
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 291 Session of
2019

INTRODUCED BY A. WILLIAMS, LANGERHOLC, PHILLIPS-HILL,
HUTCHINSON, SCHWANK AND HAYWOOD, FEBRUARY 14, 2019

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 14, 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 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 sanitary rules and for fees;
16 providing for municipal registration, business license and
17 taxes; further providing for duration and renewal of licenses
18 and for penalties; and providing for waiver of certain fees,
19 fines and penalties.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. The definitions of "cosmetology," "limited
23 license," "natural hair braider" and "natural hair braiding" in
24 section 1 of the act of May 3, 1933 (P.L.242, No.86), referred
25 to as the Cosmetology Law, are amended to read:

26 Section 1. Definitions.--The following words and phrases

1 when used in this act shall have the meanings given to them in
2 this section unless the context clearly indicates otherwise:

3 * * *

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

22 * * *

23 "Limited license" means a license issued by the State Board
24 of Cosmetology to an individual which permits that individual to
25 engage in the practice of esthetics[, natural hair braiding] or
26 nail technology.

27 * * *

28 ["Natural hair braider" means an individual licensed by the
29 State Board of Cosmetology to engage in the practice of natural
30 hair braiding.]

1 "Natural hair braiding" means the practice of utilizing
2 techniques that result in tension on hair roots of individuals,
3 such as twisting, wrapping, weaving, extending, beading,
4 accessorizing, locking or braiding of the hair. The term
5 includes the use of topical agents available for purchase by the
6 general public such as conditioners, gels, moisturizers, oils
7 pomades and shampoos in conjunction with utilizing such
8 techniques. The term does not include the application of dyes,
9 reactive chemicals or other preparations to alter the color or
10 to straighten, curl or alter the structure of hair.

11 * * *

12 Section 2. Section 2, 4(c) and (d), 5(b)(3) and (c), 6(b.1)
13 (2) and (4) and (d), 8(a)(2), 8.1, 14 and 16(a) of the act are
14 amended to read:

15 Section 2. Practice without License Prohibited.--(a) It
16 shall be unlawful for any person to do any of the following
17 without having first obtained from the department a license or
18 limited license as provided in this act:

19 (1) To practice or teach cosmetology for compensation, or to
20 use or maintain any place for the practice of cosmetology for
21 compensation, or to use or maintain any place for the teaching
22 of cosmetology.

23 (2) To practice or teach esthetics[, natural hair braiding]
24 or nail technology for compensation or to use or maintain any
25 place for the practice of esthetics[, natural hair braiding] or
26 nail technology for compensation.

27 (b) A license shall not be required under this act to engage
28 in the practice of natural hair braiding.

29 Section 4. Eligibility Requirements for Examination.--* * *

30 (c) No person shall be permitted to receive a license to

1 teach cosmetology [or natural hair braiding], nail technology or
2 esthetics unless such person shall have a license to practice
3 cosmetology or a limited license, be at least eighteen years of
4 age, shall have completed a twelfth grade education or the
5 equivalent thereof and have had five hundred hours of
6 specialized training as set forth in section 6 of this act which
7 hours shall be in addition to the hours necessary to qualify for
8 a license to practice cosmetology or a limited license.

9 (d) An applicant for a license to teach cosmetology,
10 [natural hair braiding,] nail technology or esthetics shall be
11 permitted to take a written examination upon completion of at
12 least four hundred hours of the specialized training required.
13 The examination shall include both theoretical and procedural
14 skill questions as prescribed by the board. Any applicant may
15 apply and is eligible for licensure upon (1) passing the written
16 examination, (2) completion of the required five hundred hours
17 of instruction, and (3) certification by a duly licensed school
18 of satisfactory completion of all program requirements.

19 Section 5. Limited Licenses.--* * *

20 (b) The board shall issue the following limited licenses to
21 qualified applicants:

22 * * *

23 [(3) (i) Natural hair braiding license, which shall
24 authorize the holder to engage in the practice of natural hair
25 braiding only. An applicant for a natural hair braiding license
26 shall have completed three hundred hours of board-approved
27 subjects relating to sanitation, scalp care, anatomy and natural
28 hair braiding in a cosmetology school and passed an examination
29 limited to that practice. Licensed natural hair braiders may
30 operate a salon limited to that license. An applicant may be

1 permitted to take a written examination upon completion of at
2 least two hundred fifty hours of instruction in natural hair
3 braiding in a licensed school of cosmetology. The examination
4 shall include both theoretical and procedural skill questions as
5 prescribed by the board. Any applicant may apply and is eligible
6 for licensure upon (A) passing the written examination, (B)
7 completion of the required three hundred hours of board-approved
8 subjects, and (C) certification by a duly licensed school of
9 satisfactory completion of all program requirements.

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

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

16 (B) can demonstrate proof of practice of natural hair
17 braiding for three consecutive years immediately prior to the
18 date of application for licensure. Proof of practice shall
19 require tax records of employment and an affidavit from the
20 applicant and the applicant's immediate supervisor where
21 applicable. The board shall accept the information provided
22 without penalty to the applicant for failure to comply with
23 licensing provisions prior to the effective date of this
24 subsection.

