

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 1233, Page 1, Section TITLE, Line 5,

2 by striking "the licensing of accountants" and inserting in
3 lieu thereof the following: "professional licensing"; and

4 Further amend said bill, page 29, section 326.292, line
5 228, by inserting after all of said line the following:

6 "329.010. As used in this chapter, unless the context
7 clearly indicates otherwise, the following words and terms
8 mean:

9 (1) "Accredited school of cosmetology or school of
10 manicuring", an establishment operated for the purpose of
11 teaching cosmetology as defined in this section and meeting
12 the criteria set forth under 34 C.F.R. Part 600, Sections
13 600.1 and 600.2;

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

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

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

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

28 (a) "Class CH - hairdresser" includes arranging,
29 dressing, curling, singeing, waving, permanent waving,
30 cleansing, cutting, bleaching, tinting, coloring or similar
31 work upon the hair of any person by any means; or removing
32 superfluous hair from the body of any person by means other
33 than electricity, or any other means of arching or tinting
34 eyebrows or tinting eyelashes. Class CH - hairdresser also
35 includes any person who either with the person's hands or
36 with mechanical or electrical apparatuses or appliances, or
37 by the use of cosmetic preparations, antiseptics, tonics,
38 lotions or creams engages for compensation in any one or any
39 combination of the following: massaging, cleaning,
40 stimulating, manipulating, exercising, beautifying or
41 similar work upon the scalp, face, neck, arms or bust;

42 (b) "Class MO - manicurist" includes cutting,
43 trimming, polishing, coloring, tinting, cleaning or
44 otherwise beautifying a person's fingernails, applying
45 artificial fingernails, massaging, cleaning a person's hands
46 and arms; pedicuring, which includes cutting, trimming,
47 polishing, coloring, tinting, cleaning or otherwise
48 beautifying a person's toenails, applying artificial
49 toenails, massaging and cleaning a person's legs and feet;

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

53 (d) "Class E - estheticians" includes the use of
54 mechanical, electrical apparatuses or appliances, or by the
55 use of cosmetic preparations, antiseptics, tonics, lotions
56 or creams, not to exceed ten percent phenol, engages for
57 compensation, either directly or indirectly, in any one, or

58 any combination, of the following practices: massaging,
59 cleansing, stimulating, manipulating, exercising,
60 beautifying or similar work upon the scalp, face, neck,
61 ears, arms, hands, bust, torso, legs or feet and removing
62 superfluous hair by means other than electric needle or any
63 other means of arching or tinting eyebrows or tinting
64 eyelashes, of any person;

65 (e) "Class EA - esthetics and manicuring" includes all
66 practices of cosmetology, as described in paragraphs (b) and
67 (d) of this subdivision;

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

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

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

78 (9) "Hair braiding", in accordance with the
79 requirements of section 329.275, the use of techniques that
80 result in tension on hair strands or roots by twisting,
81 wrapping, waving, extending, locking, or braiding of the
82 hair by hand or mechanical device, but does not include the
83 application of dyes, reactive chemicals, or other
84 preparations to alter the color of the hair or to
85 straighten, curl, or alter the structure of the hair;

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

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

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

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

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

102 329.050. 1. Applicants for examination or licensure
103 pursuant to this chapter shall possess the following
104 qualifications:

105 (1) They shall provide documentation of successful
106 completion of courses approved by the board, have an
107 education equivalent to the successful completion of the
108 tenth grade, and be at least seventeen years of age;

109 (2) If the applicants are apprentices, they shall have
110 served and completed, as an apprentice under the supervision
111 of a licensed cosmetologist, the time and studies required
112 by the board which shall be no less than three thousand
113 hours for cosmetologists, and no less than eight hundred
114 hours for manicurists and no less than fifteen hundred hours
115 for esthetics. When the classified occupation of manicurist
116 is apprenticed in conjunction with the classified occupation
117 of esthetician, the apprentice shall be required to
118 successfully complete an apprenticeship of no less than a
119 total of two thousand three hundred hours. However, when
120 the classified occupation of manicurist is apprenticed in
121 conjunction with the classified occupation of cosmetologist,

122 the apprentice shall be required to successfully complete an
123 apprenticeship of no less than a total of three thousand
124 hours;

125 (3) If the applicants are students, they shall have
126 had the required time in a licensed school of no less than
127 one thousand five hundred hours training or the credit hours
128 determined by the formula in Subpart A of Part 668 of
129 Section 668.8 of Title 34 of the Code of Federal
130 Regulations, as amended, for the classification of
131 cosmetologist, with the exception of public vocational
132 technical schools in which a student shall complete no less
133 than one thousand two hundred twenty hours training. All
134 students shall complete no less than four hundred hours or
135 the credit hours determined by the formula in Subpart A of
136 Part 668 of Section 668.8 of Title 34 of the Code of Federal
137 Regulations, as amended, for the classification of
138 manicurist. All students shall complete no less than seven
139 hundred fifty hours or the credit hours determined by the
140 formula in Subpart A of Part 668 of Section 668.8 of Title
141 34 of the Code of Federal Regulations, as amended, for the
142 classification of esthetician. When the classified
143 occupation of manicurist is taken in conjunction with the
144 classified occupation of esthetician, the student shall be
145 required to complete the hours required for both
146 occupations. However, when the classified occupation of
147 manicurist is taken in conjunction with the classified
148 occupation of cosmetologist, the student shall not be
149 required to serve the extra four hundred hours or the credit
150 hours determined by the formula in Subpart A of Part 668 of
151 Section 668.8 of Title 34 of the Code of Federal
152 Regulations, as amended, otherwise required to include
153 manicuring of nails; and

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

156 2. A person may apply to take the examination required
157 by subsection 1 of this section if the person is a graduate
158 of a school of cosmetology or apprentice program in another
159 state or territory of the United States which has
160 substantially the same requirements as an educational
161 establishment licensed pursuant to this chapter. A person
162 may apply to take the examination required by subsection 1
163 of this section if the person is a graduate of an
164 educational establishment in a foreign country that provides
165 training for a classified occupation of cosmetology, as
166 defined by section 329.010, and has educational requirements
167 that are substantially the same requirements as an
168 educational establishment licensed under this chapter. The
169 board has sole discretion to determine the substantial
170 equivalency of such educational requirements. The board may
171 require that transcripts from foreign schools be submitted
172 for its review, and the board may require that the applicant
173 provide an approved English translation of such transcripts.

174 3. Each application shall contain a statement that,
175 subject to the penalties of making a false affidavit or
176 declaration, the application is made under oath or
177 affirmation and that its representations are true and
178 correct to the best knowledge and belief of the person
179 signing the application.

180 4. The sufficiency of the qualifications of applicants
181 shall be determined by the board, but the board may delegate
182 this authority to its executive director subject to such
183 provisions as the board may adopt.

184 5. Applications for examination or licensure may be
185 denied if the applicant has pleaded guilty to, entered a
186 plea of nolo contendere to, or been found guilty of any of

187 the following offenses or offenses of a similar nature
188 established under the laws of this state, any other state,
189 the United States, or any other country, notwithstanding
190 whether sentence is imposed:

191 (1) Any dangerous felony as defined under section
192 556.061 or murder in the first degree;

193 (2) Any of the following sexual offenses: rape in the
194 first degree, forcible rape, rape, statutory rape in the
195 first degree, statutory rape in the second degree, rape in
196 the second degree, sexual assault, sodomy in the first
197 degree, forcible sodomy, statutory sodomy in the first
198 degree, statutory sodomy in the second degree, child
199 molestation in the first degree, child molestation in the
200 second degree, sodomy in the second degree, deviate sexual
201 assault, sexual misconduct involving a child, sexual
202 misconduct in the first degree under section 566.090 as it
203 existed prior to August 28, 2013, sexual abuse under section
204 566.100 as it existed prior to August 28, 2013, sexual abuse
205 in the first or second degree, enticement of a child, or
206 attempting to entice a child;

207 (3) Any of the following offenses against the family
208 and related offenses: incest, abandonment of a child in the
209 first degree, abandonment of a child in the second degree,
210 endangering the welfare of a child in the first degree,
211 abuse of a child, using a child in a sexual performance,
212 promoting sexual performance by a child, or trafficking in
213 children; and

214 (4) Any of the following offenses involving child
215 pornography and related offenses: promoting obscenity in
216 the first degree, promoting obscenity in the second degree
217 when the penalty is enhanced to a class E felony, promoting
218 child pornography in the first degree, promoting child
219 pornography in the second degree, possession of child

220 pornography in the first degree, possession of child
221 pornography in the second degree, furnishing child
222 pornography to a minor, furnishing pornographic materials to
223 minors, or coercing acceptance of obscene material."; and
224 Further amend the title and enacting clause accordingly.