

FIRST REGULAR SESSION

HOUSE BILL NO. 45

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

0578H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 329.010, RSMo, and to enact in lieu thereof two new sections relating to cosmetologists.

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

Section A. Section 329.010, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 329.010 and 329.280, to read as follows:

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

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

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

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

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

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

(a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair of any person by any means; or removing superfluous hair from the body of any person

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.

18 by means other than electricity, or any other means of arching or tinting eyebrows or tinting
19 eyelashes. Class CH - hairdresser also includes any person who either with the person's hands
20 or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic
21 preparations, antiseptics, tonics, lotions or creams engages for compensation in any one or
22 any combination of the following: massaging, cleaning, stimulating, manipulating,
23 exercising, beautifying or similar work upon the scalp, face, neck, arms or bust;

24 (b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting,
25 cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails,
26 massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming,
27 polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying
28 artificial toenails, massaging and cleaning a person's legs and feet;

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

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

39 (e) **"Personal service registration", a registration obtained from the board to**
40 **provide services to placebound clients;**

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

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

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

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

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

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

58 (12) "Manicurist", any person who, for compensation, engages in any or all of the
59 practices in paragraph (b) of subdivision (5) of this section;

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

62 (14) **"Placebound client", a client who is ill, disabled, or otherwise unable to
63 travel to a cosmetology establishment;**

64 (15) "School of cosmetology" or "school of manicuring", an establishment operated
65 for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

**329.280. 1. Any cosmetologist holding a current and active license to practice
2 the categories of cosmetology described in paragraphs (a) to (d) of subdivision (5) of
3 section 329.010 may register with the board for a personal service registration. An
4 applicant for a personal service registration shall submit to the board an application, a
5 fee as set by the board, and a copy of the applicant's current and active license. An
6 applicant for a personal service registration may be denied such registration if the
7 applicant has pled guilty to, entered a plea of nolo contendere to, or been found guilty of
8 any of the offenses set forth in subsection 5 of section 329.050.**

9 **2. A personal service registrant shall keep his or her information that the board
10 requires in the initial registration current and up to date with the board.**

11 **3. A personal service registrant shall provide to the client or customer a copy of
12 the personal service registration and license upon request.**

13 **4. The board may:**

14 (1) **Inspect the tools, equipment, and implements of any personal service
15 registrant one time each year to ensure that the registrant is following all sanitation
16 standards set by the board by rule;**

17 (2) **Inspect the tools, equipment, and implements of any personal service
18 registrant if a customer or client submits a complaint to the board about the registrant;
19 and**

20 (3) **Following all requirements set forth in section 329.140, revoke the personal
21 service registration of a registrant, discipline a registrant's license, or revoke the
22 registration and discipline the license of a registrant for any violation set forth in section
23 329.140 or for failure to follow the requirements of this section.**

24 **5. The board may promulgate regulations necessary for the administration of
25 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**

26 is created under the authority delegated in this section shall become effective only if it
27 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
28 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
29 vested with the general assembly pursuant to chapter 536 to review, to delay the
30 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
31 then the grant of rulemaking authority and any rule proposed or adopted after August
32 28, 2023, shall be invalid and void.

✓