

HOUSE BILL 15

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HB 1364/98 - ENV

1999 Regular Session
9r0240

(PRE-FILED)

By: **Delegate Owings**
Requested: August 10, 1998
Introduced and read first time: January 13, 1999
Assigned to: Economic Matters
Re-referred to: Environmental Matters, February 4, 1999

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 2, 1999

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
17 (1995 Replacement Volume and 1998 Supplement)

18 BY adding to
19 Article - Business Occupations and Professions
20 Section 5-608.1
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1998 Supplement)

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

3 **Article - Business Occupations and Professions**

4 5-315.

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

9 5-523.

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

14 5-680.1.

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

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

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

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

26 ~~(D) (1) AN INDIVIDUAL LICENSEE WHO VIOLATES THIS SECTION IS SUBJECT~~
27 ~~TO IMMEDIATE SUSPENSION OF THE INDIVIDUAL'S LICENSE.~~

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

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

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

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

4 (I) WHETHER THE LICENSEE VIOLATED THIS SECTION; AND

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

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

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

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

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

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

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

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

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

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

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

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