

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 12

Session of  
1989

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JANUARY 18, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 11, 1989

## AN ACT

1 Regulating the right to practice electrology; requiring the  
2 licensing of electrologists; providing for an Electrology  
3 Advisory Committee to the State Board of Cosmetology; making  
4 an appropriation; and providing penalties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Electrologist  
9 Licensure Act.

10 Section 2. Definitions.

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

14 "Board." The State Board of Cosmetology.

15 "Department." The Department of State of the Commonwealth.

16 "Electrologist." An individual who engages in the practice  
17 of electrology.

1 "Electrology." The removal of hair permanently through the  
2 use of electrical or thermolytical instruments.

3 "Electrology Advisory Committee." An advisory committee to  
4 the State Board of Cosmetology, created pursuant to this act.

5 Section 3. Electrology Advisory Committee.

6 (a) Creation.--There is hereby created an advisory committee  
7 to be known as the Electrology Advisory Committee, which shall  
8 be appointed by the Governor within 60 days of the effective  
9 date of this act, with the advice and consent of the majority of  
10 the members elected to the Senate. The advisory committee shall  
11 consist of five electrologists licensed under this act. To  
12 qualify as an initial appointee to the committee, an  
13 electrologist does not need to be licensed but must have been  
14 engaged in the practice of electrology for five years. For the  
15 initial advisory committee, appointments shall be staggered,  
16 with two members serving three-year terms, two members serving  
17 two-year terms and one member serving a one-year term.

18 Thereafter, all advisory committee members shall serve terms of  
19 three years or until their successors have been appointed and  
20 qualified, but no longer than six months beyond the three-year  
21 period. In the event that a member dies or resigns or otherwise  
22 becomes disqualified during his term, a successor shall be  
23 appointed in the same way and with the same qualifications and  
24 shall hold office for the unexpired term. No member shall be  
25 eligible for appointment to serve more than two consecutive  
26 terms.

27 (b) Quorum.--Three members of the advisory committee shall  
28 constitute a quorum. The advisory committee shall annually  
29 select, from among its number, a chairman who shall conduct  
30 meetings of the committee.

1 (c) Duties.--The advisory committee shall assist the board  
2 regarding the licensure, renewal, revocation, suspension or  
3 other disciplinary proceedings in accordance with this act and  
4 rules and regulations.

5 (d) Additional duties of chairman.--The Chairman of the  
6 Electrology Advisory Committee shall be a member of the State  
7 Board of Cosmetology solely for the purposes of the promulgation  
8 of regulations and disciplinary actions pursuant to this act.

9 (e) Regulations.--All regulations required pursuant to this  
10 act must be formulated in consultation with the Electrology  
11 Advisory Committee. The board shall initiate the promulgation of  
12 regulations within 120 days of the effective date of this  
13 section, governing the application, requirements and issuance of  
14 licenses to engage in the practice of electrology in accordance  
15 with this act.

16 (f) Compensation and expenses.--The advisory committee  
17 members shall receive \$60 per diem when actually attending to  
18 the work of the committee. Members shall also receive the amount  
19 of reasonable traveling, lodging and other necessary expenses  
20 incurred in the performance of their duties in accordance with  
21 Commonwealth regulations.

22 Section 4. Prohibition of practice of electrology without a  
23 license.

24 (a) License required.--It shall be unlawful for a person to  
25 practice or teach electrology or to hold oneself out in any  
26 manner as an electrologist in this Commonwealth unless the  
27 person has first obtained a license from the board, as provided  
28 in this act. An individual who willfully violates the provisions  
29 of this act commits a misdemeanor of the third degree.

30 (b) Injunction.--The unlawful practice of electrology, as

1 defined in this act, may be enjoined by the courts on petition  
2 of the board or the Commissioner of Professional and  
3 Occupational Affairs. In any such proceeding, it shall not be  
4 necessary to show that any person is individually injured by the  
5 actions complained of. If the respondent is found guilty of the  
6 unlawful practice of electrology, the court shall enjoin him  
7 from so practicing unless he has been duly licensed. Procedure  
8 in such cases shall be the same as in any other injunction suit.  
9 The remedy of injunction shall be in addition to criminal  
10 prosecution and punishment.

11 Section 5. Application for and granting of limited licenses.

12 A limited license to engage only in the practice of  
13 electrology may be applied for and granted under all of the  
14 terms and conditions of this act and the regulations promulgated  
15 hereunder. The minimum educational standards shall not exceed  
16 600 hours. An electrologist may operate a shop limited to the  
17 practice of electrology. The board may promulgate regulations  
18 with respect to such shops.

