

**HOUSE . . . . . No. 3918**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Fourteen**  
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An Act modernizing licensing operations at the Division of Professional Licensure.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 12C of chapter 13, as appearing in the 2010 Official Edition, is  
2 hereby amended by striking out the words “There shall be paid by the commonwealth to the  
3 secretary of the board a salary of five hundred dollars, and his necessary expenses incurred in the  
4 discharge of his official duties, and to each of the other members thereof a salary of two hundred  
5 and fifty dollars, and his necessary expenses so incurred; provided, that the salaries and expenses  
6 of the members of the board shall not be in excess of the receipts for registration.” and inserting  
7 in place thereof the following:- The members of the board shall serve without compensation but  
8 each member shall be reimbursed for actual expenses reasonably incurred in the performances of  
9 his duties as a member or on behalf of the board.

10           SECTION 2. Section 18 of said chapter 13, as so appearing, is hereby amended by  
11 striking out the words “There shall be paid by the commonwealth to the secretary of the board a  
12 salary of seven hundred and fifty dollars, and to each other member thereof a salary of five  
13 hundred and seventy-five dollars, and to each member thereof his necessary traveling expenses  
14 actually incurred in attending the meetings of the board and such other expenses of the board as  
15 are incurred under section sixteen or seventeen or under sections sixty-six to seventy-three,  
16 inclusive, of chapter one hundred and twelve.” and inserting in place thereof the following:- The  
17 members of the board shall serve without compensation but each member shall be reimbursed for  
18 actual expenses reasonably incurred in the performances of his duties as a member or on behalf  
19 of the board.

20           SECTION 3. Section 28 of said chapter 13, as so appearing, is hereby amended by  
21 striking out the words “There shall be paid by the commonwealth to the secretary a salary of  
22 fifteen hundred dollars and his necessary traveling and contingent expenses, not exceeding three  
23 hundred dollars, actually incurred in attending to the necessary work of the board, and to each of

24 the other members of the board a salary of two hundred and fifty dollars and his necessary  
25 traveling and contingent expenses actually incurred in attending the meetings thereof.” and  
26 inserting in place thereof the following:- The members of the board shall serve without  
27 compensation but each member shall be reimbursed for actual expenses reasonably incurred in  
28 the performances of his duties as a member or on behalf of the board.

29 SECTION 4. Section 31 of said chapter 13, as so appearing, is hereby amended by  
30 striking out the words “There shall be paid by the commonwealth to the chairman of said board  
31 the sum of twenty-five hundred dollars annually, to the secretary of said board the sum of  
32 eighteen hundred and seventy-five dollars, and to each of the other members of said board the  
33 sum of twelve hundred and fifty dollars, and to all members of the board their necessary  
34 traveling and other expenses actually expended in attending meetings thereof. Said board may  
35 expend any sum not exceeding five hundred dollars annually for purposes of instruction and  
36 dissemination of new and useful knowledge among and for the benefit of registered embalmers  
37 and funeral directors; provided, that such salaries and expenses shall not be in excess of the  
38 receipts for registration and renewals thereof received by the state treasurer from the board.” and  
39 inserting in place thereof the following:- The members of the board shall serve without  
40 compensation but each member shall be reimbursed for actual expenses reasonably incurred in  
41 the performances of his duties as a member or on behalf of the board.

42 SECTION 5. Section 32 of said chapter 13, as so appearing, is hereby amended by  
43 striking out the words “The board shall appoint an executive secretary who shall be a wage  
44 earner, a citizen of the commonwealth, and a practical electrician of at least ten years’ experience  
45 in such installation. The board may also appoint, subject to chapter thirty-one, such other clerical  
46 and technical assistants as may be necessary to discharge its duties under chapter one hundred  
47 and forty-one and shall establish their duties. The members, ex officios, shall receive no  
48 compensation for their services under chapter one hundred and forty-one, but the appointive  
49 members shall each receive for their services there under a salary of seven hundred and fifty  
50 dollars. The board may expend for the salaries of the appointive members and of the secretary  
51 and other employees and for necessary traveling and other expenses for themselves and their  
52 employees such sums as are annually appropriated therefore.” and inserting in place thereof the  
53 following: - The members of the board shall serve without compensation but each member shall  
54 be reimbursed for actual expenses reasonably incurred in the performances of his duties as a  
55 member or on behalf of the board.

56 SECTION 6. Section 35 of said chapter 13, as so appearing, is hereby amended by  
57 striking out the words “Each member of the board shall receive fifty dollars for each day or part  
58 of a day actually spent in the performance of his duties, but in any one year not more than three  
59 thousand dollars shall be paid to any member. Each member shall be reimbursed for his actual  
60 and necessary expenses incurred in the discharge of his official duties. The board shall employ  
61 an executive secretary, who shall be a certified public accountant, and shall determine his salary.  
62 The executive secretary shall not be subject to the provisions of sections forty-five to fifty,

63 inclusive, of chapter thirty, or to the provisions of chapter thirty-one. The board may appoint  
64 such committees or persons to advise it or assist it in such administration as it may see fit. It may  
65 seek counsel to advise and assist it as may be provided by the attorney general.” and inserting in  
66 place thereof the following:- The members of the board shall serve without compensation but  
67 each member shall be reimbursed for actual expenses reasonably incurred in the performances of  
68 his duties as a member or on behalf of the board.

69 SECTION 7. Section 36 of said chapter 13, as so appearing, is hereby amended by  
70 striking out the words “Said board shall appoint an executive secretary who is a citizen of the  
71 commonwealth and has had at least ten years’ continuous practical experience as a plumber. He  
72 shall receive his necessary traveling expenses incurred in the performance of his duties. No  
73 member of said board shall be eligible for appointment as secretary.”

74 SECTION 8. Section 38 of said chapter 13, as so appearing, is hereby amended by  
75 striking out the words “There shall be paid by the commonwealth to the chairman of the  
76 examiners a salary of seven hundred and fifty dollars and to each other member thereof a salary  
77 of five hundred dollars, and to each member thereof his necessary traveling expenses actually  
78 incurred in attending meetings of the examiners. The division of professional licensure shall  
79 furnish the examiners with such clerical assistance as may be necessary.” and inserting in place  
80 thereof the following:- The members of the board shall serve without compensation but each  
81 member shall be reimbursed for actual expenses reasonably incurred in the performances of his  
82 duties as a member or on behalf of the board.

83 SECTION 9. Sections 39 to 41, inclusive, of said chapter 13 are hereby repealed.

84 SECTION 10. Said chapter 13 is hereby amended by striking out section 42 and inserting  
85 in place thereof the following:-

86 Section 42. There shall be a board of registration of cosmetology and barbering to consist  
87 of 9 members to be appointed by the governor, 1 of whom shall be designated as chairperson by  
88 a majority vote of the board. Upon initial appointment to said board, 3 members shall continue in  
89 office for 1 year, 3 members shall continue in office for 2 years and 3 members shall continue in  
90 office for 3 years. Successors shall be appointed for terms of 3 years; provided, however, that  
91 any person designated to fill a vacancy shall be appointed only for the unexpired term of the  
92 board member so replaced. Upon the expiration of a term of office, a board member may  
93 continue to serve until a successor has been appointed and qualified.

94 The governor may remove the chairperson or other member of said board for neglect of  
95 duty or malfeasance or upon a conviction of a felony or crime of moral turpitude. No board  
96 member shall participate in any matter before said board in which said member has a pecuniary  
97 interest, personal bias, or other conflict. No 2 members of said board, while in office, shall be  
98 interested in a cosmetology establishment in the same town. A board member in office on the

99 effective date of this section shall continue to serve as a voting, full time member of said board  
100 until such time as his term of office expires.

101 The governor shall appoint members to the board from among candidates who meet the  
102 following qualifications:- (a) 8 members who shall be licensees of the board, in compliance with  
103 sections 87T to 87JJ, inclusive, of chapter 112, 1 of whom shall own a licensed cosmetology  
104 school or post-secondary institution for at least 5 years, 1 of whom shall be a cosmetologist for at  
105 least 5 years, 1 of whom shall be a licensed cosmetologist and shop owner for at least 5 years, 1  
106 of whom shall be a licensed vocational educator from the public sector who has taught  
107 cosmetology or barbering for at least 5 years, 2 of whom shall be licensed master barbers for at  
108 least 5 years, 1 of whom shall be a licensed electrologist for at least 5 years, and 1 of whom shall  
109 be a licensed aesthetician for at least 5 years; and (b) 1 member shall be a representative of the  
110 general public and shall have no direct affiliation with the practice of cosmetology, barbering or  
111 electrology.

112 SECTION 11. Section 43 of said chapter 13 is hereby repealed.

113 SECTION 12. Section 44 of said chapter 13 is hereby repealed.

114 SECTION 13. Section 44D of said chapter 13, as so appearing, is hereby amended by  
115 striking out the words "Each member of the board shall receive eighteen dollars and seventy-five  
116 cents for each day or portion thereof spent in the performance of his official duties; provided,  
117 that the total sum paid to any member thereof shall not exceed seven hundred and fifty dollars in  
118 any one year; and, in addition, all proper traveling and incidental expenses actually incurred by  
119 him in connection with said duties. The board may appoint such clerks as may be necessary;  
120 provided, that the salaries and expenses of the members of the board and its employees, and the  
121 expenses of the board, shall not be in excess of the receipts for registration and from other  
122 sources that have been received by the state treasurer from the board." and inserting in place  
123 thereof the following:- The members of the board shall serve without compensation but each  
124 member shall be reimbursed for actual expenses reasonably incurred in the performances of his  
125 duties as a member or on behalf of the board.

126 SECTION 14. Section 46 of said chapter 13, as so appearing, is hereby amended by  
127 striking out the words "At all meetings of the board, a quorum shall consist of three members."

