

2014 -- H 7401

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LC003563  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

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

Introduced By: Representatives Corvese, Azzinaro, Hull, and O'Brien

Date Introduced: February 12, 2014

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 5-10-8, 5-10-15 and 5-10-30 of the General Laws in Chapter 5-10  
2   entitled "Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians" are hereby amended  
3   to read as follows:

4           **5-10-8. Issuance of licenses -- Qualifications of applicants.** -- (a) The division shall  
5   issue licenses to persons engaged in or desiring to engage in the practice of barbering,  
6   hairdressing, and cosmetic therapy and/or manicuring, or esthetics and for instructing in any  
7   approved school of barbering or hairdressing and cosmetic therapy, and/or manicuring, or  
8   esthetics; provided, that no license shall be issued to any person under this chapter unless the  
9   applicant for the license:

10           (1) Is at least eighteen (18) years of age;

11           (2) Is a citizen of the United States of America or has legal entry into the country;

12           (3) Is of good moral character;

13           (4) Is a high school graduate or holds the equivalent;

14           (5) Has satisfactorily completed the course of instruction in an approved school of  
15   barbering, hairdressing and cosmetic therapy, and/or manicuring or esthetics;

16           (6) Has satisfactorily passed a written and a practical examination approved by the  
17   division to determine the fitness of the applicant to receive a license; and

18           (7) Has complied with section 5-10-10 and any other qualifications that the division

1 prescribes by regulation.

2 (b) Notwithstanding the provision of subdivision (a)(4) of this section, ~~on and after July~~  
3 ~~1, 1997, an applicant seeking licensure as a barber must be a high school graduate or hold the~~  
4 ~~equivalent.~~ any person attaining the age of nineteen (19) years may register as an apprentice,  
5 without a high school diploma or equivalent. Provided, however, that the applicant must during  
6 the first year of his or her apprenticeship attain a high school diploma or equivalent. If the  
7 applicant fails to obtain a high school diploma or equivalent within the first year of  
8 apprenticeship, he or she forfeits their apprenticeship registration until proof of his or her high  
9 school diploma or equivalent is filed with the department.

10 **5-10-15. Licensing of shops.** -- (a) No shop, place of business or establishment shall be  
11 opened or conducted within the state by any person, association, partnership, corporation, or  
12 otherwise for the practice of barbering, manicuring and/or hairdressing and cosmetic therapy or  
13 esthetics until the time that application for a license to operate that shop, place of business or  
14 establishment for the practice of manicuring and/or hairdressing and cosmetic therapy or esthetics  
15 is made, to the division, in the manner and on the forms that it prescribes, and a license, under the  
16 terms and conditions, not contrary to law, that the division requires shall be granted for it and a  
17 license issued.

18 (1) No license shall be issued, pursuant to this chapter, to any shop, place of business or  
19 establishment, until that location has been inspected and approved by the department of health.

20 ~~(1)~~(2) No licenses shall be granted to any shop, place of business, or establishment for the  
21 practice of hairdressing and cosmetic therapy unless the proprietor or a supervising manager in  
22 the practice of barbering, hairdressing and cosmetic therapy, of the shop, place of business, or  
23 establishment is licensed and has been licensed as a licensed barber or hairdresser and  
24 cosmetician for a period of at least one year immediately prior to the filing of the application for  
25 the license.

26 ~~(2)~~(3) No license shall be granted to any shop, place of business, or establishment for the  
27 practice of manicuring or esthetics unless the proprietor or a supervising manager of the  
28 proprietor is licensed and has been licensed as a licensed barber, hairdresser and cosmetician,  
29 manicurist or esthetician for a period of at least one year immediately prior to the filing of the  
30 application for the license.

31 ~~(3)~~(4)The supervising manager shall be registered with the division as the manager of a  
32 licensed shop and shall only be registered to manage one shop at a time. The proprietor of the  
33 licensed shop and the manager shall notify the division, in writing, within ten (10) days upon the  
34 termination of employment as the manager of the licensed shop. The license of the shop shall

1 expire forty-five (45) days after the division is notified by the proprietor if no new manager is  
2 registered with the division as the supervising manager of the shop.

3 (b) All licenses issued under this section shall terminate on the first day of July following  
4 the date of issue. The fee for the license is as set forth in section 23-1-54.

5 (c) In addition to the license fee, a location inspection fee of one hundred dollars (\$100)  
6 shall be required.

7 **5-10-30. Penalty for violations.** – (a) Any violation of this chapter or any of the  
8 provisions of this chapter shall be a misdemeanor and any person, association, partnership, or  
9 corporation convicted of a violation of this chapter shall be fined not exceeding two hundred  
10 dollars (\$200), or imprisoned not exceeding three (3) months, or both.

11 (b) Any person who is found to operate a business without a license required by this  
12 chapter, in addition to the penalties in subsection (a) shall be prohibited from applying for the  
13 needed license for fifteen (15) days after his or her fine has been paid in full.

