

FIRST REGULAR SESSION

HOUSE BILL NO. 243

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TREADWAY.

Read 1st time January 3, 2001, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0856L.021

AN ACT

To repeal sections 329.040, 329.085 and 329.190, RSMo 2000, relating to cosmetologists, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 329.040, 329.085 and 329.190, RSMo 2000, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 329.040, 329.085 and 329.190, to
3 read as follows:

329.040. 1. Any person of good moral character may make application to the board for
2 a license to own a school of cosmetology on a form provided upon request by the board. Every
3 school of cosmetology in which any of the classified occupations of cosmetology are taught shall
4 be required to obtain a license from the board prior to opening. The license shall be issued upon
5 approval of the application by the board, the payment of the required fees, and the applicant
6 meets other requirements provided in this chapter. The license shall be kept posted in plain view
7 within the school at all times.

8 2. A school license renewal fee shall be due on or before the renewal date of any school
9 license issued pursuant to this section. If the school license renewal fee is not paid on or before
10 the renewal date, a late fee shall be added to the regular school license fee.

11 3. No school of cosmetology shall be granted a license [under] **pursuant to** this chapter
12 unless it:

13 (1) Employs and has present in the school a competent licensed instructor for every
14 twenty-five students enrolled and scheduled to be in attendance for a given class period and one
15 to ten additional students may be enrolled and in attendance with the assistance of an instructor

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 trainee. One instructor is authorized to teach up to three instructor trainees immediately after
17 being granted an instructor's license;

18 (2) Requires all students to be enrolled in a course of study of no less than three hours
19 per day and no more than eight hours per day with a weekly total that is no less than fifteen hours
20 and no more than forty-eight hours;

21 (3) Requires for the classified occupation of cosmetologist, the course of study shall be
22 no less than one thousand five hundred hours or, for a student in public vocational/technical
23 school no less than one thousand two hundred twenty hours; **provided that, a school may elect**
24 **to base the course of study on credit hours by applying the credit hour formula in Subpart**
25 **A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended.**

26 The student must earn a minimum of one hundred and sixty hours **or credits** of classroom
27 training before the student may perform any of the acts of the classified occupation of
28 cosmetology on any patron or customer of the school of cosmetology;

29 (4) Requires for the classified occupation of manicurist, the course of study shall be no
30 less than [three hundred and ninety hours] **four hundred hours or the credit hours determined**
31 **by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal**
32 **Regulations, as amended.** The student must earn a minimum of fifty hours **or credits** of
33 classroom training before the student may perform any of the acts of the classified occupation
34 of manicurist on any patron or customer of the school of cosmetology;

35 (5) Requires for the classified occupation of esthetician, the course of study shall be no
36 less than seven hundred fifty hours **or the credit hours determined by the formula in Subpart**
37 **A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended.**
38 The student shall earn a minimum of seventy-five hours **or credits** of classroom training before
39 the student may perform any of the acts of the classified occupation of esthetics on any patron
40 or customer of the school of cosmetology or an esthetics school.

41 4. The subjects to be taught for the classified occupation of cosmetology shall be as
42 follows and the hours required for each subject shall be not less than those contained in this
43 subsection **or the credit hours determined by the formula in Subpart A of Part 668 of**
44 **Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:**

45 (1) Shampooing of all kinds, forty hours;

46 (2) Hair coloring, bleaches and rinses, one hundred thirty hours;

47 (3) Hair cutting and shaping, one hundred thirty hours;

48 (4) Permanent waving and relaxing, one hundred twenty-five hours;

49 (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;

50 (6) Combouts and hair styling techniques, one hundred five hours;

51 (7) Scalp treatments and scalp diseases, thirty hours;

