HB 644-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2436h

2023 SESSION

23-0539
09/04

HOUSE BILL ***644-FN***

AN ACT relative to regulating barbers, cosmetologists, and estheticians.

SPONSORS: Rep. Pauer, Hills. 36; Rep. A. Lekas, Hills. 38; Rep. Bailey, Straf. 2; Rep. Pitre, Straf. 1; Rep. Rung, Hills. 12; Rep. Jeudy, Hills. 23; Rep. Calabro, Hills. 45; Rep. Layon, Rock. 13; Rep. Kofalt, Hills. 32; Rep. Cushman, Hills. 28

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes changes to the regulation of barbers, cosmetologists, and estheticians.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to regulating barbers, cosmetologists, and estheticians.

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

1 New Paragraph; Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1 by inserting after paragraph II-a. the following new paragraph:

II-b. "Blow-dry styling" means the practice of shampooing, conditioning, drying, arranging, curling, waving, crimping, straightening, or styling hair using only mechanical devices, hair sprays, and topical agents such as balms, oils, and serums. "Blow-dry styling" includes the use and d styling of hair extensions, hair pieces, and wigs, but excludes cutting hair or the application of dyes, bleach, reactive chemicals, keratin treatments, other preparations to color or alter the structure of hair, or other cosmetology services and is distinct from the practice of cosmetology.

2 Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1, VI to read as follows:

VI. "Cosmetology" means [~~arranging, dressing, curling, waving, cleansing,~~] cutting, bleaching, coloring, ***chemically altering*** or similarly treating the hair of any person, and performing other work customarily performed by a cosmetologist such as giving facials, manicures, pedicures, and artificial nail enhancements, applying [~~makeup or~~] eyelashes to any person, and removing superfluous hair ***by means other than threading***.

3 New Paragraph; Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1 by inserting after paragraph VIII-a the following new paragraph:

VIII-b. "Makeup application" means the application of a cosmetic to enhance the appearance of the face or skin, including powder, foundation, rouge, eyeshadow, eyeliner, mascara, and lipstick. "Makeup application" includes the application of makeup applied using an airbrush, but excludes the application of permanent makeup, tattooing, or other cosmetology services and is distinct from the practices of cosmetology and esthetics.

4 New Paragraph; Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1 by inserting after paragraph XVI the following new paragraph:

XVII. "Threading" means a method of removing hair from the eyebrows, upper lip, or other body parts by using a cotton thread to pull hair from follicles. "Threading" includes the use of over the counter astringents, gels, powders, tweezers, and scissors incidental to threading, but excludes other cosmetology services and is distinct from the practice of cosmetology and esthetics.

5 New Paragraph; Barbering, Cosmetology, and Esthetics; Shop Licensure. Amend RSA 313-A:19 by inserting after paragraph IV the following new paragraph:

V. The owner of a salon, barbershop, or mobile barbershop licensed under this section shall be responsible for:

(a) Verifying the education, training, skills, and competence of persons who work in the owner's salon, barbershop, or mobile barbershop.

(b) Protecting the health and safety of customers and persons who work in the owner's salon, barbershop, or mobile barbershop. This includes the sanitation of the facility and any equipment used in it.

6 Barbering, Cosmetology, and Esthetics; Exemptions. Amend the section heading and introductory paragraph of RSA 313-A:25 to read as follows:

313-A:25 Exemptions. The provisions of this chapter relative to barbering, cosmetology, esthetics, [~~and~~] manicuring***, and shop licensure*** shall not be construed to apply to the following persons:

7 New Paragraphs; Barbering, Cosmetology, and Esthetics; Exemptions. Amend RSA 313-A:25 by inserting after paragraph XIII the following new paragraphs:

XIV. Persons engaged in blow dry styling.

XV. Persons who demonstrate the use of a cosmetic or beauty equipment for the purpose of offering for sale to the public such cosmetic or beauty equipment.

XVI. Persons engaged in blow-dry styling or makeup application for theatrical, television, film, fashion, photography, or media productions or media appearances.

XVII. Persons engaged in makeup application.

XVIII. Persons engaged in threading.

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

LBA
23-0539
Amended 1/22/24

HB 644-FN- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2023-2436h)

AN ACT relative to regulating barbers, cosmetologists, and estheticians.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended, has a total fiscal impact of less than $10,000 in each of the fiscal years 2024 through 2027.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification