

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1226 Session of  
2007

INTRODUCED BY MAJOR, GINGRICH, REICHLLEY, SAYLOR, PICKETT, CURRY,  
J. EVANS, FABRIZIO, GERGELY, MURT, PALLONE, SIPTROTH AND  
YOUNGBLOOD, MAY 4, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 4, 2007

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 salons, 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," amending the title of the act; providing for the  
12 definitions of "electrologist," "electrology," "electrology  
13 teacher" and "shop"; further providing for membership of the  
14 State Board of Cosmetology; providing for scope of practice  
15 of electrology, for practice of electrology without a  
16 license, for qualifications, for eligibility requirements for  
17 the teaching of electrology, for licensure of electrology  
18 shops, for licensure reciprocity, for examinations, for  
19 continuing education for individuals licensed to practice or  
20 teach electrology and for shop inspections; further providing  
21 for powers and duties of board, for sanitary rules, for fees,  
22 for customer complaints, for duration and renewal of  
23 licenses, for penalties and for regulations.

24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

26 Section 1. The title of the act of May 3, 1933 (P.L.242,  
27 No.86), referred to as the Cosmetology Law, amended July 7, 2006  
28 (P.L.704, No.99), is amended to read:

1 AN ACT

2 To promote the public health and safety by providing for  
3 examination, licensing and granting of permits for those who  
4 desire to engage in the profession of cosmetology; defining  
5 cosmetology, and regulating cosmetology salons, schools,  
6 students, apprentices, teachers, managers, manicurists and  
7 cosmetologists; promoting the public health and safety by  
8 providing for examination and licensing for individuals  
9 engaging in the profession of electrology; defining  
10 "electrology"; regulating electrology shops, students and  
11 teachers; conferring powers and duties upon the Commissioner  
12 of Professional and Occupational Affairs in the Department of  
13 State; providing for appeals to certain courts by applicants  
14 and licensees; and providing penalties.

15 Section 2. Section 1 of the act is amended by adding  
16 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 "Electrologist" means an individual who is licensed to  
22 practice electrology.

23 "Electrology" means the permanent removal of hair through the  
24 utilization of sterile needle/solid probe electrode-type  
25 epilation, which may include any of the following:

26 (1) Thermolysis, known as alternating current/AC.

27 (2) Electrolysis, known as direct current/DC.

28 (3) Superimposed or sequential blend, known as a combination  
29 of both thermolysis and electrolysis.

30 "Electrology teacher" means an individual who is a licensed

1 electrologist and is additionally licensed to teach the clinical  
2 and theoretical practice of electrology.

3 \* \* \*

4 "Shop" means an establishment or place where one or more  
5 individuals engage in the practice of electrology.

6 \* \* \*

7 Section 3. Section 1.1(a) of the act, added June 30, 1984  
8 (P.L.479, No.100), is amended to read:

9 Section 1.1. Membership of Board.--(a) The board shall  
10 consist of [thirteen] fifteen members: the Commissioner of  
11 Professional and Occupational Affairs; the Director of the  
12 Bureau of Consumer Protection in the Office of Attorney General,  
13 or his designee; three public members appointed by the Governor  
14 with the advice and consent of the Senate, which members shall  
15 represent the public at large; and [eight] ten professional  
16 members appointed by the Governor with the advice and consent of  
17 the Senate, [which members have] with eight members having had  
18 at least five years practical and/or managerial experience in  
19 the majority of the practices of cosmetology and shall be  
20 actively engaged in the profession[.] and two members having had  
21 at least five years of practical or managerial experience in the  
22 practice of electrology. No more than one professional member  
23 shall be currently employed as a vocational education teacher of  
24 cosmetology in the public schools. No more than two professional  
25 members of the board shall be currently affiliated with a  
26 private school of cosmetology. No other person who has been  
27 affiliated with a private cosmetology school within three years  
28 prior to nomination may be nominated. Members currently serving  
29 on the board shall continue to serve until the expiration of  
30 their terms and until successors are appointed and qualified

1 according to law, but for no longer than six months.

