

HOUSE No. 4254

The Commonwealth of Massachusetts

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.

HOUSE No. 4254

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Fourteen
—————

An Act modernizing licensing operations at the Division of Professional Licensure.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. 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 officiiis, 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 dying 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 saidsection 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.