
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1862 Session of
2017

INTRODUCED BY FARRY, D. COSTA, MURT, WATSON, WHEELAND AND WARD,
OCTOBER 16, 2017

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
OCTOBER 16, 2017

AN ACT

1 Amending the act of May 3, 1933 (P.L.242, No.86), entitled, "An
2 act to promote the public health and safety by providing for
3 examination, licensing and granting of permits for those who
4 desire to engage in the profession of cosmetology; defining
5 cosmetology, and regulating cosmetology salons, schools,
6 students, apprentices, teachers, managers, manicurists and
7 cosmetologists; conferring powers and duties upon the
8 Commissioner of Professional and Occupational Affairs in the
9 Department of State; providing for appeals to certain courts
10 by applicants and licensees; and providing penalties,"
11 further providing for definitions, for practice without
12 license prohibited, for eligibility requirements for
13 examination, for limited licenses, for requirements of a
14 school of cosmetology, for practice in licensed salons only,
15 for booth rental prohibited, for fees, for duration and
16 renewal of licenses and for penalties.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The definitions of "cosmetology" and "limited
20 license" in section 1 of the act of May 3, 1933 (P.L.242,
21 No.86), referred to as the Cosmetology Law, are amended and the
22 section is amended by adding definitions to read:

23 Section 1. Definitions.--The following words and phrases
24 when used in this act shall have the meanings given to them in

1 this section unless the context clearly indicates otherwise:

2 * * *

3 "Cosmetology" includes any or all work done for compensation
4 by any person, which work is generally and usually performed by
5 cosmetologists, which work is for the embellishment, cleanliness
6 and beautification of the human hair, such as arranging,
7 braiding, dressing, curling, waving, permanent waving,
8 cleansing, cutting, singeing, bleaching, coloring, pressing, or
9 similar work thereon and thereabout, and the removal of
10 superfluous hair, and the massaging, cleansing, stimulating,
11 manipulating, exercising, or similar work upon the scalp, face,
12 arms or hands, or the upper part of the body, by the use of
13 mechanical or electrical apparatus or appliances or cosmetics,
14 preparations, tonics, antiseptics, creams or lotions, or by any
15 other means, and of manicuring the nails, which enumerated
16 practices shall be inclusive of the term cosmetology but not in
17 limitation thereof. The term also includes the acts comprising
18 the practice of nail technology, natural hair braiding [and],
19 esthetics and electrology.

20 * * *

21 "Electrologist" means an individual licensed by the State
22 Board of Cosmetology to practice electrology.

23 "Electrology" means the permanent removal of hair through the
24 utilization of sterile needle/solid probe electrode-type
25 epilation, including thermolysis or electrolysis or a
26 combination of both.

27 * * *

28 "Limited license" means a license issued by the State Board
29 of Cosmetology to an individual which permits that individual to
30 engage in the practice of esthetics, natural hair braiding [or],

1 nail technology or electrology.

2 * * *

3 Section 2. Sections 2 and 4(c) and (d) of the act are
4 amended to read:

5 Section 2. Practice without License Prohibited.--It shall be
6 unlawful for any person to do any of the following without
7 having first obtained from the department a license or limited
8 license as provided in this act:

9 (1) To practice or teach cosmetology for compensation, or to
10 use or maintain any place for the practice of cosmetology for
11 compensation, or to use or maintain any place for the teaching
12 of cosmetology.

13 (2) To practice or teach esthetics, natural hair braiding
14 [or], nail technology or electrology for compensation or to use
15 or maintain any place for the practice of esthetics, natural
16 hair braiding [or], nail technology or electrology for
17 compensation.

18 Section 4. Eligibility Requirements for Examination.--

19 * * *

20 (c) No person shall be permitted to receive a license to
21 teach cosmetology or natural hair braiding, nail technology
22 [or], esthetics or electrology unless such person shall have a
23 license to practice cosmetology or a limited license, be at
24 least eighteen years of age, shall have completed a twelfth
25 grade education or the equivalent thereof and have had five
26 hundred hours of specialized training as set forth in section 6
27 of this act which hours shall be in addition to the hours
28 necessary to qualify for a license to practice cosmetology or a
29 limited license.

