

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 493
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10159-MQqq-32 (02/14)

Short Title: Combine Barber & Cosmetology Licensure Boards. (Public)

Sponsors: Representatives Cleveland and Stevens (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO COMBINE THE FUNCTIONS OF THE STATE BOARD OF BARBER
3 EXAMINERS AND THE NORTH CAROLINA BOARD OF COSMETIC ART
4 EXAMINERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Chapter 88B of the General Statutes is repealed.

7 SECTION 1.(b) Chapter 86A of the General Statutes is repealed.

8 SECTION 2. The General Statutes are amended by adding a new Chapter to read:

9 **Chapter 86B.**

10 **"Barbers and Cosmetic Art.**

11 **"§ 86B-1. Short title.**

12 This Chapter shall be known and may be cited as the "North Carolina Barbers and Cosmetic
13 Art Act."

14 **"§ 86B-2. Definitions.**

15 The following definitions apply in this Chapter:

- 16 (1) Barber. – A person engaged in any of the following practices:
17 a. Shaving or trimming the beard, or cutting the hair.
18 b. Dyeing the hair or applying hair tonics, permanent waving, or
19 marcelling the hair.
20 c. Giving facial or scalp massages or treatments with oils, creams,
21 lotions, or other preparations either by hand or with mechanical
22 appliances.
- 23 (2) Barber apprentice. –A person who is engaged in learning the practice of
24 barbering under the direction and supervision of a licensed barber.
- 25 (3) Board. – The North Carolina Board of Barber and Cosmetic Art Examiners.
- 26 (4) Booth. – A workstation located within a licensed cosmetic art shop that is
27 operated primarily by one individual in performing cosmetic art services for
28 consumers.
- 29 (5) Cosmetic art. – All or any part or combination of cosmetology, esthetics,
30 natural hair care, or manicuring, including the systematic manipulation with
31 the hands or mechanical apparatus of the scalp, face, neck, shoulders, hands,
32 and feet. The term does not include the practice of massage or bodywork
33 therapy as set forth in Article 36 of Chapter 90 of the General Statutes.
- 34 (6) Cosmetic art apprentice. – A person who is not a manager or operator and
35 who is engaged in learning the practice of cosmetic art under the direction
36 and supervision of a cosmetologist.



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- 1 (7) Cosmetic art school. – Any building or part thereof where cosmetic art is
2 taught.
- 3 (8) Cosmetic art shop. – Any building or part thereof where cosmetic art is
4 practiced for pay or reward, whether direct or indirect.
- 5 (9) Cosmetologist. – Any individual who is licensed to practice all parts of
6 cosmetic art.
- 7 (10) Cosmetology. – The act of arranging, dressing, curling, waving, cleansing,
8 cutting, singeing, bleaching, coloring, or similar work upon the hair of a
9 person by any means, including the use of hands, mechanical or electrical
10 apparatus, or appliances or by use of cosmetic or chemical preparations or
11 antiseptics.
- 12 (11) Cosmetology teacher. – An individual licensed by the Board to teach all
13 parts of cosmetic art.
- 14 (12) Esthetician. – An individual licensed by the Board to practice only that part
15 of cosmetic art that constitutes skin care.
- 16 (13) Esthetician teacher. – An individual licensed by the Board to teach only that
17 part of cosmetic art that constitutes skin care.
- 18 (14) Esthetics. – Refers to any of the following practices: giving facials; applying
19 makeup; performing skin care; removing superfluous hair from the body of a
20 person by use of creams, tweezers, or waxing; applying eyelashes to a
21 person, including the application of eyelash extensions or brow or lash color;
22 beautifying the face, neck, arms, or upper part of the human body by use of
23 cosmetic preparations, antiseptics, tonics, lotions, or creams; surface
24 manipulation in relation to skin care; or cleaning or stimulating the face,
25 neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of
26 hands, devices, apparatus, or appliances along with the use of cosmetic
27 preparations, antiseptics, tonics, lotions, or creams.
- 28 (15) Manicuring. – The care and treatment of the fingernails, toenails, cuticles on
29 fingernails and toenails, and the hands and feet, including the decoration of
30 the fingernails and the application of nail extensions and artificial nails. The
31 term does not include the treatment of pathologic conditions.
- 32 (16) Manicurist. – An individual licensed by the Board to practice only that part
33 of cosmetic art that constitutes manicuring.
- 34 (17) Manicurist teacher. – An individual licensed by the Board to teach
35 manicuring.
- 36 (18) Natural hair care. – A service that results in tension on hair strands or roots
37 by twisting, wrapping, extending, or locking hair by hand or mechanical
38 device. The term also includes the use of artificial or natural hair.
- 39 (19) Natural hair care specialist. – An individual licensed by the Board to practice
40 only that part of cosmetic art that constitutes natural hair care.
- 41 (20) Natural hair care teacher. – An individual licensed by the Board to teach
42 natural hair care.
- 43 (21) Shampooing. – The application and removal of commonly used, room
44 temperature, liquid hair cleaning and hair conditioning products.
45 Shampooing does not include the arranging, dressing, waving, coloring, or
46 other treatment of the hair.

47 **"§ 86B-3. Creation and membership of the Board; term of office; removal.**

48 (a) The North Carolina Board of Barber and Cosmetic Art Examiners is established.
49 The Board shall consist of eight members who shall be appointed to three-year terms as
50 follows:

- 1 (1) The General Assembly, upon the recommendation of the President Pro
2 Tempore of the Senate, shall appoint a cosmetologist and two barbers.
3 (2) The General Assembly, upon the recommendation of the Speaker of the
4 House of Representatives, shall appoint a barber and two cosmetologists,
5 one of whom shall be a cosmetology teacher.
6 (3) The Governor shall appoint two members of the public who are not licensed
7 under this Chapter.

