

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 792
Committee Substitute Favorable 6/29/21

Short Title: Barbers/Electrolysis Boards/Merger.

(Public)

Sponsors:

Referred to:

May 4, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MERGE THE BARBER AND ELECTROLYSIS LICENSING BOARDS.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. RECODIFY AND REORGANIZE THE NORTH CAROLINA BOARD OF**
6 **BARBER EXAMINERS AND THE NORTH CAROLINA BOARD OF ELECTROLYSIS**
7 **EXAMINERS**

8 **SECTION 1.(a)** The General Statutes are amended by adding a new Chapter 86B to
9 be entitled "Barber and Electrolysis Practice Act." Chapter 86B of the General Statutes shall be
10 divided into three Articles, as follows:

- 11 (1) "Article 1. The North Carolina Board of Barber and Electrolysis Examiners."
12 (2) "Article 2. Barbers."
13 (3) "Article 3. Electrolysis."

14 **SECTION 1.(b)** G.S. 86A-4 (Board of Barber Examiners; appointment and
15 qualifications; term of office; removal) is recodified as G.S. 86B-1 in Article 1 of Chapter 86B
16 of the General Statutes, as created by Section 1 of this act.

17 **SECTION 1.(c)** G.S. 86A-5 (Powers and duties of the Board) is recodified as
18 G.S. 86B-2 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this
19 act.

20 **SECTION 1.(d)** G.S. 86A-6 (Office; seal; officers and executive director; funds) is
21 recodified as G.S. 86B-3 in Article 1 of Chapter 86B of the General Statutes, as created by
22 Section 1 of this act.

23 **SECTION 1.(e)** G.S. 86A-7 (Salary and expenses; employees; audits; annual reports
24 to the Governor) is recodified as G.S. 86B-4 in Article 1 of Chapter 86B of the General Statutes,
25 as created by Section 1 of this act.

26 **SECTION 1.(f)** G.S. 86A-21 (Board to keep records of proceedings; data on
27 registrants) is recodified as G.S. 86B-5 in Article 1 of Chapter 86B of the General Statutes, as
28 created by Section 1 of this act.

29 **SECTION 1.(g)** Subsection (a) of G.S. 88A-9 (Expenses and fees) is recodified as
30 G.S. 86B-6 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this
31 act.

32 **SECTION 1.(h)** G.S. 88A-21 (Disciplinary authority of the Board) is recodified as
33 G.S. 86B-7 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this
34 act.



1 **SECTION 1.(i)** G.S. 88A-22 (Enjoining illegal practices) is recodified as
2 G.S. 86B-8(a) and (b) in Article 1 of Chapter 86B of the General Statutes, as created by Section
3 1 of this act.

4 **SECTION 1.(j)** G.S. 86A-20.1 (Enjoining illegal practices) is recodified as
5 G.S. 86B-8(c) in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this
6 act.

7 **SECTION 1.(k)** G.S. 88A-23 (Reports and immunity from suit) is recodified as
8 G.S. 86B-9 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this
9 act.

10 **SECTION 1.(l)** G.S. 86A-27 (Civil penalties; disciplinary costs) is recodified as
11 G.S. 86B-10 in Article 1 of Chapter 86B of the General Statutes, as created by Section 1 of this
12 act.

13 **SECTION 1.(m)** G.S. 86A-1 (Necessity for certification of registration and shop or
14 school permit) is recodified as G.S. 86B-11 in Article 2 of Chapter 86B of the General Statutes,
15 as created by Section 1 of this act.

16 **SECTION 1.(n)** G.S. 86A-2 (What constitutes practice of barbering) is recodified
17 as G.S. 86B-12 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of
18 this act.

19 **SECTION 1.(o)** G.S. 86A-3 (Qualifications for certificate as a registered barber) is
20 recodified as G.S. 86B-13 in Article 2 of Chapter 86B of the General Statutes, as created by
21 Section 1 of this act.

22 **SECTION 1.(p)** G.S. 86A-8 (Application for examinations; payment of fee) is
23 recodified as G.S. 86B-14 in Article 2 of Chapter 86B of the General Statutes, as created by
24 Section 1 of this act.

25 **SECTION 1.(q)** G.S. 86A-9 (Board to conduct examinations not less than four times
26 each year) is recodified as G.S. 86B-15 in Article 2 of Chapter 86B of the General Statutes, as
27 created by Section 1 of this act.

28 **SECTION 1.(r)** G.S. 86A-10 (Issuance of certificates of registration) is recodified
29 as G.S. 86B-16 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of
30 this act.

31 **SECTION 1.(s)** G.S. 86A-11 (Temporary permits) is recodified as G.S. 86B-17 in
32 Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

33 **SECTION 1.(t)** G.S. 86A-12 (Applicants licensed in other states) is recodified as
34 G.S. 86B-18 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this
35 act.

36 **SECTION 1.(u)** G.S. 86A-13 (Barbershop and barber school permits) is recodified
37 as G.S. 86B-19 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of
38 this act.

39 **SECTION 1.(v)** G.S. 86A-15 (Sanitary rules and regulations; inspections) is
40 recodified as G.S. 86B-21 in Article 2 of Chapter 86B of the General Statutes, as created by
41 Section 1 of this act.

42 **SECTION 1.(w)** G.S. 86A-14 (Persons exempt from the provisions of this Chapter)
43 is recodified as G.S. 86B-22 in Article 2 of Chapter 86B of the General Statutes, as created by
44 Section 1 of this act.

45 **SECTION 1.(x)** G.S. 86A-16 (Certificates to be displayed) is recodified as
46 G.S. 86B-23 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this
47 act.

48 **SECTION 1.(y)** G.S. 86A-17 (Renewal or restoration of certificate) is recodified as
49 G.S. 86B-24 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this
50 act.

1 **SECTION 1.(z)** G.S. 86A-18 (Disqualification for certificate) is recodified as
2 G.S. 86B-25 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this
3 act.

4 **SECTION 1.(aa)** G.S. 86A-19 (Refusal, revocation or suspension of certificates or
5 permits) is recodified as G.S. 86B-26 in Article 2 of Chapter 86B of the General Statutes, as
6 created by Section 1 of this act.

7 **SECTION 1.(bb)** G.S. 86A-20 (Misdemeanors) is recodified as G.S. 86B-27 in
8 Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

9 **SECTION 1.(cc)** G.S. 86A-22 (Licensing and regulating barber schools and
10 colleges) is recodified as G.S. 86B-28 in Article 2 of Chapter 86B of the General Statutes, as
11 created by Section 1 of this act.

12 **SECTION 1.(dd)** G.S. 86A-23 (Instructors) is recodified as G.S. 86B-29 in Article
13 2 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

14 **SECTION 1.(ee)** G.S. 86A-24 (Apprenticeship) is recodified as G.S. 86B-30 in
15 Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

16 **SECTION 1.(ff)** G.S. 86A-25 (Fees collectible by the Board) is recodified as
17 G.S. 86B-31 in Article 2 of Chapter 86B of the General Statutes, as created by Section 1 of this
18 act.

19 **SECTION 1.(gg)** G.S. 86A-26 (Barbering among members of same family) is
20 recodified as G.S. 86B-32 in Article 2 of Chapter 86B of the General Statutes, as created by
21 Section 1 of this act.

22 **SECTION 1.(hh)** G.S. 88A-1 (Short title) is repealed.

23 **SECTION 1.(ii)** G.S. 88A-2 (Purpose) is recodified as G.S. 86B-33 in Article 3 of
24 Chapter 86B of the General Statutes, as created by Section 1 of this act.

25 **SECTION 1.(jj)** G.S. 88A-3 (Definitions) is recodified as G.S. 86B-34 in Article 3
26 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

27 **SECTION 1.(kk)** G.S. 88A-4 (Unlawful practice) is recodified as G.S. 86B-35 in
28 Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

29 **SECTION 1.(ll)** G.S. 88A-5 (Creation and membership of the Board) is repealed.

30 **SECTION 1.(mm)** G.S. 88A-6 (Powers and duties of the Board) is repealed.

31 **SECTION 1.(nn)** G.S. 88A-7 (Applicability of Executive Budget Act; audit
32 oversight) is repealed.

33 **SECTION 1.(oo)** G.S. 88A-8 (The Board may accept contributions, etc.) is repealed.

34 **SECTION 1.(pp)** G.S. 88A-10 (Requirements for licensure as an electrologist) is
35 recodified as G.S. 86B-36 in Article 3 of Chapter 86B of the General Statutes, as created by
36 Section 1 of this act.

37 **SECTION 1.(qq)** G.S. 88A-10.1 (Temporary license) is recodified as G.S. 86B-37
38 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

39 **SECTION 1.(rr)** G.S. 88A-11 (Licensure without examination) is recodified as
40 G.S. 86B-38 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this
41 act.

42 **SECTION 1.(ss)** G.S. 88A-11.1 (Requirements for licensure as a laser hair
43 practitioner; limitations on licensed laser hair practitioners) is recodified as G.S. 86B-39 in
44 Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

45 **SECTION 1.(tt)** G.S. 88A-12 (License renewal) is recodified as G.S. 86B-40 in
46 Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

47 **SECTION 1.(uu)** G.S. 88A-13 (Continuing education) is recodified as G.S. 86B-41
48 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

49 **SECTION 1.(vv)** G.S. 88A-14 (Inactive list) is recodified as G.S. 86B-42 in Article
50 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

1 SECTION 1.(ww) G.S. 88A-15 (Exemptions from licensure) is recodified as
2 G.S. 86B-43 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this
3 act.

4 SECTION 1.(xx) G.S. 88A-15.1 (Persons not affected) is recodified as G.S. 86B-44
5 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

6 SECTION 1.(yy) G.S. 88A-16 (Permanent establishment required) is recodified as
7 G.S. 86B-45 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this
8 act.

9 SECTION 1.(zz) G.S. 88A-17 (Requirements for certification as an electrology
10 instructor) is recodified as G.S. 86B-46 in Article 3 of Chapter 86B of the General Statutes, as
11 created by Section 1 of this act.