128 SECTION 15. Section 50 of said chapter 13, as so appearing, is hereby amended by  
129 striking out the words "There shall be paid annually by the commonwealth to the secretary of the  
130 board a salary of three hundred and seventy-five dollars and to each other member thereof an  
131 annual salary of one hundred and twenty-five dollars and to each member the necessary traveling  
132 expenses actually incurred in attending the meetings of the board and such other expenses as  
133 shall be incurred in the discharge of his duties." and inserting in place thereof the following:-  
134 The members of the board shall serve without compensation but each member shall be

135 reimbursed for actual expenses reasonably incurred in the performances of his duties as a  
136 member or on behalf of the board.

137 SECTION 16. Section 53 of said chapter 13, as so appearing, is hereby amended by  
138 striking out the words “Each member of the board, other than the employee of the department of  
139 public health, shall receive from the commonwealth twelve dollars and fifty cents for each day or  
140 portion thereof spent in attending board meetings; and each member shall be paid the necessary  
141 traveling expenses actually incurred by him in attending said meetings; provided, that such  
142 compensation and expenses shall not in any one year exceed the receipts from registrations and  
143 licenses paid to the commonwealth by the board. The board may appoint such employees as may  
144 be necessary to carry out its duties and may expend therefore such sums as may be  
145 appropriated.” and inserting in place thereof the following:- The members of the board shall  
146 serve without compensation but each member shall be reimbursed for actual expenses reasonably  
147 incurred in the performances of his duties as a member or on behalf of the board.

148 SECTION 17. Section 57 of said chapter 13, as so appearing, is hereby amended by  
149 striking out the words “The board may, subject to chapter thirty-one, employ a secretary and  
150 such other clerical and technical assistants as may be necessary to discharge its official duties,  
151 shall establish their duties, and, subject to the provisions of sections forty-five to fifty, inclusive,  
152 of chapter thirty, shall fix their compensation which shall be paid by the commonwealth. The  
153 commonwealth shall provide the board with adequate office space and shall pay the expenses of  
154 the board incurred in the performance of its duties.”

155 SECTION 18. Sections 58 to 60, inclusive, of said chapter 13 are hereby repealed.

156 SECTION 19. Sections 61 to 63, inclusive, of said chapter 13 are hereby repealed.

157 SECTION 20. Section 66 of said chapter 13 is hereby amended by striking out the words  
158 “All fees received by the secretary of the board and not returned to the applicant shall be paid  
159 monthly to the state treasurer. Each member of the board shall receive from the commonwealth  
160 fifteen dollars for each day or portion thereof spent in the performance of his official duties.  
161 Each member shall be paid the necessary traveling and other expenses actually incurred by him  
162 in the performance of said duties.” and inserting in place thereof the following:- The members of  
163 the board shall serve without compensation but each member shall be reimbursed for actual  
164 expenses reasonably incurred in the performances of his duties as a member or on behalf of the  
165 board.

166 SECTION 21. Section 68 of said chapter 13, as so appearing, is hereby amended by  
167 striking out the words “and a secretary who may, but need not, be a member of the board. At all  
168 meetings of the board a quorum shall consist of three members.”

169 SECTION 22. Section 72 of said chapter 13, as so appearing, is hereby amended by  
170 striking out the words “Each member of the board other than the employee of the department of

171 public health shall receive from the commonwealth ten dollars for each day or portion thereof  
172 spent in attending board meetings and each member shall be paid the necessary travelling  
173 expenses actually incurred by him in attending said meetings, provided that such compensation  
174 and expenses shall not in one year exceed the receipts from the registrations and licenses. The  
175 board may appoint such employees as may be necessary to carry out its duties and may expend  
176 therefore such sums as may be appropriated.” and inserting in place thereof the following:- The  
177 members of the board shall serve without compensation but each member shall be reimbursed for  
178 actual expenses reasonably incurred in the performances of his duties as a member or on behalf  
179 of the board.

180 SECTION 23. Section 85 of said chapter 13, as so appearing, is hereby amended by  
181 striking out the words “Three members of the board shall constitute a quorum to do business,  
182 provided at least one speech-language pathologist and one audiologist are present.”

183 SECTION 24. Section 92 of said chapter 13, as so appearing, is hereby amended by  
184 striking out the words “One of the appraiser members shall be a state-certified general real estate  
185 appraiser, one shall be a state-certified residential real estate appraiser, and one shall be a state-  
186 licensed real estate appraiser. One of the real estate appraiser members of the board shall be an  
187 assessor in a city or town in the commonwealth.” and inserting in place thereof the following:-  
188 At least 1 of the appraiser members shall be a state-certified general real estate appraiser, and 1  
189 shall be a state-certified residential real estate appraiser.

190 SECTION 25. Said section 92 of said chapter 13, as so appearing, is hereby further  
191 amended by striking out the words “A quorum of the board shall be five members.”

192 SECTION 26. Said section 92 of said chapter 13, as so appearing, is hereby further  
193 amended by striking out the words “The director of the division of registration, with approval of  
194 the board, shall appoint an executive secretary to serve the board. The division of professional  
195 licensure shall employ such other clerical and technical assistants as may be necessary to  
196 discharge the official duties of the board.”

197 SECTION 27. Section 93 of said chapter 13, as so appearing, is hereby amended by  
198 striking out the words “A quorum of the board shall be three members.”

