

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1450

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

Economic Matters

Education, Health, and Environmental Affairs

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**State Board of Cosmetologists - Executive Director**

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This departmental bill repeals the requirement that the executive director of the State Board of Cosmetologists be a licensed senior cosmetologist or a master barber. It also eliminates the statutory requirement that the executive director be responsible for the day-to-day operations of the board.

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**Fiscal Summary**

**State Effect:** None. Allowing an individual who is not a licensed senior cosmetologist or master barber to serve as the Executive Director of the State Board of Cosmetologists does not affect government finances.

**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:** The board is housed within the Division of Occupational and Professional Licensing of DLLR. Staff for the board consists of an executive director, an assistant executive director, administrative personnel, and 12 authorized inspector positions (some of these positions are not filled). The executive director serves in this capacity for both the State Board of Cosmetologists and the State Board of Barbers. The executive director is currently responsible for overseeing day-to-day operations of the board, and must be a senior cosmetologist or master barber.

The State Board of Cosmetologists was created by Chapter 282 of 1935; its functions include:

- establishing qualifications for and providing approval of apprenticeships, licenses, and permits for services under the board's authority;
- regulating the examination process;
- disciplining licensees who have violated laws or regulations;
- establishing fees to recover the cost of the board's services; and
- regulating sanitary conditions in schools and salons.

The primary responsibility of the board is to license individuals who practice cosmetology, with the intent of preventing harm caused by tools and chemicals and ensuring the sanitary condition of shops, salons, and schools.

The State Board of Barbers was created by Chapter 226 of 1904 to regulate the barbering profession and inspect shops and schools for compliance with sanitary standards. Its regulatory activities focus on protecting the public by licensing individuals practicing barbering, with the intent of preventing harm to customers caused by tools and chemicals and ensuring the sanitary condition of shops.

Barbers may provide the same services as cosmetologists except for esthetic and manicuring services. In comparison, cosmetologists offer all services that a barber offers except for shaving men with a razor or cutting men's nose or ear hairs.

**Background:** According to DLLR, the existing requirements for the executive director are inconsistent with the provisions governing other licensing boards and commissions that regulate the business occupations and professions. DLLR advises that in no other instance is the executive director of a business occupations board required to hold a license of the board or commission that he or she directs. Also, overseeing the day-to-day operations of a board is an inherent responsibility of an executive director. Board statutes do not typically contain such statements. The department asserts that this statutory requirement is superfluous and should be removed.

DLLR recently completed a recruitment process for the executive director position and found the licensing requirement to be a major impediment to identifying qualified applicants. Eliminating the requirement may facilitate filling any future vacancy.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 19, 2009  
ncs/mcr

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: State Board of Cosmetologists – Executive Director

BILL NUMBER: HB 1450

PREPARED BY: Department of Labor, Licensing and Regulation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.