# **SENATE BILL 830**

C2 6lr2617 CF HB 1291

By: Senator Conway

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2016

CHAPTER

1 AN ACT concerning

### 2 State Board of Cosmetologists - Limited License - Hair Services - Blow Drying

- 3 FOR the purpose of establishing a limited license to provide hair services – blow drying; requiring the State Board of Cosmetologists to establish by regulation certain 4 5 curriculum standards for providing hair services – blow drying for use by certain 6 entities for a certain purpose; establishing qualifications for a limited license to 7 provide hair services - blow drying; providing that a certain limited license 8 authorizes the licensee to provide only certain services; authorizing the 9 establishment of a limited practice beauty salon for providing hair services – blow 10 drying; prohibiting a person from providing hair services – blow drying in certain 11 places subject to certain exceptions; defining certain terms; altering the definitions 12 of certain terms; and generally relating to a limited license to provide hair services 13 - blow drying.
- 14 BY repealing and reenacting, with amendments,
- 15 Article Business Occupations and Professions
- 16 Section 5–101, 5–205(c), 5–301, 5–305, 5–310, 5–501, and 5–605
- 17 Annotated Code of Maryland

21

- 18 (2010 Replacement Volume and 2015 Supplement)
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 20 That the Laws of Maryland read as follows:

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

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

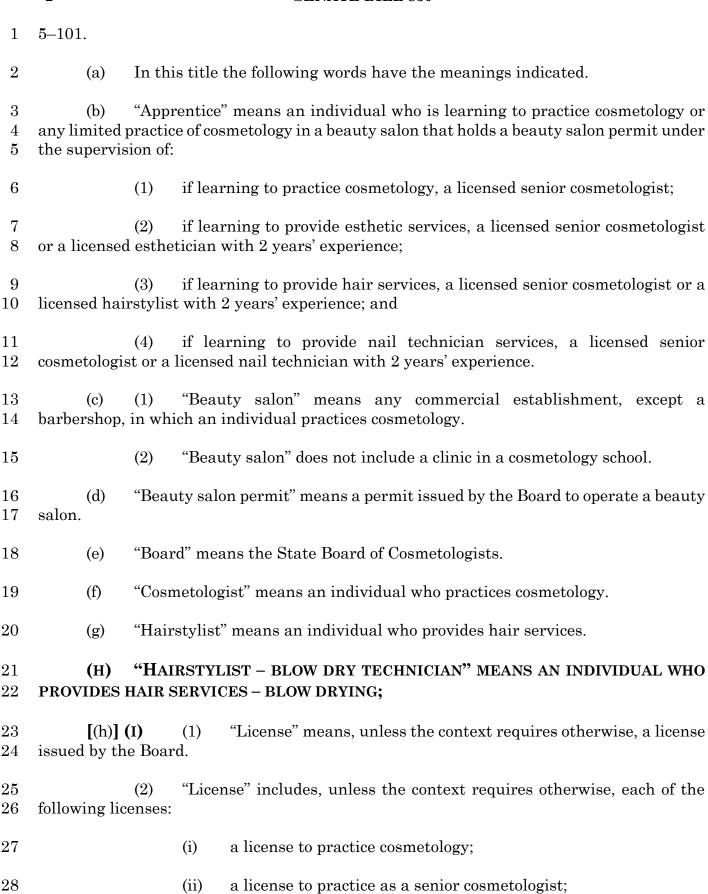
<u>Underlining</u> indicates amendments to bill.

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



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(iii)



a limited license to provide esthetic services;

