
By: **Delegates Rudolph, Pitkin, and Cane**
Introduced and read first time: February 11, 1999
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
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CHAPTER _____

1 AN ACT concerning

2 **Cosmetologists - Practice Settings - Elderly, Homebound, and Other**
3 **Confined Individuals**

4 FOR the purpose of ~~authorizing~~ increasing the number of settings in which a licensed
5 cosmetologist, under certain conditions, ~~to~~ may practice cosmetology on certain
6 individuals who are confined to or located in certain settings; establishing a
7 certain pilot program in Cecil County that exempts a licensed cosmetologist
8 from certain restrictions on practicing cosmetology; requiring certain licensed
9 cosmetologists participating in the pilot program to maintain a certain amount
10 of liability insurance and certain records and to submit certain written consent
11 to the State Board of Cosmetology; providing for the termination of certain
12 provisions of this Act; ~~authorizing the State Board of Cosmetology to adopt a~~
13 ~~certain regulation~~; defining certain terms; and generally relating to the practice
14 of cosmetology.

15 BY repealing and reenacting, without amendments,
16 Article - Business Occupations and Professions
17 Section 5-101(a) and (e)
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1998 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Business Occupations and Professions
22 Section 5-605
23 Annotated Code of Maryland
24 (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 5-101.

5 (a) In this title the following words have the meanings indicated.

6 (e) "Board" means the State Board of Cosmetologists.

7 5-605.

8 (a) Except as provided in §§ 5-302 and 5-303 of this title and {subsection (b)}
9 ~~SUBSECTIONS (B) AND (C)~~ of this section, a person may not practice cosmetology in
10 any place other than:

11 (1) a beauty salon that holds a beauty salon permit; or

12 (2) a barbershop that holds a barbershop permit issued under Title 4 of
13 this article.

14 {b} (1) A licensed cosmetologist may practice cosmetology in the residence of
15 ~~a patron, in a nursing home~~ AN INDIVIDUAL CONFINED TO THE RESIDENCE BY
16 REASON OF A PHYSICAL OR MENTAL INFIRMITY, IN AN ASSISTED LIVING FACILITY AS
17 DEFINED IN § 19-1801 OF THE HEALTH - GENERAL ARTICLE, IN A HOSPICE FACILITY
18 DEFINED IN § 19-901(C) OF THE HEALTH - GENERAL ARTICLE, IN A NURSING
19 FACILITY AS DEFINED IN § 19-1401(D) OF THE HEALTH - GENERAL ARTICLE, or in a
20 hospital as defined in § 19-301 of the Health - General Article or a similar
21 institution, by appointment, if:

22 (i) the licensed cosmetologist is sponsored by a beauty salon that
23 holds a beauty salon permit; and

24 (ii) the patron is a customer of the beauty salon.}

25 ~~(B) (1) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
26 ~~INDICATED:~~

27 ~~(I) "ASSISTED LIVING FACILITY" HAS THE MEANING STATED IN §~~
28 ~~19-1801 OF THE HEALTH - GENERAL ARTICLE.~~

29 ~~(II) "FUNERAL ESTABLISHMENT" HAS THE MEANING STATED IN §~~
30 ~~7-101(H) OF THE HEALTH OCCUPATIONS ARTICLE.~~

31 ~~(III) "HOSPICE FACILITY" HAS THE MEANING STATED IN § 19-901(C)~~
32 ~~OF THE HEALTH - GENERAL ARTICLE.~~

33 ~~(IV) "HOSPITAL" HAS THE MEANING STATED IN § 19-301(F) OF THE~~
34 ~~HEALTH - GENERAL ARTICLE.~~

1 (V) "NURSING FACILITY" HAS THE MEANING STATED IN § 19-1401(D)
2 ~~OF THE HEALTH GENERAL ARTICLE.~~

3 (2) ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A LICENSED
4 COSMETOLOGIST, BY APPOINTMENT, MAY PRACTICE COSMETOLOGY ON AN
5 INDIVIDUAL WHO:~~

6 (I) ~~IS CONFINED IN AN ASSISTED LIVING FACILITY, COMMUNITY
7 CARE HOME, CONVALESCENT HOME, HOSPITAL, NURSING FACILITY, OR A SIMILAR
8 INSTITUTION;~~

9 (II) ~~IS CONFINED TO THE HOME OF THE INDIVIDUAL BY REASON OF
10 AGE, PHYSICAL OR MENTAL INFIRMITY, SICKNESS, PHYSICAL DISABILITY, OR FOR
11 ANY OTHER REASON;~~

12 (III) ~~IS DECEASED AND IN A FUNERAL ESTABLISHMENT; OR~~

13 (IV) ~~IS CONFINED IN A HOSPICE FACILITY.~~

14 (3) ~~A LICENSED COSMETOLOGIST MAY PRACTICE COSMETOLOGY IN THE
15 SETTINGS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION IF THE
16 COSMETOLOGIST:~~

17 (I) ~~COMPLIES WITH THE SAFETY, SANITATION, AND RECORD
18 KEEPING REGULATIONS OF THE BOARD; AND~~

19 (II) ~~HAS PERSONAL LIABILITY INSURANCE.~~

20 (4) ~~THE BOARD MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT
21 THIS SUBSECTION.~~

22 {2} (C) An individual who holds a limited license to provide manicuring
23 services may provide manicuring services in a barbershop.

24 SECTION 2. AND BE IT FURTHER ENACTED, That, there is a pilot
25 program in Cecil County for licensed cosmetologists. Notwithstanding § 5-605 of the
26 Business Occupations and Professions Article as enacted by this Act, under the pilot
27 program, a licensed cosmetologist may perform cosmetology services in the exempted
28 locations specified in § 5-605(b) of the Business Occupations and Professions Article
29 as enacted by this Act, without having the services sponsored by a beauty salon that
30 holds a beauty salon permit, and without the patron being a customer of the beauty
31 salon. As part of this pilot program, a cosmetologist shall:

32 (1) maintain liability insurance in the amount of at least \$50,000;

33 (2) maintain a record of all patrons and locations where services are
34 performed for review by the State Board of Cosmetology upon request; and

1 (3) submit to the Board, before performing services, written consent
2 from the appropriate person authorizing the Board to inspect any area where the
3 cosmetology service is to be performed.

4 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect October 1, 1999. It shall remain effective for a period of 2 years, and at the end
6 of September 30, 2001, with no further action required by the General Assembly,
7 Section 2 of this Act shall be abrogated and of no further force and effect.