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By: **Delegates Owings, Poole, Exum, and D. Hughes**  
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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: April 5, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Cosmetologists – Licensing, Fees, Penalties, and Prohibited**  
3 **Acts Cosmetology - Prohibited Acts**

4 FOR the purpose of requiring the State Board of Cosmetologists to set a certain  
5 minimum fee for issuing and renewing licenses and permits; requiring an  
6 individual to be licensed by the Board before the individual may teach  
7 cosmetology in the State; providing for the qualifications for and scope of a  
8 license to teach cosmetology; altering certain educational and examination  
9 requirements for obtaining certain licenses; establishing certain continuing  
10 education requirements for certain licenses; establishing certain penalties for  
11 practicing cosmetology without a license and for practicing cosmetology with an  
12 expired license; authorizing the Board to issue certain citations; authorizing  
13 inspectors to seize certain licenses and permits under certain circumstances;  
14 establishing certain requirements for chemical products used in beauty salons;  
15 prohibiting the use or possession of methyl methacrylate liquid monomer in  
16 beauty salons in the State; establishing certain criminal fines; altering certain  
17 terminology; and generally relating to the licensing and regulation of the  
18 practice of cosmetology by the State Board of Cosmetologists authorizing an  
19 inspector to take certain actions when the inspector has reasonable cause to  
20 believe that the person is using or possesses methyl methacrylate liquid  
21 monomer in a beauty salon in the State; and generally relating to a prohibition  
22 of the use or possession of methyl methacrylate liquid monomer.

23 ~~BY repealing and reenacting, with amendments,~~  
24 ~~Article Business Occupations and Professions~~  
25 ~~Section 5-101(b)(3), (g), (j)(2)(iii), (k)(1)(vi), and (n), 5-204(e), 5-301, 5-305(e);~~

1 ~~(d), and (e), 5-307(e), 5-311(e), 5-314, 5-522, and 5-601~~  
 2 ~~Annotated Code of Maryland~~  
 3 ~~(1995 Replacement Volume and 1997 Supplement)~~

4 ~~BY repealing and reenacting, with amendments,~~  
 5 ~~Article - Business Occupations and Professions~~  
 6 ~~Section 5-205(b)~~  
 7 ~~Annotated Code of Maryland~~  
 8 ~~(1995 Replacement Volume and 1997 Supplement)~~  
 9 ~~(As enacted by Chapter 735 of the Acts of the General Assembly of 1997)~~

10 BY adding to  
 11 Article - Business Occupations and Professions  
 12 Section ~~5-304(e), 5-310(e), 5-311.1, 5-520(e), 5-520.1, 5-604(e), and 5-608.1~~  
 13 Annotated Code of Maryland  
 14 (1995 Replacement Volume and 1997 Supplement)

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

17 **Article - Business Occupations and Professions**

18 ~~5-101.~~

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

22 (3) ~~if learning to provide [manicuring] NAIL TECHNICIAN services, a~~  
 23 ~~licensed senior cosmetologist or a licensed [manicurist] NAIL TECHNICIAN with 2~~  
 24 ~~years' experience.~~

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

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

- 29 (i) ~~a license to practice cosmetology;~~
- 30 (ii) ~~a license to practice as a senior cosmetologist;~~
- 31 (iii) ~~a limited license to provide makeup artist services;~~
- 32 (iv) ~~a limited license to provide esthetic services; [and]~~
- 33 (v) ~~a limited license to provide manicuring services; AND~~

1                   ~~(VI)    A LICENSE TO TEACH COSMETOLOGY.~~

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

4                   ~~(iii)    a limited license to provide [manicuring] NAIL TECHNICIAN~~  
5 ~~services.~~

6       ~~(k)     (1)    "Practice cosmetology" means to engage in any of the following for~~  
7 ~~compensation:~~

8                   ~~(vi)     providing [manicuring] NAIL TECHNICIAN services.~~

9       ~~(n)     "Provide [manicuring] NAIL TECHNICIAN services" means to manicare or~~  
10 ~~pedicure for compensation the nails of an individual.~~

