
By: **Delegate Minnick**

Introduced and read first time: January 28, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Licensure and Regulation of Tattoo Artists and Body Piercing Artists**

3 FOR the purpose of altering the composition of the State Board of Cosmetologists;
4 requiring the licensure as a tattoo artist by the State Board of Cosmetologists of
5 any individual who provides tattoo artist services; requiring the licensure as a
6 body piercing artist by the State Board of Cosmetologists of any individual who
7 provides body piercing artist services; providing for the issuance, terms,
8 expiration, and renewal of a license; authorizing the State Board of
9 Cosmetologists to deny, revoke, suspend, reprimand, or reinstate a license under
10 certain circumstances; authorizing the State Board of Cosmetologists to place a
11 license on probation under certain circumstances; providing for the
12 qualifications for licensure and the duties of licensees; granting certain
13 administrative appeals to certain licensees and license applicants under certain
14 circumstances; requiring the registration of apprentices in tattoo artistry or
15 body piercing artistry with the State Board of Cosmetologists; authorizing the
16 State Board of Cosmetologists to deny, revoke, suspend, or reinstate an
17 apprentice's registration under certain circumstances; limiting the provision of
18 tattoo artist services and body piercing artist services to certain establishments;
19 requiring the Board to adopt certain regulations; prohibiting certain acts under
20 certain circumstances; establishing certain penalties; providing for the effective
21 dates for the provisions of this Act; requiring the State Board of Cosmetologists
22 to grant a waiver of certain requirements under this Act under certain
23 circumstances; defining certain terms; providing for a delayed effective date;
24 and generally relating to tattoo artist services, body piercing artist services, and
25 cosmetology.

26 BY repealing and reenacting, with amendments,
27 Article - Business Occupations and Professions
28 Section 5-101, 5-202, 5-301, 5-302, 5-308, 5-310, 5-314, 5-402, 5-404, 5-407,
29 5-501, 5-504, 5-505, 5-509, 5-522, 5-601, 5-604, 5-605, and 5-607
30 through 5-609
31 Annotated Code of Maryland
32 (1995 Replacement Volume and 1997 Supplement)

33 BY repealing and reenacting, with amendments,

1 Article - Business Occupations and Professions
2 Section 5-205
3 Annotated Code of Maryland
4 (1995 Replacement Volume and 1997 Supplement)
5 (As enacted by Chapter 735 of the Acts of the General Assembly of 1997)

6 BY repealing and reenacting, without amendments,
7 Article - Business Occupations and Professions
8 Section 5-401
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1997 Supplement)

11 BY adding to
12 Article - Business Occupations and Professions
13 Section 5-304.1, 5-304.2, and 5-609 through 5-612
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1997 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
22 or any limited practice of cosmetology in a beauty salon that holds a beauty salon
23 permit under the supervision of:

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

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

27 (3) if learning to provide manicuring services, a licensed senior
28 cosmetologist or a licensed manicurist with 2 years' experience;

29 (4) IF LEARNING TO PROVIDE TATTOO ARTIST SERVICES, A LICENSED
30 TATTOO ARTIST WITH 2 YEARS' EXPERIENCE; AND

31 (5) IF LEARNING TO PROVIDE BODY PIERCING SERVICES, A LICENSED
32 BODY PIERCING ARTIST WITH 2 YEARS' EXPERIENCE.

1 (c) (1) "Beauty salon" means any commercial establishment, except a
2 barbershop, in which an individual practices cosmetology OR PROVIDES TATTOO
3 ARTIST SERVICES OR BODY PIERCING ARTIST SERVICES.

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

5 (d) "Beauty salon permit" means a permit issued by the Board to operate a
6 beauty salon.

7 (e) "Board" means the State Board of Cosmetologists.

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

9 (G) "COSMETOLOGISTS SCHOOL" INCLUDES A SCHOOL THAT TEACHES
10 TATTOO ARTISTRY OR BODY PIERCING.

11 [(g)] (H)(1) "License" means, unless the context requires otherwise, a
12 license issued by the Board.

13 (2) "License" includes, unless the context requires otherwise, each of the
14 following licenses:

15 (i) a license to practice cosmetology;

16 (ii) a license to practice as a senior cosmetologist;

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

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

19 (v) a limited license to provide manicuring services;

20 (VI) A LICENSE TO PROVIDE TATTOO ARTIST SERVICES; AND

21 (VII) A LICENSE TO PROVIDE BODY PIERCING ARTIST SERVICES.

22 (I) "LICENSED BODY PIERCING ARTIST" MEANS, UNLESS THE CONTEXT
23 REQUIRES OTHERWISE, A BODY PIERCING ARTIST WHO IS LICENSED BY THE BOARD
24 TO PROVIDE BODY PIERCING ARTIST SERVICES.

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

27 [(i)] (K) "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.

1 (L) "LICENSED TATTOO ARTIST" MEANS, UNLESS THE CONTEXT REQUIRES
2 OTHERWISE, A TATTOO ARTIST WHO IS LICENSED BY THE BOARD TO PROVIDE
3 TATTOO ARTIST SERVICES.

4 [(j)] (M)(1) "Limited license" means a license issued by the Board to
5 practice cosmetology as limited in § 5-301 of this title.

6 (2) "Limited license" includes, unless the context requires otherwise,
7 each of the following licenses:

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

9 (ii) a limited license to provide esthetic services; and

10 (iii) a limited license to provide manicuring services.

