

# **HOUSE . . . . . No. 4254**

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## **The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, July 3, 2014.

The committee on Ways and Means, to whom was referred the Bill modernizing licensing operations at the Division of Professional Licensure (House, No. 3918), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4254).

For the committee,

BRIAN S. DEMPSEY.

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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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. Chapter 13 of the General Laws, as appearing in the 2012 Official Edition,  
2 is hereby amended by striking out section 12C and inserting in place thereof the following  
3 section:-

4           Section 12C. The members of the board shall serve without compensation but each  
5 member shall be reimbursed for actual and necessary expenses reasonably incurred in the  
6 performances of their duties as a member or on behalf of the board.

7           SECTION 2. Said chapter 13, as so appearing, is hereby further amended by striking out  
8 section 18 and inserting in place thereof the following section:-

9           Section 18. The members of the board shall serve without compensation but each  
10 member shall be reimbursed for actual and necessary expenses reasonably incurred in the  
11 performances of their duties as a member or on behalf of the board.

12           SECTION 3. Said chapter 13, as so appearing, is hereby further amended by striking out  
13 section 28 and inserting in place thereof the following section:-

14           Section 28. The members of the board shall serve without compensation but each  
15 member shall be reimbursed for actual and necessary expenses reasonably incurred in the  
16 performances of their duties as a member or on behalf of the board.

17           SECTION 4. Section 29 of said chapter 13, as so appearing, is hereby amended by  
18 striking out, in lines 11 through 19, the sixth sentence and inserting in place thereof the following  
19 sentence:- In making such appointments, four of the members shall reside outside of Suffolk  
20 County.

21 SECTION 5. Said chapter 13, as so appearing, is hereby further amended by striking out  
22 section 31 and inserting in place thereof the following section:-

23 Section 31. The members of the board shall serve without compensation but each  
24 member shall be reimbursed for actual and necessary expenses reasonably incurred in the  
25 performances of their duties as a member or on behalf of the board.

26 SECTION 6. Section 32 of said chapter 13, as so appearing, is hereby amended by  
27 striking out, in lines 37 through 47, inclusive, the words “The board shall appoint an executive  
28 secretary who shall be a wage earner, a citizen of the commonwealth, and a practical electrician  
29 of at least ten years’ experience in such installation. The board may also appoint, subject to  
30 chapter thirty-one, such other clerical and technical assistants as may be necessary to discharge  
31 its duties under chapter one hundred and forty-one and shall establish their duties. The members,  
32 ex officii, shall receive no compensation for their services under chapter one hundred and forty-  
33 one, but the appointive members shall each receive for their services thereunder a salary of seven  
34 hundred and fifty dollars. The board may expend for the salaries of the appointive members and  
35 of the secretary and other employees and for necessary traveling and other expenses for  
36 themselves and their employees such sums as are annually appropriated therefor.” and inserting  
37 in place thereof the following:- The members of the board shall serve without compensation but  
38 each member shall be reimbursed for actual and necessary expenses reasonably incurred in the  
39 performances of their duties as a member or on behalf of the board.

40 SECTION 7. Said chapter 13, as so appearing, is hereby further amended by striking out  
41 section 35 and inserting in place thereof the following section:-

42 Section 35. The members of the board shall serve without compensation but each  
43 member shall be reimbursed for actual and necessary expenses reasonably incurred in the  
44 performances of their duties as a member or on behalf of the board.

45 SECTION 8. Section 36 of said chapter 13, as so appearing, is hereby amended by  
46 striking out, in lines 21 through 26, inclusive, the words “Said board shall appoint an executive  
47 secretary who is a citizen of the commonwealth and has had at least ten years’ continuous  
48 practical experience as a plumber. The member shall receive necessary traveling expenses  
49 incurred in the performance of their duties. No member of said board shall be eligible for  
50 appointment as secretary.”

