

SENATE BILL 1030

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7lr2333

By: **Senators Young, Benson, Conway, Currie, Feldman, Guzzone, Lee, Madaleno, Manno, McFadden, Middleton, Nathan–Pulliam, Peters, Robinson, Rosapepe, and Zucker**

Introduced and read first time: February 9, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Cosmetologists – Licensing and License Renewal – Domestic**
3 **Violence and Sexual Assault Awareness Course**

4 FOR the purpose of requiring certain applicants and licensees to complete a certain
5 domestic violence and sexual assault awareness course to qualify for certain licenses
6 or the renewal of a license by the State Board of Cosmetologists beginning on a
7 certain date; requiring the Board to adopt certain regulations; requiring the Board
8 to waive a certain course requirement under certain circumstances; providing
9 immunity from civil or criminal liability for certain licensees under certain
10 circumstances; and generally relating to a licensing and license renewal requirement
11 for cosmetologists.

12 BY repealing and reenacting, without amendments,
13 Article – Business Occupations and Professions
14 Section 5–201
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2016 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Business Occupations and Professions
19 Section 5–205, 5–304, 5–305, and 5–311
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2016 Supplement)

22 BY adding to
23 Article – Business Occupations and Professions
24 Section 5–611
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Business Occupations and Professions

5–201.

There is a State Board of Cosmetologists in the Department.

5–205.

(a) In addition to any duties set forth elsewhere, the Board shall adopt:

(1) bylaws for the conduct of its proceedings;

(2) regulations for qualification and examination of applicants for licenses, registration, and permits and issuance of licenses, certificates of registration, and permits;

(3) regulations to govern the conduct of persons regulated under this title;

(4) regulations to govern sanitation and safety in practicing cosmetology, including regulations that establish precautions to prevent the spread of infectious and contagious diseases; and

(5) regulations to govern the direct supervision of the operation of limited practice beauty salons.

(b) (1) The Board shall establish reasonable fees for licensing, licensing renewal, examinations, reinstatements, certifications, applications, preopening inspections, per diem fees for Board members, compensation for inspectors appointed by the Board, and for any other service performed by the Board necessary to carry out the provisions of this title.

(2) (i) Except for the examination fees which the Board shall establish in amounts not to exceed the costs of the examinations and subject to subparagraph (ii) of this paragraph, the fees established by the Board shall be set in a manner that will produce funds sufficient to cover the actual direct and indirect costs of regulating the cosmetology industry in the State in accordance with the provisions of this title.

(ii) The Board may not set fees for licensing and license renewals that exceed \$50.

(3) The total cost of regulating the cosmetology industry in the State in accordance with the provisions of this title may not be more than the revenues generated by the fees established under paragraph (1) of this subsection.

(c) (1) The Board shall adopt regulations that establish detailed curriculum standards for use by the State Board of Education or the Maryland Higher Education Commission in approving applications for instruction in the practice of cosmetology, the provision of esthetic services, the provision of hair services, and the provision of nail technician services at public schools or private career schools.

(2) The curriculum standards established under paragraph (1) of this subsection shall:

(i) incorporate modern methods and practices for:

1. practicing cosmetology;
2. providing esthetic services;
3. providing hair services;
4. providing hair services – blow drying; and
5. providing nail technician services;

(ii) include a reference to each topic and the emphasis of each topic required of a comprehensive curriculum in the appropriate licensing area; and

(iii) be reviewed and updated periodically as determined by the Board.

(D) (1) BEGINNING ON OCTOBER 1, 2018, THE BOARD SHALL REQUIRE AN APPLICANT FOR A LICENSE OR A LICENSEE RENEWING A LICENSE TO COMPLETE A DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS COURSE APPROVED BY THE BOARD, UNLESS THE BOARD GRANTS A WAIVER UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE BOARD SHALL WAIVE THE COURSE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AN APPLICANT THAT SHOWS HARDSHIP DUE TO:

(I) THE DISTANCE FROM THE LICENSEE'S PLACE OF PRACTICE TO ANY LOCATION WHERE EDUCATIONAL COURSES ARE OFFERED BEING GREAT ENOUGH TO INTERFERE WITH THE LICENSEE'S ABILITY TO PROVIDE SERVICES;

(II) FINANCIAL HARDSHIP CAUSED BY COMPLIANCE WITH THE REQUIREMENT;

(III) SERVICE IN THE UNITED STATES ARMED FORCES; OR

(IV) INCAPACITY DUE TO ILLNESS.

