

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 AND CERRATO, NOVEMBER 8, 2023

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, NOVEMBER 8, 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 duration and  
16 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" in  
21 section 1 of the act of May 3, 1933 (P.L.242, No.86), referred  
22 to as the Cosmetology Law, are amended to read:

23 Section 1. Definitions.--The following words and phrases

when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

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

\* \* \*

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

\* \* \*

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

"Natural hair braiding" means the practice of utilizing

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

6 \* \* \*

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

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

14 \* \* \*

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

19 Section 4. Eligibility Requirements for Examination.--\* \* \*

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

29 (d) An applicant for a license to teach cosmetology,  
30 [natural hair braiding,] nail technology or esthetics shall be

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

9 Section 5. Limited Licenses.--\* \* \*

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

12 \* \* \*

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

30 (ii) The requirements of paragraph (3)(i) shall not apply

1 and a license to practice natural hair braiding shall be issued  
2 to an applicant who:

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

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

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

21 Section 6. Requirements of a School of Cosmetology.--\* \* \*

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

24 \* \* \*

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

1 technology[, natural hair braiding] or esthetics.

2 \* \* \*

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

12 \* \* \*

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

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

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

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

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

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

30 (2) to practice esthetics[, ] or nail technology [or natural

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

4 \* \* \*

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

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

16 (1.1) for registration fee for apprentices; and

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

22 \* \* \*

23 Section 19. Duration and Renewal of Licenses.--\* \* \*

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

1 esthetics.

2 \* \* \*

3 Section 20. Penalties.--\* \* \*

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

18 \* \* \*

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

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