

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE BILL 792**

Short Title: Barbers/Electrolysis Boards/Merger. (Public)

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Sponsors: Representative Stevens.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

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Referred to: Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

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May 4, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO MERGE THE BARBER AND ELECTROLYSIS LICENSING BOARDS.  
3 The General Assembly of North Carolina enacts:  
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5 **PART I. RECODIFY AND REORGANIZE THE NORTH CAROLINA BOARD OF**  
6 **BARBER EXAMINERS AND THE NORTH CAROLINA BOARD OF ELECTROLYSIS**  
7 **EXAMINERS**

8 **SECTION 1.(a)** The General Statutes are amended by adding a new Chapter 86B to  
9 be entitled "Barber and Electrolysis Practice Act." Chapter 86B of the General Statutes shall be  
10 divided into three Articles, as follows:

- 11 (1) "Article 1. The North Carolina Board of Barber and Electrolysis Examiners."  
12 (2) "Article 2. Barbers."  
13 (3) "Article 3. Electrolysis."

14 **SECTION 1.(b)** G.S. 86A-4 (Board of Barber Examiners; appointment and  
15 qualifications; term of office; removal) is recodified as G.S. 86B-1 in Article 1 of Chapter 86B  
16 of the General Statutes, as created by Section 1 of this act.

17 **SECTION 1.(c)** G.S. 86A-5 (Powers and duties of the Board) is recodified as  
18 G.S. 86B-2 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this  
19 act.

20 **SECTION 1.(d)** G.S. 86A-6 (Office; seal; officers and executive director; funds) is  
21 recodified as G.S. 86B-3 in Article 1 of Chapter 86B of the General Statutes, as created by  
22 Section 1 of this act.

23 **SECTION 1.(e)** G.S. 86A-7 (Salary and expenses; employees; audits; annual reports  
24 to the Governor) is recodified as G.S. 86B-4 in Article 1 of Chapter 86B of the General Statutes,  
25 as created by Section 1 of this act.

26 **SECTION 1.(f)** G.S. 86A-21 (Board to keep records of proceedings; data on  
27 registrants) is recodified as G.S. 86B-5 in Article 1 of Chapter 86B of the General Statutes, as  
28 created by Section 1 of this act.

29 **SECTION 1.(g)** Subsection (a) of G.S. 88A-9 (Expenses and fees) is recodified as  
30 G.S. 86B-6 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this  
31 act.

32 **SECTION 1.(h)** G.S. 88A-21 (Disciplinary authority of the Board) is recodified as  
33 G.S. 86B-7 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this  
34 act.



1           **SECTION 1.(i)** G.S. 88A-22 (Enjoining illegal practices) is recodified as  
2 G.S. 86B-8(a) and (b) in Article 1 of Chapter 86B of the General Statutes, as created by Section  
3 1 of this act.

4           **SECTION 1.(j)** G.S. 86A-20.1 (Enjoining illegal practices) is recodified as  
5 G.S. 86B-8(c) in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this  
6 act.

7           **SECTION 1.(k)** G.S. 88A-23 (Reports and immunity from suit) is recodified as  
8 G.S. 86B-9 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this  
9 act.

10          **SECTION 1.(l)** G.S. 86A-27 (Civil penalties; disciplinary costs) is recodified as  
11 G.S. 86B-10 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this  
12 act.

13          **SECTION 1.(m)** G.S. 86A-1 (Necessity for certification of registration and shop or  
14 school permit) is recodified as G.S. 86B-11 in Article 2 of Chapter 86B of the General Statutes,  
15 as created by Section 1 of this act.

16          **SECTION 1.(n)** G.S. 86A-2 (What constitutes practice of barbering) is recodified  
17 as G.S. 86B-12 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of  
18 this act.

19          **SECTION 1.(o)** G.S. 86A-3 (Qualifications for certificate as a registered barber) is  
20 recodified as G.S. 86B-13 in Article 2 of Chapter 86B of the General Statutes, as created by  
21 Section 1 of this act.

22          **SECTION 1.(p)** G.S. 86A-8 (Application for examinations; payment of fee) is  
23 recodified as G.S. 86B-14 in Article 2 of Chapter 86B of the General Statutes, as created by  
24 Section 1 of this act.

25          **SECTION 1.(q)** G.S. 86A-9 (Board to conduct examinations not less than four times  
26 each year) is recodified as G.S. 86B-15 in Article 2 of Chapter 86B of the General Statutes, as  
27 created by Section 1 of this act.

28          **SECTION 1.(r)** G.S. 86A-10 (Issuance of certificates of registration) is recodified  
29 as G.S. 86B-16 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of  
30 this act.

31          **SECTION 1.(s)** G.S. 86A-11 (Temporary permits) is recodified as G.S. 86B-17 in  
32 Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

33          **SECTION 1.(t)** G.S. 86A-12 (Applicants licensed in other states) is recodified as  
34 G.S. 86B-18 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this  
35 act.

36          **SECTION 1.(u)** G.S. 86A-13 (Barbershop and barber school permits) is recodified  
37 as G.S. 86B-19 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of  
38 this act.

39          **SECTION 1.(v)** G.S. 86A-15 (Sanitary rules and regulations; inspections) is  
40 recodified as G.S. 86B-21 in Article 2 of Chapter 86B of the General Statutes, as created by  
41 Section 1 of this act.

42          **SECTION 1.(w)** G.S. 86A-14 (Persons exempt from the provisions of this Chapter)  
43 is recodified as G.S. 86B-22 in Article 2 of Chapter 86B of the General Statutes, as created by  
44 Section 1 of this act.

45          **SECTION 1.(x)** G.S. 86A-16 (Certificates to be displayed) is recodified as  
46 G.S. 86B-23 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this  
47 act.

48          **SECTION 1.(y)** G.S. 86A-17 (Renewal or restoration of certificate) is recodified as  
49 G.S. 86B-24 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this  
50 act.

1           **SECTION 1.(z)** G.S. 86A-18 (Disqualification for certificate) is recodified as  
2 G.S. 86B-25 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this  
3 act.

4           **SECTION 1.(aa)** G.S. 86A-19 (Refusal, revocation or suspension of certificates or  
5 permits) is recodified as G.S. 86B-26 in Article 2 of Chapter 86B of the General Statutes, as  
6 created by Section 1 of this act.

7           **SECTION 1.(bb)** G.S. 86A-20 (Misdemeanors) is recodified as G.S. 86B-27 in  
8 Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

9           **SECTION 1.(cc)** G.S. 86A-22 (Licensing and regulating barber schools and  
10 colleges) is recodified as G.S. 86B-28 in Article 2 of Chapter 86B of the General Statutes, as  
11 created by Section 1 of this act.

12           **SECTION 1.(dd)** G.S. 86A-23 (Instructors) is recodified as G.S. 86B-29 in Article  
13 2 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

14           **SECTION 1.(ee)** G.S. 86A-24 (Apprenticeship) is recodified as G.S. 86B-30 in  
15 Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

16           **SECTION 1.(ff)** G.S. 86A-25 (Fees collectible by the Board) is recodified as  
17 G.S. 86B-31 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this  
18 act.

19           **SECTION 1.(gg)** G.S. 86A-26 (Barbering among members of same family) is  
20 recodified as G.S. 86B-32 in Article 2 of Chapter 86B of the General Statutes, as created by  
21 Section 1 of this act.

22           **SECTION 1.(hh)** G.S. 88A-1 (Short title) is repealed.

23           **SECTION 1.(ii)** G.S. 88A-2 (Purpose) is recodified as G.S. 86B-33 in Article 3 of  
24 Chapter 86B of the General Statutes, as created by Section 1 of this act.

25           **SECTION 1.(jj)** G.S. 88A-3 (Definitions) is recodified as G.S. 86B-34 in Article 3  
26 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

27           **SECTION 1.(kk)** G.S. 88A-4 (Unlawful practice) is recodified as G.S. 86B-35 in  
28 Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

29           **SECTION 1.(ll)** G.S. 88A-5 (Creation and membership of the Board) is repealed.

30           **SECTION 1.(mm)** G.S. 88A-6 (Powers and duties of the Board) is repealed.

31           **SECTION 1.(nn)** G.S. 88A-7 (Applicability of Executive Budget Act; audit  
32 oversight) is repealed.

33           **SECTION 1.(oo)** G.S. 88A-8 (The Board may accept contributions, etc.) is repealed.

34           **SECTION 1.(pp)** G.S. 88A-10 (Requirements for licensure as an electrologist) is  
35 recodified as G.S. 86B-36 in Article 3 of Chapter 86B of the General Statutes, as created by  
36 Section 1 of this act.

37           **SECTION 1.(qq)** G.S. 88A-10.1 (Temporary license) is recodified as G.S. 86B-37  
38 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

39           **SECTION 1.(rr)** G.S. 88A-11 (Licensure without examination) is recodified as  
40 G.S. 86B-38 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this  
41 act.

42           **SECTION 1.(ss)** G.S. 88A-11.1 (Requirements for licensure as a laser hair  
43 practitioner; limitations on licensed laser hair practitioners) is recodified as G.S. 86B-39 in  
44 Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

45           **SECTION 1.(tt)** G.S. 88A-12 (License renewal) is recodified as G.S. 86B-40 in  
46 Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

47           **SECTION 1.(uu)** G.S. 88A-13 (Continuing education) is recodified as G.S. 86B-41  
48 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

49           **SECTION 1.(vv)** G.S. 88A-14 (Inactive list) is recodified as G.S. 86B-42 in Article  
50 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.



1 No person who has been employed by the ~~North Carolina State Board of Barber Examiners~~  
2 and has been removed for just cause shall be appointed within five years of the removal to serve  
3 as a Board member.

4 (c) The Governor may remove any member for good cause shown and may appoint  
5 members to fill unexpired terms.