(3) THE BOARD SHALL ADOPT REGULATIONS THAT SET STANDARDS FOR A DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS COURSE THAT INCLUDE:

(I) THE SUBJECT MATTER;

(II) THE QUALIFICATIONS FOR TEACHERS;

(III) THE MEANS TO VERIFY COMPLETION; AND

(IV) THE STANDARDS AND PROCESS FOR WAIVING THE COURSE REQUIREMENT BASED ON THE CIRCUMSTANCES SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION.

5–304.

(a) (1) To qualify for a license to practice as a cosmetologist, an applicant shall be an individual who meets the requirements of this section.

(2) The applicant shall be at least 17 years old.

(3) The applicant shall have completed successfully a 9th grade education or the equivalent.

(4) EXCEPT AS PROVIDED IN § 5–205(D) OF THIS TITLE, AN APPLICANT SHALL SUCCESSFULLY COMPLETE A DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS COURSE.

[(4)] (5) (i) Except as otherwise provided in this subsection, an applicant shall have received training by:

1. serving as a registered apprentice as provided under §§ 5–404 and 5–405(e) of this title; or

2. successfully completing a required program of at least 1,500 hours of training in a cosmetology school that is approved by the State Board of Education or the Maryland Higher Education Commission in consultation with the Board.

(ii) If an applicant is a barber or master barber currently licensed in this State, the Board shall:

1 1. credit the applicant with having met one-half of the
2 training requirements of subparagraph (i) of this paragraph; and

3 2. determine the manner in which the credit will be applied.

4 (iii) An applicant meets the requirements of this subsection if:

5 1. the applicant has held a cosmetologist license in another
6 state or foreign country and has actively practiced cosmetology in the other state or foreign
7 country for a period of 6 months; or

8 2. the applicant has been trained in a cosmetology school in
9 another state or foreign country that has standards substantially equivalent to or more
10 stringent than the standards of a school that is approved by the State Board of Education
11 or the Maryland Higher Education Commission in consultation with the Board.

12 (5) Except as otherwise provided in this subtitle, the applicant shall pass a
13 written and practical examination given by the Board under this subtitle.

14 (b) To qualify for a license as a senior cosmetologist, an applicant shall:

15 (1) have 2 years of experience as a licensed cosmetologist; and

16 (2) pass an examination approved by the Board.

17 5-305.

18 (a) To qualify for a limited license to practice cosmetology, an applicant shall be
19 an individual who meets the requirements of this section.

20 (b) An applicant for a limited license to provide esthetic services shall:

21 (1) be at least 17 years old;

22 (2) have completed successfully a 9th grade education or the equivalent;

23 [and]

24 **(3) EXCEPT AS PROVIDED IN § 5-205(D) OF THIS TITLE,**
25 **SUCCESSFULLY COMPLETE AN EDUCATIONAL COURSE ON DOMESTIC VIOLENCE AND**
26 **SEXUAL ASSAULT AWARENESS; AND**

27 **[(3)] (4)** have received training by:

28 (i) serving as a registered apprentice for at least 6 months as
29 provided under §§ 5-404 and 5-405 of this title; or

(ii) successfully completing at least 600 hours of instruction in providing esthetic services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

(c) An applicant for a limited license to provide hair services shall:

(1) be at least 17 years old;

(2) have completed successfully a 9th grade education or the equivalent;

[and]

(3) EXCEPT AS PROVIDED IN § 5-205(D) OF THIS TITLE, SUCCESSFULLY COMPLETE AN EDUCATIONAL COURSE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS; AND

[(3)] (4) have received training by:

(i) serving as a registered apprentice for at least 15 months as provided under §§ 5-404 and 5-405 of this title; or

(ii) successfully completing at least 1,200 hours of instruction providing hair services in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

(d) An applicant for a limited license to provide hair services – blow drying shall:

(1) be at least 17 years old;

(2) have completed successfully a 9th grade education or the equivalent;

[and]

(3) EXCEPT AS PROVIDED IN § 5-205(D) OF THIS TITLE, SUCCESSFULLY COMPLETE AN EDUCATIONAL COURSE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS; AND

[(3)] (4) have received training by successfully completing at least 350 hours of instruction providing hair services – blow drying in a cosmetology school approved by the State Department of Education or the Maryland Higher Education Commission in consultation with the Board.

