

## Chapter 412

(House Bill 1301)

AN ACT concerning

### **State Board of Cosmetologists – Limited ~~Licenses~~ License – Hairstylist**

FOR the purpose of establishing a limited license to provide hair services under the State Board of Cosmetologists; specifying the level of supervision required for an apprentice hairstylist; requiring the Board to adopt regulations to set certain curriculum standards for certain students; ~~requiring an applicant for a limited license to provide hair services to meet certain requirements; requiring the Board to adopt regulations to establish certain standards;~~ establishing certain qualifications for applicants for a limited license to provide hair services; defining the scope of practice for a limited license to provide hair services; authorizing a certain registered apprentice learning to provide hair services to practice under the supervision of a certain licensee; authorizing a beauty salon to operate as a limited practice beauty salon by providing only hair services; altering a certain reference to a basis for misrepresentation; authorizing a hairstylist to provide hair services in certain locations; defining certain terms; making stylistic and conforming changes; and generally relating to a limited license to provide hair services issued by the State Board of Cosmetologists.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 5–101, 5–205, 5–301, 5–305, 5–310, 5–404, 5–501, 5–604, and 5–605  
Annotated Code of Maryland  
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,  
Article – Business Occupations and Professions  
Section 5–405  
Annotated Code of Maryland  
(2010 Replacement Volume and 2012 Supplement)

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

### **Article – Business Occupations and Professions**

5–101.

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

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

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

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

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

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

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

(2) “Beauty salon” does not include a clinic in a cosmetology school.

(d) “Beauty salon permit” means a permit issued by the Board to operate a beauty salon.

(e) “Board” means the State Board of Cosmetologists.

(f) “Cosmetologist” means an individual who practices cosmetology.

**(G) “HAIRSTYLIST” MEANS AN INDIVIDUAL WHO PROVIDES HAIR SERVICES.**

~~(H)~~ **(H)** (1) “License” means, unless the context requires otherwise, a license issued by the Board.

(2) “License” includes, unless the context requires otherwise, each of the following licenses:

(i) a license to practice cosmetology;

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

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

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

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

~~(h)~~ (I) Licensed cosmetologist” means, unless the context requires otherwise, a cosmetologist who is licensed by the Board to practice cosmetology.

~~(j)~~ (J) “Licensed senior cosmetologist” means a person who:

- (1) has at least 2 years of experience as a licensed cosmetologist; and
- (2) has passed a test approved by the Board.

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

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

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

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

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

~~(l)~~ (L) (1) “Practice cosmetology” means to engage in any of the following for compensation:

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

- ~~1. arranging the hair;~~
- ~~2. bleaching the hair;~~
- ~~3. cleansing the hair;~~
- ~~4. coloring the hair;~~
- ~~5. curling the hair;~~
- ~~6. cutting the hair;~~
- ~~7. dressing the hair;~~
- ~~8. singeing the hair;~~
- ~~9. permanent waving the hair;~~

~~10. waving the hair; or~~

~~11. performing any other similar procedure intended to beautify, clean, or embellish the hair~~ **PROVIDING HAIR SERVICES;**

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

(2) The practice of cosmetology does not include:

- (i) the mere sale, fitting, or styling of wigs or hairpieces;
- (ii) the mere shampooing of hair; or

(iii) a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device, provided that the service does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

~~(M)~~ **(M)** “Provide esthetic services” means to provide to an individual, for compensation, the service of:

(1) cleansing, exercising, massaging, stimulating, or performing any other similar procedure on the skin or scalp by electrical, mechanical, or any other means;

(2) applying to the face an alcohol, cream, lotion, astringent, or cosmetic preparation; or

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

~~(M)~~ **(N)** **“PROVIDE HAIR SERVICES” MEANS TO PROVIDE TO AN INDIVIDUAL FOR COMPENSATION THE SERVICE OF BEAUTIFYING, CLEANING, OR EMBELLISHING THE HAIR OF THE INDIVIDUAL BY:**

**(1) ARRANGING THE HAIR;**

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

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

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

5–205.