6 **"§ 86B-2. Powers and duties of the Board.**

7 (a) ~~The Board has the following powers and duties:~~

8 (1) ~~To see that inspections of barbershops and schools are conducted to determine~~  
9 ~~compliance with sanitary regulations. The Board may appoint inspectors as~~  
10 ~~necessary.~~

11 (2) ~~To adopt sanitary regulations concerning barber schools and shops and~~  
12 ~~procedural rules in accordance with the guidelines established in G.S. 86A-15.~~

13 (3) ~~To review the barber licensing laws of other states and to determine which are~~  
14 ~~the substantive equivalent of the laws of North Carolina for purposes of G.S.~~  
15 ~~86A-12.~~

16 (4) ~~To conduct examinations of applicants for certificate of registration as~~  
17 ~~registered barber, registered apprentice and barber school instructor.~~

18 (5) ~~To employ and fix the compensation of personnel that the Board deems~~  
19 ~~necessary to carry out the provisions of this Chapter.~~

20 (6) ~~To assess civil penalties pursuant to G.S. 86A-27.~~

21 (b) ~~The Board shall adopt regulations:~~

22 (1) ~~Prohibiting the use of commercial chemicals of unknown content by persons~~  
23 ~~registered under this Chapter. For purposes of this section, "commercial~~  
24 ~~chemicals" are those products sold only through beauty and barber supply~~  
25 ~~houses and not available to the general public;~~

26 (2) ~~Instructing persons registered under this Chapter in the proper use and~~  
27 ~~application of commercial chemicals where no manufacturer's instructions are~~  
28 ~~included. In the alternative, the Board shall prohibit the use of such~~  
29 ~~commercial chemicals by persons registered under this Chapter.~~

30 (e) ~~Each Board member shall submit periodic reports to the Board concerning his~~  
31 ~~activities in carrying out duties as a Board member.~~ have the powers and duties necessary to carry  
32 out and enforce the provisions of this Chapter. The Board may, in accordance with Chapter 150B  
33 of the General Statutes, adopt rules necessary to carry out and enforce the provisions of this  
34 Chapter. If the Board has reasonable cause to believe that a violation of a provision of this  
35 Chapter may have occurred, the Board may investigate, upon its own motion or upon receipt of  
36 a complaint from any individual, any licensee or establishment subject to the provisions of this  
37 Chapter to determine whether a violation has occurred.

38 **"§ 86B-3. Office; seal; officers and executive director; funds.**

39 The Board shall maintain a suitable office in Raleigh, Wake County, and shall adopt and use  
40 a common seal for the authentication of its orders and records. The Board shall annually elect its  
41 own officers, and in addition, may ~~elect or~~ appoint a full-time executive director who shall not  
42 be a member of the Board, and whose salary shall be fixed by the Board. The executive director  
43 shall turn over to the State Treasurer to be credited to the ~~State North Carolina Board of Barber~~  
44 ~~and Electrolysis Examiners~~ all funds collected or received under this Chapter, the funds to be  
45 held and expended under the supervision of the Director of the Budget, exclusively for the  
46 enforcement and administration of the provisions of this Chapter. Nothing herein shall be  
47 construed to authorize any expenditure in excess of the amount available from time to time in the  
48 hands of the State Treasurer derived from fees collected under the provisions of this Chapter and  
49 received by the State Treasurer pursuant to the provisions of this section.

50 **"§ 86B-4. Salary and expenses; ~~employees; audits; annual reports to the~~**  
51 **Governor.employees.**

1 (a) Each member of the North Carolina Board of Barber and Electrolysis Examiners shall  
2 be reimbursed for his or her actual expenses and shall receive compensation and travel allowance  
3 according to G.S. 93B-5 for the distance traveled in performance of his or her duties. The  
4 expenses, compensation and all other salaries and expenses in connection with the administration  
5 of this Chapter, shall be paid upon warrant drawn on the State Treasurer, solely from the funds  
6 derived from fees collected and received under this Chapter.

7 (b) The Board shall employ such agents, assistants and attorneys as it deems necessary.

8 ~~(c) The Board shall report annually to the Governor, a full statement of its receipts and~~  
9 ~~expenditures, and also a full statement of its work during the year, together with such~~  
10 ~~recommendations as it may deem expedient.~~

11 **"§ 86B-5. Board to keep record of proceedings; data on registrants.licensees.**

12 The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal,  
13 suspension, and revocation of ~~certificates of registration. licenses issued by the Board.~~ This  
14 record shall contain the name, place of business and residence of each ~~registered-licensed~~ barber  
15 and ~~registered-licensed~~ apprentice, and the date and number of his ~~certificate of registration. the~~  
16 ~~license.~~ This record shall be open to public inspection at all reasonable times.

17 **"§ 86B-6. Expenses and fees.**

18 (a) All salaries, compensation, and expenses incurred or allowed for the purpose of  
19 carrying out the purposes of this Chapter shall be paid by the Board exclusively out of the fees  
20 received by the Board as authorized by this ~~Chapter, or funds received pursuant to G.S. 88A-7.~~  
21 ~~Chapter.~~ No salary, expense, or other obligations of the Board may be charged against the  
22 General Fund of the State. Neither the Board nor any of its officers or employees may incur any  
23 expense, debt, or other financial obligation binding upon the State.

24 **"§ 86B-7. Disciplinary authority of the Board.**

25 (a) Grounds for disciplinary action shall ~~include:~~include all of the following:

- 26 (1) Conviction of, or finding of guilt with respect to, a crime in this State or any  
27 other jurisdiction, regardless of adjudication, if any element of the crime  
28 directly relates to the practice of ~~electrolysis;~~electrolysis.
- 29 (2) Obtaining, or attempting to obtain, a license to practice electrolysis by bribery  
30 or by fraudulent ~~misrepresentation;~~misrepresentation.
- 31 (3) Malpractice or the inability to practice electrolysis with reasonable skill and  
32 ~~safety;~~safety.
- 33 (4) Disseminating false, deceptive, or misleading ~~advertising;~~advertising.
- 34 (5) Judicial determination of mental ~~incompetency;~~incompetency.
- 35 (6) The revocation, suspension, or denial of the person's license or certification to  
36 practice electrolysis in any other state or territory of the United ~~States;~~States.
- 37 (7) A finding, upon investigation by the Board, that the applicant or licensee is  
38 guilty of unprofessional conduct. "Unprofessional conduct" includes any act  
39 which departs from, or fails to conform to, the minimum standards of  
40 acceptable and prevailing electrolysis ~~practice;~~practice.
- 41 (8) Assisting, aiding, abetting, or procuring the practice of a person who is not  
42 licensed under this ~~Chapter;~~ and, Chapter.
- 43 (9) Violation of any provision of this Chapter, or any rule or regulation of the  
44 Board.

45 (b) In accordance with Chapter 150B of the General Statutes, the Board may require  
46 remedial education, issue a letter of reprimand, restrict, revoke, or suspend any license or  
47 certification issued pursuant to this Chapter or deny any application for licensure or certification  
48 if the Board determines that the applicant or licensee has committed any of the acts listed in  
49 subsection (a).

1 (c) The Board may reinstate a revoked license or remove licensure restrictions when it  
2 finds that the reasons for revocation or restriction no longer exist and that the person can  
3 reasonably be expected to practice electrology safely and properly.

4 **"§ 86B-8. Enjoining illegal practices.**

5 (a) If the Board finds that any person is violating any of the provisions of this Chapter, it  
6 may apply in its own name to the superior court for an injunction or restraining order to prevent  
7 that person from further violation. The court is empowered to grant an injunction regardless of  
8 whether any other enforcement action has been or may be instituted. All actions by the Board  
9 shall be governed by the North Carolina Rules of Civil Procedure.

10 (b) The venue for actions brought under this Chapter shall be the superior court in the  
11 county where the illegal or unlawful acts are alleged to have been committed, in the county where  
12 the defendant resides, or in the county where the Board maintains its offices and records.

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

18 **"§ 86B-9. Reports and immunity from suit.**

19 Any person who has reasonable cause to suspect misconduct or incapacity of a licensee, or  
20 who has reasonable cause to suspect that any person is in violation of this Chapter, shall report  
21 the relevant facts to the Board. Upon the receipt of such charge, or upon its own initiative, the  
22 Board may give notice of an administrative hearing or may, after diligent investigation, dismiss  
23 unfounded charges. Any person making a report pursuant to this section shall be immune from  
24 any criminal prosecution or civil liability resulting therefrom unless such person knew the report  
25 was false or acted in reckless disregard of whether the report was false.

26 **"§ 86B-10. Civil penalties; disciplinary costs.**

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

32 (b) Consideration Factors. – Before imposing and assessing a civil penalty, the Board  
33 shall consider the following factors:

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

40 (c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil penalties  
41 for violations of this Chapter and rules adopted by the Board.

42 (d) Costs. – The Board may in a disciplinary proceeding charge costs, including  
43 reasonable attorneys' fees, to the licensee against whom the proceedings were brought.

44 "Article 2.

45 "Barbers.

46 **"§ 86B-11. Necessity for ~~certificate of registration~~ license and shop or school permit.**

47 No person or combination of persons shall, either directly or indirectly, practice or attempt  
48 to practice barbering in the State of North Carolina without first obtaining a ~~certificate of~~  
49 ~~registration~~ license either as a ~~registered~~ licensed apprentice or as a ~~registered~~ licensed barber  
50 issued pursuant to provisions of this Chapter by the ~~State~~ North Carolina Board of Barber and  
51 ~~Electrolysis~~ Examiners. No person or combination of persons, or corporation, shall operate,

1 manage or attempt to operate or manage a barber school, barbershop, mobile barbershop, or any  
2 other place where barber services are rendered, after July 1, 1945, without first obtaining a shop  
3 permit, or school permit, issued by the ~~State Board of Barber Examiners~~, Board pursuant to the  
4 provisions of this Chapter.

5 **"§ 86B-12. What constitutes practice of barbering.**

6 Any one or combination of the following practices constitutes the practice of barbering in the  
7 purview of this Chapter:

- 8 (1) Shaving or trimming the beard, or cutting the ~~hair~~; hair.
- 9 (2) Dyeing the hair or applying hair tonics, permanent waving or marcelling the  
10 ~~hair~~; hair.
- 11 (3) Giving facial or scalp massages, or treatments with oils, creams, lotions or  
12 other preparations either by hand or mechanical appliances.

13 **"§ 86B-13. Qualifications for certificate as a registered barber.**

14 A ~~certificate of registration as a registered barber~~ license to practice barbering shall be issued  
15 by the Board to any person who meets all of the following qualifications:

- 16 (1) Has attended an approved barber school for at least 1528 hours.
- 17 (2) Has completed a 12-month apprenticeship under the supervision of a licensed  
18 barber, as provided in ~~G.S. 86A-24~~. G.S. 86B-30.
- 19 (3) Has passed a clinical examination conducted by the Board.
- 20 (4) Has submitted to the Board the affidavit required by ~~G.S. 86A-24(e)~~  
21 G.S. 86B-30(c) certifying that the applicant has served the apprenticeship  
22 required by subdivision (2).

23 **"§ 86B-14. Application for examinations; payment of fee.**

24 Each applicant for an examination ~~shall~~; shall do all of the following:

- 25 (1) Make application to the Board on forms prepared and furnished by the Board,  
26 and the application shall contain proof ~~under applicant's oath~~ of the particular  
27 qualifications of the applicant. ~~All applications for examination must be filed~~  
28 ~~with the Board at least 30 days prior to the actual taking of such examination~~  
29 ~~by applicants~~;
- 30 (2) Pay to the Board the required fee.

31 **"§ 86B-15. Board to conduct examinations not less than four times each year.**

32 The Board shall conduct examinations of applicants for ~~certificates of registration~~ licensure  
33 to practice barbering as ~~registered~~ licensed barbers and ~~registered~~ licensed apprentices, not less  
34 than four times each year, at such times and places as will prove most convenient and as the  
35 Board may determine. The Board may adopt rules establishing procedures for the administration  
36 of examinations.

37 **"§ 86B-16. Issuance of certificates of registration.**

38 Whenever the provisions of this Chapter have been complied with, the Board shall issue, or  
39 have issued, a ~~certificate of registration~~ license as a ~~registered~~ barber or as a ~~registered~~ an  
40 apprentice, as the case may be.

41 **"§ 86B-17. Temporary permits.**

42 (a) The Board may grant a temporary permit to work to a graduate of a barber school in  
43 North Carolina provided application for examination has been filed and fee paid. The permit is  
44 valid only until the date of the next succeeding Board examination of applicants for  
45 apprenticeship ~~registration~~ licensure except in cases of undue hardship as the Board may  
46 determine, unless it is revoked or suspended earlier by the Board. In no event shall a temporary  
47 permit be issued or remain valid after the holder has twice failed the apprentice examination  
48 required by ~~G.S. 86A-24(a)~~. G.S. 86B-30. The permittee may operate only under the supervision  
49 of a licensed barber and may work only at the registered barbershop specified in the permit.

50 (b) The Board may grant a temporary permit to work to one whose license has been  
51 expired for more than five years in North Carolina provided application for examination to restore



1 has been filed and fee paid. The permit is valid only until the date of the next succeeding Board  
2 examination of applicants for barber licenses except in cases of undue hardship as the Board may  
3 determine, unless it is revoked or suspended earlier by the Board.

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

9 (d) The Board may grant a temporary permit to work to persons licensed in another state  
10 and seeking permanent licensure in North Carolina under ~~G.S. 86A-12~~G.S. 86B-18.

11 **"§ 86B-18. Applicants licensed in other states.**

12 (a) The Board shall issue, without examination, a license to applicants already licensed  
13 in another state provided the applicant presents evidence satisfactory to the Board ~~that~~that the  
14 following requirements are met:

- 15 (1) ~~He~~The applicant is currently an active, competent practitioner in good  
16 ~~standing; and~~standing.
- 17 (2) ~~He~~The applicant has practiced at least ~~three~~one out of the five years  
18 immediately preceding his ~~application; and~~application.
- 19 (3) ~~He~~The applicant currently holds a valid license in another ~~state; and~~state.
- 20 (4) There is no disciplinary proceeding or unresolved complaint pending against  
21 ~~him~~the applicant at the time a license is to be issued by this ~~State; and~~State.
- 22 (5) The licensure requirements in the other state are the substantive equivalent of  
23 those required by this State.

24 (b) The requirements in subdivisions (1) or (5), or both, of subsection (a) of this section  
25 may be waived by the Board provided that the applicant presents evidence satisfactory to the  
26 Board that the ~~applicant~~applicant meets all of the following:

- 27 (1) Has met the licensure requirements of the state in which he or she received his  
28 ~~license; or her license.~~
- 29 (2) Has at least five years practical ~~experience; and~~experience.
- 30 (3) Demonstrates his or her knowledge of barbering skills and of the sanitary  
31 regulations in North Carolina by passing a practical, written or oral  
32 examination.

33 (c) Any license granted pursuant to this section is subject to the same duties and  
34 obligations and entitled to the same rights and privileges as a license issued under  
35 ~~G.S. 86A-3~~G.S. 86B-13.

36 **"§ 86B-19. ~~Barbershop~~ Barbershop, mobile barbershop, and barber school permits.**

37 (a) Any person, firm or corporation, before establishing or opening a ~~barbershop~~  
38 barbershop, mobile barbershop, or barber school not heretofore licensed by the State or the Board  
39 shall make application to the Board on forms to be furnished by the Board, for a permit to operate  
40 a ~~barbershop~~barbershop, mobile barbershop, or barber school, and the shop school. ~~The~~  
41 barbershop, mobile barbershop, or barber school of the applicant shall be inspected and approved  
42 by the ~~State Board of Barber Examiners~~ or an agent designated for that purpose by the Board,  
43 before the ~~barbershop~~barbershop, mobile barbershop, or barber school may open for business.  
44 It is unlawful to open a new or reopened ~~barbershop~~barbershop, mobile barbershop, or barber  
45 school until that ~~shop~~barbershop, mobile barbershop, or barber school has been inspected and  
46 determined by the Board to be in compliance with the requirements of ~~G.S. 86A-15 in the case~~  
47 ~~of shops and G.S. 86A-15 and 86A-22 in the case of schools.~~this Chapter. Upon compliance by  
48 the applicant with all requirements set forth in G.S. 86A-15, and the payment of the prescribed  
49 fee the Board shall issue to the applicant the permit applied for. Notwithstanding any other  
50 provision of this Chapter, no person, firm, or corporation shall be issued a permit to operate a  
51 barbershop or mobile barbershop in a location registered as a barber school, nor shall any person,

1 firm, or corporation be issued a permit to operate a barber school in a location registered as a  
2 ~~barbershop~~barbershop or mobile barbershop.

3 (b) The owners of every ~~registered barbershop~~barbershop, mobile barbershop, and  
4 barber school that possesses a permit in accordance with this Chapter shall annually, on or before  
5 May 31 of each year, renew the barbershop's~~barbershop's, mobile barbershop's, or barber~~  
6 school's certificate of registration permit and pay the required renewal fee. Every ~~certificate of~~  
7 ~~registration permit~~ for any ~~barbershop~~barbershop, mobile barbershop, or barber school shall  
8 expire on the 31st day of May in each year. Any certificate of registration permit issued under  
9 this Chapter shall be suspended automatically by operation of law after failure to renew the  
10 certificate of registration permit by the expiration date. The owner of any barbershop~~barbershop,~~  
11 mobile barbershop, or barber school whose certificate of registration permit has expired may,  
12 after the barbershop~~barbershop, mobile barbershop, or~~ barber school has been inspected as  
13 required in subsection (a) of this section, have the ~~certificate permit~~ restored immediately upon  
14 paying all lapsed renewal fees and the required late fee.

15 **"§ 86B-20. Mobile barbershops.**

16 (a) A motor home as defined in Article 1 of Chapter 20 of the General Statutes may be  
17 used as a mobile barbershop for the practice of barbering.

18 (b) The Board shall issue a permit to operate a mobile barbershop to any applicant who  
19 submits a properly completed application on a form approved by the Board, pays the required  
20 fee, and is determined after inspection to be in compliance with the provisions of this Chapter  
21 and the Board's rules.

22 (c) The Board shall adopt rules for the operation, permitting, and inspection of mobile  
23 barbershops, including standards for facilities, personnel, and safety and sanitary requirements.  
24 All permitting and operating requirements provided by this Chapter or by rules adopted by the  
25 Board pursuant to this Chapter that apply to barbershops shall also apply to mobile barbershops,  
26 except to the extent that the requirements conflict with this section or with any rules adopted by  
27 the Board pursuant to this section.

28 (d) In addition to the requirements of this Chapter, individuals and the vehicles they  
29 operate while providing mobile barbershop services shall be subject to the provisions of (i)  
30 Chapter 20 of the General Statutes, (ii) Title 19A of the North Carolina Administrative Code,  
31 (iii) all applicable OSHA requirements, and (iv) all local laws and ordinances regulating business  
32 establishments.

33 (e) A mobile barbershop must be equipped with a functional sink and toilet facilities and  
34 must maintain an adequate supply of clean water and wastewater storage capacity.