199 SECTION 28. Section 95 of said chapter 13 is hereby repealed.

200 SECTION 29. Section 60J of chapter 112, as appearing in the 2010 Official Edition, is  
201 hereby amended by striking out the words “Copies of such roster shall be mailed to each person  
202 so registered, placed on file with the state secretary, and furnished to the public on request.” And  
203 inserting in place thereof the following:- Such roster shall be posted on a publicly available  
204 website.

205 SECTION 30. Said chapter 112 of the General Laws is hereby amended by inserting after  
206 section 204 65E the following section:-

207 Section 65F. Notwithstanding any general law or special law to the contrary, the fee for  
208 reinstating a lapsed or expired license issued by a board of registration under the supervision of  
209 the division of professional licensure shall be no more than the cost of the current renewal fee for  
210 2 missed renewal cycles. This fee for reinstatement is in addition to any applicable late fee.

211 SECTION 31. Section 81I of said chapter 112, as so appearing, is hereby amended by  
212 striking out the words “Copies of such roster shall be mailed to each person so registered, placed  
213 on file with the state

214 secretary and furnished to the public upon request.” and inserting in place thereof the  
215 following:- Such roster shall be posted on a publicly available website.

216 SECTION 32. Section 81Q of said chapter 112, as so appearing, is hereby amended by  
217 striking out the words “if three or more members of the board vote in favor of such reissuance.”

218 SECTION 33. Sections 87F to 87S, inclusive, of said chapter 112 are hereby repealed.

219 SECTION 34. Said chapter 112 is hereby amended by striking out sections 87T to 87KK,  
220 inclusive, and inserting in place thereof the following:-

221 Section 87T. The following words, as used in sections 87T to 87KK, inclusive, shall have  
222 the following meanings:

223 “Aesthetician”, any person who is licensed by the board to perform aesthetics.

224 “Aesthetics”, cleansing, stimulating, manipulating, and beautifying of the skin using  
225 hands, mechanical, or electrical apparatus or appliances, cosmetic preparations, tonics, lotions, or  
226 creams; or performing or offering to perform, with or without compensation, any of the above-  
227 mentioned services for the public generally. Aesthetics only includes methods that are minimally  
228 invasive and pose a minimal risk to the public’s health as defined by the board. The practice of  
229 aesthetics includes holding oneself out as an aesthetician or as someone engaged in the practice  
230 of aesthetics or in any manner offering to practice as an aesthetician.

231 “Barber”, any person who is licensed by the board to perform barbering.

232 “Barbering”, shaving or trimming the beard, cutting the hair, giving facial and scalp  
233 massaging, giving facial and scalp treatments with oils and creams and other preparations made  
234 for that purpose, either by hand or mechanical appliances, singing and shampooing the hair or  
235 applying any make of hair tonics, or dyeing the hair, of any person; or performing or offering to  
236 perform, with or without compensation, any of the above-mentioned services for the public  
237 generally.

238 The practice of barbering includes holding oneself out as a barber or as someone engaged  
239 in the practice of barbering or in any manner offering to practice as a barber.

240 “Board”, the board of registration of cosmetology and barbering established by section 42  
241 of chapter 13.

242 “Cosmetologist”, any person who is licensed by the board to perform cosmetology.

243 “Cosmetology” the practice of aesthetics, manicuring, and hairdressing for compensation,  
244 or performing or offering to perform, with or without compensation, any of the above mentioned  
245 services for the public generally. The practice of cosmetology includes holding oneself out as a  
246 cosmetologist or as someone engaged in the practice of cosmetology or in any manner offering  
247 to practice as a cosmetologist. However, the definition of cosmetology shall not include  
248 barbering, make-up artistry, or acts performed as a demonstrator.

249 “Demonstrator”, any person who engages on behalf of a manufacturer, wholesaler,  
250 retailer or distributor in demonstrating the use of any technique, machine or other article  
251 pertaining to cosmetology or barbering without charge to the person who is subject to such  
252 demonstration.

253 “Electrologist”, any person who is licensed by the board to perform electrolysis.

254 “Electrolysis”, the method of removing hair from the human body by the application of  
255 an electrical current or any other form of energy to the hair-papilla or other source of hair  
256 germination by means of a needle or any other instrument or device to cause decomposition,  
257 coagulation, dehydration or other form of tissue destruction, to permanently disable the hair  
258 follicle from producing hair.

259 “Hairdressing”, arranging, dressing, curling, waving, cleansing, cutting, singeing,  
260 bleaching, coloring, or similarly treating the hair of any person, or any combination of any of the  
261 foregoing, or performing or offering to perform, with or without compensation, any of the above-  
262 mentioned services for the public generally. The practice of hairdressing includes someone  
263 engaged in the practice of hairdressing or in any manner offering to practice hairdressing.

264 “Instructor”, any person who is licensed by the board to teach a branch of aesthetics,  
265 barbering, electrolysis, hairdressing or manicuring in a school or post-secondary institution.

266 “Licensee”, an individual licensed by the board.

267 “Manicurist”, any person who is licensed by the board to perform manicuring.

