

# HOUSE BILL 538

A2  
HB 137/14 – ECM

7lr0554

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By: **St. Mary's County Delegation**

Introduced and read first time: January 30, 2017

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **St. Mary's County – Alcoholic Beverages – Beauty Salon License**

3 FOR the purpose of establishing in St. Mary's County a beauty salon beer and wine license;  
4 authorizing the Board of License Commissioners to issue the license to a person who  
5 holds a beauty salon permit and operates a beauty salon; authorizing a holder of the  
6 license to sell or serve not more than a certain amount of beer and wine for  
7 on-premises consumption by a beauty salon customer under certain circumstances;  
8 prohibiting the license from being transferred to another location; establishing  
9 certain hours during which beer and wine may be provided; specifying that an  
10 establishment for which the license is issued is subject to certain alcohol awareness  
11 training requirements; establishing a certain license fee; and generally relating to  
12 alcoholic beverages licenses in St. Mary's County.

13 BY renumbering

14 Article – Alcoholic Beverages  
15 Section 28–1001  
16 to be Section 28–1002  
17 Annotated Code of Maryland  
18 (2016 Volume and 2016 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Alcoholic Beverages  
21 Section 28–102  
22 Annotated Code of Maryland  
23 (2016 Volume and 2016 Supplement)

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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 BY adding to  
2 Article – Alcoholic Beverages  
3 Section 28–1001  
4 Annotated Code of Maryland  
5 (2016 Volume and 2016 Supplement)

6 BY repealing and reenacting, without amendments,  
7 Article – Business Occupations and Professions  
8 Section 5–101 and 5–501  
9 Annotated Code of Maryland  
10 (2010 Replacement Volume and 2016 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That Section(s) 28–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland  
13 be renumbered to be Section(s) 28–1002.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
15 as follows:

16 **Article – Alcoholic Beverages**

17 28–102.

18 This title applies only in St. Mary’s County.

19 **28–1001.**

20 **(A) THERE IS A BEAUTY SALON BEER AND WINE LICENSE.**

21 **(B) THE BOARD MAY ISSUE THE LICENSE TO A PERSON WHO HOLDS A**  
22 **BEAUTY SALON PERMIT UNDER § 5–501 OF THE BUSINESS OCCUPATIONS AND**  
23 **PROFESSIONS ARTICLE.**

24 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR SERVE**  
25 **NOT MORE THAN TWO 12–OUNCE OFFERINGS OF BEER OR TWO 5–OUNCE OFFERINGS**  
26 **OF WINE FOR ON–PREMISES CONSUMPTION BY A BEAUTY SALON CUSTOMER WHILE**  
27 **THE CUSTOMER UNDERGOES A COSMETOLOGY PROCEDURE LISTED UNDER §**  
28 **5–101(N)(1) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

29 **(D) THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

30 **(E) A HOLDER OF THE LICENSE MAY SELL OR SERVE BEER AND WINE FOR**  
31 **ON–PREMISES CONSUMPTION DURING NORMAL BUSINESS HOURS BUT NOT LATER**  
32 **THAN 9 P.M.**

1           (F) AN ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO  
2 THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS  
3 ARTICLE.

4           (G) THE ANNUAL LICENSE FEE IS \$300.

5                           **Article – Business Occupations and Professions**

6 5-101.

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

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

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

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

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

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

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

20                       (2) “Beauty salon” includes a mobile beauty salon.

21                       (3) “Beauty salon” does not include a clinic in a cosmetology school.

22           (d) “Beauty salon permit” means a permit issued by the Board to operate a beauty  
23 salon.

24           (e) “Board” means the State Board of Cosmetologists.

25           (f) “Cosmetologist” means an individual who practices cosmetology.

26           (g) “Hairstylist” means an individual who provides hair services.

27           (h) “Hairstylist – blow dry technician” means an individual who provides hair  
28 services – blow drying;

1 (i) (1) “License” means, unless the context requires otherwise, a license issued  
2 by the Board.

