

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 605
SENATE BILL 294

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Persons authorized under the laws of the State to practice medicine and surgery, and those working under their supervision;
- (2) Commissioned medical or surgical officers of the U.S. Army or other components of the U.S. armed forces, and those working under their supervision;
- (3) Registered nurses and licensed practical nurses and those working under their supervision;
- (4) Licensed embalmers and funeral directors and those working under their supervision;
- (5) Persons who are working in licensed cosmetic shops or beauty schools and are licensed by the State Board of Cosmetic Art Examiners. ~~Examiners pursuant to Chapter 88 of the General Statutes; and~~
- (6) Persons who are working in licensed barber shops and are licensed by the State Board of Cosmetic Art Examiners pursuant to Chapter 88 of the General Statutes, provided that those persons shall comply with G.S. 86A-15."

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

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

- (1) Proper quarters. –
 - a. Every barbershop, or other place where barber service is rendered, shall be located in buildings or rooms of such construction that they may be easily cleaned, well lighted, well ventilated and kept in an orderly and sanitary condition.
 - b. Each area where barber service is rendered or where a combination of barber service and cosmetology service is rendered shall be separated by a substantial partition or wall from areas used for ~~other purposes.~~ purposes other than barber services, cosmetology services, or shoe shining services.

- c. Walls, floor and fixtures where barber service is rendered are to be kept sanitary.
 - d. Running water, hot and cold, shall be provided, and ~~lavatories~~ sinks shall be located at a convenient place in each barbershop so that ~~each barber~~ barbers may wash ~~his~~ their hands after each haircut. Tanks and lavatories shall be of such construction that they may be easily cleaned. The lavatory must have a drain pipe to drain all waste water out of the building.
 - e. Every barbershop or other place where barber service is rendered, and every building or structure used as a part of a barber school, shall comply with applicable building and fire codes and regulations.
- (2) Equipment and instruments. –
- a. Each person serving as a barber shall, immediately before using razors, tweezers, combs, contact cup or pad, sterilize the instruments by immersing them in a solution of fifty percent (50%) alcohol, five percent (5%) carbolic acid, twenty percent (20%) formaldehyde, or ten percent (10%) lysol or other product or solution that the Board may approve. Every owner or manager of a barbershop shall supply a separate container for the use of each barber, adequate to provide for a sufficient supply of the above solutions.
 - b. Each barber shall maintain combs and hair brushes in a clean and sanitary condition at all times and shall thoroughly clean mug and lather brush before each separate use.
 - c. The headrest of every barber chair shall be protected with clean paper or a clean laundered towel. Each barber chair shall be covered with a smooth nonporous surface, such as vinyl or leather, that is cleaned easily.
 - d. Every person serving as a barber shall use a clean towel for each patron. All clean towels shall be placed in closed cabinets until used. Receptacles composed of material that can be washed and cleansed shall be provided to receive used towels, and all used towels must be placed in receptacles until laundered. Towels shall not be placed in a sterilizer or tank or rinsed in the barbershop. All wet and used towels shall be removed from the work-stand or lavatory after serving each patron.
 - e. Whenever a hair cloth is used in cutting the hair, shampooing, etc., a newly laundered towel or paper neckstrap shall be placed around the patron's neck so as to prevent the hair cloth from touching the skin. Hair cloths shall be replaced when soiled.
- (3) Barbers. –

- a. Every person serving as a barber shall thoroughly cleanse his or her hands immediately before serving each patron.
 - b. Each person working as a barber shall be clean both as to person and dress.
 - c. No barber shall serve any person who has an infectious or communicable disease, and no barber shall undertake to treat any patron's infectious or contagious disease. ~~Each barber practicing the profession in North Carolina shall furnish the Board of Barber Examiners a satisfactory health certificate at such time as the Board may deem necessary.~~
- (4) Any person, other than a registered barber, shall before undertaking to give shampoos in a barbershop furnish the Board with a health certificate on a form provided by the Board.
 - (5) The owner or manager of a barbershop or any other place where barber service is rendered shall post a copy of these rules and regulations in a conspicuous place in the shop or other place where the services are rendered."

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

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

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

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

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

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

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

(c) All persons serving in the United States armed forces and ~~any person~~ persons whose ~~certificate~~ certificates of registration as a registered barber ~~was~~ were in force one year prior to entering service may, without taking the required examination, renew ~~his~~

~~certificate~~ their certificates within 90 days after receiving an honorable discharge, by paying the current annual license fee and furnishing the State Board of Barber Examiners with a satisfactory health certificate if required by the Board."

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

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

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

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

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

"§ 86A-23. Instructors.

