



OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

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OPINION LETTER NO. 173

Ms. Margie Butler, Executive Secretary
Missouri State Board of Cosmetology
201 Bolivar Street
Jefferson City, Missouri 65101

Dear Ms. Butler:

This letter opinion is issued in response to your request for a ruling on whether the State Board of Cosmetology may, at the request of an individual school, state on a student's license the school's actual curriculum hours and duration, even if this curriculum exceeds the state minimum qualifications to be a licensed cosmetologist.

As facts you enclose a blank copy of the license which is used by the Board. This license reads as follows:

"This is to certify that [name] is registered under the laws of Missouri as a student of cosmetology, hairdressing and manicuring in [name of school] located at [address] only under the supervision of a licensed instructor, during such period of instruction which is no less than [hours] hours, over a period of no less than [months], plus make-up time for being absent."

Some schools have a curriculum of longer than the statutory minimum of 1220 hours over a period of six months. A few schools have requested that you fill in the blanks with the number of hours

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of their curriculum such as "1500 hours over nine months." Presently, the Board is following the practice of inserting in the blanks for hours and duration "1220 hours over a period of six months" which is the statutory minimum.

Section 329.070, RSMo 1969, provides that all apprentices and students shall be registered with the Missouri Board of Cosmetology.

Section 329.050, RSMo 1969, provides that an applicant for examination to be a licensed cosmetologist either shall have served and completed a period of time as an apprentice or shall have been a student in a registered school for at least 1220 hours of training.

Section 329.040, RSMo 1969, provides that the cosmetology course given by a registered school be at least 1220 hours over a period of six months.

In Opinion No. 223 issued June 1, 1967, to the then Executive Secretary of the Board of Cosmetology (copy enclosed), this office held that a registered cosmetology school could not require its students to pass a final examination before releasing the students' hours and allowing the students to take their state board examination since the qualifications are set by statute. However, a cosmetology school, clearly, is not prohibited from having a curriculum of longer than the statutory minimum.

In Opinion No. 332 issued September 1, 1967 (copy enclosed) to the then Executive Secretary of the Board, this office held that the Board cannot waive the requirement that an individual be at least seventeen years of age before enrolling in a cosmetology course.

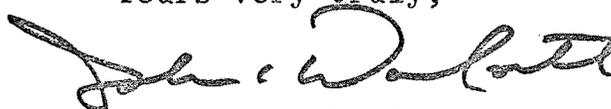
Following the rationale of those opinions, it is clear that the State Board of Cosmetology does not have the authority to change or to increase the statutory educational qualifications required to become a licensed cosmetologist in this state. The "1220 hours over a period of six months" are statutory qualifications which may not be changed by an administrative agency. Should a school decide to establish a longer curriculum than what is required by statute, it may do so. However, it must be a personal decision between a student and a school to take a longer course curriculum. This decision can in no way affect the statutory qualifications set to be a licensed cosmetologist.

Should the State Board comply with the school's request and insert in their students' licenses that their course must be the school's required number of hours and the duration of the course, this would be in effect changing the statutory qualifications for

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these particular students. Also, this practice would be misinforming the student as to the state requirements for the license, and thus, the students would be the victim of a fraud. The Board of Cosmetology was created and established by the Missouri legislature to license cosmetologists who meet the statutory qualifications. The Board cannot adopt a practice to change these statutory qualifications and misinform their students.

Yours very truly,



JOHN C. DANFORTH
Attorney General

Enclosures: Op. No. 223
6-1-67, Casey

Op. No. 332
9-1-67, Casey