12 SECTION 1.(aaa) G.S. 88A-17.1 (Requirements for licensure as a laser hair
13 practitioner instructor) is recodified as G.S. 86B-47 in Article 3 of Chapter 86B of the General
14 Statutes, as created by Section 1 of this act.

15 SECTION 1.(bbb) G.S. 88A-18 (Renewal of instructor's license) is recodified as
16 G.S. 86B-49 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this
17 act.

18 SECTION 1.(ccc) G.S. 88A-19 (Requirements for certification as a Board approved
19 school of electrology) is recodified as G.S. 86B-50 in Article 3 of Chapter 86B of the General
20 Statutes, as created by Section 1 of this act.

21 SECTION 1.(ddd) G.S. 88A-19.1 (Requirements for certification as a
22 Board-approved school of laser, light source, or pulsed-light treatments) is recodified as
23 G.S. 86B-51 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this
24 act.

25 SECTION 1.(eee) G.S. 88A-20 (Certificate renewal) is recodified as G.S. 86B-52 in
26 Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this act.

27 SECTION 1.(fff) Subsection (b) of G.S. 88A-9 (Expenses and fees) is recodified as
28 G.S. 86B-53 in Article 3 of Chapter 86B of the General Statutes, as created by Section 1 of this
29 act.

30 SECTION 2. Chapter 86B of the General Statutes, as created by Section 1 of this
31 act, reads as rewritten:

32 "Chapter 86B.

33 "Barber and Electrolysis Practice Act.

34 "Article 1.

35 "The North Carolina Board of Barber and Electrolysis Examiners.

36 "**§ 86B-1. ~~State North Carolina Board of Barber and Electrolysis Examiners; appointment~~
37 ~~and qualifications; term of office; removal.~~**

38 (a) The ~~State North Carolina Board of Barber and Electrolysis Examiners~~ is established
39 to consist of ~~five-nine~~ members appointed by the Governor as follows:

40 (1) ~~Four shall be Five licensed barbers; the other shall be a person-barbers, one of~~
41 whom shall be appointed by the General Assembly upon the recommendation
42 of the Speaker of the House of Representatives, one of whom shall be
43 appointed by the General Assembly upon the recommendation of the
44 President Pro Tempore of the Senate, and three of whom shall be appointed
45 by the Governor.

46 (2) Two electrologists who have engaged in the practice of electrolysis for at least
47 five years, one of whom shall be appointed by the General Assembly upon the
48 recommendation of the Speaker of the House of Representatives and one of
49 whom shall be appointed by the General Assembly upon the recommendation
50 of the President Pro Tempore of the Senate.

1 (3) One physician licensed under Article 1 of Chapter 90 of the General Statutes,
2 and who shall be nominated by the North Carolina Medical Board and
3 appointed by the Governor.

4 (4) One public member who is not licensed under this Chapter and who shall
5 represent the interest of the public at large, or Chapter 90 of the General
6 Statutes who shall be appointed by the Governor.

7 (b) No member appointed to the Board ~~on or after July 1, 1981,~~ shall serve more than
8 three complete consecutive three-year terms, except that each member shall serve until the
9 member's successor is appointed and qualifies.

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

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

15 **"§ 86B-2. Powers and duties of the Board.**

16 (a) ~~The Board has the following powers and duties:~~

17 (1) ~~To see that inspections of barbershops and schools are conducted to determine~~
18 ~~compliance with sanitary regulations. The Board may appoint inspectors as~~
19 ~~necessary.~~

20 (2) ~~To adopt sanitary regulations concerning barber schools and shops and~~
21 ~~procedural rules in accordance with the guidelines established in G.S. 86A-15.~~

22 (3) ~~To review the barber licensing laws of other states and to determine which are~~
23 ~~the substantive equivalent of the laws of North Carolina for purposes of G.S.~~
24 ~~86A-12.~~

25 (4) ~~To conduct examinations of applicants for certificate of registration as~~
26 ~~registered barber, registered apprentice and barber school instructor.~~

27 (5) ~~To employ and fix the compensation of personnel that the Board deems~~
28 ~~necessary to carry out the provisions of this Chapter.~~

29 (6) ~~To assess civil penalties pursuant to G.S. 86A-27.~~

30 (b) ~~The Board shall adopt regulations:~~

31 (1) ~~Prohibiting the use of commercial chemicals of unknown content by persons~~
32 ~~registered under this Chapter. For purposes of this section, "commercial~~
33 ~~chemicals" are those products sold only through beauty and barber supply~~
34 ~~houses and not available to the general public;~~

35 (2) ~~Instructing persons registered under this Chapter in the proper use and~~
36 ~~application of commercial chemicals where no manufacturer's instructions are~~
37 ~~included. In the alternative, the Board shall prohibit the use of such~~
38 ~~commercial chemicals by persons registered under this Chapter.~~

39 (c) ~~Each Board member shall submit periodic reports to the Board concerning his~~
40 ~~activities in carrying out duties as a Board member. have the powers and duties necessary to carry~~
41 ~~out and enforce the provisions of this Chapter. The Board may, in accordance with Chapter 150B~~
42 ~~of the General Statutes, adopt rules necessary to carry out and enforce the provisions of this~~
43 ~~Chapter. If the Board has reasonable cause to believe that a violation of a provision of this~~
44 ~~Chapter may have occurred, the Board may investigate, upon its own motion or upon receipt of~~
45 ~~a complaint from any individual, any licensee or establishment subject to the provisions of this~~
46 ~~Chapter to determine whether a violation has occurred.~~

47 **"§ 86B-3. Office; seal; officers and executive director; funds.**

48 The Board shall maintain a suitable office in ~~Raleigh, Wake County,~~ and shall adopt and use
49 a common seal for the authentication of its orders and records. The Board shall annually elect its
50 own officers, and in addition, may ~~elect or~~ appoint a full-time executive director who shall not
51 be a member of the Board, and whose salary shall be fixed by the Board. The executive director

1 shall turn over to the State Treasurer to be credited to the ~~State~~ North Carolina Board of Barber
2 and Electrolysis Examiners all funds collected or received under this Chapter, the funds to be
3 held and expended under the supervision of the Director of the Budget, exclusively for the
4 enforcement and administration of the provisions of this Chapter. Nothing herein shall be
5 construed to authorize any expenditure in excess of the amount available from time to time in the
6 hands of the State Treasurer derived from fees collected under the provisions of this Chapter and
7 received by the State Treasurer pursuant to the provisions of this section.

8 **"§ 86B-4. Salary and expenses; ~~employees; audits; annual reports to the~~**
9 **Governor.employees.**

10 (a) Each member of the North Carolina Board of Barber and Electrolysis Examiners shall
11 be reimbursed for his or her actual expenses and shall receive compensation and travel allowance
12 according to G.S. 93B-5 for the distance traveled in performance of his or her duties. The
13 expenses, compensation and all other salaries and expenses in connection with the administration
14 of this Chapter, shall be paid upon warrant drawn on the State Treasurer, solely from the funds
15 derived from fees collected and received under this Chapter.

16 (b) The Board shall employ such agents, assistants and attorneys as it deems necessary.

17 ~~(c) The Board shall report annually to the Governor, a full statement of its receipts and~~
18 ~~expenditures, and also a full statement of its work during the year, together with such~~
19 ~~recommendations as it may deem expedient.~~

20 **"§ 86B-5. Board to keep record of proceedings; data on ~~registrants.licensees.~~**

21 The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal,
22 suspension, and revocation of ~~certificates of registration. licenses issued by the Board.~~ This
23 record shall contain the name, place of business and residence of each ~~registered licensed~~ barber
24 and ~~registered licensed~~ apprentice, and the date and number of ~~his certificate of registration. the~~
25 ~~license.~~ This record shall be open to public inspection at all reasonable times.

26 **"§ 86B-6. Expenses and fees.**

27 (a) All salaries, compensation, and expenses incurred or allowed for the purpose of
28 carrying out the purposes of this Chapter shall be paid by the Board exclusively out of the fees
29 received by the Board as authorized by this Chapter, ~~or funds received pursuant to G.S. 88A-7.~~
30 ~~Chapter.~~ No salary, expense, or other obligations of the Board may be charged against the
31 General Fund of the State. Neither the Board nor any of its officers or employees may incur any
32 expense, debt, or other financial obligation binding upon the State.

33 **"§ 86B-7. Disciplinary authority of the Board.**

34 (a) Grounds for disciplinary action shall ~~include:~~include all of the following:

- 35 (1) Conviction of, or finding of guilt with respect to, a crime in this State or any
36 other jurisdiction, regardless of adjudication, if any element of the crime
37 directly relates to the practice of ~~electrolysis;~~electrolysis.
- 38 (2) Obtaining, or attempting to obtain, a license to practice electrolysis by bribery
39 or by fraudulent ~~misrepresentation;~~misrepresentation.
- 40 (3) Malpractice or the inability to practice electrolysis with reasonable skill and
41 ~~safety;~~safety.
- 42 (4) Disseminating false, deceptive, or misleading ~~advertising;~~advertising.
- 43 (5) Judicial determination of mental ~~incompetency;~~incompetency.
- 44 (6) The revocation, suspension, or denial of the person's license or certification to
45 practice electrolysis in any other state or territory of the United ~~States;~~States.
- 46 (7) A finding, upon investigation by the Board, that the applicant or licensee is
47 guilty of unprofessional conduct. "Unprofessional conduct" includes any act
48 which departs from, or fails to conform to, the minimum standards of
49 acceptable and prevailing electrolysis ~~praetice;~~practice.
- 50 (8) Assisting, aiding, abetting, or procuring the practice of a person who is not
51 licensed under this ~~Chapter; and,~~Chapter.

1 (9) Violation of any provision of this Chapter, or any rule or regulation of the
2 Board.

