

§14224. General provisions; licenses

1. Practice; license required. A person may not practice cosmetology, barber hair styling, hair design, nail technology or aesthetics or act as a trainee in this State unless that person has first obtained a license as provided in this chapter.

[PL 2019, c. 373, §19 (AMD).]

2. Level 1 establishment license and level 2 establishment license; operation; license required. A person, firm, corporation or other legal entity may not provide services in, operate or cause to be operated a level 1 establishment or a level 2 establishment where cosmetology, barber hair styling, hair design, nail technology or aesthetics is practiced unless that establishment has been licensed by the director. A level 1 establishment license or a level 2 establishment license issued pursuant to this subsection authorizes the operation of an establishment only at the location for which the license is issued. Operation of a level 1 establishment or level 2 establishment at any other location is unlawful unless a license for the new location has been obtained in compliance with this chapter and applicable rules.

A. A level 1 establishment licensee is a person who owns an establishment, who may hold a license to practice under this chapter and who may employ one or more individuals licensed to practice in one or a combination of the practices licensed under this chapter. A level 1 establishment owner may lease space or a chair or station within or on the owner's premises to a level 2 establishment owner. [PL 2019, c. 373, §20 (RPR).]

B. A level 2 establishment licensee is a person who holds a license to practice under this chapter and who leases space or a chair or station, pursuant to a written agreement or contract, within or on the premises of a licensed level 1 establishment and who provides services separate and apart from the level 1 establishment licensee. A level 2 establishment licensee is not an employee of the level 1 establishment licensee from whom the level 2 establishment licensee leases space or a chair or station and is subject to licensure, fees and compliance with laws and rules in the same manner as the level 1 establishment licensee. A person who is required to work under the supervision of a person licensed to practice under this chapter such as a holder of a temporary license issued pursuant to section 14230 or a trainee licensed pursuant to section 14232 is not eligible for a level 2 establishment license. [PL 2019, c. 373, §20 (RPR).]

The director shall furnish to each licensed cosmetologist, barber hair stylist, hair designer, nail technician or aesthetician a license certifying that the holder of that license is entitled to practice in this State. The licensee shall post the license in a conspicuous place where it may be readily seen and read by all persons served. The reproduction, altering or defacing of any license is prohibited.

The exceptions listed in section 14203, subsection 2 do not permit the practice of cosmetology, barber hair styling, hair design, nail technology or aesthetics in food establishments or food preparation areas. [PL 2019, c. 373, §20 (RPR).]

2-A. Operation of tanning device; public access. An establishment in which a tanning device as that term is defined in rules adopted by the Department of Health and Human Services is operated on the effective date of this subsection is not required to partition off the working area of the establishment or maintain a separate entrance in order to provide public access to the tanning device. If such an establishment undergoes a material alteration or adds more tanning devices, then the establishment may be prohibited from providing public access to the tanning device through the working area.

[PL 1995, c. 187, §2 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

2-B. Change of ownership. The owner of a new establishment is required to apply to the director for licensure of that establishment. The owner or owners of a licensed establishment that undergoes a change in ownership shall notify the director within 10 calendar days of the change. If an establishment

has more than one owner and the change in ownership results from the death or divorce of one of the owners, the notice must be provided to the director as set forth in subsection 2-C. Whenever there is a change of ownership, the establishment license is valid for 30 calendar days from the transaction date to allow the new owner to comply with this section.

[PL 2019, c. 373, §21 (AMD).]

2-C. Ownership changes resulting from death or divorce of an owner. If a licensed establishment has more than one owner and ownership changes as a result of the death or divorce of one of the owners, the director shall reissue the license for the remaining license period as long as a remaining owner is named on the existing license and the director is notified within 30 calendar days of the divorce decree or the date of death. An establishment license is valid for 60 calendar days following the death of the person in whose name the establishment is licensed.

[PL 2019, c. 373, §22 (AMD).]

2-D. Special inspections.

[PL 2019, c. 373, §23 (RP).]

2-E. Change of establishment location. The owner of a licensed establishment that undergoes a change in location shall notify the director, in a format as prescribed by the director, within 10 calendar days of the change in location. The director shall issue a license for the new location. The owner is not required to submit a new application and fee. The new location is subject to all requirements for the operation of an establishment and may be subject to inspection.

[PL 2019, c. 373, §24 (NEW).]

3. Trainee. A trainee cosmetologist, barber hair stylist, hair designer, nail technician or aesthetician licensed pursuant to section 14232 may not independently conduct a practice but may, as a trainee, do any or all acts constituting the practice under the immediate personal supervision of a person licensed and approved by the director in a licensed establishment.

[PL 2019, c. 373, §25 (AMD).]

4. Student. A student studying the practice of cosmetology, barber hair styling, hair design, nail technology, aesthetics or instructing must be enrolled in a school licensed by the director pursuant to section 14233.

[PL 2019, c. 373, §26 (AMD).]

A person who violates this section is subject to the provisions of section 14236-A and Title 10, section 8003-C. [PL 2007, c. 402, Pt. HH, §10 (NEW).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §B15 (AMD). PL 1993, c. 659, §A14 (AMD). PL 1995, c. 187, §2 (AMD). PL 1997, c. 622, §§1,2 (AMD). PL 1999, c. 386, §U2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 402, Pt. HH, §10 (AMD). PL 2009, c. 369, Pt. B, §§11-15 (AMD). PL 2011, c. 286, Pt. M, §§11-14 (AMD). PL 2019, c. 373, §§19-26 (AMD).

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