State Board of Cosmetology Exam

Study Packet

STATE BOARD CONTACT INFORMATION:

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Attachments from http://www.pearsonvue.com/pa/cosmetology/:

Candidate Hand Book

Frequently asked questions

Theory Skills Examination Outline

Cosmetology Application for Professional Licensure by Examination

Cosmetology Laws

The State Board of Cosmetology exam will consist of 100 theory questions, 25 procedure questions and 25 state law questions. They are all multiple choice, there may be more than one correct answer. So make sure you read the question completely even reading the question twice will help. Then choose the best answer.

7.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The act of May 3, 1933), known as the Cosmetology Law.

Board—The State Board of Cosmetology.

Booth space—The area of a salon 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 the act.

Braiding—Intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, including extending the hair with natural or synthetic hair fibers.

Bureau—The Bureau of Professional and Occupational Affairs in the Department of State.

Cosmetologist—A licensed individual who is engaged in the practice of cosmetology.

Cosmetology—

(i) 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, braiding, 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.

(ii) The term also includes the acts comprising the practice of nail technology, natural hair braiding and esthetics.

Department—The Commissioner of Professional and Occupational Affairs in the Department of State.

Esthetics—

(i) 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, eyelash perming and the dyeing of eyelashes and eyebrows.

(ii) The term includes the use of industry standard mechanical and electrical apparatus and appliances in the practice of esthetics.

Esthetician—An individual licensed by the Board to practice esthetics.

Lavatory—A working toilet and a working sink with hot and cold running water that are located in a separate room that affords privacy to the user.

Limited license—A license issued by the Board to an individual which permits that individual to engage in the practice of esthetics, natural hair braiding or nail technology.

Limited practice salon—A salon licensed by the Board for the provision of esthetician services, nail technology services or natural hair braiding services only.

Limited practice teacher—A teacher licensed by the Board for the purpose of providing instruction in the area of esthetics, nail technology or natural hair braiding only.

Nail technician—An individual licensed by the Board to engage in the practice of nail technology.

Nail technology—The practice of manicuring the nails of an individual, applying artificial or sculptured nails to an individual, massaging the hands of an individual or massaging the lower arms of an individual up to the individual's elbow, massaging the feet of an individual or the lower legs of an individual up to the individual's knee, or a combination of these acts.

Natural hair braider—An individual licensed by the Board to engage in the practice of natural hair braiding.

Cosmetology Laws Continued

Natural hair braiding—

(i) The practice of utilizing techniques that result in tension on hair roots of individuals, such as twisting, wrapping, weaving, extending, locking or braiding of the hair. The term includes the application of heat by the use of a straightening comb, ceramic iron or similar appliance to prepare the hair for manipulation.

(ii) The term does not include cutting the hair or the application of dyes, reactive chemicals or other preparations to alter the color or to straighten, curl or alter the structure of hair.

School of cosmetology—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 or the teaching of cosmetology.

School district—A school district, joint vocational school or department, area vocational-technical school or technical institute providing vocational education under Article XVIII of the Public School Code of 1949.

Tanning units—Equipment that utilizes ultraviolet light for the purpose of cosmetic tanning.

7.2. Fees.

Fees charged by the Board are as follows:

Licensure of cosmetologist, nail technician, esthetician or natural hair braider...$10

Licensure of cosmetology teacher or limited practice teacher...$10

Licensure of cosmetology salon or limited practice salon...$100

Licensure of cosmetology school...$180

Licensure by reciprocity...$60

Registration of cosmetology apprentice...$70

Biennial renewal of nail technician license...$67

Biennial renewal of esthetician license...$67

Cosmetology Laws Continued

7.2. Fees. Continued

Biennial renewal of cosmetologist license…$67

Biennial renewal of natural hair braider license…$67

Biennial renewal of cosmetology teacher or limited practice teacher license…$105

Biennial renewal of cosmetology salon or limited practice salon license…$114

Biennial renewal of cosmetology school license…$285

Approval of cosmetology school supervisor…$20

Change in cosmetology salon or limited practice salon (inspection required)…$85

Change in cosmetology salon or limited practice salon (no inspection required)…$30

Change in cosmetology school (inspection required)…$110

Change in cosmetology school (no inspection required)…$35

Reinspection of cosmetology salon or limited practice salon or cosmetology school…$85

Certification of student or apprentice training hours…$30

Verification of license, registration, permit or approval…$15

INDIVIDUAL LICENSES

§ 7.11. Types of individual licenses.

The following licenses are issued by the Board to qualified individuals under the act:

(1) Cosmetology teacher.

(2) Limited practice teacher.

(3) Cosmetologist.

(4) Esthetician.

(5) Nail technician

(6) Natural hair braider.

Cosmetology Laws Continued

7.12. Scope of cosmetology teacher license.

An individual holding a cosmetology teacher license is qualified, without further licensure, to perform the functions of a teacher, cosmetologist, esthetician, nail technician or natural hair braider.

7.12a. Scope of limited practice teacher license.

(a) An individual holding a limited practice teacher license in esthetics is qualified, without further licensure, to teach esthetics in a licensed school of cosmetology and to perform the functions of an esthetician.

(b) An individual holding a limited practice teacher license in nail technology is qualified, without further licensure, to teach nail technology in a licensed school of cosmetology and to perform the functions of a nail technician.

(c) An individual holding a limited practice teacher license in natural hair braiding is qualified, without further licensure, to teach natural hair braiding in a licensed school of cosmetology and to perform the functions of a natural hair braider.

7.14. Scope of cosmetologist license.

An individual holding a cosmetologist license is qualified, without further licensure, to perform the functions of a cosmetologist, esthetician, nail technician or natural hair braider.

7.14a. Scope of esthetician license.

An individual holding an esthetician license is qualified to perform esthetician services only.

7.15. Scope of nail technician license.

An individual holding a nail technician license is qualified to perform nail technology services only.

Cosmetology Laws Continued

7.17. Scope of natural hair braider license.

An individual holding a natural hair braider license is qualified to perform natural hair braiding services only.

7.2. Fees.

Fees charged by the Board are as follows:

Licensure of cosmetologist, nail technician, esthetician or natural hair braider…$10

Licensure of cosmetology teacher or limited practice teacher…$10

Licensure of cosmetology salon or limited practice salon…$100

Licensure of cosmetology school…$180

Licensure by reciprocity…$60

Registration of cosmetology apprentice…$70

Biennial renewal of nail technician license…$67

Biennial renewal of esthetician license…$67

Biennial renewal of cosmetologist license…$67

Biennial renewal of natural hair braider license…$67

Biennial renewal of cosmetology teacher or limited practice teacher license…$105

Biennial renewal of cosmetology salon or limited practice salon license…$114

Biennial renewal of cosmetology school license…$285

Approval of cosmetology school supervisor…$20

Change in cosmetology salon or limited practice salon (inspection required)…$85

Cosmetology Laws Continued

Change in cosmetology salon or limited practice salon (no inspection required)...$30

Change in cosmetology school (inspection required)...$110

Change in cosmetology school (no inspection required)...$35

Reinspection of cosmetology salon or limited practice salon or cosmetology school...$85

Certification of student or apprentice training hours...$30

Verification of license, registration, permit or approval...$15

EXAMINATIONS

7.31. Examination prerequisite for licensure; exceptions.

(a) Except as provided in subsections (b) and (c), an individual who wants to obtain a cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider license listed in shall pass the examination required by the Board for that license.

(b) An individual who meets the criteria for licensure by reciprocity under section 9 of the act may obtain a license without examination.

(c) Until January 11, 2010, the Board will issue a natural hair braider license to an applicant who does the following:

(1) Submits the application adopted by the Board.

(2) Pays the required licensing fee in (relating to fees).

(3) Provides proof that the applicant has practiced natural hair braiding for 3 consecutive years immediately prior to the date of the application for licensure.

(i) Proof of practice requires that the applicant provide tax records of employment and an affidavit from the applicant and the applicant's immediate supervisor, where applicable, verifying the applicant's practice of natural hair braiding for 3 consecutive years immediately prior to the date of the licensure application.

(ii) The Board will accept the information provided and will impose no penalty upon the applicant for failure to comply with the licensing provisions in section 2 of act, that the applicant committed prior to September 5, 2006, which is the effective date of the act of July 7, 2006.

7.31a. Examination dates and locations.

Licensing examinations are given monthly in Philadelphia, Pittsburgh, Harrisburg and additional locations established by the examination administrator after consultation with the Board.

7.32. Deadline for examination applications.

(a) The deadline for submitting an examination application is 1 month prior to the testing date for the specific location where the applicant intends to take the exam, a date established by the examination administrator.

(b) The application of a first-time examinee will not be processed unless the application is property completed as set forth in (relating to contents of examination).

(c) A first-time examinee shall complete and pass both the theoretical and practical portions of the exam within 1 year of the date the first portion is passed. If the exam provider changes, the Board retains the discretion to grant exceptions to this 1-year requirement to facilitate the transition from one exam provider to another.

7.32a. Contents of examination application.

(a) The application of a first-time examinee must include the following:

(1) Proof of having met the requirements for the examination applied for as set forth in

(2) A physician's certification that the applicant is free from contagious, communicable or infectious diseases.

(3) The examination fee set by the professional testing organization and the license fee prescribed in (relating to fees).

(b) The application of a reexaminee shall be accompanied by the examination fee set by the professional testing organization.

7.32b. Requirements for teacher examinations.

(a) An applicant for the cosmetology teacher examination shall:

(1) Be 18 years of age or older.

(2) Have completed a 12th grade education or its equivalent.

(3) Possess a current cosmetologist license.

(4) Have completed a minimum of 500 hours of instruction in a cosmetology teacher curriculum provided by a licensed school of cosmetology.

(b) An applicant for the limited practice teacher examination in esthetics, nail technology or natural hair braiding shall:

(1) Be 18 years of age or older.

(2) Have completed a 12th grade education or its equivalent.

(3) Possess a current limited license in the relevant limited practice field.

(4) Have completed a minimum of 500 hours of instruction in a cosmetology teacher or limited practice teacher curriculum provided by a licensed school of cosmetology.

