
By: **Delegates Krebs and Owings**

Introduced and read first time: January 30, 2004

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cosmetologists - License Requirements - Affiliation with a Beauty Salon**

3 FOR the purpose of requiring an applicant for a license to practice cosmetology to
4 submit certain information or documentation to the State Board of
5 Cosmetologists; requiring an applicant for licensure to submit certain evidence
6 to the Board regarding a beauty salon's commitment to become affiliated with
7 the applicant on the granting of a license to the applicant; providing that a
8 license authorizes an individual to practice cosmetology in affiliation with a
9 certain beauty salon; providing that a license does not authorize a licensee to
10 practice cosmetology on the licensee's own behalf or on behalf of a nonaffiliated
11 beauty salon; providing for the transfer of affiliation between a cosmetologist
12 and a beauty salon; requiring a licensee renewing a license to practice
13 cosmetology to notify the Board of the name of the beauty salon that the licensee
14 is affiliated with; providing for the termination of an affiliation between a
15 cosmetologist and a beauty salon; providing that a cosmetologist licensed on or
16 before a certain date by the Board shall be considered licensed until the
17 expiration of the term of license and the terms of renewal under the provisions
18 of this Act; and generally relating to the affiliation of a cosmetologist with a
19 beauty salon as a requirement of licensure.

20 BY repealing and reenacting, with amendments,
21 Article - Business Occupations and Professions
22 Section 5-306, 5-310, and 5-311
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2003 Supplement)

25 BY adding to
26 Article - Business Occupations and Professions
27 Section 5-310.1 and 5-312.1
28 Annotated Code of Maryland
29 (2000 Replacement Volume and 2003 Supplement)

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

1 **Article - Business Occupations and Professions**

2 5-306.

3 (a) An applicant for a license:

4 (1) shall submit to the Board an application on the form that the Board
5 provides; [and]

6 (2) SHALL SUBMIT TO THE BOARD ANY ADDITIONAL INFORMATION OR
7 DOCUMENTATION THAT THE BOARD REQUIRES; AND

8 (3) except as provided in § 5-308 of this subtitle, shall pay to the Board
9 or the Board's designee the appropriate examination fee established by the Board in
10 accordance with § 5-205 of this title in an amount not to exceed the cost of the
11 required examination.

12 (b) In addition to the other requirements of this section, an applicant for a
13 license to provide makeup artist services shall submit to the Board credentials that
14 certify sufficient training.

15 (C) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, AN
16 APPLICANT FOR A LICENSE SHALL SUBMIT TO THE BOARD ADEQUATE EVIDENCE
17 THAT THE APPLICANT HAS OBTAINED, FROM A BEAUTY SALON WITH A PERMIT, A
18 COMMITMENT PROVIDING THAT THE APPLICANT SHALL BECOME AFFILIATED WITH
19 THE BEAUTY SALON AS A LICENSED COSMETOLOGIST ON THE GRANTING OF A
20 LICENSE TO THE APPLICANT.

21 5-310.

22 (a) Subject to subsections (b) through (d) of this section and while a license to
23 practice cosmetology is in effect, it authorizes the licensee to practice cosmetology IN
24 AFFILIATION WITH THE BEAUTY SALON WITH A PERMIT THAT IS NAMED ON THE
25 LICENSE CERTIFICATE OF THE LICENSED COSMETOLOGIST.

26 (b) While a limited license to provide makeup artist services is in effect, it
27 authorizes the licensee to provide only makeup artist services.

28 (c) While a limited license to provide esthetic services is in effect, it authorizes
29 the licensee to provide only esthetic services.

30 (d) While a limited license to provide nail technician services is in effect, it
31 authorizes the licensee to provide only nail technician services.

32 (E) A COSMETOLOGY LICENSE DOES NOT AUTHORIZE THE LICENSEE TO
33 PROVIDE COSMETOLOGY SERVICES ON THE LICENSEE'S OWN BEHALF OR ON BEHALF
34 OF ANY BEAUTY SALON OTHER THAN THE BEAUTY SALON NAMED IN THE LICENSE
35 CERTIFICATE OF THE LICENSED COSMETOLOGIST.

1 5-310.1.