2 \* \* \*

3 Section 4. The act is amended by adding sections to read:

4 Section 10.1. Scope of practice of electrology.--(a) The  
5 practice of electrology is limited to:

6 (1) The use of a sterile needle/probe electrode-type  
7 epilation.

8 (2) Nothing in this act shall be construed to authorize an  
9 electrologist to use surgery or the use of any laser technology.

10 (3) Nothing in this act shall be construed to require  
11 licensure as an electrologist for the removal of superfluous  
12 hair as provided for in the practice of cosmetology.

13 Section 10.2. Practice of Electrology Without a License.--

14 (a) Subject to subsection (c), it shall be unlawful for an  
15 individual to practice or to teach electrology or to use or  
16 maintain a shop for the practice or teaching of electrology  
17 without first obtaining a license as provided under this act.

18 (b) It shall be unlawful for an individual to use the title  
19 "licensed electrologist" or "licensed electrology teacher" or to  
20 use the letters "L.E." or "L.E.T." or to hold oneself out as a  
21 licensed electrologist or licensed electrology teacher unless  
22 that individual is licensed to practice electrology or licensed  
23 to teach electrology as provided under this act.

24 (c) Subsection (a) shall not apply to a student in an  
25 electrology education program if performing electrology is  
26 necessary to complete the student's course of study.

27 Section 10.3. Qualifications.--(a) An individual shall be  
28 eligible to apply for licensure as an electrologist if that  
29 individual fulfills all of the following:

30 (1) Is of good moral character.

1       (2) Is at least eighteen years of age.

2       (3) Filed a written application, which shall be developed by  
3 the board.

4       (4) Paid a licensure fee as established by the board by  
5 regulation.

6       (5) Successfully completed an electrology education program  
7 from a school licensed under this act as approved by the board.

8       (6) Passed an examination approved by the board, except as  
9 provided under section 10.7.

10       (b) The board shall establish and maintain a list of  
11 approved electrology education programs within this Commonwealth  
12 that are consistent with the requirements of this act. The board  
13 shall not approve an education program unless it is composed of  
14 at least two hundred hours of instruction in the theory of  
15 electrology and at least four hundred hours in the clinical  
16 practice of electrology. The clinical program shall include  
17 instruction in all modalities of electrology.

18       Section 10.4. Eligibility Requirements for the Teaching of  
19 Electrology.--(a) An individual shall be eligible to apply for  
20 licensure as an electrology teacher if that individual fulfills  
21 all of the following:

22       (1) Holds a current license to practice electrology.

23       (2) Has been actively engaged in the practice of electrology  
24 for at least five years immediately preceding the date of  
25 application for licensure as an electrology teacher.

26       (3) Successfully pass a board-approved examination to teach  
27 electrology.

28       (4) Paid a fee as set by the board by regulation.

29       (b) The board shall determine by regulation the minimum  
30 standards for course subject matter, curriculum and content to

1 be taught by the teacher to electrology students.

2 Section 10.5. Licensure of Electrology Shops.--(a) An  
3 individual, corporation, partnership or other legal entity shall  
4 not operate, use or maintain a shop or any other premises, where  
5 electrology is practiced without having first obtained an  
6 electrology shop license.

7 (b) In order to be eligible to apply for an electrology shop  
8 license, the individual, corporation, partnership or other legal  
9 entity shall:

10 (1) File a written application on a form developed by the  
11 board.

12 (2) Pay a licensure fee as set by the board by regulations.

13 Section 10.6. Licensure Reciprocity.--(a) Upon payment of  
14 the fee and submission of the written application provided by  
15 the board, the board shall issue, without written examination, a  
16 license to an individual who satisfies the qualifications for  
17 licensure under section 10.3 and who holds a valid license to  
18 practice or teach electrology issued by another state, the  
19 District of Columbia, the Commonwealth of Puerto Rico and  
20 territories or possessions of the United States which have  
21 standards substantially similar to the standards of this  
22 Commonwealth.

23 Section 10.7. Examinations.--(a) For a period of one year  
24 following the effective date of this section, an individual  
25 shall be eligible to apply for licensure without examination if  
26 the individual:

27 (1) meets the qualifications for licensure under section  
28 10.3;

29 (2) has submitted to the board a notarized affidavit stating  
30 that the applicant has been engaged in the practice of

1 electrology for at least three years preceding the date of  
2 application, at a minimum of four hundred hours per year; and  
3 (3) has obtained certification by a national electrology  
4 certifying body as approved by the board.