3 (b) In accordance with Chapter 150B of the General Statutes, the Board may require
4 remedial education, issue a letter of reprimand, restrict, revoke, or suspend any license or
5 certification issued pursuant to this Chapter or deny any application for licensure or certification
6 if the Board determines that the applicant or licensee has committed any of the acts listed in
7 subsection (a).

8 (c) The Board may reinstate a revoked license or remove licensure restrictions when it
9 finds that the reasons for revocation or restriction no longer exist and that the person can
10 reasonably be expected to practice electrology safely and properly.

11 **"§ 86B-8. Enjoining illegal practices.**

12 (a) If the Board finds that any person is violating any of the provisions of this Chapter, it
13 may apply in its own name to the superior court for an injunction or restraining order to prevent
14 that person from further violation. The court is empowered to grant an injunction regardless of
15 whether any other enforcement action has been or may be instituted. All actions by the Board
16 shall be governed by the North Carolina Rules of Civil Procedure.

17 (b) The venue for actions brought under this Chapter shall be the superior court in the
18 county where the illegal or unlawful acts are alleged to have been committed, in the county where
19 the defendant resides, or in the county where the Board maintains its offices and records.

20 (c) ~~The Board, the~~ Department of Health and Human Services, or any county or district
21 health director may apply to the superior court for an injunction to restrain any person from
22 violating the provisions of this Chapter or the Board's rules. Actions under this section shall be
23 brought in the county where the defendant resides or maintains his or her principal place of
24 business or where the alleged acts occurred.

25 **"§ 86B-9. Reports and immunity from suit.**

26 Any person who has reasonable cause to suspect misconduct or incapacity of a licensee, or
27 who has reasonable cause to suspect that any person is in violation of this Chapter, shall report
28 the relevant facts to the Board. Upon the receipt of such charge, or upon its own initiative, the
29 Board may give notice of an administrative hearing or may, after diligent investigation, dismiss
30 unfounded charges. Any person making a report pursuant to this section shall be immune from
31 any criminal prosecution or civil liability resulting therefrom unless such person knew the report
32 was false or acted in reckless disregard of whether the report was false.

33 **"§ 86B-10. Civil penalties; disciplinary costs.**

34 (a) Authority to Assess Civil Penalties. – The Board may assess a civil penalty not in
35 excess of five hundred dollars (\$500.00) per offense for the violation of any section of this
36 Chapter or the violation of any rules adopted by the Board. The clear proceeds of any civil penalty
37 assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in
38 accordance with G.S. 115C-457.2.

39 (b) Consideration Factors. – Before imposing and assessing a civil penalty, the Board
40 shall consider the following factors:

41 (1) The nature, gravity, and persistence of the particular violation.

42 (2) The appropriateness of the imposition of a civil penalty when considered alone
43 or in combination with other punishment.

44 (3) Whether the violation was willful and malicious.

45 (4) Any other factors that would tend to mitigate or aggravate the violations found
46 to exist.

47 (c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil penalties
48 for violations of this Chapter and rules adopted by the Board.

49 (d) Costs. – The Board may in a disciplinary proceeding charge costs, including
50 reasonable attorneys' fees, to the licensee against whom the proceedings were brought.

51 "Article 2.

"Barbers.

"§ 86B-11. Necessity for ~~certificate of registration~~ license and shop or school permit.

No person or combination of persons shall, either directly or indirectly, practice or attempt to practice barbering in the State of North Carolina without first obtaining a ~~certificate of registration~~ license either as a ~~registered~~ licensed apprentice or as a ~~registered~~ licensed barber issued pursuant to provisions of this Chapter by the ~~State North Carolina Board of Barber and Electrolysis Examiners~~. No person or combination of persons, or corporation, shall operate, manage or attempt to operate or manage a barber school, barbershop, mobile barbershop, or any other place where barber services are rendered, after July 1, 1945, without first obtaining a shop permit, or school permit, issued by the ~~State Board of Barber Examiners~~, Board pursuant to the provisions of this Chapter.

"§ 86B-12. What constitutes practice of barbering.

Any one or combination of the following practices constitutes the practice of barbering in the purview of this Chapter:

- (1) Shaving or trimming the beard, or cutting the ~~hair~~; hair.
- (2) Dyeing the hair or applying hair tonics, permanent waving or marcelling the ~~hair~~; hair.
- (3) Giving facial or scalp massages, or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances.

"§ 86B-13. Qualifications for certificate as a registered barber.

A ~~certificate of registration as a registered barber~~ license to practice barbering 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.
- (2) Has completed a 12-month apprenticeship under the supervision of a licensed barber, as provided in ~~G.S. 86A-24~~; G.S. 86B-30.
- (3) Has passed a clinical examination conducted by the Board.
- (4) Has submitted to the Board the affidavit required by ~~G.S. 86A-24(e)~~ G.S. 86B-30(c) certifying that the applicant has served the apprenticeship required by subdivision (2).

"§ 86B-14. Application for examinations; payment of fee.

Each applicant for an examination ~~shall~~; shall do all of the following:

- (1) Make application to the Board on forms prepared and furnished by the Board, and the application shall contain proof ~~under applicant's oath~~ of the particular qualifications of the applicant. ~~All applications for examination must be filed with the Board at least 30 days prior to the actual taking of such examination by applicants;~~
- (2) Pay to the Board the required fee.

"§ 86B-15. Board to conduct examinations not less than four times each year.

The Board shall conduct examinations of applicants for ~~certificates of registration~~ licensure to practice barbering as ~~registered~~ licensed barbers and ~~registered~~ licensed apprentices, not less than four times each year, at such times and places as will prove most convenient and as the Board may determine. The Board may adopt rules establishing procedures for the administration of examinations.

"§ 86B-16. Issuance of certificates of registration.

Whenever the provisions of this Chapter have been complied with, the Board shall issue, or have issued, a ~~certificate of registration~~ license as a ~~registered~~ barber or as a ~~registered~~ an apprentice, as the case may be.

"§ 86B-17. Temporary permits.

(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

1 apprenticeship ~~registration~~ licensure except in cases of undue hardship as the Board may
2 determine, unless it is revoked or suspended earlier by the Board. In no event shall a temporary
3 permit be issued or remain valid after the holder has twice failed the apprentice examination
4 required by ~~G.S. 86A-24(a)~~ G.S. 86B-30. The permittee may operate only under the supervision
5 of a licensed barber and may work only at the registered barbershop specified in the permit.

6 (b) The Board may grant a temporary permit to work to one whose license has been
7 expired for more than five years in North Carolina provided application for examination to restore
8 has been filed and fee paid. The permit is valid only until the date of the next succeeding Board
9 examination of applicants for barber licenses except in cases of undue hardship as the Board may
10 determine, unless it is revoked or suspended earlier by the Board.

11 (c) The Board may grant a temporary permit to persons licensed in another state who
12 come to North Carolina for the purpose of teaching or demonstrating barber skills. The Board
13 shall also inspect and approve the area where the demonstration is to be given if it is not an
14 already approved shop or school. This permit shall be limited to the specific days of
15 demonstration and shall be of no validity before or after.

16 (d) The Board may grant a temporary permit to work to persons licensed in another state
17 and seeking permanent licensure in North Carolina under ~~G.S. 86A-12~~ G.S. 86B-18.

18 **"§ 86B-18. Applicants licensed in other states.**

19 (a) The Board shall issue, without examination, a license to applicants already licensed
20 in another state provided the applicant presents evidence satisfactory to the Board ~~that~~ that the
21 following requirements are met:

- 22 (1) ~~He~~ The applicant is currently an active, competent practitioner in good
23 standing; and ~~standing.~~
- 24 (2) ~~He~~ The applicant has practiced at least ~~three~~ one out of the five years
25 immediately preceding his ~~application; and~~ application.
- 26 (3) ~~He~~ The applicant currently holds a valid license in another ~~state; and~~ state.
- 27 (4) There is no disciplinary proceeding or unresolved complaint pending against
28 ~~him~~ the applicant at the time a license is to be issued by this ~~State; and~~ State.
- 29 (5) The licensure requirements in the other state are the substantive equivalent of
30 those required by this State.

31 (b) The requirements in subdivisions (1) or (5), or both, of subsection (a) of this section
32 may be waived by the Board provided that the applicant presents evidence satisfactory to the
33 Board that the ~~applicant~~ applicant meets all of the following:

- 34 (1) Has met the licensure requirements of the state in which he or she received his
35 ~~license; or~~ her license.
- 36 (2) Has at least five years practical ~~experience; and~~ experience.
- 37 (3) Demonstrates his or her knowledge of barbering skills and of the sanitary
38 regulations in North Carolina by passing a practical, written or oral
39 examination.

40 (c) Any license granted pursuant to this section is subject to the same duties and
41 obligations and entitled to the same rights and privileges as a license issued under
42 ~~G.S. 86A-3~~ G.S. 86B-13.

43 **"§ 86B-19. ~~Barbershop~~ Barbershop, mobile barbershop, and barber school permits.**

44 (a) Any person, firm or corporation, before establishing or opening a ~~barbershop~~
45 barbershop, mobile barbershop, or barber school not ~~heretofore~~ licensed by the State or the Board
46 shall make application to the Board on forms to be furnished by the Board, for a permit to operate
47 a ~~barbershop~~ barbershop, mobile barbershop, or barber school, ~~and the shop~~ school. The
48 barbershop, mobile barbershop, or barber school of the applicant shall be inspected and approved
49 by the ~~State Board of Barber Examiners~~ or an agent designated for that purpose by the Board,
50 before the ~~barbershop~~ barbershop, mobile barbershop, or barber school may open for business.
51 It is unlawful to open a new or reopened ~~barbershop~~ barbershop, mobile barbershop, or barber

1 school until that ~~shop~~ barbershop, mobile barbershop, or barber school has been inspected and
2 determined by the Board to be in compliance with the requirements of ~~G.S. 86A-15 in the case~~
3 ~~of shops and G.S. 86A-15 and 86A-22 in the case of schools.~~ this Chapter. Upon compliance by
4 the applicant with all requirements set forth in ~~G.S. 86A-15,~~ G.S. 86B-21 and the payment of the
5 prescribed fee the Board shall issue to the applicant the permit applied for. Notwithstanding any
6 other provision of this Chapter, no person, firm, or corporation shall be issued a permit to operate
7 a barbershop or mobile barbershop in a location registered as a barber school, nor shall any
8 person, firm, or corporation be issued a permit to operate a barber school in a location registered
9 as a ~~barbershop.~~ barbershop or mobile barbershop.

