

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 493
Committee Substitute Favorable 6/26/17

Short Title: Merge Cosmetology & Electrolysis Bds.

(Public)

Sponsors:

Referred to:

March 28, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO COMBINE THE FUNCTIONS OF THE NORTH CAROLINA BOARD OF
3 COSMETIC ART EXAMINERS AND THE NORTH CAROLINA BOARD OF
4 ELECTROLYSIS 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6 SECTION 1.(a) Chapter 88B of the General Statutes is repealed.

7 SECTION 1.(b) Chapter 88A of the General Statutes is repealed.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 **"Cosmetic Art and Electrolysis Practice Act.**

11 **"§ 86B-1. Short title.**

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

14 **"§ 86B-2. Definitions.**

15 The following definitions apply in this Chapter:

- 16 (1) Board. – The North Carolina Board of Cosmetic Art and Electrolysis
17 Examiners.
18 (2) Booth. – A workstation located within a licensed cosmetic art shop that is
19 operated primarily by one individual in performing cosmetic art services for
20 consumers.
21 (3) Cosmetic art. – All or any part or combination of cosmetology, esthetics,
22 natural hair care, or manicuring, including the systematic manipulation with
23 the hands or mechanical apparatus of the scalp, face, neck, shoulders, hands,
24 and feet. The term does not include the practice of massage or bodywork
25 therapy as set forth in Article 36 of Chapter 90 of the General Statutes.
26 (4) Cosmetic art apprentice. – A person who is not a manager or operator and
27 who is engaged in learning the practice of cosmetic art under the direction
28 and supervision of a cosmetologist.
29 (5) Cosmetic art school. – Any building or part thereof where cosmetic art is
30 taught.
31 (6) Cosmetic art shop. – Any building or part thereof where cosmetic art is
32 practiced for pay or reward, whether direct or indirect.
33 (7) Cosmetologist. – Any individual who is licensed to practice all parts of
34 cosmetic art.
35 (8) Cosmetology. – The act of arranging, dressing, curling, waving, cleansing,
36 cutting, singeing, bleaching, coloring, or similar work upon the hair of a



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- 1 person by any means, including the use of hands, mechanical or electrical
2 apparatus, or appliances or by use of cosmetic or chemical preparations or
3 antiseptics.
- 4 (9) Cosmetology teacher. – An individual licensed by the Board to teach all
5 parts of cosmetic art.
- 6 (10) Electrolysis. – The permanent removal of hair by the application of an
7 electrical current to the dermal papilla by a filament to cause decomposition,
8 coagulation, or dehydration within the hair follicle as approved by the Food
9 and Drug Administration of the United States Government.
- 10 (11) Electrologist or electrolocist. – A person who engages in the practice of
11 electrolysis for permanent hair removal.
- 12 (12) Electrology. – The art and practice relating to the removal of hair from the
13 normal skin of the human body by application of an electric current to the
14 hair papilla by means of a needle or needles so as to cause growth inactivity
15 of the hair papilla and thus permanently remove the hair.
- 16 (13) Esthetician. – An individual licensed by the Board to practice only that part
17 of cosmetic art that constitutes skin care.
- 18 (14) Esthetician teacher. – An individual licensed by the Board to teach only that
19 part of cosmetic art that constitutes skin care.
- 20 (15) Esthetics. – Refers to any of the following practices: giving facials; applying
21 makeup; performing skin care; removing superfluous hair from the body of a
22 person by use of creams, tweezers, or waxing; applying eyelashes to a
23 person, including the application of eyelash extensions or brow or lash color;
24 beautifying the face, neck, arms, or upper part of the human body by use of
25 cosmetic preparations, antiseptics, tonics, lotions, or creams; surface
26 manipulation in relation to skin care; or cleaning or stimulating the face,
27 neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of
28 hands, devices, apparatus, or appliances along with the use of cosmetic
29 preparations, antiseptics, tonics, lotions, or creams.
- 30 (16) Laser hair practitioner. – A person who engages in laser, light source, or
31 pulsed-light treatments for the removal of hair.
- 32 (17) Laser, light source, or pulsed-light devices. – A device used exclusively in
33 the nonablative procedure for the removal of hair.
- 34 (18) Laser, light source, or pulsed-light treatments. – The use of laser or
35 pulsed-light devices for nonablative procedures for the removal of hair.
- 36 (19) Manicuring. – The care and treatment of the fingernails, toenails, cuticles on
37 fingernails and toenails, and the hands and feet, including the decoration of
38 the fingernails and the application of nail extensions and artificial nails. The
39 term does not include the treatment of pathologic conditions.
- 40 (20) Manicurist. – An individual licensed by the Board to practice only that part
41 of cosmetic art that constitutes manicuring.
- 42 (21) Manicurist teacher. – An individual licensed by the Board to teach
43 manicuring.
- 44 (22) Natural hair care. – A service that results in tension on hair strands or roots
45 by twisting, wrapping, extending, or locking hair by hand or mechanical
46 device. The term also includes the use of artificial or natural hair.
- 47 (23) Natural hair care specialist. – An individual licensed by the Board to practice
48 only that part of cosmetic art that constitutes natural hair care.
- 49 (24) Natural hair care teacher. – An individual licensed by the Board to teach
50 natural hair care.

