

No. 2000-81

## AN ACT

SB 1219

Amending the act of May 3, 1933 (P.L.242, No.86), entitled, as amended, "An act to promote the public health and safety by providing for examination, licensing and granting of permits for those who desire to engage in the profession of cosmetology; defining cosmetology, and regulating cosmetology shops, schools, students, apprentices, teachers, managers, manicurists and cosmetologists; conferring powers and duties upon the Commissioner of Professional and Occupational Affairs in the Department of State; providing for appeals to certain courts by applicants and licensees; and providing penalties," further providing for definitions and for the management of cosmetology shops; and providing for booth rentals.

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

Section 1. Sections 1 and 4.4 of the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, amended June 30, 1984 (P.L.479, No.100), are amended to read:

Section 1. Definitions.—The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Affiliation" for purposes of section 1.1, means any person who is an owner, a stockholder, a member of the board of trustees or board of governors, any professional employe, or consultant or any nonprofessional employe and any part-time personnel employed by a school of cosmetology.

"Board" means the State Board of Cosmetology.

*"Booth space" means the area of a cosmetology shop in which a licensed cosmetologist or a holder of a limited license provides to a client a service for which a license is required under this act.*

"Bureau" means the Bureau of Professional and Occupational Affairs in the Department of State.

"Cosmetician" means an individual who engages only in the practice of massaging the face, applying cosmetic preparations, antiseptics, tonics, lotions or creams to the face, removing superfluous hair by tweezers, depilatories or waxes and the dyeing of eyelashes and eyebrows.

"Cosmetologist" means an individual who is engaged in the practice of cosmetology.

"Cosmetology" includes any or all work done for compensation by any person, which work is generally and usually performed by cosmetologists, which work is for the embellishment, cleanliness and beautification of the human hair, such as arranging, dressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, pressing, or similar work thereon and thereabout, and the removal of superfluous hair, and the massaging, cleansing, stimulating, manipulating, exercising, or

similar work upon the scalp, face, arms or hands, or the upper part of the body, by the use of mechanical or electrical apparatus or appliances or cosmetics, preparations, tonics, antiseptics, creams or lotions, or by any other means, and of manicuring the nails, which enumerated practices shall be inclusive of the term cosmetology but not in limitation thereof.

“Department” means the Commissioner of Professional and Occupational Affairs in the Department of State.

“School of Cosmetology” includes any individual, partnership, association, business corporation, nonprofit corporation, municipal corporation, school district or any group of individuals however organized whose purpose is to provide courses of instruction in cosmetology, the management of cosmetology shops, or the teaching of cosmetology.

“Tanning units” means equipment that utilizes ultraviolet light for the purpose of cosmetic tanning.

Section 4.4. Management of Cosmetology Shops.—[An owner](a) *A licensed manager of a cosmetology shop*, licensed as a cosmetologist, may manage his own] *shall not be required in a cosmetology shop if [he operates therein exclusively] the sole providers of cosmetology services in the shop are licensed cosmetologists who have ownership interests in the shop*; otherwise, [he shall employ] *a licensed manager or licensed cosmetology teacher shall be employed.* [This section does not prohibit coownership of cosmetology shops by licensed cosmetologists who operate therein exclusively.] This section does not prohibit an owner who is a barber from employing a cosmetologist without the requirement that a cosmetologist-manager also be employed.

(b) *A licensed manager shall not be required in a cosmetology shop located within a special care facility, regardless of ownership, if the cosmetology services being provided in that shop are exclusively for the residents of the facility. The licensed cosmetologist may or may not own the shop. If cosmetology services are provided to nonresidents of the facility, a licensed cosmetology manager or licensed cosmetology teacher shall be employed to manage the shop. For purposes of this section, a “special care facility” shall include a hospital, nursing home or adult day-care center or any other similar facility.*

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

*Section 8.1. Booth Rental Prohibited.—The rental of booth space by an owner of a cosmetology shop or a licensed manager in a cosmetology shop to any holder of a license issued under this act is unlawful.*

Section 3. This act shall take effect immediately.

APPROVED—The 18th day of October, A.D. 2000.

THOMAS J. RIDGE