

# HOUSE BILL 1124

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By: **Delegate Smith**

Introduced and read first time: February 18, 2015

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Cosmetology – Natural Hair Care Stylist – Licensure**

3 FOR the purpose of requiring individuals to be licensed by the State Board of  
4 Cosmetologists to provide natural hair care styling services in the State; repealing  
5 certain provisions for the licensing and regulation of individuals providing hair  
6 services; requiring the Board to adopt certain curriculum standards for use by  
7 certain entities for instruction in the provision of natural hair care styling services;  
8 establishing the qualifications and examination requirements for applicants for a  
9 limited license to provide natural hair care styling services; providing that certain  
10 applicants licensed in another state or a foreign country to practice as a natural hair  
11 care stylist have met certain training requirements in the State under certain  
12 circumstances; authorizing a beauty salon to operate as a limited practice beauty  
13 salon by offering certain services limited to the provision of natural hair care styling  
14 services; prohibiting a person from providing natural hair care styling services in  
15 any place other than a certain beauty salon except under certain circumstances;  
16 altering certain defined terms; defining certain terms; requiring the Board to grant  
17 a waiver of a certain licensing requirement under this Act to certain individuals  
18 under certain circumstances; and generally relating to licensing requirements for  
19 the provision of natural hair care styling services by the State Board of Cosmetology.

20 BY repealing and reenacting, with amendments,  
21 Article – Business Occupations and Professions  
22 Section 5–101, 5–205, 5–301, 5–305, 5–310, 5–501, and 5–605  
23 Annotated Code of Maryland  
24 (2010 Replacement Volume and 2014 Supplement)

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

27 **Article – Business Occupations and Professions**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5–101.

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

3 (b) “Apprentice” means an individual who is learning to practice cosmetology or  
4 any limited practice of cosmetology in a beauty salon that holds a beauty salon permit under  
5 the supervision of:

6 (1) if learning to practice cosmetology, a licensed senior cosmetologist;

7 (2) if learning to provide esthetic services, a licensed senior cosmetologist  
8 or a licensed esthetician with 2 years’ experience; **AND**

9 (3) [if learning to provide hair services, a licensed senior cosmetologist or  
10 a licensed hairstylist with 2 years’ experience; and

11 (4)] if learning to provide nail technician services, a licensed senior  
12 cosmetologist or a licensed nail technician with 2 years’ experience.

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

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

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

18 (e) “Board” means the State Board of Cosmetologists.

19 (f) “Cosmetologist” means an individual who practices cosmetology.

20 [(g) “Hairstylist” means an individual who provides hair services.]

21 [(h)] **(G)** (1) “License” means, unless the context requires otherwise, a license  
22 issued by the Board.

23 (2) “License” includes, unless the context requires otherwise, each of the  
24 following licenses:

25 (i) a license to practice cosmetology;

26 (ii) a license to practice as a senior cosmetologist;

27 (iii) a limited license to provide esthetic services;

1 (iv) a limited license to provide NATURAL hair CARE STYLING  
2 services; and

3 (v) a limited license to provide nail technician services.

4 **[(i)] (H)** “Licensed cosmetologist” means, unless the context requires otherwise,  
5 a cosmetologist who is licensed by the Board to practice cosmetology.

6 **[(j)] (I)** “Licensed senior cosmetologist” means a person who:

7 (1) has at least 2 years of experience as a licensed cosmetologist; and

8 (2) has passed a test approved by the Board.

9 **[(k)] (J)** (1) “Limited license” means a license issued by the Board to practice  
10 cosmetology as limited in § 5–301 of this title.

11 (2) “Limited license” includes, unless the context requires otherwise, each  
12 of the following licenses:

13 (i) a limited license to provide esthetic services;

14 (ii) a limited license to provide NATURAL hair CARE STYLING  
15 services; and

16 (iii) a limited license to provide nail technician services.

17 **(K) “NATURAL HAIR CARE STYLIST” MEANS AN INDIVIDUAL WHO PROVIDES**  
18 **NATURAL HAIR CARE STYLING SERVICES.**

19 **(l)** (1) “Practice cosmetology” means to engage in any of the following for  
20 compensation:

21 (i) providing hair services;

22 (ii) arching or dyeing eyebrows;

23 (iii) dyeing eyelashes;

24 (iv) providing esthetic services; **[or]**

25 **(V) PROVIDING HAIR–BRAIDING SERVICES; OR**

26 **[(v)] (VI)** providing nail technician services.