30 (d) An applicant for a license to teach cosmetology, natural

1 hair braiding, nail technology [or], esthetics or electrology
2 shall be permitted to take a written examination upon completion
3 of at least four hundred hours of the specialized training
4 required. The examination shall include both theoretical and
5 procedural skill questions as prescribed by the board. Any
6 applicant may apply and is eligible for licensure upon (1)
7 passing the written examination, (2) completion of the required
8 five hundred hours of instruction, and (3) certification by a
9 duly licensed school of satisfactory completion of all program
10 requirements.

11 Section 3. Section 5(b) of the act is amended by adding a
12 paragraph to read:

13 Section 5. Limited Licenses.--* * *

14 (b) The board shall issue the following limited licenses to
15 qualified applicants:

16 * * *

17 (4) (i) Electrologist license, which shall only authorize
18 the holder to engage in the practice of electrology. An
19 applicant for an electrologist license shall have completed four
20 hundred hours of instruction in electrology in a licensed school
21 of cosmetology and passed an examination limited to that
22 practice. Licensed electrologists may operate a salon limited to
23 that license. An applicant may be permitted to take a written
24 examination upon completion of at least three hundred fifty
25 hours of instruction in electrology 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 (A)
29 passing the written examination, (B) completion of the required
30 four hundred hours of board-approved subjects, and (C)

1 certification by a duly licensed school of satisfactory
2 completion of all program requirements.

3 (ii) The requirements of subparagraph (i) shall not apply
4 and a license to practice electrology shall be issued to an
5 applicant who:

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

9 (B) can demonstrate proof of practice of electrology for
10 three consecutive years immediately prior to the date of
11 application for licensure. Proof of practice shall require tax
12 records of employment and an affidavit from the applicant and
13 the applicant's immediate supervisor, where applicable. The
14 board shall accept the information provided without penalty to
15 the applicant for failure to comply with licensing provisions
16 prior to the effective date of this paragraph.

17 * * *

18 Section 4. Sections 6(b.1) and (d), 8, 8.1, 16(a), 19(b) and
19 20(c.2) and (e) are amended to read:

20 Section 6. Requirements of a School of Cosmetology.--* * *

21 (b.1) No school of cosmetology shall be granted a license or
22 renewal of a license unless it shall require:

23 (1) A day school term of training of not less than one
24 thousand two hundred fifty hours within a period of not less
25 than eight consecutive months or a night school term of training
26 for a period of not less than fifteen consecutive months for a
27 complete course, comprising all or a majority of the practices
28 of cosmetology, as provided by this act. The hours of training
29 required by this paragraph shall be accomplished within four
30 consecutive years.

1 (2) Practical demonstrations and theoretical studies, and
2 study in sanitation, sterilization and the use of antiseptics,
3 cosmetics and electrical appliances consistent with the
4 practical and theoretical requirements as applicable to
5 cosmetology, nail technology, natural hair braiding [or],
6 esthetics or electrology or any act or practice comprising
7 cosmetology, nail technology, natural hair braiding [or],
8 esthetics or electrology.

9 (3) A ratio of not less than one teacher for every twenty-
10 five students.

11 (4) A separate curriculum of five hundred hours for
12 individuals seeking to become teachers of cosmetology, nail
13 technology [or], natural hair braiding or electrology. The
14 curriculum shall include methods of teaching and principles of
15 education. This paragraph shall not apply to teachers in public
16 school programs of cosmetology who meet the standards
17 established by the Department of Education for vocational
18 education teachers in the public schools, and those teachers
19 shall be deemed to have satisfied the educational requirements
20 of this paragraph.

