

# SENATE BILL 327

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CF HB 197

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By: **Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)**

Introduced and read first time: January 28, 2010

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

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; altering the membership composition of the boards; requiring the boards  
9 to adopt certain regulations regarding certain curriculum standards; altering  
10 the requirements for the renewal of certain licenses issued by the boards;  
11 repealing a requirement that certain complaints be signed by a complainant;  
12 requiring certain complaints to contain certain information; altering the  
13 procedures for the inspection of certain barbershops, beauty salons, and  
14 cosmetology schools; providing that an individual may renew a certain  
15 apprentice registration one time; repealing the requirement that certain  
16 apprentice barbers take a certain examination at a certain time and authorizing  
17 the renewal of a certain apprentice registration based on the failure of a certain  
18 examination; requiring the State Board of Cosmetologists to reimburse certain  
19 inspectors for certain expenses under the Standard State Travel Regulations;  
20 authorizing the State Board of Cosmetologists to set certain licensing fees;  
21 requiring the boards to pay certain fees to the State Comptroller; requiring the  
22 Comptroller to distribute certain fees into a certain fund; requiring the boards  
23 to pay certain fines into the General Fund of the State; establishing a State  
24 Barbers and Cosmetologists Boards' Fund as a special, nonlapsing fund in the  
25 Department of Labor, Licensing, and Regulation; requiring the Fund be used for  
26 certain purposes; providing for the administration of, auditing of, and  
27 distribution of money from the Fund; requiring the boards to submit certain  
28 reports to certain committees of the General Assembly on or before certain  
29 dates; defining certain terms; making certain stylistic and technical changes;  
30 providing for a delayed effective date for certain provisions of this Act; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 generally relating to the authority of the State Board of Barbers and the State  
2 Board of Cosmetologists.

3 BY repealing and reenacting, with amendments,  
4 Article – Business Occupations and Professions  
5 Section 4–202(a), 4–206, 4–207, 4–310, 4–314(d), 4–405, 4–511(a) and (e),  
6 4–512, 4–702, 5–202(a), 5–205, 5–208, 5–311, 5–314(c), 5–405, 5–509(d),  
7 5–520, and 5–702  
8 Annotated Code of Maryland  
9 (2004 Replacement Volume and 2009 Supplement)

10 BY repealing and reenacting, without amendments,  
11 Article – Business Occupations and Professions  
12 Section 4–314(c) and 5–509(a)  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – State Government  
17 Section 8–403(a)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume)

20 BY repealing and reenacting, with amendments,  
21 Article – State Government  
22 Section 8–403(b)(9) and (14)  
23 Annotated Code of Maryland  
24 (2009 Replacement Volume)

25 BY adding to  
26 Article – Business Regulation  
27 Section 2–106.7 and 2–106.8  
28 Annotated Code of Maryland  
29 (2004 Replacement Volume and 2009 Supplement)

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

32 **Article – Business Occupations and Professions**

33 4–202.

- 34 (a) (1) The Board consists of 7 members.
- 35 (2) Of the 7 members of the Board:
- 36 (i) [5] 6 shall be master barbers; and

1 (ii) [2] 1 shall be A consumer [members] MEMBER.

2 (3) The Governor shall appoint the members with the advice of the  
3 Secretary.

4 4-206.

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

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

12 (ii) Except for examination fees which the Board shall establish  
13 in amounts not to exceed the costs of the required examinations, the fees established  
14 by the Board shall be set in a manner that will produce funds sufficient to cover the  
15 actual direct and indirect costs of regulating the barber industry in this State in  
16 accordance with the provisions of this title.

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

20 **(B) (1) THE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH**  
21 **DETAILED CURRICULUM STANDARDS FOR USE BY THE STATE BOARD OF**  
22 **EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN**  
23 **APPROVING APPLICATIONS FOR INSTRUCTION IN THE PRACTICE OF BARBERING**  
24 **AT PUBLIC SCHOOLS OR PRIVATE CAREER SCHOOLS.**

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

27 **(I) INCORPORATE MODERN METHODS AND PRACTICES OF**  
28 **BARBERING;**

29 **(II) INCLUDE A REFERENCE TO EACH TOPIC AND THE**  
30 **EMPHASIS OF EACH TOPIC REQUIRED OF A COMPREHENSIVE BARBERING**  
31 **CURRICULUM; AND**

32 **(III) BE REVIEWED AND UPDATED PERIODICALLY AS**  
33 **DETERMINED BY THE BOARD.**

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

3 4–310.

