

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

D

HOUSE BILL 590  
PROPOSED COMMITTEE SUBSTITUTE H590-PCS10470-RNf-9

Short Title: Amend Administrative Procedure Laws.

(Public)

Sponsors:

Referred to:

April 4, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND VARIOUS ADMINISTRATIVE PROCEDURE LAWS.  
3 The General Assembly of North Carolina enacts:

4  
5 **PART I. AUTHORIZE RULE TECHNICAL CORRECTIONS**

6 **SECTION 1.(a)** G.S. 150B-21.5 reads as rewritten:

7 "**§ 150B-21.5. Circumstances when notice and rule-making hearing not ~~required~~required;**  
8 **circumstances when submission to the Commission not required.**

9 (a) Amendment. – An agency is not required to publish a notice of text in the North  
10 Carolina ~~Register or Register~~, hold a public ~~hearing~~hearing, or submit the amended rule to the  
11 Commission for review when it proposes to amend a rule to do one of the following:

12 ...

13 (4) Change information that is readily available to the public, such as an ~~address~~  
14 ~~or address~~, email address, a telephone ~~number~~number, or a Web site.

15 (5) Correct a ~~typographical error in the North Carolina Administrative~~  
16 ~~Code~~typographical error.

17 (6) ~~Change a rule in response to a request or an objection by the Commission,~~  
18 ~~unless the Commission determines that the change is substantial.~~

19 (a1) Response to Commission. – An agency is not required to publish a notice of text in  
20 the North Carolina Register or hold a public hearing when it proposes to change the rule in  
21 response to a request or an objection by the Commission, unless the Commission determines that  
22 the change is substantial.

23 ...

24 (e) An agency that adopts or amends a rule pursuant to subsection (a) or (c) of this section  
25 shall notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant  
26 to subsection (a) or (c) of this section, the Codifier of Rules shall make the appropriate change  
27 to the North Carolina Administrative Code."

28 **SECTION 1.(b)** G.S. 150B-21.20 reads as rewritten:

29 "**§ 150B-21.20. Codifier's authority to revise ~~form of~~ rules.**

30 (a) Authority. – After consulting with the agency that adopted the rule, the Codifier of  
31 Rules may revise ~~the form of a rule submitted for inclusion in the North Carolina Administrative~~  
32 ~~Code~~a rule to do one or more of the following:

33 ...

34 (7) Substitute one name for another when an organization or position is renamed.



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- 1           (8)     Correct a citation in the rule to another rule or law when the citation has  
 2           become inaccurate since the rule was adopted because of the repeal or  
 3           renumbering of the cited rule or law.  
 4           (9)     Change information that is readily available to the public, such as an address,  
 5           email address, a telephone number, or a Web site.  
 6           (10)    Correct a typographical error.

7           ...."

## 9     **PART II. CLARIFY CONTESTED CASE POLICY**

10           **SECTION 2.(a)** G.S. 150B-22 reads as rewritten:

### 11     **"§ 150B-22. Settlement; contested case.**

12           (a)     It is the policy of this State that any dispute between an agency and another person  
 13           that involves the person's rights, duties, or privileges, including licensing or the levy of a  
 14           monetary penalty, should be settled through informal procedures. In trying to reach a settlement  
 15           through informal procedures, the agency may not conduct a proceeding at which sworn testimony  
 16           is taken and witnesses may be cross-examined.

17           (b)     If the agency and the other person do not agree to a resolution of the dispute through  
 18           informal procedures, either the agency or the person may commence an administrative  
 19           proceeding to determine the person's rights, duties, or privileges, at which time the dispute  
 20           becomes a "contested case." A party or person aggrieved shall not be required to petition an  
 21           agency for rule making or to seek or obtain a declaratory ruling before commencing a contested  
 22           case pursuant to G.S. 150B-23."

23           **SECTION 2.(b)** G.S. 150B-43 reads as rewritten:

### 24     **"§ 150B-43. Right to judicial review.**

25           Any party or person aggrieved by the final decision in a contested case, and who has  
 26           exhausted all administrative remedies made available to the party or person aggrieved by statute  
 27           or agency rule, is entitled to judicial review of the decision under this Article, unless adequate  
 28           procedure for judicial review is provided by another statute, in which case the review shall be  
 29           under such other statute. Nothing in this Chapter shall prevent any party or person aggrieved  
 30           from invoking any judicial remedy available to the party or person aggrieved under the law to  
 31           test the validity of any administrative action not made reviewable under this Article. ~~Absent a~~  
 32           ~~specific statutory requirement, nothing in this Chapter shall require a~~ A party or person aggrieved  
 33           shall not be required to petition an agency for rule making or to seek or obtain a declaratory  
 34           ruling before obtaining judicial review of a final decision or order made pursuant to  
 35           G.S. 150B-34."

## 37     **PART III. AMEND PERIODIC REVIEW OF RULES PROCESS**

38           **SECTION 3.(a)** G.S. 150B-21.3A reads as rewritten:

### 39     **"§ 150B-21.3A. Periodic review and expiration of existing rules.**

40           (a)     Definitions. – For purposes of this section, the following definitions apply:

41           ...

42           (2a)    Necessary rule. – Means any rule other than an unnecessary rule.