51 SECTION 9. Said chapter 13, as so appearing, is hereby further amended by striking out  
52 section 38 and inserting in place thereof the following section:-

53 Section 38. The members of the board shall serve without compensation but each  
54 member shall be reimbursed for actual and necessary expenses reasonably incurred in the  
55 performances of their duties as a member or on behalf of the board.

56 SECTION 10. Sections 39 to 41, inclusive, of said chapter 13, as so appearing, are hereby  
57 repealed.

58 SECTION 11. Said chapter 13, as so appearing, is hereby further amended by striking out  
59 section 42 and inserting in place thereof the following section:-

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

68 The governor may remove the chairperson or other member of said board for neglect of  
69 duty or malfeasance or upon a conviction of a felony or crime of moral turpitude. No board  
70 member shall participate in any matter before said board in which said member has a pecuniary  
71 interest, personal bias, or other conflict.

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

82 SECTION 12. Section 43 of said chapter 13, as so appearing, is hereby repealed.

83 SECTION 13. Section 44 of said chapter 13, as so appearing, is hereby repealed.

84 SECTION 14. Said chapter 13, as so appearing, is hereby amended by striking out  
85 section 44D and inserting in place thereof the following section:-

86 Section 44D. The members of the board shall serve without compensation but each  
87 member shall be reimbursed for actual and necessary expenses reasonably incurred in the  
88 performances of their duties as a member or on behalf of the board.

89 SECTION 15. Section 46 of said chapter 13, as so appearing, is hereby amended by  
90 striking out, in lines 6 through 7, inclusive, the words “At all meetings of the board, a quorum  
91 shall consist of three members.”

92 SECTION 16. Said chapter 13, as so appearing, is hereby amended by striking out  
93 section 50 and inserting in place thereof the following section:-

94 Section 50. The members of the board shall serve without compensation but each member  
95 shall be reimbursed for actual and necessary expenses reasonably incurred in the performances  
96 of their duties as a member or on behalf of the board.

97 SECTION 17. Said chapter 13, as so appearing, is hereby amended by striking out  
98 section 53 and inserting in place thereof the following section:-

99 Section 53. The members of the board shall serve without compensation but each member  
100 shall be reimbursed for actual and necessary expenses reasonably incurred in the performances  
101 of their duties as a member or on behalf of the board.

102 SECTION 18. Section 57 of said chapter 13, as so appearing, is hereby amended by  
103 striking out, in lines 3 through 10, inclusive, the words “The board may, subject to chapter thirty-  
104 one, employ a secretary and such other clerical and technical assistants as may be necessary to  
105 discharge its official duties, shall establish their duties, and, subject to the provisions of sections  
106 forty-five to fifty, inclusive, of chapter thirty, shall fix their compensation which shall be paid by  
107 the commonwealth. The commonwealth shall provide the board with adequate office space and  
108 shall pay the expenses of the board incurred in the performance of its duties.”

109 SECTION 19. Sections 58 through 60, inclusive, of said chapter 13 are hereby repealed.

110 SECTION 20. Sections 61 through 63, inclusive, of said chapter 13 are hereby repealed.

111 SECTION 21. Said chapter 13 is hereby amended by striking out section 66 and inserting  
112 in place thereof the following section:-

113 Section 66. The members of the board shall serve without compensation but each member  
114 shall be reimbursed for actual and necessary expenses reasonably incurred in the performances  
115 of their duties as a member or on behalf of the board.

116 SECTION 22. Section 68 of said chapter 13, as so appearing, is hereby amended by  
117 striking out, in lines 4 through 6, inclusive, the words “and a secretary who may, but need not, be  
118 a member of the board. At all meetings of the board a quorum shall consist of three members.”

119 SECTION 23. Said chapter 13, as so appearing, is hereby amended by striking out  
120 section 72 and inserting in place thereof the following section:-

121 Section 72. The members of the board shall serve without compensation but each member  
122 shall be reimbursed for actual and necessary expenses reasonably incurred in the performances  
123 of their duties as a member or on behalf of the board.

