

HOUSE BILL 1301

C2

3lr2043

By: **Delegate Jones**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Cosmetologists – Limited Licenses – Hairstylist**

3 FOR the purpose of establishing a limited license to provide hair services under the
4 State Board of Cosmetologists; specifying the level of supervision required for
5 an apprentice hairstylist; requiring the Board to adopt regulations to set certain
6 curriculum standards for certain students; requiring an applicant for a limited
7 license to provide hair services to meet certain requirements; requiring the
8 Board to adopt regulations to establish certain standards; defining the scope of
9 practice for a limited license to provide hair services; authorizing a beauty salon
10 to operate as a limited practice beauty salon by providing only hair services;
11 altering a certain reference to a basis for misrepresentation; authorizing a
12 hairstylist to provide hair services in certain locations; defining certain terms;
13 making stylistic and conforming changes; and generally relating to a limited
14 license to provide hair services issued by the State Board of Cosmetologists.

15 BY repealing and reenacting, with amendments,
16 Article – Business Occupations and Professions
17 Section 5–101, 5–205, 5–301, 5–305, 5–310, 5–501, 5–604, and 5–605
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2012 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Business Occupations and Professions**

23 5–101.

24 (a) In this title the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Apprentice" means an individual who is learning to practice cosmetology
2 or any limited practice of cosmetology in a beauty salon that holds a beauty salon
3 permit under the supervision of:

4 (1) if learning to practice cosmetology, a licensed senior cosmetologist;

5 (2) if learning to provide esthetic services, a licensed senior
6 cosmetologist or a licensed esthetician with 2 years' experience; [and]

7 **(3) IF LEARNING TO PROVIDE HAIR SERVICES, A LICENSED**
8 **SENIOR COSMETOLOGIST OR A LICENSED HAIRSTYLIST WITH 2 YEARS'**
9 **EXPERIENCE; AND**

10 ~~[(3)]~~(4) if learning to provide nail technician services, a licensed
11 senior cosmetologist or a licensed nail technician with 2 years' experience.

12 (c) (1) "Beauty salon" means any commercial establishment, except a
13 barbershop, in which an individual practices cosmetology.

14 (2) "Beauty salon" does not include a clinic in a cosmetology school.

15 (d) "Beauty salon permit" means a permit issued by the Board to operate a
16 beauty salon.

17 (e) "Board" means the State Board of Cosmetologists.

18 (f) "Cosmetologist" means an individual who practices cosmetology.

19 (g) (1) "License" means, unless the context requires otherwise, a license
20 issued by the Board.

21 (2) "License" includes, unless the context requires otherwise, each of
22 the following licenses:

23 (i) a license to practice cosmetology;

24 (ii) a license to practice as a senior cosmetologist;

25 (iii) a limited license to provide esthetic services; [and]

26 **(IV) A LIMITED LICENSE TO PROVIDE HAIR SERVICES; AND**

27 ~~[(iv)]~~(V) a limited license to provide nail technician services.

28 (h) "Licensed cosmetologist" means, unless the context requires otherwise, a
29 cosmetologist who is licensed by the Board to practice cosmetology.

1 (i) “Licensed senior cosmetologist” means a person who:

2 (1) has at least 2 years of experience as a licensed cosmetologist; and

3 (2) has passed a test approved by the Board.

4 (j) (1) “Limited license” means a license issued by the Board to practice
5 cosmetology as limited in § 5–301 of this title.

6 (2) “Limited license” includes, unless the context requires otherwise,
7 each of the following licenses:

8 (i) a limited license to provide esthetic services; **[and]**

9 **(II) A LIMITED LICENSE TO PROVIDE HAIR SERVICES; AND**

10 **[(ii)] (III) a limited license to provide nail technician services.**

11 (k) (1) “Practice cosmetology” means to engage in any of the following for
12 compensation:

13 (i) beautifying, cleaning, or embellishing the hair of an
14 individual by:

15 1. arranging the hair;

16 2. bleaching the hair;

17 3. cleansing the hair;

18 4. coloring the hair;

19 5. curling the hair;

20 6. cutting the hair;

21 7. dressing the hair;

22 8. singeing the hair;

23 9. permanent waving the hair;

24 10. waving the hair; or

25 11. performing any other similar procedure intended to
26 beautify, clean, or embellish the hair;

- 1 (ii) arching or dyeing eyebrows;
- 2 (iii) dyeing eyelashes;
- 3 (iv) providing esthetic services; or
- 4 (v) providing nail technician services.

5 (2) The practice of cosmetology does not include:

- 6 (i) the mere sale, fitting, or styling of wigs or hairpieces;
- 7 (ii) the mere shampooing of hair; or
- 8 (iii) a service that results in tension on hair strands or roots by
- 9 twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical
- 10 device, provided that the service does not include the application of dyes, reactive
- 11 chemicals, or other preparations to alter the color of the hair or to straighten, curl, or
- 12 alter the structure of the hair.

