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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1848

Session of  
1984

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INTRODUCED BY McMONAGLE, LASHINGER, IRVIS, MANDERINO, DORR,  
LLOYD, MRKONIC, BOOK, RIEGER, McINTYRE, DONATUCCI, GRUITZA,  
TRUMAN, OLIVER, SEVENTY, COSLETT, HERMAN, MANMILLER, SERAFINI  
AND LINTON, JANUARY 23, 1984

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 13, 1984

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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 and registration of those who  
4 desire to engage in the occupation of beauty culture;  
5 defining beauty culture, and regulating beauty culture shops,  
6 schools, students, apprentices, teachers, managers and  
7 operators; conferring powers and duties upon the Commissioner  
8 of Professional and Occupational Affairs in the Department of  
9 State; providing for appeals to certain courts by applicants  
10 and licensees; and providing penalties," reestablishing the  
11 State Board of Cosmetology; providing for its composition,  
12 powers and duties; making editorial changes; and making a  
13 repeal.

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

16 Section 1. The title of the act of May 3, 1933 (P.L.242,  
17 No.86), entitled, as amended, "An act to promote the public  
18 health and safety by providing for examination and registration  
19 of those who desire to engage in the occupation of beauty  
20 culture; defining beauty culture, and regulating beauty culture  
21 shops, schools, students, apprentices, teachers, managers and

1 operators; conferring powers and duties upon the Commissioner of  
2 Professional and Occupational Affairs in the Department of  
3 State; providing for appeals to certain courts by applicants and  
4 licensees; and providing penalties," amended July 20, 1968  
5 (P.L.442, No.208), is amended to read:

6 AN ACT

7 To promote the public health and safety by providing for  
8 examination, licensing and [registration] granting of permits  
9 for those who desire to engage in the [occupation] profession  
10 of [beauty culture] cosmetology; defining [beauty culture]  
11 cosmetology, and regulating [beauty culture] cosmetology  
12 shops, schools, students, apprentices, teachers, managers,  
13 manicurists and [operators] cosmetologists; conferring powers  
14 and duties upon the Commissioner of Professional and  
15 Occupational Affairs in the Department of State; providing  
16 for appeals to certain courts by applicants and licensees;  
17 and providing penalties.

18 Section 2. Section 1 of the act, amended May 12, 1949  
19 (P.L.1285, No.382), July 20, 1968 (P.L.442, No.208) and October  
20 4, 1978 (P.L.937, No.181) is amended to read:

21 Section 1. [Be it enacted, &c., That--Definitions.--The  
22 following words or phrases, unless the context clearly indicates  
23 otherwise, shall have the meanings ascribed to them in this  
24 section:] Definitions.--The following words and phrases when  
25 used in this act shall have the meanings given to them in this  
26 section unless the context clearly indicates otherwise:

27 "Affiliation" for purposes of section 1.1, means any person  
28 who is an owner, a stockholder, a member of the board of  
29 trustees or board of governors, any professional employe, or  
30 consultant or any nonprofessional employe and any part-time

1 personnel employed by a school of cosmetology.

2 "Board" means the State Board of Cosmetology.

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

5 "Cosmetician" means an individual who engages only in the  
6 practice of massaging the face, applying cosmetic preparations,  
7 antiseptics, tonics, lotions or creams to the face, removing  
8 superfluous hair by tweezers, depilatories or waxes and the  
9 dyeing of eyelashes and eyebrows.

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

12 ["Beauty Culture"] "Cosmetology" includes any or all work  
13 done for compensation by any person, which work is generally and  
14 usually performed by [hairstylists,] cosmetologists,  
15 [cosmeticians, beauticians or beauty culturists, and however  
16 denominated,] which work is for the embellishment, cleanliness  
17 and beautification of the human hair, such as arranging,  
18 dressing, curling, waving, permanent waving, cleansing, cutting,  
19 singeing, bleaching, coloring, pressing, or similar work thereon  
20 and thereabout, and the removal of superfluous hair, and the  
21 massaging, cleansing, stimulating, manipulating, exercising, or  
22 similar work upon the scalp, face, arms or hands, or the upper  
23 part of the body, by the use of mechanical or electrical  
24 apparatus or appliances or cosmetics, preparations, tonics,  
25 antiseptics, creams or lotions, or by any other means, and of  
26 manicuring the nails, which enumerated practices shall be  
27 inclusive of the term [beauty culture] cosmetology but not in  
28 limitation thereof.

29 ["Board" means the State Board of Cosmetology.]

