

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 75 (Delegate Angel)
Economic Matters

**State Board of Cosmetologists - Domestic Violence and Sexual Assault Awareness
Training Requirements**

This bill requires the State Board of Cosmetologists to adopt curriculum standards and continuing education (CE) requirements that include one hour of training on domestic violence and sexual assault awareness for all licensees.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations; however, the existing CE requirement has not been implemented by the board, as discussed below.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The State Board of Cosmetologists must adopt regulations that establish detailed curriculum standards for a one-hour domestic violence and sexual assault awareness course as part of training in health, safety, and welfare subjects. An applicant for initial licensure by the board as a cosmetologist or for limited licensure as an esthetician, hairstylist, blow dryer, or nail technician must complete such training, regardless of whether or not the applicant qualifies due to apprenticeship or due to completion of an approved program at a cosmetology school.

The board must also incorporate one hour of domestic violence and sexual assault training into existing CE requirements. A licensee who completes the training in compliance with

the CE requirement may not be held civilly or criminally liable for acting in good faith or failing to act on information obtained during the course of employment concerning an alleged or potential incident of domestic violence or sexual assault.

Current Law/Background: The State Board of Cosmetologists issues two full-service licenses (cosmetologist and senior cosmetologist) and four limited licenses (hairstylist, blow-drying, nail technician, and esthetician). A cosmetologist or senior cosmetologist license authorizes the licensee to provide hair, nail, and esthetic services. The other licenses authorize the licensee to provide just that service. The board also registers apprentices. Applicants for licensure must pass a written and a practical exam and meet specified experience (apprenticeship) or education (specified hours of instruction at an approved cosmetology school) requirements.

The board must adopt regulations that establish detailed curriculum standards for use by the State Board of Education or the Maryland Higher Education Commission (MHEC) 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. The standards must:

- incorporate modern methods and practices for practicing cosmetology and providing esthetic, hair, blow drying, and nail technician services;
- include a reference to each topic and the emphasis of each topic required of a comprehensive curriculum in the appropriate licensing area; and
- be reviewed and updated periodically as determined by the board.

Pursuant to Chapter 784 of 2017, beginning October 1, 2018, an individual renewing a license from the board must complete at least six credit hours of CE approved by the board. The board must adopt regulations that set standards for the CE courses that, at a minimum, require two hours of training in health, safety, and welfare subjects and four hours of training in general elective courses.

State Effect: Current law requires the board to review and periodically update its curriculum standards. Incorporating a minimal amount of domestic violence and sexual assault awareness instruction can be accomplished through this existing process. The board has not yet adopted regulations for CE and can incorporate the required instruction on domestic violence and sexual assault when it does so. Any additional requirements on MHEC or the State Board of Education as part of the process to update curriculum standards are minimal and absorbable within existing budgeted resources.

As noted above, the Department of Labor, Licensing, and Regulation has not yet adopted CE for cosmetologists, despite the requirement in Chapter 784 to do so. As described in the fiscal and policy note for that legislation, the board has been operating with minimal

staff for years. As such, 1.5 staff were assumed to be required for the board to implement CE; however, no staff have been hired. Separate legislation (Chapter 250 of 2017) establishes a joint special fund for the State Board of Cosmetologists and the State Board of Barbers beginning July 1, 2018, at which point the board should have more revenue to hire the staff necessary to implement the requirements of Chapter 250, and who would also be able to implement this bill at no additional cost.

Additional Comments: The department’s website, as of January 22, 2018, states, “[The] legislation establishes a requirement for licensees to complete six hours of continuing education during each two-year licensing term. While the program takes effect on October 1, 2018, the agency does not have resources at this time to administer this new program. You are encouraged to comply with the requirements in the interest of the health and safety of Maryland citizens. Should you choose to participate in continuing education, please keep records of the courses you take in case the department is able to implement this at a later date.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Maryland State Department of Education; Maryland Higher Education Commission; Department of Legislative Services

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