



**Rules of
Department of Commerce and
Insurance**

**Division 2085—Board of Cosmetology and Barber
Examiners**

**Chapter 10—Establishments (Shops)—Barber and
Cosmetology**

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**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 2085—Board of Cosmetology
and Barber Examiners
Chapter 10—Establishments (Shops)—
Barber and Cosmetology**

**20 CSR 2085-10.010 Licensing—Barber
Establishments and Cosmetology
Establishments**

PURPOSE: This rule establishes licensing requirements for all barber and cosmetology establishments.

(1) New Barber Establishments or Cosmetology Establishments.

(A) Except as provided herein, any person desiring to open a barber or cosmetology establishment in Missouri, whether a beauty shop, nail salon, or other cosmetology establishment, shall submit an application to the board at least thirty (30) days prior to the anticipated opening of the establishment. The establishment license application shall be submitted on a form provided by the board, accompanied by the biennial establishment fee, and include the following information:

1. The name and complete mailing address of the owner(s) or lessor(s) and lessee(s). If the establishment is owned by a corporation, include the name and complete mailing address of the corporate office;

2. The establishment's name and complete physical address;

3. A copy of the proposed/existing establishment's floor plan, including the approximate dimensions and square footage, specifically identifying which portions of the establishment constitute the establishment to be licensed;

4. The minimum equipment required by the board for the establishment to be licensed; and

5. If applicable, copies of the fictitious name statement registered with the secretary of state, bill of sale or sales receipt, contract or lease agreement, and city business or occupational license.

(B) Upon receipt of a properly completed establishment license application, the board, within a reasonable time, will make a decision to approve or deny the application. In the event the board denies an application, the applicant shall be notified, in writing, of the specific reasons for denial.

(C) No establishment shall open in Missouri until the board receives a completed application, on a form supplied by the board, the biennial establishment fee is paid, the establishment passes a board inspection, and the application is approved by the board.

If an establishment opens for business before the board issues the original establishment license, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapter 328 and/or 329, RSMo.

(2) Rental Space/Chair Licensing. Any person licensed by the board who rents individual space or a booth/chair within a licensed establishment for the purposes of practicing as a barber or cosmetologist shall be required to obtain a separate establishment license for the rental space. Licensees that rent individual space or a booth/chair within a licensed barber or cosmetology establishment for the purposes of operating as a barber or cosmetologist must possess a current establishment license as well as an operator license. This section does not apply to licensees operating as establishment employees.

(A) Each establishment license issued to a renter under this rule shall be valid only for the licensee, address, and name identified in the initial establishment license application.

(B) Applications for an establishment license under this subsection shall be submitted on a form provided by the board and shall comply with the requirements defined in 20 CSR 2085-10.010(1)(A)1.-4.

(C) Change of Location or Ownership. If the location or ownership of the establishment changes during the license period, the owner shall submit an application for a new establishment license to the board within forty-five (45) days after the ownership or location change with the applicable change of location and/or change of ownership fee.

1. The board shall not issue a license for the new ownership or location until the establishment passes a board inspection, the establishment is in compliance with all applicable sanitation rules under 20 CSR 2085-11.010 and 20 CSR 2085-11.020 and the application is approved by the board.

2. The original license of the establishment shall become void as to the new location and/or new owners upon expiration of the forty-five (45)-day period and shall be returned to the board.

3. No barber or cosmetology services shall be performed or offered to be performed under the new ownership or at the new location after the forty-five (45)-day period expires until the establishment is issued a license by the board for the new owners and/or new location.

(D) Name Changes. If at any time during the license period the name of the establishment is changed, the original establishment license shall become void as to the prior name and the license holder shall submit an

application to the board for an establishment license for the new name with the duplicate fee. The application must be made in writing and shall be accompanied by two (2) forms of identification, a duplicate license fee and, if applicable, the establishment license currently in the license holder's possession. No barber or cosmetology services shall be performed or offered to be performed under the new name until an establishment license is issued by the board for the new name. The board shall be notified immediately in writing by the license holder(s) of an establishment name change.

(E) Display of License. The current establishment license for the rental space/chair shall be posted in a conspicuous place at all times. The licensee's barber or cosmetology license shall also be posted at each respective work station.

(F) Application for an establishment license under this section shall be made on forms provided by the board and accompanied by the biennial establishment fee.

(G) Except as provided herein, no person shall provide or offer to provide barber or cosmetology services at a rented space, booth or chair before an establishment license has been obtained as required by this rule. If barber or cosmetology services are performed or offered at the rented space or chair before an establishment license is issued as required by this section, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapters 328 and/or 329, RSMo.