35 (f) No barbering or service may be performed in a mobile barbershop while the  
36 barbershop is moving. The mobile barbershop must be safely parked in a legal parking spot at all  
37 times while patrons are present inside the mobile barbershop.

38 (g) A mobile barbershop owner must maintain a permanent business address at which  
39 records of appointments, itineraries, license numbers, and vehicle identification numbers for each  
40 mobile barbershop being operated shall be kept and made available for verification and  
41 inspection by the Board and at which all correspondence from the Board can be received.

42 (h) To facilitate periodic inspections of mobile barbershops, prior to the beginning of  
43 each month, the owner of the barbershop shall provide to the Board a written monthly itinerary  
44 listing locations, dates, and hours of operation for the barbershop.

45 **"§ 86B-21. Sanitary rules and regulations; inspections.**

46 (a) Each barber and each owner or manager of a barbershop, mobile barbershop, barber  
47 school or college, or any other place where barber service is rendered, shall comply with the  
48 following sanitary rules and regulations:

49 (1) Proper quarters. –

50 a. Every barbershop, or other place where barber service is rendered,  
51 shall be located in ~~buildings~~buildings, mobile units, or rooms of such

- 1 construction that they may be easily cleaned, well lighted, well  
2 ventilated and kept in an orderly and sanitary condition.
- 3 b. Each area where barber service is rendered or where a combination of  
4 barber service and cosmetology service is rendered shall be separated  
5 by a substantial partition or wall from areas used for purposes other  
6 than barber services, cosmetology services, or shoe shining services.
- 7 c. Walls, floor and fixtures where barber service is rendered are to be  
8 kept sanitary.
- 9 d. Running water, hot and cold, shall be provided, and sinks shall be  
10 located at a convenient place in each barbershop so that barbers may  
11 wash their hands after each haircut. Tanks and lavatories shall be of  
12 such construction that they may be easily cleaned. ~~The lavatory must~~  
13 ~~have a drain pipe to drain all waste water out of~~ Board shall adopt rules  
14 regarding the building-disposal of wastewater in a barbershop or  
15 mobile barbershop.
- 16 e. Every barbershop or other place where barber service is rendered, and  
17 every building or structure used as a part of a barber school, shall  
18 comply with applicable building and fire codes and regulations.
- 19 f. If a mobile barbershop, all applicable requirements in accordance with  
20 G.S. 86B-20.
- 21 (2) Equipment and instruments. –
- 22 a. Each person serving as a barber shall, immediately before using razors,  
23 tweezers, combs, contact cup or pad, sterilize the instruments by  
24 immersing them in a ~~solution of fifty percent (50%) alcohol, five~~  
25 ~~percent (5%) carbolic acid, twenty percent (20%) formaldehyde, or ten~~  
26 ~~percent (10%) lysol or other product or solution that the Board may~~  
27 approve. Every owner or manager of a barbershop shall supply a  
28 separate container for the use of each barber, adequate to provide for  
29 a sufficient supply of the above solutions.
- 30 b. Each barber shall maintain combs and hair brushes in a clean and  
31 sanitary condition at all times and shall thoroughly clean mug and  
32 lather brush before each separate use.
- 33 c. The headrest of every barber chair shall be protected with clean paper  
34 or a clean laundered towel. Each barber chair shall be covered with a  
35 smooth nonporous surface, such as vinyl or leather, that is cleaned  
36 easily.
- 37 d. Every person serving as a barber shall use a clean towel for each  
38 patron. All clean towels shall be placed in closed cabinets until used.  
39 Receptacles composed of material that can be washed and cleansed  
40 shall be provided to receive used towels, and all used towels must be  
41 placed in receptacles until laundered. Towels shall not be placed in a  
42 sterilizer or tank or rinsed in the barbershop. All wet and used towels  
43 shall be removed from the workstand or lavatory after serving each  
44 patron.
- 45 e. Whenever a hair cloth is used in cutting the hair, shampooing, etc., a  
46 newly laundered towel or paper neckstrap shall be placed around the  
47 patron's neck so as to prevent the hair cloth from touching the skin.  
48 Hair cloths shall be replaced when soiled.
- 49 (3) Barbers. –
- 50 a. Every person serving as a barber shall thoroughly cleanse his or her  
51 hands immediately before serving each patron.

- 1           b.       Each person working as a barber shall be clean both as to person and  
2           dress.  
3           c.       No barber shall serve any person who has an infectious or  
4           communicable disease, and no barber shall undertake to treat any  
5           patron's infectious or contagious disease.

6           (4)     Any person, other than a ~~registered-licensed~~ barber, shall before undertaking  
7           to give shampoos in a barbershop furnish the Board with a health certificate  
8           on a form provided by the Board.

9           (5)     The owner or manager of a ~~barbershop~~ barbershop, mobile barbershop, or any  
10          other place where barber service is rendered shall post a copy of these rules  
11          and regulations in a conspicuous place in the shop or other place where the  
12          services are rendered.

13          (b)     All barbershops, mobile barbershops, barber schools and colleges, and any other place  
14          where barber service is rendered, shall be open for inspection at all times during business hours  
15          to any members of the Board of ~~Barber Examiners~~ or its agents or assistants. Initial inspections  
16          conducted by the Board pursuant to this Chapter shall not be delayed if the sole reason for delay  
17          is the lack of a certificate of occupancy by a unit of local government. A copy of the sanitary  
18          rules and regulations set out in this section shall be furnished by the Board to the owner or  
19          manager of each ~~barbershop~~ barbershop, mobile barbershop, or barber school, or any other place  
20          where barber service is rendered in the State, and that copy shall be posted in a conspicuous place  
21          in each ~~barbershop~~ barbershop, mobile barbershop, or barber school. The Board shall have the  
22          right to make additional rules and regulations governing barbers and ~~barbershops~~ barbershops,  
23          mobile barbershops, and barber schools for the proper administration and enforcement of this  
24          section, but no such additional rules or regulations shall be in effect until those rules and  
25          regulations have been furnished to each barbershop within the State.

26          (c)     Notwithstanding any other provision of law, a ~~registered-licensed~~ barber may practice  
27          barbering in a client's home out of medical necessity without meeting the requirements of  
28          subsection (b) of this section. The Board of ~~Barber Examiners~~ shall adopt rules to allow this  
29          exception.

30          "**§ 86B-22. Persons exempt from the provisions of this ~~Chapter~~ Article.**"

31          The following persons are exempt from the provisions of this ~~Chapter~~ Article while engaged  
32          in the proper discharge of their duties:

- 33          (1)     Persons authorized under the laws of the State to practice medicine and  
34          surgery, and those working under their ~~supervision~~ supervision.  
35          (2)     Commissioned medical or surgical officers of the United States Army or other  
36          components of the Armed Forces of the United States, and those working  
37          under their ~~supervision~~ supervision.  
38          (3)     Registered nurses and licensed practical nurses and those working under their  
39          ~~supervision~~ supervision.  
40          (4)     Licensed embalmers and funeral directors and those working under their  
41          ~~supervision~~ supervision.  
42          (5)     Persons who are working in licensed cosmetic shops or beauty schools and  
43          are licensed by the State Board of Cosmetic Art Examiners pursuant to  
44          Chapter 88B of the General ~~Statutes~~ and Statutes.  
45          (6)     Persons who are working in ~~licensed barber shops~~ barbershops and are  
46          licensed by the State Board of Cosmetic Art Examiners pursuant to Chapter  
47          88B of the General Statutes, provided that those persons shall comply with  
48          ~~G.S. 86A-15~~ G.S. 86B-21.

49          "**§ 86B-23. ~~Certificates~~ Licensure to be displayed.**"

50          Every holder of a ~~certificate of registration as a registered barber, registered apprentice, shop~~  
51          ~~barber license, apprentice license, barbershop permit, mobile barbershop permit, barber school~~

1 permit, instructor's certificate, or temporary permit issued pursuant to ~~G.S. 86A-11~~ G.S. 86B-17  
2 shall display it in a conspicuous place adjacent to or near the person's work chair.

3 **"§ 86B-24. Renewal or restoration of ~~certificate~~ license.**

4 (a) ~~Registered-Licensed~~ barbers who continue in practice shall annually, on or before  
5 May 31 of each year, renew their ~~certificates of registration-licenses~~ and furnish such health  
6 certificate as the Board may require and pay the required renewal fee. Every ~~certificate of~~  
7 ~~registration-license~~ shall expire on the 31st day of May in each year. Any ~~certificate of~~  
8 ~~registration-license~~ issued under this ~~Chapter Article~~ is automatically suspended by operation of  
9 law after failure to renew the ~~certificate of registration-license~~ by the expiration date.

10 (b) A ~~registered-licensed~~ barber whose ~~certificate of registration-license~~ has expired may  
11 have the ~~certificate-license~~ restored immediately upon paying all lapsed renewal fees and the  
12 required late fee and furnishing a health certificate if required by the Board. Where a ~~registered~~  
13 barber's ~~certificate of registration-license~~ has expired for a period greater than six months, the  
14 Board may impose civil penalties pursuant to ~~G.S. 86A-27. G.S. 86B-10.~~ A ~~registered-licensed~~  
15 barber whose ~~certificate-license~~ has expired for a period of five years shall be required to take  
16 the clinical examination prescribed by the ~~State Board of Barber Examiners~~ and otherwise  
17 comply with the provisions of this Chapter before engaging in the practice of barbering. No  
18 ~~registered-licensed~~ barber who is reissued a ~~certificate-license~~ under this subsection shall be  
19 required to serve an apprenticeship as a prerequisite to reissuance of the ~~certificate-license~~.

20 (c) All persons serving in the Armed Forces of the United States and persons whose  
21 ~~certificates of registration-licenses~~ as a ~~registered-licensed~~ barber were in force one year prior to  
22 entering service may, without taking the required examination, renew their ~~certificates-licenses~~  
23 within 90 days after receiving an honorable discharge, by paying the current annual license fee  
24 and furnishing the ~~State Board of Barber Examiners~~ with a satisfactory health certificate if  
25 required by the Board.