(c) An applicant who has already obtained a limited practice teacher license in one of the limited practice fields and desires to obtain a limited practice teacher license in an additional limited practice field shall:

(1) Meet the requirements in subsection (b) for the additional limited practice field.

(2) Successfully complete the practical portion of the teacher examination for the additional limited practice field in which the applicant desires to become a licensed teacher.

Cosmetology Laws Continued

7.32d. Requirements for cosmetologist examination.

(a) An applicant for the cosmetologist examination who holds no limited licenses shall:

(1) Be 16 years of age or older.

(2) Except as provided in subsection (b), have done one of the following:

(i) Completed a 10th grade education or its equivalent.

(ii) Received training from or under the auspices of the Office of Vocational Rehabilitation in the Department of Labor and Industry.

(3) Have done one of the following:

(i) Completed a minimum of 1,250 hours of instruction in cosmetology, within a period of not less than 8 consecutive months, as a day-time student in a licensed school of cosmetology.

(ii) Completed a minimum of 1,250 hours of instruction in cosmetology, within a period of not less than 15 consecutive months, as a night-time student in a licensed school of cosmetology.

(iii) Completed 2,000 hours of training in a Board-approved cosmetology apprentice program.

(b) Subsection (a)(2), does not apply to an applicant who is one of the following:

(1) A veteran.

(2) Thirty-five years of age or older.

(c) An applicant for the cosmetologist examination who holds one or more active limited licenses issued by the Board and who obtained educational credits through a licensed cosmetology school will be given credit for the number of educational hours obtained to qualify for the active limited license or licenses as follows:

(1) An applicant who holds an active esthetician license will be given credit for up to 160 hours toward the total cosmetology training program of 1,250 hours.

(2) An applicant who holds an active nail technician license will be given credit for up to 100 hours toward the total cosmetology training program of 1,250 hours.

(3) An applicant who holds an active natural hair braider license will be given credit for up to 125 hours toward the total cosmetology training program of 1,250 hours.

(d) An applicant seeking credit for educational credits under subsection (c) shall complete the total of 1,250 cosmetology training hours, including those already completed in the limited license practice field for which the applicant is seeking credit, within 4 consecutive years.

.32e. Requirements for esthetician examination.

(a) An applicant for the esthetician examination shall:

(1) Be 16 years of age or older.

(2) Except as provided in subsection (b), have done one of the following:

(i) Completed a 10th grade education or its equivalent.

(ii) Received training from or under the auspices of the Office of Vocational Rehabilitation in the Department of Labor and Industry.

(3) Have completed a minimum of 300 hours of instruction in skin care in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

(1) A veteran.

(2) Thirty-five years of age or older.

Cosmetology Laws Continued

7.32f. Requirements for nail technician examination.

(a) An applicant for the nail technician examination shall:

(1) Be 16 years of age or older.

(2) Except as provided in subsection (b), have done one of the following:

(i) Completed a 10th grade education or its equivalent.

(ii) Received training from or under the auspices of the Office of Vocational Rehabilitation in the Department of Labor and Industry.

(3) Have completed a minimum of 200 hours of instruction in nail technology in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

(1) A veteran.

(2) Thirty-five years of age or older.

7.32g. Issuance of temporary licenses to qualified examination applicants.

(a) A temporary license may be issued to an applicant who is eligible for admission to the cosmetologist examination or to any limited license examination and who pays the examination fee set by the professional testing organization and the license fee prescribed in § 7.2 (relating to fees). The purpose of a temporary license is to allow an otherwise qualified applicant to practice pending the applicant's scoring a passing grade on the examination.

(b) A temporary license is valid for 9 months.

(c) The holder of a temporary cosmetologist license shall practice under the supervision of a licensed cosmetology teacher or cosmetologist. The holder of a temporary limited license shall practice under the supervision of a licensed cosmetology teacher, cosmetologist, limited practice teacher in the corresponding limited practice field or holder of a corresponding limited license.

Cosmetology Laws Continued

7.32h. Requirements for natural hair braider examination.

(a) An applicant for the natural hair braider examination shall:

(1) Be 16 years of age or older.

(2) Except as provided in subsection (b), have done one of the following:

(i) Completed a 10th grade education or its equivalent.

(ii) Received training from or under the auspices of the Office of Vocational Rehabilitation in the Department of Labor and Industry.

(3) Have completed a minimum of 300 hours of Board-approved subject relating to sanitation, scalp care, anatomy and natural hair braiding in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

(1) A veteran.

(2) Thirty-five years of age or older.

7.34. Models for practical portion of examination.

An examinee taking the practical part of the esthetics examination shall bring with him a live model. An examinee taking the practical part of any other exam shall bring a mannequin.

7.35. Failure of examination.

An examinee who fails either the practical or theoretical part of the examination for a cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider license will be required to retake and pass the failed portion of the examination within 1 year of the date the examinee takes and passes the other portion of the examination.

Cosmetology Laws Continued

DISPLAY, LOSS AND RENEWAL OF LICENSES AND PERMITS

§ 7.41. Display of licenses.

(a) A salon license issued by the Board shall be displayed in a conspicuous place within the business premises of the salon.

(b) An individual license shall be readily available for inspection by the public or representatives of the Board at the place of business or employment of the individual holding the license.

(c) A school license issued by the Board shall be displayed in a conspicuous place within the premises of the school.

7.42. Lost or misplaced licenses and permits.

A licensee or permit holder shall immediately notify the Board when the license or permit has been lost or misplaced and submit the fee for a duplicate license or permit prescribed in (relating to fees).

7.43. Expiration and renewal of licenses.

(a) Licenses issued by the Board expire at biennial intervals. A license renewal notice is mailed to each licensee approximately 4 weeks before the license expiration date. Renewal of the license is accomplished by submission of the license renewal application and the license renewal fee prescribed in (relating to fees).

(b) A licensee who fails to file the biennial renewal application or pay the required biennial renewal fee by the renewal date shall have the license classified as unregistered. As long as a licensee holds an unregistered license, the licensee is not permitted to practice in this Commonwealth. A licensee who practices during a period in which the license was unregistered shall be required to pay a penalty fee of $5, as prescribed in, for each month or part of a month that the licensee practices since the expiration of the biennial renewal and may be subject to disciplinary proceedings before the Board or criminal prosecution, or both.

Cosmetology Laws Continued

(c) Within 2 years of the initial issuance of a natural hair braider license issued without examination under (relating to examination prerequisite for licensure; exceptions), the natural hair braider licensee shall provide to the Board a certified copy of a school transcript, a certified copy of a scholastic record required by (relating to student records), or an equivalent document certified by a licensed school of cosmetology, that demonstrates that the licensee has completed 150 hours of education from a licensed school of cosmetology as a condition of renewal of the license. The 150 hours of education must include, at a minimum:

(1) Fifty hours in scalp care.

(2) Fifty hours in hygiene.

(3) Twenty-five hours in occupational safety, the provisions of the act and this chapter.

(4) Twenty-five hours in natural hair braiding techniques, such as locking and weaving.

7.44. Escrow of inactive license.

A licensee who ceases performing licensed activities shall promptly request the Board in writing to place the license in escrow. An escrowed license may be reactivated upon written application and payment of the license renewal fee prescribed in (relating to fees), unless the period of escrow occurred within a biennial interval.

7.45. Reexamination if the license is not current for 5 or more years.

The holder of a cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider license that has been expired or in escrow for at least 5 years shall retake and pass the practical part of the examination for that license before submitting a renewal application.

7.50. Applicability of requirements.

The requirements apply equally to cosmetology salons, esthetician salons, nail technology salons and natural hair braiding salons, unless the context indicates otherwise.

7.51. Application for a salon license.

(a) An owner-applicant for a salon license shall submit a license application to the Board with the following:

(1) A sketch plan showing the layout of the salon, including the position of the doors, windows, partitions, shampoo basins, lavatories, adjustable chairs and other floor equipment.

(2) The name and license number of the individual who will be the designated person in charge of the salon in the absence of the owner.

(3) The salon license fee prescribed in (relating to fees).

(b) A license will not be issued until the Board has verified the sworn statements made by the owner-applicant in the application and the salon has been inspected by a Bureau inspector for compliance with the facility requirements of this chapter. If the inspector determines that the salon meets the facility requirements of the act and this chapter, a license will be issued.

7.52. Change of location or physical dimensions.

(a) A salon license is valid only for the location stated on the license. The owner of a salon who wishes to change its location shall submit an application to the Board for a change of salon location together with the information required in (relating to application for salon license) and the fee for change of salon location prescribed in (relating to fees). The application will be processed in the manner prescribed by.

(b) A salon owner shall submit to the Board for its approval a sketch plan of any proposed change in the physical dimensions of the salon.

7.53. Change of ownership.

The owner of a salon shall immediately notify the Board in writing of a change in the controlling ownership of the salon. If a partner or co-owner is being added or deleted, the owner shall submit to the Board an application for change of license and the fee for change of license prescribed in (relating to fees).

Cosmetology Laws Continued

7.62. Management of salons.

(a) A cosmetology salon shall be managed by the salon owner or, in the absence of the salon owner, a person in charge designated by the salon owner.

(b) The designated person in charge shall be a licensed cosmetologist, except as follows:

(1) In the case of an esthetician salon, the designated person in charge may be either a licensed cosmetologist or a licensed esthetician.

(2) In the case of a nail technology salon, the designated person in charge may be either a licensed cosmetologist or a licensed nail technician.

(3) In the case of a natural hair braiding salon, the designated person in charge may be either a licensed cosmetologist or a licensed natural hair braider.

(c) Both the owner and the designated person in charge are responsible for posting the name of the owner or designated person in charge in a conspicuous place in the salon as required by section 4.4 of the act.

(d) The owner or designated person in charge of the salon shall be readily available in person to Bureau inspectors during regular business hours.

7.64. Responsibilities of salon owner or designated person in charge.

(a) The primary responsibilities of a salon owner and designated person in charge are the administration of the business and personnel affairs of the salon and to assure compliance within the salon with all laws of the Commonwealth, this chapter and the Pennsylvania Human Relations Act.

(b) A salon owner or designated person in charge will be subject to disciplinary action by the Board for a violation of the act or this chapter committed by a licensed employee of the salon, if the owner or designated person in charge had knowledge of, or control over, the violation or should have had knowledge or control.

Cosmetology Laws Continued

7.65. Rental of booth space.

The rental of booth space within a salon is prohibited.

7.66. Discrimination.

It is prohibited for any person to refuse, withhold from, or deny to any person because of the person's race, color, religious creed, ancestry or National origin, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of a cosmetology, esthetician, nail technology or natural hair braiding salon.

7.71. Equipment and supplies for a cosmetology salon.

(a) A cosmetology salon must contain the following equipment, which is considered the minimum equipment needed for a salon with one cosmetologist:

(1) One adjustable chair.

(2) One styling station with mirror.

(3) One labeled first aid kit containing the following items:

(i) An antiseptic.

(ii) Cotton balls.

(iii) Protective plastic or latex gloves.

(iv) A blood spill kit.

(v) A hazardous waste bag.

(vi) Eyewash.

(vii) Burn ointment.

(viii) Plastic or latex bandage strips of varying sizes and shapes.

(ix) Sterile gauze pads.

(4) One dryer or blow dryer.

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Cosmetology Laws Continued

(5) One shampoo tray or basin.

(6) Twelve combs and twelve brushes.

(7) One covered waste container.

(8) A closed storage area for soiled linen.

(9) One timer clock.

(10) One closed towel cabinet for clean linen.

(11) A closed container for sanitized implements.

(12) One wet sanitizer.

(13) A reception desk.

(14) Twelve sanitary towels for each styling station in the salon.

(15) One sink with hot and cold running water that is readily accessible to each styling station in the work area of the salon.

(16) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional cosmetologist, supplies and equipment shall be increased so that each cosmetology can render services safely and efficiently.

7.71a. Equipment and supplies for an esthetician salon.

(a) An esthetician salon must contain the following equipment and supplies, which is considered the minimum equipment needed for a salon with one esthetician:

(1) One adjustable chair.

(2) One work station with mirror.

(3) One labeled first aid kit containing the following items:

(i) An antiseptic.

(ii) Cotton balls.

(iii) Protective plastic or latex gloves.

(iv) A blood spill kit.

(v) A hazardous waste bag.

(vi) Eyewash.

(vii) Burn ointment.

(viii) Plastic or latex bandage strips of varying sizes and shapes.

(ix) Sterile gauze pads.

(4) One covered waste container.

(5) A closed storage for soiled linen.

(6) One closed towel cabinet for clean linen.

(7) One timer clock.

(8) A closed container for sanitized implements.

(9) One wet sanitizer.

(10) One dry sterilizer.

(11) A reception desk.

(12) Twelve sanitary towels for each work station in the salon.

(13) One sink with hot and cold running water that is readily accessible to each work station in the work area of the salon.

(14) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional esthetician, equipment and supplies shall be increased so that each esthetician can render services safely and efficiently.

Cosmetology Laws Continued

7.71b. Equipment and supplies for a nail technology salon.

(a) A nail technology salon must contain the following equipment and supplies, which is considered the minimum equipment needed for a salon with one nail technician:

(1) One chair for use in manicure and pedicure.

(2) One manicure table with light, chair and stool.

(3) One pedicure basin and stand.

(4) One labeled first aid kit containing the following items:

(i) An antiseptic.

(ii) Cotton balls.

(iii) Protective plastic or latex gloves.

(iv) A blood spill kit.

(v) A hazardous waste bag.

(vi) Eyewash.

(vii) Burn ointment.

(viii) Plastic or latex bandage strips of varying sizes and shapes.

(ix) Sterile gauze pads.

(5) One covered waste container.

(6) A closed storage area for soiled linen.

(7) One closed towel cabinet for clean linen.

(8) Twelve sanitary towels for each work station in the salon.

(9) One wet sanitizer.

(10) A closed container for sanitized implements.

(11) A reception desk.

(12) One sink with hot and cold running water that is readily accessible to each work station in the work area of the salon.

(13) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional nail technician, equipment and supplies shall be increased so that each nail technician can render services safely and efficiently.

7.71c. Equipment and supplies for a natural hair braiding salon.

(a) A natural hair braiding salon must contain the following equipment and supplies, which is considered the minimum equipment needed for a salon with one natural hair braider:

(1) One adjustable chair.

(2) One styling station with mirror.

(3) One labeled first aid kit containing the following items:

(i) An antiseptic (ii) Cotton balls (iii) Protective plastic or latex gloves.

(iv) A blood spill kit (v) A hazardous waste bag. (vi) Eyewash.

(vii) Burn ointment

(viii) Plastic or latex bandage strips of varying sizes & shapes (ix) Sterile gauze

(4) One dryer or blow dryer.

(5) One shampoo tray or basin.

(6) Twelve combs and twelve brushes.

(7) One covered waste container.

(8) A closed storage area for soiled linen.

(9) One closed towel cabinet for clean linen.

(10) A closed container for sanitized implements.

(11) One wet sanitizer.

(12) A reception desk.

(13) Twelve sanitary towels for each styling station in the salon.

(14) One sink with hot and cold running water that is readily accessible to each styling station in the work area of the salon.

(15) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional natural hair braider, equipment and supplies shall be increased so that each natural hair braider can render services safely and efficiently.

7.75. Entrances.

The entrance to a salon that is located in a private home must permit clients to enter the salon directly from the public thoroughfare without passing through any part of the home.

7.76. Floor space.

(a) The floor area of a salon operated by one licensee must have a minimum area of 180 square feet with a minimum width of 10 feet. An additional area of at least 60 square feet is required for each additional licensee in the salon. The Board, upon an applicant's request, may grant a variance from the space requirements concerning a salon which the Board believes is reasonable.

Cosmetology Laws Continued

7.76. Floor space continued

(b) Salons opened prior to September 15, 1976, which have been operating with one cosmetologist must have sufficient floor space to properly install the equipment with regard to the health and safety of the patrons of the cosmetology salon. It is suggested that the floor space be a minimum of 10 feet by 12 feet or 120 square feet, with 60 square feet for each additional operator. The Board, after examination of the salon's layout, may grant variance from the salon space requirements which the Board believes is reasonable.

7.77. Use of salon for other purposes prohibited.

No part of a salon, including lavatories and laundry facilities, may be used for other purposes.

7.78. Sign.

A salon must display, at or near its main entrance, a sign that is clearly visible indicating to the public that it is a cosmetology salon or limited practice salon.

7.79. Lavatories.

A salon must have adequate lavatories on the premises. For the purposes of this section, ''on the premises'' means within the square footage of the salon.

7.81. Rendering of services outside a salon.

A cosmetologist or holder of a limited license, with the permission of the employing salon, may render by appointment cosmetology or limited license services to persons at their residences and to persons who are confined to institutions due to illness, imprisonment, old age or similar circumstances.

7.82. Record of services rendered outside a salon.

A licensee who renders licensed services outside the salon shall maintain at the employing salon complete records for each service rendered outside the salon, including the date, time, place and fee charged. The record of outside services shall be considered part of the records of the salon.

Cosmetology Laws Continued

7.83. Responsibility of a salon for outside services.

A salon through which appointments are made for the rendering of cosmetology or limited license services outside the salon shall be responsible for ensuring that the licensees are fully supplied and equipped when they perform services outside the salon and that all other requirements of this chapter are complied with.

7.90. Applicability of requirements.

The requirements of this section and § § 7.91—7.98 and 7.100 apply equally to cosmetology salons, esthetician salons, nail technology salons and natural hair braiding salons, unless the context indicates otherwise.

7.91. Sanitation and safety generally.

(a) A salon must be well lighted and well ventilated.

(b) All areas of the salon, including the floors and lavatories, shall be maintained in a safe, orderly and sanitary condition.

(c) Sharp implements shall be stored upright with the points down or in a protective case.

7.92. Sanitization of equipment.

Razors for hair, tweezers, combs, hairbrushes, and other tools, instruments, utensils and appliances that come into contact with a client shall be sanitized immediately after each use and maintained in a sanitary condition at all times.

7.93. Sanitary use of towels.

(a) Only clean cloth towels or disposable paper towels shall be used on clients. Unused cloth towels shall be kept in a closed cabinet. Unused paper towels shall be kept in a closed cabinet or closed towel dispenser. A cloth towel that has been used on a client shall be immediately placed in a closed container for soiled linen. A disposable paper towel that has been used on a client shall be immediately discarded in a covered waste container.

(b) The headrest of a facial chair shall be covered with a clean cloth towel or an unused disposable paper towel before the start of each facial.

(c) A clean cloth towel, unused disposable paper towel or unused neck strip shall be placed around the neck of a client whose hair is about to be cut to prevent the hair cloth from touching the skin.

7.94. Sanitary use of supplies.

(a) The use of powder puffs or styptic pencils in a salon is prohibited.

(b) Only powered or liquid astringents, applied with a clean cloth towel or clean piece of cotton, may be used to check bleeding.

(c) Creams and other semisolid substances shall be removed from their containers with a sterile spatula or similar utensil. The spatula or similar utensil may not be permitted to come into contact with the skin or hair of another client until it is properly disinfected.

(d) An article that has been dropped on the floor or otherwise rendered unsanitary shall be sterilized before it is reused.

7.95. Individual cleanliness.

Every salon employee who serves the public shall be clean as to person and dress and shall thoroughly cleanse the hands immediately before rendering services to a client and immediately after using the lavatory.

7.96. Safe use of dyes, tints and chemicals.

A licensee who uses a dye, tint or other chemical shall follow the directions of the manufacturer and the regulations and instructions of the Federal Food and Drug Administration that appear on or within the container or packaging of the dye, tint or chemical.

Cosmetology Laws Continued

7.97. Protection against infectious, contagious or communicable diseases.

(a) A licensee shall refuse to serve a client whom the licensee believes has an infectious, contagious or communicable disease, unless the client can produce a physician's certification that the client does not have an infectious, contagious or communicable disease.

(b) A nonlicensed cosmetology shop employee who renders shampoos to clients shall have a physician's certification that the employee does not have an infectious, contagious or communicable disease.

.98. Violation of related laws.

The license of a licensee who has pled guilty or nolo contendere to, or has been convicted of, a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-101—780-144), or a similar State or Federal law, shall be subject to suspension or revocation under section 13 of the act (63 P. S. § 519).

7.100. Permanent wave operations and chemical applications.

A client may not be left unattended during the heating or processing period of a permanent wave operation or chemical application.

7.101. Electrical appliances.

Electrical appliances shall be installed properly and grounded.

7.111. Application for a school license.

(a) An owner-applicant for a school license shall submit a license application to the Board with the following:

(1) A sketch plan showing the layout of the school, including the location of classrooms, offices and lavatories and the position of all floor equipment.

(2) The name, signature and license number of the school supervisor, together with proof that the supervisor meets the following qualifications:

(i) Possesses a current cosmetology teacher license issued by the Board.

(ii) Has done one of the following:

(A) Acquired 2,500 hours of satisfactory experience as a cosmetology teacher.

(B) Acquired 1,250 hours of experience as a cosmetology teacher and 1,800 hours of experience.

(3) The name and signature of the person authorized to accept service of legal notice and to transact business on behalf of the school.

(4) Proof that the fictitious name of the school, if any, is registered with the Corporation Bureau of the Department of State.

(5) Proof of compliance with applicable provisions of 34 Pa. Code (relating to labor and industry).

(6) The fees for a school license and approval of a school supervisor prescribed in § 7.2 (relating to fees).

(7) Proof of accreditation or application for accreditation in accordance with § 7.113a (relating to accreditation by a Nationally recognized accrediting agency). Approval by the Department of Education in accordance with Article XVIII of the Public School Code of 1949 (24 P. S. § § 1801—1855) is acceptable proof of accreditation for secondary vocational technical schools.

(b) A school license will not be issued until the Board has verified the sworn statements made by the owner-applicant in the license application and the school has been inspected by a Bureau inspector as provided in § 7.113 (relating to inspection of a school before licensure). The Board may request the owner-applicant to appear before the Board to answer questions about the application.

7.113. Inspection of a school before licensure.

The final step in the review of an application for a school license is an inspection of the school by a Bureau inspector. If the inspector determines that the school meets the requirements of the act and this chapter, a license will be issued.

Cosmetology Laws Continued

7.113a. Accreditation by a Nationally recognized accrediting agency.

(a) *Accreditation required.* Within 5 years after being licensed by the Board, a school shall submit to the Board proof that it is accredited by a Nationally recognized accrediting agency.

(b) *Change of ownership, name or location.* Except as otherwise provided in subsection (c), a change of ownership, name or location of the school within or following the 5-year period after initial licensure does not negate or postpone the requirement for accreditation within 5 years of initial licensure.

(c) *Extension for good cause.* The Board, upon good cause shown by a new owner who has taken ownership of a school within the 5-year period after initial licensure, may extend the period for obtaining accreditation for up to an additional 5 years from the date the new owner takes ownership.

(d) *Biennial renewal.* After initial accreditation, a licensed cosmetology school shall maintain accreditation as a condition of biennial renewal of the school license.

7.113b. Change of school location, ownership, fictitious name or supervisor.

(a) *Change of school location.* A school license is valid only for the location stated on the license. The owner of a school who wishes to change its location shall submit to the Board an application for a change of school location, together with the information required in § 7.111(a)(1) and (5) (relating to application for a school license) and the fee for a change of school location prescribed in § 7.2 (relating to fees). An inspection of the new location will be conducted in the manner set forth in § 7.113 (relating to inspection of a school before licensure).

(b) *Change of school ownership.* The owner of a school shall immediately notify the Board in writing of a change in the controlling ownership of the school. If a partner or co-owner is being added or deleted, the owner shall submit to the Board an application for a change of license and the fee for change of license prescribed in § 7.2.

(c) *Change of school fictitious name.* The owner of a school that changes its fictitious name shall, within 30 days of the change, submit to the Board an application for a change of license together with proof of registration with the Corporation Bureau of the Department of State and the fee for change of license prescribed in § 7.2.

(d) *Change of school supervisor.* The owner of a school that changes its supervisor shall submit to the Board an application for approval of a school supervisor and the fee for approval of a school supervisor prescribed in § 7.2. The Board will approve a supervisor who meets the requirements in § 7.111(a)(2).

7.114. School equipment and supplies.

(a) A school enrolling 25 students or less must have, at a minimum, the following equipment:

(1) Four shampoo basins.

(2) Eight hair dryers.

(3) Four manicure tables and chairs.

(4) Four closed containers for sanitized implements.

(5) Four wet sanitizers.

(6) Four facial chairs.

(7) Four complete sets of cold wave equipment.

(8) One mannequin for each student.

(9) Twelve styling stations, mirrors and chairs.

(10) One locker for each student.

(11) Four closed containers for soiled linen.

(12) Three closed waste containers.

(13) One container for sterile solution for each manicure table.

(14) One bulletin board with dimensions of at least 2 feet by 2 feet.

(15) One chalkboard with dimensions of at least 4 feet by 4 feet.

(16) One linen cabinet.

(17) An arm chair or usable table and chair for each student in the theory room.

(18) Three timer clocks.

(19) Attendance records.

(20) Two sanitary towels per student.

(b) These minimum equipment requirements shall increase proportionately as the number of students enrolled in the school increases.

7.115. Student equipment and supplies.

(a) A school shall ensure that each cosmetology student possesses and maintains in sanitary condition the following:

(1) One shampoo cape.

(2) One pair of scissors.

(3) One hair cutting razor.

(4) Two brushes.

(5) Six combs.

(6) A minimum of 100 pin curl clips.

(7) Complete tools for nail technology, including emery boards, pusher and brush.

(8) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.

Cosmetology Laws Continued

(9) A basic cosmetology text book. A book of questions and answers is not considered a textbook.

(10) One pair of tweezers.

(b) A school shall ensure that each esthetician student possesses and maintains in sanitary condition the following:

(1) One facial cape.

(2) Two spatulas.

(3) One pair of tweezers.

(4) One make-up kit.

(5) Facial supplies.

(6) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.

(7) A basic skin care/make-up textbook.

(c) A school shall ensure that each nail technology student possesses and maintains in sanitary condition the following:

(1) One polish kit.

(2) Complete tools for nail technology, including emery boards, pusher and brush.

(3) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.

(4) A basic nail technology textbook.

(d) A school shall ensure that each natural hair braiding student possesses and maintains in sanitary condition the following:

(1) One shampoo cape.

(2) One comb-out cape.

(3) Two brushes.

(4) Six combs.

(5) A minimum of 100 pin curl clips.

(6) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.

(7) A basic natural hair braiding textbook.

7.116. Floor space.

A school with a maximum enrollment of 25 students shall have a minimum area of 2,750 square feet, exclusive of office space and lavatory facilities, 750 square feet of which shall be devoted to classroom instruction. An additional area of 9 square feet is required for each additional student.

7.116a. Lavatories.

(a) A school shall have separate lavatory facilities on the premises for male and female students.

(b) Lavatories shall have hot water available.

7.117. Supervisor of a school.

(a) A school shall be under the immediate supervision of the school supervisor. The primary responsibility of the supervisor is to ensure that the school conforms to requirements of the act, this chapter and the Pennsylvania Human Relations Act (43 P. S. § § 951—963).

(b) A school may not have more than one supervisor. A person may not serve as supervisor of more than one school at the same time.

(c) If the school supervisor is unable to be present in the school during a specified period, such as breaks, days off, vacation or illness, not to exceed 3 months, another licensed teacher may serve as temporary supervisor. If the absence is to exceed 2 weeks, the supervisor shall notify the Board in writing of the absence. A notice identifying the temporary supervisor shall be displayed in the school. The temporary supervisor assumes the responsibility of a supervisor as set forth in subsection (a).

7.118. Professional staff.

(a) A school shall employ as teachers of courses that are part of the required curriculum persons who possess a current cosmetology teacher or limited practice teacher license issued by the Board, except that a school may employ as teachers of business or teaching skills persons who hold a current teacher's certificate issued by the Department of Education.

(b) The license of each teacher employed by the school shall be conspicuously displayed in the school.

(c) A school shall employ at least one full-time teacher.

(d) The student/teacher ratio of a class taught for credit may not exceed 25 to 1, except if a guest lecture is given by a person who is not regularly employed by the school as a teacher.

(e) A school shall have attached to its staff for consultation purposes a physician who possess a current license to practice medicine in this Commonwealth.

7.118a. Uniforms.

Teachers and students shall be attired in washable uniforms during school hours. A teacher uniform must be distinguished from a student uniform.

Cosmetology Laws Continued

7.119. Student records.

A school shall maintain the following records for each student:

(1) Daily attendance records.

(2) Scholastic records.

(3) Financial records.

(b) A school shall submit to the Board a notarized quarterly report of the hours attended for each student on a form provided by the Board. The reports shall be submitted by the following dates—April 15, July 15, October 15 and January 15—and shall include the names and license numbers of teachers employed and be personally signed by the owner and supervisor of the school.

(c) A school shall make copies of a student's attendance, scholastic and financial records available to the student upon request. The school may charge the student a fee that covers the reasonable cost of making copies of the records.

(d) A school shall retain student hours for a minimum of 7 years. A school that goes out of business shall submit the hours to the Board.

7.119a. Transfer students.

A school that enrolls a transfer student from another cosmetology school shall obtain:

(1) A notarized transcript from the original school listing the hours earned by the student.

(2) Verification from the appropriate licensing authority that the other school is licensed in that state, in the case of a student transferring from an out-of-State school to a Pennsylvania school.

Cosmetology Laws Continued

7.120. Work done by students on the public.

(a) A school may permit students to work on the public, and may charge a fee for treatment performed by students on the public based on the reasonable cost of materials used in such treatment, if the students have successfully completed the following hours of instruction:

(1) Cosmetology Curriculum—300 Hours

(2) Esthetics Curriculum—75 Hours

(3) Nail Technology Curriculum—50 Hours

(4) Natural Hair Braiding Curriculum—75 Hours

(b) A school that permits its students to work on the public shall display in a conspicuous place at the entrance to the school a sign with letters at least 2 inches in height, that states the following: ''ALL WORK IN THE SCHOOL DONE BY STUDENTS ONLY'' and ''CHARGES FOR REASONABLE COST OF MATERIALS ONLY.''