1 (25) Shampooing. – The application and removal of commonly used, room
2 temperature, liquid hair cleaning and hair conditioning products.
3 Shampooing does not include the arranging, dressing, waving, coloring, or
4 other treatment of the hair.

5 **"§ 86B-3. Creation and membership of the Board; term of office; removal.**

6 (a) The North Carolina Board of Cosmetic Art and Electrolysis Examiners is
7 established. The Board shall consist of seven members who shall be appointed to three-year
8 terms as follows:

9 (1) The General Assembly, upon the recommendation of the President Pro
10 Tempore of the Senate, shall appoint a cosmetologist and an electrologist.

11 (2) The General Assembly, upon the recommendation of the Speaker of the
12 House of Representatives, shall appoint two cosmetologists, one of whom
13 shall be a cosmetology teacher.

14 (3) The Governor shall appoint an electrologist or laser hair practitioner and two
15 members of the public who are not licensed under this Chapter.

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

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

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

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

32 **"§ 86B-4. Powers and duties of the Board.**

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

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

40 **"§ 86B-5. Meetings and compensation of the Board; officers and executive director.**

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

47 (b) The Board shall employ an executive director who is not a member of the Board.
48 The executive director shall keep all records of the Board, issue all necessary notices, and
49 perform any other duties required by the Board. The executive director shall serve at the
50 pleasure of the Board.

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

7 (d) The executive director may collect in the Board's name and on its behalf the fees
8 prescribed in this Chapter and shall turn these and any other monies paid to the Board over to
9 the State Treasurer. These funds shall be credited to the Board and shall be held and expended
10 under the supervision of the Director of the Budget only for the administration and enforcement
11 of this Chapter. Nothing in this Chapter shall authorize any expenditure in excess of the amount
12 credited to the Board and held by the State Treasurer as provided in this subsection. The State
13 Budget Act shall apply to the administration of this Chapter.

14 **"§ 86B-6. Residency requirement.**

15 Only lawful residents of North Carolina may be licensed under this Chapter.

16 **"§ 86B-7. Qualifications for licensing cosmetologists.**

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

19 (1) Successful completion of at least 1,500 hours of a cosmetology curriculum
20 in an approved cosmetic art school, or at least 1,200 hours of a cosmetology
21 curriculum in an approved cosmetic art school and completion of an
22 apprenticeship for a period of at least six months under the direct supervision
23 of a cosmetologist, as certified by sworn affidavit or by other evidence
24 satisfactory to the Board.

25 (2) Passage of an examination conducted by the Board.

26 (3) Payment of the fees required by G.S. 86B-34.

27 **"§ 86B-8. Qualifications for licensing cosmetology apprentices.**

28 (a) The Board shall issue a license to practice as a cosmetology apprentice to any
29 individual who meets all of the following requirements:

30 (1) Successful completion of at least 1,200 hours of a cosmetology curriculum
31 in an approved cosmetic art school.

32 (2) Passage of an examination conducted by the Board.

33 (3) Payment of the fees required by G.S. 86B-34.

34 (b) Applicants who pass the practical and theory portions of the examination with a
35 score of eighty-five percent (85%) or higher are exempt from the apprenticeship requirement
36 and are allowed to apply for a temporary permit pursuant to G.S. 86B-17(g). Applicants who
37 pass the initial written examination and pass the initial practical examination with a score of
38 less than eighty-five percent (85%) are permitted to retake the initial practical examination no
39 more than two additional times upon payment of the fee authorized under G.S. 86B-34.
40 Individuals holding a current and valid apprentice license that have passed the practical and
41 theory portions of the examination with a score of eighty-five percent (85%) or higher are
42 entitled to obtain a temporary permit pursuant to this subsection upon payment of the fee
43 authorized under G.S. 86B-34.

44 **"§ 86B-9. Qualifications for licensing as an esthetician.**

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

47 (1) Successful completion of at least 600 hours of an esthetics curriculum in an
48 approved cosmetic art school.

49 (2) Passage of an examination conducted by the Board.

50 (3) Payment of the fees required by G.S. 86B-34.

51 **"§ 86B-10. Qualifications for licensing manicurists.**

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

3 (1) Successful completion of at least 300 hours of a manicurist curriculum in an
4 approved cosmetic art school.

5 (2) Passage of an examination conducted by the Board.

6 (3) Payment of the fees required by G.S. 86B-34.

7 **"§ 86B-11. Qualifications for licensing natural hair care specialists.**

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

10 (1) Successful completion of at least 300 hours of a natural hair care curriculum
11 in an approved cosmetic art school.

12 (2) Passage of an examination conducted by the Board.

13 (3) Payment of the fees required by G.S. 86B-34.

14 **"§ 86B-12. Qualifications for licensure as an electrologist.**

15 (a) Any person who desires to be licensed as an "electrologist" pursuant to this Chapter
16 shall:

17 (1) Submit an application on a form approved by the Board.

18 (2) Be 21 years of age or older.

19 (3) Meet the requirements of subsection (b) of this section.

20 (4) Pass an examination given by the Board.

21 (5) Submit the application and examination fees required in G.S. 86B-35.

22 (b) An applicant for licensure under this section shall provide proof of graduation from
23 a school certified by the Board pursuant to G.S. 86B-23.

24 (c) At least twice each year, the Board shall give an examination to applicants for
25 licensure to determine the applicants' knowledge of the basic and clinical sciences relating to
26 the theory and practice of electrology. The Board shall give applicants notice of the date, time,
27 and place of the examination at least 60 days in advance.

28 (d) When the Board determines that an applicant has met all the requirements for
29 licensure, and has submitted the initial license fee required in G.S. 86B-35, the Board shall
30 issue a license to the applicant.

31 **"§ 86B-13. Requirements for licensure as a laser hair practitioner; limitations on licensed**
32 **laser hair practitioners.**

33 (a) Any person seeking licensure by the Board as a laser hair practitioner shall have met
34 the following requirements at the time the license is requested:

35 (1) Be an electrologist licensed under this Chapter.

36 (2) Completed a minimum 30-hour laser, light source, or pulsed-light treatment
37 certification course approved by the Board and in accordance with rules
38 adopted by the Board.

39 (3) Be currently using or anticipate using laser, light source, or pulsed-light
40 devices that the person has been certified by a Board-approved school to
41 operate.

42 (b) The Board shall issue a license to an applicant when the Board determines that the
43 applicant has met all the requirements for licensure and has submitted the initial license fee
44 required in G.S. 86B-35.

45 (c) Each laser hair practitioner shall practice laser, light source, or pulsed-light
46 treatments under the supervision of a physician licensed under Article 1 of Chapter 90 of the
47 General Statutes. The physician shall be readily available but not required to be on site when
48 the laser, light source, or pulsed-light treatments are being performed. However, the authority
49 to regulate laser clinicians shall remain with the Board.

1 (d) A laser hair practitioner shall not dispense or administer medication or provide
2 advice regarding the use of medication, whether prescription or over-the-counter, in connection
3 with laser, light source, or pulsed-light treatments.

4 (e) All laser hair practitioners shall use laser, light source, or pulsed-light devices
5 approved by the federal Food and Drug Administration and comply with all applicable federal
6 and State regulations, rules, and laws. The Board shall revoke the license of a licensed laser
7 hair practitioner who violates this subsection.

8 (f) Only a licensed physician may use laser, light source, or pulsed-light devices for
9 ablative procedures.

10 **"§ 86B-14. Qualifications for licensing cosmetic art teachers and instructors.**

11 (a) Applicants for any cosmetic art teacher's license issued by the Board shall meet all
12 of the following requirements:

13 (1) Possession of a high school diploma or a high school graduation equivalency
14 certificate.

15 (2) Payment of the fees required by G.S. 86B-34.

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

19 (1) Holds in good standing a cosmetologist license issued by the Board.

20 (2) Submits proof of either practice of cosmetic art in a cosmetic art shop, or
21 any Board-approved employment capacity in the cosmetic arts industry, for
22 a period equivalent to five years of full-time work immediately prior to
23 application or successful completion of at least 800 hours of a cosmetology
24 teacher curriculum in an approved cosmetic art school.

25 (3) Passes an examination for cosmetology teachers conducted by the Board.

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

29 (1) Holds in good standing a cosmetologist or an esthetician license issued by
30 the Board.

31 (2) Submits proof of either practice as an esthetician in a cosmetic art shop, or
32 any Board-approved employment capacity in the cosmetic arts industry, for
33 a period equivalent to three years of full-time work immediately prior to
34 application or successful completion of at least 650 hours of an esthetician
35 teacher curriculum in an approved cosmetic art school.

36 (3) Passes an examination for esthetician teachers conducted by the Board.

37 (d) The Board shall issue a license to practice as a manicurist teacher to any individual
38 who meets the requirements of subsection (a) of this section and who meets all of the
39 following:

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

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

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

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

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

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

6 **"§ 86B-15. Requirements for certification as an electrology instructor.**

7 (a) Any person who desires to be certified as an "electrology instructor" pursuant to this
8 Chapter shall do all of the following:

- 9 (1) Submit an application on a form approved by the Board.
10 (2) Be a licensed electrologist.
11 (3) Have practiced electrology actively for at least five years immediately before
12 the application.
13 (4) Pass a written examination given by the Board.

14 (b) At least twice each year, the Board shall give an examination to applicants for
15 certification as an electrology instructor. The examination shall consist of written and verbal
16 sections testing the applicants' knowledge of the basic and clinical sciences relating to the
17 theory and practice of electrology. The Board shall give applicants notice of the date, time, and
18 place of the examination at least 60 days in advance.

19 (c) The Board shall issue an instructor's certificate to an applicant when the Board
20 determines that the applicant has met all the qualifications for certification as an electrology
21 instructor and has submitted the required fee.

22 **"§ 86B-16. Requirements for licensure as a laser hair practitioner instructor.**

23 (a) Any person who desires licensure as a laser practitioner instructor pursuant to this
24 Chapter shall meet all of the following requirements:

- 25 (1) Submit an application on a form approved by the Board.
26 (2) Be an electrologist licensed under this Chapter or a physician licensed under
27 Article 1 of Chapter 90 of the General Statutes.
28 (3) Have practiced laser and light-based treatments actively for at least five
29 years immediately before applying for licensure.
30 (4) Have at least 100 hours of training in laser and light-based treatments.

31 (b) The Board shall issue an instructor's license to an applicant when the Board
32 determines that the applicant has met all qualifications for licensure as a laser hair practitioner
33 instructor and has submitted the required fee.