11 [(k)] (N)(1) "Practice cosmetology" means to engage in any of the following
12 for compensation:

13 (i) beautifying, cleaning, or embellishing the hair of an individual
14 by:

15 1. arranging the hair;

16 2. bleaching the hair;

17 3. cleansing the hair;

18 4. coloring the hair;

19 5. curling the hair;

20 6. cutting the hair;

21 7. dressing the hair;

22 8. singeing the hair;

23 9. permanent waving the hair;

24 10. waving the hair; or

25 11. performing any other similar procedure intended to
26 beautify, clean, or embellish the hair;

27 (ii) arching or dyeing eyebrows;

28 (iii) dyeing eyelashes;

29 (iv) providing makeup artist services;

30 (v) providing esthetic services; or

- 1 (vi) providing manicuring services.
- 2 (2) The practice of cosmetology does not include:
- 3 (i) the mere sale, fitting, or styling of wigs or hairpieces;
- 4 (ii) the mere shampooing of hair; or
- 5 (iii) a service that results in tension on hair strands or roots by
- 6 twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical
- 7 device, provided that the service does not include the application of dyes, reactive
- 8 chemicals, or other preparations to alter the color of the hair or to straighten, curl, or
- 9 alter the structure of the hair.

10 (O) "PROVIDE BODY PIERCING SERVICES" MEANS TO PENETRATE THE SKIN OR

11 A MEMBRANE OF AN INDIVIDUAL FOR THE PURPOSE OF INSERTING JEWELRY OR

12 OTHER FORMS OF BODY ADORNMENT.

13 [(l)] (P) "Provide makeup artist services" means to apply creams, lotions,

14 cosmetic preparations, and cleansing solutions to an individual's face for

15 compensation.

16 [(m)] (Q) "Provide esthetic services" means to provide to an individual, for

17 compensation, the service of:

- 18 (1) cleansing, exercising, massaging, stimulating, or performing any
- 19 other similar procedure on the arms, face, hands, or scalp by electrical, mechanical, or
- 20 any other means;
- 21 (2) applying to the face an alcohol, cream, lotion, astringent, or cosmetic
- 22 preparation; or
- 23 (3) removing superfluous hair by the use of a depilatory, tweezers, or
- 24 wax.

25 [(n)] (R) "Provide manicuring services" means to manicure or pedicure for

26 compensation the nails of an individual.

27 (S) "PROVIDE TATTOO ARTIST SERVICES" MEANS TO MAKE MARKS OR

28 DESIGNS ON THE SKIN OF AN INDIVIDUAL BY:

- 29 (1) PRICKING THE SKIN AND INGRAINING IT IN AN INDELIBLE PIGMENT;
- 30 OR
- 31 (2) RAISING SCARS ON THE SKIN.

32 5-202.

- 33 (a) (1) The Board consists of [seven] NINE members.
- 34 (2) Of the [seven] NINE members of the Board:

- 1 (i) four shall be licensed cosmetologists;
- 2 (II) ONE SHALL BE A LICENSED TATTOO ARTIST;
- 3 (III) ONE SHALL BE A LICENSED BODY PIERCING ARTIST;
- 4 [(ii)] (IV) one shall be affiliated with a private cosmetology school as
5 an educator or owner; and
- 6 [(iii)] (V) two shall be consumer members.
- 7 (3) The Governor shall appoint the members with the advice of the
8 Secretary.
- 9 (b) Each cosmetologist member of the Board:
- 10 (1) shall have practiced cosmetology actively for at least 5 years before
11 appointment;
- 12 (2) shall be a citizen of the State;
- 13 (3) may not be affiliated directly or indirectly with any cosmetology
14 school;
- 15 (4) may not be affiliated with any person who manufactures or sells any
16 article, supply, or merchandise that is commonly used in a beauty salon; and
- 17 (5) may not be a graduate of the same school of cosmetology as any other
18 member of the Board.
- 19 (c) Each consumer member of the Board:
- 20 (1) shall be a member of the general public;
- 21 (2) may not be a licensee or otherwise be subject to regulation by the
22 Board;
- 23 (3) may not be required to meet the qualifications for the professional
24 members of the Board; and
- 25 (4) may not, within 1 year before appointment, have had a financial
26 interest in or have received compensation from a person regulated by the Board.
- 27 (d) While a member of the Board, a consumer member may not:
- 28 (1) have a financial interest in or receive compensation from a person
29 regulated by the Board; or
- 30 (2) grade any examination given by or for the Board.

1 (e) Before taking office, each appointee to the Board shall take the oath
2 required by Article I, § 9 of the Maryland Constitution.

3 (f) (1) The term of a member is 3 years and begins on July 1.

4 (2) The terms of members are staggered as required by the terms
5 provided for members of the Board on October 1, 1989.

6 (3) a member may not serve more than 2 consecutive terms.

7 (4) At the end of a term, a member continues to serve until a successor is
8 appointed and qualifies.

9 (5) A member who is appointed after a term has begun serves only for
10 the rest of the term and until a successor is appointed and qualifies.

11 (g) The Governor may remove a member for incompetence or misconduct.

12 5-205.

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

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

15 (2) regulations for qualification and examination of applicants for
16 licenses, registration, and permits and issuance of licenses, certificates of
17 registration, and permits;

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

20 (4) regulations to govern sanitation and safety in practicing cosmetology
21 AND PROVIDING TATTOO ARTIST SERVICES AND BODY PIERCING ARTIST SERVICES,
22 including regulations that establish precautions to prevent the spread of infectious
23 and contagious diseases; and

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

26 (b) (1) Subject to paragraph (4) of this subsection, the Board shall establish
27 reasonable fees for reinstatements, certifications, applications, preopening
28 inspections, per diem fees for Board members, compensation for inspectors appointed
29 by the Board, and for any other service performed by the Board necessary to carry out
30 the provisions of this title.

