

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

5

SENATE BILL 294

Children and Human Resources Committee Substitute Adopted 4/5/95

Third Edition Engrossed 4/20/95

House Committee Substitute Favorable 6/5/95

House Committee Substitute #2 Favorable 5/22/96

Short Title: Regulation of Barbers/AB.

(Public)

Sponsors:

Referred to:

March 2, 1995

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE ISSUANCE AND RENEWAL OF BARBER CERTIFICATES, PERMITS, AND LICENSES, TO ESTABLISH LATE FEES FOR EXPIRED CERTIFICATES, TO MAKE CERTAIN REVISIONS TO THE LAW GOVERNING THE BOARD OF BARBER EXAMINERS AND THE SANITARY RULES, AND TO MAKE CONFORMING CHANGES TO THE COSMETIC ART ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 86A-3 reads as rewritten:

"§ 86A-3. Qualifications for certificate as a registered barber.

A certificate of registration as a registered barber shall be issued by the Board to any person who meets all of the following qualifications:

(1) Has attended an approved barber school for at least 1528 ~~hours;~~ hours.

(2) Has completed a 12-month apprenticeship under the supervision of a licensed barber, as provided in G.S. ~~86A-24; and~~ 86A-24.

(3) Has passed a clinical examination conducted by the ~~Board; and~~ Board.

1 (4) Has submitted to the Board ~~the signatures of three barbers registered in~~
2 ~~North Carolina, one of whom has supervised the applicant, the affidavit~~
3 ~~required by G.S. 86A-24(c) certifying that the applicant has served the~~
4 ~~apprenticeship required by subsection subdivision (2)."~~

5 Sec. 2. G.S. 86A-4 reads as rewritten:

6 "**§ 86A-4. State Board of Barber Examiners; appointment and qualifications; term**
7 **of office; removal.**

8 (a) The State Board of Barber Examiners is established to consist of ~~four~~ five
9 members appointed by the Governor. ~~Three~~ Four shall be licensed barbers; the other shall
10 be a person who is not licensed under this Chapter and who shall represent the interest of
11 the public at large.

12 (b) ~~All members serving on the Board on June 30, 1981, shall complete their~~
13 ~~respective terms. The Governor shall appoint the public member not later than July 1,~~
14 ~~1981. No member appointed to the Board on or after July 1, 1981, shall serve more than~~
15 ~~two complete consecutive three-year terms, except that each member shall serve until his~~
16 ~~the member's successor is appointed and qualifies.~~

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

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

22 Sec. 3. G.S. 86A-6 reads as rewritten:

23 "**§ 86A-6. Office; seal; officers and executive secretary; funds.**

24 The Board shall maintain a suitable office in Raleigh, and shall adopt and use a
25 common seal for the authentication of its orders and records. The Board shall annually
26 elect its own officers, and in addition, may elect or appoint a full-time executive secretary
27 who shall not be a member of the Board, and whose salary shall be fixed by the Board.
28 The executive secretary shall turn over to the State Treasurer to be credited to the State
29 Board of Barber Examiners all funds collected or received ~~by him~~ under this Chapter, the
30 funds to be held and expended under the supervision of the Director of the Budget,
31 exclusively for the enforcement and administration of the provisions of this Chapter.
32 Nothing herein shall be construed to authorize any expenditure in excess of the amount
33 available from time to time in the hands of the State Treasurer derived from fees
34 collected under the provisions of this Chapter and received by the State Treasurer
35 pursuant to the provisions of this section."

36 Sec. 4. G.S. 86A-11(a) reads as rewritten:

37 "(a) The Board may grant a temporary permit to work to a graduate of a barber
38 school in North Carolina provided application for examination has been filed and fee
39 paid. The permit is valid only until the date of the next succeeding Board examination of
40 applicants for apprenticeship registration except in cases of undue hardship as the Board
41 may determine, unless it is revoked or suspended earlier by the Board. In no event shall a
42 temporary permit be issued or remain valid after the holder has twice failed the
43 apprentice examination required by G.S. 86A-24(a). The permittee may operate only

1 under the supervision of a licensed ~~barber~~-barber and may work only at the registered
2 barbershop specified in the permit."