34 **"§ 86B-17. Temporary employment permit; extensions; limits on practice.**

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

- 37 (1) Has completed the required hours of a cosmetic art school, electrolysis
38 school, or laser hair practitioner school curriculum in the area in which the
39 applicant wishes to be licensed.
40 (2) Has applied to take the examination within three months of completing the
41 required hours for the area in which the applicant wishes to be licensed.
42 (3) Is qualified to take the examination and has paid the examination fee.

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

49 (c) The holder of a temporary employment permit may practice only under the direct
50 supervision of a cosmetologist, manicurist, natural hair care specialist, or esthetician; or the

1 supervision of an electrologist or laser hair practitioner, as appropriate, and may not operate a
2 cosmetic art shop, or an electrologist or laser hair practitioner office.

3 (d) The Board may grant a temporary employment permit to one whose license has
4 been expired for more than five years in this State, provided application for examination to
5 restore has been filed and fee paid. The permit is valid only until the date of the next
6 succeeding Board examination of applicants for the area in which the applicant wishes to be
7 licensed, except in cases of undue hardship as the Board may determine, unless it is revoked or
8 suspended earlier by the Board.

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

14 (f) The Board may grant a temporary employment permit to persons licensed in another
15 state and seeking permanent licensure in North Carolina under G.S. 86B-18.

16 (g) Notwithstanding the apprenticeship requirements in this Chapter, for graduates of a
17 cosmetic art school that pass the practical and theory portions of the examination with a score
18 of eighty-five percent (85%) or higher, the Board shall grant a temporary permit upon payment
19 of the fee authorized under G.S. 86B-34. One year after receiving a temporary permit pursuant
20 to this subsection, the permittee may apply for examination and certification to become
21 registered pursuant to this Chapter. A temporary permit issued pursuant to this subsection
22 remains valid until the first Board examination of applicants for certification is held that is
23 more than one year after issuance of the temporary permit.

24 **"§ 86B-18. Applicants licensed in other states.**

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

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

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

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

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

34 (b) Instead of meeting the requirements in subsection (a) of this section, any applicant
35 who is licensed as a cosmetologist, esthetician, natural hair care specialist, manicurist,
36 electrologist, or laser hair practitioner in another state shall be admitted to practice in this State
37 under the same reciprocity or comity provisions that the state in which the applicant is licensed
38 grants to persons licensed in this State.

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

44 **"§ 86B-19. Licensing of cosmetic art shops.**

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

1 (b) The applicant shall list all licensees who practice in the cosmetic art shop and shall
2 identify each as an employee or a booth renter. A license to operate a cosmetic art shop is not
3 transferable from one location to another or from one owner to another.

4 (c) A cosmetic art shop is allowed to operate for a period of 30 days while the Board
5 inspects and determines the shop's compliance with this Chapter and the Board's rules. If the
6 Board is unable to complete the inspection within 30 days, the shop is authorized to operate
7 until such an inspection can be completed.

8 (d) A licensed cosmetic art shop is not permitted to operate in a location licensed as a
9 cosmetic art school.

10 **"§ 86B-20. Practice outside cosmetic art shops.**

11 Notwithstanding any provision in this Chapter to the contrary, an individual licensed under
12 this Chapter may visit the residences of individuals who are sick or disabled and confined to
13 their places of residence in order to attend to their cosmetic needs. A licensed individual may
14 also visit hospitals, nursing homes, rest homes, retirement homes, mental institutions,
15 correctional facilities, funeral homes, and similar institutions to attend to the cosmetic needs of
16 those in these institutions.

17 **"§ 86B-21. Licensing and regulation of cosmetic art schools.**

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

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

27 (c) Cosmetic art schools located in this State shall be licensed by the Board before any
28 credit may be given for curriculum hours taken in the school. The Board may establish
29 standards for approving hours from schools in other states that are licensed.

30 (d) A licensed cosmetic art school shall not be permitted to operate in a location
31 licensed as a cosmetic art shop.

32 **"§ 86B-22. Bond required for private cosmetic art schools.**

33 (a) Each private cosmetic art school shall provide a guaranty bond unless the school has
34 already provided a bond or an alternative to a bond under G.S. 115D-95. The Board may
35 restrict, suspend, revoke, or refuse to renew or reinstate the license of a school that fails to
36 maintain a bond or an alternative to a bond pursuant to this section or G.S. 115D-95. A school
37 shall provide a copy of the bond letter or other guarantee authorized by this section to the
38 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 and
21 a state or federal savings and loan association, state bank, or national bank
22 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-23. Requirements for certification as a Board approved school of electrology.**

31 (a) Any school in this State or another state that desires to be certified as a
32 Board-approved school of electrology shall do all of the following:

33 (1) Submit an application on a form approved by the Board.

34 (2) Submit a detailed projected floor plan of the institutional area demonstrating
35 adequate school facilities to accommodate students for purposes of lectures,
36 classroom instruction, and practical demonstration.

37 (3) Submit a detailed list of the equipment to be used by the students in the
38 practical course of their studies.

39 (4) Submit a copy of the planned electrology curriculum consisting of the
40 number of hours and subject matter determined by the Board, provided that
41 the number of hours required shall not be less than 120 hours and not more
42 than 600 hours.

43 (5) Submit a certified copy of the school manual of instruction.

44 (6) Submit the names and qualifications of the instructors certified in
45 accordance with G.S. 86B-15.

46 (7) Submit any additional information the Board may require.

47 (b) When the Board determines that an applicant has met all the qualifications for
48 certification as a Board-approved school of electrology and has submitted the required fee, the
49 Board shall issue a certificate to the applicant.

1 (c) A school's certification is only valid for the location named in the application. When
2 a school desires to change locations, an application shall be submitted to the Board on a form
3 furnished by the Board and the fee shall be paid for certificate renewal.

4 (d) A school's certification is not transferrable. Schools must immediately notify the
5 Board in writing of any sale, transfer, or change in ownership or management.

6 (e) Every school shall display its certification in a manner prescribed by the Board.

7 (f) All epilators used in the school must be approved by the federal Food and Drug
8 Administration.

9 **"§ 86B-24. Requirements for certification as a Board-approved school of laser, light**
10 **source, or pulsed-light treatments.**

11 (a) Any school in this State or another state that desires to be certified as a
12 Board-approved school of laser, light source, or pulsed-light treatments shall do all of the
13 following:

14 (1) Submit an application on a form approved by the Board.

15 (2) Submit a detailed projected floor plan of the institutional area demonstrating
16 adequate school facilities to accommodate students for purposes of lectures,
17 classroom instruction, and practical demonstration.

18 (3) Submit a detailed list of the equipment to be used by the students in the
19 practical course of their studies.

20 (4) Submit a copy of the planned laser, light source, or pulsed-light curriculum
21 consisting of the number of hours and subject matter determined by the
22 Board, provided that the number of hours required shall not be less than 30
23 hours pursuant to rules adopted by the Board.

24 (5) Submit a certified copy of the school manual of instruction.

25 (6) Submit the names and qualifications of the instructors certified.

26 (7) Submit any additional information the Board may require.

27 (b) When the Board determines that an applicant has met all the qualifications for
28 certification as a Board-approved school of laser, light source, or pulsed-light treatments and
29 has submitted the required fee, the Board shall issue a certificate to the applicant.

30 (c) A school's certification is only valid for the location named in the application. When
31 a school desires to change locations, an application shall be submitted to the Board on a form
32 furnished by the Board, and the fee shall be paid for certificate renewal.

33 (d) A school's certification is not transferable. Schools shall immediately notify the
34 Board in writing of any sale, transfer, or change in ownership or management.

35 (e) Every school shall display its certification in a manner prescribed by the Board.

36 (f) All laser, light source, or pulsed-light devices used in the school shall be approved
37 by the federal Food and Drug Administration.

38 **"§ 86B-25. Examinations.**

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

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

50 **"§ 86B-26. Sanitary rules and regulations; inspections.**

- 1 (a) The Board shall adopt rules establishing sanitary rules applicable to licensees under
2 this Chapter for the following categories:
- 3 (1) The provision of proper facilities, to include the following conditions:
4 a. The location and construction of buildings and structures where
5 cosmetic art, electrolysis, or laser, light source, or pulsed-light
6 treatment service is rendered.
7 b. The layout of areas where cosmetic art, electrolysis, or laser, light
8 source, or pulsed-light treatment service is rendered or where a
9 combination of cosmetic art, electrolysis, and laser, light source, and
10 pulsed-light treatment service is rendered to ensure proper separation
11 of functions.
12 c. The minimum sanitary conditions for walls, floors, and fixtures,
13 including tanks and lavatories.
14 d. The provision and location of sinks and running water, hot and cold,
15 to enable proper handwashing and the provision of proper drainage
16 for the facility.
17 e. The compliance with applicable building and fire codes and
18 regulations.
- 19 (2) The use of equipment, material, and instruments, to include the following
20 conditions:
21 a. The standards for use, storage, cleaning, and sterilization of combs,
22 hairbrushes, lather brushes, mugs, razors, tweezers, combs, and
23 contact cups or pads.
24 b. The standards for construction, sanitary preparation, and cleanup of
25 chairs, receptacles, workstations, and other surfaces.
26 c. The standards for storing, providing, handling, and laundering clean
27 towels or linens for each patron.
28 d. The standards for proper use and cleaning of hair cloths and other
29 protective material to prevent the hair cloth from touching the skin of
30 the patron.
31 e. The standards for proper hygiene and handwashing prior to contact
32 with each patron.
33 f. The standards for serving patrons with an infectious or
34 communicable disease.
35 g. The standards for obtaining appropriate health certification for
36 shampooing.
- 37 (b) The Board shall adopt rules (i) prohibiting the use of commercial chemicals of
38 unknown content by persons licensed under this Chapter and (ii) instructing persons registered
39 under this Chapter in the proper use and application of commercial chemicals where no
40 manufacturer's instructions are included. For purposes of this subsection, "commercial
41 chemicals" are those products sold only through beauty supply houses and not available to the
42 general public.
- 43 (c) Electrolysis shall be practiced by a licensed person only in a permanent
44 establishment, referred to in this Chapter as an office. The Board shall adopt reasonable rules
45 and regulations concerning the sanitation standards, equipment, and supplies to be used and
46 observed in offices.
- 47 (d) All schools and facilities where cosmetic art, electrolysis, or laser, light source, or
48 pulsed-light treatment service is rendered shall be open for inspection at all times during
49 business hours to any members of the Board or its agents or assistants to determine compliance
50 with the provisions of this Chapter. Initial inspections conducted by the Board pursuant to this
51 Chapter shall not be delayed if the sole reason for delay is the lack of a certificate of occupancy

1 by a unit of local government. The Board shall furnish a copy of the sanitary rules set out in
2 this section to the owner or manager of each school, facility, or any other place where cosmetic
3 art, electrolysis, or laser, light source, or pulsed-light treatment service is rendered in the State,
4 and it shall be posted in a conspicuous place.

