
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

SENATOR BELL, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, IN
SENATE, AS AMENDED, SEPTEMBER 25, 1990

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~~ LICENSED UNDER

<—

1 THIS ACT TO ENGAGE in the practice of electrology.

2 "Electrology." The removal of hair permanently, IN ONE OR <—
3 MORE TREATMENTS, FROM ANY PART OF THE BODY, through the use of
4 electrical or thermolytical instruments.

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

7 Section 3. Electrology Advisory Committee.

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

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

29 (b) Quorum.--~~Three members of the advisory committee A~~ <—
30 MAJORITY OF THE MEMBERS APPOINTED AND CONFIRMED shall constitute

1 a quorum. The advisory committee shall annually select, from
2 among its number, a chairman who shall conduct meetings of the
3 committee.

4 (c) Duties.--The advisory committee shall ~~assist the board~~ <—
5 ~~regarding the licensure, renewal,~~ DEVELOP REGULATIONS GOVERNING <—
6 THE LICENSURE OF ELECTROLOGISTS, THE RENEWAL OF LICENSES AND
7 CRITERIA FOR THE revocation, suspension or other disciplinary
8 proceedings ~~in accordance with this act and rules and~~ <—
9 ~~regulations.~~ AGAINST ELECTROLOGISTS LICENSED UNDER THIS ACT. <—

10 (d) Additional duties of chairman.--The Chairman of the
11 Electrology Advisory Committee shall be a VOTING member of the <—
12 State Board of Cosmetology solely for the purposes of the
13 promulgation of regulations ~~and~~ HEREUNDER, AND FOR disciplinary <—
14 actions ~~pursuant to~~ AGAINST ELECTROLOGISTS LICENSED UNDER this <—
15 act.

16 (e) Regulations.--All regulations required pursuant to this
17 act must be ~~formulated in consultation with~~ PROMULGATED BY THE <—
18 BOARD WITH THE ADVICE AND CONSENT OF the Electrology Advisory
19 Committee. The board shall initiate the promulgation of
20 regulations REQUIRED BY THIS ACT within 120 days of the <—
21 effective date of this section., ~~governing the application,~~ <—
22 ~~requirements and issuance of licenses to engage in the practice~~
23 ~~of electrology in accordance with this act.~~

24 (f) Compensation and expenses.--The advisory committee
25 members shall receive \$60 per diem when actually attending to
26 the work of the committee. ~~Members,~~ AND shall also receive the <—
27 amount of reasonable traveling, lodging and other necessary
28 expenses incurred in the performance of their duties, in <—
29 accordance with Commonwealth regulations.

30 Section 4. Prohibition ~~of~~ AGAINST THE practice of electrology <—

1 without a license.

2 (a) License required.--It shall be unlawful for a person to
3 practice or teach electrology, or to hold oneself out in any <—
4 manner as an electrologist in this Commonwealth, unless the <—
5 person has first obtained a license from the board, as provided
6 in this act. An individual who willfully violates the provisions
7 of this act commits a misdemeanor of the third degree.

8 (b) Injunction.--The unlawful practice of electrology, as
9 defined in this act, may be enjoined by the courts on petition
10 of the board or the Commissioner of Professional and
11 Occupational Affairs. In any such proceeding, it shall not be
12 necessary to show that any person is individually injured by the
13 actions complained of. If the respondent is found guilty of the
14 unlawful practice of electrology, the court shall enjoin him
15 from so practicing unless he has been duly licensed. Procedure
16 in such cases shall be the same as in any other injunction suit.
17 The remedy of injunction shall be in addition to criminal
18 prosecution and punishment.

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

20 A limited license to engage only in the practice of
21 electrology may be applied for and granted under all of the
22 terms and conditions of this act and the regulations promulgated
23 hereunder. The minimum educational standards shall not exceed
24 600 hours. An electrologist may operate a shop limited to the
25 practice of electrology. The board may promulgate regulations
26 with respect to such shops.

27 Section 6. Requirements for limited license to practice
28 electrology.

29 (a) General rule.--

30 (1) ~~The~~ IN ADDITION TO THE REGULATIONS REQUIRED UNDER <—

1 SECTION 3(C) AND (E), THE board shall promulgate regulations
2 providing for the ~~examination for licensure of~~ <—
3 ~~electrologists, the biennial renewal of licenses and~~ ADOPTION <—
4 OF A LICENSURE EXAMINATION, the setting of fees for
5 examinations, licenses and renewals, AND STANDARDS FOR THE <—
6 PRACTICE OF ELECTROLOGY.

7 (2) All ~~fees required pursuant to this act shall be~~ <—
8 ~~fixed by the board by regulation and~~ REGULATIONS REQUIRED <—
9 UNDER THIS ACT shall be subject to section ~~16(e) and (d)~~ 16 <—
10 of the act of May 3, 1933 (P.L.242, No.86), referred to as
11 the Cosmetology Law, and to the act of June 25, 1982
12 (P.L.633, No.181), known as the Regulatory Review Act.

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

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

19 (1) For an applicant who is licensed to practice
20 electrology or to teach electrology in another state, IF THAT <—
21 STATE OFFERS SIMILAR PRIVILEGES TO ELECTROLOGISTS LICENSED
22 UNDER THIS ACT, the board may waive the theory section of the
23 examination if the 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 AN APPROVED school of <—
15 electrology ~~approved by the board.~~, OR HAS OTHER <—
16 EDUCATION OR EXPERIENCE DEEMED EQUIVALENT THERETO, BY
17 REGULATION OF THE BOARD.

18 Section 7. Disciplinary and corrective measures.

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

23 Section 8. Reports.

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

1 Section 9. Appropriation.

2 The sum of \$38,000, or as much thereof as may be necessary,
3 is hereby appropriated from the Professional Licensure
4 Augmentation Account within the General Fund to the Bureau of
5 Professional and Occupational Affairs in the Department of State
6 for the payment of costs of processing licenses and renewals,
7 for the operation of the board and for other general costs of
8 the bureau operations relating to this act. The appropriation
9 granted shall be repaid by the board within three years of the
10 beginning of issuance of licenses by the board.

11 SECTION 10. SUNSET. <—

12 THE ELECTROLOGY ADVISORY COMMITTEE SHALL TERMINATE ON THE
13 SCHEDULED DATE FOR TERMINATION OF THE STATE BOARD OF
14 COSMETOLOGY, UNLESS OTHERWISE REESTABLISHED BY THE GENERAL
15 ASSEMBLY, IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE ACT
16 OF DECEMBER 22, 1981 (P.L.508, NO.142), KNOWN AS THE SUNSET ACT.

17 Section ~~10~~ 11. Effective date. <—

18 This act shall take effect as follows:

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

20 (2) The remainder of this act shall take effect six
21 months after the effective date of the regulations
22 promulgated under this act.