

No. 282

AN ACT

SB 1172

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 training standards and apprenticeship requirements for students and for manager-barber certificates and grounds for suspensions and revocations; providing for increased supervision of barber shops and providing for barber-teacher qualifications.

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

Section 1. The title, 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," is amended to read:

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] State**; and providing penalties.

Section 2. Subsections (a) and (a.1) of section 3 and sections 3.1, 4 and 5 of the act, amended or added October 10, 1974 (P.L.698, No.234), 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] *seventeen*** years, free from contagious and infectious disease, has a certificate showing satisfactory completion of the eighth grade or its equivalent, and has studied the occupation and trained as a registered student under a qualified **[manager-barber] *licensed teacher in a barber shop*** 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 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 the 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 fifteen months.]

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Section 3.1. Any registered barber, with not less than **[a] *an*** eighth grade education, actively engaged in the practice of barbering, ***as a licensed barber***, for **[two] *one*** 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 *or she* shall be issued a manager-barber certificate. **[Every registered barber who has]** *The board shall properly notify every registered barber that if he or she has been* actively engaged in the practice of barbering *he or she* shall, upon filing an application therefor within one year after this amendatory act takes effect, be certified as a manager-barber without examination.

Section 4. Any person who is at least **[eighteen]** *seventeen* years of age and of good moral character and temperate habits and has a certificate showing 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 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 the required fee, he may take 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]** *barber-teacher*: 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]** *one year*, 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,]** *barber-teacher* 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]** *student* permit upon the payment of the required fee, which shall be valid until the next succeeding examination. The fee for each examination shall be as hereinbefore prescribed.

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

Section 3. Section 5.2 of the act, added August 24, 1961 (P.L.1130, No.504), is amended to read:

Section 5.2. Any person who practiced barbering during any period while a resident at the Scotland School for Veterans Children shall receive credit for such period of practice toward the **[two-year registered apprentice or]** registered **[student-apprentice]** *student* period required by this act upon furnishing affidavits from the person in charge of such school or such other official documents as may be proof to the board that he or she did practice barbering for such period, and such person was registered with the board prior to beginning such practice.

Section 4. Section 9 of the act, amended July 19, 1961 (P.L.796, No.351), is amended to read:

Section 9. The board may suspend or revoke any permit or certificate of registration granted by the department under this act to any person who (a) habitually indulges in the use of ardent spirits, narcotics, or other stimulants to such an extent as, in the opinion of the board, incapacitates such person from the duties of a barber; (b) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber; (c) performs work in an unsanitary or filthy manner or place of business; (d) who is grossly incompetent; (e) who conducts his business of barbering on Sundays; (f) who displays any price list for barber services in or upon any part of premises of a barber shop in such manner that such list shall be visible from the outside of the barber shop; (g) engages in unethical or dishonest practice or conduct; (h) **[or]** employs an unlicensed person; **or (i) charges tuition to a student in a registered barber shop.** Before any such permit or certificate shall be suspended or revoked for any of the reasons contained in this section, the holder thereof shall have notice in writing of the charge or charges against him or her, and shall at a day specified in said notice, which shall be at least five days after the service thereof, be given a public hearing before a duly authorized representative of the board with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose permit or certificate of registration has been so suspended or revoked may, on application, have the same reissued to him or her upon satisfactory showing that the

disqualification has ceased, except where such certificate was suspended or revoked for having or imparting any contagious or infectious disease in which case a new certificate shall not be issued for a period of at least one year, and then only after the provisions of this act have been fully complied with by such person in the same manner as if he or she had never been registered.

Section 5. Section 11 of the act, amended July 19, 1951 (P.L.1134, No.251), is amended to read:

Section 11. The department shall keep a register in which shall be entered the names and addresses of the barber shops to which, and the names of all persons to whom, certificates of registration or permits for serving **[apprenticeship or]** as students are issued under this act, which register shall be open to public inspection during the business hours of the department.

Section 6. Subsections (a), (b) and (d) of section 12 of the act, subsections (a) and (b) amended October 10, 1974 (P.L.698, No.234) and subsection (d) 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] manager-barber**. In no barber shop shall there be more than one **[apprentice] student**. **[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 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] twelve** 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.

Any licensed manager-barber may become a teacher-trainee in a licensed barber school provided that he or she has all the qualifications to become a barber-teacher. After he has trained for one thousand two hundred fifty (1,250) hours under a licensed teacher in a licensed barber school, the trainee may make application to the board for a teacher's certificate.

(b) No school of barbering shall be granted a certificate of registration unless it requires as a prerequisite to admission thereto, graduation from 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] twelve** 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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(d) Every qualified and registered **[barber]**¹ *barber-teacher* under whom a student **[or apprentice]** is studying or practicing and every school of barbering in which a student is studying shall file with the board on the tenth of each and every month a report on forms furnished by the board. Each such report shall show, for the preceding month, the name, address of each and every student **[and apprentice]**, the number of days served by him during said preceding month, and such other information as the board may require.

Section 7. Subsections (a) and (b) of section 15 of the act, amended July 19, 1951 (P.L.1134, No.251), and August 24, 1951 (P.L.1335, No.318), are amended to read:

Section 15. (a) Any *manager-barber*, barber, teacher, **[apprentice]** or student, who shall practice the occupation of barber while suffering from contagious or infectious disease, or who shall knowingly serve any person afflicted with such disease, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one

¹**[registered barber]** in original.

hundred dollars, or undergo an imprisonment not exceeding thirty days, or both, at the discretion of the court.

(b) Any *manager-barber*, barber, teacher, **[apprentice]** or student, who shall infect any person, or who shall impart any contagious or infectious disease by reason of carelessness or negligence in the practice of such occupation, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding six months, or both, at the discretion of the court.

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APPROVED—The 2nd day of December, A. D. 1976.

MILTON J. SHAPP