

HOUSE BILL 567

C2

(6lr2718)

ENROLLED BILL

— *Economic Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Delegate Kipke**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~State Board of~~ ***Barbers and Cosmetologists – Mobile Barbershops and Beauty***
3 ***Salons – Permit Requirement***

4 FOR the purpose of altering the definition of “barbershop” to include a certain mobile
5 barbershop; requiring an applicant for a barbershop permit for a mobile barbershop
6 to hold a certain permit to operate a certain barbershop and to lease or own the motor
7 vehicle or trailer in which a certain mobile barbershop is located for which a certain
8 application is made; altering the definition of “beauty salon” to include a certain
9 mobile beauty salon; requiring an applicant for a beauty salon permit for a mobile
10 beauty salon to hold a certain permit to operate a certain beauty salon and to lease
11 or own the motor vehicle or trailer in which a certain mobile beauty salon is located
12 for which a certain application is made; ~~altering a certain definition;~~ defining a
13 ~~certain term~~ certain terms; making certain conforming and stylistic changes; and
14 generally relating to barbershops and beauty salons and the State Board of Barbers
15 and the State Board of Cosmetologists.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Business Occupations and Professions
 3 Section ~~4-101, 4-502, 5-101, and 5-502~~
 4 Annotated Code of Maryland
 5 (2010 Replacement Volume and 2015 Supplement)

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

8 **Article – Business Occupations and Professions**

9 4-101.

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

11 (b) “Apprentice barber” means an individual who, under the supervision of a
 12 master barber, is learning to practice barbering or to provide barber–stylist services in a
 13 barbershop that holds a barbershop permit.

14 (c) “Barber” means an individual who practices barbering.

15 (d) “Barber–stylist” means an individual who provides barber–stylist services.

16 (e) (1) “Barbershop” means any commercial establishment, except a beauty
 17 salon, in which an individual practices barbering or provides barber–stylist services.

18 (2) **“BARBERSHOP” INCLUDES A MOBILE BARBERSHOP.**

19 [~~(2)~~] (3) “Barbershop” does not include a clinic in a barber school.

20 (f) “Barbershop permit” means a permit issued by the Board to operate a
 21 barbershop.

22 (g) “Board” means the State Board of Barbers.

23 (h) (1) “License” means, unless the context requires otherwise, a license issued
 24 by the Board to practice barbering or to provide barber–stylist services.

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

27 (i) a master barber license;

28 (ii) a barber license; and

29 (iii) a barber–stylist limited license.

1 (i) (1) “Limited license” means a license issued by the Board to practice
2 barbering as limited in § 4-301 of this title.

3 (2) “Limited license” includes, unless the context requires otherwise, a
4 limited license to provide barber–stylist services.

5 (j) “Master barber” means a barber who:

6 (1) has at least 15 months experience as a licensed barber; and

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

8 (K) “MOBILE BARBERSHOP” MEANS A BARBERSHOP THAT IS LOCATED IN A
9 MOTOR VEHICLE OR A TRAILER THAT IS DESIGNED, CONSTRUCTED, AND EQUIPPED
10 AS A PLACE FOR AN INDIVIDUAL TO PRACTICE BARBERING AND FOR USE AS A
11 CONVEYANCE ON HIGHWAYS.

12 ~~[(k)]~~ (L) (1) “Practice barbering” means to provide to an individual for
13 compensation the service of:

14 (i) cutting, razor cutting, styling, relaxing, body waving,
15 shampooing, or coloring the hair;

16 (ii) shaving or trimming the beard;

17 (iii) massaging the face;

18 (iv) designing, fitting, or cutting a hairpiece; or

19 (v) performing any other similar procedure on the hair, beard, face,
20 or hairpiece of the individual.

21 (2) “Practice barbering” does not include:

22 (i) the mere sale of wigs or hairpieces; or

23 (ii) the services performed by an employee under the supervision of a
24 master barber in a barbershop that holds a barbershop permit that are restricted to:

25 1. shampooing;

26 2. removal of a hair solution;

27 3. sterilization of equipment; or

4. similar activities.

~~[(l)]~~ (M) “Provide barber–stylist services” means to provide to an individual for compensation the service of:

(1) cutting, razor cutting, or styling the hair;

(2) shaving or trimming the beard;

(3) massaging the face; or

(4) performing any other similar procedure on the hair, beard, or face of the individual.

4–502.

(a) To qualify for a barbershop permit, an applicant shall be a person who meets the requirements of this section.

(b) (1) An applicant shall own the **FACILITY IN WHICH THE** barbershop for which the application is made **IS LOCATED.**

(2) **TO QUALIFY FOR A BARBERSHOP PERMIT FOR A MOBILE BARBERSHOP, THE APPLICANT SHALL:**

(I) **HOLD A BARBERSHOP PERMIT TO OPERATE A BARBERSHOP THAT IS NOT A MOBILE BARBERSHOP; AND**

(II) **OWN OR LEASE THE MOTOR VEHICLE OR TRAILER IN WHICH THE MOBILE BARBERSHOP FOR WHICH THE APPLICATION IS MADE IS LOCATED.**

(c) An applicant shall satisfy the Board that the location and equipment of the barbershop for which the application is made meets the requirements of:

(1) the Board;

(2) the Department of Health and Mental Hygiene; and

(3) the applicable local zoning code.

(d) As a condition of the issuance of a barbershop permit, the barbershop for which the application is made shall pass a pre–opening inspection conducted under § 4–512 of this subtitle.

5–101.

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

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

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

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

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

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

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

14 (2) **“BEAUTY SALON” INCLUDES A MOBILE BEAUTY SALON.**

15 (3) “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) (1) “License” means, unless the context requires otherwise, a license issued
22 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;

28 (iv) a limited license to provide hair services; and

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

2 (i) “Licensed cosmetologist” means, unless the context requires otherwise, a
3 cosmetologist who is licensed by the Board to practice cosmetology.

4 (j) “Licensed senior cosmetologist” means a person who:

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

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

7 (k) (1) “Limited license” means a license issued by the Board to practice
8 cosmetology as limited in § 5–301 of this title.

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

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

12 (ii) a limited license to provide hair services; and

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

14 **(L) “MOBILE BEAUTY SALON” MEANS A BEAUTY SALON THAT IS LOCATED IN**
15 **A MOTOR VEHICLE OR A TRAILER THAT IS DESIGNED, CONSTRUCTED, AND EQUIPPED**
16 **AS A PLACE FOR AN INDIVIDUAL TO PRACTICE COSMETOLOGY AND FOR USE AS A**
17 **CONVEYANCE ON HIGHWAYS.**

18 **[L] (M)** (1) “Practice cosmetology” means to engage in any of the following
19 for compensation:

20 (i) providing hair services;

21 (ii) arching or dyeing eyebrows;

22 (iii) dyeing eyelashes;

23 (iv) providing esthetic services; or

24 (v) providing nail technician services.

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

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

27 (ii) the mere shampooing of hair; or

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

6 **[(m)] (N)** “Provide esthetic services” means to provide to an individual, for
7 compensation, the service of:

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

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

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

13 **[(n)] (O)** “Provide hair services” means to provide to an individual for
14 compensation the service of beautifying, cleaning, or embellishing the hair of the individual
15 by:

16 (1) arranging the hair;

17 (2) bleaching the hair;

18 (3) cleansing the hair;

19 (4) coloring the hair;

20 (5) curling the hair;

21 (6) cutting the hair;

22 (7) dressing the hair;

23 (8) singeing the hair;

24 (9) permanent waving the hair;

25 (10) waving the hair; or

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

1 ~~[(o)]~~ **(P)** “Provide nail technician services” means to provide to an individual, for
2 compensation, the service of:

- 3 (1) manicuring or pedicuring the individual’s nails;
- 4 (2) applying artificial nail enhancement products; or
- 5 (3) maintaining artificial nail enhancement products.

6 5–502.

7 (a) To qualify for a beauty salon permit, an applicant shall meet the requirements
8 of this section.

9 (b) **(1)** An applicant shall own or lease **THE FACILITY IN WHICH** the beauty
10 salon for which the application is made **IS LOCATED**.

11 **(2)** **TO QUALIFY FOR A BEAUTY SALON PERMIT FOR A MOBILE BEAUTY**
12 **SALON, THE APPLICANT SHALL:**

13 **(I)** **HOLD A BEAUTY SALON PERMIT TO OPERATE A BEAUTY**
14 **SALON THAT IS NOT A MOBILE BEAUTY SALON; AND**

15 **(II)** **OWN OR LEASE THE MOTOR VEHICLE OR TRAILER IN WHICH**
16 **THE MOBILE BEAUTY SALON FOR WHICH THE APPLICATION IS MADE IS LOCATED.**

17 (c) As a condition of the issuance of a beauty salon permit, the beauty salon for
18 which the application is made shall pass the inspection conducted under § 5–520 of this
19 subtitle.

20 (d) The applicant shall meet any other requirements that the Board sets, by
21 regulation, for applicants for beauty salon permits.

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