5 **"§ 86B-27. Renewal requirements; expired licenses; inactive status.**

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

- 7 (1) Cosmetic art shops. – Each license to operate a cosmetic art shop shall be
8 renewed on or before February 1 of each year. A late fee shall be charged for
9 renewals after that date. Any license not renewed by March 1 of each year
10 shall expire. A cosmetic art shop whose license has been expired for one
11 year or less shall have the license reinstated immediately upon payment of
12 the reinstatement fee, the late fee, and all unpaid license fees. The licensee
13 shall submit to the Board, as a part of the renewal process, a list of all
14 licensed cosmetologists who practice cosmetic art in the shop and shall
15 identify each as an employee or a booth renter.
- 16 (2) Cosmetologists. – Each cosmetology license shall be renewed every three
17 years on or before October 1. A late fee shall be charged for renewals after
18 that date. Any license not renewed shall expire on October 1 of the year that
19 renewal is required. The Board may develop and implement a plan for
20 staggered license renewal and may prorate license fees to implement such a
21 plan.
- 22 (3) Cosmetology apprentices, estheticians, natural hair care specialists, and
23 manicurists. – Each cosmetology apprentice, esthetician, natural hair care
24 specialist, and manicurist license shall be renewed on or before October 1 of
25 each year. A late fee shall be charged for renewals after that date. Any
26 license not renewed by October 1 of each year shall expire.
- 27 (4) Cosmetology teachers. – Each cosmetology teacher license shall be renewed
28 every two years on or before October 1. A late fee shall be charged for
29 renewals after that date. Any license not renewed by October 1 of each year
30 shall expire.
- 31 (5) Cosmetic art schools. – Each cosmetic art school license shall be renewed on
32 or before October 1 of each year. A late fee shall be charged for renewals
33 after that date. Any license not renewed by November 1 of each year shall
34 expire. A cosmetic art school whose license has been expired for one year or
35 less shall have its license reinstated upon payment of the reinstatement fee,
36 the late fee, and all unpaid license fees.
- 37 (6) Electrologists and laser hair practitioners. – Every electrologist license or
38 laser hair practitioner license issued pursuant to this Chapter must be
39 renewed annually. On or before the date the current license expires, a person
40 who desires to continue to practice electrology or as a laser hair practitioner
41 shall apply for license renewal to the Board on forms approved by the Board,
42 provide evidence of the successful completion of a continuing educational
43 program approved by the Board, meet the criteria for renewal established by
44 the Board, and pay the required fee. The Board may provide for the late
45 renewal of licensure upon payment of a late fee as set by the Board, but late
46 renewal may not be granted more than 90 days after expiration of the
47 license. Any person who has failed to renew his or her license for more than
48 90 days after expiration may have it reinstated by applying to the Board for
49 reinstatement on a form approved by the Board, furnishing a statement of the
50 reason for failure to apply for renewal prior to the deadline, and paying the

1 required fee. The Board may require evidence of competency to resume
2 practice before reinstating the applicant's license.

3 (7) Schools of electrology and schools of laser, light source, and pulsed-light
4 treatments. – Every certificate for a school of electrology or a school of
5 laser, light source, and pulsed-light treatment shall be renewed annually. On
6 or before the date the current certificate expires, the applicant must submit
7 an application for renewal of certification on a form approved by the Board,
8 meet criteria for renewal established by the Board, and pay the required fee.
9 Failure to renew the certificate within 90 days after the expiration date
10 results in automatic forfeiture of any certification issued pursuant to this
11 Chapter.

12 (8) Electrology or laser hair practitioner instructors. – An electrology or laser
13 hair practitioner instructor's license shall be renewed annually. On or before
14 the date the current license expires, the applicant must submit an application
15 for renewal of licensure on a form approved by the Board, meet criteria for
16 renewal established by the Board, and pay the required fee. Any person
17 whose instructor's license has expired for a period of three years or more is
18 required to take and pass the instructor's examination before the license can
19 be renewed.

20 (b) The Board may charge renewal and late fees pursuant to G.S. 86B-34 and
21 G.S. 86B-35 and may establish rules for continuing education requirements for licensees under
22 this Chapter seeking renewal; provided, however, that no member of the Board may offer
23 continuing education courses. The Board may also establish rules requiring the submission of a
24 health certificate on a form to be provided by the Board.

25 (c) If a licensee under this Chapter fails to renew their license within five years
26 following the expiration date, the licensee is required to pass an examination as prescribed by
27 the Board before the license is reinstated; provided, however, that no apprenticeship
28 requirement is required.

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

38 (e) All persons serving in the Armed Forces of the United States and persons whose
39 licenses as a cosmetologist, electrologist, or laser hair practitioner were in force one year prior
40 to entering service may, without taking the required examination, renew their licensure within
41 90 days after receiving a discharge under honorable conditions by paying the current annual
42 license fee and furnishing the Board with any necessary additional information or
43 documentation.

