

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 478 (Senator Kittleman)
Education, Health, and Environmental Affairs

**Cosmetologists, Esthetic Service Providers, and Nail Technicians - Salon
Affiliation Requirement - Repeal**

This bill repeals the current requirement for cosmetologists, esthetic service providers, and nail technicians to practice only at a permitted beauty salon or barber shop or at one of the off-site locations specified in statute.

Fiscal Summary

State Effect: None. Repealing the salon or barbershop affiliation requirement for cosmetologists, esthetic service providers, and nail technicians does not materially affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Potential minimal. The number of practitioners who operate outside of a permitted salon or barber shop is expected to be minimal and does not meaningfully impact small businesses in this industry.

Analysis

Current Law: The State Board of Cosmetologists is housed within the Department of Labor, Licensing, and Regulation (DLLR). The board is charged with (1) protecting the public from physical harm caused by tools and chemicals by licensing individuals practicing cosmetology; and (2) ensuring the sanitary condition of shops and schools.

Statute defines the practice of cosmetology as, for compensation:

- arranging, bleaching, cleansing, coloring, curling, cutting, dressing, singeing, permanent waving, or waving hair;
- performing any other similar procedure intended to beautify, clean, or embellish the hair;
- arching or dyeing eyebrows;
- dyeing eyelashes;
- providing esthetic services, which means:
 - cleansing, exercising, massaging, stimulating, or performing any other similar procedure on the skin or scalp by electrical, mechanical, or other means;
 - applying alcohol, cream, lotion, astringent, or cosmetic preparation; or
 - removing superfluous hair by the use of a depilatory, tweezers, or wax; or
- providing nail technician services, which means:
 - manicuring or pedicuring nails; or
 - applying or maintaining artificial nail enhancement products.

In general, an individual must be licensed by the board to practice as a cosmetologist, esthetician, or nail technician.

Licensed cosmetologists, estheticians, and nail technicians must perform their services at a permitted salon or barbershop. However, subject to specified statutory conditions, these individuals may practice at certain off-site locations, including (1) a facility in which beautification-oriented medical services, authorized by the Department of Health and Mental Hygiene, are offered; (2) the residence of an individual confined to the residence due to a mental or physical infirmity; or (3) specified assisted living, hospice, nursing home, or hospital facilities.

Additional Comments: DLLR advises that the bill's changes do not significantly affect the board or the cosmetology industry in the State because practitioners must still be licensed and salons and barbershops must still be permitted. The vast majority of the activity in this industry takes place in permitted salons or barbershops, and these dynamics are not expected to change under the bill. Thus, salon or barber shop affiliation remains the industry standard regardless of whether board licensees are generally prohibited from working at off-site locations. Nevertheless, the bill makes it more difficult for the board to track where licensees are operating, which may create enforcement challenges in some, likely limited, instances. Practitioners licensed by the board who practice in nonpermitted locations will not be subject to safety and compliance inspections by the board and, thus, may be providing unsafe or unsanitary services.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mc/mcr

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