13 (l) "Provide esthetic services" means to provide to an individual, for

14 compensation, the service of:

15 (1) cleansing, exercising, massaging, stimulating, or performing any

16 other similar procedure on the skin or scalp by electrical, mechanical, or any other

17 means;

18 (2) applying to the face an alcohol, cream, lotion, astringent, or

19 cosmetic preparation; or

20 (3) removing superfluous hair by the use of a depilatory, tweezers, or

21 wax.

22 (M) "PROVIDE HAIR SERVICES" MEANS TO PROVIDE TO AN INDIVIDUAL

23 FOR COMPENSATION THE SERVICE OF BEAUTIFYING, CLEANING, OR

24 EMBELLISHING THE HAIR OF THE INDIVIDUAL BY:

25 (1) ARRANGING THE HAIR;

26 (2) BLEACHING THE HAIR;

27 (3) CLEANSING THE HAIR;

28 (4) COLORING THE HAIR;

- 1 **(5) CURLING THE HAIR;**
2 **(6) CUTTING THE HAIR;**
3 **(7) DRESSING THE HAIR;**
4 **(8) SINGEING THE HAIR;**
5 **(9) PERMANENT WAVING THE HAIR;**
6 **(10) WAVING THE HAIR; OR**
7 **(11) PERFORMING ANY OTHER SIMILAR PROCEDURE INTENDED TO**
8 **BEAUTIFY, CLEAN, OR EMBELLISH THE HAIR.**

9 **[(m)] (N)** “Provide nail technician services” means to provide to an
10 individual, for compensation, the service of:

- 11 (1) manicuring or pedicuring the individual’s nails;
12 (2) applying artificial nail enhancement products; or
13 (3) maintaining artificial nail enhancement products.

14 5–205.

15 (a) In addition to any duties set forth elsewhere, the Board shall adopt:

- 16 (1) bylaws for the conduct of its proceedings;
17 (2) regulations for qualification and examination of applicants for
18 licenses, registration, and permits and issuance of licenses, certificates of registration,
19 and permits;
20 (3) regulations to govern the conduct of persons regulated under this
21 title;
22 (4) regulations to govern sanitation and safety in practicing
23 cosmetology, including regulations that establish precautions to prevent the spread of
24 infectious and contagious diseases; and
25 (5) regulations to govern the direct supervision of the operation of
26 limited practice beauty salons.

27 (b) (1) The Board shall establish reasonable fees for licensing, licensing
28 renewal, examinations, reinstatements, certifications, applications, preopening

1 inspections, per diem fees for Board members, compensation for inspectors appointed
2 by the Board, and for any other service performed by the Board necessary to carry out
3 the provisions of this title.

4 (2) (i) Except for the examination fees which the Board shall
5 establish in amounts not to exceed the costs of the examinations and subject to
6 subparagraph (ii) of this paragraph, the fees established by the Board shall be set in a
7 manner that will produce funds sufficient to cover the actual direct and indirect costs
8 of regulating the cosmetology industry in the State in accordance with the provisions
9 of this title.

10 (ii) The Board may not set fees for licensing and license
11 renewals that exceed \$50.

12 (3) The total cost of regulating the cosmetology industry in the State
13 in accordance with the provisions of this title may not be more than the revenues
14 generated by the fees established under paragraph (1) of this subsection.

15 (c) (1) The Board shall adopt regulations that establish detailed
16 curriculum standards for use by the State Board of Education or the Maryland Higher
17 Education Commission in approving applications for instruction in the practice of
18 cosmetology, the provision of esthetic services, **THE PROVISION OF HAIR SERVICES,**
19 and the provision of nail technician services at public schools or private career schools.

20 (2) The curriculum standards established under paragraph (1) of this
21 subsection shall:

22 (i) incorporate modern methods and practices for:

23 1. practicing cosmetology;

24 2. providing esthetic services; [and]

25 **3. PROVIDING HAIR SERVICES; AND**

26 **[3.]4. providing nail technician services;**

27 (ii) include a reference to each topic and the emphasis of each
28 topic required of a comprehensive curriculum in the appropriate licensing area; and

29 (iii) be reviewed and updated periodically as determined by the
30 Board.

31 5-301.

1 (a) Except as otherwise provided in this title, an individual shall be licensed
2 by the Board to practice cosmetology before the individual may practice cosmetology in
3 the State.

4 (b) If an individual holds the appropriate limited license, the individual may
5 practice cosmetology in a manner limited to:

6 (1) providing esthetic services; [or]

7 **(2) PROVIDING HAIR SERVICES; OR**

8 **[(2)] (3)** providing nail technician services.

9 (c) Subsection (a) of this section does not apply to:

10 (1) a student while the student practices cosmetology in accordance
11 with § 5–302 or § 5–303 of this subtitle; or

12 (2) a registered apprentice.

13 5–305.

14 (a) To qualify for a limited license to practice cosmetology, an applicant shall
15 be an individual who meets the requirements of this section.

16 (b) An applicant for a limited license to provide esthetic services shall:

17 (1) be at least 17 years old;

18 (2) have completed successfully a 9th grade education or the
19 equivalent; and

20 (3) have received training by:

21 (i) serving as a registered apprentice for at least 6 months as
22 provided under §§ 5–404 and 5–405 of this title; or

23 (ii) successfully completing at least 600 hours of instruction in
24 providing esthetic services in a cosmetology school approved by the State Department
25 of Education or the Maryland Higher Education Commission in consultation with the
26 Board.

