

SS#2 SCS HCS HB 1500 -- REDUCTION IN REGULATION OF CERTAIN
OCCUPATIONS

This bill modifies provisions relating to certain occupations and professions.

PREVIOUSLY UNREGULATED PROFESSIONS

This bill establishes guidelines for the future regulation of occupations and professions in the State of Missouri. The bill specifies that the state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected. The bill states that all bills introduced in the General Assembly to regulate an occupation or profession shall be reviewed according to criteria set forth in the bill.

Additionally, the bill requires that the Department of Insurance, Financial Institutions and Professional Registration, or any relevant regulatory agency, report and submit certain information to the General Assembly upon the filing of any bill that proposes a new or additional regulation of an occupation or profession (Section 324.047, RSMo).

DUPLICATE LICENSES

This bill allows a cosmetologist or barber to appear in person at the Board of Cosmetology and Barber Examiners office, or to mail in a notarized affidavit, in order to obtain a duplicate cosmetology or barber license when the original license has been destroyed, lost, mutilated beyond practical usage, or was never received (Section 328.025).

COSMETOLOGY AND BARBERING

Currently, the law requires that applicants for a barber license be free of contagious or infectious diseases; this bill clarifies that the concern is only with diseases that are capable of being transmitted during the ordinary course of business for a barber. The bill repeals the good moral character requirement for barbers and for certain licenses under the purview of the Board of Cosmetology and Barber Examiners. The requirement that an applicant for a cosmetology instructor trainee license be of good moral character and in good physical and mental health is repealed under the bill. Additionally, applicants may be denied licensure if they have been found guilty of any one of a list of offenses, as

set forth in the bill.

The bill repeals provisions stating that apprentice training for barbering and cosmetology and training for a cosmetology instructor license shall only be recognized by the Board of Cosmetology and Barber Examiners for a period of five years (Section 328.080).

Nothing in the provisions of law relating to cosmetology shall apply to hairdressing, manicuring, or facial treatments given for which no charge is made.

The board is required to grant a license to practice cosmetology, without first requiring an examination, to an applicant who holds a current cosmetology license in another state if the licensure requirements in that state are similar to, rather than substantially equal to, the licensing requirements in Missouri (Section 329.130).

The bill repeals provisions allowing the board to require a barber to be examined by a physician to ascertain if the barber is free of infectious or contagious diseases and is not afflicted with any physical or mental ailment which would render him unfit to practice the occupation of barbering (Section 328.100).

HAIR BRAIDING

This bill provides that the practices of cosmetology and barbering do not include hair braiding. The bill requires that all individuals engaging in hair braiding for compensation first register with the Board of Cosmetology and Barber Examiners. The board shall charge registrants a fee of not more than \$20. An applicant may be denied a certificate of registration if he or she has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of certain criminal offenses set forth in the bill, notwithstanding whether sentence is imposed.

The board shall provide persons registering as hair braiders with a mandatory educational video about infection control techniques and diseases of the scalp that is four to six hours in length. A person who registers as a hair braider shall post a copy of his or her certificate of registration in a conspicuous place at his or her place of business. If the registrant is operating outside of his or her place of business he or she shall provide the client or customer with a copy of his or her certificate of registration upon the client's or customer's request.

The board may inspect the registrant's place of business one time per year during business hours to ensure that he or she is not operating outside the scope of practice of hair braiding.

Additionally, the board may inspect a hair braiding establishment upon any customer complaints and such additional inspection shall not count toward the one time per year inspection limitation.

If a registrant is found to be operating outside the scope of practice of hair braiding the board may suspend or revoke the registrant's certificate of registration (Section 329.275).