124 SECTION 24. Section 85 of chapter 13, as so appearing, is hereby amended by striking  
125 out, in lines 18 through 21, inclusive, the words “The governor shall make the appointments of  
126 the speech-language pathologists and audiologists from a list of not less than ten names  
127 submitted by the Massachusetts Speech and Hearing Association, Inc.”

128 SECTION 25. Said section 85 of said chapter 13, as so appearing, is hereby further  
129 amended by striking out, in lines 23 through 25, inclusive, the words “Three members of the  
130 board shall constitute a quorum to do business, provided at least one speech-language pathologist  
131 and one audiologist are present.”

132 SECTION 26. Section 92 of said chapter 13, as so appearing, is hereby amended by  
133 striking out, in lines 11 through 15, inclusive, the words “One of the appraiser members shall be  
134 a state-certified general real estate appraiser, one shall be a state-certified residential real estate  
135 appraiser, and one shall be a state-licensed real estate appraiser. One of the real estate appraiser  
136 members of the board shall be an assessor in a city or town in the commonwealth.” and inserting  
137 in place thereof the following:- At least 1 of the appraiser members shall be a state-certified  
138 general real estate appraiser, and 1 shall be a state-certified residential real estate appraiser.

139 SECTION 27. Said section 92 of said chapter 13, as so appearing, is hereby further  
140 amended by striking out, in line 31, the words “A quorum of the board shall be five members.”

141 SECTION 28. Said section 92 of said chapter 13, as so appearing, is hereby further  
142 amended by striking out, in lines 34 through 37, inclusive, the words “The director of the  
143 division of registration, with approval of the board, shall appoint an executive secretary to serve  
144 the board. The division of professional licensure shall employ such other clerical and technical  
145 assistants as may be necessary to discharge the official duties of the board.”

146 SECTION 29. Section 93 of said chapter 13, as so appearing, is hereby amended by  
147 striking out, in line 30, the words “A quorum of the board shall be three members.”

148 SECTION 30. Section 95 of said chapter 13 is hereby repealed.

149 SECTION 31. Section 97 of chapter 13, as so appearing, is hereby amended by striking  
150 out, in line 25, the words “201 to 206” and inserting in place thereof the following words:- 221 to  
151 226

152 SECTION 32. Section 60J of chapter 112, as appearing in the 2012 Official Edition, is  
153 hereby amended by striking out, in lines 3 through 5, inclusive, the words “Copies of such roster  
154 shall be mailed to each person so registered, placed on file with the state secretary, and furnished

155 to the public on request.” And inserting in place thereof the following words:- Such roster shall  
156 be posted on a publicly available website.

157 SECTION 33. Said chapter 112 of the General Laws is hereby amended by inserting after  
158 section 65E the following section:-

159 Section 65F. Notwithstanding any general law or special law to the contrary, the fee for  
160 reinstating a lapsed or expired license issued by a board of registration under the supervision of  
161 the division of professional licensure shall be no more than the cost of the current renewal fee for  
162 2 missed renewal cycles. This fee for reinstatement is in addition to any applicable late fee.

163 SECTION 34.. Section 81I of said chapter 112, as so appearing, is hereby amended by  
164 striking out, in lines 4 through 6, inclusive, the words “Copies of such roster shall be mailed to  
165 each person so registered, placed on file with the state secretary and furnished to the public upon  
166 request.” and inserting in place thereof the following words:- Such roster shall be posted on a  
167 publicly available website.

168 SECTION 35. Section 81Q of said chapter 112, as so appearing, is hereby amended by  
169 striking out, in lines 3 through 4, inclusive, the words “if three or more members of the board  
170 vote in favor of such reissuance.”

