

HOUSE BILL 1225

C2

9lr2508

By: **Delegate Carter**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

7 BY repealing and reenacting, without amendments,
8 Article – Business Occupations and Professions
9 Section 5–101(a) and 5–305(a)
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Business Occupations and Professions
14 Section 5–101(g), (j), (k)(1)(iv) and (v), and (m), 5–205(b)(4), 5–301(b), 5–305(d)
15 and (e), 5–306, 5–310, and 5–501
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2008 Supplement)

18 BY adding to
19 Article – Business Occupations and Professions
20 Section 5–101(k)(1)(vi) and (m) and 5–305(d)
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2008 Supplement)

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

25 **Article – Business Occupations and Professions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-101.

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

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

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

7 (i) a license to practice cosmetology;

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

9 (iii) a limited license to provide esthetic services; [and]

10 (iv) a limited license to provide nail technician services; **AND**

11 (v) **A LIMITED LICENSE TO PROVIDE MAKEUP ARTIST**
12 **SERVICES.**

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

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

17 (i) a limited license to provide esthetic services; [and]

18 (ii) a limited license to provide nail technician services; **AND**

19 (iii) **A LIMITED LICENSE TO PROVIDE MAKEUP ARTIST**
20 **SERVICES.**

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

23 (iv) providing esthetic services; [or]

24 (v) providing nail technician services; **OR**

25 (vi) **PROVIDING MAKEUP ARTIST SERVICES.**

26 (m) **"PROVIDE MAKEUP ARTIST SERVICES" MEANS TO APPLY CREAMS,**
27 **LOTIONS, COSMETIC PREPARATIONS, AND CLEANSING SOLUTIONS TO AN**
28 **INDIVIDUAL'S FACE FOR COMPENSATION.**

1 [(m)] (N) “Provide nail technician services” means to provide to an
2 individual, for compensation, the service of:

- 3 (1) manicuring or pedicuring the individual’s nails;
4 (2) applying artificial nail enhancement products; or
5 (3) maintaining artificial nail enhancement products.

6 5–205.

7 (b) (4) The Board shall require a \$25 fee for the licensure or renewal of
8 licensure of cosmetologists, senior cosmetologists, estheticians, [and] nail technicians,
9 **AND MAKEUP ARTISTS.**

10 5–301.

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

- 13 (1) providing esthetic services; [or]
14 (2) providing nail technician services; **OR**
15 (3) **PROVIDING MAKEUP ARTIST SERVICES.**

16 5–305.

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

19 (D) **AN APPLICANT FOR A LIMITED LICENSE TO PROVIDE MAKEUP**
20 **ARTIST SERVICES SHALL:**

- 21 (1) **BE AT LEAST 17 YEARS OLD;**
22 (2) **HAVE SUCCESSFULLY COMPLETED A NINTH GRADE**
23 **EDUCATION OR THE EQUIVALENT; AND**
24 (3) **HAVE SUCCESSFULLY COMPLETED A COURSE OR PROGRAM IN**
25 **MAKEUP ARTIST SERVICES APPROVED BY THE STATE DEPARTMENT OF**
26 **EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN**
27 **CONSULTATION WITH THE BOARD.**

28 [(d)] (E) If an applicant is licensed to practice as **A MAKEUP ARTIST**, an
29 [esthetician] **ESTHETICIAN**, or nail technician in another state or foreign country, the

1 applicant meets the training requirements of this section if the applicant has held a
2 limited license in the other state or foreign country and has actively practiced in the
3 other state or foreign country for a period of 6 months.

4 [(e)] (F) An applicant for a limited license **OTHER THAN A LIMITED**
5 **LICENSE TO PROVIDE MAKEUP ARTIST SERVICES** shall pass an examination given
6 by the Board under this subtitle.

7 5-306.

8 (A) An applicant for a license:

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

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

15 (B) **IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, AN**
16 **APPLICANT FOR A LICENSE TO PROVIDE MAKEUP ARTIST SERVICES SHALL**
17 **SUBMIT TO THE BOARD CREDENTIALS THAT CERTIFY SUFFICIENT TRAINING.**

18 5-310.

19 (a) Subject to subsections (b) [and (c)] **THROUGH (D)** of this section and
20 while a license to practice cosmetology is in effect, it authorizes the licensee to practice
21 cosmetology.

22 (b) While a limited license to provide esthetic services is in effect, it
23 authorizes the licensee to provide only esthetic services.

24 (c) While a limited license to provide nail technician services is in effect, it
25 authorizes the licensee to provide only nail technician services.

26 (D) **WHILE A LIMITED LICENSE TO PROVIDE MAKEUP ARTIST SERVICES**
27 **IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE ONLY MAKEUP ARTIST**
28 **SERVICES.**

29 5-501.

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

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

- 1 (1) providing esthetic services; [or]
- 2 (2) providing nail technician services; **OR**
- 3 **(3) PROVIDING MAKEUP ARTIST SERVICES.**

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2009.