31 (2) The fees established by the Board shall be set in a manner that will
32 produce funds sufficient to cover the actual direct and indirect costs of regulating the
33 cosmetology industry in the State in accordance with the provisions of this title.

1 (3) The total cost of regulating the cosmetology industry in the State in
2 accordance with the provisions of this title may not be more than the revenues
3 generated by the fees established under paragraph (1) of this subsection.

4 (4) The Board shall require a \$25 fee for the licensure or renewal of
5 licensure of cosmetologists, senior cosmetologists, estheticians, manicurists, [and]
6 makeup artists, TATTOO ARTISTS, AND BODY PIERCING ARTISTS.

7 5-301.

8 (a) Except as otherwise provided in this title, an individual shall be licensed
9 by the Board to practice cosmetology before the individual may practice cosmetology
10 in the State.

11 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL
12 BE LICENSED BY THE BOARD TO PROVIDE TATTOO ARTIST SERVICES BEFORE THE
13 INDIVIDUAL MAY PROVIDE TATTOO ARTIST SERVICES IN THE STATE.

14 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL
15 BE LICENSED BY THE BOARD TO PROVIDE BODY PIERCING ARTIST SERVICES BEFORE
16 THE INDIVIDUAL MAY PROVIDE BODY PIERCING ARTIST SERVICES IN THE STATE.

17 [(b)] (D) If an individual holds the appropriate limited license, the individual
18 may practice cosmetology in a manner limited to:

19 (1) providing makeup artist services;

20 (2) providing esthetic services; or

21 (3) providing manicuring services.

22 [(c)] (E) Subsection (a) of this section does not apply to:

23 (1) a student while the student practices cosmetology in accordance with
24 [§ 5-302] § 5-302(A) AND (B) or § 5-303 of this subtitle; or

25 (2) a registered apprentice.

26 (F) SUBSECTION (B) DOES NOT APPLY TO:

27 (1) A STUDENT WHILE THE STUDENT PROVIDES TATTOO ARTIST
28 SERVICES IN ACCORDANCE WITH § 5-302(C) OF THIS SUBTITLE; OR

29 (2) A REGISTERED APPRENTICE.

30 (G) SUBSECTION (C) DOES NOT APPLY TO:

31 (1) A STUDENT WHILE THE STUDENT PROVIDES BODY PIERCING ARTIST
32 SERVICES IN ACCORDANCE WITH § 5-302(D) OF THIS SUBTITLE; OR

33 (2) A REGISTERED APPRENTICE.

1 5-302.

2 (a) (1) Subject to the provisions of this subsection, a student who has
3 completed at least 350 hours of training at a school of cosmetology may practice
4 cosmetology, without a license, at the school.

5 (2) A student may practice cosmetology under this subsection only:

6 (i) in the course of the practical work required as part of the
7 training of the student;

8 (ii) while the student is under the direct supervision of a teacher
9 who meets the requirements established by the Department of Education for Public
10 School Programs or the Maryland Higher Education Commission for Private School
11 Programs; and

12 (iii) if the individual to whom a service is to be provided agrees to
13 provision of the service after being informed that a student in training is to provide
14 the service.

15 (b) (1) Subject to the provisions of this subsection, a student who has
16 completed at least 1,000 hours of training at a school of cosmetology may practice
17 cosmetology, without a license, in a hospital, nursing home, or correctional facility.

18 (2) A student may practice cosmetology under this subsection only:

19 (i) in the course of the practical work required as part of the
20 training of the student;

21 (ii) while the student is under the direct supervision of a teacher
22 who meets the requirements established by the Department of Education for Public
23 School Programs or the Maryland Higher Education Commission for Private School
24 Programs; and

25 (iii) if the individual to whom a service is to be provided:

26 1. is confined to the hospital, nursing home, or correctional
27 facility; and

28 2. agrees to provision of the service after being informed that
29 a student in training is to provide the service.

30 (C) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, A STUDENT
31 WHO HAS COMPLETED AT LEAST 350 HOURS OF INSTRUCTION IN TATTOO ARTISTRY
32 AT A PRIVATE SCHOOL OF COSMETOLOGY MAY PROVIDE TATTOO ARTIST SERVICES,
33 WITHOUT A LICENSE, AT THE SCHOOL.

34 (2) A STUDENT MAY PRACTICE TATTOO ARTIST SERVICES UNDER THIS
35 SUBSECTION ONLY:

1 (I) IN THE COURSE OF THE PRACTICAL WORK REQUIRED AS PART
2 OF THE TRAINING OF THE STUDENT;

3 (II) WHILE THE STUDENT IS UNDER THE DIRECT SUPERVISION OF
4 A TEACHER WHO MEETS THE REQUIREMENTS ESTABLISHED BY THE MARYLAND
5 HIGHER EDUCATION COMMISSION FOR PRIVATE SCHOOL PROGRAMS; AND

6 (III) IF THE INDIVIDUAL TO WHOM A SERVICE IS TO BE PROVIDED
7 AGREES TO PROVISION OF THE SERVICE AFTER BEING INFORMED THAT A STUDENT
8 IN TRAINING IS TO PROVIDE THE SERVICE.

9 (D) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, A STUDENT
10 WHO HAS COMPLETED AT LEAST 350 HOURS OF INSTRUCTION IN BODY PIERCING AT
11 A PRIVATE SCHOOL OF COSMETOLOGY MAY PROVIDE BODY PIERCING ARTIST
12 SERVICES, WITHOUT A LICENSE, AT THE SCHOOL.

