

Meeting Notice

State Board of Cosmetology and Barber Examiners
Division of Professional Registration

Jefferson City, Missouri

July 25, 2013

The Missouri State Board of Cosmetology and Barber Examiners will meet, via conference call on Thursday, July 25, 2013 at 7:00 p.m. The conference call will convene in the Executive Director's office located at the Division of Professional Registration, located at 3605 Missouri Boulevard, Jefferson City, MO 65109. **Individuals may also join the conference call by dialing 1-877-820-7831 followed by entering a pin number of 35666479#.** For individuals with special needs, notification should be forwarded to the Missouri State Board of Cosmetology and Barber Examiners, P.O. Box 1062; 3605 Missouri Boulevard, Jefferson City, Missouri or by calling (573) 751-1052 to ensure available accommodations. The text telephone number for the hearing impaired is 800-735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Cosmetology and Barber Examiners is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, and Chapter 324.001.8 and 324.001.9, RSMo.

The Board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

POSTED: 7/23/2013

**State Board of Cosmetology and Barber Examiners
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, MO 65109**

July 25, 2013

TENTATIVE OPEN SESSION AGENDA

Thursday, July 25, 2013

7:00 p.m.

- a.) Call to order
 - b.) Roll Call
1. Approval of Open Session Agenda
 2. Discussion with potential contract legal counsel
 3. Discussion of Legislative Proposals for 2014

Closed Session – The Board will move into closed session pursuant to Section 610.021 Subsections (1), (3), (5), (7), and (14), RSMo, and Sections 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant, and discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, for deliberation on discipline, for discussing hiring, firing, disciplining or promoting an employee of this agency, for discussing applicants for licensure, performance evaluations pertaining to individual employees, testing and examination materials, and for the purpose of approving the minutes of one or more previous meetings.

*Adjournment**

DISCUSSION

1
2
3 **2014 PROPOSED LEGISLATION**
4 **July 2013 1st Draft**
5

6 328.010. As used in this chapter, unless the context clearly indicates otherwise, the following
7 terms mean:

8 (1) "Barber", any person who is engaged in the capacity so as to shave the beard or cut and dress
9 the hair for the general public shall be construed as practicing the occupation of "barber", and the
10 said barber or barbers shall be required to fulfill all requirements within the meaning of this
11 chapter;

12 (2) "Barber establishment", that part of any building wherein or whereupon any occupation of
13 barbering is being practiced including any space or barber chair rented within a licensed
14 establishment by a person licensed under this chapter, for the purpose of rendering barbering
15 services;

16 (3) "Board", the board of cosmetology and barber examiners;

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

19 (5) "School of barbering", an establishment operated for the purpose of teaching barbering as
20 defined in subdivision (1) of this section.

21 **(6) "Instructor", any person who is licensed to teach barbering or any practices of**
22 **barbering pursuant to this chapter;**

23 328.015. 1. Upon appointment by the governor and confirmation by the senate of the board, the
24 board of barber examiners shall be abolished and its duties and responsibilities shall merge into
25 the board as established under section 329.015. The board shall be a continuance of and shall
26 carry out the duties of the board of barber examiners.

27 2. Upon appointment by the governor and confirmation by the senate of the board, all of the
28 powers, duties, and functions of the board of barber examiners shall be transferred to, conferred,
29 and imposed upon the board. The board shall be the successor in every way to the powers, duties,
30 and functions of the board of barber examiners.

31 3. Every act performed in the exercise of such powers, duties, and authorities by or under the
32 authority of the board shall be deemed to have the same force and effect as if performed by the
33 board of barber examiners under this chapter, including any amendments thereto effective with
34 the passage of this section or prior to August 28, 2005.

1 4. All rules of the board of barber examiners and any amendments to such rules shall continue to
2 be effective and shall be deemed to be duly adopted rules of the board until revised, amended, or
3 repealed by the board. The board shall review such rules and shall adopt new rules as required
4 for the administration of this chapter for barbers and cosmetologists.

5 5. Any person or entity licensed or provisionally licensed by the board of barber examiners prior
6 to the appointment by the governor and confirmation by the senate of the board, shall be
7 considered licensed in the same manner by the board.

8 328.020. It shall be unlawful for any person to practice the occupation of a barber in this state,
9 unless he or she shall have first obtained a license, as provided in this chapter.

10 328.070. The board shall hold public examinations at least four times in each year, at such times
11 and places as it may deem advisable, notice of such examinations to be published at least ten
12 days prior to the date of the examination. The board shall publish its notice of the examination
13 date, place, and time in any manner that it deems appropriate. In lieu of holding its own
14 examinations for barber applicants, the board may contract with an outside entity qualified to
15 examine applicants for licensure.

16 328.075. 1. Any person desiring to practice as an apprentice for barbering in this state shall apply
17 to the board, shall be registered as an apprentice with the board, and shall pay the appropriate
18 fees prior to beginning their apprenticeship. Barber apprentices shall be of good moral character
19 **with the completion of a high school diploma or equivalent** and shall be at least
20 seventeen years of age.

21 2. Any person desiring to act as an apprentice supervisor for barbering in this state shall first
22 possess a license to practice the occupation of barbering, apply to the board, pay the appropriate
23 fees, complete an [eight-hour] apprentice supervision instruction course certified by the board,
24 and be issued a [license] **certificate** as a barber apprentice supervisor prior to supervising
25 barber apprentices.

26 3. The board may promulgate rules establishing the criteria for the supervision and training of
27 barber apprentices.

28 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under
29 the authority delegated in this section shall become effective only if it complies with and is
30 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
31 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
32 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
33 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
34 proposed or adopted after August 28, 2004, shall be invalid and void.

35 328.080. 1. Any person desiring to practice barbering in this state shall make application for a
36 license to the board and shall pay the required barber examination fee.

1 2. The board shall examine each qualified applicant and, upon successful completion of the
2 examination and payment of the required license fee, shall issue the applicant a license
3 authorizing him or her to practice the occupation of barber in this state. The board shall admit an
4 applicant to the examination, if it finds that he or she:

5 (1) Is seventeen years of age or older and of good moral character;

6 (2)[Is free of contagious or infectious diseases;] **Has a high school diploma or equivalent;**

7 (3) Has studied for at least [one thousand] **fifteen hundred** hours in a period of not less than
8 six months in a properly appointed and conducted barber school under the direct supervision of a
9 licensed instructor; or, if the applicant is an apprentice, the applicant shall have served and
10 completed no less than [two] **three** thousand hours under the direct supervision of a licensed
11 barber apprentice supervisor;

12 (4) Is possessed of requisite skill in the trade of barbering to properly perform the duties thereof,
13 including the preparation of tools, shaving, haircutting and all the duties and services incident
14 thereto; and

15 (5) Has sufficient knowledge of the common diseases of the face and skin to avoid the
16 aggravation and spread thereof in the practice of barbering.

17 3. The board shall be the judge of whether the barber school, the barber apprenticeship, or
18 college is properly appointed and conducted under proper instruction to give sufficient training
19 in the trade.

20 4. The sufficiency of the qualifications of applicants shall be determined by the board.

21 5. For the purposes of meeting the minimum requirements for examination, the apprentice
22 training shall be recognized by the board for a period not to exceed five years **from the date**
23 **the Board issues the relevant student or apprentice license to the person.**

24 **6. The board may waive an examination required by Chapters 328 and 329 for any**
25 **applicant who has previously taken such examination presently administered in**
26 **Missouri, or its equivalent, and obtained a satisfactory score as defined by rules**
27 **of the Board. Such applicant may file a written request to waive the examination**
28 **in the manner and on a form prescribed by the Board.**

29 **7. Whenever anyone who has been licensed in accordance with this chapter**
30 **practices any of the occupations authorized in this chapter outside of or away**
31 **from the person's principal office, place of business, or employment, he or she**
32 **shall deliver to each person in his or her care a certificate of identification. This**
33 **certificate shall contain his or her signature, the number and date of his or her**
34 **license, the post office address and the date upon which the certificate of**
35 **identification is delivered to the person under his or her care.**

1 **8. All candidates (student or apprentice) may take the written examination after**
2 **completion of 80% of the training hours required for licensure. Candidates who**
3 **might fail the examination would have those results well before completing the**
4 **required hours, thereby providing an opportunity for remedial training prior to**
5 **completion. Once the student or apprentice has passed the examination and**
6 **completed all the required hours, the applicant may apply to take the practical**
7 **examination.**

8 328.085. 1. The board shall grant without examination a license to practice barbering to any
9 applicant who holds a current barber's license which is issued by another state or territory whose
10 requirements for licensure were equivalent to the licensing requirements in effect in Missouri at
11 the time the applicant was licensed [or who has practiced the trade in another state for at least
12 two consecutive years]. An applicant under this section shall pay the appropriate application and
13 licensure fees at the time of making application. A licensee who is currently under disciplinary
14 action with another board of barbering shall not be licensed by reciprocity under the provisions
15 of this chapter.

16 2. Any person who has lawfully practiced or received training in another state who does not
17 qualify for licensure without examination may apply to the board for licensure by examination.
18 Upon application to the board, the board shall evaluate the applicant's experience and training to
19 determine the extent to which the applicant's training and experience satisfies current Missouri
20 licensing requirements and shall notify the applicant regarding his deficiencies and inform the
21 applicant of the action which he must take to qualify to take the examination.

22 3. The applicant for licensure under this section shall pay a fee equivalent to the barber
23 examination fee.

24 328.090.[Any person desiring to teach barbering in this state in a barber school, college or
25 barber shop must first possess a license to practice the occupation of barbering and make
26 application to the board for an examination as a teacher or instructor in said occupation and shall
27 pay the required instructor examination fee. The board shall examine such applicant and after
28 finding that he or she is duly qualified to teach said occupation, the board shall issue to him or
29 her a license entitling him or her to teach barbering in this state, subject to all the provisions of
30 this chapter. Holders of licenses to teach barbering shall, on or before the expiration of their
31 respective licenses, make application for the renewal of same, and shall in each case pay the
32 instructor renewal fee. Should any person holding a license to teach barbering fail to renew same
33 within the time prescribed herein, such person shall be required to pay a reinstatement fee in
34 addition to the regular license fee provided for herein. Any person failing to renew his or her
35 license to teach barbering for a period not exceeding two years may reinstate said license upon
36 the payment of the renewal fee in addition to the reinstatement fee, but any person failing to
37 renew his or her license to teach barbering for a period exceeding two years and desiring to be
38 licensed as a teacher of barbering in this state will be required to pass a satisfactory examination
39 as to his or her qualifications to teach barbering and shall pay the instructor examination fee.]

