

CF 7r1670

By: Senators Trotter, Young, Blount, Conway, Lawlah, and Currie

Introduced and read first time: January 30, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 1997

CHAPTER ____

1 AN ACT concerning

2 **Hair Braiding Services - Exemption from Licensure**

3 FOR the purpose of ~~requiring a license to provide hair braiding services; defining hair~~
4 ~~braiding services; specifying the qualifications of an applicant for a license to~~
5 ~~provide hair braiding services; specifying the scope of practice of the license;~~
6 ~~elarfifying the scope of the practice of cosmetology; providing for a beauty salon~~
7 ~~permit for a beauty salon that provides only hair braiding services; setting standards~~
8 ~~for apprenticeships in hair braiding; excluding from the scope of licensure certain~~
9 ~~hair braiding services; providing for the effective date of this Act; and generally~~
10 relating to hair braiding and cosmetology in the State.

11 BY repealing and reenacting, with amendments,
12 Article - Business Occupations and Professions
13 Section ~~5-101, 5-301, 5-305, 5-310, 5-404, and 5-501~~ 5-101(k)
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1996 Supplement)

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

18 **Article - Business Occupations and Professions**

19 5-101.

20 (a) ~~In this title the following words have the meanings indicated.~~

21 (b) ~~"Apprentice" means an individual who is learning to practice cosmetology or~~
22 ~~any limited practice of cosmetology in a beauty salon that holds a beauty salon permit~~
23 ~~under the supervision of:~~

1 (1) if learning to practice cosmetology, a licensed senior cosmetologist;

2 (2) if learning to provide esthetic services, a licensed senior cosmetologist or
3 a licensed esthetician with 2 years' experience; [and]

4 (3) if learning to provide manicuring services, a licensed senior
5 cosmetologist or a licensed manicurist with 2 years' experience[.]; AND

6 ~~(4) IF LEARNING TO PROVIDE HAIR BRAIDING SERVICES, A LICENSED~~
7 ~~HAIR BRAIDER WITH 2 YEARS' EXPERIENCE.~~

8 (e) (1) "Beauty salon" means any commercial establishment, except a
9 barbershop, in which an individual practices cosmetology.

10 ~~(2) "Beauty salon" does not include a clinic in a cosmetology school.~~

11 ~~(d) "Beauty salon permit" means a permit issued by the Board to operate a beauty~~
12 ~~salon.~~

13 ~~(e) "Board" means the State Board of Cosmetologists.~~

14 ~~(f) "Cosmetologist" means an individual who practices cosmetology.~~

15 ~~(g) (1) "License" means, unless the context requires otherwise, a license issued~~
16 ~~by the Board.~~

17 ~~(2) "License" includes, unless the context requires otherwise, each of the~~
18 ~~following licenses:~~

19 ~~(i) a license to practice cosmetology;~~

20 ~~(ii) a license to practice as a senior cosmetologist;~~

21 ~~(iii) a limited license to provide makeup artist services;~~

22 ~~(iv) a limited license to provide esthetic services; [and]~~

23 ~~(v) a limited license to provide manicuring services[.]; AND~~

24 ~~(VI) A LIMITED LICENSE TO PROVIDE HAIR BRAIDING SERVICES.~~

25 ~~(h) "Licensed cosmetologist" means, unless the context requires otherwise, a~~
26 ~~cosmetologist who is licensed by the Board to practice cosmetology.~~

27 ~~(i) "Licensed senior cosmetologist" means a person who:~~

28 ~~(1) has at least 2 years of experience as a licensed cosmetologist; and~~

29 ~~(2) has passed a test approved by the Board.~~

30 ~~(j) (1) "Limited license" means a license issued by the Board to practice~~
31 ~~cosmetology as limited in § 5-301 of this title.~~

32 ~~(2) "Limited license" includes, unless the context requires otherwise, each~~
33 ~~of the following licenses:~~

~~(i) a limited license to provide makeup artist services;~~

3

1 ~~(ii) a limited license to provide esthetic services; [and]~~

2 ~~(iii) a limited license to provide manicuring services[.]; AND~~

3 ~~(IV) A LIMITED LICENSE TO PROVIDE HAIR BRAIDING SERVICES.~~

4 (k) (1) "Practice cosmetology" means to engage in ANY OF THE FOLLOWING
5 FOR COMPENSATION:

6 (i) beautifying, cleaning, or embellishing the hair of an individual[,
7 for compensation,] by:

- 8 1. arranging the hair;
- 9 2. bleaching the hair;
- 10 3. cleansing the hair;
- 11 4. coloring the hair;
- 12 5. curling the hair;
- 13 6. cutting the hair;
- 14 7. dressing the hair;
- 15 8. singeing the hair;
- 16 9. permanent waving the hair;
- 17 10. waving the hair; or
- 18 11. performing any other similar procedure intended to beautify,
19 clean, or embellish the hair;

