

SECOND REGULAR SESSION

HOUSE BILL NO. 3525

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUSH.

7242H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 329.010, 329.032, and 329.275, RSMo, and to enact in lieu thereof three new sections relating to the practice of makeup application.

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

Section A. Sections 329.010, 329.032, and 329.275, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 329.010, 329.032, and 329.275,
3 to read as follows:

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

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

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

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

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

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

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

55 (12) **"Makeup application", the application of a cosmetic to enhance the**
56 **appearance of the face or skin including, but not limited to, powder, foundation, rouge,**
57 **eye shadow, eyeliner, mascara, lipstick, and any makeup applied using an airbrush, but**
58 **does not include the application of permanent makeup or tattooing;**

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

61 ~~[(13)]~~ (14) "Parental consent", the written informed consent of a minor's parent or
62 legal guardian that must be obtained prior to providing body waxing on or near the genitalia;

63 ~~[(14)]~~ (15) "School of cosmetology" or "school of manicuring", an establishment
64 operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

329.032. 1. Nothing in this chapter shall apply to hairdressing, manicuring, or facial
2 treatments given in the home to members of a person's family or friends for which no charge
3 is made.

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

7 **3. Nothing in this chapter or chapter 328 shall apply to persons engaged in the**
8 **practice of makeup application.**

329.275. 1. The practices of cosmetology and barbering shall not include hair
2 braiding **or makeup application**, except that, nothing in this section shall be construed as
3 prohibiting a licensed cosmetologist or barber from performing the service of hair braiding **or**
4 **the service of makeup application.**

5 2. No person shall engage in hair braiding for compensation in the state of Missouri
6 without first registering with the board. Applicants for a certificate of registration to engage
7 in hair braiding shall submit to the board an application and a required fee, as set by the
8 board. Such fee shall not exceed twenty dollars. Prior to receiving a certificate, each
9 applicant shall also watch an instructional video prepared by the board in accordance with
10 subsection 4 of this section. An applicant for a certificate of registration may be denied such
11 certificate if the applicant has pleaded guilty to, entered a plea of nolo contendere to, or been
12 found guilty of any of the offenses set forth in subsection 5 of section 329.050.

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

15 4. The board shall develop and prepare an instructional video, at least four hours but
16 no more than six hours in length, that contains information about infection control techniques
17 and diseases of the scalp that are appropriate for hair braiding in or outside of a salon setting

18 and any other information to be determined by the board. The instructional video shall be
19 made available to applicants through the division of professional registration's website. The
20 board shall also develop and prepare a brochure that contains a summary of the information
21 contained in the instructional video. The brochure shall be made available through the
22 division of professional registration's website, or by mail, upon request, for a fee to cover the
23 board's mailing costs.

24 5. Any person who registers as a hair braider under this section shall post a copy of
25 his or her certificate of registration in a conspicuous place at his or her place of business. If
26 the person is operating outside his or her place of business, he or she shall provide to the
27 client or customer a copy of his or her certificate of registration upon the client's or customer's
28 request.

29 6. (1) The board may inspect hair braiding establishments or facilities where hair
30 braiding occurs one time per year during business hours to ensure:

31 (a) Persons registered as hair braiders are not operating outside the scope of practice
32 of hair braiding; and

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

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

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

41 7. Nothing in this section shall apply to any cosmetologists licensed to practice in this
42 state in their respective classifications.

✓