offenses: incest, abandonment of a child in the first  
20 degree, abandonment of a child in the second degree, endangering  
21 the welfare of a child in the first degree, abuse of a child,  
22 using a child in a sexual performance, promoting sexual  
23 performance by a child, or trafficking in children; and

24 (4) Any of the following offenses involving child  
25 pornography and related offenses: promoting obscenity in the  
26 first degree, promoting obscenity in the second degree when the  
27 penalty is enhanced to a class E felony, promoting child  
28 pornography in the first degree, promoting child pornography in

1 the second degree, possession of child pornography in the first  
2 degree, possession of child pornography in the second degree,  
3 furnishing child pornography to a minor, furnishing pornographic  
4 materials to minors, or coercing acceptance of obscene material.

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

16 2. Upon the filing of the application and the payment of  
17 the fee, the board shall, upon request, issue to the applicant,  
18 if the applicant is qualified to sit for the examination, a  
19 temporary license for the practicing of the occupations as  
20 provided in this chapter. Any person receiving a temporary  
21 license shall be entitled to practice the occupations designated  
22 on the temporary license, under the supervision of a person  
23 licensed in [cosmetology] the occupation, until the expiration of  
24 the temporary license. Any person continuing to practice the  
25 occupation beyond the expiration of the temporary license without  
26 being licensed in [cosmetology] that as provided in this chapter  
27 is guilty of an infraction.

28 329.070. 1. Apprentices or students shall be [licensed]

1 registered with the board and shall pay a student fee or an  
2 apprentice fee prior to beginning their course, and shall [be of  
3 good moral character and] have an education equivalent to the  
4 successful completion of the tenth grade.

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

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

14 329.080. 1. An instructor trainee shall be a licensed  
15 cosmetologist, esthetician or manicurist and shall hold a license  
16 as an instructor trainee in cosmetology, esthetics or manicuring.  
17 An applicant for a license to practice as an instructor trainee  
18 shall submit to the board the required fee and a written  
19 application on a form supplied by the board upon request that the  
20 applicant [is of good moral character, in good physical and  
21 mental health,] has successfully completed at least a four-year  
22 high school course of study or the equivalent, and holds a  
23 Missouri license to practice as a cosmetologist, esthetician or  
24 manicurist. Each application shall contain a statement that it  
25 is made under oath or affirmation and that its representations  
26 are true and correct to the best knowledge and belief of the  
27 person signing the application, subject to the penalties of  
28 making a false affidavit or declaration.

1           2. An applicant approved by the board shall be issued an  
2 instructor trainee license. The license shall be issued for a  
3 definite period needed to complete training requirements to  
4 become eligible for taking the examinations. An applicant shall  
5 be approved for an instructor trainee license only for those  
6 classified occupations [of cosmetology] for which the applicant  
7 is licensed at the time the instructor trainee application is  
8 submitted to the board.

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

13           (1) Two hundred hours to be devoted to basic principles of  
14 student teaching to include teaching principles, lesson planning,  
15 curriculum planning and class outlines, teaching methods,  
16 teaching aids, testing and evaluation;

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

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

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

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

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

3           (1) Three years of experience as a [practicing] licensed  
4 cosmetologist, esthetician, or manicurist may be substituted for  
5 three hundred hours of training. The three hundred hours will be  
6 partially reduced in proportion to experience as a licensee  
7 greater than six months but less than three; or

8           (2) Four and one-half college credit hours in teaching  
9 methodology, as defined by rule, may be substituted for three  
10 hundred hours of training. Applicants requesting credit shall  
11 submit to the board a certified transcript together with a course  
12 description certified by the administrating education institution  
13 as being primarily directed to teaching methodology. The three  
14 hundred hours will be partially reduced in proportion to college  
15 credit hours in teaching methodology of less than four and  
16 one-half hours; or

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

21           (a)] an affidavit verifying a current, valid instructor  
22 license in another state, territory of the United States,  
23 District of Columbia, or foreign country, state or province[; and

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

27           329.085. 1. Any person desiring an instructor license  
28 shall submit to the board a written application on a form

1 supplied by the board showing that the applicant has met the  
2 requirements set forth in section 329.080. An applicant who has  
3 met all requirements as determined by the board shall be allowed  
4 to take the instructor examination, including any person who has  
5 been licensed three or more years as a cosmetologist, manicurist  
6 or esthetician. If the applicant passes the examination to the  
7 satisfaction of the board, the board shall issue to the applicant  
8 an instructor license.

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

11 3. The instructor license renewal fee shall be in addition  
12 to the regular cosmetologist, esthetician or manicurist license  
13 renewal fee. For each renewal the instructor shall submit proof  
14 of having attended a teacher training seminar or workshop at  
15 least once every two years, sponsored by any university, or  
16 Missouri vocational association, or bona fide state cosmetology  
17 association specifically approved by the board to satisfy the  
18 requirement for continued training of this subsection. Renewal  
19 fees shall be due and payable on or before the renewal date and,  
20 if the fee remains unpaid thereafter in such license period,  
21 there shall be a late fee in addition to the regular fee.

