
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 707 Session of
2005

INTRODUCED BY ERICKSON, PILEGGI, M. WHITE, WOZNIAK AND
WONDERLING, MAY 26, 2005

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 13, 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

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

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

13 SECTION 2. SECTION 1 OF THE ACT, AMENDED OCTOBER 18, 2000 <—
14 (P.L.607, NO.81) AND JUNE 29, 2002 (P.L.645, NO.98), IS AMENDED
15 TO READ:

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

19 * * * <—

20 "AFFILIATION" FOR PURPOSES OF SECTION 1.1, MEANS ANY PERSON <—
21 WHO IS AN OWNER, A STOCKHOLDER, A MEMBER OF THE BOARD OF
22 TRUSTEES OR BOARD OF GOVERNORS, ANY PROFESSIONAL EMPLOYE, OR
23 CONSULTANT OR ANY NONPROFESSIONAL EMPLOYE AND ANY PART-TIME
24 PERSONNEL EMPLOYED BY A SCHOOL OF COSMETOLOGY.

25 "BOARD" MEANS THE STATE BOARD OF COSMETOLOGY.

26 "Booth space" means the area of a [cosmetology {shop} salon <—
27 in which a licensed cosmetologist or a holder of a limited
28 license provides to a client a service for which a license is
29 required under this act.

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

1 to create patterns in a three-dimensional form, inverting the
2 hair against the scalp along part of a straight or curved row of
3 intertwined hair, or twisting the hair in a systematic motion,
4 and includes extending the hair with natural or synthetic hair
5 fibers.

6 * * *

<—

7 "BUREAU" MEANS THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL
8 AFFAIRS IN THE DEPARTMENT OF STATE.

<—

9 ["Cosmetician" means an individual who engages only in the
10 practice of massaging the face, applying cosmetic preparations,
11 antiseptics, tonics, lotions or creams to the face, removing
12 superfluous hair by tweezers, depilatories or waxes and the
13 dyeing of eyelashes and eyebrows.]

14 * * *

<—

15 "COSMETOLOGIST" MEANS AN INDIVIDUAL WHO IS ENGAGED IN THE
16 PRACTICE OF COSMETOLOGY.

<—

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

1 limitation thereof. THE TERM ALSO INCLUDES THE ACTS COMPRISING <—
2 THE PRACTICE OF HAIR TECHNOLOGY, NAIL TECHNOLOGY, NATURAL
3 HAIRSTYLING AND ESTHETICS.

4 * * *

5 ~~"Esthetician" 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 ~~"Hair technician" means an individual engaged in embellishing~~
11 ~~or beautifying hair, wigs or hairpieces by arranging, dressing,~~
12 ~~pressing, curling, waving, permanent waving, cleansing, cutting,~~
13 ~~singeing, bleaching, coloring, braiding, weaving or similar~~
14 ~~work.~~

15 ~~"Nail technician" means an individual engaged in manicuring~~
16 ~~the nails of any person, applying artificial or sculptured nails~~
17 ~~to any person, massaging the hands and lower arms up to the~~
18 ~~elbow of any person, massaging the feet and lower legs up to the~~
19 ~~knee of any person or any combination of these types of~~
20 ~~services.~~

21 ~~"Natural hair stylist" means an individual engaged in~~
22 ~~utilizing techniques that result in tension on hair roots such~~
23 ~~as twisting, wrapping, weaving, extending, locking or braiding~~
24 ~~of the hair. The practice does not include the application of~~
25 ~~dyes, reactive chemicals or other preparations to alter the~~
26 ~~color or to straighten, curl or alter the structure of the hair.~~

27 * * *

28 "DEPARTMENT" MEANS THE COMMISSIONER OF PROFESSIONAL AND <—
29 OCCUPATIONAL AFFAIRS IN THE DEPARTMENT OF STATE.

30 "ESTHETICS" MEANS THE PRACTICE OF MASSAGING THE FACE,

1 APPLYING COSMETIC PREPARATIONS, ANTISEPTICS, TONICS, LOTIONS OR
2 CREAMS TO THE FACE, REMOVING SUPERFLUOUS HAIR BY TWEEZERS,
3 DEPILATORIES OR WAXES AND THE DYEING OF EYELASHES AND EYEBROWS.

4 "ESTHETICIAN" MEANS AN INDIVIDUAL LICENSED BY THE STATE
5 BOARD OF COSMETOLOGY TO PRACTICE ESTHETICS.

6 "HAIR TECHNICIAN" MEANS AN INDIVIDUAL LICENSED BY THE STATE
7 BOARD OF COSMETOLOGY TO PRACTICE HAIR TECHNOLOGY.

