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SESSION 2009

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HOUSE BILL 291
Committee Substitute Favorable 5/20/09
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PROPOSED SENATE COMMITTEE SUBSTITUTE H291-PCS30421-RO-67

Short Title: Hair Braider Licensure/Cosmetic Art Act.

(Public)

Sponsors:

Referred to:

February 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF
3 PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR BRAIDING.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.1. G.S. 88B-2 reads as rewritten:

6 "§ 88B-2. Definitions.

7 The following definitions apply in this Chapter:

- 8 (1) Apprentice. – A person who is not a manager or operator and who is
9 engaged in learning the practice of cosmetic art under the direction and
10 supervision of a cosmetologist.
- 11 (2) Board. – The North Carolina Board of Cosmetic Art Examiners.
- 12 (3) Booth. – A workstation located within a licensed cosmetic art shop that is
13 operated primarily by one individual in performing cosmetic art services for
14 consumers.
- 15 (4) Booth renter. – A person who rents a booth in a cosmetic art shop.
- 16 (4a) Braiding teacher. – An individual licensed by the Board to teach hair
17 braiding.
- 18 (5) Cosmetic art. – All or any part or combination of cosmetology, esthetics,
19 hair braiding, or manicuring, including the systematic manipulation with the
20 hands or mechanical apparatus of the scalp, face, neck, shoulders, hands, and
21 feet. Practices included within this subdivision shall not include the practice
22 of massage or bodywork therapy as set forth in Article 36 of Chapter 90 of
23 the General Statutes.
- 24 (6) Cosmetic art school. – Any building or part thereof where cosmetic art is
25 taught.
- 26 (7) Cosmetic art shop. – Any building or part thereof where cosmetic art is
27 practiced for pay or reward, whether direct or indirect.
- 28 (8) Cosmetologist. – Any individual who is licensed to practice all parts of
29 cosmetic art.
- 30 (8a) Cosmetology. – The act of arranging, dressing, curling, waving, cleansing,
31 cutting, singeing, bleaching, coloring, or similar work upon the hair of a
32 person by any means, including the use of hands, mechanical or electrical



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- 1 apparatus, or appliances or by use of cosmetic or chemical preparations or
2 antiseptics.
- 3 (9) Cosmetology teacher. – An individual licensed by the Board to teach all
4 parts of cosmetic art.
- 5 (10) Esthetician. – An individual licensed by the Board to practice only that part
6 of cosmetic art that constitutes skin care.
- 7 (11) Esthetician teacher. – An individual licensed by the Board to teach only that
8 part of cosmetic art that constitutes skin care.
- 9 (11a) Esthetics. – Refers to any of the following practices: giving facials; applying
10 makeup; performing skin care; removing superfluous hair from the body of a
11 person by use of creams, tweezers, or waxing; applying eyelashes to a
12 person, including the application of eyelash extensions, brow or lash color;
13 beautifying the face, neck, arms, or upper part of the human body by use of
14 cosmetic preparations, antiseptics, tonics, lotions, or creams; surface
15 manipulation in relation to skin care; or cleaning or stimulating the face,
16 neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of
17 hands, devices, apparatus, or appliances along with the use of cosmetic
18 preparations, antiseptics, tonics, lotions, or creams.
- 19 (11b) Hair braider. – An individual licensed by the Board to practice only that part
20 of cosmetic art that constitutes hair braiding.
- 21 (12) Manicuring. – The care and treatment of the fingernails, toenails, cuticles on
22 fingernails and toenails, and the hands and feet, including the decoration of
23 the fingernails and the application of nail extensions and artificial nails. The
24 term "manicuring" shall not include the treatment of pathologic conditions.
- 25 (13) Manicurist. – An individual licensed by the Board to practice only that part
26 of cosmetic art that constitutes manicuring.
- 27 (14) Manicurist teacher. – An individual licensed by the Board to teach
28 manicuring.
- 29 (14a) Hair braiding. – A service that results in tension on hair strands or roots by
30 twisting, wrapping, extending, or locking hair by hand or mechanical device.
31 For purposes of this definition, the phrase 'hair braiding' shall include the use
32 of artificial or natural hair.
- 33 (15) Shampooing. – The application and removal of commonly used, room
34 temperature, liquid hair cleaning and hair conditioning products.
35 Shampooing does not include the arranging, dressing, waving, coloring, or
36 other treatment of the hair."

