

## No. 85

## AN ACT

Prohibiting the payment by counties of costs in criminal cases discharged after preliminary hearings before magistrates, justices of the peace, and aldermen, unless names and addresses of prosecutors, defendants, and witnesses appear on the transcript thereof.

Costs in discharged cases.

County not liable unless transcript bears names and addresses.

Unlawful for commissioners or controller to approve payment.

When effective.

Section 1. Be it enacted, &c., That no county shall hereafter be liable for the payment of any costs in any prosecution brought before any magistrate, alderman, or justice of the peace against any person on the charge of having committed any crime when such charge shall, upon examination at a preliminary hearing, appear to be unfounded and shall be dismissed or discharged by such magistrate, alderman or justice of the peace, and the costs thereof directed to be paid by the county, unless there shall be endorsed upon the transcript of such proceedings the names and specific addresses of the prosecutor, the defendant or defendants, and of all the witnesses who were called and sworn and who testified at such hearing or examination.

Section 2. It is unlawful for the county commissioners or the controller of any county to order, authorize, or approve the payment of any costs in any such proceedings unless the transcript thereof shall contain the name and specific address of the prosecutor, the defendant or defendants, and all witnesses, as required by the preceding section of this act.

Section 3. This act shall become effective immediately upon final enactment.

APPROVED—The 3d day of May, A. D. 1933.

GIFFORD PINCHOT

## No. 86

## AN ACT

To promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties.

Beauty culture law.

Section 1. Be it enacted, &c., That—Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

“Beauty Culture” includes any or all work done for compensation by any person, which work is generally and usually performed by so-called hairdressers, cos-

metologists, cosmeticians, beauticians or beauty culturists, and however denominated in so-called hairdressing and beauty shops ordinarily patronized by women, which work is for the embellishment, cleanliness and beautification of the women's hair, such as arranging, 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 manieuring the nails, which enumerated practices shall be inclusive of the term beauty culture but not in limitation thereof.

"Department" means the Department of Public Instruction of this Commonwealth.

Section 2. Practice of Beauty Culture without Registration Prohibited.—It shall be unlawful for any person to practice or teach beauty culture, or manage a beauty shop, or to use or maintain any place for the practice or teaching of beauty culture, for compensation, unless he or she shall have first obtained from the department a certificate of registration as provided in this act. Nothing contained in this act, however, shall apply to or affect any person who is now actually engaged in any such occupation, except as hereinafter provided.

Section 3. Requirements to Practice.—Before any person may practice or teach beauty culture or manage a beauty shop, such person shall file with the department a written application for registration, accompanied by a health certificate issued by a registered licensed physician of Pennsylvania, under oath, on a form which shall be prescribed and supplied by such department, and shall deposit with the department the registration fee, and pass an examination as to fitness to practice or teach beauty culture or manage a beauty shop, as hereinafter provided in this act.

Section 4. Eligibility Requirements for Examination.—No person shall be permitted by the department to take an examination to receive a certificate as an operator unless such person shall be at least sixteen years of age and has been registered as a student and has had training, as hereinafter provided in this act, in a beauty school duly registered by the department, or unless such person shall have been registered and served as an apprentice at least two years as hereinafter provided in this act: Provided, however, That the department may permit a person to take an examination without the prior studentship or apprenticeship herein required if such person shall establish, to the satisfaction of the department, that he or she has been an operator in the active

practice of beauty culture for at least twenty-four months within the five years next preceding the effective date of this act. No person shall be permitted to take an examination for a certificate to teach beauty culture or act as manager of a beauty shop unless such person shall be at least eighteen years of age, and has had at least eighteen months' experience as an operator in a beauty shop or has had training in a duly registered school of beauty culture of fifteen hundred hours inclusive of the studies necessary to become an operator.

Section 5. Manicuring.—A limited certificate of registration to manicare the nails only may be applied for and granted under all of the terms and conditions of this act, except that the examination therefor may be limited to such practice only and the required schooling shall be not less than one month.

