

HOUSE No. 40

Message from His Excellency the Governor recommending legislation relative to modernizing licensing operations at the Division of Professional Licensure. January 7, 2013.

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

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DEVAL L. PATRICK

GOVERNOR

TIMOTHY P. MURRAY

LIEUTENANT GOVERNOR

January 7, 2013.

To the Honorable Senate and House of Representatives:

I am filing today for your consideration the attached legislative proposal, “An Act Modernizing Licensing Operations at the Division of Professional Licensure.”

Under various statutes enacted over many years, the Division of Professional Licensure (DPL) currently oversees 31 boards of registration for licensees in a wide range of trades and professions. Accountants, architects, barbers, electricians, engineers, funeral directors, massage therapists, plumbers, psychologists, social workers and veterinarians are just some of the professionals licensed by DPL boards. The primary purpose of a professional licensing board is to protect the public by licensing qualified individuals and businesses, and by fair and consistent enforcement of the licensing laws and regulations.

Through our statewide regulatory reform initiative we have identified a number of opportunities to update or, in some cases, eliminate licensing provisions without compromising public safety. To this end, the legislation I am filing today will modernize DPL’s operations by ensuring our licensing requirements more properly reflect the circumstances and needs of today’s consumers and businesses.

In sum, the legislation combines the licensing of barbers and electrologists under a single Cosmetology and Barbering Board; puts a cap on the amount of the fee a board can charge a former licensee for re-entry into the profession; eliminates the Board of Registration of Radio and Television Technicians; eliminates obsolete language pertaining to appointment and quorum

requirements, board staffing and compensation; adds certain clarifying language; and replaces mandates for costly mailing with requirements for posting of information on a publicly available website.

DPL has also taken steps to modernize its regulations over the past year, and later this year DPL will be rolling out an e-Licensing initiative. This legislation will enable DPL to further improve its work in fairly and responsibly overseeing licensure for professionals in Massachusetts. Accordingly, I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", with a stylized flourish at the end.

DEVAL L. PATRICK,

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

AN ACT MODERNIZING LICENSING OPERATIONS AT THE DIVISION OF PROFESSIONAL LICENSURE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 12C of chapter 13, as appearing in the 2010 Official Edition, is hereby
2 amended by striking out the words “There shall be paid by the commonwealth to the secretary of
3 the board a salary of five hundred dollars, and his necessary expenses incurred in the discharge
4 of his official duties, and to each of the other members thereof a salary of two hundred and fifty
5 dollars, and his necessary expenses so incurred; provided, that the salaries and expenses of the
6 members of the board shall not be in excess of the receipts for registration.” and inserting in
7 place thereof the following:- The members of the board shall serve without compensation but
8 each member shall be reimbursed for actual expenses reasonably incurred in the performances of
9 his duties as a member or on behalf of the board.

10 SECTION 2. Section 18 of said chapter 13, as so appearing, is hereby amended by striking out
11 the words “There shall be paid by the commonwealth to the secretary of the board a salary of
12 seven hundred and fifty dollars, and to each other member thereof a salary of five hundred and
13 seventy-five dollars, and to each member thereof his necessary traveling expenses actually

14 incurred in attending the meetings of the board and such other expenses of the board as are
15 incurred under section sixteen or seventeen or under sections sixty-six to seventy-three,
16 inclusive, of chapter one hundred and twelve.” and inserting in place thereof the following:- The
17 members of the board shall serve without compensation but each member shall be reimbursed for
18 actual expenses reasonably incurred in the performances of his duties as a member or on behalf
19 of the board.

20 SECTION 3. Section 28 of said chapter 13, as so appearing, is hereby amended by striking out
21 the words “There shall be paid by the commonwealth to the secretary a salary of fifteen hundred
22 dollars and his necessary traveling and contingent expenses, not exceeding three hundred dollars,
23 actually incurred in attending to the necessary work of the board, and to each of the other
24 members of the board a salary of two hundred and fifty dollars and his necessary traveling and
25 contingent expenses actually incurred in attending the meetings thereof.” and inserting in place
26 thereof the following:- The members of the board shall serve without compensation but each
27 member shall be reimbursed for actual expenses reasonably incurred in the performances of his
28 duties as a member or on behalf of the board.

