

COSMETOLOGY LAW

Act of May 3, 1933, P.L. 242, No. 86

Cl. 63

AN ACT

To promote the public health and safety by providing for examination, licensing and granting of permits for those who desire to engage in the profession of cosmetology; defining cosmetology, and regulating cosmetology salons, schools, students, apprentices, teachers, managers, manicurists and cosmetologists; conferring powers and duties upon the Commissioner of Professional and Occupational Affairs of the Department of State; providing for appeals to certain courts by applicants and licensees; and providing penalties. (Title amended July 7, 2006, P.L.704, No.99)

TABLE OF CONTENTS

Section 1. Definitions.
Section 1.1. Membership of Board.
Section 2. Practice without License Prohibited.
Section 3. Requirements to Practice.
Section 4. Eligibility Requirements for Examination.
Section 4.1. Educational Requirement Waived for Certain Persons.
Section 4.2. Eligibility Requirements for Registration for Enrolling in a School of Beauty Culture (Deleted by amendment).
Section 4.3. Eligibility Requirements for Registration as an Apprentice.
Section 4.4. Management of Cosmetology Salons.
Section 5. Limited Licenses.
Section 6. Requirements of a School of Cosmetology.
Section 7. Student Practice upon the Public for Pay Prohibited.
Section 8. Practice in Licensed Salons Only.
Section 8.1. Booth Rental Prohibited.
Section 9. Exceptions to Examination Requirements; Present Students and Apprentices.
Section 9.1. Credit for Registered Barbers.
Section 9.2. Shared Shops and Salons.
Section 9.3. Practice of Massage Therapy in Cosmetology Salon or Esthetician Salon.
Section 9.4. Floor space.
Section 10. Apprentices in Cosmetology Salons.
Section 11. Regulations by Board.
Section 12. Examinations; Issuance of Licenses.
Section 12.1. Temporary Licenses.
Section 13. Powers and Duties of Board.
Section 14. Sanitary Rules.
Section 14.1. Tanning Units.
Section 15. Appeals.
Section 16. Fees.
Section 17. To Whom Provisions in the Act Shall Not Apply.
Section 18. Display Licenses.
Section 18.1. Customer Complaints.
Section 19. Duration and Renewal of Licenses.
Section 20. Penalties.
Section 21. Effect of Partial Invalidity of Act.

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

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

"Affiliation" for purposes of section 1.1, means any person who is an owner, a stockholder, a member of the board of trustees or board of governors, any professional employe, or consultant or any nonprofessional employe and any part-time personnel employed by a school of cosmetology.

"Board" means the State Board of Cosmetology.

"Booth space" means the area of a salon in which a licensed cosmetologist or a holder of a limited license provides to a client a service for which a license is required under this act.

"Braiding" means intertwinning the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwinning hair or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

"Bureau" means the Bureau of Professional and Occupational Affairs in the Department of State.

"Cosmetician" (Deleted by amendment).

"Cosmetologist" means an individual who is engaged in the practice of cosmetology.

"Cosmetology" includes any or all work done for compensation by any person, which work is generally and usually performed by cosmetologists, which work is for the embellishment, cleanliness and beautification of the human hair, such as arranging, braiding, dressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, pressing, or similar work thereon and thereabout, and the removal of superfluous hair, and the massaging, cleansing, stimulating, manipulating, exercising, or similar work upon the scalp, face, arms or hands, or the upper part of the body, by the use of mechanical or electrical apparatus or appliances or cosmetics, preparations, tonics, antiseptics, creams or lotions, or by any other means, and of manicuring the nails, which enumerated practices shall be inclusive of the term cosmetology but not in limitation thereof. The term also includes the acts comprising the practice of nail technology, natural hair braiding and esthetics.

"Department" means the Commissioner of Professional and Occupational Affairs in the Department of State.

"Esthetician" means an individual licensed by the State Board of Cosmetology to practice esthetics.

"Esthetics" means the practice of massaging the face, applying cosmetic preparations, antiseptics, tonics, lotions or creams to the face, removing superfluous hair by tweezers, depilatories or waxes and the dyeing of eyelashes and eyebrows.

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

"Nail technician" means an individual licensed by the State Board of Cosmetology to engage in the practice of nail technology.