171 SECTION 36. Sections 87F tthrough 87S, inclusive, of said chapter 112 are hereby  
172 repealed.

173 SECTION 37. Said chapter 112 is hereby amended by striking out sections 87T tthrough  
174 87KK, inclusive, and inserting in place thereof the following:-

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

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

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

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

186 “Barbering”, shaving or trimming the beard, cutting the hair, giving facial and scalp  
187 massaging, giving facial and scalp treatments with oils and creams and other preparations made  
188 for that purpose, either by hand or mechanical appliances, singing and shampooing the hair or

189 applying any make of hair tonics, or dyeing the hair, of any person; or performing or offering to  
190 perform, with or without compensation, any of the above-mentioned services for the public  
191 generally.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

255 Except as may be necessary for the protection of the public health, safety or morals, the  
256 board shall not make any rule or regulation restraining the normal and incidental business of a

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

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

265 Section 87W. Any demonstrator who has had at least 3 months' practical experience as  
266 such, and who after application, accompanied by a notarized affidavit from each manufacturer or  
267 distributor for whom he is or was employed during such period and the fee as provided in  
268 said section 87CC, together with 2 pictures of the applicant, may be licensed by the board as a  
269 demonstrator, and thereafter may practice as a demonstrator. Any person who is licensed as a  
270 hairdresser, barber, aesthetician, operator or instructor may, upon payment of said fee, be  
271 licensed also as a demonstrator, and may thereafter practice as such. Such demonstrations shall  
272 be given by a demonstrator only in a licensed shop, in the business quarters of distributors or  
273 supply houses in the commonwealth, at professional trade shows or meetings in the presence of  
274 licensed shop owners and their employees, or in schools or post-secondary institutions with a  
275 licensed instructor in attendance.

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

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

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

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

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

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

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

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

304 No person shall be examined as an instructor or licensed as such nor granted a temporary  
305 license unless at the time of filing the application for examination they have successfully  
306 completed a 4-year high school course or possesses the educational equivalent thereof.

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

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

321 Section 87DD. The board may enter and inspect any shop or school in a proper manner at  
322 any time during business hours thereof. Whenever a complaint is made to the board that any  
323 person has suffered personal injury as a result of the practice of the occupation of aesthetics,  
324 barbering, cosmetology, electrology, hairdressing, or manicuring, or that any person has been  
325 exposed to a hazard to the public's health, safety, or welfare, or that any contagious or infectious  
326 disease has been imparted, at any shop, or that any shop or school is kept in an unsanitary  
327 condition, or that any person has been engaged in aesthetics, barbering, cosmetology,

328 electrolysis, hairdressing, or manicuring is in violation of any provision of sections 87T to 87JJ,  
329 inclusive, the board shall visit and inspect such, school or place where at such violation is alleged  
330 to have occurred, and enforce the provisions of said sections 87T to 87JJ, inclusive. The board  
331 may investigate the standard of professional training at any school and the sufficiency of the  
332 course or courses there given.

333 Section 87EE. The board shall be under the supervision of the division of professional  
334 licensure and shall have all the authority conferred under sections 61 to 65E, inclusive. The  
335 board, under such reasonable rules and regulations as it may make, may for cause, including  
336 unprofessional conduct, fraud, deceit or misrepresentation in practice or in advertising, habitual  
337 drunkenness, gross incompetence, or for violation of any of the provisions of sections 87T to  
338 87JJ, inclusive, or any rule or regulation made thereunder, revoke, suspend, or otherwise  
339 discipline any license granted under said sections 87T to 87JJ, inclusive.

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

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

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

360 Section 87II. Whoever engages in or follows, acts as an instructor of, or attempts to  
361 engage in or follow, the occupation of aesthetics, barbering, electrolysis, hairdressing or  
362 manicuring, unless duly licensed by the board, and whoever conducts, or attempts to conduct, a  
363 shop, or school, not so licensed, and whoever violates any provision of sections 87T through  
364 87HH, inclusive, or any rule or regulation made under authority thereof, shall, in addition to any

365 other penalty prescribed or authorized by said sections, be subject to penalties as proscribed in  
366 sections 61 through 65E, inclusive. Upon notice from the board, the board of health or equivalent  
367 authority of the several cities and towns of the commonwealth shall terminate any general  
368 authorization to conduct business given to a shop or school, not so licensed by the Board.

