

HOUSE No. 3918

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 3, 2014.

The committee on Consumer Protection and Professional Licensure to whom were referred the message from His Excellency the Governor recommending legislation relative to modernizing licensing operations at the Division of Professional Licensure (House, No. 40), reports recommending that the accompanying bill (House, No. 3918) ought to pass.

For the committee,

JOHN W. SCIBAK.

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The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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
2 hereby amended by striking out the words “There shall be paid by the commonwealth to the
3 secretary of the board a salary of five hundred dollars, and his necessary expenses incurred in the
4 discharge of his official duties, and to each of the other members thereof a salary of two hundred
5 and fifty dollars, and his necessary expenses so incurred; provided, that the salaries and expenses
6 of the members of the board shall not be in excess of the receipts for registration.” and inserting
7 in 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
11 striking out the words “There shall be paid by the commonwealth to the secretary of the board a
12 salary of seven hundred and fifty dollars, and to each other member thereof a salary of five
13 hundred and seventy-five dollars, and to each member thereof his necessary traveling expenses
14 actually incurred in attending the meetings of the board and such other expenses of the board as
15 are 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
21 striking out the words “There shall be paid by the commonwealth to the secretary a salary of
22 fifteen hundred dollars and his necessary traveling and contingent expenses, not exceeding three
23 hundred dollars, actually incurred in attending to the necessary work of the board, and to each of

24 the other members of the board a salary of two hundred and fifty dollars and his necessary
25 traveling and contingent expenses actually incurred in attending the meetings thereof.” and
26 inserting in place thereof the following:- The members of the board shall serve without
27 compensation but each member shall be reimbursed for actual expenses reasonably incurred in
28 the performances of his 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
30 striking out the words “There shall be paid by the commonwealth to the chairman of said board
31 the sum of twenty-five hundred dollars annually, to the secretary of said board the sum of
32 eighteen hundred and seventy-five dollars, and to each of the other members of said board the
33 sum of twelve hundred and fifty dollars, and to all members of the board their necessary
34 traveling and other expenses actually expended in attending meetings thereof. Said board may
35 expend any sum not exceeding five hundred dollars annually for purposes of instruction and
36 dissemination of new and useful knowledge among and for the benefit of registered embalmers
37 and funeral directors; provided, that such salaries and expenses shall not be in excess of the
38 receipts for registration and renewals thereof received by the state treasurer from the board.” and
39 inserting in place thereof the following:- The members of the board shall serve without
40 compensation but each member shall be reimbursed for actual expenses reasonably incurred in
41 the performances of his 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
43 striking out the words “The board shall appoint an executive secretary who shall be a wage
44 earner, a citizen of the commonwealth, and a practical electrician of at least ten years’ experience
45 in such installation. The board may also appoint, subject to chapter thirty-one, such other clerical
46 and technical assistants as may be necessary to discharge its duties under chapter one hundred
47 and forty-one and shall establish their duties. The members, ex officios, 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 there under 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 therefore.” 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
57 striking out the words “Each member of the board shall receive fifty dollars for each day or part
58 of a day actually spent in the performance of his duties, but in any one year not more than three
59 thousand dollars shall be paid to any member. Each member shall be reimbursed for his actual
60 and necessary expenses incurred in the discharge of his official duties. The board shall employ
61 an 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
70 striking out the words “Said board shall appoint an executive secretary who is a citizen of the
71 commonwealth and has had at least ten years’ continuous practical experience as a plumber. He
72 shall receive his necessary traveling expenses incurred in the performance of his duties. No
73 member of said board shall be eligible for appointment as secretary.”

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

86 Section 42. There shall be a board of registration of cosmetology and barbering to consist
87 of 9 members to be appointed by the governor, 1 of whom shall be designated as chairperson by
88 a 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
95 duty or malfeasance or upon a conviction of a felony or crime of moral turpitude. No board
96 member shall participate in any matter before said board in which said member has a pecuniary
97 interest, personal bias, or other conflict. No 2 members of said board, while in office, shall be
98 interested in a cosmetology establishment in the same town. A board member in office on the

effective date of this section shall continue to serve as a voting, full time member of said board until such time as his term of office expires.

