

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1637

Session of
1987

INTRODUCED BY SWEET, LLOYD, ARTY, BELARDI, VAN HORNE, BOYES,
DONATUCCI, CIVERA, SAURMAN, MRKONIC, TRUMAN AND R. C. WRIGHT,
JUNE 30, 1987

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 10, 1987

AN ACT

1 Regulating the right to practice electrology; requiring the
2 licensing of electrologists; providing for an Electrology
3 Advisory Committee to the State Board of Cosmetology; and
4 providing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Electrologist
9 Licensure Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Board." The State Board of Cosmetology.

15 "Department." The Department of State of the Commonwealth.

16 "Electrologist." An individual who engages in the practice
17 of electrology.

18 "Electrology." The removal of hair permanently through the

1 use of electrical or thermolytical instruments.

2 "Electrology Advisory Committee." An advisory committee to
3 the State Board of Cosmetology, created pursuant to this act.

4 Section 3. Electrology Advisory Committee.

5 (a) Creation.--There is hereby created an advisory committee
6 to be known as the Electrology Advisory Committee, which shall
7 be appointed by the Governor within 60 days of the effective
8 date of this act, with the advice and consent of the majority of
9 the members elected to the Senate. The advisory committee shall
10 consist of five electrologists licensed under this act. To
11 qualify as an initial appointee to the committee, an
12 electrologist does not need to be licensed but must have been
13 engaged in the practice of electrology for five years. For the
14 initial advisory committee, appointments shall be staggered,
15 with two members serving three-year terms, two members serving
16 two-year terms and one member serving a one-year term.

17 Thereafter, all advisory committee members shall serve terms of
18 three years or until their successors have been appointed and
19 qualified, but no longer than six months beyond the three-year
20 period. In the event that a member dies or resigns or otherwise
21 becomes disqualified during his term, a successor shall be
22 appointed in the same way and with the same qualifications and
23 shall hold office for the unexpired term. No member shall be
24 eligible for appointment to serve more than two consecutive
25 terms.

26 (b) Quorum.--Three members of the advisory committee shall
27 constitute a quorum. The advisory committee shall annually
28 select, from among its number, a chairman who shall conduct
29 meetings of the committee.

30 (c) Duties.--The advisory committee shall assist the board

1 regarding the licensure, renewal, revocation, suspension or
2 other disciplinary proceedings in accordance with this act and
3 rules and regulations.

4 (d) Additional duties of chairman.--The Chairman of the
5 Electrology Advisory Committee shall be a member of the State
6 Board of Cosmetology solely for the purposes of the promulgation
7 of regulations and disciplinary actions pursuant to this act.

8 (e) Regulations.--All regulations required pursuant to this
9 act must be formulated in consultation with the Electrology
10 Advisory Committee. The board shall initiate the promulgation of
11 regulations within 120 days of the effective date of this
12 section, governing the application, requirements and issuance of
13 licenses to engage in the practice of electrology in accordance
14 with this act.

15 (f) Compensation and expenses.--The advisory committee
16 members shall receive \$60 per diem when actually attending to
17 the work of the committee. Members shall also receive the amount
18 of reasonable traveling, lodging and other necessary expenses
19 incurred in the performance of their duties in accordance with
20 Commonwealth regulations.

21 Section 4. Prohibition of practice of electrology without a
22 license.

23 (a) License required.--It shall be unlawful for a person to
24 practice or teach electrology or to hold oneself out in any
25 manner as an electrologist in this Commonwealth unless the
26 person has first obtained a license from the board, as provided
27 in this act. An individual who willfully violates the provisions
28 of this act commits a misdemeanor of the third degree.

29 (b) Injunction.--The unlawful practice of electrology, as
30 defined in this act, may be enjoined by the courts on petition

1 of the board or the Commissioner of Professional and
2 Occupational Affairs. In any such proceeding, it shall not be
3 necessary to show that any person is individually injured by the
4 actions complained of. If the respondent is found guilty of the
5 unlawful practice of electrology, the court shall enjoin him
6 from so practicing unless he has been duly licensed. Procedure
7 in such cases shall be the same as in any other injunction suit.
8 The remedy of injunction shall be in addition to criminal
9 prosecution and punishment.

10 Section 5. Application for and granting of limited licenses.

11 A limited license to engage only in the practice of
12 electrology may be applied for and granted under all of the
13 terms and conditions of this act and the regulations promulgated
14 hereunder. The minimum educational standards shall not exceed
15 600 hours. An electrologist may operate a shop limited to the
16 practice of electrology. The board may promulgate regulations
17 with respect to such shops.

18 Section 6. Requirements for limited license to practice
19 electrology.

20 (a) General rule.--The board shall promulgate regulations
21 providing for the examination for licensure of electrologists,
22 the renewal of licenses and the setting of fees for
23 examinations, licenses and renewals.

24 (b) Restriction.--All examinations required under this act
25 shall be subject to the requirements of section ~~812~~ 812.1 of the <—
26 act of April 9, 1929 (P.L.177, No.175), known as The
27 Administrative Code of 1929.

28 (c) Waiver of examinations.--The board may waive examination
29 in the following situations:

30 (1) For an applicant who is licensed to practice

1 electrology or to teach electrology in another state, the
2 board may waive ~~the theory section of~~ the examination
3 REQUIREMENTS if the applicant:

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4 (i) Submits an application and pays the required
5 fee.

6 (ii) Has passed, in the other state, an examination
7 determined by the board to be substantially equivalent to
8 the examination sought to be waived.

9 (iii) Has been licensed in the other state by
10 meeting requirements determined by the board to be
11 substantially equivalent to requirements promulgated by
12 the board under this section.

13 (2) For an applicant practicing or teaching electrology
14 on the effective date of this section, the board may waive
15 the examination if the applicant:

16 (i) Submits an application under this section within
17 one year of the effective date of the regulations
18 promulgated under this act.

19 (ii) Is a resident of this Commonwealth.

20 (iii) Has practiced or taught electrology in this
21 Commonwealth for two years prior to application.

22 (iv) Has a certificate evidencing completion of 125
23 credit hours of electrology training from a licensed
24 school of cosmetology or a school of electrology approved
25 by the board.

26 Section 7. Disciplinary and corrective measures.

27 Electrologists licensed by the board shall be subject to all
28 disciplinary provisions applicable to cosmetologists as set
29 forth in the act of May 3, 1933 (P.L.242, No.86), referred to as
30 the Cosmetology Law.

1 Section 8. Reports.

2 Beginning 30 days after the effective date of section 3 and
3 every 30 days thereafter until regulations have been promulgated
4 under this act, the Commissioner of Professional and
5 Occupational Affairs shall report, in writing, to the
6 Professional Licensure Committee of the House of Representatives
7 and the Consumer Protection and Professional Licensure Committee
8 of the Senate on the status of such regulations.

9 Section 9. Effective date.

10 This act shall take effect as follows:

11 (1) Section 3 of this act shall take effect immediately.

12 (2) The remainder of this act shall take effect six
13 months after the effective date of the regulations
14 promulgated under this act.