

No. 1991-8

AN ACT

HB 53

Amending the act of June 19, 1931 (P.L.589, No.202), entitled, as amended, "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the profession of barbering; regulating barber shops and barber schools, and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of State; and providing penalties," further providing for the shampooing of hair and for barber shop licensees who employ licensed cosmetologists; and making editorial changes.

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

Section 1. Sections 13 and 15-A.3 of the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, amended or added June 30, 1984 (P.L.494, No.101), are amended to read:

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

Section 15-A.3. (a) A licensed barber and a licensed cosmetologist shall be permitted to work in the same shop if the requirements of this section are met. Any licensed shop 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 shall conform with the provisions of section 12(a) of this act.

(b) A barber shop licensee who shall employ a licensed cosmetologist shall also be a licensed barber-manager **[and a cosmetologist]** or employ a barber-manager. **[who is licensed as a cosmetologist]**

(c) **All shops licensed one year prior to the effective date of this section shall not be required to comply with subsection (b), but shall comply with all other provisions of this act.**

(d) **All owners licensed as barbers or managers of shops licensed within one year prior to or after the effective date of this section who shall employ**

licensed cosmetologists shall themselves or their barber-managers be eligible for the cosmetologist license examination if they have a current barber manager's license or own as an owner-operator a current licensed barber shop. No additional curriculum hours or educational experience as specified in section 6 of the act of May 3, 1933 (P.L.242, No.86), referred to as the Beauty Culture Law, shall be required. If the owner or the manager fails the examination, they shall be required to obtain an additional six hundred ninety-five (695) curriculum hours as prescribed in section 9.2 of the Beauty Culture Law.]

[(e)] (c) For the purpose of this section only, when a licensee under this act and a licensee under the [Beauty Culture] act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, are subject to formal proceedings for violations of this act or the [Beauty Culture] Cosmetology Law, the board and the State Board of Cosmetology 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 2. This act shall take effect immediately.

APPROVED—The 14th day of June, A. D. 1991.

ROBERT P. CASEY