

# SENATE BILL 327

C2

(0lr0769)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by **Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

- 1 AN ACT concerning
- 2 **State Board of Barbers and State Board of Cosmetologists – Sunset Extension**
- 3 **and Revisions**
- 4 FOR the purpose of continuing the State Board of Barbers and the State Board of
- 5 Cosmetologists (boards) in accordance with the provisions of the Maryland
- 6 Program Evaluation Act (sunset law) by extending to a certain date the
- 7 termination provisions relating to the statutory and regulatory authority of the
- 8 boards; *prohibiting the boards from setting certain fees that exceed a certain*
- 9 *amount; altering the membership composition of the boards;* requiring the
- 10 boards to adopt certain regulations regarding certain curriculum standards;
- 11 altering the requirements for the renewal of certain licenses issued by the
- 12 boards; repealing a requirement that certain complaints be signed by a
- 13 complainant; requiring certain complaints to contain certain information;
- 14 altering the procedures for the inspection of certain barbershops, beauty salons,

**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 and cosmetology schools; providing that an individual may renew a certain  
 2 apprentice registration one time; repealing the requirement that certain  
 3 apprentice barbers take a certain examination at a certain time and authorizing  
 4 the renewal of a certain apprentice registration based on the failure of a certain  
 5 examination; requiring the State Board of Cosmetologists to reimburse certain  
 6 inspectors for certain expenses under the Standard State Travel Regulations;  
 7 authorizing the State Board of Cosmetologists to set certain licensing fees;  
 8 ~~requiring the boards to pay certain fees to the State Comptroller; requiring the~~  
 9 ~~Comptroller to distribute certain fees into a certain fund; requiring the boards~~  
 10 ~~to pay certain fines into the General Fund of the State; establishing a State~~  
 11 ~~Barbers and Cosmetologists Boards' Fund as a special, nonlapsing fund in the~~  
 12 ~~Department of Labor, Licensing, and Regulation; requiring the Fund be used for~~  
 13 ~~certain purposes; providing for the administration of, auditing of, and~~  
 14 ~~distribution of money from the Fund;~~ requiring the boards to submit certain  
 15 reports to certain committees of the General Assembly on or before certain  
 16 dates; *requiring the boards to ensure that certain license or license renewal*  
 17 *expiration dates set by the boards do not terminate a license term before a certain*  
 18 *period of time;* defining certain terms; making certain stylistic and technical  
 19 changes; ~~providing for a delayed effective date for certain provisions of this Act;~~  
 20 and generally relating to the authority of the State Board of Barbers and the  
 21 State Board of Cosmetologists.

22 BY repealing and reenacting, with amendments,

23 Article – Business Occupations and Professions

24 Section ~~4-202(a)~~, 4-206, ~~4-207~~, 4-310, 4-314(d), 4-405, 4-511(a) and (e),  
 25 4-512, 4-702, ~~5-202(a)~~, 5-205, ~~5-208~~, 5-311, 5-314(c), 5-405, 5-509(d),  
 26 5-520, and 5-702

27 Annotated Code of Maryland

28 (2004 Replacement Volume and 2009 Supplement)

29 BY repealing and reenacting, without amendments,

30 Article – Business Occupations and Professions

31 Section 4-314(c) and 5-509(a)

32 Annotated Code of Maryland

33 (2004 Replacement Volume and 2009 Supplement)

34 BY repealing and reenacting, without amendments,

35 Article – State Government

36 Section 8-403(a)

37 Annotated Code of Maryland

38 (2009 Replacement Volume)

39 BY repealing and reenacting, with amendments,

40 Article – State Government

41 Section 8-403(b)(9) and (14)

42 Annotated Code of Maryland

43 (2009 Replacement Volume)

1 ~~BY adding to~~  
 2 ~~Article Business Regulation~~  
 3 ~~Section 2-106.7 and 2-106.8~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(2004 Replacement Volume and 2009 Supplement)~~

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

8 **Article – Business Occupations and Professions**

9 ~~4-202.~~

- 10 (a) (1) ~~The Board consists of 7 members.~~  
 11 (2) ~~Of the 7 members of the Board:~~  
 12 (i) ~~[5] 6 shall be master barbers; and~~  
 13 (ii) ~~[2] 1 shall be A consumer [members] MEMBER.~~  
 14 (3) ~~The Governor shall appoint the members with the advice of the~~  
 15 ~~Secretary.~~

16 4-206.

