

FIRST REGULAR SESSION

# HOUSE BILL NO. 789

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIER.

1488H.02I

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 161.405, 209.285, 209.321, 281.035, 281.038, 281.040, 281.045, 324.010, 324.021, 324.022, 328.020, 329.010, 329.032, 329.275, and 476.750, RSMo, and to enact in lieu thereof fourteen new sections relating to professional registration.

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

Section A. Sections 161.405, 209.285, 209.321, 281.035, 281.038, 281.040, 281.045, 2 324.010, 324.021, 324.022, 328.020, 329.010, 329.032, 329.275, and 476.750, RSMo, are 3 repealed and fourteen new sections enacted in lieu thereof, to be known as sections 161.405, 4 209.285, 209.321, 281.035, 281.038, 281.040, 281.045, 324.010, 324.021, 324.022, 328.020, 5 329.010, 329.032, and 476.750, to read as follows:

161.405. The commission shall function as an agency of the state to advocate public 2 policies, regulations and programs to improve the quality and coordination of existing services 3 for deaf and hard of hearing persons and to promote new services whenever necessary. The 4 commission shall:

5 (1) Promote deaf awareness to the general public and serve as a consultant to any public 6 agency needing information regarding deafness;

7 (2) Develop a system of **voluntary** state certification for those individuals serving as 8 interpreters of the deaf by:

9 (a) Conducting evaluations; and

10 (b) Developing a fee scale for different classes of interpreters;

11 (3) Maintain the quality of interpreting services by:

12 (a) Conducting interpreter training workshops to update knowledge and skills; and

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.

13 (b) Working closely with the institutions of higher education which provide, or plan to  
14 provide, instructional programs for learning sign language;

15 (4) Conduct and maintain a census of the deaf population in Missouri;

16 (5) Promote the development of a plan which advocates the initiation of improved  
17 physical and mental health services for deaf Missourians;

18 (6) Conduct or make available workshops or seminars as needed for educating nondeaf  
19 individuals of the problems associated with deafness and ways by which these groups or agencies  
20 can more effectively interact with those who are deaf;

21 (7) Promote the development of services for deaf and hard of hearing adults, such as  
22 shelter homes, independent living skill training facilities and postschool educational training  
23 which will help provide for those deaf and hard of hearing individuals requiring such services  
24 an opportunity to live independently;

25 (8) Establish a network for effective communication among the deaf adult community  
26 and promote the establishment of TDD relay services where needed;

27 (9) Develop and establish interpreting services for state agencies.

209.285. As used in sections 209.285 to 209.339, unless the context clearly requires  
2 otherwise, the following terms mean:

3 (1) "American sign language", a visual-gestural system of communication that has its  
4 own syntax, rhetoric and grammar. American sign language is recognized, accepted and used  
5 by many deaf Americans. This native language represents concepts rather than words;

6 (2) "Board", the Missouri board for certification of interpreters, established within the  
7 commission in section 209.287;

8 ~~[(3) "Certification", a document issued by the Missouri commission for the deaf and hard  
9 of hearing declaring that the holder is qualified to practice interpreting at a disclosed level;~~

10 ~~———(4) "Commission", the Missouri commission for the deaf and hard of hearing;~~

11 ~~[(5) (4) "Committee", the Missouri state committee of interpreters, established in  
12 section 209.319;~~

13 ~~[(6) (5) "Conversion levels", the process of granting levels of certification by the  
14 commission to individuals holding certification from another state or within another certification  
15 system in this state or another state;~~

16 ~~[(7) (6) "Coordinator", a staff person, hired by the executive director of the Missouri  
17 commission for the deaf and hard of hearing, who shall serve as coordinator for the Missouri  
18 interpreter certification system;~~

19 ~~[(8) (7) "Deaf person", any person who is not able to discriminate speech when spoken  
20 in a normal conversational tone regardless of the use of amplification devices;~~

