

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 707 Session of  
2005INTRODUCED BY ERICKSON, PILEGGI, M. WHITE, WOZNIAK AND  
WONDERLING, MAY 26, 2005SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, AS AMENDED, OCTOBER 19, 2005

## 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, licensing and granting of permits  
4 for those who desire to engage in the profession of  
5 cosmetology; defining cosmetology, and regulating cosmetology  
6 shops, schools, students, apprentices, teachers, managers,  
7 manicurists and cosmetologists; conferring powers and duties  
8 upon the Commissioner of Professional and Occupational  
9 Affairs in the Department of State; providing for appeals to  
10 certain courts by applicants and licensees; and providing  
11 penalties," further providing for definitions, for practice  
12 of cosmetology without license, for limited licenses, for  
13 practice in cosmetology shops only, for temporary licenses,  
14 for fees and for regulations; AND SUBSTITUTING THE TERM <—  
15 "SALON" FOR THE TERM "SHOP" THROUGHOUT THE ACT.

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

18 ~~Section 1. The definitions of "cosmetician" and <—~~  
19 ~~"cosmetology" in section 1 of the act of May 3, 1933 (P.L.242,~~  
20 ~~No.86), referred to as the Cosmetology Law, amended October 18,~~  
21 ~~2000 (P.L.607, No.81), are amended and the section is amended by~~  
22 ~~adding definitions to read:~~

23 SECTION 1. THE TITLE OF THE ACT OF MAY 3, 1933 (P.L.242, <—  
24 NO.86), REFERRED TO AS THE COSMETOLOGY LAW, AMENDED JUNE 30,

1 1984 (P.L.479, NO.100), IS AMENDED TO READ:

2 AN ACT

3 TO PROMOTE THE PUBLIC HEALTH AND SAFETY BY PROVIDING FOR

4 EXAMINATION, LICENSING AND GRANTING OF PERMITS FOR THOSE WHO

5 DESIRE TO ENGAGE IN THE PROFESSION OF COSMETOLOGY; DEFINING

6 COSMETOLOGY, AND REGULATING COSMETOLOGY [SHOPS] SALONS,

7 SCHOOLS, STUDENTS, APPRENTICES, TEACHERS, MANAGERS,

8 MANICURISTS AND COSMETOLOGISTS; CONFERRING POWERS AND DUTIES

9 UPON THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL

10 AFFAIRS IN THE DEPARTMENT OF STATE; PROVIDING FOR APPEALS TO

11 CERTAIN COURTS BY APPLICANTS AND LICENSEES; AND PROVIDING

12 PENALTIES.

13 SECTION 2. THE DEFINITIONS OF "BOOTH SPACE," "COSMETICIAN"

14 AND "COSMETOLOGY" IN SECTION 1 OF THE ACT, AMENDED OCTOBER 18,

15 2000 (P.L.607, NO.81), ARE AMENDED AND THE SECTION IS AMENDED BY

16 ADDING DEFINITIONS TO READ:

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

18 when used in this act shall have the meanings given to them in

19 this section unless the context clearly indicates otherwise:

20 \* \* \*

21 "BOOTH SPACE" MEANS THE AREA OF A COSMETOLOGY [SHOP] SALON IN <—

22 WHICH A LICENSED COSMETOLOGIST OR A HOLDER OF A LIMITED LICENSE

23 PROVIDES TO A CLIENT A SERVICE FOR WHICH A LICENSE IS REQUIRED

24 UNDER THIS ACT.

25 "Braiding" means intertwining the hair in a systematic motion

26 to create patterns in a three-dimensional form, inverting the

27 hair against the scalp along part of a straight or curved row of

28 intertwined hair, or twisting the hair in a systematic motion,

29 and includes extending the hair with natural or synthetic hair

30 fibers.

1       \* \* \*

2       ["Cosmetician"] ~~"Esthetician"~~ means an individual who engages <—  
3       only in the practice of massaging the face, applying cosmetic  
4       preparations, antiseptics, tonics, lotions or creams to the  
5       face, removing superfluous hair by tweezers, depilatories or  
6       waxes and the dyeing of eyelashes and eyebrows.] <—

7       \* \* \*

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

23      \* \* \*

24      "ESTHETICIAN" MEANS AN INDIVIDUAL WHO ENGAGES ONLY IN THE <—  
25      PRACTICE OF MASSAGING THE FACE, APPLYING COSMETIC PREPARATIONS,  
26      ANTISEPTICS, TONICS, LOTIONS OR CREAMS TO THE FACE, REMOVING  
27      SUPERFLUOUS HAIR BY TWEEZERS, DEPILATORIES OR WAXES AND THE  
28      DYEING OF EYELASHES AND EYEBROWS.

29      "Hair technician" means an individual engaged in embellishing  
30      or beautifying hair, wigs or hairpieces by arranging, dressing,

1 pressing, curling, waving, permanent waving, cleansing, cutting,  
2 singeing, bleaching, coloring, braiding, weaving or similar  
3 work.

4 "Nail technician" means an individual engaged in manicuring  
5 the nails of any person, applying artificial or sculptured nails  
6 to any person, massaging the hands and lower arms up to the  
7 elbow of any person, massaging the feet and lower legs up to the  
8 knee of any person or any combination of these types of  
9 services.

10 "Natural hair stylist" means an individual engaged in  
11 utilizing techniques that result in tension on hair roots such  
12 as twisting, wrapping, weaving, extending, locking or braiding  
13 of the hair. The practice does not include the application of  
14 dyes, reactive chemicals or other preparations to alter the  
15 color or to straighten, curl or alter the structure of the hair.

16 \* \* \*

17 ~~Section 2. Section 2 of the act, amended June 29, 2002~~ <—  
18 ~~(P.L.645, No.98), is amended to read:~~

19 SECTION 3. SECTIONS 2 AND 4 OF THE ACT, AMENDED JUNE 29, <—  
20 2002 (P.L.645, NO.98), ARE AMENDED TO READ:

21 Section 2. Practice [of Cosmetology] without License  
22 Prohibited.--It shall be unlawful for any person to [practice]:

23 (1) practice or teach cosmetology, esthetics, nail  
24 technology, hair technology or natural hair styling;

25 (2) use [to use] or maintain any place for [the practice of  
26 cosmetology,] engaging in these practices for compensation[,];

27 (3) use [or to use] or maintain any place for the teaching  
28 of [cosmetology, unless he or she shall have first obtained]  
29 these practices;

30 without first obtaining from the department a license or limited

1 license as provided in this act.