8 The cosmetologists appointed to the Board shall have practiced all parts of cosmetic art in
9 this State for at least five years immediately preceding appointment to the Board and shall not
10 be affiliated with any cosmetic art school. The cosmetology teacher appointed to the board
11 shall be currently employed as a teacher by a North Carolina public school, community college,
12 or other public or private cosmetic art school and shall have practiced or taught cosmetic art for
13 at least five years immediately preceding appointment to the Board.

14 (b) The Governor may remove any member of the Board for good cause. Vacancies for
15 Board positions shall be filled by the appointing entity and appointees shall serve the remainder
16 of the unexpired term. No Board member may serve more than two consecutive terms, except
17 that each member shall serve until a successor is appointed and qualified.

18 (c) The Board shall elect a chair, a vice-chair, and other officers as deemed necessary
19 by the Board to carry out the purposes of this Chapter. All officers shall be elected annually by
20 the Board for one-year terms and shall serve until their successors are elected and qualified.

21 (d) The Board shall not issue a teacher's license to any Board member during that
22 member's term on the Board. No Board member may be employed by the Board for at least one
23 year after that member's term expires.

24 **"§ 86B-4. Powers and duties of the Board.**

25 (a) The Board shall have all powers and duties necessary to carry out the provisions of
26 this Chapter. The Board may, in accordance with Chapter 150B of the General Statutes, adopt
27 rules necessary to carry out the provisions of this Chapter.

28 (b) Whenever the Board has reasonable cause to believe that a violation of any of the
29 provisions of this Chapter may have occurred, the Board may, upon its own motion or upon
30 complaint of any person, investigate any operator to determine whether a violation has
31 occurred.

32 **"§ 86B-5. Meetings and compensation of the Board; officers and executive director.**

33 (a) The Board shall maintain its office in Raleigh, North Carolina, and shall adopt and
34 use a common seal for the authentication of its orders and records. Each member of the Board
35 shall receive compensation for services and expenses as provided in G.S. 93B-5 in furtherance
36 of official business of the Board. The Board shall hold four regular meetings a year in the
37 months of January, April, July, and October. The chair may call additional meetings of the
38 Board when necessary. The Board shall keep minutes of all its proceedings.

39 (b) The Board shall employ an executive director who shall not be a member of the
40 Board. The executive director shall keep all records of the Board, issue all necessary notices,
41 and perform any other duties required by the Board. The executive director shall serve at the
42 pleasure of the Board.

43 (c) With the approval of the Director of the Budget and the Office of State Human
44 Resources, the Board may employ as many inspectors, investigators, and other staff as
45 necessary to perform inspections and other duties prescribed by the Board. Inspectors and
46 investigators shall have authority to examine shops and schools during business hours to
47 determine compliance with this Chapter. The salaries of all employees of the Board, excluding
48 the executive director, shall be subject to the North Carolina Human Resources Act.

49 (d) The executive director may collect in the Board's name and on its behalf the fees
50 prescribed in this Chapter and shall turn these and any other monies paid to the Board over to
51 the State Treasurer. These funds shall be credited to the Board and shall be held and expended

1 under the supervision of the Director of the Budget only for the administration and enforcement
2 of this Chapter. Nothing in this Chapter shall authorize any expenditure in excess of the amount
3 credited to the Board and held by the State Treasurer as provided in this subsection. The State
4 Budget Act shall apply to the administration of this Chapter.

5 (e) The Board shall report annually to the Governor a full statement of its receipts and
6 expenditures, and also a full statement of its work during the year, together with any
7 recommendations.

8 **"§ 86B-6. Qualifications for certificate as a licensed barber.**

9 The Board shall issue a license to practice as a barber to any person who meets all of the
10 following qualifications:

- 11 (1) Has attended an approved barber school for at least 1,528 hours.
- 12 (2) Has completed a 12-month apprenticeship under the supervision of a
13 licensed barber, as provided in G.S. 86B-7.
- 14 (3) Has passed a clinical examination conducted by the Board.
- 15 (4) Has submitted to the Board the affidavit required by G.S. 86B-7(c)
16 certifying that the applicant has served the apprenticeship required by this
17 section.

18 **"§ 86B-7. Qualifications for licensing barber apprentices.**

19 (a) Before being issued an apprentice license, an applicant must pass an examination
20 conducted by the Board to determine competence, including knowledge of barbering, sanitary
21 rules and regulations, and knowledge of diseases of the face, skin, and scalp.

22 (b) An apprentice license expires on May 31 of each year. Every holder of an
23 apprentice license shall annually renew the apprentice license by the expiration date and pay
24 the required renewal fee. An apprentice license issued under this Chapter is automatically
25 suspended by operation of law after failure to renew the apprentice license by the expiration
26 date. An apprentice whose apprentice license has expired may have the certificate restored
27 immediately upon paying all lapsed renewal fees and the required late fee. The certificate of
28 registration of an apprentice is valid only so long as the apprentice works under the supervision
29 of a registered barber. The registered barber shall remain present on the premises of the
30 barbershop at all times while the apprentice is working. No apprentice shall operate a
31 barbershop.

32 (c) On completion of at least one year's apprenticeship, evidenced by affidavit of the
33 supervising licensed barber or barbers, and upon meeting the other requirements of this
34 Chapter, the apprentice shall be issued a license as a barber, pursuant to G.S. 86B-6. No
35 licensed apprentice may practice for a period exceeding three years without retaking and
36 passing the required examination to qualify as a licensed barber.

