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Authority

The provisions of this Chapter 3 issued under act of June 19, 1931 (P. L. 589) (63 P. S. § 551), unless otherwise noted.

Source

The provisions of this Chapter 3 adopted August 24, 1965, unless otherwise noted.

GENERAL PROVISIONS

§ 3.1. 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 June 19, 1931 (P. L. 589, No. 202) (63 P. S. §§ 551—566.4), known as the Barbers' License Law.

Board—The State Board of Barber Examiners, Bureau of Professional and Occupational Affairs, Department of State, Harrisburg, Pennsylvania 17120.

Cleanse—To clean and remove debris by washing with soap and water.

Disinfect—Complete immersion in an EPA-registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

EPA—The Federal Environmental Protection Agency.

EPA registered disinfectant—A product used to destroy pathogenic microorganisms that is registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y).

Authority

The provisions of this § 3.1 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.1 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201642) to (201643).

§ 3.2. [Reserved].

Source

The provisions of this § 3.2 reserved January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial page (69651).

§ 3.3. [Reserved].

Source

The provisions of this § 3.3 reserved January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial page (69651).

§ 3.4. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), the general rules of administrative practice and procedure, 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), are applicable to the activities of and proceedings before the Board.

Source

The provisions of this § 3.4 adopted July 25, 1975, effective July 26, 1975, 5 Pa.B. 1921.

§ 3.5. Discrimination.

The discrimination by a licensee in the practice of barbering against any person because of race, color, religious creed, sex, ancestry, National origin, physical handicap or disability is unethical conduct.

Authority

The provisions of this § 3.5 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186).

Source

The provisions of this § 3.5 adopted April 23, 1982, effective April 24, 1982, 12 Pa.B. 1330.

LICENSES**§ 3.11. Types of licenses.**

Licenses issued under the act are as follows:

- (1) Barber-teacher's license.
- (2) Manager-barber's license.
- (3) Barber's license.
- (4) Barbershop permit or license.
- (5) Barber school permit or license.

Authority

The provisions of this § 3.11 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.11 amended April 23, 1982, effective April 24, 1982, 12 Pa.B. 1330; amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial page (69652).

§ 3.12. License limitations.

(a) An individual to whom a barber-teacher's license has been issued will be deemed qualified to perform the functions of a barber-teacher, manager-barber or a barber.

(b) An individual to whom a manager-barber's license has been issued shall be deemed qualified to perform the functions of a manager-barber or a barber.

Authority

The provisions of this § 3.12 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.12 amended April 23, 1982, effective April 24, 1982, 12 Pa.B. 1330; amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial page (201644).

§ 3.13. Display, replacement and change of address.

(a) Every license and permit issued by the Board shall be displayed in a conspicuous place in the place of business or place of employment of the holder.

(b) When an original license or permit is lost, stolen or destroyed, the licensee shall immediately report the incident to the Board and shall make a request for a duplicate license or permit. An affidavit shall accompany the request, certifying that the original license or permit has been lost, stolen or destroyed. The appropriate fee as required in section 227 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-227), shall also accompany the request.

(c) Barbers changing their registered address shall immediately notify the Board of the change.

(d) Shop owners seeking to change their registered address or persons taking over as owners of an existing shop shall apply to the Board for an application for a new permit and return the permit issued for the former shop with the completed application.

Authority

The provisions of this § 3.13 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.13 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial page (69653).

§ 3.14. Prohibitions.

(a) An individual who is not properly licensed by the Board may not be employed in a licensed shop or school.

(b) An individual to whom a license or permit has been issued may not work in a shop or school that is not registered with the Board.

Authority

The provisions of this § 3.14 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.14 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial pages (69653) to (69654).

§ 3.15. Escrow of licenses and failure to renew.

(a) A barber, manager-barber or barber-teacher who fails to renew a license for a 5-year period is required to take the appropriate practical examination and pay applicable back fees prior to renewal of the license. A licensee failing to file a biennial registration application or pay the required registration fee by the reg-

istration date shall have his 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 does so during a period in which the license was unregistered is required to pay a penalty fee of \$5 for each month or part of a month since the expiration of the biennial registration and may be subject to disciplinary proceedings before the Board or criminal prosecution, or both.

(b) A licensee who does not intend to practice in this Commonwealth and who does not desire to renew his registration but wishes to place the license in escrow shall notify the Board in writing. Upon receipt of notification, the Board will classify the license as inactive and place it in escrow for not more than 5 years.

(c) A licensee will not be assessed a fee or penalty for preceding biennial registration periods in which the licensee did not practice in this Commonwealth.