40 **1. Any person desiring a barber instructor license to teach barbering in this state**
41 **shall submit to the board a written application on a form supplied by the board**

1 showing that the applicant has met the requirements set forth in section 328.080
2 and has practiced barbering services as a licensed barber for a minimum of one
3 (1) year. An applicant who has met all requirements as determined by the board
4 shall be allowed to take the instructor examination. If the applicant passes the
5 examination to the satisfaction of the board, the board shall issue to the applicant
6 an instructor license.

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

9 **3. Holders of licenses to teach barbering shall, on or before the expiration of their
10 respective licenses, make application for the renewal of same, and shall in each
11 case pay the instructor renewal fee. For each renewal the instructor shall submit
12 proof of having attended a teacher training seminar or workshop at least once
13 every two years, specifically approved by the board to satisfy the requirement for
14 continued training of this section. Renewal fees shall be due and payable on or
15 before the renew date and, if the fee remains unpaid thereafter in such license
16 period, there shall be a late fee in addition to the regular fee.**

17 **4. Should any person holding a license to teach barbering fail to renew same
18 within the time prescribed herein, such person shall be required to pay a
19 reinstatement fee in addition to the regular license fee provided for herein. Any
20 person failing to renew his or her license to teach barbering for a period not
21 exceeding two years may reinstate said license upon the payment of the
22 reinstatement fee, but any person failing to renew his or her license to teach
23 barbering for a period exceeding two years and desiring to be licensed as a
24 teacher of barbering in this state will be required to pass a satisfactory
25 examination as to his or her qualifications to teach barbering and shall pay the
26 instructor examination fee. Any person with an expired instructor license that is
27 not restored to current status within two years of the date of expiration shall be
28 required to meet the training and examination requirements as provided in this
29 section.**

30 **5. The board shall grant instructor licensure upon application and payment of a
31 fee equivalent to the sum of the instructor examination fee and the instructor
32 license fee, provided the applicant establishes compliance with the barber
33 instructor requirement of another state, territory of the United States, or District
34 of Columbia wherein the requirements are substantially equal or superior to
35 those in force in Missouri at the time the application for licensure is filed and the
36 applicant holds a current instructor license in the other jurisdiction at the time of
37 making application. An out-of-state instructor applicant who is currently under
38 disciplinary action with another state board of barbering shall not be licensed by
39 reciprocity under the provisions of this chapter.**

40 328.090.[Any person desiring to teach barbering in this state in a barber school, college or barber
41 shop must first possess a license to practice the occupation of barbering and make application to

1 the board for an examination as a teacher or instructor in said occupation and shall pay the
2 required instructor examination fee. The board shall examine such applicant and after finding
3 that he or she is duly qualified to teach said occupation, the board shall issue to him or her a
4 license entitling him or her to teach barbering in this state, subject to all the provisions of this
5 chapter. Holders of licenses to teach barbering shall, on or before the expiration of their
6 respective licenses, make application for the renewal of same, and shall in each case pay the
7 instructor renewal fee. Should any person holding a license to teach barbering fail to renew same
8 within the time prescribed herein, such person shall be required to pay a reinstatement fee in
9 addition to the regular license fee provided for herein. Any person failing to renew his or her
10 license to teach barbering for a period not exceeding two years may reinstate said license upon
11 the payment of the renewal fee in addition to the reinstatement fee, but any person failing to
12 renew his or her license to teach barbering for a period exceeding two years and desiring to be
13 licensed as a teacher of barbering in this state will be required to pass a satisfactory examination
14 as to his or her qualifications to teach barbering and shall pay the instructor examination fee.]

15 **1. Any person desiring a barber instructor license to teach barbering in this state**
16 **shall submit to the board a written application on a form supplied by the board**
17 **showing that the applicant has met the requirements set forth in section 328.080**
18 **and has practiced barbering services as a licensed barber for a minimum of one**
19 **(1) year. An applicant who has met all requirements as determined by the board**
20 **shall be allowed to take the instructor examination. If the applicant passes the**
21 **examination to the satisfaction of the board, the board shall issue to the applicant**
22 **an instructor license.**

23 **2. The instructor examination fee and the instructor license fee for an instructor**
24 **license shall be nonrefundable.**

25 **3. Holders of licenses to teach barbering shall, on or before the expiration of their**
26 **respective licenses, make application for the renewal of same, and shall in each**
27 **case pay the instructor renewal fee. For each renewal the instructor shall submit**
28 **proof of having attended a teacher training seminar or workshop at least once**
29 **every two years, specifically approved by the board to satisfy the requirement for**
30 **continued training of this section. Renewal fees shall be due and payable on or**
31 **before the renew date and, if the fee remains unpaid thereafter in such license**
32 **period, there shall be a late fee in addition to the regular fee.**

33 **4. Should any person holding a license to teach barbering fail to renew same**
34 **within the time prescribed herein, such person shall be required to pay a**
35 **reinstatement fee in addition to the regular license fee provided for herein. Any**
36 **person failing to renew his or her license to teach barbering for a period not**
37 **exceeding two years may reinstate said license upon the payment of the**
38 **reinstatement fee, but any person failing to renew his or her license to teach**
39 **barbering for a period exceeding two years and desiring to be licensed as a**
40 **teacher of barbering in this state will be required to pass a satisfactory**
41 **examination as to his or her qualifications to teach barbering and shall pay the**
42 **instructor examination fee. Any person with an expired instructor license that is**

1 not restored to current status within two years of the date of expiration shall be
2 required to meet the training and examination requirements as provided in this
3 section.

4 **5. The board shall grant instructor licensure upon application and payment of a**
5 **fee equivalent to the sum of the instructor examination fee and the instructor**
6 **license fee, provided the applicant establishes compliance with the barber**
7 **instructor requirement of another state, territory of the United States, or District**
8 **of Columbia wherein the requirements are substantially equal or superior to**
9 **those in force in Missouri at the time the application for licensure is filed and the**
10 **applicant holds a current instructor license in the other jurisdiction at the time of**
11 **making application. An out-of-state instructor applicant who is currently under**
12 **disciplinary action with another state board of barbering shall not be licensed by**
13 **reciprocity under the provisions of this chapter.**

14 [328.100. The board may at any time require any barber to whom a certificate of registration is
15 issued to be examined at the licensee's expense by a licensed physician to ascertain if such barber
16 is free of infectious or contagious diseases and is not afflicted with any physical or mental
17 ailment which would render him unfit to practice the occupation of barbering.]

18 328.110. 1. Every person engaged in barbering shall on or before the renewal date apply for the
19 renewal of his or her license.

20 2. [Each application for renewal shall state the number of the licensee's expiring license, and be
21 accompanied by his or her renewal fee. Any person holding a license as a barber, except as
22 herein provided, who fails to apply for renewal within two months of the expiration date of his or
23 her license, shall pay a reinstatement fee in addition to the regular license renewal fee. Any
24 person who fails to renew his or her license, except as herein provided, for a period not
25 exceeding two years may reinstate his or her license upon payment of the license renewal fee for
26 each delinquent year in addition to the reinstatement fee prescribed herein, but any barber, except
27 as herein provided, who fails to renew his or her license for a period exceeding two years but less
28 than five years and desires to be licensed as a barber in this state will be required to pass the
29 practicum portion of the state's licensing examination as to his or her qualifications to practice
30 barbering and shall pay the barber examination fee.] **The holder of a license issued by the**
31 **board who continues in active practice or occupation shall on or before the**
32 **license renewal date renew the holder's license and pay the renewal fee. A license**
33 **which has not been renewed prior to the renewal date shall expire on the renewal**
34 **date. The holder of an expired license may have the license restored within two**
35 **years of the date of expiration without examination, upon the payment of a**
36 **delinquent fee in addition to the renewal fee.**

37 3. A holder of a barber license who has been honorably discharged from the United States armed
38 forces, and has not renewed his or her license as herein provided, shall, upon his or her return to
39 barbering within one year from date of honorable discharge, pay one dollar for renewal of same.

1 **4. In lieu of renewal, a licensed barber may apply for an inactive license at the**
2 **time the barber submits his or her application for renewal of the barber's license**
3 **and pay the required renewal fee. An inactive license shall then be issued, and**
4 **shall be renewed biennially. While the inactive license is in effect the barber shall**
5 **not practice as a barber in the state of Missouri. An inactive licensee may apply**
6 **for an active barber license upon filing a written application on a form provided**
7 **by the Board and submitting the fee established by the Board.**

8 328.115. 1. The owner of every establishment in which the occupation of barbering is practiced
9 shall obtain a license for such establishment issued by the board before barbering is practiced
10 therein. A new license shall be obtained for a barber establishment within forty-five days when
11 the establishment changes ownership or location. The state inspector shall inspect the sanitary
12 conditions required for licensure, established under subsection 2 of this section, for an
13 establishment that has changed ownership or location without requiring the owner to close
14 business or deviate in any way from the establishment's regular hours of operation.

15 2. The board shall issue a license for a establishment upon receipt of the license fee from the
16 applicant if the board finds that the establishment complies with the sanitary regulations adopted
17 pursuant to section 329.025. All barber establishments shall continue to comply with the sanitary
18 regulations. Failure of a barber establishment to comply with the sanitary regulations shall be
19 grounds for the board to file a complaint with the administrative hearing commission to revoke,
20 suspend, or censure the establishment's license or place the establishment's license on probation.