10 (b) The owners of every ~~registered barbershop~~ barbershop, mobile barbershop, and
11 barber school that possesses a permit in accordance with this Chapter shall annually, on or before
12 May 31 of each year, renew the barbershop's-barbershop's, mobile barbershop's, or barber
13 school's certificate of registration permit and pay the required renewal fee. Every certificate of
14 registration permit for any barbershop-barbershop, mobile barbershop, or barber school shall
15 expire on the 31st day of May in each year. Any certificate of registration permit issued under
16 this Chapter shall be suspended automatically by operation of law after failure to renew the
17 certificate of registration permit by the expiration date. The owner of any barbershop-barbershop,
18 mobile barbershop, or barber school whose certificate of registration permit has expired may,
19 after the barbershop-barbershop, mobile barbershop, or barber school has been inspected as
20 required in subsection (a) of this section, have the certificate permit restored immediately upon
21 paying all lapsed renewal fees and the required late fee.

22 **"§ 86B-20. Mobile barbershops.**

23 (a) A motor home as defined in Article 1 of Chapter 20 of the General Statutes may be
24 used as a mobile barbershop for the practice of barbering.

25 (b) The Board shall issue a permit to operate a mobile barbershop to any applicant who
26 submits a properly completed application on a form approved by the Board, pays the required
27 fee, and is determined after inspection to be in compliance with the provisions of this Chapter
28 and the Board's rules.

29 (c) The Board shall adopt rules for the operation, permitting, and inspection of mobile
30 barbershops, including standards for facilities, personnel, and safety and sanitary requirements.
31 All permitting and operating requirements provided by this Chapter or by rules adopted by the
32 Board pursuant to this Chapter that apply to barbershops shall also apply to mobile barbershops,
33 except to the extent that the requirements conflict with this section or with any rules adopted by
34 the Board pursuant to this section.

35 (d) In addition to the requirements of this Chapter, individuals and the vehicles they
36 operate while providing mobile barbershop services shall be subject to the provisions of (i)
37 Chapter 20 of the General Statutes, (ii) Title 19A of the North Carolina Administrative Code,
38 (iii) all applicable OSHA requirements, and (iv) all local laws and ordinances regulating business
39 establishments.

40 (e) A mobile barbershop must be equipped with a functional sink and toilet facilities and
41 must maintain an adequate supply of clean water and wastewater storage capacity.

42 (f) No barbering or service may be performed in a mobile barbershop while the
43 barbershop is moving. The mobile barbershop must be safely parked in a legal parking spot at all
44 times while patrons are present inside the mobile barbershop.

45 (g) A mobile barbershop owner must maintain a permanent business address at which
46 records of appointments, itineraries, license numbers, and vehicle identification numbers for each
47 mobile barbershop being operated shall be kept and made available for verification and
48 inspection by the Board and at which all correspondence from the Board can be received.

49 (h) To facilitate periodic inspections of mobile barbershops, prior to the beginning of
50 each month, the owner of the barbershop shall provide to the Board a written monthly itinerary
51 listing locations, dates, and hours of operation for the barbershop.

1 **"§ 86B-21. Sanitary rules and regulations; inspections.**

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

5 (1) Proper quarters. –

- 6 a. Every barbershop, or other place where barber service is rendered,
7 shall be located in ~~buildings~~ buildings, mobile units, or rooms of such
8 construction that they may be easily cleaned, well lighted, well
9 ventilated and kept in an orderly and sanitary condition.
- 10 b. Each area where barber service is rendered or where a combination of
11 barber service and cosmetology service is rendered shall be separated
12 by a substantial partition or wall from areas used for purposes other
13 than barber services, cosmetology services, or shoe shining services.
- 14 c. Walls, floor and fixtures where barber service is rendered are to be
15 kept sanitary.
- 16 d. Running water, hot and cold, shall be provided, and sinks shall be
17 located at a convenient place in each barbershop so that barbers may
18 wash their hands after each haircut. Tanks and lavatories shall be of
19 such construction that they may be easily cleaned. ~~The lavatory must~~
20 ~~have a drain pipe to drain all waste water out of~~ Board shall adopt rules
21 regarding the ~~building~~ disposal of wastewater in a barbershop or
22 mobile barbershop.
- 23 e. Every barbershop or other place where barber service is rendered, and
24 every building or structure used as a part of a barber school, shall
25 comply with applicable building and fire codes and regulations.
- 26 f. If a mobile barbershop, all applicable requirements in accordance with
27 G.S. 86B-20.

28 (2) Equipment and instruments. –

- 29 a. Each person serving as a barber shall, immediately before using razors,
30 tweezers, combs, contact cup or pad, sterilize the instruments by
31 immersing them in a ~~solution of fifty percent (50%) alcohol, five~~
32 ~~percent (5%) carbolic acid, twenty percent (20%) formaldehyde, or ten~~
33 ~~percent (10%) lysol or other product or solution that the Board may~~
34 approve. Every owner or manager of a barbershop shall supply a
35 separate container for the use of each barber, adequate to provide for
36 a sufficient supply of the above solutions.
- 37 b. Each barber shall maintain combs and hair brushes in a clean and
38 sanitary condition at all times and shall thoroughly clean mug and
39 lather brush before each separate use.
- 40 c. The headrest of every barber chair shall be protected with clean paper
41 or a clean laundered towel. Each barber chair shall be covered with a
42 smooth nonporous surface, such as vinyl or leather, that is cleaned
43 easily.
- 44 d. Every person serving as a barber shall use a clean towel for each
45 patron. All clean towels shall be placed in closed cabinets until used.
46 Receptacles composed of material that can be washed and cleansed
47 shall be provided to receive used towels, and all used towels must be
48 placed in receptacles until laundered. Towels shall not be placed in a
49 sterilizer or tank or rinsed in the barbershop. All wet and used towels
50 shall be removed from the workstand or lavatory after serving each
51 patron.

1 e. Whenever a hair cloth is used in cutting the hair, shampooing, etc., a
 2 newly laundered towel or paper neckstrap shall be placed around the
 3 patron's neck so as to prevent the hair cloth from touching the skin.
 4 Hair cloths shall be replaced when soiled.

5 (3) Barbers. –

6 a. Every person serving as a barber shall thoroughly cleanse his or her
 7 hands immediately before serving each patron.

8 b. Each person working as a barber shall be clean both as to person and
 9 dress.

10 c. No barber shall serve any person who has an infectious or
 11 communicable disease, and no barber shall undertake to treat any
 12 patron's infectious or contagious disease.

13 (4) Any person, other than a ~~registered~~ licensed barber, shall before undertaking
 14 to give shampoos in a barbershop furnish the Board with a health certificate
 15 on a form provided by the Board.

16 (5) The owner or manager of a ~~barbershop~~ barbershop, mobile barbershop, or any
 17 other place where barber service is rendered shall post a copy of these rules
 18 and regulations in a conspicuous place in the shop or other place where the
 19 services are rendered.

20 (b) All barbershops, mobile barbershops, barber schools and colleges, and any other place
 21 where barber service is rendered, shall be open for inspection at all times during business hours
 22 to any members of the Board of ~~Barber Examiners~~ or its agents or assistants. Initial inspections
 23 conducted by the Board pursuant to this Chapter shall not be delayed if the sole reason for delay
 24 is the lack of a certificate of occupancy by a unit of local government. A copy of the sanitary
 25 rules and regulations set out in this section shall be furnished by the Board to the owner or
 26 manager of each ~~barbershop~~ barbershop, mobile barbershop, or barber school, or any other place
 27 where barber service is rendered in the State, and that copy shall be posted in a conspicuous place
 28 in each ~~barbershop~~ barbershop, mobile barbershop, or barber school. The Board shall have the
 29 right to make additional rules and regulations governing barbers and ~~barbershops~~ barbershops,
 30 mobile barbershops, and barber schools for the proper administration and enforcement of this
 31 section, but no such additional rules or regulations shall be in effect until those rules and
 32 regulations have been furnished to each barbershop within the State.

33 (c) Notwithstanding any other provision of law, a ~~registered~~ licensed barber may practice
 34 barbering in a client's home out of medical necessity without meeting the requirements of
 35 subsection (b) of this section. The Board of ~~Barber Examiners~~ shall adopt rules to allow this
 36 exception.

37 **"§ 86B-22. Persons exempt from the provisions of this ~~Chapter~~ Article.**

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

40 (1) Persons authorized under the laws of the State to practice medicine and
 41 surgery, and those working under their ~~supervision~~; supervision.

42 (2) Commissioned medical or surgical officers of the United States Army or other
 43 components of the Armed Forces of the United States, and those working
 44 under their ~~supervision~~; supervision.

45 (3) Registered nurses and licensed practical nurses and those working under their
 46 ~~supervision~~; supervision.

47 (4) Licensed embalmers and funeral directors and those working under their
 48 ~~supervision~~; supervision.

49 (5) Persons who are working in licensed cosmetic shops or beauty schools and
 50 are licensed by the State Board of Cosmetic Art Examiners pursuant to
 51 Chapter 88B of the General ~~Statutes~~; and Statutes.

- 1 (6) Persons who are working in ~~licensed barber shops~~ barbershops and are
2 licensed by the State Board of Cosmetic Art Examiners pursuant to Chapter
3 88B of the General Statutes, provided that those persons shall comply with
4 G.S. 86A-15;G.S. 86B-21.

