

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE CLERK

10 JUL 21 P4:01

SENATE
S. No. 1756

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

Majority of US states such as California, Minnesota, New Hampshire, Virginia, and Montana have a board of barbering and cosmetology that licenses cosmetologists, barbers, manicurists, aestheticians for skin care, electrologists, and establishments where the services are performed. These boards also handle complaints involving gross negligence and/or incompetence; unsanitary conditions in establishments and schools of barbering, cosmetology, and electrology; unlicensed practice of barbering, cosmetology and electrology; and misrepresentation/false advertising of services.

The practice of barbering and cosmetology must be regulated to protect and promote the right to health of consumers. There have been too many horror stories in the Philippines of barbering and cosmetology mishaps, ranging from scarring and infections to permanent disfigurement. This Bill establishes a Board of Barbering and Cosmetology that will regulate the practice of cosmetologists, barbers, manicurists, aestheticians, electrologists, and establishments, and establish and enforce safety and sanitation standards.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
ccs

¹ This bill was originally filed in the third regular session of the 14th Congress.

FIFTEENTH CONGRESS OF THE REPUBLIC)
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SENATE
OFFICE OF THE SECRETARY

10 JUL 21 P4:01

SENATE
S. No. **1756**

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 REGULATING BARBERING AND COSMETOLOGY

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

3 SECTION 1. *Short Title.* – This Act shall be known as the “Barbering and Cosmetology
4 Act.”

5 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
6 protect and promote the right to health of the people and instill health consciousness among
7 them. Toward this end, the practice of, barbering and cosmetology shall be regulated by the
8 State.

9 SECTION 3. *Definitions.* – In this Act, the term—

10 (a) “aesthetician” means a person licensed under this Act to engage in the practice
11 of any of the following specialized practices as generally recognized in the field of
12 cosmetology: skin care, make-up artistry, facials, and body waxing

13 (b) “barber” means a person licensed under this Act to engage in the practice of
14 barbering;

15 (c) “Board” means the Board of Barbering and Cosmetology;

16 (d) “cosmetological establishment” means the premises or building, or part of a
17 building, wherein cosmetology or any branch of cosmetology is practiced;

1 (e) "cosmetological multiply location establishment" means a business engaged in
2 the practice of cosmetology at more than one (1) location using the same business name at
3 such locations, wherein cosmetology, or any branch of cosmetology is practiced;

4 (f) "cosmetologist" means any person who engages in the practice of
5 cosmetology in a licensed cosmetological establishment;

6 (g) "*electrologist*" means any person who removes superfluous hair from the body
7 of any person by the use of an electric needle;

8 (h) "instructor" means any person who is licensed to teach in a licensed school of
9 cosmetology, skin care (aesthetics), electrology, nail care, or any combination thereof;

10 (i) "manicurist" or "nail technician" means any person who cuts, trims, polishes,
11 colors, cleanses, or manicures the nails of any person; and

12 (j) "school" means an establishment approved by the Board of Barbering and
13 Cosmetology operated for the purpose of teaching, cosmetology, skin care,
14 electrology, and nail care, or any combination thereof.

15 SECTION 4. *Board of Barbering and Cosmetology.* – (a) There shall be a Board of
16 Barbering and Cosmetology consisting of five (5) members, who shall be appointed by the
17 President of the Philippines.

18 (b) The members of the Board shall:

19 (1) be a citizen of the Philippines;

20 (2) not be connected directly or indirectly, in the wholesale business of the
21 manufacture, rental, sale or distribution of barber, cosmetology, or electrolysis
22 appliances or supplies;

23 (3) at least two (2) members shall be a currently licensed cosmetologist in good
24 standing, and shall be currently engaged in, and have at least five years
25 practical experience;

26 (4) at least one (1) member shall be a licensed physician; and

27 (5) not be affiliated with any school teaching cosmetology, skin care, electrology, or
28 nail care.

1 (c) Members of the Board shall be appointed for the term of four (4) years. The
2 term of the first members appointed hereunder shall expire as follows: two (2) members shall
3 be designated to serve for a term of three (3) years; two members shall be designated to
4 serve for a term of two (2) years; and one (1) member shall be designated to serve for
5 one (1) year. No person shall serve as a member of the Board for more than two (2)
6 consecutive terms.

7 (d) Any Board member, who misses three (3) consecutive meetings in a row,
8 shall be considered to have vacated their position and may be replaced by the President.

9 (e) Vacancies for any cause shall be filled by the President for the unexpired term.

10 SECTION 5. *Officers of the Board.* – The Board of Barbering and Cosmetology shall
11 elect a chairperson, vice-chairperson and secretary during the first official Board meeting
12 beginning each calendar year. The vice-chairperson shall assume the functions and duties
13 of the chairperson in the event the chairperson is unable to perform those functions and
14 duties.

15 SECTION 6. *Meetings.* – The Board of Barbering and Cosmetology shall hold
16 meetings at least six (6) times a year and at such times, as it deems necessary. All meetings
17 shall be open to the public, except that the Board may hold executive sessions to
18 prepare, approve, grade, or administer examinations; to conduct investigations and other
19 license conditions. A majority of the Board shall constitute a quorum and the concurrence
20 of a majority of the members present shall be necessary to make any action on the Board
21 valid.

22 SECTION 7. *Powers.* – (a) The Board shall have the powers necessary to carry out and
23 perform the purposes and provisions of this Act, in addition to other powers and duties granted
24 in this Act, and may:

- 25 (1) adopt rules and regulations necessary to implement this Act;
26 (2) issue licenses and renew licenses of duly qualified applicants;

- 1 (3) deny a license to unqualified applicants;
- 2 (4) establish fees for issuance of licenses, examinations, and inspections;
- 3 (5) adopt and use a common seal for the authentication of its records and
4 modify it;
- 5 (6) investigate alleged violations of this Act and consumer complaints involving
6 the practice of cosmetology, barbering, aesthetics, or manicuring, schools
7 offering training in these areas, and salons/shops and booth renters offering
8 these services;
- 9 (7) conduct random and targeted health and safety inspections of establishments
10 and schools;
- 11 (8) issue subpoenas, orders, stipulated agreements and any other administrative
12 remedies necessary to enforce this Act;
- 13 (9) conduct all disciplinary proceedings, impose sanctions, and assess fines for
14 violations of this Act or any rules adopted under it;
- 15 (10) prepare and administer, or approve, the preparation and administration of
16 licensing examinations;
- 17 (11) establish minimum safety and sanitation standards for schools, cosmetologists,
18 barbers, manicurists, estheticians and salons/shops;
- 19 (12) establish requirements for the training of students, schools, and
20 establishments;
- 21 (13) establish by rule the procedures for reexamination; and
- 22 (14) administer exams for licensure for the following: (i) barber; (ii) cosmetologist
23 instructor; (iii) cosmetologist; (iv) electrologist; (v) esthetician; and (vi)
24 manicurist.

25 SECTION 8. *Examination.* – The Board shall administer the national examination that
26 consists of a written and a practical component. Announcement of examinations must be made
27 thirty (30) days prior to date of examination through letters, print, and the electronic media.

1 Examination shall be administered twice a year. The passing score in the examination shall be
2 as recommended by the national examination, and approved by the Board.

3 SECTION 9. *Records.* – The Board shall keep a record of its proceedings relating to
4 its public and executive meetings, meetings of committees, and records relating to the issuance,
5 refusal, renewal, suspension and revocation of licenses and any other applicable documents.
6 The Board shall keep a registration of record of such licenses containing the name, address,
7 license number and date issued. This record shall also contain any facts as the applicants may
8 have stated in their application for examination for licensure.

9 SECTION 10. *Practices Included in this Act.* – (a) The practice of cosmetology
10 includes all and any combination of the following:

- 11 (1) arranging, dressing, curling, waving, machineless permanent waving,
12 permanent waving, cleansing, cutting, shampooing, relaxing, singeing,
13 bleaching, tinting, coloring, straightening, dyeing, brushing, applying hair
14 tonics, beautifying, or otherwise treatment by any means of the hair of any
15 persons;
- 16 (2) massaging, cleaning or stimulating the scalp, face, neck or arms by means of
17 the hands, devices, apparatus, or appliances, with or without the use of cosmetic
18 preparations, antiseptics, tonics, lotions or creams;
- 19 (3) beautifying the face, neck or arms by use of cosmetic preparations,
20 antiseptics, tonics, lotions, or creams;
- 21 (4) removing superfluous hair from the body of any person by the use of
22 depilatories or by the use of tweezers, chemicals and preparations, or by the
23 use of devices or appliances of any kind or description, except by the use of
24 light waves, commonly known as rays;
- 25 (5) cutting, trimming, polishing, coloring, cleansing, or manicuring the nails of any
26 person; and
- 27 (6) massaging, cleansing, treating or beautifying the hands or feet of any person.

