

Chapter 435

(House Bill 1291)

AN ACT concerning

State Board of Cosmetologists – Limited License – Hair Services – Blow Drying

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 curriculum standards for providing hair services – blow drying for use by certain entities for a certain purpose; establishing qualifications for a limited license to provide hair services – blow drying; providing that a certain limited license authorizes the licensee to provide only certain services; authorizing the establishment of a limited practice beauty salon for providing hair services – blow drying; prohibiting a person from providing hair services – blow drying in certain places subject to certain exceptions; defining certain terms; altering the definitions of certain terms; and generally relating to a limited license to provide hair services – blow drying.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 5–101, 5–205(c), 5–301, 5–305, 5–310, 5–501, and 5–605

Annotated Code of Maryland

(2010 Replacement Volume and 2015 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;

(3) if learning to provide hair services, a licensed senior cosmetologist or a licensed hairstylist with 2 years’ experience; and

(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) "HAIRSTYLIST – BLOW DRY TECHNICIAN" MEANS AN INDIVIDUAL WHO PROVIDES HAIR SERVICES – BLOW DRYING;

[(h)] (I) (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;

(iv) a limited license to provide hair services; **[and]**

(V) A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING; AND

[(v)] (VI) a limited license to provide nail technician services.

[(i)] (J) "Licensed cosmetologist" means, unless the context requires otherwise, a cosmetologist who is licensed by the Board to practice cosmetology.

[(j)] (K) "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)] (L) (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;

(ii) a limited license to provide hair services; **[and]**

(III) A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING; AND

[(iii)] (IV) a limited license to provide nail technician services.

[(l)] (M) (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)] (N) “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)] (O) “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.

(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:

- (1) ARRANGING THE HAIR;**
- (2) CLEANSING THE HAIR;**
- (3) CURLING THE HAIR;**

- (4) DRESSING THE HAIR;
- (5) BLOW DRYING THE HAIR; ~~OR~~
- (6) SINGEING THE HAIR; OR

~~(6)~~ (7) PERFORMING ANY OTHER SIMILAR PROCEDURE INTENDED TO BEAUTIFY, CLEAN, OR ARRANGE THE HAIR.

[(6)] (Q) “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.

(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;
 - 3. providing hair services; [and]
 - 4. PROVIDING HAIR SERVICES – BLOW DRYING; AND
 - [4.] 5. 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;
- (2) providing hair services; [or]
- (3) PROVIDING HAIR SERVICES – BLOW DRYING; OR**
- ~~[(3)]~~ **(4)** 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:

- (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.

(D) AN APPLICANT FOR A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING 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 SUCCESSFULLY COMPLETING AT LEAST 350 HOURS OF INSTRUCTION PROVIDING HAIR SERVICES – BLOW DRYING IN A COSMETOLOGY SCHOOL APPROVED BY THE STATE DEPARTMENT OF EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN CONSULTATION WITH THE BOARD.

[(d)] (E) 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.

[(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.

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

5–310.

(a) Subject to subsections (b), (c), **[and] (d), AND (E)** 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.

(D) WHILE A LIMITED LICENSE TO PROVIDE HAIR SERVICES – BLOW DRYING IS IN EFFECT, THE LICENSE AUTHORIZES THE LICENSEE TO PROVIDE ONLY HAIR SERVICES – BLOW DRYING.

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

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 HAIR SERVICES – BLOW DRYING; OR

[(3)] (4) providing nail technician services.

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

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, **PROVIDE HAIR SERVICES – BLOW DRYING**, 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, **HAIRSTYLIST – BLOW DRY TECHNICIAN**, 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, **HAIRSTYLIST – BLOW DRY TECHNICIAN**, or nail technician shall be sponsored by a beauty salon in which the cosmetologist, esthetician, hairstylist, **HAIRSTYLIST – BLOW DRY TECHNICIAN**, 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, 2016.

Approved by the Governor, May 10, 2016.