



SPONSOR: Rep. Dorsey Walker & Rep. Longhurst & Sen. Lockman  
& Sen. Pettyjohn

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 205

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF COSMETOLOGY  
AND BARBERING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1                   Section 1. Amend § 5101, Title 24 of the Delaware Code by making deletions as shown by strikethrough  
2 and insertions as shown by underline as follows and by redesignating accordingly:

3                   (1) "Aesthetician" is an individual who practices the cleansing, stimulating, manipulating and beautifying of skin,  
4 with hands or mechanical or electrical apparatus or appliances, removes the temporary removal of superfluous hair and  
5 gives treatments to keep skin healthy and attractive. An aesthetician is not authorized to prescribe medication or provide  
6 medical treatments in the same manner as a dermatologist.

7                   (6) (1) "Cosmetology" includes any or all work done for compensation by any ~~person~~ individual, including, but not  
8 be limited to, the embellishment, cleansing and beautification of human hair, such as arranging, dressing, curling,  
9 permanent waving, cutting, singeing, pressing, chemically bleaching or coloring, chemically straightening, or similar work,  
10 as well as the temporary removal of superfluous hair and nail technology. The term "cosmetology" shall also include, but  
11 not be limited to, the massaging, stimulating or beautifying, or similar work, of the scalp, face, arms, hands or the upper  
12 body. All work performed under the definition of "cosmetology" may be done by hand or by mechanical or electrical  
13 devices and may include the use of cosmetic preparations, tonics, lotions or creams.

14                  Section 2. Amend § 5107, Title 24 of the Delaware Code by making deletions as shown by strike through and  
15 insertions as shown by underline as follows and by redesignating accordingly:

16                  § 5107 Qualifications of applicant; judicial review; report to Attorney General.

17                  (a) All persons applying for a license to practice under this chapter:

18                   (3) Shall have paid the appropriate fee as established by the Division of Professional Regulation. In addition,  
19 except as otherwise provided for in this chapter, no individual shall be permitted to sit for an examination or shall be  
20 granted a license to practice in any of the professions regulated by this chapter, unless the individual meets the  
21 following education requirements, or has successfully completed an apprenticeship. The requirements are for:

22 a. Cosmetologists. — The successful completion of a minimum of 1,500 classroom hours of continuous  
23 training for a complete course in cosmetology. School owners shall have the option of the amount of hours of  
24 training per day ~~not to exceed 10 hours~~ and shall be able to choose which days of the week the student works  
25 provided the hours accumulated do not exceed 40 hours per week. The Board shall establish by regulation the  
26 portion of the 1,500 classroom hours that may be credited to an applicant who previously obtained classroom  
27 hours while studying to become an aesthetician, nail technician or electrologist;

28 b. Apprentice cosmetologists. — The completion of 3,000 hours in an apprenticeship to a licensed  
29 cosmetologist with the total number of hours worked ~~per day not to exceed 10 hours, nor~~ not to exceed 40 hours  
30 per week. The Board shall establish by regulation the portion of the 3,000 apprenticeship hours that may be  
31 credited to an applicant who previously obtained apprenticeship hours while studying to become an aesthetician,  
32 nail technician or electrologist;

33 c. Cosmetologist merged instruction and apprenticeship. — The successful completion of 600 classroom  
34 hours of concentrated coursework in cosmetology and 1500 hours in an apprenticeship to a licensed cosmetologist  
35 with the total number of hours worked ~~per day not to exceed 10 hours, nor~~ not to exceed 40 hours per week.  
36 Acceptance to the 600-hour program is to be based on a practical examination administered by a Delaware  
37 licensed school of cosmetology;

38 d. Master barbers. — ~~The successful completion of a minimum of 1,500 classroom hours of continuous~~  
39 ~~training for a complete course in barbering, passing of a barber's chemical examination and submission to the~~  
40 ~~Board, pursuant to Board rules and regulations, of an additional 600 hour apprenticeship for chemicals under a~~  
41 ~~master barber or cosmetologist.~~ For a licensed barber, the successful completion of an additional 600 hour  
42 apprenticeship for chemicals, as set forth in the Board's rules and regulations, and the passing of the master  
43 barber's examination. For a licensed cosmetologist, one year of post-licensure work experience as a cosmetologist  
44 and the successful completion of a course in shaving which shall consist of at least 35 hours of instruction in  
45 shaving taught by a licensed barbering instructor.