2 SECTION 4. ELIGIBILITY REQUIREMENTS FOR EXAMINATION.--NO <—  
3 PERSON SHALL BE PERMITTED BY THE BOARD TO TAKE AN EXAMINATION TO  
4 RECEIVE A LICENSE AS A COSMETOLOGIST UNLESS SUCH PERSON (1)  
5 SHALL BE AT LEAST SIXTEEN YEARS OF AGE AND OF GOOD MORAL  
6 CHARACTER AT THE TIME OF MAKING APPLICATION, AND (2) SHALL HAVE  
7 COMPLETED A TENTH GRADE EDUCATION OR THE EQUIVALENT THEREOF, OR  
8 IN LIEU OF SUCH EDUCATION OR THE EQUIVALENT THEREOF SHALL HAVE  
9 RECEIVED TRAINING FROM OR UNDER THE AUSPICES OF THE BUREAU OF  
10 REHABILITATION IN THE DEPARTMENT OF LABOR AND INDUSTRY, AND (3)  
11 SHALL HAVE EITHER (I) COMPLETED NOT LESS THAN [ONE THOUSAND TWO  
12 HUNDRED FIFTY] ONE THOUSAND FIVE HUNDRED HOURS AS A STUDENT IN A  
13 DULY REGISTERED SCHOOL OF COSMETOLOGY AS HEREINAFTER PROVIDED IN  
14 THIS ACT, OR (II) SHALL HAVE BEEN REGISTERED AND SERVED AS AN  
15 APPRENTICE AT LEAST TWO THOUSAND HOURS IN A LICENSED COSMETOLOGY  
16 [SHOP] SALON AS HEREINAFTER PROVIDED IN THIS ACT. THE  
17 APPLICATION SHALL BE ACCOMPANIED BY A NOTARIZED STATEMENT FROM  
18 EITHER THE LICENSED COSMETOLOGY SCHOOL THE APPLICANT ATTENDED OR  
19 THE LICENSED COSMETOLOGY TEACHER IN THE LICENSED COSMETOLOGY  
20 [SHOP] SALON WHERE THE APPLICANT STUDIED AND TRAINED, STATING  
21 THAT THE APPLICANT HAS COMPLETED THE STUDY AND TRAINING PERIOD  
22 REQUIRED UNDER THIS ACT. NO PERSON SHALL BE PERMITTED TO TAKE AN  
23 EXAMINATION FOR A LICENSE TO TEACH COSMETOLOGY UNLESS SUCH  
24 PERSON SHALL HAVE A COSMETOLOGIST'S LICENSE, BE AT LEAST  
25 EIGHTEEN YEARS OF AGE, SHALL HAVE COMPLETED A TWELFTH GRADE  
26 EDUCATION OR THE EQUIVALENT THEREOF AND HAVE HAD FIVE HUNDRED  
27 HOURS OF SPECIALIZED TRAINING AS SET FORTH IN SECTION 6 OF THIS  
28 ACT WHICH HOURS SHALL BE IN ADDITION TO THE HOURS NECESSARY TO  
29 QUALIFY FOR A COSMETOLOGIST'S LICENSE.

30 SECTION 4. SECTION 4.3 OF THE ACT, AMENDED JUNE 30, 1984

1 (P.L.479, NO.100), IS AMENDED TO READ:

2 SECTION 4.3. ELIGIBILITY REQUIREMENTS FOR REGISTRATION AS AN  
3 APPRENTICE.--NO PERSON SHALL BE PERMITTED TO REGISTER AS AN  
4 APPRENTICE OF COSMETOLOGY NOR SHALL A LICENSED COSMETOLOGY  
5 [SHOP] SALON EMPLOY OR CAUSE TO BE REGISTERED A PERSON UNTIL AN  
6 APPLICATION FOR AN APPRENTICE PERMIT SHALL HAVE BEEN FILED WITH  
7 THE BOARD AND AN APPRENTICE PERMIT ISSUED BY THE BOARD. NO  
8 APPRENTICE PERMIT SHALL BE ISSUED UNLESS THE PROSPECTIVE  
9 APPRENTICE APPLYING THEREFOR SHALL HAVE ESTABLISHED TO THE  
10 SATISFACTION OF THE BOARD THAT HE OR SHE IS OF GOOD MORAL  
11 CHARACTER, HAS COMPLETED A TENTH GRADE EDUCATION OR THE  
12 EQUIVALENT THEREOF OR IN LIEU OF SUCH EDUCATION OR THE  
13 EQUIVALENT THEREOF HAS RECEIVED TRAINING FROM OR UNDER THE  
14 AUSPICES OF THE BUREAU OF REHABILITATION IN THE DEPARTMENT OF  
15 LABOR AND INDUSTRY AND IS FREE FROM CONTAGIOUS OR INFECTIOUS  
16 DISEASE.

17 SECTION 5. SECTION 4.4 OF THE ACT, AMENDED JUNE 29, 2002  
18 (P.L.645, NO.98), IS AMENDED TO READ:

19 SECTION 4.4. MANAGEMENT OF COSMETOLOGY [SHOPS] SALONS.--(A)  
20 EVERY [SHOP] SALON OWNER SHALL DESIGNATE A PERSON IN CHARGE OF  
21 THE [SHOP] SALON IN THE OWNER'S ABSENCE.

22 (B) THE NAME OF THE OWNER OR DESIGNATED PERSON IN CHARGE  
23 SHALL BE POSTED IN A CONSPICUOUS PLACE IN THE [SHOP] SALON.

24 (C) THE OWNER OR DESIGNATED PERSON IN CHARGE OF THE [SHOP]  
25 SALON SHALL BE READILY AVAILABLE DURING REGULAR BUSINESS HOURS  
26 TO BUREAU INSPECTORS.

27 Section 3. ~~Sections 5~~ 6. SECTIONS 5, 6(C) and 8 of the act, <—  
28 amended June 30, 1984 (P.L.479, No.100), are amended to read:

29 Section 5. Limited Licenses.--[A limited license to manicure  
30 the nails only and as a cosmetician only may be applied for and

1 granted under all of the terms and conditions of this act,  
2 except that the examination therefor may be limited to such  
3 practice only and the required schooling shall be not less than  
4 one month. A manicurist may operate a shop limited to  
5 manicuring. A cosmetician may operate a shop limited to that  
6 license. The board may promulgate regulations with respect to  
7 such shops.] (a) Applicants for any one of the four types of  
8 limited licenses shall be at least sixteen years of age, be of  
9 good moral character, have completed a tenth grade education or  
10 the equivalent thereof, and pay the applicable fee to the board.

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

13 (1) Esthetician license, which shall authorize the holder to  
14 engage in the practice of esthetics only. An applicant for an  
15 esthetician license shall have completed ~~three~~ FOUR hundred <—  
16 hours of instruction in skin care in a licensed school of  
17 cosmetology and passed an examination limited to that practice.  
18 Licensed estheticians may operate a ~~shop~~ SALON limited to that <—  
19 license.

20 (2) Hair technician license, which shall authorize the  
21 holder to engage in the practice of hair technology only. An  
22 applicant for a hair technician license shall have completed ~~six~~ <—  
23 ~~hundred~~ SEVEN HUNDRED FIFTY hours of instruction in hair <—  
24 technology in a licensed school of cosmetology and passed an  
25 examination limited to that practice. Licensed hair technicians  
26 may operate a ~~shop~~ SALON limited to that license. <—

27 (3) Nail technician license, which shall authorize the  
28 holder to engage in the practice of nail technology only. An  
29 applicant for a nail technician license shall have completed two  
30 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 ~~shop~~ SALON limited to that license.

<—

(4) (i) Natural hair stylist license, which shall authorize the holder to engage in the practice of natural hair styling only. An applicant for a natural hair stylist license shall have completed three hundred hours of board-approved subjects relating to sanitation, scalp care, anatomy and natural hair styling and passed an examination limited to that practice.

Licensed natural hair stylists may operate a ~~shop~~ SALON limited to that license.

<—

(ii) The requirements of paragraph (4)(i) shall not apply and a natural hair stylist license 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 as a natural hair stylist 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 THIS SUBSECTION, THE LICENSEE SHALL PROVIDE THE BOARD WITH PROOF THAT THE LICENSEE RECEIVED ONE HUNDRED FIFTY HOURS OF EDUCATION FROM A SCHOOL OF COSMETOLOGY AS A CONDITION OF RENEWAL



1 OF THE LICENSE. THE COURSES SHALL INCLUDE, AT A MINIMUM, SCALP  
2 CARE, HYGIENE AND OCCUPATIONAL SAFETY.

3 SECTION 6. REQUIREMENTS OF A SCHOOL OF COSMETOLOGY.--\* \* \*

4 (C) NO MEMBER OF THE BOARD MAY INSPECT OR BE PHYSICALLY  
5 PRESENT DURING THE ORIGINAL INSPECTION OF A COSMETOLOGY [SHOP]  
6 SALON OR A SCHOOL OF COSMETOLOGY.