Authority

The provisions of this § 3.15 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.15 adopted April 23, 1982, effective April 24, 1982, 12 Pa.B. 1330; amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial page (69654).

STUDENTS

§ 3.21. Temporary student license.

(a) Upon payment of the required fee, a temporary license may be issued to an applicant who is eligible for admission to the barber examination. An applicant who is thus licensed shall practice only under the supervision of a licensed manager-barber until results are available from the next scheduled examination. Temporary licenses are granted for a 9-month period.

(b) The 9-month period will begin from the date of graduation or completion of training.

(c) The shop owner and manager shall verify the graduation or completion date before allowing the student to work in the shop.

(d) The student shall show proofs of the graduation or completion of training when requested by inspectors for the Commonwealth.

Authority

The provisions of this § 3.21 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.21 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial page (69654).

§ 3.22. Credit.

A student will be given credit only for the actual time spent performing barbering services, or being instructed in theory by a licensed barber-teacher or manager-barber.

Authority

The provisions of this § 3.22 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.22 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201646) to (201647).

§ 3.23. Proof of education.

If an applicant is unable to submit evidence of having a certificate showing graduation from an 8th grade or its equivalent, the applicant shall pass an examination in elementary school subjects given by the Department of Education, and obtain an equivalent certificate.

Authority

The provisions of this § 3.23 issued under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.23 adopted January 24, 1992, effective January 25, 1992, 22 Pa.B. 347.

§ 3.31. [Reserved].**Source**

The provisions of this § 3.31 reserved January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial page (69655).

EXAMINATIONS**§ 3.41. Applications for examinations.**

An examination application shall include payment of the fee and a notarized statement certifying the completion of the hours of instruction, from either a barber school or a barber-teacher or manager-barber with whom the student has studied and trained.

Authority

The provisions of this § 3.41 amended under sections 6, 14 and 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. §§ 556, 564 and 566.4(b)); amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 3.41 adopted January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751; amended March 19, 2004, effective March 20, 2004, 34 Pa.B. 1574. Immediately preceding text appears at serial pages (294137) to (294138).

§ 3.42. Examination.

- (a) The examinations for license as barber and barber-teacher shall include both practical and written tests.
- (b) A passing grade in practical work and in the written test is required before a license will be issued.
- (c) The examination for license as a manager-barber requires only a written test.

Authority

The provisions of this § 3.42 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.42 adopted January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial page (69655).

§ 3.43. Practical test.

- (a) For the practical test, an applicant shall bring to the examination center a patron upon whom the applicant may demonstrate the ability to do practical work.
- (b) An applicant shall furnish his own tools, such as mannequins, clippers, shears, combs, razors, hone, strop, shaving brush, hair cloth, tonics, creams, towels and spatula to perform the practical operations of barbering.
- (c) An applicant shall appear at the practical examination with a washable jacket or smock.
- (d) The applicant shall demonstrate haircutting, permanent waving, hair coloring, shaving and honing and stropping.
- (e) Each part of the practical test enumerated in subsection (d) should be considered a new operation. The applicant who has completed one operation shall begin the next operation as if a new patron were seated in the chair.

- (f) Time permitted for the practical examination will be 1 1/2 hour.

Authority

The provisions of this § 3.43 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.43 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial page (201648).

§ 3.44. Written test.

The written test includes questions on the act and of this chapter, barber practice, barber science, sanitation, health, hygiene, physiology, shop equipment, supplies and tools.

§ 3.45. Retaking examination.

If an applicant fails the written or the practical test, the applicant is required to retake the portion which was failed within 1 year. Both portions of the examination shall be retaken if the applicant does not pass the entire examination during the 1-year period following the initial testing.

Authority

The provisions of this § 3.45 amended under sections 6, 14 and 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. §§ 556, 564 and 566.4(b)); amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 3.45 amended August 24, 1965; amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended March 19, 2004, effective March 20, 2004, 34 Pa.B. 1574. Immediately preceding text appears at serial page (294139).

BARBER SHOPS

§ 3.51. Licenses and permits.

(a) A new barbershop may not be opened, a person may not take over an existing barbershop and an existing shop may not be moved to a new location, until an application has been filed with the Board, the shop inspected and approved, and registration granted.

(b) Trade names and fictitious names shall be registered with the Corporation Bureau of the Department of State before a permit will be issued.

(c) Every barbershop shall display the licenses, permits and this chapter in a conspicuous place. Copies for posting may be obtained from the Board.

(d) A shop license will not be issued to a corporation, a partnership or an individual unless a licensed manager-barber is listed as manager, except for one-barber barbershops and for shops owned by licensed cosmetologists in which only one licensed barber and one licensed cosmetologist are working.

