

# SENATE BILL 144

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: January 18, 2008

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Cosmetologists – Makeup Artist Services**

3 FOR the purpose of repealing provisions relating to the licensure and regulation of  
4 makeup artist services by the State Board of Cosmetologists; and generally  
5 relating to the State Board of Cosmetologists.

6 BY repealing and reenacting, without amendments,  
7 Article – Business Occupations and Professions  
8 Section 5–101(a)  
9 Annotated Code of Maryland  
10 (2004 Replacement Volume and 2007 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Business Occupations and Professions  
13 Section 5–101(g), (j), (k)(1)(iv), (v), and (vi), (m), and (n), 5–205(b)(4), 5–301(b),  
14 5–305, 5–306, 5–310, 5–313, and 5–501  
15 Annotated Code of Maryland  
16 (2004 Replacement Volume and 2007 Supplement)

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

19 **Article – Business Occupations and Professions**

20 5–101.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (g) (1) “License” means, unless the context requires otherwise, a license  
2 issued by the Board.

3 (2) “License” includes, unless the context requires otherwise, each of  
4 the following licenses:

5 (i) a license to practice cosmetology;

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

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

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

9 [(v)](IV) a limited license to provide nail technician services.

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)](II) a limited license to provide nail technician services.

17 (k) (1) “Practice cosmetology” means to engage in any of the following for  
18 compensation:

19 (iv) [providing makeup artist services;

20 (v)] providing esthetic services; or

21 [(vi)](V) providing nail technician services.

22 (m) [“Provide makeup artist services” means to apply creams, lotions,  
23 cosmetic preparations, and cleansing solutions to an individual’s face for  
24 compensation.

25 (n)] “Provide nail technician services” means to provide to an individual, for  
26 compensation, the service of:

27 (1) manicuring or pedicuring the individual’s nails;

28 (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, **AND** nail technicians[,  
5 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 (1) [providing makeup artist services;

10 (2)] providing esthetic services; or

11 [(3)](2) providing nail technician services.

12 5-305.

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

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

17 (1) be at least 17 years old;

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

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

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

24 (1) be at least 17 years old;

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

27 (3) have received training by:

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

3 (ii) successfully completing at least 600 hours of instruction in  
4 providing esthetic services in a cosmetology school approved by the State Department  
5 of Education or the Maryland Higher Education Commission in consultation with the  
6 Board.

7 [(d)](C) An applicant for a limited license to provide nail technician  
8 services shall:

9 (1) be at least 17 years old;

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

12 (3) have received training by:

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

15 (ii) successfully completing at least 250 hours of instruction in  
16 providing nail technician services in a cosmetology school approved by the State  
17 Department of Education or the Maryland Higher Education Commission in  
18 consultation with the Board.

19 [(e)](D) If an applicant is licensed to practice as [a makeup artist,  
20 esthetician,] **AN ESTHETICIAN** or nail technician in another state or foreign country,  
21 the applicant meets the training requirements of this section if the applicant has held  
22 a limited license in the other state or foreign country and has actively practiced in the  
23 other state or foreign country for a period of 6 months.

24 [(f)](E) [Except for an applicant for a limited license to provide makeup  
25 artist services, an] **AN** applicant for a limited license shall pass an examination given  
26 by the Board under this subtitle.

27 5–306.

28 [(a)] An applicant for a license:

29 (1) shall submit to the Board an application on the form that the  
30 Board provides; and

31 (2) except as provided in § 5–308 of this subtitle, shall pay to the  
32 Board or the Board's designee the appropriate examination fee established by the  
33 Board in accordance with § 5–205 of this title in an amount not to exceed the cost of  
34 the required examination.

1           [(b) In addition to the other requirements of this section, an applicant for a  
2 license to provide makeup artist services shall submit to the Board credentials that  
3 certify sufficient training.]

4 5-310.

5           (a) Subject to subsections (b) through (d) of this section and while a license to  
6 practice cosmetology is in effect, it authorizes the licensee to practice cosmetology.

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

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

11           [(d)](C) While a limited license to provide nail technician services is in  
12 effect, it authorizes the licensee to provide only nail technician services.

13 5-313.

14           [(a) Except as provided in subsection (b) of this section, each] **EACH** license  
15 issued under this subtitle shall be displayed conspicuously by the licensee in the office  
16 or place of employment of the licensee.

17           [(b) During hours of employment, the holder of a limited license to provide  
18 makeup artist services:

19                   (1) shall carry the limited license; and

20                   (2) on request, shall show the limited license.]

21 5-501.

22           (a) A person shall hold a beauty salon permit issued by the Board before the  
23 person may operate a beauty salon in the State.

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

26                   (1) [providing makeup artist services;

27                   (2)] providing esthetic services; or

28                   [(3)](2) providing nail technician services.

1           (c)    A separate beauty salon permit is required for each beauty salon that a  
2 person operates.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2008.