

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2730 Session of  
2012

INTRODUCED BY EVANKOVICH, FREEMAN, HORNAMAN, SAMUELSON AND  
SWANGER, OCTOBER 23, 2012

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, OCTOBER 23,  
2012

AN ACT

1 Providing for prohibitions regarding contracts for  
2 cosmetologists or prospective cosmetologists; and imposing  
3 penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Cosmetology  
8 Free Market Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Cosmetologist." An individual who is engaged in the  
14 practice of cosmetology.

15 "Cosmetology." Includes any or all work done for  
16 compensation by a person, which work is generally and usually  
17 performed by cosmetologists, which work is for the  
18 embellishment, cleanliness and beautification of human hair,

1 such as arranging, braiding, dressing, curling, waving,  
2 permanent waving, cleansing, cutting, singeing, bleaching,  
3 coloring, pressing or similar work thereon and thereabout, and  
4 the removal of superfluous hair, and the massaging, cleansing,  
5 stimulating, manipulating, exercising, or similar work upon the  
6 scalp, face, arms or hands, or the upper part of the body, by  
7 the use of mechanical or electrical apparatus or appliances or  
8 cosmetics, preparations, tonics, antiseptics, creams or lotions,  
9 or by any other means, and of manicuring the nails, which  
10 enumerated practices are inclusive of the term cosmetology but  
11 not in limitation thereof.

12 "Cosmetology employer." A person or entity engaged in the  
13 business of cosmetology in this Commonwealth. The term includes  
14 an agent, representative or designee of the employer.

15 Section 3. Prohibitions.

16 No cosmetology employer may require in an employment contract  
17 that a cosmetologist or prospective cosmetologist:

18 (1) refrain from obtaining employment in a specified  
19 geographic area for a specific period of time after  
20 termination of employment with that cosmetology employer; or

21 (2) disclose the terms of an offer of employment from  
22 another cosmetology employer following the expiration of the  
23 term of the employment contract.

24 Section 4. Contract void and unenforceable.

25 A contract that contains a provision prohibited under section  
26 3 is void and unenforceable with respect to the provision.

27 Section 5. Violations.

28 A person who violates a provision of this act is liable for  
29 attorney fees and court costs of the cosmetologist in an action  
30 relating to the enforceability of an employment contract between

1 a cosmetologist and a cosmetology employer.

2 Section 19. Applicability.

3 This act applies only to contracts entered into on or after  
4 the effective date of this act.

5 Section 20. Effective date.

6 This act shall take effect in 60 days.