- 52 (8) Facials, eyebrows and arches, forty hours;
53 (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
54 (10) Cosmetic chemistry, twenty-five hours;
55 (11) Salesmanship and shop management, ten hours;
56 (12) Sanitation and sterilization, thirty hours;
57 (13) Anatomy, twenty hours;
58 (14) State law, ten hours;
59 (15) Curriculum to be defined by school, not less than four hundred seventy hours.
- 60 5. The subjects to be taught for the classified occupation of manicurist shall be as
61 follows and the hours required for each subject shall be not less than those contained in this
62 subsection **or the credit hours determined by the formula in Subpart A of Part 668 of**
63 **Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:**
- 64 (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty
65 hours;
66 (2) Salesmanship and shop management, twenty hours;
67 (3) Sanitation and sterilization, twenty hours;
68 (4) Anatomy, ten hours;
69 (5) State law, ten hours;
70 (6) Study of the use and application of certain chemicals, forty hours;
71 (7) Curriculum to be defined by school, not less than seventy hours.
- 72 6. The subjects to be taught for the classified occupation of esthetician shall be as
73 follows, and the hours required for each subject shall not be less than those contained in this
74 subsection **or the credit hours determined by the formula in Subpart A of Part 668 of**
75 **Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:**
- 76 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
77 (2) Makeup application, all phases, one hundred hours;
78 (3) Hair removal, thirty hours;
79 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
80 (5) Reflexology, thirty-five hours;
81 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
82 (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
83 (8) Salon management and salesmanship, fifty-five hours;
84 (9) Sanitation and sterilization, safety, forty-five hours;
85 (10) State law, ten hours;
86 (11) Curriculum to be defined by school, not less than seventy-five hours.
- 87 7. Training for all classified occupations shall include practical demonstrations, written

88 and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics,
89 cosmetics and electrical appliances consistent with the practical and theoretical requirements as
90 applicable to the classified occupations as provided in this chapter.

91 8. No school of cosmetology shall operate within this state unless a proper license
92 [under] **pursuant to** this chapter has first been obtained.

93 9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology
94 establishment from teaching any of the practices of the classified occupations for which the
95 licensee has been licensed for not less than two years in the licensee's regular course of business,
96 if the owner or manager of the business does not hold himself or herself out as a school and does
97 not hire or employ or personally teach regularly at any one and the same time, more than one
98 apprentice to each licensee regularly employed within the owner's business, not to exceed one
99 apprentice per establishment, and the owner, manager, or trainer does not accept any fee for
100 instruction.

101 10. Each licensed school of cosmetology shall provide a minimum of two thousand
102 square feet of floor space, adequate rooms and equipment, including lecture and demonstration
103 rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements
104 shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet
105 sterilizers, and adequate working facilities for twenty students.

106 11. Each licensed school of cosmetology for manicuring only shall provide a minimum
107 of one thousand square feet of floor space, adequate room for theory instruction, adequate
108 equipment, lockers, an adequate library, two restrooms and a clinical working area for ten
109 students. Minimum floor space requirement proportionately increases with student enrollment
110 of over ten students.

111 12. Each licensed school of cosmetology for esthetics only shall provide a minimum of
112 one thousand square feet of floor space, adequate room for theory instruction, adequate
113 equipment, lockers, an adequate library, two restrooms and a clinical working area for ten
114 students. Minimum floor space requirement increases fifty square feet per student with student
115 enrollment of over ten.

116 13. No school of cosmetology may have a greater number of students enrolled and
117 scheduled to be in attendance for a given class period than the total floor space of that school will
118 accommodate. Floor space required per student shall be no less than fifty square feet per
119 additional student beyond twenty students for a school of cosmetology, beyond ten students for
120 a school of manicuring and beyond ten students for a school of esthetics.

121 14. Each applicant for a new school shall file a written application with the board upon
122 a form approved and furnished upon request by the board. The applicant shall include a list of
123 equipment, the proposed curriculum, and the name and qualifications of any and all of the

124 instructors.

125 15. Each school shall display in a conspicuous place, visible upon entry to the school,
126 a sign stating that all cosmetology services in this school are performed by students, who are in
127 training.

128 16. Any student who wishes to remain in school longer than the required training period
129 may make application for an additional training license and remain in school. A fee is required
130 for such additional training license.

