

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 struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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.

CHAPTER 98
HB 606 - FINAL VERSION

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 struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 98
HB 606 - FINAL VERSION

21-0147
10/04

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 98:1 Barbering, Cosmetology, Esthetics; License Required; Remuneration. Amend RSA 313-A:9,

2 I 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.

 98:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 01, 2021

Effective Date: August 30, 2021

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: April 15, 2021

HEARINGS

Wednesday	05/05/2021	
(Day)	(Date)	
Executive Departments and Administration	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. HB 606	exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics.	
9:15 a.m. HB 575	relative to licensure of applicants for cosmetology, esthetics, and manicuring through apprenticeship programs.	
9:30 a.m. HB 417	relative to the powers of the governor during a renewal of a declared state of emergency, and relative to the acceptance of federal assistance.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/91080335458>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: +19292056099,,91080335458# or +13017158592,,91080335458#
4. Webinar ID: **910 8033 5458**
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCiBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 606

Rep. McGuire
Sen. Ward

Rep. Wuelper
Rep. Rung

Sen. Reagan
Rep. Baxter

Rep. T. Lekas

HB 575

Rep. Cordelli

Rep. Spillane

Rep. Ammon

HB 417

Rep. Roy
Rep. Vail

Rep. Belanger
Rep. Cushman

Rep. Layon

Rep. Avellani

Cameron Lapine 271-2104

Sharon M Carson
Chairman

Senate Executive Departments and Administration Committee

Cameron Lapine 271-2104

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

Hearing Date: May 5, 2021

Time Opened: 9:10 a.m.

Time Closed: 9:20 a.m.

Members of the Committee Present: Senators Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent: Senator Carson

Bill 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.

Sponsors:

Rep. McGuire

Rep. Wuelper

Sen. Reagan

Rep. T. Lekas

Sen. Ward

Rep. Rung

Rep. Baxter

Who supports the bill: Ross Connolly (Americans for Prosperity New Hampshire), Representative Mark Alliegro (Grafton – District 7), Representative Carol McGuire (Merrimack – District 29), Alexandra Mennella, Elliot Axelman, Senator Ruth Ward (District 8), Representative Tony Lekas (Hillsborough – District 37), Dan McGuire, and Nicholas Thomas.

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Carol McGuire

Merrimack – District 29

- Representative McGuire said that HB 606 removes services performed for free from the criminal definition in the cosmetology statute.
- Rep. McGuire said that during the COVID-19 pandemic, when barber shops and salons were

closed, many people confessed to criminally cutting their spouse's hair or doing someone's nails. She said that there is no exemption for that kind of activity in the criminal statute.

- Rep. McGuire said that teenage girls playing around with different hair styles and make up are technically committing a misdemeanor under the statute.
- Rep. McGuire said that HB 606 exempts free services from the criminal definition of the cosmetology statute.

Representative Mark Alliegro

Grafton – District 7

- Representative Alliegro said that a criticism of HB 606 is that there is a risk to the public through the use of harsh chemicals in some procedures. He said that no evidence of the public being harmed through free services was presented at the House Executive Departments and Administration Committee hearing on HB 606.
- Rep. Alliegro said that another criticism of HB 606 is that no one has ever been prosecuted for cutting someone's hair or doing their nails and, therefore, HB 606 is unnecessary. He said that selective law enforcement is a greater threat to the public than free hair or nail services. He said that selective law enforcement undermines respect for laws and for lawmaking.
- Senator Prentiss asked if HB 606 was saying that someone needed a license if they provided cosmetology services for money.
 - Rep. Alliegro said that it is actually the opposite side of that coin, that HB 606 says that someone does not need a license if they provide cosmetology services for free.

Ross Connolly

Americans for Prosperity New Hampshire

- Mr. Connolly said that HB 606 aligns the existing enforcement policy with the statute.
- Mr. Connolly said that it became clear during the COVID-19 pandemic that it was a Class A misdemeanor for cutting someone's hair or nails.
- Mr. Connolly said that laws not enforced are not necessary and build distrust.
- Senator Prentiss asked if there was any oversight involved and asked Mr. Connolly to clarify that, as the law exists, doing an at-home perm or hair dye is a violation of the law.
 - Mr. Connolly said that that was correct and anyone that cuts hair without pay or a license was guilty of a Class A misdemeanor.
- Senator Prentiss asked if the Office of Professional Licensure and Certification had been consulted on HB 606. She said that she was fine with the intention of the HB 606 but was shocked that free services were in the criminal statute.
- Senator Reagan said that Rep. McGuire indicated in her testimony that the free services were included in the criminal statute as an oversight.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

