

HOUSE BILL 293

C2

6lr0930

By: **Delegates Moon, Barron, McCray, Sydnor, Anderson, Atterbeary, Carr, Carter, Conaway, Glass, Gutierrez, Kelly, Luedtke, Morales, Oaks, Rosenberg, Sanchez, Smith, and Waldstreicher**

Introduced and read first time: January 26, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Barbers and Cosmetologists – Criminal Penalties for Practicing Barbering or**
3 **Cosmetology Without License – Repeal**

4 FOR the purpose of repealing certain criminal penalties for violations of the barbering law
5 and for violations of the cosmetology law; making stylistic changes; and generally
6 relating to practicing barbering or cosmetology.

7 BY repealing and reenacting, without amendments,
8 Article – Business Occupations and Professions
9 Section 4–601 and 5–601
10 Annotated Code of Maryland
11 (2010 Replacement Volume and 2015 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Business Occupations and Professions
14 Section 4–607 and 5–609
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2015 Supplement)

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

19 **Article – Business Occupations and Professions**

20 4–601.

21 (a) Except as otherwise provided in this title, a person may not practice, attempt
22 to practice, or offer to practice barbering in the State unless licensed by the Board to
23 practice barbering.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as otherwise provided in this title, a person may not provide, attempt
2 to provide, or offer to provide barber–stylist services in the State unless licensed by the
3 Board to provide barber–stylist services.

4 4–607.

5 (a) [A person who violates any provision of this title is guilty of a misdemeanor
6 and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 30
7 days or both.

8 (b) (1) Except as otherwise provided by this title, the Board may impose on a
9 person who violates any provision of this title a penalty not exceeding \$1,000 for all
10 violations cited on a single day.

11 [(2)] (B) In setting the amount of the penalty, the Board shall consider:

12 [(i)] (1) the seriousness of the violation;

13 [(ii)] (2) the harm caused by the violation;

14 [(iii)] (3) the good faith of the violator;

15 [(iv)] (4) any history of previous violations by the violator; and

16 [(v)] (5) any other relevant factors.

17 [(3)] (C) The Board shall pay any penalty collected under this
18 [subsection] SECTION into the General Fund of the State.

19 5–601.

20 Except as otherwise provided in this title, a person may not practice, attempt to
21 practice, or offer to practice cosmetology in the State unless licensed by the Board to
22 practice cosmetology.

23 5–609.

24 (a) [A person who violates any provision of this title is guilty of a misdemeanor
25 and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 30
26 days or both.

27 (b) (1) Except as otherwise provided by this title, the Board may impose on a
28 person who violates any provision of this title a penalty not exceeding \$1,000 for all
29 violations cited on a single day.

1 **[(2)] (B)** In setting the amount of the penalty, the Board shall consider:

2 **[(i)] (1)** the seriousness of the violation;

3 **[(ii)] (2)** the harm caused by the violation;

4 **[(iii)] (3)** the good faith of the violator;

5 **[(iv)] (4)** any history of previous violations by the violator; and

6 **[(v)] (5)** any other relevant factors.

7 **[(3)] (C)** The Board shall pay any penalty collected under this
8 **[subsection] SECTION** into the General Fund of the State.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2016.