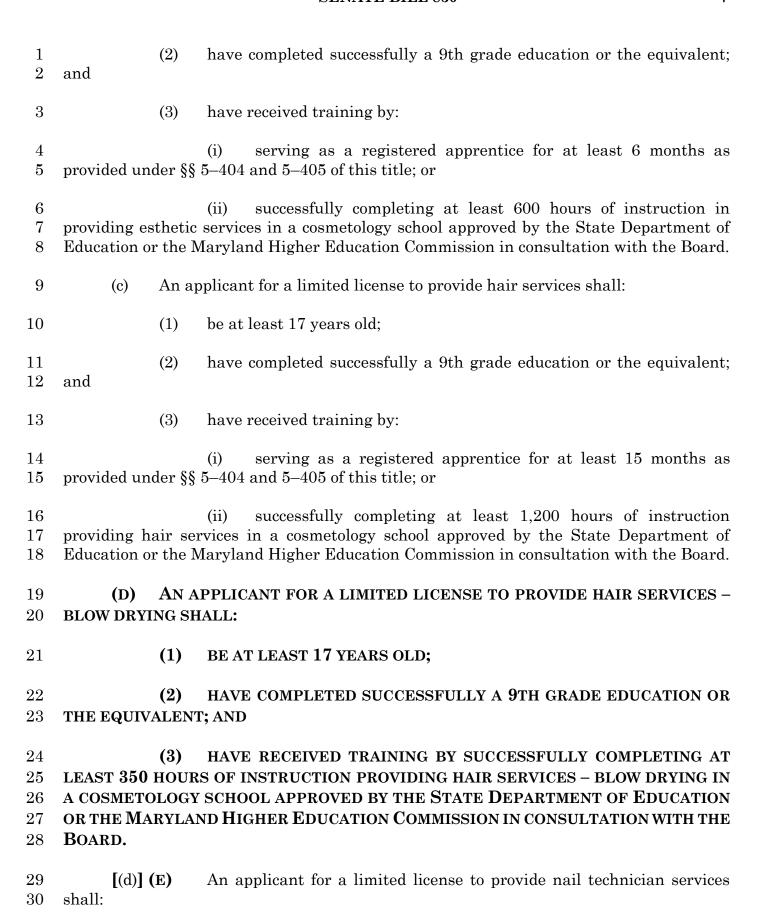
1		(iv)	a limited license to provide hair services; [and]
2 3	DRYING; AND	(v)	A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW
4		[(v)]	(VI) a limited license to provide nail technician services.
5 6	[(i)] (J) a cosmetologist wh		nsed cosmetologist" means, unless the context requires otherwise, sensed by the Board to practice cosmetology.
7	[(j)] (K)	"Lice	nsed senior cosmetologist" means a person who:
8	(1)	has a	t least 2 years of experience as a licensed cosmetologist; and
9	(2)	has p	assed a test approved by the Board.
10 11	[(k)] (L) cosmetology as lim	(1) ited in	"Limited license" means a license issued by the Board to practice § 5–301 of this title.
$\frac{12}{3}$	(2) "Limited license" includes, unless the context requires otherwise, each of the following licenses:		
4		(i)	a limited license to provide esthetic services;
5		(ii)	a limited license to provide hair services; [and]
16 17	DRYING; AND	(III)	A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW
18		[(iii)]	(IV) a limited license to provide nail technician services.
19 20	[(l)] (M) for compensation:	(1)	"Practice cosmetology" means to engage in any of the following
21		(i)	providing hair services;
22		(ii)	arching or dyeing eyebrows;
23		(iii)	dyeing eyelashes;
24		(iv)	providing esthetic services; or
25		(v)	providing nail technician services.
26	(9)	Ther	reactice of cosmetology does not include:

1		(i) the mere sale, fitting, or styling of wigs or hairpieces;	
2		(ii) the mere shampooing of hair; or	
3 4 5 6 7	(iii) a service that results in tension on hair strands or roots be 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, other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.		
8 9	[(m)] (N) compensation, the	"Provide esthetic services" means to provide to an individual, for service of:	
10 11	(1) similar procedure	cleansing, exercising, massaging, stimulating, or performing any other on the skin or scalp by electrical, mechanical, or any other means;	
12 13	(2) preparation; or	applying to the face an alcohol, cream, lotion, astringent, or cosmetic	
14	(3)	removing superfluous hair by the use of a depilatory, tweezers, or wax.	
15 16 17	[(n)] (O) compensation the by:	"Provide hair services" means to provide to an individual for service of beautifying, cleaning, or embellishing the hair of the individual	
18	(1)	arranging the hair;	
19	(2)	bleaching the hair;	
20	(3)	cleansing the hair;	
21	(4)	coloring the hair;	
22	(5)	curling the hair;	
23	(6)	cutting the hair;	
24	(7)	dressing the hair;	
25	(8)	singeing the hair;	
26	(9)	permanent waving the hair;	
27	(10)	waving the hair; or	

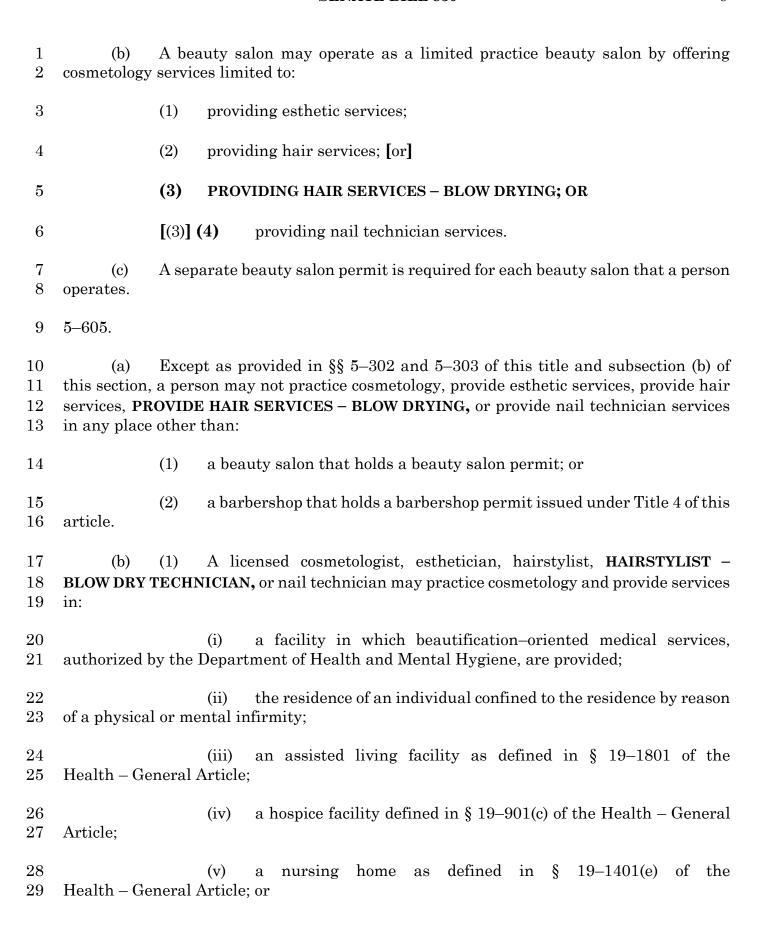
$\frac{1}{2}$	(11) performing any other similar procedure intended to beautify, clean, or embellish the hair.				
3 4 5	(P) "PROVIDE HAIR SERVICES – BLOW DRYING" MEANS TO PROVIDE TO AN INDIVIDUAL FOR COMPENSATION THE SERVICE OF BEAUTIFYING, CLEANING, OR ARRANGING THE HAIR OF THE INDIVIDUAL BY:				
6	(1) ARRANGING THE HAIR;				
7	(2) CLEANSING THE HAIR;				
8	(3) CURLING THE HAIR;				
9	(4) DRESSING THE HAIR;				
10	(5) BLOW DRYING THE HAIR; OR				
11	(6) SINGEING THE HAIR; OR				
12 13	(6) (7) PERFORMING ANY OTHER SIMILAR PROCEDURE INTENDED TO BEAUTIFY, CLEAN, OR ARRANGE THE HAIR.				
14 15	[(o)] (Q) "Provide nail technician services" means to provide to an individual, for compensation, the service of:				
16	(1) manicuring or pedicuring the individual's nails;				
17	(2) applying artificial nail enhancement products; or				
18	(3) maintaining artificial nail enhancement products.				
19	5–205.				
20 21 22 23 24	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 nair				
25 26	(2) The curriculum standards established under paragraph (1) of this subsection shall:				
27	(i) incorporate modern methods and practices for:				
28	1. practicing cosmetology;				