Authority

The provisions of this § 3.51 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.51 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201649) to (201650).

Cross References

This section cited in 49 Pa. Code § 43b.4 (relating to schedule of civil penalties—barbers and barber shops).

§ 3.52. Minimum general requirements.

- (a) Every barbershop shall provide for the following:
- (1) Adequate location.
 - (2) Sufficient amount of floor space.
 - (3) Ample light.
 - (4) Facilities for heating.
 - (5) Proper ventilation.
 - (6) Clean walls and ceiling.
 - (7) Suitable flooring (hardwood, tile, composition, linoleum) in the work area.
 - (8) Readily available restroom facilities.
- (b) A barbershop may not be located in a food store, soft drink parlor, restaurant, coffee shop or in a place where foodstuffs are kept for sale in other than the original package, unless separated therefrom by a solid partition extending from floor to ceiling. If the partition contains a door, the door shall be kept closed.
- (c) When a barbershop and a cosmetology shop are located side by side in the same building and owned by the same individual, partnership or corporation, the shops may share restroom facilities.

Authority

The provisions of this § 3.52 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186); amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.52 amended April 23, 1982, effective April 24, 1982, 12 Pa.B. 1330; amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial page (69657).

§ 3.53. Minimum space requirements.

Every barbershop shall provide for the following:

- (1) A minimum length of at least 15 feet for one chair shops, 20 feet for two chair shops, and 5 feet additional length for each additional chair.
- (2) A minimum width of at least 12 feet.

Authority

The provisions of this § 3.53 amended under section 15-A.4(b) of the act of June 19, 1931 (P.L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.53 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial pages (69657) to (69658).

§ 3.54. Minimum equipment requirements.

Every barbershop shall provide for the following:

- (1) One barber pole, or a sign indicating that barbering services are performed.
- (2) A stand and mirror or the equivalent.
- (3) One hand mirror.
- (4) One barber chair which revolves, reclines and has a headrest.
- (5) A sanitary headrest for every two chairs.
- (6) A closed container for clean towels.
- (7) A covered waste container for each chair.
- (8) One soiled towel receptacle for each chair.
- (9) At least one washstand for every two chairs.
- (10) Running hot and cold water in every washstand.
- (11) A supply cabinet for stock of towels and supplies.
- (12) Seating accommodations for at least three persons.
- (13) One clothes tree or its equivalent.
- (14) One cabinet or closet for mops, brooms, and the like.
- (15) One hair clipper for each chair in operation.
- (16) Two razors for each chair in operation, at least one of which is nondisposable.
- (17) Two shears for each chair in operation.
- (18) Combs for each chair in operation.
- (19) One strop.
- (20) One tweezer.
- (21) One hone.
- (22) Sanitary towels for each chair.
- (23) Two clean haircloths for each chair.
- (24) Neck strips and dispenser.
- (25) Disinfection solution.

- (26) Proper disinfection equipment.
- (27) Hair tonic, face lotion, cold cream and massage cream.
- (28) Powder or liquid styptic.

Authority

The provisions of this § 3.54 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.54 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201651) and (201652).

Cross References

This section cited in 49 Pa. Code § 43b.4 (relating to schedule of civil penalties—barbers and barber shops).

§ 3.55. Maintenance and sanitation.

(a) Every barbershop shall be well lighted, well ventilated and kept in a clean, orderly and sanitary condition. Waste containers shall be thoroughly cleaned at least once every 24 hours. The floor in the work area shall consist of hardwood, linoleum or other hard surfaces and shall be maintained in good repair. Every barbershop shall be provided with adequate lavatories, readily accessible and kept in a sanitary condition.

(b) Running water, hot and cold, shall be provided at a convenient point within each barbershop.

(c) Equipment and implements that come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) *Step 1: Cleanse.* The objects shall be cleansed as the term is defined in § 3.1 (relating to definitions).

(2) *Step 2: Disinfect.* The cleansed objects shall be disinfected as defined in § 3.1.

(3) *Step 3: Rinse and dry.* The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) *Step 4: Store.* The cleansed, disinfected, rinsed and dried objects shall be stored in a clean, dry and closed container clearly marked as such. Sharp implements shall be stored upright with the points down.

(d) Only cleansed, disinfected and rinsed equipment and implements properly stored shall be used on patrons.

(e) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

(f) Every barbershop shall use only freshly laundered and sanitized towels, kept in a closed dustproof container, for each patron. The headrest of the barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. In cutting the hair of a person, a newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin. Towels used on each patron shall be discarded in a receptacle, and towels may not be left lying on a workbench or washbowl.

(g) Every person serving as a barber or student shall thoroughly cleanse his hands immediately before serving each customer.