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30 "Department" means the Commissioner of Professional and

1 Occupational Affairs in the Department of State.†

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2 "School of [Beauty Culture] Cosmetology" includes any  
3 individual, partnership, association, business corporation,  
4 nonprofit corporation, municipal corporation, school district or  
5 any group of individuals however organized whose purpose is to  
6 provide courses of instruction in [beauty culture] cosmetology,  
7 the management of [beauty culture] cosmetology shops, or the  
8 teaching of [beauty culture] cosmetology.

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

11 Section 3. The act is amended by adding a section to read:

12 Section 1.1. Membership of Board.--(a) The board shall  
13 consist of ~~eleven~~ THIRTEEN members: the Commissioner of <—  
14 Professional and Occupational Affairs; the Director of the  
15 Bureau of Consumer Protection in the Office of Attorney General,  
16 or his designee; three public members appointed by the Governor  
17 with the advice and consent of the Senate, which members shall  
18 represent the public at large; and eight professional members  
19 appointed by the Governor with the advice and consent of the  
20 Senate, which members have had at least five years practical  
21 and/or managerial experience in the majority of the practices of  
22 cosmetology AND SHALL BE ACTIVELY ENGAGED IN THE PROFESSION. No <—  
23 more than one professional member shall be currently employed as  
24 a vocational education teacher of cosmetology in the public  
25 schools. No more than two professional members of the board  
26 shall be currently affiliated with a private school of  
27 cosmetology. No other person who has been affiliated with a  
28 private cosmetology school within three years prior to  
29 nomination may be nominated. Members currently serving on the  
30 board shall continue to serve until the expiration of their

1 terms ~~or~~ AND until successors are appointed and qualified <—  
2 according to law, but for no longer than six months.

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

11 (c) ~~Six~~ SEVEN members of the board shall constitute a <—  
12 quorum. The board shall select, from among their number, a  
13 chairman, a vice chairman and a secretary.

14 (d) Each public and professional member of the board shall  
15 be paid ~~traveling and other reasonable~~ REASONABLE TRAVELING, <—  
16 HOTEL AND OTHER NECESSARY expenses and per diem compensation at  
17 the rate of sixty dollars (\$60) for each day of actual service  
18 while on board business.

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

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

29 Section 4. Section 2 of the act, amended July 20, 1968  
30 (P.L.442, No.208), is amended to read:

1       Section 2. Practice of [Beauty Culture] Cosmetology without  
2 [Registration] License Prohibited.--It shall be unlawful for any  
3 person to practice or teach [beauty culture] cosmetology, [or]  
4 manage a [beauty] cosmetology, manicurist or cosmetician shop,  
5 [or] to use or maintain any place for the practice of [beauty  
6 culture] cosmetology, for compensation, or to use or maintain  
7 any place for the teaching of [beauty culture] cosmetology,  
8 unless he or she shall have first obtained from the department a  
9 [certificate of registration] license as provided in this act.  
10 [Nothing contained in this act, however, shall apply to or  
11 affect any person who is now actually engaged in any such  
12 occupation, except as hereinafter provided.]

13       Section 5. Section 3 of the act, amended May 12, 1949  
14 (P.L.1285, No.382), is amended to read:

15       Section 3. Requirements to Practice.--Before any person may  
16 practice or teach [beauty culture] cosmetology or manage a  
17 [beauty] cosmetology shop, such person shall file with the board  
18 a written application for [registration] license, accompanied by  
19 a health certificate issued by a [registered] licensed physician  
20 of Pennsylvania[, under oath,] on a form which shall be  
21 prescribed and supplied by the board, and shall deposit with the  
22 department the [registration] license fee, and pass an  
23 examination [to be given] approved by the board as to fitness to  
24 practice or teach [beauty culture] cosmetology or manage a  
25 [beauty] cosmetology shop, as hereinafter provided in this act.

26       Section 6. Section 4 of the act, amended July 20, 1968  
27 (P.L.442, No.208), is amended to read:

28       Section 4. Eligibility Requirements for Examination.--No  
29 person shall be permitted by the board to take an examination to  
30 receive a [certificate] license as [an operator] a cosmetologist