44 **"§ 86B-28. Revocation of licenses and other disciplinary measures.**

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

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

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

49 (3) Practicing or permitting any individual under one's employ to practice
50 cosmetic art, electrolysis, or laser, light source, or pulsed-light treatment
51 without a license or temporary employment permit, with an expired license

1 or temporary employment permit, or with an invalid license or temporary
2 employment permit.

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

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

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

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

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

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

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

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

18 (2) The date of the crime.

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

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

21 (5) The nexus between the criminal conduct of the person and the duties of the
22 licensee.

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

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

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

32 **"§ 86B-29. Misdemeanors.**

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

34 (1) Violation of any of the provisions of G.S. 86B-30.

35 (2) Violation of any of the provisions described in subdivisions (3) through (6)
36 of G.S. 86B-28(a).

37 **"§ 86B-30. Licenses required.**

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

44 (b) Except as provided in this Chapter, no person may open or operate a cosmetic art
45 shop or electrologist or laser hair practitioner office or practice cosmetic art, electrolysis, or
46 laser, light source, or pulsed-light treatments in any form, for pay or reward in any form, either
47 directly or indirectly, outside of a facility licensed by the Board pursuant to this Chapter.

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

1 (d) An apprentice licensed under the provisions of this Chapter shall apprentice under
2 the direct supervision of a licensed cosmetologist or the supervision of an electrologist or laser
3 hair practitioner, as appropriate. An apprentice shall not operate a cosmetic art shop or an
4 electrologist or laser hair practitioner office.

5 (e) Nothing in this Chapter shall be construed to prohibit a member of a family from
6 practicing cosmetic art, electrolysis, or laser, light source, or pulsed-light treatments on a
7 family member. For purposes of this subsection, a "family member" means a spouse, brother,
8 sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law,
9 son-in-law, stepparent, or stepchild.

10 (f) Every person licensed under this Chapter shall display the license issued by the
11 Board in the location in which the person works. Every license to operate a cosmetic art shop,
12 electrologist or laser hair practitioner office, cosmetic school, or electrologist or laser hair
13 practitioner school shall be conspicuously posted in the location for which it is issued.

14 **"§ 86B-31. Enjoining illegal practices.**

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

20 **"§ 86B-32. Civil penalties; disciplinary costs.**

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

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

27 (1) The nature, gravity, and persistence of the particular violation.

28 (2) The appropriateness of the imposition of a civil penalty when considered
29 alone or in combination with other punishment.

30 (3) Whether the violation was willful and malicious.

31 (4) Any other factors that would tend to mitigate or aggravate the violations
32 found to exist.

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

35 **"§ 86B-33. Persons exempt from the provisions of this Chapter.**

36 (a) The following persons and those working under their supervision or direct
37 supervision are exempt from the cosmetic art provisions of this Chapter while engaged in the
38 proper discharge of their duties:

39 (1) Persons licensed to practice funeral service pursuant to Article 13A of
40 Chapter 90 of the General Statutes.

41 (2) Persons authorized to practice medicine or surgery under Chapter 90 of the
42 General Statutes.

43 (3) Nurses licensed under Chapter 90 of the General Statutes.

44 (4) Commissioned medical or surgical officers of the United States Army, Air
45 Force, Navy, Marine, or Coast Guard.

46 (5) A person employed in a cosmetic art shop to shampoo hair.

47 (b) The following persons are permitted to practice electrology without a license:

48 (1) Any physician licensed in accordance with Article 1 and Article 11 of
49 Chapter 90 of the General Statutes.

50 (2) A student at an approved school of electrology when electrolysis is
51 performed in the course of study.

(3) A person demonstrating on behalf of a manufacturer or distributor any electrolysis equipment or supplies, if such demonstration is performed without charge.

(4) An employee of a hospital licensed under Chapter 131E of the General Statutes and working under the supervision of a physician licensed under Article 1 of Chapter 90 of the General Statutes who is certified by the American Board of Dermatology.

(c) The electrology and laser, light source, and pulsed-light treatment requirements of this Chapter do not apply to any person licensed or approved by the North Carolina Medical Board to practice medicine or perform medical acts, tasks, or functions pursuant to Article 1 of Chapter 90 of the General Statutes or any person employed and working under the direct supervision of a physician licensed to practice medicine pursuant to Article 1 of Chapter 90 of the General Statutes.

"§ 86B-34. Fees required for cosmetic art.

(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) Reciprocity or certification applicant..... \$25.00

(c) The Board may charge license fees not to exceed the following:

- (1) Cosmetologist.....\$39.00 every three years
- (2) Cosmetic art apprentice..... \$10.00 per year
- (3) Esthetician, manicurist, or natural hair care specialist..... \$10.00 per year
- (4) Cosmetic art shop per active booth \$3.00 per year
- (5) Cosmetic art school \$50.00 per year
- (6) Cosmetic art school teacher\$10.00 every two years
- (7) Temporary permit..... \$25.00
- (8) Duplicate license \$10.00

(d) The Board may require payment of late fees and reinstatement fees not to exceed the following:

- (1) Cosmetic apprentice, cosmetologist, esthetician, manicurist, natural hair care specialist, or teacher late renewal..... \$10.00
- (2) Cosmetic art schools and shops late renewal..... \$10.00
- (3) Cosmetic art schools and shops reinstatement..... \$25.00

(e) The Board may prorate fees as appropriate and may assess reasonable charges for certified copies of public documents and for duplication of other material.