26 **"§ 86B-25. Disqualifications for ~~certificate~~ license.**

27 The Board may either refuse to issue or to renew, or may suspend or revoke any ~~certificate~~  
28 ~~of registration or license, barbershop permit-permit,~~ or barber school permit issued under this  
29 Article for any one or combination of the following causes:

- 30 (1) Conviction of the applicant or ~~certificate holder-licensee~~ of a felony proved  
31 by certified copy of the record of the court ~~conviction; conviction.~~
- 32 (2) Gross malpractice or gross ~~incompetence; incompetence.~~
- 33 (3) Continued practice by a person knowingly having an infectious or contagious  
34 disease after being warned in writing by the Board to cease ~~practice; practice.~~
- 35 (4) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or  
36 other habit forming ~~drugs; drugs.~~
- 37 (5) The commission of any of the offenses described in subdivisions (3), (5), and  
38 (6) of ~~G.S. 86A-20; G.S. 86B-27.~~
- 39 (6) The violation of any one or more of the sanitary rules and regulations  
40 established by statute or rule or regulation of the Board, provided that the  
41 Board has previously given two written warnings to the individual committing  
42 the ~~violation; violation.~~
- 43 (7) The violation of the rules and regulations pertaining to barber schools,  
44 provided that the Board has previously given two written warnings to the  
45 barber school.

46 **"§ 86B-26. Refusal, revocation or suspension of ~~certificates-licenses~~ or permits.**

47 The Board may neither refuse to issue nor refuse to renew, or suspend or revoke any  
48 ~~certificate of registration, license, barbershop permit, or barber school permit, for any of these~~  
49 the causes as provided in G.S. 86B-25, except in accordance with the provisions of Chapter 150B  
50 of the General Statutes.

51 **"§ 86B-27. Misdemeanors.**

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

- 2 (1) Violation of any of the provisions of ~~G.S. 86A-1~~; G.S. 86B-11.
- 3 (2) Obtaining or attempting to obtain a certificate of registration for money other  
4 than the required fee or any other thing of value, or by fraudulent  
5 ~~misrepresentations; misrepresentations.~~
- 6 (3) Practicing or attempting to practice by fraudulent  
7 ~~misrepresentations; misrepresentations.~~
- 8 (4) Willful failure to display a ~~certificate of registration license~~ as required by  
9 ~~G.S. 86A-16~~; G.S. 86B-23.
- 10 (5) Practicing or attempting to practice barbering during the period of suspension  
11 or revocation of any ~~certificate of registration license~~ granted under this  
12 Chapter. Each day's operation during a period of suspension or revocation  
13 shall be deemed a separate ~~offense~~; offense.
- 14 (6) Permitting any person in one's employ, supervision or control to practice as a  
15 barber unless that person holds a ~~certificate license~~ as a ~~registered licensed~~  
16 ~~barber or registered licensed apprentice.~~

17 **"§ 86B-28. Licensing and regulating barber schools and colleges.**

18 The ~~North Carolina State Board of Barber Examiners~~ may approve barber schools or colleges  
19 in the State, and may prescribe rules and regulations for their operation. The Board shall adopt  
20 rules establishing criteria for barber schools and colleges to maintain their accreditation. No  
21 barber school or college shall be approved by the Board unless the school or college meets all of  
22 the following requirements:

- 23 (1) Each school shall provide a course of instruction of at least 1528 hours.
- 24 (2) Each school shall employ at least ~~two instructors~~ one instructor for the first ~~40~~  
25 20 enrolled students and employ at least one additional instructor for every  
26 additional 20 enrolled students. ~~Schools that are organized as nonprofits and~~  
27 ~~have obtained a ruling from the Internal Revenue Service recognizing their~~  
28 ~~tax exempt status shall have at least one instructor for every 20 enrolled~~  
29 ~~students.~~ No school, whether for profit or nonprofit, shall provide practical  
30 training and theoretical training simultaneously unless at least two instructors  
31 are ~~present~~; present, or unless the theoretical training is offered online.
- 32 (3) An application for a student's permit, on a form prescribed by the Board, must  
33 be filed with the Board before the student enters school. No student may enroll  
34 without having obtained a student's permit.
- 35 (4) Each student enrolled shall be given a complete course of instruction on the  
36 following subjects: hair cutting; shaving; shampooing, and the application of  
37 creams and lotions; care and preparation of tools and implements; scientific  
38 massaging and manipulating the muscles of the scalp, face, and neck;  
39 sanitation and hygiene; shedding and regrowth of hair; elementary chemistry  
40 relating to sterilization and antiseptics; instruction on common skin and scalp  
41 diseases to the extent that they may be recognized; pharmacology as it relates  
42 to preparations commonly used in barbershops; instruction in the use of  
43 electrical appliances and the effects of the use of these on the human skin;  
44 structure of the skin and hair; nerve points of the face; the application of hair  
45 dyes and bleaches; permanent waving; marcelling or hair pressing; frosting  
46 and streaking; and the statutes and regulations relating to the practice of  
47 barbering in North Carolina. The Board shall specify the minimum number of  
48 hours of instruction for each subject required by this subsection.
- 49 (5) Each school shall file an up-to-date list of its students with the Board at least  
50 once a month. If a student withdraws or transfers, the school shall file a report  
51 with the Board stating the courses and hours completed by the withdrawing or

1 transferring student. The school shall also file with the Board a list of students  
2 who have completed the amount of work necessary to meet the licensing  
3 requirements.

4 (6) Each school shall comply with the sanitary requirements of  
5 ~~G.S. 86A-15~~G.S. 86B-21.

6 (7) a. Each school shall provide a guaranty bond unless the school has  
7 already provided a bond or an alternative to a bond under  
8 G.S. 115D-95.

9 The ~~North Carolina State Board of Barber Examiners~~ may revoke  
10 the approval of a school that fails to maintain a bond or an alternative  
11 to a bond pursuant to this subdivision or G.S. 115D-95.

12 b. When application is made for approval or renewal of approval, the  
13 applicant shall file a guaranty bond with the clerk of the superior court  
14 of the county in which the school will be located. The bond shall be in  
15 favor of the students. The bond shall be executed by the applicant as  
16 principal and by a bonding company authorized to do business in this  
17 State. The bond shall be conditioned to provide indemnification to any  
18 student, or his parent or guardian, who has suffered a loss of tuition or  
19 any fees by reason of the failure of the school to offer or complete  
20 student instruction, academic services, or other goods and services  
21 related to course enrollment for any reason, including the suspension,  
22 revocation, or nonrenewal of a school's approval, bankruptcy,  
23 foreclosure, or the school ceasing to operate.

24 The bond shall be in an amount determined by the Board to be  
25 adequate to provide indemnification to any student, or his parent or  
26 guardian, under the terms of the bond. The bond amount for a school  
27 shall be at least equal to the maximum amount of prepaid tuition held  
28 at any time during the last fiscal year by the school. The bond amount  
29 shall also be at least ten thousand dollars (\$10,000).

30 Each application for approval shall include a letter signed by an  
31 authorized representative of the school showing in detail the  
32 calculations made and the method of computing the amount of the  
33 bond pursuant to this subpart and the rules of the Board. If the Board  
34 finds that the calculations made and the method of computing the  
35 amount of the bond are inaccurate or that the amount of the bond is  
36 otherwise inadequate to provide indemnification under the terms of the  
37 bond, the Board may require the applicant to provide an additional  
38 bond.

39 The bond shall remain in force and effect until cancelled by the  
40 guarantor. The guarantor may cancel the bond upon 30 days notice to  
41 the Board. Cancellation of the bond shall not affect any liability  
42 incurred or accrued prior to the termination of the notice period.

43 c. An applicant that is unable to secure a bond may seek a waiver of the  
44 guaranty bond from the Board and approval of one of the guaranty  
45 bond alternatives set forth in this subpart. With the approval of the  
46 Board, an applicant may file with the clerk of the superior court of the  
47 county in which the school will be located, in lieu of a bond:

48 1. An assignment of a savings account in an amount equal to the  
49 bond required (i) that is in a form acceptable to the Board; (ii)  
50 that is executed by the applicant; (iii) that is executed by a  
51 federally insured depository institution or a trust institution

1 authorized to do business in this State; and (iv) for which  
 2 access to the account in favor of the State of North Carolina is  
 3 subject to the same conditions as for a bond in subpart b. above.  
 4 2. A certificate of deposit (i) that is executed by a federally  
 5 insured depository institution or a trust institution authorized  
 6 to do business in this State (ii) that is either payable to the State  
 7 of North Carolina, unrestrictively endorsed to the Board; in the  
 8 case of a negotiable certificate of deposit, is unrestrictively  
 9 endorsed to the Board; or in the case of a nonnegotiable  
 10 certificate of deposit, is assigned to the Board in a form  
 11 satisfactory to the Board; and (iii) for which access to the  
 12 certificate of deposit in favor of the State of North Carolina is  
 13 subject to the same conditions as for a bond in subpart b. above.

14 **"§ 86B-29. Instructors.**

15 (a) The Board shall issue an instructor's ~~certificate-license~~ to any currently ~~registered~~  
 16 ~~licensed~~ barber who has passed an instructor's examination given by the Board. This examination  
 17 shall cover the subjects listed in ~~G.S. 86A-22(4)~~ G.S. 86B-28(4) and in the Textbook of Barber  
 18 Styling approved by the Board.

19 (b) A person desiring to take an instructor's examination must make application to the  
 20 Board for examination on forms to be furnished by the Board and pay the instructor's examination  
 21 fee. Each person who passes the instructor's examination shall be issued a ~~certificate of~~  
 22 ~~registration-license~~ as a ~~registered-an~~ instructor by paying the issuance fee. Every instructor's  
 23 ~~certificate-license~~ shall expire on May 31 of each year. Any instructor's ~~certificate-license~~ issued  
 24 under this Chapter is automatically suspended by operation of law after failure to renew the  
 25 instructor's ~~certificate-license~~ by the expiration date and may be renewed only upon payment of  
 26 all lapsed renewal fees and the required late fee. Any person whose instructor's ~~certificate-license~~  
 27 has expired for a period of three years or more shall be required to take and pass the instructor's  
 28 examination before the ~~certificate-license~~ can be renewed.

29 **"§ 86B-30. Apprenticeship.**

30 (a) Before being issued an apprentice license, an applicant must pass an examination  
 31 conducted by the Board to determine his or her competence, including his or her knowledge of  
 32 barbering, sanitary rules and regulations, and knowledge of diseases of the face, skin and scalp.

33 (b) An apprentice license expires on May 31 of each year. Every holder of an apprentice  
 34 license shall annually renew the apprentice license by the expiration date and pay the required  
 35 renewal fee. An apprentice license issued under this Chapter is automatically suspended by  
 36 operation of law after failure to renew the apprentice license by the expiration date. An apprentice  
 37 whose apprentice license has expired may have the ~~certificate-license~~ restored immediately upon  
 38 paying all lapsed renewal fees and the required late fee. The ~~certificate-of-registration-license~~  
 39 of an apprentice is valid only so long as the apprentice works under the supervision of a ~~registered~~  
 40 ~~licensed~~ barber. The ~~registered-licensed~~ barber shall remain present on the premises of the  
 41 barbershop at all times while the apprentice is working. No apprentice shall operate a barbershop.

42 (c) On completion of at least one year's apprenticeship, evidenced by affidavit of the  
 43 supervising ~~registered-licensed~~ barber or barbers, and upon meeting the other requirements of  
 44 ~~G.S. 86A-3, G.S. 86B-13,~~ the apprentice shall be issued a license as a ~~registered~~-barber, pursuant  
 45 to ~~G.S. 86A-10. G.S. 86B-16.~~ No ~~registered-licensed~~ apprentice may practice for a period  
 46 exceeding three years without retaking and passing the required examination to receive a  
 47 ~~certificate-license~~ as a ~~registered-an~~ apprentice.

48 **"§ 86B-31. Fees collectible by Board.**

49 The ~~State Board of Barber Examiners~~ shall charge fees not to exceed the following:

|    |                                                                                         |          |
|----|-----------------------------------------------------------------------------------------|----------|
| 50 | <del>Certificate of registration-License</del> or renewal as a barber .....             | \$ 50.00 |
| 51 | <del>Certificate of registration-License</del> or renewal as an apprentice barber ..... | 50.00    |



|    |                                                                                                                |               |
|----|----------------------------------------------------------------------------------------------------------------|---------------|
| 1  | Barbershop permit or renewal .....                                                                             | 50.00         |
| 2  | <u>Mobile barbershop permit or renewal</u> .....                                                               | <u>50.00</u>  |
| 3  | Examination to become a registered barber .....                                                                | 85.00         |
| 4  | Examination to become a <del>registered</del> <u>licensed</u> apprentice barber .....                          | 85.00         |
| 5  | Late fee for restoration of an expired barber <del>certificate</del> <u>license</u> within                     |               |
| 6  | first year after expiration .....                                                                              | 35.00         |
| 7  | Late fee for restoration of an expired barber <del>certificate</del> <u>license</u> after first                |               |
| 8  | year after expiration but within five years after expiration .....                                             | 70.00         |
| 9  | Late fee for restoration of an expired apprentice <del>certificate</del> <u>license</u>                        |               |
| 10 | within first year after expiration .....                                                                       | 35.00         |
| 11 | Late fee for restoration of an expired apprentice <del>certificate</del> <u>license</u> after                  |               |
| 12 | first year after expiration but within three years of first                                                    |               |
| 13 | issuance of the <del>certificate</del> <u>license</u> .....                                                    | 45.00         |
| 14 | Late fee for restoration of an expired barbershop <del>certificate</del> <u>permit</u> .....                   | 45.00         |
| 15 | <u>Late fee for restoration of an expired mobile barbershop permit</u> .....                                   | <u>45.00</u>  |
| 16 | Examination to become a barber school instructor .....                                                         | 165.00        |
| 17 | Student permit .....                                                                                           | 25.00         |
| 18 | Issuance of any duplicate copy of a license, certificate, or permit .....                                      | 10.00         |
| 19 | Barber school permit or renewal .....                                                                          | 130.00        |
| 20 | Late fee for restoration of an expired barber school <del>certificate</del> <u>permit</u> .....                | 85.00         |
| 21 | Barber school instructor <del>certificate</del> <u>license</u> or renewal .....                                | 85.00         |
| 22 | Late fee for restoration of an expired barber school instructor                                                |               |
| 23 | <del>certificate</del> <u>license</u> within first year after expiration .....                                 | 45.00         |
| 24 | Late fee for restoration of an expired barber school instructor                                                |               |
| 25 | <del>certificate</del> <u>license</u> after first year after expiration but within                             |               |
| 26 | three years after expiration .....                                                                             | 85.00         |
| 27 | Inspection of newly established barbershop .....                                                               | 120.00        |
| 28 | <u>Inspection of newly established mobile barbershop</u> .....                                                 | <u>120.00</u> |
| 29 | Inspection of newly established barber school .....                                                            | 220.00        |
| 30 | Issuance of a <del>registered</del> <u>licensed</u> barber or apprentice <del>certificate</del> <u>license</u> |               |
| 31 | by certification .....                                                                                         | 120.00        |
| 32 | Barbers 70 years and older <del>certificate</del> <u>license</u> or renewal .....                              | No charge     |
| 33 | Reasonable charges for certified copies of public documents                                                    |               |
| 34 | Reasonable charges for duplication services and material.                                                      |               |

35 **"§ 86B-32. Barbering among members of same family.**

36 This Chapter shall not prohibit a member of a family from practicing barbering on a member  
 37 of his or her family. For purposes of this section, "a member of his or her family" means a spouse,  
 38 brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law,  
 39 daughter-in-law, son-in-law, stepparent, or stepchild.

40 "Article 3.  
 41 "Electrolysis.

42 **"§ 86B-33. Purpose.**

43 The purpose of this ~~Chapter~~ Article is to ensure minimum standards of competency, to protect  
 44 the public from misrepresentation of status by persons who hold themselves out to be "licensed  
 45 electrologists" or "licensed laser hair practitioners" and to provide the public with safe care by  
 46 the mandatory licensing of electrologists and laser hair practitioners.

47 **"§ 86B-34. Definitions.**

48 As used in this Chapter, unless the context requires otherwise:

- 49 (1) ~~"Board" means the Board. – The~~ North Carolina Board of Barbers and  
 50 Electrolysis Examiners.

- 1 (2) ~~"Electrolysis" means the Electrolysis.~~ – The permanent removal of hair by the  
 2 application of an electrical current to the dermal papilla by a filament to cause  
 3 decomposition, coagulation, or dehydration within the hair follicle as  
 4 approved by the Food and Drug Administration of the United States  
 5 Government.
- 6 (3) ~~"Electrologist" Electrologist or "electrolocist" means a electrolocist.~~ – A  
 7 person who engages in the practice of electrolysis for permanent hair removal.
- 8 (4) ~~"Electrology" means the Electrology.~~ – The art and practice relating to the  
 9 removal of hair from the normal skin of the human body by application of an  
 10 electric current to the hair papilla by means of a needle or needles so as to  
 11 cause growth inactivity of the hair papilla and thus permanently remove the  
 12 hair.
- 13 (5) ~~"Laser hair practitioner" means a Laser hair practitioner.~~ – A person who  
 14 engages in laser, light source, or pulsed-light treatments for the removal of  
 15 hair.
- 16 (6) ~~"Laser, Laser, light source, or pulsed-light devices" means a devices.~~ – A  
 17 device used exclusively in the nonablative procedure for the removal of hair.
- 18 (7) ~~"Laser, Laser, light source, or pulsed-light treatments" means the treatments.~~  
 19 – The use of laser or pulsed-light devices for nonablative procedures for the  
 20 removal of hair.

21 **"§ 86B-35. Unlawful practice.**

22 (a) It shall be unlawful to engage in the practice of electrolysis or laser, light source, or  
 23 pulsed-light treatments in this State without a license.

24 (b) Any person practicing electrology or laser, light source, or pulsed-light treatments for  
 25 the purpose of hair removal or hair reduction in this State without being licensed by the Board  
 26 shall be guilty of a Class I felony and may be assessed a civil penalty of up to five thousand  
 27 dollars (\$5,000) for each offense. Any other violation of this ~~Chapter~~ Article shall be a Class 2  
 28 misdemeanor.

29 **"§ 86B-36. Requirements for licensure as an electrologist.**

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

- 32 (1) Submit an application on a form approved by the Board.  
 33 (2) Be a resident of North Carolina.  
 34 (3) Be 21 years of age or older.  
 35 (4) Meet the requirements of subsection (a1) of this section.  
 36 (5) Pass an examination given by the Board.  
 37 (6) Submit the application and examination fees required in  
 38 ~~G.S. 88A-9(b)~~; G.S. 86B-53.

39 (a1) An applicant for licensure under this section shall ~~provide~~; provide one of the  
 40 following:

- 41 (1) Proof of graduation from a school certified by the Board pursuant to  
 42 ~~G.S. 88A-19~~; or G.S. 86B-50.  
 43 (2) Proof satisfactory to the Board that, for at least one year prior to the date of  
 44 application or the date of initial residence in this State, whichever is earlier,  
 45 the applicant was engaged in the practice of electrology in a state that does not  
 46 license electrologists.