(3) Display of License. Establishment licenses shall be posted within the establishment in plain view at all times so that it may be easily seen by the public. Establishment licenses issued to a station or booth rental establishment shall be posted in plain view at the respective work station.

(A) Operator licenses, apprentice licenses, or student temporary permits shall either be posted at each respective assigned work station or all posted together in one (1) conspicuous, readily accessible, central location within the establishment area that will allow easy identification of the persons working in the establishment by clients, board representatives, or the general public.

(B) A two inch square (2" × 2") photograph taken within the last five (5) years shall be attached to operator licenses. A two inch square (2" × 2") photograph taken within the last five (5) years shall be attached to apprentice licenses and student temporary permits.



(4) Renewals and Reinstatements.

(A) All existing, currently licensed establishments in Missouri shall submit on or before the renewal date, a completed establishment renewal application to the board with the biennial renewal fee. Renewal notices are sent out by the board as a courtesy. It is the responsibility of the holder(s) of the establishment license to renew the license by the expiration date. Failure to receive a renewal notice does not relieve the holder(s) of this responsibility.

(B) Reinstatement of License. The holder(s) of an establishment license which has not been renewed by the renewal 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 the establishment license who continues to operate although the license has not been renewed shall be subject to disciplinary action for operating an unlicensed establishment if the establishment license is not reinstated within fourteen (14) days following the mailing of a notice to the holder(s) or sixty (60) days from the renewal deadline, whichever is later, for operating an establishment without a license.

AUTHORITY: sections 328.115, 329.025.1, 329.045, 329.110, and 329.120, RSMo Supp. 2008. Original rule filed Aug. 10, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 2009, effective Sept. 30, 2009.*

**Original authority: 328.115, RSMo 1981, amended 2005, 2006; 329.025, RSMo 2005, amended 2008; 329.045, RSMo 1951, amended 1959, 1961, 1979, 1981, 1995, 1997, 2005, 2006; 329.110, RSMo 1939, amended 1945, 1981, 1995, 2005; and 329.120, RSMo 1939, amended 1945, 1947, 1959, 1979, 1981, 1995, 2005.*

20 CSR 2085-10.020 Barber and Cosmetology Establishment License Changes

PURPOSE: This rule establishes licensing change requirements for all barber and cosmetology establishments.

(1) Original Licensure. An establishment license shall only be valid for the owners, address, and name provided for the establishment in the initial establishment license application. The initial establishment license holder shall retain establishment ownership and responsibility for ensuring that the establishment is operated according to all applicable provisions of Chapter 328, RSMo, (for barbering) and Chapter 329, RSMo, (for cosmetology) and the regulations of the board.

(2) Change of Location or Ownership. If at any time during the license period the estab-

lishment location, name, and/or ownership changes, the owner(s) of the establishment shall submit an application for a new establishment license to the board within forty-five (45) days after the ownership or location change and the applicable change of location and/or ownership fee. The original license of the establishment shall become void as to the new location and/or new owners upon expiration of the forty-five (45)-day period and shall be returned to the board. No barber or cosmetology services shall be performed or offered to be performed under the new ownership or at the new location after the forty-five (45)-day period expires until the establishment is issued a license by the board for the new owners and/or new location.

(A) New Ownership. It is the responsibility of the new owner(s) to submit the establishment application to the board accompanied by the change of ownership fee.

(B) Adding a Co-Owner. It shall be the responsibility of the co-owners to submit the establishment location to the board accompanied by the applicable fee.

(C) Deleting a Co-Owner. If a co-owner(s) ceases ownership of an establishment, it shall be the responsibility of the establishment's remaining owner(s) to notify the board of this change in writing. The written notice shall serve as documentation of the change and a new application shall not be required.

(D) A corporation is considered by law to be a separate person. If a corporation owns an establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license if the owners of the stock change. However, as a separate person, if a corporation begins ownership of an establishment or ceases ownership of an establishment, a new establishment license must be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(E) An establishment license shall not be issued until the establishment passes a board inspection, the establishment is in compliance with all applicable sanitation rules and the application is approved by the board.

(3) Name Change of Establishment. If at any time during the license period the name of the establishment is changed, the original establishment license shall become void as to the prior name and the owners of the establishment shall submit an application to the board for an establishment license for the new name with the duplicate establishment fee. The application must be made in writing and shall be accompanied by two (2) forms of identification, a duplicate license fee and, if applica-

ble, the establishment license currently in the license holder's possession.

