

AN ACT

1 Amending the act of May 3, 1933 (P.L.242, No.86), entitled "An
2 act to promote the public health and safety by providing for
3 examination, licensing and granting of permits for those who
4 desire to engage in the profession of cosmetology; defining
5 cosmetology, and regulating cosmetology salons, schools,
6 students, apprentices, teachers, managers, manicurists and
7 cosmetologists; conferring powers and duties upon the
8 Commissioner of Professional and Occupational Affairs of the
9 Department of State; providing for appeals to certain courts
10 by applicants and licensees; and providing penalties,"
11 further providing for definitions, for practice without
12 license prohibited, for eligibility requirements for
13 examination, for limited licenses, for requirements of a
14 school of cosmetology, for practice in licensed salons only,
15 for booth rental prohibited, for fees, for duration and
16 renewal of licenses and for penalties.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The definitions of "braiding," "cosmetology,"
20 "limited license," "natural hair braider" and "natural hair
21 braiding" in section 1 of the act of May 3, 1933 (P.L.242,
22 No.86), referred to as the Cosmetology Law, are amended and the
23 section is amended by adding definitions to read:

24 Section 1. Definitions.--The following words and phrases

1 when used in this act shall have the meanings given to them in
2 this section unless the context clearly indicates otherwise:

3 * * *

4 "Blow-dry styling" means the practice of shampooing,
5 conditioning, drying, arranging, curling, straightening or
6 styling hair using only mechanical devices or topical agents,
7 such as hairsprays, balms, oils or serums. The term:

8 (1) Includes the use and styling of hair extensions, hair
9 pieces or wigs and excludes cutting hair or the application of
10 dyes, bleach, reactive chemicals, keratin treatments or other
11 preparations to color or alter the structure of hair.

12 (2) Is distinct from the practice of cosmetology.

13 * * *

14 "Braiding" means intertwinning the hair in a systematic motion
15 to create patterns in a three-dimensional form, inverting the
16 hair against the scalp along part of a straight or curved row of
17 intertwined hair or twisting the hair in a systematic motion,
18 and includes extending the hair with natural or synthetic hair
19 fibers. The term:

20 (1) Includes the practice of utilizing a technique that
21 results in tension on hair roots of an individual, such as
22 twisting, wrapping, weaving, extending, locking or braiding of
23 the hair.

24 (2) Is distinct from the practice of cosmetology.

25 * * *

26 "Cosmetology" includes [any or all] work done for
27 compensation by any person, which work is generally and usually
28 performed by cosmetologists, which work is for the
29 embellishment, cleanliness and beautification of the human hair,
30 such as arranging, [braiding,] dressing, curling, waving,

1 permanent waving, cleansing, cutting, singeing, bleaching,
2 coloring, pressing, or similar work thereon and thereabout, and
3 the removal of superfluous hair, and the massaging, cleansing,
4 stimulating, manipulating, exercising, or similar work upon the
5 scalp, face, arms or hands, or the upper part of the body, by
6 the use of mechanical or electrical apparatus or appliances or
7 cosmetics, preparations, tonics, antiseptics, creams or lotions,
8 or by any other means, and of manicuring the nails, which
9 enumerated practices shall be inclusive of the term cosmetology
10 but not in limitation thereof. The term also includes the acts
11 comprising the practice of nail technology[, natural hair
12 braiding and esthetics.] and esthetics.

13 * * *

14 "Eyelash extension" means the application, removal or
15 trimming of threadlike natural or synthetic fibers to the lash
16 line of an individual. The term includes the cleaning of lashes
17 and excludes a color agent, straightening agent, permanent
18 waving solution, bleaching agent or another cosmetology service.
19 The term is distinct from the practice of cosmetology and
20 esthetics.

21 "Limited license" means a license issued by the State Board
22 of Cosmetology to an individual which permits that individual to
23 engage in the practice of esthetics[, natural hair braiding] or
24 nail technology.

25 "Makeup application" means the application of a temporary
26 cosmetic to enhance the appearance of the face or skin,
27 including powder, foundation, rouge, eyeshadow, eyeliner,
28 mascara or lipstick. The term includes the application of makeup
29 applied using an airbrush and excludes the application of
30 permanent makeup or tattooing. The term is distinct from the

1 practice of cosmetology and esthetics.

2 * * *

3 ["Natural hair braider" means an individual licensed by the
4 State Board of Cosmetology to engage in the practice of natural
5 hair braiding.

6 "Natural hair braiding" means the practice of utilizing
7 techniques that result in tension on hair roots of individuals,
8 such as twisting, wrapping, weaving, extending, locking or
9 braiding of the hair. The term does not include the application
10 of dyes, reactive chemicals or other preparations to alter the
11 color or to straighten, curl or alter the structure of hair.]