268 “Manicuring”, the cutting, trimming, polishing, tinting, coloring or cleansing the nails of  
269 any person; or performing or offering to perform, with or without compensation, any of the  
270 above-mentioned services for the public generally. The practice of manicuring includes holding



271 oneself or as a manicurist or as someone engaged in the practice of manicuring or in any  
272 manner offering to practice as a manicurist.

273 “Post-secondary institution”, any educational program conducted for the purpose of  
274 teaching aesthetics, barbering, electrolysis, hairdressing, or manicuring that admits as regular  
275 students only those individuals who: (i) have a high school diploma; or (ii) have the recognized  
276 equivalent of a high school diploma; or (iii) are beyond the age of compulsory school attendance  
277 as defined under section 1 of chapter 76.

278 “Regular student”, a person who is enrolled or accepted for enrollment at a post-  
279 secondary institution for the purpose of obtaining a degree, certificate, or other Board recognized  
280 educational credential offered by that institution.

281 “School”, a school or other non post-secondary institution conducted for the purpose of  
282 teaching aesthetics, barbering, electrolysis, hairdressing or manicuring, and/or such of its  
283 branches as the board may require which is licensed by the Board.

284 “Shop”, a physical location to which customers come for aesthetics, barbering,  
285 cosmetology, electrolysis, hairdressing, and/or manicuring.

286 Section 87U. The board may require schools to register or report the progress of enrolled  
287 students. No fee shall be required for such registration. No student shall practice aesthetics,  
288 barbering, electrolysis, hairdressing or manicuring upon any paying customer and no school shall  
289 directly or indirectly make any charge for services in connection with such practice of aesthetics,  
290 barbering, cosmetology, electrolysis, hairdressing, or manicuring. A school shall not pay a  
291 student for any services rendered by him or her.

292 Section 87V. The board shall make such uniform rules and regulations as they deem  
293 proper for the performance of their duties, the practice of aesthetics, barbering, electrolysis,  
294 hairdressing, manicuring, the operation of shops, and rules governing the education, experience,  
295 and or examination requirements for applicants for an aesthetician, barber, cosmetologist,  
296 electrologist, or manicurist licenses. The board shall hold frequent examinations in the greater  
297 Boston area, and at such other convenient locations as it deems necessary. The board may issue  
298 specialty limited licenses within the practice of aesthetics, barbering, electrolysis, hairdressing,  
299 and manicuring to the extent necessary for the protection of the public’s health, safety, and  
300 welfare.

301 Except as may be necessary for the protection of the public health, safety or morals, the  
302 board shall not make any rule or regulation restraining the normal and incidental business of a  
303 shop by restricting the retail sale therein of so-called beauty preparations, lotions, salves, toilet  
304 articles, jewelry, gift novelties, personal attire and accessories or other articles.

305 The practice of aesthetics, barbering, electrolysis, hairdressing, and manicuring shall be  
306 engaged only in a fixed place or establishment, which place or establishment shall be provided  
307 with such instruments, implements and equipment, and subject to such sanitary regulations and  
308 inspection, as said board may prescribe. The board shall promulgate rules and regulations  
309 permitting the dual use of a room for massage therapy and cosmetology within the establishment  
310 provided the establishment also licensed as a massage therapy establishment.

311 Section 87W. Any demonstrator who has had at least 3 months' practical experience as  
312 such, and who after application, accompanied by a notarized affidavit from each manufacturer or  
313 distributor for whom he is or was employed during such period and the fee as provided in said

314 section 87CC, together with 2 pictures of the applicant, may be licensed by the board as a  
315 demonstrator, and thereafter may practice as a demonstrator. Any person who is licensed as a  
316 hairdresser, barber, aesthetician, operator or instructor may, upon payment of said fee, be  
317 licensed also as a demonstrator, and may thereafter practice as such. Such demonstrations shall  
318 be given by a demonstrator only in a licensed shop, in the business quarters of distributors or  
319 supply houses in the commonwealth, at professional trade shows or meetings in the presence of  
320 licensed shop owners and their employees, or in schools or post-secondary institutions with a  
321 licensed instructor in attendance.

322 Section 87X. No licensee shall include in any advertising, or publish, issue or make, any  
323 misrepresentation or false, fraudulent or misleading statements through the press, circulation of  
324 advertising matter, radio, television, display signs or otherwise.

325 Section 87Z. The board may license, with or without examination, any individual who  
326 has been licensed as an aesthetician, barber, cosmetologist, electrologist, or manicurist under the  
327 laws of another state, which, in the opinion of the board, maintains a standard substantially  
328 equivalent to that of the commonwealth. The board may require additional education if it  
329 determines that the standards required for the licensing in another state are inconsistent with the  
330 standards in effect in the commonwealth.

331 The word "state" as used in this section shall include the District of Columbia, any  
332 territory of the United States or foreign country, state or province.

333 Section 87AA. The board may authorize 1 or more licensees or any person employing 1  
334 or more licensees, upon payment to the board of a fee as provided in section 87CC, to operate a  
335 licensed shop. The owner of such shop shall not employ for hire or allow any individual to  
336 provide aesthetics, barbering, electrolysis, hairdressing or manicuring in such shop unless  
337 licensed in accordance with sections 87T to 87JJ, inclusive.