37 **SECTION 1.2.** G.S. 88B-6 reads as rewritten:

38 **"§ 88B-6. Board office, employees, funds, budget requirements.**

- 39 (a) The Board shall maintain its office in Raleigh, North Carolina.
- 40 (b) The Board shall employ an executive director who shall not be a member of the
41 Board. The executive director shall keep all records of the Board, issue all necessary notices,
42 and perform any other duties required by the Board. The executive director shall serve at the
43 pleasure of the Board.
- 44 ~~With the approval of the Director of the Budget and the Office of State Personnel,~~
45 ~~the~~ The Board may employ as many inspectors, investigators, and other staff as necessary to
46 perform inspections and other duties prescribed by the Board. Inspectors and investigators shall
47 be experienced in all parts of cosmetic art and shall have authority to examine cosmetic art
48 shops and cosmetic art schools during business hours to determine compliance with this
49 Chapter.
- 50 ~~(d) The salaries of all employees of the Board, including the executive director, shall be~~
51 ~~subject to the State Personnel Act.~~

1 (e) The executive director may collect in the Board's name and on its behalf the fees
2 prescribed in this Chapter and shall turn these and any other monies paid to the Board over to
3 the State Treasurer. These funds shall be credited to the Board and shall be held and expended
4 under the supervision of the Director of the Budget only for the administration and enforcement
5 of this Chapter. Nothing in this Chapter shall authorize any expenditure in excess of the amount
6 credited to the Board and held by the State Treasurer as provided in this subsection.

7 (f) The provisions of the Executive Budget Act and the State Personnel Act apply to the
8 administration of this Chapter."

9 **SECTION 2.** Chapter 88B of the General Statutes is amended by adding a new
10 section to read:

11 **"§ 88B-10.1. Qualifications for licensing hair braiders.**

12 The Board shall issue a license to practice as a hair braider to any individual who meets all
13 of the following requirements:

14 (1) Successful completion of at least 300 hours of a hair braider curriculum in
15 an approved cosmetic art school.

16 (2) Passage of an examination conducted by the Board.

17 (3) Payment of the fees required by G.S. 88B-20."

18 **SECTION 3.** G.S. 88B-11 is amended by adding a new subsection to read:

19 "(e) The Board shall issue a license to practice as a hair braiding teacher to any
20 individual who meets the requirements of subsection (a) of this section and who meets all of the
21 following:

22 (1) Holds in good standing a hair braiding license issued by the Board.

23 (2) Submits proof of either practice as a hair braider in a cosmetic art shop or
24 any Board-approved employment capacity in the cosmetic art industry for a
25 period equivalent to two years of full-time work immediately prior to
26 application or successful completion of at least 320 hours of a hair braider
27 teacher curriculum in an approved cosmetic art school."

28 **SECTION 4.** G.S. 88B-12 reads as rewritten:

29 **"§ 88B-12. Temporary employment permit; extensions; limits on practice.**

30 (a) The Board shall issue a temporary employment permit to an applicant for licensure
31 as an apprentice, cosmetologist, esthetician, hair braider, or manicurist who meets all of the
32 following:

33 (1) Has completed the required hours of a cosmetic art school curriculum in the
34 area in which the applicant wishes to be licensed.

35 (2) Has applied to take the examination within three months of completing the
36 required hours.

37 (3) Is qualified to take the examination.

38 (b) A temporary employment permit shall expire six months from the date of graduation
39 from a cosmetic art school and shall not be renewed.

40 (c) The holder of a temporary employment permit may practice cosmetic art only under
41 the supervision of a licensed cosmetologist, manicurist, hair braider, or esthetician, as
42 appropriate, and may not operate a cosmetic art shop."

43 **SECTION 5.** G.S. 88B-13 reads as rewritten:

44 **"§ 88B-13. Applicants licensed in other states.**

45 (a) The Board shall issue a license to an applicant licensed as an apprentice,
46 cosmetologist, esthetician, hair braider, or manicurist in another state if the applicant shows:

47 (1) The applicant is an active practitioner in good standing.

48 (2) The applicant has practiced at least one of the three years immediately
49 preceding the application for a license.

50 (3) There is no disciplinary proceeding or unresolved complaint pending against
51 the applicant at the time a license is to be issued by this State.

(4) The licensure requirements in the state in which the applicant is licensed are substantially equivalent to those required by this State.

(b) Instead of meeting the requirements in subsection (a) of this section, any applicant who is licensed as a cosmetologist, esthetician, hair braider, or manicurist in another state shall be admitted to practice in this State under the same reciprocity or comity provisions that the state in which the applicant is licensed grants to persons licensed in this State.

(c) The Board may establish standards for issuing a license to an applicant who is licensed as a teacher in another state. These standards shall include a requirement that the licensure requirements in the state in which the teacher is licensed shall be substantially equivalent to those required in this State and that the applicant shall be licensed by the Board to practice in the area in which the applicant is licensed to teach."