43           (3)     ~~Necessary with substantive public interest. – Means any rule for which the~~  
 44           ~~agency has received public comments within the past two years. A rule is also~~  
 45           ~~"necessary with substantive public interest" if the rule affects the property~~  
 46           ~~interest of the regulated public and the agency knows or suspects that any~~  
 47           ~~person may object to the rule.~~

48           (4)     ~~Necessary without substantive public interest. – Means a rule for which the~~  
 49           ~~agency has not received a public comment concerning the rule within the past~~  
 50           ~~two years. A "necessary without substantive public interest" rule includes a~~

1 ~~rule that merely identifies information that is readily available to the public,~~  
2 ~~such as an address or a telephone number.~~

- 3 (5) Public comment. – Means written comments objecting to the rule, in whole or  
4 in part, or objecting to an agency's determination of the rule as necessary or  
5 unnecessary, received by an agency from any member of the public, including  
6 an association or other organization representing the regulated community or  
7 other members of the public.

8 ...

9 (c) Review Process. – Each agency subject to this Article shall conduct a review of the  
10 agency's existing rules at least once every 10 years in accordance with the following process:

- 11 (1) Step 1: The agency shall conduct an analysis of each existing rule and make  
12 an initial determination as to whether the rule is ~~(i) necessary with substantive~~  
13 ~~public interest, (ii) necessary without substantive public interest, or (iii)~~  
14 necessary or unnecessary. The agency shall then post the results of the initial  
15 determination on its Web site and invite the public to comment on the rules  
16 and the agency's initial determination. The agency shall also submit the results  
17 of the initial determination to the Office of Administrative Hearings for  
18 posting on its Web site. The agency shall accept public comment for no less  
19 than 60 days following the posting. The agency shall review the public  
20 comments and prepare a brief response addressing the merits of each  
21 comment. After completing this process, the agency shall submit a report to  
22 the Commission. The report shall include the following items:

- 23 a. The agency's initial determination.  
24 b. All public comments received in response to the agency's initial  
25 determination.  
26 c. The agency's response to the public comments.

- 27 (2) Step 2: The Commission shall review the reports received from the agencies  
28 pursuant to subdivision (1) of this subsection. If a public comment relates to  
29 a rule that the agency determined to be ~~necessary and without substantive~~  
30 ~~public interest or unnecessary~~, the Commission shall determine whether the  
31 public comment has merit and, if so, designate the rule as ~~necessary with~~  
32 ~~substantive public interest.~~ necessary. For purposes of this subsection, a public  
33 comment has merit if it addresses the specific substance of the ~~rule and relates~~  
34 ~~to any of the standards for review by the Commission set forth in G.S.~~  
35 ~~150B-21.9(a). rule~~. The Commission shall prepare a final determination report  
36 and submit the report to the Committee for consultation in accordance with  
37 subdivision (3) of this subsection. The report shall include the following  
38 items:

39 ...

- 40 e. ~~A determination that all rules that the agency determined to be~~  
41 ~~necessary and without substantive public interest and for which no~~  
42 ~~public comment was received or for which the Commission~~  
43 ~~determined that the public comment was without merit be allowed to~~  
44 ~~remain in effect without further action.~~  
45 f. A determination that all rules that the agency determined to be  
46 unnecessary and for which no public comment was received or for  
47 which the Commission determined that the public comment was  
48 without merit shall expire on the first day of the month following the  
49 date the report becomes effective in accordance with this section.  
50 g. A determination that all rules that the agency determined to be  
51 necessary ~~with substantive public interest~~ or that the Commission

designated as necessary ~~with public interest as provided in this subdivision~~ shall be readopted as though the rules were new rules in accordance with this Article.

- (3) Step 3: The final determination report shall not become effective until the agency has consulted with the Committee. The determinations contained in the report pursuant to sub-subdivisions ~~e., f., f.~~ and g. of subdivision (2) of this subsection shall become effective on the date the report is reviewed by the Committee. If the Committee does not hold a meeting to hear the consultation required by this subdivision within 60 days of receipt of the final determination report, the consultation requirement is deemed satisfied, and the determinations contained in the report become effective on the 61st day following the date the Committee received the report. If the Committee disagrees with a determination regarding a specific rule contained in the report, the Committee may recommend that the General Assembly direct the agency to conduct a review of the specific rule in accordance with this section in the next year following the consultation.

...  
 (e) ~~Rules to Conform to or Implement Federal Law. Rules adopted to conform to or implement federal law shall not expire as provided by this section. The Commission shall report annually to the Committee on any rules that do not expire pursuant to this subsection.~~ Exclusions. – The Commission shall report annually to the Committee on any rules that do not expire pursuant to this subsection. The following rules shall not expire as provided in this section:

- (1) Rules adopted to conform to or implement federal law.
- (2) Rules deemed by the Boards of Trustees established under G.S. 128-28 and G.S. 135-6 to protect inchoate or accrued rights of members of the Retirement Systems administered by the State Treasurer.

~~(e1) Rules to Protect Inchoate or Accrued Rights of Retirement Systems Members. Rules deemed by the Boards of Trustees established under G.S. 128-28 and G.S. 135-6 to protect inchoate or accrued rights of members of the Retirement Systems administered by the State Treasurer shall not expire as provided by this section. The Commission shall report annually to the Committee on any rules that do not expire pursuant to this subsection.~~

...."

**SECTION 3.(b)** This Part is effective when it becomes law and applies to agency rule reports submitted to the Office of Administrative Hearings pursuant to G.S. 150B-21.3A(c)(1) on or after October 1, 2019.

**PART IV. MERGER OF BARBER AND ELECTROLYSIS BOARDS**

**SECTION 4.1.(a)** Chapter 86A of the General Statutes is repealed.

**SECTION 4.1.(b)** Chapter 88A of the General Statutes is repealed.

**SECTION 4.2.** The General Statutes are amended by adding a new Chapter to read:

**"Chapter 86B.**

**"Barbers and Electrolysis Practice Act.**

**"§ 86B-1. Short title.**

This Chapter shall be known and may be cited as the "North Carolina Barbers and Electrolysis Practice Act."

**"§ 86B-2. Definitions.**

The following definitions apply in this Chapter:

- (1) Barber. – A person engaged in one or more of the following practices:
  - a. Shaving or trimming a beard or cutting hair.
  - b. Dyeing hair, applying hair tonics, permanent waving, or marcelling hair.

1           c.     Giving facial or scalp massages or treatments with oils, creams,  
2                 lotions, or other preparations either by hand or with mechanical  
3                 appliances.

4           (2)   Barbering. – The act of performing any defined barber practice.

5           (3)   Barber apprentice. – A person who is learning barbering under the direction  
6                 and supervision of a licensed barber.

7           (4)   Board. – The North Carolina Board of Barber and Electrolysis Examiners.

8           (5)   Electrolysis. – The chemical process causing the permanent removal of hair  
9                 by the application of an electrical current to the dermal papilla by a filament  
10                to cause decomposition, coagulation, or dehydration within the hair follicle as  
11                approved by the Food and Drug Administration of the United States  
12                Government.

13          (6)   Electrologist or electrolocist. – A person who engages in the practice of  
14                 electrolysis.

15          (7)   Electrology. – The practice of permanently removing hair from the normal  
16                 skin of the human body by application of an electrical current to the dermal  
17                 papilla by needle or needles to cause growth inactivity of the hair papilla.

18          (8)   Laser hair practitioner. – A person who engages in laser, light source, or  
19                 pulsed-light treatments for the removal of hair.

20          (9)   Laser, light source, or pulsed-light devices. – A device used exclusively in a  
21                 nonablative procedure for the removal of hair.

22          (10)  Laser, light source, or pulsed-light treatments. – The use of laser or  
23                 pulsed-light devices.

24   **§ 86B-3. Creation and membership of the Board; term of office; removal.**

25          (a)   The North Carolina Board of Barber and Electrolysis Examiners is established. The  
26                 Board shall be appointed by the Governor for three-year terms, consisting of seven members as  
27                 follows:

28               (1)   Four licensed barbers.

29               (2)   One electrologist who has engaged in the practice of electrolysis for at least  
30                 five years.

31               (3)   One physician licensed under Chapter 90 of the General Statutes nominated  
32                 by the North Carolina Medical Board.

33               (4)   One public member not licensed under this Chapter or under Chapter 90 of  
34                 the General Statutes.

35          (b)   The Governor may remove any member of the Board for good cause. Vacancies for  
36                 Board positions shall be filled by the Governor and appointees shall serve the remainder of the  
37                 unexpired term. No Board member may serve more than three consecutive terms, except that  
38                 each member shall serve until a successor is appointed and qualified.

39          (c)   The Board shall elect a chair, a vice-chair, and other officers as deemed necessary by  
40                 the Board to carry out the purposes of this Chapter. All officers shall be elected annually by the  
41                 Board for one-year terms and shall serve until their successors are elected and qualified.

42          (d)   The Board shall not issue a license to teach barbering, pursuant to G.S. 86B-10, to  
43                 any Board member during that member's term on the Board. No Board member may be employed  
44                 by the Board for at least one year after that member's term expires.

45   **§ 86B-4. Powers and duties of the Board.**

46          (a)   The Board shall have all powers and duties necessary to carry out the provisions of  
47                 this Chapter. The Board may, in accordance with Chapter 150B of the General Statutes, adopt  
48                 rules necessary to carry out the provisions of this Chapter.

49          (b)   Whenever the Board has reasonable cause to believe that a violation of this Chapter  
50                 may have occurred, the Board may, upon its own motion or upon complaint of any person,  
51                 investigate any operator to determine whether a violation has occurred.

**"§ 86B-5. Meetings and compensation of the Board; officers and executive director.**

(a) The Board shall maintain its office in Raleigh, North Carolina and shall adopt and use a common seal for the authentication of its orders and records. Each member of the Board shall receive compensation for services and expenses as provided in G.S. 93B-5 in furtherance of official business of the Board. The Board shall hold four regular meetings a year in the months of January, April, July, and October. The chair may call additional meetings of the Board when necessary. The Board shall keep minutes of all its proceedings.

(b) The Board shall employ an executive director who shall not be a member of the Board. The executive director shall keep all records of the Board, issue all necessary notices, and perform any other duties required by the Board. The executive director shall serve at the pleasure of the Board.

(c) With the approval of the Director of the Budget and the Office of State Human Resources, the Board may employ as many inspectors, investigators, attorneys, and other staff as necessary to perform inspections and other duties prescribed by the Board. Inspectors and investigators shall have authority to examine shops, offices, and schools during business hours to determine compliance with this Chapter. The salaries of all employees of the Board, excluding the executive director, shall be subject to the North Carolina Human Resources Act.