37 **"§ 86B-8. Qualifications for licensing cosmetologists.**

38 The Board shall issue a license to practice as a cosmetologist to any individual who meets
39 all of the following requirements:

- 40 (1) Successful completion of at least 1,500 hours of a cosmetology curriculum
41 in an approved cosmetic art school, or at least 1,200 hours of a cosmetology
42 curriculum in an approved cosmetic art school and completion of an
43 apprenticeship for a period of at least six months under the direct supervision
44 of a cosmetologist, as certified by sworn affidavit or by other evidence
45 satisfactory to the Board.
- 46 (2) Passage of an examination conducted by the Board.
- 47 (3) Payment of the fees required by G.S. 86B-29.

48 **"§ 86B-9. Qualifications for licensing cosmetology apprentices.**

49 The Board shall issue a license to practice as a cosmetology apprentice to any individual
50 who meets all of the following requirements:

- 1 (1) Successful completion of at least 1,200 hours of a cosmetology curriculum
- 2 in an approved cosmetic art school.
- 3 (2) Passage of an examination conducted by the Board.
- 4 (3) Payment of the fees required by G.S. 86B-29.

5 **"§ 86B-10. Qualifications for licensing as an esthetician.**

6 The Board shall issue a license to practice as an esthetician to any individual who meets all
7 of the following requirements:

- 8 (1) Successful completion of at least 600 hours of an esthetics curriculum in an
- 9 approved cosmetic art school.
- 10 (2) Passage of an examination conducted by the Board.
- 11 (3) Payment of the fees required by G.S. 86B-29.

12 **"§ 86B-11. Qualifications for licensing manicurists.**

13 The Board shall issue a license to practice as a manicurist to any individual who meets all
14 of the following requirements:

- 15 (1) Successful completion of at least 300 hours of a manicurist curriculum in an
- 16 approved cosmetic art school.
- 17 (2) Passage of an examination conducted by the Board.
- 18 (3) Payment of the fees required by G.S. 86B-29.

19 **"§ 86B-12. Qualifications for licensing natural hair care specialists.**

20 The Board shall issue a license to practice as a natural hair care specialist to any individual
21 who meets all of the following requirements:

- 22 (1) Successful completion of at least 300 hours of a natural hair care curriculum
- 23 in an approved cosmetic art school.
- 24 (2) Passage of an examination conducted by the Board.
- 25 (3) Payment of the fees required by G.S. 86B-29.

26 **"§ 86B-13. Qualifications for licensing teachers and instructors.**

27 (a) Applicants for any teacher's license issued by the Board shall meet all of the
28 following requirements:

- 29 (1) Possession of a high school diploma or a high school graduation equivalency
- 30 certificate.
- 31 (2) Payment of the fees required by G.S. 86B-29.

32 (b) The Board shall issue a license to practice as a cosmetology teacher to any
33 individual who meets the requirements of subsection (a) of this section and who meets all of the
34 following:

- 35 (1) Holds in good standing a cosmetologist license issued by the Board.
- 36 (2) Submits proof of either practice of cosmetic art in a cosmetic art shop, or
- 37 any Board-approved employment capacity in the cosmetic arts industry, for
- 38 a period equivalent to five years of full-time work immediately prior to
- 39 application or successful completion of at least 800 hours of a cosmetology
- 40 teacher curriculum in an approved cosmetic art school.
- 41 (3) Passes an examination for cosmetology teachers conducted by the Board.

42 (c) The Board shall issue a license to practice as an esthetician teacher to any individual
43 who meets the requirements of subsection (a) of this section and who meets all of the
44 following:

- 45 (1) Holds in good standing a cosmetologist or an esthetician license issued by
- 46 the Board.
- 47 (2) Submits proof of either practice as an esthetician in a cosmetic art shop, or
- 48 any Board-approved employment capacity in the cosmetic arts industry, for
- 49 a period equivalent to three years of full-time work immediately prior to
- 50 application or successful completion of at least 650 hours of an esthetician
- 51 teacher curriculum in an approved cosmetic art school.

1 (3) Passes an examination for esthetician teachers conducted by the Board.
2 (d) The Board shall issue a license to practice as a manicurist teacher to any individual
3 who meets the requirements of subsection (a) of this section and who meets all of the
4 following:

5 (1) Holds in good standing a cosmetologist or manicurist license issued by the
6 Board.

7 (2) Submits proof of either practice as a manicurist in a cosmetic art shop, or
8 any Board-approved employment capacity in the cosmetic arts industry, for
9 a period equivalent to two years of full-time work immediately prior to
10 application or successful completion of at least 320 hours of a manicurist
11 teacher curriculum in an approved cosmetic art school.

12 (3) Passes an examination for manicurist teachers conducted by the Board.

13 (e) The Board shall issue a license to practice as a natural hair care teacher to any
14 individual who meets the requirements of subsection (a) of this section and who meets all of the
15 following:

16 (1) Holds in good standing a natural hair care license issued by the Board.

17 (2) Submits proof of either practice as a natural hair care specialist in a cosmetic
18 art shop, or any Board-approved employment capacity in the cosmetic art
19 industry, for a period equivalent to two years of full-time work immediately
20 prior to application or successful completion of at least 320 hours of a
21 natural hair care teacher curriculum in an approved cosmetic art school.

22 (f) The Board shall issue a barber instructor's license to any individual who meets all of
23 the following:

24 (1) Is a currently licensed barber who has passed an instructor's examination
25 given by the Board that covers subject matter determined by the Board as
26 well as the subjects in the Textbook of Barber Styling approved by the
27 Board.

