Bill as Introduced

HB 241 – AS INTRODUCED
2003 SESSION

03-0339
08/01

HOUSE BILL ***241***

AN ACT establishing a committee to study the creation of a separate board to regulate barbers.

SPONSORS: Rep. D. Fields, Hills 58

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a committee to study the creation of a separate board to regulate barbers.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 241 - AS INTRODUCED

03-0339
08/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a committee to study the creation of a separate board to regulate barbers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Committee Established. There is established a committee to study the creation of a separate board to regulate barbers.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the creation of a board to regulate barbers that is separate and distinct from the board that regulates cosmetologists and estheticians, as requested by the New Hampshire Barbers Association.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 241

BILL TITLE: establishing a committee to study the creation of a separate board to regulate barbers

DATE: January 29, 2003

LOB ROOM: 100 SH **Time Public Hearing Called to Order:** 10:15 AM

Time Adjourned: 11:13 AM

(please circle if present)

Committee Members: Reps O'Neil, Hamel, Langer, Goulet, Zolla, N. Allan, Dexter, Hall, C. Robertson, Bergin, LaFlamme, Milligan, W. Field, Fitzgerald, Maybeck, Clayton, Schulze, DeJoie, Irwin, Pilotte and F. Sullivan.

Bill Sponsors: Rep. D. Fields, Hills 58

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*Rep. Fields, sponsor. Submitted bill on behalf of barbers. See written testimony. Women, no male barbers, govern the Board of Cosmetology.
Rep. Gibsons, supports bill. Had intended to sign the sponsor list but was too late. Barbers deserve to govern themselves.
Frank Colette, representing Board of Barbering, Cosmetology and Esthetics. No mention of support or opposition. Board is outnumbered with women so male concerns are not dealt with fairly.
Lynda Elliott, representing Board of Barbering, Cosmetology and Esthetics. Opposes bill. Board is very concerned about the feelings of barbers. Board is open to work with anyone. When inspector visits, they are checking for license, cleanliness, etc. Boards have a complaint system. Separate board would be costly.
David Caron, 4 Park St., Concord. Opposes bill but could not say why.
*George Lacourse, 941/2 So. State Sts., Concord, and President of Barber's Assoc. Supports bill. In Iowa and New Jersey, the number of licensed barbers is being reduced. They have lost their identity and want it back. Used to have barbers investigator now move could be 2 investigators even if one shop.

Respectfully submitted,

Ray F. Langer

Rep. Ray Langer, Clerk

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

HB 241 2-5-03

Present J Dutton, N Allen, P Laflamme, R Mudlem, F Sullivan, M Pilotte

P.L. make changes within the current system
quick / ITL

J.S. agreed ☆ Paul -

J.D. are they notified ☆ license

Linda Elliott - Yes to above
Person who brought bill to Legis is under temporary status of license

R.M. He is person who started new Barber association

N.A. Does he need to know to trim hair, etc

J.D. Could become knowledgable ☆ Const. El.
No 2 separate rules on certification

M.P. Can he granted waivers

J.D. Won't reduce standards
Barbers get a better deal ☆ this Board
as: $ paid

Paul Laflamme ITL

Francis Sullivan second

7-0 vote in sub-cmte

Subc Weds 9.02 5 Feb Weds 9.02

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HOUSE BILL **241**

8-0

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COMMITTEE: Executive Departments and Administration

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1) What is the problem? – None

Not being heard + dealt with fairly

---

are the board meeting publicly noticed + open to the public?

i.e. Barbara / assoc Members etc –

The Barbor Board Members - has had no ~~[illegible]~~ problems w the current structure of the Board & does not support

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4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

600 Barbers
8000 cosmetologist
1500 Esthetician –

The Bill –

Testimony

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE January 28, 2003

FROM Veronica A. Van Loan VVL
Senior Researcher

AT (OFFICE) Legislative Services

SUBJECT Board of Barbering, Cosmetology, and Esthetics

TO Representative Dennis Fields

The Board of Barbering and Cosmetology was established by Chapter 486, New Hampshire Laws of 1981. The Board then consisted of 7 members – 3 licensed barbers, 3 licensed cosmetologists, and one public member, each appointed by the Governor with the approval of the Executive Council, to a term of 5 years.