7 Section 8. Practice in [Cosmetology]~~Licensed Shops~~ SHOPS] <—  
8 LICENSED SALONS Only.--(a) It shall be unlawful for any person  
9 [to]:

10 (1) to practice cosmetology for pay in any place other than  
11 a licensed cosmetology ~~shop~~ [SHOP, manicurist shop] SALON or <—  
12 barber shop as defined in the act of June 19, 1931 (P.L.589,  
13 No.202), referred to as the Barbers' License Law[:]; or

14 (2) to practice esthetics, nail technology, hair technology  
15 or natural hair styling for pay in any place other than a  
16 licensed cosmetology shop or a shop SALON OR A SALON licensed <—  
17 for one of the limited license practices.

18 (b) A [Provided, That a] licensed cosmetologist or the  
19 holder of a limited license may furnish [cosmetology] treatments  
20 to persons in their residences [of such persons] by appointment.

21 ~~Section 4. Sections 12.1 and 16(a) of the act, amended June~~ <—  
22 ~~29, 2002 (P.L.645, No.98), are amended to read:~~

23 SECTION 7. SECTIONS 8.1 AND 9.2 HEADING AND (A) OF THE ACT, <—  
24 AMENDED JUNE 29, 2002 (P.L.645, NO.98), ARE AMENDED TO READ:

25 SECTION 8.1. BOOTH RENTAL PROHIBITED.--THE RENTAL OF BOOTH  
26 SPACE BY AN OWNER OF A COSMETOLOGY [SHOP] SALON TO ANY HOLDER OF  
27 A LICENSE ISSUED UNDER THIS ACT IS UNLAWFUL.

28 SECTION 9.2. SHARED SHOPS AND SALONS.--(A) A LICENSED  
29 BARBER AND A LICENSED COSMETOLOGIST SHALL BE PERMITTED TO WORK  
30 IN THE SAME SHOP OR SALON IF THE REQUIREMENTS OF THIS SECTION

1 ARE MET. ANY LICENSED SHOP OR SALON WHICH EMPLOYS A LICENSED  
2 BARBER AND A LICENSED COSMETOLOGIST SHALL NOT BE REQUIRED TO  
3 ERECT OR INSTALL ANY PHYSICAL BARRIERS WHICH SEPARATE THE BARBER  
4 AND THE COSMETOLOGIST. ALL LICENSED SHOPS OR SALONS SHALL  
5 CONFORM WITH THE PROVISIONS OF SECTION 4.4 OF THIS ACT.

