8lr2593

Unofficial Copy 1998 Regular Session C2

By: Delegates Owings, Poole, Exum, and D. Hughes

Introduced and read first time: February 27, 1998 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

	A BILL LIVITELD
1	AN ACT concerning
2	State Board of Cosmetologists - Licensing, Fees, Penalties, and Prohibited Acts
4 5 6 7 8 9 10 11 13 14 15 16	cosmetology in the State; providing for the qualifications for and scope of a license to teach cosmetology; altering certain educational and examination requirements for obtaining certain licenses; establishing certain continuing education requirements for certain licenses; establishing certain penalties for practicing cosmetology without a license and for practicing cosmetology with an expired license; authorizing the Board to issue certain citations; authorizing inspectors to seize certain licenses and permits under certain circumstances; establishing certain requirements for chemical products used in beauty salons; prohibiting the use or possession of methyl methacrylate liquid monomer in beauty salons in the State; establishing certain criminal fines; altering certain terminology; and generally relating to the licensing and regulation of the
19 20 21 22 23 24	Section 5-101(b)(3), (g), (j)(2)(iii), (k)(1)(vi), and (n), 5-204(e), 5-301, 5-305(c), (d), and (e), 5-307(e), 5-311(c), 5-314, 5-522, and 5-601 Annotated Code of Maryland
25 26 27 28 29	Section 5-205(b) Annotated Code of Maryland (1995 Replacement Volume and 1997 Supplement)

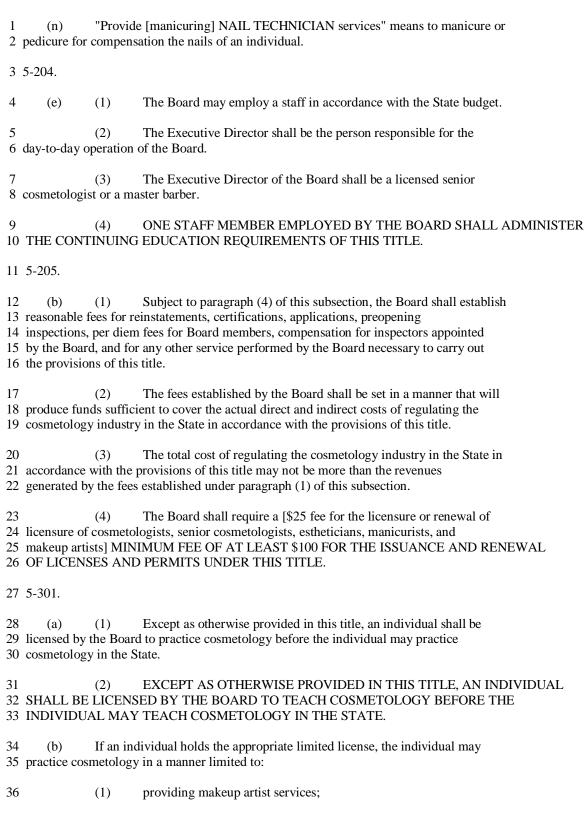
31 BY adding to

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			HOUSE BILL 1304		
1 2 3 4	Article - Business Occupations and Professions Section 5-304(c), 5-310(e), 5-311.1, 5-520(e), 5-520.1, 5-604(c), and 5-608.1 Annotated Code of Maryland (1995 Replacement Volume and 1997 Supplement)				
5 6	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
7	Article - Business Occupations and Professions				
8	5-101.				
	(b) "Apprentice" means an individual who is learning to practice cosmetology or any limited practice of cosmetology in a beauty salon that holds a beauty salon 1 permit under the supervision of:				
	(3) licensed senior cosmo years' experience.		ng to provide [manicuring] NAIL TECHNICIAN services, a or a licensed [manicurist] NAIL TECHNICIAN with 2		
15 16	(g) (1) issued by the Board.	"License	e" means, unless the context requires otherwise, a license		
17 18	(2) following licenses:	"License	e" includes, unless the context requires otherwise, each of the		
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 LICENSE TO TEACH COSMETOLOGY.		
25 26	(j) (2) each of the following		d license" includes, unless the context requires otherwise,		
27 28	services.	(iii)	a limited license to provide [manicuring] NAIL TECHNICIAN		
29 30	(k) (1) compensation:	"Practic	e cosmetology" means to engage in any of the following for		

(vi) providing [manicuring] NAIL TECHNICIAN services.



