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

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 205
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1

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:

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

§ 5101. Definitions.

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

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

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

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

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

(3) Shall have paid the appropriate fee as established by the Division of Professional Regulation. In addition, except as otherwise provided for in this chapter, no individual shall be permitted to sit for an examination or shall be

HD : MRS : TEH : 1031500096
LC : HVW : DIG : 5081500120
Released: 06/26/2019 06:42 PM

granted a license to practice in any of the professions regulated by this chapter, unless the individual meets the following education requirements, or has successfully completed an apprenticeship. The requirements are for:

a. Cosmetologists. — The successful completion of a minimum of 1,500 classroom hours of continuous training for a complete course in cosmetology. School owners shall have the option of the amount of hours of training per day ~~not to exceed 10 hours~~ and shall be able to choose which days of the week the student works 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;

b. Apprentice cosmetologists. — The completion of 3,000 hours in an apprenticeship to a licensed cosmetologist with the total number of hours worked ~~per day not to exceed 10 hours, nor~~ not to exceed 40 hours per week. 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;

c. Cosmetologist merged instruction and apprenticeship. — The successful completion of 600 classroom hours of concentrated coursework in cosmetology and 1500 hours in an apprenticeship to a licensed cosmetologist 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;

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

For all other applicants, the successful completion of a minimum of 1,500 classroom hours of continuous training for a complete course in master barbering and the passing of the master barber's examination, or the completion of 3,000 hours in a master barber apprenticeship, as set forth in the Board's rules and regulations, and the passing of the master barber's examination. School owners shall have the option of the amount of hours of

training per day ~~not to exceed 10 hours~~ and shall be able to choose which days of the week the student works 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 or 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:

§ 5111. Issuance of license; renewal; reinstatement; lapsed license.

(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.~~

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

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