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

(b) A person desiring to take an instructor's examination must make application to the Board for examination on forms to be furnished by the Board and pay the instructor's examination fee. Each person who passes the instructor's examination shall be issued a certificate of registration as a registered instructor by paying the issuance fee ~~and the instructor's certificate shall be renewable as of the 31st day of May of each year.~~ fee. Every instructor's certificate shall expire on May 31 of each year. Any instructor's certificate issued under this Chapter is automatically suspended by operation of law after failure to renew the instructor's certificate by the expiration date and may be renewed only upon payment of all lapsed renewal fees and the required late fee. Any

person whose instructor's certificate has expired for a period of three years or more shall be required to take and pass the instructor's examination before the certificate can be renewed."

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

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

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

"§ 86A-25. Fees collectible by Board.

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

Certificate of registration or renewal as a barber	\$ 30.00
Certificate of registration or renewal as an apprentice barber	30.00
Barbershop permit or renewal	30.00
Examination to become a registered barber	50.00
Examination to become a registered apprentice barber	50.00
Restoration of an expired certificate of a registered apprentice, registered barber or barbershop permit within the first year \$10.00 plus renewal fee; after the first year \$20.00 plus lapsed fees up to 5 years	
<u>Late fee for restoration of an expired barber certificate within first year after expiration</u>	<u>20.00</u>
<u>Late fee for restoration of an expired barber certificate after first year after expiration but within five years after expiration</u>	<u>40.00</u>
<u>Late fee for restoration of an expired apprentice certificate within first year after expiration</u>	<u>20.00</u>
<u>Late fee for restoration of an expired apprentice certificate after first year after expiration but within three years of first issuance of the certificate</u>	<u>25.00</u>
<u>Late fee for restoration of an expired barbershop certificate</u>	<u>25.00</u>
Examination to become a barber school instructor	95.00
Student permit	15.00
Issuance of any duplicate copy of a license, certificate certificate, or permit	7.50
Barber school permit or renewal	75.00
<u>Late fee for restoration of an expired barber school certificate</u>	<u>50.00</u>
Barber school instructor certificate or renewal	50.00

<u>Late fee for restoration of an expired barber school instructor certificate within first year after expiration</u>	<u>25.00</u>
<u>Late fee for restoration of an expired barber school instructor certificate after first year after expiration but within three years after expiration</u>	<u>50.00</u>
Inspection of newly established barbershop	70.00
Inspection of newly established barber school	125.00
Issuance of a registered <u>barber</u> or apprentice certificate by Certification	70.00
<u>Barbers 70 years and older certificate or renewal</u>	<u>No charge</u> ".

Sec. 15. G.S. 88-1(a) reads as rewritten:

"(a) ~~On and after June 30, 1933, no~~ No person or combination of persons shall, for pay or reward, either directly or indirectly, practice or attempt to practice cosmetic art as hereinafter defined in the State of North Carolina without a certificate of registration, either as a registered apprentice or as a registered 'cosmetologist,' issued pursuant to the provisions of this Chapter by the State Board of Cosmetic Art ~~Examiners hereinafter established and, except Examiners.~~ as provided in G.S. 88-7.1; the ~~The~~ practice of cosmetic art shall not be performed outside of a licensed and regularly inspected beauty ~~establishment.~~ establishment, unless the practice is allowed under G.S. 88-7.1 or occurs in a barbershop licensed under Chapter 86A of the General Statutes. A person who practices cosmetic art in a barbershop must comply with G.S. 86A-15."

Sec. 16. G.S. 88-23(a)(1) reads as rewritten:

"(a) (1) The State Board of Cosmetic Art Examiners ~~shall have the authority to make~~ may adopt a reasonable curriculum and rules for recognized schools and colleges of beauty culture and ~~make~~ may adopt reasonable rules ~~and regulations~~ for the sanitary management of cosmetic art shops, beauty parlors, hairdressing establishments, cosmetic art schools, colleges, academies and training schools, hereinafter called shops and schools, and to have ~~such~~ the curriculum and rules and the sanitary rules ~~and regulations~~ enforced. The Board may not require a shop to be separated from a building or room used for the purpose of providing barber services. ~~The~~ duly authorized agents of ~~said~~ the Board shall have authority to enter upon and inspect any shop or school at any time during business hours. A copy of the curriculum and rules and the sanitary rules ~~and regulations~~ shall be furnished from the office of the Board or by ~~the above mentioned authorized agents~~ an agent of the Board to the owner or manager of each shop or ~~school in the State, and such~~ school. The copy shall be kept posted in a conspicuous place in each shop and school, and a copy of the curriculum and rules for recognized schools and colleges of beauty culture shall be kept posted in a conspicuous place in each school and the rules and regulations complied with as required by this Chapter. ~~school. Each shop and school shall comply with the rules."~~

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

In the General Assembly read three times and ratified this the 21st day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives