

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2725 Session of 1994

INTRODUCED BY CIVERA, STRITTMATTER, ARMSTRONG, ROHRER, ADOLPH, MICOZZIE, RAYMOND, WAUGH, TOMLINSON, ALLEN, BOYES AND GANNON, APRIL 18, 1994

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 1994

AN ACT

1 Amending the act of June 19, 1931 (P.L.589, No.202), entitled,
2 as amended, "An act to promote the public health and safety,
3 by providing for the examination and licensure of those who
4 desire to engage in the profession of barbering; regulating
5 barber shops and barber schools, and students therein;
6 regulating compensation for service rendered; conferring
7 certain powers and duties on the Department of State; and
8 providing penalties," further providing for the definition of <—
9 "barbering" and for exceptions to the licensure requirement.
10 SUSPENSION OR REVOCATION OF A LICENSE, FOR SUPERVISION OF <—
11 SHOPS AND FOR REQUIREMENT TO HOLD A LICENSE.

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

14 Section 1. The definition of "barbering" in section 2.1 of <—
15 the act of June 19, 1931 (P.L.589, No.202), referred to as the
16 Barbers' License Law, added June 30, 1984 (P.L.494, No.101), is
17 amended to read:

18 Section 2.1. The following words and phrases when used in
19 this act shall have the meanings given to them in this section
20 unless the context clearly indicates otherwise:

21 \* \* \*

1       ~~"Barbering." To perform any or all of the following tasks~~  
2 ~~for compensation: to shave or trim the beard; to cut, shape,~~  
3 ~~trim or blend the hair with the proper tools or instruments~~  
4 ~~designed for this purpose; to shape the eyebrows, to give facial~~  
5 ~~and scalp massaging, facial and scalp treatment, with any~~  
6 ~~preparations made for this purpose, either by hand or by~~  
7 ~~mechanical or electrical appliances; to singe and shampoo the~~  
8 ~~hair or apply any makes of hair cream, hair lotions or hair~~  
9 ~~tonics; to dye, color or bleach the hair and to perform any~~  
10 ~~service on a wig or hairpiece; to style and to render hair~~  
11 ~~straightening, hair processing, hair weaving, hair waving and~~  
12 ~~curling, with such methods as: manual, mechanical, chemical or~~  
13 ~~electrical with the proper devices or proper chemical compounds~~  
14 ~~developed and designed for this purpose. The term shall not~~  
15 ~~include any or all of the above services when performed by a~~  
16 ~~member of one's immediate household.~~

17       \* \* \*

18       SECTION 1.   SECTIONS 9(A) AND 12(A)(1) OF THE ACT OF JUNE 19, <—  
19 1931 (P.L.589, NO.202), REFERRED TO AS THE BARBERS' LICENSE LAW,  
20 AMENDED JUNE 30, 1984 (P.L.494, NO.101), ARE AMENDED TO READ:

21       SECTION 9.   (A)   THE BOARD MAY SUSPEND OR REVOKE ANY LICENSE  
22 GRANTED BY THE DEPARTMENT UNDER THIS ACT TO ANY PERSON WHO (1)  
23 HABITUALLY INDULGES IN THE USE OF ALCOHOL, NARCOTICS, OR OTHER  
24 STIMULANTS TO SUCH AN EXTENT AS, IN THE OPINION OF THE BOARD,  
25 INCAPACITATES SUCH PERSON FROM THE DUTIES OF A BARBER; (2) HAS  
26 OR IMPARTS ANY CONTAGIOUS OR INFECTIOUS DISEASE TO ANY RECIPIENT  
27 OF SUCH PERSON'S SERVICES AS A BARBER; (3) PERFORMS WORK IN AN  
28 UNSANITARY OR FILTHY MANNER OR PLACE OF BUSINESS; (4) WHO IS  
29 GROSSLY INCOMPETENT; (5) ENGAGES IN UNETHICAL OR DISHONEST  
30 PRACTICE OR CONDUCT, OR VIOLATES ANY OF THE PROVISIONS OF THIS