The governor shall appoint members to the board from among candidates who meet the following qualifications:- (a) 8 members who shall be licensees of the board, in compliance with sections 87T to 87JJ, inclusive, of chapter 112, 1 of whom shall own a licensed cosmetology school or post-secondary institution for at least 5 years, 1 of whom shall be a cosmetologist for at least 5 years, 1 of whom shall be a licensed cosmetologist and shop owner for at least 5 years, 1 of whom shall be a licensed vocational educator from the public sector who has taught cosmetology or barbering for at least 5 years, 2 of whom shall be licensed master barbers for at least 5 years, 1 of whom shall be a licensed electrologist for at least 5 years, and 1 of whom shall be a licensed aesthetician for at least 5 years; and (b) 1 member shall be a representative of the general public and shall have no direct affiliation with the practice of cosmetology, barbering or electrology.

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

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

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

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

SECTION 15. Section 50 of said chapter 13, as so appearing, is hereby amended by striking out the words "There shall be paid annually by the commonwealth to the secretary of the board a salary of three hundred and seventy-five dollars and to each other member thereof an annual salary of one hundred and twenty-five dollars and to each member the necessary traveling expenses actually incurred in attending the meetings of the board and such other expenses as shall be incurred in the discharge of his duties." and inserting in place thereof the following:- The members of the board shall serve without compensation but each member shall be

reimbursed for actual expenses reasonably incurred in the performances of his duties as a member or on behalf of the board.

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

SECTION 17. Section 57 of said chapter 13, as so appearing, is hereby amended by striking out the words "The board may, subject to chapter thirty-one, employ a secretary and such other clerical and technical assistants as may be necessary to discharge its official duties, shall establish their duties, and, subject to the provisions of sections forty-five to fifty, inclusive, of chapter thirty, shall fix their compensation which shall be paid by the commonwealth. The commonwealth shall provide the board with adequate office space and shall pay the expenses of the board incurred in the performance of its duties."

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

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

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

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

SECTION 22. Section 72 of said chapter 13, as so appearing, is hereby amended by striking out the words "Each member of the board other than the employee of the department of

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

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

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

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

192 SECTION 26. Said section 92 of said chapter 13, as so appearing, is hereby further
193 amended by striking out the words “The director of the division of registration, with approval of
194 the board, shall appoint an executive secretary to serve the board. The division of professional
195 licensure shall employ such other clerical and technical assistants as may be necessary to
196 discharge the official duties of the board.”

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

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

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

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

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

SECTION 31. Section 81I of said chapter 112, as so appearing, is hereby amended by striking out the words “Copies of such roster shall be mailed to each person so registered, placed on file with the state

secretary and furnished to the public upon request.” and inserting in place thereof the following:- Such roster shall be posted on a publicly available website.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

254 “Electrolysis”, the method of removing hair from the human body by the application of
255 an electrical current or any other form of energy to the hair-papilla or other source of hair
256 germination by means of a needle or any other instrument or device to cause decomposition,
257 coagulation, dehydration or other form of tissue destruction, to permanently disable the hair
258 follicle from producing hair.

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

264 “Instructor”, any person who is licensed by the board to teach a branch of aesthetics,
265 barbering, electrolysis, hairdressing or manicuring in a school or post-secondary institution.

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

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

268 “Manicuring”, the cutting, trimming, polishing, tinting, coloring or cleansing the nails of
269 any person; or performing or offering to perform, with or without compensation, any of the
270 above-mentioned services for the public generally. The practice of manicuring includes holding

oneself out as a manicurist or as someone engaged in the practice of manicuring or in any manner offering to practice as a manicurist.

“Post-secondary institution”, any educational program conducted for the purpose of teaching aesthetics, barbering, electrolysis, hairdressing, or manicuring that admits as regular students only those individuals who: (i) have a high school diploma; or (ii) have the recognized equivalent of a high school diploma; or (iii) are beyond the age of compulsory school attendance as defined under section 1 of chapter 76.

“Regular student”, a person who is enrolled or accepted for enrollment at a post-secondary institution for the purpose of obtaining a degree, certificate, or other Board recognized educational credential offered by that institution.

