

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1868 Session of 2011

INTRODUCED BY GILLESPIE, D. COSTA, FLECK, GIBBONS, CREIGHTON AND MOUL, SEPTEMBER 26, 2011

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 9, 2012

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," further providing for eligibility for examination
12 AND FOR LIMITED LICENSES; AND PROVIDING FOR MASSAGE THERAPIST ←
13 PRACTICE IN LICENSED COSMETOLOGY SALONS.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Section 4 of the act of May 3, 1933 (P.L.242,~~ ←
17 ~~No.86), referred to as the Cosmetology Law, amended July 7, 2006~~
18 ~~(P.L.704, No.99), is amended to read:~~

19 SECTION 1. SECTIONS 4 AND 5 OF THE ACT OF MAY 3, 1933 ←
20 (P.L.242, NO.86), REFERRED TO AS THE COSMETOLOGY LAW, AMENDED
21 JULY 7, 2006 (P.L.704, NO.99), ARE AMENDED TO READ:

22 Section 4. Eligibility Requirements for Examination.--No
23 person shall be permitted by the board to take an examination to

1 receive a license as a cosmetologist unless such person (1)
2 shall be at least sixteen years of age and of good moral
3 character at the time of making application, and (2) shall have
4 completed a tenth grade education or the equivalent thereof, or
5 in lieu of such education or the equivalent thereof shall have
6 received training from or under the auspices of the Bureau of
7 Rehabilitation in the Department of Labor and Industry, and (3)
8 shall have either (i) completed not less than one thousand two
9 hundred fifty hours as a student in a duly registered school of
10 cosmetology as hereinafter provided in this act, or (ii) shall
11 have been registered and served as an apprentice at least two
12 thousand hours in a licensed cosmetology salon as hereinafter
13 provided in this act. The application shall be accompanied by a
14 notarized statement from either the licensed cosmetology school
15 the applicant attended or the licensed cosmetology teacher in
16 the licensed cosmetology salon where the applicant studied and
17 trained, stating that the applicant has completed the study and
18 training period required under this act. No person shall be
19 permitted to take an examination for a license to teach
20 cosmetology or natural hair braiding, nail technology or
21 esthetics unless such person shall have a license to practice
22 cosmetology or a limited license, be at least eighteen years of
23 age, shall have completed a twelfth grade education or the
24 equivalent thereof and have had five hundred hours of
25 specialized training as set forth in section 6 of this act which
26 hours shall be in addition to the hours necessary to qualify for
27 a license to practice cosmetology or a limited license. AN
28 APPLICANT FOR A LICENSE TO TEACH COSMETOLOGY, NATURAL HAIR
29 BRAIDING, NAIL TECHNOLOGY OR ESTHETICS SHALL BE PERMITTED TO
30 TAKE THE THEORETICAL PART OF THE EXAMINATION UPON COMPLETION OF



1 AT LEAST FOUR HUNDRED HOURS OF THE SPECIALIZED TRAINING
2 REQUIRED. Notwithstanding clause (3)(i), an applicant shall be
3 permitted to take the theoretical part of the examination upon
4 completion of at least nine hundred hours of instruction in a
5 duly registered school of cosmetology.

6 SECTION 5. LIMITED LICENSES.--(A) AN APPLICANT FOR A
7 LIMITED LICENSE SHALL BE AT LEAST SIXTEEN YEARS OF AGE, BE OF
8 GOOD MORAL CHARACTER, HAVE COMPLETED A TENTH GRADE EDUCATION OR
9 THE EQUIVALENT THEREOF AND PAY THE APPLICABLE FEE TO THE BOARD.



10 (B) THE BOARD SHALL ISSUE THE FOLLOWING LIMITED LICENSES TO
11 QUALIFIED APPLICANTS:

12 (1) ESTHETICIAN LICENSE, WHICH SHALL AUTHORIZE THE HOLDER TO
13 ENGAGE IN THE PRACTICE OF ESTHETICS ONLY. AN APPLICANT FOR AN
14 ESTHETICIAN LICENSE SHALL HAVE COMPLETED THREE HUNDRED HOURS OF
15 INSTRUCTION IN ESTHETICS IN A LICENSED SCHOOL OF COSMETOLOGY AND
16 PASSED AN EXAMINATION LIMITED TO THAT PRACTICE. LICENSED
17 ESTHETICIANS MAY OPERATE A SALON LIMITED TO THAT LICENSE. AN
18 APPLICANT SHALL BE PERMITTED TO TAKE THE THEORETICAL PART OF THE
19 EXAMINATION UPON COMPLETION OF AT LEAST TWO HUNDRED FIFTY HOURS
20 OF INSTRUCTION IN ESTHETICS IN A LICENSED SCHOOL OF COSMETOLOGY.