"Nail technology" means the practice of manicuring the nails of an individual, applying artificial or sculptured nails to an individual, massaging the hands of an individual or massaging the lower arms of an individual up to the individual's elbow, massaging the feet of an individual or the lower legs of an

individual up to the individual's knee, or a combination of these acts.

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

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

"School of Cosmetology" includes any individual, partnership, association, business corporation, nonprofit corporation, municipal corporation, school district or any group of individuals however organized whose purpose is to provide courses of instruction in cosmetology or the teaching of cosmetology.

"Tanning units" means equipment that utilizes ultraviolet light for the purpose of cosmetic tanning.

(1 amended July 7, 2006, P.L.704, No.99)

Section 1.1. Membership of Board.--(a) The board shall consist of thirteen members: the Commissioner of Professional and Occupational Affairs; the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee; three public members appointed by the Governor with the advice and consent of the Senate, which members shall represent the public at large; and eight professional members appointed by the Governor with the advice and consent of the Senate, which members have had at least five years practical and/or managerial experience in the majority of the practices of cosmetology and shall be actively engaged in the profession. No more than one professional member shall be currently employed as a vocational education teacher of cosmetology in the public schools. No more than two professional members of the board shall be currently affiliated with a private school of cosmetology. No other person who has been affiliated with a private cosmetology school within three years prior to nomination may be nominated. Members currently serving on the board shall continue to serve until the expiration of their terms and until successors are appointed and qualified according to law, but for no longer than six months.

(b) Professional and public members appointed after the expiration of the terms of current board members shall serve the following terms: two professional members and one public member shall serve one year; two professional members and one public member shall serve two years; and two professional members and one public member shall serve three years. Thereafter, professional and public members shall serve three-year terms. No member may serve more than two consecutive terms.

(c) Seven members of the board shall constitute a quorum. The board shall select, from among their number, a chairman, a vice chairman and a secretary.

(d) Each public and professional member of the board shall be paid reasonable traveling, hotel and other necessary expenses and per diem compensation at the rate of sixty dollars (\$60) for each day of actual service while on board business.

(e) A member who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.

(f) In the event that a member of the board dies or resigns during the term of office, a successor shall be appointed in the same way and with the same qualifications as set forth in subsections (a) and (b) and shall hold office for the unexpired term.

(1.1 added June 30, 1984, P.L.479, No.100)

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

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

(2) To practice or teach esthetics, natural hair braiding or nail technology for compensation or to use or maintain any place for the practice of esthetics, natural hair braiding or nail technology for compensation.

(2 amended July 7, 2006, P.L.704, No.99)

Section 3. Requirements to Practice.--Before any person may practice or teach cosmetology, such person shall file with the board a written application for license, accompanied by a health certificate issued by a licensed physician of Pennsylvania on a form which shall be prescribed and supplied by the board, and shall deposit with the department the license fee, and pass an examination approved by the board as to fitness to practice or teach cosmetology, as hereinafter provided in this act.

(3 amended June 29, 2002, P.L.645, No.98)

Section 4. Eligibility Requirements for Examination.--(a) No person shall be permitted by the board to receive a license as a cosmetologist unless such person (1) shall be at least sixteen years of age and of good moral character at the time of making application, and (2) shall have completed a tenth grade education or the equivalent thereof, or in lieu of such education or the equivalent thereof shall have received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry, and (3) shall have either (i) completed not less than one thousand two hundred fifty hours as a student in a duly registered school of cosmetology as hereinafter provided in this act, or (ii) shall have been registered and served as an apprentice at least two thousand hours in a licensed cosmetology salon as hereinafter provided in this act. The application shall be accompanied by a notarized statement from either the licensed cosmetology school the applicant attended or the licensed cosmetology teacher in the licensed cosmetology salon where the applicant studied and trained, stating that the applicant has completed the study and training period required under this act.

(b) An applicant wishing to obtain licensure in the practice of cosmetology may be permitted to apply to take the written examination upon completion of at least nine hundred hours of instruction in a duly licensed school of cosmetology. The examination shall include both theoretical and procedural skill questions as prescribed by the board. Any applicant may apply and is eligible for licensure upon (1) passing the written examination, (2) completion of the required one thousand two hundred fifty hours of instruction, and (3) certification by a duly licensed school of satisfactory completion of all program requirements.