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

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

379 The board may approve any post-secondary institution, upon payment of a license fee as  
380 provided in section 87CC. Such license may be renewed upon payment of a renewal fee as  
381 provided in said section 87CC; provided, that standards of professional training satisfactory to  
382 the board are maintained and the sufficient course is offered. If a proposed post-secondary  
383 institution meets all requirements established by this chapter and the regulations adopted  
384 pursuant thereto, the board shall issue a license to the proposed post-secondary institution. The  
385 license shall contain: (i) the name of the proposed post-secondary institution; (ii) a statement that  
386 the proposed post-secondary institution is authorized to operate educational programs beyond  
387 secondary education; and (iii) other information the board considers necessary.

388 The board may make such reasonable rules and regulations as are necessary for the  
389 proper conduct of post-secondary institutions, qualifications of instructors, courses of study,  
390 hours of study, and standards of professional training.

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

402 professional training at any post-secondary institution registered with the board, and the  
403 sufficiency of the courses offered.

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

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

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

419 SECTION 38. Sections 87EEE through 87OOO, inclusive of said chapter 112 are hereby  
420 repealed.

421 SECTION 39. Sections 87PPP through 87VVV, inclusive, of said chapter 112 are  
422 hereby repealed.

423 SECTION 40. Section 1 of chapter 142 of the General Laws, as appearing in the 2012  
424 Official Edition, is hereby amended by striking out the definition of "gas fitting" and inserting in  
425 place thereof the following definition:-

426 "Gas fitting", any work which includes the assembly, design, installation, maintenance,  
427 alteration, and replacement of gas piping for equipment, appliances, and related accessories  
428 which utilize gas as a fuel or raw material to produce light, heat, power, refrigeration, or air  
429 conditioning, as well as any piping systems conveying said gas beyond the point of delivery of  
430 the gas supplier, gas meter outlet, or regulator. Said work shall also include the assembly,  
431 design, installation, maintenance, alteration, and replacement of pipes, vents, and other  
432 equipment, appliances, and related accessories which connect gas utilization equipment to the  
433 open atmosphere for the purpose of obtaining intake air, expel excess fuel or raw material gases,  
434 or to expel byproducts created by the gas utilization equipment.

435 SECTION 41. Section 3 of said chapter 142, as so appearing, is hereby amended by  
436 adding the following paragraph: - Notwithstanding any general or special law to the contrary, an

437 individual licensed to perform sheet metal work pursuant to sections 237 through 251 of chapter  
438 112 may assemble, design, install, maintain, alter, and replace pipes, vents, and other equipment,  
439 appliances, and related accessories which connect gas utilization equipment to the open  
440 atmosphere for the purpose of obtaining intake air or to expel byproducts created by the gas  
441 utilization equipment. Provided however, that any work performed under the provisions of this  
442 paragraph shall be subject to permits and inspections as provided for in sections 11 and 13.  
443 Provided further, a licensed plumber or gas fitter must obtain the permits and inspections as  
444 provided for in said sections 11 and 13 and shall be responsible for ensuring that the work  
445 adheres to the requirements of any rules promulgated pursuant to section 13.

446 SECTION 42. Section 21 of said chapter 142, as so appearing, is hereby amended by  
447 striking out, in line 8, the words “subject to the approval of the department of public health, ”.

448 SECTION 43. Notwithstanding the provisions of sections 10 through 13, inclusive, 19,  
449 and 36 through 38, inclusive, all orders, rules and regulations duly made and all licenses and  
450 approvals duly granted which are in force immediately before the effective date of this act shall  
451 continue in force and shall thereafter be enforced until superseded, revised, rescinded or  
452 canceled, in accordance with law, by the appropriate board; provided further, that a member of  
453 any board amended by the provisions of this act, shall continue to serve as a voting, full time  
454 member of said board until such time as their term of office expires.

455 SECTION 44. Sections 10 through 13, inclusive, 19, and 36 through 38, inclusive, shall  
456 take effect 180 days after the effective date of this act.