17 (a) (1) In addition to any powers set forth elsewhere, the Board may adopt  
 18 any regulation to carry out this title.

19 (2) (i) The Board shall establish reasonable fees for examinations,  
 20 licensing, licensing renewal, reinstatement, certification, applications, preopening  
 21 inspections, per diem fees for Board members, compensation for inspectors appointed  
 22 by the Board, and any other service performed by the Board necessary to carry out the  
 23 provisions of this title.

24 (ii) 1. Except for examination fees which the Board shall  
 25 establish in amounts not to exceed the costs of the required examinations AND  
 26 SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, the fees established  
 27 by the Board shall be set in a manner that will produce funds sufficient to cover the  
 28 actual direct and indirect costs of regulating the barber industry in this State in  
 29 accordance with the provisions of this title.

30 2. THE BOARD MAY NOT SET FEES FOR LICENSING  
 31 AND LICENSE RENEWALS THAT EXCEED \$50.

1 (iii) The total cost of regulating the barber industry in this State  
2 in accordance with the provisions of this title may not be more than the revenues  
3 generated by the fees established under subparagraph (i) of this paragraph.

4 (B) (1) THE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH  
5 DETAILED CURRICULUM STANDARDS FOR USE BY THE STATE BOARD OF  
6 EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN  
7 APPROVING APPLICATIONS FOR INSTRUCTION IN THE PRACTICE OF BARBERING  
8 AT PUBLIC SCHOOLS OR PRIVATE CAREER SCHOOLS.

9 (2) THE CURRICULUM STANDARDS ESTABLISHED UNDER  
10 PARAGRAPH (1) OF THIS SUBSECTION SHALL:

11 (I) INCORPORATE MODERN METHODS AND PRACTICES OF  
12 BARBERING;

13 (II) INCLUDE A REFERENCE TO EACH TOPIC AND THE  
14 EMPHASIS OF EACH TOPIC REQUIRED OF A COMPREHENSIVE BARBERING  
15 CURRICULUM; AND

16 (III) BE REVIEWED AND UPDATED PERIODICALLY AS  
17 DETERMINED BY THE BOARD.

18 [(b)] (C) In addition to any duties set forth elsewhere, the Board shall  
19 administer and enforce this title.

20 4-310.

21 (A) THE INITIAL TERM OF A LICENSE IS 2 YEARS.

22 [(a)] (B) [Unless a] A license EXPIRES ON THE DATE SET BY THE BOARD  
23 UNLESS THE LICENSE is renewed for [a 2-year] AN ADDITIONAL term as provided in  
24 this section[, the license expires on the first May 31 that comes:

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

26 (2) in an odd-numbered year].

27 [(b)] (C) At least 1 month before a license expires, the Board shall mail to  
28 the licensee, at the last known address of the licensee:

29 (1) a renewal application form; and

30 (2) a notice that states:

- 1 (i) the date on which the current license expires;
- 2 (ii) the date by which the Board must receive the renewal  
3 application for the renewal to be issued and mailed before the license expires; and
- 4 (iii) the amount of the renewal fee.

5 **[(c)] (D)** Before a license expires, the licensee periodically may renew it for  
6 an additional 2-year term, if the licensee:

- 7 (1) otherwise is entitled to be licensed;
- 8 (2) pays to the Board a renewal fee established by the Board in  
9 accordance with § 4-206 of this title; and
- 10 (3) submits to the Board a renewal application on the form that the  
11 Board provides.

12 **[(d)] (E)** The Board shall renew the license of and issue a renewal certificate  
13 to each licensee who meets the requirements of this section.

14 **[(e)** The Secretary may determine that master barber licenses issued under  
15 this subtitle shall expire on a staggered basis.]

16 4-314.

17 (c) The Board shall commence proceedings under this section on a complaint  
18 to the Board by a member of the Board or any person.