1 ACT, OR ANY RULES OR REGULATIONS OF THE BOARD; (6) EMPLOYS AN  
2 UNLICENSED PERSON; (7) CHARGES TUITION TO A STUDENT IN A  
3 LICENSED BARBER SHOP; OR (8) FAILS TO SUBMIT TO AN INSPECTION OF  
4 HIS OR HER SHOP DURING HOURS OF THE SHOP. BEFORE ANY SUCH  
5 LICENSE SHALL BE SUSPENDED OR REVOKED FOR ANY OF THE REASONS  
6 CONTAINED IN THIS SECTION, THE HOLDER THEREOF SHALL HAVE NOTICE  
7 IN WRITING OF THE CHARGE OR CHARGES AGAINST HIM OR HER, AND  
8 SHALL [AT A DAY SPECIFIED IN SAID NOTICE] BE GIVEN A PUBLIC  
9 HEARING BEFORE A DULY AUTHORIZED REPRESENTATIVE OF THE BOARD  
10 WITH A FULL OPPORTUNITY TO PRODUCE TESTIMONY IN HIS OR HER  
11 BEHALF AND TO CONFRONT THE WITNESSES AGAINST HIM OR HER. ANY  
12 PERSON WHOSE LICENSE HAS BEEN SO SUSPENDED MAY, ON APPLICATION,  
13 HAVE THE SAME REISSUED TO HIM OR HER UPON SATISFACTORY SHOWING  
14 THAT THE DISQUALIFICATION HAS CEASED. ANY PERSON WHOSE LICENSE  
15 WAS SUSPENDED FOR HAVING OR IMPARTING ANY CONTAGIOUS OR  
16 INFECTIOUS DISEASE SHALL NOT HAVE HIS OR HER LICENSE REISSUED  
17 FOR A PERIOD OF AT LEAST ONE YEAR, AND THEN ONLY AFTER THE  
18 PERSON HAS SUBMITTED TO THE BOARD A NOTARIZED STATEMENT FROM A  
19 LICENSED PHYSICIAN THAT HE OR SHE IS FREE FROM CONTAGIOUS OR  
20 INFECTIOUS DISEASE.

21 \* \* \*

22 SECTION 12. (A) (1) EXCEPT FOR SHOPS LICENSED UNDER  
23 SECTION 13(B) AND ONE BARBER, BARBER SHOPS WHICH SHALL BE UNDER  
24 THE IMMEDIATE SUPERVISION OF A LICENSED BARBER, WHO HAS BEEN A  
25 LICENSED BARBER FOR ONE YEAR, ALL OTHER BARBER SHOPS SHALL AT  
26 ALL TIMES BE UNDER THE IMMEDIATE SUPERVISION OF A MANAGER-  
27 BARBER. IN NO BARBER SHOP SHALL THERE BE MORE THAN ONE STUDENT.  
28 ALL BARBER SCHOOLS SHALL KEEP PROMINENTLY DISPLAYED AT EVERY  
29 ENTRANCE TO SAID SCHOOL A SIGN READING "BARBER SCHOOL." ANY  
30 COPARTNERSHIP, CORPORATION, OR PERSON DESIRING TO OPERATE OR

1 CONDUCT A BARBER SHOP OR BARBER SCHOOL, SHALL FIRST SECURE FROM  
2 THE BOARD A LICENSE TO DO SO, AND SHALL KEEP THE SAME  
3 PROMINENTLY DISPLAYED. BOTH THE FEE FOR REGISTRATION OF EACH  
4 BARBER SCHOOL AND THE ANNUAL RENEWAL FEE SHALL BE DETERMINED BY  
5 REGULATION. THE BOARD MAY PASS UPON THE QUALIFICATIONS,  
6 APPOINTMENTS, AND COURSE OF STUDY IN SAID SCHOOL, WHICH SHALL BE  
7 NOT LESS THAN ONE THOUSAND TWO HUNDRED FIFTY (1250) HOURS AND  
8 NOT LESS THAN NINE MONTHS. ALL BARBER SCHOOLS SHALL HAVE NOT  
9 LESS THAN ONE LICENSED TEACHER FOR EVERY TWENTY STUDENTS, AND IN  
10 NO CASE LESS THAN ONE FULL-TIME TEACHER, WHO SHALL BE IN  
11 ATTENDANCE AT ALL TIMES DURING THE HOURS THE SCHOOL IS OPEN FOR  
12 INSTRUCTION. THIS SECTION DOES NOT PROHIBIT AN OWNER WHO IS A  
13 COSMETOLOGIST FROM EMPLOYING A BARBER WITHOUT THE REQUIREMENT  
14 THAT A MANAGER-BARBER ALSO BE EMPLOYED.

