

HOUSE BILL 137

A2

4r0523
CF 4r1749

By: **Montgomery County Delegation**

Introduced and read first time: January 13, 2014

Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Montgomery County – Alcoholic Beverages – Beauty Salon License

MC 9–14

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

BY adding to

Article 2B – Alcoholic Beverages

Section 8–216.5

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions

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

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



8-216.5.

(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

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

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

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

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

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

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

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

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

Article – Business Occupations and Professions

5-101.

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

(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.

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

- (i) 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) “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.

(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.

(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.

5-501.

(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;
- (2) providing hair services; or
- (3) providing nail technician services.

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

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