131 17. All contractual fees that a student owes to any cosmetology school shall be paid
132 before such student may be allowed to apply for any examination required to be taken by an
133 applicant applying for a license [under] **pursuant to** the provisions of this chapter.

 329.085. 1. Any person desiring an instructor license shall submit to the board a written
2 application on a form supplied by the board showing that the applicant has met the requirements
3 set forth in section 329.080. An applicant who has met all requirements as determined by the
4 board shall be allowed to take the instructor examination, **including any person who has been**
5 **licensed two or more years as a cosmetologist, manicurist or esthetician.** If the applicant
6 passes the examination to the satisfaction of the board, the board shall issue to the applicant an
7 instructor license.

8 2. The instructor examination fee and the instructor license fee for an instructor license
9 shall be nonrefundable.

10 3. The instructor license renewal fee shall be in addition to the regular cosmetologist,
11 esthetician or manicurist license renewal fee. For each renewal the instructor shall submit proof
12 of having attended a teacher training seminar or workshop at least once every two years,
13 sponsored by any university, or Missouri vocational association, or bona fide state cosmetology
14 association specifically approved by the board to satisfy the requirement for continued training
15 of this subsection. Renewal fees shall be due and payable on or before the renewal date and, if
16 the fee remains unpaid thereafter in such license period, there shall be a late fee in addition to
17 the regular fee.

18 4. Instructors duly licensed as physicians or attorneys or lecturers on subjects not directly
19 pertaining to the practice [under] **pursuant to** this chapter need not be holders of licenses
20 provided for in this chapter.

21 5. The board shall grant instructor licensure upon application and payment of a fee
22 equivalent to the sum of the instructor examination fee and the instructor license fee, provided
23 the applicant establishes compliance with the cosmetology instructor requirements of another
24 state, territory of the United States, or District of Columbia wherein the requirements are
25 substantially equal or superior to those in force in Missouri at the time the application for
26 licensure is filed and the applicant holds a current instructor license in the other jurisdiction at

27 the time of making application.

28 6. Any person licensed as a cosmetology instructor prior to the training requirements
29 which became effective January 1, 1979, may continue to be licensed as such, provided such
30 license is maintained and the licensee complies with the continued training requirements as
31 provided in subsection 3 of this section. Any person with an expired instructor license that is not
32 restored to current status within two years of the date of expiration, shall be required to meet the
33 training and examination requirements as provided in this section and section 329.080.

329.190. 1. The state board of cosmetology shall be composed of seven members,
2 including one voting public member **and two members who are licensed school owners**
3 **pursuant to subsection 1 of section 329.040**, appointed by the governor with the advice and
4 consent of the senate. The term of office of each member shall be four years.

5 2. The members of the board shall receive as compensation for their services the sum
6 set by the board not to exceed fifty dollars for each day actually spent in attendance at meetings
7 of the board, within the state, not to exceed forty-eight days in any calendar year, and in addition
8 thereto they shall be reimbursed for all necessary expenses incurred in the performance of their
9 duties as members of the board.

10 3. All members, except the public member, shall be cosmetologists and manicurists duly
11 registered as such and licensed pursuant to the laws of this state, and shall be United States
12 citizens and shall have been residents of this state for at least one year next preceding their
13 appointments and shall have been actively engaged in the lawful practice of cosmetology for a
14 period of at least five years. The public member shall be at the time of the person's appointment
15 a citizen of the United States; a resident of this state for a period of one year and a registered
16 voter; a person who is not and never was a member of any profession licensed or regulated
17 pursuant to this chapter or the spouse of such person; and a person who does not have and never
18 has had a material, financial interest in either the providing of the professional services regulated
19 by this chapter, or an activity or organization directly related to any profession licensed or
20 regulated pursuant to this chapter. All members, including public members, shall be chosen from
21 lists submitted by the director of the division of professional registration. The duties of the
22 public member shall not include the determination of the technical requirements to be met for
23 licensure or whether any person meets such technical requirements or of the technical
24 competence or technical judgment of a licensee or a candidate for licensure.