21 3. The license for a barber establishment shall be renewable. The applicant for renewal of the
22 license shall on or before the renewal date submit the completed renewal application
23 accompanied by the required renewal fee. If the renewal application and fee are not submitted
24 within thirty days following the renewal date, a penalty fee plus the renewal fee shall be paid to
25 renew the license. If a new establishment opens any time during the licensing period and does
26 not register a license before opening, there shall be a delinquent fee in addition to the regular fee.
27 The license shall be kept posted in plain view within the barber establishment at all times.

28 328.120. 1. Any firm, corporation or person may make application to the board for a license to
29 own and operate a barber school or college on the form prescribed by the board. Every barber
30 school or college in which the occupation of barbering is taught shall be required to obtain a
31 license from the board prior to opening. The license shall be issued upon approval of the
32 application by the board, the payment of the required fees, and the board's determination that the
33 applicant meets all other requirements of this chapter and any rules promulgated thereunder. The
34 license shall be kept posted in plain view within the barber school or college at all times.

35 2. A barber school or college license renewal application and fee shall be submitted on or before
36 the renewal date of any school or college license issued under this section. If the barber school or
37 college license renewal fee is not paid on or before the renewal date, a late fee shall be added to
38 the regular license renewal fee.

39 3. The board shall promulgate rules and regulations regarding the course of study in a barber
40 school or college, and may revoke any license issued hereunder for any violation of the

1 provisions of this section or rule promulgated pursuant to this section. The board shall follow the
2 procedure prescribed by chapter 621 to revoke a barber school license. Licenses shall not be
3 restricted to any one group or person but shall be granted to any reasonably qualified person or
4 group under a fair and nondiscriminating method of determination.

5 4. There shall be not less than one teacher or instructor for every fifteen students in any barber
6 school or college holding a license under this section.

7 5. The barber school or college shall immediately file with the board the name and age of each
8 student entering the school, and the board shall cause the same to be entered in a register kept for
9 that purpose. A registration fee shall be paid by the student.

10 6. The barber school or college shall certify to the board the names of all students who
11 successfully completed a course of study approved by the board and consisting of at least one
12 thousand **five hundred** hours of study under the direct supervision of a licensed instructor in a
13 period of not less than six months.

14 7. No rule or portion of a rule promulgated under the authority of this chapter shall become
15 effective unless it has been promulgated pursuant to the provisions of section 536.024.

16 **8. All contractual fees that a student owes to any barber school shall be paid**
17 **before such student may be allowed to apply for any examination required to be**
18 **taken by an applicant applying for a license pursuant to the provisions of this**
19 **chapter. . In the event a school closes without providing written notification to the**
20 **Board or ceases its daily operations pursuant to section 329.040, RSMO, the**
21 **Board may waive the requirements to this section if the student provides written**
22 **proof satisfactory to the Board that the student or designated representative has**
23 **unsuccessfully attempted to contact the school owner or provide payment of any**
24 **outstanding financial obligations owed to the school [or for other good cause as**
25 **determined by the Board].**

26 328.130. The board shall issue a printed license to each person successfully meeting the board's
27 requirements for licensure, which shall be evidence the holder thereof is entitled to practice the
28 occupation of barbering in this state. The licensee shall post his or her license in a conspicuous
29 place in front of his or her working chair where it may be readily seen by all persons whom he or
30 she may serve.

31 328.150. 1. The board may refuse to issue any certificate of registration or authority, permit or
32 license required pursuant to this chapter for one or any combination of causes stated in
33 subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the
34 refusal and shall advise the applicant of his right to file a complaint with the administrative
35 hearing commission as provided by chapter 621.

36 2. The board may cause a complaint to be filed with the administrative hearing commission as
37 provided by chapter 621 against any holder of any certificate of registration or authority, permit
38 or license required by this chapter or any person who has failed to renew or has surrendered his

1 certificate of registration or authority, permit or license for any one or any combination of the
2 following causes:

3 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent
4 that such use impairs a person's ability to perform the work of any profession licensed or
5 regulated by this chapter;

6 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo
7 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
8 offense reasonably related to the qualifications, functions or duties of any profession licensed or
9 regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or
10 an act of violence, or for any offense involving moral turpitude, whether or not sentence is
11 imposed;

12 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
13 registration or authority, permit or license issued pursuant to this chapter or in obtaining
14 permission to take any examination given or required pursuant to this chapter;

15 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud,
16 deception or misrepresentation;

17 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the
18 performance of the functions or duties of any profession licensed or regulated by this chapter;

19 (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or
20 of any lawful rule or regulation adopted pursuant to this chapter;

21 (7) Impersonation of any person holding a certificate of registration or authority, permit or
22 license or allowing any person to use his or her certificate of registration or authority, permit,
23 license or diploma from any school;

24 (8) Disciplinary action against the holder of a license or other right to practice any profession
25 regulated by this chapter granted by another state, territory, federal agency or country upon
26 grounds for which revocation or suspension is authorized in this state;

27 (9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

28 (10) Assisting or enabling any person to practice or offer to practice any profession licensed or
29 regulated by this chapter who is not registered and currently eligible to practice under this
30 chapter;

31 (11) Issuance of a certificate of registration or authority, permit or license based upon a material
32 mistake of fact;

33 (12) Failure to display a valid certificate or license if so required by this chapter or any rule
34 promulgated hereunder;

- 1 (13) Violation of any professional trust or confidence;
- 2 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the
3 general public or persons to whom the advertisement or solicitation is primarily directed;
- 4 (15) Failure or refusal to properly guard against contagious, infectious or communicable diseases
5 or the spread thereof.

6 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the
7 provisions of chapter 621. Upon a finding by the administrative hearing commission that the
8 grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in
9 combination, censure or place the person named in the complaint on probation on such terms and
10 conditions as the board deems appropriate for a period not to exceed five years, or may suspend,
11 for a period not to exceed three years, or revoke the license, certificate, or permit.

12 **4. The board, acting upon its own knowledge or written or verified complaint filed**
13 **by any person, may discipline a person as provided in subsections 1 to 3 of this**
14 **section or the board may bring an action to enjoin any person, firm or corporation**
15 **from engaging in an occupation regulated by the provisions of this chapter, if**
16 **such person, firm or corporation without being licensed to do so by the board,**
17 **engages in or practices an occupation licensed pursuant to this chapter. The**
18 **action shall be brought in the county in which such person resides, or, in the**
19 **case of a firm or corporation, where the firm or corporation maintains its principal**
20 **office; and, unless it appears that such person, firm or corporation so engaging**
21 **or practicing such occupation is licensed, the injunction shall be issued, and**
22 **such person, firm or corporation shall be perpetually enjoined from engaging in**
23 **such activities throughout the state.**

24 328.160. Any person practicing the occupation of barbering without having obtained a license as
25 provided in this chapter, or willfully employing a barber who does not hold a valid license issued
26 by the board, managing or conducting a barber school or college without first securing a license
27 from the board, or falsely pretending to be qualified to practice as a barber or instructor or
28 teacher of such occupation under this chapter, or failing to keep any license required by this
29 chapter properly displayed or for any extortion or overcharge practiced, and any barber college,
30 firm, corporation or person operating or conducting a barber college without first having secured
31 the license required by this chapter, or failing to comply with such sanitary rules as the board
32 prescribes, or for the violation of any of the provisions of this chapter, shall be deemed guilty of
33 a class C misdemeanor. Prosecutions under this chapter shall be initiated and carried on in the
34 same manner as other prosecutions for misdemeanors in this state.

35 329.010. As used in this chapter, unless the context clearly indicates otherwise, the following
36 words and terms mean:

- 37 (1) "Accredited school of cosmetology or school of manicuring", an establishment operated for
38 the purpose of teaching cosmetology as defined in this section and meeting the criteria set forth
39 under 34 C.F.R. Part 600, sections 600.1 and 600.2;

1 (2) "Apprentice" or "student", a person who is engaged in training within a cosmetology
2 establishment or school, and while so training performs any of the practices of the classified
3 occupations within this chapter under the immediate direction and supervision of a licensed
4 cosmetologist or instructor;

5 (3) "Board", the state board of cosmetology and barber examiners;

6 (4) "Cosmetologist", any person who, for compensation, engages in the practice of cosmetology,
7 as defined in subdivision (5) of this section;

8 (5) "Cosmetology" includes performing or offering to engage in any acts of the classified
9 occupations of cosmetology for compensation, which shall include:

10 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent
11 waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair of any
12 person by any means; or removing superfluous hair [from the body] **from above the**
13 **shoulders or from the legs, arms or feet** of any person by means other than electricity, or
14 any other means of arching or tinting eyebrows or tinting eyelashes. Class CH - hairdresser also
15 includes any person who either with the person's hands or with mechanical or electrical
16 apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or
17 creams engages for compensation in any one or any combination of the following: massaging,
18 cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face,
19 neck, arms or [bust] **above the shoulders. A Class-CH license shall not be issued by**
20 **the Board after August 28, 2014, provided that any person who is licensed as a**
21 **Class-CH cosmetologist by the Board on August 28, 2014, or is enrolled in or has**
22 **completed the required training or education for a Class-CH license on August**
23 **28, 2014, shall be issued and entitled to renew their Class-CH license upon**
24 **satisfying all applicable examination and licensing requirements. A Class-CH**
25 **license issued shall be recognized by the Board and shall be entitled to retain any**
26 **existing status, so long as the licensee complies with the provisions of sections**
27 **329.010 to 329.265 and any other rules promulgated pursuant there under;**

28 (b) ["Class MO - manicurist"] **"Class NT - nail technician"** includes cutting, trimming,
29 polishing, coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying
30 artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes
31 cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's
32 toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;

33 (c) "Class CA - hairdressing and [manicuring"] **nail technology**" includes all practices of
34 cosmetology, [as defined in paragraphs (a) and (b) of this subdivision;] includ[es]ing arranging,
35 dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting,
36 coloring or similar work upon the hair of any person by any means; or removing superfluous hair
37 [from the body] **from above the shoulders or from the legs, arms or feet** of any person
38 by means other than electricity, or any other means of arching or tinting eyebrows or tinting
39 eyelashes. Including any person who either with the person's hands or with mechanical or
40 electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics,