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

**"§ 86B-6. Qualifications for licensure as a barber.**

The Board shall issue a license to practice as a barber to any person who meets all of the following qualifications:

- (1) Has attended an approved barber school for at least 1,528 hours.
- (2) Has completed a 12-month apprenticeship under the supervision of a licensed barber, as provided in G.S. 86B-7.
- (3) Has passed a clinical examination conducted by the Board.
- (4) Has submitted to the Board the affidavit required by G.S. 86B-7 certifying that the applicant has served the apprenticeship required by this section.

**"§ 86B-7. Qualifications for licensing barber apprentices.**

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

(b) An apprentice license expires on May 31 of each year. Every holder of an apprentice license shall annually renew the apprentice license by the expiration date and pay the required renewal fee. An apprentice license issued under this Chapter is automatically expired by operation of law after failure to renew the apprentice license by the expiration date. An apprentice whose apprentice license has expired may have the certificate restored immediately upon paying all lapsed renewal fees and the required late fee. The apprentice license is valid only so long as the apprentice works under the supervision of a licensed barber. The licensed barber shall remain present on the premises of the 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 licensed barber or barbers, and upon meeting the other requirements of this Chapter, the apprentice shall be issued a license as a barber, pursuant to G.S. 86B-6. No licensed apprentice may practice for a period exceeding three years without retaking and passing the required examination to qualify as a licensed barber.

1        (d) Applicants who pass the initial written examination and pass the practical  
2 examination with a score of eighty-five percent (85%) or higher shall be exempt from the  
3 apprenticeship requirement and may apply for a temporary permit pursuant to G.S. 86B-13(g).  
4 Applicants who pass the initial written examination and pass the initial practical examination  
5 with a score of less than eighty-five percent (85%) shall be permitted to retake the initial practical  
6 examination no more than two additional times upon payment of the fee authorized under  
7 G.S. 86B-30. Individuals holding a current and valid apprentice license that have passed the  
8 initial written examination and have passed the initial practical examination with a score of  
9 eighty-five percent (85%) or higher shall be entitled to obtain a temporary permit pursuant to this  
10 subsection upon payment of the fee authorized under G.S. 86B-30.

11 **"§ 86B-8. Qualifications for licensure as an electrologist.**

12        (a) Any person who desires to be licensed as an electrologist pursuant to this Chapter  
13 must be at least 21 years of age and do all of the following:

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

15            (2) Provide proof of graduation from a school certified by the Board pursuant to  
16 G.S. 86B-19.

17            (3) Pass an examination given by the Board.

18            (4) Submit the application and examination fees required in G.S. 86B-31.

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

23        (c) When the Board determines that an applicant has met all the requirements for  
24 licensure, the Board shall issue a license to the applicant.

25 **"§ 86B-9. Requirements for licensure as a laser hair practitioner; limitations on licensed**  
26 **laser hair practitioners.**

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

29            (1) Be an electrologist licensed under this Chapter.

30            (2) Completed a minimum 30-hour laser, light source, or pulsed-light treatment  
31 certification course approved by the Board and in accordance with rules  
32 adopted by the Board.

33            (3) Be currently using or anticipate using laser, light source, or pulsed-light  
34 devices that the person has been certified by a Board-approved school to  
35 operate.

36        (b) When the Board determines that an applicant has met all the requirements for  
37 licensure and has submitted the initial license fee required in G.S. 86B-31, the Board shall issue  
38 a license to the applicant.

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

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

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

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

3 **"§ 86B-10. Qualifications for licensing barbering instructors.**

4       (a)     Applicants for any barbering instructor's license issued by the Board shall (i) possess  
5 a high school diploma or a high school graduation equivalency certificate and (ii) pay the fees  
6 required by G.S. 86B-30.

7       (b)     The Board shall issue a barbering instructor's license to any individual who meets all  
8 of the following requirements:

9           (1)   Be a licensed barber.

10          (2)   Pass an instructor's examination given by the Board that covers subject matter  
11 determined by the Board as well as the subjects in the Textbook of  
12 Barber-Styling approved by the Board.

13          (3)   Submit an application, on a form to be furnished by the Board.

14          (4)   Pay the fee required by G.S. 86B-30.

15 **"§ 86B-11. Requirements for certification as an electrology instructor.**

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

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

19           (2)   Be a licensed electrologist.

20           (3)   Have practiced electrology actively for at least five years immediately before  
21 the application.

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

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

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

31 **"§ 86B-12. Requirements for licensure as a laser hair practitioner instructor.**

32       (a)     Any person who desires licensure as a laser hair practitioner instructor pursuant to  
33 this Chapter shall meet all of the following requirements:

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

35           (2)   Be an electrologist licensed under this Chapter or a physician licensed under  
36 Article 1 of Chapter 90 of the General Statutes.

37           (3)   Have practiced laser, light source, or pulsed-light treatments actively for at  
38 least five years immediately before applying for licensure.

39           (4)   Have at least 100 hours of training in laser, light source, or pulsed-light  
40 treatments.

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

44 **"§ 86B-13. Temporary employment permit; extensions; limits on practice.**

45       (a)     The Board shall issue a temporary employment permit to an applicant seeking  
46 licensure pursuant to this Chapter who meets all of the following:

47           (1)   Has completed the required hours of a barber school, electrolysis school, or  
48 laser hair practitioner school curriculum in the area in which the applicant  
49 wishes to be licensed.