(c) A school shall display in a conspicuous place at the entrance to the school a sign stating that it is a school of cosmetology.

7.121. Advertising.

(a) Advertisements by a school shall contain its licensed name.

(b) A school may advertise cosmetology services that are rendered by its students, if the advertisement conspicuously states that all services in the school are performed by students only and that charges for services are based on the reasonable cost of materials only.

Cosmetology Laws Continued

7.122. Course schedules.

(a) Day-time students may earn a maximum of 8 hours of credit per day and a maximum of 40 hours of credit per week.

(b) Night-time students may earn a maximum of 4 hours of credit per night and a maximum of 20 hours of credit per week, when the school is operated 5 nights per week. If a school is not operated 5 nights per week, a night-time student will be given credit at the rate of hours per night, if actually earned, for each night the student attended.

(c) A student may attend a combination of day and night sessions but may not earn more than 8 hours of credit per day.

7.123. Duty work.

A school shall require students to keep their stations clean and to assist in general cleanup and other duties that may be required in an operating salon, except that students may not be required to scrub floors, wash windows or perform janitorial tasks.

7.124. Laundry facilities.

Laundry work is permitted in a school if it is done in an area that is specifically set aside for that purpose.

7.125. Health and safety in school.

A school shall observe the same health and safety requirements that are prescribed for salons in § § 7.91—7.98, 7.100 and 7.101.

7.127. Posting of Board notices.

A school shall insure that all notices required to be posted by the Board are displayed in a conspicuous location and maintained in a readable condition. If a Board notice is defaced or removed, the school supervisor shall immediately notify the Board that a replacement notice is needed.

Cosmetology Laws Continued

7.128. Mandatory offering of cosmetology curriculum.

(a) A school shall offer instruction in the curriculum for cosmetologists prescribed in § 7.129 (relating to curriculum requirements).

(b) A school may offer instruction in the curriculum for teachers, estheticians, nail technicians and natural hair braiders prescribed in § 7.129.

7.129. Curriculum requirements.

(a) Except as provided in subsection (b), a school's cosmetology curriculum, excluding electives, must comprise a minimum of 1,250 hours, and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

Cosmetology Laws Continued

BASIC COSMETOLOGY CURRICULUM

	Recommended Hours
Professional Practices	50
Bacteriology, Disinfection, Sanitation	
Professional Attitude	
Business Practices	
PA Cosmetology Law	
Sciences	200
Histology	
Trichology	
Chemistry	
Physiology	
Cosmetic Dermatology	
Electricity	
Cosmetology Skills—Cognitive and Manipulative	1,000
Shampooing and Conditioning	
Hair Shaping	
Hair Styling/Fingerwaving	
Chemical Texturizing	
Permanent Waving	
Hair Coloring	
Hair Straightening	
Skin Care	
Nail Technology	
Temporary Hair Removal	
Scalp Treatment	
Care of all hair types and textures	
Makeup	
	Total 1,250

Cosmetology Laws Continued

(b) A school's cosmetology curriculum for a student who holds a barber's license issued by the State Board of Barber Examiners must comprise a minimum of 695 hours and cover the subjects in subsection (a); the following breakdown of hours by subject is recommended:

	Recommended Hours
Professional Practices	15
Sciences	80
Cosmetology Skills— Cognitive and Manipulative	600
	Total 695

(c) A school's teacher curriculum, excluding electives, must comprise a minimum of 500 hours and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

TEACHER CURRICULUM

	Recommended Hours
Teaching Techniques for Subjects Related To Cosmetology Curriculum	300
Student Teaching	100
Professional Practices	25
Salon Management Theory	75
	Total 500

(d) A school's esthetics curriculum, excluding electives, must comprise a minimum of 300 hours and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

ESTHETICS CURRICULUM

	Recommended Hours
Professional Practices	40
Sciences	100
Facial Treatments	100
Temporary Hair Removal	10
Makeup	50
	Total 300

(e) A school's nail technology curriculum, excluding electives, must comprise a minimum of 200 hours and cover the following subjects; the accompanying breakdown of hours by subjects is recommended:

NAIL TECHNOLOGY COURSE OUTLINE

	Recommended Hours
Professional Practice	25
Sciences	75
Nail Treatments	75
Pedicuring	25
	Total 200

(f) A school's natural hair braiding curriculum, excluding electives, must comprise a minimum of 300 hours and cover the following subjects; the accompanying breakdown of hours by subjects is recommended:

NATURAL HAIR BRAIDING COURSE OUTLINE

	Recommended Hours
Professional practices, including sanitation	50
Sciences, including scalp care and anatomy	125
Cognitive and manipulative skills related to natural hair braiding	125
	Total 300

7.130. Library.

A school shall maintain a library containing sufficient copies of the act and this chapter for each student as well as standard textbooks on the theory and practice of cosmetology.

PREPARATION BY APPRENTICESHIP METHOD

§ 7.131. Introduction.

An individual who chooses to seek eligibility for the cosmetologist examination by apprenticeship shall comply with section 10 of the act (63 P. S. § 516) and the applicable requirements of this section and § § 7.132—71.134 (relating to preparation by appenticeship method).

7.132. Apprentice curriculum.

The cosmetology teacher responsible for offering instruction to an apprentice in a cosmetology salon shall teach the same cosmetology curriculum that the Board prescribes for schools of cosmetology in § 7.129 (relating to curriculum requirements), with additional hours included so that the total number of hours adds up to 2,000, as follows:

Cosmetology Laws Continued

BASIC COSMETOLOGY APPRENTICE CURRICULUM

	Recommended Hours
Professional Practices	50
Bacteriology, Disinfection, Sanitation	
Professional Attitude	
Business Practices	
PA Cosmetology Law	
Sciences	200
Histology	
Trichology	
Chemistry	
Physiology	
Cosmetic Dermatology	
Electricity	
Cosmetology Skills—Cognitive and Manipulative	1,750
Shampooing and Conditioning	
Hair Shaping	
Hair Styling/Fingerwaving	
Permanent Waving	
Hair Coloring	
Hair Straightening	
Skin Care	
Nail Technology	
Temporary Hair Removal	
Scalp Treatment	
Care of all hair types and textures	
Makeup	
	Total 2,000

7.133. Application for apprentice permit.

To qualify for apprenticeship training in a cosmetology shop, an individual shall apply to the Board for an apprentice permit.

7.134. Apprentice reports.

The owner of a cosmetology shop that employs apprentices shall submit to the Board, on a form provided by the Board, a quarterly report of the hours earned by each apprentice. The reports shall be submitted by the following dates: April 15, July 15, October 15 and January 15.

7.135. Equipment.

An apprentice shall be supplied with minimum student equipment and one mannequine

7.136. Apprentice hours.

An apprentice shall work a minimum of 25 hours per week to acquire the minimum 2,000 hours of apprenticeship training.

GENERAL PROVISIONS

§ 7.. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The act of May 3, 1933 (P. L. 242, No. 86) (63 P. S. § § 507—527), known as the Cosmetology Law.

Board—The State Board of Cosmetology.

Booth space—The area of a salon 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 the act.

Braiding—Intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, including extending the hair with natural or synthetic hair fibers.

Cosmetology Laws Continued

Bureau—The Bureau of Professional and Occupational Affairs in the Department of State.

Cosmetologist—A licensed individual who is engaged in the practice of cosmetology.

Cosmetology—

(i) 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, braiding, 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.

(ii) The term also includes the acts comprising the practice of nail technology, natural hair braiding and esthetics.

Department—The Commissioner of Professional and Occupational Affairs in the Department of State.

Esthetics—

(i) 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, eyelash perming and the dyeing of eyelashes and eyebrows.

(ii) The term includes the use of industry standard mechanical and electrical apparatus and appliances in the practice of esthetics.

Cosmetology Laws Continued

Esthetician—An individual licensed by the Board to practice esthetics.

Lavatory—A working toilet and a working sink with hot and cold running water that are located in a separate room that affords privacy to the user.

Limited license—A license issued by the Board to an individual which permits that individual to engage in the practice of esthetics, natural hair braiding or nail technology.

Limited practice salon—A salon licensed by the Board for the provision of esthetician services, nail technology services or natural hair braiding services only.

Limited practice teacher—A teacher licensed by the Board for the purpose of providing instruction in the area of esthetics, nail technology or natural hair braiding only.

Nail technician—An individual licensed by the Board to engage in the practice of nail technology.

Nail technology—The practice of manicuring the nails of an individual, applying artificial or sculptured nails to an individual, massaging the hands of an individual or massaging the lower arms of an individual up to the individual's elbow, massaging the feet of an individual or the lower legs of an individual up to the individual's knee, or a combination of these acts.

Natural hair braider—An individual licensed by the Board to engage in the practice of natural hair braiding.

Natural hair braiding—

(i) The practice of utilizing techniques that result in tension on hair roots of individuals, such as twisting, wrapping, weaving, extending, locking or braiding of the hair. The term includes the application of heat by the use of a straightening comb, ceramic iron or similar appliance to prepare the hair for manipulation.

(ii) The term does not include cutting the hair or the application of dyes, reactive chemicals or other preparations to alter the color or to straighten, curl or alter the structure of hair.

School of cosmetology—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 or the teaching of cosmetology.

School district—A school district, joint vocational school or department, area vocational-technical school or technical institute providing vocational education under Article XVIII of the Public School Code of 1949 (24 P. S. § § 18-1801—18-1855).

Tanning units—Equipment that utilizes ultraviolet light for the purpose of cosmetic tanning.

§ 7.2. Fees.