1 unless such person (1) shall be at least sixteen years of age  
2 and of good moral character at the time of making application,  
3 and (2) shall have completed a tenth grade education or the  
4 equivalent thereof, or in lieu of such education or the  
5 equivalent thereof shall have received training from or under  
6 the auspices of the Bureau of Rehabilitation in the Department  
7 of Labor and Industry, and (3) shall have either (i) completed  
8 not less than one thousand two hundred fifty hours as a student  
9 in a duly registered school of [beauty culture] cosmetology as  
10 hereinafter provided in this act, or (ii) shall have been  
11 registered and served as an apprentice at least [~~three~~ ~~two~~ <—  
12 years] TWO THOUSAND HOURS in a licensed [beauty] cosmetology <—  
13 shop as hereinafter provided in this act[, or (iii) established  
14 to the satisfaction of the board that he or she has been an  
15 operator in the active practice of beauty culture for at least  
16 twenty-four months prior to the date of filing application for  
17 admission to an examination]. The application shall be  
18 accompanied by a notarized statement from either the licensed  
19 cosmetology school the applicant attended or the licensed  
20 cosmetology teacher in the licensed cosmetology shop where the  
21 applicant studied and trained, stating that the applicant has  
22 completed the study and training period required under this act.  
23 No person shall be permitted to take an examination for a  
24 [certificate] license to teach [beauty culture] cosmetology  
25 unless such person shall have [an operator's] a cosmetologist's  
26 license, be at least eighteen years of age, shall have completed  
27 a twelfth grade education or the equivalent thereof and have had  
28 five hundred hours of specialized training as set forth in  
29 section 6 of this act which hours shall be in addition to the  
30 hours necessary to qualify for [an operator's] a cosmetologist's

1 license. No person shall be permitted to take an examination for  
2 a [certificate] license to act as a manager of a [beauty]  
3 cosmetology shop unless such person shall have [an operator's] a  
4 cosmetologist's license, be at least eighteen years of age,  
5 shall have completed a tenth grade education or the equivalent  
6 thereof and have had at least eighteen months' experience as [an  
7 operator] a cosmetologist in a [beauty] cosmetology shop OR <—  
8 SHARED SHOP or have had three hundred hours of specialized  
9 training as set forth in section 6 of this act which hours shall  
10 be in addition to the hours necessary to qualify for [an  
11 operator's] a cosmetologist's license.

12 Section 7. Section 4.1 of the act, added November 19, 1959  
13 (P.L.1533, No.544), is amended to read:

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

21 Section 8. Sections 4.2 and 4.3 of the act, added July 20,  
22 1968 (P.L.442, No.208), are amended to read:

23 Section 4.2. [Eligibility Requirements for Enrolling in a  
24 School of Beauty Culture.--No person shall be permitted to  
25 enroll as a student in a school of beauty culture nor shall a  
26 school of beauty culture enroll a student until an application  
27 for a student permit shall have been filed with the board and a  
28 student permit issued by the board. No student permit shall be  
29 issued unless the prospective student applying therefore shall  
30 have established to the satisfaction of the board that he or she



1 is of good moral character and has completed a ninth grade  
2 education or the equivalent thereof in lieu of such education or  
3 the equivalent thereof shall have received training from or  
4 under the auspices of the Bureau of Rehabilitation in the  
5 Department of Labor and Industry.]

6 Section 4.3. Eligibility Requirements for Registration as an  
7 Apprentice.--No person shall be permitted to register as an  
8 apprentice of [beauty culture] cosmetology nor shall a licensed  
9 [beauty] cosmetology shop employ or cause to be registered a  
10 person until an application for an apprentice permit shall have  
11 been filed with the board and an apprentice permit issued by the  
12 board. No apprentice permit shall be issued unless the  
13 prospective apprentice applying therefor shall have established  
14 to the satisfaction of the board that he or she is of good moral  
15 character [and], has completed a tenth grade education or the  
16 equivalent thereof or in lieu of such education or the  
17 equivalent thereof [shall have] has received training from or  
18 under the auspices of the Bureau of Rehabilitation in the  
19 Department of Labor and Industry and is free from contagious or  
20 infectious disease.

21 Section 9. Section 4.4 of the act, added July 15, 1976  
22 (P.L.1027, No.206), is amended to read:

23 Section 4.4. Management of [Beauty] Cosmetology Shops.--An  
24 owner of a [beauty] cosmetology shop, licensed as [an operator]  
25 a cosmetologist, may manage his own shop if he operates therein  
26 exclusively; otherwise, he shall employ a licensed manager. This  
27 section does not prohibit coownership of cosmetology shops by  
28 licensed cosmetologists who operate therein exclusively. This  
29 section does not prohibit an owner who is a barber from  
30 employing a cosmetologist without the requirement that a

1 cosmetologist-manager also be employed.

2 Section 10. Section 5 of the act is amended to read:

3 Section 5. [Manicuring] Limited Licenses.--A limited  
4 [certificate of registration] license to manicure the nails only  
5 and as a cosmetician only may be applied for and granted under  
6 all of the terms and conditions of this act, except that the  
7 examination therefor may be limited to such practice only and  
8 the required schooling shall be not less than one month. A  
9 manicurist may operate a shop limited to manicuring. A  
10 cosmetician may operate a shop limited to that license. The  
11 board may promulgate regulations with respect to such shops.

12 Section 11. Section 6 of the act, amended July 20, 1968  
13 (P.L.442, No.208), is amended to read:

14 Section 6. Requirements of a School of [Beauty Culture]  
15 Cosmetology.--(a) No school of [beauty culture] cosmetology  
16 shall be granted a [certificate of registration] license or  
17 renewal thereof unless it shall: (1) enroll only those students  
18 who have completed a ninth grade education or the equivalent  
19 thereof, or in lieu of such education or the equivalent thereof  
20 have received training from or under the auspices of the Bureau  
21 of Rehabilitation in the Department of Labor and Industry; are  
22 of good moral character; and are free from contagious or  
23 infectious disease; (2) attach to its staff, as a consultant, a  
24 person licensed by this Commonwealth to practice medicine[,  
25 and]; (3) employ and maintain a sufficient number of competent  
26 teachers, registered as such[, and shall]; (4) possess apparatus  
27 and equipment sufficient for the proper and full teaching of all  
28 subjects of its curriculum[, shall]; (5) keep a daily record of  
29 the attendance of each student[, shall]; (6) maintain regular  
30 class and instruction hours[, shall]; (7) establish grades and

1 hold examinations before issuance of diplomas[, and shall]; and  
2 (8) require a day school term of training of not less than one  
3 thousand two hundred fifty hours within a period of not less  
4 than [nine] eight consecutive months or a night school term of  
5 training for a period of not less than fifteen consecutive  
6 months for a complete course, comprising all or a majority of  
7 the practices of cosmetology, as provided by this act, and to  
8 include practical demonstrations and theoretical studies, and  
9 study in sanitation, sterilization, and the use of antiseptics,  
10 cosmetics and electrical appliances consistent with the  
11 practical and theoretical requirements as applicable to [beauty  
12 culture] cosmetology or any practice thereof. The hours of  
13 training required shall be accomplished within four consecutive  
14 years. In no case shall there be less than one teacher to each  
15 twenty-five pupils. A separate curriculum of five hundred hours  
16 shall be established for persons seeking to become teachers of  
17 [beauty culture] cosmetology which shall include methods of  
18 teaching, principles of education and shop management: Provided,  
19 however, That teachers in public school programs of [beauty  
20 culture] cosmetology who have shop managers' licenses and who  
21 meet the standards established by the Department of [Public  
22 Instruction] Education for vocational education teachers in the  
23 public schools shall be deemed to have satisfied such additional  
24 separate curriculum for teachers. A separate curriculum of three  
25 hundred hours shall be established for persons seeking to become  
26 managers of [beauty] cosmetology shops which shall include the  
27 conduct and administration of a [beauty] cosmetology shop. EACH <—  
28 SCHOOL SHALL REPORT TO THE BOARD STUDENT HOURS QUARTERLY ON  
29 FORMS PROVIDED BY THE BOARD.

30 (b) Upon renewal of the license, the school owner shall

1 supply an affidavit stating that, at the time of renewal, the  
2 school is in compliance with this act and the regulations  
3 promulgated under this act.

4 (c) No member of the board may inspect or be physically  
5 present during the ORIGINAL inspection of a cosmetology shop or <—  
6 a school of cosmetology.

7 Section 12. Sections 7 and 8 of the act, amended January 14,  
8 1952 (P.L.1951 P.L.2047, No.578), are amended to read:

9 Section 7. Student Practice upon the Public for Pay  
10 Prohibited.--It shall be unlawful for any school of [beauty  
11 culture] cosmetology to permit its students to practice [beauty  
12 culture] cosmetology upon the public under any circumstances  
13 except by way of clinical work upon persons willing to submit  
14 themselves to such practice after having first been properly  
15 informed that the operator is a student. No school of [beauty  
16 culture] cosmetology shall, directly or indirectly, charge any  
17 money whatsoever for treatment by its students [or for materials  
18 used in such treatment.] and shall only charge the reasonable  
19 cost of materials used in such treatment.

20 Section 8. Practice in [Beauty] Cosmetology Shops Only.--It  
21 shall be unlawful for any person to practice [beauty culture]  
22 cosmetology for pay in any place other than a [registered  
23 beauty] licensed cosmetology shop, manicurist shop or barber  
24 shop as defined in the act of June 19, 1931 (P.L.589, No.202),  
25 referred to as the Barbers' License Law: Provided, That a  
26 [registered operator] licensed cosmetologist may furnish [beauty  
27 culture] cosmetology treatments to persons in residences of such  
28 persons by appointment.