5 **"§ 86B-23. Certificates-Licensure to be displayed.**

6 Every holder of a ~~certificate of registration as a registered barber, registered apprentice, shop~~
7 barber license, apprentice license, barbershop permit, mobile barbershop permit, barber school
8 permit, instructor's certificate, or temporary permit issued pursuant to G.S. 86A-11;G.S. 86B-17
9 shall display it in a conspicuous place adjacent to or near the person's work chair.

10 **"§ 86B-24. Renewal or restoration of certificate,license.**

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

17 (b) A ~~registered-licensed~~ barber whose ~~certificate of registration-license~~ has expired may
18 have the ~~certificate-license~~ restored immediately upon paying all lapsed renewal fees and the
19 required late fee and furnishing a health certificate if required by the Board. Where a ~~registered~~
20 barber's ~~certificate of registration-license~~ has expired for a period greater than six months, the
21 Board may impose civil penalties pursuant to G.S. 86A-27; G.S. 86B-10. A ~~registered-licensed~~
22 barber whose ~~certificate-license~~ has expired for a period of five years shall be required to take
23 the clinical examination prescribed by the ~~State Board of Barber Examiners~~ and otherwise
24 comply with the provisions of this Chapter before engaging in the practice of barbering. No
25 ~~registered-licensed~~ barber who is reissued a ~~certificate-license~~ under this subsection shall be
26 required to serve an apprenticeship as a prerequisite to reissuance of the ~~certificate-license.~~

27 (c) All persons serving in the Armed Forces of the United States and persons whose
28 ~~certificates of registration-licenses~~ as a ~~registered-licensed~~ barber were in force one year prior to
29 entering service may, without taking the required examination, renew their ~~certificates-licenses~~
30 within 90 days after receiving an honorable discharge, by paying the current annual license fee
31 and furnishing the ~~State Board of Barber Examiners~~ with a satisfactory health certificate if
32 required by the Board.

33 **"§ 86B-25. Disqualifications for certificate,license.**

34 The Board may either refuse to issue or to renew, or may suspend or revoke any ~~certificate~~
35 of registration or license, barbershop permit-permit, or barber school permit issued under this
36 Article for any one or combination of the following causes:

- 37 (1) Conviction of the applicant or ~~certificate holder- licensee~~ of a felony proved
38 by certified copy of the record of the court ~~conviction;conviction.~~
- 39 (2) Gross malpractice or gross ~~incompetence;incompetence.~~
- 40 (3) Continued practice by a person knowingly having an infectious or contagious
41 disease after being warned in writing by the Board to cease ~~practice;practice.~~
- 42 (4) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or
43 other habit forming ~~drugs;drugs.~~
- 44 (5) The commission of any of the offenses described in subdivisions (3), (5), and
45 (6) of G.S. 86A-20;G.S. 86B-27.
- 46 (6) The violation of any one or more of the sanitary rules and regulations
47 established by statute or rule or regulation of the Board, provided that the
48 Board has previously given two written warnings to the individual committing
49 the ~~violation;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 the
3 barber school.

4 **"§ 86B-26. Refusal, revocation or suspension of certificates licenses or permits.**

5 The Board may neither refuse to issue nor refuse to renew, or suspend or revoke any
6 ~~certificate of registration, license, barbershop permit, or barber school permit, for any of these~~
7 the causes as provided in G.S. 86B-25, except in accordance with the provisions of Chapter 150B
8 of the General Statutes.

9 **"§ 86B-27. Misdemeanors.**

10 Each of the following acts constitutes a Class 3 misdemeanor:

- 11 (1) Violation of any of the provisions of ~~G.S. 86A-1;~~G.S. 86B-11.
12 (2) Obtaining or attempting to obtain a certificate of registration for money other
13 than the required fee or any other thing of value, or by fraudulent
14 ~~misrepresentations;~~misrepresentations.
15 (3) Practicing or attempting to practice by fraudulent
16 ~~misrepresentations;~~misrepresentations.
17 (4) Willful failure to display a ~~certificate of registration license~~ as required by
18 ~~G.S. 86A-16;~~G.S. 86B-23.
19 (5) Practicing or attempting to practice barbering during the period of suspension
20 or revocation of any ~~certificate of registration license~~ granted under this
21 Chapter. Each day's operation during a period of suspension or revocation
22 shall be deemed a separate ~~offense;~~offense.
23 (6) Permitting any person in one's employ, supervision or control to practice as a
24 barber unless that person holds a ~~certificate license~~ as a ~~registered licensed~~
25 barber or ~~registered licensed~~ apprentice.

26 **"§ 86B-28. Licensing and regulating barber schools and colleges.**

27 ~~The North Carolina State Board of Barber Examiners~~ may approve barber schools or colleges
28 in the State, and may prescribe rules and regulations for their operation. The Board shall adopt
29 rules establishing criteria for barber schools and colleges to maintain their accreditation. No
30 barber school or college shall be approved by the Board unless the school or college meets all of
31 the following requirements:

- 32 (1) Each school shall provide a course of instruction of at least 1528 hours.
33 (2) Each school shall employ at least ~~two instructors~~one instructor for the first 40
34 20 enrolled students and employ at least one additional instructor for every
35 additional 20 enrolled students. ~~Schools that are organized as nonprofits and~~
36 ~~have obtained a ruling from the Internal Revenue Service recognizing their~~
37 ~~tax exempt status shall have at least one instructor for every 20 enrolled~~
38 ~~students.~~ No school, whether for profit or nonprofit, shall provide practical
39 training and theoretical training simultaneously unless at least two instructors
40 are ~~present~~present, or unless the theoretical training is offered online.
41 (3) An application for a student's permit, on a form prescribed by the Board, must
42 be filed with the Board before the student enters school. No student may enroll
43 without having obtained a student's permit.
44 (4) Each student enrolled shall be given a complete course of instruction on the
45 following subjects: hair cutting; shaving; shampooing, and the application of
46 creams and lotions; care and preparation of tools and implements; scientific
47 massaging and manipulating the muscles of the scalp, face, and neck;
48 sanitation and hygiene; shedding and regrowth of hair; elementary chemistry
49 relating to sterilization and antiseptics; instruction on common skin and scalp
50 diseases to the extent that they may be recognized; pharmacology as it relates
51 to preparations commonly used in barbershops; instruction in the use of

1 electrical appliances and the effects of the use of these on the human skin;
2 structure of the skin and hair; nerve points of the face; the application of hair
3 dyes and bleaches; permanent waving; marcelling or hair pressing; frosting
4 and streaking; and the statutes and regulations relating to the practice of
5 barbering in North Carolina. The Board shall specify the minimum number of
6 hours of instruction for each subject required by this subsection.

7 (5) Each school shall file an up-to-date list of its students with the Board at least
8 once a month. If a student withdraws or transfers, the school shall file a report
9 with the Board stating the courses and hours completed by the withdrawing or
10 transferring student. The school shall also file with the Board a list of students
11 who have completed the amount of work necessary to meet the licensing
12 requirements.

13 (6) Each school shall comply with the sanitary requirements of
14 ~~G.S. 86A-15.~~ G.S. 86B-21.

15 (7) a. Each school shall provide a guaranty bond unless the school has
16 already provided a bond or an alternative to a bond under
17 G.S. 115D-95.

18 ~~The North Carolina State Board of Barber Examiners~~ may revoke
19 the approval of a school that fails to maintain a bond or an alternative
20 to a bond pursuant to this subdivision or G.S. 115D-95.

21 b. When application is made for approval or renewal of approval, the
22 applicant shall file a guaranty bond with the clerk of the superior court
23 of the county in which the school will be located. The bond shall be in
24 favor of the students. The bond shall be executed by the applicant as
25 principal and by a bonding company authorized to do business in this
26 State. The bond shall be conditioned to provide indemnification to any
27 student, or his parent or guardian, who has suffered a loss of tuition or
28 any fees by reason of the failure of the school to offer or complete
29 student instruction, academic services, or other goods and services
30 related to course enrollment for any reason, including the suspension,
31 revocation, or nonrenewal of a school's approval, bankruptcy,
32 foreclosure, or the school ceasing to operate.

33 The bond shall be in an amount determined by the Board to be
34 adequate to provide indemnification to any student, or his parent or
35 guardian, under the terms of the bond. The bond amount for a school
36 shall be at least equal to the maximum amount of prepaid tuition held
37 at any time during the last fiscal year by the school. The bond amount
38 shall also be at least ten thousand dollars (\$10,000).

39 Each application for approval shall include a letter signed by an
40 authorized representative of the school showing in detail the
41 calculations made and the method of computing the amount of the
42 bond pursuant to this subpart and the rules of the Board. If the Board
43 finds that the calculations made and the method of computing the
44 amount of the bond are inaccurate or that the amount of the bond is
45 otherwise inadequate to provide indemnification under the terms of the
46 bond, the Board may require the applicant to provide an additional
47 bond.

48 The bond shall remain in force and effect until cancelled by the
49 guarantor. The guarantor may cancel the bond upon 30 days notice to
50 the Board. Cancellation of the bond shall not affect any liability
51 incurred or accrued prior to the termination of the notice period.

- 1 c. An applicant that is unable to secure a bond may seek a waiver of the
2 guaranty bond from the Board and approval of one of the guaranty
3 bond alternatives set forth in this subpart. With the approval of the
4 Board, an applicant may file with the clerk of the superior court of the
5 county in which the school will be located, in lieu of a bond:
- 6 1. An assignment of a savings account in an amount equal to the
7 bond required (i) that is in a form acceptable to the Board; (ii)
8 that is executed by the applicant; (iii) that is executed by a
9 federally insured depository institution or a trust institution
10 authorized to do business in this State; and (iv) for which
11 access to the account in favor of the State of North Carolina is
12 subject to the same conditions as for a bond in subpart b. above.
 - 13 2. A certificate of deposit (i) that is executed by a federally
14 insured depository institution or a trust institution authorized
15 to do business in this State (ii) that is either payable to the State
16 of North Carolina, unrestrictively endorsed to the Board; in the
17 case of a negotiable certificate of deposit, is unrestrictively
18 endorsed to the Board; or in the case of a nonnegotiable
19 certificate of deposit, is assigned to the Board in a form
20 satisfactory to the Board; and (iii) for which access to the
21 certificate of deposit in favor of the State of North Carolina is
22 subject to the same conditions as for a bond in subpart b. above.