25 (c) Within two years of the initial issuance of a license
26 under subsection (b)(3)(ii), the licensee shall provide the
27 board with proof that the licensee completed one hundred fifty
28 hours of education from a school of cosmetology as a condition
29 of renewal of the license. The courses shall include, at a
30 minimum, scalp care, hygiene and occupational safety.]

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

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

4 * * *

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

12 * * *

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

22 * * *

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

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

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

1 (3) for esthetics, students shall be required to complete a
2 course of study of three hundred hours.

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

6 * * *

7 (2) to practice esthetics[,] or nail technology [or natural
8 hair braiding] for pay in any place other than a licensed
9 cosmetology salon or a salon limited to esthetics[,] or nail
10 technology [or natural hair braiding].

11 * * *

12 Section 8.1. Booth Rental Prohibited.--The rental of booth
13 space by an owner of a cosmetology salon, or the owner of a
14 salon limited to esthetics[,] or nail technology [or natural
15 hair braiding], to any holder of a license issued under this act
16 is unlawful.

17 Section 14. Sanitary Rules.--(a) The board shall prescribe
18 such sanitary rules as it may deem necessary, with particular
19 reference to the precautions necessary to be employed to prevent
20 the creating and spreading of infectious and contagious
21 diseases; and it shall be unlawful for the owner of any salon or
22 school of cosmetology to permit any person to sleep in or use
23 for residential purposes any room used wholly or in part as a
24 salon or school of cosmetology.

25 (b) The board, in consultation with the Department of
26 Health, shall develop and promulgate via a publicly accessible
27 Internet website, a training video and written materials
28 providing information on standard sanitary practices. The
29 training shall consist of information about infection control
30 techniques and diseases of the scalp that are appropriate for

1 hair braiding in or outside of a salon setting and other
2 information the department determines relevant. This training
3 material shall be available in English, Spanish, French and
4 other languages as determined necessary by the board.

5 Section 16. Fees.--(a) The board shall, by regulation, fix
6 the following fees: (1) for the issuance of a license, with or
7 without examination, for cosmetology salon owners, teachers,
8 cosmetologists, nail technicians, nail technology salons,
9 estheticians, esthetician salons, [natural hair braiders,
10 natural hair braiding salons,] students and cosmetology schools;

11 (1.1) for registration fee for apprentices; and

12 (2) for biennial renewal of cosmetology salon owners, school
13 instructors, cosmetologists, nail technicians, estheticians,
14 [natural hair braiders,] cosmetology schools, nail technology
15 salons[,] and esthetician salons [and natural hair braiding
16 salons].

17 * * *

18 Section 3. The act is amended by adding a section to read:

19 Section 16.1. Municipal Registration, Business License and
20 Taxes.--Nothing in this chapter shall be construed to exempt the
21 practice of natural hair braiding or operating a natural hair
22 braiding salon from the requirements, as allowed for under 11
23 Pa.C.S. § 12601 (relating to licensing and regulatory powers),
24 of (1) a city ordinance that requires a general business
25 registration including a commercial activity license or similar
26 general business registration; and (2) any other law relating to
27 the payment of taxes on business income and receipts.

28 Section 4. Sections 19(b) and 20(c.2) and (e) of the act are
29 amended to read:

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

1 (b) An individual holding a license to practice cosmetology
2 or an individual holding a limited license who is not engaged in
3 practice shall request the board, in writing, to place his
4 license in escrow and thus protect his right to obtain a license
5 at any such time within a five-year period if he desires to
6 again become engaged in the practice of cosmetology or the
7 practice of nail technology[, natural hair braiding] or
8 esthetics.

9 * * *

10 Section 20. Penalties.--* * *

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

25 * * *

26 (e) The owner of any salon employing an unlicensed
27 cosmetologist or an unlicensed [natural hair braider,] nail
28 technician or esthetician shall, upon conviction, be sentenced
29 to pay a fine not exceeding five hundred dollars (\$500.00), or
30 to undergo imprisonment not exceeding six (6) months, or both,

1 at the discretion of the court.

2 Section 5. The act is amended by adding a section to read:

3 Section 20.1. Waiver of Certain Fees, Fines and Penalties.--

4 (a) All fees, fines or penalties imposed prior to the effective
5 date of this section with respect to the regulation of natural
6 hair braiding, by the Commonwealth, a county or a municipality,
7 or by any department, division, bureau, board, council, agency
8 or authority of the Commonwealth, a county or municipality, on a
9 person who engages in the practice of hair braiding for the
10 general public or the owner of an establishment in which a
11 person or persons engage in the practice of natural hair
12 braiding, shall be waived as of the effective date of this
13 section.

14 (b) Nothing in this section shall be construed as providing
15 a person who engages in the practice of hair braiding for the
16 general public or an owner of an establishment in which a person
17 or persons engage in the practice of hair braiding for the
18 general public with the right to a refund of the amount of any
19 fees, fines or penalties paid, prior to the effective date of
20 this section by the person or owner to the Commonwealth, county
21 or municipality with respect to the regulation of natural hair
22 braiding by the Commonwealth or any county or municipality.

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