

Meeting Notice

State Board of Cosmetology and Barber Examiners
Division of Professional Registration

Jefferson City, Missouri

December 16, 2013

The Missouri State Board of Cosmetology and Barber Examiners will meet, via conference call on Monday, December 16, 2013 at 8:00 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 877-820-7831 and entering Pin# 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: 12/11/2013

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

December 16, 2013

TENTATIVE OPEN SESSION AGENDA

Monday, December 16, 2013

8:00 p.m.

- a.) Call to order
- b.) Roll Call

1. Approval of Open Session Agenda

Board Consideration

2. **Post-Secondary Education**
3. **2015 Legislation**

Adjournment*

DISCUSSION

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 12—Schools and Student Rules—Barber and Cosmetology
20 CSR 2085-12.010 General Rules and Application Requirements for All Schools**

PROPOSED AMENDMENT

20 CSR 2085-12.010 General Rules and Application Requirements for All Schools

PURPOSE: This rule establishes requirements applicable to all barber and cosmetology schools and school applicants.

(1) To operate a barber or cosmetology school in Missouri, **including a postsecondary or secondary barber or cosmetology school**, an applicant shall submit an application and applicable fee to the board at least sixty (60) days prior to the anticipated opening date of that facility. Applications to open a school shall be made on the forms provided by the board and may be obtained by writing the board at PO Box 1062, Jefferson City, MO 65102. The telephone number is (573) 751-0805 or (866) 762-9432 and the TDD number is (800) 735-2966.

(A) As used in these regulations (and in application forms issued by the Board), the term “postsecondary” shall mean an institution or school that has certified in its application to the board that it will only enroll individuals who meet one of the following qualifications: (i) hold a high school diploma; (ii) hold a general education development (GED) certification; (iii) have completed a home schooling program which meets the requirements of the state in which it occurred and contains at least twelve (12) high school credits; (iii) have provided acceptable proof of a prior enrollment, commencing at any date prior to July 1, 2012, in a Title IV eligible academic program at a Title IV eligible postsecondary institution. With respect to an institution, “Title IV eligible” shall have the meaning given in 34 C.F.R. § 600.2 as that regulation existed at the time of such prior enrollment, and, with respect to an academic program, “Title IV eligible” shall have the meaning given in 34 C.F.R. § 668.8 as that regulation existed at the time of such prior enrollment the status of being postsecondary is optional, and an applicant may apply to operate a barber or cosmetology school in Missouri without such status.

(B) As used in these regulations (and in application forms issued by the Board), the term “secondary” shall mean an institution or school that has certified on its application to the board that it is a public vocational-technical school.

(2) General Application Requirements. The board shall not consider any application to open a school unless it is fully completed, including supporting documents which must be attached to the application, with the applicable fee. The application shall be on a form approved by the board and shall contain the following information:

- (A) Name and address of the owner(s) or lessor(s) and lessee(s) where appropriate;
- (B) The school’s complete mailing address;
- (C) A copy of the proposed facility’s floor plan, giving approximate dimensions and square footage;
- (D) A list of the proposed equipment and training supplies by quantity and type for which barber school applicants shall include the minimum equipment and supplies required by 20 CSR 2085-12.020(2)(C) or, for cosmetology school applicants, shall include the minimum equipment and supplies required by 20 CSR 2085-12.040(2);
- (E) A list detailing all implements and equipment that will be included in student kits;
- (F) A list of the proposed school rules;
- (G) The requisite fee;
- (H) A brief description of the course curriculum, including the number of clock hours, credit hours, or similar units of measure, whichever is applicable, to be assigned to each subject area;
- (I) A sample lesson plan for each course in the curriculum, which must include those courses required by Chapters 328 and/or 329, RSMo, and the rules of the board, for the school license requested;
- (J) The maximum enrollment allowed for the facility based on square footage;
- (K) A copy of the student contract which shall comply with the following:

1. Student contracts submitted and used by barber school applicants must include a notice to the student that no less than one thousand (1,000) hours of training in a licensed school is required for that student to sit for the state barber examination; and
2. Student contracts submitted and used by cosmetology school applicants must include a notice to the student that no less than one thousand five hundred (1,500) hours of training in a licensed school or no less than one thousand two hundred twenty (1,220) hours of training in a licensed public vocational- technical school are required for cosmetology, and no less than four hundred (400) hours of training in any licensed school are required for manicuring and no less than seven hundred fifty (750) hours training in any licensed school are required for estheticians for that student to be eligible to sit for the board examination.
- 3. A copy of the school's student enrollment form or application, which, for a postsecondary school, shall require the student applicant to indicate whether he/she holds a high school diploma; or holds a general education development (GED)) certification; or has completed a home schooling program meeting the requirements of the state in which it occurred and has provided to the board a written notarized statement from his/her principal instructor demonstrating completion of at least twelve (12) high school credits; or has provided to the cosmetology school proof of a prior enrollment, commencing at any date prior to July 1, 2012, at a Title IV eligible postsecondary institution in a Title IV eligible academic program.**

(L) The name and address of each licensed instructor to be employed:

1. Any barber school having only one (1) instructor per fifteen (15) students shall state in their application the name and address of a substitute instructor who will be available; and
 2. Any cosmetology school having only one (1) instructor per twenty-five (25) students shall state in their application the name and address of a substitute instructor who will be available; and
- (M) Two (2) or more letters of reference for the applicants.

(3) Application Approval. Upon receipt of a properly completed application, the board, within a reasonable time, will arrange an appointment at the next regularly scheduled meeting of the board to discuss the proposed school provided, however, the application is received by the board no less than fourteen (14) days before the next meeting. If the application is received less than fourteen (14) days before the next meeting, then an appointment will be scheduled at the following meeting to discuss the proposed school. **If the applicant has applied for the optional status of postsecondary institution, and has met the requirements of Subsection (2) of Section 2085-12.010, if the board decides to grant an initial or renewal license, the license shall designate the school as being authorized to operate as a postsecondary school of cosmetology and/or barbering. If the applicant has applied for the optional status of secondary institution, and has met the requirements of Subsection (2) of Section 2085-12.010, if the board decides to grant an initial or renewal license, the license shall designate the school as being authorized to operate as a secondary school of cosmetology and/or barbering.**

(A) After the meeting between the applicant and the board, the board will decide to preliminarily approve or deny a license for the proposed facility no later than ninety (90) days after the board's receipt of the properly completed application, unless additional information is needed or additional time is required for the board to review the application submitted.

(B) If the board decides not to preliminarily approve the application, the applicant will be promptly notified in writing of the specific reasons for denial. Final approval of a school by the board will be made upon final inspection and approval of the proposed facility. The purpose of the final inspection is to approve or disapprove the condition of the school, to ensure the facility has all required equipment and is in compliance with the floor plan preliminarily approved by the board.