13 (2) A STUDENT MAY PRACTICE BODY PIERCING SERVICES UNDER THIS
14 SUBSECTION ONLY:

15 (I) IN THE COURSE OF THE PRACTICAL WORK REQUIRED AS PART
16 OF THE TRAINING OF THE STUDENT;

17 (II) WHILE THE STUDENT IS UNDER THE DIRECT SUPERVISION OF
18 A TEACHER WHO MEETS THE REQUIREMENTS ESTABLISHED BY THE MARYLAND
19 HIGHER EDUCATION COMMISSION FOR PRIVATE SCHOOL PROGRAMS; AND

20 (III) IF THE INDIVIDUAL TO WHOM A SERVICE IS TO BE PROVIDED
21 AGREES TO PROVISION OF THE SERVICE AFTER BEING INFORMED THAT A STUDENT
22 IN TRAINING IS TO PROVIDE THE SERVICE.

23 5-304.1.

24 (A) TO QUALIFY FOR A LICENSE TO PROVIDE TATTOO ARTIST SERVICES, AN
25 APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS
26 SECTION.

27 (B) AN APPLICANT FOR A LICENSE TO PROVIDE TATTOO ARTIST SERVICES
28 SHALL:

29 (1) BE AT LEAST 18 YEARS OLD;

30 (2) HAVE SUCCESSFULLY COMPLETED A 9TH GRADE EDUCATION OR
31 THE EQUIVALENT; AND

32 (3) HAVE RECEIVED TRAINING BY:

33 (I) SERVING AS A REGISTERED APPRENTICE FOR AT LEAST 1 YEAR
34 AS PROVIDED UNDER § 5-404 AND § 5-405 OF THIS TITLE; OR

35 (II) SUCCESSFULLY COMPLETED 1,000 HOURS OF INSTRUCTION
36 AND TRAINING IN TATTOO ARTIST SERVICES IN A PRIVATE COSMETOLOGY SCHOOL

1 APPROVED BY THE MARYLAND HIGHER EDUCATION COMMISSION IN CONSULTATION
2 WITH THE BOARD.

3 (C) AN APPLICANT FOR A TATTOO ARTIST LICENSE SHALL PASS AN
4 EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.

5 5-304.2.

6 (A) TO QUALIFY FOR A LICENSE TO PROVIDE BODY PIERCING ARTIST
7 SERVICES, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE
8 REQUIREMENTS OF THIS SECTION.

9 (B) AN APPLICANT FOR A LICENSE TO PROVIDE BODY PIERCING ARTIST
10 SERVICES SHALL:

11 (1) BE AT LEAST 18 YEARS OLD;

12 (2) HAVE SUCCESSFULLY COMPLETED A 9TH GRADE EDUCATION OR
13 THE EQUIVALENT; AND

14 (3) HAVE RECEIVED TRAINING BY:

15 (I) SERVING AS A REGISTERED APPRENTICE FOR AT LEAST 1 YEAR
16 AS PROVIDED UNDER § 5-404 AND § 5-405 OF THIS TITLE; OR

17 (II) SUCCESSFULLY COMPLETED 1,000 HOURS OF INSTRUCTION
18 AND TRAINING IN BODY PIERCING ARTIST SERVICES IN A PRIVATE COSMETOLOGY
19 SCHOOL APPROVED BY THE MARYLAND HIGHER EDUCATION COMMISSION IN
20 CONSULTATION WITH THE BOARD.

21 (C) AN APPLICANT FOR A BODY PIERCING ARTIST LICENSE SHALL PASS AN
22 EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.

23 5-308.

24 (a) Subject to the provisions of this section, the Board may waive any
25 APPLICABLE examination requirement of this subtitle for an individual who is
26 licensed IN ANOTHER STATE:

27 (1) to practice as a cosmetologist or a limited practice cosmetologist [in
28 another state];

29 (2) TO PROVIDE TATTOO ARTIST SERVICES; OR

30 (3) TO PROVIDE BODY PIERCING ARTIST SERVICES.

31 (b) The Board may grant a waiver under this section only if the applicant:

32 (1) pays to the Board an application fee established by the Board in
33 accordance with § 5-205 of this title; and

1 (2) provides adequate evidence that the applicant:

2 (i) meets the qualifications otherwise required by this subtitle; and

3 (ii) became licensed in the other state after passing, in that or any
4 other state, an examination that is at least equivalent to the examination for which
5 the applicant is seeking a waiver.

6 5-310.

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

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

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

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

15 (E) WHILE A LICENSE TO PROVIDE TATTOO ARTIST SERVICES IS IN EFFECT, IT
16 AUTHORIZES THE LICENSEE TO PROVIDE ONLY TATTOO ARTIST SERVICES.

17 (F) WHILE A LICENSE TO PROVIDE BODY PIERCING ARTIST SERVICES IS IN
18 EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE ONLY BODY PIERCING ARTIST
19 SERVICES.

20 5-314.

21 (a) Subject to the hearing provisions of § 5-315 of this subtitle, the Board may
22 deny a license to any applicant, reprimand any licensee, or suspend or revoke a
23 license if the applicant or licensee:

24 (1) fraudulently or deceptively obtains or attempts to obtain a license for
25 the applicant or licensee or for another;

26 (2) fraudulently or deceptively uses a license;

27 (3) is incompetent;

28 (4) engages in dishonest, unethical, immoral, or unprofessional conduct;

29 (5) is addicted to alcohol or drugs to the extent of being unfit to practice
30 cosmetology, PROVIDE TATTOO ARTIST SERVICES, OR PROVIDE BODY PIERCING
31 ARTIST SERVICES;

32 (6) advertises by means of knowingly false or deceptive statements; or

1 (7) violates any provision of this title or any regulation adopted by the
2 Board under this title.