(h) Persons employed in a barbershop shall be clean, both as to person and dress.

(i) The use of finger bowls, powder puffs, styptic pencils or sponges in a barbershop is prohibited. A barber may not keep these items on or about a workstand. Nothing but powdered or liquid astringents applied in each case on a clean towel or clean piece of cotton may be used to check bleeding.

(j) A barber may not undertake to treat disease of the skin, but shall advise consultation with a physician.

(k) Products shall be used in accordance with the manufacturer's instructions.

(l) The Board will, in cooperation with the Department of Health, or other State or Federal agencies of comparable experience in matters of public health, prohibit the use of a substance or device in performing barbering services when the use may expose the public to unnecessary health hazards. Notice of this prohibition shall be transmitted to licensees in accordance with section 10 of the act (63 P. S. § 560).

Authority

The provisions of this § 3.55 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.55 amended November 16, 1970; amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201652) to (201653).

Cross References

This section cited in 49 Pa. Code § 43b.4 (relating to schedule of civil penalties—barbers and barber shops).

§ 3.56. Entrance and waiting area.

A barbershop and a cosmetology shop may share a common waiting area, if each shop has a separate entrance for the ingress and egress of its patrons to the respective work areas. One-half of the square footage of the waiting area may be used by each of the shops for the purpose of meeting the square footage requirement.

Authority

The provisions of this § 3.56 issued under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.56 adopted January 24, 1992, effective January 25, 1992, 22 Pa.B. 347.

§ 3.57. [Reserved].**Source**

The provisions of this § 3.57 adopted January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; reserved November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201653) to (201654).

SERVICES PERFORMED OUTSIDE THE SHOP**§ 3.61. Out-of-shop services.**

When barbering services are provided outside a licensed barbershop, the following requirements apply:

- (1) Out-of-shop services shall be performed by a licensed barber under the sponsorship of a licensed barbershop, in accordance with the limitations in section 563 of the act (63 P. S. § 563).
- (2) Supplies and equipment utilized in out-of-shop services shall be furnished by the sponsoring shop.
- (3) Appointments for out-of-shop services shall be recorded in an appointment book kept by the sponsoring shop and made available to inspectors for the Commonwealth when requested.
- (4) The owner of the sponsoring shop shall comply with the sanitary requirements of § 3.55 (relating to maintenance and sanitation) as if out-of-shop services were performed in the shop.

Authority

The provisions of this § 3.61 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.61 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial page (201654).

STUDY IN BARBER SHOPS**§ 3.71. Curriculum.**

(a) *Schedule.* Every student shall be instructed in accordance with the following schedule:

| <i>Subject</i> | <i>Approximate Hours</i> |
|---|------------------------------|
| Honing and stropping | 25 |
| Shaving and various uses of the straight razor | 240 |
| Haircutting, hairstyling and hairpieces | 535 |
| Shampoo and scalp massages | 25 |
| Haircoloring | 25 |
| Massaging (facials) | 25 |
| Hairwaving or curling (perms), straightening | 25 |
| Scalp and skin disease | 50 |
| State barber law and rules and regulations | 50 |
| Physiology | 50 |
| Sterilization and sanitation | 50 |
| Hygiene | 25 |
| Bacteriology | 25 |
| Electricity (ultraviolet, high frequency, infrared, curling irons) | 25 |
| Professional ethics and barbershop demeanor | 25 |
| Manager-barber instructions, instruments, shop management, examination orientation and preparation for related | <u>50</u> |
| Total minimum hours of credit required | 1,250 |

(b) *Practical work.*

(1) Each student shall perform the following amount of practical work during his training:

| <i>Subject</i> | <i>Approximate Number</i> |
|-------------------|-------------------------------|
| Permanent waves | 50 |
| Colors | 50 |
| Haircuts | 200 |
| Shaves | 150 |
| Massages (facial) | 50 |

| <i>Subject</i> | <i>Approximate Number</i> |
|------------------|-------------------------------|
| Shampoos | <u>50</u> |
| Total operations | 550 |

(2) The shop owner shall display, in front of the student performing the practical work, a sign in display letters at least 1 inch in height as follows:

WORK DONE BY STUDENT

(c) *Exception.* A student who has commenced training under the previous curriculum before January 25, 1992, is not affected by subsection (a).

(d) *Examination.*

(1) If a licensed cosmetologist wishes to take the barber examination, the cosmetologist shall have successfully completed the following subjects:

| <i>Subject</i> | <i>Approximate Hours</i> |
|---|------------------------------|
| State barber laws, rules and regulations | 50 |
| Haircutting, hairstyling and hairpieces | 330 |
| Shaving and various uses of the straight razor | 240 |
| Honing and stropping | 50 |
| Manager-barber instructions, instruments, shop management, orientation and preparation for related examination | <u>25</u> |
| Total hours of credit | 695 |

(2) Upon application to the Board, the cosmetologist will be given 555 hours of credit for subjects previously covered in the cosmetology training courses, to be applied to the 1,250 hour training requirement.

Authority

The provisions of this § 3.71 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.71 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201654) to (201656).

§ 3.71a. Notification.

(a) The shop owner or the shop owner's designee shall notify the Board, on a form provided by the Board, of each student to be trained in the shop. Notification shall be provided to the Board before the student begins training.

(b) The shop owner is responsible for ensuring that proper notification is provided to the Board under subsection (a).

Authority

The provisions of this § 3.71a issued under 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.71a adopted December 10, 2010, effective December 11, 2010, 40 Pa.B. 7090.

§ 3.72. Student's records.

(a) The shop owner shall keep, at all times and for inspection by the Board's representative, a file of each student which includes proofs of age, education, daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student studies in the shop. If the shop is closed within this 5-year period, the student's file shall be forwarded to the Board and the student shall be so notified by the shop.

(b) A manager-barber or barber-teacher who is training a student under subsection (a) shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

(c) The shop owner is responsible for ensuring that the quarterly reports required under subsection (b) are properly maintained by the manager-barber or barber-teacher.

(d) The shop owner shall submit to the Board, on a form provided by the Board, a quarterly report of the hours earned by each student trained in the shop. The quarterly reports shall be submitted to the Board by the following dates—April 15, July 15, October 15 and January 15—for the preceding quarter. Each quarterly report must include the name and license number of the manager-barber or barber-teacher instructing the student and be personally signed by the shop owner and the student.

Authority

The provisions of this § 3.72 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.72 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751; amended December 10, 2010, effective December 11, 2010, 40 Pa.B. 7090. Immediately preceding text appears at serial pages (294146) and (304665).

§ 3.73. Books.

Library and textbooks for teaching students shall include adequate books needed by the students. Among these shall be included a medical dictionary and a standardized textbook on barbering.

Authority

The provisions of this § 3.73 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.73 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial page (201657).

SCHOOLS OF BARBERING**§ 3.81. Registration and permits.**

A school permit will not be issued until the real owner files with the Board a statement specifically designating who is authorized to accept service of legal notices and to transact all citations for hearings and compliance with rulings issued by the Board. This statement shall bear a facsimile signature of the individual so authorized.

§ 3.82. Inspection.

(a) Before a school license is issued, each proposed school will be preliminarily inspected for the purpose of determining if the following requirements are met:

- (1) At least 1,250 square feet of floor space.
- (2) The suitability of the proposed location.
- (3) The suitability of proposed rooms, with regard to plumbing, ventilation, lighting and adequate floor space.
- (4) The approval of the proposed layout.
- (5) The approval of the proposed items of equipment.
- (6) Satisfactory evidence for school registration; responsibility of the applicant for school registration.
- (7) Satisfactory evidence of proper provision for corps of teachers.
- (8) A locker room (optional).
- (9) Two lavatories, one for men and one for women.
- (10) A separate office.
- (11) A clinic room with a minimum of 10 barber chairs.
- (12) A theory room with at least 200 square feet of floor space and a minimum of 10 desks or tablet arm chairs.

(b) Copies of school forms and contracts to be used shall be submitted to and approved by the Board before the school begins operation.

(c) A registered school of barbering shall supply the Board with facsimile signatures on white paper of the individuals authorized by the owner of the school to sign official certificates of students of the school for admission to examination. These signatures shall be filed immediately.

Authority

The provisions of this § 3.82 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.82 amended July 2, 1976, effective July 3, 1976, 6 Pa.B. 1585; amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3699. Immediately preceding text appears at serial pages (294147) to (294148).

§ 3.83. Bond.

(a) A bond, corporate or noncorporate, running to the Commonwealth subject to approval by the Board shall be posted as security for the sums taken on account from the students or prospective students of the school, in the amount of a minimum of \$2,500 to a maximum of \$5,000 based on a scale of \$2,500 for up to 60 students and \$5,000 for more than 60 students. No school shall accept any money on account unless it has first procured a bond in accordance with the provisions of this section.

(b) No barber school license will be renewed until a bond is submitted and approved by the Board.

(c) The following is the suggested bond form:

**PENNSYLVANIA STATE BOARD OF BARBER EXAMINERS
BOND OF BARBER SCHOOL**

KNOW ALL MEN BY THESE PRESENTS, THAT _____operating as _____(Corporation, partnership, or individual) ____of ____ (City), ____ (State), as principal, and _____of ____ (City), ____ (State), surety company authorized to transact business in Pennsylvania, as surety, are held and firmly bound unto the People of the Commonwealth of Pennsylvania, for the use and benefit of students of the principal, in the penal sum of ____dollars (\$ ____), lawful money of the United States of America, to be paid to the People of the Commonwealth of Pennsylvania for the benefit of students of the principal, for which payment well and truly to be made, we bind ourselves and our heirs, executors, administrators, and successors jointly and severally, firmly by these presents.

WHEREAS, 49 Pa. Code § 3.83 (relating to bond) provides that a bond, corporate or noncorporate, in the sum of \$ ____running to the Commonwealth of Pennsylvania subject to approval by the Board which shall be posted as security for the sums taken on account from students or prospective students of the school. No school shall accept any money on account unless it has first procured a bond in accordance with the provisions of this regulation.

NOW THEREFORE, the condition of this obligation is such that if the said _____ shall faithfully perform and satisfy the contractual rights of any and all students of said _____, then this obligation shall be void; otherwise the same shall be in full force and effect.

IT IS UNDERSTOOD AND AGREED THAT in no event shall the surety be liable for an amount exceeding the penalty of this bond.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals this ____day of ____, 19 _____. This bond becomes effective _____ and expires _____.

Principal
By _____

Surety
By _____
Attorney-in-fact

(d) In case principal is a partnership, then a certified copy of partnership certificate shall be attached. In case principal is a corporation, authority of officer signing bond for company shall be attached. Power of Attorney-in-fact for surety company shall also be enclosed.

§ 3.84. Space.

Clinic rooms shall be a minimum length of at least 10 feet for the first chair and 5 additional feet centerpoint between each additional chair with a minimum width of 12 feet for one row of chairs. Where two rows of chairs are opposite of each other, the room shall be a minimum of 20 feet wide.

Authority

The provisions of this § 3.84 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.84 amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial page (201659).

§ 3.85. Equipment.

- (a) Every barber school shall have the following equipment for each school:
 - (1) One blackboard, at least 4 feet by 8 feet.
 - (2) One dermal lamp or therapeutic lamp.
 - (3) One hair dryer for each ten students.
 - (4) One high frequency electric current equipment.
 - (5) One microscope.
 - (6) One twin vibrator.
 - (7) One medical dictionary.
 - (8) A set of charts on skin, bones, muscles, nerves and the circulatory system 24 inches by 30 inches or equivalent.
 - (9) A set of library books on anatomy, physiology and hygiene.
 - (10) Sufficient chairs, coat and hat racks to accommodate patrons.

- (11) One electric lather mixer for every ten students.
- (12) One washbowl for every two chairs.
- (b) Every barber school shall have the following equipment for each student:
 - (1) One standard barber chair with a modern workstand.
 - (2) One large mirror 36 inches by 36 inches.
 - (3) One dry sterilizing cabinet for all instruments.
 - (4) One wet sterilizer, properly functioning.
 - (5) One covered hamper for soiled towels.
 - (6) One covered waste container.
 - (7) One dust proof cabinet for linens.
 - (8) One electric hair clipper.
 - (9) Three shears (one thinning).
 - (10) Two razors, at least one of which is nondisposable.
 - (11) Four combs.
 - (12) One set of strops.
 - (13) One hone.
 - (14) One standard textbook on barbering. Sets of question and answer books are not considered textbooks.
 - (15) One hand-held hairdryer.

Authority

The provisions of this § 3.85 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.85 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201659) to (201660).

Cross References

This section cited in 49 Pa. Code § 43b.4 (relating to schedule of civil penalties—barbers and barber shops).

§ 3.86. Maintenance and sanitation.

(a) Every barber school shall be well lighted, well ventilated, kept in a clean, orderly and sanitary condition. Waste containers shall be thoroughly cleaned at least once every 24 hours. The floor in the work area shall consist of hardwood, linoleum or other hard surfaces and shall be maintained in good repair. Every barber school shall be provided with adequate lavatories, readily accessible and kept in a sanitary condition.

(b) Equipment and implements that come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

- (1) *Step 1: Cleanse.* The objects shall be cleansed as the term is defined in § 3.1 (relating to definitions).
 - (2) *Step 2: Disinfect.* The cleansed objects shall be disinfected as the term is defined in § 3.1
 - (3) *Step 3: Rinse and dry.* The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.
 - (4) *Step 4: Store.* The cleansed, disinfected, rinsed and dried objects shall be stored in a clean, dry and closed container clearly marked as such. Sharp instruments shall be stored upright with the points down.
- (c) Only cleansed, disinfected and rinsed equipment and implements properly stored shall be used on patrons.
- (d) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.
- (e) Only freshly laundered and sanitized towels kept in a closed dustproof container shall be used for each patron. The headrest of a barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. A newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin when cutting the hair of a person. Towels used on each patron shall be discarded in a closed receptacle, and may not be left lying on a workbench or washbowl.
- (f) The use of finger bowls, powder puffs, styptic pencils or sponges in barber schools is prohibited. A student may not keep any of them on or about a workstand. Only powdered or liquid astringents applied in each case on a clean towel or clean piece of cotton shall be used to check bleeding.

Authority

The provisions of this § 3.86 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.86 amended November 16, 1970, effective November 17, 1970, 1 Pa.B. 692; amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201660) to (201661).

Cross References

This section cited in 49 Pa. Code § 43b.4 (relating to schedule of civil penalties—barbers and barber shops).

§ 3.87. Student's records.

- (a) Each school shall keep, at all times and for inspection by the Board's representative, a file of each student regarding proofs of age, education, daily attendance and progress. The file shall be provided to the student at the student's

request. The file shall be maintained for at least 5 years, beginning with the date when the student attends the school. If the school is closed within this 5-year period, the student's files shall be forwarded to the Board and the students shall be so notified by the school.

(b) Each school shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

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

Authority

The provisions of this § 3.87 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.87 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751; amended December 10, 2010, effective December 11, 2010, 40 Pa.B. 7090. Immediately preceding text appears at serial page (342088).

§ 3.88. Supervisor and teachers.

(a) The school shall, at all times, be under the immediate supervision of a licensed teacher.

(b) Each school shall meet the following requirements:

(1) Each school shall employ as instructors only licensed barber-teachers competent to impart instructions in all branches of barber science which they teach.

(2) An individual may not be counted as a regular part-time or substitute teacher in a school unless the individual's barber-teacher's license is on display in the school.

(3) Every school shall employ at least one full-time licensed barber-teacher.

(4) Each class taught for credit shall consist of not more than 20 students per licensed barber-teacher, and at least one full-time teacher who shall be in attendance during the hours the school is open for instruction. The only exception to this requirement which the Board may permit is lecturing by a staff physician or another specialist when at least one teacher is present.

(5) Teachers as well as students shall be attired during school hours in washable jackets, smocks or aprons, which shall be kept in a clean condition.

Authority

The provisions of this § 3.88 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.88 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751. Immediately preceding text appears at serial pages (201662) to (201663).

§ 3.89. Advertising.

(a) Each school shall display in a conspicuous place in and about the entrance to the school, a sign in display letters at least 3 inches in height as follows:

ALL WORK IN THE SCHOOL DONE
BY STUDENTS ONLY

(b) A school shall only advertise under the designation of a school. A school may not, in any form of advertising, be designed to mislead the public in regard to prices or location. Every establishment shall display a clearly visible sign at its main entrance indicating that it is a barber school.

Authority

The provisions of this § 3.89 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.89 amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347. Immediately preceding text appears at serial pages (9578) to (9579).

Cross References

This section cited in 49 Pa. Code § 43b.4 (relating to schedule of civil penalties—barbers and barber shops).

§ 3.90. Student curriculum.

(a) Each school shall post schedules showing the schedules of classes in theory and practical work. Each student shall have an opportunity to devote at least 60% of class time to practical work. For each of these class periods the teacher in charge shall keep an accurate daily record of attendance and progress of each student.

(b) A student may earn credit for the number of hours per day that the student is in attendance.

(c) A student may earn a maximum of 8 hours of credit per day and a maximum of 40 hours of credit per week.

(d) A student may not be given credit for hours attended unless the student is in actual attendance. Hours credited to a student should be devoted to the studying of barbering. Duty work may not exceed more than 10 minutes of the student instruction time. Duty work must consist only of the tidying and cleaning natu-

rally performed by an operator around the operator's own chair at the conclusion of the barber process. It may not include menial work ordinarily performed by a maid or janitor.

(e) Every barber school is required to instruct students in barber science as follows:

| <i>Subject</i> | <i>Approximate Hours</i> |
|---|--------------------------|
| Honing and stropping | 25 |
| Shaving and various uses of the straight razor | 240 |
| Haircutting, hairstyling and hairpieces | 535 |
| Shampoo and scalp massages | 25 |
| Haircoloring | 25 |
| Massaging (facials) | 25 |
| Hairwaving or curling (perms), straightening | 25 |
| Scalp and skin disease | 50 |
| State barber law and rules and regulations | 50 |
| Physiology | 50 |
| Sterilization and sanitation | 50 |
| Hygiene | 25 |
| Bacteriology | 25 |
| Electricity (ultraviolet, high frequency, infrared, curling irons) | 25 |
| Professional ethics and barbershop demeanor | 25 |
| Manager-barber instruction, instruments, shop management, orientation and preparation for related examination | <u>50</u> |
| Total minimum hours required | 1,250 |

(f) A student who has commenced training under the previous curriculum before January 25, 1992, is not affected by subsection (c).

(g) A student may not receive credit for time spent in the barber school until registration or renewal licenses for the schools have been obtained from the Board.

(h) Whenever a student at the time of enrolling is entitled to credits previously earned at an out-of-State or in-State school, the school enrolling the student

shall carefully evaluate the credits. A mere statement that the applicant for certification of entrance credits has pursued work elsewhere will not be accepted as sufficient evidence. The statement shall be documentary evidence showing attendance at a given school, and if possible, the number of hours attended and the subjects pursued.

(i) A student may request a transfer of credits for hours or months of study between a barbershop and a barber school or between shops, whether the barbershop or barber school is in-State or out-of State, if the student passes a test which is based on the number of hours attended and the subjects pursued and is devised by the shop or the school to place the student in the appropriate courses.

(j) The Board reserves the right to reject an examination application of a student whose credits have been improperly given or evaluated.

Authority

The provisions of this § 3.90 amended under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)).

Source

The provisions of this § 3.90 amended September 26, 1966; amended January 24, 1992, effective January 25, 1992, 22 Pa.B. 347; amended November 22, 2002, effective November 23, 2002, 32 Pa.B. 5751; amended December 10, 2010, effective December 11, 2010, 40 Pa.B. 7090. Immediately preceding text appears at serial pages (342089) to (342090) and (303379).

§ 3.91. Posting rules and regulations.

A copy of this chapter concerning schools of barbering shall be posted on the school premises to make students aware of this chapter. Copies for the posting may be obtained from the Board.

§ 3.101. [Reserved].

Source

The provisions of this § 3.101 adopted May 2, 1980, effective May 3, 1980, 10 Pa.B. 1776; reserved May 16, 1986, effective May 17, 1986, 16 Pa.B. 1731. Immediately preceding text appears at serial page (99204).

§ 3.102. [Reserved].

Source

The provisions of this § 3.102 adopted May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; reserved May 16, 1986, effective May 17, 1986, 16 Pa.B. 1731. Immediately preceding text appears at serial page (99204).

§ 3.103. Fees.

The schedule of fees charged by the Board is as follows:

| | |
|--|-------|
| Licensure of barber, barber shop manager or barber teacher | \$10 |
| Licensure of barber by reciprocity | \$55 |
| Licensure of barber shop | \$110 |
| Licensure of barber school | \$140 |
| Biennial renewal of barber license | \$109 |
| Biennial renewal of barber shop manager license | \$161 |
| Biennial renewal of barber teacher license | \$174 |
| Biennial renewal of barber shop license | \$187 |
| Biennial renewal of barber school license | \$291 |
| Change in barber shop—inspection required | \$90 |
| Change in barber shop—no inspection required | \$40 |
| Reinspection after first fail—new or change (shop or school) | \$90 |
| Verify license/permit/registration | \$15 |
| Certification of student status or student training hours | \$30 |

Authority

The provisions of this § 3.103 issued under sections 3, 12 and 18 of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. §§ 553, 562 and 564); amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 3, 6, 12, 14 and 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. §§ 553, 556, 562, 564 and 566.4(b)).

Source

The provisions of this § 3.103 adopted May 2, 1980, effective May 5, 1980, 10 Pa.B. 1775; reserved May 16, 1986, effective May 17, 1986, except paragraphs (3)—(17) which will take effect on, and be retroactive to April 30, 1986, 16 Pa.B. 1731; amended May 6, 1988, effective May 7, 1988 and apply retroactively to April 30, 1988, 18 Pa.B. 2106; amended May 18, 1990, effective May 19, 1990, 20 Pa.B. 2647; amended December 8, 1995, effective December 9, 1995, and apply retroactively to examination fees charged on and after September 1, 1995, 25 Pa.B. 5582; amended March 2, 2001, effective March 3, 2001, 31 Pa.B. 1225; amended March 19, 2004, effective March 20, 2004, 34 Pa.B. 1574; amended December 10, 2010, effective December 11, 2010, 40 Pa.B. 7090; amended April 11, 2014, application fees effective April 12, 2014, biennial renewal fees effective May 1, 2014, 44 Pa.B. 2242. Immediately preceding text appears at serial page (354039).

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