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

- 1 (i) the mere sale, fitting, or styling of wigs or hairpieces; **OR**  
2 (ii) the mere shampooing of hair[]; or  
3 (iii) a service that results in tension on hair strands or roots by  
4 twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device,  
5 provided that the service does not include the application of dyes, reactive chemicals, or  
6 other preparations to alter the color of the hair or to straighten, curl, or alter the structure  
7 of the hair].

8 (m) "Provide esthetic services" means to provide to an individual, for  
9 compensation, the service of:

- 10 (1) cleansing, exercising, massaging, stimulating, or performing any other  
11 similar procedure on the skin or scalp by electrical, mechanical, or any other means;  
12 (2) applying to the face an alcohol, cream, lotion, astringent, or cosmetic  
13 preparation; or  
14 (3) removing superfluous hair by the use of a depilatory, tweezers, or wax.

15 **(N) (1) "PROVIDE HAIR-BRAIDING SERVICES" MEANS TO PROVIDE TO AN**  
16 **INDIVIDUAL, FOR COMPENSATION, THE SERVICE OF BRAIDING THE HAIR OF AN**  
17 **INDIVIDUAL BY:**

18 **(I) CLEANING THE HAIR;**

19 **(II) COMBING OR BRUSHING THE HAIR; AND**

20 **(III) PROVIDING A SERVICE THAT RESULTS IN TENSION ON HAIR**  
21 **STRANDS OR ROOTS BY TWISTING, WRAPPING, WEAVING, EXTENDING, LOCKING, OR**  
22 **BRAIDING BY HAND OR MECHANICAL DEVICE.**

23 **(2) "PROVIDING HAIR-BRAIDING SERVICES" DOES NOT INCLUDE THE**  
24 **SERVICE OF APPLYING DYES, REACTIVE CHEMICALS, OR OTHER PREPARATIONS TO**  
25 **ALTER THE COLOR OF THE HAIR OR TO STRAIGHTEN, CURL, OR ALTER THE**  
26 **STRUCTURE OF THE HAIR.**

27 **[(n)] (O) "Provide hair services" means to provide to an individual for**  
28 **compensation the service of beautifying, cleaning, or embellishing the hair of the individual**  
29 **by:**

30 (1) arranging the hair;

- 1 (2) bleaching the hair;
- 2 (3) cleansing the hair;
- 3 (4) coloring the hair;
- 4 (5) curling the hair;
- 5 (6) cutting the hair;
- 6 (7) dressing the hair;
- 7 (8) singeing the hair;
- 8 (9) permanent waving the hair;
- 9 (10) waving the hair; or
- 10 (11) performing any other similar procedure intended to beautify, clean, or
- 11 embellish the hair.

12 [(o)] (P) "Provide nail technician services" means to provide to an individual, for  
13 compensation, the service of:

- 14 (1) manicuring or pedicuring the individual's nails;
- 15 (2) applying artificial nail enhancement products; or
- 16 (3) maintaining artificial nail enhancement products.

17 (Q) "PROVIDE NATURAL HAIR CARE STYLING SERVICES" MEANS TO  
18 PROVIDE TO AN INDIVIDUAL, FOR COMPENSATION, THE SERVICE OF BEAUTIFYING,  
19 CLEANING, OR EMBELLISHING THE HAIR OF THE INDIVIDUAL BY:

- 20 (1) ARRANGING THE HAIR;
- 21 (2) CLEANSING AND CONDITIONING THE HAIR;
- 22 (3) APPLYING NATURAL COLORING TO THE HAIR;
- 23 (4) FINISHING, CUTTING, OR TRIMMING OF THE HAIR;
- 24 (5) DRESSING THE HAIR;
- 25 (6) SINGEING THE HAIR;

1           **(7) PROVIDING HAIR-BRAIDING SERVICES; OR**

2           **(8) PERFORMING ANY OTHER SIMILAR PROCEDURE INTENDED TO**  
3 **BEAUTIFY, CLEAN, OR EMBELLISH THE HAIR.**

4 5-205.