29 SECTION 4. Section 31 of said chapter 13, as so appearing, is hereby amended by striking out
30 the words “There shall be paid by the commonwealth to the chairman of said board the sum of
31 twenty-five hundred dollars annually, to the secretary of said board the sum of eighteen hundred
32 and seventy-five dollars, and to each of the other members of said board the sum of twelve
33 hundred and fifty dollars, and to all members of the board their necessary traveling and other
34 expenses actually expended in attending meetings thereof. Said board may expend any sum not
35 exceeding five hundred dollars annually for purposes of instruction and dissemination of new
36 and useful knowledge among and for the benefit of registered embalmers and funeral directors;

37 provided, that such salaries and expenses shall not be in excess of the receipts for registration
38 and renewals thereof received by the state treasurer from the board.” and inserting in place
39 thereof the following:- The members of the board shall serve without compensation but each
40 member shall be reimbursed for actual expenses reasonably incurred in the performances of his
41 duties as a member or on behalf of the board.

42 SECTION 5. Section 32 of said chapter 13, as so appearing, is hereby amended by striking out
43 the words “The board shall appoint an executive secretary who shall be a wage earner, a citizen
44 of the commonwealth, and a practical electrician of at least ten years’ experience in such
45 installation. The board may also appoint, subject to chapter thirty-one, such other clerical and
46 technical assistants as may be necessary to discharge its duties under chapter one hundred and
47 forty-one and shall establish their duties. The members, ex officiis, shall receive no
48 compensation for their services under chapter one hundred and forty-one, but the appointive
49 members shall each receive for their services thereunder a salary of seven hundred and fifty
50 dollars. The board may expend for the salaries of the appointive members and of the secretary
51 and other employees and for necessary traveling and other expenses for themselves and their
52 employees such sums as are annually appropriated therefor.” and inserting in place thereof the
53 following:- The members of the board shall serve without compensation but each member shall
54 be reimbursed for actual expenses reasonably incurred in the performances of his duties as a
55 member or on behalf of the board.

56 SECTION 6. Section 35 of said chapter 13, as so appearing, is hereby amended by striking out
57 the words “Each member of the board shall receive fifty dollars for each day or part of a day
58 actually spent in the performance of his duties, but in any one year not more than three thousand
59 dollars shall be paid to any member. Each member shall be reimbursed for his actual and

60 necessary expenses incurred in the discharge of his official duties. The board shall employ an
61 executive secretary, who shall be a certified public accountant, and shall determine his salary.
62 The executive secretary shall not be subject to the provisions of sections forty-five to fifty,
63 inclusive, of chapter thirty, or to the provisions of chapter thirty-one. The board may appoint
64 such committees or persons to advise it or assist it in such administration as it may see fit. It may
65 seek counsel to advise and assist it as may be provided by the attorney general.” and inserting in
66 place thereof the following:- The members of the board shall serve without compensation but
67 each member shall be reimbursed for actual expenses reasonably incurred in the performances of
68 his duties as a member or on behalf of the board.

69 SECTION 7. Section 36 of said chapter 13, as so appearing, is hereby amended by striking out
70 the words “Said board shall appoint an executive secretary who is a citizen of the commonwealth
71 and has had at least ten years’ continuous practical experience as a plumber. He shall receive his
72 necessary traveling expenses incurred in the performance of his duties. No member of said board
73 shall be eligible for appointment as secretary.”

74 SECTION 8. Section 38 of said chapter 13, as so appearing, is hereby amended by striking out
75 the words “There shall be paid by the commonwealth to the chairman of the examiners a salary
76 of seven hundred and fifty dollars and to each other member thereof a salary of five hundred
77 dollars, and to each member thereof his necessary traveling expenses actually incurred in
78 attending meetings of the examiners. The division of professional licensure shall furnish the
79 examiners with such clerical assistance as may be necessary.” and inserting in place thereof the
80 following:- The members of the board shall serve without compensation but each member shall
81 be reimbursed for actual expenses reasonably incurred in the performances of his duties as a
82 member or on behalf of the board.