(c) No person shall be permitted to receive a license to teach cosmetology or natural hair braiding, nail technology or esthetics unless such person shall have a license to practice

cosmetology or a limited license, be at least eighteen years of age, shall have completed a twelfth grade education or the equivalent thereof and have had five hundred hours of specialized training as set forth in section 6 of this act which hours shall be in addition to the hours necessary to qualify for a license to practice cosmetology or a limited license.

(d) An applicant for a license to teach cosmetology, natural hair braiding, nail technology or esthetics shall be permitted to take a written examination upon completion of at least four hundred hours of the specialized training required. The examination shall include both theoretical and procedural skill questions as prescribed by the board. Any applicant may apply and is eligible for licensure upon (1) passing the written examination, (2) completion of the required five hundred hours of instruction, and (3) certification by a duly licensed school of satisfactory completion of all program requirements.

(4 amended Sept. 24, 2014, P.L.2476, No.136)

Section 4.1. Educational Requirement Waived for Certain Persons.--A person thirty-five years of age or over, or a veteran desiring to take an examination to receive a license as a cosmetologist, shall not be required to have completed a tenth grade education, or the equivalent thereof, as set forth in clause (2) of section 4 of this act.

(4.1 amended June 30, 1984, P.L.479, No.100)

Section 4.2. Eligibility Requirements for Enrolling in a School of Beauty Culture.--(4.2 deleted by amendment June 30, 1984, P.L.479, No.100)

Section 4.3. Eligibility Requirements for Registration as an Apprentice.--No person shall be permitted to register as an apprentice of cosmetology nor shall a licensed cosmetology salon employ or cause to be registered a person until an application for an apprentice permit shall have been filed with the board and an apprentice permit issued by the board. No apprentice permit shall be issued unless the prospective apprentice applying therefor shall have established to the satisfaction of the board that he or she is of good moral character, has completed a tenth grade education or the equivalent thereof or in lieu of such education or the equivalent thereof has received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry and is free from contagious or infectious disease.

(4.3 amended July 7, 2006, P.L.704, No.99)

Section 4.4. Management of Cosmetology Salons.--(a) Every salon owner shall designate a person in charge of the salon in the owner's absence.

(b) The name of the owner or designated person in charge shall be posted in a conspicuous place in the salon.

(c) The owner or designated person in charge of the salon shall be readily available during regular business hours to bureau inspectors.

(4.4 amended July 7, 2006, P.L.704, No.99)

Section 5. Limited Licenses.--(a) An applicant for a limited license shall be at least sixteen years of age, be of good moral character, have completed a tenth grade education or the equivalent thereof and pay the applicable fee to the board.

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

(1) Esthetician license, which shall authorize the holder to engage in the practice of esthetics only. An applicant for an esthetician license shall have completed three hundred hours of instruction in esthetics in a licensed school of cosmetology

and passed an examination limited to that practice. Licensed estheticians may operate a salon limited to that license. An applicant may be permitted to apply to take a written examination upon completion of at least two hundred fifty hours of instruction in esthetics in a licensed school of cosmetology. The examination shall include both theoretical and procedural skill questions as prescribed by the board. Any applicant may apply and is eligible for licensure upon (i) passing the written examination, (ii) completion of the required three hundred hours of instruction, and (iii) certification by a duly licensed school of satisfactory completion of all program requirements.

(2) Nail technician license, which shall authorize the holder to engage in the practice of nail technology only. An applicant for a nail technician license shall have completed two hundred hours of instruction in nail technology in a licensed school of cosmetology and passed an examination limited to that practice. Licensed nail technicians may operate a salon limited to that license. An applicant may be permitted to take a written examination upon completion of at least one hundred fifty hours of instruction in nail technology in a licensed school of cosmetology. The examination shall include both theoretical and procedural skill questions as prescribed by the board. Any applicant may apply and is eligible for licensure upon (i) passing the written examination, (ii) completion of the required two hundred hours of instruction, and (iii) certification by a duly licensed school of satisfactory completion of all program requirements.

