

2016 -- S 2456

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - BARBERS, HAIRDRESSERS,
COSMETICIANS, MANICURISTS AND ESTHETICIAN

Introduced By: Senators Raptakis, Conley, Paiva Weed, Nesselbush, and Jabour

Date Introduced: February 11, 2016

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-10-1, 5-10-7, 5-10-8 and 5-10-9 of the General Laws in Chapter
2 5-10 entitled "Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians" are hereby
3 amended to read as follows:

4 **5-10-1. Definitions.** -- The following words and phrases, when used in this chapter, are
5 construed as follows:

6 (1) "Apprentice barber" means an employee whose principal occupation is service with a
7 barber or hairdresser who has held a current license as a barber or hairdresser for at least three (3)
8 years with a view to learning the art of barbering, as defined in subdivision (15) of this section.

9 ~~(1)~~(2) "Barber" means any person who shaves or trims the beard, waves, dresses, sings,
10 shampoos, or dyes the hair or applies hair tonics, cosmetic preparations, antiseptics, powders, oil
11 clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person, gives facial
12 and scalp massages, or treatments with oils, creams, lotions, or other preparations.

13 ~~(2)~~(3) "Board" means the state board of barbering and hairdressing as provided for in
14 this chapter.

15 ~~(3)~~(4) "Department" means the Rhode Island department of health.

16 ~~(4)~~(5) "Division" means the division of professional regulation within the department of
17 health.

18 ~~(5)~~(6) "Esthetician" means a person who engages in the practice of esthetics, and is

1 licensed as an esthetician.

2 ~~(6)~~(7) "Esthetician shop" means a shop licensed under this chapter to do esthetics of any
3 person.

4 ~~(7)~~(8) "Esthetics" means the practice of cleansing, stimulating, manipulating, and
5 beautifying skin, including, but not limited to, the treatment of such skin problems as
6 dehydration, temporary capillary dilation, excessive oiliness, and clogged pores.

7 ~~(8)~~(9) "Hair design shop" means a shop licensed under this chapter to do barbering or
8 hairdressing/cosmetology, or both, to any person.

9 ~~(9)~~(10) "Hairdresser and cosmetician" means any person who arranges, dresses, curls,
10 cuts, waves, singes, bleaches, or colors the hair or treats the scalp, or manicures the nails of any
11 person either with or without compensation or who, by the use of the hands or appliances, or of
12 cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or
13 without compensation, in massaging, cleansing, stimulating, manipulating, exercising, or
14 beautifying or in doing similar work upon the neck, face, or arms or who removes superfluous
15 hair from the body of any person.

16 (11) "Instructor" means any person licensed as an instructor under the provisions of this
17 chapter.

18 ~~(10)~~(12) "Manicuring shop" means a shop licensed under this chapter to do manicuring
19 only on the nails of any person.

20 ~~(11)~~(13) "Manicurist" means any person who engages in manicuring for compensation
21 and is duly licensed as a manicurist.

22 ~~(12)~~(14) "School" means a school approved under chapter 40 of title 16, as amended,
23 devoted to the instruction in and study of the theory and practice of barbering, hairdressing and
24 cosmetic therapy, esthetics and/or manicuring.

25 ~~(13)~~(15) "The practice of barbering" means the engaging by any licensed barber in all or
26 any combination of the following practices: shaving or trimming the beard or cutting the hair;
27 giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations
28 either by hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling,
29 waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying
30 cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

31 ~~(14)~~(16) "The practice of hairdressing and cosmetic therapy" means the engaging by any
32 licensed hairdresser and cosmetician in any one or more of the following practices: the
33 application of the hands or of mechanical or electrical apparatus, with or without cosmetic
34 preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate,

1 manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders,
2 arms, bust, or upper part of the body or the manicuring of the nails of any person; or the removing
3 of superfluous hair from the body of any person; or the arranging, dressing, curling, waving,
4 weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any
5 person.

6 ~~(15)~~(17) "The practice of manicuring" means the cutting, trimming, polishing, tinting,
7 coloring, or cleansing the nails of any person.

8 **5-10-7. License required for practice.** -- No person shall practice barbering,
9 hairdressing, and cosmetic therapy, esthetics, or manicuring in this state, unless the person has
10 first obtained ~~any a~~ license ~~required by this chapter~~ [for that practice](#), provided, that nothing in this
11 chapter prohibits students enrolled in programs of hairdressing, barbering, and/or cosmetology
12 from entering into work-study arrangements after they have completed at least one thousand
13 (1,000) hours of classroom instruction. Students participating in those work-study arrangements
14 shall be under the direct supervision of a licensed hairdresser, barber, or cosmetologist, and shall
15 be clearly identified as students. No course credit shall be granted for this students' participation
16 in a work-study arrangement and in no event shall it continue beyond the students' graduation
17 from school or completion of course work.

