

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2014

CHAPTER _____

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 for consumption by a certain customer when a certain cosmetology service is
7 provided or a certain fundraising event is held; prohibiting the license from
8 being transferred to another location; specifying the hours that the license
9 privilege may be exercised; specifying an annual license fee; providing that an
10 establishment for which the license is issued is subject to certain alcohol
11 awareness training requirements; and generally relating to alcoholic beverages
12 licenses in Montgomery County.

13 BY adding to

14 Article 2B – Alcoholic Beverages

15 Section 8–216.5

16 Annotated Code of Maryland

17 (2011 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Business Occupations and Professions

20 Section 5–101(a), (c), (d), (l), (m), (n), and (o) and 5–501

21 Annotated Code of Maryland

22 (2010 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article 2B – Alcoholic Beverages**

4 **8–216.5.**

5 (A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

6 (B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL
7 BEAUTY SALON BEER AND WINE LICENSE TO A HOLDER OF A BEAUTY SALON
8 PERMIT UNDER § 5–501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS
9 ARTICLE.

10 (C) A BEAUTY SALON LICENSE AUTHORIZES THE LICENSE HOLDER TO
11 PROVIDE NO MORE THAN 5 OUNCES OF BEER AND OR WINE BY THE GLASS FOR
12 ON-PREMISES CONSUMPTION BY A BEAUTY SALON CUSTOMER ~~WHEN:~~

13 (1) ~~A~~ WHEN THE CUSTOMER IS PROVIDED A COSMETOLOGY
14 SERVICE UNDER § 5–101(L) OF THE BUSINESS OCCUPATIONS AND
15 PROFESSIONS ARTICLE IS PROVIDED; OR

16 (2) ~~A~~ WHILE THE CUSTOMER IS ATTENDING A FUNDRAISING
17 EVENT IS HELD AT THE BEAUTY SALON FOR WHICH A PERMIT FROM THE
18 DEPARTMENT OF PERMITTING SERVICES IS HAS ISSUED A PERMIT.

19 (D) A BEAUTY SALON LICENSE MAY NOT BE TRANSFERRED TO ANOTHER
20 LOCATION.

21 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A
22 HOLDER OF THE LICENSE MAY PROVIDE BEER AND WINE FOR ON-PREMISES
23 CONSUMPTION DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN
24 ~~MIDNIGHT~~ 9:00 P.M.

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

26 (G) AN ESTABLISHMENT FOR WHICH A BEAUTY SALON LICENSE IS
27 ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS
28 UNDER § 13–101 OF THIS ARTICLE.

29 **Article – Business Occupations and Professions**

30 **5–101.**

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

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

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

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

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

8 (i) providing hair services;

9 (ii) arching or dyeing eyebrows;

10 (iii) dyeing eyelashes;

11 (iv) providing esthetic services; or

12 (v) providing nail technician services.

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

14 (i) the mere sale, fitting, or styling of wigs or hairpieces;

15 (ii) the mere shampooing of hair; or

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

21 (m) “Provide esthetic services” means to provide to an individual, for
22 compensation, the service of:

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

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

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

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

4 (1) arranging the hair;

5 (2) bleaching the hair;

6 (3) cleansing the hair;

7 (4) coloring the hair;

8 (5) curling the hair;

9 (6) cutting the hair;

10 (7) dressing the hair;

11 (8) singeing the hair;

12 (9) permanent waving the hair;

13 (10) waving the hair; or

14 (11) performing any other similar procedure intended to beautify, clean,
15 or embellish the hair.

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

18 (1) manicuring or pedicuring the individual's nails;

19 (2) applying artificial nail enhancement products; or

20 (3) maintaining artificial nail enhancement products.

21 5-501.

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

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

26 (1) providing esthetic services;

27 (2) providing hair services; or

1 (3) providing nail technician services.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.