1 (b) Within the practice of cosmetology, there exist the specialty branches of skin
2 care and nail care.

3 (1) "Skin care" is any one of the following:

4 (i) giving facials, applying makeup, giving skin care, removing
5 superfluous hair from the body of any person by the use of depilatories,
6 tweezers or waxing, or applying eyelashes to any person;

7 (ii) beautifying the face, neck or arms by use of cosmetic preparations,
8 antiseptics, tonics, lotions or creams; or

9 (iii) massaging, cleaning or stimulating the face, neck or arms by means
10 of the hands, devices, apparatus or appliances with the use of
11 cosmetic preparations, antiseptics, tonics, lotions or creams.

12 (2) "Nail care" is the practice of cutting, trimming, polishing, coloring, tinting,
13 cleansing or manicuring the nails of any person, or massaging, cleansing, or
14 beautifying the hands or feet of any persons.

15 (3) "Electrolysis" is the practice of removing hair from, or destroying hair on, the
16 human body by use of an electric needle only. Electrolysis as used in this Act
17 includes electrolysis or thermolysis.

18 (4) "Barbering" is the practice of all or any combination of the following
19 practices:

20 (i) shaving or trimming the beard, or cutting the hair;

21 (ii) giving facial and scalp massages or treatments with oils, creams, lotions
22 or other preparations either by hand or mechanical appliances;

23 (iii) singeing, shampooing, arranging, dressing, curling, waving,
24 chemical waving, hair relaxing or dyeing the hair or applying hair
25 tonics;

26 (iv) applying cosmetic preparations, antiseptics, powders, oils, clays or
27 lotions to the scalp, face or neck; and

28 (v) hairs styling of all textures of hair by standard methods which are
29 *current at the time of the hair styling.*

1 SECTION 11. *Practice Outside of Establishment.* – This Act does not prohibit a
2 licensed practitioner of the cosmetic art to practice outside of licensed establishment which
3 holds a business license.

4 SECTION 12. *Persons Exempted.* – The following persons are exempt from this Act:

5 (a) All persons authorized by law to practice medicine;

6 (b) Persons engaged in any practice within its scope when done outside of a
7 licensed establishment, without compensation; and

8 (c) Persons engaged in the administration of hair, skin or nail products for the
9 exclusive purpose of recommending, demonstrating, or selling those products without
10 compensation for the barbering or cosmetological services.

11 SECTION 13. *Application for Examination and Registration.* – (a) Each person, who
12 desires to practice or instruct the art of cosmetology or any branch thereof, shall file
13 with the Board a written application under oath on a form approved by the Board.

14 Examinations shall be given at least two (2) times a year or as necessary as designated
15 by the Board. The Board shall establish rules for reexamination to include completion of a
16 refresher program after two unsuccessful examinations.

17 SECTION 14. *Expiration and Renewal for Licenses.* – All licenses issued by the
18 Board shall expire on the individual's birth date next following the date of appropriate
19 application, issuance and renewed every two (2) years by payment of fees approved by the
20 Board.

21 SECTION 15. *Universal Precautions.* – The Board shall promulgate rules and
22 regulations within one hundred eighty (180) days upon enactment of this Act to address
23 universal precautions guidelines, which shall include, but not be limited to:

24 (a) cleanliness and sanitation of towels and/or linens;

- 1 (b) disinfecting requirements and standards of any articles, tools (electrical and
2 non-electrical), implements and equipment in contact with a client;
- 3 (c) prevention of contamination of any materials and/or solutions in contact with a
4 client;
- 5 (d) proper storage of tools and implements;
- 6 (e) cleanliness of floor surfaces, walls and ceilings; and
- 7 (f) general proper hygiene (i.e. properly washing hands, proper use of gloves).

