

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1260 Session of 2015

INTRODUCED BY SCAVELLO, ARGALL, SCARNATI, RAFFERTY AND COSTA,
MAY 11, 2016

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MAY 11, 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 has been awarded a license under this
21 act and moves or vacates the license must resubmit the variance
22 request to the board. Any variance previously awarded by the
23 board to the salon owner shall be void.

1 Section 13. Powers and Duties of Board.--* * *

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

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

8 Section 13.1. Variances.--(a) When awarding a variance
9 request, the board shall provide a detailed explanation of its
10 decision.

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

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

19 (2) Award the variance for new construction, additions or
20 renovations, unless the requester demonstrates an extenuating
21 need for the variance.

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

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

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