

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2085 Session of 2014

INTRODUCED BY GAINES, SANKEY, J. HARRIS, MILLARD, MURT, THOMAS, COHEN, CLAY, YOUNGBLOOD, ROZZI, KINSEY, MOLCHANY AND D. MILLER, MARCH 12, 2014

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 12, 2014

AN ACT

1 Amending the act of June 19, 1931 (P.L.589, No.202), entitled,  
2 as amended, "An act to promote the public health and safety,  
3 by providing for the examination and licensure of those who  
4 desire to engage in the profession of barbering; regulating  
5 barber shops and barber schools, and students therein;  
6 regulating compensation for service rendered; conferring  
7 certain powers and duties on the Department of State; and  
8 providing penalties," further providing for definitions; and  
9 providing for practice at a mobile setting.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 2.1 of the act of June 19, 1931 (P.L.589,  
13 No.202), referred to as the Barbers' License Law, is amended by  
14 adding a definition to read:

15 Section 2.1. The following words and phrases when used in  
16 this act shall have the meanings given to them in this section  
17 unless the context clearly indicates otherwise:

18 \* \* \*

19 "Mobile setting." An individual's residence, a public area  
20 used for social events, a funeral home or a private facility or  
21 institution where an individual is confined or immobile due to

1 health reasons or similar circumstances.

2 Section 2. Section 8(a) of the act, amended June 30, 1984  
3 (P.L.494, No.101), is amended to read:

4 Section 8. (a) [The license] Licenses and permits shall be  
5 renewed on or before the thirtieth day of April[, 1962,] of  
6 every even year for a period of two years and biennially  
7 thereafter, and the holders of said licenses and permits shall  
8 pay to the department a fee to be determined by regulation for  
9 renewal. Any holder of a license or permit who shall fail to  
10 apply for a renewal of his or her license or permit and who  
11 continues the practice of barbering or any of its branches,  
12 shall, on conviction thereof in a summary proceeding be subject  
13 to a fine not to exceed three hundred dollars to be collected by  
14 summary conviction as like fines are collected by law, or to  
15 undergo an imprisonment for a period of not more than ninety  
16 days, or both. Any such person shall have the right of appeal,  
17 as in other cases of summary conviction.

18 \* \* \*

19 Section 3. Section 9(a) of the act, amended December 7, 1994  
20 (P.L.855, No.123), is amended to read:

21 Section 9. (a) The board may suspend or revoke any license  
22 or permit granted by the department under this act to any person  
23 who (1) habitually indulges in the use of alcohol, narcotics, or  
24 other stimulants to such an extent as, in the opinion of the  
25 board, incapacitates such person from the duties of a barber;  
26 (2) has or imparts any contagious or infectious disease to any  
27 recipient of such person's services as a barber; (3) performs  
28 work in an unsanitary or filthy manner or place of business; (4)  
29 who is grossly incompetent; (5) engages in unethical or  
30 dishonest practice or conduct, or violates any of the provisions

1 of this act, or any rules or regulations of the board; (6)  
2 employs an unlicensed person; (7) charges tuition to a student  
3 in a licensed barber shop; or (8) fails to submit to an  
4 inspection of his or her shop during hours of the shop. Before  
5 any such license or permit shall be suspended or revoked for any  
6 of the reasons contained in this section, the holder thereof  
7 shall have notice in writing of the charge or charges against  
8 him or her, and shall be given a public hearing before a duly  
9 authorized representative of the board with a full opportunity  
10 to produce testimony in his or her behalf and to confront the  
11 witnesses against him or her. Any person whose license or permit  
12 has been so suspended may, on application, have the same  
13 reissued to him or her upon satisfactory showing that the  
14 disqualification has ceased. Any person whose license or permit  
15 was suspended for having or imparting any contagious or  
16 infectious disease shall not have his or her license or permit  
17 reissued for a period of at least one year, and then only after  
18 the person has submitted to the board a notarized statement from  
19 a licensed physician that he or she is free from contagious or  
20 infectious disease.

21 \* \* \*

22 Section 4. Section 13(a) of the act, amended December 7,  
23 1994 (P.L.855, No.123), is amended to read:

24 Section 13. (a) No person shall practice barbering who is  
25 not a licensed barber, with the exception that nonlicensed  
26 persons may shampoo hair under the supervision of a barber-  
27 manager or barber-owner. [No] Except as set forth in section 15-  
28 A.4(c), no licensed barber shall practice, or attempt to  
29 practice, barbering in any place other than a licensed barber  
30 shop or licensed cosmetology shop[, except that any licensed

1 barber in a licensed barber shop or licensed cosmetology shop  
2 may furnish barber services to persons at their place of  
3 residence or in institutions in cases of sickness,  
4 incapacitation, confinement, and other emergencies: Provided,  
5 however, That nothing contained in this section shall be  
6 construed to include family members of the same household,  
7 hospitals or colleges, and private schools for children,  
8 cosmetology shops or schools of cosmetology, except that it]. It  
9 shall be unlawful and a violation of this act for any person to  
10 employ or to accept employment, in any such shops, parlors or  
11 schools, who has been refused a license by the board.

12 \* \* \*

13 Section 5. Section 15-A.4 of the act is amended by adding a  
14 subsection to read:

15 Section 15-A.4. \* \* \*

16 (c) A licensed barber may file an application with the board  
17 for, and the board, upon payment of the required fee, shall  
18 issue a permit to practice at a mobile setting. Only one permit  
19 may be issued to a licensed barber shop. The permit shall expire  
20 when the barber shop license expires and may be renewed upon  
21 renewing the barber shop license as provided in section 8. A  
22 licensed barber holding a permit under this subsection shall:

23 (1) comply with all sanitation requirements;

24 (2) maintain an appointment book at the licensed barber shop  
25 showing that appointments were made prior to services being  
26 performed;

27 (3) provide barbering services in a mobile setting through  
28 licensed barbers who are employed by the shop;

29 (4) display the permit and the license of the individual  
30 barber while practicing at the mobile setting; and

1     (5) maintain a shop as required by this act.

2     Section 6. This act shall take effect in 60 days.