

## No. 353

## A JOINT RESOLUTION

Creating a commission to make certain studies in respect to bituminous mines; defining its powers and duties; and making an appropriation.

Section 1. Be it resolved, &c., That a commission is hereby created which shall consist of three members of the Senate to be appointed by the President pro tempore of the Senate and four members of the House of Representatives to be appointed by the Speaker of the House, whose duty it shall be to make a thorough study and investigation of the proposal incorporated in Senate Bill No. 632 of the Legislative Session of 1937, to ascertain whether it would be economically feasible to enact such legislation requiring operators of bituminous coal to move all cars to and from the face of the workings, or whether its enactment would result in so increasing mining costs as to affect the production of bituminous coal in this Commonwealth, and to make report of its findings and recommendations to the General Assembly in the year 1939.

Commission created to study bituminous coal mines.

Section 2. The commission shall organize by electing a chairman, vice-chairman, and secretary. The members of the commission shall serve without compensation, but shall be reimbursed for all expenses incurred in the performance of their duties. The commission shall have power to appoint such assistants as are deemed necessary and to fix their compensation. The commission shall have power to sit after the adjournment of the 1937 Session of the General Assembly.

Organization.

Section 3. The sum of seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, is hereby specifically appropriated to the commission for the payment of the expenses of the commission, for the compensation of the assistants appointed by the commission, for supplies, postage, telephone, telegraph, and incidental expenses, for compiling and printing a report, and for all other necessary and proper expenses of the commission.

Appropriation

APPROVED—The 5th day of June, A. D. 1937.

GEORGE H. EARLE

## No. 354

## AN ACT

To further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred eighty-nine), entitled "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, barber schools and

barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by modifying the provisions relating to barber schools, the licensing of persons as barbers, and the issuing of renewal student or apprentice permits; providing additional grounds for suspension and revocation of permits and registrations; discontinuing the use of the term "barber college"; and prescribing penalties.

Title of act of  
June 19, 1931  
(P. L. 589),  
amended.

Section 1. Be it enacted, &c., That the title of the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred eighty-nine), entitled "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, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," is hereby amended to read as follows:

#### 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 barber colleges] and apprentices and students therein; *regulating compensation for service rendered*; conferring certain powers and duties on the Department of Public Instruction; and providing penalties.

Section 3, as  
amended by  
section 1, act of  
May 9, 1935  
(P. L. 158),  
further amended.

Section 2. Section three of said act, as amended by section one of the act, approved the ninth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws, one hundred fifty-eight), is hereby further amended to read as follows:

Applicants  
for license.

Section 3. 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 department 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, [and] *that a test of his or her blood was made, and that he or she is free from all contagious and infectious disease.* 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 department, and shall present himself or herself at the next examination of applicants as hereinafter provided. The department shall thereupon proceed to examine such person, after being satisfied that he or she is above the age of sixteen years, free from contagious

Application  
and affidavit.

Fee.

Examination  
qualifications.

and infectious disease, has [completed the work of the elementary school] *a certificate showing graduation from an eighth grade school or its equivalent*, and has either (a) studied the occupation for a period of two years, *covering a period of at least 2500 hours* as a registered apprentice under a qualified and practicing barber as hereinafter provided, or (b) studied the occupation and trained as a registered student in a registered and properly appointed and conducted barber school under the instruction of a registered teacher for a period of at least [two years] *six months*, and served at least [six] *eighteen months, covering a period of at least 1500 hours* as an apprentice with a registered barber. *Under no circumstances shall a student or apprentice receive wages, directly or indirectly, for service rendered.* [or (c) practiced the occupation for a period of at least twenty-four months within the five years next preceding the effective date of this act.] If the department 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 anti-septic 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.

Certificate.

For any person to be registered as a teacher in a barber school, [or college] he must be at least [twenty-one] *twenty-three* years of age, a graduate from an approved high school or its equivalent, and have had either (a) at least five years' experience as a *registered* barber in a *registered* barber shop, or (b) training in a registered barber school of at least fifteen hundred hours *in not less than ten months*, and in addition thereto two years' experience as a registered barber, *or in lieu of subsections (a) and (b) hereof, fifteen years experience as a barber, five years of which experience shall have been as a registered barber in a registered barber shop in this State.* The examination for a teacher's certificate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering, including ability to teach properly the various practices and theories of

Qualifications in order to be registered as a teacher.

barbering, *physiology, hygiene, elementary chemistry relating to sterilization and antiseptics, massaging and manipulating the muscles of the face, neck, scalp, hair cutting, bobbing, shaving and trimming the beard, dyeing the hair, and the barber laws of this State, and the rules and regulations adopted by the department and advisory committee.* The registration fee for teachers shall be five dollars, and the annual renewal fee shall be five dollars.

Section 4,  
amended.

Section 3. Section four of said act is hereby amended to read as follows:

Section 4. [Any person who holds a certificate of registration granted after examination by a board of barber examiners of any other state, who shall present credentials showing that he or she is a qualified barber under the laws of that state, and who shall file an affidavit made by a practicing physician as hereinbefore provided, may be granted a certificate of registration by the department, without practical examination, upon the payment of the registration fee of two dollars or such other fee as may be fixed by the department.]

(a) *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 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 or country which has substantially the same requirements for licensing or registering barbers as required by this act, or (2) can prove by sworn affidavits that he has practiced as a barber in another state or country 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 one other 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.*

Sections 5 and 7,  
as amended by  
act of May 9,  
1935 (P. L.  
153), further  
amended.

Section 4. Sections five and seven of said act, as amended by section one of the act, approved the ninth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws, one hundred fifty-eight), are hereby further amended to read as follows:

Apprentices  
and students.

Section 5. Nothing in this act shall prohibit any person from serving as an apprentice in such occupation under a registered barber of this Commonwealth, or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered [barber] teacher author-

ized to [practice] *teach* such occupation in this Commonwealth: Provided, That such apprentice or 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 department, [for the registering of apprentices or students] and secure a permit, upon the payment of a fee of one dollar, to practice as an apprentice [or student] under a duly registered barber, or 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 barber college] and having served [six] *eighteen* months' apprenticeship in a barber shop, and apprentices, upon completion of two years' apprenticeship in a barber shop *as hereinbefore specified*, shall make application for examination at the next regular period specified in this act. [Temporary permits to practice barbering may be issued at the discretion of the department to persons filing application for examination, and submitting proof of two years' practice as a journeyman barber within the five years immediately preceding the date of the application. Upon receipt of the application with the proper fee, the department shall issue a temporary permit which shall be valid until the results of the subsequent examination are determined.] In case the applicant fails to pass such examination, he or she shall secure a new [student or] apprentice permit upon the payment of a fee of one dollar, which shall be valid [for a period of one year] *until the next succeeding examination*. [during which time the applicant shall present himself or herself for re-examination and pay the proper examination fee.]

*Apprentice permits, not exceeding two, to practice as an apprentice barber may be issued at the discretion of the department.*

Section 7. The department shall furnish to each person to whom a certificate of registration is issued a certificate, stating that the holder thereof is entitled to practice the occupation of [barber] *barbering*, or to teach in registered schools [or colleges] of barbering. The holder of such certificate shall display the same in a conspicuous place in front of his or her working chair where it may be readily seen by all persons whom he or she may serve.

Section 5. Section nine of said act is hereby amended to read as follows:

Section 9. The department may suspend or revoke any *permit* or certificate of registration granted by it 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 department, incapacitates such person from the duties

Proviso.

Permit.

Fee.

Display of permit.

Term of apprenticeship.

Examination.

Certificate.

Display.

Section 9, amended.

Suspension or revocation of registration.

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; [or] (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; section (g) unethical or dishonest practice or conduct; (h) employing an unlicensed person. 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 department 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, after the expiration of ninety days, 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 6. Sections ten, twelve and thirteen of said act, as amended by section one of the act, approved the ninth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws, one hundred fifty-eight), are hereby further amended to read as follows:

Section 10. The department may adopt reasonable rules and regulations prescribing the sanitary requirements of each barber shop or barber school, [or barber college] 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 transmit a copy thereof to the proprietor or person operating such barber shop or school, [or barber college] 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 department for the inspection and approval of such shop. It is further provided that no barber shop may open for business until said inspection has been had and the shop*

Notice.

Hearing.

Reissuance when disqualification ceases.

Sections 10, 12 and 13, as amended by act of May 9, 1935 (P. L. 158), further amended.

Rules and regulations for shops, etc.

*approved.* [or college] 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 [and beauty] purposes exclusively. Any officer or duly authorized agent of the department may enter and make reasonable examination of any barber shop *or* barber school [or barber college] 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, [barber college] 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 department may suspend or revoke the certificate of the proprietor thereof or any person operating *in* such barber shop *or* school, [or barber college] or the permit hereinafter required for such shop *or* school, [or college] or both the certificate and permit.

Inspection.

Unsanitary.

Public nuisance.

Suspension or revocation of registration or permit.

Section 12. In no barber shop shall there be more than one apprentice who must be at all times under the supervision of a barber authorized under this act to practice such occupation. All barber schools [or barber colleges] shall keep prominently displayed *at every entrance to said school* a sign, reading [“Barber College” or] “Barber School.” Any copartnership, corporation, or person, desiring to operate or conduct a barber shop or barber [college] *school*, shall first secure from the department a permit or registration certificate to do so, and shall keep the same prominently displayed. The fee for registration of each barber school [or college] shall be fifty dollars, and the annual renewal fee therefor shall be twenty-five dollars. The department may pass upon the qualifications, appointments, and course of study in said [college] *school*, which shall be not less than [two years] *six months*. All barber schools [or barber colleges] shall have not less than one registered teacher [or instructor] for every [twelve] *twenty* students, and in no case less than [two such teachers] *one full-time teacher*, who shall be in attendance at all times during the hours the school is open for instruction.