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

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

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

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

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

12                   (1)     a renewal application form; and

13                   (2)     a notice that states:

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

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

17                           (iii)   the amount of the renewal fee.

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

20                   (1)     otherwise is entitled to be licensed;

21                   (2)     pays to the Board a renewal fee established by the Board in  
22 accordance with § 4–206 of this title; and

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

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

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

29 4–314.

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

3 (d) (1) A complaint shall:

4 (i) be in writing;

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

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

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

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

11 1. personally; or

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

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

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

20 4-405.

21 (a) (1) The initial term of registration as an apprentice barber is 2 years.

22 (2) [Before the initial term of registration as an apprentice barber  
23 expires, the apprentice barber shall take the journey barber examination.

24 (3) If an apprentice barber fails the journey barber examination, the]  
25 **AN** apprentice barber may renew the apprentice barber registration [1] **ONE** time  
26 [with the approval of the Board].

27 (b) The [1 time] **ONE-TIME** renewal of an apprentice barber registration [is  
28 effective until the first May 31 that comes:

29 (1) after the first renewal is issued; and

1           (2)    in an odd-numbered year] **EXPIRES ON THE DATE SET BY THE**  
2 **BOARD.**

3           (c)    At least 1 month before registration as an apprentice barber expires, the  
4 Board shall mail to the apprentice barber, at the last known address of the apprentice  
5 barber:

6                   (1)    a renewal application form; and

7                   (2)    a notice that states:

8                           (i)    the date on which the current registration as an apprentice  
9 barber expires;

10                           (ii)   the date by which the Board must receive the renewal  
11 application for the renewal to be approved, issued, and mailed before the registration  
12 expires; and

13                           (iii)   the amount of the renewal fee.

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

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

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

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

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

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

26   4-511.

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

30           (e)    (1)    A complaint shall:

1 (i) be in writing;

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

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

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

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

8 1. personally; or

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

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

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

17 4-512.

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

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

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

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

25 (ii) reimbursement for expenses under the Standard State  
26 Travel Regulations.

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

28 **[(1)] (2)** The Board or an inspector shall inspect each barbershop  
29 before **[it] THE BARBERSHOP:**

30 (i) initially opens for business;

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

2 (iii) continues business under a new owner.

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

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

9 (2) If, during an inspection of a [barbershop or] barber school, an  
10 inspector finds an unsanitary condition, the inspector promptly shall report the  
11 condition to the Board.

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

15 **(2) DURING INSPECTION OF A BARBERSHOP, THE OWNER,**  
16 **LESSEE, OR MANAGER OF THE BARBERSHOP SHALL ACCOMPANY THE**  
17 **INSPECTOR.**

18 **(E) (1) AN INSPECTOR SHALL MAKE AN INSPECTION REPORT AFTER**  
19 **AN INSPECTION AND GIVE A COPY TO THE INDIVIDUAL WHO ACCOMPANIED THE**  
20 **INSPECTOR DURING THE INSPECTION.**

21 **(2) THE INDIVIDUAL SHALL SIGN THE INSPECTION REPORT FOR**  
22 **THE BARBERSHOP TO ACKNOWLEDGE RECEIPT OF A COPY OF THE REPORT.**

23 4-702.

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

27 5-202.

28 (a) (1) The Board consists of seven members.

29 (2) Of the seven members of the Board:

30 (i) **[four] FIVE** shall be licensed cosmetologists;



1 (ii) one shall be affiliated with a private cosmetology school as  
2 an educator or owner; and

3 (iii) [two] **ONE** shall be A consumer [members] **MEMBER**.

4 (3) The Governor shall appoint the members with the advice of the  
5 Secretary.

6 5–205.

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

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

9 (2) regulations for qualification and examination of applicants for  
10 licenses, registration, and permits and issuance of licenses, certificates of registration,  
11 and permits;

12 (3) regulations to govern the conduct of persons regulated under this  
13 title;

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

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

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

24 (2) Except for the examination fees which the Board shall establish in  
25 amounts not to exceed the costs of the examinations, the fees established by the Board  
26 shall be set in a manner that will produce funds sufficient to cover the actual direct  
27 and indirect costs of regulating the cosmetology industry in the State in accordance  
28 with the provisions of this title.

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

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

1           **(C) (1) THE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH**  
 2 **DETAILED CURRICULUM STANDARDS FOR USE BY THE STATE BOARD OF**  
 3 **EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN**  
 4 **APPROVING APPLICATIONS FOR INSTRUCTION IN THE PRACTICE OF**  
 5 **COSMETOLOGY, THE PROVISION OF ESTHETIC SERVICES, AND THE PROVISION**  
 6 **OF NAIL TECHNICIAN SERVICES AT PUBLIC SCHOOLS OR PRIVATE CAREER**  
 7 **SCHOOLS.**

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

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

11                           **1. PRACTICING COSMETOLOGY;**

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

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

14                   **(II) INCLUDE A REFERENCE TO EACH TOPIC AND THE**  
 15 **EMPHASIS OF EACH TOPIC REQUIRED OF A COMPREHENSIVE CURRICULUM IN**  
 16 **THE APPROPRIATE LICENSING AREA; AND**

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

19 5-311.

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

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

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

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

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

28                   (1) a renewal application form; and

29                   (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 § 5-205 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 licenses issued under this subtitle  
15 shall expire on a staggered basis.]

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

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

26 5-314.

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

29 (2) A complaint shall:

30 (i) be in writing;

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

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

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

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

7 1. personally; or

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

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

13 5-405.

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

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

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

21 (1) a renewal application form; and

22 (2) a notice that states:

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

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

26 (iii) the amount of the renewal fee.

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

29 (1) otherwise is entitled to be registered;

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

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

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

14 5–509.

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

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

20               (1)   A complaint shall:

21                       (i)   be in writing;

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

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

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

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

28                               1.   personally; or

29                               2.   by certified mail, return receipt requested, bearing a  
30 postmark from the United States Postal Service, to the person's last known address as  
31 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 5-520.

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

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

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

8 (II) **REIMBURSEMENT FOR EXPENSES UNDER THE**  
9 **STANDARD STATE TRAVEL REGULATIONS.**

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

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

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

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

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

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

19 [(3)] (C) (1) The Board or an inspector may enter and inspect a  
20 cosmetology school approved by the State Board of Education or the Maryland Higher  
21 Education Commission at any time during business hours to determine the sanitary  
22 condition of the cosmetology school.

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

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

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







1           **(D) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED**  
2 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND**  
3 **REGULATORY DUTIES OF THE BOARDS.**

4           **(E) THE SECRETARY OR A DESIGNEE OF THE SECRETARY SHALL**  
5 **ADMINISTER THE FUND.**

6           **(F) INVESTMENT EARNINGS SHALL BE DISTRIBUTED TO THE GENERAL**  
7 **FUND OF THE STATE.**

8           **(G) FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2011, ANY**  
9 **BALANCE IN THE FUND AT THE END OF THE FISCAL YEAR IN EXCESS OF 25% OF**  
10 **THE ACTUAL EXPENSES OF OPERATING THE BOARDS FOR THAT FISCAL YEAR**  
11 **REVERTS TO THE GENERAL FUND OF THE STATE.**

12           **(H) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND**  
13 **TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE**  
14 **GOVERNMENT ARTICLE.**

15 **2-106.8.**

16           **(A) IN THIS SECTION, “BOARDS” MEANS THE STATE BOARD OF**  
17 **BARBERS AND THE STATE BOARD OF COSMETOLOGISTS.**

18           **(B) IN CONSULTATION WITH THE BOARDS, THE SECRETARY SHALL**  
19 **ANNUALLY CALCULATE THE DIRECT AND INDIRECT COSTS ATTRIBUTABLE TO**  
20 **THE BOARDS.**

21           **(C) BEGINNING ON JULY 1, 2011, EACH OF THE BOARDS SHALL**  
22 **ESTABLISH FEES BASED ON THE CALCULATIONS PROVIDED BY THE SECRETARY**  
23 **UNDER THIS SECTION.**

24           SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of  
25 Barbers and the State Board of Cosmetologists shall submit, in accordance with  
26 § 2-1246 of the State Government Article, to the Senate Education, Health, and  
27 Environmental Affairs Committee and the House Economic Matters Committee:

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

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

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

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