

## No. 2014-136

## AN ACT

HB 1558

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 salons, 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 eligibility requirements for examination and for limited licenses; and providing for practice of massage therapy in cosmetology salon or esthetician salon.

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

Section 1. Sections 4 and 5 of the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, amended October 24, 2012 (P.L.1290, No.161), are amended to read:

Section 4. Eligibility Requirements for Examination.—(a) No person shall be permitted by the board **[to take an examination]** to receive a license as a cosmetologist unless such person (1) shall be at least sixteen years of age and of good moral character at the time of making application, and (2) shall have completed a tenth grade education or the equivalent thereof, or in lieu of such education or the equivalent thereof shall have received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry, and (3) shall have either (i) completed not less than one thousand two hundred fifty hours as a student in a duly registered school of cosmetology as hereinafter provided in this act, or (ii) shall have been registered and served as an apprentice at least two thousand hours in a licensed cosmetology salon as hereinafter provided in this act. The application shall be accompanied by a notarized statement from either the licensed cosmetology school the applicant attended or the licensed cosmetology teacher in the licensed cosmetology salon where the applicant studied and trained, stating that the applicant has completed the study and training period required under this act.

*(b) An applicant wishing to obtain licensure in the practice of cosmetology may be permitted to apply to take the written examination upon completion of at least nine hundred hours of instruction in a duly licensed school of cosmetology. The examination shall include both theoretical and procedural skill questions as prescribed by the board. Any applicant may apply and is eligible for licensure upon (1) passing the written examination, (2) completion of the required one thousand two hundred fifty hours of instruction, and (3) certification by a duly licensed school of satisfactory completion of all program requirements.*

(c) No person shall be permitted **[to take an examination for]** to receive a license to teach cosmetology or natural hair braiding, nail technology or

esthetics unless such person shall have a license to practice cosmetology or a limited license, be at least eighteen years of age, shall have completed a twelfth grade education or the equivalent thereof and have had five hundred hours of specialized training as set forth in section 6 of this act which hours shall be in addition to the hours necessary to qualify for a license to practice cosmetology or a limited license.

(d) An applicant for a license to teach cosmetology, natural hair braiding, nail technology or esthetics shall be permitted to take **[the theoretical part of the] a written** examination upon completion of at least four hundred hours of the specialized training required. **[Notwithstanding clause (3)(i), an applicant shall be permitted to take the theoretical part of the examination upon completion of at least nine hundred hours of instruction in a duly registered school of cosmetology.]** *The examination shall include both theoretical and procedural skill questions as prescribed by the board. Any applicant may apply and is eligible for licensure upon (1) passing the written examination, (2) completion of the required five hundred hours of instruction, and (3) certification by a duly licensed school of satisfactory completion of all program requirements.*

Section 5. Limited Licenses.—(a) An applicant for a limited license shall be at least sixteen years of age, be of good moral character, have completed a tenth grade education or the equivalent thereof and pay the applicable fee to the board.

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

(1) Esthetician license, which shall authorize the holder to engage in the practice of esthetics only. An applicant for an esthetician license shall have completed three hundred hours of instruction in esthetics in a licensed school of cosmetology and passed an examination limited to that practice. Licensed estheticians may operate a salon limited to that license. An applicant **[shall]** *may* be permitted to **apply** to take **[the theoretical part of the] a written** examination upon completion of at least two hundred fifty hours of instruction in esthetics in a licensed school of cosmetology. *The examination shall include both theoretical and procedural skill questions as prescribed by the board. Any applicant may apply and is eligible for licensure upon (i) passing the written examination, (ii) completion of the required three hundred hours of instruction, and (iii) certification by a duly licensed school of satisfactory completion of all program requirements.*

(2) Nail technician license, which shall authorize the holder to engage in the practice of nail technology only. An applicant for a nail technician license shall have completed two hundred hours of instruction in nail technology in a licensed school of cosmetology and passed an examination limited to that practice. Licensed nail technicians may operate a salon limited to that license. An applicant **[shall]** *may* be permitted to take **[the theoretical part of the] a written** examination upon completion of at least one hundred fifty hours of instruction in nail technology in a licensed school of cosmetology. *The examination shall include both theoretical and procedural skill questions as prescribed by the board. Any applicant may apply and is eligible for licensure upon (i) passing the written examination,*

***(ii) completion of the required two hundred hours of instruction, and (iii) certification by a duly licensed school of satisfactory completion of all program requirements.***

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

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

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

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

(c) Within two years of the initial issuance of a license under subsection (b)(3)(ii), the licensee shall provide the board with proof that the licensee completed one hundred fifty hours of education from a school of cosmetology as a condition of renewal of the license. The courses shall include, at a minimum, scalp care, hygiene and occupational safety.

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

***Section 9.3. Practice of Massage Therapy in Cosmetology Salon or Esthetician Salon.—(a) An individual licensed under the act of October 9, 2008 (P.L.1438, No.118), known as the "Massage Therapy Law," shall be permitted to practice massage therapy within the approved premises of a licensed cosmetology salon or a licensed esthetician salon if the following conditions are met:***

***(1) The massage therapy licensee is the owner of or employed by the salon and is not an independent contractor.***

***(2) The massage therapist practices in accordance with this act and the Massage Therapy Law.***

***(3) The salon owner provides an appropriate level of privacy for clients in accordance with the following:***

*(i) No physical barriers separating the areas used for massage therapy from the areas used for cosmetology or esthetics shall be required when a massage therapist performs massage services that a cosmetologist or esthetician is authorized to perform.*

*(ii) A salon owner shall be required to provide separate massage therapy rooms with permanent walls and doors to ensure privacy for clients receiving massage services from a massage therapist when the services are beyond the practice of cosmetology or esthetics.*

*(iii) In order to enhance client comfort, esthetician services may be provided to a client in the same room where the client receives massage therapy, provided these services are not performed concurrently.*

*(b) A licensee under this section is subject to inspection by the board and the State Board of Massage Therapy.*

*(c) A licensee under this section who violates this act or the Massage Therapy Law shall be subject to discipline by the licensee's applicable licensing board.*

*(d) Within 18 months of the effective date of this section, the board and the State Board of Massage Therapy shall jointly promulgate final regulations to carry out the provisions of this section.*

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

APPROVED—The 24th day of September, A.D. 2014

TOM CORBETT