

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 707 Session of
2005INTRODUCED BY ERICKSON, PILEGGI, M. WHITE, WOZNIAK AND
WONDERLING, MAY 26, 2005

AS AMENDED ON SECOND CONSIDERATION, APRIL 18, 2006

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 title of the act of May 3, 1933 (P.L.242,
19 No.86), referred to as the Cosmetology Law, amended June 30,
20 1984 (P.L.479, No.100), is amended to read:

AN ACT

22 To promote the public health and safety by providing for
23 examination, licensing and granting of permits for those who
24 desire to engage in the profession of cosmetology; defining

1 cosmetology, and regulating cosmetology [shops] salons,
2 schools, students, apprentices, teachers, managers,
3 manicurists and cosmetologists; conferring powers and duties
4 upon the Commissioner of Professional and Occupational
5 Affairs in the Department of State; providing for appeals to
6 certain courts by applicants and licensees; and providing
7 penalties.

8 Section 2. The definitions of "booth space," "cosmetician"
9 and "cosmetology" in section 1 of the act, amended October 18,
10 2000 (P.L.607, No.81), are amended and the section is amended by
11 adding definitions to read:

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

15 * * *

16 "Booth space" means the area of a cosmetology [shop] salon in
17 which a licensed cosmetologist or a holder of a limited license
18 provides to a client a service for which a license is required
19 under this act.

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

26 * * *

27 ["Cosmetician" means an individual who engages only in the
28 practice of massaging the face, applying cosmetic preparations,
29 antiseptics, tonics, lotions or creams to the face, removing
30 superfluous hair by tweezers, depilatories or waxes and the

1 dyeing of eyelashes and eyebrows.]

2 * * *

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

18 * * *

19 "Esthetician" means an individual who engages only in the
20 practice of massaging the face, applying cosmetic preparations,
21 antiseptics, tonics, lotions or creams to the face, removing
22 superfluous hair by tweezers, depilatories or waxes and the
23 dyeing of eyelashes and eyebrows.

24 "Hair technician" means an individual engaged in embellishing
25 or beautifying hair, wigs or hairpieces by arranging, dressing,
26 pressing, curling, waving, permanent waving, cleansing, cutting,
27 singeing, bleaching, coloring, braiding, weaving or similar
28 work.

29 "Nail technician" means an individual engaged in manicuring
30 the nails of any person, applying artificial or sculptured nails

1 to any person, massaging the hands and lower arms up to the
2 elbow of any person, massaging the feet and lower legs up to the
3 knee of any person or any combination of these types of
4 services.

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

11 * * *

12 Section 3. Sections 2 and 4 of the act, amended June 29,
13 2002 (P.L.645, No.98), are amended to read:

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

16 (1) practice or teach cosmetology, esthetics, nail
17 technology, hair technology or natural hair styling;

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

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

23 without first obtaining from the department a license or limited
24 license as provided in this act.

25 Section 4. Eligibility Requirements for Examination.--No
26 person shall be permitted by the board to take an examination to
27 receive a license as a cosmetologist unless such person (1)
28 shall be at least sixteen years of age and of good moral
29 character at the time of making application, and (2) shall have
30 completed a tenth grade education or the equivalent thereof, or

1 in lieu of such education or the equivalent thereof shall have
2 received training from or under the auspices of the Bureau of
3 Rehabilitation in the Department of Labor and Industry, and (3)
4 shall have either (i) completed not less than ~~one thousand two~~ <—
5 ~~hundred fifty~~ ~~one thousand five hundred~~ hours as a student in a <—
6 duly registered school of cosmetology as hereinafter provided in
7 this act, or (ii) shall have been registered and served as an
8 apprentice at least two thousand hours in a licensed cosmetology
9 [shop] salon as hereinafter provided in this act. The
10 application shall be accompanied by a notarized statement from
11 either the licensed cosmetology school the applicant attended or
12 the licensed cosmetology teacher in the licensed cosmetology
13 [shop] salon where the applicant studied and trained, stating
14 that the applicant has completed the study and training period
15 required under this act. No person shall be permitted to take an
16 examination for a license to teach cosmetology unless such
17 person shall have a cosmetologist's license, be at least
18 eighteen years of age, shall have completed a twelfth grade
19 education or the equivalent thereof and have had five hundred
20 hours of specialized training as set forth in section 6 of this
21 act which hours shall be in addition to the hours necessary to
22 qualify for a cosmetologist's license.

