

Committee Report

REGULAR CALENDAR

March 4, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Executive Departments and Administration to which was referred HB 606,

AN ACT exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Mark Alliegro

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 606
Title:	exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics.
Date:	March 4, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Under current New Hampshire law, it is illegal to cut your daughter's hair or file your grandmother's fingernails. This bill remedies such regulatory overreach by stipulating that a person may provide barbering, cosmetology, or esthetics services without payment and not be in violation of the law. This bill does not affect licensure requirements for paid, professional service providers. Opponents warned that this change would put the public is at risk from the unauthorized use of dangerous chemicals such as shampoo and hair coloring, or transmissible disease, but no evidence in support of this claim was presented during hearings or deliberation. It was also argued that selective law enforcement renders this bill unnecessary. However, selective law enforcement is considered by many to be a greater threat than Miss Clairol. It is not government's role to interfere with the highly personal acts mentioned in this summary. The adoption of HB 606 is a small step in restoring the inalienable right of caring for one another.

Vote 10-8.

Rep. Mark Alliegro
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 606, exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Alliegro for the **Majority** of Executive Departments and Administration. Under current New Hampshire law, it is illegal to cut your daughter's hair or file your grandmother's fingernails. This bill remedies such regulatory overreach by stipulating that a person may provide barbering, cosmetology, or esthetics services without payment and not be in violation of the law. This bill does not affect licensure requirements for paid, professional service providers. Opponents warned that this change would put the public at risk from the unauthorized use of dangerous chemicals such as shampoo and hair coloring, or transmissible disease, but no evidence in support of this claim was presented during hearings or deliberation. It was also argued that selective law enforcement renders this bill unnecessary. However, selective law enforcement is considered by many to be a greater threat than Miss Clairol. It is not government's role to interfere with the highly personal acts mentioned in this summary. The adoption of HB 606 is a small step in restoring the inalienable right of caring for one another. **Vote 10-8.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 4, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Executive Departments and Administration to which was referred HB 606,

AN ACT exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Jeffrey Goley

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 606
Title:	exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics.
Date:	March 4, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

Supporters of this bill believe that under the current RSA a parent who cuts a child's hair or someone who helps a neighbor color their hair is breaking the law. But there is no documented evidence that this type of enforcement has ever been practiced. The bill as written would allow anyone to practice barbering, cosmetology, or esthetics provided they are is no remuneration. Testimony from professionals was that an untrained person doing these procedures may not be as conscientious about necessary sanitation or not trained in the possible dangers of chemicals involved and could subject the recipient to severe chemical burns or injuries. The minority believes this bill should be voted ITL as it is trying to solve a problem that does not exist.

Rep. Jeffrey Goley
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 606, exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Goley for the **Minority** of Executive Departments and Administration. Supporters of this bill believe that under the current RSA a parent who cuts a child's hair or someone who helps a neighbor color their hair is breaking the law. But there is no documented evidence that this type of enforcement has ever been practiced. The bill as written would allow anyone to practice barbering, cosmetology, or esthetics provided they are is no remuneration. Testimony from professionals was that an untrained person doing these procedures may not be as conscientious about necessary sanitation or not trained in the possible dangers of chemicals involved and could subject the recipient to severe chemical burns or injuries. The minority believes this bill should be voted ITL as it is trying to solve a problem that does not exist.

Original: House Clerk

Cc: Committee Bill File

From: Carol McGuire <mcguire4house@gmail.com>

Sent: Saturday, March 6, 2021 11:58 AM

To: Mark Alliegro <markalliegro@yahoo.com>; Miriam Simmons <miriam.simmons@leg.state.nh.us>;

Pam Smarling <Pam.Smarling@leg.state.nh.us>

Subject: Re: HB 606 summary

On Sat, Mar 6, 2021 at 11:53 AM Mark Alliegro <markalliegro@yahoo.com> wrote:

I assume one of the House administrators add the stuff about "AN ACT . . ." and the Committee vote, etc. that appear in the House Calendar? If not, let me know and I'll plug it in and re-send.