19 Section 6. Requirements for limited license to practice  
20 electrology.

21 (a) General rule.--

22 (1) The board shall promulgate regulations providing for  
23 the examination for licensure of electrologists, the BIENNIAL <—  
24 renewal of licenses and the setting of fees for examinations,  
25 licenses and renewals.

26 (2) All fees required pursuant to this act shall be  
27 fixed by the board by regulation and shall be subject to the <—  
28 ~~act of June 25, 1982 (P.L.633, No.181), known as the~~  
29 ~~Regulatory Review Act. If the revenues raised by fees, fines~~  
30 ~~and civil penalties imposed pursuant to this act are not~~

1 ~~sufficient to meet expenditures over a two year period, the~~  
2 ~~board shall increase those fees by regulation so that the~~  
3 ~~projected revenues will meet or exceed projected~~  
4 ~~expenditures.~~

5 ~~(3) If the Bureau of Professional and Occupational~~  
6 ~~Affairs determines that the fees established by the board~~  
7 ~~pursuant to paragraph (2) are inadequate to meet the minimum~~  
8 ~~enforcement efforts required by this act, then the bureau,~~  
9 ~~after consultation with the board and subject to the~~  
10 ~~Regulatory Review Act, shall increase the fees by regulation~~  
11 ~~in an amount that adequate revenues are raised to meet the~~  
12 ~~required enforcement effort. SECTION 16(C) AND (D) OF THE ACT <—~~  
13 ~~OF MAY 3, 1933 (P.L.242, NO.86), REFERRED TO AS THE~~  
14 ~~COSMETOLOGY LAW, AND TO THE ACT OF JUNE 25, 1982 (P.L.633,~~  
15 ~~NO.181), KNOWN AS THE REGULATORY REVIEW ACT.~~

16 (b) Restriction.--All examinations required under this act  
17 shall be subject to the requirements of section 812 of the act  
18 of April 9, 1929 (P.L.177, No.175), known as The Administrative  
19 Code of 1929.

20 (c) Waiver of examinations.--The board may waive examination  
21 in the following situations:

22 (1) For an applicant who is licensed to practice  
23 electrology or to teach electrology in another state, the  
24 board may waive the theory section of the examination if the  
25 applicant:

26 (i) Submits an application and pays the required  
27 fee.

28 (ii) Has passed, in the other state, an examination  
29 determined by the board to be substantially equivalent to  
30 the examination sought to be waived.

1 (iii) Has been licensed in the other state by  
2 meeting requirements determined by the board to be  
3 substantially equivalent to requirements promulgated by  
4 the board under this section.

5 (2) For an applicant practicing or teaching electrology  
6 on the effective date of this section, the board may waive  
7 the examination if the applicant:

8 (i) Submits an application under this section within  
9 one year of the effective date of the regulations  
10 promulgated under this act.

11 (ii) Is a resident of this Commonwealth.

12 (iii) Has practiced or taught electrology in this  
13 Commonwealth for two years prior to application.

14 (iv) Has a certificate evidencing completion of 125  
15 credit hours of electrology training from a licensed  
16 school of cosmetology or a school of electrology approved  
17 by the board.

18 Section 7. Disciplinary and corrective measures.

19 Electrologists licensed by the board shall be subject to all  
20 disciplinary provisions applicable to cosmetologists as set  
21 forth in the act of May 3, 1933 (P.L.242, No.86), referred to as  
22 the Cosmetology Law.

23 Section 8. Reports.

24 Beginning 30 days after the effective date of section 3 and  
25 every 30 days thereafter until regulations have been promulgated  
26 under this act, the Commissioner of Professional and  
27 Occupational Affairs shall report, in writing, to the  
28 Professional Licensure Committee of the House of Representatives  
29 and the Consumer Protection and Professional Licensure Committee  
30 of the Senate on the status of such regulations.

1 Section 9. Appropriation.

2 The sum of \$38,000, or as much thereof as may be necessary,  
3 is hereby appropriated from the Professional Licensure  
4 Augmentation Account within the General Fund to the Bureau of  
5 Professional and Occupational Affairs in the Department of State  
6 for the payment of costs of processing licenses and renewals,  
7 for the operation of the board and for other general costs of  
8 the bureau operations relating to this act. The appropriation  
9 granted shall be repaid by the board within three years of the  
10 beginning of issuance of licenses by the board.

11 Section 10. Effective date.

12 This act shall take effect as follows:

13 (1) Section 3 of this act shall take effect immediately.

14 (2) The remainder of this act shall take effect six  
15 months after the effective date of the regulations  
16 promulgated under this act.