

SENATE BILL 301

A2

4r1749
CF HB 137

By: **Montgomery County Senators**

Introduced and read first time: January 17, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Beauty Salon License**

3 FOR the purpose of establishing in Montgomery County a beauty salon beer and wine
4 license; requiring that a recipient of the license be a holder of a beauty salon
5 permit; authorizing a holder of the license to provide beer and wine by the glass
6 when a certain cosmetology service is provided or a certain fundraising event is
7 held; prohibiting the license from being transferred to another location;
8 specifying the hours that the license privilege may be exercised; specifying an
9 annual license fee; providing that an establishment for which the license is
10 issued is subject to certain alcohol awareness training requirements; and
11 generally relating to alcoholic beverages licenses in Montgomery County.

12 BY adding to

13 Article 2B – Alcoholic Beverages
14 Section 8–216.5
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Business Occupations and Professions
19 Section 5–101(a), (c), (d), (l), (m), (n), and (o) and 5–501
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2013 Supplement)

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

24 **Article 2B – Alcoholic Beverages**

25 **8–216.5.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

2 **(B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL**
3 **BEAUTY SALON BEER AND WINE LICENSE TO A HOLDER OF A BEAUTY SALON**
4 **PERMIT UNDER § 5-501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**
5 **ARTICLE.**

6 **(C) A BEAUTY SALON LICENSE AUTHORIZES THE LICENSE HOLDER TO**
7 **PROVIDE BEER AND WINE BY THE GLASS FOR ON-PREMISES CONSUMPTION**
8 **WHEN:**

9 **(1) A COSMETOLOGY SERVICE UNDER § 5-101(L) OF THE**
10 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE IS PROVIDED; OR**

11 **(2) A FUNDRAISING EVENT IS HELD FOR WHICH A PERMIT FROM**
12 **THE DEPARTMENT OF PERMITTING SERVICES IS ISSUED.**

13 **(D) A BEAUTY SALON LICENSE MAY NOT BE TRANSFERRED TO ANOTHER**
14 **LOCATION.**

15 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A**
16 **HOLDER OF THE LICENSE MAY PROVIDE BEER AND WINE FOR ON-PREMISES**
17 **CONSUMPTION DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN**
18 **MIDNIGHT.**

19 **(F) THE ANNUAL LICENSE FEE IS \$100.**

20 **(G) AN ESTABLISHMENT FOR WHICH A BEAUTY SALON LICENSE IS**
21 **ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS**
22 **UNDER § 13-101 OF THIS ARTICLE.**

23 **Article – Business Occupations and Professions**

24 **5-101.**

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

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

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

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

3 (l) (1) "Practice cosmetology" means to engage in any of the following for
4 compensation:

- 5 (i) providing hair services;
- 6 (ii) arching or dyeing eyebrows;
- 7 (iii) dyeing eyelashes;
- 8 (iv) providing esthetic services; or
- 9 (v) providing nail technician services.

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

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

18 (m) "Provide esthetic services" means to provide to an individual, for
19 compensation, the service of:

- 20 (1) cleansing, exercising, massaging, stimulating, or performing any
21 other similar procedure on the skin or scalp by electrical, mechanical, or any other
22 means;
- 23 (2) applying to the face an alcohol, cream, lotion, astringent, or
24 cosmetic preparation; or
- 25 (3) removing superfluous hair by the use of a depilatory, tweezers, or
26 wax.

27 (n) "Provide hair services" means to provide to an individual for
28 compensation the service of beautifying, cleaning, or embellishing the hair of the
29 individual by:

- 30 (1) arranging the hair;

- 1 (2) bleaching the hair;
- 2 (3) cleansing the hair;
- 3 (4) coloring the hair;
- 4 (5) curling the hair;
- 5 (6) cutting the hair;
- 6 (7) dressing the hair;
- 7 (8) singeing the hair;
- 8 (9) permanent waving the hair;
- 9 (10) waving the hair; or
- 10 (11) performing any other similar procedure intended to beautify, clean,
11 or embellish the hair.

12 (o) "Provide nail technician services" means to provide to an individual, for
13 compensation, the service of:

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

17 5-501.

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

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

- 22 (1) providing esthetic services;
- 23 (2) providing hair services; or
- 24 (3) providing nail technician services.

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2014.