29 and

(3)

have received training by:

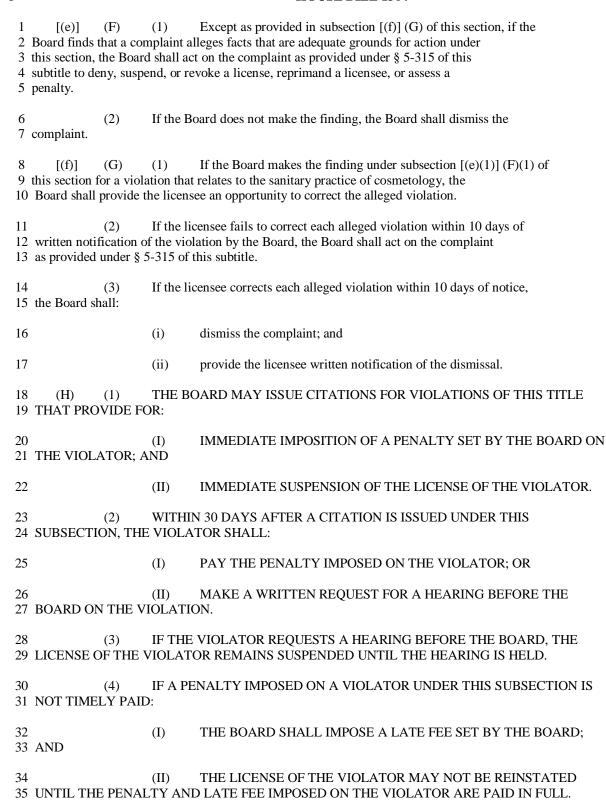
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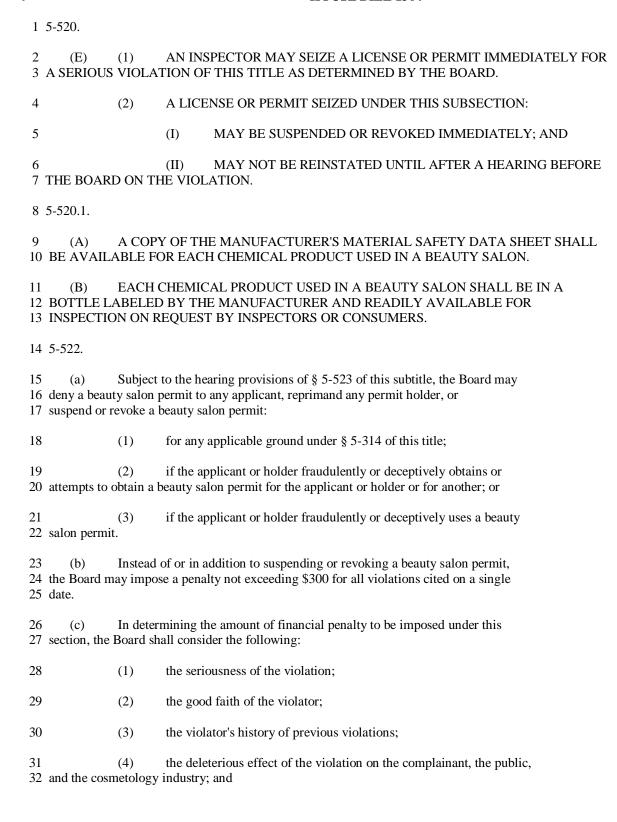
1 2	(i) serving as a registered apprentice for at least 3 months as provided under §§ 5-404 and 5-405 of this title; or
5 6	(ii) successfully completing at least [100] 350 hours of instruction in providing [manicuring] NAIL TECHNICIAN services, INCLUDING 50 HOURS OF INSTRUCTION IN USING A DRILL/ELECTRIC FILE, in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.
10 11	(e) If an applicant is licensed to practice as a makeup artist, esthetician, or [manicurist] NAIL TECHNICIAN in another state or foreign country, the applicant meets the training requirements of this section if the applicant has held a limited license in the other state or foreign country and has actively practiced in the other state or foreign country for a period of 6 months.
13	5-307.
14 15	(e) (1) The Board shall determine the subjects, scope, and form of and the passing score for examinations given under this subtitle.
16	(2) An examination may consist of written and practical parts.
17 18	(3) THE EXAMINATION FOR A LIMITED LICENSE TO PROVIDE ESTHETIC SERVICES SHALL TEST FOR COMPETENCE IN WAXING.
	(4) THE EXAMINATION FOR A LIMITED LICENSE TO PROVIDE NAIL TECHNICIAN SERVICES SHALL TEST FOR COMPETENCE IN THE USE OF A DRILL/ELECTRIC FILE.
22	5-310.
23 24	(E) WHILE A LICENSE TO TEACH COSMETOLOGY IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO TEACH COSMETOLOGY.
25	5-311.
26 27	(c) Before a license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:
28	(1) otherwise is entitled to be licensed;
29 30	(2) pays to the Board a renewal fee established by the Board in accordance with § 5-205 of this title; and
31	(3) submits to the Board:
32	(I) a renewal application on the form that the Board provides; AND
	(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS SET UNDER THIS SUBTITLE FOR LICENSE RENEWAL.