12 * * *

13 "Threading" means removing hair from the eyebrows, upper lip
14 or other body part by using a cotton thread to pull hair from
15 follicles. The term includes the use of an over-the-counter
16 astringents, gels, powders, tweezers or scissors incidental to
17 threading. The term is distinct from the practice of cosmetology
18 and esthetics.

19 Section 2. Sections 2, 4(c) and (d), 5(b)(3), 6(b.1)(2) and
20 (4) and (d), 8(a), 8.1, 16(a)(1) and (2), 19(b) and 20(c.2) and
21 (e) of the act are amended to read:

22 Section 2. Practice without License Prohibited.--(a) It
23 shall be unlawful for any person to do any of the following
24 without having first obtained from the department a license or
25 limited license as provided in this act:

26 (1) To practice or teach cosmetology for compensation, or to
27 use or maintain any place for the practice of cosmetology for
28 compensation, or to use or maintain any place for the teaching
29 of cosmetology.

30 (2) To practice or teach esthetics[, natural hair braiding]

1 or nail technology for compensation or to use or maintain any
2 place for the practice of esthetics[, natural hair braiding] or
3 nail technology for compensation.

4 (b) An individual engaged solely in the practice of blow-dry
5 styling, eyelash extensions, makeup application, braiding or
6 threading is exempt from this act.

7 (c) A facility where an individual provides a service, or
8 any combination services, under subsection (b) and no other
9 service requiring a license under this act is exempt from
10 cosmetology and esthetics salon license requirements.

11 (d) An individual who is exempt from this act under
12 subsection (b) shall be permitted to provide a service or any
13 combination of services under subsection (b) and no other
14 service requiring a license under this act in a licensed
15 cosmetology salon or licensed esthetics salon.

16 Section 4. Eligibility Requirements for Examination.--* * *

17 (c) No person shall be permitted to receive a license to
18 teach cosmetology [or natural hair braiding], nail technology or
19 esthetics unless such person shall have a license to practice
20 cosmetology or a limited license, be at least eighteen years of
21 age, shall have completed a twelfth grade education or the
22 equivalent thereof and have had five hundred hours of
23 specialized training as set forth in section 6 of this act which
24 hours shall be in addition to the hours necessary to qualify for
25 a license to practice cosmetology or a limited license.

26 (d) An applicant for a license to teach cosmetology[,
27 natural hair braiding], nail technology or esthetics shall be
28 permitted to take a written examination upon completion of at
29 least four hundred hours of the specialized training required.
30 The examination shall include both theoretical and procedural

1 skill questions as prescribed by the board. Any applicant may
2 apply and is eligible for licensure upon (1) passing the written
3 examination, (2) completion of the required five hundred hours
4 of instruction, and (3) certification by a duly licensed school
5 of satisfactory completion of all program requirements.

6 Section 5. Limited Licenses.--* * *

7 (b) The board shall issue the following limited licenses to
8 qualified applicants:

9 * * *

10 (3) [(i) Natural hair braiding license, which shall
11 authorize the holder to engage in the practice of natural hair
12 braiding only. An applicant for a natural hair braiding license
13 shall have completed three hundred hours of board-approved
14 subjects relating to sanitation, scalp care, anatomy and natural
15 hair braiding in a cosmetology school and passed an examination
16 limited to that practice. Licensed natural hair braiders may
17 operate a salon limited to that license. An applicant may be
18 permitted to take a written examination upon completion of at
19 least two hundred fifty hours of instruction in natural hair
20 braiding in a licensed school of cosmetology. The examination
21 shall include both theoretical and procedural skill questions as
22 prescribed by the board. Any applicant may apply and is eligible
23 for licensure upon (A) passing the written examination, (B)
24 completion of the required three hundred hours of board-approved
25 subjects, and (C) certification by a duly licensed school of
26 satisfactory completion of all program requirements.

27 (ii) The requirements of paragraph (3)(i) shall not apply
28 and a license to practice natural hair braiding shall be issued
29 to an applicant who:

30 (A) has submitted an application, along with the required

1 fee, within one year of the board's promulgation of final
2 regulations required under this section; and

3 (B) can demonstrate proof of practice of natural hair
4 braiding for three consecutive years immediately prior to the
5 date of application for licensure. Proof of practice shall
6 require tax records of employment and an affidavit from the
7 applicant and the applicant's immediate supervisor where
8 applicable. The board shall accept the information provided
9 without penalty to the applicant for failure to comply with
10 licensing provisions prior to the effective date of this
11 subsection.] (Reserved).