6 \* \* \*

7 SECTION 8. SECTION 10 OF THE ACT, AMENDED JUNE 30, 1984  
8 (P.L.479, NO.100), IS AMENDED TO READ:

9 SECTION 10. APPRENTICES IN COSMETOLOGY [SHOPS] SALONS.--ANY  
10 COSMETOLOGIST WHO IS A COSMETOLOGY [SHOP] SALON OWNER, AT LEAST  
11 TWENTY-THREE YEARS OF AGE, WHO IS A HIGH SCHOOL GRADUATE OR THE  
12 EQUIVALENT THEREOF, WHO HAS HAD AT LEAST FIVE YEARS EXPERIENCE  
13 AS A LICENSED COSMETOLOGIST IN PENNSYLVANIA, AND WHO IS A HOLDER  
14 OF A TEACHER'S LICENSE, MAY INSTRUCT APPRENTICES IN A DULY  
15 LICENSED COSMETOLOGY [SHOP] SALON, PROVIDED THAT THERE SHALL BE  
16 NO LESS THAN TWO LICENSED COSMETOLOGISTS IN ADDITION TO THE  
17 TEACHER FOR EACH APPRENTICE IN ANY [SHOP] SALON AND THERE SHALL  
18 BE NO MORE THAN TWO APPRENTICES IN ANY [SHOP] SALON, AND  
19 PROVIDED SUCH [SHOP] SALON IS NOT HELD OUT AS A SCHOOL OF  
20 COSMETOLOGY AND PROVIDED EACH TEACHER INSTRUCTING AN APPRENTICE  
21 SHALL REPORT QUARTERLY HOURS TO THE BOARD ON A FORM PROVIDED BY  
22 THE BOARD. SUCH APPRENTICES MAY APPLY FOR EXAMINATION AT THE END  
23 OF THEIR APPRENTICESHIP AT THE NEXT REGULAR EXAMINATION HELD BY  
24 THE BOARD, AND, IF SUCCESSFUL THEREIN, SHALL BE LICENSED AS  
25 COSMETOLOGISTS. REGISTERED APPRENTICES UPON COMPLETION OF THEIR  
26 REQUIRED TERM OF APPRENTICESHIP, MAY APPLY FOR, AND RECEIVE FROM  
27 THE DEPARTMENT, A TEMPORARY PERMIT TO PRACTICE IN THE FIELD OF  
28 COSMETOLOGY UNTIL THE NEXT REGULAR EXAMINATION. NOTHING IN THIS  
29 ACT SHALL PROHIBIT AN OWNER FROM HIRING A COSMETOLOGY TEACHER TO  
30 INSTRUCT APPRENTICES.

SECTION 9. SECTION 12.1 OF THE ACT, AMENDED JUNE 29, 2002  
(P.L.645, NO.98), IS AMENDED TO READ:

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 [a manicurist's examination] 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.

SECTION 10. SECTION 13(A) OF THE ACT, AMENDED JUNE 30, 1984 <—  
(P.L.479, NO.100), IS AMENDED TO READ:

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 [SHOP] SALON DURING THE BUSINESS  
HOURS OF THE [SHOP] 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

1 CONFRONT THE WITNESSES AGAINST HIM OR HER. ANY PERSON WHOSE  
2 LICENSE HAS BEEN SO SUSPENDED MAY ON APPLICATION TO THE BOARD  
3 HAVE THE SAME REISSUED TO HIM OR HER, UPON SATISFACTORY PROOF  
4 THAT THE DISQUALIFICATION HAS CEASED.

5 \* \* \*

6 SECTION 11. SECTION 14 OF THE ACT, AMENDED JUNE 29, 2002  
7 (P.L.645, NO.98), IS AMENDED TO READ:

8 SECTION 14. SANITARY RULES.--THE BOARD SHALL PRESCRIBE SUCH  
9 SANITARY RULES AS IT MAY DEEM NECESSARY, WITH PARTICULAR  
10 REFERENCE TO THE PRECAUTIONS NECESSARY TO BE EMPLOYED TO PREVENT  
11 THE CREATING AND SPREADING OF INFECTIOUS AND CONTAGIOUS  
12 DISEASES; AND IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY  
13 COSMETOLOGY [SHOP] SALON OR SCHOOL OF COSMETOLOGY TO PERMIT ANY  
14 PERSON TO SLEEP IN OR USE FOR RESIDENTIAL PURPOSES ANY ROOM USED  
15 WHOLLY OR IN PART AS A COSMETOLOGY [SHOP] SALON OR SCHOOL OF  
16 COSMETOLOGY.

17 SECTION 12. SECTION 14.1 OF THE ACT, ADDED JUNE 30, 1984  
18 (P.L.479, NO.100), IS AMENDED TO READ:

19 SECTION 14.1. TANNING UNITS.--THE BOARD MAY NOT PRESCRIBE OR  
20 ENFORCE ANY REGULATION PROHIBITING THE USE OF ANY TYPE OF  
21 TANNING UNIT IN COSMETOLOGY [SHOPS] SALONS UNLESS THE UNITED  
22 STATES FOOD AND DRUG ADMINISTRATION, OR ANOTHER FEDERAL OR  
23 COMMONWEALTH AGENCY OF COMPARABLE EXPERTISE ON MATTERS OF PUBLIC  
24 HEALTH, DETERMINES THAT THE USE OF THAT TYPE OF TANNING UNIT IN  
25 ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS PRESENTS A  
26 SERIOUS RISK TO THE PUBLIC.