21 ~~[(9) (8) "Department", the department of commerce and insurance;~~

- 22           ~~[(10)]~~ **(9)** "Director", the director of the division of professional registration;
- 23           ~~[(11)]~~ **(10)** "Division", the division of professional registration;
- 24           ~~[(12)]~~ **(11)** "Executive director", the executive director of the Missouri commission for  
25 the deaf and hard of hearing;
- 26           ~~[(13)]~~ **(12)** "Interpreter", any person who offers to render interpreting services implying  
27 that he or she is trained~~[,]~~ and experienced in interpreting~~], and holds a current, valid certification~~  
28 ~~and license to practice interpreting in this state; provided that a telecommunications operator~~  
29 ~~providing deaf relay service or a person providing operator services for the deaf shall not be~~  
30 ~~considered to be an interpreter];~~
- 31           ~~[(14)]~~ **(13)** "Interpreter trainer", a person~~[,]~~ certified ~~[and licensed]~~ by the state of  
32 Missouri as an interpreter, who trains new interpreters in the translating of spoken English or  
33 written concepts to any necessary specialized vocabulary used by a deaf consumer. Necessary  
34 specialized vocabularies include, but are not limited to, American sign language, Pidgin Signed  
35 English, oral, tactile sign and language deficient skills;
- 36           ~~[(15)]~~ **(14)** "Interpreting", the translating of English spoken or written concepts to any  
37 necessary specialized vocabulary used by a deaf person or the translating of a deaf person's  
38 specialized vocabulary to English spoken or written concepts; provided that a  
39 telecommunications operator providing deaf relay service or a person providing operator services  
40 for the deaf shall not be considered to be interpreting. Necessary specialized vocabularies  
41 include, but are not limited to, American sign language, Pidgin Signed English, oral, tactile sign  
42 and language deficient skills;
- 43           ~~[(16)]~~ **(15)** "Language deficient", mode of communication used by deaf individuals who  
44 lack crucial language components, including, but not limited to, vocabulary, language concepts,  
45 expressive skills, language skills and receptive skills;
- 46           ~~[(17)]~~ **(16)** "Missouri commission for the deaf", Missouri commission for the deaf and  
47 hard of hearing established in section 161.400;
- 48           ~~[(18)]~~ **(17)** "Oral", mode of communication having characteristics of speech, speech  
49 reading and residual hearing as a primary means of communication using situational and  
50 culturally appropriate gestures, without the use of sign language;
- 51           ~~[(19)]~~ **(18)** "Pidgin Signed English", a mode of communication having characteristics  
52 of American sign language;
- 53           ~~[(20)]~~ **(19)** "Practice of interpreting", rendering or offering to render or supervise those  
54 who render to individuals, couples, groups, organizations, institutions, corporations, schools,  
55 government agencies or the general public any interpreting service involving the translation of  
56 any mode of communication used by a deaf person to spoken English or of spoken English to  
57 a mode of communication used by a deaf person;

58           **(20) "State certification", a voluntary, government-granted and nontransferable**  
59 **recognition and document issued by the Missouri commission for the deaf and hard of**  
60 **hearing recognizing that the holder has met state qualifications to render interpreting**  
61 **services and is qualified to practice interpreting at a disclosed level;**

62           **(21) "State-certified interpreter", any person who offers to render interpreting**  
63 **services implying that he or she is trained and experienced in interpreting and holds a**  
64 **current, valid state certification to practice interpreting in this state;**

65           ~~[(21)]~~ **(22) "Tactile sign", mode of communication, used by deaf and blind individuals,**  
66 **using any one or a combination of the following: tactile sign, constricted space sign or**  
67 **notetaking.**

          209.321. 1. No person shall represent himself or herself as ~~[aa]~~ **a state-certified**  
2 **interpreter** ~~[or engage in the practice of interpreting as defined in section 209.285]~~ in the state  
3 of Missouri unless such person is ~~[licensed as required by]~~ **certified under** the provisions of  
4 sections 209.319 to 209.339. **Notwithstanding any other provision of law, a license or state**  
5 **certification is not required under this chapter to engage in the practice of interpreting, as**  
6 **defined in section 209.285.**

7           2. A person registered, certified or licensed by this state, another state or any recognized  
8 national certification agent, acceptable to the committee that allows that person to practice any  
9 other occupation or profession in this state, is not considered to be interpreting if he or she is in  
10 performance of the occupation or profession for which he or she is registered, certified or  
11 licensed. The professions referred to in this subsection include, but are not limited to,  
12 physicians, psychologists, nurses, certified public accountants, architects and attorneys.