18 **5-10-8. Issuance of licenses -- Qualifications of applicants.** -- (a) The division shall
19 issue licenses to persons engaged in or desiring to engage in the practice of barbering,
20 hairdressing, and cosmetic therapy and/or manicuring, or esthetics [and for instructing in any](#)
21 [approved school of barbering or hairdressing and cosmetic therapy, and manicuring, or esthetics](#);
22 provided, that no license shall be issued to any person under this chapter unless the applicant for
23 the license:

- 24 (1) Is at least eighteen (18) years of age;
- 25 (2) Is a citizen of the United States of America or has legal entry into the country;
- 26 (3) Is of good moral character;
- 27 (4) Is a high school graduate or holds the equivalent;
- 28 (5) Has satisfactorily completed the course of instruction in an approved school of
29 barbering, hairdressing and cosmetic therapy, and/or manicuring or esthetics;
- 30 (6) Has satisfactorily passed a written and a practical examination approved by the
31 division to determine the fitness of the applicant to receive a license; and
- 32 (7) Has complied with § 5-10-10 and any other qualifications that the division prescribes
33 by regulation.

34 (b) Notwithstanding the provision of subdivision (a)(4) of this section, on and after July

1 1, 1997, an applicant seeking licensure as a barber must be a high school graduate or hold the
2 equivalent.

3 **5-10-9. Classes of licenses.** -- Licenses shall be divided into the following classes and
4 shall be issued by the division to applicants for the licenses who have qualified for each class of
5 license:

6 (1) A "hairdresser's and cosmetician's license" shall be issued by the division to every
7 applicant for the license who meets the requirements of § 5-10-8 and has completed a course of
8 instruction in hairdressing and cosmetology consisting of not less than fifteen hundred (1,500)
9 hours of continuous study and practice.

10 (2) An "instructor's license" shall be granted by the division to any applicant for the
11 license who has held a licensed hairdresser's and cosmetician's license, a barber's license, a
12 manicurist's license, or an esthetician's license issued under the laws of this state or another state,
13 for at least the three (3) years preceding the date of application for an instructor's license and:

14 (i) Meets the requirements of §5-10-8;

15 (ii) Has satisfactorily completed three hundred (300) hours of instruction in hairdressing
16 and cosmetology, barber, manicurist, or esthetician teacher training approved by the division as
17 prescribed by regulation;

18 (iii) Has satisfactorily passed a written and a practical examination approved by the
19 division to determine the fitness of the applicant to receive an instructor's license;

20 (iv) Has complied with §5-10-10; and

21 (v) Has complied with any other qualifications that the division prescribes by regulation.

22 ~~(2)~~(3) A "manicurist license" shall be granted to any applicant for the license who meets
23 the following qualifications:

24 (i) Meets the requirements of § 5-10-8; and

25 (ii) Has completed a course of instruction consisting of not less than three hundred (300)
26 hours of professional training in manicuring, in an approved school.

27 ~~(3)~~(4) An "esthetician license" shall be granted to any applicant for the license who
28 meets the following qualifications:

29 (i) Meets the requirements of § 5-10-8;

30 (ii) Has completed a course of instruction in esthetics consisting of not less than six
31 hundred (600) hours of continuous study and practice over a period of not less than four (4)
32 months in an approved school of hairdressing and cosmetology; and

33 (iii) Any applicant who holds a diploma or certificate from a skin care school that is
34 recognized as a skin care school by the state or nation in which it is located, and meets the

1 requirements of paragraph (i) of this subdivision, shall be granted a license to practice esthetics;
2 provided, that the skin care school has a requirement that in order to graduate from the school a
3 student must have completed a number of hours of instruction in the practice of skin care, which
4 number is at least equal to the number of hours of instruction required by the division.

5 ~~(4)~~(5) A "barber" license shall be issued by the division to every applicant for the license
6 who meets the requirements of § 5-10-8 and:

7 (i) Has completed a course of instruction in barbering consisting of not less than one
8 thousand five hundred (1,500) hours of continuous study and practice in an approved school;

9 (ii) Has possessed for at least two (2) years prior to the filing of the application a
10 certificate of registration in full force and effect from the department of health of the state
11 specifying that person as a registered apprentice barber, and the application of that applicant is
12 accompanied by an affidavit or affidavits from his or her employer or former employers or other
13 reasonably satisfactory evidence showing that the applicant has, ~~in order to learn the art of~~
14 ~~barbering, worked for a minimum of two (2) years under the supervision of a barber who has~~
15 ~~been licensed in the state for at least three (3) years~~ been actually engaged in barbering as an
16 apprentice barber in the state during those two (2) years; or

17 (iii) ~~Any~~ A combination of barber school training and apprenticeship training as
18 determined by the rules and regulations prescribed by the division.