21 (2) NAIL TECHNICIAN LICENSE, WHICH SHALL AUTHORIZE THE
22 HOLDER TO ENGAGE IN THE PRACTICE OF NAIL TECHNOLOGY ONLY. AN
23 APPLICANT FOR A NAIL TECHNICIAN LICENSE SHALL HAVE COMPLETED TWO
24 HUNDRED HOURS OF INSTRUCTION IN NAIL TECHNOLOGY IN A LICENSED
25 SCHOOL OF COSMETOLOGY AND PASSED AN EXAMINATION LIMITED TO THAT
26 PRACTICE. LICENSED NAIL TECHNICIANS MAY OPERATE A SALON LIMITED
27 TO THAT LICENSE. AN APPLICANT SHALL BE PERMITTED TO TAKE THE
28 THEORETICAL PART OF THE EXAMINATION UPON COMPLETION OF AT LEAST
29 ONE HUNDRED FIFTY HOURS OF INSTRUCTION IN NAIL TECHNOLOGY IN A
30 LICENSED SCHOOL OF COSMETOLOGY.

1 (3) (I) NATURAL HAIR BRAIDING LICENSE, WHICH SHALL
2 AUTHORIZE THE HOLDER TO ENGAGE IN THE PRACTICE OF NATURAL HAIR
3 BRAIDING ONLY. AN APPLICANT FOR A NATURAL HAIR BRAIDING LICENSE
4 SHALL HAVE COMPLETED THREE HUNDRED HOURS OF BOARD-APPROVED
5 SUBJECTS RELATING TO SANITATION, SCALP CARE, ANATOMY AND NATURAL
6 HAIR BRAIDING IN A COSMETOLOGY SCHOOL AND PASSED AN EXAMINATION
7 LIMITED TO THAT PRACTICE. LICENSED NATURAL HAIR BRAIDERS MAY
8 OPERATE A SALON LIMITED TO THAT LICENSE. AN APPLICANT SHALL BE
9 PERMITTED TO TAKE THE THEORETICAL PART OF THE EXAMINATION UPON
10 COMPLETION OF AT LEAST TWO HUNDRED FIFTY HOURS OF INSTRUCTION IN
11 NATURAL HAIR BRAIDING IN A LICENSED SCHOOL OF COSMETOLOGY.

12 (II) THE REQUIREMENTS OF PARAGRAPH (3) (I) SHALL NOT APPLY
13 AND A LICENSE TO PRACTICE NATURAL HAIR BRAIDING SHALL BE ISSUED
14 TO AN APPLICANT WHO:

15 (A) HAS SUBMITTED AN APPLICATION, ALONG WITH THE REQUIRED
16 FEE, WITHIN ONE YEAR OF THE BOARD'S PROMULGATION OF FINAL
17 REGULATIONS REQUIRED UNDER THIS SECTION; AND

18 (B) CAN DEMONSTRATE PROOF OF PRACTICE OF NATURAL HAIR
19 BRAIDING FOR THREE CONSECUTIVE YEARS IMMEDIATELY PRIOR TO THE
20 DATE OF APPLICATION FOR LICENSURE. PROOF OF PRACTICE SHALL
21 REQUIRE TAX RECORDS OF EMPLOYMENT AND AN AFFIDAVIT FROM THE
22 APPLICANT AND THE APPLICANT'S IMMEDIATE SUPERVISOR WHERE
23 APPLICABLE. THE BOARD SHALL ACCEPT THE INFORMATION PROVIDED
24 WITHOUT PENALTY TO THE APPLICANT FOR FAILURE TO COMPLY WITH
25 LICENSING PROVISIONS PRIOR TO THE EFFECTIVE DATE OF THIS
26 SUBSECTION.

27 (C) WITHIN TWO YEARS OF THE INITIAL ISSUANCE OF A LICENSE
28 UNDER SUBSECTION (B) (3) (II), THE LICENSEE SHALL PROVIDE THE
29 BOARD WITH PROOF THAT THE LICENSEE COMPLETED ONE HUNDRED FIFTY
30 HOURS OF EDUCATION FROM A SCHOOL OF COSMETOLOGY AS A CONDITION

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

3 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

4 SECTION 9.3. MASSAGE THERAPIST PRACTICE IN LICENSED

5 COSMETOLOGY SALONS.--A LICENSEE UNDER THE ACT OF OCTOBER 9, 2008

6 (P.L.1438, NO.118), KNOWN AS THE MASSAGE THERAPY LAW, SHALL BE

7 PERMITTED TO PRACTICE MASSAGE THERAPY WITHIN A LICENSED

8 COSMETOLOGY SALON. ANY LICENSED SALON WHICH EMPLOYS A LICENSED

9 MASSAGE THERAPIST SHALL NOT BE REQUIRED TO ERECT OR INSTALL ANY

10 PHYSICAL BARRIERS SEPARATING THE AREAS USED FOR MASSAGE THERAPY

11 FROM THE AREAS USED FOR COSMETOLOGY. ALL LICENSED SALONS SHALL

12 CONFORM WITH THE PROVISIONS OF SECTION 4.4 OF THIS ACT. THE

13 SALON OWNER OR DESIGNATED PERSON IN CHARGE SHALL BE RESPONSIBLE

14 FOR THE CONDUCT OF ANY MASSAGE THERAPIST EMPLOYED AND SHALL

15 ENSURE THE MASSAGE THERAPIST COMPLIES WITH THIS ACT AND THE

16 REQUIREMENTS OF THE MASSAGE THERAPY LAW.

17 Section 2 3. This act shall take effect in 60 days.