13           3. A ~~[licensed]~~ **state-certified** interpreter shall limit his or her practice to demonstrated  
14 areas of competence as documented by relevant professional education, training, experience and  
15 certification. ~~[Aa]~~ **A state-certified** interpreter not trained in an area shall not practice in that  
16 area without obtaining additional relevant professional education, training and experience  
17 through an acceptable program as defined by rule by the Missouri commission for the deaf and  
18 hard of hearing.

19           4. A person is not considered to be interpreting pursuant to the provisions of this section  
20 if, in a casual setting and as defined by rule, a person is acting as an interpreter gratuitously or  
21 is engaged in interpreting incidental to traveling.

22           5. A person is not considered to be interpreting pursuant to the provisions of this section  
23 if a person is engaged as a telecommunications operator providing deaf relay service or operator  
24 services for the deaf.

25           6. A person is not considered to be interpreting under the provisions of this section if the  
26 person is currently enrolled in an interpreter training program which has been accredited by a

27 certifying agency and approved by the committee. The training program shall offer a degree in  
28 interpreting from an accredited institution of higher education. Persons exempted under this  
29 provision shall engage only in activities and services that constitute part of a supervised course  
30 of study and shall clearly designate themselves by a title of the student, practicum student,  
31 student interpreter, trainee, or intern.

32 7. A person holding a current certification ~~[or]~~ **or** license from another state or  
33 recognized national certification system deemed acceptable by the committee is not considered  
34 to be interpreting as defined in this chapter when temporarily present in the state for the purpose  
35 of providing interpreting services for a convention, conference, meeting, professional group, or  
36 educational field trip.

37 8. (1) The board for certification of interpreters shall grant a provisional certificate in  
38 education for any applicant who meets either of the following criteria:

39 (a) The applicant possesses a current valid certification in the Missouri interpreters  
40 certification system at either the novice or apprentice level and holds a valid ~~[license]~~ **state**  
41 **certification** to provide interpreting services; or

42 (b) The applicant has submitted an application for certification in the Missouri  
43 interpreters certification system and an application for an interpreting ~~[license]~~ **state**  
44 **certification** pursuant to sections 209.319 to 209.339 and has taken the written test and  
45 performance test or attests that he or she will complete the certification ~~[and licensure]~~  
46 applications and take the written test within sixty days following the date of application for a  
47 provisional certificate in education and will complete the performance test within sixty days  
48 following passage of the written test.

49 (2) The board shall issue the provisional certificate in education within ten business days  
50 following receipt of a complete application.

51 (3) A provisional certificate issued under paragraph (a) of subdivision (1) of this  
52 subsection shall be valid for a term of three years and shall be renewed by the board, upon  
53 request by the certificate holder, for one additional term of three years if the certificate holder  
54 is reevaluated during the first term of issuance and achieves a higher level of certification in the  
55 Missouri interpreter certification system.

56 (4) A provisional certificate issued under paragraph (b) of subdivision (1) of this  
57 subsection shall be valid for one year and shall be renewed, upon request by the certificate  
58 holder, pursuant to subdivision (3) of this subsection if the certificate holder is reevaluated  
59 during the term of issuance and achieves a certification in the Missouri interpreter certification  
60 system. Such renewed certificate shall be subject to the term length and renewal provisions of  
61 subdivision (3) of this subsection.

62 (5) A provisional certificate in education shall be limited to providing interpreters  
63 services in preschool, elementary and secondary school settings or as allowed by any other valid  
64 Missouri certification or license held by the individual.

65 (6) A provisional certificate in education may be revoked by the board if the person  
66 makes any misrepresentations or fails to fulfill any commitment made pursuant to paragraph (b)  
67 of subdivision (1) of this subsection, or violates the provisions of section 209.317 or 209.334 or  
68 breaks any of the ethical rules of conduct for interpreters as established by state rule or fails to  
69 obtain the necessary continuing education credits required for certification maintenance.