3 (b) Instead of or in addition to suspending or revoking a license, the Board
4 may impose a penalty not exceeding \$300 for all violations cited on a single day.

5 (c) In determining the amount of financial penalty to be imposed under this
6 section, the Board shall consider the following:

7 (1) the seriousness of the violation;

8 (2) the good faith of the violator;

9 (3) the violator's history of previous violations;

10 (4) the deleterious effect of the [violation on the complainant, the public,
11 and the cosmetology industry; and] VIOLATION ON THE:

12 (I) COMPLAINANT;

13 (II) PUBLIC; AND

14 (III) COSMETOLOGY, TATTOO ARTISTRY, OR BODY PIERCING
15 INDUSTRIES; AND

16 (5) any other factors relevant to the determination of the financial
17 penalty.

18 (d) The Board shall commence proceedings under this section on a complaint
19 to the Board by a member of the Board or any person.

20 (1) A complaint shall:

21 (i) be in writing;

22 (ii) be signed by the complainant;

23 (iii) state specifically the facts on which the complaint is based;

24 (iv) be submitted to the Executive Director of the Board; and

25 (v) be served on the person to whom it is directed:

26 1. personally; or

27 2. by certified mail, return receipt requested, bearing a
28 postmark from the United States Postal Service, to the person's last known address
29 as shown on the Board's records.

30 (2) If service is made by certified mail, the person who mails the
31 document shall file with the Board verified proof of mailing.

1 (e) (1) Except as provided in subsection (f) of this section, if the Board finds
2 that a complaint alleges facts that are adequate grounds for action under this section,
3 the Board shall act on the complaint as provided under § 5-315 of this subtitle to
4 deny, suspend, or revoke a license, reprimand a licensee, or assess a penalty.

5 (2) If the Board does not make the finding, the Board shall dismiss the
6 complaint.

7 (f) (1) If the Board makes the finding under subsection (e)(1) of this section
8 for a violation that relates to the sanitary practice of cosmetology, TATTOO ARTIST
9 SERVICES, OR BODY PIERCING ARTIST SERVICES, the Board shall provide the licensee
10 an opportunity to correct the alleged violation.

11 (2) If the licensee fails to correct each alleged violation within 10 days of
12 written notification of the violation by the Board, the Board shall act on the complaint
13 as provided under § 5-315 of this subtitle.

14 (3) If the licensee corrects each alleged violation within 10 days of notice,
15 the Board shall:

16 (i) dismiss the complaint; and

17 (ii) provide the licensee written notification of the dismissal.

18 5-401.

19 An individual shall be registered by the Board before the individual may serve
20 as an apprentice in a beauty salon in the State .

21 5-402.

22 (A) An applicant for registration shall:

23 (1) submit to the Board an application on the form that the Board
24 provides; and

25 (2) pay to the Board an application fee established by the Board in
26 accordance with § 5-205 of this title.

27 (B) IN ADDITION TO ANY OTHER REQUIREMENTS UNDER THIS SUBTITLE, TO
28 QUALIFY FOR REGISTRATION AS A TATTOO ARTIST APPRENTICE OR A BODY
29 PIERCING ARTIST APPRENTICE, AN APPLICANT SHALL HAVE RECEIVED TRAINING BY
30 COMPLETING AT LEAST 350 HOURS OF TRAINING AT A PRIVATE COSMETOLOGY
31 SCHOOL.

32 5-404.

33 While registration as an apprentice is in effect, the registration authorizes the
34 individual to learn to practice cosmetology, [or] any limited practice of cosmetology,
35 PROVIDE TATTOO ARTIST SERVICES, OR PROVIDE BODY PIERCING ARTIST SERVICES:

- 1 (1) in a:
- 2 (i) beauty salon that holds a beauty salon permit; or
- 3 (ii) barbershop that holds a barbershop permit; and
- 4 (2) under the supervision of:
- 5 (i) if learning to practice cosmetology, a licensed senior
6 cosmetologist;
- 7 (ii) if learning to provide esthetic services, a licensed senior
8 cosmetologist or a licensed esthetician with 2 years' experience; [and]
- 9 (iii) if learning to provide manicuring services, a licensed senior
10 cosmetologist or a licensed manicurist with 2 years' experience[.];
- 11 (IV) IF LEARNING TO PROVIDE TATTOO ARTIST SERVICES, A
12 LICENSED TATTOO ARTIST WITH 2 YEARS' EXPERIENCE; AND
- 13 (V) IF LEARNING TO PROVIDE BODY PIERCING ARTIST SERVICES, A
14 LICENSED BODY PIERCING ARTIST WITH 2 YEARS EXPERIENCE.

15 5-407.

16 (a) Subject to the hearing provisions of § 5-408 of this subtitle, the Board may
17 deny registration as an apprentice to any applicant, reprimand any individual
18 registered as an apprentice, or suspend or revoke the registration of an individual
19 registered as an apprentice:

- 20 (1) for any applicable ground under § 5-314 of this title;
- 21 (2) if the applicant or individual fraudulently or deceptively obtains or
22 attempts to obtain registration for the applicant or individual or for another; or
- 23 (3) if the applicant or individual fraudulently or deceptively uses a
24 certificate of registration.

25 (b) Instead of or in addition to suspending or revoking a registration, the
26 Board may impose a penalty not exceeding \$300 for all violations cited on a single
27 date.

