

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1868 Session of
2011INTRODUCED BY GILLESPIE, D. COSTA, FLECK, GIBBONS, CREIGHTON AND
MOUL, SEPTEMBER 26, 2011SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, IN SENATE, REPORTED AS AMENDED, SEPTEMBER 25, 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. Sections 4 and 5 of the act of May 3, 1933
17 (P.L.242, No.86), referred to as the Cosmetology Law, amended
18 July 7, 2006 (P.L.704, No.99), are amended to read:

19 Section 4. Eligibility Requirements for Examination.--No
20 person shall be permitted by the board to take an examination to
21 receive a license as a cosmetologist unless such person (1)
22 shall be at least sixteen years of age and of good moral

1 character at the time of making application, and (2) shall have
2 completed a tenth grade education or the equivalent thereof, or
3 in lieu of such education or the equivalent thereof shall have
4 received training from or under the auspices of the Bureau of
5 Rehabilitation in the Department of Labor and Industry, and (3)
6 shall have either (i) completed not less than one thousand two
7 hundred fifty hours as a student in a duly registered school of
8 cosmetology as hereinafter provided in this act, or (ii) shall
9 have been registered and served as an apprentice at least two
10 thousand hours in a licensed cosmetology salon as hereinafter
11 provided in this act. The application shall be accompanied by a
12 notarized statement from either the licensed cosmetology school
13 the applicant attended or the licensed cosmetology teacher in
14 the licensed cosmetology salon where the applicant studied and
15 trained, stating that the applicant has completed the study and
16 training period required under this act. No person shall be
17 permitted to take an examination for a license to teach
18 cosmetology or natural hair braiding, nail technology or
19 esthetics unless such person shall have a license to practice
20 cosmetology or a limited license, be at least eighteen years of
21 age, shall have completed a twelfth grade education or the
22 equivalent thereof and have had five hundred hours of
23 specialized training as set forth in section 6 of this act which
24 hours shall be in addition to the hours necessary to qualify for
25 a license to practice cosmetology or a limited license. An
26 applicant for a license to teach cosmetology, natural hair
27 braiding, nail technology or esthetics shall be permitted to
28 take the theoretical part of the examination upon completion of
29 at least four hundred hours of the specialized training
30 required. Notwithstanding clause (3) (i), an applicant shall be

1 permitted to take the theoretical part of the examination upon
2 completion of at least nine hundred hours of instruction in a
3 duly registered school of cosmetology.

4 Section 5. Limited Licenses.--(a) An applicant for a
5 limited license shall be at least sixteen years of age, be of
6 good moral character, have completed a tenth grade education or
7 the equivalent thereof and pay the applicable fee to the board.

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

10 (1) Esthetician license, which shall authorize the holder to
11 engage in the practice of esthetics only. An applicant for an
12 esthetician license shall have completed three hundred hours of
13 instruction in esthetics in a licensed school of cosmetology and
14 passed an examination limited to that practice. Licensed
15 estheticians may operate a salon limited to that license. An
16 applicant shall be permitted to take the theoretical part of the
17 examination upon completion of at least two hundred fifty hours
18 of instruction in esthetics in a licensed school of cosmetology.

19 (2) Nail technician license, which shall authorize the
20 holder to engage in the practice of nail technology only. An
21 applicant for a nail technician license shall have completed two
22 hundred hours of instruction in nail technology in a licensed
23 school of cosmetology and passed an examination limited to that
24 practice. Licensed nail technicians may operate a salon limited
25 to that license. An applicant shall be permitted to take the
26 theoretical part of the examination upon completion of at least
27 one hundred fifty hours of instruction in nail technology in a
28 licensed school of cosmetology.

29 (3) (i) Natural hair braiding license, which shall
30 authorize the holder to engage in the practice of natural hair

1 braiding only. An applicant for a natural hair braiding license
2 shall have completed three hundred hours of board-approved
3 subjects relating to sanitation, scalp care, anatomy and natural
4 hair braiding in a cosmetology school and passed an examination
5 limited to that practice. Licensed natural hair braiders may
6 operate a salon limited to that license. An applicant shall be
7 permitted to take the theoretical part of the examination upon
8 completion of at least two hundred fifty hours of instruction in
9 natural hair braiding in a licensed school of cosmetology.

10 (ii) The requirements of paragraph (3)(i) shall not apply
11 and a license to practice natural hair braiding shall be issued
12 to an applicant who:

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

16 (B) can demonstrate proof of practice of natural hair
17 braiding for three consecutive years immediately prior to the
18 date of application for licensure. Proof of practice shall
19 require tax records of employment and an affidavit from the
20 applicant and the applicant's immediate supervisor where
21 applicable. The board shall accept the information provided
22 without penalty to the applicant for failure to comply with
23 licensing provisions prior to the effective date of this
24 subsection.

25 (c) Within two years of the initial issuance of a license
26 under subsection (b)(3)(ii), the licensee shall provide the
27 board with proof that the licensee completed one hundred fifty
28 hours of education from a school of cosmetology as a condition
29 of renewal of the license. The courses shall include, at a
30 minimum, scalp care, hygiene and occupational safety.

1 ~~Section 2. The act is amended by adding a section to read:~~ ←

2 ~~Section 9.3. Massage Therapist Practice in Licensed~~
3 ~~Cosmetology Salons. A licensee under the act of October 9, 2008~~
4 ~~(P.L.1438, No.118), known as the Massage Therapy Law, shall be~~
5 ~~permitted to practice massage therapy within a licensed~~
6 ~~cosmetology salon. Any licensed salon which employs a licensed~~
7 ~~massage therapist shall not be required to erect or install any~~
8 ~~physical barriers separating the areas used for massage therapy~~
9 ~~from the areas used for cosmetology. All licensed salons shall~~
10 ~~conform with the provisions of section 4.4 of this act. The~~
11 ~~salon owner or designated person in charge shall be responsible~~
12 ~~for the conduct of any massage therapist employed and shall~~
13 ~~ensure the massage therapist complies with this act and the~~
14 ~~requirements of the Massage Therapy Law.~~

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