HB 606, OTP 10-8, regular calendar

Under current New Hampshire law, it is illegal to cut your daughter's hair or file your grandmother's fingernails. This bill remedies such regulatory overreach by stipulating that a person may provide barbering, cosmetology, or esthetics services without payment and not be in violation of the law. HB 606 does not affect licensure requirements for paid, professional service providers. Opposition to this bill warned that the public is at risk from the unauthorized use of dangerous chemicals such as shampoo and hair coloring, or transmissible disease, but no evidence in support of this claim was presented during hearings or deliberation. It was also argued that selective law enforcement renders HB 606 unnecessary. However, selective law enforcement is considered by many to be a greater threat than Miss Clairol. It is not government's role to interfere with the highly personal acts mentioned in this summary. Passage of HB 606 is a small step in restoring the inalienable right of caring for one another.

Archived: Tuesday, April 20, 2021 9:27:57 AM
From: Paul Smith
Sent: Wednesday, March 31, 2021 10:27:49 AM
To: Pam Smarling; Miriam Simmons
Cc: Carol McGuire
Subject: FW: HB606
Response requested: No
Importance: Normal

Good morning.

Please note that the minority report on HB 606 drafted by Rep. Schultz has been replaced with the report below.

After trying to reach out to her numerous times to make corrections and being unable, Rep. Goley stepped in.

We've made the changes on our end in the system.

Thank you.

Paul

Paul C. Smith
Clerk of the House
603.271.2548

-----Original Message-----

From: Jeff <jgoley03104@yahoo.com>
Sent: Wednesday, March 31, 2021 9:27 AM
To: Paul Smith <Paul.Smith@leg.state.nh.us>
Subject: HB606

Supporters of this bill believe that under the current RSA a parent who cuts a child's hair or someone who helps a neighbor color their hair is breaking the law. But there is no documented evidence that this type of enforcement has ever been practiced. The bill as written would allow anyone to practice barbering, cosmetology, or esthetics provided they are is no remuneration. Testimony from professionals was that an untrained person doing these procedures may not be as conscientious about necessary sanitation or not trained in the possible dangers of chemicals involved and could subject the recipient to severe chemical burns or injuries.

The minority believes this bill should be voted ITL as it is trying to solve a problem that does not exist.

Rep. Jeff Goley

Sent from my iPad

Archived: Tuesday, April 20, 2021 9:30:57 AM
From: Carol McGuire
Sent: Wednesday, March 10, 2021 5:49:58 PM
To: Miriam Simmons; Pam Smarling
Subject: Re: HB 606 Minority Report
Response requested: No
Importance: Normal

OK

On Wed, Mar 10, 2021 at 3:47 PM Kris Schultz <kris.schultz@leg.state.nh.us> wrote:

Here is my min report for HB 606:

Recommending ITL: The sponsors of this bill believe that cutting a family member's hair without a license is against the law. The brief bill would add the phrase "for remuneration" to the statues. Seeing some of the awful COVID haircuts people have given while homebound and avoiding the salon, maybe it should be. As far as we know, not one person has reported the amateurs giving these haircuts to the authorities for doing so without a license. I will admit I personally have given haircuts to my husband over the past year and, despite vigorously defending the licensing and training for barbers, beauticians, cosmetologists & estheticians via our committee work in recent years, I never once stopped to think I was doing anything wrong. I doubt seriously that anyone felt that way in the Granite State. Given the results of my haircuts, I certainly did gain a new appreciation for the training and licensing this profession deserves. Go any further towards offering additional volunteer services to beloved friends and family, and I doubt anyone would consider that to be wrong. One can therefore conclude, with all due respect, that this is a bill seeking a solution to a problem that does not exist.

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 606

BILL TITLE: exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics.

DATE: March 4, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Alliegro

Seconded by Rep. Roy

Vote: 10-8

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk



2021 SESSION

Executive Departments and Administration

Bill #: HB 606 Motion: OTP AM #: _____ Exec Session Date: 3-4-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.		X	
Schuett, Dianne E.		X	
Judy, Jean L.			
Schmidt, Peter B.		X	
Schultz, Kristina M.		X	
Fellows, Sallie D.		X	
Fontrieau, Timothy J.		X	
Grote, Jaci L.		X	
O'Brien, Michael B.		X	
TOTAL VOTE:			

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 606

BILL TITLE: exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics.

DATE: February 11, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 1:15 p.m.

Time Adjourned: 1:50 p.m.