1 lotions or creams engages for compensation in any one or any combination of the following:
2 massaging, cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the
3 scalp, face, neck, arms or [bust] **above the shoulders**. Including cutting, trimming, polishing,
4 coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying artificial
5 fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes cutting,
6 trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails,
7 applying artificial toenails, massaging and cleaning a person's legs and feet;

8 (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or appliances,
9 or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten
10 percent phenol, engages for compensation, either directly or indirectly, in any one, or any
11 combination, of the following practices: massaging, cleansing, stimulating, manipulating,
12 exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso,
13 legs or feet and removing superfluous hair by means other than electric needle or any other
14 means of arching or tinting eyebrows or tinting eyelashes, of any person **to effect only the**
15 **epidermis and not penetrate into the dermis layer;**

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

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

21 (8) "Hairdresser", any person who, for compensation, [engages in the practice of cosmetology as
22 defined in paragraph (a) of subdivision (5) of this section;] **including arranging, dressing,**
23 **curling, singeing, waving, permanent waving, cleansing, cutting, bleaching,**
24 **tinting, coloring or similar work upon the hair of any person by any means; or**
25 **removing superfluous hair from the body of any person by means other than**
26 **electricity, or any other means of arching or tinting eyebrows or tinting**
27 **eyelashes. "Class-hairdresser" also includes any person who either with the**
28 **person's hands or with mechanical or electrical apparatuses or appliances, or by**
29 **the use of cosmetic preparations, antiseptics, tonics, lotions or creams engages**
30 **for compensation in any one or any combination of the following: massaging,**
31 **cleaning, stimulating, manipulating, exercising, beautifying or similar work upon**
32 **the scalp, face, neck, or arms;**

33 (9) "Instructor", any person who is licensed to teach cosmetology or any practices of
34 cosmetology pursuant to this chapter;

35 (10) ["Manicurist",] **"Nail Technician"**, any person who, for compensation, engages in any or
36 all of the practices [in paragraph (b) of subdivision (5) of this section] **including cutting,**
37 **trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a**
38 **person's fingernails, applying artificial fingernails, massaging, cleaning a**
39 **person's hands and arms; pedicuring, which includes cutting, trimming,**

1 **polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails,**
2 **applying artificial toenails, massaging and cleaning a person's legs and feet;**

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

5 (12) "School of cosmetology" or "school of [manicuring] **nail technology**", an establishment
6 operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

7 329.015. 1. There is hereby created and established a "Board of Cosmetology and Barber
8 Examiners" for the purpose of licensing all persons engaged in the practice of cosmetology,
9 [manicuring,] **nail technology**, esthetics, and barbering, including but not limited to shaving or
10 trimming the beard or cutting the hair; and to fulfill all other duties and responsibilities delegated
11 by chapter 328 as it pertains to barbers and this chapter as it pertains to cosmetologists. The
12 duties and responsibilities of the board of cosmetology and barber examiners as such duties and
13 responsibilities pertain to barbers and cosmetologists shall not take full force and effect until
14 such time as the governor appoints the members of the board of cosmetology and barber
15 examiners and the appointments are confirmed by the senate. At such time, the powers and
16 duties of the board of barber examiners and the state board of cosmetology shall be merged into
17 the board under section 329.023.

18 2. The governor shall appoint members to the board by and with the advice and consent of the
19 senate. The board shall consist of eleven members each of whom are United States citizens and
20 who have been residents of this state for at least one year immediately preceding their
21 appointment. Of these eleven members, three shall be licensed cosmetologists holding a Class
22 CA license classification, one shall be an accredited cosmetology school owner as defined in
23 section 329.010, one shall be the owner of a school licensed under subsection 1 of section
24 329.040, one shall be a cosmetologist with a license of any type of cosmetology classification,
25 three shall be licensed barbers, and two shall be voting public members. All members, except the
26 public members and the accredited cosmetology school owner member, shall be cosmetologists
27 and barbers duly registered as such and licensed under the laws of this state and shall have been
28 actively engaged in the lawful practice of their profession for a period of at least five years
29 immediately preceding their appointment. All members of the board, including public members
30 and the accredited cosmetology school owner member, shall be chosen from lists submitted by
31 the director of the division of professional registration.

32 3. Upon the appointment of the initial board members, at least two cosmetologist members and
33 two barber members shall be appointed by the governor to serve a term of four years; two
34 cosmetologist members, one barber member and a public member shall be appointed to serve a
35 term of three years, and the remaining members of the initial board shall be appointed for a term
36 of two years. Thereafter, all members shall be appointed by the governor by and with the advice
37 and consent of the senate to serve four-year terms. The governor shall appoint members to fill
38 any vacancies, whether it occurs by the expiration of a term or otherwise; provided, however,
39 that any board member shall serve until his or her successor is appointed and duly qualified. No
40 person shall be eligible for reappointment that has served as a member of the board for a total of
41 twelve years.

1 4. At the time of appointment, the public members shall be citizens of the United States,
2 residents of this state for a period of at least one year immediately preceding their appointment,
3 and a registered voter. The public members and the spouse of such members shall be persons
4 who are not and never were a member of any profession licensed or regulated by the board. The
5 public members and the spouse of such members shall be persons who do not have and never
6 have had a material financial interest in the provision of the professional services regulated by
7 the board, or an activity or organization directly related to any professions licensed or regulated
8 by the board. The duties of the public members and the accredited school owner member shall
9 not include the determination of the technical requirements to be met for licensure, or whether
10 any person meets such technical requirements, or of the technical competence or technical
11 judgment of a licensee or a candidate for licensure.

12 5. Any member who is a school owner shall not be allowed access to the testing and examination
13 materials nor shall any such member be allowed to attend the administration of the examinations,
14 except when such member is being examined for licensure.

15 6. The members of the board shall receive as compensation for their services the sum set by the
16 board not to exceed seventy dollars for each day actually spent in attendance at meetings of the
17 board plus actual and necessary expenses.

18 329.023. 1. Upon appointment by the governor and confirmation by the senate of the board, the
19 state board of cosmetology is abolished and its duties and responsibilities shall merge into the
20 board as established under section 329.015. The board shall be a continuance of and shall carry
21 out the duties of the state board of cosmetology.

22 2. Upon appointment by the governor and confirmation by the senate of the board, all of the
23 powers, duties, and functions of the state board of cosmetology are transferred to, conferred, and
24 imposed upon the board. The board shall be the successor in every way to the powers, duties, and
25 functions of the state board of cosmetology.

26 3. Every act performed in the exercise of such powers, duties, and authorities by or under the
27 authority of the board shall be deemed to have the same force and effect as if performed by the
28 state board of cosmetology under this chapter, including any amendments thereto effective with
29 the passage of this law or prior to August 28, 2005.

30 4. All rules and regulations of the state board of cosmetology and any amendments thereto shall
31 continue to be effective and shall be deemed to be duly adopted rules and regulations of the
32 board until revised, amended, or repealed by the board. The board shall review such rules and
33 regulations and shall adopt new rules as required for the administration of the licensure law for
34 barbers and cosmetologists.

35 5. Any person or entity licensed or provisionally licensed by the state board of cosmetology prior
36 to the appointment by the governor and confirmation by the senate of the board, shall be
37 considered licensed in the same manner by the board of cosmetology and barber examiners.

38 329.025. 1. The board shall have power to:

- 1 (1) Prescribe by rule for the examination of applicants for licensure to practice the classified
2 occupations of barbering and cosmetology and issue licenses;
- 3 (2) Prescribe by rule for the inspection of barber and cosmetology establishments and schools
4 and appoint the necessary inspectors and examining assistants;
- 5 (3) Prescribe by rule for the inspection of establishments and schools of barbering and
6 cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if
7 necessary, examining assistants;
- 8 (4) Set the amount of the fees that this chapter and chapter 328, authorize and require, by rules
9 promulgated under section 536.021. The fees shall be set at a level sufficient to produce revenue
10 that shall not substantially exceed the cost and expense of administering this chapter and chapter
11 328;
- 12 (5) Employ and remove board personnel, as set forth in subdivision (4) of subsection 10 of
13 section 324.001, including an executive secretary or comparable position, inspectors,
14 investigators, legal counsel and secretarial support staff, as may be necessary for the efficient
15 operation of the board, within the limitations of its appropriation;
- 16 (6) Elect one of its members president, one vice president, and one secretary with the limitation
17 that no single profession can hold the positions of president and vice president at the same time;
- 18 (7) Promulgate rules necessary to carry out the duties and responsibilities designated by this
19 chapter and chapter 328;
- 20 (8) Determine the sufficiency of the qualifications of applicants; [and]
- 21 (9) Prescribe by rule the minimum standards and methods of accountability for the schools of
22 barbering and cosmetology licensed under this chapter and chapter 328[.] ; **and**
- 23 **(10) The Board shall keep a register, in which shall be entered the names of all**
24 **persons to whom certificates, licenses or permits are issued, and to whom**
25 **permits for serving apprenticeships, or as students, are issued under Chapter**
26 **328 and Chapter 329,RSMo, and said register shall at all reasonable times, be**
27 **open to the public inspection.**
- 28 2. The board shall create no expense exceeding the sum received from time to time from fees
29 imposed under this chapter and chapter 328.
- 30 3. A majority of the board, with at least one representative of each profession being present, shall
31 constitute a quorum for the transaction of business.
- 32 4. The board shall meet not less than six times annually.

1 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under
2 the authority delegated in this chapter and chapter 328 shall become effective only if it complies
3 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
4 This section and chapter 536 are nonseverable and if any of the powers vested with the general
5 assembly under chapter 536 to review, to delay the effective date or to disapprove and annul a
6 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
7 proposed or adopted after August 28, 2001, shall be invalid and void.

8 329.028. 1. There is hereby created in the state treasury a fund to be known as the "Board of
9 Cosmetology and Barber Examiners Fund", which shall consist of all moneys collected by the
10 board. All fees provided for in this chapter and chapter 328 shall be payable to the director of the
11 division of professional registration **in the department of insurance, financial**
12 **institutions and professional registration**, who shall keep a record of the account
13 showing the total payments received and shall immediately thereafter transmit them to the
14 department of revenue for deposit in the state treasury to the credit of the board of cosmetology
15 and barber examiners fund. All the salaries and expenses for the operation of the board shall be
16 appropriated and paid from such fund.

17 2. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not
18 be transferred and placed to the credit of general revenue until the amount in the fund at the end
19 of the biennium exceeds two times the amount of the appropriation from the board's funds for the
20 preceding fiscal year or, if the board requires by rule license renewal less frequently than yearly,
21 then three times the appropriation from the board's funds for the preceding fiscal year. The
22 amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the
23 appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

24 329.030. **1.** It is unlawful for any person in this state to engage in the occupation of cosmetology
25 or to operate an establishment or school of cosmetology, unless such person has first obtained a
26 license as provided by this chapter.

27 **2. No licensee shall provide body waxing on or near the genital area of a minor**
28 **(ages 16 and under) without parental consent.**

29 329.035. 1. For the purposes of this section, "person employed in retail cosmetic sales" means
30 any person who assists customers to select cosmetics by allowing the customer to apply samples
31 of demonstration cosmetics, assisting the customer to apply cosmetics, or applying the cosmetic
32 to the customer. There shall be no skin-to-skin contact between the salesperson and the customer.
33 Assisted cosmetic applications by the customer or the person employed in retail cosmetic sales
34 shall be performed with single-use applicators, except for perfume or cologne, samples applied
35 to the hand or the arm or dispensed from a tube, pump, spray or shaker container, or samples or
36 applicators that have been cleansed before each use or application. No person employed in retail
37 cosmetic sales as provided in this section shall accept any remuneration from the customer for
38 performing any of the acts described in this section or make such assistance or application
39 conditioned on any sale.

40 2. A license as required under section 329.030 is not required for persons who are employed in
41 retail cosmetic sales if such persons do not hold themselves out to have a license, permit,

1 certificate of registration or any other authority authorizing such person to practice the
2 professions licensed by the board.

3 3. The board may promulgate rules establishing minimum sanitation standards for persons
4 employed in retail cosmetic sales, but such rules shall not require a sink at the cosmetic counter
5 for a source and drainage of water or any other electrical sanitation equipment required in
6 hairdressing or cosmetologist's or [manicurist's] **nail technician's** [shops] **establishments**
7 licensed pursuant to this chapter. The board may inspect retail cosmetic sales establishments to
8 ensure compliance with this section and rules promulgated thereunder.

9 329.040. 1. Any person of good moral character may make application to the board for a license
10 to own a school of cosmetology on a form provided upon request by the board. Every school of
11 cosmetology in which any of the classified occupations of cosmetology are taught shall be
12 required to obtain a license from the board prior to opening. The license shall be issued upon
13 approval of the application by the board, the payment of the required fees, and the applicant
14 meets other requirements provided in this chapter. The license shall be kept posted in plain view
15 within the school at all times.

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

19 3. No school of cosmetology shall be granted a license pursuant to this chapter unless it:

20 (1) Employs and has present in the school a competent licensed instructor for every twenty-five
21 students in attendance for a given class period and one to ten additional students may be in
22 attendance with the assistance of an instructor trainee. One instructor is authorized to teach up to
23 three instructor trainees immediately after being granted an instructor's license;

24 (2) Requires all students to be enrolled in a course of study of no less than three hours per day
25 and no more than twelve hours per day with a weekly total that is no less than fifteen hours and
26 no more than seventy-two hours;

27 (3) Requires for the classified occupation of cosmetologist, the course of study shall be no less
28 than one thousand five hundred hours or, for a student in public vocational/technical school no
29 less than one thousand two hundred twenty hours; provided that, a school may elect to base the
30 course of study on credit hours by applying the credit hour formula in Subpart A of Part 668 of
31 Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. [The student must
32 earn a minimum of one hundred and sixty hours or equivalent credits of classroom training
33 before the student may perform any of the acts of the classified occupation of cosmetology on
34 any patron or customer of the school of cosmetology][;] **The subjects to be taught for the**
35 **classified occupation of cosmetology shall be prescribed by rule and the hours**
36 **required for each subject shall be not less than those contained in this**
37 **subsection or the credit hours determined by the formula in Subpart A of Part 668**
38 **of Title 34 of the Code of Federal Regulations as amended.**

1 (4) Requires for the classified occupation of [manicurist] **nail technician**, the course of study
2 shall be no less than [four] **six** hundred hours or the credit hours determined by the formula in
3 Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as
4 amended. [The student must earn a minimum of fifty hours or equivalent credits of classroom
5 training before the student may perform any of the acts of the classified occupation of
6 [manicurist] **nail technician** on any patron or customer of the school of cosmetology][;]. **The**
7 **subjects to be taught for the classified occupation of nail technician shall be**
8 **prescribed by rule and the hours required for each subject shall be not less than**
9 **those contained in this subsection or the credit hours determined by the formula**
10 **in Subpart A of Part 668 of Title 34 of the Code of Federal Regulations as**
11 **amended.**

12 (5) Requires for the classified occupation of esthetician, the course of study shall be no less than
13 [seven hundred fifty] **nine hundred** hours or the credit hours determined by the formula in
14 Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as
15 amended. [The student shall earn a minimum of seventy-five hours or equivalent credits of
16 classroom training before the student may perform any of the acts of the classified occupation of
17 esthetics on any patron or customer of the school of cosmetology or an esthetics school.] **The**
18 **subjects to be taught for the classified occupation of esthetics shall be**
19 **prescribed by rule and the hours required for each subject shall be not less than**
20 **those contained in this subsection or the credit hours determined by the formula**
21 **in Subpart A of Part 668 of Title 34 of the Code of Federal Regulations as**
22 **amended.**

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

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

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

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

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

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

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

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

34 (8) Facials, eyebrows and arches, forty hours;

35 (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;

- 1 (10) Cosmetic chemistry, twenty-five hours;
- 2 (11) Salesmanship and shop management, ten hours;
- 3 (12) Sanitation and sterilization, thirty hours;
- 4 (13) Anatomy, twenty hours;
- 5 (14) State law, ten hours;
- 6 (15) Curriculum to be defined by school, not less than four hundred seventy hours.

7 5. The subjects to be taught for the classified occupation of manicurist shall be as follows and the
8 hours required for each subject shall be not less than those contained in this subsection or the
9 credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of
10 the Code of Federal Regulations, as amended:

- 11 (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty hours;
- 12 (2) Salesmanship and shop management, twenty hours;
- 13 (3) Sanitation and sterilization, twenty hours;
- 14 (4) Anatomy, ten hours;
- 15 (5) State law, ten hours;
- 16 (6) Study of the use and application of certain chemicals, forty hours; and
- 17 (7) Curriculum to be defined by school, not less than eighty hours.

18 6. The subjects to be taught for the classified occupation of esthetician shall be as follows, and
19 the hours required for each subject shall not be less than those contained in this subsection or the
20 credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of
21 the Code of Federal Regulations, as amended:

- 22 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- 23 (2) Makeup application, all phases, one hundred hours;
- 24 (3) Hair removal, thirty hours;
- 25 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- 26 (5) Reflexology, thirty-five hours;

- 1 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- 2 (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- 3 (8) Salon management and salesmanship, fifty-five hours;
- 4 (9) Sanitation and sterilization, safety, forty-five hours;
- 5 (10) State law, ten hours; and
- 6 (11) Curriculum to be defined by school, not less than seventy-five hours.]

7 [7] **4.** Training for all classified occupations shall include practical demonstrations, written
8 and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics,
9 cosmetics and electrical appliances consistent with the practical and theoretical requirements as
10 applicable to the classified occupations as provided in this chapter. **Training for any**
11 **classified occupation of cosmetology shall be completed within a time**
12 **designated by the Board by rule. A school may elect to allow on-line training for**
13 **a portion of the required number of theory hours as applicable to the classified**
14 **occupations as provided in this chapter. Training for any classified occupation of**
15 **cosmetology shall be completed with a time designated by the Board by rule.**

16 [8] **5.** No school of cosmetology shall operate within this state unless a proper license pursuant to
17 this chapter has first been obtained.

18 [9] **6.** Nothing contained in this chapter shall prohibit a licensee within a cosmetology
19 establishment from teaching any of the practices of the classified occupations for which the
20 licensee has been licensed for not less than two years in the licensee's regular course of business,
21 if the owner or manager of the business does not hold himself or herself out as a school and does
22 not hire or employ or personally teach regularly at any one and the same time, more than one
23 apprentice to each licensee regularly employed within the owner's business, not to exceed one
24 apprentice per establishment, and the owner, manager, or trainer does not accept any fee for
25 instruction.

26 [10] **7.** Each licensed school of cosmetology shall provide a minimum of two thousand square
27 feet of floor space, adequate rooms and equipment, including lecture and demonstration rooms,
28 lockers, an adequate library and two restrooms. The minimum equipment requirements shall be:
29 six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers,
30 and adequate working facilities for twenty students.

31 [11] **8.** Each licensed school of cosmetology for [manicuring] **nail technology** only shall
32 provide a minimum of one thousand square feet of floor space, adequate room for theory
33 instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical
34 working area for ten students. Minimum floor space requirement proportionately increases with
35 student enrollment of over ten students.

1 [12] 9. Each licensed school of cosmetology for esthetics only shall provide a minimum of one
2 thousand square feet of floor space, adequate room for theory instruction, adequate equipment,
3 lockers, an adequate library, two restrooms and a clinical working area for ten students.
4 Minimum floor space requirement increases fifty square feet per student with student enrollment
5 of over ten.

6 [13] 10. No school of cosmetology may have a greater number of students enrolled and
7 scheduled to be in attendance for a given class period than the total floor space of that school will
8 accommodate. Floor space required per student shall be no less than fifty square feet per
9 additional student beyond twenty students for a school of cosmetology, beyond ten students for a
10 school of [manicuring] **nail technology** and beyond ten students for a school of esthetics.

