

HOUSE BILL 567

C2

6lr2718

By: **Delegate Kipke**

Introduced and read first time: February 3, 2016

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 1, 2016

CHAPTER _____

1 AN ACT concerning

2 **State Board of Cosmetologists – Mobile Beauty Salons – Permit Requirement**

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

10 BY repealing and reenacting, with amendments,
11 Article – Business Occupations and Professions
12 Section 5–101 and 5–502
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2015 Supplement)

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

17 **Article – Business Occupations and Professions**

18 5–101.

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

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

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

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

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

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

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

13 (2) **"BEAUTY SALON" INCLUDES A MOBILE BEAUTY SALON.**

14 (3) "Beauty salon" does not include a clinic in a cosmetology school.

15 (d) "Beauty salon permit" means a permit issued by the Board to operate a beauty
16 salon.

17 (e) "Board" means the State Board of Cosmetologists.

18 (f) "Cosmetologist" means an individual who practices cosmetology.

19 (g) "Hairstylist" means an individual who provides hair services.

20 (h) (1) "License" means, unless the context requires otherwise, a license issued
21 by the Board.

22 (2) "License" includes, unless the context requires otherwise, each of the
23 following licenses:

24 (i) a license to practice cosmetology;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) providing hair services;

20 (ii) arching or dyeing eyebrows;

21 (iii) dyeing eyelashes;

22 (iv) providing esthetic services; or

23 (v) providing nail technician services.

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

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

26 (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.

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

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

4 5–502.

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.