“School”, a school or other non post-secondary institution conducted for the purpose of teaching aesthetics, barbering, electrolysis, hairdressing or manicuring, and/or such of its branches as the board may require which is licensed by the Board.

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

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

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

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 a shop by restricting the retail sale therein of so-called beauty preparations, lotions, salves, toilet articles, jewelry, gift novelties, personal attire and accessories or other articles.

305 The practice of aesthetics, barbering, electrolysis, hairdressing, and manicuring shall be
306 engaged only in a fixed place or establishment, which place or establishment shall be provided
307 with such instruments, implements and equipment, and subject to such sanitary regulations and
308 inspection, as said board may prescribe. The board shall promulgate rules and regulations
309 permitting the dual use of a room for massage therapy and cosmetology within the establishment
310 provided the establishment also licensed as a massage therapy establishment.

311 Section 87W. Any demonstrator who has had at least 3 months' practical experience as
312 such, and who after application, accompanied by a notarized affidavit from each manufacturer or
313 distributor for whom he is or was employed during such period and the fee as provided in said

314 section 87CC, together with 2 pictures of the applicant, may be licensed by the board as a
315 demonstrator, and thereafter may practice as a demonstrator. Any person who is licensed as a
316 hairdresser, barber, aesthetician, operator or instructor may, upon payment of said fee, be
317 licensed also as a demonstrator, and may thereafter practice as such. Such demonstrations shall
318 be given by a demonstrator only in a licensed shop, in the business quarters of distributors or
319 supply houses in the commonwealth, at professional trade shows or meetings in the presence of
320 licensed shop owners and their employees, or in schools or post-secondary institutions with a
321 licensed instructor in attendance.

322 Section 87X. No licensee shall include in any advertising, or publish, issue or make, any
323 misrepresentation or false, fraudulent or misleading statements through the press, circulation of
324 advertising matter, radio, television, display signs or otherwise.

325 Section 87Z. The board may license, with or without examination, any individual who
326 has been licensed as an aesthetician, barber, cosmetologist, electrologist, or manicurist under the
327 laws of another state, which, in the opinion of the board, maintains a standard substantially
328 equivalent to that of the commonwealth. The board may require additional education if it
329 determines that the standards required for the licensing in another state are inconsistent with the
330 standards in effect in the commonwealth.

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

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

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

341 Section 87BB. The board may license any school which it approves, upon payment of a
342 license fee as provided in section 87CC, and such license may be renewed upon payment of a
343 renewal fee as provided in said section 87CC; provided, that standards of professional training
344 satisfactory to the board are there maintained and sufficient course is there given.

345 The board shall also issue licenses to all instructors to teach aesthetics, barbering,
346 electrolysis, hairdressing, or manicuring who have adequate experience, education, and meet any
347 examination determined by the board.

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

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

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

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

367 Section 87DD. The board may enter and inspect any shop or school in a proper manner at
368 any time during business hours thereof. Whenever a complaint is made to the board that any
369 person has suffered personal injury as a result of the practice of the occupation of aesthetics,
370 barbering, cosmetology, electrology, hairdressing, or manicuring, or that any person has been
371 exposed to a hazard to the public's health, safety, or welfare, or that any contagious or infectious
372 disease has been imparted, at any shop, or that any shop or school is kept in an unsanitary
373 condition, or that any person has been engaged in aesthetics, barbering, cosmetology,
374 electrolysis, hairdressing, or manicuring is in violation of any provision of sections 87T to 87JJ,
375 inclusive, the board shall visit and inspect such, school or place where at such violation is alleged
376 to have occurred, and enforce the provisions of said sections 87T to 87JJ, inclusive. The board

may investigate the standard of professional training at any school and the sufficiency of the course or courses there given.

