

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2020 Session of
2001

INTRODUCED BY NAILOR, GODSHALL, DeLUCA, GABIG, ALLEN, CAPPELLI,
COLEMAN, CORRIGAN, GEORGE, MAITLAND, ROBERTS, ROHRER,
STABACK, TRELLO, WATERS, WATSON, YOUNGBLOOD, G. WRIGHT, BOYES
AND LEWIS, OCTOBER 16, 2001

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 11, 2002

AN ACT

1 Amending the act of May 3, 1933 (P.L.242, No.86), entitled, as
2 amended, "An act to promote the public health and safety by
3 providing for examination, licensing and granting of permits
4 for those who desire to engage in the profession of
5 cosmetology; defining cosmetology, and regulating cosmetology
6 shops, schools, students, apprentices, teachers, managers,
7 manicurists and cosmetologists; conferring powers and duties
8 upon the Commissioner of Professional and Occupational
9 Affairs in the Department of State; providing for appeals to
10 certain courts by applicants and licensees; and providing
11 penalties," further providing for the definition of "School
12 of Cosmetology," for practice of cosmetology without license
13 prohibited, requirements to practice, eligibility
14 requirements for examination, for management of cosmetology
15 shops, for requirements of a school of cosmetology, for
16 exceptions to examination requirements, for shared shops, for
17 regulations by the board, for examinations and issuance of
18 licenses, for temporary licenses, for sanitary rules, for
19 fees and for penalties.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The definition of "School of Cosmetology" in
23 section 1 of the act of May 3, 1933 (P.L.242, No.86), referred
24 to as the Cosmetology Law, amended October 18, 2000 (P.L.607,
25 No.81), is 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 "School of Cosmetology" includes any individual, partnership,
6 association, business corporation, nonprofit corporation,
7 municipal corporation, school district or any group of
8 individuals however organized whose purpose is to provide
9 courses of instruction in cosmetology[, the management of
10 cosmetology shops,] or the teaching of cosmetology.

11 * * *

12 Section 2. Sections 2, 3, and 4 of the act, amended June 30,
13 1984 (P.L.479, No.100), are amended to read:

14 Section 2. Practice of Cosmetology without License
15 Prohibited.--It shall be unlawful for any person to practice or
16 teach cosmetology, [manage a cosmetology, manicurist or
17 cosmetician shop,] to use or maintain any place for the practice
18 of cosmetology, for compensation, or to use or maintain any
19 place for the teaching of cosmetology, unless he or she shall
20 have first obtained from the department a license as provided in
21 this act.

22 Section 3. Requirements to Practice.--Before any person may
23 practice or teach cosmetology [or manage a cosmetology shop],
24 such person shall file with the board a written application for
25 license, accompanied by a health certificate issued by a
26 licensed physician of Pennsylvania on a form which shall be
27 prescribed and supplied by the board, and shall deposit with the
28 department the license fee, and pass an examination approved by
29 the board as to fitness to practice or teach cosmetology [or
30 manage a cosmetology shop], as hereinafter provided in this act.

1 Section 4. Eligibility Requirements for Examination.--No
2 person shall be permitted by the board to take an examination to
3 receive a license as a cosmetologist unless such person (1)
4 shall be at least sixteen years of age and of good moral
5 character at the time of making application, and (2) shall have
6 completed a tenth grade education or the equivalent thereof, or
7 in lieu of such education or the equivalent thereof shall have
8 received training from or under the auspices of the Bureau of
9 Rehabilitation in the Department of Labor and Industry, and (3)
10 shall have either (i) completed not less than one thousand two
11 hundred fifty hours as a student in a duly registered school of
12 cosmetology as hereinafter provided in this act, or (ii) shall
13 have been registered and served as an apprentice at least two
14 thousand hours in a licensed cosmetology shop as hereinafter
15 provided in this act. The application shall be accompanied by a
16 notarized statement from either the licensed cosmetology school
17 the applicant attended or the licensed cosmetology teacher in
18 the licensed cosmetology shop where the applicant studied and
19 trained, stating that the applicant has completed the study and
20 training period required under this act. No person shall be
21 permitted to take an examination for a license to teach
22 cosmetology unless such person shall have a cosmetologist's
23 license, be at least eighteen years of age, shall have completed
24 a twelfth grade education or the equivalent thereof and have had
25 five hundred hours of specialized training as set forth in
26 section 6 of this act which hours shall be in addition to the
27 hours necessary to qualify for a cosmetologist's license. [No
28 person shall be permitted to take an examination for a license
29 to act as a manager of a cosmetology shop unless such person
30 shall have a cosmetologist's license, be at least eighteen years

1 of age, shall have completed a tenth grade education or the
2 equivalent thereof and have had at least eighteen months'
3 experience as a cosmetologist in a cosmetology shop or shared
4 shop or have had three hundred hours of specialized training as
5 set forth in section 6 of this act which hours shall be in
6 addition to the hours necessary to qualify for a cosmetologist's
7 license.]

8 Section 3. Section 4.4 of the act, amended October 18, 2000
9 (P.L.607, No.81), is amended to read:

10 Section 4.4. Management of Cosmetology Shops.--[(a) A
11 licensed manager of a cosmetology shop shall not be required in
12 a cosmetology shop if the sole providers of cosmetology services
13 in the shop are licensed cosmetologists who have ownership
14 interests in the shop; otherwise, a licensed manager or licensed
15 cosmetology teacher shall be employed. This section does not
16 prohibit an owner who is a barber from employing a cosmetologist
17 without the requirement that a cosmetologist-manager also be
18 employed.

19 (b) A licensed manager shall not be required in a
20 cosmetology shop located within a special care facility,
21 regardless of ownership, if the cosmetology services being
22 provided in that shop are exclusively for the residents of the
23 facility. The licensed cosmetologist may or may not own the
24 shop. If cosmetology services are provided to nonresidents of
25 the facility, a licensed cosmetology manager or licensed
26 cosmetology teacher shall be employed to manage the shop. For
27 purposes of this section, a "special care facility" shall
28 include a hospital, nursing home or adult day-care center or any
29 other similar facility.] (a) Every shop owner shall designate a
30 person in charge of the shop in the owner's absence.

1 (b) The name of the owner or designated person in charge
2 shall be posted in a conspicuous place in the shop.

3 (c) The owner or designated person in charge of the shop
4 shall be readily available during regular business hours to
5 bureau inspectors.

6 Section 4. Section 6(a) of the act, amended June 30, 1984
7 (P.L.479, No.100), is amended to read:

8 Section 6. Requirements of a School of Cosmetology.--(a) No
9 school of cosmetology shall be granted a license or renewal
10 thereof unless it shall: (1) enroll only those students who have
11 completed a ninth grade education or the equivalent thereof, or
12 in lieu of such education or the equivalent thereof have
13 received training from or under the auspices of the Bureau of
14 Rehabilitation in the Department of Labor and Industry; are of
15 good moral character; and are free from contagious or infectious
16 disease; (2) attach to its staff, as a consultant, a person
17 licensed by this Commonwealth to practice medicine; (3) employ
18 and maintain a sufficient number of competent teachers,
19 registered as such; (4) possess apparatus and equipment
20 sufficient for the proper and full teaching of all subjects of
21 its curriculum; (5) keep a daily record of the attendance of
22 each student; (6) maintain regular class and instruction hours;
23 (7) establish grades and hold examinations before issuance of
24 diplomas; and (8) require a day school term of training of not
25 less than one thousand two hundred fifty hours within a period
26 of not less than eight consecutive months or a night school term
27 of training for a period of not less than fifteen consecutive
28 months for a complete course, comprising all or a majority of
29 the practices of cosmetology, as provided by this act, and to
30 include practical demonstrations and theoretical studies, and