50           (2)   Has applied to take the examination within three months of completing the  
51 required hours for the area in which the applicant wishes to be licensed.

1           (3)   Is qualified to take the examination and has paid the examination fee.

2           (b)   A temporary employment permit shall expire six months from the date of graduation  
3 from a barber school, electrolysis school, or laser hair practitioner school unless it is revoked or  
4 suspended by the Board. The Board may renew a temporary employment permit no more than  
5 once, except in cases of undue hardship as the Board may determine. A renewed temporary  
6 employment permit shall remain valid only until the date of the next succeeding Board  
7 examination of applicants for the area in which the applicant wishes to be licensed.

8           (c)   The holder of a temporary employment permit may practice only under the  
9 supervision of a licensed barber, electrologist, or laser hair practitioner, as appropriate, and may  
10 not operate a barbershop or an electrologist or laser hair practitioner office.

11          (d)   The Board may grant a temporary employment permit to one whose license has been  
12 expired for more than five years in this State, provided application for examination to restore has  
13 been filed and fee paid. The permit is valid only until the date of the next succeeding Board  
14 examination of applicants for the area in which the applicant wishes to be licensed, except in  
15 cases of undue hardship as the Board may determine, unless it is revoked or suspended earlier by  
16 the Board.

17          (e)   The Board may grant a temporary employment permit to persons licensed in another  
18 state who come to this State for the purpose of teaching or demonstrating their skills. The Board  
19 shall also inspect and approve the area where the demonstration is to be given if it is not an  
20 already approved barbershop, office, or school. This permit shall be limited to the specific days  
21 of demonstration and shall be of no validity before or after.

22          (f)   The Board may grant a temporary employment permit to persons licensed in another  
23 state and seeking permanent licensure in North Carolina under G.S. 86B-14.

24          (g)   Notwithstanding the apprenticeship requirements in this Chapter, for graduates of a  
25 barber school that pass the initial written examination and pass the initial practical examination  
26 with a score of eighty-five percent (85%) or higher, the Board shall grant a temporary permit  
27 upon payment of the fee authorized under G.S. 86B-30. One year after receiving a temporary  
28 permit pursuant to this subsection, the permittee may apply for examination and certification to  
29 become licensed under this Chapter. A temporary permit issued pursuant to this subsection shall  
30 remain valid until the first Board examination of applicants for certification is held that is more  
31 than one year after issuance of the temporary permit.

32 **"§ 86B-14. Applicants licensed in other states.**

33          (a)   The Board shall issue a license to an applicant licensed in another state if the applicant  
34 demonstrates all of the following:

35           (1)   The applicant is a licensed practitioner in good standing.

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

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

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

42          (b)   Instead of meeting the requirements in subsection (a) of this section, any applicant  
43 who is licensed as a barber, electrologist, or laser hair practitioner in another state shall be  
44 admitted to practice in this State under the same reciprocity or comity provisions that the state in  
45 which the applicant is licensed grants to persons licensed in this State.

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

51 **"§ 86B-15. Licensing of barbershops.**

1       (a) The Board shall issue a license to operate a barbershop to any applicant who submits  
2 a properly completed application on a form approved by the Board, pays the required fee, and is  
3 determined, after inspection, to be in compliance with the provisions of this Chapter and the  
4 Board's rules. The Board may renew licenses that have lapsed after the barbershop has been  
5 inspected and all renewal and late fees have been paid.

6       (b) A license to operate a barbershop shall not be transferable from one location to  
7 another or from one owner to another.

8       (c) A barbershop shall be allowed to operate for a period of 30 days while the Board  
9 inspects and determines the barbershop's compliance with this Chapter and the Board's rules. If  
10 the Board is unable to complete the inspection within 30 days, the barbershop will be authorized  
11 to operate until such an inspection can be completed.

12       (d) A licensed barbershop shall not be permitted to operate in a location licensed as a  
13 barber school.

14 **"§ 86B-16. Practice outside barbershops.**

15 Notwithstanding any provision in this Chapter to the contrary, an individual licensed under  
16 this Chapter may visit the residences of individuals who are sick or disabled and confined to their  
17 places of residence in order to attend to their barbering needs. A licensed individual may also  
18 visit hospitals, nursing homes, rest homes, retirement homes, mental institutions, correctional  
19 facilities, funeral homes, and similar institutions to attend to the barbering needs of those in these  
20 institutions.

21 **"§ 86B-17. Licensing and regulation of barber schools.**

22       (a) The Board shall issue a license to any barber school that submits a properly completed  
23 application on a form approved by the Board, pays the required license fee, and is determined by  
24 the Board, after inspection, to be in compliance with the provisions of this Chapter and the  
25 Board's rules. The Board may renew licenses that have lapsed after the barber school has been  
26 inspected and all renewal and late fees have been paid.

27       (b) No person may open, reopen, or operate a barber school before the Board has  
28 approved a license for the school. The Board shall not issue a license before a barber school has  
29 been inspected and determined to be in compliance with the provisions of this Chapter and the  
30 Board's rules.

31       (c) Barber schools located in this State shall be licensed by the Board before any credit  
32 may be given for curriculum hours taken in the school. The Board may establish standards for  
33 approving hours from schools in other states that are licensed.

34       (d) A licensed barber school shall not be permitted to operate in a location licensed as a  
35 barbershop.