46 For all other applicants, the successful completion of a minimum of 1,500 classroom hours of continuous  
47 training for a complete course in master barbering and the passing of the master barber's examination, or the  
48 completion of 3,000 hours in a master barber apprenticeship, as set forth in the Board's rules and regulations, and  
49 the passing of the master barber's examination. School owners shall have the option of the amount of hours of  
50 training per day ~~not to exceed 10 hours~~ and shall be able to choose which days of the week the student works  
51 provided the hours accumulated do not exceed 40 hours per week. ~~The Board shall establish by regulation the~~

portion of the 1,500 classroom hours that may be credited to an applicant who previously obtained classroom hours while studying to become an aesthetician, nail technician or electrologist. The Board shall establish by regulation the portion of the 3,000 apprenticeship hours that may be credited to an applicant who previously obtained apprenticeship hours while studying to become an aesthetician, nail technician or electrologist. Any barber who was issued a barber's license by the Division prior to April 28, 2008, shall be deemed a master barber;

e. Barbers. — The successful completion of a minimum of 1,500 classroom hours of continuous training for a complete course in barbering, or the completion of 3,000 hours in an apprenticeship to a licensed barber with the total number of hours worked ~~per day not to exceed 10 hours, nor~~ not to exceed 40 hours per week;

f. Barbers merged instruction and apprenticeship. — The successful completion of 600 classroom hours of concentrated coursework in barbering and 1500 hours in an apprenticeship to a licensed barber with the total number of hours worked ~~per day not to exceed 10 hours, nor~~ not to exceed 40 hours per week. Acceptance to the 600-hour program is to be based on a practical examination administered by a Delaware-licensed school of cosmetology;

g. Nail technicians. — The successful completion of a course of training in nail technology of not less than 300 hours in a school of nail technology or cosmetology; or successful completion of 600 hours as an apprentice under the supervision of a licensed nail technician. In either case, training is not to exceed ~~10 hours per day or~~ 40 hours per week;

h. Electrologists. — The successful completion of a course of training in electrology of not less than 300 hours in a school of electrology or cosmetology, or successful completion of 600 hours as an apprentice under the supervision of a licensed electrologist. In either case, training is not to exceed ~~10 hours per day or~~ 40 hours per week;

~~i. Students. — Any school of cosmetology, barbering, electrology or nail technology which enrolls a student shall file with the Board the name and home address of such student on a quarterly basis, on a form approved by the Board. The Division of Professional Regulation shall keep a register of all enrolled students. Each student shall be at least 16 years of age at the time of enrollment;~~

j. i. Cosmetology and barbering instructors. — For cosmetology and barbering, an instructor must have a license in the respective field of cosmetology or barbering and the successful completion of a teacher training course, consisting of at least 500 hours of instruction in a registered school of cosmetology or barbering, or at least 2 years' experience as an active licensed, practicing cosmetologist or barber, supplemented by at least 250 hours of instruction in a teacher training course. In addition, the applicant shall have successfully passed an instructor

examination designated by the Board in its rules and regulations. A person licensed as a cosmetology instructor may also become licensed as an electrology instructor, a nail technician instructor and/or an aesthetics instructor. A person licensed as a cosmetology instructor may also become licensed as a barbering instructor if that person successfully completes a course in shaving which shall consist of at least 35 hours of instruction in shaving and is taught by a licensed barbering instructor. ~~Finally, during the first 5 years after June 26, 2010, any barber providing proof that the barber has practiced as a licensed barber for 15 or more years may be licensed as a barbering instructor;~~

k. j. Electrology instructor. — An instructor must have a license in electrology and the successful completion of a teacher training course, consisting of at least 500 hours of instruction in a registered school of electrology or cosmetology; or at least 2 years' experience as an active licensed, practicing electrologist, supplemented by at least 250 hours' instruction in a teacher training course. In addition, the applicant shall have successfully passed an examination designated by the Board in its rules and regulations;

l. k. Nail technician instructor. — An instructor must have a license in nail technology and the successful completion of a teacher training course, consisting of at least 500 hours of instruction in a registered school of cosmetology or nail technology; or at least 2 years' experience as an active licensed, practicing nail technician, supplemented by at least 250 hours of instruction in a teacher training course. Proof of education or experience shall be provided to the satisfaction of the Board. In addition, the applicant shall have successfully passed an examination designated by the Board in its rules and regulations.

Section 3. Amend § 5109(a), Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 5109 Reciprocity.

(a) Upon payment of the appropriate fee and submission and acceptance of a written application on forms provided by the Board, the Board shall grant a license to each applicant who shall present proof of current licensure in good standing in another state, the District of Columbia, or territory of the United States whose standards for licensure are substantially similar to those of this State. An individual with a license from a state with less stringent requirements than those of this State may obtain a license through reciprocity if the individual can prove to the satisfaction of the Board that the individual has worked in another jurisdiction or jurisdictions in the field for which the individual is seeking a license in Delaware for a period of ~~3~~ 1 continuous year out of the last 5 years immediately preceding application in this State. The 1 continuous year must be work experience obtained while the individual was holding a license in the same field for which the individual is seeking a license. All applicants shall submit evidence verified by oath that, in all states in which the

applicant is or was licensed, the applicant's license is in good standing as defined in § 5107(a)(4), (5), (6), (7) and (8) of this title.

