

SECOND REGULAR SESSION

# HOUSE BILL NO. 2069

96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CIERPIOT.

6268L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 329.015 and 329.050, RSMo, and to enact in lieu thereof two new sections relating to licensure of cosmetologists and barbers.

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

Section A. Sections 329.015 and 329.050, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 329.015 and 329.050, to read as follows:

329.015. 1. There is hereby created and established a "Board of Cosmetology and [Barber Examiners] **Barbers**" for the purpose of licensing all persons engaged in the practice of cosmetology, manicuring, esthetics, and barbering, including but not limited to shaving or trimming the beard or cutting the hair; and to fulfill all other duties and responsibilities delegated by chapter 328 as it pertains to barbers and this chapter as it pertains to cosmetologists. The duties and responsibilities of the board of cosmetology and barber examiners as such duties and responsibilities pertain to barbers and cosmetologists shall not take full force and effect until such time as the governor appoints the members of the board of cosmetology and barber examiners and the appointments are confirmed by the senate. At such time, the powers and duties of the board of barber examiners and the state board of cosmetology shall be merged into the board under section 329.023.

2. The governor shall appoint members to the board by and with the advice and consent of the senate. The board shall consist of [eleven] **seven** members each of whom are United States citizens and who have been residents of this state for at least one year immediately preceding their appointment. Of these [eleven] **seven** members, [three] **one** shall be a licensed [cosmetologists] **cosmetologist** holding a Class CA license classification, one shall be an accredited cosmetology school owner as defined in section 329.010, one [shall be the owner of

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 a school licensed under subsection 1 of section 329.040, one shall be a cosmetologist with a  
19 license of any type of cosmetology classification, three] shall be a licensed [barbers, and two  
20 shall be voting public members] **barber, one shall be a licensed massage therapist, one shall**  
21 **be a licensed tattoo artist, one shall be a licensed esthetician, and one shall be a licensed**  
22 **nail technician.** All members, except [the public members and] the accredited cosmetology  
23 school owner member, shall be [cosmetologists and barbers] **a cosmetologist and barber** duly  
24 registered as such and licensed under the laws of this state and shall have been actively engaged  
25 in the lawful practice of their profession for a period of at least five years immediately preceding  
26 their appointment. All members of the board, including [public members and] the accredited  
27 cosmetology school owner member, shall be chosen from lists submitted by the director of the  
28 division of professional registration.

29 3. [Upon the appointment of the initial board members, at least two cosmetologist  
30 members and two barber members shall be appointed by the governor to serve a term of four  
31 years; two cosmetologist members, one barber member and a public member shall be appointed  
32 to serve a term of three years, and the remaining members of the initial board shall be appointed  
33 for a term of two years. Thereafter,] All members shall be appointed by the governor by and  
34 with the advice and consent of the senate to serve four-year terms. The governor shall appoint  
35 members to fill any vacancies, whether it occurs by the expiration of a term or otherwise;  
36 provided, however, that any board member shall serve until his or her successor is appointed and  
37 duly qualified. No person shall be eligible for reappointment that has served as a member of the  
38 board for a total of twelve years.

39 4. At the time of appointment, the [public] members shall be citizens of the United  
40 States, residents of this state for a period of at least one year immediately preceding their  
41 appointment, and a registered voter. The [public members and the] spouse of such members  
42 shall be persons who are not and never were a member of any profession licensed or regulated  
43 by the board. The [public] members and the spouse of such members shall be persons who do  
44 not have and never have had a material financial interest in the provision of the professional  
45 services regulated by the board, or an activity or organization directly related to any professions  
46 licensed or regulated by the board. The duties of the [public] members and the accredited school  
47 owner member shall not include the determination of the technical requirements to be met for  
48 licensure, or whether any person meets such technical requirements, or of the technical  
49 competence or technical judgment of a licensee or a candidate for licensure.

50 5. Any member who is a school owner shall not be allowed access to the testing and  
51 examination materials nor shall any such member be allowed to attend the administration of the  
52 examinations, except when such member is being examined for licensure.

53           6. The members of the board shall receive as compensation for their services the sum  
54 set by the board not to exceed seventy dollars for each day actually spent in attendance at  
55 meetings of the board plus actual and necessary expenses.

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

3           (1) They must be persons of good moral character, have an education equivalent to the  
4 successful completion of [the tenth grade] **a high school diploma or general educational**  
5 **development (GED) certificate** and be at least seventeen years of age;

6           (2) If the applicants are apprentices, they shall have served and completed, as an  
7 apprentice under the supervision of a licensed cosmetologist, the time and studies required by  
8 the board which shall be no less than three thousand hours for cosmetologists, and no less than  
9 eight hundred hours for manicurists and no less than fifteen hundred hours for esthetics.  
10 However, when the classified occupation of manicurist is apprenticed in conjunction with the  
11 classified occupation of cosmetologist, the apprentice shall be required to successfully complete  
12 an apprenticeship of no less than a total of three thousand hours;

13           (3) If the applicants are students, they shall have had the required time in a licensed  
14 school of no less than one thousand five hundred hours training or the credit hours determined  
15 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal  
16 Regulations, as amended, for the classification of cosmetologist, with the exception of public  
17 vocational technical schools in which a student shall complete no less than one thousand two  
18 hundred twenty hours training. All students shall complete no less than four hundred hours or  
19 the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34  
20 of the Code of Federal Regulations, as amended, for the classification of manicurist. All students  
21 shall complete no less than seven hundred fifty hours or the credit hours determined by the  
22 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal  
23 Regulations, as amended, for the classification of esthetician. However, when the classified  
24 occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist,  
25 the student shall not be required to serve the extra four hundred hours or the credit hours  
26 determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of  
27 Federal Regulations, as amended, otherwise required to include manicuring of nails; and

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

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

34 establishment in a foreign country that provides training for a classified occupation of  
35 cosmetology, as defined by section 329.010, and has educational requirements that are  
36 substantially the same requirements as an educational establishment licensed under this chapter.  
37 The board has sole discretion to determine the substantial equivalency of such educational  
38 requirements. The board may require that transcripts from foreign schools be submitted for its  
39 review, and the board may require that the applicant provide an approved English translation of  
40 such transcripts.

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

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

48         5. For the purpose of meeting the minimum requirements for examination, training  
49 completed by a student or apprentice shall be recognized by the board for a period of no more  
50 than five years from the date it is received.

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