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

26 5. The board shall grant instructor licensure upon  
27 application and payment of a fee equivalent to the sum of the  
28 instructor examination fee and the instructor license fee,

1 provided the applicant establishes compliance with the  
2 [cosmetology] instructor requirements of another state, territory  
3 of the United States, or District of Columbia [wherein the  
4 requirements are substantially equal or superior to those in  
5 force in Missouri at the time the application for licensure is  
6 filed] and the applicant holds a current instructor license in  
7 the other jurisdiction at the time of making application.

8 6. Any person licensed as a cosmetology instructor prior to  
9 the training requirements which became effective January 1, 1979,  
10 may continue to be licensed as such, provided such license is  
11 maintained and the licensee complies with the continued training  
12 requirements as provided in subsection 3 of this section. Any  
13 person with an expired instructor license that is not restored to  
14 current status within two years of the date of expiration shall  
15 be required to meet the training and examination requirements as  
16 provided in this section and section 329.080.

17 329.130. [1.] The board shall grant without examination a  
18 license to practice cosmetology to any applicant who holds a  
19 current license that is issued by another state, territory of the  
20 United States, or the District of Columbia whose requirements for  
21 licensure are [substantially equal] similar to the licensing  
22 requirements in Missouri at the time the application is filed or  
23 who has practiced cosmetology for at least two consecutive years  
24 in another state, territory of the United States, or the District  
25 of Columbia. The applicant under this [subsection] section shall  
26 pay the appropriate application and licensure fees at the time of  
27 making application. A licensee who is currently under  
28 disciplinary action with another board of cosmetology shall not

1 be licensed by reciprocity under the provisions of this chapter.

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

13 329.275. 1. The practices of cosmetology and barbering  
14 shall not include hair braiding, except that, nothing in this  
15 section shall be construed as prohibiting a licensed  
16 cosmetologist or barber from performing the service of hair  
17 braiding.

18 2. No person shall engage in hair braiding for compensation  
19 in the state of Missouri without first registering with the  
20 board. Applicants for a certificate of registration to engage in  
21 hair braiding shall submit to the board an application and a  
22 required fee, as set by the board. Such fee shall not exceed  
23 twenty dollars. Prior to receiving a certificate, each applicant  
24 shall also watch an instructional video prepared by the board in  
25 accordance with subsection 4 of this section. An applicant for a  
26 certificate of registration shall be denied such certificate if  
27 the applicant has pleaded guilty to, entered a plea of nolo  
28 contendere to, or been found guilty of any of the offenses set

1 forth in subsection 6 of section 329.050.

2 3. Registered hair braiders shall keep their information  
3 that the board requires for initial registration current and up  
4 to date with the board.

5 4. The board shall develop and prepare an instructional  
6 video, at least four hours but no more than six hours in length,  
7 that contains information about infection control techniques and  
8 diseases of the scalp that are appropriate for hair braiding in  
9 or outside of a salon setting and any other information to be  
10 determined by the board. The instructional video shall be made  
11 available to applicants through the division of professional  
12 registration's website. The board shall also develop and prepare  
13 a brochure that contains a summary of the information contained  
14 in the instructional video. The brochure shall be made available  
15 through the division of professional registration's website, or  
16 by mail, upon request, for a fee to cover the board's mailing  
17 costs.

18 5. Any person who registers as a hair braider under this  
19 section shall post a copy of his or her certificate of  
20 registration in a conspicuous place at his or her place of  
21 business. If the person is operating outside his or her place of  
22 business he or she shall provide to the client or customer a copy  
23 of his or her certificate of registration upon the client's or  
24 customer's request.

25 6. (1) The board may inspect hair braiding establishments  
26 or facilities where hair braiding occurs one time per year during  
27 business hours to ensure:

28 (a) Persons registered as hair braiders are not operating

1 outside the scope of practice of hair braiding; and

2 (b) Compliance with this section and rules promulgated  
3 thereunder.

4 (2) Additionally, if a customer or client submits a  
5 complaint to the board about a hair braider, the board may  
6 inspect such hair braider's establishment during regular business  
7 hours. This inspection shall not count toward the one time  
8 inspection limit set forth in subdivision (1) of this subsection.

9 (3) In addition to the causes listed in section 329.140,  
10 the board may also suspend or revoke a certificate of  
11 registration if a person registered as a hair braider is found to  
12 be operating outside the scope of practice of hair braiding.

13 7. Nothing in this section shall apply to any  
14 cosmetologists licensed to practice in this state in their  
15 respective classifications.

16 [328.100. The board may at any time require any  
17 barber to whom a certificate of registration is issued  
18 to be examined at the licensee's expense by a licensed  
19 physician to ascertain if such barber is free of  
20 infectious or contagious diseases and is not afflicted  
21 with any physical or mental ailment which would render  
22 him unfit to practice the occupation of barbering.]