8 "HAIR TECHNOLOGY" MEANS THE PRACTICE OF EMBELLISHING OR
9 BEAUTIFYING HUMAN HAIR, BY ARRANGING, DRESSING, PRESSING,
10 CURLING, WAVING, PERMANENT WAVING, CLEANSING, CUTTING, SINGEING,
11 BLEACHING, COLORING, BRAIDING, WEAVING OR SIMILAR WORK.

12 "LIMITED LICENSE" MEANS A LICENSE ISSUED BY THE STATE BOARD
13 OF COSMETOLOGY TO AN INDIVIDUAL WHICH PERMITS THAT INDIVIDUAL TO
14 ENGAGE IN THE PRACTICE OF ESTHETICS, NATURAL HAIRSTYLING, HAIR
15 TECHNOLOGY OR NAIL TECHNOLOGY.

16 "NAIL TECHNICIAN" MEANS AN INDIVIDUAL LICENSED BY THE STATE
17 BOARD OF COSMETOLOGY TO ENGAGE IN THE PRACTICE OF NAIL
18 TECHNOLOGY.

19 "NAIL TECHNOLOGY" MEANS THE PRACTICE OF MANICURING THE NAILS
20 OF AN INDIVIDUAL, APPLYING ARTIFICIAL OR SCULPTURED NAILS TO AN
21 INDIVIDUAL, MASSAGING THE HANDS OF AN INDIVIDUAL OR MASSAGING
22 THE LOWER ARMS OF AN INDIVIDUAL UP TO THE INDIVIDUAL'S ELBOW,
23 MASSAGING THE FEET OF AN INDIVIDUAL OR THE LOWER LEGS OF AN
24 INDIVIDUAL UP TO THE INDIVIDUAL'S KNEE, OR A COMBINATION OF
25 THESE ACTS.

26 "NATURAL HAIRSTYLING" MEANS THE PRACTICE OF UTILIZING
27 TECHNIQUES THAT RESULT IN TENSION ON HAIR ROOTS OF INDIVIDUALS,
28 SUCH AS TWISTING, WRAPPING, WEAVING, EXTENDING, LOCKING OR
29 BRAIDING OF THE HAIR. THE TERM DOES NOT INCLUDE THE APPLICATION
30 OF DYES, REACTIVE CHEMICALS OR OTHER PREPARATIONS TO ALTER THE

1 COLOR OR TO STRAIGHTEN, CURL OR ALTER THE STRUCTURE OF HAIR.

2 "NATURAL HAIRSTYLIST" MEANS AN INDIVIDUAL LICENSED BY THE
3 STATE BOARD OF COSMETOLOGY TO ENGAGE IN THE PRACTICE OF NATURAL
4 HAIRSTYLING.

5 "SCHOOL OF COSMETOLOGY" INCLUDES ANY INDIVIDUAL, PARTNERSHIP,
6 ASSOCIATION, BUSINESS CORPORATION, NONPROFIT CORPORATION,
7 MUNICIPAL CORPORATION, SCHOOL DISTRICT OR ANY GROUP OF
8 INDIVIDUALS HOWEVER ORGANIZED WHOSE PURPOSE IS TO PROVIDE
9 COURSES OF INSTRUCTION IN COSMETOLOGY OR THE TEACHING OF
10 COSMETOLOGY[.], OR COURSES OF INSTRUCTION IN ESTHETICS, HAIR
11 TECHNOLOGY, NAIL TECHNOLOGY OR NATURAL HAIRSTYLING OR THE
12 TEACHING OF ESTHETICS, HAIR TECHNOLOGY, NAIL TECHNOLOGY OR
13 NATURAL HAIRSTYLING.

14 "TANNING UNITS" MEANS EQUIPMENT THAT UTILIZES ULTRAVIOLET
15 LIGHT FOR THE PURPOSE OF COSMETIC TANNING.

16 Section 3. Sections 2 and 4 of the act, amended June 29,
17 2002 (P.L.645, No.98), are amended to read:

18 Section 2. Practice [of Cosmetology] without License
19 Prohibited.--It shall be unlawful for any person to [practice OR <—
20 TEACH COSMETOLOGY, TO USE OR MAINTAIN ANY PLACE FOR THE PRACTICE
21 OF COSMETOLOGY, FOR COMPENSATION, OR TO USE OR MAINTAIN ANY
22 PLACE FOR THE TEACHING OF COSMETOLOGY, UNLESS HE OR SHE SHALL
23 HAVE FIRST OBTAINED FROM THE DEPARTMENT A LICENSE AS PROVIDED IN
24 THIS ACT.]÷ <—

