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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1304 Session of  
2019

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INTRODUCED BY FARRY, MILLARD, MURT, DeLUCA, HILL-EVANS, CIRESI  
AND NEILSON, APRIL 25, 2019

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 25, 2019

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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  
25 this section unless the context clearly indicates otherwise:

1 \* \* \*

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

19 \* \* \*

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

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

26 \* \* \*

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

1 \* \* \*

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

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

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

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

17 Section 4. Eligibility Requirements for Examination.--\* \* \*

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

28 (d) An applicant for a license to teach cosmetology, natural  
29 hair braiding, nail technology [or], esthetics or electrology  
30 shall be permitted to take a written examination upon completion

1 of at least four hundred hours of the specialized training  
2 required. The examination shall include both theoretical and  
3 procedural skill questions as prescribed by the board. Any  
4 applicant may apply and is eligible for licensure upon (1)  
5 passing the written examination, (2) completion of the required  
6 five hundred hours of instruction, and (3) certification by a  
7 duly licensed school of satisfactory completion of all program  
8 requirements.

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

11 Section 5. Limited Licenses.--\* \* \*

12 (b) The board shall issue the following limited licenses to  
13 qualified applicants:

14 \* \* \*

15 (4) (i) Electrologist license, which shall only authorize  
16 the holder to engage in the practice of electrology. An  
17 applicant for an electrologist license shall have completed four  
18 hundred hours of instruction in electrology in a licensed school  
19 of cosmetology and passed an examination limited to that  
20 practice. Licensed electrologists may operate a salon limited to  
21 that license. An applicant may be permitted to take a written  
22 examination upon completion of at least three hundred fifty  
23 hours of instruction in electrology in a licensed school of  
24 cosmetology. The examination shall include both theoretical and  
25 procedural skill questions as prescribed by the board. Any  
26 applicant may apply and is eligible for licensure upon (A)  
27 passing the written examination, (B) completion of the required  
28 four hundred hours of board-approved subjects, and (C)  
29 certification by a duly licensed school of satisfactory  
30 completion of all program requirements.

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

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

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

15 \* \* \*

16 Section 4. Sections 6(b.1) and (d), 8, 8.1, 16(a), 19(b) and  
17 20(c.2) and (e) of the act are amended to read:

18 Section 6. Requirements of a School of Cosmetology.--\* \* \*

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

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

29 (2) Practical demonstrations and theoretical studies, and  
30 study in sanitation, sterilization and the use of antiseptics,

1 cosmetics and electrical appliances consistent with the  
2 practical and theoretical requirements as applicable to  
3 cosmetology, nail technology, natural hair braiding [or],  
4 esthetics or electrology or any act or practice comprising  
5 cosmetology, nail technology, natural hair braiding [or],  
6 esthetics or electrology.

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

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

19 \* \* \*

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

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

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

28 (3) for esthetics, students shall be required to complete a  
29 course of study of three hundred hours[.]; and

30 (4) for electrology, students shall be required to complete

1 a course of study of four hundred hours.

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

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

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

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

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

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

28 (1.1) for registration fee for apprentices; and

29 (2) for biennial renewal of cosmetology salon owners, school  
30 instructors, cosmetologists, nail technicians, estheticians,

1 natural hair braiders, electrologists, cosmetology schools, nail  
2 technology salons, esthetician salons [and], natural hair  
3 braiding salons and electrology salons.

4 \* \* \*

5 Section 19. Duration and Renewal of Licenses.--\* \* \*

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

14 \* \* \*

15 Section 20. Penalties.--\* \* \*

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

30 \* \* \*



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

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

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