23 **"§ 86B-29. Instructors.**

24 (a) The Board shall issue an instructor's ~~certificate-license~~ to any currently ~~registered~~
25 ~~licensed~~ barber who has passed an instructor's examination given by the Board. This examination
26 shall cover the subjects listed in ~~G.S. 86A-22(4)~~ G.S. 86B-28(4) and in the Textbook of Barber
27 Styling approved by the Board.

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

38 **"§ 86B-30. Apprenticeship.**

39 (a) Before being issued an apprentice license, an applicant must pass an examination
40 conducted by the Board to determine his or her competence, including his or her knowledge of
41 barbering, sanitary rules and regulations, and knowledge of diseases of the face, skin and scalp.

42 (b) An apprentice license expires on May 31 of each year. Every holder of an apprentice
43 license shall annually renew the apprentice license by the expiration date and pay the required
44 renewal fee. An apprentice license issued under this Chapter is automatically suspended by
45 operation of law after failure to renew the apprentice license by the expiration date. An apprentice
46 whose apprentice license has expired may have the ~~certificate-license~~ restored immediately upon
47 paying all lapsed renewal fees and the required late fee. The ~~certificate-of-registration-license~~ of
48 an apprentice is valid only so long as the apprentice works under the supervision of a ~~registered~~
49 ~~licensed~~ barber. The ~~registered-licensed~~ barber shall remain present on the premises of the
50 barbershop at all times while the apprentice is working. No apprentice shall operate a barbershop.

(c) On completion of at least one year's apprenticeship, evidenced by affidavit of the supervising ~~registered~~-licensed barber or barbers, and upon meeting the other requirements of ~~G.S. 86A-3, G.S. 86B-13,~~ the apprentice shall be issued a license as a ~~registered~~ barber, pursuant to ~~G.S. 86A-10. G.S. 86B-16.~~ No ~~registered-licensed~~ apprentice may practice for a period exceeding three years without retaking and passing the required examination to receive a ~~certificate-license as a registered-an~~ apprentice.

"§ 86B-31. Fees collectible by Board.

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

Certificate of registration-License or renewal as a barber	\$ 50.00
Certificate of registration-License or renewal as an apprentice barber	50.00
Barbershop permit or renewal	50.00
<u>Mobile barbershop permit or renewal</u>	<u>50.00</u>
Examination to become a registered barber	85.00
Examination to become a registered-licensed apprentice barber	85.00
Late fee for restoration of an expired barber certificate-license within first year after expiration	35.00
Late fee for restoration of an expired barber certificate-license after first year after expiration but within five years after expiration	70.00
Late fee for restoration of an expired apprentice certificate-license within first year after expiration	35.00
Late fee for restoration of an expired apprentice certificate-license after first year after expiration but within three years of first issuance of the certificate-license	45.00
Late fee for restoration of an expired barbershop certificate-permit	45.00
<u>Late fee for restoration of an expired mobile barbershop permit</u>	<u>45.00</u>
Examination to become a barber school instructor	165.00
Student permit	25.00
Issuance of any duplicate copy of a license, certificate, or permit	10.00
Barber school permit or renewal	130.00
Late fee for restoration of an expired barber school certificate-permit	85.00
Barber school instructor certificate-license or renewal	85.00
Late fee for restoration of an expired barber school instructor certificate-license within first year after expiration	45.00
Late fee for restoration of an expired barber school instructor certificate-license after first year after expiration but within three years after expiration	85.00
Inspection of newly established barbershop	120.00
<u>Inspection of newly established mobile barbershop</u>	<u>120.00</u>
Inspection of newly established barber school	220.00
Issuance of a registered-licensed barber or apprentice certificate-license by certification	120.00
Barbers 70 years and older certificate-license or renewal	No charge
Reasonable charges for certified copies of public documents	
Reasonable charges for duplication services and material.	

"§ 86B-32. Barbering among members of same family.

This Chapter shall not prohibit a member of a family from practicing barbering on a member of his or her family. For purposes of this section, "a member of his or her family" means a spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild.

"Article 3.

"Electrolysis.

"§ 86B-33. Purpose.

The purpose of this ~~Chapter Article~~ is to ensure minimum standards of competency, to protect the public from misrepresentation of status by persons who hold themselves out to be "licensed electrologists" or "licensed laser hair practitioners" and to provide the public with safe care by the mandatory licensing of electrologists and laser hair practitioners.

"§ 86B-34. Definitions.

As used in this Chapter, unless the context requires otherwise:

- (1) ~~"Board" means the Board.~~ – The North Carolina Board of Barbers and Electrolysis Examiners.
- (2) ~~"Electrolysis" means the Electrolysis.~~ – The permanent removal of hair by the application of an electrical current to the dermal papilla by a filament to cause decomposition, coagulation, or dehydration within the hair follicle as approved by the Food and Drug Administration of the United States Government.
- (3) ~~"Electrologist" Electrologist or "electrolocist" means a electrolocist.~~ – A person who engages in the practice of electrolysis for permanent hair removal.
- (4) ~~"Electrology" means the Electrology.~~ – The art and practice relating to the removal of hair from the normal skin of the human body by application of an electric current to the hair papilla by means of a needle or needles so as to cause growth inactivity of the hair papilla and thus permanently remove the hair.
- (5) ~~"Laser hair practitioner" means a Laser hair practitioner.~~ – A person who engages in laser, light source, or pulsed-light treatments for the removal of hair.
- (6) ~~"Laser, Laser, light source, or pulsed-light devices" means a devices.~~ – A device used exclusively in the nonablative procedure for the removal of hair.
- (7) ~~"Laser, Laser, light source, or pulsed-light treatments" means the treatments.~~ – The use of laser or pulsed-light devices for nonablative procedures for the removal of hair.

"§ 86B-35. Unlawful practice.

(a) It shall be unlawful to engage in the practice of electrolysis or laser, light source, or pulsed-light treatments in this State without a license.

(b) Any person practicing electrology or laser, light source, or pulsed-light treatments for the purpose of hair removal or hair reduction in this State without being licensed by the Board shall be guilty of a Class I felony and may be assessed a civil penalty of up to five thousand dollars (\$5,000) for each offense. Any other violation of this ~~Chapter Article~~ shall be a Class 2 misdemeanor.

"§ 86B-36. Requirements for licensure as an electrologist.

(a) Any person who desires to be licensed as an "electrologist" pursuant to this Chapter shall:

- (1) Submit an application on a form approved by the Board.
- (2) Be a resident of North Carolina.
- (3) Be 21 years of age or older.
- (4) Meet the requirements of subsection (a1) of this section.
- (5) Pass an examination given by the Board.
- (6) Submit the application and examination fees required in ~~G.S. 88A-9(b).~~G.S. 86B-53.

(a1) An applicant for licensure under this section shall ~~provide;~~provide one of the following:

- (1) Proof of graduation from a school certified by the Board pursuant to ~~G.S. 88A-19;~~ or G.S. 86B-50.

- 1 (2) Proof satisfactory to the Board that, for at least one year prior to the date of
2 application or the date of initial residence in this State, whichever is earlier,
3 the applicant was engaged in the practice of electrology in a state that does not
4 license electrologists.

5 Subdivision (2) of this subsection applies only to applicants whose residence in this State
6 began on or after January 31, 1994, who do not meet the qualifications of subdivision (1) of this
7 subsection or ~~G.S. 88A-12~~. G.S. 86B-40.

8 (b) At least twice each year, the Board shall give an examination to applicants for
9 licensure to determine the applicants' knowledge of the basic and clinical sciences relating to the
10 theory and practice of electrology. The Board shall give applicants notice of the date, time, and
11 place of the examination at least 60 days in advance.

12 (c) When the Board determines that an applicant has met all the requirements for
13 licensure, and has submitted the initial license fee required in ~~G.S. 88A-9(b)~~, G.S. 86B-53, the
14 Board shall issue a license to the applicant.

15 (d) An applicant otherwise qualified for licensure who is not a resident of this State may
16 nevertheless submit a statement of intent to begin practicing electrology in this State and receive
17 a license. The applicant must provide to the Board within six months of receiving a license
18 evidence satisfactory to the Board that the applicant has actually begun to practice electrology in
19 this State. The Board may revoke the license of an applicant who fails to submit this proof or
20 whose proof fails to satisfy the Board.

21 **"§ 86B-37. Temporary license.**

22 The Board may issue a temporary license to practice electrology to an applicant who meets
23 the requirements of ~~G.S. 88A-10(a)(1)-(4)~~. G.S. 86B-36(1)-(4). A temporary license may not be
24 valid for more than six months and may be renewed not more than once. The Board may by rule
25 provide for a shorter duration and may prohibit any renewal of a temporary license. The Board
26 shall adopt rules setting the criteria for any renewals. The Board may by rule require that holders
27 of a temporary license practice under supervision and may specify criteria for supervision in its
28 rules, including the setting, amounts of supervision, and qualifications of supervisors.

29 **"§ 86B-38. Licensure without examination.**

30 The Board may issue a license to practice electrology, without examination, to an ~~applicant:~~

- 31 (1) ~~Who was engaged in the practice of electrolysis in this State or another state~~
32 ~~prior to July 1, 1993, and who submits an application for licensure to the Board~~
33 ~~on or before January 31, 1994.~~
34 (2) ~~Who applicant who~~ is certified or licensed in good standing to practice
35 electrolysis in another state, provided that the other state's educational hours
36 of instruction are equal to or greater than the hours required in this State.