1 5-311.1.

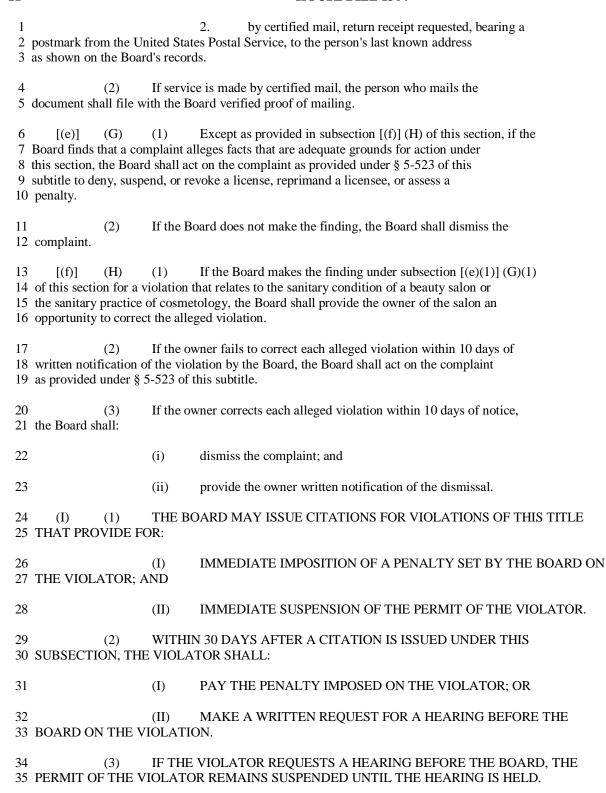
- 2 (A) (1) TO QUALIFY FOR RENEWAL OF A LICENSE TO PRACTICE
- 3 COSMETOLOGY OR A LIMITED LICENSE TO PROVIDE ESTHETIC SERVICES, THE
- 4 LICENSEE SHALL COMPLETE, FOR EACH 2-YEAR LICENSE TERM, AT LEAST 20 HOURS
- 5 OF CONTINUING EDUCATION AS REQUIRED BY THE BOARD.
- 6 (2) THE CONTINUING EDUCATION REQUIRED BY THIS SUBSECTION 7 SHALL CONSIST OF THE CURRICULUM AND CLASSES APPROVED BY THE BOARD.
- 8 (B) (1) AFTER OCTOBER 1, 1999, FOR RENEWAL OF A LIMITED LICENSE TO
- 9 PROVIDE NAIL TECHNICIAN SERVICES, THE LICENSEE SHALL MEET THE
- 10 CONTINUING EDUCATION REQUIREMENTS SET BY THE BOARD IN DRILL/ELECTRIC
- 11 FILE TRAINING, WITH THE CURRICULUM AND CLASSES APPROVED BY THE BOARD.
- 12 (2) AFTER OCTOBER 1, 1999, A NAIL TECHNICIAN WHO USES A
- 13 DRILL/ELECTRIC FILE AND WHO HAS NOT MET THE CONTINUING EDUCATION
- 14 REQUIREMENT UNDER THIS SUBSECTION:
- 15 (I) IS SUBJECT TO IMMEDIATE LICENSE SUSPENSION BY THE
- 16 BOARD AND A PENALTY OF \$1,500 FOR EACH VIOLATION; AND
- 17 (II) MAY NOT HAVE THE SUSPENDED LICENSE REINSTATED UNTIL
- 18 AFTER A HEARING BEFORE THE BOARD.
- 19 5-314.
- 20 (a) Subject to the hearing provisions of § 5-315 of this subtitle, the Board may
- 21 deny a license to any applicant, reprimand any licensee, or suspend or revoke a
- 22 license if the applicant or licensee:
- 23 (1) fraudulently or deceptively obtains or attempts to obtain a license for
- 24 the applicant or licensee or for another;
- 25 (2) fraudulently or deceptively uses a license;
- 26 (3) is incompetent;
- 27 (4) engages in dishonest, unethical, immoral, or unprofessional conduct;
- 28 (5) is addicted to alcohol or drugs to the extent of being unfit to practice
- 29 cosmetology;
- 30 (6) advertises by means of knowingly false or deceptive statements; or
- 31 (7) violates any provision of this title or any regulation adopted by the
- 32 Board under this title.
- 33 (b) Instead of or in addition to suspending or revoking a license, the Board
- 34 may impose a penalty not exceeding \$300 for all violations cited on a single day.