Fees charged by the Board are as follows:

Licensure of cosmetologist, nail technician, esthetician or natural hair braider…$10

Licensure of cosmetology teacher or limited practice teacher…$10

Licensure of cosmetology salon or limited practice salon…$100

Licensure of cosmetology school…$180

Licensure by reciprocity…$60

Registration of cosmetology apprentice…$70

Biennial renewal of nail technician license…$67

Biennial renewal of esthetician license…$67

Biennial renewal of cosmetologist license…$67

Biennial renewal of natural hair braider license…$67

Biennial renewal of cosmetology teacher or limited practice teacher license…$105

Biennial renewal of cosmetology salon or limited practice salon license…$114

Biennial renewal of cosmetology school license…$285

Approval of cosmetology school supervisor…$20

Change in cosmetology salon or limited practice salon (inspection required)…$85

Change in cosmetology salon or limited practice salon (no inspection required)…$30

Change in cosmetology school (inspection required)…$110

Change in cosmetology school (no inspection required)…$35

Reinspection of cosmetology salon or limited practice salon or cosmetology school…$85

Certification of student or apprentice training hours…$30

Verification of license, registration, permit or approval…$15

INDIVIDUAL LICENSES

7.11. Types of individual licenses.

The following licenses are issued by the Board to qualified individuals under the act:

(1) Cosmetology teacher.

(2) Limited practice teacher.

(3) Cosmetologist.

(4) Esthetician.

(5) Nail technician.

(6) Natural hair braider.

Cosmetology Laws Continued

7.12. Scope of cosmetology teacher license.

An individual holding a cosmetology teacher license is qualified, without further licensure, to perform the functions of a teacher, cosmetologist, esthetician, nail technician or natural hair braider.

7.12a. Scope of limited practice teacher license.

(a) An individual holding a limited practice teacher license in esthetics is qualified, without further licensure, to teach esthetics in a licensed school of cosmetology and to perform the functions of an esthetician.

(b) An individual holding a limited practice teacher license in nail technology is qualified, without further licensure, to teach nail technology in a licensed school of cosmetology and to perform the functions of a nail technician.

(c) An individual holding a limited practice teacher license in natural hair braiding is qualified, without further licensure, to teach natural hair braiding in a licensed school of cosmetology and to perform the functions of a natural hair braider.

7.14. Scope of cosmetologist license.

An individual holding a cosmetologist license is qualified, without further licensure, to perform the functions of a cosmetologist, esthetician, nail technician or natural hair braider

7.14a. Scope of esthetician license.

An individual holding an esthetician license is qualified to perform esthetician services only.

7.15. Scope of nail technician license.

An individual holding a nail technician license is qualified to perform nail

technology services only.

Cosmetology Laws Continued

Act of May 3, 1933
P.L. 242, No. 86, CL. 63

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 of the Department of State; providing for appeals to certain courts by applicants and licensees; and providing penalties.

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

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 salon 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.

"Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

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

Cosmetology Laws Continued

"Cosmetician" (Deleted by amendment).

"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, braiding, 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. The term also includes the acts comprising the practice of nail technology, natural hair braiding and esthetics.

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

"Esthetician" means an individual licensed by the State Board of Cosmetology to practice esthetics.

"Esthetics" means 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.

"Limited license" means a license issued by the State Board of Cosmetology to an individual which permits that individual to engage in the practice of esthetics, natural hair braiding or nail technology.

"Nail technician" means an individual licensed by the State Board of Cosmetology to engage in the practice of nail technology.

Cosmetology Laws Continued

"Nail technology" means the practice of manicuring the nails of an individual, applying artificial or sculptured nails to an individual, massaging the hands of an individual or massaging the lower arms of an individual up to the individual's elbow, massaging the feet of an individual or the lower legs of an individual up to the individual's knee,or a combination of these acts.

"Natural hair braider" means an individual licensed by the State Board of Cosmetology to engage in the practice of natural hair braiding.

"Natural hair braiding" means the practice of utilizing techniques that result in tension on hair roots of individuals, such as twisting, wrapping, weaving, extending, locking or braiding of the hair. The term does not include the application of dyes, reactive chemicals or other preparations to alter the color or to straighten, curl or alter the structure of hair.

"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 or the teaching of cosmetology.

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

Section 1.1. Membership of Board.

(a) The board shall consist of thirteen members: the Commissioner of Professional and Occupational Affairs; the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee; three public members appointed by the Governor with the advice and consent of the Senate, which members shall represent the public at large; and eight professional members appointed by the Governor with the advice and consent of the Senate, which members have had at least five years practical and/or managerial experience in the majority of the practices of cosmetology and shall be actively engaged in the profession. No more than one professional member shall be currently employed as a vocational education teacher of cosmetology in the public schools. No more than two professional members of the board shall be currently affiliated with a private school of cosmetology.

Cosmetology Laws Continued

(a) No other person who has been affiliated with a private cosmetology school within three years prior to nomination may be nominated. Members currently serving on the board shall continue to serve until the expiration of their terms and until successors are appointed and qualified according to law, but for no longer than six months.

(b) Professional and public members appointed after the expiration of the terms of current board members shall serve the following terms: two professional members and one public member shall serve one year; two professional members and one public member shall serve two years; and two professional members and one public member shall serve three years. Thereafter, professional and public members shall serve three-year terms. No member may serve more than two consecutive terms.

(c) Seven members of the board shall constitute a quorum. The board shall select, from among their number, a chairman, a vice chairman and a secretary.

(d) Each public and professional member of the board shall be paid reasonable traveling, hotel and other necessary expenses and per diem compensation at the rate of sixty dollars ($60) for each day of actual service while on board business.

(e) A member who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.

(f) In the event that a member of the board dies or resigns during the term of office, a successor shall be appointed in the same way and with the same qualifications as set forth in subsections

(a) and (b) and shall hold office for the unexpired term.

Cosmetology Laws Continued

Section 2. Practice without License Prohibited.

It shall be unlawful for any person to do any of the following without having first obtained from the department a license or limited license as provided in this act:

(1) To practice or teach cosmetology for compensation, or to use or maintain any place for the practice of cosmetology for compensation, or to use or maintain any place for the teaching of cosmetology.

(2) To practice or teach esthetics, natural hair braiding or nail technology for compensation or to use or maintain any place for the practice of esthetics, natural hair braiding or nail technology for compensation.

Section 3. Requirements to Practice.

Before any person may practice or teach cosmetology, such person shall file with the board a written application for license, accompanied by a health certificate issued by a licensed physician of Pennsylvania on a form which shall be prescribed and supplied by the board, and shall deposit with the department the license fee, and pass an examination approved by the board as to fitness to practice or teach cosmetology, as hereinafter provided in this act.

Section 4. Eligibility Requirements for Examination.

(a) No person shall be permitted by the board 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.

Cosmetology Laws Continued

(c) No person shall be permitted 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 a written examination upon completion of at least four hundred hours of the specialized training required. 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 4.1. Educational Requirement Waived for Certain Persons.

A person thirty-five years of age or over, or a veteran desiring to take an examination to receive a license as a cosmetologist, shall not be required to have completed a tenth grade education, or the equivalent thereof, as set forth in clause (2) of section 4 of this act.

Cosmetology Laws Continued

Section 4.2. Eligibility Requirements for Enrolling in a School of Beauty Culture.

Section 4.3. Eligibility Requirements for Registration as an Apprentice.

No person shall be permitted to register as an apprentice of cosmetology nor shall a licensed cosmetology salon employ or cause to be registered a person until an application for an apprentice permit shall have been filed with the board and an apprentice permit issued by the board. No apprentice permit shall be issued unless the prospective apprentice applying therefor shall have established to the satisfaction of the board that he or she is of good moral character, has completed a tenth grade education or the equivalent thereof or in equivalent thereof has received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry and is free from contagious or infectious disease.

Section 4.4. Management of Cosmetology Salons.

(a) Every salon owner shall designate a person in charge of the salon in the owner's absence.

(b) The name of the owner or designated person in charge shall be posted in a conspicuous place in the salon.

(c) The owner or designated person in charge of the salon shall be readily available during regular business hours to bureau inspectors.

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:

Cosmetology Laws Continued

(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 may be permitted to apply to take 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 may be permitted to take 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 may be permitted to take 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, 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 6. Requirements of a School of Cosmetology.

(a) No school of cosmetology shall be granted a license or renewal of a license unless it shall:

(1) Enroll only those students who:

(i) Have completed an eighth grade education or the equivalent or, in lieu of such education or equivalent, have received training from or under the auspices of the Bureau of Rehabilitation in the Department of Labor and Industry.

(ii) Are of good moral character.

(iii) Are free from contagious or infectious disease.

(2) Employ and maintain a sufficient number of competent teachers, registered as such.

(3) Possess apparatus and equipment sufficient for the proper and full training for all subjects of its curriculum.

(4) Keep a daily record of the attendance of each student.

(5) Provide the board with a quarterly report regarding student hours on forms provided by the board.

(6) Maintain regular class and instruction hours.

(7) Establish grades and hold examinations before issuance of diplomas.

Cosmetology Laws Continued

(8) Be managed on a day-to-day basis by a school supervisor designated by the owner of the school. That person's name shall be provided to the board and shall be on file as the responsible party at the school. The school's supervisor shall not be required to obtain a special license to supervise the school.

(b) Upon renewal of the license, the school owner shall supply an affidavit stating that, at the time of renewal, the school is in compliance with this act and the regulations promulgated under this act. 10

(b.1) No school of cosmetology shall be granted a license or renewal of a license unless it shall require:

(1) A day school term of training of not less than one thousand two hundred fifty hours within a period of not less than eight consecutive months or a night school term of training for a period of not less than fifteen consecutive months for a complete course, comprising all or a majority of the practices of cosmetology, as provided by this act. The hours of training required by this paragraph shall be accomplished within four consecutive years.

(2) Practical demonstrations and theoretical studies, and study in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to cosmetology, nail technology, natural hair braiding or esthetics or any act or practice comprising cosmetology, nail technology, natural hair braiding or esthetics.

(3) A ratio of not less than one teacher for every twenty-five students.

(4) A separate curriculum of five hundred hours for individuals seeking to become teachers of cosmetology, nail technology or natural hair braiding. The curriculum shall include methods of teaching and principles of education. This paragraph shall not apply to teachers in public school programs of cosmetology who meet the standards established by the Department of Education for vocational education teachers in the public schools, and those teachers shall be deemed

to have satisfied the educational requirements of this paragraph.

(c) No member of the board may inspect or be physically present during the original inspection of a cosmetology salon or a school of cosmetology.

(d) A school of cosmetology which offers a curriculum for the practice of natural hair braiding, nail technology or esthetics shall require the following with respect to hours of instruction:

(1) for natural hair braiding, students shall be required to complete a course of study of three hundred hours;

(2) for nail technology, students shall be required to complete a course of study of two hundred hours; and

(3) for esthetics, students shall be required to complete a course of study of three hundred hours.

