

HOUSE BILL 137

A2

4r0523
CF SB 301

By: **Montgomery County Delegation**

Introduced and read first time: January 13, 2014

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2014

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County and St. Mary's County – Alcoholic Beverages – Beauty**
3 **Salon License**

4 **MC 9–14**

5 FOR the purpose of establishing in Montgomery County and St. Mary's County a
6 beauty salon beer and wine license; requiring that, in Montgomery County, a
7 recipient of the license be a holder of a beauty salon permit; requiring that, in
8 St. Mary's County, a recipient of the license be a holder of a beauty salon permit
9 and an operator of a beauty salon in a certain jurisdiction; authorizing a holder
10 of the license to provide beer and wine by the glass for consumption by a certain
11 customer when a certain cosmetology service is provided or a certain
12 fundraising event is held; prohibiting the license from being transferred to
13 another location; specifying the hours that the license privilege may be
14 exercised; specifying an annual license fee; providing that an establishment for
15 which the license is issued is subject to certain alcohol awareness training
16 requirements; and generally relating to alcoholic beverages licenses in
17 Montgomery County and St. Mary's County.

18 BY adding to

19 Article 2B – Alcoholic Beverages

20 Section 8–216.5 and 8–219.1

21 Annotated Code of Maryland

22 (2011 Replacement Volume and 2013 Supplement)

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.



1 BY repealing and reenacting, without amendments,
2 Article – Business Occupations and Professions
3 Section 5–101(a), (c), (d), (l), (m), (n), and (o) and 5–501
4 Annotated Code of Maryland
5 (2010 Replacement Volume and 2013 Supplement)

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

8 **Article 2B – Alcoholic Beverages**

9 **8–216.5.**

10 (A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

11 (B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL
12 BEAUTY SALON BEER AND WINE LICENSE TO A HOLDER OF A BEAUTY SALON
13 PERMIT UNDER § 5–501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS
14 ARTICLE.

15 (C) A BEAUTY SALON LICENSE AUTHORIZES THE LICENSE HOLDER TO
16 PROVIDE NO MORE THAN 5 OUNCES OF BEER AND OR WINE BY THE GLASS FOR
17 ON-PREMISES CONSUMPTION BY A BEAUTY SALON CUSTOMER; ~~WHEN:~~

18 (1) ~~A~~ WHEN THE CUSTOMER IS PROVIDED A COSMETOLOGY
19 SERVICE UNDER § 5–101(L) OF THE BUSINESS OCCUPATIONS AND
20 PROFESSIONS ARTICLE ~~IS PROVIDED;~~ OR

21 (2) ~~A~~ WHILE THE CUSTOMER IS ATTENDING A FUNDRAISING
22 EVENT ~~IS HELD AT THE BEAUTY SALON FOR WHICH A PERMIT FROM THE~~
23 DEPARTMENT OF PERMITTING SERVICES ~~IS HAS~~ ISSUED A PERMIT.

24 (D) A BEAUTY SALON LICENSE MAY NOT BE TRANSFERRED TO ANOTHER
25 LOCATION.

26 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A
27 HOLDER OF THE LICENSE MAY PROVIDE BEER AND WINE FOR ON-PREMISES
28 CONSUMPTION DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN
29 ~~MIDNIGHT.~~ 9:00 P.M.

30 (F) THE ANNUAL LICENSE FEE IS \$100.

31 (G) AN ESTABLISHMENT FOR WHICH A BEAUTY SALON LICENSE IS
32 ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS
33 UNDER § 13–101 OF THIS ARTICLE.

1 8-219.1.

2 (A) THIS SECTION APPLIES ONLY IN ST. MARY'S COUNTY.

3 (B) THE BOARD OF LICENSE COMMISSIONERS FOR ST. MARY'S
4 COUNTY MAY ISSUE A SPECIAL BEAUTY SALON BEER AND WINE LICENSE TO A
5 PERSON WHO:

6 (1) HOLDS A BEAUTY SALON PERMIT UNDER § 5-501 OF THE
7 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

8 (2) OPERATES A BEAUTY SALON IN LEONARDTOWN.