281.035. 1. No individual shall engage in the business of determining the need for the  
2 use of, supervising the use of, or using any pesticide, in categories as specified by regulation, on  
3 the lands of another at any time without a certified commercial applicator's license issued by the  
4 director. A certified commercial applicator shall not determine the need for the use of, supervise  
5 the use of or use any pesticide for any particular purpose unless he or she has demonstrated his  
6 or her competence to use pesticides for that purpose by being certified by the director in the  
7 proper certification category. The director shall require an annual fee of sixty-five dollars for  
8 each certified commercial applicator's license issued. No certified commercial applicator shall  
9 knowingly authorize, direct, or instruct any individual to engage in determining the need for the  
10 use of or using any pesticide on the land of another at any time unless such individual is a  
11 pesticide technician or pesticide technician trainee in such categories as specified by regulation  
12 or is working under the direct supervision of a certified commercial applicator so authorizing,  
13 directing or instructing, in which case the certified commercial applicator shall be liable for any  
14 use of a pesticide by an individual operating under his or her direct supervision. The certified  
15 commercial applicator or the employer shall assure that the director is informed in writing within  
16 ten working days of the employment of any person as a pesticide technician or pesticide  
17 technician trainee.

18 2. Application for a certified commercial applicator's license shall be made in writing  
19 to the director on a designated form obtained from the director's office. Each application shall  
20 include such information as prescribed by the director by regulation. **Notwithstanding any**  
21 **other provision of law or regulation to the contrary, the director shall not require as a**  
22 **condition of certification an associate of arts degree, any other higher education degree,**  
23 **or previous experience.**

24 3. The director shall not issue a certified commercial applicator's license until the  
25 applicant is certified by passing an examination provided by the director to demonstrate to the  
26 director his or her competence and knowledge of the proper use of pesticides under the  
27 classifications he or she had applied for, and his or her knowledge of the standards prescribed  
28 by regulations for the certification of commercial applicators.

29           4. The director may renew any certified commercial applicator's license under the  
30 classification for which such applicant is licensed, subject to reexamination for additional  
31 knowledge that may be required to use pesticides safely and properly either manually or with  
32 equipment the applicant has been licensed to operate.

33           5. If the director finds the applicant qualified to use pesticides in the classification for  
34 which application has been made, and if the applicant files evidence that the requirement for  
35 bonds or insurance has been met as required under section 281.065, the director shall issue a  
36 certified commercial applicator's license limited to the classifications for which he or she is  
37 qualified, which shall expire one year from date of issuance unless it has been revoked or  
38 suspended prior thereto by the director for cause; provided, such financial responsibility required  
39 under section 281.065 does not expire at an earlier date, in which case said license shall expire  
40 upon the expiration date of the financial responsibility. The director may limit the license of the  
41 applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of  
42 equipment if the applicant is only so qualified. If a license is not issued as applied for, the  
43 director shall inform the applicant in writing of the reasons therefor.

44           6. The director shall require each certified commercial applicator or his or her employer  
45 to maintain records with respect to applications of any pesticide. Such relevant information as  
46 the director may deem necessary may be specified by regulation. Such records shall be kept for  
47 a period of three years from the date of the application of the pesticide to which such records  
48 refer, and the director shall, upon request in writing, be furnished with a copy of such records by  
49 any certified commercial applicator or his or her employer.

50           7. A person or individual engaged in the business of using pesticides on the lands of  
51 another, who is deprived of his or her sole certified commercial applicator by reason of death,  
52 illness, incapacity or any absence which the director determines is unavoidable, is authorized to  
53 continue business operations without the services of a certified commercial applicator for a  
54 period of time deemed appropriate by the director, but not to exceed sixty days; except that, no  
55 restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any  
56 such person or individual shall immediately notify the director as to the absence of his or her sole  
57 certified commercial applicator.

58           8. Every certified commercial applicator shall display his or her license in a prominent  
59 place at the site, location or office from which he or she will operate as a certified commercial  
60 applicator; that place, location or office being at the address printed on the license.

61           9. Every certified commercial applicator who changes the address from which he or she  
62 will operate as a certified commercial applicator shall immediately notify the director. The  
63 director shall immediately issue a revised license upon which shall be printed the changed

64 address. The director shall not collect a fee for the issuance of a revised license. The expiration  
65 date of the revised license shall be the same as the expiration date for the original license.

281.038. 1. After July 1, 1990, no individual working under the direct supervision of  
2 a certified commercial applicator shall determine the need for the use of any pesticide nor use  
3 any pesticide in categories as specified by regulation, unless and until the individual has met the  
4 requirements of this chapter.