1 2	(c) I section, the Bo				of financial penalty to be imposed under this owing:
3	((1)	the serio	usness of	the violation;
4	((2)	the good	faith of t	he violator;
5	((3)	the viola	tor's histo	ory of previous violations;
6 7	and the cosme	(4) etology i			ect of the violation on the complainant, the public,
8 9	penalty.	(5)	any othe	r factors	relevant to the determination of the financial
	` ' '	A BEA	UTY SA	LON, TH	LOGIST IS PRACTICING COSMETOLOGY WITHOUT A IE COSMETOLOGIST IS SUBJECT TO A PENALTY NOT LATION.
	EXPIRED LI	CENSE	IN A BE	EAUTY S	LOGIST IS PRACTICING COSMETOLOGY WITH AN ALON, THE COSMETOLOGIST IS SUBJECT TO A FOR EACH VIOLATION.
18	UNDER § 5-3	312 OF ' NDER I	THIS SU PARAGR	BTITLE, RAPH (2)	METOLOGIST MAY REINSTATE AN EXPIRED LICENSE THE COSMETOLOGIST SHALL PAY ANY PENALTY OF THIS SUBSECTION IN ADDITION TO THE FEES SUBTITLE.
20 21	- ' ' -	(E) the Boar			ommence proceedings under this section on a the Board or any person.
22	((1)	A compl	aint shall	:
23			(i)	be in wri	ting;
24			(ii)	be signed	l by the complainant;
25			(iii)	state spe	cifically the facts on which the complaint is based;
26			(iv)	be submi	tted to the Executive Director of the Board; and
27			(v)	be served	I on the person to whom it is directed:
28				1.	personally; or
	postmark from as shown on t			es Postal	by certified mail, return receipt requested, bearing a Service, to the person's last known address
32 33					by certified mail, the person who mails the fied proof of mailing.





1 2	penalty.	(5)	any othe	er factors relevant to the determination of the financial
			SMETOI	CT TO THE HEARING PROVISIONS OF § 5-315 OF THIS LOGIST IS PRACTICING COSMETOLOGY WITHOUT A LON, THE BOARD:
6 7	OF THE BE.	AUTY S		IMMEDIATELY SHALL SUSPEND THE BEAUTY SALON PERMITAND
8 9	VIOLATION	N ON TH		MAY IMPOSE A PENALTY NOT EXCEEDING \$2,500 FOR EACH TY SALON PERMIT HOLDER.
	BE REINST		THE OW	E THE BEAUTY SALON PERMIT OF THE BEAUTY SALON MAY NER OF THE BEAUTY SALON SHALL PROVE TO THE BOARD IDER THIS SUBSECTION HAS BEEN CORRECTED.
13 14	VIOLATIO	(3) NS OF T		OARD MAY IMPOSE ADDITIONAL PENALTIES FOR REPEAT SECTION.
15 16		(4) HE BEA		THREE VIOLATIONS OF THIS SUBSECTION, THE BOARD SHALI LON PERMIT OF THE BEAUTY SALON.
	SUBTITLE,		SMETO	CT TO THE HEARING PROVISIONS OF § 5-315 OF THIS LOGIST IS PRACTICING COSMETOLOGY WITH AN EXPIRED LON, THE BOARD:
20 21	OF THE BE	EAUTY S		IMMEDIATELY SHALL SUSPEND THE BEAUTY SALON PERMITAND
22 23		N ON TH		MAY IMPOSE A PENALTY NOT EXCEEDING \$1,500 FOR EACH JTY SALON PERMIT HOLDER.
24 25		(F) the Boar		ard shall commence proceedings under this section on a nember of the Board or any person.
26		(1)	A compl	laint shall:
27			(i)	be in writing;
28			(ii)	be signed by the complainant;
29			(iii)	state specifically the facts on which the complaint is based;
30			(iv)	be submitted to the Executive Director of the Board; and
31			(v)	be served on the person to whom it is directed:
32				1. personally; or



