

# HOUSE BILL 75

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By: **Delegate Angel**

Introduced and read first time: January 11, 2018

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Cosmetologists – Domestic Violence and Sexual Assault**  
3 **Awareness Training Requirements**

4 FOR the purpose of requiring the State Board of Cosmetologists to adopt regulations that  
5 establish certain curriculum standards for a certain domestic violence and sexual  
6 assault awareness course as part of a certain training program; requiring the Board  
7 to adopt regulations that set standards for a continuing education course that, at a  
8 minimum, requires an hour of domestic violence and sexual assault awareness  
9 training; altering the qualifications for a license to practice cosmetology and to  
10 provide esthetic services, hair services, hair services – blow drying, or nail technician  
11 services; requiring a certain licensee to complete domestic violence and sexual  
12 assault awareness training as a condition of license renewal; specifying that a  
13 licensee who completes domestic violence and sexual assault awareness training to  
14 comply with certain continuing education requirements may not be held civilly or  
15 criminally liable for certain actions or inactions; and generally relating to domestic  
16 violence and sexual assault awareness training for cosmetologists.

17 BY repealing and reenacting, with amendments,  
18 Article – Business Occupations and Professions  
19 Section 5–205  
20 Annotated Code of Maryland  
21 (2010 Replacement Volume and 2017 Supplement)  
22 (As enacted by Chapter 256 of the Acts of the General Assembly of 2017)

23 BY repealing and reenacting, with amendments,  
24 Article – Business Occupations and Professions  
25 Section 5–304(a), 5–305, and 5–311  
26 Annotated Code of Maryland  
27 (2010 Replacement Volume and 2017 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Occupations and Professions**

4 5–205.

5 (a) In addition to any duties set forth elsewhere, the Board shall adopt:

6 (1) bylaws for the conduct of its proceedings;

7 (2) regulations for qualification and examination of applicants for licenses,  
8 registration, and permits and issuance of licenses, certificates of registration, and permits;

9 (3) regulations to govern the conduct of persons regulated under this title;

10 (4) regulations to govern sanitation and safety in practicing cosmetology,  
11 including regulations that establish precautions to prevent the spread of infectious and  
12 contagious diseases; and

13 (5) regulations to govern the direct supervision of the operation of limited  
14 practice beauty salons.

15 (b) (1) The Board shall adopt regulations that establish detailed curriculum  
16 standards for use by the State Board of Education or the Maryland Higher Education  
17 Commission in approving applications for instruction in the practice of cosmetology, the  
18 provision of esthetic services, the provision of hair services, and the provision of nail  
19 technician services at public schools or private career schools.

20 (2) The curriculum standards established under paragraph (1) of this  
21 subsection shall:

22 (i) 1. incorporate modern methods and practices for:

23 [1.] A. practicing cosmetology;

24 [2.] B. providing esthetic services;

25 [3.] C. providing hair services;

26 [4.] D. providing hair services – blow drying; and

27 [5.] E. providing nail technician services; AND

1                                   **2. INCLUDE STANDARDS FOR A ONE-HOUR DOMESTIC**  
2 **VIOLENCE AND SEXUAL ASSAULT AWARENESS COURSE AS A PART OF TRAINING IN**  
3 **HEALTH, SAFETY, AND WELFARE SUBJECTS;**

4                                   (ii) include a reference to each topic and the emphasis of each topic  
5 required of a comprehensive curriculum in the appropriate licensing area; and

6                                   (iii) be reviewed and updated periodically as determined by the  
7 Board.

8                   (c) (1) Beginning October 1, 2018, the Board shall require a licensee renewing  
9 a license to complete at least six credit hours of continuing education approved by the  
10 Board.

11                               (2) The Board shall adopt regulations that set standards for continuing  
12 education courses that, at a minimum, require:

13                               (i) two hours of training in health, safety, and welfare subjects,  
14 **INCLUDING ONE HOUR OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS**  
15 **TRAINING;** and

16                               (ii) four hours of training in general elective courses.

17 5-304.

18                   (a) (1) To qualify for a license to practice as a cosmetologist, an applicant shall  
19 be an individual who meets the requirements of this section.