3 Sec. 5. G.S. 86A-13 reads as rewritten:

4 **"§ 86A-13. Barbershop and barber school permits.**

5 (a) Any person, firm or corporation, before establishing or opening a barbershop
6 or barber school not heretofore licensed by the State or the Board shall make application
7 to the Board on forms to be furnished by the Board, for a permit to operate a barbershop
8 or barber school, and the shop or school of the applicant shall be inspected and approved
9 by the State Board of Barber Examiners or an agent designated for that purpose by the
10 Board, before the barbershop or barber school may open for business. It is unlawful to
11 open a new or reopened barbershop or barber school until that shop or school has been
12 inspected and determined by the Board to be in compliance with the requirements of G.S.
13 86A-15 in the case of shops and G.S. 86A-15 and 86A-22 in the case of schools. Upon
14 compliance by the applicant with all requirements set forth in G.S. 86A-15, and the
15 payment of the prescribed fee the Board shall issue to the applicant the permit applied
16 for. Notwithstanding any other provision of this Chapter, no person, firm, or corporation
17 shall be issued a permit to operate a barbershop in a location registered as a barber
18 school, nor shall any person, firm, or corporation be issued a permit to operate a barber
19 school in a location registered as a barbershop.

20 (b) The owners of every registered barbershop and barber school shall annually, on
21 or before May 31 of each year, renew the barbershop's or barber school's certificate of
22 registration and pay the required renewal fee. Every certificate of registration for any
23 barbershop or barber school shall expire on the 31st day of May in each year. Any
24 certificate of registration issued under this Chapter shall be suspended automatically by
25 operation of law after failure to renew the certificate of registration by the expiration
26 date. The owner of any barbershop or barber school whose certificate of registration has
27 expired may, after the barbershop or barber school has been inspected as required in
28 subsection (a) of this section, have the certificate restored immediately upon paying all
29 lapsed renewal fees and the required late fee."

30 Sec. 6. G.S. 86A-14 reads as rewritten:

31 **"§ 86A-14. Persons exempt from the provisions of this Chapter.**

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

- 34 (1) Persons authorized under the laws of the State to practice medicine and
35 surgery, and those working under their supervision;
36 (2) Commissioned medical or surgical officers of the U.S. Army or other
37 components of the U.S. armed forces, and those working under their
38 supervision;
39 (3) Registered nurses and licensed practical nurses and those working under
40 their supervision;
41 (4) Licensed embalmers and funeral directors and those working under their
42 supervision;

- 1 (5) Persons who are working in licensed cosmetic shops or beauty schools
2 and are licensed by the State Board of Cosmetic Art ~~Examiners.~~
3 Examiners pursuant to Chapter 88 of the General Statutes; and
4 (6) Persons who are working in licensed barber shops and are licensed by
5 the State Board of Cosmetic Art Examiners pursuant to Chapter 88 of
6 the General Statutes, provided that those persons shall comply with G.S.
7 86A-15."

8 Sec. 7. G.S. 86A-15(a) reads as rewritten:

9 "(a) Each barber and each owner or manager of a barbershop, barber school or
10 college, or any other place where barber service is rendered, shall comply with the
11 following sanitary rules and regulations:

12 (1) Proper quarters. –

- 13 a. Every barbershop, or other place where barber service is
14 rendered, shall be located in buildings or rooms of such
15 construction that they may be easily cleaned, well lighted, well
16 ventilated and kept in an orderly and sanitary condition.
17 b. Each area where barber service is rendered or where a
18 combination of barber service and cosmetology service is
19 rendered shall be separated by a substantial partition or wall from
20 areas used for ~~other purposes.~~ purposes other than barber services,
21 cosmetology services, or shoe shining services.
22 c. Walls, floor and fixtures where barber service is rendered are to
23 be kept sanitary.
24 d. Running water, hot and cold, shall be provided, and ~~lavatories~~
25 sinks shall be located at a convenient place in each barbershop so
26 that ~~each barber~~ barbers may wash ~~his~~ their hands after each
27 haircut. Tanks and lavatories shall be of such construction that
28 they may be easily cleaned. The lavatory must have a drain pipe
29 to drain all waste water out of the building.
30 e. Every barbershop or other place where barber service is
31 rendered, and every building or structure used as a part of a
32 barber school, shall comply with applicable building and fire
33 codes and regulations.

34 (2) Equipment and instruments. –

- 35 a. Each person serving as a barber shall, immediately before using
36 razors, tweezers, combs, contact cup or pad, sterilize the
37 instruments by immersing them in a solution of fifty percent
38 (50%) alcohol, five percent (5%) carbolic acid, twenty percent
39 (20%) formaldehyde, or ten percent (10%) lysol or other product
40 or solution that the Board may approve. Every owner or manager
41 of a barbershop shall supply a separate container for the use of
42 each barber, adequate to provide for a sufficient supply of the
43 above solutions.

- 1 b. Each barber shall maintain combs and hair brushes in a clean and
2 sanitary condition at all times and shall thoroughly clean mug
3 and lather brush before each separate use.
- 4 c. The headrest of every barber chair shall be protected with clean
5 paper or a clean laundered towel. Each barber chair shall be
6 covered with a smooth nonporous surface, such as vinyl or
7 leather, that is cleaned easily.
- 8 d. Every person serving as a barber shall use a clean towel for each
9 patron. All clean towels shall be placed in closed cabinets until
10 used. Receptacles composed of material that can be washed and
11 cleansed shall be provided to receive used towels, and all used
12 towels must be placed in receptacles until laundered. Towels
13 shall not be placed in a sterilizer or tank or rinsed in the
14 barbershop. All wet and used towels shall be removed from the
15 work-stand or lavatory after serving each patron.
- 16 e. Whenever a hair cloth is used in cutting the hair, shampooing,
17 etc., a newly laundered towel or paper neckstrap shall be placed
18 around the patron's neck so as to prevent the hair cloth from
19 touching the skin. Hair cloths shall be replaced when soiled.

20 (3) Barbers. –

- 21 a. Every person serving as a barber shall thoroughly cleanse his or
22 her hands immediately before serving each patron.
- 23 b. Each person working as a barber shall be clean both as to person
24 and dress.
- 25 c. No barber shall serve any person who has an infectious or
26 communicable disease, and no barber shall undertake to treat any
27 patron's infectious or contagious disease. ~~Each barber practicing~~
28 ~~the profession in North Carolina shall furnish the Board of Barber~~
29 ~~Examiners a satisfactory health certificate at such time as the Board~~
30 ~~may deem necessary.~~

31 (4) Any person, other than a registered barber, shall before undertaking to
32 give shampoos in a barbershop furnish the Board with a health
33 certificate on a form provided by the Board.

34 (5) The owner or manager of a barbershop or any other place where barber
35 service is rendered shall post a copy of these rules and regulations in a
36 conspicuous place in the shop or other place where the services are
37 rendered."

38 Sec. 8. G.S. 86A-16 reads as rewritten:

39 "**§ 86A-16. Certificates to be displayed.**

40 Every holder of a certificate of registration as a registered barber, registered
41 apprentice, shop permit, ~~school permit or instructor's certificate~~ school permit, instructor's
42 certificate, or temporary permit issued pursuant to G.S. 86A-11 shall display it in a
43 conspicuous place adjacent to or near ~~his~~ the person's work chair."

1 Sec. 9. G.S. 86A-17 reads as rewritten:

2 **"§ 86A-17. Renewal or restoration of certificate.**

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

10 (b) A registered barber whose certificate of registration has expired may have ~~his~~
11 the certificate restored immediately upon paying ~~the required registration fee~~ all lapsed
12 renewal fees and the required late fee and furnishing a health certificate if required by the
13 Board; provided, however, a registered barber whose certificate has expired for a period
14 of five years shall be required to take the clinical examination prescribed by the State
15 Board of Barber Examiners and otherwise comply with the provisions of this Chapter
16 before engaging in the practice of barbering. No registered barber who is reissued a
17 certificate under this subsection shall be required to serve an apprenticeship as a
18 prerequisite to reissuance of ~~his~~ the certificate.

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

25 Sec. 10. G.S. 86A-22(2) reads as rewritten:

26 "(2) ~~(i)~~ Each school shall have at least two instructors, except that nonprofit
27 ~~schools that are nonprofit educational institutions with a curriculum and~~
28 ~~continuing education support system established with a State university~~
29 ~~or community college~~ shall have at least one instructor for every 20
30 enrolled students, ~~provided the one instructor may not conduct~~
31 ~~classroom lectures and study periods, or lectures and demonstrations on~~
32 ~~practical work, during the same time the one instructor is providing~~
33 ~~students with supervised practice in barbering.~~ students. Each instructor
34 must hold a valid instructor's certificate issued by the Board. ~~(ii)~~
35 ~~Programs established in post-secondary institutions shall be authorized~~
36 ~~only after they have been evaluated through the academic program~~
37 ~~approval processes as established by the respective governing boards.~~
38 ~~The boards, in evaluating instructional and fiscal resources included in~~
39 ~~the documents submitted requesting authority to offer programs in~~
40 ~~barbering, shall determine that standards are in place to ensure that~~
41 ~~programs established remain in compliance with appropriate~~
42 ~~accreditation agencies.~~ At least one instructor must be on the premises
43 of a barber school during regular instruction hours."

1 Sec. 11. G.S. 86A-22(3) reads as rewritten:

2 "(3) An application for a student's ~~permit~~ permit, ~~and a doctor's certificate, on~~
3 forms a form prescribed by the Board, must be filed with the Board
4 before the student enters school. No student may enroll without having
5 obtained a student's permit."