19 (d) (1) A complaint shall:

20 (i) be in writing;

21 (ii) **[be signed by the complainant] INCLUDE THE NAME AND**  
22 **NECESSARY CONTACT INFORMATION OF THE INDIVIDUAL FILING THE**  
23 **COMPLAINT, AS DETERMINED BY THE BOARD;**

24 (iii) state specifically the facts on which the complaint is based;

25 (iv) be submitted to the Executive Director of the Board; and

26 (v) be served on the person to whom it is directed:

27 1. personally; or



1           **(D) BEFORE THE REGISTRATION OF AN INDIVIDUAL EXPIRES, THE**  
2 **INDIVIDUAL MAY RENEW IT FOR AN ADDITIONAL TERM IF THE INDIVIDUAL:**

3                   **(1) OTHERWISE IS ENTITLED TO BE REGISTERED;**

4                   **(2) PAYS TO THE BOARD A RENEWAL FEE ESTABLISHED BY THE**  
5 **BOARD IN ACCORDANCE WITH § 4-206 OF THIS TITLE; AND**

6                   **(3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE**  
7 **FORM THAT THE BOARD PROVIDES.**

8           **[(d) (E)** The Board shall renew the apprentice barber registration of and  
9 issue a renewal certificate to each apprentice barber who meets the requirements of  
10 this section.

11           **[(e)** The Board may determine that apprentice barber licenses issued under  
12 this subtitle shall expire on a staggered basis.]

13 4-511.

14           (a) The Board may adopt regulations to ensure that each barber school  
15 approved by the State [Department] **BOARD** of Education or the Maryland Higher  
16 Education Commission is operated in a sanitary manner.

17           (e) (1) A complaint shall:

18                   (i) be in writing;

19                   (ii) **[be signed by the complainant] INCLUDE THE NAME AND**  
20 **NECESSARY CONTACT INFORMATION OF THE INDIVIDUAL FILING THE**  
21 **COMPLAINT, AS DETERMINED BY THE BOARD;**

22                   (iii) state specifically the facts on which the complaint is based;

23                   (iv) be submitted to the Executive Director of the Board; and

24                   (v) be served on the person to whom it is directed:

25                           1. personally; or

26                           2. by certified mail, return receipt requested, bearing a  
27 postmark from the United States Postal Service, to the person's last known address as  
28 shown on the Board's records.

1           (2) If service is made by certified mail, the person who mails the  
2 document shall file with the Board verified proof of mailing.

3           (3) If a complaint is made by any person other than a member of the  
4 Board, the complaint shall be made under oath by the person who submits the  
5 complaint.

6 4-512.

7           (a) (1) With the approval of the Secretary, the Board may appoint  
8 inspectors to conduct inspections.

9           (2) An inspector serves at the pleasure of the Board.

10          (3) Subject to the State budget, each inspector is entitled to:

11                   (i) reasonable compensation as determined by the Board for  
12 each day on which the inspector is engaged in the duties of the inspector's  
13 appointment; and

14                   (ii) reimbursement for expenses under the Standard State  
15 Travel Regulations.

16          (b) **(1) THE BOARD SHALL INSPECT BARBERSHOPS.**

17                   **[(1)] (2)** The Board or an inspector shall inspect each barbershop  
18 before **[it] THE BARBERSHOP:**

19                           (i) initially opens for business;

20                           (ii) opens for business at a new location; or

21                           (iii) continues business under a new owner.

22                   **[(2)] (3)** A barbershop that remodels and reopens with the same  
23 owner is not subject to the inspection requirement of this subsection.

24          (c) (1) The Board or an inspector may enter and inspect a **[barbershop or]**  
25 barber school **APPROVED BY THE STATE BOARD OF EDUCATION OR THE**  
26 **MARYLAND HIGHER EDUCATION COMMISSION** at any time during business hours  
27 to determine the sanitary condition of the **[barbershop or]** barber school.

28                   (2) If, during an inspection of a **[barbershop or]** barber school, an  
29 inspector finds an unsanitary condition, the inspector promptly shall report the  
30 condition to the Board.