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

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

(A) has submitted an application, along with the required fee, within one year of the board's promulgation of final regulations required under this section; and

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

(c) Within two years of the initial issuance of a license under subsection (b)(3)(ii), the licensee shall provide the

board with proof that the licensee completed one hundred fifty hours of education from a school of cosmetology as a condition of renewal of the license. The courses shall include, at a minimum, scalp care, hygiene and occupational safety.

(5 amended Sept. 24, 2014, P.L.2476, No.136)

Section 6. Requirements of a School of Cosmetology.--(a)

No school of cosmetology shall be granted a license or renewal of a license unless it shall:

(1) Enroll only those students who:

(i) Have completed an eighth grade education or the equivalent or, in lieu of such education or equivalent, have received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry.

(ii) Are of good moral character.

(iii) Are free from contagious or infectious disease.

(2) Employ and maintain a sufficient number of competent teachers, registered as such.

(3) Possess apparatus and equipment sufficient for the proper and full training for all subjects of its curriculum.

(4) Keep a daily record of the attendance of each student.

(5) Provide the board with a quarterly report regarding student hours on forms provided by the board.

(6) Maintain regular class and instruction hours.

(7) Establish grades and hold examinations before issuance of diplomas.

(8) Be managed on a day-to-day basis by a school supervisor designated by the owner of the school. That person's name shall be provided to the board and shall be on file as the responsible party at the school. The school's supervisor shall not be required to obtain a special license to supervise the school.

((a) amended July 7, 2006, P.L.704, No.99)

(b) Upon renewal of the license, the school owner shall supply an affidavit stating that, at the time of renewal, the school is in compliance with this act and the regulations promulgated under this act.

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

(1) A day school term of training of not less than one thousand two hundred fifty hours within a period of not less than eight consecutive months or a night school term of training for a period of not less than fifteen consecutive months for a complete course, comprising all or a majority of the practices of cosmetology, as provided by this act. The hours of training required by this paragraph shall be accomplished within four consecutive years. A school of cosmetology may provide up to fifty percent of the school's curriculum through distance education. A student at a school of cosmetology may only earn training hours under this paragraph through distance education theory-based subjects. A school of cosmetology may not provide the school's curriculum through distance education for practical demonstrations. For the purpose of this section, distance education shall include curriculum provided by a school of cosmetology to a student who is at a location separate and apart from the school. ((1) amended Oct. 7, 2021, P.L.411, No.77)

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

(3) A ratio of not less than one teacher for every twenty-five students.

(4) A separate curriculum of five hundred hours for individuals seeking to become teachers of cosmetology, nail technology or natural hair braiding. The curriculum shall include methods of teaching and principles of education. This paragraph shall not apply to teachers in public school programs of cosmetology who meet the standards established by the Department of Education for vocational education teachers in the public schools, and those teachers shall be deemed to have satisfied the educational requirements of this paragraph.

((b.1) added July 7, 2006, P.L.704, No.99)

(c) No member of the board may inspect or be physically present during the original inspection of a cosmetology salon or a school of cosmetology. ((c) amended July 7, 2006, P.L.704, No.99)

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

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

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

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

((d) added July 7, 2006, P.L.704, No.99)

Section 7. Student Practice upon the Public for Pay Prohibited.--It shall be unlawful for any school of cosmetology to permit its students to practice cosmetology upon the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after having first been properly informed that the operator is a student. A school of cosmetology shall be permitted to charge the public a reasonable fee, as approved by the board, for cosmetology services performed by students in their clinical training and education.

(7 amended Nov. 3, 2016, P.L.1060, No.137)

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

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

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

(b) A licensed cosmetologist or the holder of a limited license may furnish treatments to persons in their residences by appointment.

((8 amended July 7, 2006, P.L.704, No.99)

Section 8.1. Booth Rental Prohibited.--The rental of booth space by an owner of a cosmetology salon, or the owner of a salon limited to esthetics, nail technology or natural hair braiding, to any holder of a license issued under this act is unlawful.