1. A school license will only be issued to applicants who are in compliance with the rules of the board and provisions of law applicable to the school sought to be licensed.
2. After final approval is given by the board, a license will be sent to the applicant. No barber or cosmetology school shall be opened in Missouri prior to receipt of its license from the board.

(4) Barber School Floor Plans. The floor plan submitted with an application for licensure as a barber school shall include the following:

- (A) A reception area;
- (B) A classroom for theory instruction with a reference library;

- (C) A work station for each student for practical instruction which shall include a shampoo bowl, backbar, dust-tight cabinet or drawers, mirror not less than thirty inches (30") in diameter, and barber chair with headrest. Barber chairs shall be mechanically sound with a non-porous covering in good condition. Chairs shall be placed at least five feet (5') apart, and each chair shall occupy not less than thirty-five (35) square feet of floor space. There shall be electrical outlets between every two (2) chairs;
- (D) Two (2) or more restrooms that separately accommodate male and female students including sink with hot and cold running water, soap (liquid or powder), and paper towels;
- (E) A dispensary for the preparation, mixing, storage, and disposal of supplies and chemicals used for disinfecting barbering implements;
- (F) Manager(s) office;
- (G) A student break room; and
- (H) A janitor's closet for cleaning supplies.

(5) License Changes. Each license for a school issued by the board shall be valid only for the premises named and located at the address provided in the initial school license application. If at any time during the license period, the physical plant or operation of a school is moved to a new address, if ownership is transferred, or if substantial interest fifty-one percent (51%) or more of a partnership or corporation is altered in a way as to affect the registered ownership, then the license for the school shall become void. It shall be the responsibility of the holder of the license of the school to notify the board of any changes.

(A) Change of Location. If the physical plant or operation of a school is to be moved to a new address, it shall be the responsibility of the school owner(s) to submit an application to open a school at a different location and the applicable fee to the board and meet all the requirements to obtain a license to operate the school prior to reopening at the new location.

1. The school owner shall submit a change of location application which shall include:
 - A. The name and address of the owner(s) or lessor(s) and lessee(s) where appropriate;
 - B. The school's complete mailing address;
 - C. A copy of the proposed facility's floor plan, giving approximate dimensions and square footage;
 - D. A list of the proposed equipment and training supplies by quantity and type which for barber school applicants shall include the minimum equipment and supplies required by 20 CSR 2085-12.020(2)(C) or, for cosmetology school applicants, shall include the minimum equipment and supplies required by 20 CSR 2085-12.040(2);
 - E. A list detailing all implements and equipment that will be included in student kits;
 - F. A list of the proposed school rules;
 - G. The requisite fee;
 - H. The maximum enrollment allowed for the facility based on square footage;
 - I. A copy of the student contract which shall comply with the applicable requirements of 20 CSR 2085-12.010(2)(K); and J. The name and address of each licensed instructor to be employed, including the name and address of any substitute instructor as required by 20 CSR 2085- 12.010(2)(L).
2. Final approval of a school by the board, based on a change of location, will be made upon final inspection of the establishment.

(B) Change of Ownership. It shall be the responsibility of the new owner(s) to submit an application to open a school and the applicable fee to the board and to meet all requirements to obtain a license to operate a school.

1. If there is to be a change in a substantial interest of a partnership or corporation which affects the registered ownership, the owner(s) shall make application in accordance with the rules of the board.
2. If there is to be a change in a minority interest of a partnership or corporation which does not affect the registered ownership, it shall be the responsibility of the holder(s) of the school license to submit a sworn affidavit to the board as notification of the change and to supply a full listing of partners/ shareholders and ownership percentages of each.
3. Adding a co-owner. It shall be the responsibility of the co-owners to submit an application to open a school and the applicable fee to the board to obtain a license to operate a school.
4. Deleting a co-owner. It shall be the responsibility of the co-owners to immediately notify the board of any ownership change. The written notice shall serve as documentation of the change and a new application and fee shall not be required.

(C) Name Change of School. Notwithstanding any other rule promulgated by the board, the owners of the school shall notify the board immediately in writing of a change in a school name. The name change may be made on the renewal application for the school. Alternatively, the name change may be made during the license period if the owner(s) submit a change of name request on a form supplied by the board along with the school's license and the duplicate license fee. No school shall use any name prior to complying with the rules of the board for changing a school name and submitting all applicable fees.

(D) Termination of Operations. Any school voluntarily terminating its operation shall inform the board in writing prior to the anticipated closing date and in addition, properly terminate its students as set forth in section (9) of this rule, return all unused materials supplied by the board and supply the board with an address and telephone number where an authorized representative of the school can be contacted for additional information after the closing of the school.

(6) Inspections.

(A) A member, representative, or inspector of the board shall inspect the school prior to annual renewal and the school shall be in compliance with all applicable Missouri laws and rules of this board.

(B) Each school licensed in Missouri must be open to the members, representatives, or inspectors of the board for inspection at all times during normal working hours or at reasonable times as requested by the board. Every school licensed by the board shall have a complete student kit and a set of all textbooks available for inspectors to view at the time of inspection.

(7) Renewals.

(A) Each holder of a valid, current license to operate a school in Missouri shall, on or before the renewal date, submit an application for renewal of the school license and shall accompany it with the biennial renewal fee and shall provide the following information:

1. Name and address of the owner(s) or lessor(s) and lessee(s) where appropriate;
2. The school's complete mailing address;
3. A list detailing all implements and equipment that will be included in student kits;
4. The requisite fee;
5. The maximum enrollment allowed for the facility based on square footage; and
6. The name and address of each licensed instructor to be employed; provided, any school having less than the minimum number of instructors as required by the rules of the board for the school to be licensed shall also state the name and address of a substitute instructor who will be available.

(B) The holder(s) of a school license which has not been renewed by the date shall be required to submit a late fee in addition to the biennial renewal fee in order to reinstate the license. The holder(s) of a school license failing to reinstate the license within fourteen (14) days following the board's mailing by certified mail of notice to the holder(s) shall be subject to disciplinary action, shall terminate all students enrolled in the school as set forth in subsection (9)(C) of this rule and may reapply for a school license in accordance with the provisions of section (2) of this rule.

(8) Satellite Classrooms.

(A) Purpose. Satellite classrooms may only be used for teaching purposes. Students are prohibited from providing services to or demonstrations on the public in a satellite classroom.

(B) Eligibility. Any licensed school may apply for the addition of a satellite classroom.

(C) Location. Satellite classrooms must be located within a one (1) mile radius of the existing school.

(D) Equipment and Floor Space.