15 \* \* \*

16 Section 2. Section 13 of the act, amended June 14, 1991  
17 (P.L.66, No.8), is amended to read:

18 Section 13. (A) No person shall practice barbering who is <—  
19 not a licensed barber, with the exception that nonlicensed  
20 persons may shampoo hair under the supervision of a barber-  
21 manager or barber-owner. No licensed barber shall practice, or  
22 attempt to practice, barbering in any place other than a  
23 licensed barber shop or licensed cosmetology shop, except that  
24 any licensed barber in a licensed barber shop or licensed  
25 cosmetology shop may furnish barber services to persons at their  
26 place of residence or in institutions in cases of sickness,  
27 incapacitation, confinement, and other emergencies: Provided,  
28 however, That nothing contained in this section shall be  
29 construed to include family members of the same household,  
30 hospitals or colleges, ~~and] services provided under programs~~ <—

1 ~~funded by the Department of Aging,~~ private schools for  
2 children, ~~and~~ cosmetology shops or schools of cosmetology, <—  
3 except that it shall be unlawful and a violation of this act for  
4 any person to employ or to accept employment, in any such shops,  
5 parlors or schools, who has been refused a license by the board.

6 ~~Section 3. This act shall be retroactive to January 1, 1994.~~ <—

7 (B) A LICENSED BARBER OVER SIXTY-FIVE YEARS OF AGE MAY <—  
8 OPERATE A ONE-CHAIR BARBER SHOP LOCATED IN A SENIOR CITIZEN  
9 CENTER WHICH IS ELIGIBLE FOR FUNDING FROM THE STATE LOTTERY FUND  
10 AND FOR WHICH NO MANAGER'S LICENSE SHALL BE REQUIRED: PROVIDED,  
11 HOWEVER, THAT THE SHOP IS LICENSED UNDER THIS SUBSECTION AND IS  
12 LOCATED WITHIN REAL PROPERTY OWNED OR LEASED BY THE MUNICIPALITY  
13 WHICH OPERATES THE SENIOR CITIZEN CENTER. SHOPS LICENSED UNDER  
14 THIS SUBSECTION SHALL COMPLY WITH BOARD REGULATIONS PERTAINING  
15 TO SANITARY CONDITIONS, SPACE AND EQUIPMENT, EXCEPT FOR THE  
16 REQUIREMENT TO DISPLAY A SIGN AND BARBER POLE. SHOPS LICENSED  
17 UNDER THIS SUBSECTION SHALL DISPLAY IN A CONSPICUOUS PLACE AT  
18 THE SHOP ENTRANCE A NOTICE ADVISING THE PUBLIC THAT THE SERVICES  
19 THEREIN ARE AVAILABLE ONLY TO CLIENTS OF THE SENIOR CITIZEN  
20 CENTER. SHOPS LICENSED UNDER THIS SUBSECTION SHALL BE SUBJECT TO  
21 THE SAME FEES IMPOSED PURSUANT TO THIS ACT FOR THE ISSUANCE AND  
22 BIENNIAL RENEWAL OF A BARBER SHOP LICENSE.

23 SECTION 3. THE INITIAL ISSUANCE AND BIENNIAL RENEWAL FEES  
24 FOR BARBER SHOPS LICENSED UNDER THE ADDITION OF SECTION 13(B) OF  
25 THE ACT SHALL BE THE SAME AS THE FEES IN EFFECT ON THE EFFECTIVE  
26 DATE OF THIS ACT FOR THE ISSUANCE AND BIENNIAL RENEWAL OF A  
27 BARBER SHOP LICENSE AND SHALL BE EFFECTIVE IMMEDIATELY WITHOUT  
28 AMENDMENT OF THE REGULATIONS OF THE STATE BOARD OF BARBER  
29 EXAMINERS.

30 Section 4. This act shall take effect immediately.