

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 294

Children and Human Resources Committee Substitute Adopted 4/5/95
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Short Title: Regulation of Barbers/AB.

(Public)

Sponsors:

Referred to: Finance

March 2, 1995

A BILL TO BE ENTITLED

1 AN ACT BILL TO LIMIT THE ISSUANCE AND RENEWAL OF BARBER
2 CERTIFICATES, PERMITS, AND LICENSES, TO ESTABLISH LATE FEES FOR
3 EXPIRED CERTIFICATES, TO MAKE CERTAIN REVISIONS TO THE LAW
4 GOVERNING THE BOARD OF BARBER EXAMINERS AND THE SANITARY
5 RULES, AND TO MAKE CONFORMING CHANGES TO THE COSMETIC ART
6 ACT.
7

8 The General Assembly of North Carolina enacts:

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

10 **"§ 86A-3. Qualifications for certificate as a registered barber.**

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

- 13 (1) Has attended an approved barber school for at least 1528 hours;
- 14 (2) Has completed a 12-month apprenticeship under the supervision of a
15 licensed barber, as provided in G.S. 86A-24; and
- 16 (3) Has passed a clinical examination conducted by the Board; and
- 17 (4) Has submitted to the Board ~~the signatures of three barbers registered in~~
18 ~~North Carolina, one of whom has supervised the applicant, the affidavit~~

1 required by G.S. 86A-24(c) certifying that the applicant has served the
2 apprenticeship required by subsection (2)."

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

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

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

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

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

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

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

21 **"§ 86A-6. Office; seal; officers and executive secretary; funds.**

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

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

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

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

2 **"§ 86A-13. Barbershop and barber school permits.**

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

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

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

29 **"§ 86A-14. Persons exempt from the provisions of this Chapter.**

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

- 32 (1) Persons authorized under the laws of the State to practice medicine and
33 surgery, and those working under their supervision;
- 34 (2) Commissioned medical or surgical officers of the U.S. Army or other
35 components of the U.S. armed forces, and those working under their
36 supervision;
- 37 (3) Registered nurses and licensed practical nurses and those working under
38 their supervision;
- 39 (4) Licensed embalmers and funeral directors and those working under their
40 supervision;
- 41 (5) Persons who are working in licensed cosmetic shops or beauty schools
42 and who are licensed by the State Board of Cosmetic Art Examiners.
43 Examiners pursuant to Chapter 88 of the General Statutes; and

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

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

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

9 (1) Proper quarters. –

10 a. Every barbershop, or other place where barber service is
11 rendered, shall be located in buildings or rooms of such
12 construction that they may be easily cleaned, well lighted, well
13 ventilated and kept in an orderly and sanitary condition.

14 b. Each area where barber service is rendered or where a
15 combination of barber service and cosmetology service is
16 rendered shall be separated by a substantial partition or wall from
17 areas used for other purposes.

18 c. Walls, floor and fixtures where barber service is rendered are to
19 be kept sanitary.

20 d. Running water, hot and cold, shall be provided, and ~~lavatories~~
21 sinks shall be located at a convenient place in each barbershop so
22 that ~~each barber-barbers~~ may wash ~~his-their~~ hands after each
23 haircut. Tanks and lavatories shall be of such construction that
24 they may be easily cleaned. The lavatory must have a drain pipe
25 to drain all waste water out of the building.

26 e. Every barbershop or other place where barber service is
27 rendered, and every building or structure used as a part of a
28 barber school, shall comply with applicable building and fire
29 codes and regulations.

30 (2) Equipment and instruments. –

31 a. Each person serving as a barber shall, immediately before using
32 razors, tweezers, combs, contact cup or pad, sterilize the
33 instruments by immersing them in a solution of fifty percent
34 (50%) alcohol, five percent (5%) carbolic acid, twenty percent
35 (20%) formaldehyde, or ten percent (10%) lysol or other product
36 or solution that the Board may approve. Every owner or manager
37 of a barbershop shall supply a separate container for the use of
38 each barber, adequate to provide for a sufficient supply of the
39 above solutions.

40 b. Each barber shall maintain combs and hair brushes in a clean and
41 sanitary condition at all times and shall thoroughly clean mug
42 and lather brush before each separate use.

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

17 (3) Barbers. –

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

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

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

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

36 **"§ 86A-16. Certificates to be displayed.**

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

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

42 **"§ 86A-17. Renewal or restoration of certificate.**

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

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

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

23 Sec. 10. G.S. 86A-18 reads as rewritten:

24 "**§ 86A-18. Disqualifications for certificate.**

25 The Board may either refuse to issue or to renew, or may suspend or revoke any
26 certificate of registration or barbershop permit or barber school permit for any one or
27 combination of the following causes:

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

1 (7) The violation of the rules and regulations pertaining to barber schools,
2 provided that the Board has previously given two written warnings to
3 the school."

4 Sec. 11. G.S. 86A-22(2) reads as rewritten:

5 "(2) Each school shall have at least two full-time instructors. Each instructor
6 must hold a valid instructor's certificate issued by the ~~Board~~-Board, and
7 must be on the premises of the barber school during regular instruction
8 hours."