28 (c) In determining the amount of financial penalty to be imposed under this
29 section, the Board shall consider the following:

- 30 (1) the seriousness of the violation;
- 31 (2) the good faith of the violator;
- 32 (3) the violator's history of previous violations;

1 (4) the deleterious effect of the [violation on the complainant, the public,
2 and the cosmetology industry; and] VIOLATION ON THE:

3 (I) COMPLAINANT;

4 (II) PUBLIC; AND

5 (III) COSMETOLOGY, TATTOO ARTISTRY, OR BODY PIERCING
6 INDUSTRIES; AND

7 (5) any other factors relevant to the determination of the financial
8 penalty.

9 (d) The Board shall commence proceedings under this section on a complaint
10 to the Board by a member of the Board or any person.

11 (1) A complaint shall:

12 (i) be in writing;

13 (ii) be signed by the complainant;

14 (iii) state specifically the facts on which the complaint is based;

15 (iv) be submitted to the Executive Director of the Board; and

16 (v) be served on the person to whom it is directed:

17 1. personally; or

18 2. by certified mail, return receipt requested, bearing a
19 postmark from the United States Postal Service, to the person's last known address
20 as shown on the Board's records.

21 (2) If service is made by certified mail, the person who mails the
22 document shall file with the Board verified proof of mailing.

23 (e) (1) Except as provided in subsection (f) of this section, if the Board finds
24 that a complaint alleges facts that are adequate grounds for action under this section,
25 the Board shall act on the complaint as provided under § 5-408 of this subtitle to
26 deny, suspend, or revoke a certificate of registration, reprimand an apprentice, or
27 assess a penalty.

28 (2) If the Board does not make the finding, the Board shall dismiss the
29 complaint.

30 (f) (1) If the Board makes the finding under subsection (e)(1) of this section
31 for a violation that relates to the sanitary practice of cosmetology, THE PROVISION OF
32 TATTOO ARTIST SERVICES, OR THE PROVISION OF BODY PIERCING ARTIST SERVICES,
33 the Board shall provide the apprentice an opportunity to correct the alleged violation.

1 (2) If the apprentice fails to correct each alleged violation within 10 days
2 of written notification of the violation by the Board, the Board shall act on the
3 complaint as provided under § 5-408 of this subtitle.

4 (3) If the apprentice corrects each alleged violation within 10 days of
5 notice, the Board shall:

6 (i) dismiss the complaint; and

7 (ii) provide the apprentice written notification of the dismissal.

8 5-501.

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

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

13 (1) providing makeup artist services;

14 (2) providing esthetic services; [or]

15 (3) providing manicuring services;

16 (4) PROVIDING TATTOO ARTIST SERVICES; OR

17 (5) PROVIDING BODY PIERCING ARTIST SERVICES.

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

20 5-504.

21 (a) The Board shall issue a beauty salon permit to each applicant who meets
22 the requirements of this subtitle.

23 (b) A beauty salon permit for the limited practice of cosmetology OR A LIMITED
24 SERVICE shall specify the limited [cosmetology] PRACTICE OR services for which the
25 permit is issued.

26 (c) The Board shall issue a beauty salon permit and a barbershop permit to an
27 applicant of a single establishment if the applicant:

28 (1) meets the requirements of:

29 (i) this title; and

30 (ii) Title 4 of this article;

31 (2) submits a separate application for each permit; and

1 (3) pays a separate fee for each application.

2 5-505.

3 (a) While a beauty salon permit is in effect, it authorizes the beauty salon
4 permit holder to operate the beauty salon.

5 (b) While a beauty salon permit for the limited practice of cosmetology OR A
6 LIMITED SERVICE is in effect, it authorizes the holder to operate a beauty salon only
7 for the limited purpose for which the permit is issued.

8 5-509.

9 (a) The Board may adopt regulations to ensure that each cosmetology school
10 approved by the State Board of Education or the Maryland Higher Education
11 Commission is operated in a sanitary manner.

12 (b) The regulations adopted under subsection (a) of this section shall provide
13 for:

14 (1) the reporting of violations of the regulations to the Department of
15 Education or the Maryland Higher Education Commission; and

16 (2) the imposition of a fine not to exceed \$300 for a violation of the
17 regulations.

18 (c) In determining the amount of financial penalty to be imposed under this
19 section, the Board shall consider the following:

20 (1) the seriousness of the violation;

21 (2) the good faith of the violator;

22 (3) the violator's history of previous violations;

23 (4) the deleterious effect of the violation on the [complainant, the public,
24 and the barber industry; and]:

25 (I) COMPLAINANT;

26 (II) PUBLIC;

27 (III) THE BARBER, TATTOO ARTISTRY, OR BODY PIERCING ARTIST
28 INDUSTRIES; AND

29 (5) any other factors relevant to the determination of the financial
30 penalty.

31 (d) The Board shall commence proceedings to assess a penalty under this
32 section on a complaint to the Board by a member of the Board or any person.

- 1 (1) A complaint shall:
- 2 (i) be in writing;
- 3 (ii) be signed by the complainant;
- 4 (iii) state specifically the facts on which the complaint is based;
- 5 (iv) be submitted to the Executive Director of the Board; and
- 6 (v) be served on the person to whom it is directed:
- 7 1. personally; or
- 8 2. by certified mail, return receipt requested, bearing a
- 9 postmark from the United States Postal Service, to the person's last known address
- 10 as shown on the Board's records.

11 (2) If service is made by certified mail, the person who mails the

12 document shall file with the Board verified proof of mailing.

13 (e) (1) Except as provided in subsection (f) of this section, if the Board finds

14 that a complaint alleges facts that are adequate grounds for action under this section,

15 the Board shall act on the complaint as provided under § 5-523 of this subtitle to

16 assess a penalty.