9 (C) A BEAUTY SALON LICENSE AUTHORIZES THE LICENSE HOLDER TO
10 PROVIDE NO MORE THAN 5 OUNCES OF BEER OR WINE BY THE GLASS FOR
11 ON-PREMISES CONSUMPTION BY A BEAUTY SALON CUSTOMER:

12 (1) WHEN THE CUSTOMER IS PROVIDED A COSMETOLOGY
13 SERVICE UNDER § 5-101(L) OF THE BUSINESS OCCUPATIONS AND
14 PROFESSIONS ARTICLE; OR

15 (2) WHILE THE CUSTOMER IS ATTENDING A FUNDRAISING EVENT
16 AT THE BEAUTY SALON FOR WHICH THE COUNTY SHERIFF HAS ISSUED A
17 PERMIT.

18 (D) A BEAUTY SALON LICENSE MAY NOT BE TRANSFERRED TO ANOTHER
19 LOCATION.

20 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A
21 HOLDER OF THE LICENSE MAY PROVIDE BEER AND WINE FOR ON-PREMISES
22 CONSUMPTION DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN 9:00
23 P.M.

24 (F) THE ANNUAL LICENSE FEE IS \$100.

25 (G) AN ESTABLISHMENT FOR WHICH A BEAUTY SALON LICENSE IS
26 ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS
27 UNDER § 13-101 OF THIS ARTICLE.

28 Article – Business Occupations and Professions

29 5-101.

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

1 (c) (1) “Beauty salon” means any commercial establishment, except a
2 barbershop, in which an individual practices cosmetology.

3 (2) “Beauty salon” does not include a clinic in a cosmetology school.

4 (d) “Beauty salon permit” means a permit issued by the Board to operate a
5 beauty salon.

6 (l) (1) “Practice cosmetology” means to engage in any of the following for
7 compensation:

8 (i) providing hair services;

9 (ii) arching or dyeing eyebrows;

10 (iii) dyeing eyelashes;

11 (iv) providing esthetic services; or

12 (v) providing nail technician services.

13 (2) The practice of cosmetology does not include:

14 (i) the mere sale, fitting, or styling of wigs or hairpieces;

15 (ii) the mere shampooing of hair; or

16 (iii) a service that results in tension on hair strands or roots by
17 twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical
18 device, provided that the service does not include the application of dyes, reactive
19 chemicals, or other preparations to alter the color of the hair or to straighten, curl, or
20 alter the structure of the hair.

21 (m) “Provide esthetic services” means to provide to an individual, for
22 compensation, the service of:

23 (1) cleansing, exercising, massaging, stimulating, or performing any
24 other similar procedure on the skin or scalp by electrical, mechanical, or any other
25 means;

26 (2) applying to the face an alcohol, cream, lotion, astringent, or
27 cosmetic preparation; or

28 (3) removing superfluous hair by the use of a depilatory, tweezers, or
29 wax.

1 (n) "Provide hair services" means to provide to an individual for
2 compensation the service of beautifying, cleaning, or embellishing the hair of the
3 individual by:

4 (1) arranging the hair;

5 (2) bleaching the hair;

6 (3) cleansing the hair;

7 (4) coloring the hair;

8 (5) curling the hair;

9 (6) cutting the hair;

10 (7) dressing the hair;

11 (8) singeing the hair;

12 (9) permanent waving the hair;

13 (10) waving the hair; or

14 (11) performing any other similar procedure intended to beautify, clean,
15 or embellish the hair.

16 (o) "Provide nail technician services" means to provide to an individual, for
17 compensation, the service of:

18 (1) manicuring or pedicuring the individual's nails;

19 (2) applying artificial nail enhancement products; or

20 (3) maintaining artificial nail enhancement products.

21 5-501.

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

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

26 (1) providing esthetic services;

27 (2) providing hair services; or

1 (3) providing nail technician services.

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.