1. Satellite classrooms shall be equipped with at least one (1) restroom for student use.
2. Satellite classrooms shall be equipped with a sufficient number of tables and chairs to accommodate the number of students in attendance in each class.
3. Schools shall post a sign on the outside of each entrance into a satellite classroom, which reads, "Satellite Classroom for Students and Licensed Instructors Only."
4. Satellite classrooms shall have a minimum of five hundred (500) square feet for classroom instruction for up to twenty (20) students. For each additional student, satellite classrooms must have at least an additional fifty (50) square feet. Schools may not include the square footage of the satellite classroom to meet the minimum square footage requirements for the school licensed.

(E) In addition to the instructor requirements for the school licensed, there must be at least one (1) licensed instructor present in the satellite classroom anytime students are present.

(F) Inspection. Satellite classrooms are subject to inspection in the same manner as the existing school. Schools are required to post the satellite classroom license in plain view within the satellite classroom at all times.

(G) Application for Licensure. If a satellite classroom is to be added, it shall be the responsibility of the holder(s) of the school license prior to opening the satellite classroom to submit an application for the addition of a satellite classroom on a form supplied by the board accompanied by a floor plan of the satellite classroom giving dimensions and square footage, and the satellite classroom application fee; have the satellite classroom inspected and approved by the board; and have received the satellite classroom license from the board.

(9) Enrollment and Termination of Students.

(A) Students must be seventeen (17) years of age by the time application is made for the state examination.

(B) It shall be the responsibility of the holder of the license to operate a school to submit student enrollment forms to the board at least two (2) weeks prior to the anticipated commencement of a student's studies. The application shall be on a form approved by the board, be properly completed and accompanied by the appropriate fee(s). No student shall receive any credit for training received at a school until the application is received and approved by the board and the student license is returned to the school. The student license shall be conspicuously displayed with a two inch square (2" × 2") photograph taken within the last five (5) years and is not transferable.

(C) Terminations. All persons holding a license to operate a school shall be responsible for submitting properly completed termination forms for all students who terminate their training. School license holders are responsible for obtaining termination forms from the board.

1. Termination forms must be submitted within two (2) weeks of the date of student's termination. The date of a student's termination is either: 1) The date the student affirmatively indicates to the school his/her intent to terminate training; or 2) The last day of any two (2)-week period during which the student failed to attend a single class. However, a school shall not terminate a student for up to six (6) weeks if the student notifies the school in writing of his/her leave of absence and the student's anticipated date of return. If the student does not return on the anticipated date of return, the school shall automatically terminate the student on that date.

(D) Transfer of Students. Any student desiring to change schools shall contact the school in which he/she is currently enrolled and request termination. The school shall terminate the student as required by 20 CSR 2085-12.010(9)(C) within two (2) weeks of the student's request to be terminated.

(E) No student shall be permitted to remove his/her training kit from the school while in training.

(F) Definition of Training Hours.

1. For purposes of cosmetology schools and students, "training hours" is defined as the number of clock or credit hours of instruction and training a student obtained and for which the school maintained a record of those hours for instruction and training.

2. For purposes of barber schools and students, "training hours" is defined as the number of clock hours of instruction and training a student obtained and for which the school maintained a record of those hours for instruction and training.

(10) Instructors. Every holder of a license to operate a school shall be responsible for providing continuous and adequate supervision of the school's students by licensed instructors at all times during regular school hours.

(A) It shall be the responsibility of the holder of a license to operate a school to ensure that each licensed instructor teaching in that school submits to the board a proposed lesson plan for each course that they teach. The lesson plan must be approved by the board prior to the course being taught.

(B) Any school which has only one (1) regular instructor employed and present during regular school hours shall submit proof to the board that a substitute Missouri licensed instructor will be available to that school to assume continuous and uninterrupted instruction. Satisfactory proof shall be demonstrated by submitting an affidavit to the board, a contract of agreement, or other evidence found to be adequate and trustworthy, that verifies that a licensed Missouri substitute instructor will be available.

(C) To insure the adequate preparation of its students, every school shall allow its instructors to perform only bona fide demonstrations on members of the general public. A bona fide demonstration is one performed for the instruction of students where one (1) or more students actually observe or participate in

the work being performed by the instructor for no monetary compensation for the specific service(s) demonstrated.

(D) Instructor licenses shall be conspicuously displayed with a two inch square (2" × 2") photograph taken within the last five (5) years.

(E) Instructor trainees shall not be counted as licensed instructors for purposes of meeting the minimum instructor requirements of the board for the applicable school and under no circumstances shall an instructor trainee be left solely in charge of any school.

(11) External Training and Coursework.

(A) No portion of a student's minimum training requirements may be obtained in course work or demonstrations outside the school of his/her enrollment unless a specific request for such a program of instruction is submitted to the board office by the school on a form supplied by the board and approval is given prior to the requested program. The request for a program of instruction shall include: the place, date and time of the activity, the objective of the activity, the person/organization conducting the activity, the number of students to attend the activity,

(12) Minimum Standards for Accountability. (A) School emphasis shall be placed on student training exclusively.

(B) Every school shall maintain an annual overall pass/fail rate of seventy percent (70%) for both written and practical portions of the licensure examination for each classification of the profession taught. If a school's pass/fail rate falls below seventy percent (70%) in a calendar year, the school will have thirty (30) days from the date of notification to submit a plan of action to the board. The pass/fail rate in question will be for first time candidates only. The pass/fail rate must increase by five percent (5%) the first year, then must meet or exceed that standard for the next two (2) years, or the school license shall be subject to discipline.

(C) Student records shall be made available or shall be electronically stored so that the records may be immediately accessed and produced on the premises of the licensed school in the state of Missouri upon request by the board or its representative. For purposes of this rule, records shall be retained for a period of five (5) years and shall include, but are not limited to:

1. Timesheets;
2. Enrollment forms;
3. Student applications;
4. Termination forms;
5. Attendance records;
6. State law tests;
7. Proof of grades;
8. Proof of attendance;
9. Student payment records; and
10. Student contracts.

(D) The school shall include in its catalog and on its website information on how students may present complaints to the board, including the mailing address, telephone number and website of the board.

(13) Advertising. Signs shall be displayed in all schools stating that all work is done by students. Schools advertising prices for services must state that all work is done by students and the lettering of the advertisement stating that work is performed by students must be as large as the lettering used to denote the advertised prices.

(14) All services rendered to the general public in a school shall be performed by students. An instructor shall not operate a chair or serve customers in a school. All work performed by the student on a customer shall be inspected and approved by an instructor before the customer exits the school. Students shall not exit from classroom instruction or practical or written examinations to perform barbering or cosmetology services on customers.

(15) Physical Premises. The building and quarters that the school occupies shall be clean, well painted, well ventilated, and adequately lighted with sufficient room.

(A) There shall be no smoking in instructional areas of the school.

(B) All implements and school equipment, including furniture and fixtures, shall be kept in good working order and repair.

(16) Failure of any school to comply with any applicable rule of the board shall be considered grounds for suspension or revocation of a license to operate a school.

(17) As used in the rules of the board, the term "school" shall also include a college of cosmetology or barber instruction.

