

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1820 Session of 2023

INTRODUCED BY BULLOCK, YOUNG, KAZEEM, McANDREW, HOHENSTEIN, PROBST, KINSEY, HANBIDGE, BERNSTINE, MADDEN, KHAN, SCHLOSSBERG, SANCHEZ, CEPEDA-FREYTIZ, HILL-EVANS, DALEY, KRAJEWSKI, HADDOCK, SHUSTERMAN, GREEN, CURRY, CERRATO, KEEFER, SALISBURY AND GUZMAN, NOVEMBER 8, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 13, 2023

AN ACT

1 Amending the act of May 3, 1933 (P.L.242, No.86), entitled "An
2 act to promote the public health and safety by providing for
3 examination, licensing and granting of permits for those who
4 desire to engage in the profession of cosmetology; defining
5 cosmetology, and regulating cosmetology salons, schools,
6 students, apprentices, teachers, managers, manicurists and
7 cosmetologists; conferring powers and duties upon the
8 Commissioner of Professional and Occupational Affairs of the
9 Department of State; providing for appeals to certain courts
10 by applicants and licensees; and providing penalties,"
11 further providing for definitions, for practice without
12 license prohibited, for eligibility requirements for
13 examination, for limited licenses, for requirements of a
14 school of cosmetology, for practice in licensed salons only,
15 for booth rental prohibited, for fees, FOR APPLICABILITY, for <--
16 duration and renewal of licenses and for penalties.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The definitions of "cosmetology," "limited
20 license," "natural hair braider" and "natural hair braiding" <--
21 LICENSE" AND "NATURAL HAIR BRAIDER" in section 1 of the act of <--
22 May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology
23 Law, are amended to read:

1 Section 1. Definitions.--The following words and phrases
2 when used in this act shall have the meanings given to them in
3 this section unless the context clearly indicates otherwise:

4 * * *

5 "Cosmetology" includes any or all work done for compensation
6 by any person, which work is generally and usually performed by
7 cosmetologists, which work is for the embellishment, cleanliness
8 and beautification of the human hair, such as arranging,
9 braiding, dressing, curling, waving, permanent waving,
10 cleansing, cutting, singeing, bleaching, coloring, pressing, or
11 similar work thereon and thereabout, and the removal of
12 superfluous hair, and the massaging, cleansing, stimulating,
13 manipulating, exercising, or similar work upon the scalp, face,
14 arms or hands, or the upper part of the body, by the use of
15 mechanical or electrical apparatus or appliances or cosmetics,
16 preparations, tonics, antiseptics, creams or lotions, or by any
17 other means, and of manicuring the nails, which enumerated
18 practices shall be inclusive of the term cosmetology but not in
19 limitation thereof. The term also includes the acts comprising
20 the practice of nail technology[, natural hair braiding] and
21 esthetics.

22 * * *

23 "Limited license" means a license issued by the State Board
24 of Cosmetology to an individual which permits that individual to
25 engage in the practice of esthetics[, natural hair braiding] or
26 nail technology.

27 * * *

28 ["Natural hair braider" means an individual licensed by the
29 State Board of Cosmetology to engage in the practice of natural
30 hair braiding.]

<--

1 ~~"Natural hair braiding" means the practice of utilizing~~ <--
2 ~~techniques that result in tension on hair roots of individuals,~~
3 ~~such as twisting, wrapping, weaving, extending, locking or~~
4 ~~braiding of the hair. The term does not include the application~~
5 ~~of dyes, reactive chemicals or other preparations to alter the~~
6 ~~color or to straighten, curl or alter the structure of hair.]~~

7 * * *

8 Section 2. Sections 2(2), 4(c) and (d), 5(b)(3) and (c),
9 6(b.1)(2) and (4) and (d), 8(a), 8.1, 16(a), 17, 19(b) and <--
10 20(c.2) and (e) of the act are amended to read:

11 Section 2. Practice without License Prohibited.--It shall be
12 unlawful for any person to do any of the following without
13 having first obtained from the department a license or limited
14 license as provided in this act:

15 * * *

16 (2) To practice or teach esthetics[, natural hair braiding]
17 or nail technology for compensation or to use or maintain any
18 place for the practice of esthetics[, natural hair braiding] or
19 nail technology for compensation.

20 Section 4. Eligibility Requirements for Examination.--* * *

21 (c) No person shall be permitted to receive a license to
22 teach cosmetology [or natural hair braiding], nail technology or
23 esthetics unless such person shall have a license to practice
24 cosmetology or a limited license, be at least eighteen years of
25 age, shall have completed a twelfth grade education or the
26 equivalent thereof and have had five hundred hours of
27 specialized training as set forth in section 6 of this act which
28 hours shall be in addition to the hours necessary to qualify for
29 a license to practice cosmetology or a limited license.