83 SECTION 9. Sections 39 to 41, inclusive, of said chapter 13 are hereby repealed.

84 SECTION 10. Said chapter 13 is hereby amended by striking out section 42 and inserting in
85 place thereof the following:-

86 Section 42. There shall be a board of registration of cosmetology and barbering to consist of 9
87 members to be appointed by the governor, 1 of whom shall be designated as chairperson by a
88 majority vote of the board. Upon initial appointment to said board, 3 members shall continue in
89 office for 1 year, 3 members shall continue in office for 2 years and 3 members shall continue in
90 office for 3 years. Successors shall be appointed for terms of 3 years; provided, however, that
91 any person designated to fill a vacancy shall be appointed only for the unexpired term of the
92 board member so replaced. Upon the expiration of a term of office, a board member may
93 continue to serve until a successor has been appointed and qualified.

94 The governor may remove the chairperson or other member of said board for neglect of duty or
95 malfeasance or upon a conviction of a felony or crime of moral turpitude. No board member
96 shall participate in any matter before said board in which said member has a pecuniary interest,
97 personal bias, or other conflict. No 2 members of said board, while in office, shall be interested
98 in a cosmetology establishment in the same town. A board member in office on the effective date
99 of this section shall continue to serve as a voting, full time member of said board until such time
100 as his term of office expires.

101 The governor shall appoint members to the board from among candidates who meet the
102 following qualifications:- (a) 8 members who shall be licensees of the board, in compliance with
103 sections 87T to 87JJ, inclusive, of chapter 112, 1 of whom shall own a licensed cosmetology
104 school for at least 5 years, 1 of whom shall be a cosmetologist for at least 5 years, 1 of whom

105 shall be a licensed cosmetologist and shop owner for at least 5 years, 1 of whom shall be a
106 licensed vocational educator from the public sector who has taught cosmetology or barbering for
107 at least 5 years, 2 of whom shall be licensed master barbers for at least 5 years, 1 of whom shall
108 be a licensed electrologist for at least 5 years, and 1 of whom shall be a licensed aesthetician for
109 at least 5 years; and (b) 1 member shall be a representative of the general public and shall have
110 no direct affiliation with the practice of cosmetology, barbering or electrology.

111 SECTION 11. Section 43 of said chapter 13 is hereby repealed.

112 SECTION 12. Section 44 of said chapter 13 is hereby repealed.

113 SECTION 13. Section 44D of said chapter 13, as so appearing, is hereby amended by striking
114 out the words “Each member of the board shall receive eighteen dollars and seventy-five cents
115 for each day or portion thereof spent in the performance of his official duties; provided, that the
116 total sum paid to any member thereof shall not exceed seven hundred and fifty dollars in any one
117 year; and, in addition, all proper traveling and incidental expenses actually incurred by him in
118 connection with said duties. The board may appoint such clerks as may be necessary; provided,
119 that the salaries and expenses of the members of the board and its employees, and the expenses
120 of the board, shall not be in excess of the receipts for registration and from other sources that
121 have been received by the state treasurer from the board.” and inserting in place thereof the
122 following:- The members of the board shall serve without compensation but each member shall
123 be reimbursed for actual expenses reasonably incurred in the performances of his duties as a
124 member or on behalf of the board.

125 SECTION 14. Section 46 of said chapter 13, as so appearing, is hereby amended by striking out
126 the words “At all meetings of the board, a quorum shall consist of three members.”

127 SECTION 15. Section 50 of said chapter 13, as so appearing, is hereby amended by striking out
128 the words “There shall be paid annually by the commonwealth to the secretary of the board a
129 salary of three hundred and seventy-five dollars and to each other member thereof an annual
130 salary of one hundred and twenty-five dollars and to each member the necessary traveling
131 expenses actually incurred in attending the meetings of the board and such other expenses as
132 shall be incurred in the discharge of his duties.” and inserting in place thereof the following:-
133 The members of the board shall serve without compensation but each member shall be
134 reimbursed for actual expenses reasonably incurred in the performances of his duties as a
135 member or on behalf of the board.

136 SECTION 16. Section 53 of said chapter 13, as so appearing, is hereby amended by striking out
137 the words “Each member of the board, other than the employee of the department of public
138 health, shall receive from the commonwealth twelve dollars and fifty cents for each day or
139 portion thereof spent in attending board meetings; and each member shall be paid the necessary
140 traveling expenses actually incurred by him in attending said meetings; provided, that such
141 compensation and expenses shall not in any one year exceed the receipts from registrations and
142 licenses paid to the commonwealth by the board. The board may appoint such employees as may
143 be necessary to carry out its duties and may expend therefor such sums as may be appropriated.”
144 and inserting in place thereof the following:- The members of the board shall serve without
145 compensation but each member shall be reimbursed for actual expenses reasonably incurred in
146 the performances of his duties as a member or on behalf of the board.