5 2. Application for a pesticide technician's license shall be made in writing to the director  
6 on a designated form obtained from the director's office. Each application shall include such  
7 information as prescribed by the director by regulation and shall be received by the director  
8 within forty-five days of employment of the pesticide technician or pesticide technician trainee.

9 3. The director shall not issue a pesticide technician's license until the individual has  
10 demonstrated his or her competence by completion of an approved training program to the  
11 satisfaction of the director.

12 4. ~~[The director may renew any pesticide technician's license under the classification for~~  
13 ~~which that applicant is licensed subject to completion of an additional approved training program~~  
14 ~~to the satisfaction of the director as prescribed by regulation.~~

15 ~~5.]~~ The director shall collect a fee of thirty-five dollars for each pesticide technician  
16 license issued.

17 ~~[6.]~~ 5. If the director finds the applicant qualified to use pesticides in the classification  
18 for which application has been made, the director shall issue a pesticide technician's license  
19 limited to the classifications for which he or she is qualified, which shall expire one year from  
20 date of issuance unless it has been revoked or suspended prior thereto by the director for cause.  
21 The director may limit the license of the applicant to the use of certain pesticides, or to certain  
22 areas, or to certain types of equipment if the applicant is only so qualified. If a license is not  
23 issued as applied for, the director shall inform the applicant in writing of the reasons for such  
24 denial of license.

281.040. 1. No private applicator shall use any restricted-use pesticide unless he first  
2 complies with the requirements determined pursuant to subsection 2 or 5 of this section, as  
3 necessary to prevent unreasonable adverse effects on the environment, including injury to the  
4 applicator or other persons, for that specific pesticide use.

5 2. The private applicator shall qualify for a certified private applicator's license by either  
6 attending a course or completing an online course of instruction provided by the director on the  
7 use, handling, storage and application of restricted-use pesticides. The content of the instruction  
8 shall be determined and revised as necessary by the director. Upon completion of the course, the  
9 director shall issue a certified private applicator's license to the applicant. The director shall not  
10 collect a fee for the issuance of such license, but the University of Missouri extension service



11 may collect a fee for the actual cost of the materials necessary to complete the course of  
12 instruction. However, no fee shall be assessed or collected from an individual completing an  
13 online course of instruction. Both the director of the department and of the University of  
14 Missouri extension service shall review such costs annually.

15 3. A certified private applicator's license shall expire five years from date of issuance and  
16 may then be renewed without charge or additional fee. Any certified private applicator holding  
17 a valid license may renew that license for the next five years without additional training [~~unless~~  
18 ~~the director determines that additional knowledge related to the use of agricultural pesticides~~  
19 ~~makes additional training necessary~~].

20 4. If the director does not qualify the private applicator under this section he shall inform  
21 the applicant in writing of the reasons therefor.

22 5. The private applicator may apply to the director, or his designated agent, for a private  
23 applicator permit for the one-time emergency purchase and use of restricted use pesticides.  
24 When the private applicator has demonstrated his competence in the use of the pesticides to be  
25 purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time  
26 emergency purchase and use of restricted use pesticides. The director or his designated agent  
27 shall not collect a fee for the issuance of such permit.

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof,  
2 and any other governmental agency shall be subject to the provisions of sections 281.010 to  
3 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

4 2. Public operators for agencies listed in subsection 1 of this section shall not use, or  
5 supervise the use of, any restricted use pesticides on any land or structure without a certified  
6 public operator license issued by the director. The certified public operator shall not use or  
7 supervise the use of any restricted use pesticide for any purpose unless he has demonstrated his  
8 competence to use pesticides for that purpose by being certified by the director in the proper  
9 certification category. Any employee of any agency listed in subsection 1 of this section who  
10 is not licensed as a certified public operator may use restricted use pesticides only under the  
11 direct supervision of a certified public operator.

12 3. Application for a certified public operator license shall be made in writing to the  
13 director on a designated form obtained from the director's office. Each application shall include  
14 all information prescribed by the director by regulation. **Notwithstanding any other provision**  
15 **of law or regulation to the contrary, the director shall not require as a condition of**  
16 **certification an associate of arts degree, any other higher education degree, or previous**  
17 **experience.**

18 4. The director shall not issue a certified public operator license until the applicant is  
19 certified by passing an examination provided by the director to demonstrate to the director his

20 competence and knowledge of the proper use of pesticides under the classifications for which  
21 he has applied, and his knowledge of the standards prescribed by regulations for the certification  
22 of public operators.

