

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 12

Session of
1989

INTRODUCED BY LLOYD, DIETTERICK, HALUSKA, GIGLIOTTI, BUNT, VEON,
STABACK, KOSINSKI, E. Z. TAYLOR, DEMPSEY, MRKONIC, WOZNIAK,
VROON, DeLUCA, HERMAN, CAWLEY, STUBAN, ITKIN, COLAIZZO, HESS,
KAISER, RITTER, PETRARCA, CAPPABIANCA, OLASZ AND BELARDI,
JANUARY 18, 1989

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE
OF REPRESENTATIVES, AS AMENDED, APRIL 3, 1989

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; MAKING <—
4 AN APPROPRIATION; and 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.

1 "Electrology." The removal of hair permanently through the
2 use of electrical or thermolytical instruments.

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

5 Section 3. Electrology Advisory Committee.

6 (a) Creation.--There is hereby created an advisory committee
7 to be known as the Electrology Advisory Committee, which shall
8 be appointed by the Governor within 60 days of the effective
9 date of this act, with the advice and consent of the majority of
10 the members elected to the Senate. The advisory committee shall
11 consist of five electrologists licensed under this act. To
12 qualify as an initial appointee to the committee, an
13 electrologist does not need to be licensed but must have been
14 engaged in the practice of electrology for five years. For the
15 initial advisory committee, appointments shall be staggered,
16 with two members serving three-year terms, two members serving
17 two-year terms and one member serving a one-year term.
18 Thereafter, all advisory committee members shall serve terms of
19 three years or until their successors have been appointed and
20 qualified, but no longer than six months beyond the three-year
21 period. In the event that a member dies or resigns or otherwise
22 becomes disqualified during his term, a successor shall be
23 appointed in the same way and with the same qualifications and
24 shall hold office for the unexpired term. No member shall be
25 eligible for appointment to serve more than two consecutive
26 terms.

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

1 (c) Duties.--The advisory committee shall assist the board
2 regarding the licensure, renewal, revocation, suspension or
3 other disciplinary proceedings in accordance with this act and
4 rules and regulations.

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

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

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

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

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

30 (b) Injunction.--The unlawful practice of electrology, as

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

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

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

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

21 ~~(a) General rule. The board shall promulgate regulations~~ <—

22 (A) GENERAL RULE.-- <—

23 (1) THE BOARD SHALL PROMULGATE REGULATIONS providing for
24 the examination for licensure of electrologists, the renewal
25 of licenses and the setting of fees for examinations,
26 licenses and renewals.

27 (2) ALL FEES REQUIRED PURSUANT TO THIS ACT SHALL BE <—
28 FIXED BY THE BOARD BY REGULATION AND SHALL BE SUBJECT TO THE
29 ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
30 REGULATORY REVIEW ACT. IF THE REVENUES RAISED BY FEES, FINES

1 AND CIVIL PENALTIES IMPOSED PURSUANT TO THIS ACT ARE NOT
2 SUFFICIENT TO MEET EXPENDITURES OVER A TWO-YEAR PERIOD, THE
3 BOARD SHALL INCREASE THOSE FEES BY REGULATION SO THAT THE
4 PROJECTED REVENUES WILL MEET OR EXCEED PROJECTED
5 EXPENDITURES.

6 (3) IF THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL
7 AFFAIRS DETERMINES THAT THE FEES ESTABLISHED BY THE BOARD
8 PURSUANT TO PARAGRAPH (2) ARE INADEQUATE TO MEET THE MINIMUM
9 ENFORCEMENT EFFORTS REQUIRED BY THIS ACT, THEN THE BUREAU,
10 AFTER CONSULTATION WITH THE BOARD AND SUBJECT TO THE
11 REGULATORY REVIEW ACT, SHALL INCREASE THE FEES BY REGULATION
12 IN AN AMOUNT THAT ADEQUATE REVENUES ARE RAISED TO MEET THE
13 REQUIRED ENFORCEMENT EFFORT.

14 (b) Restriction.--All examinations required under this act
15 shall be subject to the requirements of section 812 of the act
16 of April 9, 1929 (P.L.177, No.175), known as The Administrative
17 Code of 1929.

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

20 (1) For an applicant who is licensed to practice
21 electrology or to teach electrology in another state, the
22 board may waive the theory section of the examination if the
23 applicant:

24 (i) Submits an application and pays the required
25 fee.

26 (ii) Has passed, in the other state, an examination
27 determined by the board to be substantially equivalent to
28 the examination sought to be waived.

29 (iii) Has been licensed in the other state by
30 meeting requirements determined by the board to be

1 substantially equivalent to requirements promulgated by
2 the board under this section.

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

6 (i) Submits an application under this section within
7 one year of the effective date of the regulations
8 promulgated under this act.

9 (ii) Is a resident of this Commonwealth.

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

12 (iv) Has a certificate evidencing completion of 125
13 credit hours of electrology training from a licensed
14 school of cosmetology or a school of electrology approved
15 by the board.

16 Section 7. Disciplinary and corrective measures.

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

21 Section 8. Reports.

22 Beginning 30 days after the effective date of section 3 and
23 every 30 days thereafter until regulations have been promulgated
24 under this act, the Commissioner of Professional and
25 Occupational Affairs shall report, in writing, to the
26 Professional Licensure Committee of the House of Representatives
27 and the Consumer Protection and Professional Licensure Committee
28 of the Senate on the status of such regulations.

29 SECTION 9. APPROPRIATION.

30 THE SUM OF \$38,000, OR AS MUCH THEREOF AS MAY BE NECESSARY,

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1 IS HEREBY APPROPRIATED FROM THE PROFESSIONAL LICENSURE
2 AUGMENTATION ACCOUNT WITHIN THE GENERAL FUND TO THE BUREAU OF
3 PROFESSIONAL AND OCCUPATIONAL AFFAIRS IN THE DEPARTMENT OF STATE
4 FOR THE PAYMENT OF COSTS OF PROCESSING LICENSES AND RENEWALS,
5 FOR THE OPERATION OF THE BOARD AND FOR OTHER GENERAL COSTS OF
6 THE BUREAU OPERATIONS RELATING TO THIS ACT. THE APPROPRIATION
7 GRANTED SHALL BE REPAID BY THE BOARD WITHIN THREE YEARS OF THE
8 BEGINNING OF ISSUANCE OF LICENSES BY THE BOARD.

9 Section 9 10. Effective date.

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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.