11 [14] 11. Each applicant for a new school shall file a written application with the board upon a
12 form approved and furnished upon request by the board. The applicant shall include a list of
13 equipment, the proposed curriculum, and the name and qualifications of any and all of the
14 instructors.

15 [15] 12. Each school shall display in a conspicuous place, visible upon entry to the school, a sign
16 stating that all cosmetology services in this school are performed by students who are in training.

17 [16] 13. Any student who wishes to remain in school longer than the required training period
18 may make application for an additional training license and remain in school. A fee is required
19 for such additional training license.

20 [17] 14. All contractual fees that a student owes to any cosmetology school shall be paid before
21 such student may be allowed to apply for any examination required to be taken by an applicant
22 applying for a license pursuant to the provisions of this chapter. **In the event a school closes**
23 **without providing written notification to the Board or ceases its daily operations**
24 **pursuant to section 329.040, RSMO, the Board may waive the requirements to this**
25 **section if the student provides written proof satisfactory to the Board that the**
26 **student or designated representative has unsuccessfully attempted to contact the**
27 **school owner or provide payment of any outstanding financial obligations owed**
28 **to the school.**

29 329.045. 1. Every establishment in which the occupation of cosmetology is practiced shall be
30 required to obtain a license from the board. Every establishment required to be licensed shall pay
31 to the board an establishment fee for the first three licensed cosmetologists, esthetician and/or
32 [manicurists] **nail technicians**, and/or apprentices and an additional fee for each additional
33 licensee. The fee shall be due and payable on the renewal date and, if the fee remains unpaid
34 thereafter, there shall be a late fee in addition to the regular establishment fee or, if a new
35 establishment opens any time during the licensing period and does not register before opening,
36 there shall be a delinquent fee in addition to the regular establishment fee. The license shall be
37 kept posted in plain view within the establishment at all times.

38 2. A new license shall be obtained for a cosmetology establishment within forty-five days when
39 the establishment changes ownership or location. The state inspector shall inspect the sanitary

1 conditions required for licensure for an establishment that has changed ownership or location
2 without requiring the owner to close business or deviate in any way from the establishment's
3 regular hours of operation.

4 329.050. 1. Applicants for examination or licensure pursuant to this chapter shall possess the
5 following qualifications:

6 (1) They must be persons of good moral character, [have an education or equivalent to the
7 successful completion of the tenth grade] **has successfully completed at least a high**
8 **school course of study or its equivalent** and **must** be at least seventeen years of age;

9 (2) If the applicants are apprentices, they shall have served and completed, as an apprentice
10 under the supervision of a **cosmetologist** licensed [cosmetologist] **in the field of the**
11 **apprentice's study**, the time and studies required by the board which shall be no less than
12 three thousand hours for cosmetologists, and no less than [eight] **twelve** hundred hours for
13 [manicurists] **nail technician** and no less than [fifteen] **eighteen** hundred hours for esthetics.
14 However, when the classified occupation of [manicurist] **nail technician** is apprenticed in
15 conjunction with the classified occupation of cosmetologist, the apprentice shall be required to
16 successfully complete an apprenticeship of no less than a total of three thousand hours;

17 (3) If the applicants are students, they shall have had the required time in a licensed school of no
18 less than one thousand five hundred hours training or the credit hours determined by the formula
19 in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as
20 amended, for the classification of cosmetologist, with the exception of public vocational
21 technical schools in which a student shall complete no less than one thousand two hundred
22 twenty hours training. All students shall complete no less than [four] **six** hundred hours or the
23 credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of
24 the Code of Federal Regulations, as amended, for the classification of [manicurist] **nail**
25 **technician**. All students shall complete no less than [seven] **nine** hundred [fifty] hours or the
26 credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of
27 the Code of Federal Regulations, as amended, for the classification of esthetician. However,
28 when the classified occupation of [manicurist] **nail technician** is taken in conjunction with the
29 classified occupation of cosmetologist, the student shall not be required to serve the extra [four]
30 **six** hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of
31 Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise required to
32 include manicuring of nails; and

33 (4) They shall have passed an examination to the satisfaction of the board.

34 **2. All candidates (student or apprentice) may take the written examination after**
35 **completion of 80% of the hours required for licensure. Candidates who might fail**
36 **the examination would have those results well before completing the required**
37 **hours, thereby providing an opportunity for remedial training prior to completion.**
38 **Once the student or apprentice has passed the examination and completed all the**
39 **required hours, the applicant may apply to take the practical examination.**

1 [2]3. A person may apply to take the examination required by subsection 1 of this section if the
2 person is a graduate of a school of cosmetology or apprentice program in another state or
3 territory of the United States which has substantially the same requirements as an educational
4 establishment licensed pursuant to this chapter. A person may apply to take the examination
5 required by subsection 1 of this section if the person is a graduate of an educational
6 establishment in a foreign country that provides training for a classified occupation of
7 cosmetology, as defined by section 329.010, and has educational requirements that are
8 substantially the same requirements as an educational establishment licensed under this chapter.
9 The board has sole discretion to determine the substantial equivalency of such educational
10 requirements. The board may require that transcripts from foreign schools be submitted for its
11 review, and the board may require that the applicant provide an approved English translation of
12 such transcripts.

13 [3]4. Each application shall contain a statement that, subject to the penalties of making a false
14 affidavit or declaration, the application is made under oath or affirmation and that its
15 representations are true and correct to the best knowledge and belief of the person signing the
16 application.

17 [4]5. The sufficiency of the qualifications of applicants shall be determined by the board, but the
18 board may delegate this authority to its executive director subject to such provisions as the board
19 may adopt.

20 [5]6. For the purpose of meeting the minimum requirements for examination, training **hours**
21 completed by a student or apprentice shall be recognized by the board for a period of [no more
22 than] five years from the date [it is received] **the Board issues the relevant student or**
23 **apprentice license to the person.**

24 329.060. 1. Every person desiring to sit for the examination for any of the occupations provided
25 for in this chapter shall file with the board a written application on a form supplied to the
26 applicant, and shall submit proof of the required age, educational qualifications, and of good
27 moral character together with the required cosmetology examination fee. Each application shall
28 contain a statement that it is made under oath or affirmation and that its representations are true
29 and correct to the best knowledge and belief of the person signing same, subject to the penalties
30 of making a false affidavit or declaration.

31 2. Upon the filing of the application and the payment of the fee, the board shall, upon request,
32 issue to the applicant, if the applicant is qualified to sit for the examination, a temporary license
33 for the practicing of the occupations as provided in this chapter. Any person receiving a
34 temporary license shall be entitled to practice the occupations designated on the temporary
35 license, under the supervision of a person licensed in cosmetology, until the expiration of the
36 temporary license. Any person continuing to practice the occupation beyond the expiration of the
37 temporary license without being licensed in cosmetology as provided in this chapter is guilty of
38 an infraction.

39 **3. For the purpose of meeting the minimum requirements for examination,**
40 **training hours.**

1 329.070. 1. Apprentices or students shall be licensed with the board and shall pay a student fee or
2 an apprentice fee prior to beginning their course, and shall be of good moral character and have
3 a[n] **high school** education **or** equivalent to the successful completion of the [tenth] **twelfth**
4 grade.

5 2. An apprentice or student shall not be enrolled in a course of study that shall exceed twelve
6 hours per day or that is less than three hours per day. The course of study shall be no more than
7 seventy-two hours per week and no less than fifteen hours per week.

8 3. Every person desiring to act as an apprentice in any of the classified occupations within this
9 chapter shall file with the board a written application on a form supplied to the applicant,
10 together with the required apprentice fee.

11 329.080. 1. An instructor trainee shall be a licensed cosmetologist, esthetician or [manicurist]
12 **nail technician** and shall hold a license as an instructor trainee in cosmetology, esthetics or
13 [manicuring] **nail technology**. An applicant for a license to practice as an instructor trainee
14 shall submit to the board the required fee and a written application on a form supplied by the
15 board upon request that the applicant is of good moral character, in good physical and mental
16 health, has successfully completed at least a four-year high school course of study or the
17 equivalent, and holds a Missouri license to practice as a cosmetologist, esthetician or
18 [manicurist] **nail technician**. Each application shall contain a statement that it is made under
19 oath or affirmation and that its representations are true and correct to the best knowledge and
20 belief of the person signing the application, subject to the penalties of making a false affidavit or
21 declaration.

22 2. An applicant approved by the board shall be issued an instructor trainee license. The license
23 shall be issued for a definite period needed to complete training requirements to become eligible
24 for taking the examinations. An applicant shall be approved for an instructor trainee license only
25 for those classified occupations of cosmetology for which the applicant is licensed at the time the
26 instructor trainee application is submitted to the board.

27 3. The instructor trainee shall be required to complete six hundred hours of instructor training
28 within a Missouri licensed school of cosmetology consisting of a curriculum including both
29 theory and practical training. [to include the following:

30 (1) Two hundred hours to be devoted to basic principles of student teaching to include teaching
31 principles, lesson planning, curriculum planning and class outlines, teaching methods, teaching
32 aids, testing and evaluation;

33 (2) Fifty hours of psychology as applied to cosmetology, personality and teaching, teacher
34 evaluation, counseling, theories of learning, and speech;

35 (3) Fifty hours of business experience or management including classroom management, record
36 keeping, buying and inventorying supplies, and state law; and

1 (4) Three hundred hours of practice teaching in both theory and practical application.] **The**
2 **subjects to be taught for the classified occupation of instructor shall be**
3 **prescribed by rule and the hours required for each subject shall be not less than**
4 **those contained in this subsection or the credit hours determined by the formula**
5 **in Subpart A of Part 668 of Title 34 of the Code of Federal Regulations as**
6 **amended.**

7 4. For the purpose of meeting the minimum requirements for examination, training **hours**
8 completed within a school of cosmetology by an instructor trainee shall be recognized by the
9 board for a period of [no more than] five years from the date [it is received] **the Board issues**
10 **the relevant instructor trainee license.**

11 5. The six hundred hours required pursuant to subsection 3 of this section may be reduced as
12 follows:

13 (1) Three years of experience as a practicing cosmetology[ist] **professions under this**
14 **chapter** may be substituted for three hundred hours of training. The three hundred hours will be
15 partially reduced in proportion to experience greater than six months but less than three; or

16 (2) Four and one-half college credit hours in teaching methodology, as defined by rule, may be
17 substituted for three hundred hours of training. Applicants requesting credit shall submit to the
18 board a certified transcript together with a course description certified by the administrating
19 education institution as being primarily directed to teaching methodology. The three hundred
20 hours will be partially reduced in proportion to college credit hours in teaching methodology of
21 less than four and one-half hours; or

22 (3) Applicants who apply from states where the requirements are not substantially equal to those
23 in force in Missouri at the time of application, may be eligible for the examination if they
24 provide:

25 (a) An affidavit verifying a current, valid instructor license in another state, territory of the
26 United States, District of Columbia, or foreign country, state or province; and

27 (b) Proof of full-time work experience of not less than one year as a cosmetology instructor
28 within the three-year period immediately preceding the application for examination.

