

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 321 Session of 2017

INTRODUCED BY NEILSON, O'BRIEN, V. BROWN AND D. COSTA,
FEBRUARY 3, 2017

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 3, 2017

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 eligibility requirements
12 for examination, for limited licenses and for duration and
13 renewal of licenses.

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

16 Section 1. Sections 4, 5 and 19 of the act of May 3, 1933
17 (P.L.242, No.86), referred to as the Cosmetology Law, are
18 amended to read:

19 Section 4. Eligibility Requirements for Examination.--(a)
20 No person shall be permitted by the board to receive a license
21 as a cosmetologist unless such person (1) shall be at least
22 sixteen years of age and of good moral character at the time of
23 making application, and (2) shall have (i) completed a tenth

1 grade education or the equivalent thereof, or in lieu of such
2 education or the equivalent thereof shall have received training
3 from or under the auspices of the Bureau of Rehabilitation in
4 the Department of Labor and Industry, and (ii) completed one
5 hour of domestic violence and sexual assault awareness training
6 as approved by the board, and (3) shall have either (i)
7 completed not less than one thousand two hundred fifty hours as
8 a student in a duly registered school of cosmetology as
9 hereinafter provided in this act, or (ii) shall have been
10 registered and served as an apprentice at least two thousand
11 hours in a licensed cosmetology salon as hereinafter provided in
12 this act. The application shall be accompanied by a notarized
13 statement from either the licensed cosmetology school the
14 applicant attended or the licensed cosmetology teacher in the
15 licensed cosmetology salon where the applicant studied and
16 trained, stating that the applicant has completed the study and
17 training period required under this act.

18 (b) An applicant wishing to obtain licensure in the practice
19 of cosmetology may be permitted to apply to take the written
20 examination upon completion of at least nine hundred hours of
21 instruction in a duly licensed school of cosmetology. The
22 examination shall include both theoretical and procedural skill
23 questions as prescribed by the board. Any applicant may apply
24 and is eligible for licensure upon (1) passing the written
25 examination, (2) completion of the required one thousand two
26 hundred fifty hours of instruction, [and] (3) certification by a
27 duly licensed school of satisfactory completion of all program
28 requirements, and (4) completion of one hour of domestic
29 violence and sexual assault awareness training as approved by
30 the board.

1 (c) No person shall be permitted to receive a license to
2 teach cosmetology or natural hair braiding, nail technology or
3 esthetics unless such person shall have a license to practice
4 cosmetology or a limited license, be at least eighteen years of
5 age, shall have completed a twelfth grade education or the
6 equivalent thereof, has completed one hour of domestic violence
7 and sexual assault awareness training as approved by the board
8 and have had five hundred hours of specialized training as set
9 forth in section 6 of this act which hours shall be in addition
10 to the hours necessary to qualify for a license to practice
11 cosmetology or a 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 a written examination upon completion of at least four
15 hundred hours of the specialized training required. The
16 examination shall include both theoretical and procedural skill
17 questions as prescribed by the board. Any applicant may apply
18 and is eligible for licensure upon (1) passing the written
19 examination, (2) completion of the required five hundred hours
20 of instruction, [and] (3) certification by a duly licensed
21 school of satisfactory completion of all program requirements,
22 and (4) completion of one hour of domestic violence and sexual
23 assault awareness training as approved by the board.

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

28 (b) The board shall issue the following limited licenses to
29 qualified applicants:

30 (1) Esthetician license, which shall authorize the holder to

1 engage in the practice of esthetics only. An applicant for an
2 esthetician license shall have completed three hundred hours of
3 instruction in esthetics in a licensed school of cosmetology and
4 passed an examination limited to that practice. Licensed
5 estheticians may operate a salon limited to that license. An
6 applicant may be permitted to apply to take a written
7 examination upon completion of at least two hundred fifty hours
8 of instruction in esthetics in a licensed school of cosmetology.
9 The examination shall include both theoretical and procedural
10 skill questions as prescribed by the board. Any applicant may
11 apply and is eligible for licensure upon (i) passing the written
12 examination, (ii) completion of the required three hundred hours
13 of instruction, [and] (iii) certification by a duly licensed
14 school of satisfactory completion of all program requirements,
15 and (iv) completion of one hour of domestic violence and sexual
16 assault awareness training as approved by the board.