27 SECTION 13. SECTION 16(A) AND (B) OF THE ACT, AMENDED JUNE  
28 30, 1984 (P.L.479, NO.100) AND JUNE 29, 2002 (P.L.645, NO.98),  
29 ARE AMENDED TO READ:

30 Section 16. Fees.--(a) The board shall, by regulation, fix

1 the following fees: (1) for the issuance of a license, with or  
2 without examination, for cosmetology [shop] SALON owners, <—  
3 teachers, cosmetologists, [manicurists, manicurist shops,] nail  
4 technologists, nail technology ~~shops~~ SALONS, estheticians, <—  
5 esthetician ~~shops~~ SALONS, hair technicians, hair technician <—  
6 ~~shops~~ SALONS, natural hair stylists, natural hair styling ~~shops~~ <—  
7 SALONS, students[,] and cosmetology schools; <—  
8 (2) [and] for registration fee for apprentices; and  
9 [(2)] (3) for biennial renewal [fees for] of cosmetology  
10 [shop] SALON owners, school instructors, cosmetologists, <—  
11 [manicurists, cosmetology schools and manicurist shops.] nail  
12 technologists, estheticians, hair technicians, natural hair  
13 stylists, cosmetology schools, nail technology ~~shops,~~ <—  
14 esthetician ~~shops~~ SALONS, ESTHETICIAN SALONS, hair technology <—  
15 ~~shops~~ SALONS and natural hair styling ~~shops~~ SALONS. Fees for <—  
16 registration, licensure and examination shall be paid in advance  
17 to the department into the Professional Licensure Augmentation  
18 Account.

19 \* \* \* <—

20 (B) IN CASE A COSMETOLOGY [SHOP] SALON OWNER CHANGES THE <—  
21 LOCATION OF HIS OR HER [SHOP] SALON A NEW LICENSE MUST BE  
22 SECURED. THE BOARD SHALL, BY REGULATION, FIX THE FEE REQUIRED  
23 FOR SUCH NEW LICENSE.

24 \* \* \*

25 SECTION 14. SECTION 18.1 OF THE ACT, ADDED JUNE 30, 1984  
26 (P.L.479, NO.100), IS AMENDED TO READ:

27 SECTION 18.1. CUSTOMER COMPLAINTS.--EACH [SHOP] SALON SHALL  
28 HAVE DISPLAYED IN A CONSPICUOUS PLACE NEAR THE [SHOP] SALON  
29 ENTRANCE A NOTICE TO CUSTOMERS LISTING THE PHONE NUMBER AT WHICH  
30 A CUSTOMER MAY REPORT A COMPLAINT TO THE STATE BOARD OF

1 COSMETOLOGY.

2 SECTION 15. SECTION 20(E) OF THE ACT, AMENDED JUNE 29, 2002  
3 (P.L.645, NO.98), IS AMENDED TO READ:

4 SECTION 20. PENALTIES.--\* \* \*

5 (E) THE OWNER OF ANY [SHOP] SALON EMPLOYING AN UNLICENSED  
6 COSMETOLOGIST SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE  
7 NOT EXCEEDING FIVE HUNDRED DOLLARS (\$500.00), OR TO UNDERGO  
8 IMPRISONMENT NOT EXCEEDING SIX (6) MONTHS, OR BOTH, AT THE  
9 DISCRETION OF THE COURT.

10 Section ~~5~~ 16. The board shall promulgate regulations <—  
11 required to implement this act within 18 months of the effective  
12 date of this act.

13 Section ~~6~~ 17. This act shall take effect in 60 days. <—