

No. 1994-123

AN ACT

HB 2725

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 profession 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," further providing for suspension or revocation of a license, for supervision of shops and for requirement to hold a license.

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

Section 1. Sections 9(a) and 12(a)(1) of the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, amended June 30, 1984 (P.L.494, No.101), are amended to read:

Section 9. (a) The board may suspend or revoke any license granted by the department under this act to any person who (1) habitually indulges in the use of alcohol, narcotics, or other stimulants to such an extent as, in the opinion of the board, incapacitates such person from the duties of a barber; (2) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber; (3) performs work in an unsanitary or filthy manner or place of business; (4) who is grossly incompetent; (5) engages in unethical or dishonest practice or conduct, or violates any of the provisions of this act, or any rules or regulations of the board; (6) employs an unlicensed person; (7) charges tuition to a student in a licensed barber shop; or (8) fails to submit to an inspection of his or her shop during hours of the shop. Before any such license 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] 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 license has been so suspended may, on application, have the same reissued to him or her upon satisfactory showing that the disqualification has ceased. Any person whose license was suspended for having or imparting any contagious or infectious disease shall not have his or her license reissued for a period of at least one year, and then only after the person has submitted to the board a notarized statement from a licensed physician that he or she is free from contagious or infectious disease.

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Section 12. (a) (1) Except for *shops licensed under section 13(b) and* one barber, barber shops which shall be under the immediate supervision of

a licensed barber, who has been a licensed barber for one year, all other 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 license to do so, and shall keep the same prominently displayed. Both the fee for registration of each barber school and the annual renewal fee shall be determined by regulation. 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 months. All barber schools shall have not less than one licensed 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. This section does not prohibit an owner who is a cosmetologist from employing a barber without the requirement that a manager-barber also be employed.

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Section 2. Section 13 of the act, amended June 14, 1991 (P.L.66, No.8), is amended to read:

Section 13. (a) No person shall practice barbering who is not a licensed barber, with the exception that nonlicensed persons may shampoo hair under the supervision of a barber-manager or barber-owner. No licensed barber shall practice, or attempt to practice, barbering in any place other than a licensed barber shop or licensed cosmetology shop, except that any licensed barber in a licensed barber shop or licensed cosmetology shop may furnish barber services to persons at their place of residence or in institutions in cases of sickness, incapacitation, confinement, and other emergencies: Provided, however, That nothing contained in this section shall be construed to include family members of the same household, hospitals or colleges, and private schools for children, cosmetology shops or schools of cosmetology, 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 license by the board.

(b) A licensed barber over sixty-five years of age may operate a one-chair barber shop located in a senior citizen center which is eligible for funding from the State Lottery Fund and for which no manager's license shall be required: Provided, however, That the shop is licensed under this subsection and is located within real property owned or leased by the municipality which operates the senior citizen center. Shops licensed under this subsection shall comply with board regulations pertaining to sanitary conditions, space and equipment, except for the requirement to display a sign and barber pole. Shops licensed under this subsection shall display in a conspicuous place at the shop entrance a notice advising the public that the services therein are available only to clients of the senior citizen center.

Shops licensed under this subsection shall be subject to the same fees imposed pursuant to this act for the issuance and biennial renewal of a barber shop license.

Section 3. The initial issuance and biennial renewal fees for barber shops licensed under the addition of section 13(b) of the act shall be the same as the fees in effect on the effective date of this act for the issuance and biennial renewal of a barber shop license and shall be effective immediately without amendment of the regulations of the State Board of Barber Examiners.

Section 4. This act shall take effect immediately.

APPROVED—The 7th day of December, A.D. 1994.

ROBERT P. CASEY