20                               (2) The applicant shall be at least 17 years old.

21                               (3) The applicant shall have completed successfully a 9th grade education  
22 or the equivalent.

23                               (4) (i) Except as otherwise provided in this subsection, an applicant  
24 shall have received training by:

25                                               1. **A.** serving as a registered apprentice as provided  
26 under §§ 5-404 and 5-405(e) of this title; or

27                                               **[2.] B.** successfully completing a required program of at  
28 least 1,500 hours of training in a cosmetology school that is approved by the State Board of  
29 Education or the Maryland Higher Education Commission in consultation with the Board;  
30 **AND**

31                                               **2. SUCCESSFULLY COMPLETING 1 HOUR OF DOMESTIC**  
32 **VIOLENCE AND SEXUAL ASSAULT AWARENESS EDUCATION.**

1 (ii) If an applicant is a barber or master barber currently licensed in  
2 this State, the Board shall:

3 1. credit the applicant with having met one-half of the  
4 training requirements of subparagraph (i) of this paragraph; and

5 2. determine the manner in which the credit will be applied.

6 (iii) An applicant meets the requirements of this subsection if:

7 1. the applicant has held a cosmetologist license in another  
8 state or foreign country and has actively practiced cosmetology in the other state or foreign  
9 country for a period of 6 months; or

10 2. the applicant has been trained in a cosmetology school in  
11 another state or foreign country that has standards substantially equivalent to or more  
12 stringent than the standards of a school that is approved by the State Board of Education  
13 or the Maryland Higher Education Commission in consultation with the Board.

14 (5) Except as otherwise provided in this subtitle, the applicant shall pass a  
15 written and practical examination given by the Board under this subtitle.

16 5-305.

17 (a) To qualify for a limited license to practice cosmetology, an applicant shall be  
18 an individual who meets the requirements of this section.

19 (b) An applicant for a limited license to provide esthetic services shall:

20 (1) be at least 17 years old;

21 (2) have completed successfully a 9th grade education or the equivalent;

22 and

23 (3) have received training by:

24 (i) 1. serving as a registered apprentice for at least 6 months as  
25 provided under §§ 5-404 and 5-405 of this title; or

26 [(ii)] 2. successfully completing at least 600 hours of instruction in  
27 providing esthetic services in a cosmetology school approved by the State Department of  
28 Education or the Maryland Higher Education Commission in consultation with the Board;  
29 **AND**

30 **(II) SUCCESSFULLY COMPLETING 1 HOUR OF DOMESTIC**

1 **VIOLENCE AND SEXUAL ASSAULT AWARENESS EDUCATION.**

2 (c) An applicant for a limited license to provide hair services shall:

3 (1) be at least 17 years old;

4 (2) have completed successfully a 9th grade education or the equivalent;  
5 and

6 (3) have received training by:

7 (i) 1. serving as a registered apprentice for at least 15 months  
8 as provided under §§ 5-404 and 5-405 of this title; or

9 [(ii)] 2. successfully completing at least 1,200 hours of instruction  
10 providing hair services in a cosmetology school approved by the State Department of  
11 Education or the Maryland Higher Education Commission in consultation with the Board;  
12 **AND**

13 **(II) SUCCESSFULLY COMPLETING 1 HOUR OF DOMESTIC**  
14 **VIOLENCE AND SEXUAL ASSAULT AWARENESS EDUCATION.**

15 (d) An applicant for a limited license to provide hair services – blow drying shall:

16 (1) be at least 17 years old;

17 (2) have completed successfully a 9th grade education or the equivalent;  
18 and

19 (3) have received training by:

20 **(I)** successfully completing at least 350 hours of instruction  
21 providing hair services – blow drying in a cosmetology school approved by the State  
22 Department of Education or the Maryland Higher Education Commission in consultation  
23 with the Board; **AND**

24 **(II) SUCCESSFULLY COMPLETING 1 HOUR OF DOMESTIC**  
25 **VIOLENCE AND SEXUAL ASSAULT AWARENESS EDUCATION.**

26 (e) An applicant for a limited license to provide nail technician services shall:

27 (1) be at least 17 years old;

28 (2) have successfully completed a 9th grade education or the equivalent;  
29 and

1 (3) have received training by:

2 (i) 1. serving as a registered apprentice for at least 3 months as  
3 provided under §§ 5-404 and 5-405 of this title; or

4 [(ii)] 2. successfully completing at least 250 hours of instruction in  
5 providing nail technician services in a cosmetology school approved by the State  
6 Department of Education or the Maryland Higher Education Commission in consultation  
7 with the Board; AND

8 (II) SUCCESSFULLY COMPLETING 1 HOUR OF DOMESTIC  
9 VIOLENCE AND SEXUAL ASSAULT AWARENESS EDUCATION.

10 (f) If an applicant is licensed to practice as an esthetician, hairstylist, hairstylist  
11 – blow drying technician, or nail technician in another state or foreign country, the  
12 applicant meets the training requirements of this section if the applicant has held a limited  
13 license in the other state or foreign country and has actively practiced in the other state or  
14 foreign country for a period of 6 months.

15 (g) An applicant for a limited license shall pass an examination given by the  
16 Board under this subtitle.

17 5-311.

18 (a) The initial term of a license is 2 years.

19 (b) A license expires on the date set by the Board unless the license is renewed  
20 for an additional term as provided in this section.

21 (c) (1) At least 1 month before a license expires, the Board shall mail or  
22 electronically transmit to the licensee:

23 (i) a renewal application form; and

24 (ii) a notice that states:

25 1. the date on which the current license expires; and

26 2. the amount of the renewal fee.

27 (2) If an electronic transmission under paragraph (1) of this subsection is  
28 returned to the Board as undeliverable, the Board shall mail to the licensee, at the last  
29 known address of the licensee, the materials required under paragraph (1) of this  
30 subsection within 10 business days of the date the Board received the notice that the  
31 electronic transmission was undeliverable.

1 (d) Before a license expires, the licensee periodically may renew it for an  
2 additional 2-year term, if the licensee:

3 (1) otherwise is entitled to be licensed;

4 (2) pays to the Board a renewal fee established by the Board in accordance  
5 with § 5-205 of this title;

6 (3) submits to the Board a renewal application on the form that the Board  
7 provides; and

8 (4) submits to the Board satisfactory evidence of completion of the  
9 continuing education requirements under § 5-205 of this title.

10 (e) The Board shall renew the license of and issue a renewal certificate to each  
11 licensee who meets the requirements of this section.

12 (f) (1) If an individual who, on or before September 30, 1999, holds a limited  
13 license to provide esthetic services files an application to renew the license, the Board shall  
14 grant a waiver of the requirement for completion of hours of instruction under §  
15 [5-305(b)(3)(ii)] **5-305(B)(3)(I)2** of this subtitle that are in addition to the hours of  
16 instruction required on or before that date.

17 (2) If an individual who, on or before September 30, 1999, holds a limited  
18 license to provide manicuring services files an application to renew the license, the Board  
19 shall grant a waiver of the requirement for completion of hours of instruction under §  
20 [5-305(d)(3)(ii)] **5-305(E)(3)(I)2** of this subtitle that are in addition to the hours of  
21 instruction required on or before that date.

22 **(G) A LICENSEE WHO COMPLETES DOMESTIC VIOLENCE AND SEXUAL**  
23 **ASSAULT AWARENESS EDUCATION IN COMPLIANCE WITH THE CONTINUING**  
24 **EDUCATION REQUIREMENT UNDER SUBSECTION (D) OF THIS SECTION MAY NOT BE**  
25 **HELD CIVILLY OR CRIMINALLY LIABLE FOR ACTING IN GOOD FAITH OR FAILING TO**  
26 **ACT ON INFORMATION OBTAINED DURING THE COURSE OF EMPLOYMENT**  
27 **CONCERNING AN ALLEGED OR POTENTIAL INCIDENT OF DOMESTIC VIOLENCE OR**  
28 **SEXUAL ASSAULT.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2018.