12 * * *

13 Section 6. Requirements of a School of Cosmetology.--* * *

14 (b.1) No school of cosmetology shall be granted a license or
15 renewal of a license unless it shall require:

16 * * *

17 (2) Practical demonstrations and theoretical studies, and
18 study in sanitation, sterilization and the use of antiseptics,
19 cosmetics and electrical appliances consistent with the
20 practical and theoretical requirements as applicable to
21 cosmetology, nail technology[, natural hair braiding] or
22 esthetics or any act or practice comprising cosmetology, nail
23 technology[, natural hair braiding] or esthetics.

24 * * *

25 (4) A separate curriculum of five hundred hours for
26 individuals seeking to become teachers of cosmetology[, nail
27 technology or natural hair braiding] or nail technology. The
28 curriculum shall include methods of teaching and principles of
29 education. This paragraph shall not apply to teachers in public
30 school programs of cosmetology who meet the standards

1 established by the Department of Education for vocational
2 education teachers in the public schools, and those teachers
3 shall be deemed to have satisfied the educational requirements
4 of this paragraph.

5 * * *

6 (d) A school of cosmetology which offers a curriculum for
7 the practice of [natural hair braiding,] nail technology or
8 esthetics shall require the following with respect to hours of
9 instruction:

10 (1) [for natural hair braiding, students shall be required
11 to complete a course of study of three hundred hours;]

12 (Reserved);

13 (2) for nail technology, students shall be required to
14 complete a course of study of two hundred hours; and

15 (3) for esthetics, students shall be required to complete a
16 course of study of three hundred hours.

17 Section 8. Practice in Licensed Salons Only.--(a) Except as
18 set forth in subsection (b), it shall be unlawful for any
19 person:

20 (1) to practice cosmetology for pay in any place other than
21 a licensed cosmetology salon or barber shop as defined in the
22 act of June 19, 1931 (P.L.589, No.202), referred to as the
23 Barbers' License Law; or

24 (2) to practice esthetics[, nail technology or natural hair
25 braiding] or nail technology for pay in any place other than a
26 licensed cosmetology salon or a salon limited to esthetics[,
27 nail technology or natural hair braiding] or nail technology.

28 * * *

29 Section 8.1. Booth Rental Prohibited.--The rental of booth
30 space by an owner of a cosmetology salon, or the owner of a

1 salon limited to esthetics[,] or nail technology [or natural
2 hair braiding], to any holder of a license issued under this act
3 is unlawful.

4 Section 16. Fees.--(a) The board shall, by regulation, fix
5 the following fees: (1) for the issuance of a license, with or
6 without examination, for cosmetology salon owners, teachers,
7 cosmetologists, nail technicians, nail technology salons,
8 estheticians, esthetician salons, [natural hair braiders,
9 natural hair braiding salons,] students and cosmetology schools;

10 * * *

11 (2) for biennial renewal of cosmetology salon owners, school
12 instructors, cosmetologists, nail technicians, estheticians,
13 [natural hair braiders,] cosmetology schools, nail technology
14 salons[,] and esthetician salons [and natural hair braiding
15 salons].

16 * * *

17 Section 19. Duration and Renewal of Licenses.--* * *

18 (b) An individual holding a license to practice cosmetology
19 or an individual holding a limited license who is not engaged in
20 practice shall request the board, in writing, to place his
21 license in escrow and thus protect his right to obtain a license
22 at any such time within a five-year period if he desires to
23 again become engaged in the practice of cosmetology or the
24 practice of nail technology[, natural hair braiding] or
25 esthetics.

26 * * *

27 Section 20. Penalties.--* * *

28 * * *

29 (c.2) In addition to any other civil remedy or criminal
30 penalty provided for in this act, the board, by a vote of the

1 majority of the maximum number of the authorized membership of
2 the board as provided by this act or by a vote of the majority
3 of the qualified and confirmed membership or a minimum of five
4 members, whichever is greater, may levy a civil penalty of up to
5 one thousand dollars (\$1,000.00) on any current licensee who
6 violates any provisions of this act or on any person who
7 practices cosmetology, [natural hair braiding,] nail technology
8 or esthetics without being properly licensed to do so under this
9 act. The board shall levy this penalty only after affording the
10 accused party the opportunity for a hearing, as provided in
11 Title 2 of the Pennsylvania Consolidated Statutes (relating to
12 administrative law and procedure).

13 * * *

14 (e) The owner of any salon employing an unlicensed
15 cosmetologist or an unlicensed [natural hair braider,] nail
16 technician or esthetician shall, upon conviction, be sentenced
17 to pay a fine not exceeding five hundred dollars (\$500.00), or
18 to undergo imprisonment not exceeding six (6) months, or both,
19 at the discretion of the court.

20 Section 3. This act shall take effect in 60 days.