1 study in sanitation, sterilization, and the use of antiseptics,
2 cosmetics and electrical appliances consistent with the
3 practical and theoretical requirements as applicable to
4 cosmetology or any practice thereof. The hours of training
5 required shall be accomplished within four consecutive years. In
6 no case shall there be less than one teacher to each twenty-five
7 pupils. A separate curriculum of five hundred hours shall be
8 established for persons seeking to become teachers of
9 cosmetology which shall include methods of teaching[,] and
10 principles of education [and shop management]: Provided,
11 however, That teachers in public school programs of cosmetology
12 [who have shop managers' licenses and] who meet the standards
13 established by the Department of Education for vocational
14 education teachers in the public schools shall be deemed to have
15 satisfied such additional separate curriculum for teachers. [A
16 separate curriculum of three hundred hours shall be established
17 for persons seeking to become managers of cosmetology shops
18 which shall include the conduct and administration of a
19 cosmetology shop.] Each school shall report to the board student
20 hours quarterly on forms provided by the board.

21 * * *

22 Section 5. Section 8.1 of the act, added October 18, 2000
23 (P.L.607, No.81), is amended to read:

24 Section 8.1. Booth Rental Prohibited.--The rental of booth
25 space by an owner of a cosmetology shop [or a licensed manager
26 in a cosmetology shop] to any holder of a license issued under
27 this act is unlawful.

28 Section 6. Section 9 of the act, amended June 30, 1984
29 (P.L.479, No.100), is amended to read:

30 Section 9. Exceptions to Examination Requirements; Present

1 Students and Apprentices.--Any person who has practiced or
2 taught cosmetology [or acted as manager of a cosmetology shop or
3 school of cosmetology,] under a certificate, license or permit,
4 for not less than two years in another state, territory, or the
5 District of Columbia, may secure the license required by this
6 act without an examination or compliance with other requirements
7 as to age or education: Provided, That the Board shall be
8 satisfied that the standards provided for licensure under the
9 laws of the place wherein the applicant's license was issued are
10 the same or substantially the same as those provided for
11 hereunder, that similar privileges are accorded persons licensed
12 under the laws of the Commonwealth, that the applicant holds a
13 valid license from the place wherein he is entitled to practice,
14 and that all the terms and conditions prescribed by the Board
15 are complied with by the applicant. Such application shall be
16 accompanied by an affidavit of a licensed physician that the
17 applicant was examined and is free from all contagious and
18 infectious diseases, and the license fee required by this act.
19 Students, upon graduating from licensed schools of cosmetology,
20 may apply for, and receive from the department, a temporary
21 license to practice in the field of cosmetology until the next
22 regular examination held by the department under the provisions
23 of this act.

24 Section 7. Section 9.2 of the act, amended June 14, 1991
25 (P.L.64, No.7), is amended to read:

26 Section 9.2. Shared Shops.--(a) A licensed barber and a
27 licensed cosmetologist shall be permitted to work in the same
28 shop if the requirements of this section are met. Any licensed
29 shop which employs a licensed barber and a licensed
30 cosmetologist shall not be required to erect or install any

1 physical barriers which separate the barber and the
2 cosmetologist. All licensed shops shall conform with the
3 provisions of section 4.4 of this act.

4 [(b) A cosmetology shop licensee who shall employ a licensed
5 barber shall also be a licensed cosmetologist manager or employ
6 a cosmetologist manager.]

7 (c) For the purpose of this section only, when a licensee
8 under this act and a licensee under the Barbers' License Law are
9 subject to formal proceedings for violations of this act or the
10 Barbers' License Law, the board and the State Board of Barber
11 Examiners shall consolidate all formal actions against such
12 licensees for the purpose of prosecution and hearing provided
13 that the board shall retain to itself exclusively the power to
14 revoke or suspend licenses after such prosecution and hearing.

15 Section 8. Sections 11, 12, 12.1, 14, 16(a) and 20(b), (c)
16 and (e) of the act, amended June 30, 1984 (P.L.479, No.100), are
17 amended to read:

18 Section 11. Regulations by Board.--The board after at least
19 one public hearing shall prescribe reasonable regulations for
20 its conduct, and for the examination and licensing of applicants
21 to practice or teach cosmetology [and to manage cosmetology
22 shops or schools of cosmetology], for temporary licenses to be
23 issued by the department, and generally for the conduct of
24 persons, copartnerships, associations or corporations affected
25 by this act.