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

17 **5-10-8.1. Apprenticeship and license requirements.** – (a) Apprenticeship. The  
18 department shall issue an apprenticeship barber registration to an individual that:

19 (1) Submits a completed application;

20 (2) Submits acceptable evidence that any training the apprentice receives shall be  
21 conducted by and under the direct supervision of a licensed barber in a licensed hair design shop;  
22 and

23 (3) Trains under the direct supervision of a licensed barber who must be on the premises  
24 with the apprentice barber.

25 SECTION 3. Section 5-10-9 of the General Laws in Chapter 5-10 entitled "Barbers,  
26 Hairdressers, Cosmeticians, Manicurists and Estheticians" is hereby amended to read as follows:

27 **5-10-9. Classes of licenses.** -- Licenses shall be divided into the following classes and  
28 shall be issued by the division to applicants for the licenses who have qualified for each class of  
29 license:

30 (1) A "hairdresser's and cosmetician's license" shall be issued by the division to every  
31 applicant for the license who meets the requirements of section 5-10-8 and has completed a  
32 course of instruction in hairdressing and cosmetology consisting of not less than fifteen hundred  
33 (1,500) hours of continuous study and practice.

34 (2) An "instructor's license" shall be granted by the division to any applicant for the

1 license who has held a licensed hairdresser's and cosmetician's license, a barber's license, a  
2 manicurist's license, or an esthetician's license issued under the laws of this state or another state,  
3 for at least the three (3) years preceding the date of application for an instructor's license and:

- 4 (i) Meets the requirements of section 5-10-8;
- 5 (ii) Has satisfactorily completed three hundred (300) hours of instruction in hairdressing  
6 and cosmetology, barber, manicurist, or esthetician teacher training approved by the division as  
7 prescribed by regulation;
- 8 (iii) Has satisfactorily passed a written and a practical examination approved by the  
9 division to determine the fitness of the applicant to receive an instructor's license;
- 10 (iv) Has complied with section 5-10-10; and
- 11 (v) Has complied with any other qualifications that the division prescribes by regulation.

12 (3) A "manicurist license" shall be granted to any applicant for the license who meets the  
13 following qualifications:

- 14 (i) Meets the requirements of section 5-10-8; and
- 15 (ii) Has completed a course of instruction consisting of not less than three hundred (300)  
16 hours of professional training in manicuring, in an approved school.

17 (4) An "esthetician license" shall be granted to any applicant for the license who meets  
18 the following qualifications:

- 19 (i) Meets the requirements of section 5-10-8;
- 20 (ii) Has completed a course of instruction in esthetics consisting of not less than six  
21 hundred (600) hours of continuous study and practice over a period of not less than four (4)  
22 months in an approved school of hairdressing and cosmetology; and
- 23 (iii) Any applicant who holds a diploma or certificate from a skin care school that is  
24 recognized as a skin care school by the state or nation in which it is located, and meets the  
25 requirements of paragraph (i) of this subdivision, shall be granted a license to practice esthetics;  
26 provided, that the skin care school has a requirement that in order to graduate from the school a  
27 student must have completed a number of hours of instruction in the practice of skin care, which  
28 number is at least equal to the number of hours of instruction required by the division.

29 (5) A "barber" license shall be issued by the division to every applicant for the license  
30 who meets the requirements of section 5-10-8 and meets the following requirements:

- 31 (i) Submits a completed application;
- 32 ~~(i)~~ (ii) Has completed a course of instruction in barbering consisting of not less than one  
33 thousand five hundred (1,500) hours of continuous study and practice in an approved school; or  
34 (iii) Has successfully completed one thousand (1,000) hours of barber instruction in an

1 approved school and has completed a minimum of eight hundred forty (840) hours of barber on-  
2 the-job-training, as a registered barber apprentice, obtained within a minimum of six (6) months  
3 as a registered apprentice; or

4 ~~(iii)~~(iv) Has possessed for at least two (2) years prior to the filing of the application a  
5 certificate of registration in full force and effect from the department of health of the state  
6 specifying that person as a registered apprentice barber, and the application of that applicant is  
7 accompanied by an affidavit or affidavits of his or her employer or former employers or other  
8 reasonably satisfactory evidence showing that the applicant has been actually engaged in  
9 barbering as an apprentice barber in the state during those two (2) years; or

10 ~~(iii)~~(v) A combination of barber school training and apprenticeship training as determined  
11 by the rules and regulations prescribed by the division.

12 SECTION 4. 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 AND  
COSMETICIANS

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1           This act would require the department of health to inspect and approve the locations of all  
2 barber shops and to charge a fee for that inspection. It would also provide for an apprenticeship  
3 barber registration program for individuals who meet certain eligibility requirements. This act  
4 would further provide for fines and penalties for noncompliance with registration and inspection  
5 requirements.

6           This act would take effect upon passage.

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