5 Section 10.8. Continuing Education for Individuals Licensed  
6 to Practice or Teach Electrology.--(a) An individual holding a  
7 license to practice or teach electrology shall, as a condition  
8 of biennial renewal, complete twenty hours of continuing  
9 education, four hours of which shall be infectious disease  
10 awareness and prevention.

11 (b) The board shall adopt, promulgate and enforce rules and  
12 regulations consistent with the provisions of this act including  
13 establishing any fees necessary for the board to carry out its  
14 responsibilities under this section. All courses, locations,  
15 teachers and providers shall be approved by the board. No credit  
16 shall be provided for courses in office management or practice  
17 building. The board shall, by regulation, provide for the waiver  
18 of continuing education requirements in case of illness,  
19 hardship and armed services duties. A request for waiver shall  
20 be evaluated on a case-by-case basis.

21 Section 10.9. Shop Inspection.--To ensure compliance with  
22 this act, licensed electrology shops shall be subject to  
23 inspection during business hours or at any time during which  
24 electrolysis is being performed.

25 Section 5. Sections 13(a) and 14 of the act, amended July 7,  
26 2006 (P.L.704, No.99), are amended to read:

27 Section 13. Powers and Duties of Board.--(a) The board  
28 shall have the power to refuse, revoke, refuse to renew or  
29 suspend licenses, upon due hearing, on proof of violation of any  
30 provisions of this act, or the rules and regulations established

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

17 \* \* \*

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

27 Section 6. Section 16 of the act, amended June 30, 1984  
28 (P.L.479, No.100) and July 7, 2006 (P.L.704, No.99), is amended  
29 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 salon owners, teachers,  
3 cosmetologists, nail technicians, nail technology salons,  
4 estheticians, esthetician salons, electrologists, electrology  
5 teachers, electrology shops, natural hair braiders, natural hair  
6 braiding salons, students and cosmetology schools;

7 (1.1) for registration fee for apprentices; and

8 (2) for biennial renewal of cosmetology salon owners, school  
9 instructors, cosmetologists, nail technicians, estheticians,  
10 electrologists, electrology teachers, electrology shops, natural  
11 hair braiders, cosmetology schools, nail technology salons,  
12 esthetician salons and natural hair braiding salons.

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

16 (b) In case a salon or shop owner changes the location of  
17 his or her salon or shop, a new license must be secured. The  
18 board shall, by regulation, fix the fee required for such new  
19 license.

20 (c) All fees required pursuant to this act shall be fixed by  
21 the board by regulation and shall be subject to the act of June  
22 25, 1982 (P.L.633, No.181), known as the "Regulatory Review  
23 Act." If the revenues raised by fees, fines and civil penalties  
24 imposed pursuant to this act are not sufficient to meet  
25 expenditures over a two-year period, the board shall increase  
26 those fees by regulation so that the projected revenues will  
27 meet or exceed projected expenditures.

28 (d) If the Bureau of Professional and Occupational Affairs  
29 determines that the fees established by the board pursuant to  
30 subsection (c) of this section are inadequate to meet the

1 minimum enforcement efforts required by this act, then the  
2 bureau, after consultation with the board and subject to the  
3 "Regulatory Review Act," shall increase the fees by regulation  
4 in an amount that adequate revenues are raised to meet the  
5 required enforcement effort.

6 (e) Current fees charged by the board shall continue until  
7 such time as changes are made in accordance with the "Regulatory  
8 Review Act."