19 SECTION 2. Chapter 5-10 of the General Laws entitled "Barbers, Hairdressers,
20 Cosmeticians, Manicurists and Estheticians" is hereby amended by adding thereto the following
21 section:

22 **5-10-39. Demonstrator's permit.** -- The division may in its discretion issue to any
23 person recognized by the division as an authority on, or an expert in the theory or practice of,
24 barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics and is the holder of a
25 current esthetician's, manicurist's or a barber's, hairdresser's, and cosmetician's license in this
26 state, another state or the District of Columbia, a demonstrator's permit for not more than six (6)
27 days' duration for educational and instructive demonstrations; provided, that the permit shall not
28 be used in the sense of a license to practice barbering, manicuring, esthetics or hairdressing and
29 cosmetic therapy. The fee for the permit is as set forth in §23-1-54.

30 SECTION 3. Sections 5-32-2 and 5-32-4 of the General Laws in Chapter 5-32 entitled
31 "Electrolysis" are hereby amended to read as follows:

32 **5-32-2. Penalty for unlicensed practice.** -- Every person who subsequently engages in
33 the practice of electrolysis in this state without being licensed, ~~if a license is required under this~~
34 ~~chapter,~~ by the board of examiners in electrolysis is practicing illegally and, upon conviction,

1 shall be fined not more than twenty-five dollars (\$25.00) and every day of the continuation of
2 illegal practice is a separate offense.

3 **5-32-4. Qualifications of applicants.** -- Licenses to engage in the practice of electrolysis
4 shall be issued to the applicants who comply with the following requirements:

5 (1) Are citizens or legal residents of the United States.

6 (2) Have attained the age of eighteen (18) years.

7 (3) Have graduated from a high school or whose education is the equivalent of a high
8 school education.

9 (4) Have satisfactorily completed a course of training and study in electrolysis, ~~as~~
10 ~~prescribed by rules and regulations promulgated by the department of health authorized by~~
11 ~~section § 5-32-18 of this chapter~~ as a registered apprentice under the supervision of a licensed
12 Rhode Island electrologist who is qualified to teach electrolysis to apprentices as prescribed in
13 §5-32-17 or has graduated from a school of electrolysis after having satisfactorily completed a
14 program consisting of not less than six hundred fifty (650) hours of study and practice in the
15 theory and practical application of electrolysis. That apprenticeship includes at least six hundred
16 and fifty (650) hours of study and practice in the theory and practical application of electrolysis
17 within a term of nine (9) months; provided, that the apprentice registers with the division of
18 professional regulation of the department of health upon beginning their course of instruction, and
19 the licensed person with whom they serve that apprenticeship keeps a record of the hours of that
20 instruction, and upon the completion of that apprenticeship certifies that fact to the board of
21 examiners in electrolysis.

22 (5) Is of good moral character.

23 (6) Passes an examination approved by the department of health.

24 SECTION 4. Chapter 5-32 of the General Laws entitled "Electrolysis" is hereby amended
25 by adding thereto the following sections:

26 **5-32-19. Apprenticeship register.** -- The division of professional regulation of the
27 department of health shall keep a register in which the names of all persons serving
28 apprenticeships licensed under this chapter shall be recorded. This register is open to public
29 inspection.

30 **5-32-20. Qualifications for teaching electrolysis.** -- (a) A person, in order to qualify as
31 an instructor or teacher of electrolysis to apprentices, must:

32 (1) Have been actively engaged as a licensed practitioner of electrolysis for at least five
33 (5) years.

34 (2) Pass a state board examination specifically designed to evaluate their qualifications to

1 teach electrolysis.

2 (3) Be a high school graduate or the equivalent.

3 (b) Upon satisfactorily passing this examination, the division of professional regulation of
4 the department of health shall issue a license to the person upon the payment of a fee as set forth
5 in §23-1-54.

6 (c) A qualified licensed electrologist shall not register more than one apprentice for each
7 nine (9) month training period.

8 SECTION 5. Section 5-32-18 of the General Laws in Chapter 5-32 entitled "Electrolysis"
9 is hereby repealed.

10 ~~5-32-18. Training and study. -- The department of health may promulgate rules and~~
11 ~~regulations applying to training and study in electrolysis.~~

12 SECTION 6. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - BARBERS, HAIRDRESSERS,
COSMETICIANS, MANICURISTS AND ESTHETICIAN

- 1 This act would amend various sections of law relating to the certification, training and
- 2 licensing of barbers, hairdressers, cosmeticians, manicurists and estheticians.
- 3 This act would take effect upon passage.

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