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1		2. providing esthetic services;		
2		3. providing hair services; [and]		
3		4. PROVIDING HAIR SERVICES – BLOW DRYING; AND		
4		[4.] 5. providing nail technician services;		
5 6	` ,	include a reference to each topic and the emphasis of each topic ve curriculum in the appropriate licensing area; and		
7 8	(iii) Board.	be reviewed and updated periodically as determined by the		
9	5–301.			
10 11 12	the Board to practice cosmetology before the individual may practice cosmetology in the			
13 14	(b) If an individ practice cosmetology in a r	ual holds the appropriate limited license, the individual may nanner limited to:		
15	(1) providi	ing esthetic services;		
16	(2) providi	ing hair services; [or]		
17	(3) PROVI	DING HAIR SERVICES – BLOW DRYING; OR		
18	[(3)] <b>(4)</b>	providing nail technician services.		
19	(c) Subsection (a	) of this section does not apply to:		
20 21	(1) a stude 5–302 or § 5–303 of this su	ent while the student practices cosmetology in accordance with § abtitle; or		
22	(2) a regis	tered apprentice.		
23	5–305.			
$\begin{array}{c} 24 \\ 25 \end{array}$		r a limited license to practice cosmetology, an applicant shall be he requirements of this section.		
26	(b) An applicant	for a limited license to provide esthetic services shall:		
27	(1) be at le	east 17 years old;		



- 1 (1) be at least 17 years old;
- 2 (2) have successfully completed a 9th grade education or the equivalent;
- 3 and
- 4 (3) have received training by:
- 5 (i) serving as a registered apprentice for at least 3 months as 6 provided under §§ 5-404 and 5-405 of this title; or
- 7 (ii) successfully completing at least 250 hours of instruction in 8 providing nail technician services in a cosmetology school approved by the State 9 Department of Education or the Maryland Higher Education Commission in consultation with the Board.
- [(e)] (F) If an applicant is licensed to practice as an esthetician, hairstylist, HAIRSTYLIST BLOW DRYING TECHNICIAN, 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.
- 16 **[(f)] (G)** An applicant for a limited license shall pass an examination given by 17 the Board under this subtitle.
- 18 5–310.
- 19 (a) Subject to subsections (b), (c), [and] (d), AND (E) of this section and while a 20 license to practice cosmetology is in effect, it authorizes the licensee to practice cosmetology.
- 21 (b) While a limited license to provide esthetic services is in effect, it authorizes 22 the licensee to provide only esthetic services.
- 23 (c) While a limited license to provide hair services is in effect, the license 24 authorizes the licensee to provide only hair services.
- 25 (D) WHILE A LIMITED LICENSE TO PROVIDE HAIR SERVICES BLOW DRYING 26 IS IN EFFECT, THE LICENSE AUTHORIZES THE LICENSEE TO PROVIDE ONLY HAIR 27 SERVICES – BLOW DRYING.
- While a limited license to provide nail technician services is in effect, it authorizes the licensee to provide only nail technician services.
- 30 5–501.
- 31 (a) A person shall hold a beauty salon permit issued by the Board before the 32 person may operate a beauty salon in the State.



$\frac{1}{2}$	(vi) a hospital as defined in § 19–301 of the Health – General Articles or a similar institution.
3	(2) To practice in any of the locations specified in this subsection:
4 5 6 7	(i) the licensed cosmetologist, esthetician, hairstylis HAIRSTYLIST – BLOW DRY TECHNICIAN, or nail technician shall be sponsored by a beaut salon in which the cosmetologist, esthetician, hairstylist, HAIRSTYLIST – BLOW DR TECHNICIAN, or nail technician is authorized to practice;
8 9	(ii) the patron to whom the services are rendered shall be a custome of the beauty salon; and
10 11	(iii) the services shall be rendered by appointment through the beauty salon.
12 13	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effective of the option of the state of the option of the state of the option of the state of the option of
	Approved:
	Governor.
	President of the Senate.
	Speaker of the House of Delegates.