1           (D) (1) A BARBERSHOP SHALL ALLOW AN INSPECTOR, ON  
2 PRESENTATION OF CREDENTIALS, TO ENTER AND INSPECT THE FACILITY AT  
3 ANY TIME DURING BUSINESS HOURS.

4           (2) DURING INSPECTION OF A BARBERSHOP, THE OWNER,  
5 LESSEE, OR MANAGER OF THE BARBERSHOP SHALL ACCOMPANY THE  
6 INSPECTOR.

7           (E) (1) AN INSPECTOR SHALL MAKE AN INSPECTION REPORT AFTER  
8 AN INSPECTION AND GIVE A COPY TO THE INDIVIDUAL WHO ACCOMPANIED THE  
9 INSPECTOR DURING THE INSPECTION.

10           (2) THE INDIVIDUAL SHALL SIGN THE INSPECTION REPORT FOR  
11 THE BARBERSHOP TO ACKNOWLEDGE RECEIPT OF A COPY OF THE REPORT.

12 4-702.

13           Subject to the evaluation and reestablishment provisions of the Maryland  
14 Program Evaluation Act, this title and all regulations adopted under this title shall  
15 terminate and be of no effect after July 1, [2011] 2021.

16 ~~5-202.~~

17           ~~(a) (1) The Board consists of seven members.~~

18           ~~(2) Of the seven members of the Board:~~

19           ~~(i) [four] FIVE shall be licensed cosmetologists;~~

20           ~~(ii) one shall be affiliated with a private cosmetology school as~~  
21 ~~an educator or owner; and~~

22           ~~(iii) [two] ONE shall be A consumer [members] MEMBER.~~

23           ~~(3) The Governor shall appoint the members with the advice of the~~  
24 ~~Secretary.~~

25 5-205.

26           (a) In addition to any duties set forth elsewhere, the Board shall adopt:

27           (1) bylaws for the conduct of its proceedings;

28           (2) regulations for qualification and examination of applicants for  
29 licenses, registration, and permits and issuance of licenses, certificates of registration,  
30 and permits;

1 (3) regulations to govern the conduct of persons regulated under this  
2 title;

3 (4) regulations to govern sanitation and safety in practicing  
4 cosmetology, including regulations that establish precautions to prevent the spread of  
5 infectious and contagious diseases; and

6 (5) regulations to govern the direct supervision of the operation of  
7 limited practice beauty salons.

8 (b) (1) [Subject to paragraph (4) of this subsection, the] **THE** Board shall  
9 establish reasonable fees for **LICENSING, LICENSING RENEWAL**, examinations,  
10 reinstatements, certifications, applications, preopening inspections, per diem fees for  
11 Board members, compensation for inspectors appointed by the Board, and for any  
12 other service performed by the Board necessary to carry out the provisions of this title.

13 (2) **(I)** Except for the examination fees which the Board shall  
14 establish in amounts not to exceed the costs of the examinations **AND SUBJECT TO**  
15 **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the fees established by the Board shall  
16 be set in a manner that will produce funds sufficient to cover the actual direct and  
17 indirect costs of regulating the cosmetology industry in the State in accordance with  
18 the provisions of this title.

19 **(II) THE BOARD MAY NOT SET FEES FOR LICENSING AND**  
20 **LICENSE RENEWALS THAT EXCEED \$50.**

21 (3) The total cost of regulating the cosmetology industry in the State  
22 in accordance with the provisions of this title may not be more than the revenues  
23 generated by the fees established under paragraph (1) of this subsection.

24 [(4) The Board shall require a \$25 fee for the licensure or renewal of  
25 licensure of cosmetologists, senior cosmetologists, estheticians, and nail technicians.]

26 **(C) (1) THE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH**  
27 **DETAILED CURRICULUM STANDARDS FOR USE BY THE STATE BOARD OF**  
28 **EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN**  
29 **APPROVING APPLICATIONS FOR INSTRUCTION IN THE PRACTICE OF**  
30 **COSMETOLOGY, THE PROVISION OF ESTHETIC SERVICES, AND THE PROVISION**  
31 **OF NAIL TECHNICIAN SERVICES AT PUBLIC SCHOOLS OR PRIVATE CAREER**  
32 **SCHOOLS.**

33 **(2) THE CURRICULUM STANDARDS ESTABLISHED UNDER**  
34 **PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

1                   **(I) INCORPORATE MODERN METHODS AND PRACTICES FOR:**

2                               **1. PRACTICING COSMETOLOGY;**

3                               **2. PROVIDING ESTHETIC SERVICES; AND**

4                               **3. PROVIDING NAIL TECHNICIAN SERVICES;**

5                               **(II) INCLUDE A REFERENCE TO EACH TOPIC AND THE**  
6 **EMPHASIS OF EACH TOPIC REQUIRED OF A COMPREHENSIVE CURRICULUM IN**  
7 **THE APPROPRIATE LICENSING AREA; AND**

8                               **(III) BE REVIEWED AND UPDATED PERIODICALLY AS**  
9 **DETERMINED BY THE BOARD.**

10 5–311.

11           **(A) THE INITIAL TERM OF A LICENSE IS 2 YEARS.**

12           **[(a) (B) [Unless a] A license EXPIRES ON THE DATE SET BY THE BOARD**  
13 **UNLESS THE LICENSE is renewed for [a 2–year] AN ADDITIONAL term as provided in**  
14 **this section[, the license expires on the first October 31 that comes:**

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

16                               (2) in an odd–numbered year].

17           **[(b) (C) At least 1 month before a license expires, the Board shall mail to**  
18 **the licensee, at the last known address of the licensee:**

19                               (1) a renewal application form; and

20                               (2) a notice that states:

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

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

24                                       (iii) the amount of the renewal fee.

25           **[(c) (D) Before a license expires, the licensee periodically may renew it for**  
26 **an additional 2–year term, if the licensee:**

27                               (1) otherwise is entitled to be licensed;

1                   (2)   pays to the Board a renewal fee established by the Board in  
2 accordance with § 5–205 of this title; and

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

5           **[(d) (E)]**   The Board shall renew the license of and issue a renewal certificate  
6 to each licensee who meets the requirements of this section.

7           **[(e)]**   The Secretary may determine that licenses issued under this subtitle  
8 shall expire on a staggered basis.]

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

14           (2)   If an individual who, on or before September 30, 1999, holds a  
15 limited license to provide manicuring services files an application to renew the license,  
16 the Board shall grant a waiver of the requirement for completion of hours of  
17 instruction under § 5–305(d)(3)(ii) of this subtitle that are in addition to the hours of  
18 instruction required on or before that date.

19 5–314.

20           (c)   (1)   The Board shall commence proceedings under this section on a  
21 complaint to the Board by a member of the Board or any person.

22                   (2)   A complaint shall:

23                           (i)   be in writing;

24                           (ii)   **[be signed by the complainant] INCLUDE THE NAME AND**  
25 **NECESSARY CONTACT INFORMATION OF THE INDIVIDUAL FILING THE**  
26 **COMPLAINT, AS DETERMINED BY THE BOARD;**

27                           (iii)   state specifically the facts on which the complaint is based;

28                           (iv)   be submitted to the Executive Director of the Board; and

29                           (v)   be served on the person to whom it is directed:

30                                   1.   personally; or

1                                   2.     by certified mail, return receipt requested, bearing a  
2 postmark from the United States Postal Service, to the person's last known address as  
3 shown on the Board's records.

4                                   (3)    If service is made by certified mail, the person who mails the  
5 document shall file with the Board verified proof of mailing.

6     5-405.

7                   **(A)   EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (G) OF THIS**  
8 **SECTION, THE INITIAL TERM OF REGISTRATION AS AN APPRENTICE IS 2 YEARS.**

9                   **[(a)] (B)**     Unless registration as an apprentice is renewed for [a 1-year] **ONE**  
10 **ADDITIONAL 2-YEAR** term as provided in this section, the registration expires on the  
11 **[first October 31 after its effective] date SET BY THE BOARD.**

12                   **[(b)] (C)**     At least 1 month before the registration of an individual expires,  
13 the Board shall mail to the individual, at the last known address of the individual:

14                                   (1)    a renewal application form; and

15                                   (2)    a notice that states:

16   (i)    the date on which the current registration expires;

17   (ii)   the date by which the Board must receive the renewal  
18 application for the renewal to be issued and mailed before the registration expires; and

19   (iii)  the amount of the renewal fee.