- 1 (4) IF A PENALTY IMPOSED ON A VIOLATOR UNDER THIS SUBSECTION IS 2 NOT TIMELY PAID:
- 3 (I) THE BOARD SHALL IMPOSE A LATE FEE SET BY THE BOARD;
- 4 AND
- 5 (II) THE PERMIT OF THE VIOLATOR MAY NOT BE REINSTATED
- 6 UNTIL THE PENALTY AND LATE FEE ARE PAID IN FULL.
- 7 5-601.
- 8 (A) Except as otherwise provided in this title, a person may not practice,
- 9 attempt to practice, or offer to practice cosmetology in the State unless licensed by the
- 10 Board to practice cosmetology.
- 11 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
- 12 TEACH, ATTEMPT TO TEACH, OR OFFER TO TEACH COSMETOLOGY IN THE STATE
- 13 UNLESS LICENSED BY THE BOARD TO TEACH COSMETOLOGY.
- 14 5-604.
- 15 (C) UNLESS AUTHORIZED UNDER THIS TITLE TO TEACH COSMETOLOGY, A
- 16 PERSON MAY NOT REPRESENT TO THE PUBLIC, BY TITLE, BY DESCRIPTION OF
- 17 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE THAT THE PERSON IS
- 18 AUTHORIZED TO TEACH COSMETOLOGY IN THE STATE.
- 19 5-608.1.
- 20 (A) A PERSON MAY NOT USE OR POSSESS METHYL METHACRYLATE LIQUID 21 MONOMER (MMA) IN A BEAUTY SALON IN THE STATE.
- 22 (B) TO DETERMINE WHETHER A PERSON IS IN VIOLATION OF SUBSECTION (A)
- 23 OF THIS SECTION. AN INSPECTOR MAY CHEMICALLY TEST PRODUCTS OR TAKE
- 24 SAMPLES OF PRODUCTS AT RANDOM OR WHEN THE INSPECTOR SUSPECTS THAT A
- 25 PRODUCT IS ILLEGAL.
- 26 (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
- 27 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$5,000 FOR EACH
- 28 VIOLATION OF THIS SECTION.
- 29 (2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.
- 30 (D) (1) AN INDIVIDUAL LICENSEE WHO VIOLATES THIS SECTION IS SUBJECT
- 31 TO IMMEDIATE SUSPENSION OF THE LICENSE.
- 32 (2) THE HOLDER OF THE BEAUTY SALON PERMIT FOR THE BEAUTY
- 33 SALON IN WHICH THE VIOLATION OCCURRED IS SUBJECT TO IMMEDIATE
- 34 SUSPENSION OF THE BEAUTY SALON PERMIT.

- 1 (3) BEFORE A LICENSE OR PERMIT SUSPENDED UNDER THIS
- 2 SUBSECTION MAY BE REINSTATED, THE BOARD SHALL HOLD A HEARING ON THE
- 3 VIOLATION.
- 4 (4) FOR REPEATED VIOLATIONS OF THIS SECTION, THE BOARD MAY
- 5 REVOKE A LICENSE OR PERMIT SUSPENDED UNDER THIS SUBSECTION AND MAY
- 6 IMPOSE ADDITIONAL PENALTIES SET BY THE BOARD.
- 7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 8 October 1, 1998.