37 **"§ 86B-39. Requirements for licensure as a laser hair practitioner; limitations on licensed**
38 **laser hair practitioners.**

39 (a) Any person seeking licensure by the Board as a laser hair practitioner shall have met
40 the following requirements at the time the license is requested:

- 41 (1) Be an electrologist licensed under this Chapter.
42 (2) Completed a minimum 30-hour laser, light source, or pulsed-light treatment
43 certification course approved by the Board and in accordance with rules
44 adopted by the Board.
45 (3) Be currently using or anticipate using laser, light source, or pulsed-light
46 devices that the person has been certified by a Board-approved school to
47 operate.

48 (b) When the Board determines that an applicant has met all the requirements for
49 licensure, and has submitted the initial license fee required in ~~G.S. 88A-9(b)~~, G.S. 86B-53, the
50 Board shall issue a license to the applicant.

1 (c) Each laser hair practitioner shall practice laser, light source, or pulsed-light treatments
2 under the supervision of a physician licensed under Article 1 of Chapter 90 of the General
3 Statutes. The physician shall be readily available, but not required to be on site when the laser,
4 light source, or pulsed-light treatments are being performed. However, the authority to regulate
5 laser clinicians shall remain with the Board.

6 (d) A laser hair practitioner shall not dispense or administer medication or provide advice
7 regarding the use of medication, whether prescription or over-the-counter, in connection with
8 laser, light source, or pulsed-light treatments.

9 (e) All laser hair practitioners shall use laser, light source, or pulsed-light devices
10 approved by the federal Food and Drug Administration and comply with all applicable federal
11 and State regulations, rules, and laws. Any licensed laser hair practitioner violating this
12 subsection shall have his or her license revoked by the Board.

13 (f) Only a licensed physician may use laser, light source, or pulsed-light devices for
14 ablative procedures.

15 **"§ 86B-40. License renewal.**

16 (a) Every electrologist license or laser hair practitioner license issued pursuant to this
17 Chapter must be renewed annually. On or before the date the current license expires, a person
18 who desires to continue to practice electrology or as a laser hair practitioner shall apply for license
19 renewal to the Board on forms approved by the Board, provide evidence of the successful
20 completion of a continuing educational program approved by the Board, meet the criteria for
21 renewal established by the Board, and pay the required fee. The Board may provide for the late
22 renewal of licensure upon payment of a late fee as set by the Board, but late renewal may not be
23 granted more than 90 days after expiration of the license.

24 (b) Any person who has failed to renew his or her license for more than 90 days after
25 expiration may have it reinstated by applying to the Board for reinstatement on a form approved
26 by the Board, furnishing a statement of the reason for failure to apply for renewal prior to the
27 deadline, and paying the required fee. The Board may require evidence of competency to resume
28 practice before reinstating the applicant's license.

29 **"§ 86B-41. Continuing education.**

30 (a) The Board shall determine the number of hours and subject matter of continuing
31 education required as a condition of license renewal. The Board may offer continuing education
32 to the licensees under this act.

33 (b) Upon request, the Board may grant approval to a continuing education program or
34 course upon finding that the program or course offers an educational experience designed to
35 enhance the practice of electrology.

36 (c) The Board shall maintain and distribute, as appropriate, records of the educational
37 course work successfully completed by each licensee, including the subject matter and the
38 number of hours of each course.

39 (d) Laser hair practitioners are required to complete a minimum of 10 hours of continuing
40 education annually to maintain their licenses pursuant to rules adopted by the Board.

41 **"§ 86B-42. Inactive list.**

42 Upon request by a licensee for inactive status, the Board shall place the licensee's name on
43 the inactive list. While on the inactive list, the person shall not be subjected to renewal
44 requirements and shall not practice electrology in North Carolina. When that person desires to
45 be removed from the inactive list and returned to an active list, a reactivation application shall be
46 submitted to the Board on a form furnished by the Board and the fee shall be paid for license
47 reactivation. The Board may require evidence of competency to resume practice before returning
48 the applicant to the active status. Any person whose license has lapsed or expired for a period of
49 five years or more shall be required to take and pass the examination for licensure before the
50 license can be reactivated.

51 **"§ 86B-43. Exemptions from licensure.**

1 The following individuals shall be permitted to practice electrology without a license:

- 2 (1) Any physician licensed in accordance with Article 1 and Article 11 of Chapter
3 90 of the General Statutes.
- 4 (2) A student at an approved school of electrology when electrolysis is performed
5 in the course of study.
- 6 (3) A person demonstrating on behalf of a manufacturer or distributor any
7 electrolysis equipment or supplies, if such demonstration is performed without
8 charge.
- 9 (4) An employee of a hospital licensed under Chapter 131E of the General
10 Statutes and working under the supervision of a physician licensed under
11 Article 1 of Chapter 90 of the General Statutes who is certified by the
12 American Board of Dermatology.

13 **"§ 86B-44. Persons and practices not affected.**

14 The requirements of this ~~Chapter~~ Article shall not apply to any person licensed or approved
15 by the North Carolina Medical Board to practice medicine or perform medical acts, tasks, or
16 functions pursuant to Article 1 of Chapter 90 of the General Statutes or any person employed and
17 working under the direct supervision of a physician licensed to practice medicine pursuant to
18 Article 1 of Chapter 90 of the General Statutes.

19 **"§ 86B-45. Permanent establishment required.**

20 (a) Electrolysis shall be practiced by a licensed person only in a permanent establishment,
21 hereafter referred to as an office. The Board may adopt reasonable rules and regulations
22 concerning the sanitation standards, equipment, and supplies to be used and observed in offices.
23 Offices shall be subject to periodic inspection at any time during business hours by members of
24 the Board or its agents or assistants.

25 (b) Every electrologist shall notify the Board in writing 30 business days prior to, but no
26 later than 10 business days after, any change of address or opening of a new office.

27 (c) Every electrologist shall display his license in a conspicuous place in the office.

28 (d) Every electrologist may make calls outside the office. The Board shall adopt rules and
29 regulations concerning the equipment and instruments to be used by an electrologist when
30 treating patients outside the office.

31 **"§ 86B-46. Requirements for certification as an electrology instructor.**

32 (a) Any person who desires to be certified as an "electrology instructor" pursuant to this
33 Chapter ~~shall~~ shall meet all of the following requirements:

34 (1) Submit an application on a form approved by the ~~Board;~~ Board.

35 (2) Be a licensed ~~electrologist;~~ electrologist.

36 (3) Have practiced electrology actively for at least five years immediately before
37 the ~~application;~~ and, application.

38 (4) Pass a written examination given by the Board.

39 (b) At least twice each year, the Board shall give an examination to applicants for
40 certification as an electrology instructor. The examination shall consist of written and verbal
41 sections testing the applicants' knowledge of the basic and clinical sciences relating to the theory
42 and practice of electrology. The Board shall give applicants notice of the date, time, and place of
43 the examination at least 60 days in advance.

44 (c) When the Board determines that an applicant has met all the qualifications for
45 certification as an electrology instructor, and has submitted the required fee, the Board shall issue
46 an instructor's certificate to the applicant.

47 **"§ 86B-47. Requirements for licensure as a laser hair practitioner instructor.**

48 (a) Any person who desires licensure as a laser practitioner instructor pursuant to this
49 Chapter shall meet the following requirements:

50 (1) Submit an application on a form approved by the Board.

- 1 (2) Be an electrologist licensed under this Chapter or a physician licensed under
 2 Article 1 of Chapter 90 of the General Statutes.
 3 (3) Have practiced laser and light-based treatments actively for at least five years
 4 immediately before applying for licensure.
 5 (4) Have at least 100 hours of training in laser and light-based treatments.

6 (b) When the Board determines that an applicant has met all qualifications for licensure
 7 as a laser hair practitioner instructor and has submitted the required fee, the Board shall issue an
 8 instructor's license to the applicant.

9 **"§ 86B-48. Electrology apprenticeship program.**

10 (a) Notwithstanding the requirements of G.S. 86B-36, the Board shall issue a license as
 11 an electrologist to any individual who meets all of the following requirements:

- 12 (1) Completes a Board-approved electrology apprenticeship program consisting
 13 of 625 hours.
 14 (2) Visits two electrologist offices that are not the same office as the instructor of
 15 the program.
 16 (3) Successfully passes a clinical examination conducted by the Board.

17 (b) The Board shall not approve an electrology apprenticeship program until the Board
 18 has conducted an inspection of the facility where the program will be offered.

19 (c) An application for a student permit must be filed with the Board before the student
 20 enrolls in school. The application shall be on a form prescribed by the Board. No student may
 21 enroll without having obtained a student permit prior to enrollment.

22 (d) Instructors in the electrology apprenticeship program shall meet all of the following
 23 requirements:

- 24 (1) Be licensed as an electrologist in this State.
 25 (2) Have more than five continuous years of experience as an electrologist.
 26 (3) Obtain at least one hour of Board-approved continuing education.
 27 (4) Successfully pass a written exam designated by the Board. The Board may
 28 charge the applicant the actual cost of preparing and administering the
 29 examination under this section.

30 (e) The Board shall adopt rules for the electrology apprenticeship program, including
 31 curriculum specifications, authorized textbooks, facility and equipment requirements, reporting
 32 and record-keeping requirements, assessment of students' progress in the program, school
 33 agreements, and qualifications of instructors, consistent with this section.

34 **"§ 86B-49. Renewal of instructor's license.**

35 An electrology or laser hair practitioner instructor's license shall be renewed annually. On or
 36 before the date the current license expires, the applicant must submit an application for renewal
 37 of licensure on a form approved by the Board, meet criteria for renewal established by the Board,
 38 and pay the required fee. Any person whose instructor's license has expired for a period of three
 39 years or more shall be required to take and pass the instructor's examination before the license
 40 can be renewed.