11 ~~5-204.~~

12       ~~(e)     (1)    The Board may employ a staff in accordance with the State budget.~~

13                   ~~(2)     The Executive Director shall be the person responsible for the~~  
14 ~~day-to-day operation of the Board.~~

15                   ~~(3)     The Executive Director of the Board shall be a licensed senior~~  
16 ~~cosmetologist or a master barber.~~

17                   ~~(4)     ONE STAFF MEMBER EMPLOYED BY THE BOARD SHALL ADMINISTER~~  
18 ~~THE CONTINUING EDUCATION REQUIREMENTS OF THIS TITLE.~~

19 ~~5-205.~~

20       ~~(b)     (1)    Subject to paragraph (4) of this subsection, the Board shall establish~~  
21 ~~reasonable fees for reinstatements, certifications, applications, preopening~~  
22 ~~inspections, per diem fees for Board members, compensation for inspectors appointed~~  
23 ~~by the Board, and for any other service performed by the Board necessary to carry out~~  
24 ~~the provisions of this title.~~

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

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

31                   ~~(4)     The Board shall require a [\$25 fee for the licensure or renewal of~~  
32 ~~licensure of cosmetologists, senior cosmetologists, estheticians, manicurists, and~~  
33 ~~makeup artists] MINIMUM FEE OF AT LEAST \$100 FOR THE ISSUANCE AND RENEWAL~~  
34 ~~OF LICENSES AND PERMITS UNDER THIS TITLE.~~

1 ~~5-301.~~

2 (a) (1) Except as otherwise provided in this title, an individual shall be  
3 licensed by the Board to practice cosmetology before the individual may practice  
4 cosmetology in the State.

5 (2) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL~~  
6 ~~SHALL BE LICENSED BY THE BOARD TO TEACH COSMETOLOGY BEFORE THE~~  
7 ~~INDIVIDUAL MAY TEACH COSMETOLOGY IN THE STATE.~~

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

10 (1) providing makeup artist services;

11 (2) providing esthetic services; or

12 (3) providing [~~manicuring~~] ~~NAIL TECHNICIAN~~ services.

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

14 (1) a student while the student practices cosmetology in accordance with  
15 ~~§ 5-302 or § 5-303 of this subtitle; or~~

16 (2) a registered apprentice.

17 ~~5-304.~~

18 (C) ~~TO QUALIFY FOR A LICENSE TO TEACH COSMETOLOGY, THE APPLICANT~~  
19 ~~SHALL:~~

20 (1) ~~HAVE THE EXPERIENCE OR EDUCATION REQUIRED BY THE BOARD;~~

21 ~~AND~~

22 (2) ~~PASS AN EXAMINATION APPROVED BY THE BOARD.~~

23 ~~5-305.~~

24 (e) An applicant for a limited license to provide esthetic services shall:

25 (1) be at least 17 years old;

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

27 ~~and~~

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

29 (i) serving as a registered apprentice for at least 6 months as

30 ~~provided under §§ 5-404 and 5-405 of this title; or~~

1 (ii) successfully completing at least ~~[300]~~ 600 hours of instruction  
 2 in providing esthetic services, ~~INCLUDING INSTRUCTION IN WAXING~~, in a cosmetology  
 3 school approved by the State Department of Education or the Maryland Higher  
 4 Education Commission in consultation with the Board.

5 (d) An applicant for a limited license to provide ~~[manicuring]~~ NAIL  
 6 ~~TECHNICIAN~~ services shall:

7 (1) be at least 17 years old;

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

10 (3) have received training by:

11 (i) serving as a registered apprentice for at least 3 months as  
 12 provided under §§ 5-404 and 5-405 of this title; or

13 (ii) successfully completing at least ~~[100]~~ 350 hours of instruction  
 14 in providing ~~[manicuring]~~ NAIL ~~TECHNICIAN~~ services, ~~INCLUDING 50 HOURS OF~~  
 15 ~~INSTRUCTION IN USING A DRILL/ELECTRIC FILE~~, in a cosmetology school approved by  
 16 the State Department of Education or the Maryland Higher Education Commission in  
 17 consultation with the Board.

18 (e) If an applicant is licensed to practice as a makeup artist, esthetician, or  
 19 ~~[manicurist]~~ NAIL ~~TECHNICIAN~~ in another state or foreign country, the applicant  
 20 meets the training requirements of this section if the applicant has held a limited  
 21 license in the other state or foreign country and has actively practiced in the other  
 22 state or foreign country for a period of 6 months.

23 ~~5-307.~~

24 (e) (1) The Board shall determine the subjects, scope, and form of and the  
 25 passing score for examinations given under this subtitle.

26 (2) An examination may consist of written and practical parts.

27 (3) ~~THE EXAMINATION FOR A LIMITED LICENSE TO PROVIDE ESTHETIC~~  
 28 ~~SERVICES SHALL TEST FOR COMPETENCE IN WAXING.~~

29 (4) ~~THE EXAMINATION FOR A LIMITED LICENSE TO PROVIDE NAIL~~  
 30 ~~TECHNICIAN SERVICES SHALL TEST FOR COMPETENCE IN THE USE OF A~~  
 31 ~~DRILL/ELECTRIC FILE.~~

32 ~~5-310.~~

33 (E) ~~WHILE A LICENSE TO TEACH COSMETOLOGY IS IN EFFECT, IT~~  
 34 ~~AUTHORIZES THE LICENSEE TO TEACH COSMETOLOGY.~~

1 ~~5-311.~~

2 (e) Before a license expires, the licensee periodically may renew it for an  
3 additional 2-year term, if the licensee:

4 (1) otherwise is entitled to be licensed;

5 (2) pays to the Board a renewal fee established by the Board in  
6 accordance with § 5-205 of this title; and

7 (3) submits to the Board:

8 (I) a renewal application on the form that the Board provides; AND

9 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE  
10 CONTINUING EDUCATION REQUIREMENTS SET UNDER THIS SUBTITLE FOR LICENSE  
11 RENEWAL.

12 ~~5-311.1.~~

13 (A) (1) TO QUALIFY FOR RENEWAL OF A LICENSE TO PRACTICE  
14 COSMETOLOGY OR A LIMITED LICENSE TO PROVIDE ESTHETIC SERVICES, THE  
15 LICENSEE SHALL COMPLETE, FOR EACH 2-YEAR LICENSE TERM, AT LEAST 20 HOURS  
16 OF CONTINUING EDUCATION AS REQUIRED BY THE BOARD.

17 (2) THE CONTINUING EDUCATION REQUIRED BY THIS SUBSECTION  
18 SHALL CONSIST OF THE CURRICULUM AND CLASSES APPROVED BY THE BOARD.

19 (B) (1) AFTER OCTOBER 1, 1999, FOR RENEWAL OF A LIMITED LICENSE TO  
20 PROVIDE NAIL TECHNICIAN SERVICES, THE LICENSEE SHALL MEET THE  
21 CONTINUING EDUCATION REQUIREMENTS SET BY THE BOARD IN DRILL/ELECTRIC  
22 FILE TRAINING, WITH THE CURRICULUM AND CLASSES APPROVED BY THE BOARD.

23 (2) AFTER OCTOBER 1, 1999, A NAIL TECHNICIAN WHO USES A  
24 DRILL/ELECTRIC FILE AND WHO HAS NOT MET THE CONTINUING EDUCATION  
25 REQUIREMENT UNDER THIS SUBSECTION:

26 (I) IS SUBJECT TO IMMEDIATE LICENSE SUSPENSION BY THE  
27 BOARD AND A PENALTY OF \$1,500 FOR EACH VIOLATION; AND

28 (II) MAY NOT HAVE THE SUSPENDED LICENSE REINSTATED UNTIL  
29 AFTER A HEARING BEFORE THE BOARD.

30 ~~5-314.~~

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

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

- 1           (2)     ~~fraudulently or deceptively uses a license;~~
- 2           (3)     ~~is incompetent;~~
- 3           (4)     ~~engages in dishonest, unethical, immoral, or unprofessional conduct;~~
- 4           (5)     ~~is addicted to alcohol or drugs to the extent of being unfit to practice~~  
5 ~~cosmetology;~~
- 6           (6)     ~~advertises by means of knowingly false or deceptive statements; or~~
- 7           (7)     ~~violates any provision of this title or any regulation adopted by the~~  
8 ~~Board under this title.~~

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

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

- 13           (1)     ~~the seriousness of the violation;~~
- 14           (2)     ~~the good faith of the violator;~~
- 15           (3)     ~~the violator's history of previous violations;~~
- 16           (4)     ~~the deleterious effect of the violation on the complainant, the public,~~  
17 ~~and the cosmetology industry; and~~
- 18           (5)     ~~any other factors relevant to the determination of the financial~~  
19 ~~penalty.~~

20       ~~(D)     (1)     IF A COSMETOLOGIST IS PRACTICING COSMETOLOGY WITHOUT A~~  
21 ~~LICENSE IN A BEAUTY SALON, THE COSMETOLOGIST IS SUBJECT TO A PENALTY NOT~~  
22 ~~EXCEEDING \$2,500 FOR EACH VIOLATION.~~

23           ~~(2)     IF A COSMETOLOGIST IS PRACTICING COSMETOLOGY WITH AN~~  
24 ~~EXPIRED LICENSE IN A BEAUTY SALON, THE COSMETOLOGIST IS SUBJECT TO A~~  
25 ~~PENALTY NOT EXCEEDING \$1,500 FOR EACH VIOLATION.~~

26           ~~(3)     BEFORE A COSMETOLOGIST MAY REINSTATE AN EXPIRED LICENSE~~  
27 ~~UNDER § 5 312 OF THIS SUBTITLE, THE COSMETOLOGIST SHALL PAY ANY PENALTY~~  
28 ~~IMPOSED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN ADDITION TO THE FEES~~  
29 ~~REQUIRED UNDER § 5 312 OF THIS SUBTITLE.~~

30       ~~[(d)]   (E)     The Board shall commence proceedings under this section on a~~  
31 ~~complaint to the Board by a member of the Board or any person.~~

- 32           (1)     ~~A complaint shall:~~
- 33               (i)     ~~be in writing;~~

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

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

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

11 ~~[(e)] (F) (1) Except as provided in subsection [(f)] (G) of this section, if the~~

12 ~~Board finds that a complaint alleges facts that are adequate grounds for action under~~

13 ~~this section, the Board shall act on the complaint as provided under § 5-315 of this~~

14 ~~subtitle to deny, suspend, or revoke a license, reprimand a licensee, or assess a~~

15 ~~penalty.~~

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

17 complaint.

18 ~~[(f)] (G) (1) If the Board makes the finding under subsection [(e)(1)] (F)(1) of~~

19 ~~this section for a violation that relates to the sanitary practice of cosmetology, the~~

20 ~~Board shall provide the licensee an opportunity to correct the alleged violation.~~

21 (2) If the licensee fails to correct each alleged violation within 10 days of

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

23 as provided under § 5-315 of this subtitle.

24 (3) If the licensee corrects each alleged violation within 10 days of notice,

25 the Board shall:

- 26 (i) dismiss the complaint; and
- 27 (ii) provide the licensee written notification of the dismissal.

28 ~~(H) (1) THE BOARD MAY ISSUE CITATIONS FOR VIOLATIONS OF THIS TITLE~~

29 ~~THAT PROVIDE FOR:~~

30 ~~(I) IMMEDIATE IMPOSITION OF A PENALTY SET BY THE BOARD ON~~

31 ~~THE VIOLATOR; AND~~

32 ~~(II) IMMEDIATE SUSPENSION OF THE LICENSE OF THE VIOLATOR.~~

33 (2) WITHIN 30 DAYS AFTER A CITATION IS ISSUED UNDER THIS

34 SUBSECTION, THE VIOLATOR SHALL:

- 1           (1)     ~~PAY THE PENALTY IMPOSED ON THE VIOLATOR; OR~~
- 2           (II)    ~~MAKE A WRITTEN REQUEST FOR A HEARING BEFORE THE~~  
3 ~~BOARD ON THE VIOLATION.~~
- 4           (3)     ~~IF THE VIOLATOR REQUESTS A HEARING BEFORE THE BOARD, THE~~  
5 ~~LICENSE OF THE VIOLATOR REMAINS SUSPENDED UNTIL THE HEARING IS HELD.~~
- 6           (4)     ~~IF A PENALTY IMPOSED ON A VIOLATOR UNDER THIS SUBSECTION IS~~  
7 ~~NOT TIMELY PAID:~~
- 8           (I)     ~~THE BOARD SHALL IMPOSE A LATE FEE SET BY THE BOARD;~~  
9 ~~AND~~
- 10          (II)    ~~THE LICENSE OF THE VIOLATOR MAY NOT BE REINSTATED~~  
11 ~~UNTIL THE PENALTY AND LATE FEE IMPOSED ON THE VIOLATOR ARE PAID IN FULL.~~  
12 ~~5-520.~~
- 13   (E)    (1)     ~~AN INSPECTOR MAY SEIZE A LICENSE OR PERMIT IMMEDIATELY FOR~~  
14 ~~A SERIOUS VIOLATION OF THIS TITLE AS DETERMINED BY THE BOARD.~~
- 15          (2)     ~~A LICENSE OR PERMIT SEIZED UNDER THIS SUBSECTION:~~
- 16                 (I)     ~~MAY BE SUSPENDED OR REVOKED IMMEDIATELY; AND~~
- 17                 (II)    ~~MAY NOT BE REINSTATED UNTIL AFTER A HEARING BEFORE~~  
18 ~~THE BOARD ON THE VIOLATION.~~
- 19 ~~5-520.1.~~
- 20   (A)    ~~A COPY OF THE MANUFACTURER'S MATERIAL SAFETY DATA SHEET SHALL~~  
21 ~~BE AVAILABLE FOR EACH CHEMICAL PRODUCT USED IN A BEAUTY SALON.~~
- 22   (B)    ~~EACH CHEMICAL PRODUCT USED IN A BEAUTY SALON SHALL BE IN A~~  
23 ~~BOTTLE LABELED BY THE MANUFACTURER AND READILY AVAILABLE FOR~~  
24 ~~INSPECTION ON REQUEST BY INSPECTORS OR CONSUMERS.~~
- 25 ~~5-522.~~
- 26   (a)    Subject to the hearing provisions of § 5-523 of this subtitle, the Board may  
27 deny a beauty salon permit to any applicant, reprimand any permit holder, or  
28 suspend or revoke a beauty salon permit:
- 29          (1)     ~~for any applicable ground under § 5-314 of this title;~~
- 30          (2)     ~~if the applicant or holder fraudulently or deceptively obtains or~~  
31 ~~attempts to obtain a beauty salon permit for the applicant or holder or for another; or~~
- 32          (3)     ~~if the applicant or holder fraudulently or deceptively uses a beauty~~  
33 ~~salon permit.~~

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

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

6 (1) the seriousness of the violation;

7 (2) the good faith of the violator;

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

9 (4) the deleterious effect of the violation on the complainant, the public,  
10 and the cosmetology industry; and

11 (5) any other factors relevant to the determination of the financial  
12 penalty.

13 (D) (1) ~~SUBJECT TO THE HEARING PROVISIONS OF § 5-315 OF THIS~~  
14 ~~SUBTITLE, IF A COSMETOLOGIST IS PRACTICING COSMETOLOGY WITHOUT A~~  
15 ~~LICENSE IN A BEAUTY SALON, THE BOARD:~~

16 (I) ~~IMMEDIATELY SHALL SUSPEND THE BEAUTY SALON PERMIT~~  
17 ~~OF THE BEAUTY SALON; AND~~

18 (II) ~~MAY IMPOSE A PENALTY NOT EXCEEDING \$2,500 FOR EACH~~  
19 ~~VIOLATION ON THE BEAUTY SALON PERMIT HOLDER.~~

20 (2) ~~BEFORE THE BEAUTY SALON PERMIT OF THE BEAUTY SALON MAY~~  
21 ~~BE REINSTATED, THE OWNER OF THE BEAUTY SALON SHALL PROVE TO THE BOARD~~  
22 ~~THAT THE VIOLATION UNDER THIS SUBSECTION HAS BEEN CORRECTED.~~

23 (3) ~~THE BOARD MAY IMPOSE ADDITIONAL PENALTIES FOR REPEAT~~  
24 ~~VIOLATIONS OF THIS SUBSECTION.~~

25 (4) ~~AFTER THREE VIOLATIONS OF THIS SUBSECTION, THE BOARD SHALL~~  
26 ~~REVOKE THE BEAUTY SALON PERMIT OF THE BEAUTY SALON.~~

27 (E) (1) ~~SUBJECT TO THE HEARING PROVISIONS OF § 5-315 OF THIS~~  
28 ~~SUBTITLE, IF A COSMETOLOGIST IS PRACTICING COSMETOLOGY WITH AN EXPIRED~~  
29 ~~LICENSE IN A BEAUTY SALON, THE BOARD:~~

30 (I) ~~IMMEDIATELY SHALL SUSPEND THE BEAUTY SALON PERMIT~~  
31 ~~OF THE BEAUTY SALON; AND~~

32 (II) ~~MAY IMPOSE A PENALTY NOT EXCEEDING \$1,500 FOR EACH~~  
33 ~~VIOLATION ON THE BEAUTY SALON PERMIT HOLDER.~~

34 (F) (F) ~~The Board shall commence proceedings under this section on a~~  
35 ~~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)]~~   (G)   (1)     ~~Except as provided in subsection [(f)] (H) of this section, if the~~

14 ~~Board finds that a complaint alleges facts that are adequate grounds for action under~~

15 ~~this section, the Board shall act on the complaint as provided under § 5-523 of this~~

16 ~~subtitle to deny, suspend, or revoke a license, reprimand a licensee, or assess a~~

17 ~~penalty.~~

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

19 ~~complaint.~~

20   ~~[(f)]~~   (H)   (1)     ~~If the Board makes the finding under subsection [(e)(1)] (G)(1)~~

21 ~~of this section for a violation that relates to the sanitary condition of a beauty salon or~~

22 ~~the sanitary practice of cosmetology, the Board shall provide the owner of the salon an~~

23 ~~opportunity to 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   (1)   (1)     ~~THE BOARD MAY ISSUE CITATIONS FOR VIOLATIONS OF THIS TITLE~~

