

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1558 Session of
2013

INTRODUCED BY O'NEILL, READSHAW, V. BROWN, CALTAGIRONE, COHEN,
GIBBONS, HEFFLEY, HELM, KIRKLAND, MAHONEY, MCGEEHAN, PETRI,
D. COSTA AND WATSON, JUNE 19, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, IN
SENATE, SEPTEMBER 15, 2014

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 REQUIREMENTS <--
12 FOR EXAMINATION AND FOR LIMITED LICENSES; AND providing for
13 practice of massage therapy in cosmetology salon or
14 esthetician salon.

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

17 ~~Section 1. The act of May 3, 1933 (P.L.242, No.86), referred <--~~
18 ~~to as the Cosmetology Law, is amended by adding a section to~~
19 ~~read:~~

20 SECTION 1. SECTIONS 4 AND 5 OF THE ACT OF MAY 3, 1933 <--
21 (P.L.242, NO.86), REFERRED TO AS THE COSMETOLOGY LAW, AMENDED
22 OCTOBER 24, 2012 (P.L.1290, NO.161), ARE AMENDED TO READ:

1 SECTION 4. ELIGIBILITY REQUIREMENTS FOR EXAMINATION.--(A)
2 NO PERSON SHALL BE PERMITTED BY THE BOARD [TO TAKE AN
3 EXAMINATION] TO RECEIVE A LICENSE AS A COSMETOLOGIST UNLESS SUCH
4 PERSON (1) SHALL BE AT LEAST SIXTEEN YEARS OF AGE AND OF GOOD
5 MORAL CHARACTER AT THE TIME OF MAKING APPLICATION, AND (2) SHALL
6 HAVE COMPLETED A TENTH GRADE EDUCATION OR THE EQUIVALENT
7 THEREOF, OR IN LIEU OF SUCH EDUCATION OR THE EQUIVALENT THEREOF
8 SHALL HAVE RECEIVED TRAINING FROM OR UNDER THE AUSPICES OF THE
9 BUREAU OF REHABILITATION IN THE DEPARTMENT OF LABOR AND
10 INDUSTRY, AND (3) SHALL HAVE EITHER (I) COMPLETED NOT LESS THAN
11 ONE THOUSAND TWO HUNDRED FIFTY HOURS AS A STUDENT IN A DULY
12 REGISTERED SCHOOL OF COSMETOLOGY AS HEREINAFTER PROVIDED IN THIS
13 ACT, OR (II) SHALL HAVE BEEN REGISTERED AND SERVED AS AN
14 APPRENTICE AT LEAST TWO THOUSAND HOURS IN A LICENSED COSMETOLOGY
15 SALON AS HEREINAFTER PROVIDED IN THIS ACT. THE APPLICATION SHALL
16 BE ACCOMPANIED BY A NOTARIZED STATEMENT FROM EITHER THE LICENSED
17 COSMETOLOGY SCHOOL THE APPLICANT ATTENDED OR THE LICENSED
18 COSMETOLOGY TEACHER IN THE LICENSED COSMETOLOGY SALON WHERE THE
19 APPLICANT STUDIED AND TRAINED, STATING THAT THE APPLICANT HAS
20 COMPLETED THE STUDY AND TRAINING PERIOD REQUIRED UNDER THIS ACT.

21 (B) AN APPLICANT WISHING TO OBTAIN LICENSURE IN THE PRACTICE
22 OF COSMETOLOGY MAY BE PERMITTED TO APPLY TO TAKE THE WRITTEN
23 EXAMINATION UPON COMPLETION OF AT LEAST NINE HUNDRED HOURS OF
24 INSTRUCTION IN A DULY LICENSED SCHOOL OF COSMETOLOGY. THE
25 EXAMINATION SHALL INCLUDE BOTH THEORETICAL AND PROCEDURAL SKILL
26 QUESTIONS AS PRESCRIBED BY THE BOARD. ANY APPLICANT MAY APPLY
27 AND IS ELIGIBLE FOR LICENSURE UPON (1) PASSING THE WRITTEN
28 EXAMINATION, (2) COMPLETION OF THE REQUIRED ONE THOUSAND TWO
29 HUNDRED FIFTY HOURS OF INSTRUCTION, AND (3) CERTIFICATION BY A
30 DULY LICENSED SCHOOL OF SATISFACTORY COMPLETION OF ALL PROGRAM