(8.1 amended July 7, 2006, P.L.704, No.99)

Section 9. Exceptions to Examination Requirements; Present Students and Apprentices.--Any person who has practiced or taught cosmetology under a certificate, license or permit, for

not less than two years in another state, territory, or the District of Columbia, may secure the license required by this act without an examination or compliance with other requirements as to age or education: Provided, That the Board shall be satisfied that the standards provided for licensure under the laws of the place wherein the applicant's license was issued are the same or substantially the same as those provided for hereunder, that similar privileges are accorded persons licensed under the laws of the Commonwealth, that the applicant holds a valid license from the place wherein he is entitled to practice, and that all the terms and conditions prescribed by the Board are complied with by the applicant. Such application shall be accompanied by an affidavit of a licensed physician that the applicant was examined and is free from all contagious and infectious diseases, and the license fee required by this act. Students, upon graduating from licensed schools of cosmetology, may apply for, and receive from the department, a temporary license to practice in the field of cosmetology until the next regular examination held by the department under the provisions of this act.

(9 amended June 29, 2002, P.L.645, No.98)

Section 9.1. Credit for Registered Barbers.--If a registered barber wishes to become a licensed cosmetologist, he or she shall have successfully completed the one thousand two hundred fifty-hour barber training course or shall possess a current barber license. Upon application to the board he or she shall be given five hundred fifty-five hours of credit for subjects previously covered in the barber training course, which subjects shall be enumerated by joint regulation of the State Board of Barber Examiners and the State Cosmetology Board. Before such person is permitted to take the cosmetology practical and theory State Board examination, he or she shall have successfully passed both the theory and practical portions of the State Barber Board examination.

(9.1 amended June 30, 1984, P.L.479, No.100)

Section 9.2. Shared Shops and Salons.--(Hdg. amended July 7, 2006, P.L.704, No.99) (a) A licensed barber and a licensed cosmetologist shall be permitted to work in the same shop or salon if the requirements of this section are met. Any licensed shop or salon which employs a licensed barber and a licensed cosmetologist shall not be required to erect or install any physical barriers which separate the barber and the cosmetologist. All licensed shops or salons shall conform with the provisions of section 4.4 of this act. ((a) amended July 7, 2006, P.L.704, No.99)

(b) (Deleted by amendment).

(c) For the purpose of this section only, when a licensee under this act and a licensee under the Barbers' License Law are subject to formal proceedings for violations of this act or the Barbers' License Law, the board and the State Board of Barber Examiners shall consolidate all formal actions against such licensees for the purpose of prosecution and hearing provided that the board shall retain to itself exclusively the power to revoke or suspend licenses after such prosecution and hearing.

(9.2 amended June 29, 2002, P.L.645, No.98)

Section 9.3. Practice of Massage Therapy in Cosmetology Salon or Esthetician Salon.--(a) An individual licensed under the act of October 9, 2008 (P.L.1438, No.118), known as the "Massage Therapy Law," shall be permitted to practice massage therapy within the approved premises of a licensed cosmetology

salon or a licensed esthetician salon if the following conditions are met:

(1) The massage therapy licensee is the owner of or employed by the salon and is not an independent contractor.

(2) The massage therapist practices in accordance with this act and the Massage Therapy Law.

(3) The salon owner provides an appropriate level of privacy for clients in accordance with the following:

(i) No physical barriers separating the areas used for massage therapy from the areas used for cosmetology or esthetics shall be required when a massage therapist performs massage services that a cosmetologist or esthetician is authorized to perform.

(ii) A salon owner shall be required to provide separate massage therapy rooms with permanent walls and doors to ensure privacy for clients receiving massage services from a massage therapist when the services are beyond the practice of cosmetology or esthetics.

(iii) In order to enhance client comfort, esthetician services may be provided to a client in the same room where the client receives massage therapy, provided these services are not performed concurrently.

(b) A licensee under this section is subject to inspection by the board and the State Board of Massage Therapy.

(c) A licensee under this section who violates this act or the Massage Therapy Law shall be subject to discipline by the licensee's applicable licensing board.

(d) Within 18 months of the effective date of this section, the board and the State Board of Massage Therapy shall jointly promulgate final regulations to carry out the provisions of this section.

(9.3 added Sept. 24, 2014, P.L.2476, No.136)

Section 9.4. Floor space.--The floor space of a licensed cosmetology salon operated by one licensed cosmetologist must have a minimum area of one hundred twenty square feet with a minimum width of ten feet. An additional area of at least sixty square feet is required for each additional licensee in the salon. The board, upon an applicant's request, may grant a variance from the space requirements concerning a salon which the board believes is reasonable.

