**02-041**

**BARBERING AND COSMETOLOGY Licensing PROGRAM**

2020 - 2021 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Barbering and Cosmetology Licensing Program**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** Rules will be established to implement 2019 Public Law Chapter 373, which includes course of study and licensing requirements for a new Hair Designer license, delete barber licensing and requirement references and replace limited barber licensing and requirements with barber hair stylist licensing and requirements, amend license title references for establishments and booth establishments and update and clarify reporting requirements, delete demonstrator licensing, delete age and secondary schooling requirement for all license types, update licensure by endorsement requirements, update trainee requirements, supervision and employment, address exemption of bond and financial audit reports for career technical education school if student tuition is not imposed or collected, update student enrollment age from 16 to 15, delete special events permit requirement, and review and update special events practice requirements. Rules were last adopted on December 11, 2016, for this program, which consisted of a complete rewrite and reorganization of the rules. Review of practice and physical plant safety, sanitation, disinfecting, and infection control standards will be conducted and updated as may be necessary. If necessary, review, update and address errors and omissions resulting from the recent rewrite and reorganization of the rules.

**CHAPTER 20: Definitions and References**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter defines specialized terms used in the Program’s rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 21: Licensure of Aestheticians, Barbers, Cosmetologists, Limited Barbers and Nail Technologists**

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14231

PURPOSE: This chapter sets forth requirements for licensure as an aesthetician, barber, cosmetologist, limited barber, and nail technologist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 22: Licensure of Demonstrators**

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14234

PURPOSE: This chapter sets forth requirements for licensure of demonstrators and the articles, machines and techniques performed outside a licensed establishment.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 23: Trainee Aesthetician, Barber, Cosmetologist, Limited Barber and Nail Technologist**

STATUTORY BASIS: 32 M.R.S. §§ 14202(13), 14212-A(2), 14228(3),14232(3), 14233

PURPOSE: This chapter sets forth licensure, training and supervision requirements for practitioners.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 24: Licensure of Instructors**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth requirements for licensure as an instructor in aesthetics, barbering, cosmetology, limited barbering and nail technology to teach in a licensed school.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 25: Licensure of Establishments and Independent Booths**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth license requirements for a place, facility, salon, shop, establishment, mobile establishment or independent booth within an establishment in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 26: Establishment, Independent Booth and School Operation, Sanitation and Infection Control Standards, and Safe Practice Procedures**

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth sanitization and infection control standards and safe practice procedures and requirements for the operation of an establishment, independent booth within an establishment, mobile establishment, and school in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 27: Rules for Licensure and Operation of Schools Offering One or More Courses of Study in Aesthetics, Barbering, Cosmetology, Limited Barbering, Nail Technology and Instructing**

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14228(3), 14233, 14246(1)

PURPOSE: This chapter establishes the criteria to be met in order to obtain a license to operate a school and to offer and teach one or more courses of study in aesthetics, barbering, cosmetology, limited barbering, nail technology and instructing. This chapter also sets standards for the operation of an off-site [satellite] classroom.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 28: Special Event Services Permit**

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth requirements for issuance of a special event services permit pursuant to 32 M.R.S. § 14203(2)(J).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 29: Grounds for Discipline**

STATUTORY BASIS: 10 M.R.S. § 8001(5-A)(A); 32 M.R.S. §§ 14212-A(2), 14236-A

PURPOSE: This chapter references the statutory grounds for discipline against licensees and includes examples of prohibited conduct that may result in discipline.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 30: Citations**

STATUTORY BASIS: 10 M.R.S. § 8003-E; 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter lists the violations for which a citation may be issued pursuant to 10 M.R.S. § 8003-E, describes the licensee's right to request a hearing, and describes the time and manner in which the fine shall be paid or a hearing requested.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated