

**SENATE . . . . . No. 00125**

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The Commonwealth of Massachusetts

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PRESENTED BY:

***Michael J. Rodrigues***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to mobile spas.

\_\_\_\_\_  
PETITION OF:

NAME:

*Michael J. Rodrigues*

DISTRICT/ADDRESS:

*First Bristol and Plymouth*

# SENATE . . . . . No. 00125

By Mr. Rodrigues, petition (accompanied by bill, Senate, No. 125) of Rodrigues for legislation relative to mobile spas [Joint Committee on Consumer Protection and Professional Licensure].

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to mobile spas.

*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. Chapter 112 of the General Laws is hereby amended by inserting in Section  
2 87T the following new definition:

3 "Mobile spa", a shop or manicuring shop that is operated in a self-contained, self-  
4 supporting, enclosed mobile unit.

5 SECTION 2. Chapter 112 is hereby amended by striking out Section 87AA, as appearing  
6 in the 2008 Official Edition, and inserting in place thereof the following section:-

7 The board may authorize one or more registered hairdressers, manicurists or aestheticians  
8 or any person employing one or more registered hairdressers, manicurists, or aestheticians, upon  
9 payment to the board of a beauty shop, manicure shop, aesthetic shop or mobile spa registration  
10 fee as provided in section eighty-seven CC, to operate a registered beauty shop, manicure shop,  
11 aesthetic shop or mobile spa, and such person may thereafter operate such beauty shop, manicure

12 shop, aesthetic shop or mobile spa upon payment annually of a beauty shop, manicure shop,  
13 aesthetic shop or mobile spa registration renewal fee as provided in said section eighty-seven  
14 CC; provided, that, in the case of a beauty shop or manicure shop conducted solely by a  
15 hairdresser or manicurist owning the same, the beauty shop or manicure shop registration fee and  
16 beauty shop or manicure shop renewal fee shall each be as provided in said section eighty-seven  
17 CC.

18         The owner of such beauty shop, manicure shop, aesthetic shop or mobile spa shall not  
19 employ for hire or allow any hairdresser, operator, demonstrator, manicurist or aesthetician to  
20 work in such beauty shop, manicure shop, aesthetic shop or mobile spa unless registered in  
21 accordance with sections eighty-seven T to eighty-seven JJ, inclusive.

22         Certificates of registration issued hereunder shall be valid only for the location named  
23 therein, and shall not be transferable. Upon change of location of a registered shop, a new  
24 certificate of registration shall be issued to such shop upon payment of the fee provided in  
25 section 87CC.

26         The board may register beauty shops operated in state institutions for the sole purpose of  
27 crediting the operators employed therein with the practical experience so obtained and thereby  
28 enabling them to qualify for the hairdressers' examination.

29         Each registered beauty shop qualified under this section, or under any other previous  
30 provision of law, and which employs operators, shall employ one hairdresser to supervise no  
31 more than each three operators employed therein.

32         In addition to the requirements of section 87AA, a mobile spa license applicant must: 1)  
33 provide a permanent physical address from which the mobile spa is dispatched and to which the

34 mobile spa returns when not in use; 2) provide a permanent mailing address where  
35 correspondence from the department may be received; 3) furnish a detailed floor plan of the  
36 mobile spa; and 4) comply with any additional requirements the Board may enact.

37 SECTION 3. Chapter 112 is hereby amended by striking out Section 87CC, as appearing  
38 in the 2008 Official Edition, and inserting in place thereof the following section:-

39 The board shall make such uniform and reasonable rules and regulations as are necessary  
40 for the proper conduct of its business, the establishment of proper standards of professional skill  
41 in relation to, and the proper supervision of, hairdressers, aestheticians, demonstrators,  
42 manicurists, operators, beauty shops, manicure shops, mobile spas, schools, students and  
43 instructors, and especially may prescribe such sanitary rules, subject to the approval of the  
44 department of public health, as it may deem necessary to prevent the spreading of infectious or  
45 contagious diseases, or both, but nothing herein shall authorize the board to limit the number of  
46 hairdressers, aestheticians, demonstrators, manicurists, beauty shops, manicure shops, mobile  
47 spas, schools, operators, students or instructors in the commonwealth or in any given locality, or  
48 to regulate or fix compensation or prices, or to refuse to register a shop solely for the reason that  
49 such shop is to be conducted by a person in his own home on a full or part time basis. Except as  
50 may be necessary for the protection of the public health, safety or morals, the board shall not  
51 make any rule or regulation restraining the normal and incidental business of aestheticians' shops  
52 and hairdressers' shops by restricting the retail sale therein of so-called beauty preparations,  
53 lotions, salves, toilet articles, jewelry, gift novelties, female personal attire and accessories or  
54 other articles.

55 Certificate of registration and any renewal fees thereof shall be determined annually by  
56 the commissioner of administration under the provision of section three B of chapter seven for  
57 the following applications:-- School; aesthetic shop; beauty shop; booth renter; manicure shop;  
58 mobile spa; aesthetician; hairdressers' hairdressers (nonresidents); hairdressers (reexamination);  
59 operators; operators (reexamination); operators (nonresidents); manicurist; manicurist  
60 (reexamination); manicurist (nonresidents); instructors; instructors (reexamination);  
61 demonstrators; duplicate certificate of registration; new certificate of registration to registered  
62 shop owners upon change of location; temporary license for operator (nonresident); temporary  
63 license for hairdresser (nonresident); temporary license for aesthetician (nonresident); temporary  
64 license for instructor; temporary license for manicurist; temporary license for nonresident  
65 manicurist; hairdresser forfeiture; temporary license for hairdresser forfeiture; operator  
66 forfeiture; temporary license for operator forfeiture.

67 A certificate of registration, or renewal thereof, issued to a hairdresser, aesthetician,  
68 operator, manicurist, instructor or demonstrator shall expire on the anniversary of such person's  
69 date of birth occurring more than twelve months, but not more than twenty-four months, after the  
70 date of issuance of such certificate of renewal.

71 A certificate of registration or renewal thereof, issued to a school, beauty shop, aesthetic  
72 shop, manicure shop or mobile spa, shall expire annually on such date as the board may by  
73 regulation determine.

74 A booth in a beauty shop or manicure shop, which is operated independently thereof,  
75 shall be subject to the same regulations and registration fees as an independent shop. Any shop  
76 which leases booths to hairdressers shall pay a fee as determined annually by the commissioner

77 of administration under the provision of section three B of chapter seven for the registration of  
78 such shop.

79 SECTION 4. Chapter 112 of the General Laws is hereby amended by inserting after  
80 section 87GG the following section:-

81 87GG : Any registered aesthetician, cosmetologist, hairdresser, manicurist or operator  
82 shall be granted a temporary one day license by the Board to practice in a facility other than a  
83 registered shop, including but not limited to, private residences. Licensees shall provide the  
84 board with prior notice, in an amount to be determined by the board, of the location, time, and  
85 nature of services to be provided, and any other information the Board may require. Licensees  
86 shall present their licenses to the customer upon request. Licensees may perform only those  
87 services the Board deems safe to perform outside a registered shop. The Board may, prior to the  
88 commencement of the appointment, inspect the licensees' equipment for sanitation and safety,  
89 but may not enter the premises without permission.