28 (2) Submits an application, on a form to be furnished by the Board, and pays the
29 fee required by G.S. 86B-29.

30 **"§ 86B-14. Temporary employment permit; extensions; limits on practice.**

31 (a) The Board shall issue a temporary employment permit to an applicant seeking
32 licensure pursuant to this Chapter who meets all of the following:

33 (1) Has completed the required hours of a barber school or cosmetic art school
34 curriculum in the area in which the applicant wishes to be licensed.

35 (2) Has applied to take the examination within three months of completing the
36 required hours for the area in which the applicant wishes to be licensed.

37 (3) Is qualified to take the examination and has paid the examination fee.

38 (b) A temporary employment permit shall expire six months from the date of graduation
39 from a barber school or cosmetic art school, unless it is revoked or suspended by the Board.
40 The Board may renew a temporary employment permit no more than once, except in cases of
41 undue hardship as the Board may determine. A renewed temporary employment permit shall
42 remain valid only until the date of the next succeeding Board examination of applicants for the
43 area in which the applicant wishes to be licensed.

44 (c) The holder of a temporary employment permit may practice only under the
45 supervision of a licensed barber, or the direct supervision of a cosmetologist, manicurist,
46 natural hair care specialist, or esthetician, as appropriate, and may not operate a barbershop or
47 cosmetic art shop.

48 (d) The Board may grant a temporary employment permit to one whose license has
49 been expired for more than five years in this State, provided application for examination to
50 restore has been filed and fee paid. The permit is valid only until the date of the next
51 succeeding Board examination of applicants for the area in which the applicant wishes to be

1 licensed, except in cases of undue hardship as the Board may determine, unless it is revoked or
2 suspended earlier by the Board.

3 (e) The Board may grant a temporary employment permit to persons licensed in another
4 state who come to this State for the purpose of teaching or demonstrating their skills. The
5 Board shall also inspect and approve the area where the demonstration is to be given if it is not
6 an already approved shop or school. This permit shall be limited to the specific days of
7 demonstration and shall be of no validity before or after.

8 (f) The Board may grant a temporary employment permit to persons licensed in another
9 state and seeking permanent licensure in North Carolina under G.S. 86B-15.

10 **"§ 86B-15. Applicants licensed in other states.**

11 (a) The Board shall issue a license to an applicant licensed in another state if the
12 applicant demonstrates all of the following:

13 (1) The applicant is a licensed practitioner in good standing.

14 (2) The applicant has practiced at least one of the three years immediately
15 preceding the application for a license.

16 (3) There is no disciplinary proceeding or unresolved complaint pending against
17 the applicant at the time a license is to be issued by this State.

18 (4) The licensure requirements in the state in which the applicant is licensed are
19 substantially equivalent to those required by this State.

20 (b) Instead of meeting the requirements in subsection (a) of this section, any applicant
21 who is licensed as a barber, cosmetologist, esthetician, natural hair care specialist, or manicurist
22 in another state shall be admitted to practice in this State under the same reciprocity or comity
23 provisions that the state in which the applicant is licensed grants to persons licensed in this
24 State.

25 (c) The Board may establish standards for issuing a license to an applicant who is
26 licensed as a teacher in another state. These standards shall include a requirement that the
27 licensure requirements in the state in which the teacher is licensed shall be substantially
28 equivalent to those required in this State and that the applicant shall be licensed by the Board to
29 practice in the area in which the applicant is licensed to teach.

30 **"§ 86B-16. Licensing of barbershops and cosmetic art shops.**

31 (a) The Board shall issue a license to operate a barbershop or cosmetic art shop to any
32 applicant who submits a properly completed application on a form approved by the Board, pays
33 the required fee, and is determined, after inspection, to be in compliance with the provisions of
34 this Chapter and the Board's rules. The Board may renew licenses that have lapsed after the
35 barbershop or cosmetic art shop has been inspected and all renewal and late fees have been
36 paid.

37 (b) The applicant shall list all licensees who practice in the barbershop or cosmetic art
38 shop and shall identify each as an employee or a booth renter. A license to operate a barbershop
39 or cosmetic art shop shall not be transferable from one location to another or from one owner to
40 another.

41 (c) A barbershop or cosmetic art shop shall be allowed to operate for a period of 30
42 days while the Board inspects and determines the shop's compliance with this Chapter and the
43 Board's rules. If the Board is unable to complete the inspection within 30 days, the shop will be
44 authorized to operate until such an inspection can be completed.

45 (d) A licensed barbershop or cosmetic art shop shall not be permitted to operate in a
46 location licensed as a barber school or cosmetic art school.

47 **"§ 86B-17. Practice outside barbershops and cosmetic art shops.**

48 Notwithstanding any provision in this Chapter to the contrary, an individual licensed under
49 this Chapter may visit the residences of individuals who are sick or disabled and confined to
50 their places of residence in order to attend to their barbering or cosmetic needs. A licensed
51 individual may also visit hospitals, nursing homes, rest homes, retirement homes, mental

1 institutions, correctional facilities, funeral homes, and similar institutions to attend to the
2 barbering and cosmetic needs of those in these institutions.

3 **"§ 86B-18. Licensing and regulation of barber schools and cosmetic art schools.**

4 (a) The Board shall issue a license to any barber school or cosmetic art school that
5 submits a properly completed application on a form approved by the Board, pays the required
6 license fee, and is determined by the Board, after inspection, to be in compliance with the
7 provisions of this Chapter and the Board's rules. The Board may renew licenses that have
8 lapsed after the barber school or cosmetic art school has been inspected and all renewal and late
9 fees have been paid.