338 Licenses issued hereunder shall be valid only for the location named therein, and shall  
339 not be transferable. Upon change of location of a licensed shop, a new license shall be issued to  
340 such shop upon payment of the fee provided in section 87CC.

341 Section 87BB. The board may license any school which it approves, upon payment of a  
342 license fee as provided in section 87CC, and such license may be renewed upon payment of a  
343 renewal fee as provided in said section 87CC; provided, that standards of professional training  
344 satisfactory to the board are there maintained and sufficient course is there given.

345 The board shall also issue licenses to all instructors to teach aesthetics, barbering,  
346 electrolysis, hairdressing, or manicuring who have adequate experience, education, and meet any  
347 examination determined by the board.

348 No person not licensed as an instructor may instruct in aesthetics, barbering, electrolysis,  
349 hairdressing, or manicuring in any school except as authorized by the board.

350 No person shall be examined as an instructor or licensed as such nor granted a temporary  
351 license unless at the time of filing his application for examination he or she has successfully  
352 completed a 4-year high school course or possesses the educational equivalent thereof.

353 The board may make such reasonable rules and regulations as are necessary for the  
354 proper conduct of schools, qualifications of instructors, courses of study, and hours of study, and  
355 as to standards of professional training.

356 Section 87CC. The fees for a license issued by the board, or for any renewal thereof, shall  
357 be determined by the secretary of administration under section 3B of chapter 7. The director of  
358 professional licensure shall determine the renewal cycle and renewal period for all licenses  
359 issued by the board. Persons licensed in accordance with these sections shall apply to the board  
360 for renewal of their licenses on or before the expiration date, as determined by the director,  
361 unless such license was earlier revoked, suspended or canceled as a result of a disciplinary  
362 proceeding instituted under this chapter. Applications for renewal shall be made on forms  
363 approved by the board and accompanied by payment of a renewal fee, as determined by the  
364 secretary of administration under section 3B of chapter 7. All licensing and application fees and  
365 civil administrative penalties collected under sections 87T to 87JJ, inclusive, of chapter 112,  
366 shall be deposited into the trust fund established in section 35V of chapter 10

367 Section 87DD. The board may enter and inspect any shop or school in a proper manner at  
368 any time during business hours thereof. Whenever a complaint is made to the board that any  
369 person has suffered personal injury as a result of the practice of the occupation of aesthetics,  
370 barbering, cosmetology, electrology, hairdressing, or manicuring, or that any person has been  
371 exposed to a hazard to the public's health, safety, or welfare, or that any contagious or infectious  
372 disease has been imparted, at any shop, or that any shop or school is kept in an unsanitary  
373 condition, or that any person has been engaged in aesthetics, barbering, cosmetology,  
374 electrolysis, hairdressing, or manicuring is in violation of any provision of sections 87T to 87JJ,  
375 inclusive, the board shall visit and inspect such, school or place where at such violation is alleged  
376 to have occurred, and enforce the provisions of said sections 87T to 87JJ, inclusive. The board

377 may investigate the standard of professional training at any school and the sufficiency of the  
378 course or courses there given.

379           Section 87EE. The board shall be under the supervision of the division of professional  
380 licensure and shall have all the authority conferred under sections 61 to 65E, inclusive. The  
381 board, under such reasonable rules and regulations as it may make, may for cause, including  
382 unprofessional conduct, fraud, deceit or misrepresentation in practice or in advertising, habitual  
383 drunkenness, gross incompetence, or for violation of any of the provisions of sections 87T to  
384 87JJ, inclusive, or any rule or regulation made there under, revoke, suspend, or otherwise  
385 discipline any license granted under said sections 87T to 87JJ, inclusive.

386           Section 87FF. The board may, by a majority vote, again license a person or school whose  
387 license has been cancelled, or revoke the suspension of a license under section 87EE, if satisfied  
388 that this can be done consistently with the public interest. However, notwithstanding the  
389 provisions of this section, failure to pay or appeal an assessed fine shall be considered grounds  
390 for the refusal to renew a license under section 13 of chapter 30A.

391           Section 87GG. Each license granted under sections 87T to 87JJ, inclusive, shall expire  
392 upon the date prescribed by or pursuant to section 87CC, and shall be renewed upon the filing of  
393 an application therefore, and the payment of the prescribed renewal fee, on or before its  
394 expiration. No person licensed under said sections shall engage in the occupation covered by  
395 such license until the prescribed renewal fee shall have been paid and renewed license issued.  
396 Any licensee whose license has not been renewed within 3 years following the date of expiration  
397 thereof shall be entitled to renewal of such license upon filing an application, accompanied by  
398 the proper fee therefore and by passing a practical examination satisfactory to the board.  
399 Notwithstanding the foregoing provisions, a person who has at any time been licensed both as an  
400 aesthetician, barber, electrologist, or cosmetologist, and as an instructor, if he or she has every 2  
401 years renewed either such license, may reinstate the other without examination even if such other  
402 has been lapsed beyond 3 years.