147 SECTION 17. Section 57 of said chapter 13, as so appearing, is hereby amended by striking out
148 the words “The board may, subject to chapter thirty-one, employ a secretary and such other
149 clerical and technical assistants as may be necessary to discharge its official duties, shall

150 establish their duties, and, subject to the provisions of sections forty-five to fifty, inclusive, of
151 chapter thirty, shall fix their compensation which shall be paid by the commonwealth. The
152 commonwealth shall provide the board with adequate office space and shall pay the expenses of
153 the board incurred in the performance of its duties.”

154 SECTION 18. Sections 58 to 60, inclusive, of said chapter 13 are hereby repealed.

155 SECTION 19. Sections 61 to 63, inclusive, of said chapter 13 are hereby repealed.

156 SECTION 20. Section 66 of said chapter 13 is hereby amended by striking out the words “All
157 fees received by the secretary of the board and not returned to the applicant shall be paid
158 monthly to the state treasurer. Each member of the board shall receive from the commonwealth
159 fifteen dollars for each day or portion thereof spent in the performance of his official duties.
160 Each member shall be paid the necessary traveling and other expenses actually incurred by him
161 in the performance of said duties.” and inserting in place thereof the following:- The members
162 of the board shall serve without compensation but each member shall be reimbursed for actual
163 expenses reasonably incurred in the performances of his duties as a member or on behalf of the
164 board.

165 SECTION 21. Section 68 of said chapter 13, as so appearing, is hereby amended by striking out
166 the words “and a secretary who may, but need not, be a member of the board. At all meetings of
167 the board a quorum shall consist of three members.”

168 SECTION 22. Section 72 of said chapter 13, as so appearing, is hereby amended by striking out
169 the words “Each member of the board other than the employee of the department of public health
170 shall receive from the commonwealth ten dollars for each day or portion thereof spent in
171 attending board meetings and each member shall be paid the necessary travelling expenses

172 actually incurred by him in attending said meetings, provided that such compensation and
173 expenses shall not in one year exceed the receipts from the registrations and licenses. The board
174 may appoint such employees as may be necessary to carry out its duties and may expend therefor
175 such sums as may be appropriated.” and inserting in place thereof the following:- The members
176 of the board shall serve without compensation but each member shall be reimbursed for actual
177 expenses reasonably incurred in the performances of his duties as a member or on behalf of the
178 board.

179 SECTION 23. Section 85 of said chapter 13, as so appearing, is hereby amended by striking out
180 the words “Three members of the board shall constitute a quorum to do business, provided at
181 least one speech-language pathologist and one audiologist are present.”

182 SECTION 24. Section 92 of said chapter 13, as so appearing, is hereby amended by striking out
183 the words “One of the appraiser members shall be a state-certified general real estate appraiser,
184 one shall be a state-certified residential real estate appraiser, and one shall be a state-licensed real
185 estate appraiser. One of the real estate appraiser members of the board shall be an assessor in a
186 city or town in the commonwealth.” and inserting in place thereof the following:- At least 1 of
187 the appraiser members shall be a state-certified general real estate appraiser, and 1 shall be a
188 state-certified residential real estate appraiser.

189 SECTION 25. Said section 92 of said chapter 13, as so appearing, is hereby further amended by
190 striking out the words “A quorum of the board shall be five members.”

191 SECTION 26. Said section 92 of said chapter 13, as so appearing, is hereby further amended by
192 striking out the words “The director of the division of registration, with approval of the board,
193 shall appoint an executive secretary to serve the board. The division of professional licensure

194 shall employ such other clerical and technical assistants as may be necessary to discharge the
195 official duties of the board.”

196 SECTION 27. Section 93 of said chapter 13, as so appearing, is hereby amended by striking out
197 the words “A quorum of the board shall be three members.”

198 SECTION 28. Section 95 of said chapter 13 is hereby repealed.

199 SECTION 29. Section 60J of chapter 112, as appearing in the 2010 Official Edition, is hereby
200 amended by striking out the words “Copies of such roster shall be mailed to each person so
201 registered, placed on file with the state secretary, and furnished to the public on request.” And
202 inserting in place thereof the following:- Such roster shall be posted on a publicly available
203 website.