36 **"§ 86B-18. Bond required for private barber schools.**

37       (a) Each private barber school shall provide a guaranty bond unless the school has already  
38 provided a bond or an alternative to a bond under G.S. 115D-95. The Board may restrict, suspend,  
39 revoke, or refuse to renew or reinstate the license of a school that fails to maintain a bond or an  
40 alternative to a bond pursuant to this section or G.S. 115D-95. A school shall provide a copy of  
41 the bond letter or other guarantee authorized by this section to the Board.

42       (b) A guaranty bond obtained pursuant to this section shall meet all of the following  
43 criteria:

- 44       (1) The applicant shall file the guaranty bond with the clerk of superior court in  
45 the county in which the school is located. The bond shall be in favor of the  
46 students. The bond shall be executed by the applicant as principal and by a  
47 bonding company authorized to do business in this State. The bond shall be  
48 conditioned to provide indemnification to any student or the student's parent  
49 or guardian who has suffered loss of tuition or any fees by reason of the failure  
50 of the school to offer or complete student instruction, academic services, or  
51 other goods and services as related to course enrollment for any reason,

1 including suspension, revocation, or nonrenewal of a school's approval,  
2 bankruptcy, foreclosure, or the school's ceasing to operate.

3 (2) The bond amount shall be at least equal to the maximum amount of prepaid  
4 tuition held at any time by the school during the last fiscal year, but in no case  
5 shall be less than ten thousand dollars (\$10,000). Each application for license  
6 or license renewal shall include a letter signed by an authorized representative  
7 of the school showing the calculations made and the method of computing the  
8 amount of the bond in accordance with rules prescribed by the Board. If the  
9 Board finds that the calculations made and the method of computing the  
10 amount of the bond are inaccurate or that the amount of the bond is otherwise  
11 inadequate to provide indemnification under the terms of the bond, the Board  
12 may require the applicant to provide an additional bond.

13 (3) The bond shall remain in force and effect until canceled by the guarantor. The  
14 guarantor may cancel the bond upon 30 days' notice to the Board. Cancellation  
15 of the bond shall not affect any liability incurred or accrued prior to the  
16 termination of the notice period.

17 (c) An applicant who is unable to secure a bond may seek from the Board a waiver of the  
18 guaranty bond requirement and approval of one of the guaranty bond alternatives set forth in this  
19 subsection. Instead of a bond with the clerk of court in the county in which the school is located  
20 and with the approval of the Board, an applicant may file one of the following:

21 (1) An assignment of a savings account in an amount equal to the bond required  
22 that is in a form acceptable to the Board and is executed by the applicant and  
23 a state or federal savings and loan association, state bank, or national bank  
24 that is doing business in this State and whose accounts are insured by a federal  
25 depositor's corporation, and access to the account is subject to the same  
26 conditions as those for a bond in subsection (b) of this section.

27 (2) A certificate of deposit that is executed by a state or federal savings and loan  
28 association, state bank, or national bank that is doing business in this State and  
29 whose accounts are insured by a federal depositor's corporation, and access to  
30 the certificate of deposit is subject to the same conditions as those for a bond  
31 in subsection (b) of this section.

32 **§ 86B-19. Requirements for certification as a Board-approved school of electrology.**

33 (a) Any school in this State or another state that desires to be certified as a  
34 Board-approved school of electrology shall submit all of the following:

35 (1) An application on a form approved by the Board.

36 (2) A detailed projected floor plan of the institutional area demonstrating  
37 adequate school facilities to accommodate students for purposes of lectures,  
38 classroom instruction, and practical demonstration.

39 (3) A detailed list of the equipment to be used by the students in the practical  
40 course of their studies.

41 (4) A copy of the planned electrology curriculum consisting of the number of  
42 hours and subject matter determined by the Board, provided that the number  
43 of hours required shall not be less than 120 hours and not more than 600 hours.

44 (5) A certified copy of the school manual of instruction.

45 (6) The names and qualifications of the instructors certified in accordance with  
46 G.S. 86B-11.

47 (7) Any additional information the Board may require.

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

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

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

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

7       (f)    All epilators used in the school must be approved by the federal Food and Drug  
8 Administration.

9       **"§ 86B-20. Requirements for certification as a Board-approved school of laser, light source,**  
10 **or pulsed-light treatments.**

11       (a)    Any school in this State or another state that desires to be certified as a  
12 Board-approved school of laser, light source, or pulsed-light treatments shall submit all of the  
13 following:

14           (1)   An application on a form approved by the Board.

15           (2)   A detailed projected floor plan of the institutional area demonstrating  
16 adequate school facilities to accommodate students for purposes of lectures,  
17 classroom instruction, and practical demonstration.

18           (3)   A detailed list of the equipment to be used by the students in the practical  
19 course of their studies.

20           (4)   A copy of the planned laser, light source, or pulsed-light curriculum consisting  
21 of the number of hours and subject matter determined by the Board, provided  
22 that the number of hours required shall not be less than 30 hours pursuant to  
23 rules adopted by the Board.

24           (5)   A certified copy of the school manual of instruction.

25           (6)   The names and qualifications of the instructors certified.

26           (7)   Any additional information the Board may require.

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

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

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

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

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

38       **"§ 86B-21. Barber examinations.**

39       (a)    The Board shall conduct examinations of applicants for certificates of licensure to  
40 practice as licensed barbers and licensed apprentices, not less than four times each year, at a time  
41 and place as will prove most convenient and as the Board may determine. The Board may adopt  
42 rules establishing procedures for the administration of examinations.

43       (b)    An applicant shall make application and submit the examination fee to the Board for  
44 examination on forms prepared by the Board. Applications for examination must be filed no later  
45 than 30 days before the examination is held. An applicant for a licensure who fails to pass the  
46 examination three times may not reapply to take the examination again until after the applicant  
47 has successfully completed any additional requirements prescribed by the Board. The Board may  
48 establish additional guidelines related to the examination of persons who completed coursework  
49 greater than five years prior to submitting an application for examination.

50       **"§ 86B-22. Sanitary rules and regulations; inspections.**

- 1        (a) The Board shall adopt rules establishing sanitary rules applicable to licensees under  
2 this Chapter for the following categories:
- 3            (1) The provision of proper facilities, to include the following conditions:  
4            a. The location and construction of buildings and structures where  
5 barbering, electrolysis, or laser, light source, or pulsed-light treatment  
6 service is rendered.  
7            b. The layout of areas where barbering, electrolysis, or laser, light source,  
8 or pulsed-light treatment service is rendered or where a combination  
9 of barbering, electrolysis, and laser, light source, and pulsed-light  
10 treatment service is rendered to ensure proper separation of functions.  
11            c. The minimum sanitary conditions for walls, floors, and fixtures,  
12 including tanks and lavatories.  
13            d. The provision and location of sinks and running water, hot and cold,  
14 to enable proper handwashing, and the provision of proper drainage  
15 for the facility.  
16            e. The compliance with applicable building and fire codes and  
17 regulations.
- 18            (2) The use of equipment, material, and instruments, to include the following  
19 conditions:  
20            a. The standards for use, storage, cleaning, and sterilization of combs,  
21 hairbrushes, lather brushes, mugs, razors, tweezers, combs, and  
22 contact cups or pads.  
23            b. The standards for construction, sanitary preparation, and cleanup of  
24 chairs, receptacles, workstations, and other surfaces.  
25            c. The standards for storing, providing, handling, and laundering clean  
26 towels or linens for each patron.  
27            d. The standards for proper use and cleaning of hair cloths and other  
28 protective material to prevent the hair cloth from touching the skin of  
29 the patron.  
30            e. The standards for proper hygiene and handwashing prior to contact  
31 with each patron.  
32            f. The standards for serving patrons with an infectious or communicable  
33 disease.  
34            g. The standards for obtaining appropriate health certification for  
35 shampooing.
- 36        (b) The Board shall adopt rules (i) prohibiting the use of commercial chemicals of  
37 unknown content by persons licensed under this Chapter and (ii) instructing persons licensed  
38 under this Chapter in the proper use and application of commercial chemicals where no  
39 manufacturer's instructions are included. For purposes of this subsection, "commercial  
40 chemicals" are those products sold only through beauty and barber supply houses and not  
41 available to the general public.
- 42        (c) Electrolysis shall be practiced by a licensed person only in a permanent establishment,  
43 referred to in this Chapter as an office. The Board shall adopt reasonable rules and regulations  
44 concerning the sanitation standards, equipment, and supplies to be used and observed in offices.
- 45        (d) All schools and facilities where barbering, electrolysis, or laser, light source, or  
46 pulsed-light treatment service is rendered shall be open for inspection at all times during business  
47 hours to any members of the Board or its agents or assistants to determine compliance with the  
48 provisions of this Chapter. Initial inspections conducted by the Board pursuant to this Chapter  
49 shall not be delayed if the sole reason for delay is the lack of a certificate of occupancy by a unit  
50 of local government. A copy of the sanitary rules shall be furnished by the Board to the owner or  
51 manager of each school, facility, or any other place where barbering, electrolysis, or laser, light

1 source, or pulsed-light treatment service is rendered in the State and shall be posted in a  
2 conspicuous place.

3 **"§ 86B-23. Renewal requirements; expired licenses; inactive status.**

4 (a) Each license issued pursuant to this Chapter shall be renewed as follows:

5 (1) Barbers, barbering instructors, and barber schools. – Any license not renewed  
6 by May 31 of each year shall expire and a late fee shall be charged for renewal.

7 (2) Electrologists and laser hair practitioners. – Every electrologist license or laser  
8 hair practitioner license issued pursuant to this Chapter must be renewed  
9 annually. On or before the date the current license expires, a person who  
10 desires to continue to practice electrology or as a laser hair practitioner shall  
11 apply for license renewal to the Board on forms approved by the Board,  
12 provide evidence of the successful completion of a continuing educational  
13 program approved by the Board, meet the criteria for renewal established by  
14 the Board, and pay the required fee. The Board may provide for the late  
15 renewal of licensure upon payment of a late fee as set by the Board, but late  
16 renewal may not be granted more than 90 days after expiration of the license.  
17 Any person who has failed to renew his or her license for more than 90 days  
18 after expiration may have it reinstated by applying to the Board for  
19 reinstatement on a form approved by the Board, furnishing a statement of the  
20 reason for failure to apply for renewal prior to the deadline, and paying the  
21 required fee. The Board may require evidence of competency to resume  
22 practice before reinstating the applicant's license.

