

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE

House Bill 1321

(Chair, Economic Matters Committee) (By Request –  
Departmental – Labor, Licensing and Regulation)

Economic Matters

Education, Health, and Environmental  
Affairs

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Licensed Cosmetologists - Practice Allowed in Specified Places

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This bill authorizes licensed cosmetologists, estheticians, or nail technicians to provide services to their customers in a regulated facility in which beautification-oriented medical services are provided, if the appointment is made through the licensed salon in which the licensee practices.

The bill also allows licensed estheticians and nail technicians, in addition to licensed cosmetologists, to render services in an assisted living facility, hospice, nursing home, hospital, or private residence of a homebound patient if sponsored by the licensed beauty salon in which the licensee is authorized to practice. The patron must be a customer of the beauty salon and make an appointment through that salon.

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Fiscal Summary

**State Effect:** Potential minimal increase in inspections as a result of the expansion in authorized places of practice. Enforcement activity could be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** The Department of Labor, Licensing, and Regulation (DLLR) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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## Analysis

**Current Law:** A person is authorized to practice cosmetology only in a beauty salon or barbershop that holds a permit. An individual who holds a limited license as a nail technician may provide services in a barbershop.

A licensed cosmetologist is additionally authorized to practice cosmetology in an assisted living facility, hospice facility, nursing home, hospital, or residence of an individual confined to the residence because of infirmity. When practicing outside of a salon or barbershop, a licensed cosmetologist must provide services under the sponsorship of the salon to an established customer.

A person who violates the Maryland Cosmetologists Act is guilty of a misdemeanor and on conviction is subject to up to 30 days imprisonment or a fine up to \$100 or both. The board may also impose a penalty of up to \$1,000 for all violations on a single day.

**Background:** This bill would allow licensed cosmetologists, estheticians, or nail technicians to provide services at medical spas, provided that the facility is authorized by the Department of Health and Mental Hygiene. These professionals would be required to be sponsored by the permitted beauty salon in which the licensee is authorized to practice. The change is intended to expand the availability of licensed services at facilities that provide medically-based beautification procedures, which may include cosmetic surgery, hair removal, or skin treatments. All appointments must be made through the sponsoring salon. DLLR advises that such medical spas may currently operate without a beauty salon permit; DLLR expects that as many as 30 medical spas might use this new option rather than obtain a beauty salon permit.

The bill also extends exceptions for practice of cosmetology to estheticians and nail technicians. Similar to licensed cosmetologists, limited license holders would be able to provide services to their customers outside of permitted premises to patrons who may be otherwise unable to travel due to their medical condition.

**State Fiscal Effect:** DLLR, which regulates the practice of cosmetology through the State Board of Cosmetologists, advises that the bill would have a minimal impact on operations or expenditures. Any increase in inspections due to the expansion of authorized places of practice could be handled with existing resources.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of Administrative Hearings; Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 19, 2007  
ncs/ljm

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