2 (A) A LICENSED COSMETOLOGIST MAY TRANSFER AFFILIATION FROM A
3 BEAUTY SALON WITH A PERMIT TO ANOTHER BEAUTY SALON WITH A PERMIT, IF THE
4 COSMETOLOGIST:

5 (1) OBTAINS, FROM THE OTHER BEAUTY SALON WITH A PERMIT, A
6 COMMITMENT PROVIDING THAT, ON CANCELLATION OF THE CURRENT AFFILIATION
7 OF THE COSMETOLOGIST AND ISSUANCE OF A NEW LICENSE CERTIFICATE TO THE
8 COSMETOLOGIST, THE COSMETOLOGIST SHALL BECOME AFFILIATED WITH THE
9 BEAUTY SALON WITH A PERMIT AS A COSMETOLOGIST; AND

10 (2) COMPLIES WITH THE APPLICATION PROCEDURES UNDER
11 SUBSECTION (B) OF THIS SECTION.

12 (B) TO TRANSFER AFFILIATION UNDER THIS SECTION, A QUALIFIED
13 COSMETOLOGIST SHALL:

14 (1) SURRENDER THE LICENSE CERTIFICATE OF THE COSMETOLOGIST
15 TO THE BOARD;

16 (2) SUBMIT TO THE BOARD A TRANSFER APPLICATION ON THE FORM
17 THAT THE BOARD PROVIDES;

18 (3) SUBMIT TO THE BOARD:

19 (I) ACKNOWLEDGMENT FROM THE BEAUTY SALON WITH A
20 PERMIT WITH WHOM THE COSMETOLOGIST CURRENTLY IS AFFILIATED THAT THE
21 AFFILIATION IS TERMINATED; OR

22 (II) A STATEMENT FROM THE COSMETOLOGIST THAT THE
23 CURRENT AFFILIATION OF THE COSMETOLOGIST IS TERMINATED;

24 (4) SUBMIT TO THE BOARD ADEQUATE EVIDENCE THAT THE
25 COSMETOLOGIST HAS OBTAINED, FROM A LICENSED BEAUTY SALON WITH A PERMIT,
26 A COMMITMENT PROVIDING THAT THE COSMETOLOGIST SHALL BECOME
27 AFFILIATED WITH THE BEAUTY SALON WITH A PERMIT AS A COSMETOLOGIST ON
28 CANCELLATION OF THE CURRENT AFFILIATION OF THE COSMETOLOGIST AND
29 ISSUANCE OF A NEW LICENSE CERTIFICATE TO THE COSMETOLOGIST; AND

30 (5) PAY TO THE BOARD A TRANSFER FEE OF \$10.

31 (C) ON COMPLIANCE BY THE APPLICANT WITH THE PROCEDURES OF
32 SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL ISSUE A NEW LICENSE
33 CERTIFICATE TO EACH COSMETOLOGIST WHO MEETS THE APPLICABLE
34 REQUIREMENTS UNDER THIS SUBTITLE.

1 5-311.

2 (a) Unless a license is renewed for a 2-year term as provided in this section,
3 the license expires on the first October 31 that comes:

4 (1) after the effective date of the license; and

5 (2) in an odd-numbered year.

6 (b) At least 1 month before a license expires, the Board shall mail to the
7 licensee, at the last known address of the licensee:

8 (1) a renewal application form; and

9 (2) a notice that states:

10 (i) the date on which the current license expires;

11 (ii) the date by which the Board must receive the renewal
12 application for the renewal to be issued and mailed before the license expires; and

13 (iii) the amount of the renewal fee.

14 (c) Before a license expires, the licensee periodically may renew it for an
15 additional 2-year term, if the licensee:

16 (1) otherwise is entitled to be licensed;

17 (2) pays to the Board a renewal fee established by the Board in
18 accordance with § 5-205 of this title; [and]

19 (3) NOTIFIES THE BOARD OF THE NAME OF THE BEAUTY SALON WITH A
20 PERMIT THAT THE LICENSEE IS THEN AFFILIATED; AND

21 (4) submits to the Board a renewal application on the form that the
22 Board provides.

23 (d) The Board shall renew the license of and issue a renewal certificate to each
24 licensee who meets the requirements of this section.

25 (e) The Secretary may determine that licenses issued under this subtitle shall
26 expire on a staggered basis.

27 (f) (1) If an individual who, on or before September 30, 1999, holds a limited
28 license to provide esthetic services files an application to renew the license, the Board
29 shall grant a waiver of the requirement for completion of hours of instruction under §
30 5-305(c)(3)(ii) of this subtitle that are in addition to the hours of instruction required
31 on or before that date.