AUTHORITY: sections 329.025.1, 329.040, and 329.050, RSMo Supp. 2008. Original rule filed , effective . Amended: Filed , effective*

**Original authority: 329.025, RSMo 2005, amended 2008; 329.040, RSMo 1939, amended 1945, 1959, 1979, 1981, 1987, 1989, 1995, 1997, 2001; and 329.050, RSMo 1939, amended 1945, 1949, 1961, 1981, 1989, 1995, 1996, 2001, 2005.*

DRAFT

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 12—Schools and Student Rules—Barber and Cosmetology
20 CSR 2085-12.035 Requirements for Barber Students**

PROPOSED AMENDMENT

20 CSR 2085-12.035 Requirements for Barber Students

PURPOSE: This rule establishes qualifications and requirements for barber students.

(1) It shall be the responsibility of the school to submit to the board at least two (2) weeks prior to the anticipated date of student barber training the following:

- (A) A completed student application for admission to barber training;
- (B) Pursuant to section 328.080, RSMo, a medical examination form;
- (C) Proof of age—copy of a birth certificate or driver's license (applicant must be seventeen (17) years of age by the time application is made for examination);
- (D) Two (2) small two inch square (2" x2") passport photographs of the student; and
- (E) Applicable fee.

(2) For any person enrolling in a postsecondary barber school, the completed student application must indicate that the individual: has earned a high school diploma; or has earned a general education development (GED) certification; or has completed a home schooling program meeting the requirements of the state in which it occurred and has provided to the board office a written notarized statement from his/her principal instructor demonstrating completion of at least twelve (12) high school credits; or has provided to the barber school proof of a prior enrollment, commencing at any date prior to July 1, 2012, at a Title IV eligible postsecondary institution in a Title IV eligible academic program.

(3) For any person desiring to enroll in a secondary barber school shall meet all of the requirements set forth in subsection (1)(A)-(E) of this Section 2085-12.035.

[(2)] (4) Upon board approval of a student application for admission to barber training, the board shall issue to the school a student registration which shall be conspicuously posted at each student's work station.

[(3)] (5) Upon a successfully completed course of barber training, provided the board is in receipt of a completed student transcript and student registration, the student may apply for the barber examination by submitting to the board at least fourteen (14) days prior to examination date, a completed application and applicable fee.

[(4)] (6) Upon graduation from barber training, the student registration to work under the supervision of a licensed barber operating in a current licensed barber establishment may be extended by the board to ten (10) days following the date of the first available examination for licensure. Extended student registration shall be posted in front of the working chair. Extended student registration shall be received by the board upon its expiration.

[(5)] (7) No training received in a school may be credited towards the fulfillment of the hours necessary in an apprenticeship program and no training received in a barber establishment may be credited towards the hours necessary in a school to meet the minimum requirements necessary to qualify for a state examination.

*AUTHORITY: sections 328.120 and 329.025.1, RSMo Supp. 2006. * Original rule filed Aug. 1, 2007, effective Feb. 29, 2008.*

**Original authority: 328.120, RSMo 1939, amended 1947, 1951, 1959, 1981, 1993, 1995, 2005; and 329.025, RSMo 2005.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 12—Schools and Student Rules—Barber and Cosmetology
20 CSR 2085-12.060 Requirements for Cosmetology Students**

PROPOSED AMENDMENT

20 CSR 2085-12.060 Requirements for Cosmetology Students

PURPOSE: This rule establishes qualifications and requirements for cosmetology students

(1) Registration.

(A) Any person desiring to enroll in a school of cosmetology shall contact the school of intended enrollment and obtain an enrollment form supplied by the board. At least two (2) weeks prior to the commencement of any program of instruction, that person shall return the completed enrollment form to the school of intended enrollment and, if the student is accepted, that school shall approve it and submit it to the board. The form shall be accompanied by the proper fee(s) and include the following information:

1. The applicant's name and address;
2. The name and address of the school or cosmetology establishment of enrollment;
3. Proof of age—copy of a birth certificate or driver's license (applicant must be seventeen (17) years of age by the time application is made for examination);
4. Proof of successful completion of the tenth grade (completion of at least ten (10) high school credits as defined by law)—diploma, general educational development (GED) certification, or official school transcript indicating student's name, grade level, and number of credits completed. Individuals who did not attend an official high school or GED program may submit a written notarized statement from his/her principal instructor demonstrating completion of at least ten (10) high school credits. The notarized statement must include the date(s) credits were earned, the subject areas in which credits were earned, and the year(s) of instruction. All foreign documents or documents not in the English language must be certified by a board-approved credential evaluating service;
5. Two (2) or more character references;
6. Two (2) United States passport photographs measuring two inches by two inches (2" × 2") which have been taken within the last five (5) years;
7. Signature of applicant; and
8. Signature of school owner/representative and school seal.

(B) Any person desiring to enroll in a postsecondary school of cosmetology shall meet all of the requirements set forth in subsection (1)(A) of this Section 2085-12.060 concerning completion of an enrollment form, except that, in lieu of the information set forth in item 4 of that subsection, the enrollment form completed by the person shall indicate that the person: has earned a high school diploma; or has earned a general education development (GED) certification; or has completed a home schooling program meeting the requirements of the state in which it occurred and has provided to the board office a written notarized statement from his/her principal instructor demonstrating completion of at least twelve (12) high school credits; or has provided to the cosmetology school proof of a prior enrollment, commencing at any date prior to July 1, 2012, at a Title IV eligible postsecondary institution in a Title IV eligible academic program.

(C) Any person desiring to enroll in a secondary school of cosmetology shall meet all of the requirements set forth in subsection (1)(A) of this Section 2085-12.060.

[(B)] (D) No person shall be given credit for any training received by a school until a properly completed student enrollment form has been received and approved by the board and a student license is returned to the school or cosmetology establishment. The student license shall expire on the expiration date. A new application shall be submitted should the student or apprentice wish to continue training beyond the expiration date.

[(C)] (E) Change of Status. For any student desiring to change the course in which he/she is currently enrolled or who wishes to obtain additional hours beyond the hours required by the board (even if license is still within the five (5)-year limit), he/she will be required to apply to the board for a change of status. Any other alteration (such as

change of school and/or location) will require a termination. A student license will be good for a maximum of five (5) years from the date of issuance of the license at that location, unless terminated from the school. An application for change of status shall be made to the board on a form supplied by the board. The form shall be accompanied by the student license and the enrollment application fee and shall be postmarked no later than three (3) days from the effective date of the change of status. The change of status application shall include an interim certificate which shall be valid for twenty (20) days from the date of application and shall be retained by the school to serve as the training license for the student until the amended license is received from the board.

(2) Transfer of Students.