25 ~~(1) practice or teach cosmetology, esthetics, nail~~
26 ~~technology, hair technology or natural hair styling;~~

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

29 ~~(3) use [or to use] or maintain any place for the teaching~~
30 ~~of [cosmetology, unless he or she shall have first obtained]~~

1 ~~these practices;~~
2 ~~without first obtaining from the department a license or limited~~
3 ~~license as provided in this act. DO ANY OF THE FOLLOWING WITHOUT~~ <—
4 ~~HAVING FIRST OBTAINED FROM THE DEPARTMENT A LICENSE OR LIMITED~~
5 ~~LICENSE AS PROVIDED IN THIS ACT:~~

6 (1) TO PRACTICE OR TEACH COSMETOLOGY FOR COMPENSATION, OR TO
7 USE OR MAINTAIN ANY PLACE FOR THE PRACTICE OF COSMETOLOGY FOR
8 COMPENSATION, OR TO USE OR MAINTAIN ANY PLACE FOR THE TEACHING
9 OF COSMETOLOGY.

10 (2) TO PRACTICE OR TEACH ESTHETICS, NATURAL HAIRSTYLING OR
11 NAIL TECHNOLOGY FOR COMPENSATION, OR TO USE OR MAINTAIN ANY
12 PLACE FOR THE PRACTICE OF ESTHETICS, NATURAL HAIRSTYLING OR NAIL
13 TECHNOLOGY FOR COMPENSATION, OR TO USE OR MAINTAIN ANY PLACE FOR
14 THE TEACHING OF ESTHETICS, NATURAL HAIRSTYLING OR NAIL
15 TECHNOLOGY.

16 (3) TO PRACTICE OR TEACH HAIR TECHNOLOGY FOR COMPENSATION.

17 Section 4. Eligibility Requirements for Examination.--No
18 person shall be permitted by the board to take an examination to
19 receive a license as a cosmetologist unless such person (1)
20 shall be at least sixteen years of age and of good moral
21 character at the time of making application, and (2) shall have
22 completed a tenth grade education or the equivalent thereof, or
23 in lieu of such education or the equivalent thereof shall have
24 received training from or under the auspices of the Bureau of
25 Rehabilitation in the Department of Labor and Industry, and (3)
26 shall have either (i) completed not less than one thousand two
27 hundred fifty hours as a student in a duly registered school of
28 cosmetology as hereinafter provided in this act, or (ii) shall
29 have been registered and served as an apprentice at least two
30 thousand hours in a licensed cosmetology [shop] salon as

1 hereinafter provided in this act. The application shall be
2 accompanied by a notarized statement from either the licensed
3 cosmetology school the applicant attended or the licensed
4 cosmetology teacher in the licensed cosmetology [shop] salon
5 where the applicant studied and trained, stating that the
6 applicant has completed the study and training period required
7 under this act. No person shall be permitted to take an
8 examination for a license to teach cosmetology OR HAIR <—
9 TECHNOLOGY, NATURAL HAIRSTYLING, NAIL TECHNOLOGY OR ESTHETICS
10 unless such person shall have a [cosmetologist's license] <—
11 LICENSE TO PRACTICE COSMETOLOGY, be at least eighteen years of <—
12 age, shall have completed a twelfth grade education or the
13 equivalent thereof and have had five hundred hours of
14 specialized training as set forth in section 6 of this act which
15 hours shall be in addition to the hours necessary to qualify for
16 a [cosmetologist's license] LICENSE TO PRACTICE COSMETOLOGY OR A <—
17 LIMITED LICENSE.

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

20 Section 4.3. Eligibility Requirements for Registration as an
21 Apprentice.--No person shall be permitted to register as an
22 apprentice of cosmetology nor shall a licensed cosmetology
23 [shop] salon employ or cause to be registered a person until an
24 application for an apprentice permit shall have been filed with
25 the board and an apprentice permit issued by the board. No
26 apprentice permit shall be issued unless the prospective
27 apprentice applying therefor shall have established to the
28 satisfaction of the board that he or she is of good moral
29 character, has completed a tenth grade education or the
30 equivalent thereof or in lieu of such education or the

1 equivalent thereof has received training from or under the
2 auspices of the Bureau of Rehabilitation in the Department of
3 Labor and Industry and is free from contagious or infectious
4 disease.

