

HOUSE BILL 15

Unofficial Copy  
C2

1999 Regular Session  
(9r0240)

**ENROLLED BILL**

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Delegate Owings**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Beauty Salons - Prohibition on Use or Possession of Methyl Methacrylate**  
3 **Liquid Monomer (MMA)**

4 FOR the purpose of prohibiting the use or possession of methyl methacrylate liquid  
5 monomer in beauty salons in the State; authorizing an inspector to take certain  
6 actions; establishing certain penalties; ~~authorizing the State Board of~~  
7 ~~Cosmetologists to suspend or revoke a license or permit under certain~~  
8 ~~circumstances; requiring the Board to immediately reinstate a suspended~~  
9 ~~license or permit under certain circumstances; authorizing the Board to~~  
10 ~~reinstate a suspended license or permit under certain circumstances; and~~  
11 generally relating to a prohibition of the use or possession of methyl  
12 methacrylate liquid monomer.

13 BY repealing and reenacting, with amendments,  
14 Article - Business Occupations and Professions  
15 Section 5-315(a) and 5-523(a)  
16 Annotated Code of Maryland

1 (1995 Replacement Volume and 1998 Supplement)

2 BY adding to

3 Article - Business Occupations and Professions

4 Section 5-608.1

5 Annotated Code of Maryland

6 (1995 Replacement Volume and 1998 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Business Occupations and Professions**

10 5-315.

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

15 5-523.

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

20 5-680.1.

21 (A) A PERSON MAY NOT USE OR POSSESS METHYL METHACRYLATE LIQUID  
 22 MONOMER (MMA) IN A BEAUTY SALON IN THIS STATE.

23 (B) TO DETERMINE WHETHER A PERSON IS IN VIOLATION OF SUBSECTION (A)  
 24 OF THIS SECTION, AN INSPECTOR MAY CHEMICALLY TEST PRODUCTS OR TAKE  
 25 SAMPLES OF PRODUCTS AT RANDOM OR WHEN THE INSPECTOR SUSPECTS THAT A  
 26 PRODUCT IS ILLEGAL.

27 (C) ~~(+)~~ A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
 28 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE ~~OF \$5,000 FOR EACH~~  
 29 ~~VIOLATION OF THIS SECTION~~ NOT TO EXCEED \$1,000 FOR ALL VIOLATIONS CITED ON  
 30 A SINGLE DAY.

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

32 ~~(D)~~ ~~(+)~~ AN INDIVIDUAL LICENSEE WHO VIOLATES THIS SECTION IS SUBJECT  
 33 ~~TO IMMEDIATE SUSPENSION OF THE INDIVIDUAL'S LICENSE.~~

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

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

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

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

13           (I)     ~~WHETHER THE LICENSEE VIOLATED THIS SECTION; AND~~

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

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

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

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

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

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

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

34           (4)     ~~(F)     SUBJECT TO THE HEARING PROVISIONS OF § 5-315 AND § 5-523~~  
35 ~~OF THIS TITLE, FOR REPEATED VIOLATIONS OF THIS SECTION, THE BOARD MAY~~  
36 ~~REVOKE A LICENSE OR PERMIT SUSPENDED UNDER THIS SUBSECTION~~  
37 ~~(D) OR (E) OF THIS SECTION AND MAY IMPOSE ADDITIONAL PENALTIES SET BY THE~~  
38 ~~BOARD NOT EXCEEDING \$1,000 FOR ALL VIOLATIONS CITED ON A SINGLE DAY.~~

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

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 July 1, 1999.