29 Section 13. Section 9 of the act, amended October 2, 1959  
30 (P.L.1010, No.421), is amended to read:

1       Section 9.   Exceptions to Examination Requirements; Present  
2   Students and Apprentices.--Any person who has practiced or  
3   taught [beauty culture] cosmetology or acted as manager of a  
4   [beauty] cosmetology shop or school of [beauty culture,]  
5   cosmetology, under a certificate, license or permit, for not  
6   less than two years in another state, territory, or the District  
7   of Columbia, may secure the [certificate of registration]  
8   license required by this act without an examination or  
9   compliance with other requirements as to age or education:  
10   Provided, That the Board shall be satisfied that the standards  
11   provided for licensure under the laws of the place wherein the  
12   applicant's license was issued are the same or substantially the  
13   same as those provided for hereunder, that similar privileges  
14   are accorded persons licensed under the laws of the  
15   Commonwealth, that the applicant holds a valid license from the  
16   place wherein he is entitled to practice, and that all the terms  
17   and conditions prescribed by the Board are complied with by the  
18   applicant. Such application shall be accompanied by an affidavit  
19   of a [practicing] licensed physician that the applicant was  
20   examined and is free from all contagious and infectious  
21   diseases, and the [registration] license fee required by this  
22   act. [Any person studying beauty culture in a school of beauty  
23   culture or as an apprentice in a beauty shop in this  
24   Commonwealth at the time this act goes into effect shall receive  
25   credit for such time and studies without complying with the  
26   requirements of this act as to age and preliminary education,  
27   provided such person shall make application to the department  
28   for registration as a student or apprentice within three months  
29   after this act goes into effect.] Students, upon graduating from  
30   [registered] licensed schools of [beauty culture] cosmetology,

1 may apply for, and receive from the department, a temporary  
2 [permit] license to practice [as an operator] in the field of  
3 cosmetology until the next regular examination held by the  
4 department under the provisions of this act.

5 Section 14. Section 9.1 of the act, added November 17, 1982  
6 (P.L.674, No.190), is amended to read:

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

20 Section 15. The act is amended to adding a section to read:

21 Section 9.2. Shared Shops.--(a) A licensed barber and a  
22 licensed cosmetologist shall be permitted to work in the same  
23 shop if the requirements of this section are met. Any licensed  
24 shop which employs a licensed barber and a licensed  
25 cosmetologist shall not be required to erect or install any  
26 physical barriers which separate the barber and the  
27 cosmetologist. All licensed shops shall conform with the  
28 provisions of section 4.4 of this act.

29 (b) A cosmetology shop licensee who shall employ a licensed  
30 barber shall also be a licensed cosmetologist manager and a

1 barber or employ a cosmetologist manager who is licensed as a  
2 barber.

3 (c) All shops licensed ~~prior to or on~~ ONE YEAR PRIOR TO the <—  
4 effective date of this section shall not be required to comply  
5 with subsection (b), but shall comply with all other provisions  
6 of this act.

7 (d) All owners or managers of shops licensed WITHIN ONE YEAR <—  
8 ~~OF~~ PRIOR TO OR after the effective date of this section who <—  
9 shall employ licensed barbers shall themselves or their  
10 cosmetologist managers be eligible for the barber license  
11 examination if they have a current cosmetologist manager's  
12 license OR OWN AS AN OWNER-OPERATOR A CURRENT LICENSED <—  
13 COSMETOLOGY SHOP. No additional curriculum hours shall be  
14 required. If the owner or the manager fails the examination,  
15 they shall be required to obtain an additional six hundred  
16 ninety-five curriculum hours as prescribed in section 3.2 of the  
17 act of June 19, 1931 (P.L.589, No.202), referred to as the  
18 Barbers' License Law.

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

27 Section 16. Sections 10 and 11 of the act, amended July 20,  
28 1968 (P.L.442, No.208), are amended to read:

29 Section 10. Apprentices in [Beauty] Cosmetology Shops.--Any  
30 cosmetologist[, hairdresser, or cosmetician,] who is a [beauty]

1 cosmetology shop owner, at least twenty-three years of age, who  
2 is a high school graduate or the equivalent thereof, who has had  
3 at least five years experience as a licensed [beautician]  
4 cosmetologist in Pennsylvania, and who is a holder of a  
5 teacher's [certificate] license, may instruct apprentices in a  
6 duly licensed [beauty] cosmetology shop, provided that there  
7 shall be no less than two licensed [operators] cosmetologists in  
8 addition to the teacher for each apprentice in any shop and  
9 there shall be no more than two apprentices in any shop, and  
10 provided such shop is not held out as a school of [beauty  
11 culture] cosmetology AND PROVIDED EACH TEACHER INSTRUCTING AN <—  
12 APPRENTICE SHALL REPORT QUARTERLY HOURS TO THE BOARD ON A FORM  
13 PROVIDED BY THE BOARD. Such apprentices may apply for  
14 examination at the end of their apprenticeship at the next  
15 regular examination held by the board, and, if successful  
16 therein, shall be [registered] licensed as [operators]  
17 cosmetologists. Registered apprentices upon completion of their  
18 required term of apprenticeship, may apply for, and receive from  
19 the department, a temporary permit to practice [as an operator]  
20 in the field of cosmetology until the next regular examination.  
21 Nothing in this act shall prohibit an owner from hiring a  
22 cosmetology teacher to instruct apprentices.

23 Section 11. [Rules] Regulations by Board.--The board after  
24 at least one public hearing shall prescribe reasonable [rules]  
25 regulations for its conduct, and for the [registration and]  
26 examination and licensing of applicants to practice or teach  
27 [beauty culture, and for the registration of teachers,  
28 students,] cosmetology and [managers of beauty] to manage  
29 cosmetology shops or schools of [beauty culture, and]  
30 cosmetology, for temporary licenses to be issued by the



1 department, and generally for the conduct of persons,  
2 copartnerships, associations or corporations affected by this  
3 act.

4 Section 17. The act is amended by adding a section to read:

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

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

18 Section 18. Section 12 of the act, amended May 12, 1949  
19 (P.L.1285, No.382), is amended to read:

20 Section 12. Examinations; Issuance of [Certificates of  
21 Registration] Licenses.--If the board finds that the applicant  
22 has submitted the credentials required by this act for admission  
23 to the examination, and has paid the [registration] license fee  
24 required by this act, the board shall admit such applicant to  
25 the examination and the department shall issue a [certificate of  
26 registration] license to practice as [operator] a cosmetologist,  
27 manager, or teacher as the case may be to those successfully  
28 passing the required examinations: Provided, That if the  
29 applicant fails to pass the examination he or she may be  
30 eligible to take the next examination [without any additional

1 fee]. [Every certificate of registration issued by the  
2 department shall have attached securely thereto a photograph of  
3 the person to whom the same is issued, and where a certificate  
4 is issued in the name of a corporation it shall have attached  
5 thereto the photograph of the manager thereof. Such photographs  
6 shall be furnished by the applicant for registration and shall  
7 be of such size as the board may require. The board]  
8 Examinations shall [hold public examinations on the third  
9 Tuesday in January, April, July, and October in the cities] be  
10 held at least four times a year in the metropolitan areas of  
11 Philadelphia, Pittsburgh, Wilkes-Barre, Harrisburg, and Erie at  
12 such hours as it shall prescribe pursuant to section 812.1 of  
13 the act of April 9, 1929 (P.L.177, No.175), known as "The  
14 Administrative Code of 1929". The examination for teachers' and  
15 managers' licenses shall differ from the examination for  
16 [operators'] cosmetology licenses in that it shall be of a more  
17 exacting nature and require higher standards of knowledge of the  
18 practice and theories of [beauty culture] cosmetology,  
19 including, with respect to a teacher's license, ability to teach  
20 properly the various practices and theories of [beauty culture]  
21 cosmetology.

22 Section 19. Section 12.1 of the act, added July 15, 1976  
23 (P.L.1027, No.206), is amended to read:

24 Section 12.1. Temporary [Certificates of Registration]  
25 Licenses.--(a) The department shall issue a temporary  
26 certificate of registration to practice as operator, manager, or  
27 teacher as the case may be to those successfully passing the  
28 required examinations and after completing the other  
29 requirements imposed by this act.

30 (b) The temporary certificate of registration shall be

1 issued by the inspector to the applicant upon the satisfactory  
2 completion of his inspection.

3 (c) The temporary certificate of registration shall be  
4 effective until the applicant receives the permanent certificate  
5 of registration from the department. The temporary certificate  
6 of registration shall have the same effect as the certificate of  
7 registration provided for in section 12.

8 (d) Notification to a student stating he passed the  
9 examination is sufficient to comply with this section.] Upon  
10 payment of the required fee, a temporary license may be issued  
11 to any applicant who is eligible for admission to a  
12 cosmetologist's examination or a manicurist's examination. An  
13 applicant who is thus licensed shall practice only under the  
14 supervision of a licensed teacher manager or cosmetologist until  
15 the time of the next scheduled examination. Temporary licenses  
16 are granted for a nine-month period.