23         5. If the director finds the applicant qualified to use pesticides in the classification for  
24 which he has applied, the director shall issue a license, without a fee, to the certified public  
25 operator who has so qualified. The certified public operator license shall be valid only when the  
26 operator is acting as an operator using, or supervising the use of, restricted use pesticides in the  
27 course of his employment. A certified public operator license shall expire three years from the  
28 date of issuance unless it has been revoked or suspended prior thereto by the director for cause.  
29 The director may limit the license of the applicant to the use of certain restricted use pesticides,  
30 or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a  
31 license is not issued as applied for, the director shall inform the applicant in writing of the  
32 reasons therefor.

33         6. The director may renew any certified public operator license under the classification  
34 for which that applicant is licensed, subject to reexamination for additional knowledge which  
35 may be required to use pesticides safely and properly either manually or with equipment the  
36 applicant has been licensed to operate.

37         7. The director shall require the certified public operator, or his employer, to maintain  
38 records with respect to applications of restricted use pesticides. Any relevant information which  
39 the director may deem necessary may be required by regulation. Such records shall be kept for  
40 a period of three years from the date of the application of the pesticide to which such records  
41 refer, and the director shall, upon request in writing, be furnished with a copy of such records by  
42 any certified public operator or his employer.

43         8. Agencies listed in subsection 1 of this section shall be subject to a legal action by any  
44 person damaged by any use of any pesticide, which may be brought in the county where the  
45 damage or any part thereof occurred.

46         9. Every certified public operator shall display his license in a prominent place at the  
47 site, location or office from which he will operate as a certified public operator, that place,  
48 location or office being at the address printed on the license.

49         10. Every certified public operator who changes the address from which he will operate  
50 as a certified public operator shall immediately notify the director. The director shall  
51 immediately issue a revised license upon which shall be printed the changed address. The  
52 director shall not collect a fee for the issuance of a revised license. The expiration date of the  
53 revised license shall be the same as the expiration date for the original license.

324.010. All governmental entities issuing professional licenses, certificates,  
2 registrations, or permits pursuant to [~~sections 209.319 to 209.339,~~] sections 214.270 to 214.516,

3 sections 256.010 to 256.453, section 375.014, sections 436.005 to 436.071, and chapter 317 and  
4 chapters 324 to 346 shall provide the director of revenue with the name and Social Security  
5 number of each applicant for licensure with or licensee of such entities within one month of the  
6 date the application is filed or at least one month prior to the anticipated renewal of a licensee's  
7 license. If such licensee is delinquent on any state taxes or has failed to file state income tax  
8 returns in the last three years, the director shall then send notice to each such entity and licensee.  
9 In the case of such delinquency or failure to file, the licensee's license shall be suspended within  
10 ninety days after notice of such delinquency or failure to file, unless the director of revenue  
11 verifies that such delinquency or failure has been remedied or arrangements have been made to  
12 achieve such remedy. The director of revenue shall, within ten business days of notification to  
13 the governmental entity issuing the professional license that the delinquency has been remedied  
14 or arrangements have been made to remedy such delinquency, send written notification to the  
15 licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably  
16 founded disputes with such liability shall be considered paid for the purposes of this section.

324.021. When making appointments to the boards governed by [~~sections 209.285 to~~  
2 ~~209.339,~~] sections 256.010 to 256.453, this chapter, and chapters 326, 327, 328, 329, 330, 331,  
3 332, 333, 334, 335, 336, 337, 338, 339, 340, 345, and 346, the governor shall take affirmative  
4 action to appoint women and members of minority groups. In addition, the governor shall not  
5 discriminate against or in favor of any person on the basis of race, sex, religion, national origin,  
6 ethnic background, or language.

324.022. No rule or portion of a rule promulgated under the authority of [~~sections~~  
2 ~~209.285 to 209.339,~~] sections 214.270 to 214.516, sections 256.010 to 256.453, this chapter, and  
3 chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 345,  
4 and 346 shall become effective unless it has been promulgated pursuant to the provisions of  
5 section 536.024.