30 (d) An applicant for a license to teach cosmetology,

1 [natural hair braiding,] nail technology or esthetics shall be
2 permitted to take a written examination upon completion of at
3 least four hundred hours of the specialized training required.
4 The examination shall include both theoretical and procedural
5 skill questions as prescribed by the board. Any applicant may
6 apply and is eligible for licensure upon (1) passing the written
7 examination, (2) completion of the required five hundred hours
8 of instruction, and (3) certification by a duly licensed school
9 of satisfactory completion of all program requirements.

10 Section 5. Limited Licenses.--* * *

11 (b) The board shall issue the following limited licenses to
12 qualified applicants:

13 * * *

14 [(3) (i) natural hair braiding license, which shall
15 authorize the holder to engage in the practice of natural hair
16 braiding only. An applicant for a natural hair braiding license
17 shall have completed three hundred hours of board-approved
18 subjects relating to sanitation, scalp care, anatomy and natural
19 hair braiding in a cosmetology school and passed an examination
20 limited to that practice. Licensed natural hair braiders may
21 operate a salon limited to that license. An applicant may be
22 permitted to take a written examination upon completion of at
23 least two hundred fifty hours of instruction in natural hair
24 braiding in a licensed school of cosmetology. The examination
25 shall include both theoretical and procedural skill questions as
26 prescribed by the board. Any applicant may apply and is eligible
27 for licensure upon (A) passing the written examination, (B)
28 completion of the required three hundred hours of board-approved
29 subjects, and (C) certification by a duly licensed school of
30 satisfactory completion of all program requirements.

1 (ii) The requirements of paragraph (3)(i) shall not apply
2 and a license to practice natural hair braiding shall be issued
3 to an applicant who:

4 (A) has submitted an application, along with the required
5 fee, within one year of the board's promulgation of final
6 regulations required under this section; and

7 (B) can demonstrate proof of practice of natural hair
8 braiding for three consecutive years immediately prior to the
9 date of application for licensure. Proof of practice shall
10 require tax records of employment and an affidavit from the
11 applicant and the applicant's immediate supervisor where
12 applicable. The board shall accept the information provided
13 without penalty to the applicant for failure to comply with
14 licensing provisions prior to the effective date of this
15 subsection.

16 (c) Within two years of the initial issuance of a license
17 under subsection (b)(3)(ii), the licensee shall provide the
18 board with proof that the licensee completed one hundred fifty
19 hours of education from a school of cosmetology as a condition
20 of renewal of the license. The courses shall include, at a
21 minimum, scalp care, hygiene and occupational safety.]

22 Section 6. Requirements of a School of Cosmetology.--* * *

23 (b.1) No school of cosmetology shall be granted a license or
24 renewal of a license unless it shall require:

25 * * *

26 (2) Practical demonstrations and theoretical studies, and
27 study in sanitation, sterilization and the use of antiseptics,
28 cosmetics and electrical appliances consistent with the
29 practical and theoretical requirements as applicable to
30 cosmetology, nail technology, [natural hair braiding or]

1 esthetics or any act or practice comprising cosmetology, nail
2 technology[, natural hair braiding] or esthetics.

3 * * *

4 (4) A separate curriculum of five hundred hours for
5 individuals seeking to become teachers of cosmetology[,] or nail
6 technology [or natural hair braiding]. The curriculum shall
7 include methods of teaching and principles of education. This
8 paragraph shall not apply to teachers in public school programs
9 of cosmetology who meet the standards established by the
10 Department of Education for vocational education teachers in the
11 public schools, and those teachers shall be deemed to have
12 satisfied the educational requirements of this paragraph.

13 * * *

14 (d) A school of cosmetology which offers a curriculum for
15 the practice of [natural hair braiding,] nail technology or
16 esthetics shall require the following with respect to hours of
17 instruction:

18 [(1) for natural hair braiding, students shall be required
19 to complete a course of study of three hundred hours;]

20 (2) for nail technology, students shall be required to
21 complete a course of study of two hundred hours; and

22 (3) for esthetics, students shall be required to complete a
23 course of study of three hundred hours.

24 Section 8. Practice in Licensed Salons Only.--(a) Except as
25 set forth in subsection (b), it shall be unlawful for any
26 person:

27 (1) to practice cosmetology for pay in any place other than
28 a licensed cosmetology salon or barber shop as defined in the
29 act of June 19, 1931 (P.L.589, No.202), referred to as the
30 Barbers' License Law; or

1 (2) to practice esthetics[,] or nail technology [or natural
2 hair braiding] for pay in any place other than a licensed
3 cosmetology salon or a salon limited to esthetics[,] or nail
4 technology [or natural hair braiding].

5 * * *

6 Section 8.1. Booth Rental Prohibited.--The rental of booth
7 space by an owner of a cosmetology salon, or the owner of a
8 salon limited to esthetics[,] or nail technology [or natural
9 hair braiding,] to any holder of a license issued under this act
10 is unlawful.

