

SENATE No. 125

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to mobile spas.

PETITION OF:

NAME:

Michael J. Rodrigues

DISTRICT/ADDRESS:

SENATE No. 125

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 125) of Michael J. Rodrigues for legislation relative to mobile spas. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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

CC; provided, that, in the case of a beauty shop or manicure shop conducted solely by a hairdresser or manicurist owning the same, the beauty shop or manicure shop registration fee and beauty shop or manicure shop renewal fee shall each be as provided in said section eighty-seven CC.

The owner of such beauty shop, manicure shop, aesthetic shop or mobile spa shall not employ for hire or allow any hairdresser, operator, demonstrator, manicurist or aesthetician to work in such beauty shop, manicure shop, aesthetic shop or mobile spa unless registered in accordance with sections eighty-seven T to eighty-seven JJ, inclusive.

Certificates of registration issued hereunder shall be valid only for the location named therein, and shall not be transferable. Upon change of location of a registered shop, a new certificate of registration shall be issued to such shop upon payment of the fee provided in section 87CC.

The board may register beauty shops operated in state institutions for the sole purpose of crediting the operators employed therein with the practical experience so obtained and thereby enabling them to qualify for the hairdressers' examination.

Each registered beauty shop qualified under this section, or under any other previous provision of law, and which employs operators, shall employ one hairdresser to supervise no more than each three operators employed therein.

In addition to the requirements of section 87AA, a mobile spa license applicant must: 1) provide a permanent physical address from which the mobile spa is dispatched and to which the mobile spa returns when not in use; 2) provide a permanent mailing address where

correspondence from the department may be received; 3) furnish a detailed floor plan of the mobile spa; and 4) comply with any additional requirements the Board may enact.

SECTION 3. Chapter 112 is hereby amended by striking out Section 87CC, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

The board shall make such uniform and reasonable rules and regulations as are necessary for the proper conduct of its business, the establishment of proper standards of professional skill in relation to, and the proper supervision of, hairdressers, aestheticians, demonstrators, manicurists, operators, beauty shops, manicure shops, mobile spas, schools, students and instructors, and especially may prescribe such sanitary rules, subject to the approval of the department of public health, as it may deem necessary to prevent the spreading of infectious or contagious diseases, or both, but nothing herein shall authorize the board to limit the number of hairdressers, aestheticians, demonstrators, manicurists, beauty shops, manicure shops, mobile spas, schools, operators, students or instructors in the commonwealth or in any given locality, or to regulate or fix compensation or prices, or to refuse to register a shop solely for the reason that such shop is to be conducted by a person in his own home on a full or part time basis. Except as may be necessary for the protection of the public health, safety or morals, the board shall not make any rule or regulation restraining the normal and incidental business of aestheticians' shops and hairdressers' shops by restricting the retail sale therein of so-called beauty preparations, lotions, salves, toilet articles, jewelry, gift novelties, female personal attire and accessories or other articles.

Certificate of registration and any renewal fees thereof shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven for

the following applications:-- School; aesthetic shop; beauty shop; booth renter; manicure shop; mobile spa; aesthetician; hairdressers' hairdressers (nonresidents); hairdressers (reexamination); operators; operators (reexamination); operators (nonresidents); manicurist; manicurist (reexamination); manicurist (nonresidents); instructors; instructors (reexamination); demonstrators; duplicate certificate of registration; new certificate of registration to registered shop owners upon change of location; temporary license for operator (nonresident); temporary license for hairdresser (nonresident); temporary license for aesthetician (nonresident); temporary license for instructor; temporary license for manicurist; temporary license for nonresident manicurist; hairdresser forfeiture; temporary license for hairdresser forfeiture; operator forfeiture; temporary license for operator forfeiture.

A certificate of registration, or renewal thereof, issued to a hairdresser, aesthetician, operator, manicurist, instructor or demonstrator shall expire on the anniversary of such person's date of birth occurring more than twelve months, but not more than twenty-four months, after the date of issuance of such certificate of renewal.

A certificate of registration or renewal thereof, issued to a school, beauty shop, aesthetic shop, manicure shop or mobile spa, shall expire annually on such date as the board may by regulation determine.

A booth in a beauty shop or manicure shop, which is operated independently thereof, shall be subject to the same regulations and registration fees as an independent shop. Any shop which leases booths to hairdressers shall pay a fee as determined annually by the commissioner of administration under the provision of section three B of chapter seven for the registration of such shop.

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

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