

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1558 Session of  
2013

INTRODUCED BY O'NEILL, READSHAW, V. BROWN, CALTAGIRONE, COHEN,  
GIBBONS, HEFFLEY, HELM, KIRKLAND, MAHONEY, MCGEEHAN, PETRI,  
D. COSTA AND WATSON, JUNE 19, 2013

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, AS AMENDED, JUNE 17, 2014

## AN ACT

1 Amending the act of May 3, 1933 (P.L.242, No.86), entitled, as  
2 amended, "An act to promote the public health and safety by  
3 providing for examination, licensing and granting of permits  
4 for those who desire to engage in the profession of  
5 cosmetology; defining cosmetology, and regulating cosmetology  
6 salons, schools, students, apprentices, teachers, managers,  
7 manicurists and cosmetologists; conferring powers and duties  
8 upon the Commissioner of Professional and Occupational  
9 Affairs in the Department of State; providing for appeals to  
10 certain courts by applicants and licensees; and providing  
11 penalties," providing for practice of massage therapy in  
12 cosmetology salon or esthetician salon.

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

15 Section 1. The act of May 3, 1933 (P.L.242, No.86), referred  
16 to as the Cosmetology Law, is amended by adding a section to  
17 read:

18 Section 9.3. Practice of Massage Therapy in Cosmetology  
19 Salon or Esthetician Salon.--(a) An individual licensed under  
20 the act of October 9, 2008 (P.L.1438, No.118), known as the  
21 "Massage Therapy Law," shall be permitted to practice massage

1 therapy within the approved premises of a licensed cosmetology  
2 salon or a licensed esthetician salon if the following  
3 conditions are met:

4 (1) The massage therapy licensee is THE OWNER OF OR employed <--  
5 by the salon and is not an independent contractor.

6 (2) The massage therapist practices in accordance with this  
7 act and the Massage Therapy Law.

8 (3) The salon owner provides an appropriate level of privacy  
9 for clients in accordance with the following:

10 (i) No physical barriers separating the areas used for  
11 massage therapy from the areas used for cosmetology or esthetics  
12 shall be required when a massage therapist performs massage  
13 services that a cosmetologist or esthetician is authorized to  
14 perform.

15 (ii) A salon owner shall be required to provide separate  
16 massage therapy rooms with permanent walls and doors to ensure  
17 privacy for clients receiving massage services from a massage  
18 therapist when the services are beyond the practice of  
19 cosmetology or esthetics.

20 (iii) In order to enhance client comfort, esthetician  
21 services may be provided to a client in the same room where the  
22 client receives massage therapy, provided these services are not  
23 performed concurrently.

24 (b) A licensee under this section is subject to inspection  
25 by the board and the State Board of Massage Therapy.

26 (c) A licensee under this section who violates this act or  
27 the Massage Therapy law shall be subject to discipline by the  
28 licensee's applicable licensing board.

29 (d) Within 18 months of the effective date of this section,  
30 the State Board of Cosmetology and the State Board of Massage

1 Therapy shall jointly promulgate final regulations to carry out  
2 the provisions of this section.

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