328.020. 1. It shall be unlawful for any person to practice the occupation of a barber in  
2 this state, unless he or she shall have first obtained a license, as provided in this chapter.

3 **2. The division of professional registration shall not require any person who**  
4 **engages solely in cleansing, drying, or styling hair to be licensed under this chapter. For**  
5 **purposes of this section, "styling" means arranging, curling, or straightening hair using**  
6 **mechanical devices, hair sprays, and topical agents such as balms, oils, and serums, and**  
7 **using and styling hair extensions and wigs. Styling does not include cutting hair or**  
8 **applying dyes, bleach, reactive chemicals, keratin treatments, or other preparations to**  
9 **color or alter the structure of hair.**

10           **3. The division of professional registration shall not require any person who**  
11 **engages solely in hair braiding, as defined in section 329.010, to be licensed under this**  
12 **chapter.**

          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 licensed  
9 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 classified  
14 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 [œ] **and** similar work upon  
17 the hair of any person by any means **in conjunction with cutting, coloring, or altering the**  
18 **structure of the hair**; or removing superfluous hair from the body of any person by means other  
19 than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes. Class CH  
20 - hairdresser also includes any person who either with the person's hands or with mechanical or  
21 electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics,  
22 lotions or creams engages for compensation in any one or any combination of the following:  
23 massaging, cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the  
24 scalp, face, neck, arms or bust;

25           (b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting,  
26 cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails,  
27 massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming,  
28 polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying  
29 artificial toenails, massaging and cleaning a person's legs and feet;

30           (c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as  
31 defined in paragraphs (a) and (b) of this subdivision;

32           (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or  
33 appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to

34 exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one,  
35 or any combination, of the following practices: massaging, cleansing, stimulating, manipulating,  
36 exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso,  
37 legs or feet and removing superfluous hair by means other than electric needle or any other  
38 means of arching or tinting eyebrows or tinting eyelashes, of any person;

39 (6) "Cosmetology establishment", that part of any building wherein or whereupon any  
40 of the classified occupations are practiced including any space rented within a licensed  
41 establishment by a person licensed under this chapter, for the purpose of rendering cosmetology  
42 services;

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

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

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

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

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

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

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

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

329.032. 1. **The division of professional registration shall not require any person  
2 who engages solely in cleansing, drying, or styling hair to be licensed under this chapter.  
3 For purposes of this section, "styling" means arranging, curling, or straightening hair  
4 using mechanical devices, hair sprays, and topical agents such as balms, oils, and serums,  
5 and using and styling hair extensions and wigs. Styling does not include cutting hair or  
6 applying dyes, bleach, reactive chemicals, keratin treatments, or other preparations to  
7 color or alter the structure of hair.**

8           **2. The division of professional registration shall not require any person who**  
9 **engages solely in hair braiding, as defined in section 329.010, to be licensed under this**  
10 **chapter.**

11           **3. The division of professional registration shall not require any person who**  
12 **engages solely in eyebrow threading to be licensed under this chapter. For purposes of this**  
13 **section, "eyebrow threading" means the use of techniques that result in removing eyebrow**  
14 **hair by trapping the hair in a loop of cotton thread and manipulating the thread by hand.**

15           **4. The division of professional registration shall not require any person who**  
16 **engages solely in makeup application to be licensed under this chapter.**

17           **5. Nothing in this chapter shall apply to hairdressing, manicuring, or facial treatments**  
18 **given in the home to members of a person's family or friends for which no charge is made.**

19           ~~[2. Nothing in this chapter or chapter 328, except for the provisions of sections 329.010~~  
20 ~~and 329.275, shall apply to persons engaged in the practice of hair braiding who have met the~~  
21 ~~requirements in section 329.275.]~~

476.750. As used in sections 476.750 to 476.766, the following terms mean:

2           (1) "Auxiliary aids and services", the device or service that the deaf person feels would  
3 best serve him or her which includes, but is not limited to, qualified interpreters, notetakers,  
4 transcription services, written materials, assistive listening devices, assistive listening systems,  
5 closed caption decoders, open and closed captioning, videotext displays or other effective  
6 method of making aurally delivered materials available to individuals with hearing loss as  
7 defined by the Americans with Disabilities Act of 1990, P.L. 101-336, as amended;

