

SECOND REGULAR SESSION

# HOUSE BILL NO. 3472

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MURRAY.

7161H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 328.020 and 328.080, RSMo, and to enact in lieu thereof three new sections relating to barber licensure, with penalty provisions.

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

Section A. Sections 328.020 and 328.080, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 328.020, 328.077, and 328.080, to read as  
3 follows:

328.020. **Except as provided in section 328.077**, it shall be unlawful for any person  
2 to practice the occupation of a barber in this state, unless he or she shall have first obtained a  
3 license, as provided in this chapter.

**328.077. 1. The board shall create an establishment training program to allow  
2 unlicensed persons to provide barbering services under the supervision of a licensee at a  
3 licensed barber establishment. The board shall allow any licensed barber establishment  
4 to register to participate in the establishment training program.**

5 **2. A licensed barber establishment registered under this section may employ a  
6 person, without regard to the person's licensure status under this chapter, to provide  
7 barbering services that would otherwise require licensure under this chapter. Any  
8 person providing such barbering services shall provide the services only under the  
9 supervision of a licensee who holds an active license to practice barbering under this  
10 chapter and who regularly provides such services in the registered establishment. For  
11 purposes of this section, "supervision" means the supervising licensee is physically  
12 present with the person providing barbering services and available to assist in providing  
13 the services.**

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.

14           **3. Before a person provides barbering services without a license under this**  
15 **section, the person shall complete a one-time course of not more than four hours of**  
16 **education regarding sanitation and the laws of this state that is approved or created by**  
17 **the board. Completion of the course may be self-certified by the establishment.**

18           **4. The board shall not require a person participating in the program to take an**  
19 **examination or the barber establishment to obtain approval of the curriculum for**  
20 **continuing education. The owner of the registered barber establishment shall be**  
21 **responsible for ensuring the education, training, skills, and competence of any person**  
22 **providing services under this section.**

23           **5. A licensed barber establishment participating in the establishment training**  
24 **program shall comply with all requirements of this chapter and any rules applicable to**  
25 **barber establishments relating to facility standards, sanitation, infection control,**  
26 **inspections, and establishment licensure and renewal.**

27           **6. Before a consumer receives barbering services from a person providing**  
28 **services without a license under this section, the barber establishment shall provide a**  
29 **written disclosure that is clearly legible and states substantially the following: "This**  
30 **establishment is a licensed barber establishment registered to participate in an**  
31 **establishment training program. This establishment employs unlicensed individuals**  
32 **who provide services under the supervision of licensed barbers. The services you are**  
33 **receiving are from an unlicensed individual participating in this program."**

34           **7. A supervising licensee under this section shall not be required to hold a barber**  
35 **instructor license under section 328.090 or a barber apprentice supervisor license under**  
36 **section 328.075 solely in order to supervise a person providing services under this**  
37 **section, and participation in the establishment training program shall not create any**  
38 **new instructor license category.**

39           **8. The board may suspend or revoke an establishment's registration to**  
40 **participate in the establishment training program for violations of this chapter or**  
41 **corresponding rules, including under circumstances in which the board has probable**  
42 **cause to believe that a person's health or safety has been harmed by an unlicensed**  
43 **person training under this section, and may order the establishment to immediately**  
44 **cease participation pending further proceedings. Any establishment subject to**  
45 **suspension or revocation of registration under this section shall have the right to file**  
46 **a complaint with the administrative hearing commission as provided by chapter 621.**

47           **9. Participation in the establishment training program under this section shall**  
48 **not subject the participants to the penalties in section 328.160 related to unlicensed**  
49 **practice.**

50           **10. Nothing in this section shall be construed to interfere with barbering**  
51 **apprenticeships.**

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

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

7           (1) Is seventeen years of age or older;

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

10          (3) **Either:**

11          **(a)** Has studied for at least one thousand hours in a period of not less than six months  
12 in a properly appointed and conducted barber school under the direct supervision of a licensed  
13 instructor; or, if the applicant is an apprentice, the applicant shall have served and completed  
14 no less than two thousand hours under the direct supervision of a licensed barber apprentice  
15 supervisor; **or**

16          **(b) Submits satisfactory proof, signed by the supervising licensee or licensees, of**  
17 **having completed no less than two thousand hours of supervised practice in a registered**  
18 **barber establishment under the establishment training program created in section**  
19 **328.077;**

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

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

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

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

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