Section 6. Requirements of a School of Beauty Culture.—No school of beauty culture shall be granted a certificate of registration unless it shall attach to its staff, as a consultant, a person licensed by this Commonwealth to practice medicine, and employ and maintain a sufficient number of competent teachers, registered as such, and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum, shall keep a daily record of the attendance of each student, shall maintain regular class and instruction hours, shall establish grades and hold examinations before issuance of diplomas, and shall require a day school term of training of not less than one thousand hours within a period of not less than six consecutive months or a night school term of training for a period of not less than twelve consecutive months for a complete course, comprising all or a majority of the practices of cosmetology, as provided by this act, and to include 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 beauty culture or any practice thereof. In no case shall there be less than one teacher to each twenty-five pupils.

Section 7. Student Practice upon the Public for Pay Prohibited.—It shall be unlawful for any school of beauty culture to permit its students to practice beauty culture 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 beauty culture shall, directly or indirectly, charge any money whatsoever for treatment by its students or for materials used in such treatment.

Section 8. Practice in Beauty Shops Only.—It shall be unlawful for any person to practice beauty culture for pay in any place other than a registered beauty shop: Provided, That a registered operator may furnish

beauty culture treatments to persons in residences of such persons by appointment.

Section 9. Exceptions to Examination Requirements; Present Students and Apprentices.—Any person who has practiced or taught beauty culture or acted as manager of a beauty shop or school of beauty culture, under a certificate, license or permit, for not less than two years in another state, territory, or District of Columbia, or any person who has done so in this Commonwealth for at least six months next preceding the effective date of this act and is thus engaged in this Commonwealth at the time this act goes into effect, may secure the certificate of registration required by this act without an examination or compliance with other requirements as to age or education, provided such person shall make application to the department for registration within ninety days after the effective date of this act. Such application shall be accompanied by an affidavit of a practicing physician that the applicant was examined and is free from all contagious and infectious diseases, and the registration fee required by this act. Any person studying beauty culture in a school of beauty culture or as an apprentice in a beauty shop in this Commonwealth at the time this act goes into effect shall receive credit for such time and studies without complying with the requirements of this act as to age and preliminary education, provided such person shall make application to the department for registration as a student or apprentice within three months after this act goes into effect. Students, upon graduating from registered schools of beauty culture, may apply for, and receive from the department, a temporary permit to practice as an operator until the next regular examination held by the department under the provisions of this act.

Section 10. Apprentices in Beauty Shops.—Any cosmetologist, hairdresser, or cosmetician, who is a beauty shop owner, and who is a holder of a teacher's certificate, may instruct apprentices, provided that there shall be no less than four licensed operators for each apprentice in any shop and there shall be no more than two apprentices in any shop, and provided such shop is not held out as a school of beauty culture. Such apprentices may apply for examination at the end of their apprenticeship at the next regular examination held by the department, and, if successful therein, shall be registered as operators. Registered apprentices, upon completion of their required term of apprenticeship, may apply for, and receive from the department, a temporary permit to practice as an operator until the next regular examination.

Section 11. Rules by Department.—The department shall prescribe reasonable rules for its conduct, and for the qualifications, registration and examination of applicants to practice or teach beauty culture, and for the registration of apprentices, teachers, students, and man-

agers of beauty shops or schools of beauty culture, and for temporary licenses to be issued at the discretion of the department, and generally for the conduct of persons, copartnerships, associations or corporations affected by this act. Rules established by the department shall be printed and supplied to applicants and license holders.

Section 12. Examinations.—If the department finds that the applicant has submitted the credentials required by this act for admission to examination, and has paid the registration fee required by this act, the department shall admit such applicant to examination, and shall issue a certificate of registration to practice as operator, manager, or teacher, as the case may be, to those successfully passing the required examinations. The department shall hold public examinations on the third Tuesdays in January, April, July and October, in the cities of Philadelphia, Pittsburgh, Wilkes-Barre, Harrisburg and Erie, at such hours as the department shall prescribe. The examination for teachers' and managers' licenses shall differ from the examination for operators' licenses in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of beauty culture, including ability to teach properly the various practices and theories of beauty culture.