Section 7. Student Practice upon the Public for Pay Prohibited.

It shall be unlawful for any school of cosmetology to permit its students to practice cosmetology upon the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after having first been properly informed that the operator is a student. No school of cosmetology shall, directly or indirectly, charge any money whatsoever for treatment by its students and shall only charge the reasonable cost of materials used in such treatment.

Cosmetology Laws Continued

Section 8. Practice in Licensed Salons Only.

(a) Except as set forth in subsection

(b), it shall be unlawful for any person:

(1) to practice cosmetology for pay in any place other than a licensed cosmetology salon or barber shop as defined in the act of June 19, 1931, referred to

as the Barbers' License Law; or

(2) to practice esthetics, nail technology or natural hair braiding for pay in any place other than a licensed cosmetology salon or a salon limited to esthetics, nail technology or natural hair braiding.

(b) A licensed cosmetologist or the holder of a limited license may furnish treatments to persons in their residences by appointment.

Section 8.1. Booth Rental Prohibited.

The rental of booth space by an owner of a cosmetology salon, or the owner of a salon limited to esthetics, nail technology or natural hair braiding, to any holder of a license issued under this act is unlawful.

Section 9. Exceptions to Examination Requirements;

Present Students and Apprentices.

Any person who has practiced or taught cosmetology under a certificate, license or permit, for not less than two years in another state, territory, or the District of Columbia, may secure the license required by this act without an examination or compliance with other requirements as to age or education: Provided, That the Board shall be satisfied that the standards provided for licensure under the laws of the place wherein the applicant's license was issued are the same or substantially the same as those provided for hereunder, that similar privileges are

accorded persons licensed under the laws of the Commonwealth, that the applicant holds a valid license from the place wherein he is entitled to practice, and that all the terms and conditions prescribed by the Board are complied with by the applicant. Such application shall be accompanied by an affidavit of a licensed physician that the applicant was examined and is free from all contagious and infectious diseases, and the license fee required by this act. Students, upon graduating from licensed schools of cosmetology, may apply for, and receive from the department, a temporary license to practice in the field of cosmetology until the next regular examination held by the department under the provisions of this act.

Section 9.1. Credit for Registered Barbers.

If a registered barber wishes to become a licensed cosmetologist, he or she shall have successfully completed the one thousand two hundred fifty-hour barber training course or shall possess a current barber license. Upon application to the board he or she shall be given five hundred fifty-five hours of credit for subjects previously covered in the barber training course, which subjects shall be enumerated by joint regulation of the State Board of Barber Examiners and the State Cosmetology Board. Before such person is permitted to take the cosmetology practical and theory State Board examination, he or she shall have successfully passed both the theory and practical portions of the State Barber Board examination.

Cosmetology Laws Continued

Section 9.2. Shared Shops and Salons.

(a) A licensed barber and a licensed cosmetologist shall be permitted to work in the same shop or salon if the requirements of this section are met. Any licensed shop or salon which employs a licensed barber and a licensed cosmetologist shall not be required to erect or install any physical barriers which separate the barber and the cosmetologist. All licensed shops or salons shall conform with the provisions of section 4.4 of this act.

(c) For the purpose of this section only, when a licensee under this act and a licensee under the Barbers' License Law are subject to formal proceedings for violations of this act or the Barbers' License Law, the board and the State Board of Barber Examiners shall consolidate all formal actions against such licensees for the purpose of prosecution and hearing provided that the board shall retain to itself exclusively the power to revoke or suspend licenses after such prosecution and hearing.

Section 9.3. Practice of Massage Therapy in Cosmetology Salon or Esthetician Salon.

(a) An individual licensed under the act of October 9, 2008 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 10. Apprentices in Cosmetology Salons.

Any cosmetologist who is a cosmetology salon owner, at least twenty three years of age, who is a high school graduate or the equivalent thereof, who has had at least five years experience as a licensed cosmetologist in Pennsylvania, and who is a holder of a teacher's license, may instruct apprentices in a duly licensed cosmetology salon, provided that there shall be no less than two licensed cosmetologists in addition to the teacher for each apprentice in any salon and there shall be no more than two apprentices in any salon, and provided such salon is not held out as a school of cosmetology and provided each teacher instructing an apprentice shall report quarterly hours to the board on a form provided by the board. Such apprentices may apply for examination at the end of their apprenticeship at the next regular examination held by the board, and, if successful therein, shall be licensed as cosmetologists. Registered apprentices upon completion of their required term of apprenticeship, may apply for, and receive from the department, a temporary permit to practice in the field of cosmetology until the next regular examination.

Nothing in this act shall prohibit an owner from hiring a cosmetology teacher to instruct apprentices.

Section 11. Regulations by Board.

The board after at least one public hearing shall prescribe reasonable regulations for its conduct, and for the examination and licensing of applicants to practice or teach cosmetology, for temporary licenses to be issued by the department, and generally for the conduct of persons, copartnerships, associations or corporations affected by this act.

Section 11.1. Annual Reports to Legislative Committees.

(a) The board shall submit annually to the House and Senate Appropriations Committees, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

(b) The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

Section 12. Examinations; Issuance of Licenses.

If the board finds that the applicant has submitted the credentials required by this act for admission to the examination, and has paid the license fee required by this act, the board shall admit such applicant to the examination and the department shall issue a license to practice as a cosmetologist or teacher as the case may be to those successfully passing the required examinations: Provided, That if the applicant fails to pass the examination he or she may be eligible to take the next examination. Examinations shall be held at least four times a year in the metropolitan areas of Philadelphia, Pittsburgh, Wilkes-Barre, Harrisburg, and Erie at such hours as it shall prescribe pursuant to section 812.1 of the act

of April 9, 1929, known as "The Administrative Code of 1929." The examination for teachers' licenses shall differ from the examination for cosmetology licenses in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of cosmetology, including the ability to teach properly the various practices and theories of cosmetology.

Section 12.1. Temporary Licenses.

Upon payment of the required fee, a temporary license may be issued to any applicant who is eligible for admission to a cosmetologist's examination or to the examination for any of the limited licenses. An applicant who is thus licensed shall practice only under the supervision of a licensed teacher or cosmetologist, or under the supervision of the holder of a corresponding limited license, until the time of the next scheduled examination. Temporary licenses are granted for a nine month period.

Section 13. Powers and Duties of Board.

(a) The board shall have the power to refuse, revoke, refuse to renew or suspend licenses, upon due hearing, on proof of violation of any provisions of this act, or the rules and regulations established by the board under this act, or for gross incompetency or dishonest or unethical practices, or for failing to submit to an inspection of a licensee's salon during the business hours of the salon and shall have the power to require the attendance of witnesses and the production of such books, records, and papers as may be necessary. Before any licenses 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 to the board have the

same reissued to him or her, upon satisfactory proof that the disqualification has ceased

(b) The bureau, after consultation with the board, shall contract with a professional testing organization for the preparation and administration of the examination in accordance with section 812.1(a) of the act of April 9, 1929, known as "The Administrative Code of 1929." The testing organization shall provide for proctors and testing support staff.

(c) Unless ordered to do so by a court, the board shall not reinstate the license of a person to practice pursuant to this act which has been revoked, and such person shall be required to apply for a license, after a period of five years, in accordance with section 12 of this act if he desires to practice at any time after such revocation.

Section 14. Sanitary Rules.

The board shall prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious diseases; and it shall be unlawful for the owner of any salon or school of cosmetology to permit any person to sleep in or use for residential purposes any room used wholly or in part as a salon or school of cosmetology.

Section 14.1. Tanning Units.

The board may not prescribe or enforce any regulation prohibiting the use of any type of tanning unit in cosmetology salons unless the United States Food and Drug Administration, or another Federal or Commonwealth agency of comparable expertise on matters of public health, determines that the use of that type of tanning unit in accordance with the manufacturer's instructions presents a serious risk to the public.

Section 15. Appeals.

(Nothing listed here)

Cosmetology Laws Continued

Section 16. Fees.

(a) The board shall, by regulation, fix the following fees:

(1) for the issuance of a license, with or without examination, for cosmetology salon owners, teachers, cosmetologists, nail technicians, nail technology salons, estheticians, esthetician salons, natural hair braiders, natural hair braiding salons, students and cosmetology schools;

(1.1) for registration fee for apprentices; and

(2) for biennial renewal of cosmetology salon owners, school instructors, cosmetologists, nail technicians, estheticians, natural hair braiders, cosmetology schools, nail technology salons, esthetician salons and natural hair braiding salons.

(a.1) Fees for registration, licensure and examination shall be paid in advance to the department into the Professional Licensure

Augmentation Account.

(b) In case a salon owner changes the location of his or her salon, a new license must be secured. The board shall, by regulation, fix the fee required for such new license.

(c) All fees required pursuant to this act shall be fixed by the board by regulation and shall be subject to the act of June 25, 1982 known as the "Regulatory Review Act." If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

(d) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board pursuant to subsection (c) of this section are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the board and subject to the "Regulatory Review Act," shall increase the fees by regulation in an amount that adequate revenues are raised to meet the required enforcement effort.

(e) Current fees charged by the board shall continue until such time as changes are made in accordance with the "Regulatory Review Act."

Section 17. To Whom Provisions in this Act Shall Not Apply.

Nothing in this act shall prohibit service in case of emergency or domestic administration without compensation, nor service by persons authorized under the laws of this State to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractice, nor services by barbers lawfully engaged in the performance of the usual and ordinary duties of their vocation. Nothing in this act is intended to be inconsistent with 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."

Section 18. Display of Licenses.

Every holder of a license granted by the said department, as provided in this act, shall display it in a conspicuous place in his or her principal office, place of business, or employment.

Section 18.1. Customer Complaints.

Each salon shall have displayed in a conspicuous place near the salon entrance a notice to customers listing the phone number at which a customer may report a complaint to the State Board of Cosmetology.

Section 19. Duration and Renewal of Licenses.

(a) With the period ending January 31, 1986, the Bureau of Professional and Occupational Affairs shall designate approximately one-half of the renewals to expire in twelve months and the remainder of the renewals to expire in twenty four months.