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

5 (i) a license to practice cosmetology;

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

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

8 (iv) a limited license to provide hair services;

9 (v) a limited license to provide hair services – blow drying; and

10 (vi) a limited license to provide nail technician services.

11 (j) “Licensed cosmetologist” means, unless the context requires otherwise, a  
12 cosmetologist who is licensed by the Board to practice cosmetology.

13 (k) “Licensed senior cosmetologist” means a person who:

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

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

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

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

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

21 (ii) a limited license to provide hair services;

22 (iii) a limited license to provide hair services – blow drying; and

23 (iv) a limited license to provide nail technician services.

24 (m) “Mobile beauty salon” means a beauty salon that is located in a motor vehicle  
25 or a trailer that is designed, constructed, and equipped as a place for an individual to  
26 practice cosmetology and for use as a conveyance on highways.

1           (n)   (1)   “Practice cosmetology” means to engage in any of the following for  
2 compensation:

- 3                   (i)    providing hair services;
- 4                   (ii)   arching or dyeing eyebrows;
- 5                   (iii)   dyeing eyelashes;
- 6                   (iv)   providing esthetic services; or
- 7                   (v)    providing nail technician services.

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

- 9                   (i)    the mere sale, fitting, or styling of wigs or hairpieces;
- 10                  (ii)   the mere shampooing of hair; or
- 11                  (iii)   a service that results in tension on hair strands or roots by  
12 twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device,  
13 provided that the service does not include the application of dyes, reactive chemicals, or  
14 other preparations to alter the color of the hair or to straighten, curl, or alter the structure  
15 of the hair.

16           (o)    “Provide esthetic services” means to provide to an individual, for  
17 compensation, the service of:

- 18                   (1)    cleansing, exercising, massaging, stimulating, or performing any other  
19 similar procedure on the skin or scalp by electrical, mechanical, or any other means;
- 20                   (2)    applying to the face an alcohol, cream, lotion, astringent, or cosmetic  
21 preparation; or
- 22                   (3)    removing superfluous hair by the use of a depilatory, tweezers, or wax.

23           (p)    “Provide hair services” means to provide to an individual for compensation the  
24 service of beautifying, cleaning, or embellishing the hair of the individual by:

- 25                   (1)    arranging the hair;
- 26                   (2)    bleaching the hair;
- 27                   (3)    cleansing the hair;
- 28                   (4)    coloring the hair;

- 1 (5) curling the hair;
- 2 (6) cutting the hair;
- 3 (7) dressing the hair;
- 4 (8) singeing the hair;
- 5 (9) permanent waving the hair;
- 6 (10) waving the hair; or
- 7 (11) performing any other similar procedure intended to beautify, clean, or  
8 embellish the hair.

9 (q) "Provide hair services – blow drying" means to provide to an individual for  
10 compensation the service of beautifying, cleaning, or arranging the hair of the individual  
11 by:

- 12 (1) arranging the hair;
- 13 (2) cleansing the hair;
- 14 (3) curling the hair;
- 15 (4) dressing the hair;
- 16 (5) blow drying the hair;
- 17 (6) singeing the hair; or
- 18 (7) performing any other similar procedure intended to beautify, clean, or  
19 arrange the hair.

20 (r) "Provide nail technician services" means to provide to an individual, for  
21 compensation, the service of:

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

25 5–501.

26 (a) A person shall hold a beauty salon permit issued by the Board before the  
27 person may operate a beauty salon in the State.

1 (b) A beauty salon may operate as a limited practice beauty salon by offering  
2 cosmetology services limited to:

- 3 (1) providing esthetic services;
- 4 (2) providing hair services;
- 5 (3) providing hair services – blow drying; or
- 6 (4) providing nail technician services.

7 (c) A separate beauty salon permit is required for each beauty salon that a person  
8 operates.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.