403           Section 87HH. Any person aggrieved by the refusal of the board to grant, or by its  
404 suspension or cancellation of, a license, or by its refusal to again license him or her, may, seek  
405 judicial review under section 14 of chapter 30A.

406           Section 87II. Whoever engages in or follows, acts as an instructor of, or attempts to  
407 engage in or follow, the occupation of aesthetics, barbering, electrolysis, hairdressing or  
408 manicuring, unless duly licensed by the board, and whoever conducts, or attempts to conduct, a  
409 shop, or school, not so licensed, and whoever violates any provision of sections 87T to 87HH,  
410 inclusive, or any rule or regulation made under authority thereof, shall, in addition to any other  
411 penalty prescribed or authorized by said sections, be subject to penalties as proscribed in sections  
412 61 through 65E, inclusive. Upon notice from the board, the board of health or equivalent

413 authority of the several cities and towns of the commonwealth shall terminate any general  
414 authorization to conduct business given to a shop or school, not so licensed by the Board.

415 No person shall engage in the practice of electrolysis or hold himself out as a practitioner  
416 of, or being able to practice, electrolysis unless he or she is duly licensed by the board or is a  
417 qualified physician licensed under the laws of the commonwealth.

418 Section 87JJ. The board may require post-secondary institutions to register or report the  
419 progress of enrolled regular students and students. No fee shall be required for such registration.  
420 No regular student or student shall practice aesthetics, barbering, electrolysis, hairdressing, or  
421 manicuring upon any paying customer and no post-secondary institution shall directly or  
422 indirectly make any charge for services in connection with such practice of aesthetics, barbering,  
423 cosmetology, electrolysis, hairdressing, or manicuring. A post-secondary institution shall not pay  
424 a regular student or student for any services rendered by him or her.

425 The board may license any post-secondary institution which it approves, upon payment  
426 of a license fee as provided in section 87CC, and such license may be renewed upon payment of  
427 a renewal fee as provided in said section 87CC; provided, that standards of professional training  
428 satisfactory to the board are there maintained and sufficient course is there given. If a proposed  
429 post-secondary institution meets all requirements established by this chapter and the regulations  
430 adopted pursuant thereto, the Board shall issue a license to the proposed post-secondary  
431 institution. The license must contain: (1) the name of the proposed post-secondary institution;  
432 (2) a statement that the proposed post-secondary institutions authorized to operate educational  
433 programs beyond secondary education; and (3) such other information as the Board considers  
434 necessary.

435 The board may make such reasonable rules and regulations as are necessary for the  
436 proper conduct of post-secondary institutions, qualifications of instructors, courses of study, and  
437 hours of study, and as to standards of professional training. To the extent necessary for the  
438 public's health, safety, and welfare, the Board may distinguish the applicability of its rules and  
439 regulations to schools to the extent they are distinct from post-secondary institutions.

440 The board may enter and inspect any post-secondary institution in a proper manner at any  
441 time during business hours thereof. Whenever a complaint is made to the board that any person  
442 has suffered personal injury as a result of the practice of the occupation of aesthetics, barbering,  
443 electrolysis, hairdressing, or manicuring, or that any person has been exposed to a hazard to the  
444 public's health, safety, or welfare, or that any contagious or infectious disease has been imparted,  
445 at any post-secondary institution is kept in an unsanitary condition, or that any person has been  
446 engaged in aesthetics, barbering, electrolysis, hairdressing, or manicuring is in violation of any  
447 provision of sections 87T to 87KK, inclusive, the board shall visit and inspect such post-  
448 secondary institution where any such violation is alleged to have occurred, and enforce the  
449 provisions of said sections 87T to 87KK, inclusive. The board may investigate the standard of

450 professional training at any post-secondary institution, and the sufficiency of the course or  
451 courses there given.

452 The board may, by a majority vote, again license a post-secondary institution whose  
453 license has been cancelled, or revoke the suspension of a license under section 87EE, if satisfied  
454 that this can be done consistently with the public interest. However, notwithstanding the  
455 provisions of this section, failure to pay or appeal an assessed fine shall be considered grounds  
456 for the refusal to renew a license under section 13 of chapter 30A.

457 Whoever conducts, or attempts to conduct, a post-secondary institution, not so licensed,  
458 shall, in addition to any other penalty prescribed or authorized by said sections, be subject to  
459 penalties as proscribed in sections 61 through 65E, inclusive. Upon notice from the board, the  
460 board of health or equivalent authority of the several cities and towns of the commonwealth shall  
461 terminate any general authorization to conduct business given to a post-secondary institution, not  
462 so licensed by the Board.

463 Section 87KK. Sections 87T to 87JJ, inclusive, shall apply to licensees who are employed  
464 by the commonwealth. Nothing in sections 87T to 87JJ, inclusive, shall be deemed to authorize a  
465 licensee to engage in massage or other occupation requiring a license to the extent such services  
466 fall outside the scope of the license issued by the board.

