

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1723 Session of 2019

INTRODUCED BY NEILSON, HILL-EVANS, DeLUCA AND McCLINTON,  
JULY 16, 2019

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JULY 16, 2019

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 of the  
9 Department of State; providing for appeals to certain courts  
10 by applicants and licensees; and providing penalties,"  
11 further providing for eligibility requirements for  
12 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.