

HOUSE No. 4592

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act relative to mobile spas..

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. Chapter 112 of the General Laws is hereby amended by inserting in Section
2 87T the following new definition:

3 “Mobile spa”, a shop or manicuring shop that is operated in a self-contained, self-
4 supporting, enclosed mobile unit.

5 SECTION 2. Chapter 112 is hereby amended by striking out Section 87AA, as appearing
6 in the 2008 Official Edition, and inserting in place thereof the following section:-

7 The board may authorize one or more registered hairdressers, manicurists or aestheticians
8 or any person employing one or more registered hairdressers, manicurists, or aestheticians, upon
9 payment to the board of a beauty shop, manicure shop, aesthetic shop or mobile spa registration
10 fee as provided in section eighty-seven CC, to operate a registered beauty shop, manicure shop,
11 aesthetic shop or mobile spa, and such person may thereafter operate such beauty shop, manicure
12 shop, aesthetic shop or mobile spa upon payment annually of a beauty shop, manicure shop,
13 aesthetic shop or mobile spa registration renewal fee as provided in said section eighty-seven

14 CC; provided, that, in the case of a beauty shop or manicure shop conducted solely by a
15 hairdresser or manicurist owning the same, the beauty shop or manicure shop registration fee and
16 beauty shop or manicure shop renewal fee shall each be as provided in said section eighty-seven
17 CC. The owner of such beauty shop, manicure shop, aesthetic shop or mobile spa shall not
18 employ for hire or allow any hairdresser, operator, demonstrator, manicurist or aesthetician to
19 work in such beauty shop, manicure shop, aesthetic shop or mobile spa unless registered in
20 accordance with sections eighty-seven T to eighty-seven JJ, inclusive. Certificates of registration
21 issued hereunder shall be valid only for the location named therein, and shall not be transferable.
22 Upon change of location of a registered shop, a new certificate of registration shall be issued to
23 such shop upon payment of the fee provided in section 87CC. The board may register beauty
24 shops operated in state institutions for the sole purpose of crediting the operators employed
25 therein with the practical experience so obtained and thereby enabling them to qualify for the
26 hairdressers' examination. Each registered beauty shop qualified under this section, or under any
27 other previous provision of law, and which employs operators, shall employ one hairdresser to
28 supervise no more than each three operators employed therein.

29 In addition to the requirements of section 87AA, a mobile spa license applicant must: 1)
30 provide a permanent physical address from which the mobile spa is dispatched and to which the
31 mobile spa returns when not in use; 2) provide a permanent mailing address where
32 correspondence from the department may be received; 3) furnish a detailed floor plan of the
33 mobile spa; and 4) comply with any additional requirements the Board may enact.

34 SECTION 3. Chapter 112 is hereby amended by striking out Section 87CC, as appearing
35 in the 2008 Official Edition, and inserting in place thereof the following section:- The board
36 shall make such uniform and reasonable rules and regulations as are necessary for the proper

37 conduct of its business, the establishment of proper standards of professional skill in relation to,
38 and the proper supervision of, hairdressers, aestheticians, demonstrators, manicurists, operators,
39 beauty shops, manicure shops, mobile spas, schools, students and instructors, and especially may
40 prescribe such sanitary rules, subject to the approval of the department of public health, as it may
41 deem necessary to prevent the spreading of infectious or contagious diseases, or both, but
42 nothing herein shall authorize the board to limit the number of hairdressers, aestheticians,
43 demonstrators, manicurists, beauty shops, manicure shops, mobile spas, schools, operators,
44 students or instructors in the commonwealth or in any given locality, or to regulate or fix
45 compensation or prices, or to refuse to register a shop solely for the reason that such shop is to be
46 conducted by a person in his own home on a full or part time basis. Except as may be necessary
47 for the protection of the public health, safety or morals, the board shall not make any rule or
48 regulation restraining the normal and incidental business of aestheticians' shops and hairdressers'
49 shops by restricting the retail sale therein of so-called beauty preparations, lotions, salves, toilet
50 articles, jewelry, gift novelties, female personal attire and accessories or other articles. Certificate
51 of registration and any renewal fees thereof shall be determined annually by the commissioner of
52 administration under the provision of section three B of chapter seven for the following
53 applications:-- School; aesthetic shop; beauty shop; booth renter; manicure shop; mobile spa;
54 aesthetician; hairdressers' hairdressers (nonresidents); hairdressers (reexamination); operators;
55 operators (reexamination); operators (nonresidents); manicurist; manicurist (reexamination);
56 manicurist (nonresidents); instructors; instructors (reexamination); demonstrators; duplicate
57 certificate of registration; new certificate of registration to registered shop owners upon change
58 of location; temporary license for operator (nonresident); temporary license for hairdresser
59 (nonresident); temporary license for aesthetician (nonresident); temporary license for instructor;

60 temporary license for manicurist; temporary license for nonresident manicurist; hairdresser
61 forfeiture; temporary license for hairdresser forfeiture; operator forfeiture; temporary license for
62 operator forfeiture. A certificate of registration, or renewal thereof, issued to a hairdresser,
63 aesthetician, operator, manicurist, instructor or demonstrator shall expire on the anniversary of
64 such person's date of birth occurring more than twelve months, but not more than twenty-four
65 months, after the date of issuance of such certificate of renewal. A certificate of registration or
66 renewal thereof, issued to a school, beauty shop, aesthetic shop, manicure shop or mobile spa,
67 shall expire annually on such date as the board may by regulation determine. A booth in a beauty
68 shop or manicure shop, which is operated independently thereof, shall be subject to the same
69 regulations and registration fees as an independent shop. Any shop which leases booths to
70 hairdressers shall pay a fee as determined annually by the commissioner of administration under
71 the provision of section three B of chapter seven for the registration of such shop.

72 SECTION 4. Chapter 112 of the General Laws is hereby amended by inserting after
73 section 87GG the following section:-

74 87GG ½: Any registered aesthetician, cosmetologist, hairdresser, manicurist or operator
75 shall be granted a temporary one day license by the Board to practice in a facility other than a
76 registered shop, including but not limited to, private residences. Licensees shall provide the
77 board with prior notice, in an amount to be determined by the board, of the location, time, and
78 nature of services to be provided, and any other information the Board may require. Licensees
79 shall present their licenses to the customer upon request. Licensees may perform only those
80 services the Board deems safe to perform outside a registered shop. The Board may, prior to the
81 commencement of the appointment, inspect the licensees' equipment for sanitation and safety,
82 but may not enter the premises without permission.