



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
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May 22, 2006

The State Board of Cosmetology (Board) would like to inform you that our legal staff has conducted a review of the Pennsylvania Cosmetology Law in response to an increasing number of inquiries as to whether cosmetology schools may deny admission to students who have AIDS or are HIV positive on the basis of a provision in the State Board of Cosmetology law, which states that cosmetology schools are not permitted to admit students who have a contagious or infectious disease.

The Board's legal staff has determined that this admission requirement and other provisions of the Cosmetology Law are in direct conflict with the federal Americans with Disabilities Act (ADA). As a result, the Board has decided that it will cease to require compliance with those provisions of the Cosmetology Law that are in direct conflict with the federal ADA.

The Board will cease requiring compliance with the last clause of section 6 (a)(1), which has been used to deny admission to students who have HIV/AIDS, because the Board has determined that denying admission to an HIV/AIDS applicant is in direct conflict with the federal ADA. The Board has determined that there are several other provisions that are in conflict with the federal ADA. Consequently, the Board will cease requiring compliance with the health certificate clause of section 3, which requires any person practicing or teaching cosmetology to file with the Board a health certificate issued by a licensed physician.

Likewise, the Board will cease requiring compliance with the health certificate clause of section 9, which requires applicants seeking a reciprocal cosmetology license to file with the Board an affidavit from a licensed physician that the applicant was examined and is free from all contagious and infectious disease. Moreover, the Board will cease requiring compliance with the last clause of section 4.3, which requires the Board to issue apprentice permits only to applicants who are free from contagious and infectious diseases. In addition, the Board will cease requiring compliance with its regulations at 49 PA Code § 7.32a (a)2 and § 7.97 because, like the above-

referenced provisions, it was determined that those provisions of its regulations are in conflict and in violation of federal ADA.

If you have any questions or require any additional information, please feel free to contact Peter Marks, Executive Deputy Chief Counsel for the Bureau of Professional and Occupational Affairs or Ruth Dunnewold, Senior Deputy Chief Counsel at (717) 783-7200.

Sincerely yours,

A handwritten signature in black ink that reads "Basil L. Merenda". The signature is written in a cursive, flowing style.

Basil L. Merenda  
Commissioner

BLM/slf