17 (2) If the Board does not make the finding, the Board shall dismiss the

18 complaint.

19 (f) (1) If the Board makes the finding under subsection (e)(1) of this section

20 for a violation that relates to the sanitary condition of a cosmetology school or the

21 sanitary practice of cosmetology, TATTOO ARTIST SERVICES, OR BODY PIERCING

22 ARTIST SERVICES, the Board shall provide the owner of the school an opportunity to

23 correct the alleged violation.

24 (2) If the owner fails to correct each alleged violation within 10 days of

25 written notification of the violation by the Board, the Board shall act on the complaint

26 as provided under § 5-523 of this subtitle.

27 (3) If the owner corrects each alleged violation within 10 days of notice,

28 the Board shall:

- 29 (i) dismiss the complaint; and
- 30 (ii) provide the owner written notification of the dismissal.

31 5-522.

32 (a) Subject to the hearing provisions of § 5-523 of this subtitle, the Board may

33 deny a beauty salon permit to any applicant, reprimand any permit holder, or

34 suspend or revoke a beauty salon permit:

- 1 (1) for any applicable ground under § 5-314 of this title;
- 2 (2) if the applicant or holder fraudulently or deceptively obtains or
3 attempts to obtain a beauty salon permit for the applicant or holder or for another; or
- 4 (3) if the applicant or holder fraudulently or deceptively uses a beauty
5 salon permit.

6 (b) Instead of or in addition to suspending or revoking a beauty salon permit,
7 the Board may impose a penalty not exceeding \$300 for all violations cited on a single
8 date.

9 (c) In determining the amount of financial penalty to be imposed under this
10 section, the Board shall consider the following:

- 11 (1) the seriousness of the violation;
- 12 (2) the good faith of the violator;
- 13 (3) the violator's history of previous violations;
- 14 (4) the deleterious effect of the [violation on the complainant, the public,
15 and the cosmetology industry; and] VIOLATION ON THE:
- 16 (I) COMPLAINANT;
- 17 (II) PUBLIC; AND
- 18 (III) COSMETOLOGY, TATTOO ARTISTRY, OR BODY PIERCING
19 INDUSTRIES; AND
- 20 (5) any other factors relevant to the determination of the financial
21 penalty.

22 (d) The Board shall commence proceedings under this section on a complaint
23 to the Board by a member of the Board or any person.

- 24 (1) A complaint shall:
- 25 (i) be in writing;
- 26 (ii) be signed by the complainant;
- 27 (iii) state specifically the facts on which the complaint is based;
- 28 (iv) be submitted to the Executive Director of the Board; and
- 29 (v) be served on the person to whom it is directed:
- 30 1. personally; or

1 5-604.

2 (a) (1) Unless authorized under this title to practice cosmetology, a person
3 may not represent to the public, by use of a title, including "licensed cosmetologist" or
4 "licensed hairdresser", by description of services, methods, or procedures, or
5 otherwise, that the person is authorized to practice cosmetology in the State.

6 (2) UNLESS AUTHORIZED UNDER THIS TITLE TO PROVIDE TATTOO
7 ARTIST SERVICES, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE OF TITLE,
8 INCLUDING "TATTOO ARTIST", BY DESCRIPTION OF SERVICES, METHODS, OR
9 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PROVIDE
10 TATTOO ARTIST SERVICES IN THE STATE.

11 (3) UNLESS AUTHORIZED UNDER THIS TITLE TO PROVIDE BODY
12 PIERCING ARTIST SERVICES, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY
13 USE OF TITLE, INCLUDING "BODY PIERCING ARTIST", BY DESCRIPTION OF SERVICES,
14 METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO
15 PROVIDE BODY PIERCING ARTIST SERVICES IN THE STATE.

16 [(2)] (B) If an individual is authorized under this title to engage in the
17 limited practice of cosmetology, the individual may represent to the public that the
18 individual is authorized to practice cosmetology in a manner restricted to that limited
19 practice.

20 [(b)] (C) Unless an establishment holds a beauty salon permit under this title,
21 a person may not represent to the public, by title, by description of services, methods,
22 or procedures, or otherwise, that the establishment is a beauty salon.

23 5-605.

24 (a) Except as provided in §§ 5-302 and 5-303 of this title and subsection (b) of
25 this section, a person may not practice cosmetology, PROVIDE TATTOO ARTIST
26 SERVICES, OR PROVIDE BODY PIERCING ARTIST SERVICES in any place other than:

27 (1) a beauty salon that holds a beauty salon permit; or

28 (2) a barbershop that holds a barbershop permit issued under Title 4 of
29 this article.

30 (b) (1) A licensed cosmetologist may practice cosmetology in the residence of
31 a patron, in a nursing home, or in a hospital as defined in § 19-301 of the Health -
32 General Article or a similar institution, by appointment, if:

33 (i) the licensed cosmetologist is sponsored by a beauty salon that
34 holds a beauty salon permit; and

35 (ii) the patron is a customer of the beauty salon.

36 (2) An individual who holds a limited license to provide manicuring
37 services may provide manicuring services in a barbershop.

1 5-607.

2 (a) An owner or lessee of a beauty salon may not knowingly:

3 (1) employ in the beauty salon an individual with an infectious or
4 contagious disease that presents a hazard to a patron; or

5 (2) after discovering an individual has an infectious or contagious
6 disease that presents a hazard to a patron, continue to employ the individual in the
7 beauty salon.