204 SECTION 30. Said chapter 112 of the General Laws is hereby amended by inserting after section
205 65E the following section:-

206 Section 65F. Notwithstanding any general law or special law to the contrary, the fee for
207 reinstating a lapsed or expired license issued by a board of registration under the supervision of
208 the division of professional licensure shall be no more than the cost of the current renewal fee for
209 2 missed renewal cycles. This fee for reinstatement is in addition to any applicable late fee.

210 SECTION 31. Section 81I of said chapter 112, as so appearing, is hereby amended by striking
211 out the words “Copies of such roster shall be mailed to each person so registered, placed on file
212 with the state secretary and furnished to the public upon request.” and inserting in place thereof
213 the following:- Such roster shall be posted on a publicly available website.

214 SECTION 32. Section 81Q of said chapter 112, as so appearing, is hereby amended by striking
215 out the words “if three or more members of the board vote in favor of such reissuance.”

216 SECTION 33. Sections 87F to 87S, inclusive, of said chapter 112 are hereby repealed.

217 SECTION 34. Said chapter 112 is hereby amended by striking out sections 87T to 87JJ,
218 inclusive, and inserting in place thereof the following:-

219 Section 87T. The following words, as used in sections 87T to 87JJ, inclusive, shall have the
220 following meanings:

221 “Aesthetician”, any person who is licensed by the board to perform aesthetics.

222 “Aesthetics”, cleansing, stimulating, manipulating, and beautifying of the skin using hands,
223 mechanical, or electrical apparatus or appliances, cosmetic preparations, tonics, lotions, or
224 creams; or performing or offering to perform, with or without compensation, any of the above-
225 mentioned services for the public generally. Aesthetics only includes methods that are
226 minimally invasive and pose a minimal risk to the public’s health as defined by the board. The
227 practice of aesthetics includes holding oneself out as an aesthetician or as someone engaged in
228 the practice of aesthetics or in any manner offering to practice as an aesthetician.

229 “Barber”, any person who is licensed by the board to perform barbering.

230 “Barbering”, shaving or trimming the beard, cutting the hair, giving facial and scalp massaging,
231 giving facial and scalp treatments with oils and creams and other preparations made for that
232 purpose, either by hand or mechanical appliances, singing and shampooing the hair or applying
233 any make of hair tonics, or dying the hair, of any person; or performing or offering to perform,
234 with or without compensation, any of the above-mentioned services for the public generally.

235 The practice of barbering includes holding oneself out as a barber or as someone engaged in the
236 practice of barbering or in any manner offering to practice as a barber.

237 “Board”, the board of registration of cosmetology and barbering established by section 42 of
238 chapter 13.

239 “Cosmetologist”, any person who is licensed by the board to perform cosmetology.

240 “Cosmetology” the practice of aesthetics, manicuring, and hairdressing for compensation, or
241 performing or offering to perform, with or without compensation, any of the above mentioned
242 services for the public generally. The practice of cosmetology includes holding oneself out as a
243 cosmetologist or as someone engaged in the practice of cosmetology or in any manner offering
244 to practice as a cosmetologist. However, the definition of cosmetology shall not include
245 barbering, make-up artistry, or acts performed as a demonstrator.

246 “Demonstrator”, any person who engages on behalf of a manufacturer, wholesaler, retailer or
247 distributor in demonstrating the use of any technique, machine or other article pertaining to
248 cosmetology or barbering without charge to the person who is subject to such demonstration.

249 “Electrologist”, any person who is licensed by the board to perform electrolysis.

250 “Electrolysis”, the method of removing hair from the human body by the application of an
251 electrical current to the hair-papilla by means of a needle or any other instrument or device to
252 cause decomposition, coagulation or dehydration of the hair-papilla and thus permanently
253 remove the hair or performing or offering to perform, with or without compensation, any of the
254 above-mentioned services for the public generally. The practice of electrolysis includes holding

255 oneself out as an electrologist or as someone engaged in the practice of electrology or in any
256 manner offering to practice as an electrologist.

257 “Hairdressing”, arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching,
258 coloring, or similarly treating the hair of any person, or any combination of any of the foregoing,
259 or performing or offering to perform, with or without compensation, any of the above-mentioned
260 services for the public generally. The practice of hairdressing includes someone engaged in the
261 practice of hairdressing or in any manner offering to practice hairdressing.