Section 4. Amend § 5111(b), Title 24 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

(b) Each license shall be renewed biennially, in such manner as is determined by the Division, and upon payment of the appropriate fee, ~~submission of a renewal form provided by the Division,~~ and proof that the licensee has met any continuing education requirements established by the Board. A licensee who has allowed that licensee's license to lapse for less than ~~1-year~~ 5 years may renew ~~that licensee's such~~ lapsed license upon ~~submission of a renewal form provided by the Division,~~ payment of a late fee established by the Division, and proof that the licensee has met any continuing education requirements established by the Board. A licensee who has allowed that licensee's license to lapse for longer than ~~1-year but~~ less than ~~4~~ 5 years may reinstate ~~that licensee's lapsed such~~ license upon ~~submission of a renewal form provided by the Division,~~ payment of an additional late fee established by the Division, and proof that the licensee has met any continuing education requirements established by the Board. A licensee who has allowed that licensee's license to lapse for longer than ~~4 years shall complete 1 of the following in order to reinstate that licensee's license:~~ by taking and passing the practical examination for the profession for which the licensee is seeking reinstatement.

~~(1) Retake the practical examination for the profession for which the applicant is applying; or~~

~~(2) For cosmetology and barbering, completion of a 1,000-hour apprenticeship; for electrology, completion of a 200-hour apprenticeship; for nail technology, completion of an 85-hour apprenticeship; for aesthetics, completion of a 200-hour apprenticeship. All hours of apprenticeship completed under this section shall be with an individual licensed under this chapter to perform the activities of the profession for which the applicant is applying; or~~

~~(3) For cosmetology and barbering, completion of a course of instruction not less than 500 classroom hours; for electrology, completion of a course of instruction not less than 100 hours; for nail technology, completion of a course of instruction not less than 45 hours; for aesthetics, completion of a course of instruction not less than 100 hours. All courses completed under this section shall be at a school of instruction registered in the profession for which the applicant is applying; or~~

~~(4) For a licensee who can present proof of current licensure in good standing in another state, the District of Columbia, or territory of the United States, the license may be reinstated, at the discretion of the Board, upon submission of proof of continuous employment in the applicable profession for at least 1 year immediately preceding the date of the request for reinstatement.~~

141 ~~(5) (c) For shops and schools, the 2-year period above does not apply.~~ A shop or school that allows its license to  
142 lapse has 45 days from the expiration date to apply for reinstatement. After that time, any shop or school must reapply.

143 ~~(e) (d) A former licensee, who has been penalized for a violation of a provision of this chapter, or whose license~~  
144 ~~has been suspended or revoked, and who subsequently is permitted to apply for reinstatement,~~ shall apply for a new license,  
145 successfully complete all examinations, and pay all appropriate fees before the person may be licensed.

146 Section 5. Amend § 5118(d), Title 24 of the Delaware Code by making deletions as shown by strikethrough and  
147 insertions as shown by underline as follows:

148 ~~(d) No cosmetology shop shall accept an apprentice unless said salon or shop shall have on its staff at least 1~~  
149 ~~individual licensed in the profession for which instruction is being provided; further, that such salon or shop may register 2~~  
150 ~~additional apprentices for each additional licensed professional attached to its staff. A cosmetology shop may not accept an~~  
151 apprentice unless said shop has on its staff at least 1 individual licensed in the profession for which instruction is being  
152 provided. A cosmetology shop may register up to 3 apprentices for each licensed professional attached to its staff, except  
153 that where the cosmetology shop has a licensed instructor on its staff, such shop may register up to 5 apprentices for each  
154 licensed instructor. In addition, such salon or shop shall possess the necessary apparatus and equipment for the proper  
155 instruction in all subjects for the practices for which a license is required under this chapter; and shall maintain a daily  
156 record of the attendance of such apprentice or apprentices, together with the number of hours of apprenticeship; and shall  
157 certify to the Board upon termination of such apprenticeship the credits earned. Such instruction shall consist of the  
158 necessary training for a complete course comprising all, or the majority, of the practices of cosmetology, barbering, nail  
159 technology and electrology as provided in this chapter; and such course shall include theoretical studies and practical  
160 demonstrations in sanitation, sterilization and other safety measures, and the use of antiseptics, cosmetics and electrical  
161 appliances, consistent with the practical and theoretical requirements as applicable to cosmetology, barbering, nail  
162 technology and electrology as provided for in this chapter.

#### SYNOPSIS

This bill clarifies the options for becoming licensed as a master barber. In particular, a cosmetologist will be able to become licensed as a master barber after one year of post-licensure work experience and a 35-hour course in shaving. The reciprocity provision requires that an applicant from a state with less stringent licensure requirements than those of Delaware have work experience. The provision has been amended to require one continuous year of licensed experience obtained within the 5 years immediately preceding application. This amendment will address the ongoing challenge where applicants from neighboring states have difficulty becoming licensed in Delaware. The limitation on daily work hours has been stricken. Part-time applicants at times need to work more than 10 hours per day to meet licensure requirements. The 40 hours per week cap remains. The apprenticeship provision has been amended to permit a licensed instructor to supervise up to 5 apprentices. Revisions clarify that only temporary hair removal is within the scope of practice for cosmetologists and aestheticians. Finally, the reinstatement provision has been revised to provide that, if a licensee has not renewed his or her license within 5 years, that licensee can apply for reinstatement by taking the practical examination again.