32 ~~THAT PROVIDE FOR:~~

33                   (1)     ~~IMMEDIATE IMPOSITION OF A PENALTY SET BY THE BOARD ON~~

34 ~~THE VIOLATOR; AND~~

- 1                   (H)     ~~IMMEDIATE SUSPENSION OF THE PERMIT OF THE VIOLATOR;~~
- 2                   (2)     ~~WITHIN 30 DAYS AFTER A CITATION IS ISSUED UNDER THIS~~  
3 ~~SUBSECTION, THE VIOLATOR SHALL:~~
- 4                   (I)     ~~PAY THE PENALTY IMPOSED ON THE VIOLATOR; OR~~
- 5                   (H)     ~~MAKE A WRITTEN REQUEST FOR A HEARING BEFORE THE~~  
6 ~~BOARD ON THE VIOLATION.~~
- 7                   (3)     ~~IF THE VIOLATOR REQUESTS A HEARING BEFORE THE BOARD, THE~~  
8 ~~PERMIT OF THE VIOLATOR REMAINS SUSPENDED UNTIL THE HEARING IS HELD.~~
- 9                   (4)     ~~IF A PENALTY IMPOSED ON A VIOLATOR UNDER THIS SUBSECTION IS~~  
10 ~~NOT TIMELY PAID:~~
- 11                   (I)     ~~THE BOARD SHALL IMPOSE A LATE FEE SET BY THE BOARD;~~  
12 ~~AND~~
- 13                   (H)     ~~THE PERMIT OF THE VIOLATOR MAY NOT BE REINSTATED~~  
14 ~~UNTIL THE PENALTY AND LATE FEE ARE PAID IN FULL.~~
- 15 ~~5-601.~~
- 16     (A)     ~~Except as otherwise provided in this title, a person may not practice,~~  
17 ~~attempt to practice, or offer to practice cosmetology in the State unless licensed by the~~  
18 ~~Board to practice cosmetology.~~
- 19     (B)     ~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT~~  
20 ~~TEACH, ATTEMPT TO TEACH, OR OFFER TO TEACH COSMETOLOGY IN THE STATE~~  
21 ~~UNLESS LICENSED BY THE BOARD TO TEACH COSMETOLOGY.~~
- 22 ~~5-604.~~
- 23     (C)     ~~UNLESS AUTHORIZED UNDER THIS TITLE TO TEACH COSMETOLOGY, A~~  
24 ~~PERSON MAY NOT REPRESENT TO THE PUBLIC, BY TITLE, BY DESCRIPTION OF~~  
25 ~~SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE THAT THE PERSON IS~~  
26 ~~AUTHORIZED TO TEACH COSMETOLOGY IN THE STATE.~~
- 27 ~~5-608.1.~~
- 28     (A)     ~~A PERSON MAY NOT USE OR POSSESS METHYL METHACRYLATE LIQUID~~  
29 ~~MONOMER (MMA) IN A BEAUTY SALON IN THE STATE.~~
- 30     (B)     ~~TO DETERMINE WHETHER A PERSON IS IN VIOLATION OF SUBSECTION (A)~~  
31 ~~OF THIS SECTION, AN INSPECTOR MAY CHEMICALLY TEST PRODUCTS OR TAKE~~  
32 ~~SAMPLES OF PRODUCTS AT RANDOM OR WHEN THE INSPECTOR SUSPECTS THAT A~~  
33 ~~PRODUCT IS ILLEGAL.~~

1 ~~(C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A~~  
2 ~~MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$5,000 FOR EACH~~  
3 ~~VIOLATION OF THIS SECTION.~~

4 ~~(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.~~

5 ~~(D) (1) AN INDIVIDUAL LICENSEE WHO VIOLATES THIS SECTION IS SUBJECT~~  
6 ~~TO IMMEDIATE SUSPENSION OF THE LICENSE.~~

7 ~~(2) THE HOLDER OF THE BEAUTY SALON PERMIT FOR THE BEAUTY~~  
8 ~~SALON IN WHICH THE VIOLATION OCCURRED IS SUBJECT TO IMMEDIATE~~  
9 ~~SUSPENSION OF THE BEAUTY SALON PERMIT.~~

10 ~~(3) BEFORE A LICENSE OR PERMIT SUSPENDED UNDER THIS~~  
11 ~~SUBSECTION MAY BE REINSTATED, THE BOARD SHALL HOLD A HEARING ON THE~~  
12 ~~VIOLATION.~~

13 ~~(4) FOR REPEATED VIOLATIONS OF THIS SECTION, THE BOARD MAY~~  
14 ~~REVOKE A LICENSE OR PERMIT SUSPENDED UNDER THIS SUBSECTION AND MAY~~  
15 ~~IMPOSE ADDITIONAL PENALTIES SET BY THE BOARD.~~

16 (B) TO DETERMINE BY CHEMICAL TESTING WHETHER A PERSON IS IN  
17 VIOLATION OF SUBSECTION (A) OF THIS SECTION, AN INSPECTOR MAY TAKE A  
18 SAMPLE OF ANY PRODUCT IN A BEAUTY SALON THAT THE INSPECTOR HAS  
19 REASONABLE CAUSE TO BELIEVE IS METHYL METHACRYLATE LIQUID MONOMER  
20 (MMA).

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 1998.