262 “Instructor”, any person who is licensed by the board to teach a branch of electrology, barbering,
263 hairdressing, manicuring, or aesthetics in a licensed school.

264 “Licensee”, an individual licensed by the board.

265 “Manicurist”, any person who is licensed by the board to perform manicuring.

266 “Manicuring”, the cutting, trimming, polishing, tinting, coloring or cleansing the nails of any
267 person; or performing or offering to perform, with or without compensation, any of the above-
268 mentioned services for the public generally. The practice of manicuring includes holding oneself
269 out as a manicurist or as someone engaged in the practice of manicuring or in any manner
270 offering to practice as a manicurist.

271 “School”, a school or other institution conducted for the purpose of teaching electrolysis,
272 barbering, manicuring, aesthetics, or hairdressing and/or such of its branches as the board may
273 require.

274 “Shop”, a physical location to which customers come for aesthetics, barbering, cosmetology,
275 electrolysis, hairdressing, and/or manicuring.

276 Section 87U. The board may require schools to register or report the progress of enrolled
277 students. No fee shall be required for such registration. No student shall practice hairdressing,
278 barbering, electrolysis, manicuring or aesthetics upon any paying customer, and no school shall
279 directly or indirectly make any charge for services in connection with such practice of aesthetics,
280 barbering, cosmetology, electrolysis, hairdressing, or manicuring. A school shall not pay a
281 student for any services rendered by him or her.

282 Section 87V. The board shall make such uniform rules and regulations as they deem proper for
283 the performance of their duties, the practice of aesthetics, barbering, cosmetology, electrolysis,
284 hairdressing, or manicuring, the operation of shops, and rules governing the education,
285 experience, and or examination requirements for applicants for aesthetician, cosmetologist,
286 electrologist, barbering, or manicurist licenses. The board shall hold frequent examinations in the
287 greater Boston area, and at such other convenient locations as it deems necessary. The board
288 may issue specialty limited licenses within the practice of aesthetics, barbering, cosmetology,
289 electrolysis, hairdressing, and manicuring to the extent necessary for the protection of the
290 public's health, safety, and welfare.

291 Except as may be necessary for the protection of the public health, safety or morals, the board
292 shall not make any rule or regulation restraining the normal and incidental business of a shop by
293 restricting the retail sale therein of so-called beauty preparations, lotions, salves, toilet articles,
294 jewelry, gift novelties, personal attire and accessories or other articles.

295 The practice of aesthetics, barbering, electrolysis, hairdressing, and manicuring shall be engaged
296 only in a fixed place or establishment, which place or establishment shall be provided with such

297 instruments, implements and equipment, and subject to such sanitary regulations and inspection,
298 as said board may prescribe.

299 Section 87W. Any demonstrator who has had at least 3 months' practical experience as such,
300 and who after application, accompanied by a notarized affidavit from each manufacturer or
301 distributor for whom he is or was employed during such period and the fee as provided in said
302 section 87CC, together with 2 pictures of the applicant, may be licensed by the board as a
303 demonstrator, and thereafter may practice as a demonstrator. Any person who is licensed as a
304 hairdresser, barber, aesthetician, operator or instructor may, upon payment of said fee, be
305 licensed also as a demonstrator, and may thereafter practice as such. Such demonstrations shall
306 be given by a demonstrator only in a licensed shop, in the business quarters of distributors or
307 supply houses in the commonwealth, at professional trade shows or meetings in the presence of
308 licensed shop owners and their employees, or in schools with a licensed instructor in attendance.

309 Section 87X. No licensee shall include in any advertising, or publish, issue or make, any
310 misrepresentation or false, fraudulent or misleading statements through the press, circulation of
311 advertising matter, radio, television, display signs or otherwise. Section 87Z. The board may
312 license, with or without examination, any individual who has been licensed as an aesthetician,
313 cosmetologist, barber, electrologist, or manicurist under the laws of another state, which, in the
314 opinion of the board, maintains a standard substantially equivalent to that of the commonwealth.
315 The board may require additional education if it determines that the standards required for the
316 licensing in another state are inconsistent with the standards in effect in the commonwealth.

317 The word "state" as used in this section shall include the District of Columbia, any territory of
318 the United States or foreign country, state or province.

