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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)

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Sponsors:

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Referred to:

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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 the following qualifications:

- (1) Has attended an approved barber school for at least 1528 hours;
- (2) Has completed a 12-month apprenticeship under the supervision of a licensed barber, as provided in G.S. 86A-24; and
- (3) Has passed a clinical examination conducted by the Board; and

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 (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 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 who 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 who are licensed  
5 by the State Board of Cosmetic Examiners pursuant to Chapter 88 of the  
6 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.  
21           c. Walls, floor and fixtures where barber service is rendered are to  
22 be kept sanitary.  
23           d. Running water, hot and cold, shall be provided, and ~~lavatories~~  
24 sinks shall be located at a convenient place in each barbershop so  
25 that ~~each barber~~ barbers may wash ~~his~~ their hands after each  
26 haircut. Tanks and lavatories shall be of such construction that  
27 they may be easily cleaned. The lavatory must have a drain pipe  
28 to drain all waste water out of the building.  
29           e. Every barbershop or other place where barber service is  
30 rendered, and every building or structure used as a part of a  
31 barber school, shall comply with applicable building and fire  
32 codes and regulations.

33           (2) Equipment and instruments. –

- 34           a. Each person serving as a barber shall, immediately before using  
35 razors, tweezers, combs, contact cup or pad, sterilize the  
36 instruments by immersing them in a solution of fifty percent  
37 (50%) alcohol, five percent (5%) carbolic acid, twenty percent  
38 (20%) formaldehyde, or ten percent (10%) lysol or other product  
39 or solution that the Board may approve. Every owner or manager  
40 of a barbershop shall supply a separate container for the use of  
41 each barber, adequate to provide for a sufficient supply of the  
42 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 clean laundered towel. Each barber chair shall be  
6           covered with a smooth nonporous surface, such as vinyl or  
7           leather, which 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~~the  
22          person's 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  
29          Barber Examiners a satisfactory health certificate at such time as  
30          the Board 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 and pay  
6 the required renewal fee. Every certificate of registration shall expire on the 31st day of  
7 May in each year. Any certificate of registration issued under this Chapter shall be  
8 suspended automatically 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 and furnishing  
12 a health certificate if required by the Board; all lapsed renewal fees and the required late fee;  
13 provided, however, a registered barber whose certificate has expired for a period of five  
14 years shall be required to take the clinical examination prescribed by the State Board of  
15 Barber Examiners and otherwise comply with the provisions of this Chapter before  
16 engaging in the practice of barbering. No registered barber who is reissued a certificate  
17 under this subsection shall be required to serve an apprenticeship as a prerequisite to  
18 reissuance of ~~his~~ the certificate.

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

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

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

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

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

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

36 **"§ 86A-23. Instructors.**

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

(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. Every instructor's certificate shall expire on May 31 of each year. Any instructor's certificate issued under this Chapter shall be suspended automatically 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. Every holder of an apprentice license shall annually, on or before May 31 of each year, renew the apprentice license and pay the required renewal fee. Every apprentice license shall expire on the 31st day of May in each year. Any apprentice license issued under this Chapter shall be 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 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
<del>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</del>	
<u>Late fee for restoration of an expired certificate of a registered barber within first year after expiration</u>	<u>30.00</u>
<u>Late fee for restoration of an expired certificate of a registered barber after first year after expiration, but within five years after expiration</u>	<u>60.00</u>
<u>Late fee for restoration of an expired certificate of a registered apprentice within first year</u>	<u>30.00</u>
<u>Late fee for restoration of an expired certificate of a registered apprentice but within three years of first issuance of the certificate</u>	<u>30.00</u>

1	<u>Late fee for restoration of an expired certificate of a registered barbershop</u>	
2	<u>30.00</u>	
3	Examination to become a barber school instructor	95.00
4	Student permit	15.00
5	Issuance of any duplicate copy of a license, certificate or permit	7.50
6	Barber school permit or renewal	75.00
7	<u>Late fee for restoration of an expired certificate of a registered barber school</u>	
8	<u>75.00</u>	
9	Barber school instructor certificate or renewal	50.00
10	<u>Late fee for restoration of an expired certificate of a barber school instructor</u>	
11	<u>within first year 50.00</u>	
12	<u>Late fee for restoration of an expired certificate of a barber school instructor</u>	
13	<u>after first year after expiration, but within three years after expiration</u>	
14	<u>100.00</u>	
15	Inspection of newly established barbershop	70.00
16	Inspection of newly established barber school	125.00
17	Issuance of a registered or apprentice certificate by certification	70.00
18	<u>Barbers 80 years and older license (no charge)</u>	<u>-0-</u>
19	Sec. 15. G.S. 88-1(a) reads as rewritten:	
20	"(a) <del>On and after June 30, 1933, no</del> <u>No</u> person or combination of persons shall, for	
21	pay or reward, either directly or indirectly, practice or attempt to practice cosmetic art as	
22	hereinafter defined in the State of North Carolina without a certificate of registration,	
23	either as a registered apprentice or as a registered 'cosmetologist,' issued pursuant to the	
24	provisions of this Chapter by the State Board of Cosmetic Art <del>Examiners hereinafter</del>	
25	<del>established and, except Examiners, as provided in G.S. 88-7.1; the</del> <u>The practice of cosmetic</u>	
26	art shall not be performed outside of a licensed and regularly inspected beauty	
27	<del>establishment.</del> <u>establishment, except a registered cosmetologist shall be allowed to</u>	
28	<u>practice cosmetic art in a licensed barbershop provided that those persons comply with</u>	
29	<u>the provisions of G.S. 86A-15, and except as provided in G.S. 88-7.1."</u>	
30	Sec. 16. Sections 1 and 4 through 14 of this act become effective July 1, 1995,	
31	and apply to applications for and renewals of certificates, permits, and licenses on or after	
32	that date. Section 14 applies to dues and fees for years beginning with 1996. The	
33	remainder of this act is effective upon ratification.	