

No. 234

AN ACT

SB 484

Amending the act of June 19, 1931 (P.L.589, No.202), entitled, as amended, "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," further providing for education and training requirements; providing for a manager-barber certificate, for inspection of shops and for penalties for violations of rules and regulations of the board.

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

Section 1. Subsections (a) and (a.1) of section 3, act of June 19, 1931 (P.L.589, No.202), entitled, as amended, "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," amended or added July 19, 1961 (P.L.796, No.351), are amended to read:

Section 3. (a) Any person not holding a certificate of registration under the provisions of the preceding section, and desiring to obtain a license under this act, shall make application under oath or affirmation, in such form as the State Board of Barber Examiners, hereinafter referred to as the board, shall prescribe. Such application shall be accompanied by an affidavit, which shall be made by a practicing physician, and shall set forth that the applicant was examined, that a test of his or her blood was made, and that he or she is free from all contagious and infectious disease, is a citizen of the United States or has filed a declaration of intention. The applicant, at the time of filing such application and affidavit, shall pay to the department an examination fee of five dollars or such other fee as may be fixed by the board, and shall present himself or herself at the next examination of applicants as hereinafter provided. The board shall thereupon proceed to examine such person, after being satisfied that he or she is above the age of eighteen years, free from contagious and infectious disease, has a certificate showing **[graduation from an eighth] *satisfactory completion of the eighth*** grade **[school]** or its equivalent, and has studied the occupation and trained as a registered student under a qualified **[and practicing barber,] *manager-barber*** or in a registered and properly appointed and conducted barber school under the instruction of a registered teacher, for a period of at least one thousand two hundred

fifty (1250) hours and not less than nine months, has qualified for and obtained an apprentice permit, and has studied the occupation and served as an apprentice for fifteen additional months covering a period of not less than one thousand two hundred fifty (1250) hours with a qualified and registered barber in a registered barber shop. Under no circumstances shall a student in a registered barber's school receive wages, directly or indirectly, for service rendered. If the board is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof, including his or her knowledge and ability in the sterile preparation of tools, shaving, hair cutting, and all the duties and services incident thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation, and the knowledge of the Barber's Licensing Laws, and rules and regulations of the department adopted thereunder, it shall enter his or her name in the register hereinafter provided for, and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation, or to teach in registered barber schools as the case may be. Any person holding a certificate as a teacher may practice as a barber in any registered barber shop.

(a.1) Whenever a student has completed a course of nine months study in a registered school or under a **[registered barber,] manager-barber**, he shall apply for examination at the next regular period for registration as a barber apprentice. Such application shall be accompanied by a fee of five dollars, and shall be certified to under oath or affirmation by the proper official of the barber school at which the applicant studied or by the registered barber under whom the applicant studied. The board, upon being satisfied that the applicant is sixteen years of age or older, is of good moral character, and has sufficient knowledge of barbering in theory and practice and sufficient skill in the preparation, handling and use of tools employed therein to qualify as an apprentice, shall issue to such applicant an apprentice permit which shall entitle the holder to continue the study of barbering as an apprentice for a period of **[two years] fifteen months**.

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

Section 3.1. Any registered barber, with not less than a eighth grade education, actively engaged in the practice of barbering for two or more years may apply to the board for a manager-barber certificate to manage or operate a barber shop by filing an application accompanied by a fee so prescribed under this act or by the board, and presenting himself or herself for an examination. Any person who fails to appear for examination at two successive meetings of the board when examinations are scheduled shall forfeit the fee. The examination shall

be scheduled as provided in section 6 of this act. The applicant shall be examined and if the board is satisfied as a result of the examination that he or she has sufficient education and knowledge concerning barber shop management he shall be issued a manager-barber certificate. Every registered barber who has actively engaged in the practice of barbering shall, upon filing an application therefor within one year after this amendatory act takes effect, be certified as a manager-barber without examination.

