

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2086 Session of 2014

INTRODUCED BY GAINNEY, READSHAW, SANKEY, V. BROWN, J. HARRIS,
BISHOP, MILLARD, MURT, THOMAS, COHEN, CLAY, PYLE, 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 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 salons, 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 definitions; for practice
12 in licensed salons only and for fees.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 1 of the act of May 3, 1933 (P.L.242,
16 No.86), referred to as the Cosmetology Law, is amended by adding
17 a definition to read:

18 Section 1. Definitions.--The following words and phrases
19 when used in this act shall have the meanings given to them in
20 this section unless the context clearly indicates otherwise:

21 * * *

22 "Mobile setting" means an individual's residence, a public

1 area used for social events, a funeral home or a private
2 facility or institution where an individual is confined or
3 immobile due to health reasons or similar circumstances.

4 * * *

5 Section 2. Section 8(b) of the act, amended July 7, 2006
6 (P.L.704, No.99), is amended to read:

7 Section 8. Practice in Licensed Salons Only.--* * *

8 (b) [A licensed cosmetologist or the holder of a limited
9 license may furnish treatments to persons in their residences by
10 appointment.] A licensed salon may file an application with the
11 board for, and the board, upon payment of the required fees,
12 shall issue a permit to practice at a mobile setting. Only one
13 permit may be issued to a licensed salon. The permit shall
14 expire when the salon license expires and may be renewed upon
15 renewing the salon license as provided in section 19. A licensed
16 salon holding a permit under this subsection shall:

17 (1) comply with all sanitation requirements;

18 (2) maintain an appointment book at the licensed salon
19 showing that appointments were made prior to services being
20 performed;

21 (3) provide cosmetology services in a mobile setting through
22 licensed individuals who are employed by the salon;

23 (4) display the permit and the individual's license while
24 practicing at the mobile setting; and

25 (5) maintain a salon as required by this act.

26 Section 3. Section 13(a) and (c) of the act, amended June
27 30, 1984 (P.L.479, No.100) and July 7, 2006 (P.L.704, No.99),
28 are amended to read:

29 Section 13. Powers and Duties of Board.--(a) The board
30 shall have the power to refuse, revoke, refuse to renew or

1 suspend licenses or permits, upon due hearing, on proof of
2 violation of any provisions of this act, or the rules and
3 regulations established by the board under this act, or for
4 gross incompetency or dishonest or unethical practices, or for
5 failing to submit to an inspection of a licensee's salon during
6 the business hours of the salon and shall have the power to
7 require the attendance of witnesses and the production of such
8 books, records, and papers as may be necessary. Before any
9 licenses or permits shall be suspended or revoked for any of the
10 reasons contained in this section, the holder thereof shall have
11 notice in writing of the charge or charges against him or her
12 and shall, at a day specified in said notice, be given a public
13 hearing before a duly authorized representative of the board
14 with a full opportunity to produce testimony in his or her
15 behalf and to confront the witnesses against him or her. Any
16 person whose license or permit has been so suspended may on
17 application to the board have the same reissued to him or her,
18 upon satisfactory proof that the disqualification has ceased.

19 * * *

20 (c) Unless ordered to do so by a court, the board shall not
21 reinstate the license or permit of a person to practice pursuant
22 to this act which has been revoked, and such person shall be
23 required to apply for a license or permit, after a period of
24 five years, in accordance with section 12 of this act if he
25 desires to practice at any time after such revocation.

26 Section 4. Section 16(a) of the act, amended July 7, 2006
27 (P.L.704, No.99), is amended to read:

28 Section 16. Fees.--(a) The board shall, by regulation, fix
29 the following fees: (1) for the issuance of a license, with or
30 without examination, for cosmetology salon owners, teachers,

1 cosmetologists, nail technicians, nail technology salons,
2 estheticians, esthetician salons, natural hair braiders, natural
3 hair braiding salons, students and cosmetology schools;

4 (1.1) for registration fee for apprentices; [and]

5 (2) for biennial renewal of cosmetology salon owners, school
6 instructors, cosmetologists, nail technicians, estheticians,
7 natural hair braiders, cosmetology schools, nail technology
8 salons, esthetician salons [and], natural hair braiding
9 salons[.] and mobile setting permits; and

10 (3) for the issuance of a permit for practice at a mobile
11 setting.

12 * * *

13 Section 5. This act shall take effect in 60 days.