319 Section 87AA. The board may authorize 1 or more licensees or any person employing 1 or more
320 licensees, upon payment to the board of a fee as provided in section 87CC, to operate a licensed
321 shop. The owner of such shop shall not employ for hire or allow any individual to provide
322 aesthetics, barbering, cosmetology, electrolysis, or manicuring in such shop unless licensed in
323 accordance with sections 87T to 87JJ, inclusive.

324 Licenses issued hereunder shall be valid only for the location named therein, and shall not be
325 transferable. Upon change of location of a licensed shop, a new license shall be issued to such
326 shop upon payment of the fee provided in section 87CC.

327 Section 87BB. The board may license any school which it approves, upon payment of a school
328 license fee as provided in section 87CC, and such school license may be renewed upon payment
329 of a renewal fee as provided in said section 87CC; provided, that standards of professional
330 training satisfactory to the board are there maintained and sufficient course is there given. The
331 board shall also issue licenses to all instructors to teach aesthetics, barbering, electrolysis,
332 hairdressing, or manicuring who have adequate experience, education, and meet any examination
333 determined by the board.

334 No person not licensed as an instructor may instruct in aesthetics, barbering, cosmetology,
335 electrolysis, hairdressing, or manicuring in any licensed school except as authorized by the
336 board.

337 No person shall be examined as an instructor or licensed as such nor granted a temporary license
338 unless at the time of filing his application for examination he or she has successfully completed a
339 4-year high school course or possesses the educational equivalent thereof.

340 The board may make such reasonable rules and regulations as are necessary for the proper
341 conduct of schools, qualifications of instructors, courses of study, and hours of study, and as to
342 standards of professional training.

343 Section 87CC. The fees for a license issued by the board, or for any renewal thereof, shall be
344 determined by the secretary of administration under section 3B of chapter 7. The director of
345 professional licensure shall determine the renewal cycle and renewal period for all licenses
346 issued by the board. Persons licensed in accordance with these sections shall apply to the board
347 for renewal of their licenses on or before the expiration date, as determined by the director,
348 unless such license was earlier revoked, suspended or canceled as a result of a disciplinary
349 proceeding instituted under this chapter. Applications for renewal shall be made on forms
350 approved by the board and accompanied by payment of a renewal fee, as determined by the
351 secretary of administration under section 3B of chapter 7. All licensing and application fees and
352 civil administrative penalties collected under sections 87T to 87JJ, inclusive, of chapter 112,
353 shall be deposited into the trust fund established in section 35V of chapter 10

354 Section 87DD. The board may enter and inspect any shop or school in a proper manner at any
355 time during business hours thereof. Whenever a complaint is made to the board that any person
356 has suffered personal injury as a result of the practice of the occupation of aesthetics, barbering,
357 cosmetology, electrology, hairdressing, or manicuring, or that any person has been exposed to a
358 hazard to the public's health, safety, or welfare, or that any contagious or infectious disease has
359 been imparted, at any shop, or that any shop or school is kept in an unsanitary condition, or that
360 any person has been engaged in aesthetics, barbering, cosmetology, electrolysis, hairdressing, or
361 manicuring is in violation of any provision of sections 87T to 87JJ, inclusive, the board shall
362 visit and inspect such, school or place where at such violation is alleged to have occurred, and

363 enforce the provisions of said sections 87T to 87JJ, inclusive. The board may investigate the
364 standard of professional training at any school, and the sufficiency of the course or courses there
365 given.

366 Section 87EE. The board shall be under the supervision of the division of professional licensure
367 and shall have all the authority conferred under sections 61 to 65E, inclusive. The board, under
368 such reasonable rules and regulations as it may make, may for cause, including unprofessional
369 conduct, fraud, deceit or misrepresentation in practice or in advertising, habitual drunkenness,
370 gross incompetence, or for violation of any of the provisions of sections 87T to 87JJ, inclusive,
371 or any rule or regulation made thereunder, revoke, suspend, or otherwise discipline any license
372 granted under said sections 87T to 87JJ, inclusive.

373 Section 87FF. The board may, by a majority vote, again license a person or school whose
374 license has been cancelled, or revoke the suspension of a license under section 87EE, if satisfied
375 that this can be done consistently with the public interest. However, notwithstanding the
376 provisions of this section, failure to pay or appeal an assessed fine shall be considered grounds
377 for the refusal to renew a license under section 13 of chapter 30A.