467 SECTION 35. Sections 87EEE to 87OOO, inclusive of said chapter 112 are hereby  
468 repealed.

469 SECTION 36. Sections 87PPP to 87VVV, inclusive, of said chapter 112 are hereby  
470 repealed.

471 SECTION 37. Section 1 of chapter 142 of the General Laws, as appearing in the 2010  
472 Official Edition, is hereby amended by striking out the definition of "gas fitting" and inserting in  
473 place thereof the following:- "any work which includes the assembly, design, installation,  
474 maintenance, alteration, and replacement of gas piping for equipment, appliances, and related  
475 accessories which utilize gas as a fuel or raw material to produce light, heat, power, refrigeration,  
476 or air conditioning, as well as any piping systems conveying said gas beyond the point of  
477 delivery of the gas supplier, gas meter outlet, or regulator. Said work shall also include the  
478 assembly, design, installation, maintenance, alteration, and replacement of pipes, vents, and other  
479 equipment, appliances, and related accessories which connect gas utilization equipment to the  
480 open atmosphere for the purpose of obtaining intake air, expel excess fuel or raw material gases,  
481 or to expel byproducts created by the gas utilization equipment."

482 SECTION 38. Section 3 of chapter 142 of the General Laws, as appearing in the 2010  
483 Official Edition, is hereby amended by adding the following paragraph: - "Notwithstanding any  
484 general or special law to the contrary, an individual licensed to perform sheet metal work  
485 pursuant to Sections 237 to 251 of chapter 112 of the General Laws may assemble, design,

486 install, maintain, alter, and replace pipes, vents, and other equipment, appliances, and related  
487 accessories which connect gas utilization equipment to the open atmosphere for the purpose of  
488 obtaining intake air or to expel byproducts created by the gas utilization equipment. However,  
489 any work performed under the provisions of this paragraph shall be subject to permits and  
490 inspections as provided by sections 11 and 13 of chapter 142 of the General Laws. Further, a  
491 licensed plumber or gas fitter must obtain said permits and inspections and shall be responsible  
492 for ensuring said work adheres to the requirements of any rules promulgated pursuant to section  
493 13 of chapter 142 of the general laws.”

494 SECTION 39. Section 21 of said chapter 142, as so appearing, is hereby amended by  
495 striking out the words “subject to the approval of the department of public health, and”.

496 SECTION 40. Notwithstanding the provisions of sections 9 to 12, inclusive, 18, and 33 to  
497 36, inclusive, all orders, rules and regulations duly made and all licenses and approvals duly  
498 granted which are in force immediately before the effective date of this act shall continue in  
499 force and shall thereafter be enforced until superseded, revised, rescinded or canceled, in  
500 accordance with law, by the board.

501 SECTION 41. Section 85 of chapter 13, as so appearing, is hereby amended by striking  
502 out, in lines 18-21, the words “The governor shall make the appointments of the speech-language  
503 pathologists and audiologists from a list of not less than ten names submitted by the  
504 Massachusetts Speech and Hearing Association, Inc.”

505 SECTION 42. Section 29 of chapter 13, as so appearing, is hereby amended by striking  
506 out, in lines 11-19, the words “In making such appointments, one member shall be a resident of  
507 Worcester county; one a resident of the district composed of Berkshire, Hampden, Franklin and  
508 Hampshire counties; one a resident of the district composed of Norfolk, Plymouth, Bristol,  
509 Dukes, Barnstable and Nantucket counties; one a resident of the district composed of Suffolk  
510 county and the cities of Everett, Malden, Medford, Cambridge and Somerville; and one a  
511 resident of the district composed of Essex county and Middlesex county, not including the cities  
512 of Everett, Malden, Medford, Cambridge and Somerville.” and inserting in place thereof the  
513 following:- In making such appointments, four of the members shall reside outside of Suffolk  
514 County.

515 SECTION 43. Notwithstanding any general or special law or rule or regulation to the  
516 contrary, a licensed or certified real estate appraiser or a real estate appraisal trainee who timely  
517 completed, in accordance with the requirements of the Appraisal Qualifications Board of the  
518 Appraisal Foundation, the 7-hour national Uniform Standards of Professional Appraisal update  
519 course before the effective date of this act and was the subject of disciplinary proceedings by the  
520 board of real estate appraisers prior to May 26, 2011 for failure to complete the continuing  
521 education requirements of section 184 of chapter 112 of the General Laws shall have that  
522 disciplinary action rescinded and permanently removed from the appraiser or appraisal trainee’s

523 record. Nothing in this act shall be construed to establish a cause of action by any such real estate  
524 appraiser or trainee against the board of real estate appraisers or the division of professional  
525 licensure related to any such disciplinary action.

526           SECTION 44. Section 85 of chapter 112 of the General Laws, as appearing in the 1996  
527 Official Edition, is hereby amended by inserting after the first sentence the following sentence:-  
528 The board shall not adopt and promulgate any rule or regulation prohibiting any person  
529 registered with said board or an agent or employee of a licensed funeral establishment from  
530 providing, handling or serving any food or liquid refreshments in connection with any burial or  
531 funeral.

532           SECTION 45. Sections 9 to 12, inclusive, 18, and 33 to 36, inclusive, shall take effect  
533 180 days after the effective date of this act.