(9.4 added Nov. 3, 2022, P.L.2178, No.164)

Section 10. Apprentices in Cosmetology Salons.--Any cosmetologist who is a cosmetology salon owner, at least twenty-three years of age, who is a high school graduate or the equivalent thereof, who has had at least five years experience as a licensed cosmetologist in Pennsylvania, and who is a holder of a teacher's license, may instruct apprentices in a duly licensed cosmetology salon, provided that there shall be no less than two licensed cosmetologists in addition to the teacher for each apprentice in any salon and there shall be no more than two apprentices in any salon, and provided such salon is not held out as a school of cosmetology and provided each teacher instructing an apprentice shall report quarterly hours to the board on a form provided by the board. Such apprentices may apply for examination at the end of their apprenticeship at the next regular examination held by the board, and, if successful therein, shall be licensed as cosmetologists. Registered apprentices upon completion of their required term of apprenticeship, may apply for, and receive from the department, a temporary permit to practice in the field of cosmetology until the next regular examination. Nothing in this

act shall prohibit an owner from hiring a cosmetology teacher to instruct apprentices.

(10 amended July 7, 2006, P.L.704, No.99)

Section 11. Regulations by Board.--The board after at least one public hearing shall prescribe reasonable regulations for its conduct, and for the examination and licensing of applicants to practice or teach cosmetology, for temporary licenses to be issued by the department, and generally for the conduct of persons, copartnerships, associations or corporations affected by this act.

(11 amended June 29, 2002, P.L.645, No.98)

Section 11.1. Annual Reports to Legislative Committees.--(a) The board shall submit annually to the House and Senate Appropriations Committees, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

(b) The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

(11.1 added June 30, 1984, P.L.479, No.100)

Section 12. Examinations; Issuance of Licenses.--If the board finds that the applicant has submitted the credentials required by this act for admission to the examination, and has paid the license fee required by this act, the board shall admit such applicant to the examination and the department shall issue a license to practice as a cosmetologist or teacher as the case may be to those successfully passing the required examinations: Provided, That if the applicant fails to pass the examination he or she may be eligible to take the next examination. Examinations shall be held at least four times a year in the metropolitan areas of Philadelphia, Pittsburgh, Wilkes-Barre, Harrisburg, and Erie at such hours as it shall prescribe pursuant to section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." The examination for teachers' licenses shall differ from the examination for cosmetology licenses in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of cosmetology, including the ability to teach properly the various practices and theories of cosmetology.

(12 amended June 29, 2002, P.L.645, No.98)

Section 12.1. Temporary Licenses.--Upon payment of the required fee, a temporary license may be issued to any applicant who is eligible for admission to a cosmetologist's examination or to the examination for any of the limited licenses. An applicant who is thus licensed shall practice only under the supervision of a licensed teacher or cosmetologist, or under the supervision of the holder of a corresponding limited license, until the time of the next scheduled examination. Temporary licenses are granted for a nine-month period.

(12.1 amended July 7, 2006, P.L.704, No.99)

Section 13. Powers and Duties of Board.--(a) The board shall have the power to refuse, revoke, refuse to renew or suspend licenses, upon due hearing, on proof of violation of any provisions of this act, or the rules and regulations established by the board under this act, or for gross incompetency or dishonest or unethical practices, or for failing

to submit to an inspection of a licensee's salon during the business hours of the salon and shall have the power to require the attendance of witnesses and the production of such books, records, and papers as may be necessary. Before any licenses shall be suspended or revoked for any of the reasons contained in this section, the holder thereof shall have notice in writing of the charge or charges against him or her and shall, at a day specified in said notice, be given a public hearing before a duly authorized representative of the board with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose license has been so suspended may on application to the board have the same reissued to him or her, upon satisfactory proof that the disqualification has ceased. ((a) amended July 7, 2006, P.L.704, No.99)

(b) The bureau, after consultation with the board, shall contract with a professional testing organization for the preparation and administration of the examination in accordance with section 812.1(a) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." The testing organization shall provide for proctors and testing support staff.