9 Section 7. Section 18.1 of the act, amended July 7, 2006  
10 (P.L.704, No.99), is amended to read:

11 Section 18.1. Customer Complaints.--Each salon or shop shall  
12 have displayed in a conspicuous place near the salon or shop  
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 8. Sections 19 and 20 of the act, amended June 30,  
17 1984 (P.L.479, No.100) and July 7, 2006 (P.L.704, No.99), are  
18 amended to read:

19 Section 19. Duration and Renewal of Licenses.--(a) With the  
20 period ending January 31, 1986, the Bureau of Professional and  
21 Occupational Affairs shall designate approximately one-half of  
22 the renewals to expire in twelve months and the remainder of the  
23 renewals to expire in twenty-four months. Thereafter, licenses  
24 shall expire on the thirty-first day of January of each  
25 succeeding biennium unless renewed for the next biennium.  
26 Licenses may be renewed by application made prior to the thirty-  
27 first day of January of each succeeding biennium, and the  
28 payment of the renewal fees provided in this act.

29 (b) An individual holding a license to practice cosmetology  
30 or to practice electrology or an individual holding a limited

1 license who is not engaged in practice shall request the board,  
2 in writing, to place his license in escrow and thus protect his  
3 right to obtain a license at any such time within a five-year  
4 period if he desires to again become engaged in the practice of  
5 cosmetology, electrology or the practice of nail technology,  
6 natural hair braiding or esthetics.

7 (c) Any person who fails to renew his license or has  
8 escrowed his license for a period of five years without renewing  
9 his license shall, prior to receiving a license, submit to and  
10 pass an examination appropriate to the license being sought.

11 Section 20. Penalties.--(a) Any person who shall practice  
12 or teach cosmetology or electrology, or act in any capacity  
13 wherein licensing is required, without complying with this act,  
14 shall upon conviction, in a summary proceeding, be sentenced to  
15 pay a fine not exceeding three hundred dollars (\$300.00), and/or  
16 shall be sentenced to imprisonment not exceeding three (3)  
17 months.

18 (b) An individual holding a cosmetology license, electrology  
19 license or limited license or individual registered as an  
20 apprentice who shall practice while knowingly suffering from  
21 contagious or infectious disease, or who shall knowingly serve  
22 any person afflicted with such disease, shall be guilty of a  
23 summary offense, and, upon conviction thereof, shall be  
24 sentenced to pay a fine not exceeding three hundred dollars  
25 (\$300.00), or undergo an imprisonment not exceeding thirty (30)  
26 days, or both, at the discretion of the court.

27 (c) An individual holding a cosmetology license, electrology  
28 license or limited license or individual registered as an  
29 apprentice who shall infect any person, or who shall impart any  
30 contagious or infectious disease, by reason of carelessness or

1 negligence in practice, shall be guilty of a summary offense,  
2 and, upon conviction, shall be sentenced to pay a fine not  
3 exceeding three hundred dollars (\$300.00), or to undergo an  
4 imprisonment not exceeding three months, or both, at the  
5 discretion of the court.

6 (c.2) In addition to any other civil remedy or criminal  
7 penalty provided for in this act, the board, by a vote of the  
8 majority of the maximum number of the authorized membership of  
9 the board as provided by this act or by a vote of the majority  
10 of the qualified and confirmed membership or a minimum of five  
11 members, whichever is greater, may levy a civil penalty of up to  
12 one thousand dollars (\$1,000.00) on any current licensee who  
13 violates any provisions of this act or on any person who  
14 practices cosmetology, electrology, natural hair braiding, nail  
15 technology or esthetics without being properly licensed to do so  
16 under this act. The board shall levy this penalty only after  
17 affording the accused party the opportunity for a hearing, as  
18 provided in Title 2 of the Pennsylvania Consolidated Statutes  
19 (relating to administrative law and procedure).

20 (d) All fines and civil penalties imposed in accordance with  
21 this section shall be paid into the Professional Licensure  
22 Augmentation Account.

23 (e) The owner of any salon or shop employing an unlicensed  
24 cosmetologist, unlicensed electrologist or an unlicensed natural  
25 hair braider, nail technician or esthetician shall, upon  
26 conviction, be sentenced to pay a fine not exceeding five  
27 hundred dollars (\$500.00), or to undergo imprisonment not  
28 exceeding six (6) months, or both, at the discretion of the  
29 court.

30 Section 9. The State Board of Cosmetology shall promulgate

1 regulations within one year of the effective date of this  
2 section to carry out the provisions of this act.

3 Section 10. This act shall take effect in 180 days.