17 Section 20. Section 13 of the act, amended January 14, 1952  
18 (1951 P.L.2047, No.578), is amended to read:

19 Section 13. Powers and Duties of Board.--(a) The board  
20 shall have the power to refuse, revoke, refuse to renew or  
21 suspend licenses [or certificates], upon due hearing, on proof  
22 of violation of any provisions of this act, or the rules and  
23 regulations established by the board under this act, or for  
24 gross incompetency or dishonest or unethical practices, or for  
25 failing to submit to an inspection of a licensee's shop during  
26 the business hours of the shop [or for performing {beauty <—  
27 culture}~~cosmetology~~ work on Sunday, with the exception of <—  
28 educational programs by licensed members of the profession, to  
29 be conducted for educational purposes only, no fees to be  
30 charged by the demonstrator or participant,] and shall have the <—

1 power to require the attendance of witnesses and the production  
2 of such books, records, and papers as may be necessary}. Before <—  
3 any [certificate] licenses shall be suspended or revoked for any  
4 of the reasons contained in this section, the holder thereof  
5 shall have notice in writing of the charge or charges against  
6 him or her and shall, at a day specified in said notice [which  
7 shall be at least five days after the service thereof], be given  
8 a public hearing before a duly authorized representative of the  
9 board with a full opportunity to produce testimony in his or her  
10 behalf and to confront the witnesses against him or her. Any  
11 person whose [certificate of registration] license has been so  
12 suspended [or revoked] may on application to the board have the  
13 same reissued to him or her, upon satisfactory proof that the  
14 disqualification has ceased. [Before the board may institute any  
15 of the above proceedings, it shall send a notice in writing to  
16 the certificate holder of any alleged violation of this act or  
17 rules thereunder together with a notice that if the violation is  
18 not abated within fifteen days the proceedings above outlined  
19 will be initiated.]

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

27 (c) Unless ordered to do so by a court, the board shall not  
28 reinstate the license of a person to practice pursuant to this  
29 act which has been revoked, and such person shall be required to  
30 apply for a license, after a period of five years, in accordance

1 with section 12 of this act if he desires to practice at any  
2 time after such revocation.

3 Section 21. Section 14 of the act, amended May 12, 1949  
4 (P.L.1285, No.382), is amended to read:

5 Section 14. Sanitary Rules.--The board shall prescribe such  
6 sanitary rules as it may deem necessary, with particular  
7 reference to the precautions necessary to be employed to prevent  
8 the creating and spreading of infectious and contagious  
9 diseases; and it shall be unlawful for the owner or manager of  
10 any [beauty] cosmetology shop or school of [beauty culture]  
11 cosmetology to permit any person to sleep in or use for  
12 residential purposes any room used wholly or in part as a  
13 [beauty] cosmetology shop or school of [beauty culture]  
14 cosmetology.

15 Section 22. The act is amended by adding a section to read:

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

24 Section 23. Section 16 of the act, amended December 22, 1959  
25 (P.L.2020, No.741), is amended to read:

26 Section 16. Fees.--[The registration fee for the issuance of  
27 a license, with or without examination, shall be as follows:  
28 Five dollars (\$5.00) for beauty shop owners, managers, and  
29 teachers; two dollars (\$2.00) for operators and manicurists; one  
30 dollar (\$1.00) for students or apprentices; and fifty dollars

1 (\$50.00) for schools of beauty culture. Biennial renewal fees  
2 shall be ten dollars (\$10.00) for shop owners and managers and  
3 school instructors; four dollars (\$4.00) for operators and  
4 manicurists; and fifty dollars (\$50.00) for schools of beauty  
5 culture. The above fees for registration, examination, and  
6 certificate shall be paid in advance to the department, and by  
7 it paid into the State Treasury through the Department of  
8 Revenue.] (a) The board shall, by regulation, fix the following  
9 fees: (1) for the issuance of a license, with or without  
10 examination, for cosmetology shop owners, managers, teachers,  
11 cosmetologists, manicurists, manicurist shops, students,  
12 cosmetology schools and for registration fee for apprentices;  
13 and (2) biennial renewal fees for cosmetology shop owners,  
14 managers, school instructors, cosmetologists, manicurists,  
15 cosmetology schools and manicurist shops. Fees for registration,  
16 licensure and examination shall be paid in advance to the  
17 department into the Professional Licensure Augmentation Account.

18 (b) In case a [beauty] cosmetology shop owner changes the  
19 location of his or her shop a new license must be secured. [No  
20 additional registration fee shall be required for such new  
21 license.] The board shall, by regulation, fix the fee required  
22 for such new license.

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

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

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

12     Section 24. Section 18 of the act is amended to read:

13     Section 18. Display of [Certificates] Licenses.--Every  
14 holder of a [certificate] license granted by the said  
15 department, as provided in this act, shall display it in a  
16 conspicuous place in his or her principal office, place of  
17 business, or employment.

