

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1268 Session of 2021

INTRODUCED BY MAKO, HILL-EVANS, ROWE, JAMES, JONES, ZIMMERMAN, KEEFER AND WHEELAND, APRIL 23, 2021

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 23, 2021

AN ACT

1 Amending the act of June 19, 1931 (P.L.589, No.202), entitled
 2 "An act to promote the public health and safety, by providing
 3 for the examination and licensure of those who desire to
 4 engage in the profession of barbering; regulating barber
 5 shops and barber schools, and students therein; regulating
 6 compensation for service rendered; conferring certain powers
 7 and duties on the Department of State; and providing
 8 penalties," further providing for licensure of manager-
 9 barbers and barber-teachers.

10 The General Assembly of the Commonwealth of Pennsylvania
 11 hereby enacts as follows:

12 Section 1. Sections 3(d), 3.2, 4(a) and (b), 13(a), 13.1 and
 13 15-A.3(b) of the act of June 19, 1931 (P.L.589, No.202),
 14 referred to as the Barbers' License Law, are amended to read:

15 Section 3. * * *

16 (d) [The] (1) Except as provided in paragraph (2), an
 17 applicant for a barber-teacher's license shall, as a condition
 18 precedent to obtaining a license, take the barber-teacher's
 19 license examination and score a passing grade. Prior to taking
 20 the examination, the applicant shall be at least [twenty-three]
 21 eighteen years of age, be a high school graduate or its

1 equivalent, and either have had five years' experience as a
2 licensed barber in a licensed barber shop or shared shop as set
3 forth in section 15-A.3 in Pennsylvania, or [be a manager-
4 barber] who has trained for [one thousand two hundred fifty
5 (1250)] five hundred (500) hours under a licensed teacher in a
6 licensed barber or cosmetology school as a teacher-trainee[.],
7 which hours shall be in addition to the hours necessary to
8 qualify for a license to practice barbering. The training shall
9 be limited to teaching methods and need not be specifically
10 related to barbering. A notarized application for a license as a
11 barber-teacher shall be made in such form as the board shall
12 prescribe. The application shall be accompanied by a notarized
13 statement, by either the owner or manager of the shop in which
14 the applicant has been employed that the applicant has had five
15 years experience as a licensed barber in a licensed barber shop
16 or shared shop as set forth in section 15-A.3 in this
17 Commonwealth or by the licensed barber school the teacher-
18 trainee attended, that the applicant has [been licensed as a
19 manager-barber and] trained for [one thousand two hundred fifty
20 (1250)] five hundred (500) hours under a licensed teacher in a
21 licensed barber or cosmetology school as a teacher-trainee. The
22 board shall not have the power to require a photograph as part
23 of an application for a barber-teacher's license. At the time of
24 filing the application and accompanying notarized statements,
25 the applicant shall pay to the department an examination fee to
26 be determined by regulation and shall present himself or herself
27 at the next examination of applicants as provided in section 6.
28 (2) At the expiration of the biennial renewal period next
29 following the effective date of this paragraph, a manager-barber
30 licensee who possesses a minimum of three years' experience as a

1 manager-barber as of January 1, 2020, and has no record of
2 disciplinary action may opt to become licensed as a barber-
3 teacher without meeting the training and examination
4 requirements in paragraph (1), upon application and payment of
5 the required fee.

6 Section 3.2. (a) If a licensed cosmetologist wishes to
7 become a licensed barber, he or she shall have successfully
8 completed the one thousand two hundred fifty (1,250)-hour
9 cosmetology training course or shall possess a current license
10 as a cosmetologist. Upon application to the board he or she
11 shall be given five hundred fifty-five (555) hours of credit for
12 subjects previously covered in the cosmetology training course,
13 which subjects shall be enumerated by joint regulation of the
14 State Board of Cosmetology and the board. Before such person is
15 permitted to take the barber practical and theory State Board
16 examination, he or she shall have successfully passed both the
17 theory and practical portions of the State Board of Cosmetology
18 examination.

19 (b) An individual currently holding both a cosmetology
20 license and a barber's license may obtain a barber-teacher
21 license if the individual completes the training and examination
22 required for licensure as either a barber-teacher or a
23 cosmetology teacher.

24 Section 4. (a) A barber or a barber-teacher currently
25 licensed in another state with substantially the same licensure
26 requirements as Pennsylvania shall be granted a Pennsylvania
27 barber or barber-teacher license without an examination upon
28 payment of the fee. The aforesaid provision shall only be
29 effective when a mutual reciprocal agreement has been executed
30 between the respective state licensing boards.

1 (b) A barber or barber-teacher applicant currently licensed
2 in another state not recognized by a reciprocal agreement shall
3 be eligible for the barber or barber-teacher examination upon
4 approval of the board which approval shall not be arbitrarily
5 withheld. The examination shall consist of barber law, rules and
6 regulations. Should the examinee fail to pass the examination,
7 upon payment of the required fee, the examinee may take another
8 examination if the examinee so desires. In no event shall the
9 examinee be permitted to practice barbering until the examinee
10 has received a barber's license.

11 * * *

12 Section 13. (a) No person shall practice barbering who is
13 not a licensed barber, with the exception that nonlicensed
14 persons may shampoo hair under the supervision of a barber-
15 manager [or], barber-owner or barber-teacher. No licensed barber
16 shall practice, or attempt to practice, barbering in any place
17 other than a licensed barber shop or licensed cosmetology shop,
18 except that any licensed barber in a licensed barber shop or
19 licensed cosmetology shop may furnish barber services to persons
20 at their place of residence or in institutions in cases of
21 sickness, incapacitation, confinement, and other emergencies:
22 Provided, however, That nothing contained in this section shall
23 be construed to include family members of the same household,
24 hospitals or colleges, and private schools for children,
25 cosmetology shops or schools of cosmetology, except that it
26 shall be unlawful and a violation of this act for any person to
27 employ or to accept employment, in any such shops, parlors or
28 schools, who has been refused a license by the board.

29 * * *

30 Section 13.1. Upon payment of a required fee, a temporary

1 license may be issued to any applicant who is eligible for
2 admission to the barber's examination. An applicant who is thus
3 licensed shall practice only under the supervision of a licensed
4 manager-barber or barber-teacher until results are available
5 from the next scheduled examination. Temporary licenses are
6 granted for a nine-month period.

7 Section 15-A.3. * * *

8 [(b) A barber shop licensee who shall employ a licensed
9 cosmetologist shall also be a licensed barber-manager or employ
10 a barber-manager.]

11 * * *

12 Section 2. This act shall take effect in 60 days.