23 Section 4. Section 4.3 of the act, amended June 30, 1984
24 (P.L.479, No.100), is amended to read:

25 Section 4.3. Eligibility Requirements for Registration as an
26 Apprentice.--No person shall be permitted to register as an
27 apprentice of cosmetology nor shall a licensed cosmetology
28 [shop] salon employ or cause to be registered a person until an
29 application for an apprentice permit shall have been filed with
30 the board and an apprentice permit issued by the board. No

1 apprentice permit shall be issued unless the prospective
2 apprentice applying therefor shall have established to the
3 satisfaction of the board that he or she is of good moral
4 character, has completed a tenth grade education or the
5 equivalent thereof or in lieu of such education or the
6 equivalent thereof has received training from or under the
7 auspices of the Bureau of Rehabilitation in the Department of
8 Labor and Industry and is free from contagious or infectious
9 disease.

10 Section 5. Section 4.4 of the act, amended June 29, 2002
11 (P.L.645, No.98), is amended to read:

12 Section 4.4. Management of Cosmetology [Shops] Salons.--(a)
13 Every [shop] salon owner shall designate a person in charge of
14 the [shop] salon in the owner's absence.

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

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

20 Section 6. Section 5 of the act, amended June 30, 1984
21 (P.L.479, No.100), is amended to read:

22 Section 5. Limited Licenses.--[A limited license to manicure
23 the nails only and as a cosmetician only may be applied for and
24 granted under all of the terms and conditions of this act,
25 except that the examination therefor may be limited to such
26 practice only and the required schooling shall be not less than
27 one month. A manicurist may operate a shop limited to
28 manicuring. A cosmetician may operate a shop limited to that
29 license. The board may promulgate regulations with respect to
30 such shops.] (a) Applicants for any one of the four types of

limited licenses shall be at least sixteen years of age, be of good moral character, have completed a tenth grade education or the equivalent thereof, and pay the applicable fee to the board.

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

(1) Esthetician license, which shall authorize the holder to engage in the practice of esthetics only. An applicant for an esthetician license shall have completed four hundred hours of instruction in skin care in a licensed school of cosmetology and passed an examination limited to that practice. Licensed estheticians may operate a salon limited to that license.

(2) Hair technician license, which shall authorize the holder to engage in the practice of hair technology only. An applicant for a hair technician license shall have completed one thousand hours of instruction in hair technology in a licensed school of cosmetology and passed an examination limited to that practice. Licensed hair technicians may operate a salon limited to that license.

(3) Nail technician license, which shall authorize the holder to engage in the practice of nail technology only. An applicant for a nail technician license shall have completed two hundred hours of instruction in nail technology in a licensed school of cosmetology and passed an examination limited to that practice. Licensed nail technicians may operate a salon limited to that license.

(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

1 styling and passed an examination limited to that practice.
2 Licensed natural hair stylists may operate a salon limited to
3 that license.

4 (ii) The requirements of paragraph (4)(i) shall not apply
5 and a natural hair stylist license shall be issued to an
6 applicant who:

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

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

19 (c) Within two years of the initial issuance of a license
20 under this section, the licensee shall provide the board with
21 proof that the licensee received one hundred fifty hours of
22 education from a school of cosmetology as a condition of renewal
23 of the license. The courses shall include, at a minimum, scalp
24 care, hygiene and occupational safety.

25 (d) No person shall be permitted to take an examination for
26 a license to teach esthetics, hair technology, nail technology
27 or natural hair styling unless the person has a current license
28 in that field of study and has six hundred hours of specialized
29 training as set forth in section 6 which shall be in addition to
30 the hours necessary to qualify for a license for an esthetician,

1 hair technician, nail technician or natural hair stylist.