10 (b) No person may open, reopen, or operate a barber school or cosmetic art school
11 before the Board has approved a license for the school. The Board shall not issue a license
12 before a barber school or cosmetic art school has been inspected and determined to be in
13 compliance with the provisions of this Chapter and the Board's rules.

14 (c) Barber schools and cosmetic art schools located in this State shall be licensed by the
15 Board before any credit may be given for curriculum hours taken in the school. The Board may
16 establish standards for approving hours from schools in other states that are licensed.

17 (d) A licensed barber school or cosmetic art school shall not be permitted to operate in a
18 location licensed as a barbershop or cosmetic art shop.

19 (e) The Board shall adopt rules establishing criteria for barber schools and cosmetic art
20 schools to obtain and maintain accreditation. The criteria used by the Board shall include the
21 following requirements for each discipline:

22 (1) The number of hours of instruction.

23 (2) The student-to-instructor ratio or minimum number of required instructors.

24 (3) The contents and subject matter of course offerings, including minimum
25 number of hours of instruction for each subject.

26 (4) The compilation, maintenance, and reporting requirements to the Board of a
27 roster of current students, students who have withdrawn or transferred, and
28 students who have completed coursework necessary to meet the licensure
29 requirements.

30 (5) Compliance with the sanitary and inspection requirements provided in this
31 Chapter.

32 **"§ 86B-19. Bond required for private barber schools and cosmetic art schools.**

33 (a) Each private barber school and cosmetic art school shall provide a guaranty bond
34 unless the school has already provided a bond or an alternative to a bond under G.S. 115D-95.
35 The Board may restrict, suspend, revoke, or refuse to renew or reinstate the license of a school
36 that fails to maintain a bond or an alternative to a bond pursuant to this section or
37 G.S. 115D-95. A school shall provide a copy of the bond letter or other guarantee authorized by
38 this section to the Board.

39 (b) A guarantee bond obtained pursuant to this section, shall meet all of the following
40 criteria:

41 (1) The applicant shall file the guaranty bond with the clerk of superior court in
42 the county in which the school is located. The bond shall be in favor of the
43 students. The bond shall be executed by the applicant as principal and by a
44 bonding company authorized to do business in this State. The bond shall be
45 conditioned to provide indemnification to any student or the student's parent
46 or guardian who has suffered loss of tuition or any fees by reason of the
47 failure of the school to offer or complete student instruction, academic
48 services, or other goods and services as related to course enrollment for any
49 reason, including suspension, revocation, or nonrenewal of a school's
50 approval, bankruptcy, foreclosure, or the school's ceasing to operate.

1 (2) The bond amount shall be at least equal to the maximum amount of prepaid
2 tuition held at any time by the school during the last fiscal year, but in no
3 case shall be less than ten thousand dollars (\$10,000). Each application for
4 license or license renewal shall include a letter signed by an authorized
5 representative of the school showing the calculations made and the method
6 of computing the amount of the bond in accordance with rules prescribed by
7 the Board. If the Board finds that the calculations made and the method of
8 computing the amount of the bond are inaccurate or that the amount of the
9 bond is otherwise inadequate to provide indemnification under the terms of
10 the bond, the Board may require the applicant to provide an additional bond.

11 (3) The bond shall remain in force and effect until canceled by the guarantor.
12 The guarantor may cancel the bond upon 30 days' notice to the Board.
13 Cancellation of the bond shall not affect any liability incurred or accrued
14 prior to the termination of the notice period.

15 (c) An applicant who is unable to secure a bond may seek from the Board a waiver of
16 the guaranty bond requirement and approval of one of the guaranty bond alternatives set forth
17 in this subsection. With the approval of the Board, an applicant may file one of the following
18 instead of a bond with the clerk of court in the county in which the school is located:

19 (1) An assignment of a savings account in an amount equal to the bond required
20 that is in a form acceptable to the Board, and is executed by the applicant
21 and a state or federal savings and loan association, state bank, or national
22 bank that is doing business in this State and whose accounts are insured by a
23 federal depositor's corporation, and access to the account is subject to the
24 same conditions as those for a bond in subsection (b) of this section.

25 (2) A certificate of deposit that is executed by a state or federal savings and loan
26 association, state bank, or national bank that is doing business in this State
27 and whose accounts are insured by a federal depositor's corporation and
28 access to the certificate of deposit is subject to the same conditions as those
29 for a bond in subsection (b) of this section.

30 **"§ 86B-20. Examinations.**

31 (a) The Board shall conduct examinations of applicants for licensure under this Chapter
32 not less than four times each year and examinations shall be given in at least three locations in
33 the State that are geographically scattered. Each examination shall have both a practical and a
34 written portion. The examinations shall be administered in Board-approved facilities.

35 (b) An applicant shall make application and submit the examination fee to the Board for
36 examination on forms prepared by the Board. Applications for examination must be filed no
37 later than 30 days before the examination is held. An applicant for a licensure who fails to pass
38 the examination three times may not reapply to take the examination again until after the
39 applicant has successfully completed any additional requirements prescribed by the Board. The
40 Board may establish additional guidelines related to the examination of persons who completed
41 coursework greater than five years prior to submitting an application for examination.

42 **"§ 86B-21. Sanitary rules and regulations; inspections.**

43 (a) The Board shall adopt rules establishing sanitary rules applicable to licensees under
44 this Chapter for the following categories:

45 (1) The provision of proper facilities, to include the following conditions:
46 a. The location and construction of buildings and structures where
47 barbering or cosmetic art service is rendered.
48 b. The layout of areas where barbering or cosmetic art service is
49 rendered or where a combination of barber service and cosmetic art
50 service is rendered to ensure proper separation of functions.