SECTION 6. G.S. 88B-14(b) reads as rewritten:

"(b) The applicant shall list all ~~licensed cosmetologists~~ licensees who practice cosmetic art in the shop and shall identify each as an employee or a booth renter."

SECTION 7. G.S. 88B-18 reads as rewritten:

"§ 88B-18. Examinations.

(a) Repealed by Session Laws 2006-212, s. 2, effective August 8, 2006.

(b) Each examination shall have both a practical and a written portion.

(c) Examinations for applicants for apprentice, cosmetologist, teacher, esthetician, hair braider, and manicurist licenses shall be given in at least three locations in the State that are geographically scattered. The examinations shall be administered in Board-approved facilities.

(d) An applicant for a cosmetologist, esthetician, manicurist, hair braider, or teacher's license who fails to pass the examination three times may not reapply to take the examination again until after the applicant has successfully completed any additional requirements prescribed by the Board."

SECTION 8. G.S. 88B-20 reads as rewritten:

"§ 88B-20. Fees required.

(a) The Board may charge the applicant the actual cost of preparation, administration, and grading of examinations for cosmetologists, apprentices, manicurists, estheticians, hair braiders, or teachers, in addition to its other fees.

(b) The Board may charge application fees as follows:

- (1) Inspection of a newly established cosmetic art shop \$ 25.00
- (2) Reciprocity applicant under G.S. 88B-13 \$ 15.00.

(c) The Board may charge license fees as follows:

- (1) Cosmetologist.....\$ 39.00 every 3 years
- (2) Apprentice \$ 10.00 per year
- (3) Esthetician \$ 10.00 per year
- (4) Manicurist \$ 10.00 per year
- (4a) Hair braider \$ 10.00 per year
- (5) Teacher.....\$ 10.00 every 2 years
- (6) Cosmetic art shop per active booth \$ 3.00 per year
- (7) Cosmetic art school \$ 50.00 per year
- (8) Duplicate license \$ 1.00.

(d) The Board may require payment of late fees and reinstatement fees as follows:

- (1) Apprentice, cosmetologist, esthetician, manicurist, hair braider, and teacher late renewal \$ 10.00
- (2) Cosmetic art schools and shops late renewal \$ 10.00
- (3) Reinstatement – cosmetic art schools and shops \$ 25.00.

(e) The Board may prorate fees as appropriate."

SECTION 9. G.S. 88B-21 reads as rewritten:

"§ 88B-21. Renewals; expired licenses; inactive status.

1 (a) Each license to operate a cosmetic art shop shall be renewed on or before the first
2 day of February of each year. As provided in G.S. 88B-20, a late fee shall be charged for
3 licenses renewed after February 1. Any license not renewed by March 1 of each year shall
4 expire. A cosmetic art shop whose license has been expired for one year or less shall have the
5 license reinstated immediately upon payment of the reinstatement fee, the late fee, and all
6 unpaid license fees. The licensee shall submit to the Board, as a part of the renewal process, a
7 list of all licensed cosmetologists who practice cosmetic art in the shop and shall identify each
8 as an employee or a booth renter.

9 (b) Cosmetologist licenses shall be renewed on or before October 1 every three years
10 beginning October 1, 1998. A late fee shall be charged for renewals after that date. Any license
11 not renewed shall expire on October 1 of the year that renewal is required. The Board may
12 develop and implement a plan for staggered license renewal and may prorate license fees to
13 implement such a plan.

14 (c) Apprentice, esthetician, hair braider, and manicurist licenses shall be renewed
15 annually on or before October 1 of each year. A late fee shall be charged for the renewal of
16 licenses after that date. Any license not renewed shall expire on October 1 of that year.

17 (d) Teacher licenses shall be renewed every two years on or before October 1. A late
18 fee shall be charged for the renewal of licenses after that date. Any license not renewed shall
19 expire on October 1 of that year.

20 (e) Prior to renewal of a license, a teacher, cosmetologist, esthetician, hair braider, or
21 manicurist shall annually complete eight hours of Board-approved continuing education for
22 each year of the licensing cycle. A cosmetologist may complete up to 24 hours of required
23 continuing education at any time within the cosmetologist's three-year licensing cycle.
24 Licensees shall submit written documentation to the Board showing that they have satisfied the
25 requirements of this subsection. A licensee who is in active practice as a cosmetologist,
26 esthetician, hair braider, or manicurist, has practiced for at least 10 consecutive years in that
27 ~~profession~~profession, and is 60 years of age or older does not have to meet the continuing
28 education requirements of this subsection. A licensee who is in active practice as a
29 cosmetologist and has at least 20 consecutive years of experience as a cosmetologist, does not
30 have to meet the continuing education requirements of this subsection, but shall report any
31 continuing education classes completed to the Board, whether the continuing education classes
32 are Board-approved or not. Promotion of products and systems shall be allowed at continuing
33 education given in-house or at trade shows. Continuing education classes may also be offered
34 in secondary languages as needed. No member of the Board may offer continuing education
35 courses as required by this section.

