

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1261
Economic Matters

(Delegate Wilkins, *et al.*)

Education, Health, and Environmental Affairs

Barbers - Criminal Penalties for Violations of Barbering Law - Repeal

This bill repeals criminal penalties for violating barbering laws.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations, as discussed below.

Local Effect: The bill does not materially affect local government finances or operations, as discussed below.

Small Business Effect: Minimal. The State Board of Barbers may still impose civil penalties of up to \$1,000 for violations of applicable laws.

Analysis

Current Law: Generally, a person may not practice, attempt to practice, or offer to practice barbering in the State unless licensed by the State Board of Barbers to do so. An identical prohibition applies to barber-stylist services. Limited exceptions exist for a student practicing barbering or barber-stylist services, a registered apprentice, or a person authorized by the board under special circumstances.

Statute sets out the scope of the licenses, establishes a licensing process, and prohibits specified acts (such as misrepresentation to the public as a barber).

Violation of the barbering laws is a misdemeanor and subject to a maximum penalty of a \$100 fine and/or 30 days imprisonment. In addition, the board may impose a civil penalty

of up to a \$1,000 fine for all violations cited on a single day. In determining the amount of the civil penalty, the board must consider the seriousness of the violation, the harm caused by the violation, the good faith of the violator, any history of previous violations by the violator, and any other relevant factors. Any penalty revenue from a citation accrues to the general fund.

Background: The State Board of Barbers regulates and licenses barbers (the State Board of Cosmetologists regulates and licenses cosmetologists). The State Board of Barbers has approximately 6,300 licensees.

State/Local Fiscal Effect: The Department of Labor, Licensing, and Regulation advises that its practice has been to pursue civil, not criminal, penalties for violating barbering (or cosmetology) laws, which is consistent with previous information provided by the Judiciary (Administrative Office of the Courts). Therefore, there is no material effect on general fund revenues or expenditures due to the repeal of the criminal penalties.

Likewise, local government expenditures are not materially affected. Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence.

Additional Information

Prior Introductions: SB 548 of 2016, a similar bill, was withdrawn prior to receiving a hearing from the Senate Education, Health, and Environmental Affairs Committee. Its cross file, HB 293, received an unfavorable report from the House Economic Matters Committee.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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