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

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

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

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

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

17 Section 5. Limited Licenses.--[A limited license to manicure
18 the nails only and as a cosmetician only may be applied for and
19 granted under all of the terms and conditions of this act,
20 except that the examination therefor may be limited to such
21 practice only and the required schooling shall be not less than
22 one month. A manicurist may operate a shop limited to
23 manicuring. A cosmetician may operate a shop limited to that
24 license. The board may promulgate regulations with respect to
25 such shops.] (a) ~~Applicants for any one of the four types of~~ <—
26 ~~limited licenses~~ AN APPLICANT FOR A LIMITED LICENSE shall be at <—
27 least sixteen years of age, be of good moral character, have
28 completed a tenth grade education or the equivalent thereof, and
29 pay the applicable fee to the board.

30 (b) The board shall issue the following limited licenses to

1 qualified applicants:

2 (1) Esthetician license, which shall authorize the holder to
3 engage in the practice of esthetics only. An applicant for an
4 esthetician license shall have completed ~~four~~ THREE hundred <—
5 hours of instruction in ~~skin care~~ ESTHETICS in a licensed school <—
6 of cosmetology and passed an examination limited to that
7 practice. Licensed estheticians may operate a salon limited to
8 that license.

9 (2) Hair technician license, which shall authorize the
10 holder to engage in the practice of hair technology only. An
11 applicant for a hair technician license shall have completed ~~one~~ <—
12 ~~thousand~~ SEVEN HUNDRED FIFTY hours of instruction in hair <—
13 technology in a licensed school of cosmetology and passed an
14 examination limited to that practice. Licensed hair technicians
15 may ~~operate a salon limited to that license~~ ONLY PRACTICE IN A <—
16 LICENSED COSMETOLOGY SALON.

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

24 (4) (i) Natural hair stylist license, which shall authorize
25 the holder to engage in the practice of natural hair styling
26 only. An applicant for a natural hair stylist license shall have
27 completed three hundred hours of board-approved subjects
28 relating to sanitation, scalp care, anatomy and natural hair
29 styling IN A COSMETOLOGY SCHOOL and passed an examination <—
30 limited to that practice. Licensed natural hair stylists may

1 operate a salon limited to that license.

2 (ii) The requirements of paragraph (4)(i) shall not apply
3 and a ~~natural hair stylist license~~ LICENSE TO PRACTICE NATURAL <—
4 HAIRSTYLING shall be issued to an applicant who:

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

8 (B) can demonstrate proof of practice as a ~~natural hair~~ <—
9 ~~stylist~~ OF NATURAL HAIRSTYLING for three consecutive years <—
10 immediately prior to the date of application for licensure.

11 Proof of practice shall require tax records of employment and an
12 affidavit from the applicant and the applicant's immediate
13 supervisor where applicable. The board shall accept the
14 information provided without penalty to the applicant for
15 failure to comply with licensing provisions prior to the
16 effective date of this subsection.

17 (c) Within two years of the initial issuance of a license
18 under ~~this section~~ SUBSECTION (B)(4)(II), the licensee shall <—
19 provide the board with proof that the licensee ~~received~~ <—
20 COMPLETED one hundred fifty hours of education from a school of <—
21 cosmetology as a condition of renewal of the license. The
22 courses shall include, at a minimum, scalp care, hygiene and
23 occupational safety.

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

1 Section 6.1. Section 6(a) and (c) of the act, amended June
2 30, 1984 (P.L.479, No.100) and June 29, 2002 (P.L.645, No.98),
3 are amended AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS to <—
4 read:

5 Section 6. Requirements of a School of Cosmetology.--[(a) <—
6 No 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 hours within a period of not less than eight consecutive months
22 or a night school term of training for a period of not less than
23 fifteen consecutive months for a complete course, comprising all
24 or a majority of the practices of cosmetology, as provided by
25 this act, and to include practical demonstrations and
26 theoretical studies, and study in sanitation, sterilization, and
27 the use of antiseptics, cosmetics and electrical appliances
28 consistent with the practical and theoretical requirements as
29 applicable to cosmetology or any practice thereof. The hours of
30 training required shall be accomplished within four consecutive

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

18 (A) THE BOARD MAY GRANT A LICENSE OR RENEW A LICENSE OF A <—
19 COSMETOLOGY SCHOOL WHICH MEETS THE APPLICABLE REQUIREMENTS OF
20 THIS SECTION AND WHICH:

21 (1) TEACHES A COURSE OF INSTRUCTION PERTAINING TO ALL OR A
22 MAJORITY OF THE PRACTICES OF COSMETOLOGY; OR

23 (2) TEACHES A COURSE OF INSTRUCTION LIMITED TO HAIR
24 TECHNOLOGY, NATURAL HAIRSTYLING, NAIL TECHNOLOGY OR ESTHETICS.

