

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 45 & 1066**  
**102ND GENERAL ASSEMBLY**

0578H.02P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 324.520 and 329.010, RSMo, and to enact in lieu thereof six new sections relating to licensure of certain professions, with penalty provisions.

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

Section A. Sections 324.520 and 329.010, RSMo, are repealed and six new sections  
2 enacted in lieu thereof, to be known as sections 324.520, 329.010, 329.280, 344.045, 344.055,  
3 and 344.102, to read as follows:

324.520. 1. As used in sections 324.520 to 324.524, the following terms mean:

2 (1) "Body piercing", the perforation of human tissue other than an ear for a  
3 nonmedical purpose;

4 (2) "Branding", a permanent mark made on human tissue by burning with a hot iron  
5 or other instrument;

6 (3) "Controlled substance", any substance defined in section 195.010;

7 (4) "Minor", a person under the age of eighteen;

8 (5) "Tattoo", one or more of the following:

9 (a) ~~[An indelible]~~ **A mark made on the body of another person by the insertion of a**  
10 **pigment, ink, or both pigment and ink under the skin with the aid of needles or blades**  
11 **using hand-held or machine-powered instruments; [ø]**

12 (b) **A mark made on the face or body of another person for cosmetic purposes or**  
13 **to any part of the body for scar coverage or other corrective purposes by the insertion of**  
14 **a pigment, ink, or both pigment and ink under the skin with the aid of needles; or**

15 (c) An indelible design made on the body of another person by production of scars  
16 other than by branding.

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. No person shall knowingly tattoo, brand or perform body piercing on a minor  
18 unless such person obtains the prior written informed consent of the minor's parent or legal  
19 guardian. The minor's parent or legal guardian shall execute the written informed consent  
20 required pursuant to this subsection in the presence of the person performing the tattooing,  
21 branding or body piercing on the minor, or in the presence of an employee or agent of such  
22 person. Any person who fraudulently misrepresents himself or herself as a parent is guilty of  
23 a class B misdemeanor.

24           3. A person shall not tattoo, brand or perform body piercing on another person if the  
25 other person is under the influence of intoxicating liquor or a controlled substance.

26           4. A person who violates any provisions of sections 324.520 to 324.526 is guilty of a  
27 misdemeanor and shall be fined not more than five hundred dollars. If there is a subsequent  
28 violation within one year of the initial violation, such person shall be fined not less than five  
29 hundred dollars or more than one thousand dollars.

30           5. No person under the age of eighteen shall tattoo, brand or perform body piercing  
31 on another person.

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

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

6           (2) "Apprentice" or "student", a person who is engaged in training within a  
7 cosmetology establishment or school, and while so training performs any of the practices of  
8 the classified occupations within this chapter under the immediate direction and supervision  
9 of a licensed 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  
14 classified 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  
17 hair of any person by any means; or removing superfluous hair from the body of any person  
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 outside of a cosmetology establishment;**

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 to**  
4 **provide services to placebound clients outside of a cosmetology establishment. An**  
5 **applicant for a personal service registration shall submit to the board an application, a**  
6 **fee as set by the board, and a copy of the applicant's current and active license. An**  
7 **applicant for a personal service registration may be denied such registration if the**  
8 **applicant has pled guilty to, entered a plea of nolo contendere to, or been found guilty of**  
9 **any of the offenses set forth in subsection 5 of section 329.050.**

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

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

14 **4. The board may:**

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

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

21 **(3) Following all requirements set forth in section 329.140, revoke the personal**  
22 **service registration of a registrant, discipline a registrant's license, or revoke the**  
23 **registration and discipline the license of a registrant for any violation set forth in section**  
24 **329.140 or for failure to follow the requirements of this section.**

25 **5. The board may promulgate regulations necessary for the administration of**  
26 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**  
27 **is created under the authority delegated in this section shall become effective only if it**  
28 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
29 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**

30 vested with the general assembly pursuant to chapter 536 to review, to delay the  
31 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
32 then the grant of rulemaking authority and any rule proposed or adopted after August  
33 28, 2023, shall be invalid and void.

344.045. 1. The board shall receive complaints concerning its licensees'  
2 professional practices. The board shall establish by rule a procedure for the handling of  
3 such complaints prior to the filing of formal complaints before the administrative  
4 hearing commission. The rule shall provide, at a minimum, for the logging of each  
5 complaint received, the recording of the licensee's name, the name of the complaining  
6 party, the date of the complaint, and a brief statement of the complaint and its ultimate  
7 disposition. The rule shall provide for informing the complaining party of the progress  
8 of the investigation, the dismissal of the charges, or the filing of a complaint before the  
9 administrative hearing commission.

10 2. Notwithstanding any other provision of law, no complaint, investigatory  
11 report, or information received from any source shall be disclosed prior to its review by  
12 the board.

13 3. At its discretion, the board may disclose complaints, completed investigatory  
14 reports, and information obtained from state administrative and law enforcement  
15 agencies to a licensee or license applicant in order to further an investigation or to  
16 facilitate settlement negotiations.

17 4. Information obtained from a federal administrative or law enforcement  
18 agency shall be disclosed only upon receipt of written consent to the disclosure from the  
19 federal administrative or law enforcement agency.

20 5. At its discretion, the board may disclose complaints and investigatory reports  
21 if any such disclosure is:

22 (1) In the course of voluntary interstate exchange of information;

23 (2) In accordance with a lawful request; or

24 (3) To other state or federal administrative or law enforcement agencies acting  
25 within the scope of their statutory authority.

26 6. Except where disclosure is specifically authorized in this section and as  
27 described in section 610.021, deliberations, votes, or minutes of closed proceedings shall  
28 not be subject to disclosure or discovery. Once a final disposition is rendered, that  
29 decision shall be made available to the parties and the public.

344.055. 1. All educational transcripts, test scores, complaints, investigatory  
2 reports, and information pertaining to any person who is an applicant or licensee of the  
3 board are confidential and shall not be disclosed to the public or any member of the  
4 public, except with the written consent of the person whose records are involved. The

5 board shall disclose the records or information if the person whose records or  
6 information is involved has consented to the disclosure. The board is entitled to the  
7 attorney-client privilege and work-product privilege to the same extent as any other  
8 person.

9 2. Notwithstanding the provisions of subsection 1 of this section, the board may  
10 disclose confidential information without the consent of the person involved if the  
11 disclosure is:

12 (1) In the course of voluntary interstate exchange of information;

13 (2) In accordance with a lawful request; or

14 (3) To other administrative or law enforcement agencies acting within the scope  
15 of their statutory authority.

16 3. Information regarding identity, including names and addresses, registration,  
17 and currency of the license of the persons possessing nursing home administrator  
18 licenses and the names and addresses of applicants for nursing home administrator  
19 licenses, is not confidential information.

344.102. No person shall practice as a nursing home administrator in this state  
2 or hold himself or herself out as a nursing home administrator if his or her license is  
3 expired or revoked. Expired licenses shall remain subject to disciplinary action for  
4 violations of this chapter and the rules promulgated thereunder.

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