29 329.085. 1. Any person desiring an instructor license shall submit to the board a written
30 application on a form supplied by the board showing that the applicant has met the requirements
31 set forth in section 329.080. An applicant who has met all requirements as determined by the
32 board shall be allowed to take the instructor examination, including any person who has been
33 licensed three or more years as a cosmetologist, [manicurist] **nail technician** or esthetician. If
34 the applicant passes the examination to the satisfaction of the board, the board shall issue to the
35 applicant an instructor license.

36 2. The instructor examination fee and the instructor license fee for an instructor license shall be
37 nonrefundable.

1 3. The instructor license renewal fee shall be in addition to the regular cosmetologist, esthetician
2 or [manicurist] **nail technician** license renewal fee. For each renewal the instructor shall
3 submit proof of having attended a teacher training seminar or workshop at least once every two
4 years, [sponsored by any university, or Missouri vocational association, or bona fide state
5 cosmetology association specifically approved by the board to satisfy the requirement for
6 continued training of this subsection.] Renewal fees shall be due and payable on or before the
7 renewal date and, if the fee remains unpaid thereafter in such license period, there shall be a late
8 fee in addition to the regular fee.

9 4. Instructors duly licensed as physicians or attorneys or lecturers on subjects not directly
10 pertaining to the practice pursuant to this chapter need not be holders of licenses provided for in
11 this chapter.

12 5. The board shall grant instructor licensure upon application and payment of a fee equivalent to
13 the sum of the instructor examination fee and the instructor license fee, provided the applicant
14 establishes compliance with the cosmetology instructor requirements of another state, territory of
15 the United States, or District of Columbia wherein the requirements are substantially equal or
16 superior to those in force in Missouri at the time the application for licensure is filed and the
17 applicant holds a current instructor license in the other jurisdiction at the time of making
18 application.

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

25 329.090. If the board finds the applicant has submitted the credentials required for admission to
26 the examination and has paid the required fee, the board shall admit such applicant to
27 examination for licensure.

28 329.100. The examination of applicants for licenses to practice under this chapter shall be
29 conducted under the rules prescribed by the board and shall include both practical
30 demonstrations and written and oral tests in reference to the practices for which a license is
31 applied and such related studies and subjects as the board may determine necessary for the
32 proper and efficient performance of such practices and shall not be confined to any specific
33 system or method, and such examinations shall be consistent with the practical and theoretical
34 requirements of the classified occupation or occupations as provided by this chapter.

35 329.110. 1. If an applicant for examination for cosmetology passes the examination to the
36 satisfaction of the board and has paid the fee required and complied with the requirements
37 pertaining to this chapter, the board shall cause to be issued a license to that effect. The license
38 shall be evidence that the person to whom it is issued is entitled to engage in the practices,
39 occupation or occupations stipulated therein as prescribed in this chapter. The license shall be
40 conspicuously displayed in his or her principal office, place of business, or employment.

1 2. Whenever anyone who has been licensed in accordance with this chapter practices any of the
2 occupations authorized in this chapter outside of or away from the person's principal office, place
3 of business, or employment, he or she shall deliver to each person in his or her care a certificate
4 of identification. This certificate shall contain his or her signature, the number and date of his or
5 her license, the post office address and the date upon which the certificate of identification is
6 delivered to the person under his or her care.

7 329.120. The holder of a license issued by the board who continues in active practice or
8 occupation shall on or before the license renewal date renew the holder's license and pay the
9 renewal fee. A license which has not been renewed prior to the renewal date shall expire on the
10 renewal date. The holder of an expired license may have the license restored within two years of
11 the date of expiration without examination, upon the payment of a delinquent fee in addition to
12 the renewal fee.

13 **2. A holder of a cosmetology license who has been honorably discharged from**
14 **the United States armed forces, and has not renewed his or her license as herein**
15 **provided, shall, upon his or her return to cosmetology within one year from date**
16 **of honorable discharge, pay one dollar for renewal of same.**

17 **3. In lieu of renewal, a licensed cosmetologist may apply for an inactive license at**
18 **the time the cosmetologist submits his or her application for renewal of the**
19 **cosmetologist license and pay the required renewal fee. An inactive license shall**
20 **then be issued, and shall be renewed biennially. While the inactive license is in**
21 **effect the cosmetologist shall not practice as a cosmetologist in the state of**
22 **Missouri. An inactive licensee may apply for an active cosmetology license upon**
23 **filing a written application on a form provided by the Board and submitting the**
24 **fee established by the Board.**

25 329.123. A duplicate license shall be issued without the payment of a duplicate license fee if an
26 affidavit is presented showing that the license has been destroyed, lost, mutilated beyond
27 practical usage, or was never received.

28 329.127. There shall be a fee for the filling out or making of an affidavit of certification of
29 current licenses, or hours and grades, for persons applying for licensure in other states.

30 329.130. 1. The board shall grant without examination a license to practice cosmetology to any
31 applicant who holds a current license that is issued by another state, territory of the United
32 States, or the District of Columbia whose requirements for licensure are substantially equal to the
33 licensing requirements in Missouri at the time the application is filed [or who has practiced
34 cosmetology for at least two consecutive years in another state, territory of the United States, or
35 the District of Columbia]. The applicant under this subsection shall pay the appropriate
36 application and licensure fees at the time of making application. A licensee who is currently
37 under disciplinary action with another board of cosmetology shall not be licensed by reciprocity
38 under the provisions of this chapter.

1 2. Any person who lawfully practiced or received training in another state who does not qualify
2 for licensure without examination may apply to the board for licensure by examination. Upon
3 application to the board, the board shall evaluate the applicant's experience and training to
4 determine the extent to which the applicant's training and experience satisfies current Missouri
5 licensing requirements and shall notify the applicant regarding his or her deficiencies and inform
6 the applicant of the action that he or she must take to qualify to take the examination. The
7 applicant for licensure under this subsection shall pay the appropriate examination and licensure
8 fees.

9 329.140. 1. The board may refuse to issue any certificate of registration or authority, permit or
10 license required pursuant to this chapter for one or any combination of causes stated in
11 subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the
12 refusal and shall advise the applicant of the applicant's right to file a complaint with the
13 administrative hearing commission as provided by chapter 621.

14 2. The board may cause a complaint to be filed with the administrative hearing commission as
15 provided by chapter 621 against any holder of any certificate of registration or authority, permit
16 or license required by this chapter or any person who has failed to renew or has surrendered the
17 person's certificate of registration or authority, permit or license for any one or any combination
18 of the following causes:

19 (1) Use or illegal possession of any controlled substance, as defined in chapter 195; use of an
20 alcoholic beverage to an extent that such use impairs a person's ability to perform the work of
21 any profession licensed or regulated by this chapter;

22 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo
23 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
24 offense reasonably related to the qualifications, functions or duties of any profession licensed or
25 regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or
26 an act of violence, or for any offense involving moral turpitude, whether or not sentence is
27 imposed;

28 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
29 registration or authority, permit or license issued pursuant to this chapter or in obtaining
30 permission to take any examination given or required pursuant to this chapter;

31 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud,
32 deception or misrepresentation;

33 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the
34 performance of the functions or duties of any profession licensed or regulated by this chapter;

35 (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or
36 of any lawful rule or regulation adopted pursuant to this chapter;

- 1 (7) Impersonation of any person holding a certificate of registration or authority, permit or
2 license or allowing any person to use his or her certificate of registration or authority, permit,
3 license or diploma from any school;

- 4 (8) Disciplinary action against the holder of a license or other right to practice any profession
5 regulated by this chapter granted by another state, territory, federal agency or country upon
6 grounds for which revocation or suspension is authorized in this state;

- 7 (9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

- 8 (10) Assisting or enabling any person to practice or offer to practice any profession licensed or
9 regulated by this chapter who is not licensed and currently eligible to practice under this chapter;

- 10 (11) Issuance of a certificate of registration or authority, permit or license based upon a material
11 mistake of fact;

- 12 (12) Failure to display a valid license if so required by this chapter or any rule promulgated
13 hereunder;

- 14 (13) Violation of any professional trust or confidence;

- 15 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the
16 general public or persons to whom the advertisement or solicitation is primarily directed;

- 17 (15) Failure or refusal to properly guard against contagious, infectious or communicable diseases
18 or the spread thereof.

19 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the
20 provisions of chapter 621. Upon a finding by the administrative hearing commission that the
21 grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in
22 combination, censure or place the person named in the complaint on probation on such terms and
23 conditions as the board deems appropriate for a period not to exceed five years, or may suspend,
24 for a period not to exceed three years, or revoke the license, certificate, or permit.

25 4. The board, acting upon its own knowledge or written or verified complaint filed by any
26 person, may discipline a person as provided in subsections 1 to 3 of this section or the board may
27 bring an action to enjoin any person, firm or corporation from engaging in an occupation
28 regulated by the provisions of this chapter, if such person, firm or corporation without being
29 licensed to do so by the board, engages in or practices an occupation licensed pursuant to this
30 chapter. The action shall be brought in the county in which such person resides, or, in the case of
31 a firm or corporation, where the firm or corporation maintains its principal office; and, unless it
32 appears that such person, firm or corporation so engaging or practicing such occupation is
33 licensed, the injunction shall be issued, and such person, firm or corporation shall be perpetually
34 enjoined from engaging in such activities throughout the state.