(please circle if present)

Committee Members: *all present* Reps. McGuire, Roy, Sytek, S. Pearson, Yakubovich, Lekas, Alliegro, Bailey, Lanzara, Santonastaso, P. Schmidt, Schultz, Goley, Jedy, Schuett, Fellows, Fontneau, Grote, M. O'Brien

Bill Sponsors:

Rep. McGuire
Rep. T. Lekas
Rep. Baxter

Rep. Wuelper
Sen. Ward

Sen. Reagan
Rep. Rung

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 606 exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics. (1:15/1:50)

***1. Rep. McGuire introduced the bill and spoke in favor.**

The bill would eliminate penalties for barbering etc. if done without pay. This got started last March when barber shops were closed as non-essential. This resulted in people getting haircuts from neighbors and led to ridicule that these people were criminals.

The present law makes no exceptions and Rep. McGuire gave examples of everyday activities that were technically illegal (teenage make up parties). She was aware that these laws are not enforced in these situations, she objected to selective enforcement of laws.

Questions were raised concerning opening the door to more serious violations and about charity events. She also said that drug stores have a variety of products legal for use on oneself but a crime to apply to others.

2. Vinnie Baiocchetti, a traveling master barber, spoke in opposition.

He has no objection to immediate family members but does object to untrained people performing these services on others. He said that it's not financial but a matter of health and sanitation to prevent injury. He described those aspects of training that pertain to sanitation and spread of disease.

Question: has he discovered diseases in his work in prison, medical facilities and with the elderly. He said that the procedure stops if such is discovered; they do not treat disease.

Question concerning religious tonsure.

There were **further questions** concerning liability and whether consent played a role; the role of warning labels on "box coloring" products.

3. Jeanne Chappell, school owner member of the Board of Barbering, Cosmetology and Esthetics, spoke in opposition representing the Board, not herself individually.

No other professions allow exceptions just because the service is done at no charge, for example no one is prosecuted for unclogging a drain.

The objection is based on public health and safety. She said that consent plays a large role in that someone inviting another into their house is not likely to call the police.

There were **questions concerning consent** of the requester and liability issues.

Public hearing adjourned at 1:55 p.m.

**Respectfully submitted by,
Rep John Sytek
Committee Clerk**

HB 606 exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics. (1:15/1:55)

Rep. McGuire introduced the bill and spoke in favor. The bill would eliminate penalties for barbering etc. if done without pay. This got started last March when barber shops were closed as non-essential. This resulted in people getting haircuts from neighbors and led to ridicule that these people were criminals. The present law makes no exceptions and Rep. McGuire gave examples of everyday activities that were technically illegal (teenage make up parties). She was aware that these laws are not enforced in these situations, she objected to selective enforcement of laws. Questions were raised concerning opening the door to more serious violations and about charity events. She also said that drug stores have a variety of products legal for use on oneself but a crime to apply to others.

>Vinnie Baiocchetti, a traveling master barber, spoke in opposition. He has no objection to immediate family members but does object to untrained people performing these services on others. He said that it's not financial but a matter of health and sanitation to prevent injury. He described those aspects of training that pertain to sanitation and spread of disease. Question: has he discovered diseases in his work in prison, medical facilities and with the elderly. He said that the procedure stops if such is discovered; they do not treat disease. Question concerning religious tonsure. There were further questions concerning liability and whether consent played a role; the role of warning labels on "box coloring" products.

>Jeanne Chappell, school owner member of the Board of Barbering, Cosmetology and Esthetics, spoke in opposition representing the Board, not herself individually. No other professions allow exceptions just because the service is done at no charge, for example no one is prosecuted for unclogging a drain. The objection is based on public health and safety. She said that consent plays a large role in that someone inviting another into their house is not likely to call the police. There were questions concerning consent of the requester and liability issues.