1 REQUIREMENTS.

2 (C) NO PERSON SHALL BE PERMITTED [TO TAKE AN EXAMINATION
3 FOR] TO RECEIVE A LICENSE TO TEACH COSMETOLOGY OR NATURAL HAIR
4 BRAIDING, NAIL TECHNOLOGY OR ESTHETICS UNLESS SUCH PERSON SHALL
5 HAVE A LICENSE TO PRACTICE COSMETOLOGY OR A LIMITED LICENSE, BE
6 AT LEAST EIGHTEEN YEARS OF AGE, SHALL HAVE COMPLETED A TWELFTH
7 GRADE EDUCATION OR THE EQUIVALENT THEREOF AND HAVE HAD FIVE
8 HUNDRED HOURS OF SPECIALIZED TRAINING AS SET FORTH IN SECTION 6
9 OF THIS ACT WHICH HOURS SHALL BE IN ADDITION TO THE HOURS
10 NECESSARY TO QUALIFY FOR A LICENSE TO PRACTICE COSMETOLOGY OR A
11 LIMITED LICENSE.

12 (D) AN APPLICANT FOR A LICENSE TO TEACH COSMETOLOGY, NATURAL
13 HAIR BRAIDING, NAIL TECHNOLOGY OR ESTHETICS SHALL BE PERMITTED
14 TO TAKE [THE THEORETICAL PART OF THE] A WRITTEN EXAMINATION UPON
15 COMPLETION OF AT LEAST FOUR HUNDRED HOURS OF THE SPECIALIZED
16 TRAINING REQUIRED. [NOTWITHSTANDING CLAUSE (3) (I), AN APPLICANT
17 SHALL BE PERMITTED TO TAKE THE THEORETICAL PART OF THE
18 EXAMINATION UPON COMPLETION OF AT LEAST NINE HUNDRED HOURS OF
19 INSTRUCTION IN A DULY REGISTERED SCHOOL OF COSMETOLOGY.] THE
20 EXAMINATION SHALL INCLUDE BOTH THEORETICAL AND PROCEDURAL SKILL
21 QUESTIONS AS PRESCRIBED BY THE BOARD. ANY APPLICANT MAY APPLY
22 AND IS ELIGIBLE FOR LICENSURE UPON (1) PASSING THE WRITTEN
23 EXAMINATION, (2) COMPLETION OF THE REQUIRED FIVE HUNDRED HOURS
24 OF INSTRUCTION, AND (3) CERTIFICATION BY A DULY LICENSED SCHOOL
25 OF SATISFACTORY COMPLETION OF ALL PROGRAM REQUIREMENTS.

26 SECTION 5. LIMITED LICENSES.--(A) AN APPLICANT FOR A
27 LIMITED LICENSE SHALL BE AT LEAST SIXTEEN YEARS OF AGE, BE OF
28 GOOD MORAL CHARACTER, HAVE COMPLETED A TENTH GRADE EDUCATION OR
29 THE EQUIVALENT THEREOF AND 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 THREE HUNDRED HOURS OF
5 INSTRUCTION IN ESTHETICS IN A LICENSED SCHOOL OF COSMETOLOGY AND
6 PASSED AN EXAMINATION LIMITED TO THAT PRACTICE. LICENSED
7 ESTHETICIANS MAY OPERATE A SALON LIMITED TO THAT LICENSE. AN
8 APPLICANT [SHALL] MAY BE PERMITTED TO APPLY TO TAKE [THE
9 THEORETICAL PART OF THE] A WRITTEN EXAMINATION UPON COMPLETION
10 OF AT LEAST TWO HUNDRED FIFTY HOURS OF INSTRUCTION IN ESTHETICS
11 IN A LICENSED SCHOOL OF COSMETOLOGY. THE EXAMINATION SHALL
12 INCLUDE BOTH THEORETICAL AND PROCEDURAL SKILL QUESTIONS AS
13 PRESCRIBED BY THE BOARD. ANY APPLICANT MAY APPLY AND IS ELIGIBLE
14 FOR LICENSURE UPON (I) PASSING THE WRITTEN EXAMINATION, (II)
15 COMPLETION OF THE REQUIRED THREE HUNDRED HOURS OF INSTRUCTION,
16 AND (III) CERTIFICATION BY A DULY LICENSED SCHOOL OF
17 SATISFACTORY COMPLETION OF ALL PROGRAM REQUIREMENTS.