cml
Date Hearing Report completed: May 6, 2021

Speakers

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB606 01

Support: 9 Oppose: 0 Neutral: 0 Total to Testify: 3

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testify</u>
Connolly, Ross	rconnolly@afphq.org	603.530.1151	A Lobbyist	Americans for Prosperity New Hampshire	Support	Yes
Alliegro, Mark	Mark.Alliegro@leg.state.nh.us	603-728-9421	An Elected Official	House ED & A	Support	Yes
McGuire, Carol	Not Given	Not Given	An Elected Official	Myself	Support	Yes
Mennella, Alexandra	am88@fastmail.com	646.610.9858	A Member of the Public	Myself	Support	No
Axelmann, Elliot	alu.axelmann@gmail.com	732.674.2355	A Member of the Public	Myself	Support	No
Ward, Senator Ruth	Not Given	Not Given	An Elected Official	Senate District 8	Support	No
Lekas, Tony	Rep.Tony.Lekas@gmail.com	603.305.5726	An Elected Official	Hillsborough 37	Support	No
McGuire, Dan	danmcguire@gmail.com	603.782.4918	A Member of the Public	Myself	Support	No
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	Not Given	A Member of the Public	Myself	Support	No

Voting Sheets

**Senate Executive Departments and
Administration Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill # HB 606

Hearing date: 5-5-21

Executive Session date: 5-19-21

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Ricciardi

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, May 19, 2021

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Denise Ricciardi
For the Committee

This bill clarifies that a person may provide barbering, cosmetology, or esthetics services without remuneration and not be in violation of the regulations of barbering, cosmetology, and esthetics. Under the current statute, anyone who trims a spouse's hair or paints a child's nails without a license to do so is in violation of the law and committing a misdemeanor. This was an oversight in the crafting of the statute, as the criminal violations were only intended for individuals who were being paid for performing these services while unlicensed. HB 606 will bring the statute in-line with the practice that individuals performing these services for free, such as to a spouse or child, without a license are not in violation of the law.

Cameron Lapine 271-2104

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

Ought to Pass, Vote 5-0.

Senator Denise Ricciardi for the committee.

This bill clarifies that a person may provide barbering, cosmetology, or esthetics services without remuneration and not be in violation of the regulations of barbering, cosmetology, and esthetics. Under the current statute, anyone who trims a spouse's hair or paints a child's nails without a license to do so is in violation of the law and committing a misdemeanor. This was an oversight in the crafting of the statute, as the criminal violations were only intended for individuals who were being paid for performing these services while unlicensed. HB 606 will bring the statute in-line with the practice that individuals performing these services for free, such as to a spouse or child, without a license are not in violation of the law.

General Court of New Hampshire - Bill Status System

Docket of HB606

Docket Abbreviations

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

Official Docket of HB606.:

Date	Body	Description
1/14/2021	H	Introduced (in recess of) 01/06/2021 and referred to Executive Departments and Administration HJ 2 P. 56
2/3/2021	H	Public Hearing: 02/11/2021 01:15 pm Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/91078617911 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/17/2021	H	Majority Committee Report: Ought to Pass (Vote 10-8; RC) HC 18 P. 46
3/17/2021	H	Minority Committee Report: Inexpedient to Legislate
4/8/2021	H	Lay on Table (Rep. Grote): MF DV 176-192 04/08/2021 HJ 6 P. 73
4/8/2021	H	Ought to Pass: MA DV 200-166 04/08/2021 HJ 6 P. 73
4/13/2021	S	Introduced 04/08/2021 and Referred to Executive Departments and Administration; SJ 12
4/15/2021	S	Remote Hearing: 05/05/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 20
5/19/2021	S	Committee Report: Ought to Pass, 05/27/2021; Vote 5-0; CC; SC 25
5/27/2021	S	Ought to Pass: MA, VV; OT3rdg; 05/27/2021; SJ 17
6/22/2021	S	Enrolled Adopted, VV, (In recess 06/10/2021); SJ 20
6/22/2021	H	Enrolled (in recess of) 06/10/2021
7/6/2021	H	Signed by Governor Sununu 07/01/2021; Chapter 98; Eff: 08/30/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 606

Senate Committee: ED+A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Zapine
Committee Aide

7/20/11
Date

Senate Clerk's Office AK