8           (2) "Deaf person", any person who, because of a hearing loss, is not able to discriminate  
9 speech when spoken in a normal conversational tone regardless of the use of amplification  
10 devices;

11           (3) "Designated responsible authority", the presiding officer, chairman, hearing officer,  
12 judge, clerk or similar official in any court, board, commission, department, agency or legislative  
13 body or the designated Americans with Disabilities Act coordinator who is responsible for  
14 providing auxiliary aids and services;

15           (4) "Primary consideration", when an auxiliary aid or service is required, the designated  
16 responsible authority shall when possible provide an opportunity for the qualified individual with  
17 a disability to designate the auxiliary aid or service of his or her choice. The designated  
18 responsible authority may honor the choice of the qualified individual with a disability, unless  
19 the designated responsible authority provides an equally effective auxiliary aid or service, or that  
20 use of the means chosen would result in a fundamental alteration in the service, program or  
21 activity or in undue financial or administrative burdens;

22 (5) "Qualified interpreter", an interpreter [~~certified and licensed by the Missouri~~  
 23 ~~interpreter certification system or~~] deemed competent by the Missouri commission for the deaf  
 24 and hard of hearing, who is able to interpret effectively, accurately and impartially both  
 25 receptively and expressively, using any necessary specialized vocabulary.

~~2 [329.275. 1. The practices of cosmetology and barbering shall not  
 3 include hair braiding, except that, nothing in this section shall be construed as  
 4 prohibiting a licensed cosmetologist or barber from performing the service of hair  
 5 braiding.~~

~~6 2. No person shall engage in hair braiding for compensation in the state  
 7 of Missouri without first registering with the board. Applicants for a certificate  
 8 of registration to engage in hair braiding shall submit to the board an application  
 9 and a required fee, as set by the board. Such fee shall not exceed twenty dollars.  
 10 Prior to receiving a certificate, each applicant shall also watch an instructional  
 11 video prepared by the board in accordance with subsection 4 of this section. An  
 12 applicant for a certificate of registration may be denied such certificate if the  
 13 applicant has pleaded guilty to, entered a plea of nolo contendere to, or been  
 14 found guilty of any of the offenses set forth in subsection 5 of section 329.050.~~

~~15 3. Registered hair braiders shall keep their information that the board  
 16 requires for initial registration current and up to date with the board.~~

~~17 4. The board shall develop and prepare an instructional video, at least  
 18 four hours but no more than six hours in length, that contains information about  
 19 infection control techniques and diseases of the scalp that are appropriate for hair  
 20 braiding in or outside of a salon setting and any other information to be  
 21 determined by the board. The instructional video shall be made available to  
 22 applicants through the division of professional registration's website. The board  
 23 shall also develop and prepare a brochure that contains a summary of the  
 24 information contained in the instructional video. The brochure shall be made  
 25 available through the division of professional registration's website, or by mail,  
 26 upon request, for a fee to cover the board's mailing costs.~~

~~27 5. Any person who registers as a hair braider under this section shall post  
 28 a copy of his or her certificate of registration in a conspicuous place at his or her  
 29 place of business. If the person is operating outside his or her place of business,  
 30 he or she shall provide to the client or customer a copy of his or her certificate of  
 31 registration upon the client's or customer's request.~~

~~32 6. (1) The board may inspect hair braiding establishments or facilities  
 33 where hair braiding occurs one time per year during business hours to ensure:~~

~~34 (a) Persons registered as hair braiders are not operating outside the scope  
 35 of practice of hair braiding; and~~

~~36 (b) Compliance with this section and rules promulgated thereunder.~~

~~37 (2) Additionally, if a customer or client submits a complaint to the board  
 38 about a hair braider, the board may inspect such hair braider's establishment  
 39 during regular business hours. This inspection shall not count toward the  
 one-time inspection limit set forth in subdivision (1) of this subsection.~~

40 ~~————— (3) In addition to the causes listed in section 329.140, the board may also~~  
41 ~~suspend or revoke a certificate of registration if a person registered as a hair~~  
42 ~~braider is found to be operating outside the scope of practice of hair braiding.~~  
43 ~~————— 7. Nothing in this section shall apply to any cosmetologists licensed to~~  
44 ~~practice in this state in their respective classifications.]~~

✓