2 Section 6.1. Section 6(a) and (c) of the act, amended June
3 30, 1984 (P.L.479, No.100) and June 29, 2002 (P.L.645, No.98),
4 are amended to read:

5 Section 6. Requirements of a School of Cosmetology.--(a) No
6 school of cosmetology shall be granted a license or renewal
7 thereof unless it shall: (1) enroll only those students who have
8 completed a ninth grade education or the equivalent thereof, or
9 in lieu of such education or the equivalent thereof have
10 received training from or under the auspices of the Bureau of
11 Rehabilitation in the Department of Labor and Industry; are of
12 good moral character; and are free from contagious or infectious
13 disease; (2) employ and maintain a sufficient number of
14 competent teachers, registered as such; (3) possess apparatus
15 and equipment sufficient for the proper and full teaching of all
16 subjects of its curriculum; (4) keep a daily record of the
17 attendance of each student; (5) maintain regular class and
18 instruction hours; (6) establish grades and hold examinations
19 before issuance of diplomas; and (7) require a day school term
20 of training of not less than one thousand ~~two hundred fifty~~ <—
21 ~~five hundred~~ hours within a period of not less than ~~eight~~ ~~ten~~ <—
22 consecutive months or a night school term of training for a
23 period of not less than ~~fifteen~~ ~~nineteen~~ <—
24 consecutive months, comprising all or a majority of the
25 practices of cosmetology, as provided by this act, and to
26 include practical demonstrations and theoretical studies, and
27 study in sanitation, sterilization, and the use of antiseptics,
28 cosmetics and electrical appliances consistent with the
29 practical and theoretical requirements as applicable to
30 cosmetology or any practice thereof. The hours of training

1 required shall be accomplished within four consecutive years. In
2 no case shall there be less than one teacher to each twenty-five
3 pupils. [A separate curriculum of five] Separate curricula of
4 six hundred hours shall be established for persons seeking to
5 become teachers of cosmetology, hair technology, esthetics, nail
6 technology or natural hair styling which shall include methods
7 of teaching and principles of education: Provided, however, That
8 teachers in public school programs of cosmetology who meet the
9 standards established by the Department of Education for
10 vocational education teachers in the public schools shall be
11 deemed to have satisfied such additional separate curriculum for
12 teachers. Each school shall report to the board student hours
13 quarterly on forms provided by the board. A cosmetology school
14 shall be managed on a day-to-day basis by a school supervisor
15 designated by the owner of the school. That person's name will
16 be on file with the board as the responsible party at the
17 school. The school's supervisor shall not be required to obtain
18 a special license.

19 * * *

20 (c) No member of the board may inspect or be physically
21 present during the original inspection of a cosmetology [shop]
22 salon or a school of cosmetology.

23 Section 6.2. Section 8 of the act, amended June 30, 1984
24 (P.L.479, No.100), is amended to read:

25 Section 8. Practice in [Cosmetology Shops] Licensed Salons
26 Only.--(a) It shall be unlawful for any person [to]:

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

1 (2) to practice esthetics, nail technology, hair technology
2 or natural hair styling for pay in any place other than a
3 licensed cosmetology salon or a salon licensed for one of the
4 limited license practices.

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

8 Section 7. Sections 8.1 and 9.2 heading and (a) of the act,
9 amended June 29, 2002 (P.L.645, No.98), are amended to read:

10 Section 8.1. Booth Rental Prohibited.--The rental of booth
11 space by an owner of a cosmetology [shop] salon to any holder of
12 a license issued under this act is unlawful.

13 Section 9.2. Shared Shops and Salons.--(a) A licensed
14 barber and a licensed cosmetologist shall be permitted to work
15 in the same shop or salon if the requirements of this section
16 are met. Any licensed shop or salon which employs a licensed
17 barber and a licensed cosmetologist shall not be required to
18 erect or install any physical barriers which separate the barber
19 and the cosmetologist. All licensed shops or salons shall
20 conform with the provisions of section 4.4 of this act.