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

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

7           (2) regulations for qualification and examination of applicants for licenses,  
8 registration, and permits and issuance of licenses, certificates of registration, and permits;

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

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

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

15           (b) (1) The Board shall establish reasonable fees for licensing, licensing  
16 renewal, examinations, reinstatements, certifications, applications, preopening  
17 inspections, per diem fees for Board members, compensation for inspectors appointed by  
18 the Board, and for any other service performed by the Board necessary to carry out the  
19 provisions of this title.

20           (2) (i) Except for the examination fees which the Board shall establish  
21 in amounts not to exceed the costs of the examinations and subject to subparagraph (ii) of  
22 this paragraph, the fees established by the Board shall be set in a manner that will produce  
23 funds sufficient to cover the actual direct and indirect costs of regulating the cosmetology  
24 industry in the State in accordance with the provisions of this title.

25           (ii) The Board may not set fees for licensing and license renewals  
26 that exceed \$50.

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

30           (c) (1) The Board shall adopt regulations that establish detailed curriculum  
31 standards for use by the State Board of Education or the Maryland Higher Education  
32 Commission in approving applications for instruction in the practice of cosmetology, the  
33 provision of esthetic services, the provision of **NATURAL** hair **CARE STYLING** services, and  
34 the provision of nail technician services at public schools or private career schools.

1           (2)    The curriculum standards established under paragraph (1) of this  
2 subsection shall:

3                   (i)    incorporate modern methods and practices for:

4                           1.    practicing cosmetology;

5                           2.    providing esthetic services;

6                           3.    providing **NATURAL** hair **CARE STYLING** services; and

7                           4.    providing nail technician services;

8                   (ii)   include a reference to each topic and the emphasis of each topic  
9 required of a comprehensive curriculum in the appropriate licensing area; and

10                   (iii) be reviewed and updated periodically as determined by the  
11 Board.

12 5–301.

13           (a)    Except as otherwise provided in this title, an individual shall be licensed by  
14 the Board to practice cosmetology before the individual may practice cosmetology in the  
15 State.

16           (b)    If an individual holds the appropriate limited license, the individual may  
17 practice cosmetology in a manner limited to:

18                   (1)    providing esthetic services;

19                   (2)    providing **NATURAL** hair **CARE STYLING** services; or

20                   (3)    providing nail technician services.

21           (c)    Subsection (a) of this section does not apply to:

22                   (1)    a student while the student practices cosmetology in accordance with §  
23 5–302 or § 5–303 of this subtitle; or

24                   (2)    a registered apprentice.

25 5–305.

26           (a)    To qualify for a limited license to practice cosmetology, an applicant shall be  
27 an individual who meets the requirements of this section.

(b) An applicant for a limited license to provide esthetic services shall:

(1) be at least 17 years old;

(2) have completed successfully a 9th grade education or the equivalent;

and

(3) have received training by:

(i) serving as a registered apprentice for at least 6 months as provided under §§ 5–404 and 5–405 of this title; or

(ii) successfully completing at least 600 hours of instruction in providing esthetic services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

(c) An applicant for a limited license to provide **NATURAL hair CARE STYLING** services shall:

(1) be at least 17 years old;

(2) have completed successfully a 9th grade education or the equivalent;

and

(3) have received training by:

(i) [serving as a registered apprentice for at least 15 months as provided under §§ 5–404 and 5–405 of this title; or

(ii)] successfully completing at least [1,200] **200** hours of instruction providing **NATURAL hair CARE STYLING** services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board **AS FOLLOWS:**

**1. 35 HOURS OF COURSE WORK ON SANITATION, DISEASES OF THE HAIR AND SCALP, FEDERAL OCCUPATION SAFETY AND HEALTH ADMINISTRATION STANDARDS, AND ETHICS;**

**2. 35 HOURS OF COURSE WORK REGARDING THE PROVISION OF NATURAL HAIR CARE STYLING SERVICES; AND**

**3. 30 HOURS OF COURSE WORK ON BUSINESS PRACTICE, INCLUDING MARYLAND LAW, SALON MANAGEMENT, SALESMANSHIP, AND WORKERS' COMPENSATION; AND**