(A) Any student desiring to change schools shall contact the school in which he/she is currently enrolled and request termination. The school shall terminate the student as required by 20 CSR 2085-12.010(9)(C) within two (2) weeks of the student's request to be terminated. After the proper termination papers and the student license have been received by the board, the student may make application for enrollment with another school in accordance with this rule and 20 CSR 2085-12.060(1).

(B) For the purposes of meeting the minimum requirements for examination, training completed by a student who has transferred between schools or has had a lapse of time between enrollments in the same school shall be recognized by the board for a period of no more than five (5) years from the date it was received.

(3) All students in any cosmetology school shall wear washable clothing while in attendance.

(4) No training received in a school may be credited towards the fulfillment of the hours necessary in an apprenticeship program and no training received in a beauty cosmetology establishment may be credited towards the hours necessary in a school to meet the minimum requirements necessary to qualify for a state examination.

AUTHORITY: sections 329.025.1, 329.040, and 329.050, RSMo Supp. 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 2009, effective Sept. 30, 2009.*

**Original authority: 329.025, RSMo 2005, amended 2008; 329.040, RSMo 1939, amended 1945, 1959, 1979, 1981, 1987, 1989, 1995, 1997, 2001; and 329.050, RSMo 1939, amended 1945, 1949, 1961, 1981, 1989, 1995, 1996, 2001, 2005.*

DRAFT

DISCUSSION

1 **2015 PROPOSED LEGISLATION**

2 **December 2013**

3 **Clean-up**

4

5 328.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

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

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

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

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

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

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

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

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

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

39 **4. In lieu of renewal, a licensed barber may apply for an inactive license at the time the barber**
40 **submits his or her application for renewal of the barber's license and pay the required renewal**

1 **fee. An inactive license shall then be issued, and shall be renewed biennially. While the**
2 **inactive license is in effect the barber shall not practice as a barber in the state of Missouri.**
3 **An inactive licensee may apply for an active barber license upon filing a written application on**
4 **a form provided by the Board and submitting the fee established by the Board.**

5 328.150. 1. The board may refuse to issue any certificate of registration or authority, permit or license required
6 pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board
7 shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to
8 file a complaint with the administrative hearing commission as provided by chapter 621.

9 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by
10 chapter 621 against any holder of any certificate of registration or authority, permit or license required by this
11 chapter or any person who has failed to renew or has surrendered his certificate of registration or authority,
12 permit or license for any one or any combination of the following causes:

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

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

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

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

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

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

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

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

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

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

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

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

3 (13) Violation of any professional trust or confidence;

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

6 (15) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread
7 thereof.

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

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

24 329.025. 1. The board shall have power to:

25 (1) Prescribe by rule for the examination of applicants for licensure to practice the classified occupations of
26 barbering and cosmetology and issue licenses;

27 (2) Prescribe by rule for the inspection of barber and cosmetology establishments and schools and appoint the
28 necessary inspectors and examining assistants;

29 (3) Prescribe by rule for the inspection of establishments and schools of barbering and cosmetology as to their
30 sanitary conditions and to appoint the necessary inspectors and, if necessary, examining assistants;

31 (4) Set the amount of the fees that this chapter and chapter 328, authorize and require, by rules promulgated
32 under section 536.021. The fees shall be set at a level sufficient to produce revenue that shall not substantially
33 exceed the cost and expense of administering this chapter and chapter 328;

34 (5) Employ and remove board personnel, as set forth in subdivision (4) of subsection 10 of section 324.001,
35 including an executive secretary or comparable position, inspectors, investigators, legal counsel and secretarial
36 support staff, as may be necessary for the efficient operation of the board, within the limitations of its
37 appropriation;

38 (6) Elect one of its members president, one vice president, and one secretary with the limitation that no single
39 profession can hold the positions of president and vice president at the same time;

1 (7) Promulgate rules necessary to carry out the duties and responsibilities designated by this chapter and chapter
2 328;

3 (8) Determine the sufficiency of the qualifications of applicants; [and]

4 (9) Prescribe by rule the minimum standards and methods of accountability for the schools of barbering and
5 cosmetology licensed under this chapter and chapter 328[.] ; **and**

6 **(10) The Board shall keep a register, in which shall be entered the names of all persons to**
7 **whom certificates, licenses or permits are issued, and to whom permits for serving**
8 **apprenticeships, or as students, are issued under Chapter 328 and Chapter 329,RSMo, and**
9 **said register shall at all reasonable times, be open to the public inspection.**

10 2. The board shall create no expense exceeding the sum received from time to time from fees imposed under
11 this chapter and chapter 328.

12 3. A majority of the board, with at least one representative of each profession being present, shall constitute a
13 quorum for the transaction of business.

14 4. The board shall meet not less than six times annually.

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

21 329.028. 1. There is hereby created in the state treasury a fund to be known as the "Board of Cosmetology and
22 Barber Examiners Fund", which shall consist of all moneys collected by the board. All fees provided for in this
23 chapter and chapter 328 shall be payable to the director of the division of professional registration **in the**
24 **department of insurance, financial institutions and professional registration**, who shall keep a
25 record of the account showing the total payments received and shall immediately thereafter transmit them to the
26 department of revenue for deposit in the state treasury to the credit of the board of cosmetology and barber
27 examiners fund. All the salaries and expenses for the operation of the board shall be appropriated and paid from
28 such fund.

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

36 329.060. 1. Every person desiring to sit for the examination for any of the occupations provided for in this
37 chapter shall file with the board a written application on a form supplied to the applicant, and shall submit proof
38 of the required age, educational qualifications, and of good moral character together with the required
39 cosmetology examination fee. Each application shall contain a statement that it is made under oath or
40 affirmation and that its representations are true and correct to the best knowledge and belief of the person
41 signing same, subject to the penalties of making a false affidavit or declaration.

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

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

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

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

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

25 329.255. 1. Any person:

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

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

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

34 329.260. Any person holding a valid license, certificate, permit, or other authority, regulated or granted
35 pursuant to sections 329.010 to 329.250 on August 28, 1995, shall be recognized by the board and shall be
36 entitled to retain any existing status, so long as the person complies with the provisions of sections 329.010 to
37 329.260 and any rules promulgated pursuant thereto. Such recognition shall be as follows:

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

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

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

2

1 **2015 PROPOSED LEGISLATION**

2 **December 2013**

3 **New/Changes**

4 328.075. 1. Any person desiring to practice as an apprentice for barbering in this state shall apply to the board,
5 shall be registered as an apprentice with the board, and shall pay the appropriate fees prior to beginning their
6 apprenticeship. Barber apprentices shall be of good moral character **with the completion of a high school**
7 **diploma or equivalent** and shall be at least seventeen years of age.

8 2. Any person desiring to act as an apprentice supervisor for barbering in this state shall first possess a license to
9 practice the occupation of barbering, apply to the board, pay the appropriate fees, complete an eight-hour
10 apprentice supervision instruction course certified by the board, and be issued a license as a barber apprentice
11 supervisor prior to supervising barber apprentices.

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

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

20 328.080. 1. Any person desiring to practice barbering in this state shall make application for a license to the
21 board and shall pay the required barber examination fee.

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

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

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

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

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

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

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

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

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

4 **6. The board may waive an examination required by this chapter for any applicant who has**
5 **previously taken such examination presently administered in Missouri, or its equivalent, and**
6 **obtained a satisfactory score as defined by rules of the Board. Such applicant may file a**
7 **written request to waive the examination in the manner and on a form prescribed by the**
8 **Board.**

9 **7. All candidates (student or apprentice) may take the written examination after completion of**
10 **80% of the training hours required for licensure. Candidates who might fail the examination**
11 **would have those results well before completing the required hours, thereby providing an**
12 **opportunity for remedial training prior to completion. Once the student or apprentice has**
13 **passed the examination and completed all the required hours, the applicant may apply to take**
14 **the practical examination.**

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

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

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

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

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

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

10 **3. Holders of licenses to teach barbering shall, on or before the expiration of their respective**
11 **licenses, make application for the renewal of same, and shall in each case pay the instructor**
12 **renewal fee. For each renewal the instructor shall submit proof of having attended a teacher**
13 **training seminar or workshop at least once every two years, specifically approved by the**
14 **board to satisfy the requirement for continued training of this section. Renewal fees shall be**
15 **due and payable on or before the renew date and, if the fee remains unpaid thereafter in such**
16 **license 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 within the time**
18 **prescribed herein, such person shall be required to pay a reinstatement fee in addition to the**
19 **regular license fee provided for herein. Any person failing to renew his or her license to teach**
20 **barbering for a period not exceeding two years may reinstate said license upon the payment**
21 **of the reinstatement fee, but any person failing to renew his or her license to teach barbering**
22 **for a period exceeding two years and desiring to be licensed as a teacher of barbering in this**
23 **state will be required to pass a satisfactory examination as to his or her qualifications to teach**
24 **barbering and shall pay the instructor examination fee. Any person with an expired instructor**
25 **license that is not restored to current status within two years of the date of expiration shall be**
26 **required to meet the training and examination requirements as provided in this section.**

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

36 [328.100. The board may at any time require any barber to whom a certificate of registration is issued to be
37 examined at the licensee's expense by a licensed physician to ascertain if such barber is free of infectious or
38 contagious diseases and is not afflicted with any physical or mental ailment which would render him unfit to
39 practice the occupation of barbering.]

40 328.120. 1. Any firm, corporation or person may make application to the board for a license to own and operate
41 a barber school or college on the form prescribed by the board. Every barber school or college in which the
42 occupation of barbering is taught shall be required to obtain a license from the board prior to opening. The
43 license shall be issued upon approval of the application by the board, the payment of the required fees, and the

1 board's determination that the applicant meets all other requirements of this chapter and any rules promulgated
2 thereunder. The license shall be kept posted in plain view within the barber school or college at all times.

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

6 3. The board shall promulgate rules and regulations regarding the course of study in a barber school or college,
7 and may revoke any license issued hereunder for any violation of the provisions of this section or rule
8 promulgated pursuant to this section. The board shall follow the procedure prescribed by chapter 621 to revoke
9 a barber school license. Licenses shall not be restricted to any one group or person but shall be granted to any
10 reasonably qualified person or group under a fair and nondiscriminating method of determination.

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

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

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

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

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

29 329.010. As used in this chapter, unless the context clearly indicates otherwise, the following words and terms
30 mean:

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

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

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

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

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

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

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

24 (c) "Class CA - hairdressing and [manicuring]" **nail technology** includes all practices of cosmetology, [as
25 defined in paragraphs (a) and (b) of this subdivision;] includ[es]ing arranging, dressing, curling, singeing,
26 waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair of any
27 person by any means; or removing superfluous hair [from the body] **from above the shoulders or from**
28 **the legs, arms or feet** of any person by means other than electricity, or any other means of arching or tinting
29 eyebrows or tinting eyelashes. Including any person who either with the person's hands or with mechanical or
30 electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams
31 engages for compensation in any one or any combination of the following: massaging, cleaning, stimulating,
32 manipulating, exercising, beautifying or similar work upon the scalp, face, neck, arms or [bust] **above the**
33 **shoulders.** Including cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a
34 person's fingernails, applying artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring,
35 which includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's
36 toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;

37 (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or appliances, or by the use of
38 cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten percent phenol, engages for
39 compensation, either directly or indirectly, in any one, or any combination, of the following practices:
40 massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face,
41 neck, ears, arms, hands, bust, torso, legs or feet and removing superfluous hair by means other than electric
42 needle or any other means of arching or tinting eyebrows or tinting eyelashes, of any person.

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

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

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

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

15 (10) ["Manicurist,"] **"Nail Technician"**, any person who, for compensation, engages in any or all of the
16 practices [in paragraph (b) of subdivision (5) of this section] **including cutting, trimming, polishing,**
17 **coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying artificial**
18 **fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes**
19 **cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's**
20 **toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;**

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

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

25 329.015. 1. There is hereby created and established a "Board of Cosmetology and Barber Examiners" for the
26 purpose of licensing all persons engaged in the practice of cosmetology, [manicuring,] **nail technology,**
27 esthetics, and barbering, including but not limited to shaving or trimming the beard or cutting the hair; and to
28 fulfill all other duties and responsibilities delegated by chapter 328 as it pertains to barbers and this chapter as it
29 pertains to cosmetologists. The duties and responsibilities of the board of cosmetology and barber examiners as
30 such duties and responsibilities pertain to barbers and cosmetologists shall not take full force and effect until
31 such time as the governor appoints the members of the board of cosmetology and barber examiners and the
32 appointments are confirmed by the senate. At such time, the powers and duties of the board of barber examiners
33 and the state board of cosmetology shall be merged into the board under section 329.023.

34 2. The governor shall appoint members to the board by and with the advice and consent of the senate. The board
35 shall consist of eleven members each of whom are United States citizens and who have been residents of this
36 state for at least one year immediately preceding their appointment. Of these eleven members, three shall be
37 licensed cosmetologists holding a Class CA license classification, one shall be an accredited cosmetology
38 school owner as defined in section 329.010, one shall be the owner of a school licensed under subsection 1 of
39 section 329.040, one shall be a cosmetologist with a license of any type of cosmetology classification, three
40 shall be licensed barbers, and two shall be voting public members. All members, except the public members and
41 the accredited cosmetology school owner member, shall be cosmetologists and barbers duly registered as such
42 and licensed under the laws of this state and shall have been actively engaged in the lawful practice of their
43 profession for a period of at least five years immediately preceding their appointment. All members of the

1 board, including public members and the accredited cosmetology school owner member, shall be chosen from
2 lists submitted by the director of the division of professional registration.