8 SECTION 16. *Licensing of Cosmetological Establishments.* – (a) The Board shall
9 issue a license for cosmetological establishment during a Board meeting duly held for the
10 purpose of issuing licenses for cosmetological establishments for applicants who have made
11 the proper applications for such license and who have qualified as follows:

- 12 (1) Comply with standards of sanitation by the Department of Health and as
13 provided by laws, rules, and regulations; and
- 14 (2) Comply with universal precaution rules and regulations promulgated by the
15 Board.

16 (b) A licensed cosmetologist, who has practiced as such in the Philippines for at
17 least one (1) year, shall at all times be in charge of the establishment.

18 (c) The Board shall issue a license for a specialty salon establishment during a
19 Board meeting held for the purpose of issuing licenses for specialty salon establishments for
20 applicants who have made the proper applications for such license and who have qualified as
21 follows:

- 22 (1) Comply with standards of sanitation requirements by the Department of Health
23 and as provided by laws, rules, and regulations; and
- 24 (2) Comply with universal precaution rules and regulations promulgated by the Board.

25 (d) In the case of a specialty salon, a licensee of the Board, which may include,
26 but not be limited to electrologist, manicurist, barber or aesthetician, who has practiced as such
27 in the Philippines for at least one (1) year shall at all times be in charge of the establishment.

28 (e) No person having charge of an establishment, whether as an owner or an

1 employee, shall permit any room or part thereof in which any occupation regulated
2 under this Act is conducted or practiced, to be used for residential purposes, or for any other
3 purpose that would tend to make the room unsanitary, unhealthy, or unsafe, or endanger the
4 health and safety of the consuming public. An establishment shall have a direct entrance
5 separate and distant from any entrance in connection with private quarters.

6 (f) Every establishment shall provide at least one (1) public toilet room located on or
7 near the premises for its patrons. The entrance of the room shall be effectively screened so
8 that no toilet compartment is visible from any workroom. The room shall be kept in a clean
9 condition and in good repair, well lighted and ventilated to the outside air, and
10 effectively screened against insects and free from rodents. The floor shall be of concrete;
11 tile laid in cement, vitrified brick, or other nonabsorbent material. All sewer drains shall be
12 connected to an approved disposal system, and shall be properly trapped. No restroom shall
13 be used for storage.

14 (g) Every establishment shall provide adequate and convenient handwashing
15 facilities, including running hot water, soap and approved sanitary towels.

16 (h) Within ninety (90) days after issuance of the establishment license, the
17 Department of Health shall inspect the establishment for compliance with the applicable
18 requirements of this Act and the applicable rules and regulations of the Board
19 adopted pursuant to this Act. Each establishment shall be inspected at least annually for
20 compliance with applicable laws relating to the public's health and safety, and the conduct
21 and operation of establishments.

22 SECTION 17. *Cosmetological Multiple Location Business.* – (a) A “cosmetological
23 multiply location business” is a business engaged in the practice of cosmetology at more than
24 one (1) location using the same business name at such locations, wherein cosmetology or any
25 branch of cosmetology is practiced. A licensed cosmetologist must be on duty at each location
26 of the cosmetological multiple location business while such location is open for business.

27 (b) A certificate of registration and license for each location of a cosmetological
28 multiple location business shall be secured by filing an application thereof and paying an

1 annual multiple location licensing fee to be prescribed by the Board per location, and showing
2 to the satisfaction of the Board that the establishment meets the standards of sanitation
3 required by the Department of Health and applicable laws, rules, and regulations. A
4 cosmetological multiple location business must have a licensed cosmetologist at each location
5 while such location is providing cosmetological services. Nothing herein shall prevent a
6 licensed cosmetologist employed at one business who has multiple locations to work at any
7 location owned by the same business.

8 SECTION 18. *Prohibition Against Employment of Unlicensed Personnel.* – It is
9 unlawful for any person, firm, or corporation to hire, employ, or allow to be employed, or
10 permit to work, in or about an establishment, any person who performs or practices any
11 occupation regulated under this Act who is not duly licensed by the Board. Any person(s)
12 violating this Section shall be punished with a fine of ten thousand pesos (P10,000.00).

13 SECTION 19. *Schools.* – (a) The Board shall issue a license for a school during a Board
14 meeting duly held for the purpose of issuing licenses for schools for applicants who have made
15 the proper applications for such.