21 * * *

22 Section 8. Section 10 of the act, amended June 30, 1984
23 (P.L.479, No.100), is amended to read:

24 Section 10. Apprentices in Cosmetology [Shops] Salons.--Any
25 cosmetologist who is a cosmetology [shop] salon owner, at least
26 twenty-three years of age, who is a high school graduate or the
27 equivalent thereof, who has had at least five years experience
28 as a licensed cosmetologist in Pennsylvania, and who is a holder
29 of a teacher's license, may instruct apprentices in a duly
30 licensed cosmetology [shop] salon, provided that there shall be

1 no less than two licensed cosmetologists in addition to the
2 teacher for each apprentice in any [shop] salon and there shall
3 be no more than two apprentices in any [shop] salon, and
4 provided such [shop] salon is not held out as a school of
5 cosmetology and provided each teacher instructing an apprentice
6 shall report quarterly hours to the board on a form provided by
7 the board. Such apprentices may apply for examination at the end
8 of their apprenticeship at the next regular examination held by
9 the board, and, if successful therein, shall be licensed as
10 cosmetologists. Registered apprentices upon completion of their
11 required term of apprenticeship, may apply for, and receive from
12 the department, a temporary permit to practice in the field of
13 cosmetology until the next regular examination. Nothing in this
14 act shall prohibit an owner from hiring a cosmetology teacher to
15 instruct apprentices.

16 Section 9. Section 12.1 of the act, amended June 29, 2002
17 (P.L.645, No.98), is amended to read:

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

28 Section 10. Section 13(a) of the act, amended June 30, 1984
29 (P.L.479, No.100), is amended to read:

30 Section 13. Powers and Duties of Board.--(a) The board

1 shall have the power to refuse, revoke, refuse to renew or
2 suspend licenses, upon due hearing, on proof of violation of any
3 provisions of this act, or the rules and regulations established
4 by the board under this act, or for gross incompetency or
5 dishonest or unethical practices, or for failing to submit to an
6 inspection of a licensee's [shop] salon during the business
7 hours of the [shop] salon and shall have the power to require
8 the attendance of witnesses and the production of such books,
9 records, and papers as may be necessary. Before any licenses
10 shall be suspended or revoked for any of the reasons contained
11 in this section, the holder thereof shall have notice in writing
12 of the charge or charges against him or her and shall, at a day
13 specified in said notice, be given a public hearing before a
14 duly authorized representative of the board with a full
15 opportunity to produce testimony in his or her behalf and to
16 confront the witnesses against him or her. Any person whose
17 license has been so suspended may on application to the board
18 have the same reissued to him or her, upon satisfactory proof
19 that the disqualification has ceased.

20 * * *

21 Section 11. Section 14 of the act, amended June 29, 2002
22 (P.L.645, No.98), is amended to read:

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

1 cosmetology.

2 Section 12. Section 14.1 of the act, added June 30, 1984
3 (P.L.479, No.100), is amended to read:

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

12 Section 13. Section 16(a) and (b) of the act, amended June
13 30, 1984 (P.L.479, No.100) and June 29, 2002 (P.L.645, No.98),
14 are amended and the section is amended by adding a subsection
15 designation to read:

16 Section 16. Fees.--(a) The board shall, by regulation, fix
17 the following fees: (1) for the issuance of a license, with or
18 without examination, for cosmetology [shop] salon owners,
19 teachers, cosmetologists, [manicurists, manicurist shops,] nail
20 technologists, nail technology salons, estheticians, esthetician
21 salons, hair technicians, hair technician salons, natural hair
22 stylists, natural hair styling salons, students[, and
23 cosmetology schools;

24 (1.1) [and] for registration fee for apprentices; and

25 (2) for biennial renewal [fees for] of cosmetology [shop]
26 salon owners, school instructors, cosmetologists, [manicurists,
27 cosmetology schools and manicurist shops.] nail technologists,
28 estheticians, hair technicians, natural hair stylists,
29 cosmetology schools, nail technology salons, esthetician salons,
30 hair technology salons and natural hair styling salons.

1 (a.1) Fees for registration, licensure and examination shall
2 be paid in advance to the department into the Professional
3 Licensure Augmentation Account.

4 (b) In case a cosmetology [shop] salon owner changes the
5 location of his or her [shop] salon a new license must be
6 secured. The board shall, by regulation, fix the fee required
7 for such new license.

8 * * *

9 Section 14. Section 18.1 of the act, added June 30, 1984
10 (P.L.479, No.100), is amended to read:

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

16 Section 15. Section 20(e) of the act, amended June 29, 2002
17 (P.L.645, No.98), is amended to read:

18 Section 20. Penalties.--* * *

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

24 Section 16. The board shall promulgate regulations required
25 to implement this act within 18 months of the effective date of
26 this act.

27 Section 17. This act shall take effect in 60 days.