Section 13. Powers and Duties of Department.—The department shall have the power to refuse, revoke or suspend licenses or certificates, upon due hearing, on proof of violation of any provisions of this act or the rules and regulations established by the department under this act, or for gross incompetency or dishonest or unethical practices, and shall have the power to require the attendance of witnesses and the production of such books, records and papers as it may desire. Before any certificate shall be suspended or revoked for any of the reasons contained in this section, the holder thereof shall have notice, in writing, of the charge or charges against him or her, and shall, at a day specified in said notice, which shall be at least five days after the service thereof, be given a public hearing, before a duly authorized representative of the department, with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose certificate of registration has been so suspended or revoked may, after the expiration of ninety days, on application to the department, have the same reissued to him or her upon satisfactory proof that the disqualification has ceased. Before the department may institute any of the above proceedings, it shall send a notice in writing to the certificate holder of any alleged violation of this act or rules thereunder, together with a notice that if the violation is not abated within fifteen days the proceedings above outlined will be initiated.

Section 14. Sanitary Rules.—The department 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 or manager of any beauty shop or school of beauty culture to permit any person to sleep in or use for residential purposes any room used wholly or in part as a beauty shop or school of beauty culture.

Section 15. Appeal from Actions of Department.—An appeal may be taken from any actions of the department to the court of common pleas of Dauphin County. The judgment of the common pleas court may be reviewed by the Superior Court on appeal.

Section 16. Fees.—The registration fee for the issuance of a license, with or without examination, shall be as follows: Five dollars (\$5.00) for beauty shop owners, managers, and teachers; two dollars (\$2.00) for operators and manicurists; one dollar (\$1.00) for students or apprentices; and fifty dollars (\$50.00) for schools of beauty culture. Annual renewal fees shall be five dollars (\$5.00) for shop owners and managers and school instructors; two dollars (\$2.00) for operators and manicurists; and twenty-five dollars (\$25.00) for schools of beauty culture. The above fees for registration, examination, and certificate shall be paid in advance to the department, and by it paid into the State Treasury through the Department of Revenue.

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 Certificates.—Every holder of a certificate 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 19. Duration and Renewal of Certificates of Registration.—The certificates of registration issued

in the year in which this act goes into effect shall expire as of December thirty-first, one thousand nine hundred and thirty-four. Thereafter certificates shall be issued for no longer than one year. All certificates shall expire on the thirty-first day of December next succeeding, unless renewed for the next year. Certificates may be renewed by application made prior to the thirty-first day of December of each year, and the payment of the renewal fees provided in this act.

Section 20. Penalties.—(a) Any person who shall practice or teach beauty culture, or act in any capacity wherein registration is required, without complying with this act, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100.00), or undergo an imprisonment not exceeding ninety (90) days, or both, at the discretion of the court. Each and every day of violation shall be construed as a separate offense.

(b) Any operator, manager, teacher, student or apprentice who shall practice the occupation of beauty culture while knowingly suffering from contagious or infectious disease, or who shall knowingly serve any person afflicted with such disease, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100.00), or undergo an imprisonment not exceeding thirty (30) days, or both, at the discretion of the court.

(c) Any operator, manager, teacher, student or apprentice who shall infect any person, or who shall impart any contagious or infectious disease, by reason of carelessness or negligence in the practice of such occupation, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), or to undergo an imprisonment not exceeding six months, or both, at the discretion of the court.

(d) All fines and penalties shall be paid to the department and by it paid into the State Treasury through the Department of Revenue.

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.

Section 22. Effective Date.—This act shall become effective on the first day of January, one thousand nine hundred and thirty-four.

Section 23. Repeal.—All acts or parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 3d day of May, A. D. 1933.

GIFFORD PINCHOT