9 Sec. 12. G.S. 86A-22(3) reads as rewritten:

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

14 Sec. 13. G.S. 86A-23 reads as rewritten:

15 **"§ 86A-23. Instructors.**

16 (a) The Board shall issue an instructor's certificate to any currently registered
17 barber who has held a certificate as a registered barber in this State for at least three years
18 or has been licensed as a barber in another state for at least three years and has passed an
19 instructor's examination given by the Board. This examination shall cover the subjects
20 listed in G.S. 86A-22(4) and any other subjects which the Board deems necessary for the
21 teaching of sanitary barbering.

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

34 Sec. 14. G.S. 86A-24(b) reads as rewritten:

35 "(b) ~~An apprentice license may be renewed annually on the payment of the prescribed fee.~~
36 Every holder of an apprentice license shall annually, on or before May 31 of each year,
37 renew the apprentice license and pay the required renewal fee. Every apprentice license
38 shall expire on the 31st day of May in each year. Any apprentice license issued under
39 this Chapter shall be automatically suspended by operation of law after failure to renew
40 the apprentice license by the expiration date. An apprentice whose apprentice license has
41 expired may have the certificate restored immediately upon paying all lapsed renewal
42 fees and the required late fee. The certificate of registration of an apprentice is valid only

1 so long as ~~he~~ the apprentice works under supervision of a registered barber. No apprentice
 2 shall operate a barbershop."

3 Sec. 15. G.S. 86A-25 reads as rewritten:

4 **"§ 86A-25. Fees collectible by Board.**

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

| | | | |
|----|--|----------|---------------|
| 6 | Certificate of registration or renewal as a barber | \$ 30.00 | |
| 7 | Certificate of registration or renewal as an apprentice barber | 30.00 | |
| 8 | Barbershop permit or renewal | | 30.00 |
| 9 | Examination to become a registered barber | | 50.00 |
| 10 | Examination to become a registered apprentice barber | 50.00 | |
| 11 | Restoration of an expired certificate of a registered apprentice, registered | | |
| 12 | barber or barbershop permit within the first year \$10.00 plus renewal | | |
| 13 | fee; after the first year \$20.00 plus lapsed fees up to 5 years | | |
| 14 | <u>Late fee for restoration of an expired certificate of a registered barber within</u> | | |
| 15 | <u>first year after expiration 30.00</u> | | |
| 16 | <u>Late fee for restoration of an expired certificate of a registered barber after first</u> | | |
| 17 | <u>year after expiration, but within five years after expiration 60.00</u> | | |
| 18 | <u>Late fee for restoration of an expired certificate of a registered apprentice</u> | | |
| 19 | <u>within first year 30.00</u> | | |
| 20 | <u>Late fee for restoration of an expired certificate of a registered apprentice but</u> | | |
| 21 | <u>within three years of first issuance of the certificate 30.00</u> | | |
| 22 | <u>Late fee for restoration of an expired certificate of a registered barbershop</u> | | |
| 23 | <u>30.00</u> | | |
| 24 | Examination to become a barber school instructor | 95.00 | |
| 25 | Student permit | | 15.00 |
| 26 | Issuance of any duplicate copy of a license, certificate or permit | 7.50 | |
| 27 | Barber school permit <u>or renewal</u> | | 75.00 |
| 28 | <u>Late fee for restoration of an expired certificate of a registered barber school</u> | | |
| 29 | <u>75.00</u> | | |
| 30 | Barber school instructor certificate or renewal | 50.00 | |
| 31 | <u>Late fee for restoration of an expired certificate of a barber school instructor</u> | | |
| 32 | <u>within first year 50.00</u> | | |
| 33 | <u>Late fee for restoration of an expired certificate of a barber school instructor</u> | | |
| 34 | <u>after first year after expiration, but within 3 years after expiration</u> | | |
| 35 | <u>100.00</u> | | |
| 36 | Inspection of newly established barbershop | | 70.00 |
| 37 | Inspection of newly established barber school | 125.00 | |
| 38 | Issuance of a registered or apprentice certificate by certification | 70.00 | |
| 39 | <u>Barbers 80 years and older license (no charge)</u> | | <u>-0-</u> ". |

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

41 "(a) ~~On and after June 30, 1933, no~~ No person or combination of persons shall, for
 42 pay or reward, either directly or indirectly, practice or attempt to practice cosmetic art as
 43 hereinafter defined in the State of North Carolina without a certificate of registration,

1 either as a registered apprentice or as a registered 'cosmetologist,' issued pursuant to the
2 provisions of this Chapter by the State Board of Cosmetic Art ~~Examiners hereinafter~~
3 ~~established and, except~~ Examiners. Except as provided in G.S. 88-7.1; the practice of
4 cosmetic art shall not be performed outside of a licensed and regularly inspected beauty
5 ~~establishment.~~ establishment, except a registered cosmetologist shall be allowed to
6 practice cosmetic art in a licensed barber shop provided that those persons comply with
7 the provisions of G.S. 86A-15."

8 Sec. 17. Sections 1 and 4 through 15 of this act become effective July 1, 1995,
9 and apply to applications for and renewals of certificates, permits, and licenses on or after
10 that date. Section 15 applies to dues and fees for years beginning with 1996. The
11 remainder of this act is effective upon ratification.