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By: **Delegates Owings and Mandel**  
Introduced and read first time: February 12, 1999  
Assigned to: Environmental Matters

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A BILL ENTITLED

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; altering certain definitions; making a  
6 stylistic change; and generally relating to licensing requirements of  
7 cosmetologists.

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

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

16 **Article - Business Occupations and Professions**

17 5-101.

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

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

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

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

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

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

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

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

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

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

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

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

12 (i) a license to practice cosmetology;

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

14 (iii) a limited license to provide makeup artist services;

15 (iv) a limited license to provide esthetic services; and

16 (v) a limited license to provide [manicuring] NAIL TECHNICIAN  
17 services.

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

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

21 (1) has at least 2 years of experience as a licensed cosmetologist; and

22 (2) has passed a test approved by the Board.

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

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

27 (i) a limited license to provide makeup artist services;

28 (ii) a limited license to provide esthetic services; and

29 (iii) a limited license to provide [manicuring] NAIL TECHNICIAN  
30 services.

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

3 (i) beautifying, cleaning, or embellishing the hair of an individual  
4 by:

- 5 1. arranging the hair;
- 6 2. bleaching the hair;
- 7 3. cleansing the hair;
- 8 4. coloring the hair;
- 9 5. curling the hair;
- 10 6. cutting the hair;
- 11 7. dressing the hair;
- 12 8. singeing the hair;
- 13 9. permanent waving the hair;
- 14 10. waving the hair; or
- 15 11. performing any other similar procedure intended to  
16 beautify, clean, or embellish the hair;

17 (ii) arching or dyeing eyebrows;

18 (iii) dyeing eyelashes;

19 (iv) providing makeup artist services;

20 (v) providing esthetic services; or

21 (vi) providing [manicuring] NAIL TECHNICIAN services.

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

23 (i) the mere sale, fitting, or styling of wigs or hairpieces;

24 (ii) the mere shampooing of hair; or

25 (iii) a service that results in tension on hair strands or roots by  
26 twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical  
27 device, provided that the service does not include the application of dyes, reactive  
28 chemicals, or other preparations to alter the color of the hair or to straighten, curl, or  
29 alter the structure of the hair.

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

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

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

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

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

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

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

16 (2) APPLYING ARTIFICIAL NAIL ENHANCEMENT PRODUCTS; OR

17 (3) MAINTAINING ARTIFICIAL NAIL ENHANCEMENT PRODUCTS.

18 5-205.

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

22 5-301.

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

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

26 5-305.

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

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

30 (1) be at least 17 years old;

31 (2) have successfully completed a 9th grade education or the equivalent;

32 and

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

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

5 (1) be at least 17 years old;

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

8 (3) have received training by:

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

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

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

17 (1) be at least 17 years old;

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

20 (3) have received training by:

21 (i) serving as a registered apprentice for at least 3 months as  
22 provided under §§ 5-404 and 5-405 of this title; or

23 (ii) successfully completing at least [100] 250 hours of instruction  
24 in providing [manicuring] NAIL TECHNICIAN services in a cosmetology school  
25 approved by the State Department of Education or the Maryland Higher Education  
26 Commission in consultation with the Board.

27 (e) If an applicant is licensed to practice as a makeup artist, esthetician, or  
28 [manicurist] NAIL TECHNICIAN in another state or foreign country, the applicant  
29 meets the training requirements of this section if the applicant has held a limited  
30 license in the other state or foreign country and has actively practiced in the other  
31 state or foreign country for a period of 6 months.

32 (f) Except for an applicant for a limited license to provide makeup artist  
33 services, an applicant for a limited license shall pass an examination given by the  
34 Board under this subtitle.

1 5-310.

2 (d) While a limited license to provide [manicuring] NAIL TECHNICIAN  
3 services is in effect, it authorizes the licensee to provide only [manicuring] NAIL  
4 TECHNICIAN services.

5 5-404.

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

8 (2) under the supervision of:

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

12 5-501.

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

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

16 5-605.

17 (b) (2) An individual who holds a limited license to provide [manicuring]  
18 NAIL TECHNICIAN services may provide [manicuring] NAIL TECHNICIAN services in  
19 a barbershop.

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