In 1989, with the enactment of Chapter 221, New Hampshire Laws of 1989, estheticians were added to the Board and it became the Board of Barbering, Cosmetology, and Esthetics. (Estheticians give facials, apply makeup, give therapeutic skin care treatments, etc.) The Committee report states that because consumer demand for esthetician services is increasing, the practice should be regulated/licensed in order to protect the public. The bill's analysis states: "An esthetician member is added to the board, replacing one barber." The number of Board members would remain at 7 but the Board would now consist of 2 barbers, 3 cosmetologists, one esthetician, and one public member.

In 2000, with the passage of Chapter 118, the Board remained at 7 members, however, it would now be composed of one barber, one cosmetologist, one esthetician, one manicurist, one cosmetology school owner who is a New Hampshire resident, and 2 public members.

I have enclosed the relevant materials. Please feel free to contact me if you have any questions.

New Hampshire Laws of 1981

CHAPTER 486 (HB 147)

AN ACT RELATIVE TO SUNSET REVIEW OF THE COSMETOLOGY AND BARBERS BOARDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

486:1 New Chapter. Amend RSA by inserting after chapter 313 the following new chapter:

CHAPTER 313-A

BARBERING AND COSMETOLOGY

313-A:1 Definitions. As used in this chapter:

I. "Barber" means any person practicing barbering;

II. "Barbering" means:

(a) Shaving or trimming the beard or cutting or bobbing the hair;

(b) Giving facial or scalp massages or treatment with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;

(c) Singeing, shampooing, arranging, dressing, or dyeing the hair or applying hair tonics;

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck, or removing superfluous hair from the face or neck of any person;

(e) Styling, waving, curling, straightening or bleaching the hair by mechanical or chemical means.

III. "Barbershop" means any establishment or place of business wherein the practice of barbering is engaged in or carried on;

IV. "Board" means the board of barbering and cosmetology;

V. "Cosmetologist" means any person practicing cosmetology;

VI. "Cosmetology" means arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any person, and performing work as a cosmetologist and manicurist, but not including the removal of superfluous hair or skin blemishes by direct application of an electric current;

VII. "Manicurist" means any person who engages in manicuring for compensation, except a person engaged in the practice of manicuring in a charitable or benevolent institution, where such practice is carried on solely for the benefit of the residents of such institutions;

VIII. "Manicuring" means cutting, trimming, polishing, tinting, coloring or cleansing the nails of any person;

IX. "Salon" means a beauty salon or other place kept open for the business of cosmetology or manicuring or where equipment and facilities for both hairwashing and hairdrying are available to the public for hire; and

X. "School" means a school or other institution conducted for the purpose of teaching cosmetology, manicuring or barbering.

313-A:2 Board.

I. There shall be a board of barbering and cosmetology consisting of 7 members; including 3 licensed barbers, 3 licensed cosmetologists, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

II. Professional members of the board shall have been engaged in the

NH Laws of 1989

220:3 **Applicability.** This act shall apply to misappropriations of trade secrets occurring on or after January 1, 1990. This act shall not apply to misappropriations or continuing misappropriations of trade secrets occurring or beginning prior to January 1, 1990.

220:4 **Effective Date.** This act shall take effect January 1, 1990.

[Approved May 24, 1989.]
[Effective Date January 1, 1990.]

CHAPTER 221 (SB 174)

AN ACT RELATIVE TO REGULATION OF ESTHETICIANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

221:1 **Change in Name of Chapter.** Amend the chapter heading of RSA 313-A to read as follows:

BARBERING, COSMETOLOGY, AND ESTHETICS

221:2 **Definition of Board.** Amend RSA 313-A:1, IV to read as follows:

IV. "Board" means the board of barbering, cosmetology, and esthetics.

221:3 **Definition of Cosmetology.** Amend RSA 313-A:1, VI to read as follows:

VI. "Cosmetology" means arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any person, and performing other work customarily performed by a cosmetologist such as giving facials and manicures, but not including the removal of superfluous hair or skin blemishes by direct application of an electric current.

221:4 **New Paragraphs; New Definitions.** Amend RSA 313-A:1 by inserting after paragraph VI the following new paragraphs:

VI-a. "Esthetician" means any person practicing esthetics.

VI-b. "Esthetics" means:

(a) Giving facials, applying makeup, giving therapeutic skin care treatments, removing superfluous hair by tweezing, depilation, or waxing, or applying eyelashes to any person;

(b) Beautifying the face, neck, arms, and shoulders, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; or

(c) Massaging, cleansing, or stimulating the face, neck, arms, and shoulders, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

221:5 **Definitions of Salon and School.** Amend RSA 313-A:1, IX and X to read as follows:

IX. "Salon" means a beauty salon or other place kept open for the business of cosmetology, manicuring, or esthetics or where equipment and facilities for both hairwashing and hairdrying are available to the public for hire.