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

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

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

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

28 329.030. **1.** It is unlawful for any person in this state to engage in the occupation of cosmetology or to operate
29 an establishment or school of cosmetology, unless such person has first obtained a license as provided by this
30 chapter.

31 **2. No licensee shall provide body waxing on or near the genital area of a minor (ages 16 and**
32 **under) without parental consent. (Already in definitions)**

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

42 2. A license as required under section 329.030 is not required for persons who are employed in retail cosmetic
43 sales if such persons do not hold themselves out to have a license, permit, certificate of registration or any other
44 authority authorizing such person to practice the professions licensed by the board.

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

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

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

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

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

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

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

33 (4) Requires for the classified occupation of [manicurist] **nail technician**, the course of study shall be no less
34 than [four] **six** hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section
35 668.8 of Title 34 of the Code of Federal Regulations, as amended. [The student must earn a minimum of fifty
36 hours or equivalent credits of classroom training before the student may perform any of the acts of the classified
37 occupation of [manicurist] **nail technician** on any patron or customer of the school of cosmetology][;]. **The**
38 **subjects to be taught for the classified occupation of nail technician shall be prescribed by**
39 **rule and the hours required for each subject shall be not less than those contained in this**
40 **subsection or the credit hours determined by the formula in Subpart A of Part 668 of Title 34**
41 **of the Code of Federal Regulations as amended.**

42 (5) Requires for the classified occupation of esthetician, the course of study shall be no less than [seven hundred
43 fifty] **nine hundred** hours or the credit hours determined by the formula in Subpart A of Part 668 of Section

668.8 of Title 34 of the Code of Federal Regulations, as amended. [The student shall earn a minimum of seventy-five hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of esthetics on any patron or customer of the school of cosmetology or an esthetics school.] **The subjects to be taught for the classified occupation of esthetics shall be prescribed by rule and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Title 34 of the Code of Federal Regulations as amended.**

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

- (1) Shampooing of all kinds, forty hours;
- (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- (3) Hair cutting and shaping, one hundred thirty hours;
- (4) Permanent waving and relaxing, one hundred twenty- five hours;
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- (6) Combouts and hair styling techniques, one hundred five hours;
- (7) Scalp treatments and scalp diseases, thirty hours;
- (8) Facials, eyebrows and arches, forty hours;
- (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- (10) Cosmetic chemistry, twenty-five hours;
- (11) Salesmanship and shop management, ten hours;
- (12) Sanitation and sterilization, thirty hours;
- (13) Anatomy, twenty hours;
- (14) State law, ten hours;
- (15) Curriculum to be defined by school, not less than four hundred seventy hours.

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

- (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty hours;
- (2) Salesmanship and shop management, twenty hours;

- 1 (3) Sanitation and sterilization, twenty hours;
- 2 (4) Anatomy, ten hours;
- 3 (5) State law, ten hours;
- 4 (6) Study of the use and application of certain chemicals, forty hours; and
- 5 (7) Curriculum to be defined by school, not less than eighty hours.

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

- 10 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- 11 (2) Makeup application, all phases, one hundred hours;
- 12 (3) Hair removal, thirty hours;
- 13 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- 14 (5) Reflexology, thirty-five hours;
- 15 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- 16 (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- 17 (8) Salon management and salesmanship, fifty-five hours;
- 18 (9) Sanitation and sterilization, safety, forty-five hours;
- 19 (10) State law, ten hours; and
- 20 (11) Curriculum to be defined by school, not less than seventy-five hours.]

21 [7] **4.** Training for all classified occupations shall include practical demonstrations, written and/or oral tests, and
22 practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances
23 consistent with the practical and theoretical requirements as applicable to the classified occupations as provided
24 in this chapter. **A school may elect to allow on-line training for a portion of the required number**
25 **of theory hours not to exceed ten percent of the total course hours of the course designated**
26 **by the Board by rule. Training for any classified occupation of cosmetology shall be**
27 **completed with a time designated by the Board by rule.**

28 [8] **5.** No school of cosmetology shall operate within this state unless a proper license pursuant to this chapter
29 has first been obtained.

30 [9] **6.** Nothing contained in this chapter shall prohibit a licensee within a cosmetology establishment from
31 teaching any of the practices of the classified occupations for which the licensee has been licensed for not less
32 than two years in the licensee's regular course of business, if the owner or manager of the business does not hold

1 himself or herself out as a school and does not hire or employ or personally teach regularly at any one and the
2 same time, more than one apprentice to each licensee regularly employed within the owner's business, not to
3 exceed one apprentice per establishment, and the owner, manager, or trainer does not accept any fee for
4 instruction.

5 [10] **7.** Each licensed school of cosmetology shall provide a minimum of two thousand square feet of floor
6 space, adequate rooms and equipment, including lecture and demonstration rooms, lockers, an adequate library
7 and two restrooms. The minimum equipment requirements shall be: six shampoo bowls, ten hair dryers, two
8 master dustproof and sanitary cabinets, wet sterilizers, and adequate working facilities for twenty students.

9 [11] **8.** Each licensed school of cosmetology for [manicuring]**nail technology** only shall provide a minimum
10 of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers,
11 an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space
12 requirement proportionately increases with student enrollment of over ten students.

13 [12] **9.** Each licensed school of cosmetology for esthetics only shall provide a minimum of one thousand square
14 feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two
15 restrooms and a clinical working area for ten students. Minimum floor space requirement increases fifty square
16 feet per student with student enrollment of over ten.

17 [13] **10.** No school of cosmetology may have a greater number of students enrolled and scheduled to be in
18 attendance for a given class period than the total floor space of that school will accommodate. Floor space
19 required per student shall be no less than fifty square feet per additional student beyond twenty students for a
20 school of cosmetology, beyond ten students for a school of [manicuring]**nail technology** and beyond ten
21 students for a school of esthetics.

22 [14] **11.** Each applicant for a new school shall file a written application with the board upon a form approved
23 and furnished upon request by the board. The applicant shall include a list of equipment, the proposed
24 curriculum, and the name and qualifications of any and all of the instructors.

25 [15] **12.** Each school shall display in a conspicuous place, visible upon entry to the school, a sign stating that all
26 cosmetology services in this school are performed by students who are in training.

27 [16] **13.** Any student who wishes to remain in school longer than the required training period may make
28 application for an additional training license and remain in school. A fee is required for such additional training
29 license.