20 (ii) [for compensation,] arching or dyeing eyebrows;

21 (iii) [for compensation,] dyeing eyelashes;

22 (iv) providing makeup artist services;

23 (v) providing esthetic services; {or }

24 (vi) providing manicuring services[.]; ~~AND~~

25 ~~(VII) PROVIDING HAIR BRAIDING SERVICES.~~

26 (2) The practice of cosmetology does not include:

27 (i) the mere sale, fitting, or styling of wigs or hairpieces; ~~or~~

28 (ii) the mere shampooing of hair--; OR

29 (III) A SERVICE THAT RESULTS IN TENSION ON HAIR STRANDS OR
30 ROOTS BY TWISTING, WRAPPING, WEAVING, EXTENDING, LOCKING, OR BRAIDING
31 BY HAND OR MECHANICAL DEVICE, PROVIDED THAT THE SERVICE DOES NOT

32 INCLUDE THE APPLICATION OF DYES, REACTIVE CHEMICALS, OR OTHER

1 PREPARATIONS TO ALTER THE COLOR OF THE HAIR OR TO STRAIGHTEN, CURL, OR
2 ALTER THE STRUCTURE OF THE HAIR.

3 (l) "~~Provide makeup artist services~~" means to apply creams, lotions, cosmetic
4 preparations, and cleansing solutions to an individual's face for compensation.

5 (m) "~~Provide esthetic services~~" means to provide to an individual, for
6 compensation, the service of:

7 (1) ~~cleansing, exercising, massaging, stimulating, or performing any other~~
8 ~~similar procedure on the arms, face, hands, or scalp by electrical, mechanical, or any~~
9 ~~other means;~~

10 (2) ~~applying to the face an alcohol, cream, lotion, astringent, or cosmetic~~
11 ~~preparation; or~~

12 (3) ~~removing superfluous hair by the use of a depilatory, tweezers, or wax.~~

13 (N) "~~PROVIDE HAIR BRAIDING SERVICES~~":

14 (1) ~~MEANS TO PROVIDE TO AN INDIVIDUAL, FOR COMPENSATION, A~~
15 ~~SERVICE THAT RESULTS IN TENSION ON HAIR STRANDS OR ROOTS BY TWISTING,~~
16 ~~WRAPPING, WEAVING, EXTENDING, LOCKING, OR BRAIDING BY HAND OR BY A~~
17 ~~MECHANICAL DEVICE; AND~~

18 (2) ~~DOES NOT INCLUDE THE APPLICATION OF DYES, REACTIVE~~
19 ~~CHEMICALS, OR OTHER PREPARATIONS TO ALTER THE COLOR OF THE HAIR OR TO~~
20 ~~STRAIGHTEN, CURL, OR ALTER THE STRUCTURE OF THE HAIR.~~

21 ~~[(n)] (O) "Provide manicuring services" means to manicure or pedicure for~~
22 ~~compensation the nails of an individual.~~

23 ~~5-301.~~

24 (a) ~~Except as otherwise provided in this title, an individual shall be licensed by the~~
25 ~~Board to practice cosmetology before the individual may practice cosmetology in the~~
26 ~~State.~~

27 (b) ~~If an individual holds the appropriate limited license, the individual may~~
28 ~~practice cosmetology in a manner limited to:~~

29 (1) ~~providing makeup artist services;~~

30 (2) ~~providing esthetic services; [or]~~

31 (3) ~~providing manicuring services[.]; OR~~

32 (4) ~~PROVIDING HAIR BRAIDING SERVICES.~~

33 (c) ~~Subsection (a) of this section does not apply to:~~

34 (1) ~~a student while the student practices cosmetology in accordance with §~~
35 ~~5-302 or § 5-303 of this subtitle; or~~

36 (2) ~~a registered apprentice.~~

1 ~~5-305.~~

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

4 (b) ~~An applicant for a limited license to provide makeup artist services shall:~~

5 (1) ~~be at least 17 years old;~~

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

7 (3) ~~have successfully completed a course or program in makeup artist~~
8 ~~services approved by the State Department of Education or the Maryland Higher~~
9 ~~Education Commission in consultation with the Board.~~

10 (c) ~~An applicant for a limited license to provide esthetic services shall:~~

11 (1) ~~be at least 17 years old;~~

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

13 (3) ~~have received training by:~~

14 (i) ~~servng as a registered apprentice for at least 6 months as provided~~
15 ~~under §§ 5-404 and 5-405 of this title; or~~

16 (ii) ~~successfully completing at least 300 hours of instruction in~~
17 ~~providing esthetic services in a cosmetology school approved by the State Department of~~
18 ~~Education or the Maryland Higher Education Commission in consultation with the~~
19 ~~Board.~~

20 (d) ~~An applicant for a limited license to provide manicuring services shall:~~

