

FIRST REGULAR SESSION

# HOUSE BILL NO. 349

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HANNEGAN.

0726H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 329.010, RSMo, and to enact in lieu thereof three new sections relating to the practice of shampooing.

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

Section A. Section 329.010, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 329.010, 329.034, and 329.276, to read as follows:

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

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

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

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

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

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

(a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair of any person by any means; or removing superfluous hair from the body of any person by means

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes.  
19 Class CH - hairdresser also includes any person who either with the person's hands or with  
20 mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations,  
21 antiseptics, tonics, lotions or creams engages for compensation in any one or any combination  
22 of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or  
23 similar work upon the scalp, face, neck, arms or bust;

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

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

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

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

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

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

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

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

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

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

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

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

61 (15) "Shampooing", the act of washing or cleaning hair with shampoo for  
62 compensation;

63 (16) "Shampooist", any person who performs the act of shampooing.

**329.034. Nothing in this chapter or chapter 328, except for the provisions of**  
2 **sections 329.010 and 329.276, shall apply to persons engaged in the practice of shampooing,**  
3 **as defined in section 329.010, who have met the requirements in section 329.276.**

**329.276. 1. The practices of cosmetology and barbering shall not include**  
2 **shampooing; except that, nothing in this section shall be construed as prohibiting a licensed**  
3 **cosmetologist or barber from performing the service of shampooing as defined in section**  
4 **329.010.**

5 **2. No person shall engage in shampooing in the state of Missouri without first**  
6 **registering with the board. The board may charge each registrant a fee of not more than**  
7 **twenty-five dollars to cover the board's costs in registering the person and providing the**  
8 **person with the brochure prepared under subsection 3 of this section, which fee shall be**  
9 **uniform for all registrants. The purpose of registration of shampooists is only to maintain**  
10 **a listing of those persons who engage in shampooing in the state. Registration of**  
11 **shampooists does not authorize the board to license or regulate the practice of shampooing**  
12 **in this state, except as provided in subsection 4 of this section.**

13 **3. The board shall develop and prepare a brochure containing information about**  
14 **infection control techniques and diseases of the scalp that is appropriate for shampooists.**  
15 **The brochure shall be made available through the division of professional registration's**  
16 **website or by mail, upon request, for a fee to cover the board's mailing costs. The**  
17 **brochure shall contain a self-test with questions on the information contained in the**  
18 **brochure. For a person engaged in the practice of shampooing to be exempt from licensure**  
19 **under this chapter, the person shall complete the self-test portion of the brochure and keep**  
20 **the brochure and completed self-test available at the location at which such person is**  
21 **engaged in the practice of shampooing.**

22           **4. Representatives of the board may visit any facility or premises in which**  
23 **shampooing is performed at any time during business hours to determine if the brochure**  
24 **and completed self-test are available at the facility or premises.**

25           **5. Nothing in this section shall apply to any cosmetologists licensed to practice in**  
26 **this state in their respective classifications.**

✓