30 [17] **14.** All contractual fees that a student owes to any cosmetology school shall be paid before such student
31 may be allowed to apply for any examination required to be taken by an applicant applying for a license
32 pursuant to the provisions of this chapter. **In the event a school closes without providing written**
33 **notification to the Board or ceases its daily operations pursuant to section 329.040, RSMO, the**
34 **Board may waive the requirements to this section if the student provides written proof**
35 **satisfactory to the Board that the student or designated representative has unsuccessfully**
36 **attempted to contact the school owner or provide payment of any outstanding financial**
37 **obligations owed to the school.**

38 329.045. 1. Every establishment in which the occupation of cosmetology is practiced shall be required to obtain
39 a license from the board. Every establishment required to be licensed shall pay to the board an establishment fee
40 for the first three licensed cosmetologists, esthetician and/or [manicurists] **nail technicians**, and/or
41 apprentices and an additional fee for each additional licensee. The fee shall be due and payable on the renewal
42 date and, if the fee remains unpaid thereafter, there shall be a late fee in addition to the regular establishment fee

1 or, if a new establishment opens any time during the licensing period and does not register before opening, there
2 shall be a delinquent fee in addition to the regular establishment fee. The license shall be kept posted in plain
3 view within the establishment at all times.

4 2. A new license shall be obtained for a cosmetology establishment within forty-five days when the
5 establishment changes ownership or location. The state inspector shall inspect the sanitary conditions required
6 for licensure for an establishment that has changed ownership or location without requiring the owner to close
7 business or deviate in any way from the establishment's regular hours of operation.

8 329.050. 1. Applicants for examination or licensure pursuant to this chapter shall possess the following
9 qualifications:

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

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

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

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

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

41 [2]**3.** A person may apply to take the examination required by subsection 1 of this section if the person is a
42 graduate of a school of cosmetology or apprentice program in another state or territory of the United States
43 which has substantially the same requirements as an educational establishment licensed pursuant to this chapter.

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

8 [3]4. Each application shall contain a statement that, subject to the penalties of making a false affidavit or
9 declaration, the application is made under oath or affirmation and that its representations are true and correct to
10 the best knowledge and belief of the person signing the application.

11 [4]5. The sufficiency of the qualifications of applicants shall be determined by the board, but the board may
12 delegate this authority to its executive director subject to such provisions as the board may adopt.

13 [5]6. For the purpose of meeting the minimum requirements for examination, training **hours** completed by a
14 student or apprentice shall be recognized by the board for a period of [no more than] five years from the date [it
15 is received.] **the Board issues the relevant student or apprentice license to the person.**

16 329.060. 1. Every person desiring to sit for the examination for any of the occupations provided for in this
17 chapter shall file with the board a written application on a form supplied to the applicant, and shall submit proof
18 of the required age, educational qualifications, and of good moral character together with the required
19 cosmetology examination fee. Each application shall contain a statement that it is made under oath or
20 affirmation and that its representations are true and correct to the best knowledge and belief of the person
21 signing same, subject to the penalties of making a false affidavit or declaration.

22 2. Upon the filing of the application and the payment of the fee, the board shall, upon request, issue to the
23 applicant, if the applicant is qualified to sit for the examination, a temporary license for the practicing of the
24 occupations as provided in this chapter. Any person receiving a temporary license shall be entitled to practice
25 the occupations designated on the temporary license, under the supervision of a person licensed in cosmetology,
26 until the expiration of the temporary license. Any person continuing to practice the occupation beyond the
27 expiration of the temporary license without being licensed in cosmetology as provided in this chapter is guilty
28 of an infraction.

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

30 329.070. 1. Apprentices or students shall be licensed with the board and shall pay a student fee or an apprentice
31 fee prior to beginning their course, and shall be of good moral character and have a[n] **high school** education
32 **or** equivalent to the successful completion of the [tenth] **twelfth** grade.

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

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

39 329.080. 1. An instructor trainee shall be a licensed cosmetologist, esthetician or [manicurist] **nail technician**
40 and shall hold a license as an instructor trainee in cosmetology, esthetics or [manicuring] **nail technology**. An
41 applicant for a license to practice as an instructor trainee shall submit to the board the required fee and a written

1 application on a form supplied by the board upon request that the applicant is of good moral character, in good
2 physical and mental health, has successfully completed at least a four-year high school course of study or the
3 equivalent, and holds a Missouri license to practice as a cosmetologist, esthetician or [manicurist] **nail**
4 **technician**. Each application shall contain a statement that it is made under oath or affirmation and that its
5 representations are true and correct to the best knowledge and belief of the person signing the application,
6 subject to the penalties of making a false affidavit or declaration.

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

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

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

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

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

22 (4) Three hundred hours of practice teaching in both theory and practical application.] **The subjects to be**
23 **taught for the classified occupation of instructor shall be prescribed by rule and the hours**
24 **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 Title 34 of the Code of**
26 **Federal Regulations as amended.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 2. Any person who lawfully practiced or received training in another state who does not qualify for licensure
41 without examination may apply to the board for licensure by examination. Upon application to the board, the
42 board shall evaluate the applicant's experience and training to determine the extent to which the applicant's

1 training and experience satisfies current Missouri licensing requirements and shall notify the applicant
2 regarding his or her deficiencies and inform the applicant of the action that he or she must take to qualify to take
3 the examination. The applicant for licensure under this subsection shall pay the appropriate examination and
4 licensure fees.

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

December 16, 2013

The sub-committee of the Missouri State Board of Cosmetology and Barber Examiners were called to order in open session by Emily Carroll at 8:00 p.m. on Monday, December 16, 2013 by conference call at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Monday, December 16, 2013

Board Members Present:

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

Board Members Absent:

Wayne Kindle, President

Staff Present:

Emily Carroll, Executive Director
Tina Crow Halcomb, Litigation Counsel
Ron Holt, Special Counsel

Post-Secondary Education

The sub-committee of the Missouri State Board of Cosmetology and Barber Examiners discussed the suggestion by the Department of Education to develop a distinction between secondary and post-secondary education as well as a distinct process when licensing a secondary and post-secondary institution.

The Missouri State Board of Cosmetology and Barber Examiners were called to order in open session by President Wayne Kindle at 8:41 p.m. on Monday, December 16, 2013 by conference call at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

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
Tina Crow Halcomb, Litigation Counsel
Ron Holt, Special Counsel

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

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

2. **Post-Secondary Education**

A motion was made by Leata Price-Land and seconded by Betty Leake to approve the draft as submitted and have the Executive Director research the ability to waive the new license fee during the transitional period.

Roll call vote:

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

Motion carried.

3. **2015 Legislation**

A motion was made by to move 328.120.8. and 328.100. from the New-Changes section to the Cleanup section of the purposed rule changes. Also, include early testing for the practical exam in 328.080.7.

A motion was made by Joe Nicholson and seconded by Leata Price-Land to have the Executive Director notify the public on the Board of Cosmetology and Barber Examiners website that a 2015 legislative meeting will be scheduled for Monday, March 3, 2014 to discuss the Boards purposed 2015 legislation.

Roll call vote:

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

Motion carried.

9:24 p.m. There being no further business in open, the meeting was adjourned.

Adjournment



Executive Director

Approved on April 7, 2014