21 (1) ~~be at least 17 years old;~~

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

23 (3) ~~have received training by:~~

24 (i) ~~servng as a registered apprentice for at least 3 months as provided~~
25 ~~under §§ 5-404 and 5-405 of this title; or~~

26 (ii) ~~successfully completing at least 100 hours of instruction in~~
27 ~~providing manicuring services in a cosmetology school approved by the State Department~~
28 ~~of Education or the Maryland Higher Education Commission in consultation with the~~
29 ~~Board.~~

30 (E) ~~AN APPLICANT FOR A LIMITED LICENSE TO PROVIDE HAIR BRAIDING~~
31 ~~SERVICES SHALL:~~

32 (1) ~~BE AT LEAST 17 YEARS OLD;~~

33 (2) ~~HAVE SUCCESSFULLY COMPLETED A 9TH GRADE EDUCATION OR~~
34 ~~THE EQUIVALENT; AND~~

35 (3) ~~HAVE:~~

1 ~~(I) RECEIVED TRAINING BY SERVING AS A REGISTERED~~
2 ~~APPRENTICE FOR AT LEAST 6 MONTHS AS PROVIDED UNDER §§ 5-404 AND 5-405 OF~~
3 ~~THIS TITLE;~~

4 ~~(II) RECEIVED TRAINING BY SUCCESSFULLY COMPLETING AT~~
5 ~~LEAST 300 HOURS OF INSTRUCTION IN PROVIDING HAIR-BRAIDING SERVICES IN A~~
6 ~~COSMETOLOGY OR HAIR-BRAIDING SCHOOL APPROVED BY THE DEPARTMENT OF~~
7 ~~EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN~~
8 ~~CONSULTATION WITH THE BOARD; OR~~

9 ~~(III) SUCCESSFULLY PASSED AN EXAMINATION FOR LICENSURE AS~~
10 ~~A HAIR-BRAIDER GIVEN BY THE BOARD ON OR BEFORE OCTOBER 1, 1998.~~

11 ~~[(e)] (F) If an applicant is licensed to practice as a makeup artist, esthetician,~~
12 ~~HAIR-BRAIDER, or manicurist in another state or foreign country, the applicant meets the~~
13 ~~training requirements of this section if the applicant has held a limited license in the~~
14 ~~other state or foreign country and has actively practiced in the other state or foreign~~
15 ~~country for a period of 6 months.~~

16 ~~[(f)] (G) Except for an applicant for a limited license to provide makeup artist~~
17 ~~services, an applicant for a limited license shall pass an examination given by the Board~~
18 ~~under this subtitle.~~

19 5-310.

20 ~~(a) Subject to subsections (b) through (d) of this section and while a license to~~
21 ~~practice cosmetology is in effect, it authorizes the licensee to practice cosmetology.~~

22 ~~(b) While a limited license to provide makeup artist services is in effect, it~~
23 ~~authorizes the licensee to provide only makeup artist services.~~

24 ~~(c) While a limited license to provide esthetic services is in effect, it authorizes~~
25 ~~the licensee to provide only esthetic services.~~

26 ~~(d) While a limited license to provide manicuring services is in effect, it authorizes~~
27 ~~the licensee to provide only manicuring services.~~

28 ~~(E) WHILE A LIMITED LICENSE TO PROVIDE HAIR-BRAIDING SERVICES IS IN~~
29 ~~EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE ONLY HAIR-BRAIDING~~
30 ~~SERVICES.~~

31 5-404.

32 While registration as an apprentice is in effect, the registration authorizes the
33 individual to learn to practice cosmetology or any limited practice of cosmetology:

34 (1) in a:

35 (i) beauty salon that holds a beauty salon permit; or

36 (ii) barbershop that holds a barbershop permit; and

37 (2) under the supervision of:

38 (i) if learning to practice cosmetology, a licensed senior cosmetologist;

7

1 (ii) if learning to provide esthetic services, a licensed senior
2 cosmetologist or a licensed esthetician with 2 years' experience; [and]

3 (iii) if learning to provide manicuring services, a licensed senior
4 cosmetologist or a licensed manicurist with 2 years' experience[.]; AND

5 (IV) IF LEARNING TO PROVIDE HAIR-BRAIDING SERVICES, A
6 LICENSED HAIR BRAIDER WITH 2 YEARS' EXPERIENCE.

7 ~~5-501.~~

8 (a) A person shall hold a beauty salon permit issued by the Board before the
9 person may operate a beauty salon in the State.

10 (b) A beauty salon may operate as a limited practice beauty salon by offering
11 cosmetology services limited to:

12 (1) providing makeup artist services;

13 (2) providing esthetic services; [or]

14 (3) providing manicuring services[.]; OR

15 (4) PROVIDING HAIR-BRAIDING SERVICES.

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 ~~October~~ July 1, 1997.