36 (f) If an apprentice, cosmetologist, esthetician, manicurist, hair braider, or teacher fails
37 to renew his or her license within five years following the expiration date, the licensee shall be
38 required to pass an examination as prescribed by the Board before the license will be reinstated.

39 (g) Cosmetic art school licenses shall be renewed on or before October 1 of each year.
40 A late fee shall be charged for licenses renewed after that date. Any license not renewed by
41 November 1 of that year shall expire. A cosmetic art school whose license has been expired for
42 one year or less shall have its license reinstated upon payment of the reinstatement fee, the late
43 fee, and all unpaid license fees.

44 (h) Upon request by a licensee for inactive status, the Board may place the licensee's
45 name on the inactive list so long as the licensee is in good standing with the Board. An inactive
46 licensee is not required to complete continuing education requirements. An inactive licensee
47 shall not practice cosmetic art for consideration. However, the inactive licensee may continue
48 to purchase supplies as accorded an active licensee. When the inactive licensee desires to be
49 removed from the inactive list and return to active practice, the inactive licensee shall notify the
50 Board of his or her desire to return to active status and pay the required fee as determined by

1 the Board. As a condition of returning to active status, the Board may require the licensee to
2 complete eight to 24 hours of continuing education pursuant to subsection (e) of this section."

3 **SECTION 10.** G.S. 88B-22 reads as rewritten:

4 "**§ 88B-22. Licenses required; criminal penalty.**

5 (a) Except as provided in this Chapter, no person may practice or attempt to practice
6 cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed
7 as an apprentice, cosmetologist, esthetician, hair braider, or manicurist by the Board.

8 (b) Except as provided in this Chapter, no person may practice cosmetic art or any part
9 of cosmetic art, for pay or reward in any form, either directly or indirectly, outside of a licensed
10 cosmetic art shop.

11 (c) No person may open or operate a cosmetic art shop in this State unless a license has
12 been issued by the Board for that shop.

13 (d) An individual licensed as an ~~esthetician~~-esthetician, hair braider, or manicurist may
14 practice only that part of cosmetic art for which the individual is licensed.

15 (d1) No person may teach cosmetic art in a Board-approved cosmetic art school unless
16 the person is a teacher licensed under this Chapter. A guest lecturer may be exempt from the
17 requirements of this subsection upon approval by the Board.

18 (e) An apprentice licensed under the provisions of this Chapter shall apprentice under
19 the direct supervision of a cosmetologist. An apprentice shall not operate a cosmetic art shop.

20 (f) A violation of this Chapter is a Class 3 misdemeanor."

21 **SECTION 11.** G.S. 88B-23(a) reads as rewritten:

22 "(a) Every apprentice, cosmetologist, esthetician, manicurist, hair braider, and teacher
23 licensed under this Chapter shall display the certificate of license issued by the Board within
24 the shop in which the person works."

25 **SECTION 12.** G.S. 88B-24(9) reads as rewritten:

26 "**§ 88B-24. Revocation of licenses and other disciplinary measures.**

27 The Board may restrict, suspend, revoke, or refuse to issue, renew, or reinstate any license
28 for any of the following:

29 ...

30 (9) Violation of G.S. 86A-15 by a cosmetologist, esthetician, hair braider, or
31 manicurist licensed by the Board and practicing cosmetic art in a barber
32 shop."

33 **SECTION 13.** Any hair braider who submits proof to the Board that the hair
34 braider is actively engaged in the practice of hair braiding on the effective date of this act,
35 passes an examination conducted by the Board, and pays the required fee under G.S. 88B-20
36 shall be licensed without having to satisfy the requirements of G.S. 88B-10.1, enacted by
37 Section 2 of this act. A cosmetic art shop that practices hair braiding only and that submits
38 proof to the Board that the shop is actively engaged in the practice of hair braiding on the
39 effective date of this act shall have one year from the date of this act to comply with the
40 requirements of G.S. 88B-14. All persons who do not make application to the Board within one
41 year of the effective date of this act shall be required to complete all training and examination
42 requirements prescribed by the Board and to otherwise comply with the provisions of Chapter
43 88B of the General Statutes.

44 **SECTION 14.** Section 1.2 of this act is effective when it becomes law. The
45 remainder of this act becomes effective July 1, 2010, and applies to acts occurring on or after
46 that date.