6 Sec. 12. G.S. 86A-23 reads as rewritten:

7 "**§ 86A-23. Instructors.**

8 (a) The Board shall issue an instructor's certificate to any currently registered
9 barber who has passed an instructor's examination given by the Board. This examination
10 shall cover the subjects listed in G.S. 86A-22(4) and ~~any other subjects which the Board~~
11 ~~deems necessary for the teaching of sanitary barbering.~~ in the Textbook of Barber Styling
12 approved by the Board.

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

24 Sec. 13. G.S. 86A-24(b) reads as rewritten:

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

34 Sec. 14. G.S. 86A-25 reads as rewritten:

35 "**§ 86A-25. Fees collectible by Board.**

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

37 Certificate of registration or renewal as a barber	\$ 30.00
38 Certificate of registration or renewal as an apprentice barber	30.00
39 Barbershop permit or renewal	30.00
40 Examination to become a registered barber	50.00
41 Examination to become a registered apprentice barber	50.00

1	Restoration of an expired certificate of a registered apprentice, registered	
2	barber or barbershop permit within the first year \$10.00 plus renewal	
3	fee; after the first year \$20.00 plus lapsed fees up to 5 years	
4	<u>Late fee for restoration of an expired barber certificate within first year after</u>	
5	<u>expiration 20.00</u>	
6	<u>Late fee for restoration of an expired barber certificate after first year after</u>	
7	<u>expiration but within five years after expiration 40.00</u>	
8	<u>Late fee for restoration of an expired apprentice certificate within first year</u>	
9	<u>after expiration 20.00</u>	
10	<u>Late fee for restoration of an expired apprentice certificate after first year after</u>	
11	<u>expiration but within three years of first issuance of the certificate 25.00</u>	
12	<u>Late fee for restoration of an expired barbershop certificate 25.00</u>	
13	Examination to become a barber school instructor 95.00	
14	Student permit	15.00
15	Issuance of any duplicate copy of a license, certificate <u>certificate</u> , or permit 7.50	
16	Barber school permit <u>or renewal</u>	75.00
17	<u>Late fee for restoration of an expired barber school certificate 50.00</u>	
18	Barber school instructor certificate or renewal 50.00	
19	<u>Late fee for restoration of an expired barber school instructor certificate within</u>	
20	<u>first year after expiration 25.00</u>	
21	<u>Late fee for restoration of an expired barber school instructor certificate after</u>	
22	<u>first year after expiration but within three years after expiration 50.00</u>	
23	Inspection of newly established barbershop	70.00
24	Inspection of newly established barber school	125.00
25	Issuance of a registered <u>barber</u> or apprentice certificate by certification 70.00	
26	<u>Barbers 70 years and older certificate or</u>	
27	<u>renewal No charge</u> ".	
28	Sec. 15. G.S. 88-1(a) reads as rewritten:	
29	"(a) On and after June 30, 1933, no <u>No</u> person or combination of persons shall, for	
30	pay or reward, either directly or indirectly, practice or attempt to practice cosmetic art as	
31	hereinafter defined in the State of North Carolina without a certificate of registration,	
32	either as a registered apprentice or as a registered 'cosmetologist,' issued pursuant to the	
33	provisions of this Chapter by the State Board of Cosmetic Art Examiners hereinafter	
34	established and, except <u>Examiners</u> , as provided in G.S. 88-7.1; the <u>The</u> practice of cosmetic	
35	art shall not be performed outside of a licensed and regularly inspected beauty	
36	establishment. <u>establishment, unless the practice is allowed under G.S. 88-7.1 or occurs in</u>	
37	<u>a barbershop licensed under Chapter 86A of the General Statutes. A person who</u>	
38	<u>practices cosmetic art in a barbershop must comply with G.S. 86A-15."</u>	
39	Sec. 16. G.S. 88-23(a)(1) reads as rewritten:	
40	"(a) (1) The State Board of Cosmetic Art Examiners shall have the	
41	authority to make <u>may adopt</u> a reasonable curriculum and rules for	
42	recognized schools and colleges of beauty culture and make <u>may</u>	
43	<u>adopt</u> reasonable rules and regulations for the sanitary management of	

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

18 Sec. 17. Sections 1, 4 through 6, and 8 through 13 of this act become effective
19 July 1, 1996, and apply to applications for and renewal of certificates, permits, and
20 licenses made on or after that date. G.S. 86A-15(a)(1)b., as enacted by Section 7 of this
21 act is effective upon ratification and applies retroactively to July 1, 1995; the remainder
22 of Section 7 becomes effective July 1, 1996. Section 14 of this act becomes effective
23 July 1, 1996, and applies to dues and fees for years beginning with 1997. The remainder
24 of this act is effective upon ratification.