25 (A.1) NO SCHOOL OF COSMETOLOGY SHALL BE GRANTED A LICENSE OR
26 RENEWAL OF A LICENSE UNLESS IT SHALL:

27 (1) ENROLL ONLY THOSE STUDENTS WHO:

28 (I) HAVE COMPLETED AN EIGHTH GRADE EDUCATION OR THE
29 EQUIVALENT OR, IN LIEU OF SUCH EDUCATION OR EQUIVALENT, HAVE
30 RECEIVED TRAINING FROM OR UNDER THE AUSPICES OF THE BUREAU OF

1 REHABILITATION IN THE DEPARTMENT OF LABOR AND INDUSTRY.

2 (II) ARE OF GOOD MORAL CHARACTER.

3 (III) ARE FREE FROM CONTAGIOUS OR INFECTIOUS DISEASE.

4 (2) EMPLOY AND MAINTAIN A SUFFICIENT NUMBER OF COMPETENT
5 TEACHERS, REGISTERED AS SUCH.

6 (3) POSSESS APPARATUS AND EQUIPMENT SUFFICIENT FOR THE
7 PROPER AND FULL TRAINING FOR ALL SUBJECTS OF ITS CURRICULUM.

8 (4) KEEP A DAILY RECORD OF THE ATTENDANCE OF EACH STUDENT.

9 (5) PROVIDE THE BOARD WITH A QUARTERLY REPORT REGARDING
10 STUDENT HOURS ON FORMS PROVIDED BY THE BOARD.

11 (6) MAINTAIN REGULAR CLASS AND INSTRUCTION HOURS.

12 (7) ESTABLISH GRADES AND HOLD EXAMINATIONS BEFORE ISSUANCE
13 OF DIPLOMAS.

14 (8) BE MANAGED ON A DAY-TO-DAY BASIS BY A SCHOOL SUPERVISOR
15 DESIGNATED BY THE OWNER OF THE SCHOOL. THAT PERSON'S NAME SHALL
16 BE PROVIDED TO THE BOARD AND SHALL BE ON FILE AS THE RESPONSIBLE
17 PARTY AT THE SCHOOL. THE SCHOOL'S SUPERVISOR SHALL NOT BE
18 REQUIRED TO OBTAIN A SPECIAL LICENSE TO SUPERVISE THE SCHOOL.

19 * * *

20 (B.1) NO SCHOOL OF COSMETOLOGY SHALL BE GRANTED A LICENSE OR
21 RENEWAL OF A LICENSE UNLESS IT SHALL REQUIRE:

22 (1) EXCEPT AS SET FORTH IN SUBSECTION (D), A DAY SCHOOL TERM
23 OF TRAINING OF NOT LESS THAN ONE THOUSAND TWO HUNDRED FIFTY
24 HOURS WITHIN A PERIOD OF NOT LESS THAN EIGHT CONSECUTIVE MONTHS
25 OR A NIGHT SCHOOL TERM OF TRAINING FOR A PERIOD OF NOT LESS THAN
26 FIFTEEN CONSECUTIVE MONTHS FOR A COMPLETE COURSE, COMPRISING ALL
27 OR A MAJORITY OF THE PRACTICES OF COSMETOLOGY, AS PROVIDED BY
28 THIS ACT. THE HOURS OF TRAINING REQUIRED BY THIS PARAGRAPH SHALL
29 BE ACCOMPLISHED WITHIN FOUR CONSECUTIVE YEARS.

30 (2) PRACTICAL DEMONSTRATIONS AND THEORETICAL STUDIES, AND

STUDY IN SANITATION, STERILIZATION AND THE USE OF ANTISEPTICS,
COSMETICS AND ELECTRICAL APPLIANCES CONSISTENT WITH THE
PRACTICAL AND THEORETICAL REQUIREMENTS AS APPLICABLE TO
COSMETOLOGY, HAIR TECHNOLOGY, NAIL TECHNOLOGY, NATURAL
HAIRSTYLING OR ESTHETICS OR ANY ACT OR PRACTICE COMPRISING
COSMETOLOGY, HAIR TECHNOLOGY, NAIL TECHNOLOGY, NATURAL
HAIRSTYLING OR ESTHETICS.

(3) A RATIO OF NOT LESS THAN ONE TEACHER FOR EVERY TWENTY-
FIVE STUDENTS.