- (a) In addition to any duties set forth elsewhere, the Board shall adopt:
  - (1) bylaws for the conduct of its proceedings;
  - (2) regulations for qualification and examination of applicants for licenses, registration, and permits and issuance of licenses, certificates of registration, and permits;
  - (3) regulations to govern the conduct of persons regulated under this title;

(4) regulations to govern sanitation and safety in practicing cosmetology, including regulations that establish precautions to prevent the spread of infectious and contagious diseases; and

(5) regulations to govern the direct supervision of the operation of limited practice beauty salons.

(b) (1) The Board shall establish reasonable fees for licensing, licensing renewal, examinations, reinstatements, certifications, applications, preopening inspections, per diem fees for Board members, compensation for inspectors appointed by the Board, and for any other service performed by the Board necessary to carry out the provisions of this title.

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

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

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

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

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

(i) incorporate modern methods and practices for:

1. practicing cosmetology;
2. providing esthetic services; [and]
3. **PROVIDING HAIR SERVICES; AND**
- [3.]4. providing nail technician services;

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

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

5–301.

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

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

(1) providing esthetic services; [or]

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

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

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

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

(2) a registered apprentice.

5–305.

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

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

(1) be at least 17 years old;

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

(3) have received training by:

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

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

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

**(1) BE AT LEAST 17 YEARS OLD;**

**(2) HAVE COMPLETED SUCCESSFULLY A 9TH GRADE EDUCATION OR THE EQUIVALENT; AND**

**(3) HAVE RECEIVED TRAINING BY:**

**(I) SERVING AS A REGISTERED APPRENTICE FOR AT LEAST 15 MONTHS AS PROVIDED UNDER §§ 5-404 AND 5-405 OF THIS TITLE; OR**

**(II) SUCCESSFULLY COMPLETING AT LEAST 1,200 HOURS OF INSTRUCTION PROVIDING HAIR SERVICES IN A COSMETOLOGY SCHOOL APPROVED BY THE STATE DEPARTMENT OF EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN CONSULTATION WITH THE BOARD.**

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

(1) be at least 17 years old;

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

(3) have received training by:

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

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

**[(d)] (E)** If an applicant is licensed to practice as an esthetician, **HAIRSTYLIST**, or nail technician in another state or foreign country, the applicant meets the training requirements of this section if the applicant has held a limited

license in the other state or foreign country and has actively practiced in the other state or foreign country for a period of 6 months.

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

~~(C) THE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH QUALIFICATION STANDARDS FOR A LIMITED LICENSE TO PROVIDE HAIR SERVICES.~~

5-310.

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

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

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

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

5-404.

While registration as an apprentice is in effect, the registration authorizes the individual to learn to practice cosmetology or any limited practice of cosmetology:

(1) in a:

(i) beauty salon that holds a beauty salon permit; or

(ii) barbershop that holds a barbershop permit; and

(2) under the supervision of:

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

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

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

[(iii)] (IV) if learning to provide nail technician services, a licensed senior cosmetologist or a licensed nail technician with 2 years' experience.

5-405.

(a) Except as otherwise provided in subsection (g) of this section, the initial term of registration as an apprentice is 2 years.

(b) Unless registration as an apprentice is renewed for one additional 2-year term as provided in this section, the registration expires on the date set by the Board.

(c) At least 1 month before the registration of an individual expires, the Board shall mail to the individual, at the last known address of the individual:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current registration expires;

(ii) the date by which the Board must receive the renewal application for the renewal to be issued and mailed before the registration expires; and

(iii) the amount of the renewal fee.

(d) Before the registration of an individual expires, the individual may renew it for an additional term, if the individual:

(1) otherwise is entitled to be registered;

(2) pays to the Board a renewal fee established by the Board in accordance with § 5-205 of this title; and

(3) submits to the Board a renewal application on the form that the Board provides.

(e) Except as otherwise provided in subsection (g) of this section, an individual registered as an apprentice may renew the registration only one time for a 2-year term.

(f) The Board shall renew the registration of and issue a renewal certificate to each individual who meets the requirements of this section.

(g) A registration as an apprentice for any limited practice of cosmetology expires 12 months after the date of its issuance unless the limited practice apprentice registration is renewed for one 1-year term.

5-501.

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

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

(1) providing esthetic services; [or]

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

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

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

5-604.

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

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

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

5-605.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 2, 2013.**