

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 237

Short Title: Manicurists Licensing Changes.

(Public)

Sponsors: Senator Perdue.

Referred to: Rules and Operations of the Senate.

February 25, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL PERSONS RENDERING MANICURING SERVICES FOR COMPENSATION TO BE REGULATED BY THE STATE BOARD OF COSMETIC ART AND TO PAY A FEE FOR THESE PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 88-8 reads as rewritten:

"§ 88-8. ~~Manicurist.~~ Manicuring; Manicurist; Manicuring Shop.

'Manicuring' means trimming, filing, shaping, applying, sculpting, coloring, or decorating either natural or artificial fingernails or toenails. 'Manicurist' means any person who does practices manicuring or pedicuring and who makes a charge for such service for compensation. 'Manicuring shop' means any building, or part of a building, where a manicurist practices manicuring."

Section 2. G.S. 88-17 reads as rewritten:

"§ 88-17. Regular and special meetings of Board; examinations.

The Board of Cosmetic Art Examiners shall meet four times a year in the months of January, April, July and October on the first Tuesday in each of said months, for the purpose of transacting all business of the Board of Cosmetic Art Examiners and to conduct examinations of applicants for licensure to teach cosmetic art, of applicants for certificates of registration to practice as registered cosmetologists, of applicants for certificates of registration to practice as registered manicurists, and of applicants for

1 certificates of registration to practice as registered apprentices, meetings to be held at
2 such places as the Board may determine to be most convenient for such examinations;
3 provided, however, that examinations are conducted at no less than three locations other
4 than Raleigh, scattered geographically throughout the State of North Carolina. The
5 locations for examinations conducted outside of Raleigh shall be in publicly supported
6 two-year post-secondary educational institutions with appropriate facilities. The Board
7 shall, if requested by an institution, reimburse the institution for the use of its facilities in
8 administering examinations. The examinations conducted for applicants for certificates of
9 registration as registered ~~cosmetologists~~ cosmetologists, registered manicurists, and
10 registered apprentices shall be open to all applicants, include such practical
11 demonstration and oral and written tests as the Board may determine, and be
12 administered by teachers or instructors, other than Board members, qualified and
13 approved by the Board. The Board shall, upon request, reimburse a teacher or instructor
14 who administers an examination. The chairman of the Board is hereby authorized and
15 empowered to call a meeting of said Board whenever necessary, said meetings to be in
16 addition to the quarterly meetings hereinbefore provided for. No payment for per diem or
17 travel expenses shall be authorized or paid for Board meetings other than those called by
18 the chairman of the Board. No payment for expenses incurred in the administration of
19 examinations of applicants for certificates of registration as registered ~~cosmetologists~~
20 cosmetologists, registered manicurists, or registered apprentices at post-secondary
21 educational institutions shall be authorized other than the cost of examination materials,
22 rental of the examination facility, grading of the examination, and reimbursement of
23 teachers or instructors who administer the examinations."

24 Section 3. G.S. 88-22 reads as rewritten:

25 "**§ 88-22. Persons exempt.**

26 (a) The following persons are exempt from the provisions of this Chapter while
27 engaged in the proper discharge of their professional duties:

- 28 (1) Persons authorized under the laws of the State to practice medicine and
29 surgery.
- 30 (2) Commissioned medical or surgical officers of the United States army,
31 navy, or marine hospital services.
- 32 (3) Registered nurses.
- 33 (4) Undertakers.
- 34 (5) Registered barbers.

35 ~~(6)~~

36 (b) Manicurists as herein defined defined in G.S. 88-8 are exempt from the
37 provisions of G.S. 88-1 and G.S. 88-16(4)."