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

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

Section 87GG. Each license granted under sections 87T to 87JJ, inclusive, shall expire upon the date prescribed by or pursuant to section 87CC, and shall be renewed upon the filing of an application therefore, and the payment of the prescribed renewal fee, on or before its expiration. No person licensed under said sections shall engage in the occupation covered by such license until the prescribed renewal fee shall have been paid and renewed license issued. Any licensee whose license has not been renewed within 3 years following the date of expiration thereof shall be entitled to renewal of such license upon filing an application, accompanied by the proper fee therefore and by passing a practical examination satisfactory to the board. Notwithstanding the foregoing provisions, a person who has at any time been licensed both as an aesthetician, barber, electrologist, or cosmetologist, and as an instructor, if he or she has every 2 years renewed either such license, may reinstate the other without examination even if such other has been lapsed beyond 3 years.

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

Section 87II. Whoever engages in or follows, acts as an instructor of, or attempts to engage in or follow, the occupation of aesthetics, barbering, electrolysis, hairdressing or manicuring, unless duly licensed by the board, and whoever conducts, or attempts to conduct, a shop, or school, not so licensed, and whoever violates any provision of sections 87T to 87HH, inclusive, or any rule or regulation made under authority thereof, shall, in addition to any other penalty prescribed or authorized by said sections, be subject to penalties as proscribed in sections 61 through 65E, inclusive. Upon notice from the board, the board of health or equivalent

authority of the several cities and towns of the commonwealth shall terminate any general authorization to conduct business given to a shop or school, not so licensed by the Board.

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

Section 87JJ. The board may require post-secondary institutions to register or report the progress of enrolled regular students and students. No fee shall be required for such registration. No regular student or student shall practice aesthetics, barbering, electrolysis, hairdressing, or manicuring upon any paying customer and no post-secondary institution shall directly or indirectly make any charge for services in connection with such practice of aesthetics, barbering, cosmetology, electrolysis, hairdressing, or manicuring. A post-secondary institution shall not pay a regular student or student for any services rendered by him or her.

The board may license any post-secondary institution which it approves, upon payment of a license fee as provided in section 87CC, and such license may be renewed upon payment of a renewal fee as provided in said section 87CC; provided, that standards of professional training satisfactory to the board are there maintained and sufficient course is there given. If a proposed post-secondary institution meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed post-secondary institution. The license must contain: (1) the name of the proposed post-secondary institution; (2) a statement that the proposed post-secondary institutions authorized to operate educational programs beyond secondary education; and (3) such other information as the Board considers necessary.

The board may make such reasonable rules and regulations as are necessary for the proper conduct of post-secondary institutions, qualifications of instructors, courses of study, and hours of study, and as to standards of professional training. To the extent necessary for the public's health, safety, and welfare, the Board may distinguish the applicability of its rules and regulations to schools to the extent they are distinct from post-secondary institutions.

The board may enter and inspect any post-secondary institution in a proper manner at any time during business hours thereof. Whenever a complaint is made to the board that any person has suffered personal injury as a result of the practice of the occupation of aesthetics, barbering, electrolysis, hairdressing, or manicuring, or that any person has been exposed to a hazard to the public's health, safety, or welfare, or that any contagious or infectious disease has been imparted, at any post-secondary institution is kept in an unsanitary condition, or that any person has been engaged in aesthetics, barbering, electrolysis, hairdressing, or manicuring is in violation of any provision of sections 87T to 87KK, inclusive, the board shall visit and inspect such post-secondary institution where any such violation is alleged to have occurred, and enforce the provisions of said sections 87T to 87KK, inclusive. The board may investigate the standard of

professional training at any post-secondary institution, and the sufficiency of the course or courses there given.

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

Whoever conducts, or attempts to conduct, a post-secondary institution, not so licensed, shall, in addition to any other penalty prescribed or authorized by said sections, be subject to penalties as proscribed in sections 61 through 65E, inclusive. Upon notice from the board, the board of health or equivalent authority of the several cities and towns of the commonwealth shall terminate any general authorization to conduct business given to a post-secondary institution, not so licensed by the Board.

Section 87KK. Sections 87T to 87JJ, inclusive, shall apply to licensees who are employed by the commonwealth. Nothing in sections 87T to 87JJ, inclusive, shall be deemed to authorize a licensee to engage in massage or other occupation requiring a license to the extent such services fall outside the scope of the license issued by the board.

