

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 1013
HOUSE BILL 1205

AN ACT TO REQUIRE THE STATE BOARD OF COSMETIC ART EXAMINERS TO ISSUE A TEMPORARY EMPLOYMENT PERMIT TO PERSONS WHO HAVE APPLIED AND ARE QUALIFIED TO TAKE THE EXAMINATION FOR APPRENTICE COSMETOLOGIST OR REGISTERED COSMETOLOGIST.

The General Assembly of North Carolina enacts:

Section 1. Chapter 88 of the General Statutes is amended by adding a new section to read:

"§ 88-12.1. Temporary employment permit for applicants for examination.

(a) Any person who has completed the classroom hour requirements under this Chapter for registration as a cosmetologist or an apprentice cosmetologist, has applied and is qualified to take the State Board examination for registration as a cosmetologist or an apprentice cosmetologist, and has otherwise complied with this section may apply to the Board of Cosmetic Art Examiners for a temporary permit to be employed and engage in the practice of cosmetology under the direct supervision of a registered cosmetologist.

(b) Temporary employment permits shall be issued by the Board provided that the following conditions are satisfied:

- (1) Within six months of having met the classroom hour requirements for registration under this Chapter, the applicant for a temporary employment permit has applied and is qualified to take the Board's examination for registration as an apprentice cosmetologist or registered cosmetologist.
- (2) Except as otherwise provided in subparagraph (3) of this section, a permit issued to the qualifying individual for the first time shall be valid for not more than six months from the date that the permit applicant has met the classroom hour requirements for registration as a cosmetologist or apprentice cosmetologist.
- (3) If the holder of a temporary employment permit does not pass the examination that he took during the period that the permit was valid or within 30 days of permit expiration, and if at the time the examination results are published the permit has expired or will expire within 30 days of such publication, the permit holder may apply to the Board to have the temporary employment permit extended for a period not to exceed three months from the date of publication by the Board of the results of the examination taken and not passed by the individual,

provided that the applicant for a permit extension has applied and is qualified to retake the examination within the same six-month period. A permit shall not be extended more than one time for the same individual.

(c) The Board shall issue a temporary employment permit or permit extension to any individual who applies and meets the requirements for the permit or extension, as appropriate, as provided in this section.

(d) The holder of a valid temporary employment permit issued by the Board may engage in the practice of cosmetic art as defined under G.S. 88-2, provided that such practice is under the direct supervision of a registered cosmetologist. Nothing in this section may be construed to allow the holder of a valid temporary employment permit to operate, manage, or maintain a cosmetic art shop, beauty parlor, or hairdressing establishment, regulated under the provisions of this Chapter.

(e) The Board shall adopt rules necessary to implement the provisions of this section."

Sec. 2. G.S. 88-26 reads as rewritten:

"§ 88-26. Causes for revocation of certificates.

The Board of Cosmetic Art Examiners may either refuse to issue or renew, or may suspend, or revoke any certificate of registration or temporary employment permit for any one, or combination of the following causes:

- (1) Conviction of a felony shown by certified copy of the record of the court of conviction.
- (2) Gross malpractice, or gross incompetency, which shall be determined by the Board of Cosmetic Art Examiners.
- (3) Continued practice by a person knowingly having an infectious, or contagious disease.
- (4) Advertising by means of knowingly false, or deceptive statements.
- (5) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs.
- (6) The conviction of any of the offenses described in G.S. 88-28, subdivisions (3), (3a), (4), (6) and (7)."

Sec. 3. G.S. 88-28 reads as rewritten:

"§ 88-28. Acts made misdemeanors.

Each of the following constitutes a misdemeanor punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00), or up to 30 days in jail, or both:

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

- (3a) Employing or permitting any person in one's employ, supervision, or control, to engage in the practice of cosmetic art under an invalid temporary employment permit.
- (4) Obtaining, or attempting to obtain, a certificate of registration for money other than the required fee or any other thing of value, or by fraudulent misrepresentations.
- (5) Practicing or attempting to practice by fraudulent misrepresentations.
- (6) The willful failure to display a certificate of registration as required by G.S. 88-24.
- (7) The willful violation of the reasonable rules and regulations adopted by the State Board of Cosmetic Art Examiners."

Sec. 4. This act is effective upon ratification. Section 2 of this act applies to actions taken by the State Board of Cosmetic Art Examiners on or after the date of ratification. Section 3 of this act applies to charges brought on or after the date of ratification.

In the General Assembly read three times and ratified this the 26th day of July, 1990.