41 **"§ 86B-50. Requirements for certification as a Board approved school of electrology.**

42 (a) Any school in this State or another state that desires to be certified as a Board
 43 approved school of electrology ~~shall~~ shall do all of the following:

- 44 (1) Submit an application on a form approved by the ~~Board;~~ Board.
 45 (2) Submit a detailed projected floor plan of the institutional area demonstrating
 46 adequate school facilities to accommodate students for purposes of lectures,
 47 classroom instruction, and practical ~~demonstration;~~ demonstration.
 48 (3) Submit a detailed list of the equipment to be used by the students in the
 49 practical course of their ~~studies;~~ studies.
 50 (4) Submit a copy of the planned electrology curriculum consisting of the number
 51 of hours and subject matter determined by the Board, provided that the number

1 of hours required shall not be less than 120 hours and not more than 600
2 ~~hours;~~hours.

3 (5) Submit a certified copy of the school manual of ~~instruction;~~instruction.

4 (6) Submit the names and qualifications of the instructors certified in accordance
5 with ~~G.S. 88A-16; and, G.S. 86B-46.~~

6 (7) ~~Any~~ Submit any additional information the Board may require.

7 (b) When the Board determines that an applicant has met all the qualifications for
8 certification as a Board approved school of electrology, and has submitted the required fee, the
9 Board shall issue a certificate to the applicant.

10 (c) A school's certification is only valid for the location named in the application. When
11 a school desires to change locations, an application shall be submitted to the Board on a form
12 furnished by the Board and the fee shall be paid for certificate renewal.

13 (d) A school's certification is not transferrable. Schools must immediately notify the
14 Board in writing of any sale, transfer, or change in ownership or management.

15 (e) Every school shall display its certification in a manner prescribed by the Board.

16 (f) All epilators used in the school must be approved by the Food and Drug
17 Administration of the United States Government.

18 **"§ 86B-51. Requirements for certification as a Board-approved school of laser, light source,
19 or pulsed-light treatments.**

20 (a) Any school in this State or another state that desires to be certified as a
21 Board-approved school of laser, light source, or pulsed-light treatments ~~shall;~~shall do all of the
22 following:

23 (1) Submit an application on a form approved by the ~~Board;~~Board.

24 (2) Submit a detailed projected floor plan of the institutional area demonstrating
25 adequate school facilities to accommodate students for purposes of lectures,
26 classroom instruction, and practical ~~demonstration;~~demonstration.

27 (3) Submit a detailed list of the equipment to be used by the students in the
28 practical course of their ~~studies;~~studies.

29 (4) Submit a copy of the planned laser, light source, or pulsed-light curriculum
30 consisting of the number of hours and subject matter determined by the Board,
31 provided that the number of hours required shall not be less than 30 hours
32 pursuant to rules adopted by the ~~Board;~~Board.

33 (5) Submit a certified copy of the school manual of ~~instruction;~~instruction.

34 (6) Submit the names and qualifications of the instructors ~~certified; and~~certified.

35 (7) Submit any additional information the Board may require.

36 (b) When the Board determines that an applicant has met all the qualifications for
37 certification as a Board-approved school of laser, light source, or pulsed-light treatments and has
38 submitted the required fee, the Board shall issue a certificate to the applicant.

39 (c) A school's certification is only valid for the location named in the application. When
40 a school desires to change locations, an application shall be submitted to the Board on a form
41 furnished by the Board, and the fee shall be paid for certificate renewal.

42 (d) A school's certification is not transferable. Schools shall immediately notify the Board
43 in writing of any sale, transfer, or change in ownership or management.

44 (e) Every school shall display its certification in a manner prescribed by the Board.

45 (f) All laser, light source, or pulsed-light devices used in the school shall be approved by
46 the federal Food and Drug Administration.

47 **"§ 86B-52. Certification renewal.**

48 Every certificate issued pursuant to ~~G.S. 88A-19~~ G.S. 86B-50 or ~~G.S. 88A-19.1~~ G.S. 86B-51
49 shall be renewed annually. On or before the date the current certificate expires, the applicant
50 must submit an application for renewal of certification on a form approved by the Board, meet
51 criteria for renewal established by the Board, and pay the required fee. Failure to renew the

1 certificate within 90 days after the expiration date shall result in automatic forfeiture of any
 2 certification issued pursuant to this Chapter.

3 **"§ 86B-53. ~~Expenses and fees.~~ Fees.**

4 All fees may be calculated by the Board in amounts sufficient to pay the costs of
 5 administration of this act, but in no event may they exceed the following:

6	(1)	Application for licensure as an electrologist	\$150.00
7	(1a)	Initial license	150.00 125.00
8	(1b)	Examination or reexamination	125.00 150.00
9	(2)	Licensure of electrology renewal	150.00
10	(3)	Application for licensure as an electrology	
11		instructor	150.00
12	(4)	Licensure of electrology instructor renewal	150.00
13	(5)	Application for certification as a	
14		Board-approved school of electrology	500.00
15	(5a)	Application for licensure as laser hair practitioner.....	150.00
16	(5b)	Licensure of laser hair practitioner renewal	150.00
17	(5c)	Application for licensure as laser hair practitioner instructor	150.00
18	(5d)	Licensure of laser hair practitioner instructor renewal	150.00
19	(5e)	Application for certification as a Board-approved school of	
20		laser, light source, or pulsed-light treatments	500.00
21	(5f)	Certificate of Board-approved school of laser, light source,	
22		or pulsed-light renewal.....	400.00
23	(6)	Certificate of Board-approved school of	
24		electrology renewal	250.00
25	(6a)	Certification of out-of-state schools	150.00
26	(6b)	Certification of out-of-state schools renewal	100.00
27	(6c)	Office inspection or reinspection	100.00
28	(6d)	License by reciprocity	150.00
29	(7)	Late renewal charge	125.00
30	(8)	Reinstatement of expired license or certification	250.00
31	(9)	Reactivation of license	200.00
32	(10)	Duplicate license or certification	25.00."

33
 34 **PART II. ADMINISTRATIVE RULES AND MERGER PROCEDURE**

35 **SECTION 3.(a)** The North Carolina Board of Barber and Electrolysis Examiners,
 36 established by Section 2 of this act, shall review the licensing fee limitations, established by this
 37 act, and the fees adopted by rule by the State Board of Barber Examiners and the North Carolina
 38 Board of Electrolysis Examiners and determine whether the fee limitations and fees should be
 39 reduced to reflect savings and efficiencies generated by the consolidation of the Boards. No later
 40 than March 1, 2023, the North Carolina Board of Barber and Electrolysis Examiners shall report
 41 its findings and recommendations to the Joint Legislative Administrative Procedure Oversight
 42 Committee.

43 **SECTION 3.(b)** The North Carolina Board of Barber and Electrolysis Examiners,
 44 established by Section 2 of this act, shall review the licenses established by this act and determine
 45 whether certain licenses could be consolidated or eliminated as a result of the consolidation of
 46 the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners.
 47 No later than March 1, 2023, the North Carolina Board of Barber and Electrolysis Examiners
 48 shall report its findings and recommendations to the Joint Legislative Administrative Procedure
 49 Oversight Committee.

50 **SECTION 3.(c)** Licenses and registrations issued by the State Board of Barber
 51 Examiners and the North Carolina Board of Electrolysis Examiners, prior to the effective date of

1 this act, shall remain in full force and confer the same authority as when they were issued until
2 those licenses and registrations expire, are revoked, or are renewed by the North Carolina Board
3 of Barber and Electrolysis Examiners.

4 **SECTION 3.(d)** All property and assets owned by the North Carolina Board of
5 Electrolysis Examiners shall be vested in and transferred to the North Carolina Board of Barber
6 and Electrolysis Examiners.

7 **SECTION 3.(e)** Any litigation, disciplinary action, or other proceeding pending as
8 of the effective date of this act, in the name of or against the State Board of Barber Examiners or
9 the North Carolina Board of Electrolysis Examiners, shall continue in the name of the North
10 Carolina Board of Barber and Electrolysis Examiners.

11 **SECTION 3.(f)** The Department of State Treasurer shall hold funds received in the
12 name of the North Carolina Board of Barber and Electrolysis Examiners separate from the funds
13 received in the name of the State Board of Barber Examiners or the North Carolina Board of
14 Electrolysis Examiners prior to the effective date of this act.

15 **SECTION 3.(g)** Rules adopted by the State Board of Barber Examiners and the
16 North Carolina Board of Electrolysis Examiners shall remain in effect as provided in
17 G.S. 150B-21.7.

18 **SECTION 3.(h)** The North Carolina Board of Barber and Electrolysis Examiners
19 shall have authority to expend funds to conduct audits and prepare financial statements that would
20 have been required under G.S. 93B-2 and G.S. 93B-4.

21 **SECTION 3.(i)** The North Carolina Board of Barber and Electrolysis Examiners
22 shall adopt rules to implement the provisions of this act.

23 **SECTION 4.(a)** Notwithstanding G.S. 86B-1, as recodified and amended by Section
24 1 and Section 2 of this act, the members of the Board of Electrolysis Examiners shall be appointed
25 to the North Carolina Board of Barber and Electrolysis Examiners as follows:

- 26 (1) Two electrologists serving on the Board of Electrolysis Examiners as of
27 December 31, 2021, one of whom shall be appointed by the General Assembly
28 upon the recommendation of the Speaker of the House of Representatives and
29 one of whom shall be appointed by the General Assembly upon the
30 recommendation of the President Pro Tempore of the Senate, for a three-year
31 term.
- 32 (2) One physician serving on the Board of Electrolysis Examiners as of December
33 31, 2021, appointed by the Governor, for a two-year term.
- 34 (3) One public member serving on the Board of Barber Examiners or Board of
35 Electrolysis Examiners as of December 31, 2021, appointed by the Governor,
36 for a one-year term.

37 **SECTION 4.(b)** The appointments required by this act shall be made on or before
38 October 1, 2021, and the initial terms of the appointees shall begin on January 1, 2022. Once
39 these initial terms expire, all vacancies will be filled according to the provisions of G.S. 86B-1,
40 as recodified and amended by Section 1 and Section 2 of this act.

41 **SECTION 5.** Section 1 and Section 2 of this act become effective January 1, 2022,
42 and apply to applications for licensure, examination, and renewal submitted on or after that date.
43 The remainder of this act is effective when it becomes law.