- 1 c. The minimum sanitary conditions for walls, floors, and fixtures,
2 including tanks and lavatories.
3 d. The provision and location of sinks and running water, hot and cold,
4 to enable proper handwashing, and the provision of proper drainage
5 for the facility.
6 e. The compliance with applicable building and fire codes and
7 regulations.

8 (2) The use of equipment, material, and instruments, to include the following
9 conditions:

- 10 a. The standards for use, storage, cleaning, and sterilization of combs,
11 hairbrushes, lather brushes, mugs, razors, tweezers, combs, and
12 contact cups or pads.
13 b. The standards for construction, sanitary preparation, and cleanup of
14 chairs, receptacles, workstations, and other surfaces.
15 c. The standards for storing, providing, handling, and laundering clean
16 towels or linens for each patron.
17 d. The standards for proper use and cleaning of hair cloths and other
18 protective material to prevent the hair cloth from touching the skin of
19 the patron.
20 e. The standards for proper hygiene and handwashing prior to contact
21 with each patron.
22 f. The standards for serving patrons with an infectious or
23 communicable disease.
24 g. The standards for obtaining appropriate health certification for
25 shampooing.

26 (b) The Board shall adopt rules (i) prohibiting the use of commercial chemicals of
27 unknown content by persons licensed under this Chapter and (ii) instructing persons registered
28 under this Chapter in the proper use and application of commercial chemicals where no
29 manufacturer's instructions are included. For purposes of this subsection, "commercial
30 chemicals" are those products sold only through beauty and barber supply houses and not
31 available to the general public.

32 (c) All schools and facilities where barbering or cosmetic art service is rendered shall
33 be open for inspection at all times during business hours to any members of the Board or its
34 agents or assistants to determine compliance with the provisions of this Chapter. Initial
35 inspections conducted by the Board pursuant to this Chapter shall not be delayed if the sole
36 reason for delay is the lack of a certificate of occupancy by a unit of local government. A copy
37 of the sanitary rules set out in this section shall be furnished by the Board to the owner or
38 manager of each school, facility, or any other place where barbering or cosmetic art service is
39 rendered in the State and shall be posted in a conspicuous place.

40 "**§ 86B-22. Renewal requirements; expired licenses; inactive status.**"

41 (a) Each license issued pursuant to this Chapter shall be renewed as follows:

- 42 (1) Cosmetic art shops. – Each license to operate a cosmetic art shop shall be
43 renewed on or before February 1 of each year. A late fee shall be charged for
44 renewals after that date. Any license not renewed by March 1 of each year
45 shall expire. A cosmetic art shop whose license has been expired for one
46 year or less shall have the license reinstated immediately upon payment of
47 the reinstatement fee, the late fee, and all unpaid license fees. The licensee
48 shall submit to the Board, as a part of the renewal process, a list of all
49 licensed cosmetologists who practice cosmetic art in the shop and shall
50 identify each as an employee or a booth renter.

1 (2) Cosmetologists. – Each cosmetology license shall be renewed every three
2 years on or before October 1. A late fee shall be charged for renewals after
3 that date. Any license not renewed shall expire on October 1 of the year that
4 renewal is required. The Board may develop and implement a plan for
5 staggered license renewal and may prorate license fees to implement such a
6 plan.

7 (3) Cosmetology apprentices, estheticians, natural hair care specialists, and
8 manicurists. – Each cosmetology apprentice, esthetician, natural hair care
9 specialist, and manicurist license shall be renewed on or before October 1 of
10 each year. A late fee shall be charged for renewals after that date. Any
11 license not renewed by October 1 of each year shall expire.

12 (4) Cosmetology teachers. – Each cosmetology teacher license shall be renewed
13 every two years on or before October 1. A late fee shall be charged for
14 renewals after that date. Any license not renewed by October 1 of each year
15 shall expire.

16 (5) Cosmetic art schools. – Each cosmetic art school license shall be renewed on
17 or before October 1 of each year. A late fee shall be charged for renewals
18 after that date. Any license not renewed by November 1 of each year shall
19 expire. A cosmetic art school whose license has been expired for one year or
20 less shall have its license reinstated upon payment of the reinstatement fee,
21 the late fee, and all unpaid license fees.

22 (6) Barbers. – Any license not renewed by May 31 of each year shall expire, and
23 a late fee shall be charged for renewal.

24 (b) The Board may charge renewal and late fees pursuant to G.S. 86B-29 and may
25 establish rules for continuing education requirements for licensees under this Chapter seeking
26 renewal; provided, however, that no member of the Board may offer continuing education
27 courses. The Board may also establish rules requiring the submission of a health certificate on a
28 form to be provided by the Board.

29 (c) If a licensee under this Chapter fails to renew their license within five years
30 following the expiration date, the licensee shall be required to pass an examination as
31 prescribed by the Board before the license will be reinstated; provided, however, that no
32 apprenticeship requirement shall be required.

33 (d) Upon request by a licensee for inactive status, the Board may place the licensee's
34 name on the inactive list so long as the licensee is in good standing with the Board. An inactive
35 licensee is not required to complete continuing education requirements. An inactive licensee
36 shall not practice within their licensed trade for consideration. However, the inactive licensee
37 may continue to purchase supplies as accorded an active licensee. When the inactive licensee
38 desires to be removed from the inactive list and return to active practice, the inactive licensee
39 shall notify the Board of the desire to return to active status and pay the required fee as
40 determined by the Board. As a condition of returning to active status, the Board may require the
41 licensee to complete continuing education pursuant to subsection (b) of this section.