(4) A SEPARATE CURRICULUM OF FIVE HUNDRED HOURS FOR
INDIVIDUALS SEEKING TO BECOME TEACHERS OF COSMETOLOGY, HAIR
TECHNOLOGY, NAIL TECHNOLOGY OR NATURAL HAIRSTYLING. THE
CURRICULUM SHALL INCLUDE METHODS OF TEACHING AND PRINCIPLES OF
EDUCATION. THIS PARAGRAPH SHALL NOT APPLY TO TEACHERS IN PUBLIC
SCHOOL PROGRAMS OF COSMETOLOGY WHO MEET THE STANDARDS
ESTABLISHED BY THE DEPARTMENT OF EDUCATION FOR VOCATIONAL
EDUCATION TEACHERS IN THE PUBLIC SCHOOLS, AND THOSE TEACHERS
SHALL BE DEEMED TO HAVE SATISFIED THE EDUCATIONAL REQUIREMENTS
OF THIS PARAGRAPH.

* * *

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

(D) A SCHOOL OF COSMETOLOGY WHICH OFFERS A CURRICULUM
LIMITED TO THE PRACTICE OF HAIR TECHNOLOGY, NATURAL HAIRSTYLING,
NAIL TECHNOLOGY OR ESTHETICS AND LICENSED PURSUANT TO SUBSECTION
(A)(2), SHALL REQUIRE THE FOLLOWING WITH RESPECT TO HOURS OF
INSTRUCTION:

(1) FOR HAIR TECHNOLOGY, STUDENTS SHALL BE REQUIRED TO
COMPLETE A COURSE OF EDUCATION CONSISTING OF SEVEN HUNDRED FIFTY

1 HOURS;

2 (2) FOR NATURAL HAIRSTYLING, STUDENTS SHALL BE REQUIRED TO
3 COMPLETE A COURSE OF STUDY OF THREE HUNDRED HOURS;

4 (3) FOR NAIL TECHNOLOGY, STUDENTS SHALL BE REQUIRED TO
5 COMPLETE A COURSE OF STUDY OF TWO HUNDRED HOURS; AND

6 (4) FOR ESTHETICS, STUDENTS SHALL BE REQUIRED TO COMPLETE A
7 COURSE OF STUDY OF THREE HUNDRED HOURS.

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

10 Section 8. Practice in [Cosmetology Shops] Licensed Salons
11 Only.--~~(a)~~ [It] (A) EXCEPT AS SET FORTH IN SUBSECTION (B), IT <—
12 shall be unlawful for any person [to]:

13 (1) to practice cosmetology for pay in any place other than
14 a licensed cosmetology [shop, manicurist shop] salon or barber
15 shop as defined in the act of June 19, 1931 (P.L.589, No.202),
16 referred to as the Barbers' License Law[: PROVIDED, THAT A]; ~~or~~ <—

17 ~~(2) to practice esthetics, nail technology, hair technology~~
18 ~~or natural hair styling for pay in any place other than a~~
19 ~~licensed cosmetology salon or a salon licensed for one of the~~
20 ~~limited license practices.~~

21 (2) TO PRACTICE ESTHETICS, NAIL TECHNOLOGY OR NATURAL <—
22 HAIRSTYLING FOR PAY IN ANY PLACE OTHER THAN A LICENSED
23 COSMETOLOGY SALON OR A SALON LIMITED TO ESTHETICS, NAIL
24 TECHNOLOGY OR NATURAL HAIRSTYLING; OR

25 (3) TO PRACTICE HAIR TECHNOLOGY FOR PAY IN ANY OTHER PLACE
26 THAN A LICENSED COSMETOLOGY SALON.

27 (b) A {Provided, That a} licensed cosmetologist or the <—
28 holder of a limited license may furnish [cosmetology] treatments
29 to persons in their residences [of such persons] by appointment.

30 Section 7. Sections 8.1 and 9.2 heading and (a) of the act,

1 amended June 29, 2002 (P.L.645, No.98), are amended to read:

2 Section 8.1. Booth Rental Prohibited.--The rental of booth
3 space by an owner of a cosmetology [shop] salon, OR THE OWNER OF <—
4 A SALON LIMITED TO ESTHETICS, NAIL TECHNOLOGY OR NATURAL
5 HAIRSTYLING, to any holder of a license issued under this act is
6 unlawful.

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

15 * * *

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

18 Section 10. Apprentices in Cosmetology [Shops] Salons.--Any
19 cosmetologist who is a cosmetology [shop] salon owner, at least
20 twenty-three years of age, who is a high school graduate or the
21 equivalent thereof, who has had at least five years experience
22 as a licensed cosmetologist in Pennsylvania, and who is a holder
23 of a teacher's license, may instruct apprentices in a duly
24 licensed cosmetology [shop] salon, provided that there shall be
25 no less than two licensed cosmetologists in addition to the
26 teacher for each apprentice in any [shop] salon and there shall
27 be no more than two apprentices in any [shop] salon, and
28 provided such [shop] salon is not held out as a school of
29 cosmetology and provided each teacher instructing an apprentice
30 shall report quarterly hours to the board on a form provided by

1 the board. Such apprentices may apply for examination at the end
2 of their apprenticeship at the next regular examination held by
3 the board, and, if successful therein, shall be licensed as
4 cosmetologists. Registered apprentices upon completion of their
5 required term of apprenticeship, may apply for, and receive from
6 the department, a temporary permit to practice in the field of
7 cosmetology until the next regular examination. Nothing in this
8 act shall prohibit an owner from hiring a cosmetology teacher to
9 instruct apprentices.

