

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2163 Session of 2015

INTRODUCED BY D. COSTA, DERMODY, THOMAS, McNEILL, YOUNGBLOOD,  
HAHN, KORTZ, P. COSTA AND DEASY, JUNE 15, 2016

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 15, 2016

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 of the Department of State; providing for appeals to  
10 certain courts by applicants and licensees; and providing  
11 penalties," further providing for management of cosmetology  
12 salons and for powers and duties of board; and providing for  
13 variances.

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

16 Section 1. Sections 4.4 and 13 of the act of May 3, 1933  
17 (P.L.242, No.86), referred to as the Cosmetology Law, are  
18 amended by adding subsections to read:

19 Section 4.4. Management of Cosmetology Salons.--\* \* \*

20 (d) A salon owner that operates with a license that has been  
21 awarded a variance under this act and moves or vacates the  
22 licensed premises must resubmit the variance request to the  
23 board. A salon owner to whom is transferred a license that has

1 been awarded a variance must resubmit the variance request to  
2 the board. Any variance previously awarded by the board to the  
3 salon owner shall be void.

4 Section 13. Powers and Duties of Board.--\* \* \*

5 (d) The board shall publish its meeting agenda on the  
6 board's publicly accessible Internet website not less than  
7 thirty (30) days prior to the meeting. The publication shall  
8 include a detailed description of each item on the meeting  
9 agenda.

10 Section 2. The act is amended by adding a section to read:

11 Section 13.1. Variances.--(a) When awarding a variance  
12 request, the board shall provide a detailed explanation of its  
13 decision.

14 (b) In deciding a variance request, the board may not:

15 (1) Delegate the review and decision on the variance request  
16 to a staff member of the board or any person designated by the  
17 board. Nothing in this paragraph shall be construed to prohibit  
18 the board from authorizing a staff member or other person to  
19 review and recommend a decision to the board on a variance  
20 request, provided that the board makes the final decision on the  
21 variance request.

22 (2) Award the variance for new construction, additions or  
23 renovations, unless the requester demonstrates an extenuating  
24 need for the variance.

25 (3) Award the variance for a shared lavatory. A lavatory  
26 shall be located within the square footage of the salon.

27 (4) Award the variance if the salon would be permitted to  
28 share the same space as another salon or other business.

29 Section 3. This act shall take effect in 60 days.