X. "School" means a school or other institution conducted for the purpose of teaching cosmetology, manicuring, barbering, or esthetics.

221:6 **Composition of Board.** Amend RSA 313-A:2, I to read as follows:

I. There shall be a board of barbering, cosmetology, and esthetics consisting of 7 members as follows: 2 licensed barbers, 3 licensed cosmetologists, one licensed esthetician, and one public member, each to be appointed by the governor with the consent of the council to a term of 5 years. No board member shall be ap-

STRAFFORD

Appleby, James E.	Callaghan, Robert J.	Dionne, Albert J.
Flynn, Anita A.	Flynn, Edward J.	Foss, Patricia H.
Kincaid, William K.	Kinney, Paula J.	McCann, William H., Jr.
Meserve, John H.	Sullivan, Henry P.	Torr, Ann M.
Torr, Ralph W.	Tsiros, William	Vincent, Francis C.
Young, John B.		

SULLIVAN

Behrens, Thomas A.	Brodeur, Robert J.	Domini, Irene C.
Hinrichsen, Keith L.	Krueger, Richard H.	Lucier, Edward A., Jr.
MacAskill, Kenneth M.	Middleton, John A.	

and the motion was adopted.

Rep. Klemm abstained from voting under Rule 16.

Resolution adopted.

SB 174-FN, relative to regulation of estheticians. Ought to Pass.

This bill licenses and regulates the practice of esthetics (giving facials, applying cosmetics, etc.) and extends the Board of Barbering, Cosmetology and Esthetics to include an esthetician member. Consumer demand for esthetician services is increasing and the practice should be licensed for the protection, welfare and safety of the public. Vote 12-1. Rep. Miriam D. Dunn for Executive Departments and Administration.

Rep. Kurk spoke to the bill.

Ordered to third reading.

SB 64-FN, relative to asbestos management penalties. Ought to Pass with Amendment.

The Committee agrees that it is very important to expand the penalties for asbestos violations to ensure the health and welfare of all our citizens. The teeth of this bill put a fine of $25,000/day for continuing a violation.

Asbestos removal must be done in such a way as to protect the workers, as well as future occupants of a building. The amendment to this bill changes the effective date to occur upon passage. Vote 14-0. Rep. Nancy G. Frank for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Rep. Lefebvre spoke against the bill.

Rep. Frank explained the amendment and yielded to question.

A division was requested.

173 members having voted in the affirmative and 152 in the negative, the amendent was adopted.

Ordered to third reading.

SB 99-FN, supplementing the funding for programs which assist victims of domestic violence. Ought to Pass.

The Committee agreed that there was a great need to fund programs which assist victims of domestic violence. However, there was reluctance expressed in approving the method of funding. In spite of the Committee's concerns about the method of

1989 SESSION 0708B

89-0093

04

SENATE BILL NO. SB 174 (Chapter 221)

INTRODUCED BY: Sen. Nelson of Dist. 13; Sen. Magee of Dist. 12;

Rep. McCann of Hillsborough Dist. 31

REFERRED TO: Executive Departments

AN ACT relative to regulation of estheticians.

ANALYSIS

This bill extends to the board of barbering and cosmetology authority to license and regulate the practice of esthetics and changes the board's name to reflect its new duties. An esthetician member is added to the board, replacing one barber. The minimum number of board meetings is increased to 6.

The bill also requires barbers and cosmetologists to complete 4 years of high school or its equivalent. Rulemaking authority is granted to the board to grant exemptions from certain statutory qualifications.

The bill grandfathers in professional estheticians who have practiced esthetics in the state for at least 3 years prior to July 1, 1989.

EXPLANATION: Matter added appears in **bold italics.**

Matter removed appears in [brackets].

Matter which is repealed and reenacted or all new appears in regular type.

0708B

89-0093

04

SB 174-FN

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand

nine hundred and eighty-nine

AN ACT

relative to regulation of estheticians.

Be it Enacted by the Senate and House of Represen-

tatives in General Court convened:

1 Change in Name of Chapter. Amend the chapter heading of RSA 313-A to read as follows:

BARBERING, [AND] COSMETOLOGY, **AND ESTHETICS**

2 Definition of Board. Amend RSA 313-A:1, IV to read as follows:

IV. "Board" means the board of barbering, [and] cosmetology, **and esthetics.**

3 Definition of Cosmetology. Amend RSA 313-A:1, VI to read as follows:

VI. "Cosmetology" means arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any person, and performing **other** work [as] **customarily performed by** a cosmetologist [and manicurist] **such as giving facials and manicures,** but not including the removal of superfluous hair or skin blemishes by direct application of an electric current.

