
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 591 Session of
2023

INTRODUCED BY KEEFER, JAMES, KAUFFMAN, STAATS, HAMM,
R. MACKENZIE, ZIMMERMAN, ROWE AND LEADBETER, MARCH 21, 2023

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 21, 2023

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

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

1 this section unless the context clearly indicates otherwise:

2 * * *

3 "Blow-dry styling" means the practice of shampooing,
4 conditioning, drying, arranging, curling, straightening or
5 styling hair using only mechanical devices or topical agents,
6 such as hairsprays, balms, oils or serums. The term:

7 (1) Includes the use and styling of hair extensions, hair
8 pieces or wigs and excludes cutting hair or the application of
9 dyes, bleach, reactive chemicals, keratin treatments or other
10 preparations to color or alter the structure of hair.

11 (2) Is distinct from the practice of cosmetology.

12 * * *

13 "Braiding" means intertwining the hair in a systematic motion
14 to create patterns in a three-dimensional form, inverting the
15 hair against the scalp along part of a straight or curved row of
16 intertwined hair or twisting the hair in a systematic motion,
17 and includes extending the hair with natural or synthetic hair
18 fibers. The term:

19 (1) Includes the practice of utilizing a technique that
20 results in tension on hair roots of an individual, such as
21 twisting, wrapping, weaving, extending, locking or braiding of
22 the hair.

23 (2) Is distinct from the practice of cosmetology.

24 * * *

25 "Cosmetology" includes [any or all] work done for
26 compensation by any person, which work is generally and usually
27 performed by cosmetologists, which work is for the
28 embellishment, cleanliness and beautification of the human hair,
29 such as arranging, [braiding,] dressing, curling, waving,
30 permanent waving, cleansing, cutting, singeing, bleaching,

1 coloring, pressing, or similar work thereon and thereabout, and
2 the removal of superfluous hair, and the massaging, cleansing,
3 stimulating, manipulating, exercising, or similar work upon the
4 scalp, face, arms or hands, or the upper part of the body, by
5 the use of mechanical or electrical apparatus or appliances or
6 cosmetics, preparations, tonics, antiseptics, creams or lotions,
7 or by any other means, and of manicuring the nails, which
8 enumerated practices shall be inclusive of the term cosmetology
9 but not in limitation thereof. The term also includes the acts
10 comprising the practice of nail technology[, natural hair
11 braiding and esthetics.] and esthetics.

12 * * *

13 "Eyelash extension" means the application, removal or
14 trimming of threadlike natural or synthetic fibers to the lash
15 line of an individual. The term includes the cleaning of lashes
16 and excludes a color agent, straightening agent, permanent
17 waving solution, bleaching agent or another cosmetology service.
18 The term is distinct from the practice of cosmetology and
19 esthetics.

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

24 "Makeup application" means the application of a temporary
25 cosmetic to enhance the appearance of the face or skin,
26 including powder, foundation, rouge, eyeshadow, eyeliner,
27 mascara or lipstick. The term includes the application of makeup
28 applied using an airbrush and excludes the application of
29 permanent makeup or tattooing. The term is distinct from the
30 practice of cosmetology and esthetics.

1 * * *

2 ["Natural hair braider" means an individual licensed by the
3 State Board of Cosmetology to engage in the practice of natural
4 hair braiding.

5 "Natural hair braiding" means the practice of utilizing
6 techniques that result in tension on hair roots of individuals,
7 such as twisting, wrapping, weaving, extending, locking or
8 braiding of the hair. The term does not include the application
9 of dyes, reactive chemicals or other preparations to alter the
10 color or to straighten, curl or alter the structure of hair.]

11 * * *

12 "Threading" means removing hair from the eyebrows, upper lip
13 or other body part by using a cotton thread to pull hair from
14 follicles. The term includes the use of over-the-counter
15 astringents, gels, powders, tweezers or scissors incidental to
16 threading. The term is distinct from the practice of cosmetology
17 and esthetics.

18 Section 2. Sections 2, 4(c) and (d), 5(b) (3), 6(b.1) (2) and
19 (4) and (d), 8(a), 8.1, 16(a) (1) and (2), 19(b) and 20(c.2) and
20 (e) of the act are amended to read:

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

25 (1) To practice or teach cosmetology for compensation, or to
26 use or maintain any place for the practice of cosmetology for
27 compensation, or to use or maintain any place for the teaching
28 of cosmetology.

29 (2) To practice or teach esthetics[, natural hair braiding]
30 or nail technology for compensation or to use or maintain any

1 place for the practice of esthetics[, natural hair braiding] or
2 nail technology for compensation.