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

(13 amended June 30, 1984, P.L.479, No.100)

Section 14. Sanitary Rules.--The board shall prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious diseases; and it shall be unlawful for the owner of any salon or school of cosmetology to permit any person to sleep in or use for residential purposes any room used wholly or in part as a salon or school of cosmetology.

(14 amended July 7, 2006, P.L.704, No.99)

Section 14.1. Tanning Units.--The board may not prescribe or enforce any regulation prohibiting the use of any type of tanning unit in cosmetology salons unless the United States Food and Drug Administration, or another Federal or Commonwealth agency of comparable expertise on matters of public health, determines that the use of that type of tanning unit in accordance with the manufacturer's instructions presents a serious risk to the public.

(14.1 amended July 7, 2006, P.L.704, No.99)

Section 15. Appeals.--(15 repealed June 3, 1971, P.L.118, No.6)

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

(1.1) for registration fee for apprentices; and

(2) for biennial renewal of cosmetology salon owners, school instructors, cosmetologists, nail technicians, estheticians, natural hair braiders, cosmetology schools, nail technology salons, esthetician salons and natural hair braiding salons.

((a) amended July 7, 2006, P.L.704, No.99)

(a.1) Fees for registration, licensure and examination shall be paid in advance to the department into the Professional Licensure Augmentation Account. ((a.1) designation added July 7, 2006, P.L.704, No.99)

(b) In case a salon owner changes the location of his or her salon, a new license must be secured. The board shall, by regulation, fix the fee required for such new license. ((b) amended July 7, 2006, P.L.704, No.99)

(c) All fees required pursuant to this act shall be fixed by the board by regulation and shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act." If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

(d) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board pursuant to subsection (c) of this section are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the board and subject to the "Regulatory Review Act," shall increase the fees by regulation in an amount that adequate revenues are raised to meet the required enforcement effort.

(e) Current fees charged by the board shall continue until such time as changes are made in accordance with the "Regulatory Review Act."

(16 amended June 30, 1984, P.L.479, No.100)

Section 17. To Whom Provisions in this Act Shall Not Apply.--Nothing in this act shall prohibit service in case of emergency or domestic administration without compensation, nor service by persons authorized under the laws of this State to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractice, nor services by barbers lawfully engaged in the performance of the usual and ordinary duties of their vocation. Nothing in this act is intended to be inconsistent with the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred eighty-nine), entitled "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties."

Section 18. Display of Licenses.--Every holder of a license granted by the said department, as provided in this act, shall display it in a conspicuous place in his or her principal office, place of business, or employment.

(18 amended June 30, 1984, P.L.479, No.100)

Section 18.1. Customer Complaints.--Each salon shall have displayed in a conspicuous place near the salon entrance a notice to customers listing the phone number at which a customer may report a complaint to the State Board of Cosmetology.

(18.1 amended July 7, 2006, P.L.704, No.99)

Section 19. Duration and Renewal of Licenses.--(a) With the period ending January 31, 1986, the Bureau of Professional and Occupational Affairs shall designate approximately one-half of the renewals to expire in twelve months and the remainder of the renewals to expire in twenty-four months. Thereafter, licenses shall expire on the thirty-first day of January of each succeeding biennium unless renewed for the next biennium.

Licenses may be renewed by application made prior to the thirty-first day of January of each succeeding biennium, and the payment of the renewal fees provided in this act.

(b) An individual holding a license to practice cosmetology or an individual holding a limited license who is not engaged in practice shall request the board, in writing, to place his license in escrow and thus protect his right to obtain a license at any such time within a five-year period if he desires to again become engaged in the practice of cosmetology or the practice of nail technology, natural hair braiding or esthetics. ((b) amended July 7, 2006, P.L.704, No.99)

(c) Any person who fails to renew his license or has escrowed his license for a period of five years without renewing his license shall, prior to receiving a license, submit to and pass an examination appropriate to the license being sought.

(19 amended June 30, 1984, P.L.479, No.100)

Section 20. Penalties.--(a) Any person who shall practice or teach cosmetology, or act in any capacity wherein licensing is required, without complying with this act, shall upon conviction, in a summary proceeding, be sentenced to pay a fine not exceeding three hundred dollars (\$300.00), and/or shall be sentenced to imprisonment not exceeding three (3) months.

