

HOUSE BILL 501

C2

7lr1741

By: **Delegates Chang, Angel, Frush, A. Miller, Simonaire, and Tarlau**

Introduced and read first time: January 27, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations and Professions – Barber and Cosmetology Professionals**
3 **– Domestic Violence and Sexual Assault Awareness Education**

4 FOR the purpose of requiring certain licensees to complete a certain domestic violence and
5 sexual assault awareness education as a condition of the first renewal for licenses
6 issued by the State Board of Barbers and the State Board of Cosmetologists
7 beginning on a certain date; specifying that a licensee who completes domestic
8 violence and sexual assault awareness education to comply with a certain continuing
9 education requirement may not be held civilly or criminally liable for certain actions
10 or inactions; requiring the State Board of Barbers and the State Board of
11 Cosmetologists to adopt certain regulations; and generally relating to continuing
12 education.

13 BY repealing and reenacting, with amendments,
14 Article – Business Occupations and Professions
15 Section 4–310 and 5–311
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2016 Supplement)

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

20 **Article – Business Occupations and Professions**

21 4–310.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(1) a renewal application form; and

(2) a notice that states:

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

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

(iii) the amount of the renewal fee.

(d) **(1)** Before a license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

[(1)] (I) otherwise is entitled to be licensed;

[(2)] (II) pays to the Board a renewal fee established by the Board in accordance with § 4-206 of this title; and

[(3)] (III) submits to the Board a renewal application on the form that the Board provides.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BEGINNING JUNE 1, 2018, THE BOARD MAY NOT RENEW A LICENSE FOR THE FIRST TIME UNLESS THE LICENSEE MEETS THE CONTINUING EDUCATION REQUIREMENT OF THIS SUBSECTION.

(II) THE CONTINUING EDUCATION REQUIREMENT DOES NOT APPLY TO A LICENSEE FOR WHOM THE BOARD HAS WAIVED THE REQUIREMENT DUE TO:

1. DISTANCE FROM THE LICENSEE'S PLACE OF PRACTICE AND EDUCATIONAL OFFERINGS INTERFERING WITH THE LICENSEE'S ABILITY TO PROVIDE SERVICES;

2. FINANCIAL HARDSHIP CAUSED BY COMPLIANCE WITH THE REQUIREMENT;

3. SERVICE IN THE UNITED STATES ARMED FORCES; OR

4. INCAPACITY DUE TO ILLNESS.

1 **(3) TO QUALIFY FOR THE FIRST RENEWAL OF A LICENSE, A LICENSEE**
2 **SHALL COMPLETE 1 HOUR OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT**
3 **AWARENESS EDUCATION PROVIDED THROUGH PROGRAMS THAT THE BOARD**
4 **APPROVES.**

5 **(4) A LICENSEE WHO COMPLETES DOMESTIC VIOLENCE AND SEXUAL**
6 **ASSAULT AWARENESS EDUCATION IN COMPLIANCE WITH THE CONTINUING**
7 **EDUCATION REQUIREMENT IN THIS SUBSECTION MAY NOT BE HELD CIVILLY OR**
8 **CRIMINALLY LIABLE FOR ACTING IN GOOD FAITH OR FAILING TO ACT ON**
9 **INFORMATION OBTAINED DURING THE COURSE OF EMPLOYMENT CONCERNING**
10 **POTENTIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT.**

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

13 **(F) THE BOARD SHALL ADOPT REGULATIONS THAT SET, IN ACCORDANCE**
14 **WITH THIS SECTION, A CONTINUING EDUCATION REQUIREMENT AS A CONDITION OF**
15 **THE RENEWAL OF LICENSES UNDER THIS SUBTITLE.**

16 5–311.

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

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

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

22 (1) a renewal application form; and

23 (2) a notice that states:

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

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

27 (iii) the amount of the renewal fee.

28 (d) **(1)** Before a license expires, the licensee periodically may renew it for an
29 additional 2–year term, if the licensee:

30 **[(1)] (I)** otherwise is entitled to be licensed;

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

3 ~~[(3)] (III)~~ submits to the Board a renewal application on the form that the
4 Board provides.

5 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
6 **PARAGRAPH, BEGINNING JUNE 1, 2018, THE BOARD MAY NOT RENEW A LICENSE**
7 **FOR THE FIRST TIME UNLESS THE LICENSEE MEETS THE CONTINUING**
8 **EDUCATION REQUIREMENT OF THIS SUBSECTION.**

9 **(II) THE CONTINUING EDUCATION REQUIREMENT DOES NOT**
10 **APPLY TO A LICENSEE FOR WHOM THE BOARD HAS WAIVED THE REQUIREMENT DUE**
11 **TO:**

12 1. DISTANCE FROM THE LICENSEE’S PLACE OF
13 PRACTICE AND EDUCATIONAL OFFERINGS INTERFERING WITH THE LICENSEE’S
14 ABILITY TO PROVIDE SERVICES;

15 2. FINANCIAL HARDSHIP CAUSED BY COMPLIANCE WITH
16 THE REQUIREMENT;

17 3. SERVICE IN THE UNITED STATES ARMED FORCES; OR

18 4. INCAPACITY DUE TO ILLNESS.

19 **(3) TO QUALIFY FOR THE FIRST RENEWAL OF A LICENSE, A LICENSEE**
20 **SHALL COMPLETE 1 HOUR OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT**
21 **AWARENESS EDUCATION PROVIDED THROUGH PROGRAMS THAT THE BOARD**
22 **APPROVES.**

23 **(4) A LICENSEE WHO COMPLETES DOMESTIC VIOLENCE AND SEXUAL**
24 **ASSAULT AWARENESS EDUCATION IN COMPLIANCE WITH THE CONTINUING**
25 **EDUCATION REQUIREMENT IN THIS SUBSECTION MAY NOT BE HELD CIVILLY OR**
26 **CRIMINALLY LIABLE FOR ACTING IN GOOD FAITH OR FAILING TO ACT ON**
27 **INFORMATION OBTAINED DURING THE COURSE OF EMPLOYMENT CONCERNING**
28 **POTENTIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT.**

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

31 (f) (1) If an individual who, on or before September 30, 1999, holds a limited
32 license to provide esthetic services files an application to renew the license, the Board shall
33 grant a waiver of the requirement for completion of hours of instruction under §

1 5–305(b)(3)(ii) of this subtitle that are in addition to the hours of instruction required on or
2 before that date.

3 (2) If an individual who, on or before September 30, 1999, holds a limited
4 license to provide manicuring services files an application to renew the license, the Board
5 shall grant a waiver of the requirement for completion of hours of instruction under §
6 5–305(d)(3)(ii) of this subtitle that are in addition to the hours of instruction required on or
7 before that date.

8 **(G) THE BOARD SHALL ADOPT REGULATIONS THAT SET, IN ACCORDANCE**
9 **WITH THIS SECTION, A CONTINUING EDUCATION REQUIREMENT AS A CONDITION OF**
10 **THE RENEWAL OF LICENSES UNDER THIS SUBTITLE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2017.