17 (2) Nail technician license, which shall authorize the
18 holder to engage in the practice of nail technology only. An
19 applicant for a nail technician license shall have completed two
20 hundred hours of instruction in nail technology in a licensed
21 school of cosmetology and passed an examination limited to that
22 practice. Licensed nail technicians may operate a salon limited
23 to that license. An applicant may be permitted to take a written
24 examination upon completion of at least one hundred fifty hours
25 of instruction in nail technology in a licensed school of
26 cosmetology. The examination shall include both theoretical and
27 procedural skill questions as prescribed by the board. Any
28 applicant may apply and is eligible for licensure upon (i)
29 passing the written examination, (ii) completion of the required
30 two hundred hours of instruction, [and] (iii) certification by a

1 duly licensed school of satisfactory completion of all program
2 requirements, and (iv) completion of one hour of domestic
3 violence and sexual assault awareness training as approved by
4 the board.

5 (3) (i) Natural hair braiding license, which shall
6 authorize the holder to engage in the practice of natural hair
7 braiding only. An applicant for a natural hair braiding license
8 shall have completed three hundred hours of board-approved
9 subjects relating to sanitation, scalp care, anatomy and natural
10 hair braiding in a cosmetology school and passed an examination
11 limited to that practice. Licensed natural hair braiders may
12 operate a salon limited to that license. An applicant may be
13 permitted to take a written examination upon completion of at
14 least two hundred fifty hours of instruction in natural hair
15 braiding in a licensed school of cosmetology. The examination
16 shall include both theoretical and procedural skill questions as
17 prescribed by the board. Any applicant may apply and is eligible
18 for licensure upon (A) passing the written examination, (B)
19 completion of the required three hundred hours of board-approved
20 subjects, [and] (C) certification by a duly licensed school of
21 satisfactory completion of all program requirements, and (D)
22 completion of one hour of domestic violence and sexual assault
23 awareness training as approved by the board.

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

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

30 (B) can demonstrate proof of practice of natural hair

1 braiding for three consecutive years immediately prior to the
2 date of application for licensure. Proof of practice shall
3 require tax records of employment and an affidavit from the
4 applicant and the applicant's immediate supervisor where
5 applicable. The board shall accept the information provided
6 without penalty to the applicant for failure to comply with
7 licensing provisions prior to the effective date of this
8 subsection.

9 (c) Within two years of the initial issuance of a license
10 under subsection (b) (3) (ii), the licensee shall provide the
11 board with proof that the licensee completed one hundred fifty
12 hours of education from a school of cosmetology, and one hour of
13 domestic violence and sexual assault awareness training as
14 approved by the board as a condition of renewal of the license.
15 The courses shall include, at a minimum, scalp care, hygiene and
16 occupational safety.

17 Section 19. Duration and Renewal of Licenses.--(a) With the
18 period ending January 31, 1986, the Bureau of Professional and
19 Occupational Affairs shall designate approximately one-half of
20 the renewals to expire in twelve months and the remainder of the
21 renewals to expire in twenty-four months. Thereafter, licenses
22 shall expire on the thirty-first day of January of each
23 succeeding biennium unless renewed for the next biennium.
24 Licenses may be renewed by application made prior to the thirty-
25 first day of January of each succeeding biennium, and the
26 payment of the renewal fees provided in this act.

27 (b) An individual holding a license to practice cosmetology
28 or an individual holding a limited license who is not engaged in
29 practice shall request the board, in writing, to place his
30 license in escrow and thus protect his right to obtain a license

1 at any such time within a five-year period if he desires to
2 again become engaged in the practice of cosmetology or the
3 practice of nail technology, natural hair braiding or esthetics.

4 (c) Any person who fails to renew his license or has
5 escrowed his license for a period of five years without renewing
6 his license shall, prior to receiving a license, submit to and
7 pass an examination appropriate to the license being sought.

8 (d) Any person who fails to meet the one hour of domestic
9 violence and sexual assault awareness training requirement
10 provided in this act shall not be eligible for renewal until the
11 training has been completed. Proof of completion of the training
12 shall be submitted with the appropriate application to the board
13 at the time of renewal for any person who has not completed the
14 training requirement prior to the issuance of their initial
15 license.

16 Section 2. This act shall take effect in 180 days.