

HOUSE BILL 1167

C2

5lr2547

By: **Delegate Kipke**

Introduced and read first time: February 23, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Cosmetologists – Mobile Beauty Salons and Practice Location**
3 **Requirement Repeal**

4 FOR the purpose of altering the definition of “beauty salon” to include a certain mobile
5 beauty salon; requiring an applicant for a certain beauty salon permit 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; repealing certain provisions that prohibit a
8 person from practicing cosmetology, providing esthetic services, providing hair
9 services, or providing nail technician services in a certain location; defining a certain
10 term; making certain conforming and stylistic changes; and generally relating to
11 beauty salons and the State Board of Cosmetologists.

12 BY repealing and reenacting, with amendments,
13 Article – Business Occupations and Professions
14 Section 5–101 and 5–502
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2014 Supplement)

17 BY repealing
18 Article – Business Occupations and Professions
19 Section 5–605
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2014 Supplement)

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

24 **Article – Business Occupations and Professions**

25 5–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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, **INCLUDING A MOBILE BEAUTY**
14 **SALON.**

15 (2) “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

29 (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 **[(l)] (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) An applicant shall own or lease:

8 (1) **THE FACILITY IN WHICH** the beauty salon **IS LOCATED** for which the
9 application is made; **OR**

10 (2) **THE MOTOR VEHICLE OR TRAILER IN WHICH THE MOBILE BEAUTY**
11 **SALON IS LOCATED FOR WHICH THE APPLICATION IS MADE.**

12 (c) As a condition of the issuance of a beauty salon permit, the beauty salon for
13 which the application is made shall pass the inspection conducted under § 5-520 of this
14 subtitle.

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

17 [5-605.

18 (a) Except as provided in §§ 5-302 and 5-303 of this title and subsection (b) of
19 this section, a person may not practice cosmetology, provide esthetic services, provide hair
20 services, or provide nail technician services in any place other than:

21 (1) a beauty salon that holds a beauty salon permit; or

22 (2) a barbershop that holds a barbershop permit issued under Title 4 of this
23 article.

24 (b) (1) A licensed cosmetologist, esthetician, hairstylist, or nail technician may
25 practice cosmetology and provide services in:

26 (i) a facility in which beautification-oriented medical services,
27 authorized by the Department of Health and Mental Hygiene, are provided;

28 (ii) the residence of an individual confined to the residence by reason
29 of a physical or mental infirmity;

- 1 (iii) an assisted living facility as defined in § 19–1801 of the Health –
2 General Article;
- 3 (iv) a hospice facility defined in § 19–901(c) of the Health – General
4 Article;
- 5 (v) a nursing home as defined in § 19–1401(e) of the Health –
6 General Article; or
- 7 (vi) a hospital as defined in § 19–301 of the Health – General Article
8 or a similar institution.

9 (2) To practice in any of the locations specified in this subsection:

- 10 (i) the licensed cosmetologist, esthetician, hairstylist, or nail
11 technician shall be sponsored by a beauty salon in which the cosmetologist, esthetician,
12 hairstylist, or nail technician is authorized to practice;
- 13 (ii) the patron to whom the services are rendered shall be a customer
14 of the beauty salon; and
- 15 (iii) the services shall be rendered by appointment through the
16 beauty salon.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2015.