(A) The board shall be notified immediately in writing by the license holder(s) of an establishment name change.

(B) No barber or cosmetology services shall be performed or offered to be performed under the new name until the establishment is issued a license by the board for the new name.

(4) Delinquent Fee. If an establishment opens for business before the board issues a new establishment license as required by this rule following a change of location, name, or ownership, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapters 328 and 329, RSMo.

(5) Establishment Closures.

(A) Voluntary Establishment Closures. When an establishment terminates its business, the holder of the establishment license shall provide written notice of the establishment closure to the board within thirty (30) days following the closure. This written notice may be submitted on a form provided by the board or by letter. The notice must be signed by the holder of the establishment license and include the name, address and license number of the establishment, the name and address of the establishment license holder, and the date of closure. Upon actual termination of business, the establishment license shall be returned to the board for surrender either in person or by registered or certified mail. If the original license has been lost, stolen, destroyed, or was never received, the establishment license holder shall submit along with the notice of voluntary closure an affidavit attesting to such facts.

(B) Administrative Establishment Closures by the Board. When an establishment terminates its business and the establishment license holder fails to submit to the board a notice of voluntary closure, the board or its representative may administratively close the establishment by submitting notice of an administrative establishment closure to the board. The board shall provide written notice of the administrative establishment closure by mailing written notice to the establishment and to the last known address of the establishment license holder. An administrative establishment closure shall not be considered discipline.

(C) The board shall not mail a renewal application for the next licensing period to those establishments which have been voluntarily or administratively closed.



(D) No one licensed by the board may perform or offer to perform barber or cosmetology services in a closed establishment until a new establishment license has been issued by the board.

(E) Where the board administratively closes an establishment for which the establishment license has not otherwise expired, no one may perform or offer to perform barber or cosmetology services in that establishment until the holder of the establishment license notifies the board in writing that the establishment is again open for business. Upon receipt of such notice, the board shall restore the status of the establishment license for the remainder of the current licensing period, provided all fees have been paid.

AUTHORITY: sections 328.115, 329.025.1, and 329.045, RSMo Supp. 2008 and section 329.030, RSMo 2000. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 2009, effective Sept. 30, 2009.*

**Original authority: 328.115, RSMo 1981, amended 2005, 2006; 329.025, RSMo 2005, amended 2008; 329.030, RSMo 1939, amended 1995; and 329.045, RSMo 1951, amended 1959, 1961, 1979, 1981, 1995, 1997, 2005, 2006.*

20 CSR 2085-10.030 Record Keeping

PURPOSE: This rule establishes general requirements for barber and cosmetology establishments record keeping.

(1) All barber and cosmetology establishment licensees shall:

(A) Designate on a form approved by the board the names of any employees practicing, or authorized to practice, as barbers or cosmetologists at the licensed establishment. The form shall remain current at all times and shall be signed by each employee as designated by the board. The form required by this section shall be maintained on the premises of the licensed establishment and shall be available to the board, its inspector or other designee, upon request; and

(B) Maintain records which verify that an employment relationship exists with any barber or cosmetologist designated as an employee pursuant to subsection (1)(A) of this rule. Records verifying an employment relationship may include, but are not limited to, payroll records, a signed employment contract or agreement or any record verifying federal or state tax withholdings, such as the Missouri Employee's Withholding Allowance Certificate (MO W-4), as amended and promulgated by the Missouri Department of Revenue, or the Quarterly Contribution and

Wage Report (MODES 4-7), as amended and promulgated by the Missouri Department of Labor and Industrial Relations. Records verifying an employment relationship shall be produced to the board within ten (10) days of the request by the board, its inspector or other designee.

AUTHORITY: sections 328.115, 329.025.1 and 329.045, RSMo Supp. 2007 and 329.030, RSMo 2000. Original rule filed Aug. 10, 2007, effective Feb. 29, 2008.*

**Original authority: 328.115, RSMo 1981, amended 2005, 2006; 329.025, RSMo 2005; 329.030, RSMo 1939, amended 1995; and 329.045, RSMo 1951, amended 1959, 1961, 1979, 1981, 1995, 1997, 2005, 2006.*

20 CSR 2085-10.040 Specific Barber Establishment Requirements

PURPOSE: This rule establishes specific barber establishment requirements.