4 New Paragraphs; New Definitions. Amend RSA 313-A:1 by inserting after paragraph VI the following new paragraphs:

VI-a. "Esthetician" means any person practicing esthetics.

VI-b. "Esthetics" means:

(a) Giving facials, applying makeup, giving therapeutic skin care treatments, removing superfluous hair by tweezing, depilation, or waxing, or applying eyelashes to any person;

(b) Beautifying the face, neck, arms, and shoulders, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; or

(c) Massaging, cleansing, or stimulating the face, neck, arms, and shoulders, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

5 Definitions of Salon and School. Amend RSA 313-A:1, IX and X to read as follows:

IX. "Salon" means a beauty salon or other place kept open for the business of cosmetology [or], manicuring, **or esthetics** or where equipment and facilities for both hairwashing and hairdrying are available to the public for hire.

X. "School" means a school or other institution conducted for the purpose of teaching cosmetology, manicuring [or], barbering, **or esthetics.**

6 Composition of Board. Amend RSA 313-A:2, I to read as follows:

I. There shall be a board of barbering, [and] cosmetology, **and esthetics** consisting of 7 members as follows: [3] **2** licensed barbers, 3 licensed cosmetologists, **one licensed esthetician,** and one public member[. Board members shall] **, each to** be appointed by the governor with the consent of the council [and shall serve terms] **to a term** of 5 years [and until their successors are appointed]. No board member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations. [A vacancy for an unexpired term shall be filled in a like manner.]

7 Composition of the Board. Amend RSA 313-A:2, III to read as follows:

III. The public member shall be a person who is not, and never was, a member of the barbering [or], cosmetology, **or esthetics** profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of barbering [or], cosmetology, **or esthetician** services or an activity directly related to such professions, including the representation of the board of [either profession] **any such professions** for a fee at any time during the 5 years preceding appointment.

8 Board Meetings; Quorum. Amend RSA 313-A:2, V to read as follows:

V. The board shall hold at least [4] **6** regular meetings each year. Special meetings may be called at such times as the rules of the board may provide. A quorum of the board shall consist of no fewer than [5] **4** members. All meetings of the board shall be open to the public, except when the board conducts an executive session under RSA 91-A.

9 Term of New Esthetician Member of Board. The initial term of the esthetician member of the board of barbering, cosmetology,

and esthetics

shall begin on June 1, 1989, and terminate on June 30, 1992. The first esthetician member of the board shall have been engaged in the professional practice of esthetics in this state for 3 years prior to appointment.

10 Reference Change. Amend RSA 313-A:7, XII and XIII to read as follows:

XII. Licensing and approvals of [cosmetology and barbering] instructors [; and].

XIII. The occasional performance of [barbering and cosmetology] services at locations other than the principal place of business by persons licensed under this chapter.

11 New Paragraphs; Rulemaking. Amend RSA 313-A:7 by inserting after paragraph XIII the following new paragraphs:

XIV. The review criteria for board consideration of an applicant's "good professional character".

XV. The process of requesting and granting exemptions under RSA 313-A:9, II; 313-A:10, II; and 313-A:11, II.

12 Reference Change. Amend RSA 313-A:8 to read as follows:

313-A:8 Licensure Required. It shall be a misdemeanor for any person to:

I. Engage in **any practice regulated by this chapter** [the practice of barbering or cosmetology] without the appropriate license [issued under this chapter;].

II. Operate a barbershop, salon, or school unless such establishment is at all times under the direct supervision and management of a professional licensed under this chapter[;].

III. Hire or employ any person to engage in [the] **a** practice [of barbering or cosmetology] **regulated by this chapter** unless such person then holds a valid license or a temporary permit issued by the board to practice the respective profession[;].

IV. Operate a school unless it has been licensed by the board and is operated according to rules adopted by the board[; and].

V. Engage in the instructing of [cosmetology or barbering] **any activity licensed by this chapter** without [the] **holding an** appropriate license issued under this chapter.

13 Barber Qualifications. RSA 313-A:9 is repealed and reenacted to read as follows:

313-A:9 Qualifications; Barbers.

I. In order to be issued a barber's license by the board, a person shall:

(a) Be of good professional character;

(b) Have completed high school or its equivalent;

(c) Have received training of:

(1) A minimum of 1,500 hours extending over a period of at least one year in a school of barbering approved by the board; or

(2) A minimum of 3,000 hours distributed over a period of at least 2 years under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;

(d) Pass an examination conducted by the board to determine fitness to practice barbering; and

(e) Pay a fee established by the board.

II. An applicant not meeting the conditions of RSA 313-A:9, I(b) through (c) may petition the board for exemption. The board,

acting under rules adopted under RSA 313-A:7, XV, may grant the exemption.

14 Cosmetologist Qualifications. RSA 313-A:10 is repealed and reenacted to read as follows:

313-A:10 Qualificatons; Cosmetologists.

I. In order to be issued a cosmetologist's license by the board, a person shall:

(a) Be of good professional character;

(b) Have completed high school or its equivalent;

(c) Have received training of:

(1) A minimum of 1,500 hours extending over a period of at least one year in a school of cosmetology approved by the board; or

(2) A minimum of 3,000 hours distributed over a period of at least 2 years under a licensed cosmetologist who has engaged in the practice of cosmetology within the state for at least 2 years;

(d) Pass an examination conducted by the board to determine fitness to practice cosmetology; and

(e) Pay a fee established by the board.

II. An applicant not meeting the conditions of RSA 313-A:9, I(b) through (c) may petition the board for exemption. The board, acting under rules adopted under RSA 313-A:7, XV, may grant the exemption.

15 Reference Change. Amend RSA 313-A:11 to read as follows:

313-A:11 Qualifications; Manicurists. A person, to be issued a manicurist's license by the board, shall, in addition to satisfying the requirements of RSA 313-A:10, I[-III and VI] **(a), (b), and (e);**

I. Have completed a course of at least 6 weeks, including at least 150 hours of professional training in manicuring, in a school approved by the board and passed an examination conducted by the board to determine fitness to practice manicuring; or

II. Have satisfied the requirement set out in RSA 313-A:10, [V,] **I(d)** and, as an apprentice in a salon, received, in the opinion of the board, the equivalent of the course required under paragraph I.

16 New Section; Esthetician Qualifications. Amend RSA 313-A by inserting after section 11 the following new section:

313-A:11-a Qualifications; Estheticians. To be issued an esthetics license by the board, an applicant shall, in addition to satisfying the requirements of RSA 313-A:10, I[, II, III and VI,] **(a), (b), and (e)** have completed a course of at least 450 hours of training extending over a period of not less than 15 weeks in a school approved by the board and have passed an examination conducted by the board to determine fitness to practice esthetics. Estheticians who have practiced professionally in this state for a period of at least 3 years prior to July 1, 1989, and who have satisfied the requirements of RSA 313-A:10, I[, II, III, and VI] **(a), (b), and (e)** and the training requirements of this section shall not be required to take the examination provided for in this section to be eligible for licensure under this chapter.

17 Nonresident Licenses. Amend RSA 313-A:12 to read as follows:

313-A:12 Nonresidents. The board [may] **shall** license any applicant who is similarly licensed in any other state, provided the other state's licensing requirements are substantially equivalent to or higher than those of this state.

18 Esthetics Added. Amend RSA 313-A:13 to read as follows:

313-A:13 Examinations. The board shall hold examinations in barbering, cosmetology, [and] manicuring, **and esthetics** at least once every 6 months in such towns throughout the state as it may deem [most] convenient for applicants and at such additional times as it may from time to time determine. The scope and content of the examinations shall be established by the board. The

board shall notify all applicants at least 10 days in advance as to the place, date and time of examinations.

19 Shop Licensure; Esthetician Added. Amend RSA 313-A:17, II to read as follows:

II. Any licensed barber, cosmetologist [or], manicurist, **or esthetician** who has completed one year of actual employment in a salon or barbershop shall, upon written application[,] accompanied by the required fees, receive a license to operate a salon or barbershop in this state, provided that the salon or barbershop meets all requirements established in the rules of the board. Booths attached to or within a salon or barbershop that are operated independently [thereof] **of the salon or barbershop** shall be subject to licensure in the same manner as an independent establishment.

20 Shop Licensure. Amend RSA 313-A:17, IV to read as follows:

IV. In addition to licenses issued under paragraph II, the board may issue a license to an owner of a salon **or barbershop** who does not himself personally engage in cosmetology**, barbering, or esthetics,**

provided the salon **or barbershop** shall fulfill all requirements set forth in the rules of the board and provided further that the owner has paid the required license fee for such salon **or barbershop** and employs a licensed cosmetologist, **barber, or esthetician**as manager[,] who has previously completed one year of actual employment in a licensed salon **or barbershop** However, this section [does] **shall** not authorize such owner to practice cosmetology**, barbering, manicuring, or esthetics** unless he has a [cosmetologist's] **cosmetologist, barber, or esthetician license.**

21 Estheticians Added. Amend RSA 313-A:18 to read as follows:

313-A:18 Expiration and Renewal of Licenses. Each barber, barber instructor, apprentice, barbershop, or barber school license issued under this chapter shall expire on June 30 in the odd year next succeeding its date of issuance. Each **esthetician, esthetics instructor, esthetics school, esthetics salon,** cosmetologist, manicurist, cosmetology instructor, apprentice, beauty salon, manicuring salon, or cosmetology school license issued under this chapter shall expire on June 30 in the even year next succeeding its date of issuance. Any license which has expired may be renewed at any time during the year next following upon payment of the renewal fee established by the board and an additional fee of $5, and at any time during the next succeeding year period upon the payment of the renewal fee and an additional fee of $10. If the holder of any license fails to renew the same within 2 years after its expiration, he may renew the same within 5 years after expiration by paying the same fee required for an original license.

22 Reference Change. Amend RSA 313-A:19, I to read as follows:

I. The division of public health services, department of health and [welfare] **human services,** shall employ inspectors and authorize them to enter and make reasonable examination and inspection of any salon, barbershop, or school during business hours for the purpose of ascertaining whether or not the rules of the board and the provisions of this chapter are being observed. Each inspector shall file a report with the board of his findings with respect to each inspection made. Salaries and necessary expenses of the inspectors shall be charged against the fees and other moneys collected by the board.

23 New Paragraph; Apprentice Registration. Amend RSA 313-A:22 by inserting after paragraph III the following new paragraph:

IV. Upon completing the number of hours specified in the board's apprentice rules, an apprentice shall be eligible to apply to the board for licensure.

24 Estheticians Added. Amend RSA 313-A:23, I(e) to read as follows:

(e) Licensed cosmetologists **or estheticians** under this chapter;

25 Estheticians Added. Amend RSA 313-A:23, II to read as follows:

II. The provisions of this chapter relative to cosmetology **or esthetics** shall not be construed to apply to the following persons:

(a) Licensed barbers engaged in their usual occupation[;].

(b) Persons engaged in behalf of a manufacturer or distributor solely in demonstrating the use of any machine or other article for purposes of sale, without charge to the person who is the subject of such

demonstration[;].

(c) Persons engaged in the practice of cosmetology **or esthetics** in a charitable or benevolent institution, where such practice is carried on solely for the benefit of the residents of such institution[;].

(d) Persons conducting programs [for cosmetological demonstration] **relating to demonstrations of cosmetology or esthetics** sponsored by a recognized cosmetological **or esthetical** organization[; or].

(e) Licensed cosmetologists engaged in the practice of cosmetology upon an invalid, a handicapped person, or a person confined to the home because of age, in that person's place of residence.

(f) Persons licensed as masseurs or masseuses under RSA 328-B.

(g) Persons registered as physical therapists or physical therapist assistants under RSA 328-A.

26 Effective Date. This act shall take effect 60 days after its passage.

LBAO

SB 174

LSR 89-0093 *

Revised 1/19/89

FISCAL NOTE for an act relative to regulation of estheticians.

FISCAL IMPACT: The Board of Barbering and Cosmetology is unable to determine the impact of this bill on state revenues and expenditures. There will be no impact on county or local revenues or expenditures.

METHODOLOGY: State costs would increase by at least $630 because two additional meetings are required each year (2 meetings x $45 per meeting x 7 members). Neither the number of estheticians nor the fee to license them is known. Consequently, the Board is unable to estimate total state expenditures or state revenues.

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V. "Cosmetologist" means any person practicing cosmetology.

VI. "Cosmetology" means arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, or similarly treating the hair of any person, and performing other work customarily performed by a cosmetologist such as giving facials and manicures.

VII. "Esthetician" means any person practicing esthetics.

VIII. "Esthetics" means:

(a) Giving facials, applying makeup, giving therapeutic skin care treatments, removing superfluous hair, or applying eyelashes to any person;

(b) Beautifying the face, neck, arms, and shoulders, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; or

(c) Massaging, cleansing, or stimulating the face, neck, arms, and shoulders, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

IX. "Manicurist" or "pedicurist" means any person practicing manicuring or pedicuring.

X. "Manicuring" or "pedicuring" means cutting, trimming, polishing, coloring or cleansing the nails of any person.

XI. "Mobile barbershop" means a vehicle or structure, readily mobile, designed, constructed or adapted to serve as a barbershop at multiple sites.

XII. "Salon" means a beauty salon or other place kept open for the business of cosmetology, manicuring, or esthetics.

XIII. "School" means a school or other institution conducted for the purpose of teaching cosmetology, manicuring, barbering, or esthetics.

313-A:2 Board.

I. There shall be a board of barbering, cosmetology, and esthetics consisting of 7 members as follows: one licensed barber, one licensed cosmetologist, one licensed esthetician, one licensed manicurist, one licensed cosmetology school owner who shall be a resident of New Hampshire or a designee of such owner who shall be a licensed cosmetologist and a resident of New Hampshire, and 2 public members; each to be appointed by the governor with the consent of the council to a term of 5 years. No board member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

II. Professional members of the board shall have been engaged in the practice of their profession within the state for not less than 5 years. In addition, no member shall be the owner or operator of any school or be directly or indirectly associated in the manufacture or wholesale distribution of cosmetic or barber appliances or supplies.

III. Each public member shall be a person who is not, and never was, a member of the barbering, cosmetology, or esthetics profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of barbering, cosmetology, or esthetician services, or an activity directly related to such professions, including the representation of the board of any such professions for a fee at any time during the 5 years preceding appointment.

LEGISLATIVE SERVICES
PROPERTY OF

N. H. Barbers' Association
563-B D.W. Highway
Merrimack, NH 03054
603-429-0436

Representative Lionel W. Johnson
Representative Dennis H. Fields
Room 306
Legislative Office Building
Concord, NH 03301
603-271-2169

October 27, 2002

Dear Gentlemen,

We are writing to you in the hopes that the Barbers, as we once knew them as, can and will regain once again our proper identity. Why you ask. Because of this, where oh where has our barber board gone, somewhere in the later part of the twentieth century we lost them to the now Board of Cosmetology, governed only by woman. The male barbers in the state have noone they can talk to or trust. The present board consists of 313-A:2 - Board - there shall be a board of Barbering, Cosmetology, and esthetics consisting of 7 members as follows, one (1) licensed Barber, one (1) licensed Cosmetologist, one (1) licensed esthetician, one (1) licensed manicurist and one (1) licensed cosmetology school owner who shall be a resident of the state along with two (2) public members, each to be appointed by the Governor with the consent of the council to a term of 5 years and no board member shall be appointed to more than 2 consecutive terms. This allows us only 1 out of 7 people to represent us.

A. For years both Barbers & Cosmetologists were completely separate. The barber board consisted of 3 master barbers from the state. One of these members was elected as their chairman.
B. Only Barbers elected to the board where allowed to inspect any and all barbershops.
C. Cosmetologists were not allowed to inspect shops in the barber field, only salons that fell within there field.
D. This is what we want - no more cosmetologist who know nothing of our field to involve themselves in our field.

Please note listed below are the current laws that the Board of Cosmetology initiated, also please find below the new laws that the barbers now want. Each law that needs to be changed is listed in order it appears in the yellow Barber & Cosmetology Law Book. The requested changes have been numbered and underlined for your convenience.

Under the Definitions 313-A:1 of what a Barber is and means: This law is a very important law, however various parts must be changed.

I. "Barber" means any person practicing barbering .

II. "Barbering" means:

(A) Shaving or trimming the beard or cutting the hair;

(B) Giving Facial or Scalp messages or treatment with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;

(C) Shampooing, arranging, dressing, or dying the hair or applying hair tonics;

1. Remove dying the hair from paragraph (C), this was not part of barbering.

(D) applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck, or removing superfluous hair from the face, or neck, of any person; or

(E) Styling, waving, curling, straightening or bleaching the hair by mechanical or chemical means.

2. Remove Bleaching, Curling by chemical means from paragraph (E)

3. A-E: A grandfather clause should be in place for those who have studied permanent waving, bleaching the hair and straightening - that they may continue to provide those services.

III. "Barbershop" means any establishment or place of business, wherein the practice of barbering is engaged in or carried on.

IV. "Board" means the Board of Barbering, Cosmetology, and Esthetics.

4. Remove Cosmetology and Esthetics in conjunction as the Board leaving just Barbering.

313-A:2 BOARD

I. There shall be a board of Barbering, cosmetology, and Esthetics consisting of 7 members as follows: 1 Licensed Barber; 1 Licensed Cosmetology; 1 Licensed Esthetician, 1 Licensed Manicurist; 1 Licensed Cosmetology School owner, who shall be a resident of NH and two public members each appointed by the governor with the consent of council to a term of 5 years.

5. The Board shall consist of 4 Licensed Barbers of mixed gender, no other persons should be permitted to be on the Barber Board.

V. The Board shall hold at least 6 regular meetings each year. The rest of the law is fine

313-A:8 RULEMAKING AUTHORITY
The Board shall adopt rules, pursuant to RSA 541-A relative to Barbering only.
I Through XVI may stay as written.

313-A:10 QUALIFICATIONS: BARBERS

6. Change minimum of 1,500 hours to 1,200 hours over a period of at least 9 months rather then the now 1,500 hours
6A. Change one year of barbering to 9 months of barbering by an approved Barber School & 3 extra months for hair styling.
7. A minimum of 3,000 hours distributed over a period of at least 18 months under a Licensed Barber who has engaged in the practice of Barbering within the State for at least 5 years.

313-A:15 EXAMINATION - No change required.

313-A:18 TEMPORARY PERMIT:
8. Add #3 That a temporary permit upon the failure of the examinations may be extended for 6 months for the purpose of further study.

313-A:19 SHOP LICENSURE
9. II-b This law must be changed so that booths attached to or within a barbershop, that are operated independently, will no longer require a separate licensure.

313-A:20 EXPIRATION AND RENEWAL OF LICENSES
10. Last paragraph: shall be changed to read as follows: such license may be renewed with 10 years after expiration by paying the same fee required for an original license.

Denis & Lionel

After searching the internet we have found that the barbers around the nation all agree that their State's Barber Board should remain separate from the Board of Cosmetology, many states who had joined the two boards are now beginning to separate them again.

Respectfully submitted

George Lacourse
President of N.H. Barbers' Association

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 241

BILL TITLE: **establishing a committee to study the creation of a separate board to regulate barbers**

DATE: February 6, 2003

LOB ROOM: 100 SH

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. LaFlamme

Seconded by Rep. Sullvan

Vote: 15-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Joan Schulze, Acting Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 241 Title: establishing a committee to study the creation of a separate board to regulate barbers

PH Date: 2/6/03 Exec Session Date: 2/6/03

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
O'Neil. Michael. Chairman		
Hamel. Albert W. V Chairman	abs	
Langer. Rav F	abs	
Goulet. Maurice E	1	
Zolla. William R	2	
Allan. Nelson S	3	
Dexter. Judson K	abs	
Hall. Charles Q	4	
Robertson. Carl G		1
Bergin. Peter F	5	
LaFlamme. Paul G	6	
Milligan. Robert H	7	
Field. William D	8	
Fitzgerald. James M	9	
Maybeck. Margie		2
Clavton. William K	10	
Schulze. Joan H	11	
DeJoie. John	12	
Irwin. Anne-Marie	13	
Pilotte. Maurice L	14	
Sullivan. Francis B	15	

TOTAL VOTE: 15 - 2
Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Executive Departments and Administration**

BILL NUMBER: **HB 241**

TITLE: establishing a committee to study the creation of a separate board to regulate barbers.

DATE: February 6, 2003 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

It was the feeling of the subcommittee that although we appreciate the concerns of the member of the public that asked for this bill, we feel that he has not exhausted all his options. Further, we feel another consequence of the bill could be a reduction in current licensing standards for barbers, which the committee can not support.

Vote 15-2.

Rep. Paul G. LaFlamme
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Executive Departments and Administration

HB 241, establishing a committee to study the creation of a separate board to regulate barbers. **INEXPEDIENT TO LEGISLATE**

Rep. Paul G. LaFlamme for Executive Departments and Administration: It was the feeling of the subcommittee that although we appreciate the concerns of the member of the public that asked for this bill, we feel that he has not exhausted all his options. Further, we feel another consequence of the bill could be a reduction in current licensing standards for barbers, which the committee can not support. **Vote 15-2.**

HB241

It was the feeling of the Sub-committee that although we appreciate the concerns of the member of the public that ~~inspired~~ asked for this bill we feel that he has not exhausted all his options. Further, we feel another consquence of the bill could be a reduction in current licensing standards for bear which the committee can not support.