

Chapter 289

(House Bill 538)

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Beauty Salon License

FOR the purpose of establishing in St. Mary's County a beauty salon beer and wine license; authorizing the Board of License Commissioners to issue the license to a person who holds a beauty salon permit and operates a beauty salon; authorizing a holder of the license to sell or serve not more than a certain amount of beer and wine for on-premises consumption by a beauty salon customer under certain circumstances; prohibiting the license from being transferred to another location; establishing certain hours during which beer and wine may be provided; specifying that an establishment for which the license is issued is subject to certain alcohol awareness training requirements; establishing a certain license fee; and generally relating to alcoholic beverages licenses in St. Mary's County.

BY renumbering

Article – Alcoholic Beverages
Section 28–1001
to be Section 28–1002
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 28–102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 28–1001
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions
Section 5–101 and 5–501
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 28–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 28–1002.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

28–102.

This title applies only in St. Mary’s County.

28–1001.

(A) THERE IS A BEAUTY SALON BEER AND WINE LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A PERSON WHO HOLDS A BEAUTY SALON PERMIT UNDER § 5–501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR SERVE NOT MORE THAN TWO 12–OUNCE OFFERINGS OF BEER OR TWO 5–OUNCE OFFERINGS OF WINE FOR ON–PREMISES CONSUMPTION BY A BEAUTY SALON CUSTOMER WHILE THE CUSTOMER UNDERGOES A COSMETOLOGY PROCEDURE LISTED UNDER § 5–101(N)(1) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(D) THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

(E) A HOLDER OF THE LICENSE MAY SELL OR SERVE BEER AND WINE FOR ON–PREMISES CONSUMPTION DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN 9 P.M.

(F) AN ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4–505 OF THIS ARTICLE.

(G) THE ANNUAL LICENSE FEE IS \$300.

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” includes a mobile beauty salon.

(3) “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;

(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;
- (v) a limited license to provide hair services – blow drying; and
- (vi) a limited license to provide nail technician services.

(j) “Licensed cosmetologist” means, unless the context requires otherwise, a cosmetologist who is licensed by the Board to practice cosmetology.

(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.

(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;
- (iii) a limited license to provide hair services – blow drying; and
- (iv) a limited license to provide nail technician services.

(m) “Mobile beauty salon” means a beauty salon that is located in a motor vehicle or a trailer that is designed, constructed, and equipped as a place for an individual to practice cosmetology and for use as a conveyance on highways.

(n) (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.

(o) "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.

(p) "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.

(q) “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;
- (6) singeing the hair; or

(7) performing any other similar procedure intended to beautify, clean, or arrange the hair.

(r) “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;
- (3) providing hair services – blow drying; or
- (4) providing nail technician services.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 18, 2017.