1 329.170. Nothing in this chapter shall prohibit service in case of emergency or domestic
2 administration, or services by persons authorized under the laws of this state to practice
3 medicine, surgery, dentistry, chiropody, osteopathy, chiropractic nursing or services by barbers
4 lawfully engaged in the performance of the usual and ordinary duties of their vocation.

5 329.250. Any person who shall act in any capacity other than by demonstration to or before
6 licensed cosmetologists, or maintain any business wherein a license is required pursuant to this
7 chapter, without having such license, or any person who violates any provision of this chapter is
8 guilty of a class C misdemeanor.

9 329.255. 1. Any person:

10 (1) Offering to engage or engaging in the performance of any acts or practices for which a
11 certificate of registration or authority, permit or license is required by this chapter upon a
12 showing that such acts or practices were performed or offered to be performed without a
13 certificate of registration or authority, permit or license; or

14 (2) Engaging in any practice or business authorized by a certificate of registration or authority,
15 permit or license issued pursuant to this chapter upon a showing that the holder presents a
16 substantial probability of serious danger to the health, safety or welfare of any resident of this
17 state or client of the licensee.

18 2. Any person violating the provisions of subsection 1 or 2 of this section shall be deemed guilty
19 of [an infraction] **a class C misdemeanor.**

20 329.260. Any person holding a valid license, certificate, permit, or other authority, regulated or
21 granted pursuant to sections 329.010 to 329.250 on August 28, 1995, shall be recognized by the
22 board and shall be entitled to retain any existing status, so long as the person complies with the
23 provisions of sections 329.010 to 329.260 and any rules promulgated pursuant thereto. Such
24 recognition shall be as follows:

25 (1) All persons previously licensed as Class A shall be recognized as Class CH;

26 (2) All persons previously licensed as Class B shall be recognized as Class MO;

27 (3) All persons previously licensed as Class A and Class B shall be recognized as Class CA.

28 329.265. After July 1, 1999, any licensed cosmetologist shall be required to complete the
29 required training of seven hundred fifty hours and pass the required examination to be licensed
30 as an esthetician.

**State Board of Cosmetology and Barber Examiners
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, MO 65109**

July 25, 2013

The Missouri State Board of Cosmetology and Barber Examiners were called to order in open session by President Wayne Kindle at 7:02 p.m. on Thursday, July 25, 2013 by conference call at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Thursday, July 25, 2013

Board Members Present:

Wayne Kindle, President
Betty Leake, Vice President
Jacklyn Crow, Secretary
Leata Price-Land, Member
Joe Nicholson, Member
Lori Glasscock, Public Member

Staff Present:

Emily Carroll, Executive Director
Mallory Reinhard, Processing Technician II
Tina Crow Halcomb, Litigation Counsel
Earl Kraus, General Counsel

1. **Approval of the Open Session Agenda**

A motion was made by Betty Leake and seconded by Joseph Nicholson to approve the Open Session Agenda as submitted. Motion carried.

2. **Discussion with potential contract legal counsel – Ron Holt**

- Possibility of looking at other states changes and processes to come into compliance
- Texas in compliance, created new application for cosmetology schools, indicate type of school seeking to operate
- Ideally the license should say the type of institution they are operating
Depends on what Dept of Ed thinks about licensing statutes
- Could argue intent of MO legislature was to empower board to authorize cosmetology schools as post-secondary institutions

A motion was made by Joe Nicholson and seconded by Leata Price-Land to approve the contract with Ron Holt

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

- Communication with Mr. Holt will be conducted by Tina Crow Halcomb and Emily Carroll
- Ron Holt will arrange a phone call with Dr. Sophia McArdle

3. **Discussion of Legislative Purposals for 2014**

- Discussion regarding each member being prepared to discuss the legislative proposal. Board members Jacklyn Crow, Lori Glasscock, Wayne Kindle, Betty Leake and Joe Nicholson indicated each had reviewed the entire proposal. Leata Price-Land had not reviewed the entire proposal but had the proposal available to review during the call to be an active part of the discussion.
- Correction – Page 4, 5 & 6.
- Bottom page 5 is a duplicate

Closed Session

A motion was made by Betty Leake and seconded by Joe Nicholson to move into closed session pursuant to Section 610.021 Subsections (1), (3), (5), (7), and (14), RSMo, and Sections 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant, and discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, for deliberation on discipline, for discussing hiring, firing, disciplining or promoting an employee of this agency, for discussing applicants for licensure, performance evaluations pertaining to individual employees, testing and examination materials, and for the purpose of approving the minutes of one or more previous meetings.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

7:25 p.m. Board moved into Closed Session.

A motion was made by Jacklyn Crow and seconded by Lori Glasscock to move into Open Session.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

7:55 p.m. Board moved into Open Session.

Page #1

Accepted as purposed

Page #2

Accepted as purposed

Page 3

- would allow anyone to request a certificate of identification and removing the requirement of obtaining an establishment license.
- Currently nothing in 329 that mentions the certificate of identification. Only in regulation.
- The certificate of identification should mirror that of cosmetology
- Remove #7 and address by regulation only and mirror the language in the regulations regarding cosmetology

A motion was made by Betty Leake and seconded by Jacklyn Crow to remove 328.080 #7 lines 29-35 of the purposed statutes.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

Page #4

- #8 becomes #7
- Shelly Heavilin (member of the public) – allowing students to take the written exam early will benefit the students

Accepted as purposed

Page #5

- Shelly Heavilin (member of the public) – there is not anything is cosmetology law requiring cosmetologist work in an establishment for a minimum of one (1) year.
- Barber instructor law should mirror the same requirements of the requirements for a cosmetology instructor.
- Barber’s should have training prior to eligibility to apply for a barber instructor license.
- 328.090 should mirror cosmetology instructors 329.080 and 329.085

A motion was made by Betty Leake and seconded by Leata Price-Land to have 328.090 mirror 329.080 and 329.085.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

Page #7

- 328.110 – remove #2 since it does not mirror cosmetology
- Currently a delinquent fee is not in the barber fee instructor
- Change the “delinquent” fee to say “late” fee

A motion was made by Betty Leake and seconded by Jacklyn Crow to change #36 to replace “delinquent” with “late”.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

Page #8

Accepted as purposed

Page #9

- The possible effect of raising the barber hour requirement to 1500 hours on currently enrolled students that are only required to obtain 1000 hours.
- Any barber student that has enrolled prior to the effective date of the hour requirement change would only be required to have 1000 hours.

Accepted as purposed

Page #10

Accepted as purposed

Page #11

Accepted as purposed

Page #12

- A possible effect on the current state law test that is administered in schools currently
- State law test, application forms, etc. would be updated with the updated terminology

Accepted as purposed

Page #13

- Christy (member of the public) – UV rays do penetrate the dermis layer. The safety issue is to not damage or puncture the dermis layer which could cause infection.
- Shelly Heavilin (member of the public) - If the word “puncture” is used a lanset could not be used.

A motion was made by Betty Leake and seconded by Jacklyn Crow to remove the purposed new language on lines 14-15.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

Page #14

Accepted as purposed

Page #15

No purposed changes

Page #16

Accepted as purposed

Page #17

Accepted as purposed

Page #18

Accepted as purposed

Page #19

Accepted as purposed

Page #20

Accepted as purposed

Page #21

- Online theory training should have maximum limit on the number of hours that can be obtained online
- Schools licensed by the Board should only be recognized as providers of online theory training
- A school should be licensed for at least two (2) years by the Board and in good standing
- Possibility of no more than 10% of training hours can be completed online
- A tracking method would have to be put in place to ensure the training is completed
- Define 10% in the rules as opposed to statute in order to adjust in the future
- Online theory training could be optional and the decision of the school
- A school would meet before the Board and provide a purposed online training curriculum
- Schools should not be limited to having to use one approved provider
- A school would have the option to accept transfer online training hours

A motion was made by Joe Nicholson and seconded by Leata Price-Land to remove the purposed language on lines 10-12 and add the following language on line 13 after "hours", "not to exceed 10% of the total hours of the course designated by the Board by rule."

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

Page #22

Accepted as purposed

Page #23

- Secondary and Post-Secondary schools should be defined
- Tina Crow Halcomb will discuss with Ron Holt the appropriate way to clearly define a Secondary and Post-Secondary institution

Accepted as purposed

Page #24

- Emily Carroll will look into the reasoning of the purposed language in lines 39-40

Accepted as purposed

Page #25

- The purposed change to 329.070 would not allow for vocational students to be eligible to enroll in school or apprenticeships
- Defining Secondary and Post-Secondary will be discussed with Ron Holt

- Possibility of submitting 328 for the August 2, 2013 deadline
- Gerry Heavilin (member of the public) – possibility of adjusting the language in 329 regarding the Board's authority to waive contractual fees
- Emily Carroll and Earl will bring back the changes for the Board to review
- The Board can decide to submit the proposal as it has been done or have General Counsel complete a full legal review
- Earl Kraus – number of concerns with the proposal and a complete legal review cannot be done before the August 2, 2013 deadline
- Earl Kraus recommends that the legislative proposal process not be rushed in order to avoid mistakes
- Potential of seeking other legal advice other than General Counsel or dividing the review between Earl Kraus and Tina Crow Halcomb
- Early Kraus – there will be questions on every proposed change
- Submitting one chapter instead of both together may not be possible since they refer to each other
- Tina Crow Halcomb – a legal review will take time

A motion was made by Joe Nicholson and seconded by Lori Glasscock to have Tina Crow Halcomb discuss with Ron Holt what proposals need to be submitted by August 2, 2013 to address the compliance with the Department of Education. Also to move forward with the proposed legislation and follow the

legal advice given and have Earl Kraus and Tina Crow Halcomb complete a full legal review.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

10:27 p.m. There being no further business in open, the meeting was adjourned.

Adjournment



Executive Director

Approved on September 30, 2013