(1) Barber establishment facilities shall consist of the following:

(A) Establishment Floors. All establishments shall be either tiled or covered with linoleum or comparable floor covering and shall be in good condition. Establishment reception area floors may consist of indoor-outdoor type carpet providing a solid wall at least thirty-six inches (36") in height separates the reception area from the working area, or a distance of at least sixty inches (60") from the base of the chair to the nearest joint of the carpeting and shall remain clean;

(B) Pursuant to section 328.060.2, RSMo, sanitary rules shall be posted in a conspicuous place in every barber establishment and barber school;

(C) Shampoo Bowls and Chairs. All establishments shall have at least one (1) shampoo bowl for every three (3) chairs. Chairs shall be placed at least five feet (5') apart; and

(D) Dust tight cabinet or drawer for each chair.

AUTHORITY: sections 328.115 and 329.025.1, RSMo Supp. 2007. Original rule filed Aug. 10, 2007, effective Feb. 29, 2008.*

**Original authority: 328.115, RSMo 1981, amended 2005, 2006 and 329.025, RSMo 2005.*

20 CSR 2085-10.050 Specific Cosmetology Establishment Requirements

PURPOSE: This rule establishes specific cosmetology establishment requirements.

(1) The minimum biennial fee for a cosmetology establishment shall license the establishment for up to three (3) operators, including apprentices, students with temporary permits, or both. An additional fee is required for each additional operator working in the establishment. If at any time during the license period the number of operators working in the establishment exceeds the number of operators for which the establishment is licensed, it is the responsibility of the holder(s) of the establishment license to submit written notification to the board along with the fee for each additional operator.

AUTHORITY: sections 329.010.6, 329.025.1 and 329.045, RSMo Supp. 2007. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008.*

**Original authority: 329.010, RSMo 1939, amended 1979, 1995, 2001, 2004, 2005; 329.025, RSMo 2005; and 329.045, RSMo 1951, amended 1959, 1961, 1979, 1981, 1995, 1997, 2005, 2006.*

20 CSR 2085-10.060 Unlicensed Activity

PURPOSE: This rule prohibits the activities of unlicensed persons/entities.

(1) Pursuant to Chapters 328 and 329, RSMo, no barber or cosmetology establishment owner, manager, or proprietor shall permit any person who does not hold a current Missouri barber or cosmetology license to practice as a barber or cosmetologist in the establishment. No license or permit issued by the board shall be posted in a licensed establishment unless the license or permit is current and active, and the licensee or permit holder is an employee of the establishment or holds a current and active renter establishment license issued by the board.

(2) License Posted. Every licensed barber and cosmetologist shall post a current license issued by the board in front of the barber's working chair or the cosmetologist's work station where it shall be readily seen by all patrons.

(3) Prohibited Practices Within An Establishment. In a licensed establishment, only persons properly licensed by the board shall be allowed to perform barbering, hairdressing, manicuring, or esthetician services on any person within the establishment. The provisions of this section shall apply even if services are being provided for no compensation. For purposes of this section, barbering, hairdressing, manicuring, or esthetician services shall be defined as follows:



(A) “Barbering”—engaging in the capacity so as to shave the beard or cut and dress the hair of any person;

(B) “Esthetician services”—Using mechanical or electrical apparatuses or appliances, cosmetic preparations, antiseptics, tonics, lotions, or creams, not to exceed ten percent (10%) phenol, either directly or indirectly, in any one (1), or any combination, of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso, legs, or feet and removing superfluous hair by means other than electric needle or any other means of arching or tinting eyebrows or tinting eyelashes of any person;

(C) “Hairdressing”—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 other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes. Hairdressing also includes any person who either with the person’s hands or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams engages for compensation in any one (1) or any combination of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying, or similar work upon the scalp, face, neck, arms, or bust; and

(D) “Manicuring”—Cutting, trimming, polishing, coloring, tinting, cleaning, or otherwise beautifying a person’s fingernails, applying artificial fingernails, massaging, cleaning a person’s hands and arms; pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning, or otherwise beautifying a person’s toenails, applying artificial toenails, massaging, or cleaning a person’s legs and feet.

AUTHORITY: section 329.030, RSMo 2000 and sections 328.020, 328.130, 329.025.1, and 329.110.1, RSMo Supp. 2008. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Rescinded and readopted: Filed April 3, 2009, effective Sept. 30, 2009.*

**Original authority: 328.020, RSMo 1939, amended 2005; 328.130, RSMo 1939, amended 1981, 2005; 329.025, RSMo 2005, amended 2008; 329.030, RSMo 1939, amended 1995; and 329.110, RSMo 1939, amended 1945, 1981, 1995, 2005.*