

**2019 -- H 5677 SUBSTITUTE A**

LC000009/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2019**

A N A C T

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

Introduced By: Representatives Williams, Cassar, Almeida, Vella-Wilkinson, and  
Alzate

Date Introduced: February 27, 2019

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-10-1 and 5-10-29 of the General Laws in Chapter 5-10 entitled  
2 "Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians" are hereby amended to read  
3 as follows:

4 **5-10-1. Definitions.**

5 The following words and phrases, when used in this chapter, are construed as follows:

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

9 (2) "Barber" means any person who shaves or trims the beard; waves, dresses, singses,  
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 (3) "Board" means the state board of barbering and hairdressing as provided for in this  
14 chapter.

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

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

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

1 as an esthetician.

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

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

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

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

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

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

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

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

31 (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  
3 removing of superfluous hair from the body of any person; or the arranging, dressing, curling,  
4 waving, weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair  
5 of any person. Provided, however, that the practice of hairdressing and cosmetic therapy shall not  
6 include natural hair braiding.

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

9 **5-10-29. Persons exempt from chapter.**

10 (a) The provisions and penalties of this chapter do not apply to licensed physicians,  
11 osteopaths, chiropractors, ~~or~~ registered nurses, or natural hair braiders, when acting within the  
12 scope of their professions or occupations as defined by law.

13 (b) Natural hair braiding. Natural hair braiding is a service of twisting, wrapping,  
14 weaving, extending, locking, or braiding hair by hand or with mechanical devices.

15 (1) Natural hair braiding includes:

16 (i) The use of natural or synthetic hair extensions, natural or synthetic hair and fibers,  
17 decorative beads, and other hair accessories;

18 (ii) Minor trimming of natural hair or hair extensions incidental to twisting, wrapping,  
19 weaving, extending, locking, or braiding hair;

20 (iii) The use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and  
21 shampoos in conjunction with hair braiding;

22 (iv) The making of wigs from natural hair, natural fibers, synthetic fibers, and hair  
23 extensions; and

24 (v) Mechanical devices mean clips, combs, crochet hooks, curlers, curling irons, hairpins,  
25 rollers, scissors, blunt-tipped needles, thread, and hair binders.

26 (2) Natural hair braiding is commonly known as "African-style hair braiding" but is not  
27 limited to any particular cultural, ethnic, racial, or religious forms of hair styles.

28 (3) Natural hair braiding does not include:

29 (i) The application of dyes, reactive chemicals, or other preparations to alter the color of  
30 the hair or to straighten, curl, or alter the structure of the hair; or

31 (ii) The use of chemical hair joining agents such as synthetic tape, keratin bonds, or  
32 fusion bonds.

33 (c) Any violation of this section shall result in a fine of fifty dollars (\$50.00) for a first  
34 violation, one hundred dollars (\$100) for a second violation and one hundred fifty dollars (\$150)

1 [for each subsequent violation.](#)

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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

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1           This act would exempt natural hair braiders from the requirement to be licensed as  
2 hairdressers or cosmeticians, would define the practice of natural hair braiding and would impose  
3 fines for any violations of this act.

4           This act would take effect upon passage.

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