20                   **[(c)] (D)**     Before the registration of an individual expires, the individual  
21 **[periodically]** may renew it for an additional term, if the individual:

22                                   (1)    otherwise is entitled to be registered;

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

25                                   (3)    submits to the Board a renewal application on the form that the  
26 Board provides.

27                   **[(d)] (E)**     **[An] EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (G)**  
28 **OF THIS SECTION, AN** individual registered as an apprentice may renew the  
29 registration only **[twice] ONE TIME FOR A 2-YEAR TERM.**

1            [(e) (F)     The Board shall renew the registration of and issue a renewal  
2 certificate to each individual who meets the requirements of this section.

3            [(f) (G)     A [limited practice apprentice] registration **AS AN APPRENTICE**  
4 **FOR ANY LIMITED PRACTICE OF COSMETOLOGY** expires 12 months after the date of  
5 its issuance unless[, in the discretion of the Board,] the limited practice apprentice  
6 registration is [extended] **RENEWED FOR ONE 1-YEAR TERM.**

7 5-509.

8            (a)     The Board may adopt regulations to ensure that each cosmetology school  
9 approved by the State Board of Education or the Maryland Higher Education  
10 Commission is operated in a sanitary manner.

11            (d)     The Board shall commence proceedings to assess a penalty under this  
12 section on a complaint to the Board by a member of the Board or any person.

13            (1)     A complaint shall:

14                    (i)     be in writing;

15                    (ii)    [be signed by the complainant] **INCLUDE THE NAME AND**  
16 **NECESSARY CONTACT INFORMATION OF THE INDIVIDUAL FILING THE**  
17 **COMPLAINT, AS DETERMINED BY THE BOARD;**

18                    (iii)    state specifically the facts on which the complaint is based;

19                    (iv)    be submitted to the Executive Director of the Board; and

20                    (v)    be served on the person to whom it is directed:

21                            1.     personally; or

22                            2.     by certified mail, return receipt requested, bearing a  
23 postmark from the United States Postal Service, to the person's last known address as  
24 shown on the Board's records.

25            (2)     If service is made by certified mail, the person who mails the  
26 document shall file with the Board verified proof of mailing.

27 5-520.

28            (a)     (1)     The Board may appoint inspectors to conduct inspections.

29                    (2)     Subject to the State budget, each inspector is entitled to:

1                   **(I)** reasonable compensation set by the Board for each day on  
2 which the inspector is engaged in the duties of the appointment; **AND**

3                   **(II) REIMBURSEMENT FOR EXPENSES UNDER THE**  
4 **STANDARD STATE TRAVEL REGULATIONS.**

5           (b)    (1)    The Board shall inspect beauty salons.

6                   (2)    The Board [may] **SHALL** inspect the facilities of applicants for  
7 beauty salon permits **BEFORE THE BEAUTY SALON:**

8                   **(I) INITIALLY OPENS FOR BUSINESS;**

9                   **(II) OPENS FOR BUSINESS AT A NEW LOCATION; OR**

10                   **(III) CONTINUES BUSINESS UNDER A NEW OWNER.**

11                   **(3) A BEAUTY SALON THAT REMODELS AND REOPENS WITH THE**  
12 **SAME OWNER IS NOT SUBJECT TO THE INSPECTION REQUIREMENT OF THIS**  
13 **SUBSECTION.**

14                   **[(3) (C) (1)** The Board or an inspector may enter and inspect a  
15 cosmetology school approved by the State Board of Education or the Maryland Higher  
16 Education Commission at any time during business hours to determine the sanitary  
17 condition of the cosmetology school.

18                   **(2) IF, DURING AN INSPECTION OF A COSMETOLOGY SCHOOL, AN**  
19 **INSPECTOR FINDS AN UNSANITARY CONDITION, THE INSPECTOR PROMPTLY**  
20 **SHALL REPORT THE CONDITION TO THE BOARD.**

21                   **[(c) (D) (1)** A beauty salon [or cosmetology school] shall allow an  
22 inspector, on presentation of credentials, to enter and inspect the facility at any time  
23 during business hours.