47 Subdivision (2) of this subsection applies only to applicants whose residence in this State  
 48 began on or after January 31, 1994, who do not meet the qualifications of subdivision (1) of this  
 49 subsection or ~~G.S. 88A-12~~; G.S. 86B-40.

50 (b) At least twice each year, the Board shall give an examination to applicants for  
 51 licensure to determine the applicants' knowledge of the basic and clinical sciences relating to the

1 theory and practice of electrology. The Board shall give applicants notice of the date, time, and  
2 place of the examination at least 60 days in advance.

3 (c) When the Board determines that an applicant has met all the requirements for  
4 licensure, and has submitted the initial license fee required in ~~G.S. 88A-9(b)~~, G.S. 86B-53, the  
5 Board shall issue a license to the applicant.

6 (d) An applicant otherwise qualified for licensure who is not a resident of this State may  
7 nevertheless submit a statement of intent to begin practicing electrology in this State and receive  
8 a license. The applicant must provide to the Board within six months of receiving a license  
9 evidence satisfactory to the Board that the applicant has actually begun to practice electrology in  
10 this State. The Board may revoke the license of an applicant who fails to submit this proof or  
11 whose proof fails to satisfy the Board.

12 **"§ 86B-37. Temporary license.**

13 The Board may issue a temporary license to practice electrology to an applicant who meets  
14 the requirements of ~~G.S. 88A-10(a)(1)-(4)~~. G.S. 86B-36(1)-(4). A temporary license may not be  
15 valid for more than six months and may be renewed not more than once. The Board may by rule  
16 provide for a shorter duration and may prohibit any renewal of a temporary license. The Board  
17 shall adopt rules setting the criteria for any renewals. The Board may by rule require that holders  
18 of a temporary license practice under supervision and may specify criteria for supervision in its  
19 rules, including the setting, amounts of supervision, and qualifications of supervisors.

20 **"§ 86B-38. Licensure without examination.**

21 The Board may issue a license to practice electrology, without examination, to an ~~applicant:~~

22 (1) ~~Who was engaged in the practice of electrolysis in this State or another state~~  
23 ~~prior to July 1, 1993, and who submits an application for licensure to the Board~~  
24 ~~on or before January 31, 1994.~~

25 (2) ~~Who applicant who~~ is certified or licensed in good standing to practice  
26 electrolysis in another state, provided that the other state's educational hours  
27 of instruction are equal to or greater than the hours required in this State.

28 **"§ 86B-39. Requirements for licensure as a laser hair practitioner; limitations on licensed**  
29 **laser hair practitioners.**

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

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

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

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

39 (b) When the Board determines that an applicant has met all the requirements for  
40 licensure, and has submitted the initial license fee required in ~~G.S. 88A-9(b)~~, G.S. 86B-53, the  
41 Board shall issue a license to the applicant.

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

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

50 (e) All laser hair practitioners shall use laser, light source, or pulsed-light devices  
51 approved by the federal Food and Drug Administration and comply with all applicable federal

1 and State regulations, rules, and laws. Any licensed laser hair practitioner violating this  
2 subsection shall have his or her license revoked by the Board.

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

5 **"§ 86B-40. License renewal.**

6 (a) Every electrologist license or laser hair practitioner license issued pursuant to this  
7 Chapter must be renewed annually. On or before the date the current license expires, a person  
8 who desires to continue to practice electrology or as a laser hair practitioner shall apply for license  
9 renewal to the Board on forms approved by the Board, provide evidence of the successful  
10 completion of a continuing educational program approved by the Board, meet the criteria for  
11 renewal established by the Board, and pay the required fee. The Board may provide for the late  
12 renewal of licensure upon payment of a late fee as set by the Board, but late renewal may not be  
13 granted more than 90 days after expiration of the license.

14 (b) Any person who has failed to renew his or her license for more than 90 days after  
15 expiration may have it reinstated by applying to the Board for reinstatement on a form approved  
16 by the Board, furnishing a statement of the reason for failure to apply for renewal prior to the  
17 deadline, and paying the required fee. The Board may require evidence of competency to resume  
18 practice before reinstating the applicant's license.

19 **"§ 86B-41. Continuing education.**

20 (a) The Board shall determine the number of hours and subject matter of continuing  
21 education required as a condition of license renewal. The Board may offer continuing education  
22 to the licensees under this act.

23 (b) Upon request, the Board may grant approval to a continuing education program or  
24 course upon finding that the program or course offers an educational experience designed to  
25 enhance the practice of electrology.

26 (c) The Board shall maintain and distribute, as appropriate, records of the educational  
27 course work successfully completed by each licensee, including the subject matter and the  
28 number of hours of each course.

29 (d) Laser hair practitioners are required to complete a minimum of 10 hours of continuing  
30 education annually to maintain their licenses pursuant to rules adopted by the Board.

31 **"§ 86B-42. Inactive list.**

32 Upon request by a licensee for inactive status, the Board shall place the licensee's name on  
33 the inactive list. While on the inactive list, the person shall not be subjected to renewal  
34 requirements and shall not practice electrology in North Carolina. When that person desires to  
35 be removed from the inactive list and returned to an active list, a reactivation application shall be  
36 submitted to the Board on a form furnished by the Board and the fee shall be paid for license  
37 reactivation. The Board may require evidence of competency to resume practice before returning  
38 the applicant to the active status. Any person whose license has lapsed or expired for a period of  
39 five years or more shall be required to take and pass the examination for licensure before the  
40 license can be reactivated.

41 **"§ 86B-43. Exemptions from licensure.**

42 The following individuals shall be permitted to practice electrology without a license:

- 43 (1) Any physician licensed in accordance with Article 1 and Article 11 of Chapter  
44 90 of the General Statutes.
- 45 (2) A student at an approved school of electrology when electrolysis is performed  
46 in the course of study.
- 47 (3) A person demonstrating on behalf of a manufacturer or distributor any  
48 electrolysis equipment or supplies, if such demonstration is performed without  
49 charge.
- 50 (4) An employee of a hospital licensed under Chapter 131E of the General  
51 Statutes and working under the supervision of a physician licensed under

1 Article 1 of Chapter 90 of the General Statutes who is certified by the  
2 American Board of Dermatology.

3 **"§ 86B-44. Persons and practices not affected.**

4 The requirements of this ~~Chapter~~ Article shall not apply to any person licensed or approved  
5 by the North Carolina Medical Board to practice medicine or perform medical acts, tasks, or  
6 functions pursuant to Article 1 of Chapter 90 of the General Statutes or any person employed and  
7 working under the direct supervision of a physician licensed to practice medicine pursuant to  
8 Article 1 of Chapter 90 of the General Statutes.

9 **"§ 86B-45. Permanent establishment required.**

10 (a) Electrolysis shall be practiced by a licensed person only in a permanent establishment,  
11 hereafter referred to as an office. The Board may adopt reasonable rules and regulations  
12 concerning the sanitation standards, equipment, and supplies to be used and observed in offices.  
13 Offices shall be subject to periodic inspection at any time during business hours by members of  
14 the Board or its agents or assistants.

15 (b) Every electrologist shall notify the Board in writing 30 business days prior to, but no  
16 later than 10 business days after, any change of address or opening of a new office.

17 (c) Every electrologist shall display his license in a conspicuous place in the office.

18 (d) Every electrologist may make calls outside the office. The Board shall adopt rules and  
19 regulations concerning the equipment and instruments to be used by an electrologist when  
20 treating patients outside the office.

21 **"§ 86B-46. Requirements for certification as an electrology instructor.**

22 (a) Any person who desires to be certified as an "electrology instructor" pursuant to this  
23 Chapter ~~shall~~ shall meet all of the following requirements:

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

25 (2) Be a licensed ~~electrologist~~ electrologist.

26 (3) Have practiced electrology actively for at least five years immediately before  
27 the ~~application~~ and application.

28 (4) Pass a written examination given by the Board.

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

34 (c) When the Board determines that an applicant has met all the qualifications for  
35 certification as an electrology instructor, and has submitted the required fee, the Board shall issue  
36 an instructor's certificate to the applicant.

37 **"§ 86B-47. Requirements for licensure as a laser hair practitioner instructor.**

38 (a) Any person who desires licensure as a laser practitioner instructor pursuant to this  
39 Chapter shall meet the following requirements:

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

41 (2) Be an electrologist licensed under this Chapter or a physician licensed under  
42 Article 1 of Chapter 90 of the General Statutes.

43 (3) Have practiced laser and light-based treatments actively for at least five years  
44 immediately before applying for licensure.

45 (4) Have at least 100 hours of training in laser and light-based treatments.

46 (b) When the Board determines that an applicant has met all qualifications for licensure  
47 as a laser hair practitioner instructor and has submitted the required fee, the Board shall issue an  
48 instructor's license to the applicant.

49 **"§ 86B-48. Electrology apprenticeship program.**

50 (a) Notwithstanding the requirements of G.S. 86B-32, the Board shall issue a license as  
51 an electrologist to any individual who meets all of the following requirements:

- 1           (1)    Completes a Board-approved electrology apprenticeship program consisting  
2                    of 625 hours.
- 3           (2)    Visits two electrologist offices that are not the same office as the instructor of  
4                    the program.
- 5           (3)    Successfully passes a clinical examination conducted by the Board.
- 6       (b)    The Board shall not approve an electrology apprenticeship program until the Board  
7       has conducted an inspection of the facility where the program will be offered.
- 8       (c)    An application for a student permit must be filed with the Board before the student  
9       enrolls in school. The application shall be on a form prescribed by the Board. No student may  
10       enroll without having obtained a student permit prior to enrollment.
- 11       (d)    Instructors in the electrology apprenticeship program shall meet all of the following  
12       requirements:
- 13           (1)    Be licensed as an electrologist in this State.
- 14           (2)    Have more than five continuous years of experience as an electrologist.
- 15           (3)    Obtain at least one hour of Board-approved continuing education.
- 16           (4)    Successfully pass a written exam designated by the Board. The Board may  
17                    charge the applicant the actual cost of preparing and administering the  
18                    examination under this section.
- 19       (e)    The Board shall promulgate rules for the electrology apprenticeship program,  
20       including curriculum specifications, authorized textbooks, facility and equipment requirements,  
21       reporting and record-keeping requirements, assessment of students' progress in the program,  
22       school agreements, and qualifications of instructors, consistent with this section.