Section 3. Sections 4 and 5 of the act, amended July 19, 1961 (P.L.796, No.351), are amended to read:

Section 4. Any person who is at least eighteen years of age and of good moral character and temperate habits and has a certificate showing **[graduation from an eighth grade school] completion of the eighth grade in an approved secondary school** or an equivalent education, as determined by an examination conducted by the department, and either (1) has a license or certificate of registration as a practicing barber from another state which has substantially the same requirements for licensing or registering barbers as required by this act, or (2) has a license or certificate of registration as a practicing barber from another country which has substantially the same requirements for licensing or registering barbers as required by this act and has studied the occupation and trained as a registered student in a registered barber school for a period of at least twenty consecutive weeks, or (3) can prove by **[sworn affidavits] current licenses or satisfactory evidence** that he has practiced as a barber in the United States for at least five years prior to making application in this State, shall upon the payment of the required fee, be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the examination, upon payment of **[a fee of five dollars] the required fee**, he may take **[one other] another** examination if he so desires. In no event shall he or she be permitted to practice barbering until he or she has received a certificate of registration as a registered barber.

Section 5. Nothing in this act shall prohibit any person from serving in such occupation in this Commonwealth, as a student in any registered barber school for the training of students in said occupation under the training of a duly registered teacher authorized to teach such occupation in this Commonwealth or under a qualified and registered barber: Provided, That such student shall apply to the department to have his or her name registered with the department, in a book which shall be kept by the board, and secure a permit, upon proof that he or she has reached the age of sixteen, **has completed the eighth grade in a secondary school or its equivalent, that a test of his or her blood was made**, and upon the payment of a fee of two dollars, which permit shall be valid for two years, to practice as a student under a duly registered barber, or as a

student under a duly registered teacher—such permit to be displayed in front of his or her working chair. Students, upon graduation from a registered barber school, or upon completion of training under a qualified and registered barber having qualified as apprentices, and having served fifteen months' apprenticeship as hereinbefore specified, shall make application for examination at the next regular period specified in this act. In case the applicant fails to pass such examination, he or she shall secure a new apprentice permit upon the payment of ~~the fee of two dollars~~ **the required fee**, which shall be valid until the next succeeding examination. The fee for each examination shall be **[five dollars] as hereinbefore prescribed.**

Apprentice or student permits, not exceeding four, may be issued at the discretion of the board.

Section 4. Section 10 of the act, amended July 19, 1951 (P.L.1134, No.251), is amended to read:

Section 10. The board **[may] shall** adopt reasonable rules and regulations prescribing the sanitary requirement of each barber shop or barber school, in co-operation with the Department of Health, and **[shall cause the rules and regulations so approved to be printed in a suitable form and may] shall** transmit a copy thereof to the proprietor or person operating such barber shop or school, which shall at all times be kept conspicuously displayed in such shop or school. It shall be unlawful for any person to open either a new barber shop or move his shop to another place, or take over as owner an existing barber shop, until he or she has filed an application with the board for the inspection, approval and registration of such shop. It is further provided that no barber shop may open for business until said inspection has been had and the shop approved. It shall be unlawful for any person to sleep in, or for any owner or manager to permit any person to sleep in or use for residential purposes, any room used as a barber shop or a school of barbering. All rooms used for such purposes shall be used for barbering purposes, manicuring, shoe shining and such allied business, as may be approved by the board. Any officer or duly authorized agent of the board may enter and make reasonable examination of any barber shop or barber school during the business hours, for the purpose of ascertaining the sanitary conditions thereof, and ascertaining whether the shop or school, and all persons working therein, are properly licensed and registered. Any barber shop, barber school, or tools, appliances, and furnishings in use therein, kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases, is hereby declared to be a public nuisance, and the board may suspend or revoke the certificate of the proprietor thereof or any person operating in such barber shop or school, or the permit hereinafter required for such shop, or school, or both the certificate and permit. **Any officer or duly authorized agent of the board shall,**

following an examination and inspection of the premises under this section, affix a seal or sticker, in a conspicuous place, of such design and size as may be prescribed by the board attesting to the fact that the premises have passed such examination and inspection and, further, indicating the date thereof.