8 (b) (1) An individual who knows that the individual has an infectious or
9 contagious disease that presents a hazard to a beauty salon patron may not practice
10 cosmetology, PROVIDE TATTOO ARTIST SERVICES, OR PROVIDE BODY PIERCING
11 ARTIST SERVICES.

12 (2) An individual who knows that another individual has an infectious or
13 contagious disease that presents a hazard to a beauty salon patron may not practice
14 cosmetology, PROVIDE TATTOO ARTIST SERVICES, OR PROVIDE BODY PIERCING
15 ARTIST SERVICES on that other individual.

16 (c) An individual may not practice cosmetology, PROVIDE TATTOO ARTIST
17 SERVICES, OR PROVIDE BODY PIERCING ARTIST SERVICES in a careless or negligent
18 manner so as to:

19 (1) cause an infection; or

20 (2) impart an infectious or contagious disease that presents a hazard to a
21 beauty salon patron.

22 5-608.

23 (a) Except as provided in subsection (b) of this section, a school of cosmetology
24 approved by the State Department of Education or the Maryland Higher Education
25 Commission may not allow a student to practice cosmetology on the public OR
26 PROVIDE TATTOO ARTIST SERVICES OR BODY PIERCING ARTIST SERVICES TO THE
27 PUBLIC.

28 (b) A school of cosmetology approved by the State Department of Education or
29 the Maryland Higher Education Commission may allow a student:

30 (1) to practice cosmetology in accordance with § 5-302 or § 5-303 of this
31 title; AND

32 (2) TO PROVIDE TATTOO ARTIST SERVICES OR BODY PIERCING ARTIST
33 SERVICES IN ACCORDANCE WITH § 5-302 OF THIS TITLE.

34 5-609.

35 (A) A PERSON MAY NOT MAKE A TATTOO ON A MINOR.

1 (B) EXCEPT FOR EAR PIERCING, A PERSON MAY NOT PROVIDE BODY PIERCING
2 ARTIST SERVICES TO A MINOR.

3 (C) IN PROSECUTION FOR A VIOLATION OF THIS SECTION, IT SHALL BE A
4 DEFENSE THAT THE DEFENDANT EXAMINED THE TATTOO OR BODY PIERCING
5 RECIPIENT'S DRIVER'S LICENSE OR OTHER VALID IDENTIFICATION ISSUED BY AN
6 EMPLOYER, A GOVERNMENTAL ENTITY, OR AN INSTITUTION OF HIGHER EDUCATION
7 THAT POSITIVELY IDENTIFIED THE TATTOO OR BODY PIERCING RECIPIENT AS AT
8 LEAST 18 YEARS OLD.

9 (D) FOR PURPOSES OF THIS SECTION, EACH SEPARATE AND DISTINCT
10 INCIDENT AT A DIFFERENT TIME AND OCCASION IS A SEPARATE VIOLATION.

11 5-610.

12 (A) A PERSON MAY NOT REMOVE OR ATTEMPT TO REMOVE A TATTOO BY
13 CUTTING, ABRAISING, SCARRING, INJECTING CAUSTIC, ACIDIC MATERIALS, OR ANY
14 OTHER MEANS.

15 (B) A TATTOO ARTIST, STUDENT, OR APPRENTICE MAY TATTOO OVER AN
16 EXISTING TATTOO.

17 5-611.

18 A BODY SURFACE THAT DISPLAYS ANY RASH, PIMPLES, BOILS, LESIONS,
19 INFECTIONS, OR ANY EVIDENCE OF AN UNHEALTHY CONDITION MAY NOT BE
20 TATTOOED OR PIERCED.

21 5-612.

22 (A) A TATTOO ARTIST, STUDENT, OR APPRENTICE MAY NOT PROVIDE TATTOO
23 ARTIST SERVICES:

24 (1) WHILE UNDER THE INFLUENCE OF ALCOHOL; OR

25 (2) WHILE USING ANY NARCOTIC OR CONTROLLED DANGEROUS
26 SUBSTANCE, AS DEFINED IN ARTICLE 27 OF THE CODE, OR OTHER DRUG THAT IS IN
27 EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION.

28 (B) A BODY PIERCING ARTIST, STUDENT, OR APPRENTICE MAY NOT PROVIDE
29 BODY PIERCING SERVICES:

30 (1) WHILE UNDER THE INFLUENCE OF ALCOHOL; OR

31 (2) WHILE USING ANY NARCOTIC OR CONTROLLED DANGEROUS
32 SUBSTANCE, AS DEFINED IN ARTICLE 27 OF THE CODE, OR OTHER DRUG THAT IS IN
33 EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION.

1 [5-609.] 5-613.

2 A person who violates any provision of this title is guilty of a misdemeanor and
3 on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 30
4 days or both.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of
6 Cosmetologists shall grant a waiver of the apprenticeship and training requirements
7 for tattoo artist licensing to an individual who:

8 (1) Is employed on October 1, 1998 as a tattoo artist; and

9 (2) Has obtained at least 5 years of tattoo artist experience within the 7
10 years immediately preceding the date of the application.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
12 Cosmetologists shall grant a waiver of the apprenticeship and training requirements
13 for body piercing artist licensing to an individual who:

14 (1) Is employed on October 1, 1998 as a body piercing artist; and

15 (2) Has obtained at least 5 years of body piercing artist experience
16 within the 7 years immediately preceding the date of the application.

17 SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of
18 Cosmetologists shall adopt regulations to carry out the provisions of this Act by
19 October 1, 1998.

20 SECTION 5. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall
21 take effect on June 1, 1998.

22 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 1, 2, and 3 of
23 this Act shall take effect on January 1, 1999.