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

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

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

24 Section 13. Powers and Duties of Board.--(a) The board
25 shall have the power to refuse, revoke, refuse to renew or
26 suspend licenses, upon due hearing, on proof of violation of any
27 provisions of this act, or the rules and regulations established
28 by the board under this act, or for gross incompetency or
29 dishonest or unethical practices, or for failing to submit to an
30 inspection of a licensee's [shop] salon during the business

1 hours of the [shop] salon and shall have the power to require
2 the attendance of witnesses and the production of such books,
3 records, and papers as may be necessary. Before any licenses
4 shall be suspended or revoked for any of the reasons contained
5 in this section, the holder thereof shall have notice in writing
6 of the charge or charges against him or her and shall, at a day
7 specified in said notice, be given a public hearing before a
8 duly authorized representative of the board with a full
9 opportunity to produce testimony in his or her behalf and to
10 confront the witnesses against him or her. Any person whose
11 license has been so suspended may on application to the board
12 have the same reissued to him or her, upon satisfactory proof
13 that the disqualification has ceased.

14 * * *

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

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

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

28 Section 14.1. Tanning Units.--The board may not prescribe or
29 enforce any regulation prohibiting the use of any type of
30 tanning unit in cosmetology [shops] salons unless the United

1 States Food and Drug Administration, or another Federal or
2 Commonwealth agency of comparable expertise on matters of public
3 health, determines that the use of that type of tanning unit in
4 accordance with the manufacturer's instructions presents a
5 serious risk to the public.

6 Section 13. Section 16(a) and (b) of the act, amended June
7 30, 1984 (P.L.479, No.100) and June 29, 2002 (P.L.645, No.98),
8 are amended and the section is amended by adding a subsection
9 designation to read:

10 Section 16. Fees.--(a) The board shall, by regulation, fix
11 the following fees: (1) for the issuance of a license, with or
12 without examination, for cosmetology [shop] salon owners,
13 teachers, cosmetologists, [manicurists, manicurist shops,] nail
14 ~~technologists~~ TECHNICIANS, nail technology salons, estheticians, <—
15 esthetician salons, hair technicians, hair technician salons, <—
16 natural hair stylists, natural hair styling salons, students[,]
17 and cosmetology schools;

18 (1.1) [and] for registration fee for apprentices; and

19 (2) for biennial renewal [fees for] of cosmetology [shop]
20 salon owners, school instructors, cosmetologists, [manicurists,
21 cosmetology schools and manicurist shops.] nail technologists <—
22 TECHNICIANS, estheticians, hair technicians, natural hair <—
23 stylists, cosmetology schools, nail technology salons,
24 esthetician salons, hair technology salons and natural hair <—
25 styling salons.

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

29 (b) In case a [cosmetology {shop} salon owner changes the <—
30 location of his or her [shop] salon a new license must be

1 secured. The board shall, by regulation, fix the fee required
2 for such new license.

3 * * *

4 Section 14. ~~Section 18.1~~ SECTIONS 18.1 AND 19(B) of the act, <—
5 added June 30, 1984 (P.L.479, No.100), ~~is~~ ARE amended to read: <—

6 Section 18.1. Customer Complaints.--Each [shop] salon shall
7 have displayed in a conspicuous place near the [shop] salon
8 entrance a notice to customers listing the phone number at which
9 a customer may report a complaint to the State Board of
10 Cosmetology.

11 SECTION 19. DURATION AND RENEWAL OF LICENSES.--* * * <—

12 (B) [A COSMETOLOGIST] AN INDIVIDUAL HOLDING A LICENSE TO
13 PRACTICE COSMETOLOGY OR AN INDIVIDUAL HOLDING A LIMITED LICENSE
14 WHO IS NOT ENGAGED IN [THE PRACTICE OF COSMETOLOGY] PRACTICE
15 SHALL REQUEST THE BOARD, IN WRITING, TO PLACE HIS LICENSE IN
16 ESCROW AND THUS PROTECT HIS RIGHT TO OBTAIN A LICENSE AT ANY
17 SUCH TIME WITHIN A FIVE-YEAR PERIOD IF HE DESIRES TO AGAIN
18 BECOME ENGAGED IN THE PRACTICE OF COSMETOLOGY OR THE PRACTICE OF
19 HAIR TECHNOLOGY, NAIL TECHNOLOGY, NATURAL HAIRSTYLING OR
20 ESTHETICS.