(e) An applicant for a limited license to provide nail technician services shall:

(1) be at least 17 years old;

(2) have successfully completed a 9th grade education or the equivalent;

[and]

1 **(3) EXCEPT AS PROVIDED IN § 5-205(D) OF THIS TITLE,**
2 **SUCCESSFULLY COMPLETE AN EDUCATIONAL COURSE ON DOMESTIC VIOLENCE AND**
3 **SEXUAL ASSAULT AWARENESS; AND**

4 **[(3)] (4)** have received training by:

5 (i) serving as a registered apprentice for at least 3 months as
6 provided under §§ 5-404 and 5-405 of this title; or

7 (ii) successfully completing at least 250 hours of instruction in
8 providing nail technician services in a cosmetology school approved by the State
9 Department of Education or the Maryland Higher Education Commission in consultation
10 with the Board.

11 (f) If an applicant is licensed to practice as an esthetician, hairstylist, hairstylist
12 – blow drying technician, or nail technician in another state or foreign country, the
13 applicant meets the training requirements of this section if the applicant has held a limited
14 license in the other state or foreign country and has actively practiced in the other state or
15 foreign country for a period of 6 months.

16 (g) An applicant for a limited license shall pass an examination given by the
17 Board under this subtitle.

18 5-311.

19 (a) The initial term of a license is 2 years.

20 (b) A license expires on the date set by the Board unless the license is renewed
21 for an additional term as provided in this section.

22 (c) At least 1 month before a license expires, the Board shall mail to the licensee,
23 at the last known address of the licensee:

24 (1) a renewal application form; and

25 (2) a notice that states:

26 (i) the date on which the current license expires;

27 (ii) the date by which the Board must receive the renewal application
28 for the renewal to be issued and mailed before the license expires; and

29 (iii) the amount of the renewal fee.

30 (d) Before a license expires, the licensee periodically may renew it for an
31 additional 2-year term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Board a renewal fee established by the Board in accordance with § 5–205 of this title; **[and]**

(3) submits to the Board a renewal application on the form that the Board provides; **AND**

(4) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, SUCCESSFULLY COMPLETES A DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS COURSE.

(E) THE BOARD SHALL WAIVE THE COURSE REQUIREMENT IN SUBSECTION (D)(4) OF THIS SECTION FOR A LICENSEE WHO MEETS ONE OF THE CIRCUMSTANCES SET FORTH IN § 5–205(D)(2) OF THIS TITLE.

[(e)] (F) The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

[(f)] (G) (1) If an individual who, on or before September 30, 1999, holds a limited license to provide esthetic services files an application to renew the license, the Board shall grant a waiver of the requirement for completion of hours of instruction under § **[5–305(b)(3)(ii)] 5–305(B)(4)(II)** of this subtitle that are in addition to the hours of instruction required on or before that date.

(2) If an individual who, on or before September 30, 1999, holds a limited license to provide manicuring services files an application to renew the license, the Board shall grant a waiver of the requirement for completion of hours of instruction under § **[5–305(d)(3)(ii)] 5–305(B)(4)(II)** of this subtitle that are in addition to the hours of instruction required on or before that date.

5–611.

AN INDIVIDUAL, OR THE EMPLOYER OF AN INDIVIDUAL, LICENSED UNDER THIS TITLE WHO COMPLETES THE COURSE REQUIREMENT UNDER §§ 5–304, 5–305, AND 5–311 OF THIS TITLE MAY NOT BE HELD CIVILLY OR CRIMINALLY LIABLE FOR ACTING IN GOOD FAITH OR FAILING TO ACT ON INFORMATION REGARDING POTENTIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT THAT IS OBTAINED DURING WORK AS A COSMETOLOGIST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.