
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 485 Session of
2017

INTRODUCED BY SCAVELLO, ARGALL, SCARNATI, COSTA, RAFFERTY AND
BARTOLOTTA, MARCH 6, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 6, 2017

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 of the Department of State; providing for appeals to
10 certain courts by applicants and licensees; and providing
11 penalties," further providing for management of cosmetology
12 salons, for requirements of a school of cosmetology, for
13 practice in licensed salons only and for booth rental
14 prohibited; providing for criminal background information;
15 further providing for powers and duties of board; and
16 providing for variances.

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

19 Section 1. Sections 4.4, 6 and 8 of the act of May 3, 1933
20 (P.L.242, No.86), referred to as the Cosmetology Law, are
21 amended by adding subsections to read:

22 Section 4.4. Management of Cosmetology Salons.--* * *

23 (d) A salon owner that has been awarded a license under this
24 act and moves or vacates the license must resubmit the variance

1 request to the board. Any variance previously awarded by the
2 board to the salon owner shall be void.

3 Section 6. Requirements of a School of Cosmetology.--* * *

4 (e) A school of cosmetology may offer curriculum for a
5 combined program of instruction for any of the practices
6 authorized under subsection (d). The combined program must
7 require a minimum of six hundred hours of instruction.

8 Section 8. Practice in Licensed Salons Only.--* * *

9 (c) If a treatment is furnished in a home or other building
10 containing living quarters under subsection (b), the portion of
11 the home or other building where a treatment is furnished may
12 not be used as living, dining or sleeping quarters.

13 Section 2. Section 8.1 of the act is amended to read:

14 Section 8.1. Booth Rental Prohibited.--(a) The rental of
15 booth space by an owner of a cosmetology salon, or the owner of
16 a salon limited to esthetics, nail technology or natural hair
17 braiding, to any holder of a license issued under this act is
18 unlawful.

19 (b) For the purposes of this section, the term "rental of
20 booth space" shall mean the renting or leasing of any space to a
21 licensed cosmetologist where that space does not meet the
22 requirements of a salon set forth in the Pennsylvania Code or
23 the regulations promulgated by the board.

24 Section 3. The act is amended by adding a section to read:

25 Section 12.2. Criminal Background Information.--The board
26 may not request or consider criminal background information of
27 an applicant as a requirement for examination or licensure.
28 Applicants should not be subject to 18 Pa.C.S. § 9124 (relating
29 to use of records by licensing agencies).

30 Section 4. Section 13 of the act is amended by adding a

1 subsection to read:

2 Section 13. Powers and Duties of Board.--* * *

3 (d) The board shall publish its meeting agenda on the
4 board's publicly accessible Internet website not less than
5 thirty days prior to the meeting. The publication shall include
6 a detailed description of each item on the meeting agenda.

7 Section 5. The act is amended by adding a section to read:

8 Section 13.1. Variances.--(a) When awarding a variance
9 request, the board shall provide a detailed explanation of its
10 decision.

11 (b) In deciding a variance request, the board may not:

12 (1) Delegate the review and decision on the variance request
13 to a staff member of the board or any person designated by the
14 board. Nothing in this paragraph shall be construed to prohibit
15 the board from authorizing a staff member or other person to
16 review and recommend a decision to the board on a variance
17 request, provided that the board makes the final decision on the
18 variance request.

19 (2) Award the variance for new construction, additions or
20 renovations, unless the requester demonstrates an extenuating
21 need for the variance.

22 (3) Award the variance for a shared lavatory. A lavatory
23 shall be located within the square footage of the salon.

24 (4) Award the variance if the salon would be permitted to
25 share the same space as another salon or other business.

26 (c) This section shall not apply to a lavatory situated in a
27 home or other building that contains living quarters for the
28 purposes of treatments furnished under section 8(b).

29 Section 6. This act shall take effect in 60 days.