18     Section 25. The act is amended by adding a section to read:

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

23     Section 26. Section 19 of the act, amended December 22, 1959  
24 (P.L.2020, No.741), is amended to read:

25     Section 19. Duration and Renewal of [Certificates of  
26 Registration.--The certificates of registration issued in the  
27 year in which this act goes into effect shall expire as of  
28 December thirty-first, one thousand nine hundred and thirty-  
29 four. Thereafter certificates shall be issued for a period of  
30 two years. All certificates] Licenses.--(a) With the period

1 ending January 31, 1986, the Bureau of Professional and  
2 Occupational Affairs shall designate approximately one-half of  
3 the renewals to expire in twelve months and the remainder of the  
4 renewals to expire in twenty-four months. Thereafter, licenses  
5 shall expire on the thirty-first day of [December] January of  
6 each succeeding biennium unless renewed for the next biennium.  
7 [Certificates] Licenses may be renewed by application made prior  
8 to the thirty-first day of [December] January of each succeeding  
9 biennium, and the payment of the renewal fees provided in this  
10 act.

11 (b) A cosmetologist who is not engaged in the practice of  
12 cosmetology shall request the board, in writing, to place his  
13 license in escrow and thus protect his right to obtain a license  
14 at any such time within a five-year period if he desires to  
15 again become engaged in the practice of cosmetology.

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

20 Section 27. Section 20 of the act, amended July 20, 1968  
21 (P.L.442, No.208), is amended to read:

22 Section 20. Penalties.--(a) Any person who shall practice  
23 or teach [beauty culture] cosmetology, or act in any capacity  
24 wherein [registration] licensing is required, without complying  
25 with this act, shall upon conviction, in a summary proceeding,  
26 be sentenced to pay a fine not exceeding [two hundred dollars  
27 (\$200.00)] three hundred dollars (\$300.00), [and, in default of  
28 the payment of such fine and costs,] and/or shall be sentenced  
29 to imprisonment not exceeding [six (6)] three (3) months.

30 (b) Any [operator] cosmetologist, manager, teacher, student



1 or apprentice who shall practice the [occupation] profession of  
2 [beauty culture] cosmetology while knowingly suffering from  
3 contagious or infectious disease, or who shall knowingly serve  
4 any person afflicted with such disease, shall be guilty of a  
5 [misdemeanor] summary offense, and, upon conviction thereof,  
6 shall be sentenced to pay a fine not exceeding [one hundred  
7 dollars (\$100.00)] three hundred dollars (\$300.00), or undergo  
8 an imprisonment not exceeding thirty (30) days, or both, at the  
9 discretion of the court.

10 (c) Any [operator] cosmetologist, manager, teacher, student  
11 or apprentice who shall infect any person, or who shall impart  
12 any contagious or infectious disease, by reason of carelessness  
13 or negligence in the practice of such [occupation] profession,  
14 shall be guilty of a [misdemeanor] summary offense, and, upon  
15 conviction, shall be sentenced to pay a fine not exceeding [five  
16 hundred dollars (\$500.00)] three hundred dollars (\$300.00), or  
17 to undergo an imprisonment not exceeding [six] three months, or  
18 both, at the discretion of the court.

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

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

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

11 (d) All fines and civil penalties imposed in accordance with  
12 this section shall be paid [to the department and by it paid  
13 into the State Treasury through the Department of Revenue] into  
14 the Professional Licensure Augmentation Account.

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

20 Section 28. Nothing contained in this act, or the act to  
21 which this is an amendment, shall be construed as prohibiting  
22 any municipality or any county department of health or joint-  
23 county department of health from adopting appropriate ordinances  
24 or regulations, not inconsistent with the provisions of this act  
25 or the rules and regulations adopted thereunder, as may be  
26 deemed necessary to promote the public health and safety and  
27 regulate the conduct of cosmetology shops and schools. Any  
28 municipality shall have power, by proper ordinances, to fix the  
29 days and hours during which cosmetology shops in the said  
30 municipality may be open for business. All municipalities with

1 proper ordinances shall have power to enforce the provisions of  
2 this section.

3 Section 29. (a) Section 459 of the act of April 9, 1929  
4 (P.L.177, No.175), known as The Administrative Code of 1929, is  
5 repealed.

6 (b) All other acts and parts of acts are repealed insofar as  
7 they are inconsistent with this act.

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

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

18 SECTION 32. EACH RULE AND REGULATION OF THE BOARD IN EFFECT <—  
19 ON JUNE 30, 1984, SHALL REMAIN IN EFFECT AFTER SUCH DATE UNTIL  
20 REPEALED OR AMENDED BY THE BOARD.

21 Section ~~32~~ 33. This act shall take effect ~~May 1~~ JULY 1, <—  
22 1984.