38 Section 4. G.S. 88-23 reads as rewritten:

39 "**§ 88-23. Rules and regulations of Board; inspections; granting of certificates to**
40 **Board members; employment of former Board members.**

- 41 (a) (1) The State Board of Cosmetic Art Examiners may adopt a
42 reasonable curriculum and rules for recognized schools and colleges
43 of beauty culture and may adopt reasonable rules for the sanitary

1 management of cosmetic art shops, beauty parlors, hairdressing
2 establishments, manicuring shops, cosmetic art schools, colleges,
3 academies and training schools, hereinafter called shops and schools,
4 and to have the curriculum and rules and the sanitary rules enforced.
5 The Board may not require a shop to be separated from a building or
6 room used for the purpose of providing barber services. The duly
7 authorized agents of the Board shall have authority to enter upon and
8 inspect any shop or school at any time during business hours. A copy
9 of the curriculum and rules and the sanitary rules shall be furnished
10 from the office of the Board or by an agent of the Board to the owner
11 or manager of each shop or school. The copy shall be kept posted in a
12 conspicuous place in each shop and school, and a copy of the
13 curriculum and rules for schools shall be kept posted in a conspicuous
14 place in each school. Each shop and school shall comply with the
15 rules.

16 (2) The Board shall adopt regulations prohibiting the use of commercial
17 chemicals of unknown content by persons registered under this Chapter.
18 For purposes of this section, 'commercial chemicals' are those products
19 sold only through beauty and barber supply houses and not available to
20 the general public.

21 (3) The Board shall adopt regulations instructing persons registered under
22 this Chapter in the proper use and application of commercial chemicals
23 where no manufacturer's instructions are included. In the alternative,
24 the Board shall prohibit the use of such commercial chemicals by
25 persons registered under this Chapter.

26 (b) The Board of Cosmetic Art shall not hereafter be authorized to grant teacher's
27 or instructor's certificates to board members during their term of appointment on said
28 Board. Teacher's or instructor's certificates granted to members by official action of the
29 Board, without prior examination, shall be rescinded upon such member's termination
30 from the Board of Cosmetic Art.

31 Any person appointed to the Board shall be prohibited from being employed by the
32 Board for a period of one year after that person's term of appointment expires, whether or
33 not that person served his whole term."

34 Section 5. G.S. 88-21 reads as rewritten:

35 "**§ 88-21. Fees required.**

36 (a) The following fees shall be paid to the Board:

37 (1) The fee to be paid by an applicant for a certificate of registration to
38 practice cosmetic art as an apprentice is five dollars (\$5.00).

39 (1.1) The fee to be paid by an applicant for a certificate of registration to
40 practice manicuring is five dollars (\$5.00).

41 (2) The fee to be paid by an applicant for an examination to determine the
42 applicant's fitness to receive a certificate of registration as a registered
43 cosmetologist is twenty dollars (\$20.00).

- 1 (3) The fee to be paid by an applicant for an examination to determine the
2 applicant's fitness to receive a certificate of registration as a registered
3 manicurist is fifteen dollars (\$15.00).
- 4 (4) The license fee for a registered cosmetologist shall be in an amount
5 determined by the Board but not to exceed thirty-nine dollars (\$39.00)
6 for three years, payable in advance.
- 7 (5) The fee for renewal of the license of a registered cosmetologist shall be
8 in an amount determined by the Board but not to exceed thirty-nine
9 dollars (\$39.00) for three years, payable in advance, if the license is
10 renewed before it becomes delinquent. The licenses of all registered
11 cosmetologists are due for renewal in October 1986, and every three
12 years thereafter.
- 13 (6) A delinquency penalty of ten dollars (\$10.00) shall be paid, in addition
14 to the renewal fee, for the renewal of a registered cosmetologist's license
15 that has become delinquent.
- 16 (7) The annual fee for a registered apprentice cosmetologist and a ~~certified~~
17 registered manicurist, which shall be due on or before October 1, is ten
18 dollars (\$10.00).
- 19 (8) All cosmetic art shops shall pay an annual fee of three dollars (\$3.00)
20 for each active booth, on or before February 1 of each year.
- 21 (9) A delinquency penalty of ten dollars (\$10.00) shall be paid by each
22 cosmetic art shop that does not pay the required fees by the February 1
23 deadline.
- 24 (10) The fee for reissuance of an expired permit of a cosmetic art shop is
25 twenty-five dollars (\$25.00).
- 26 (11) All cosmetic art schools shall pay a fee of fifty dollars (\$50.00)
27 annually.
- 28 (12) Applicants for licensing under G.S. 88-19 shall pay an application fee of
29 fifteen dollars (\$15.00).
- 30 (13) Registered cosmetologists licensed under G.S. 88-19 shall pay an
31 annual license fee of one-third the amount set under subdivision (4) of
32 this subsection, rounded up to the nearest whole dollar, until the year in
33 which all other registered cosmetologist licenses are due for renewal
34 and then shall pay the fees required in subdivision (5) above.
- 35 (14) A delinquency penalty of three dollars (\$3.00) shall be paid by all
36 registered cosmetologists licensed under G.S. 88-19, paying on an
37 annual basis if they do not renew their license before October 1 of that
38 year.
- 39 (15) Apprentice cosmetologists, licensed under G.S. 88-19, shall pay an
40 annual license fee of ten dollars (\$10.00) for the first year, or part of the
41 year, in addition to the application fee required by subdivision (12)
42 above.

1 (16) All cosmetic art teachers shall be licensed by the Board and shall pay a
2 fee of ten dollars (\$10.00) for that license which shall be renewed every
3 two years.

4 (17) The fee to be paid by an applicant for an examination to determine the
5 applicant's fitness to receive a license to teach cosmetic art is twenty-
6 five dollars (\$25.00).

7 (b) The Board shall not increase a fee above the amount set or authorized in
8 subsection (a) of this section, but the Board may regulate the payment of the fees and
9 may prorate the fees as appropriate."

10 Section 6. G.S. 88-28 reads as rewritten:

11 **"§ 88-28. Acts made misdemeanors.**

12 Each of the following constitutes a Class 3 misdemeanor:

13 (1) The violation of any of the provisions of ~~G.S. 88-1~~—(2)Permitting any
14 person in one's employ, supervision, or control to practice as an
15 apprentice unless that person has a certificate of registration as a
16 registered apprentice.

17 (3) Permitting any person in one's employ, supervision, or control, to
18 practice as a cosmetologist unless that person has a certificate as a
19 registered cosmetologist.

20 (3a) Employing or permitting any person in one's employ, supervision, or
21 control, to engage in the practice of cosmetic art under an invalid
22 temporary employment permit.

23 (4) Obtaining, or attempting to obtain, a certificate of registration for
24 money other than the required fee or any other thing of value, or by
25 fraudulent misrepresentations.

26 (5) Practicing or attempting to practice by fraudulent misrepresentations.

27 (6) The willful failure to display a certificate of registration as required by
28 G.S. 88-24.

29 (7) The willful violation of the reasonable rules and regulations adopted by
30 the State Board of Cosmetic Art Examiners."

31 Section 7. G.S. 88-30 reads as rewritten:

32 **"§ 88-30. Registered manicurist.**

33 (a) A person shall be a registered manicurist to ~~engage in the practice of practice~~
34 ~~manicuring or pedicuring in a cosmetic art shop, beauty parlor or hairdressing establishment for~~
35 compensation and that person may be a registered manicurist without being a registered
36 cosmetologist. A certificate of registration as a registered manicurist shall be issued by
37 the Board of Cosmetic Art Examiners to any person who meets the following
38 qualifications:

39 (1) Who has completed 150 hours in classes in a cosmetic art school or
40 college approved by the Board;

41 (2) Repealed by Session Laws 1981, c. 615, s. 19.

42 (3) Repealed by Session Laws 1973, c. 450, s. 4.

1 (4) Who has passed a satisfactory examination, conducted by the Board, to
2 determine ~~his or her~~ the person's fitness to practice manicuring, such
3 examination to be so prepared and conducted as to determine whether ~~or~~
4 ~~not the applicant~~ person is possessed of the requisite skill ~~in such trade to~~
5 ~~properly perform all the duties thereof and services incident thereto.~~ to
6 perform manicuring properly.

7 (b) Only a person who is properly licensed by the Board as a registered apprentice
8 cosmetologist, a registered cosmetologist, or a registered manicurist shall perform
9 manicuring."

10 Section 8. This act becomes effective July 1, 1997, and applies to people
11 applying as registered manicurists on or after that date and to people practicing
12 manicuring for compensation on or after that date.