

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Labor, Licensing, and Regulation  
(DLS Control No. 16-088)**

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**Overview and Legal and Fiscal Impact**

The regulation repeals the fee charged by the State Board of Cosmetologists (1) to a licensee, permit holder, or registrant for a duplicate license, permit, or registration and (2) for the process to certify the licensing, registration, or permit status and qualifications of any person that is the subject of the request and is regulated by the board.

This regulation presents no legal issue of concern.

General fund revenues decrease by \$7,358 annually beginning in fiscal 2017. Expenditures are not directly affected.

**Regulation of COMAR Affected**

**Department of Labor, Licensing, and Regulation:**

Board of Cosmetologists: General Regulations: COMAR 09.22.01.13

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**Legal Analysis**

**Background**

On September 15, 2015, Governor Larry Hogan announced a plan to reduce or eliminate a number of fees across State government. Governor Hogan announced a second round of fee reductions or eliminations on May 12, 2016. This regulation is part of the second round of reductions or eliminations. Additional information regarding Governor Hogan's fee reduction initiative may be found [here](#).

**Summary of Regulation**

The regulation repeals the fee charged by the board (1) to a licensee, permit holder, or registrant for a duplicate license, permit, or registration and (2) for the process to certify the licensing, registration, or permit status and qualifications of any person that is the subject of the request and regulated by the board.

**Legal Issues**

The regulation presents no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The board cites §§ 5-205 and 5-206 of Business Occupations and Professions Article as statutory authority for this regulation. Section 5-205 requires the board to establish reasonable fees for, in relevant part, the licensing, licensing renewal, reinstatements, certifications, and any other service performed by the board to carry out the provisions of this title relating to the regulation of cosmetologists. Section 5-206 requires the board to certify the licensing, registration, or permit status and qualifications of any person who is the subject of the request on payment of a certification fee set by the board.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

General fund revenues decrease by \$7,358 annually beginning in fiscal 2017. Expenditures are not directly affected.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that general fund revenues decrease by \$7,358 annually due to the elimination of duplicate credential and credential certification fees, beginning in fiscal 2017. Of that total, \$5,658 is from the elimination of duplicate credential fees (which range from \$5 to \$25) and the remaining \$1,700 is from the elimination of the \$25 credential certification fee. The Department of Legislative Services concurs but notes that the revenue reduction in fiscal 2017 may be slightly less than this estimate due to the effective date of the regulation.

### **Impact on Budget**

There is no impact on the State operating or capital budget. General fund revenues attributable to the board (\$1.3 million) are expected to significantly exceed the board's general fund expenditures (\$633,267) in fiscal 2017, which continues a multi-year trend.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no impact on small businesses. The Department of Legislative Services concurs and notes that the eliminated fees are relatively small and are not paid by licensees on a recurring basis.

## **Contact Information**

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