SECTION 35. Sections 87EEE to 87OOO, inclusive of said chapter 112 are hereby repealed.

SECTION 36. Sections 87PPP to 87VVV, inclusive, of said chapter 112 are hereby repealed.

SECTION 37. Section 1 of chapter 142 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the definition of "gas fitting" and inserting in place thereof the following:- "any work which includes the assembly, design, installation, maintenance, alteration, and replacement of gas piping for equipment, appliances, and related accessories which utilize gas as a fuel or raw material to produce light, heat, power, refrigeration, or air conditioning, as well as any piping systems conveying said gas beyond the point of delivery of the gas supplier, gas meter outlet, or regulator. Said work shall also include the assembly, design, installation, maintenance, alteration, and replacement of pipes, vents, and other equipment, appliances, and related accessories which connect gas utilization equipment to the open atmosphere for the purpose of obtaining intake air, expel excess fuel or raw material gases, or to expel byproducts created by the gas utilization equipment."

SECTION 38. Section 3 of chapter 142 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph: - "Notwithstanding any general or special law to the contrary, an individual licensed to perform sheet metal work pursuant to Sections 237 to 251 of chapter 112 of the General Laws may assemble, design,

install, maintain, alter, and replace pipes, vents, and other equipment, appliances, and related accessories which connect gas utilization equipment to the open atmosphere for the purpose of obtaining intake air or to expel byproducts created by the gas utilization equipment. However, any work performed under the provisions of this paragraph shall be subject to permits and inspections as provided by sections 11 and 13 of chapter 142 of the General Laws. Further, a licensed plumber or gas fitter must obtain said permits and inspections and shall be responsible for ensuring said work adheres to the requirements of any rules promulgated pursuant to section 13 of chapter 142 of the general laws.”

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

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

SECTION 41. Section 85 of chapter 13, as so appearing, is hereby amended by striking out, in lines 18-21, the words “The governor shall make the appointments of the speech-language pathologists and audiologists from a list of not less than ten names submitted by the Massachusetts Speech and Hearing Association, Inc.”

SECTION 42. Section 29 of chapter 13, as so appearing, is hereby amended by striking out, in lines 11-19, the words “In making such appointments, one member shall be a resident of Worcester county; one a resident of the district composed of Berkshire, Hampden, Franklin and Hampshire counties; one a resident of the district composed of Norfolk, Plymouth, Bristol, Dukes, Barnstable and Nantucket counties; one a resident of the district composed of Suffolk county and the cities of Everett, Malden, Medford, Cambridge and Somerville; and one a resident of the district composed of Essex county and Middlesex county, not including the cities of Everett, Malden, Medford, Cambridge and Somerville.” and inserting in place thereof the following:- In making such appointments, four of the members shall reside outside of Suffolk County.

SECTION 43. Notwithstanding any general or special law or rule or regulation to the contrary, a licensed or certified real estate appraiser or a real estate appraisal trainee who timely completed, in accordance with the requirements of the Appraisal Qualifications Board of the Appraisal Foundation, the 7-hour national Uniform Standards of Professional Appraisal update course before the effective date of this act and was the subject of disciplinary proceedings by the board of real estate appraisers prior to May 26, 2011 for failure to complete the continuing education requirements of section 184 of chapter 112 of the General Laws shall have that disciplinary action rescinded and permanently removed from the appraiser or appraisal trainee’s

523 record. Nothing in this act shall be construed to establish a cause of action by any such real estate
524 appraiser or trainee against the board of real estate appraisers or the division of professional
525 licensure related to any such disciplinary action.

526 SECTION 44. Section 85 of chapter 112 of the General Laws, as appearing in the 1996
527 Official Edition, is hereby amended by inserting after the first sentence the following sentence:-
528 The board shall not adopt and promulgate any rule or regulation prohibiting any person
529 registered with said board or an agent or employee of a licensed funeral establishment from
530 providing, handling or serving any food or liquid refreshments in connection with any burial or
531 funeral.

532 SECTION 45. Sections 9 to 12, inclusive, 18, and 33 to 36, inclusive, shall take effect
533 180 days after the effective date of this act.