16 (b) No school of cosmetology shall be granted a certificate of license, unless the
17 school provides for health-related instructions or injuries, and employs and maintains:

18 (1) a sufficient number of licensed instructors and maintains courses of instruction
19 in cosmetology in both practical and technical instruction, including
20 instruction in sanitary sterilization and the use of antiseptics necessary to meet
21 the requirements for examination for certificate, registration, and license as a
22 cosmetologist; and

23 (2) a procedure to consult with a licensed physician.

24 (c) No school of electrology shall be granted a certificate of registration and
25 license, unless it provides for health related instructions or injuries and employs and maintains:

26 (1) a sufficient number of licensed instructors and maintains courses of instruction
27 in electrology in both practical and technical instruction, including

1 instruction in sanitary sterilization and the use of antiseptics, necessary to
2 meet the requirements for examination for certificate, registration and license as
3 an electrologist; and

4 (2) procedure to consult with a licensed physician.

5 SECTION 20. *Revocation and Suspension.* – The Board may revoke, suspend or
6 deny at any time any license required by this Act on any of the grounds for disciplinary
7 action provided in this Section. The grounds for disciplinary action are as follows:

- 8 (a) failure of a person, firm or corporation operating an establishment, or engaged
9 in any practice regulated by this Act, to comply with the requirements of this
10 Act;
- 11 (b) failure to comply with the rules governing health and safety adopted by the
12 Board for the regulation of establishments or any practice licensed and
13 regulated under this Act;
- 14 (c) failure to comply with the rules adopted by the Board for the regulation of
15 establishments, or any practice licensed and regulated under this Act;
- 16 (d) gross negligence, including failure to comply with generally accepted
17 standards for the practice of barbering, cosmetology, manicurist or electrology,
18 or disregard for the health and safety of patrons;
- 19 (e) repeated similar negligent acts;
- 20 (f) incompetence, including failure to comply with generally accepted standards
21 for the practice of barbering, cosmetology, manicurist or electrology;
- 22 (g) habitual drunkenness, use of or addiction to the use of any controlled substance;
- 23 (h) advertising by means of knowingly false or deceptive statements;
- 24 (i) obtaining or attempting to obtain practice in any occupation licensed and
25 regulated under this Act or money or compensation in any form, by fraudulent
26 misrepresentations;
- 27 (j) failure to display the license or health and safety rules and regulations in
28 a conspicuous place;

- 1 (k) conviction of any crime substantially related to the qualifications, functions or
2 duties of the license holder, in which case the record of conviction or a
3 certified copy, shall be conclusive evidence thereof;
- 4 (l) permitting a license to be used where the holder is not personally, actively, and
5 continuously engaged in business;
- 6 (m) making of any false statement as to a material matter in any oath or affidavit,
7 which is required by the provisions of this Act;
- 8 (n) refusal to permit, or interference with an inspection authorized under this Act;
9 or
- 10 (o) any action or conduct which would have warranted the denial of a license.

11 SECTION 21. *Licenses.* – (a) The license shall prominently state that the holder is
12 licensed as a barber, cosmetologist, esthetician, manicurist, electrologist, or cosmetology
13 instructor, and shall contain a photograph of the licensee.

14 (b) Every licensee shall display the license in a conspicuous place in the licensee's
15 place of business or place of employment.

16 (c) A duplicate license shall be issued upon the filing of a statement explaining
17 the loss, verified by the oath of the applicant and accompanied by the prescribed fee
18 pursuant to this Act.

19 (d) Every licensee of the Board, except establishments, shall within thirty (30)
20 days after a change of address, notify the Board of the new address, and upon receipt
21 of the notification, the Board shall make the necessary changes in the register.

22 SECTION 22. *Penalty.* – Any person who practices cosmetology, electrology,
23 aesthetician or skin care, barbering or manicuring, or maintains a school of cosmetological
24 establishment without a license as provided by this Act shall be fined with ten thousand
25 pesos (P10,000.00).

26 SECTION 23. *Regulations.* – The Board shall promulgate the necessary rules and

1 regulations to carry out the objectives of this Act.

2 SECTION 24. *Separability Clause.* – If any provision, or part hereof is held invalid or
3 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
4 valid and subsisting.

5 SECTION 25. *Repealing Clause.* – Any law, presidential decree or issuance, executive
6 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
7 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

8 SECTION 26. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
9 publication in at least two (2) newspapers of general circulation.

Approved,