Section 5. Subsections (a) and (b) of section 12 and section 13 of the act, amended July 19, 1961 (P.L.796, No.351), are amended to read:

Section 12. (a) All barber shops shall at all times be under the immediate supervision of a registered barber. In no barber shop shall there be more than one apprentice. ~~[who]~~ ***Any barber shop employing or accommodating more than two registered barbers or more than a combined total of one apprentice and one registered barber,*** must be at all times under the supervision of a ~~[barber]~~ ***manager-barber*** authorized under this act to practice such occupation. All barber schools shall keep prominently displayed at every entrance to said school a sign reading "Barber School." Any copartnership, corporation, or person desiring to operate or conduct a barber shop or barber school, shall first secure from the board a permit or registration certificate to do so, and shall keep the same prominently displayed. The fee for registration of each barber shop shall be five dollars for each permit, and the biennial renewal fee shall be five dollars. The fee for registration of each barber school shall be one hundred dollars, and the annual renewal fee therefor shall be fifty dollars. The board may pass upon the qualifications, appointments, and course of study in said school, which shall be not less than one thousand two hundred fifty (1250) hours and not less than nine months. All barber schools shall have not less than one registered teacher for every twenty students, and in no case less than one full-time teacher, who shall be in attendance at all times during the hours the school is open for instruction.

Any person who holds a permit or registration certificate to operate or conduct a barber shop or barber school, who shall fail to apply for a renewal of his or her permit or registration certificate and who continues to operate or conduct a barber shop or barber school, shall, on summary conviction thereof, be sentenced to pay a fine of not less than ten dollars nor more than ninety dollars, and in case of non-payment of the fine and costs of prosecution to undergo an imprisonment for a period not exceeding ten days.

(b) No school of barbering shall be granted a certificate of registration unless it requires as a prerequisite to admission thereto, graduation from ~~[an eighth grade school]~~ ***the eighth grade in a secondary school*** or its equivalent, as determined by an examination conducted by the department, and it shall attach to its staff, as a part-time teacher, a person licensed by the Commonwealth to practice medicine, and employ and maintain a sufficient number of competent teachers, registered as such, and shall possess apparatus and equipment

sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; shall maintain regular class and instruction hours, which shall not be less than seven nor more than eight hours per day, the school is open for instruction; shall establish grades and hold examination before issuance of diplomas; and shall be required to maintain a course of study requiring not less than one thousand two hundred fifty hours for completion in not less than nine months; and shall comprise all of the subjects pertaining to barbering, the barber laws of this State, and the rules and regulations adopted by the board; and shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization and the use of antiseptics, cosmetics, and electrical appliances, consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof.

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Section 13. To shave or trim the beard, to cut, [**hair,**] *shape, trim or blend the hair with the proper tools or instruments designed for this purpose*, to shape the eyebrows, to give facial and scalp massaging, facial and scalp treatment, with any preparations made for this purpose, either by hand or by mechanical or electrical appliances, to singe and shampoo the hair or apply any makes of *hair cream*, hair lotions or hair tonics, *to dye, color or bleach the hair and to perform any service on a wig or hairpiece. To style and to render hair straightening, hair processing, hair weaving, hair waving and curling, with such methods as: manual, mechanical, chemical or electrical with the proper devices or proper chemical compounds developed and designed for this purpose*, and to dye hair of any person, [**for compensation, direct or indirect,**] *not a member of one's immediate household*, the person performing such service, shall be construed as practicing the occupation of barbering within the meaning of this act. No person shall practice, or attempt to practice, barbering in any place other than a registered barber shop, except that any registered barber in a registered barber shop may furnish barber services to persons at their place of residence or in institutions in cases of sickness, incapacitation, confinement, and other emergencies: Provided, however, That nothing contained in this section shall be construed to include *family members of the same household*, hospitals or colleges, and private schools for children, so-called beauty shops or hair-dressing parlors or schools of beauty culture, except that it shall be unlawful and a violation of this act for any person to employ or to accept employment, in any such shops, parlors or schools, who has been refused a certificate by the board.

Section 6. Subsection (f) of section 15 of the act, amended July 19, 1951 (P.L.1134, No.251) and August 24, 1951 (P.L.1335, No.318), is amended to read:

Section 15. * * *

(f) Any person who shall violate any of the provisions of this act, *or any rules or regulations of the board promulgated under the provisions of this act*, except as herein otherwise provided, shall, upon summary conviction thereof, be sentenced to pay a fine of not less than ten dollars nor more than ninety dollars, or to undergo an imprisonment of not less than ten days nor more than sixty days, or both, at the discretion of the court. Any such person shall have the right of appeal as in other cases of summary conviction.

APPROVED—The 10th day of October, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 234.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.