18 (2) NAIL TECHNICIAN LICENSE, WHICH SHALL AUTHORIZE THE
19 HOLDER TO ENGAGE IN THE PRACTICE OF NAIL TECHNOLOGY ONLY. AN
20 APPLICANT FOR A NAIL TECHNICIAN LICENSE SHALL HAVE COMPLETED TWO
21 HUNDRED HOURS OF INSTRUCTION IN NAIL TECHNOLOGY IN A LICENSED
22 SCHOOL OF COSMETOLOGY AND PASSED AN EXAMINATION LIMITED TO THAT
23 PRACTICE. LICENSED NAIL TECHNICIANS MAY OPERATE A SALON LIMITED
24 TO THAT LICENSE. AN APPLICANT [SHALL] MAY BE PERMITTED TO TAKE
25 [THE THEORETICAL PART OF THE] A WRITTEN EXAMINATION UPON
26 COMPLETION OF AT LEAST ONE HUNDRED FIFTY HOURS OF INSTRUCTION IN
27 NAIL TECHNOLOGY IN A LICENSED SCHOOL OF COSMETOLOGY. THE
28 EXAMINATION SHALL INCLUDE BOTH THEORETICAL AND PROCEDURAL SKILL
29 QUESTIONS AS PRESCRIBED BY THE BOARD. ANY APPLICANT MAY APPLY
30 AND IS ELIGIBLE FOR LICENSURE UPON (I) PASSING THE WRITTEN

1 EXAMINATION, (II) COMPLETION OF THE REQUIRED TWO HUNDRED HOURS
2 OF INSTRUCTION, AND (III) CERTIFICATION BY A DULY LICENSED
3 SCHOOL OF SATISFACTORY COMPLETION OF ALL PROGRAM REQUIREMENTS.

4 (3) (I) NATURAL HAIR BRAIDING LICENSE, WHICH SHALL
5 AUTHORIZE THE HOLDER TO ENGAGE IN THE PRACTICE OF NATURAL HAIR
6 BRAIDING ONLY. AN APPLICANT FOR A NATURAL HAIR BRAIDING LICENSE
7 SHALL HAVE COMPLETED THREE HUNDRED HOURS OF BOARD-APPROVED
8 SUBJECTS RELATING TO SANITATION, SCALP CARE, ANATOMY AND NATURAL
9 HAIR BRAIDING IN A COSMETOLOGY SCHOOL AND PASSED AN EXAMINATION
10 LIMITED TO THAT PRACTICE. LICENSED NATURAL HAIR BRAIDERS MAY
11 OPERATE A SALON LIMITED TO THAT LICENSE. AN APPLICANT [SHALL]
12 MAY BE PERMITTED TO TAKE [THE THEORETICAL PART OF THE] A WRITTEN
13 EXAMINATION UPON COMPLETION OF AT LEAST TWO HUNDRED FIFTY HOURS
14 OF INSTRUCTION IN NATURAL HAIR BRAIDING IN A LICENSED SCHOOL OF
15 COSMETOLOGY. THE EXAMINATION SHALL INCLUDE BOTH THEORETICAL AND
16 PROCEDURAL SKILL QUESTIONS AS PRESCRIBED BY THE BOARD. ANY
17 APPLICANT MAY APPLY AND IS ELIGIBLE FOR LICENSURE UPON (A)
18 PASSING THE WRITTEN EXAMINATION, (B) COMPLETION OF THE REQUIRED
19 THREE HUNDRED HOURS OF BOARD-APPROVED SUBJECTS, AND (C)
20 CERTIFICATION BY A DULY LICENSED SCHOOL OF SATISFACTORY
21 COMPLETION OF ALL PROGRAM REQUIREMENTS.