21 * * *

22 Section 15. ~~Section 20(e) of the act, amended~~ 20(B), (C), <—
23 (C.2) AND (E) OF THE ACT, AMENDED JUNE 30, 1984 (P.L.479,

24 NO.100) AND June 29, 2002 (P.L.645, No.98), ~~is~~ ARE amended to <—
25 read:

26 Section 20. Penalties.--* * *

27 (B) [ANY COSMETOLOGIST, TEACHER, STUDENT OR APPRENTICE] AN <—
28 INDIVIDUAL HOLDING A COSMETOLOGY LICENSE OR LIMITED LICENSE OR
29 INDIVIDUAL REGISTERED AS AN APPRENTICE WHO SHALL PRACTICE [THE
30 PROFESSION OF COSMETOLOGY] WHILE KNOWINGLY SUFFERING FROM

1 CONTAGIOUS OR INFECTIOUS DISEASE, OR WHO SHALL KNOWINGLY SERVE
2 ANY PERSON AFFLICTED WITH SUCH DISEASE, SHALL BE GUILTY OF A
3 SUMMARY OFFENSE, AND, UPON CONVICTION THEREOF, SHALL BE
4 SENTENCED TO PAY A FINE NOT EXCEEDING THREE HUNDRED DOLLARS
5 (\$300.00), OR UNDERGO AN IMPRISONMENT NOT EXCEEDING THIRTY (30)
6 DAYS, OR BOTH, AT THE DISCRETION OF THE COURT.

7 (C) [ANY COSMETOLOGIST, TEACHER, STUDENT OR APPRENTICE] AN
8 INDIVIDUAL HOLDING A COSMETOLOGY LICENSE OR LIMITED LICENSE OR
9 INDIVIDUAL REGISTERED AS AN APPRENTICE WHO SHALL INFECT ANY
10 PERSON, OR WHO SHALL IMPART ANY CONTAGIOUS OR INFECTIOUS
11 DISEASE, BY REASON OF CARELESSNESS OR NEGLIGENCE IN [THE]
12 PRACTICE [OF SUCH PROFESSION], SHALL BE GUILTY OF A SUMMARY
13 OFFENSE, AND, UPON CONVICTION, SHALL BE SENTENCED TO PAY A FINE
14 NOT EXCEEDING THREE HUNDRED DOLLARS (\$300.00), OR TO UNDERGO AN
15 IMPRISONMENT NOT EXCEEDING THREE MONTHS, OR BOTH, AT THE
16 DISCRETION OF THE COURT.

17 (C.2) IN ADDITION TO ANY OTHER CIVIL REMEDY OR CRIMINAL
18 PENALTY PROVIDED FOR IN THIS ACT, THE BOARD, BY A VOTE OF THE
19 MAJORITY OF THE MAXIMUM NUMBER OF THE AUTHORIZED MEMBERSHIP OF
20 THE BOARD AS PROVIDED BY THIS ACT OR BY A VOTE OF THE MAJORITY
21 OF THE QUALIFIED AND CONFIRMED MEMBERSHIP OR A MINIMUM OF FIVE
22 MEMBERS, WHICHEVER IS GREATER, MAY LEVY A CIVIL PENALTY OF UP TO
23 ONE THOUSAND DOLLARS (\$1,000.00) ON ANY CURRENT LICENSEE WHO
24 VIOLATES ANY PROVISIONS OF THIS ACT OR ON ANY PERSON WHO
25 PRACTICES COSMETOLOGY, HAIR TECHNOLOGY, NATURAL HAIRSTYLING,
26 NAIL TECHNOLOGY OR ESTHETICS WITHOUT BEING PROPERLY LICENSED TO
27 DO SO UNDER THIS ACT. THE BOARD SHALL LEVY THIS PENALTY ONLY
28 AFTER AFFORDING THE ACCUSED PARTY THE OPPORTUNITY FOR A HEARING,
29 AS PROVIDED IN TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
30 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

1 * * *

2 (e) The owner of any [shop] salon employing an unlicensed
3 cosmetologist OR AN UNLICENSED HAIRSTYLIST, HAIR TECHNICIAN, <—
4 NAIL TECHNICIAN OR ESTHETICIAN shall, upon conviction, be
5 sentenced to pay a fine not exceeding five hundred dollars
6 (\$500.00), or to undergo imprisonment not exceeding six (6)
7 months, or both, at the discretion of the court.

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

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