

2014 -- S 2802

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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: Senators Nesselbush, Doyle, and Miller

Date Introduced: March 25, 2014

Referred To: Senate Health & Human Services

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) be prohibited from applying for the needed
13 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; and

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) Apprentice barbers shall be under the direct supervision of a licensed barber who
24 must be on the premises with the apprentice barber.

25 (b) Barber license. The department shall issue a barber license to an individual who meets
26 the requirements of § 5-10-8 and meets the following requirements:

27 (1) Submits a completed application;

28 (2) Has completed a course of instruction in barbering consisting of not less than one
29 thousand five hundred (1,500) hours of continuous study and practice in an approved; or

30 (3) Has possessed for at least two (2) years prior to the filing of the license application a
31 registered apprentice barbershop certificate and the license application is accompanied by an
32 affidavit(s) of his or her employer or former employers or other reasonably satisfactory evidence
33 showing that the applicant has been actually engaged in barbering as an apprentice barber in the
34 state during the prior two (2) years; or

1 (4) Has successfully completed one thousand (1,000) hours of barber instruction in an
2 approved school and has completed a minimum of eight hundred forty (840) hours of barber on-
3 the-job-training, as a registered barber apprentice, obtained within a minimum of six (6) months
4 as a registered apprentice.

5 **5-10-25.1. Enforcement.** – The Rhode Island state police are empowered to immediately
6 close any business, governed by this chapter that does not possess the required license.

7 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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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 empower the state police to
3 close unlicensed barbershops and further penalize the proprietor if he or she failed to apply for the
4 proper license. It would also allow a qualified non-high school graduate to become an apprentice
5 barber.

6 This act would take effect upon passage.

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