Thereafter, licenses shall expire on the thirty-first day of January of each succeeding biennium unless renewed for the next biennium. Licenses may be renewed by application made prior to the thirty-first day of January of each succeeding biennium, and the payment of the renewal fees provided in this act.

(b) An individual holding a license to practice cosmetology or an individual holding a limited license who is not engaged in practice shall request the board, in writing, to place his license in escrow and thus protect his right to obtain a license at any such time within a five-year period if he desires to again become engaged in the practice of cosmetology or the practice of nail technology, natural hair braiding or esthetics. (c) Any person who fails to renew his license or has escrowed his license for a period of five years without renewing his license shall, prior to receiving a license, submit to and pass an examination appropriate to the license being sought.

Section 20. Penalties.

(a) Any person who shall practice or teach cosmetology, or act in any capacity wherein licensing is required, without complying with this act, shall upon conviction, in a summary proceeding, be sentenced to pay a fine not exceeding three hundred dollars ($300.00), and/or shall be sentenced to imprisonment not exceeding three (3) months.

(b) An individual holding a cosmetology license or limited license or individual registered as an apprentice who shall practice while knowingly suffering from contagious or infectious disease, or who shall knowingly serve any person afflicted with such disease, shall be guilty of a summary offense, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred dollars ($300.00), or undergo an imprisonment not exceeding thirty (30) days, or both, at the discretion of the court.

Cosmetology Laws Continued

(c) An individual holding a cosmetology license or limited license or individual registered as an apprentice who shall infect any person, or who shall impart any contagious or infectious disease, by reason of carelessness or negligence in practice, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine not exceeding three hundred dollars ($300.00), or to undergo an imprisonment not exceeding three months, or both, at the discretion of the court.

(c.1) Any person, partnership or corporation violating any provision of this act shall, upon conviction for the first offense, be sentenced to pay a fine not exceeding three hundred dollars ($300.00) or to undergo imprisonment not exceeding three (3) months and shall, upon conviction for the second and subsequent offenses, be sentenced to pay a fine not exceeding six hundred dollars ($600.00) or to undergo imprisonment not exceeding six (6) months, or both. This section specifically governs unlicensed activity in the practice of cosmetology.

(c.2) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by this act or by a vote of the majority of the qualified and confirmed membership or a minimum of five members, whichever is greater, may levy a civil penalty of up to one thousand dollars ($1,000.00) on any current licensee who violates any provisions of this act or on any person who practices cosmetology, natural hair braiding, nail technology or esthetics without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(d) All fines and civil penalties imposed in accordance with this section shall be paid into the Professional Licensure

Augmentation Account.

(e) The owner of any salon employing an unlicensed cosmetologist or an unlicensed natural hair braider, nail technician or esthetician shall, upon conviction, be sentenced to pay a fine not exceeding five hundred dollars ($500.00), or to undergo imprisonment not exceeding six (6) months, or both, at the discretion of the court. ((e) amended July 7, 2006,

Compiler's Note: Section 3 of Act 25 of 2009, which amended section 5 of the act of July 2, 1993, provided that section 20(c.2) is repealed insofar as it is inconsistent with the amendment of section 5.

Section 21. Effect of Partial Invalidity of Act.

Each section of this act, and every part of each section, is hereby declared to be independent of every other, and the holding of any section, or part thereof, to be void or ineffective for any cause shall not be deemed to affect any other section, or part thereof.

APPENDIX

Supplementary Provisions of Amendatory Statutes 1984, JUNE 30,

Section 30.

This act, with respect to the State Board of Cosmetology, constitutes the legislation required to reestablish an agency under section 7 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 31.

A person who holds a certificate under the act of May 3, 1933 (P.L.242, No.86), referred to as the Beauty Culture Law, which certificate is not suspended, revoked or expired on the effective date of this act shall be deemed to be a "current licensee" and the holder of a "license" under this act.

Cosmetology Laws Continued

Section 32.

Each rule and regulation of the board in effect on June 30, 1984, shall remain in effect after such date until repealed or amended by the board.

2006, JULY 7, P.L.704, NO.99

Section 16.

The State Board of Cosmetology shall promulgate regulations required to implement this act within 18 months of the effective date of this section. The board shall provide a written report every 60 days regarding the steps taken to promulgate regulations to the Consumer Protection and Professional Licensure Committee of the Senate, the Professional Licensure Committee of the House of Representatives, the Commissioner of the Bureau of Professional and Occupational Affairs and the Secretary of the Commonwealth.

3b.5. Schedule of civil penalties—cosmetologists, nail technicians, estheticians, natural hair braiders, salons.

Cosmetology Laws Continued

STATE BOARD OF COSMETOLOGY

Violation under 35 P. S.	Title/Description	Civil Penalty
Section 637.6(a)(1)	Failure of licensed cosme-tology salon, limited practice salon or cosmetology school to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4)	1st offense—$250 2nd offense (within 1 year of 1st offense)—$500 3rd offense (within 1 year of 2nd offense)—$1,000 Subsequent offenses (within 1 year of previous offense)—$1,000
Section 637.6(a)(2)	Licensed cosmetology or limited practice salon permitting smoking in the salon or licensed cosmetology school permitting smoking in the school in violation of the Clean Indoor Air Act (35 P. S. § § 637.1—637.11)	1st offense—$250 2nd offense (within 1 year of 1st offense)—$500 3rd offense (within 1 year of 2nd offense)—$1,000 Subsequent offenses (within 1 year of previous offense)—$1,000
Section 637.6(a)(3)	Licensee of the Board smoking in a cosmetology salon, limited practice salon, or cosmetology school in violation of the Clean Indoor Air Act	1st offense—$250 2nd offense (within 1 year of 1st offense)—$500 3rd offense (within 1 year of 2nd offense)—$1,000 Subsequent offenses (within 1 year of previous offense—$1,000

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 508	Practicing without a license	1st offense—$500 2nd offense—Formal action

Section 508	Maintaining an unlicensed shop	1st offense—$500 2nd offense—Formal action
Section 514	Practice in place other than licensed shop	1st offense—$500 2nd offense—Formal action
Section 519(a)	Owner employing unlicensed employees	1st offense—$500 for each unlicensed individual 2nd offense—Formal action
Section 524	Availability of current licenses and permits on the premises	1st offense—$100 2nd offense—$250

Violation under 49 Pa. Code Chapter 7	**Title/Description**	**Civil Penalty**
Section 7.43	Practice on lapsed license	1st offense—Up to 90 days—Warning; 90 days or more—$250 2nd offense—Formal action
Section 7.62	Operating without manager	1st offense—$100 2nd offense—$250
Sections 7.64(a)	Manager employing unlicensed persons	1st offense—$500 for each unlicensed individual 2nd offense—Formal action
Sections 7.71—7.79	Physical requirements for beauty shop	1st offense—$50 for each violation 2nd offense—$100 for each violation
Section 7.82	Failure to maintain record of services rendered outside a shop	1st offense—$50 2nd offense—$250

Section 7.92	Failure to sterilize equipment	1st offense—$100 2nd offense—$250
Section 7.93	Unsanitary use of towels	1st offense—$100 2nd offense—$250
Section 7.94	Unsanitary use of supplies	1st offense—$100 2nd offense—$250
Section 7.101	Electrical appliances not properly installed/grounded	1st offense—$50 2nd offense—$250
Section 7.114	School equipment and supplies not sufficient for student enrollment	$50/each item missing
Section 7.117	Failure to employ supervisor	1st offense—$500 2nd offense—Formal action
Section 7.118(a)	Unlicensed teachers	1st offense—$500 2nd offense—Formal action
Section 7.118(b)	Availability of instructor license on the premises	1st offense—$100 2nd offense—$250
Section 7.118(c)	Failure to employ at least one full time instructor	1st offense—$100 2nd offense—$250
Section 7.118(d)	Allowing student-teacher ratio to exceed 25:1	1st offense—$100 2nd offense—$250
Section 7.119	Failure to maintain student records	1st offense—$250 2nd offense—Formal action

Section 7.119a	Failure to obtain notarized transcript; failure to obtain verification from other state	1st offense—$50 2nd offense—$250
Section 7.120	Work done by students on public; failure to post notices; failure to post sign	1st offense—$100 2nd offense—$250
Section 7.121	Failure to advertise licensee name or student work	1st offense—$100 2nd offense—$250
Section 7.134	Apprentice reports—failure to submit to board	1st offense—$100 2nd offense—$250

Licenses that Expire on January 31st of Odd-Numbered Years

Cosmetology Salon	$114.00
Cosmetologist	$67.00
Esthetician	$67.00
Natural Hair Braider	$67.00
Esthetician Teacher	$105.00
Nail Technology Teacher	$105.00
Natural Hair Braider Teacher	$105.00
Nail Technology Salon	$114.00
Esthetician Salon	$114.00

Natural Hair Braiding Salon	$114.00

Licenses that Expire on January 31st of Even-Numbered Years

Nail Technician	$67.00
Cosmetologist	$67.00
Cosmetology School	$285.00
Cosmetology Teacher	$105.00

Cosmetologist licenses will have an expiration date of January 31st of either an odd-numbered or an even-numbered year. Please check your license to verify the year that your license expires.

EFFECTIVE JANUARY 1, 2013, THE BOARD WILL NO LONGER MAINTAIN A POLICY ON STUDENT ABSENTEEISM. THE POLICY EXPRESSED IN A STATEMENT FROM FORMER COMMISSIONER DOROTHY CHILDRESS ON MARCH 2, 1999, IS NO LONGER IN EFFECT.

Effective November 24, 2014, the State Board of Cosmetology will no longer require a hands-on practical examination in order to acquire a license for the following: Cosmetologist, Esthetician, Nail Technician, Natural Hair Braider, Cosmetology Teacher, Esthetics Teacher, Nail Technology Teacher and Natural Hair Braiding Teacher. As of November 25, 2014, candidates will be required to take a new "combined" theory/procedural skill computer based exam. Any candidate who has not passed both the current theory/practical exams as of November 24th will be required to take the new combined theory/procedural skill exam. The release date of the new exam will go live on November 25, 2014. The exam for early test takers will be available on December 17, 2014.