

HOUSE BILL 781

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1999 Regular Session
(9r2066)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Delegates Owings and Mandel**

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 **Cosmetologists - Licensing Requirements**

3 FOR the purpose of altering the number of hours of instruction an esthetician must
4 undergo for licensure; altering the number of hours of instruction a nail
5 technician must undergo for licensure; requiring the State Board of
6 Cosmetologists to grant a waiver of certain requirements under this Act to certain
7 individuals under certain circumstances; altering certain definitions; making a
8 stylistic change; and generally relating to licensing requirements of
9 cosmetologists.

10 BY repealing and reenacting, with amendments,
11 Article - Business Occupations and Professions
12 Section 5-101, 5-205(b)(4), 5-301(b)(3), 5-305, 5-310(d), 5-404(2)(iii),
13 5-501(b)(3), and 5-605(b)(2)
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1998 Supplement)

1 BY adding to
2 Article - Business Occupations and Professions
3 Section 5-311(f)
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1998 Supplement)

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

8 **Article - Business Occupations and Professions**

9 5-101.

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

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

14 (1) if learning to practice cosmetology, a licensed senior cosmetologist;

15 (2) if learning to provide esthetic services, a licensed senior cosmetologist
16 or a licensed esthetician with 2 years' experience; and

17 (3) if learning to provide [manicuring] NAIL TECHNICIAN services, a
18 licensed senior cosmetologist or a licensed [manicurist] NAIL TECHNICIAN with 2
19 years' experience.

20 (c) (1) "Beauty salon" means any commercial establishment, except a
21 barbershop, in which an individual practices cosmetology.

22 (2) "Beauty salon" does not include a clinic in a cosmetology school.

23 (d) "Beauty salon permit" means a permit issued by the Board to operate a
24 beauty salon.

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

26 (f) "Cosmetologist" means an individual who practices cosmetology.

27 (g) (1) "License" means, unless the context requires otherwise, a license
28 issued by the Board.

29 (2) "License" includes, unless the context requires otherwise, each of the
30 following licenses:

31 (i) a license to practice cosmetology;

32 (ii) a license to practice as a senior cosmetologist;

- 1 (iii) a limited license to provide makeup artist services;
2 (iv) a limited license to provide esthetic services; and
3 (v) a limited license to provide [manicuring] NAIL TECHNICIAN
4 services.

5 (h) "Licensed cosmetologist" means, unless the context requires otherwise, a
6 cosmetologist who is licensed by the Board to practice cosmetology.

7 (i) "Licensed senior cosmetologist" means a person who:

- 8 (1) has at least 2 years of experience as a licensed cosmetologist; and
9 (2) has passed a test approved by the Board.

10 (j) (1) "Limited license" means a license issued by the Board to practice
11 cosmetology as limited in § 5-301 of this title.

12 (2) "Limited license" includes, unless the context requires otherwise,
13 each of the following licenses:

- 14 (i) a limited license to provide makeup artist services;
15 (ii) a limited license to provide esthetic services; and
16 (iii) a limited license to provide [manicuring] NAIL TECHNICIAN
17 services.

18 (k) (1) "Practice cosmetology" means to engage in any of the following for
19 compensation:

- 20 (i) beautifying, cleaning, or embellishing the hair of an individual
21 by:
- 22 1. arranging the hair;
 - 23 2. bleaching the hair;
 - 24 3. cleansing the hair;
 - 25 4. coloring the hair;
 - 26 5. curling the hair;
 - 27 6. cutting the hair;
 - 28 7. dressing the hair;
 - 29 8. singeing the hair;
 - 30 9. permanent waving the hair;

- 1 10. waving the hair; or
- 2 11. performing any other similar procedure intended to
3 beautify, clean, or embellish the hair;
- 4 (ii) arching or dyeing eyebrows;
- 5 (iii) dyeing eyelashes;
- 6 (iv) providing makeup artist services;
- 7 (v) providing esthetic services; or
- 8 (vi) providing [manicuring] NAIL TECHNICIAN services.

9 (2) The practice of cosmetology does not include:

- 10 (i) the mere sale, fitting, or styling of wigs or hairpieces;
- 11 (ii) the mere shampooing of hair; or
- 12 (iii) a service that results in tension on hair strands or roots by
13 twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical
14 device, provided that the service does not include the application of dyes, reactive
15 chemicals, or other preparations to alter the color of the hair or to straighten, curl, or
16 alter the structure of the hair.

17 (l) "Provide makeup artist services" means to apply creams, lotions, cosmetic
18 preparations, and cleansing solutions to an individual's face for compensation.

19 (m) "Provide esthetic services" means to provide to an individual, for
20 compensation, the service of:

21 (1) cleansing, exercising, massaging, stimulating, or performing any
22 other similar procedure [on the arms, face, hands, or scalp] ON THE SKIN OR SCALP
23 by electrical, mechanical, or any other means;

24 (2) applying to the face an alcohol, cream, lotion, astringent, or cosmetic
25 preparation; or

26 (3) removing superfluous hair by the use of a depilatory, tweezers, or
27 wax.