11 Section 16. Fees.--(a) The board shall, by regulation, fix
12 the following fees: (1) for the issuance of a license, with or
13 without examination, for cosmetology salon owners, teachers,
14 cosmetologists, nail technicians, nail technology salons,
15 estheticians, esthetician salons, [natural hair braiders,
16 natural hair braiding salons,] students and cosmetology schools;

17 (1.1) for registration fee for apprentices; and

18 (2) for biennial renewal of cosmetology salon owners, school
19 instructors, cosmetologists, nail technicians, estheticians,
20 [natural hair braiders,] cosmetology schools, nail technology
21 salons[,] and esthetician salons [and natural hair braiding
22 salons].

23 * * *

24 SECTION 17. TO WHOM PROVISIONS IN THIS ACT SHALL NOT <--
25 APPLY.--(A) NOTHING IN THIS ACT SHALL PROHIBIT SERVICE IN CASE
26 OF EMERGENCY OR DOMESTIC ADMINISTRATION WITHOUT COMPENSATION,
27 NOR SERVICE BY PERSONS AUTHORIZED UNDER THE LAWS OF THIS STATE
28 TO PRACTICE MEDICINE, SURGERY, DENTISTRY, CHIROPODY, OSTEOPATHY,
29 OR CHIROPRACTICE, NOR SERVICES BY BARBERS LAWFULLY ENGAGED IN
30 THE PERFORMANCE OF THE USUAL AND ORDINARY DUTIES OF THEIR

1 VOCATION. NOTHING IN THIS ACT IS INTENDED TO BE INCONSISTENT
2 WITH THE ACT[, APPROVED THE NINETEENTH DAY OF JUNE, ONE THOUSAND
3 NINE HUNDRED AND THIRTY-ONE (PAMPHLET LAWS, FIVE HUNDRED EIGHTY-
4 NINE), ENTITLED "AN ACT TO PROMOTE THE PUBLIC HEALTH AND SAFETY,
5 BY PROVIDING FOR THE EXAMINATION AND LICENSURE OF THOSE WHO
6 DESIRE TO ENGAGE IN THE OCCUPATION OF BARBERING; REGULATING
7 BARBER SHOPS, BARBER SCHOOLS AND BARBER COLLEGES, AND
8 APPRENTICES AND STUDENTS THEREIN; CONFERRING CERTAIN POWERS AND
9 DUTIES ON THE DEPARTMENT OF PUBLIC INSTRUCTION; AND PROVIDING
10 PENALTIES."] OF JUNE 19, 1931 (P.L.589, NO.202), REFERRED TO AS
11 THE BARBERS' LICENSE LAW.

12 (B) NOTHING IN THIS ACT SHALL PROHIBIT OR REGULATE THE
13 PRACTICE OF NATURAL HAIR BRAIDING BY A PERSON WHO DESIRES TO
14 ENGAGE IN THE PRACTICE OF NATURAL HAIR BRAIDING OR TO OPERATE A
15 BUSINESS DEDICATED TO THE PRACTICE OF NATURAL HAIR BRAIDING IF
16 THE PERSON OR BUSINESS DOES NOT ENGAGE IN ANY OTHER PRACTICES OR
17 ACTIVITIES THAT CONSTITUTE THE PRACTICE OF COSMETOLOGY.

18 Section 19. Duration and Renewal of Licenses.--* * *

19 (b) An individual holding a license to practice cosmetology
20 or an individual holding a limited license who is not engaged in
21 practice shall request the board, in writing, to place his
22 license in escrow and thus protect his right to obtain a license
23 at any such time within a five-year period if he desires to
24 again become engaged in the practice of cosmetology or the
25 practice of nail technology[, natural hair braiding] or
26 esthetics.

27 * * *

28 Section 20. Penalties.--* * *

29 (c.2) In addition to any other civil remedy or criminal
30 penalty provided for in this act, the board, by a vote of the

1 majority of the maximum number of the authorized membership of
2 the board as provided by this act or by a vote of the majority
3 of the qualified and confirmed membership or a minimum of five
4 members, whichever is greater, may levy a civil penalty of up to
5 one thousand dollars (\$1,000.00) on any current licensee who
6 violates any provisions of this act or on any person who
7 practices cosmetology, [natural hair braiding,] nail technology
8 or esthetics without being properly licensed to do so under this
9 act. The board shall levy this penalty only after affording the
10 accused party the opportunity for a hearing, as provided in
11 Title 2 of the Pennsylvania Consolidated Statutes (relating to
12 administrative law and procedure).

13 * * *

14 (e) The owner of any salon employing an unlicensed
15 cosmetologist or an unlicensed [natural hair braider,] nail
16 technician or esthetician shall, upon conviction, be sentenced
17 to pay a fine not exceeding five hundred dollars (\$500.00), or
18 to undergo imprisonment not exceeding six (6) months, or both,
19 at the discretion of the court.

20 Section 3. This act shall take effect in 60 days.