26 Section 12. Examinations; Issuance of Licenses.--If the
27 board finds that the applicant has submitted the credentials
28 required by this act for admission to the examination, and has
29 paid the license fee required by this act, the board shall admit
30 such applicant to the examination and the department shall issue

1 a license to practice as a cosmetologist[, manager,] or teacher
2 as the case may be to those successfully passing the required
3 examinations: Provided, That if the applicant fails to pass the
4 examination he or she may be eligible to take the next
5 examination. Examinations shall be held at least four times a
6 year in the metropolitan areas of Philadelphia, Pittsburgh,
7 Wilkes-Barre, Harrisburg, and Erie at such hours as it shall
8 prescribe pursuant to section 812.1 of the act of April 9, 1929
9 (P.L.177, No.175), known as "The Administrative Code of 1929."
10 The examination for teachers' [and managers'] licenses shall
11 differ from the examination for cosmetology licenses in that it
12 shall be of a more exacting nature and require higher standards
13 of knowledge of the practice and theories of cosmetology,
14 including[, with respect to a teacher's license,] the ability to
15 teach properly the various practices and theories of
16 cosmetology.

17 Section 12.1. Temporary Licenses.--Upon payment of the
18 required fee, a temporary license may be issued to any applicant
19 who is eligible for admission to a cosmetologist's examination
20 or a manicurist's examination. An applicant who is thus licensed
21 shall practice only under the supervision of a licensed
22 [teacher-manager] teacher or cosmetologist until the time of the
23 next scheduled examination. Temporary licenses are granted for a
24 nine-month period.

25 Section 14. Sanitary Rules.--The board shall prescribe such
26 sanitary rules as it may deem necessary, with particular
27 reference to the precautions necessary to be employed to prevent
28 the creating and spreading of infectious and contagious
29 diseases; and it shall be unlawful for the owner [or manager] of
30 any cosmetology shop or school of cosmetology to permit any

1 person to sleep in or use for residential purposes any room used
2 wholly or in part as a cosmetology shop or school of
3 cosmetology.

4 Section 16. Fees.--(a) The board shall, by regulation, fix
5 the following fees: (1) for the issuance of a license, with or
6 without examination, for cosmetology shop owners, [managers,]
7 teachers, cosmetologists, manicurists, manicurist shops,
8 students, cosmetology schools and for registration fee for
9 apprentices; and (2) biennial renewal fees for cosmetology shop
10 owners, [managers,] school instructors, cosmetologists,
11 manicurists, cosmetology schools and manicurist shops. Fees for
12 registration, licensure and examination shall be paid in advance
13 to the department into the Professional Licensure Augmentation
14 Account.

15 * * *

16 Section 20. Penalties.--* * *

17 (b) Any cosmetologist, [manager,] teacher, student or
18 apprentice who shall practice the profession of cosmetology
19 while knowingly suffering from contagious or infectious disease,
20 or who shall knowingly serve any person afflicted with such
21 disease, shall be guilty of a summary offense, and, upon
22 conviction thereof, shall be sentenced to pay a fine not
23 exceeding three hundred dollars (\$300.00), or undergo an
24 imprisonment not exceeding thirty (30) days, or both, at the
25 discretion of the court.

26 (c) Any cosmetologist, [manager,] teacher, student or
27 apprentice who shall infect any person, or who shall impart any
28 contagious or infectious disease, by reason of carelessness or
29 negligence in the practice of such profession, shall be guilty
30 of a summary offense, and, upon conviction, shall be sentenced

1 to pay a fine not exceeding three hundred dollars (\$300.00), or
2 to undergo an imprisonment not exceeding three months, or both,
3 at the discretion of the court.

4 * * *

5 (e) The owner [or manager] of any shop employing an
6 unlicensed cosmetologist shall, upon conviction, be sentenced to
7 pay a fine not exceeding five hundred dollars (\$500.00), or to
8 undergo imprisonment not exceeding six (6) months, or both, at
9 the discretion of the court.

10 Section 9. This act shall take effect ~~in 60 days~~

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11 IMMEDIATELY.

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