3 (b) An individual engaged solely in the practice of blow-dry
4 styling, eyelash extensions, makeup application, braiding or
5 threading is exempt from this act.

6 (c) A facility where an individual provides a service, or
7 any combination of services, under subsection (b) and no other
8 service requiring a license under this act is exempt from
9 cosmetology and esthetics salon license requirements.

10 (d) An individual who is exempt from this act under
11 subsection (b) shall be permitted to provide a service or any
12 combination of services under subsection (b) and no other
13 service requiring a license under this act in a licensed
14 cosmetology salon or licensed esthetics salon.

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

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

25 (d) An applicant for a license to teach cosmetology[,
26 natural hair braiding], nail technology or esthetics shall be
27 permitted to take a written examination upon completion of at
28 least four hundred hours of the specialized training required.
29 The examination shall include both theoretical and procedural
30 skill questions as prescribed by the board. Any applicant may

1 apply and is eligible for licensure upon (1) passing the written
2 examination, (2) completion of the required five hundred hours
3 of instruction, and (3) certification by a duly licensed school
4 of satisfactory completion of all program requirements.

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

6 (b) The board shall issue the following limited licenses to
7 qualified applicants:

8 * * *

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

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

29 (A) has submitted an application, along with the required
30 fee, within one year of the board's promulgation of final

1 regulations required under this section; and

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

11 * * *

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

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

15 * * *

16 (2) Practical demonstrations and theoretical studies, and
17 study in sanitation, sterilization and the use of antiseptics,
18 cosmetics and electrical appliances consistent with the
19 practical and theoretical requirements as applicable to
20 cosmetology, nail technology[, natural hair braiding] or
21 esthetics or any act or practice comprising cosmetology, nail
22 technology[, natural hair braiding] or esthetics.

23 * * *

24 (4) A separate curriculum of five hundred hours for
25 individuals seeking to become teachers of cosmetology[, nail
26 technology or natural hair braiding] or nail technology. The
27 curriculum shall include methods of teaching and principles of
28 education. This paragraph shall not apply to teachers in public
29 school programs of cosmetology who meet the standards
30 established by the Department of Education for vocational

1 education teachers in the public schools, and those teachers
2 shall be deemed to have satisfied the educational requirements
3 of this paragraph.

4 * * *

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

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

11 (Reserved);

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

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

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

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

23 (2) to practice esthetics[, nail technology or natural hair
24 braiding] or nail technology for pay in any place other than a
25 licensed cosmetology salon or a salon limited to esthetics[,
26 nail technology or natural hair braiding] or nail technology.

27 * * *

28 Section 8.1. Booth Rental Prohibited.--The rental of booth
29 space by an owner of a cosmetology salon, or the owner of a
30 salon limited to esthetics[,] or nail technology [or natural

1 [hair braiding], to any holder of a license issued under this act
2 is unlawful.

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

9 * * *

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

15 * * *

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

17 (b) An individual holding a license to practice cosmetology
18 or an individual holding a limited license who is not engaged in
19 practice shall request the board, in writing, to place his
20 license in escrow and thus protect his right to obtain a license
21 at any such time within a five-year period if he desires to
22 again become engaged in the practice of cosmetology or the
23 practice of nail technology[, natural hair braiding] or
24 esthetics.

25 * * *

26 Section 20. Penalties.--* * *

27 (c.2) In addition to any other civil remedy or criminal
28 penalty provided for in this act, the board, by a vote of the
29 majority of the maximum number of the authorized membership of
30 the board as provided by this act or by a vote of the majority

1 of the qualified and confirmed membership or a minimum of five
2 members, whichever is greater, may levy a civil penalty of up to
3 one thousand dollars (\$1,000.00) on any current licensee who
4 violates any provisions of this act or on any person who
5 practices cosmetology, [natural hair braiding,] nail technology
6 or esthetics without being properly licensed to do so under this
7 act. The board shall levy this penalty only after affording the
8 accused party the opportunity for a hearing, as provided in
9 [Title 2 of the Pennsylvania Consolidated Statutes] 2 Pa.C.S.
10 (relating to administrative law and procedure).

11 * * *

12 (e) The owner of any salon employing an unlicensed
13 cosmetologist or an unlicensed [natural hair braider,] nail
14 technician or esthetician shall, upon conviction, be sentenced
15 to pay a fine not exceeding five hundred dollars (\$500.00), or
16 to undergo imprisonment not exceeding six (6) months, or both,
17 at the discretion of the court.

18 Section 3. This act shall take effect in 60 days.