42 (e) All persons serving in the Armed Forces of the United States and persons whose
43 licenses as a barber or cosmetologist were in force one year prior to entering service may,
44 without taking the required examination, renew their licensure within 90 days after receiving a
45 discharge under honorable conditions, by paying the current annual license fee and furnishing
46 the Board with any necessary additional information or documentation.

47 **"§ 86B-23. Revocation of licenses and other disciplinary measures.**

48 (a) The Board may restrict, suspend, revoke, or refuse to issue, renew, or reinstate any
49 license for any of the following:

50 (1) Gross malpractice or gross incompetency as determined by the Board.

51 (2) Advertising by means of knowingly false or deceptive statements.

1 (3) Practicing or permitting any individual under one's employ to practice
2 barbering or cosmetic art without a license or temporary employment permit,
3 with an expired license or temporary employment permit, or with an invalid
4 license or temporary employment permit.

5 (4) Obtaining or attempting to obtain a license for money or other thing of value
6 other than the required fee or by fraudulent misrepresentation.

7 (5) Practicing or attempting to practice by fraudulent misrepresentation.

8 (6) Willful failure to display a certificate of license as required by this Chapter.

9 (7) Continued practice by a person knowingly having an infectious or
10 contagious disease after being warned in writing by the Board to cease
11 practice.

12 (8) Continued violation of any one or more of the sanitary rules and regulations
13 established by the Board or by statute.

14 (9) Willful violation of the rules adopted by the Board.

15 (b) The Board may also restrict, suspend, revoke, or refuse to issue, renew, or reinstate
16 any license upon conviction of a felony shown by certified copy of the record of the court of
17 conviction. Prior to taking action against a licensee for a felony conviction, the Board shall
18 consider all of the following factors regarding the conviction:

19 (1) The level of seriousness of the crime.

20 (2) The date of the crime.

21 (3) The age of the person at the time of conviction.

22 (4) The circumstances surrounding the commission of the crime, if known.

23 (5) The nexus between the criminal conduct of the person and the duties of the
24 licensee.

25 (6) The person's prison, jail, probation, parole, rehabilitation, and employment
26 records since the date the crime was committed.

27 (c) The Board may not restrict, suspend, revoke, or refuse to issue, renew, or reinstate a
28 license except in accordance with its rules and the provisions of Chapter 150B of the General
29 Statutes.

30 (d) The Board shall keep a record of its proceedings relating to the issuance, renewal,
31 denial, restriction, suspension, and revocation of licenses. This record shall also contain each
32 licensee's name, business and home addresses, license number, and the date the license was
33 issued.

34 **"§ 86B-24. Misdemeanors.**

35 Each of the following acts constitutes a Class 3 misdemeanor:

36 (1) Violation of any of the provisions of G.S. 86B-25.

37 (2) Violation of any of the provisions described in subdivisions (3) through (6)
38 of G.S. 86B-23(a).

39 **"§ 86B-25. Licenses required.**

40 (a) Except as provided in this Chapter, no person may practice or attempt to practice
41 barbering or cosmetic art for pay or reward in any form, either directly or indirectly, without
42 being licensed by the Board pursuant to this Chapter. An individual licensed by the Board for a
43 particular specialty may practice only that part of barbering or cosmetic art for which the
44 individual is licensed.

45 (b) Except as provided in this Chapter, no person may open or operate a barbershop or
46 cosmetic art shop, or practice barbering or cosmetic art, in any form, for pay or reward in any
47 form, either directly or indirectly, outside of a facility licensed by the Board pursuant to this
48 Chapter.

49 (c) No person may teach barbering or cosmetic art in a Board-approved school unless
50 the person is a teacher licensed pursuant to this Chapter. A guest lecturer may be exempt from
51 the requirements of this subsection upon approval by the Board.

(d) An apprentice licensed under the provisions of this Chapter shall apprentice under the supervision of a licensed barber or the direct supervision of a licensed cosmetologist. An apprentice shall not operate a barbershop or cosmetic art shop.

(e) Nothing in this Chapter shall be construed to prohibit a member of a family from practicing barbering or cosmetic art on a family member. For purposes of this subsection, a "family member" means a spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild.

(f) Every person licensed under this Chapter shall display the license issued by the Board in the location in which the person works. Every license to operate a barbershop, cosmetic art shop, barber school, or cosmetic school shall be conspicuously posted in the location for which it is issued.

"§ 86B-26. Enjoining illegal practices.

The Board, the Department of Health and Human Services, or any county or district health director may apply to the superior court for an injunction to restrain any person from violating the provisions of this Chapter or the Board's rules. Actions under this section shall be brought in the county where the defendant resides or maintains the defendant's principal place of business or where the alleged acts occurred.

"§ 86B-27. Civil penalties; disciplinary costs.

(a) The Board may assess a civil penalty not in excess of five hundred dollars (\$500.00) per offense for the violation of any section of this Chapter or the violation of any rules adopted by the Board. The clear proceeds of any civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Before imposing and assessing a civil penalty, the Board shall consider the following factors:

- (1) The nature, gravity, and persistence of the particular violation.
- (2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.
- (3) Whether the violation was willful and malicious.
- (4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

(c) The Board shall establish a schedule of civil penalties for violations of this Chapter and rules adopted by the Board.

"§ 86B-28. Persons exempt from the provisions of this Chapter.

