

SECOND REGULAR SESSION

HOUSE BILL NO. 2131

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

4713H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 329.010, 329.045, and 329.110, RSMo, and to enact in lieu thereof three new sections relating to cosmetologists.

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

Section A. Sections 329.010, 329.045, and 329.110, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 329.010, 329.045, and 329.110,
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 **regularly** practiced including any space rented within a
40 licensed establishment by a person licensed under this chapter, for the purpose of **regularly**
41 rendering cosmetology services. **The term "cosmetology establishment" shall not include**
42 **any place in which cosmetology services are provided on only an occasional basis or for**
43 **only one client;**

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

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

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

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

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

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

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

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

329.045. 1. Every **cosmetology** establishment [~~in which the occupation of
2 cosmetology is practiced~~] shall be required to obtain a license from the board. Every
3 establishment required to be licensed shall pay to the board an establishment fee for the first
4 three licensed cosmetologists esthetician and/or manicurists, and/or apprentices and an
5 additional fee for each additional licensee. The fee shall be due and payable on the renewal
6 date and, if the fee remains unpaid thereafter, there shall be a late fee in addition to the regular
7 establishment fee or, if a new establishment opens any time during the licensing period and
8 does not register before opening, there shall be a delinquent fee in addition to the regular
9 establishment fee. The license shall be kept posted in plain view within the establishment at
10 all times.

11 2. A new license shall be obtained for a cosmetology establishment within forty-five
12 days when the establishment changes ownership or location. The state inspector shall inspect
13 the sanitary conditions required for licensure for an establishment that has changed ownership
14 or location without requiring the owner to close business or deviate in any way from the
15 establishment's regular hours of operation.

329.110. 1. If an applicant for examination for cosmetology passes the examination
2 to the satisfaction of the board and has paid the fee required and complied with the
3 requirements pertaining to this chapter, the board shall cause to be issued a license to that
4 effect. The license shall be evidence that the person to whom it is issued is entitled to engage
5 in the practices, occupation or occupations stipulated therein as prescribed in this chapter.
6 The license shall be conspicuously displayed in his or her principal office, place of business,
7 or employment.

8 2. Whenever anyone who has been licensed in accordance with this chapter practices
9 any of the occupations authorized in this chapter outside of or away from the person's
10 principal office, place of business, or employment, he or she shall deliver to each person in
11 his or her care a certificate of identification. This certificate shall contain his or her signature,

12 the number and date of his or her license, the post office address and the date upon which the
13 certificate of identification is delivered to the person under his or her care.

14 **3. (1) Notwithstanding subsections 1 and 2 of this section, a cosmetologist**
15 **licensed under this chapter shall not be required to maintain a principal office, place of**
16 **business, or employment in order to engage in the practice of cosmetology.**

17 **(2) A cosmetologist licensed under this chapter may provide cosmetology**
18 **services outside of or away from a licensed cosmetology establishment on a regular basis**
19 **and shall not be required to provide any cosmetology services at a licensed cosmetology**
20 **establishment in order to maintain his or her license.**

21 **(3) A cosmetologist licensed under this chapter who does not maintain a**
22 **principal office, place of business, or employment shall deliver to each person in his or**
23 **her care a certificate of identification as described under subsection 2 of this section.**

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