23       **"§ 86B-49. Renewal of instructor's license.**

24       An electrology or laser hair practitioner instructor's license shall be renewed annually. On or  
25       before the date the current license expires, the applicant must submit an application for renewal  
26       of licensure on a form approved by the Board, meet criteria for renewal established by the Board,  
27       and pay the required fee. Any person whose instructor's license has expired for a period of three  
28       years or more shall be required to take and pass the instructor's examination before the license  
29       can be renewed.

30       **"§ 86B-50. 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 Board  
32       approved school of electrology ~~shall~~shall do all of the following:
- 33           (1)    Submit an application on a form approved by the ~~Board;~~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;~~demonstration.
- 37           (3)    Submit a detailed list of the equipment to be used by the students in the  
38                    practical course of their ~~studies;~~studies.
- 39           (4)    Submit a copy of the planned electrology curriculum consisting of the number  
40                    of hours and subject matter determined by the Board, provided that the number  
41                    of hours required shall not be less than 120 hours and not more than 600  
42                    ~~hours;~~hours.
- 43           (5)    Submit a certified copy of the school manual of ~~instruction;~~instruction.
- 44           (6)    Submit the names and qualifications of the instructors certified in accordance  
45                    with ~~G.S. 88A-16; and,~~G.S. 86B-45.
- 46           (7)    ~~Any~~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 Food and Drug  
8 Administration of the United States Government.

9 **"§ 86B-51. Requirements for certification as a Board-approved school of laser, light source,  
10 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~~shall do all of the  
13 following:

- 14 (1) Submit an application on a form approved by the ~~Board~~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~~demonstration.
- 18 (3) Submit a detailed list of the equipment to be used by the students in the  
19 practical course of their ~~studies~~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 Board,  
22 provided that the number of hours required shall not be less than 30 hours  
23 pursuant to rules adopted by the ~~Board~~Board.
- 24 (5) Submit a certified copy of the school manual of ~~instruction~~instruction.
- 25 (6) Submit the names and qualifications of the instructors ~~certified~~and 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 has  
29 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 Board  
34 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 by  
37 the federal Food and Drug Administration.

38 **"§ 86B-52. Certification renewal.**

39 Every certificate issued pursuant to ~~G.S. 88A-19~~G.S. 86B-50 or ~~G.S. 88A-19.1~~G.S. 86B-51  
40 shall be renewed annually. On or before the date the current certificate expires, the applicant  
41 must submit an application for renewal of certification on a form approved by the Board, meet  
42 criteria for renewal established by the Board, and pay the required fee. Failure to renew the  
43 certificate within 90 days after the expiration date shall result in automatic forfeiture of any  
44 certification issued pursuant to this Chapter.

45 **"§ 86B-53. ~~Expenses and fees.~~Fees.**

46 All fees may be calculated by the Board in amounts sufficient to pay the costs of  
47 administration of this act, but in no event may they exceed the following:

- 48 (1) Application for licensure as an electrologist ..... \$150.00
- 49 (1a) Initial license ..... ~~150.00~~125.00
- 50 (1b) Examination or reexamination ..... ~~125.00~~150.00
- 51 (2) Licensure of electrology renewal ..... 150.00

|    |      |                                                                       |         |
|----|------|-----------------------------------------------------------------------|---------|
| 1  | (3)  | Application for licensure as an electrology instructor .....          | 150.00  |
| 2  |      |                                                                       |         |
| 3  | (4)  | Licensure of electrology instructor renewal .....                     | 150.00  |
| 4  | (5)  | Application for certification as a                                    |         |
| 5  |      | Board-approved school of electrology .....                            | 500.00  |
| 6  | (5a) | Application for licensure as laser hair practitioner.....             | 150.00  |
| 7  | (5b) | Licensure of laser hair practitioner renewal .....                    | 150.00  |
| 8  | (5c) | Application for licensure as laser hair practitioner instructor ..... | 150.00  |
| 9  | (5d) | Licensure of laser hair practitioner instructor renewal .....         | 150.00  |
| 10 | (5e) | Application for certification as a Board-approved school of           |         |
| 11 |      | laser, light source, or pulsed-light treatments .....                 | 500.00  |
| 12 | (5f) | Certificate of Board-approved school of laser, light source,          |         |
| 13 |      | or pulsed-light renewal.....                                          | 400.00  |
| 14 | (6)  | Certificate of Board-approved school of                               |         |
| 15 |      | electrology renewal .....                                             | 250.00  |
| 16 | (6a) | Certification of out-of-state schools .....                           | 150.00  |
| 17 | (6b) | Certification of out-of-state schools renewal .....                   | 100.00  |
| 18 | (6c) | Office inspection or reinspection .....                               | 100.00  |
| 19 | (6d) | License by reciprocity .....                                          | 150.00  |
| 20 | (7)  | Late renewal charge .....                                             | 125.00  |
| 21 | (8)  | Reinstatement of expired license or certification .....               | 250.00  |
| 22 | (9)  | Reactivation of license .....                                         | 200.00  |
| 23 | (10) | Duplicate license or certification.....                               | 25.00." |

**PART II. ADMINISTRATIVE RULES AND MERGER PROCEDURE**

**SECTION 3.(a)** The North Carolina Board of Barber and Electrolysis Examiners, established by Section 2 of this act, shall review the licensing fee limitations, established by this act, and the fees adopted by rule by the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners and determine whether the fee limitations and fees should be reduced to reflect savings and efficiencies generated by the consolidation of the Boards. No later than March 1, 2023, the North Carolina Board of Barber and Electrolysis Examiners shall report its findings and recommendations to the Joint Legislative Administrative Procedure Oversight Committee.

**SECTION 3.(b)** The North Carolina Board of Barber and Electrolysis Examiners, established by Section 2 of this act, shall review the licenses established by this act and determine whether certain licenses could be consolidated or eliminated as a result of the consolidation of the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners. No later than March 1, 2023, the North Carolina Board of Barber and Electrolysis Examiners shall report its findings and recommendations to the Joint Legislative Administrative Procedure Oversight Committee.

**SECTION 3.(c)** Licenses and registrations issued by the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners, prior to the effective date of this act, shall remain in full force and confer the same authority as when they were issued until those licenses and registrations expire, are revoked, or are renewed by the North Carolina Board of Barber and Electrolysis Examiners.

**SECTION 3.(d)** All property and assets owned by the North Carolina Board of Electrolysis Examiners shall be vested in and transferred to the North Carolina Board of Barber and Electrolysis Examiners.

**SECTION 3.(e)** Any litigation, disciplinary action, or other proceeding pending as of the effective date of this act, in the name of or against the State Board of Barber Examiners or



1 the North Carolina Board of Electrolysis Examiners, shall continue in the name of the North  
2 Carolina Board of Barber and Electrolysis Examiners.

3 **SECTION 3.(f)** The Department of State Treasurer shall hold funds received in the  
4 name of the North Carolina Board of Barber and Electrolysis Examiners separate from the funds  
5 received in the name of the State Board of Barber Examiners or the North Carolina Board of  
6 Electrolysis Examiners prior to the effective date of this act.

7 **SECTION 3.(g)** Rules adopted by the State Board of Barber Examiners and the  
8 North Carolina Board of Electrolysis Examiners shall remain in effect as provided in  
9 G.S. 150B-21.7.

10 **SECTION 3.(h)** The North Carolina Board of Barber and Electrolysis Examiners  
11 shall have authority to expend funds to conduct audits and prepare financial statements that would  
12 have been required under G.S. 93B-2 and G.S. 93B-4.

13 **SECTION 3.(i)** The North Carolina Board of Barber and Electrolysis Examiners  
14 shall adopt rules to implement the provisions of this act.

15 **SECTION 4.** Notwithstanding G.S. 86B-1, as recodified and amended by Section 1  
16 and Section 2 of this act, the members of the Board of Electrolysis Examiners shall be appointed  
17 to the North Carolina Board of Barber and Electrolysis Examiners as follows:

- 18 (1) One electrologist serving on the Board of Electrolysis Examiners as of  
19 December 31, 2021, appointed by the Governor, for a three-year term.
- 20 (2) One physician serving on the Board of Electrolysis Examiners as of December  
21 31, 2021, appointed by the Governor, for a two-year term.
- 22 (3) One public member serving on the Board of Barber Examiners or Board of  
23 Electrolysis Examiners as of December 31, 2021, appointed by the Governor,  
24 for a one-year term.

25 The appointments required by this section shall be made on or before October 1, 2021,  
26 and the initial terms of the appointees shall begin on January 1, 2022. Once these initial terms  
27 expire, all vacancies will be filled according to the provisions of G.S. 86B-1, as recodified and  
28 amended by Section 1 and Section 2 of this act.

29 **SECTION 5.** Section 3 of this act is effective when this act becomes law. Section 4  
30 of this act is effective when this act becomes law. The remainder of this act becomes effective  
31 January 1, 2022, and applies to applications for licensure, examination, and renewal submitted  
32 on or after that date.