The following persons and those working under their supervision or direct supervision are exempt from the provisions of this Chapter while engaged in the proper discharge of their duties:

- (1) Persons licensed to practice funeral service pursuant to Article 13A of Chapter 90 of the General Statutes.
- (2) Persons authorized to practice medicine or surgery under Chapter 90 of the General Statutes.
- (3) Nurses licensed under Chapter 90 of the General Statutes.
- (4) Commissioned medical or surgical officers of the United States Army, Air Force, Navy, Marine, or Coast Guard.
- (5) A person employed in a cosmetic art shop to shampoo hair.

"§ 86B-29. Fees required.

(a) The Board may charge the applicant the actual cost of preparation, administration, and grading of examinations in addition to its other fees.

(b) The Board may charge application fees not to exceed the following:

- (1) Inspection of a newly established cosmetic art shop \$ 25.00
- (2) Inspection of a newly established barbershop..... \$ 120.00
- (3) Inspection of a newly established barber school..... \$ 220.00

- 1 (4) Reciprocity or certification applicant..... \$ 120.00
- 2 (c) The Board may charge license fees not to exceed the following:
- 3 (1) Cosmetologist.....\$ 39.00 every three years
- 4 (2) Cosmetic art apprentice..... \$ 10.00 per year
- 5 (3) Esthetician, manicurist, or natural hair care specialist..... \$ 10.00 per year
- 6 (4) Barber..... \$ 50.00 per year
- 7 (5) Barber apprentice \$ 50.00 per year
- 8 (6) Barbershop \$ 50.00 per year
- 9 (7) Barber school \$ 130.00 per year
- 10 (8) Barber school teacher..... \$ 85.00 per year
- 11 (9) Cosmetic art shop per active booth \$ 3.00 per year
- 12 (10) Cosmetic art school..... \$ 50.00 per year
- 13 (11) Cosmetic art school teacher \$ 10.00 every two years
- 14 (12) Temporary permit..... \$ 25.00
- 15 (13) Duplicate license \$ 10.00.
- 16 (d) The Board may require payment of late fees and reinstatement fees not to exceed the
- 17 following:
- 18 (1) Cosmetic apprentice, cosmetologist, esthetician, manicurist,
- 19 natural hair care specialist, or teacher late renewal..... \$ 10.00
- 20 (2) Cosmetic art schools and shops late renewal \$ 10.00
- 21 (3) Cosmetic art schools and shops reinstatement..... \$ 25.00
- 22 (4) Barber and barber apprentice late renewal within one
- 23 year..... \$ 35.00
- 24 (5) Barber late renewal after one year but within five years \$ 70.00
- 25 (6) Barber apprentice late renewal after one year but within
- 26 three years \$ 45.00
- 27 (7) Barbershop late renewal..... \$ 45.00
- 28 (8) Barber school late renewal..... \$ 85.00
- 29 (9) Barber school instructor late renewal within one year..... \$ 45.00
- 30 (10) Barber school instructor late renewal after one year but
- 31 within three years \$ 85.00
- 32 (e) The Board may prorate fees as appropriate and may assess reasonable charges for
- 33 certified copies of public documents and for duplication of other material.
- 34 (f) The Board may by rule waive or reduce license and renewal fees for licensees age
- 35 70 or older."

36 **SECTION 3.** Notwithstanding G.S. 86B-3, as enacted by Section 2 of this act, the
 37 initial appointments to the North Carolina Board of Barbers and Cosmetic Art are as follows:

- 38 (1) Of the initial appointees of the Governor, the appointees who are members
 39 of the public shall serve three-year terms.
- 40 (2) Of the initial appointees of the General Assembly, upon recommendation of
 41 the President Pro Tempore of the Senate, the appointee who is a
 42 cosmetologist shall serve a term of two years and the two appointees who
 43 are barbers shall serve one-year terms.
- 44 (3) Of the initial appointees of the General Assembly, upon recommendation of
 45 the Speaker of the House of Representatives, the appointee who is a barber
 46 shall serve a term of two years, the appointee who is a cosmetology teacher
 47 shall serve a term of two years, and the appointee who is a cosmetologist
 48 shall serve a term of one year.

49 The initial appointments required by G.S. 86B-3, as enacted by Section 2 of this act, shall
 50 be made on or before October 1, 2017, and the initial terms of the appointees shall begin on
 51 January 1, 2018.

1 **SECTION 4.(a)** Section 3 of this act is effective when it becomes law. The
2 remainder of this act becomes effective January 1, 2018, and applies to applications for
3 licensure, examination, and renewal submitted on or after that date.

4 **SECTION 4.(b)** Licenses and registrations issued by the North Carolina Board of
5 Cosmetic Art Examiners and the State Board of Barber Examiners, prior to the effective date of
6 this act, shall remain in full force and confer the same authority as when they were issued until
7 those licenses and registrations expire or are revoked.

8 **SECTION 4.(c)** All property and assets owned by the North Carolina Board of
9 Cosmetic Art Examiners and the State Board of Barber Examiners shall be vested in and
10 transferred to the North Carolina Board of Barbers and Cosmetic Art Examiners.

11 **SECTION 4.(d)** Any litigation, disciplinary action, or other proceeding pending as
12 of the effective date of this act, in the name of or against the North Carolina Board of Cosmetic
13 Art Examiners or the State Board of Barber Examiners, shall continue in the name of the North
14 Carolina Board of Barbers and Cosmetic Art Examiners.

15 **SECTION 4.(e)** The Department of State Treasurer shall hold funds received in the
16 name of the North Carolina Board of Barbers and Cosmetic Art Examiners separate from the
17 funds received in the name of the North Carolina Board of Cosmetic Art Examiners and the
18 State Board of Barber Examiners prior to the effective date of this act.