378 Section 87GG. Each license granted under sections 87T to 87JJ, inclusive, shall expire upon the
379 date prescribed by or pursuant to section 87CC, and shall be renewed upon the filing of an
380 application therefore, and the payment of the prescribed renewal fee, on or before its expiration.
381 No person licensed under said sections shall engage in the occupation covered by such license
382 until the prescribed renewal fee shall have been paid and renewed license issued. Any licensee
383 whose license has not been renewed within 3 years following the date of expiration thereof shall
384 be entitled to renewal of such license upon filing an application, accompanied by the proper fee

385 therefore and by passing a practical examination satisfactory to the board. Notwithstanding the
386 foregoing provisions, a person who has at any time been licensed both as an aesthetician, barber,
387 electrologist, or cosmetologist, and as an instructor, if he or she has every 2 years renewed either
388 such license, may reinstate the other without examination even if such other has been lapsed
389 beyond 3 years.

390 Section 87HH. Any person aggrieved by the refusal of the board to grant, or by its suspension or
391 cancellation of, a license, or by its refusal to again license him or her, may, seek judicial review
392 under section 14 of chapter 30A.

393 Section 87II. Whoever engages in or follows, or attempts to engage in or follow, the occupation
394 of an instructor or of aesthetics, demonstrating, cosmetology, electrology, hairdressing, barbering
395 or manicuring, unless duly licensed by the board, and whoever conducts, or attempts to conduct,
396 a shop or school not so licensed, and whoever violates any provision of sections 87T to 87HH,
397 inclusive, or any rule or regulation made under authority thereof, shall, in addition to any other
398 penalty prescribed or authorized by said sections, be subject to penalties as proscribed in sections
399 61 through 65E, inclusive. Upon notice from the board, the board of health or equivalent
400 authority of the several cities and towns of the commonwealth shall terminate any general
401 authorization to conduct business given to a shop or school not so licensed by the Board.

402 No person shall engage in the practice of electrolysis or hold himself out as a practitioner of, or
403 being able to practice, electrolysis unless he or she is duly licensed by the board or is a qualified
404 physician licensed under the laws of the commonwealth.

405 Section 87JJ. Sections 87T to 87II, inclusive, shall apply to licensees who are employed by the
406 commonwealth. Nothing in sections 87T to 87II, inclusive, shall be deemed to authorize a

407 licensee to engage in massage or other occupation requiring a license to the extent such services
408 fall outside the scope of the license issued by the board.

409 SECTION 35. Section 87KK of said chapter 112 is hereby repealed.

410 SECTION 36. Sections 87EEE to 87OOO, inclusive of said chapter 112 are hereby repealed.

411 SECTION 37. Sections 87PPP to 87VVV, inclusive, of said chapter 112 are hereby repealed.

412 SECTION 38. Section 1 of chapter 142 of the General Laws, as appearing in the 2010 Official
413 Edition, is hereby amended by striking out the definition of “gas fitting” and inserting in place
414 thereof the following:- any work which includes the assembly, design, installation, alteration,
415 and replacement of equipment, appliances, and related accessories which utilize gas as a fuel or
416 raw material to produce light, heat, power, refrigeration, or air conditioning, as well as any
417 piping systems conveying said gas beyond the point of delivery of the gas supplier, gas meter
418 outlet, or regulator. Said work shall also include equipment, appliances, and related accessories
419 utilized for the intake and ventilation of air or other byproducts necessary for the functioning and
420 safe condition of any equipment or appliances utilizing gas as a fuel or raw material.

421 SECTION 39. Section 21 of said chapter 142, as so appearing, is hereby amended by striking out
422 the words “subject to the approval of the department of public health, and”.

423 SECTION 40. Notwithstanding the provisions of sections 9 to 12, inclusive, 18, and 33 to 36,
424 inclusive, all orders, rules and regulations duly made and all licenses and approvals duly granted
425 which are in force immediately before the effective date of this act shall continue in force and
426 shall thereafter be enforced until superseded, revised, rescinded or canceled, in accordance with
427 law, by the board.

428 SECTION 41. Sections 9 to 12, inclusive, 18, and 33 to 36, inclusive, shall take effect 180 days
429 after the effective date of this act.