

## No. 1980-168

## AN ACT

SB 1063

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 students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of State; and providing penalties," providing for licensing of barbers from other states and other countries, limiting the powers of the board and reducing the required months of study in barbers' school to obtain a registration certificate.

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

Section 1. Sections 4 and 9 and subsections (a) and (b) of section 12, act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, amended December 2, 1976 (P.L.1267, No.282), are amended to read:

[Section 4. Any person who is at least 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) 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 4. (a) A barber currently licensed in another state with substantially the same licensure requirements as Pennsylvania shall be granted a Pennsylvania barber license without an examination upon payment of the fee. The aforesaid provision shall only be effective when a mutual reciprocal agreement has been executed between the respective state licensing boards.*

*(b) A barber applicant currently licensed in another state not recognized by a reciprocal agreement shall be eligible for the barber examination upon approval of the board which approval shall not be arbitrarily withheld. The examination shall consist of barber law, rules*

*and regulations. Should the examinee fail to pass the examination, upon payment of the required fee, the examinee may take another examination if the examinee so desires. In no event shall the examinee be permitted to practice barbering until the examinee has received a certificate of registration as a registered barber.*

*(c) A barber licensed in another country shall be eligible for the barber examination. Should the examinee fail to pass the examination, upon payment of the required fee, the examinee may take another examination if the examinee so desires. In no event shall the examinee be permitted to practice barbering until the examinee has received a certificate of registration as a registered barber.*

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) 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 12. (a) All barber shops shall at all times be under the immediate supervision of a manager-barber. In no barber shop shall there be more than one student. 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 **[twelve] 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.

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 **[twelve] 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.

\* \* \*

Section 2. This act shall take effect in 60 days.

APPROVED—The 16th day of October, A. D. 1980.

DICK THORNBURGH