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

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

28 (B) CAN DEMONSTRATE PROOF OF PRACTICE OF NATURAL HAIR
29 BRAIDING FOR THREE CONSECUTIVE YEARS IMMEDIATELY PRIOR TO THE
30 DATE OF APPLICATION FOR LICENSURE. PROOF OF PRACTICE SHALL

1 REQUIRE TAX RECORDS OF EMPLOYMENT AND AN AFFIDAVIT FROM THE
2 APPLICANT AND THE APPLICANT'S IMMEDIATE SUPERVISOR WHERE
3 APPLICABLE. THE BOARD SHALL ACCEPT THE INFORMATION PROVIDED
4 WITHOUT PENALTY TO THE APPLICANT FOR FAILURE TO COMPLY WITH
5 LICENSING PROVISIONS PRIOR TO THE EFFECTIVE DATE OF THIS
6 SUBSECTION.

7 (C) WITHIN TWO YEARS OF THE INITIAL ISSUANCE OF A LICENSE
8 UNDER SUBSECTION (B) (3) (II), THE LICENSEE SHALL PROVIDE THE
9 BOARD WITH PROOF THAT THE LICENSEE COMPLETED ONE HUNDRED FIFTY
10 HOURS OF EDUCATION FROM A SCHOOL OF COSMETOLOGY AS A CONDITION
11 OF RENEWAL OF THE LICENSE. THE COURSES SHALL INCLUDE, AT A
12 MINIMUM, SCALP CARE, HYGIENE AND OCCUPATIONAL SAFETY.

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

14 Section 9.3. Practice of Massage Therapy in Cosmetology
15 Salon or Esthetician Salon.--(a) An individual licensed under
16 the act of October 9, 2008 (P.L.1438, No.118), known as the
17 "Massage Therapy Law," shall be permitted to practice massage
18 therapy within the approved premises of a licensed cosmetology
19 salon or a licensed esthetician salon if the following
20 conditions are met:

21 (1) The massage therapy licensee is THE OWNER OF OR employed <--
22 by the salon and is not an independent contractor.

23 (2) The massage therapist practices in accordance with this
24 act and the Massage Therapy Law.

25 (3) The salon owner provides an appropriate level of privacy
26 for clients in accordance with the following:

27 (i) No physical barriers separating the areas used for
28 massage therapy from the areas used for cosmetology or esthetics
29 shall be required when a massage therapist performs massage
30 services that a cosmetologist or esthetician is authorized to

1 perform.

2 (ii) A salon owner shall be required to provide separate
3 massage therapy rooms with permanent walls and doors to ensure
4 privacy for clients receiving massage services from a massage
5 therapist when the services are beyond the practice of
6 cosmetology or esthetics.

7 (iii) In order to enhance client comfort, esthetician
8 services may be provided to a client in the same room where the
9 client receives massage therapy, provided these services are not
10 performed concurrently.

11 (b) A licensee under this section is subject to inspection
12 by the board and the State Board of Massage Therapy.

13 (c) A licensee under this section who violates this act or
14 the Massage Therapy law shall be subject to discipline by the
15 licensee's applicable licensing board.

16 (d) Within 18 months of the effective date of this section,
17 the State Board of Cosmetology and the State Board of Massage
18 Therapy shall jointly promulgate final regulations to carry out
19 the provisions of this section.

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

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