1                   **(II) SUCCESSFULLY COMPLETING 100 HOURS OF PRACTICAL**  
2 **EXPERIENCE OF PROVIDING NATURAL HAIR CARE STYLING SERVICES.**

3           (d)    An applicant for a limited license to provide nail technician services shall:

4                   (1)    be at least 17 years old;

5                   (2)    have successfully completed a 9th grade education or the equivalent;

6 and

7                   (3)    have received training by:

8                           (i)    serving as a registered apprentice for at least 3 months as  
9 provided under §§ 5-404 and 5-405 of this title; or

10                           (ii)   successfully completing at least 250 hours of instruction in  
11 providing nail technician services in a cosmetology school approved by the State  
12 Department of Education or the Maryland Higher Education Commission in consultation  
13 with the Board.

14           (e)    If an applicant is licensed to practice as an esthetician, [hairstylist] A  
15 **NATURAL HAIR CARE STYLIST**, or A nail technician in another state or foreign country,  
16 the applicant meets the training requirements of this section if the applicant has held a  
17 limited license in the other state or foreign country and has actively practiced in the other  
18 state or foreign country for a period of 6 months.

19           (f)    An applicant for a limited license shall pass an examination given by the  
20 Board under this subtitle.

21 5-310.

22           (a)    Subject to subsections (b), (c), and (d) of this section and while a license to  
23 practice cosmetology is in effect, it authorizes the licensee to practice cosmetology.

24           (b)    While a limited license to provide esthetic services is in effect, it authorizes  
25 the licensee to provide only esthetic services.

26           (c)    While a limited license to provide **NATURAL hair CARE STYLING** services is  
27 in effect, the license authorizes the licensee to provide only **NATURAL hair CARE STYLING**  
28 services.

29           (d)    While a limited license to provide nail technician services is in effect, it  
30 authorizes the licensee to provide only nail technician services.

31 5-501.

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

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

5 (1) providing esthetic services;

6 (2) providing **NATURAL** hair **CARE STYLING** services; or

7 (3) providing nail technician services.

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

10 5–605.

11 (a) Except as provided in §§ 5–302 and 5–303 of this title and subsection (b) of  
12 this section, a person may not practice cosmetology, provide esthetic services, provide  
13 **NATURAL** hair **CARE STYLING** services, or provide nail technician services in any place  
14 other than:

15 (1) a beauty salon that holds a beauty salon permit; or

16 (2) a barbershop that holds a barbershop permit issued under Title 4 of this  
17 article.

18 (b) (1) A licensed cosmetologist, **AN** esthetician, [**hairstylist**] **A NATURAL**  
19 **HAIR CARE STYLIST**, or **A** nail technician may practice cosmetology and provide services  
20 in:

21 (i) a facility in which beautification–oriented medical services,  
22 authorized by the Department of Health and Mental Hygiene, are provided;

23 (ii) the residence of an individual confined to the residence by reason  
24 of a physical or mental infirmity;

25 (iii) an assisted living facility as defined in § 19–1801 of the Health –  
26 General Article;

27 (iv) a hospice facility defined in § 19–901(c) of the Health – General  
28 Article;

29 (v) a nursing home as defined in § 19–1401(e) of the Health –  
30 General Article; or

1 (vi) a hospital as defined in § 19–301 of the Health – General Article  
2 or a similar institution.

3 (2) To practice in any of the locations specified in this subsection:

4 (i) the licensed cosmetologist, esthetician, [hairstylist] **NATURAL**  
5 **HAIR CARE STYLIST**, or nail technician shall be sponsored by a beauty salon in which the  
6 cosmetologist, esthetician, [hairstylist] **NATURAL HAIR CARE STYLIST**, or nail technician  
7 is authorized to practice;

8 (ii) the patron to whom the services are rendered shall be a customer  
9 of the beauty salon; and

10 (iii) the services shall be rendered by appointment through the  
11 beauty salon.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of  
13 Cosmetology shall grant a waiver of the examination and education requirements for a  
14 limited license to provide natural hair care styling services to any individual who:

15 (1) is employed on January 1, 2016, as a natural hair care stylist; and

16 (2) submits documentation satisfactory to the State Board of  
17 Cosmetologists of having obtained at least 4 years of natural hair care stylist experience  
18 immediately before the date of application for a limited license.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2015.