Respectfully submitted

**Rep John Sytek
Committee Clerk**

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB606 on 2

Support: 27 Oppose: 4 Neutral: 0 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Time</u>
Baiocchetti, Vinnie	va3@metrocast.net	111.111.1111	A Member of the Public	Myself	Oppose	Yes (3m)	2
Chappell, Jeanne	jeanne@keenebeautyacademy.edu	603.209.4063	An Elected Official	State Board of Cosmetology and Barbering.	Oppose	Yes (0m)	2
Lekas, Alicia	rep.alicia.lekas@gmail.com	111.111.1111	An Elected Official	Hillsborough 37	Support	No	2
See, Alvin	absee@4Liberty.net	111.111.1111	A Member of the Public	Myself	Support	No	2
Rathbun, Eric	ericrathbun@gmail.com	111.111.1111	A Member of the Public	Myself	Support	No	2
Ward, Senator Ruth	ruth.ward@leg.state.nh.us	603.271.2609	An Elected Official	Senate District 8	Support	No	2
Yokela, Josh	josh.yokela@leg.state.nh.us	603.722.0501	An Elected Official	Rockingham 33	Support	No	2
Layon, Erica	erica.layon@leg.state.nh.us	603.479.9595	An Elected Official	Myself	Support	No	2
Mennella, Alexandra	amennella1@protonmail.com	111.111.1111	A Member of the Public	Myself	Support	No	2
Koromilas, George	gphics@outlook.com	111.111.1111	A Member of the Public	Myself	Oppose	No	2
Medina, CJ	claryssa27@yahoo.com	111.111.1111	A Member of the Public	Myself	Support	No	2
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	111.111.1111	A Member of the Public	Myself	Support	No	2
Hicks, Crystal	Crystal.neshd@gmail.com	111.111.1111	A Member of the Public	Myself	Oppose	No	2
dostie, donald	dadostietrucking@gmail.com	111.111.1111	An Elected Official	Myself	Support	No	2
Osborne, Jason	houserepoffice@leg.state.nh.us	111.111.1111	An Elected Official	Myself	Support	No	2
Sheehan, Vanessa	vsheehan16@yahoo.com	111.111.1111	An Elected Official	Myself	Support	No	2
Berezhny, Rep. Lex	lex@berezhny.com	111.111.1111	An Elected Official	Grafton District 9	Support	No	2
Nunez, Hershel	hershel.nunez@leg.state.nh.us	111.111.1111	An Elected Official	Myself	Support	No	2
THEBERGE, ROBERT	rolath@hotmail.com	111.111.1111	An Elected Official	Myself	Support	No	2
Baldasaro, Rep Al	mbaldasaro@comcast.net	111.111.1111	An Elected Official	Myself	Support	No	2
Terry, Paul	paul.terry@leg.state.nh.us	111.111.1111	An Elected Official	Myself	Support	No	2
Potucek, John	potucek1@comcast.net	111.111.1111	An Elected Official	Myself	Support	No	2
Folsom, Beth	beth.folsom@leg.state.nh.us	111.111.1111	An Elected Official	Myself	Support	No	2
Lewicke, John	john.lewicke@leg.state.nh.us	111.111.1111	An Elected Official	Myself	Support	No	2
Love, Rep.David	davidlove4rep@gmail.com	111.111.1111	An Elected Official	Rockingham 6	Support	No	2
Greene, Bob	bob.greene@leg.state.nh.us	111.111.1111	An Elected Official	Myself	Support	No	2
DeLemus, Susan	suelecl@yahoo.com	111.111.1111	An Elected Official	Myself	Support	No	2
Mooney, Rep. Maureen	Rep.Maureen.Mooney@gmail.com	111.111.1111	An Elected Official	Myself/Town of Merrimack	Support	No	2
Torosian, Peter	FlyBirdAir@aol.com	111.111.1111	An Elected Official	Rockingham Count District # 14	Support	No	2
Cushman, Leah	leah.cushman@leg.state.nh.us	111.111.1111	An Elected Official	Myself	Support	No	2
Kaczynski, Thomas	hampoul@metrocast.net	111.111.1111	An Elected Official	Myself	Support	No	2

Testimony

Bill as
Introduced

HB 606 - AS INTRODUCED

2021 SESSION

21-0147

10/04

HOUSE BILL **606**

AN ACT exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics.

SPONSORS: Rep. McGuire, Merr. 29; Rep. Wuelper, Straf. 3; Sen. Reagan, Dist 17; Rep. T. Lekas, Hills. 37; Sen. Ward, Dist 8; Rep. Rung, Hills. 21; Rep. Baxter, Rock. 20

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill clarifies that a person may provide barbering, cosmetology, or esthetics services without remuneration and not be in violation of regulation of barbering, cosmetology, and esthetics.

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 One

AN ACT exempting services provided without remuneration from license requirements for
barbering, cosmetology, and esthetics.

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

1 1 Barbering, Cosmetology, Esthetics; License Required; Remuneration. Amend RSA 313-A:9, I
2 to read as follows:

3 I. It shall be a class A misdemeanor for any natural person, and a felony for any other
4 person, to engage ***for remuneration*** in any practice regulated by this chapter without the
5 appropriate license.

6 2 Effective Date. This act shall take effect 60 days after its passage.