(b) An individual holding a cosmetology license or limited license or individual registered as an apprentice who shall practice while knowingly suffering from contagious or infectious disease, or who shall knowingly serve any person afflicted with such disease, shall be guilty of a summary offense, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred dollars (\$300.00), or undergo an imprisonment not exceeding thirty (30) days, or both, at the discretion of the court. ((b) amended July 7, 2006, P.L.704, No.99)

(c) An individual holding a cosmetology license or limited license or individual registered as an apprentice who shall infect any person, or who shall impart any contagious or infectious disease, by reason of carelessness or negligence in practice, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine not exceeding three hundred dollars (\$300.00), or to undergo an imprisonment not exceeding three months, or both, at the discretion of the court. ((c) amended July 7, 2006, P.L.704, No.99)

(c.1) Any person, partnership or corporation violating any provision of this act shall, upon conviction for the first offense, be sentenced to pay a fine not exceeding three hundred dollars (\$300.00) or to undergo imprisonment not exceeding three (3) months and shall, upon conviction for the second and subsequent offenses, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) or to undergo imprisonment not exceeding six (6) months, or both. This section specifically governs unlicensed activity in the practice of cosmetology.

(c.2) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by this act or by a vote of the majority of the qualified and confirmed membership or a minimum of five members, whichever is greater, may levy a civil penalty of up to one thousand dollars (\$1,000.00) on any current licensee who violates any provisions of this act or on any person who practices cosmetology, natural hair braiding, nail technology or esthetics without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided

in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure). ((c.2) amended July 7, 2006, P.L.704, No.99)

(d) All fines and civil penalties imposed in accordance with this section shall be paid into the Professional Licensure Augmentation Account.

(e) The owner of any salon employing an unlicensed cosmetologist or an unlicensed natural hair braider, nail technician or esthetician shall, upon conviction, be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), or to undergo imprisonment not exceeding six (6) months, or both, at the discretion of the court. ((e) amended July 7, 2006, P.L.704, No.99)

(20 amended June 30, 1984, P.L.479, No.100)

Compiler's Note: Section 3 of Act 25 of 2009, which amended section 5 of the act of July 2, 1993 (P.L.345, No.49), provided that section 20(c.2) is repealed insofar as it is inconsistent with the amendment of section 5.

Section 21. Effect of Partial Invalidity of Act.--Each section of this act, and every part of each section, is hereby declared to be independent of every other, and the holding of any section, or part thereof, to be void or ineffective for any cause shall not be deemed to affect any other section, or part thereof.

APPENDIX

Supplementary Provisions of Amendatory Statutes

1984, JUNE 30, P.L.479, NO.100

Section 30. This act, with respect to the State Board of Cosmetology, constitutes the legislation required to reestablish an agency under section 7 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Compiler's Note: Act 100 amended the title and added or amended sections 1, 1.1, 2, 3, 4, 4.1, 4.2, 4.3, 4.4, 5, 6, 7, 8, 9, 9.1, 9.2, 10, 11, 11.1, 12, 12.1, 13, 14, 14.1, 16, 18, 18.1, 19 and 20 of Act 86.

Section 31. A person who holds a certificate under the act of May 3, 1933 (P.L.242, No.86), referred to as the Beauty Culture Law, which certificate is not suspended, revoked or expired on the effective date of this act shall be deemed to be a "current licensee" and the holder of a "license" under this act.

Section 32. Each rule and regulation of the board in effect on June 30, 1984, shall remain in effect after such date until repealed or amended by the board.

2006, JULY 7, P.L.704, NO.99

Section 16. The State Board of Cosmetology shall promulgate regulations required to implement this act within 18 months of the effective date of this section. The board shall provide a written report every 60 days regarding the steps taken to

promulgate regulations to the Consumer Protection and Professional Licensure Committee of the Senate, the Professional Licensure Committee of the House of Representatives, the Commissioner of the Bureau of Professional and Occupational Affairs and the Secretary of the Commonwealth.

Compiler's Note: Act 100 amended the title and added or amended sections 1, 2, 4, 4.3, 4.4, 6, 8, 8.1, 9.2, 10, 12.1, 13, 14, 14.1, 16, 18, 18.1, 19 and 20 of Act 86.