21 * * *

22 (d) A school of cosmetology which offers a curriculum for
23 the practice of natural hair braiding, nail technology [or],
24 esthetics or electrology shall require the following with
25 respect to hours of instruction:

26 (1) for natural hair braiding, students shall be required to
27 complete a course of study of three hundred hours;

28 (2) for nail technology, students shall be required to
29 complete a course of study of two hundred hours; [and]

30 (3) for esthetics, students shall be required to complete a

1 course of study of three hundred hours[.]; and

2 (4) for electrology, students shall be required to complete
3 a course of study of four hundred hours.

4 Section 8. Practice in Licensed Salons Only.--(a) Except as
5 set forth in subsection (b), it shall be unlawful for any
6 person:

7 (1) to practice cosmetology for pay in any place other than
8 a licensed cosmetology salon or barber shop as defined in the
9 act of June 19, 1931 (P.L.589, No.202), referred to as the
10 Barbers' License Law; or

11 (2) to practice esthetics, nail technology [or], natural
12 hair braiding or electrology for pay in any place other than a
13 licensed cosmetology salon or a salon limited to esthetics, nail
14 technology [or], natural hair braiding or electrology.

15 (b) A licensed cosmetologist or the holder of a limited
16 license may furnish treatments to persons in their residences by
17 appointment.

18 Section 8.1. Booth Rental Prohibited.--The rental of booth
19 space by an owner of a cosmetology salon, or the owner of a
20 salon limited to esthetics, nail technology [or], natural hair
21 braiding or electrology, to any holder of a license issued under
22 this act is unlawful.

23 Section 16. Fees.--(a) The board shall, by regulation, fix
24 the following fees: (1) for the issuance of a license, with or
25 without examination, for cosmetology salon owners, teachers,
26 cosmetologists, nail technicians, nail technology salons,
27 estheticians, esthetician salons, natural hair braiders, natural
28 hair braiding salons, electrologists, electrology salons,
29 students and cosmetology schools;

30 (1.1) for registration fee for apprentices; and

1 (2) for biennial renewal of cosmetology salon owners, school
2 instructors, cosmetologists, nail technicians, estheticians,
3 natural hair braiders, electrologists, cosmetology schools, nail
4 technology salons, esthetician salons [and], natural hair
5 braiding salons and electrology salons.

6 * * *

7 Section 19. Duration and Renewal of Licenses.--* * *

8 (b) An individual holding a license to practice cosmetology
9 or an individual holding a limited license who is not engaged in
10 practice shall request the board, in writing, to place his
11 license in escrow and thus protect his right to obtain a license
12 at any such time within a five-year period if he desires to
13 again become engaged in the practice of cosmetology or the
14 practice of nail technology, natural hair braiding [or],
15 esthetics or electrology.

16 * * *

17 Section 20. Penalties.--* * *

18 (c.2) In addition to any other civil remedy or criminal
19 penalty provided for in this act, the board, by a vote of the
20 majority of the maximum number of the authorized membership of
21 the board as provided by this act or by a vote of the majority
22 of the qualified and confirmed membership or a minimum of five
23 members, whichever is greater, may levy a civil penalty of up to
24 one thousand dollars (\$1,000.00) on any current licensee who
25 violates any provisions of this act or on any person who
26 practices cosmetology, natural hair braiding, nail technology
27 [or], esthetics or electrology without being properly licensed
28 to do so under this act. The board shall levy this penalty only
29 after affording the accused party the opportunity for a hearing,
30 as provided in Title 2 of the Pennsylvania Consolidated Statutes

1 (relating to administrative law and procedure).

2 * * *

3 (e) The owner of any salon employing an unlicensed
4 cosmetologist or an unlicensed natural hair braider, nail
5 technician [or], esthetician or electrologist shall, upon
6 conviction, be sentenced to pay a fine not exceeding five
7 hundred dollars (\$500.00), or to undergo imprisonment not
8 exceeding six (6) months, or both, at the discretion of the
9 court.

10 Section 5. The State Board of Cosmetology shall promulgate
11 regulations required to implement this act within 18 months of
12 the effective date of this section.

13 Section 6. This act shall take effect in 60 days.