24                   (2)    During inspection of a beauty salon, the owner [or], lessee, **OR**  
25 **MANAGER** of the beauty salon shall accompany the inspector.

26                   **[(3) During inspection of a cosmetology school, the owner or lessee of or**  
27 **a teacher at the school shall accompany the inspector.]**

28                   **[(d) (E) (1)** An inspector shall make an inspection report after an  
29 inspection and give a copy to the individual who accompanied the inspector during the  
30 inspection.

1 (2) The individual shall sign the inspection report for the beauty salon  
2 or cosmetology school to acknowledge receipt of a copy of the report.

3 5-702.

4 Subject to the evaluation and reestablishment provisions of the Maryland  
5 Program Evaluation Act, this title and all regulations adopted under this title shall  
6 terminate and be of no effect after July 1, [2011] **2021**.

7 **Article – State Government**

8 8-403.

9 (a) On or before December 15 of the 2nd year before the evaluation date of a  
10 governmental activity or unit, the Legislative Policy Committee, based on a  
11 preliminary evaluation, may waive as unnecessary the evaluation required under this  
12 section.

13 (b) Except as otherwise provided in subsection (a) of this section, on or before  
14 the evaluation date for the following governmental activities or units, an evaluation  
15 shall be made of the following governmental activities or units and the statutes and  
16 regulations that relate to the governmental activities or units:

17 (9) Barbers, State Board of (§ 4-201 of the Business Occupations and  
18 Professions Article: July 1, [2010] **2020**);

19 (14) Cosmetologists, State Board of (§ 5-201 of the Business  
20 Occupations and Professions Article: July 1, [2010] **2020**);

21 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
22 ~~read as follows:~~

23 ~~**Article – Business Occupations and Professions**~~

24 ~~4-207.~~

25 ~~(A) (1) The Board shall pay all [money] LICENSING FEES collected under~~  
26 ~~this title [into the General Fund of the State] TO THE COMPTROLLER.~~

27 ~~(2) THE COMPTROLLER SHALL DISTRIBUTE THE LICENSING FEES~~  
28 ~~TO THE STATE BARBERS AND COSMETOLOGISTS BOARDS' FUND ESTABLISHED~~  
29 ~~IN § 2-106.7 OF THE BUSINESS REGULATION ARTICLE.~~

30 ~~(B) THE BOARD SHALL PAY ALL FINES COLLECTED UNDER THIS TITLE~~  
31 ~~INTO THE GENERAL FUND OF THE STATE.~~



1 ~~5-208.~~

2 (A) (1) ~~The Board shall pay all [money] LICENSING FEES collected under~~  
3 ~~this title [into the General Fund of the State] TO THE COMPTROLLER.~~

4 (2) ~~THE COMPTROLLER SHALL DISTRIBUTE THE LICENSING FEES~~  
5 ~~TO THE STATE BARBERS AND COSMETOLOGISTS BOARDS' FUND ESTABLISHED~~  
6 ~~IN § 2-106.7 OF THE BUSINESS REGULATION ARTICLE.~~

7 (B) ~~THE BOARD SHALL PAY ALL FINES COLLECTED UNDER THIS TITLE~~  
8 ~~INTO THE GENERAL FUND OF THE STATE.~~

9 ~~Article Business Regulation~~

10 ~~2-106.7.~~

11 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~  
12 ~~MEANINGS INDICATED.~~

13 (2) ~~"BOARDS" MEANS THE STATE BOARD OF BARBERS~~  
14 ~~ESTABLISHED UNDER TITLE 4 OF THE BUSINESS OCCUPATIONS AND~~  
15 ~~PROFESSIONS ARTICLE AND THE STATE BOARD OF COSMETOLOGISTS~~  
16 ~~ESTABLISHED UNDER TITLE 5 OF THE BUSINESS OCCUPATIONS AND~~  
17 ~~PROFESSIONS ARTICLE.~~