32 (2) If an individual who, on or before September 30, 1999, holds a limited
33 license to provide manicuring services files an application to renew the license, the

1 Board shall grant a waiver of the requirement for completion of hours of instruction
2 under § 5-305(d)(3)(ii) of this subtitle that are in addition to the hours of instruction
3 required on or before that date.

4 5-312.1.

5 (A) IF THE AFFILIATION BETWEEN A BEAUTY SALON WITH A PERMIT AND A
6 COSMETOLOGIST IS TERMINATED BY THE BEAUTY SALON, THE BEAUTY SALON
7 SHALL:

8 (1) MAIL TO THE COSMETOLOGIST, AT THE LAST KNOWN HOME
9 ADDRESS OF THAT INDIVIDUAL, NOTICE THAT THE AFFILIATION IS TERMINATED;
10 AND

11 (2) SUBMIT TO THE BOARD WRITTEN NOTICE THAT THE AFFILIATION IS
12 TERMINATED, INCLUDING COPIES OF THE NOTICES MAILED TO THE
13 COSMETOLOGIST.

14 (B) IF THE AFFILIATION BETWEEN A BEAUTY SALON WITH A PERMIT AND A
15 COSMETOLOGIST IS TERMINATED BY THE COSMETOLOGIST, THE COSMETOLOGIST
16 SHALL:

17 (1) MAIL TO THE BEAUTY SALON NOTICE THAT THE AFFILIATION IS
18 TERMINATED;

19 (2) SUBMIT TO THE BOARD WRITTEN NOTICE THAT THE AFFILIATION IS
20 TERMINATED;

21 (3) SURRENDER THE LICENSE CERTIFICATE TO THE BOARD; AND

22 (4) SUBMIT AN APPLICATION TO TRANSFER AFFILIATION TO ANOTHER
23 BEAUTY SALON WITH A PERMIT IN ACCORDANCE WITH THE PROVISIONS OF § 5-310.1
24 OF THIS SUBTITLE WITHIN 60 DAYS OF THE DATE OF TERMINATION OF THE
25 AFFILIATION.

26 (C) THE BOARD SHALL PLACE THE LICENSE OF A COSMETOLOGIST ON
27 INACTIVE STATUS IF THE COSMETOLOGIST FAILS TO SUBMIT AN APPLICATION TO
28 TRANSFER AFFILIATION TO ANOTHER BEAUTY SALON WITH A PERMIT WITHIN 60
29 DAYS AFTER THE TERMINATION OF AN AFFILIATION WITH A BEAUTY SALON.

30 (D) A LICENSEE WHOSE LICENSE IS ON INACTIVE STATUS MAY NOT PROVIDE
31 COSMETOLOGY SERVICES THROUGH THAT LICENSE.

32 (E) UNLESS A LICENSE ON INACTIVE STATUS IS REACTIVATED, THE LICENSE
33 EXPIRES 2 YEARS AFTER THE DATE IT IS PLACED ON INACTIVE STATUS.

34 (F) A LICENSEE WHOSE LICENSE IS ON INACTIVE STATUS REMAINS
35 RESPONSIBLE FOR RENEWING THE LICENSE AS REQUIRED IN § 5-311 OF THIS
36 SUBTITLE.

1 (G) THE BOARD SHALL REACTIVATE THE LICENSE OF A COSMETOLOGIST
2 THAT IS ON INACTIVE STATUS AND REISSUE A LICENSE CERTIFICATE TO THE
3 COSMETOLOGIST IF THE COSMETOLOGIST:

4 (1) REQUESTS THAT THE LICENSE BE REACTIVATED;

5 (2) PAYS THE BOARD A REISSUANCE FEE OF \$10; AND

6 (3) SUBMITS TO THE BOARD ADEQUATE EVIDENCE THAT THE
7 COSMETOLOGIST HAS OBTAINED, FROM A BEAUTY SALON WITH A PERMIT, A
8 COMMITMENT PROVIDING THAT THE COSMETOLOGIST SHALL BECOME AFFILIATED
9 WITH THE BEAUTY SALON AS A COSMETOLOGIST ON REACTIVATION OF THE LICENSE
10 OF THE COSMETOLOGIST.

11 SECTION 2. AND BE IT FURTHER ENACTED, That an individual who holds
12 a license issued by the State Board of Cosmetology on or before October 1, 2004, in all
13 respects, shall be considered licensed and, subject to the provisions of this Act, for the
14 remainder of the term of the individual's license. On expiration of the individual's
15 license, the individual may qualify for renewal of a license under § 5-311 of the
16 Business Occupations and Professions Article as enacted by Section 1 of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2004.