

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 15

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “circumstances;” insert “requiring the Board to immediately reinstate a suspended license or permit under certain circumstances; authorizing the Board to reinstate a suspended license or permit under certain circumstances;”; and after line 9, insert:

“BY repealing and reenacting, with amendments,

Article - Business Occupations and Professions

Section 5-315(a) and 5-523(a)

Annotated Code of Maryland

(1995 Replacement Volume and 1998 Supplement)”.”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“5-315.

(a) Except as otherwise provided in § 10-226 of the State Government Article, before the Board takes any final action under § 5-314 OR § 5-680.1 of this [subtitle] TITLE, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

5-523.

(a) Except as otherwise provided in § 10-226 of the State Government Article, before the Board takes any final action under [§ 5-522 or § 5-509] § 5-509, § 5-522, OR § 5-680.1 of this [subtitle] TITLE, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.”.”.

(Over)

AMENDMENT NO. 3

On page 1, in line 25, strike “(1)”; in lines 26 and 27, strike “OF \$5,000 FOR EACH VIOLATION OF THIS SECTION” and substitute “NOT TO EXCEED \$1,000 FOR ALL VIOLATIONS CITED ON A SINGLE DAY”.

AMENDMENT NO. 4

On page 2, strike in their entirety lines 1 through 9, inclusive, and substitute:

“(D) (1) THE BOARD MAY IMMEDIATELY SUSPEND A LICENSE OF AN INDIVIDUAL IF THE BOARD REASONABLY BELIEVES THAT THE LICENSEE VIOLATED THIS SECTION.

(2) IMMEDIATELY FOLLOWING A SUSPENSION UNDER THIS SUBSECTION, THE BOARD SHALL HOLD A HEARING IN ACCORDANCE WITH § 5-315 OF THIS TITLE TO DETERMINE:

(I) WHETHER THE LICENSEE VIOLATED THIS SECTION; AND

(II) THE APPROPRIATE LENGTH OF THE SUSPENSION IF THE BOARD DETERMINES THAT THE LICENSEE DID VIOLATE THIS SECTION.

(3) IF, AFTER THE HEARING, THE BOARD DETERMINES THAT THE INDIVIDUAL WHOSE LICENSE WAS SUSPENDED UNDER THIS SUBSECTION DID NOT VIOLATE THIS SECTION, THE BOARD SHALL IMMEDIATELY REINSTATE THE INDIVIDUAL’S LICENSE.

(E) (1) THE BOARD MAY IMMEDIATELY SUSPEND A BEAUTY SALON PERMIT IF THE BOARD REASONABLY BELIEVES THAT A VIOLATION OF THIS SECTION OCCURRED IN THE BEAUTY SALON.

(2) IMMEDIATELY FOLLOWING A SUSPENSION UNDER THIS SUBSECTION, THE BOARD SHALL HOLD A HEARING IN ACCORDANCE WITH § 5-523 OF THIS TITLE TO DETERMINE:

(I) WHETHER A VIOLATION OF THIS SECTION OCCURRED IN THE BEAUTY SALON OF THE PERMIT HOLDER; AND

(II) THE APPROPRIATE LENGTH OF THE SUSPENSION IF THE BOARD DETERMINES THAT A VIOLATION OF THIS SECTION DID OCCUR IN THE BEAUTY SALON OF THE PERMIT HOLDER.

(3) IF, AFTER THE HEARING, THE BOARD DETERMINES THAT A VIOLATION OF THIS SECTION DID NOT OCCUR IN THE BEAUTY SALON, THE BOARD SHALL IMMEDIATELY REINSTATE THE BEAUTY SALON PERMIT.”.

AMENDMENT NO. 5

On page 2, in line 10, strike “(4)” and substitute “(F)”; and in the same line, before “FOR” insert “SUBJECT TO THE HEARING PROVISIONS OF § 5-315 AND § 5-523 OF THIS TITLE,”; in line 11, strike “THIS SUBSECTION” and substitute “SUBSECTION (D) OR (E) OF THIS SECTION”; and in line 12, strike “SET BY THE BOARD” and substitute “NOT EXCEEDING \$1,000 FOR ALL VIOLATIONS CITED ON A SINGLE DAY”.

AMENDMENT NO. 6

On page 2, after line 12, insert:

“(G) THE BOARD MAY REINSTATE A LICENSE OR BEAUTY SALON PERMIT OF A PERSON WHOSE LICENSE OR BEAUTY SALON PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER THIS SECTION IF THE PERSON:

(1) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE OR BEAUTY SALON PERMIT; AND

(2) PROVIDES TO THE BOARD ADEQUATE EVIDENCE THAT THE APPLICANT IS QUALIFIED TO HAVE THE LICENSE OR BEAUTY SALON PERMIT REINSTATED.”.