

FIRST REGULAR SESSION

HOUSE BILL NO. 182

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RUESTMAN (Sponsor), NIEVES, DEMPSEY, BEAN,
FISHER AND LIPKE (Co-sponsors) .

Read 1st time January 6, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0294L.011

AN ACT

To repeal sections 329.010 and 329.190, RSMo, and to enact in lieu thereof two new sections relating to cosmetology.

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

Section A. Sections 329.010 and 329.190, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 329.010 and 329.190, 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 cosmetology
7 establishment or school, and while so training performs any of the practices of the classified
8 occupations within this chapter under the immediate direction and supervision of a registered
9 cosmetologist or instructor;

10 [(2)] (3) "Board", the state board of cosmetology;

11 [(3)] (4) "Cosmetologist", any person who, for compensation, engages in the practice of
12 cosmetology, as defined in subdivision [(4)] (5) of this section;

13 [(4)] (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,

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.

16 permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair
17 of any person by any means; or removing superfluous hair from the body of any person by means
18 other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes.
19 Class CH - hairdresser, also includes, any person who either with the person's hands or with
20 mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations,
21 antiseptics, tonics, lotions or creams engages for compensation in any one or any combination
22 of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or
23 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, as
30 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 to
33 exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one,
34 or any combination, of the following practices: massaging, cleansing, stimulating, manipulating,
35 exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso,
36 legs or feet and removing superfluous hair by means other than electric needle or any other
37 means of arching or tinting eyebrows or tinting eyelashes, of any person;

38 [(5)] (6) "Cosmetology establishment", that part of any building wherein or whereupon
39 any 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 cosmetology
41 services;

42 [(6)] (7) "Hairdresser", any person who, for compensation, engages in the practice of
43 cosmetology as defined in paragraph (a) of subdivision [(4)] (5) of this section;

44 [(7)] (8) "Instructor", any person who is licensed to teach cosmetology or any practices
45 of cosmetology pursuant to this chapter;

46 [(8)] (9) "Manicurist", any person who, for compensation, engages in any or all of the
47 practices in paragraph (b) of subdivision [(4)] (5) of this section;

48 [(9)] (10) "School of cosmetology" or "school of manicuring", an establishment operated
49 for the purpose of teaching cosmetology as defined in subdivision [(4)] (5) of this section.

329.190. 1. The state board of cosmetology shall be composed of seven members,
2 including one voting public member and [one member] **two members** who [is a licensed school

3 owner pursuant to] **are owners of schools licensed under** subsection 1 of section 329.040, **one**
4 **of whom shall be the owner of an accredited school as defined in section 329.010**, appointed
5 by the governor with the advice and consent of the senate. The term of office of each member
6 shall be four years.

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

12 3. All members, except the public member **and the school owners**, shall be
13 cosmetologists and manicurists duly registered as such and licensed pursuant to the laws of this
14 state, and shall be United States citizens and shall have been residents of this state for at least one
15 year next preceding their appointments and shall have been actively engaged in the lawful
16 practice of cosmetology for a period of at least five years. The public member shall be at the
17 time of the person's appointment a citizen of the United States; a resident of this state for a period
18 of one year and a registered voter; a person who is not and never was a member of any profession
19 licensed or regulated pursuant to this chapter or the spouse of such person; and a person who
20 does not have and never has had a material, financial interest in either the providing of the
21 professional services regulated by this chapter, or an activity or organization directly related to
22 any profession licensed or regulated pursuant to this chapter. All members, including public
23 members, shall be chosen from lists submitted by the director of the division of professional
24 registration. The duties of the public member shall not include the determination of the technical
25 requirements to be met for licensure or whether any person meets such technical requirements
26 or of the technical competence or technical judgment of a licensee or a candidate for licensure.
27 Any member who is a school owner shall not be allowed access to the testing and examination
28 materials nor to attend the administration of the examinations, except when such member is
29 being examined for licensure.