(f) The Board may by rule waive or reduce license and renewal fees for licensees age 70 or older.

"§ 86B-35. Fees required for electrolysis and laser, light source, and pulsed-light treatment.

All fees may be calculated by the Board in amounts sufficient to pay the costs of administration of this Article related to electrolysis and laser, light source, and pulsed-light treatment, but in no event may they exceed the following:

- (1) Application for licensure as an electrologist..... \$150.00
- (2) Initial license 150.00
- (3) Examination or reexamination 125.00
- (4) Licensure of electrology renewal 150.00
- (5) Application for licensure as an electrology instructor 150.00
- (6) Licensure of electrology instructor renewal..... 150.00
- (7) Application for certification as a

1 Board-approved school of electrology..... 500.00
 2 (8) Application for licensure as laser hair practitioner 150.00
 3 (9) Licensure of laser hair practitioner renewal..... 150.00
 4 (10) Application for licensure as laser hair practitioner instructor..... 150.00
 5 (11) Licensure of laser hair practitioner instructor renewal 150.00
 6 (12) Application for certification as a Board-approved school of
 7 laser, light source, or pulsed-light treatments 500.00
 8 (13) Certificate of Board-approved school of laser, light source,
 9 or pulsed-light renewal..... 400.00
 10 (14) Certificate of Board-approved school of
 11 electrology renewal 250.00
 12 (15) Certification of out-of-state schools..... 150.00
 13 (16) Certification of out-of-state schools renewal 100.00
 14 (17) Office inspection or reinspection 100.00
 15 (18) License by reciprocity..... 150.00
 16 (19) Late renewal charge 125.00
 17 (20) Reinstatement of expired license or certification..... 250.00
 18 (21) Reactivation of license 200.00
 19 (22) Duplicate license or certification 25.00."

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

- 23 (1) Of the initial appointees of the Governor, the appointee who is an
 24 electrologist or laser hair practitioner shall serve a two-year term, one
 25 appointee who is a member of the public shall serve a one-year term, and the
 26 other appointee shall serve a three-year term.
 27 (2) Of the initial appointees of the General Assembly, upon recommendation of
 28 the President Pro Tempore of the Senate, the appointee who is a
 29 cosmetologist shall serve a term of two years and the appointee who is an
 30 electrologist shall serve a one-year term.
 31 (3) Of the initial appointees of the General Assembly, upon recommendation of
 32 the Speaker of the House of Representatives, the appointee who is a
 33 cosmetology teacher shall serve a term of two years and the appointee who
 34 is a cosmetologist shall serve a term of one year.

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

38 **SECTION 4.(a)** The North Carolina Board of Cosmetic Art and Electrolysis
 39 Examiners, established by Section 2 of this act, shall review the licensing fee limitations,
 40 established by Section 2 of this act, and the fees adopted by rule by the North Carolina Board
 41 of Cosmetic Art Examiners and the North Carolina Board of Electrolysis Examiners and
 42 determine whether the fee limitations and fees should be reduced to reflect savings and
 43 efficiencies generated by the consolidation of the Boards. No later than March 1, 2018, the
 44 North Carolina Board of Cosmetic Art and Electrolysis Examiners shall report its findings and
 45 recommendations to the Joint Legislative Administrative Procedure Oversight Committee.

46 **SECTION 4.(b)** The North Carolina Board of Cosmetic Art and Electrolysis
 47 Examiners, established by Section 2 of this act, shall review the licenses established by Section
 48 2 of this act and determine whether certain licenses could be consolidated or eliminated as a
 49 result of the consolidation of the North Carolina Board of Cosmetic Art Examiners and the
 50 North Carolina Board of Electrolysis Examiners. No later than March 1, 2018, the North

1 Carolina Board of Cosmetic Art and Electrolysis Examiners shall report its findings and
2 recommendations to the Joint Legislative Administrative Procedure Oversight Committee.

3 **SECTION 5.(a)** Section 3 of this act is effective when it becomes law. The
4 remainder of this act becomes effective January 1, 2018, and applies to applications for
5 licensure, examination, and renewal submitted on or after that date.

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

10 **SECTION 5.(c)** All property and assets owned by the North Carolina Board of
11 Cosmetic Art Examiners and the North Carolina Board of Electrolysis Examiners shall be
12 vested in and transferred to the North Carolina Board of Cosmetic Art and Electrolysis
13 Examiners.

14 **SECTION 5.(d)** Any litigation, disciplinary action, or other proceeding pending as
15 of the effective date of this act, in the name of or against the North Carolina Board of Cosmetic
16 Art Examiners or the North Carolina Board of Electrolysis Examiners, shall continue in the
17 name of the North Carolina Board of Cosmetic Art and Electrolysis Examiners.

18 **SECTION 5.(e)** The Department of State Treasurer shall hold funds received in the
19 name of the North Carolina Board of Cosmetic Art and Electrolysis Examiners separate from
20 the funds received in the name of the North Carolina Board of Cosmetic Art Examiners or the
21 North Carolina Board of Electrolysis Examiners prior to the effective date of this act.

22 **SECTION 5.(f)** Rules adopted by the North Carolina Board of Cosmetic Art
23 Examiners and the North Carolina Board of Electrolysis Examiners shall remain in effect as
24 provided in G.S. 150B-21.7.