27 **(C) AN APPLICANT FOR A LIMITED LICENSE TO PROVIDE HAIR**
28 **SERVICES SHALL MEET THE REQUIREMENTS SET BY THE BOARD.**

1 **[(c)] (D)** An applicant for a limited license to provide nail technician
2 services shall:

3 (1) be at least 17 years old;

4 (2) have successfully completed a 9th grade education or the
5 equivalent; and

6 (3) have received training by:

7 (i) serving as a registered apprentice for at least 3 months as
8 provided under §§ 5-404 and 5-405 of this title; or

9 (ii) successfully completing at least 250 hours of instruction in
10 providing nail technician services in a cosmetology school approved by the State
11 Department of Education or the Maryland Higher Education Commission in
12 consultation with the Board.

13 **[(d)] (E)** If an applicant is licensed to practice as an esthetician,
14 **HAIRSTYLIST**, or nail technician in another state or foreign country, the applicant
15 meets the training requirements of this section if the applicant has held a limited
16 license in the other state or foreign country and has actively practiced in the other
17 state or foreign country for a period of 6 months.

18 **[(e)] (F)** An applicant for a limited license shall pass an examination given
19 by the Board under this subtitle.

20 **(G) THE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH**
21 **QUALIFICATION STANDARDS FOR A LIMITED LICENSE TO PROVIDE HAIR**
22 **SERVICES.**

23 5-310.

24 (a) Subject to subsections (b) **[and], (c), AND (D)** of this section and while a
25 license to practice cosmetology is in effect, it authorizes the licensee to practice
26 cosmetology.

27 (b) While a limited license to provide esthetic services is in effect, it
28 authorizes the licensee to provide only esthetic services.

29 **(C) WHILE A LIMITED LICENSE TO PROVIDE HAIR SERVICES IS IN**
30 **EFFECT, THE LICENSE AUTHORIZES THE LICENSEE TO PROVIDE ONLY HAIR**
31 **SERVICES.**

32 **[(c)] (D)** While a limited license to provide nail technician services is in
33 effect, it authorizes the licensee to provide only nail technician services.

1 5-501.

2 (a) A person shall hold a beauty salon permit issued by the Board before the
3 person may operate a beauty salon in the State.

4 (b) A beauty salon may operate as a limited practice beauty salon by offering
5 cosmetology services limited to:

6 (1) providing esthetic services; [or]

7 **(2) PROVIDING HAIR SERVICES; OR**

8 **[(2)] (3)** providing nail technician services.

9 (c) A separate beauty salon permit is required for each beauty salon that a
10 person operates.

11 5-604.

12 (a) (1) Unless authorized under this title to practice cosmetology, a person
13 may not represent to the public, by use of a title, including “licensed cosmetologist”,
14 [or “licensed hairdresser”,] by description of services, methods, or procedures, or
15 otherwise, that the person is authorized to practice cosmetology in the State.

16 (2) If an individual is authorized under this title to engage in the
17 limited practice of cosmetology, the individual may represent to the public that the
18 individual is authorized to practice cosmetology in a manner restricted to that limited
19 practice.

20 (b) Unless an establishment holds a beauty salon permit under this title, a
21 person may not represent to the public, by title, by description of services, methods, or
22 procedures, or otherwise, that the establishment is a beauty salon.

23 5-605.

24 (a) Except as provided in §§ 5-302 and 5-303 of this title and subsection (b)
25 of this section, a person may not practice cosmetology, provide esthetic services,
26 **PROVIDE HAIR SERVICES**, or provide nail technician services in any place other than:

27 (1) a beauty salon that holds a beauty salon permit; or

28 (2) a barbershop that holds a barbershop permit issued under Title 4
29 of this article.

1 (b) (1) A licensed cosmetologist, esthetician, **HAIRSTYLIST**, or nail
2 technician may practice cosmetology and provide services in:

3 (i) a facility in which beautification-oriented medical services,
4 authorized by the Department of Health and Mental Hygiene, are provided;

5 (ii) the residence of an individual confined to the residence by
6 reason of a physical or mental infirmity;

7 (iii) an assisted living facility as defined in § 19-1801 of the
8 Health – General Article;

9 (iv) a hospice facility defined in § 19-901(c) of the Health –
10 General Article;

11 (v) a nursing home as defined in § 19-1401(e) of the Health –
12 General Article; or

13 (vi) a hospital as defined in § 19-301 of the Health – General
14 Article or a similar institution.

15 (2) To practice in any of the locations specified in this subsection:

16 (i) the licensed cosmetologist, esthetician, **HAIRSTYLIST**, or
17 nail technician shall be sponsored by a beauty salon in which the cosmetologist,
18 esthetician, **HAIRSTYLIST**, or nail technician is authorized to practice;

19 (ii) the patron to whom the services are rendered shall be a
20 customer of the beauty salon; and

21 (iii) the services shall be rendered by appointment through the
22 beauty salon.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2013.