18 (3) ~~"FUND" MEANS THE STATE BARBERS AND COSMETOLOGISTS~~  
19 ~~BOARDS' FUND.~~

20 (B) (1) ~~THERE IS A STATE BARBERS AND COSMETOLOGISTS BOARDS'~~  
21 ~~FUND IN THE DEPARTMENT.~~

22 (2) ~~THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~  
23 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

24 (C) ~~THE FUND CONSISTS OF LICENSING FEES COLLECTED BY THE~~  
25 ~~BOARDS AND DISTRIBUTED TO THE FUND UNDER §§ 4-207 AND 5-208 OF THE~~  
26 ~~BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.~~

27 (D) ~~THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED~~  
28 ~~DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND~~  
29 ~~REGULATORY DUTIES OF THE BOARDS.~~

30 (E) ~~THE SECRETARY OR A DESIGNEE OF THE SECRETARY SHALL~~  
31 ~~ADMINISTER THE FUND.~~

1 ~~(F) INVESTMENT EARNINGS SHALL BE DISTRIBUTED TO THE GENERAL~~  
2 ~~FUND OF THE STATE.~~

3 ~~(G) FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2011, ANY~~  
4 ~~BALANCE IN THE FUND AT THE END OF THE FISCAL YEAR IN EXCESS OF 25% OF~~  
5 ~~THE ACTUAL EXPENSES OF OPERATING THE BOARDS FOR THAT FISCAL YEAR~~  
6 ~~REVERTS TO THE GENERAL FUND OF THE STATE.~~

7 ~~(H) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND~~  
8 ~~TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE~~  
9 ~~GOVERNMENT ARTICLE.~~

10 ~~2-106.8.~~

11 ~~(A) IN THIS SECTION, "BOARDS" MEANS THE STATE BOARD OF~~  
12 ~~BARBERS AND THE STATE BOARD OF COSMETOLOGISTS.~~

13 ~~(B) IN CONSULTATION WITH THE BOARDS, THE SECRETARY SHALL~~  
14 ~~ANNUALLY CALCULATE THE DIRECT AND INDIRECT COSTS ATTRIBUTABLE TO~~  
15 ~~THE BOARDS.~~

16 ~~(C) BEGINNING ON JULY 1, 2011, EACH OF THE BOARDS SHALL~~  
17 ~~ESTABLISH FEES BASED ON THE CALCULATIONS PROVIDED BY THE SECRETARY~~  
18 ~~UNDER THIS SECTION.~~

19 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That the State Board of  
20 Barbers and the State Board of Cosmetologists shall submit, in accordance with  
21 § 2-1246 of the State Government Article, to the Senate Education, Health, and  
22 Environmental Affairs Committee and the House Economic Matters Committee:

23 (a) on or before October 1, 2010, a report on the boards' plan to increase  
24 licensee compliance with the license photograph regulation as set forth in  
25 Recommendation 2 contained in the Sunset Review of the State Board of Barbers and  
26 the State Board of Cosmetologists published by the Department of Legislative Services  
27 in October 2009 and a copy of the boards' plan to improve the apprentice programs;  
28 and

29 (b) on or before October 1, 2011, an interim report on the boards' actions  
30 concerning the nonstatutory recommendations contained in the Sunset Review of the  
31 State Board of Barbers and the State Board of Cosmetologists published by the  
32 Department of Legislative Services in October 2009, including a description of the  
33 boards' progress on implementing the plans required under subsection (a) of this  
34 section.

1        SECTION 3. AND BE IT FURTHER ENACTED, That, when setting the date on  
 2 which a license or a license renewal expires under §§ 4-310, 4-405, 5-311, and 5-405 of  
 3 the Business Occupations and Professions Article, as enacted by Section 1 of this Act,  
 4 the State Board of Barbers and State Board of Cosmetologists shall ensure that the  
 5 date set by the board does not terminate a license term before the end of a licensee's full  
 6 2-year term.

7        ~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall~~  
 8 ~~take effect July 1, 2011.~~

9        SECTION ~~5.~~ 3. ~~4.~~ AND BE IT FURTHER ENACTED, That, ~~except as provided~~  
 10 ~~in Section 4 of this Act,~~ this Act shall take effect July 1, 2010.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.