Number of apprentices.

Display of sign.

Permit for shop or college.

Fee for registration and renewal.

Course of study.

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 or its equivalent, as determined by an examination conducted by the department, and it shall attach to its staff, as a [consultant] part-time teacher, a person licensed by the Commonwealth to practice medicine, and*

Rules and regulations applicable to schools.

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 hours for completion in not less than six months; and shall comprise all of [or a majority of the practices of barbering as provided by this act] *the subjects pertaining to barbering, the barber laws of this State, and the rules and regulations adopted by the department*; 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.

No school of barbering shall permit its students to practice barbering on the public under any circumstances, except by way of clinical work upon persons willing to submit themselves to such practice, after first being properly informed that the operator is a student. No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students, or for materials used in such treatments.

Occupation  
of barber  
defined.

Section 13. To shave or trim the beard, [or regular haircutting] *to cut hair*, to give facial and scalp massaging, facial and scalp treatment, with any preparations made for this purpose, either by hand or by mechanical appliances, to singe and shampoo the hair or apply any makes of hair tonics, and to dye hair of any person, for [hire by] *compensation, direct or indirect*, the person performing such service, shall be construed as practicing the occupation of barber within the meaning of this act. No person shall practice, *or attempt to practice*, barbering for [pay] *compensation*, directly or indirectly, in any place other than a registered barber shop, [or where the barber is a registered barber] 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 [appointment] *sickness, incapacitation, confinement, and other emergencies*: Provided, however, That nothing contained in this [act] *section* shall be construed to include *hospitals or colleges, and private schools for children*, so-called beauty shops or hair-dressing parlors or schools of beauty culture, [patronized by women] 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 department.

Section 7. Section fifteen of said act is hereby amended to read as follows:

Section 15,  
amended.

Section 15. Any barber, 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 hundred dollars, or undergo an imprisonment not exceeding thirty days, or both, at the discretion of the court.

Practice while  
suffering from  
contagious  
disease, etc.

Misdemeanor.  
Penalty.

Any barber, 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.

Spread of  
infection, etc.

Misdemeanor.  
Penalty.

Nothing contained in this act, or the act to which this is an amendment, shall be construed as prohibiting any municipality from adopting appropriate ordinances, not inconsistent with the provisions of this act or the rules and regulations adopted thereunder, as may be deemed necessary to promote the public health and safety and regulate the conduct of barber shops and schools, [and colleges] and any municipality shall have power, by proper ordinances, to fix the days and hours during which barber shops in the said cities may be open for business: Provided, however, That in any such ordinance, provisions shall be made that a designated local health or police official may, upon application of the proprietor of any barber shop, and upon proof that barber service to the public so requires, issue a permit effective for a limited time for the operation of a particular barber shop, at such times outside of and beyond those fixed in the said ordinances, as is required by temporary public necessity, with the power to renew the said permit upon further proof of public necessity.

Right of  
municipality to  
regulate.

Proviso.

It shall be unlawful—

(a) To own, manage, operate or control any barber shop, unless continuously hot and cold running water be provided for therein, except in communities lacking such facilities.

(b) To own, manage, operate or control any barber school, or part or portion thereof, whether connected therewith or in a separate building, wherein the practice of barbering is engaged in or carried on, unless all entrances to the place wherein the practice of barbering is

so engaged in or carried on, shall display a sign indicating that the work is done by students exclusively.

(c) To own, manage, control or operate any barber shop, unless the same displays a recognized sign indicating that it is a barber shop, which shall be clearly visible at the main entrance to said shop.

(d) For the owner of any barber shop to display a permit or certificate of registration of any barber not employed in such shop.

The department and advisory committee shall have power to make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of this act.

Other  
violations.

Penalty.

Any person who shall violate any of the [other] provisions of this act, except as herein otherwise provided, shall, [be guilty of a misdemeanor, and] upon summary conviction thereof, [shall] be sentenced to pay a fine [not exceeding one hundred dollars] of not less than ten dollars nor more than ninety dollars, or to undergo an imprisonment [not exceeding ninety] 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.

Constitutional  
provision.

Section 8. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

APPROVED—The 5th day of June, A. D. 1937.

GEORGE H. EARLE

No. 355

AN ACT

To amend section five, and sections sixteen, seventeen, and twenty-one as amended, of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred and ten), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," by providing for promoters, partnerships, and copromoters a bond to protect contestants, managers, and officials; changing license fees for promoters, boxers, seconds, managers, and wrestlers; fixing minimum purse; and requiring payments to the Commonwealth for complimentary tickets.

Section 5, act  
of June 14,  
1923 (P. L.  
710), amended.

Section 1. Be it enacted, &c., That section five of the act, approved the fourteenth day of June, one thousand