28 (n) "Provide [manicuring] NAIL TECHNICIAN services" means to [manicure or
29 pedicure for compensation the nails of an individual] PROVIDE TO AN INDIVIDUAL,
30 FOR COMPENSATION, THE SERVICE OF:

31 (1) MANICURING OR PEDICURING THE INDIVIDUAL'S NAILS;

32 (2) APPLYING ARTIFICIAL NAIL ENHANCEMENT PRODUCTS; OR

1 (3) MAINTAINING ARTIFICIAL NAIL ENHANCEMENT PRODUCTS.

2 5-205.

3 (b) (4) The Board shall require a \$25 fee for the licensure or renewal of
4 licensure of cosmetologists, senior cosmetologists, estheticians, [manicurists] NAIL
5 TECHNICIANS, and makeup artists.

6 5-301.

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

9 (3) providing [manicuring] NAIL TECHNICIAN services.

10 5-305.

11 (a) To qualify for a limited license to practice cosmetology, an applicant shall
12 be an individual who meets the requirements of this section.

13 (b) An applicant for a limited license to provide makeup artist services shall:

14 (1) be at least 17 years old;

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

17 (3) have successfully completed a course or program in makeup artist
18 services approved by the State Department of Education or the Maryland Higher
19 Education Commission in consultation with the Board.

20 (c) An applicant for a limited license to provide esthetic services shall:

21 (1) be at least 17 years old;

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

24 (3) have received training by:

25 (i) serving as a registered apprentice for at least 6 months as
26 provided under §§ 5-404 and 5-405 of this title; or

27 (ii) successfully completing at least [300] 600 hours of instruction
28 in providing esthetic services in a cosmetology school approved by the State
29 Department of Education or the Maryland Higher Education Commission in
30 consultation with the Board.

31 (d) An applicant for a limited license to provide [manicuring] NAIL
32 TECHNICIAN services shall:

- 1 (1) be at least 17 years old;
- 2 (2) have successfully completed a 9th grade education or the equivalent;
- 3 and
- 4 (3) have received training by:
- 5 (i) serving as a registered apprentice for at least 3 months as
- 6 provided under §§ 5-404 and 5-405 of this title; or
- 7 (ii) successfully completing at least [100] 250 hours of instruction
- 8 in providing [manicuring] NAIL TECHNICIAN services in a cosmetology school
- 9 approved by the State Department of Education or the Maryland Higher Education
- 10 Commission in consultation with the Board.

11 (e) If an applicant is licensed to practice as a makeup artist, esthetician, or

12 [manicurist] NAIL TECHNICIAN in another state or foreign country, the applicant

13 meets the training requirements of this section if the applicant has held a limited

14 license in the other state or foreign country and has actively practiced in the other

15 state or foreign country for a period of 6 months.

16 (f) Except for an applicant for a limited license to provide makeup artist

17 services, an applicant for a limited license shall pass an examination given by the

18 Board under this subtitle.

19 5-310.

20 (d) While a limited license to provide [manicuring] NAIL TECHNICIAN

21 services is in effect, it authorizes the licensee to provide only [manicuring] NAIL

22 TECHNICIAN services.

23 5-311.

24 (F) (1) IF AN INDIVIDUAL WHO, ON OR BEFORE SEPTEMBER 30, 1999, HOLDS

25 A LIMITED LICENSE TO PROVIDE ESTHETIC SERVICES FILES AN APPLICATION TO

26 RENEW THE LICENSE, THE BOARD SHALL GRANT A WAIVER OF THE REQUIREMENT

27 FOR COMPLETION OF HOURS OF INSTRUCTION UNDER § 5-305(C)(3)(II) OF THIS

28 SUBTITLE THAT ARE IN ADDITION TO THE HOURS OF INSTRUCTION REQUIRED ON

29 OR BEFORE THAT DATE.

30 (2) IF AN INDIVIDUAL WHO, ON OR BEFORE SEPTEMBER 30, 1999, HOLDS

31 A LIMITED LICENSE TO PROVIDE MANICURING SERVICES FILES AN APPLICATION TO

32 RENEW THE LICENSE, THE BOARD SHALL GRANT A WAIVER OF THE REQUIREMENT

33 FOR COMPLETION OF HOURS OF INSTRUCTION UNDER § 5-305(D)(3)(II) OF THIS

34 SUBTITLE THAT ARE IN ADDITION TO THE HOURS OF INSTRUCTION REQUIRED ON

35 OR BEFORE THAT DATE.

1 5-404.

2 While registration as an apprentice is in effect, the registration authorizes the
3 individual to learn to practice cosmetology or any limited practice of cosmetology:

4 (2) under the supervision of:

5 (iii) if learning to provide [manicuring] NAIL TECHNICIAN services,
6 a licensed senior cosmetologist or a licensed [manicurist] NAIL TECHNICIAN with 2
7 years' experience.

8 5-501.

9 (b) A beauty salon may operate as a limited practice beauty salon by offering
10 cosmetology services limited to:

11 (3) providing [manicuring] NAIL TECHNICIAN services.

12 5-605.

13 (b) (2) An individual who holds a limited license to provide [manicuring]
14 NAIL TECHNICIAN services may provide [manicuring] NAIL TECHNICIAN services in
15 a barbershop.

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