23 (3) Schools of electrology and schools of laser, light source, and pulsed-light  
24 treatments. – Every certificate for a school of electrology or a school of laser,  
25 light source, and pulsed-light treatment shall be renewed annually. On or  
26 before the date the current certificate expires, the applicant must submit an  
27 application for renewal of certification on a form approved by the Board, meet  
28 criteria for renewal established by the Board, and pay the required fee. Failure  
29 to renew the certificate within 90 days after the expiration date shall result in  
30 automatic forfeiture of any certification issued pursuant to this Chapter.

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

39 (b) The Board may charge renewal and late fees pursuant to G.S. 86B-30 and  
40 G.S. 86B-31 and may establish rules for continuing education requirements for licensees under  
41 this Chapter seeking renewal; provided, however, that no member of the Board may offer  
42 continuing education courses. The Board may also establish rules requiring the submission of a  
43 health certificate on a form to be provided by the Board.

44 (c) If a licensee under this Chapter fails to renew their license within five years following  
45 the expiration date, the licensee shall be required to pass an examination as prescribed by the  
46 Board before the license will be reinstated; provided, however, that no apprenticeship  
47 requirement shall be required.

48 (d) Upon request by a licensee for inactive status, the Board may place the licensee's  
49 name on the inactive list so long as the licensee is in good standing with the Board. An inactive  
50 licensee is not required to complete continuing education requirements. An inactive licensee shall  
51 not practice within their licensed trade for consideration. However, the inactive licensee may

1 continue to purchase supplies as accorded an active licensee. When the inactive licensee desires  
2 to be removed from the inactive list and return to active practice, the inactive licensee shall notify  
3 the Board of the desire to return to active status and pay the required fee as determined by the  
4 Board. As a condition of returning to active status, the Board may require the licensee to complete  
5 continuing education pursuant to subsection (b) of this section.

6 (e) All persons serving in the Armed Forces of the United States and persons whose  
7 licenses as a barber, electrologist, or laser hair practitioner were in force one year prior to entering  
8 service may, without taking the required examination, renew their licensure within 90 days after  
9 receiving a discharge under honorable conditions by paying the current annual license fee and  
10 furnishing the Board with any necessary additional information or documentation.

11 **"§ 86B-24. Revocation of licenses and other disciplinary measures.**

12 (a) The Board may restrict, suspend, revoke, or refuse to issue, renew, or reinstate any  
13 license for any of the following:

14 (1) Gross malpractice or gross incompetency as determined by the Board.

15 (2) Advertising by means of knowingly false or deceptive statements.

16 (3) Practicing or permitting any individual under one's employ to practice  
17 barbering, electrolysis, or laser, light source, or pulsed-light treatment without  
18 a license or temporary employment permit, with an expired license or  
19 temporary employment permit, or with an invalid license or temporary  
20 employment permit.

21 (4) Obtaining or attempting to obtain a license for money or other thing of value  
22 other than the required fee or by fraudulent misrepresentation.

23 (5) Practicing or attempting to practice by fraudulent misrepresentation.

24 (6) Willful failure to display a certificate of license as required by this Chapter.

25 (7) Continued practice by a person knowingly having an infectious or contagious  
26 disease after being warned in writing by the Board to cease practice.

27 (8) Continued violation of any one or more of the sanitary rules and regulations  
28 established by the Board or by statute.

29 (9) Willful violation of the rules adopted by the Board.

30 (b) The Board may also restrict, suspend, revoke, or refuse to issue, renew, or reinstate  
31 any license upon conviction of a felony shown by certified copy of the record of the court of  
32 conviction. Prior to taking action against a licensee for a felony conviction, the Board shall  
33 consider all of the following factors regarding the conviction:

34 (1) The level of seriousness of the crime.

35 (2) The date of the crime.

36 (3) The age of the person at the time of conviction.

37 (4) The circumstances surrounding the commission of the crime, if known.

38 (5) The nexus between the criminal conduct of the person and the duties of the  
39 licensee.

40 (6) The person's prison, jail, probation, parole, rehabilitation, and employment  
41 records since the date the crime was committed.

42 (c) The Board may not restrict, suspend, revoke, or refuse to issue, renew, or reinstate a  
43 license except in accordance with its rules and the provisions of Chapter 150B of the General  
44 Statutes.

45 (d) The Board shall keep a record of its proceedings relating to the issuance, renewal,  
46 denial, restriction, suspension, and revocation of licenses. This record shall also contain each  
47 licensee's name, address, license number, and the date the license was issued.

48 **"§ 86B-25. Misdemeanors.**

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

50 (1) Violation of any of the provisions of G.S. 86B-26.

1           (2)    Violation of any of the provisions described in subdivisions (3) through (6) of  
2           G.S. 86B-24(a).

3    **"§ 86B-26. Licenses required.**

4           (a)    Except as provided in this Chapter, no person may practice or attempt to practice  
5    barbering, electrolysis, or laser, light source, or pulsed-light treatments for pay or reward in any  
6    form, either directly or indirectly, without being licensed by the Board pursuant to this Chapter.  
7    An individual licensed by the Board for a particular specialty may practice only that part of  
8    barbering, electrolysis, or laser, light source, or pulsed-light treatments for which the individual  
9    is licensed.

10          (b)    Except as provided in this Chapter, no person may open or operate a barbershop, or  
11    electrologist or laser hair practitioner office, or practice barbering, electrolysis, or laser, light  
12    source, or pulsed-light treatments in any form, for pay or reward in any form, either directly or  
13    indirectly, outside of a facility licensed by the Board pursuant to this Chapter.

14          (c)    No person may teach barbering, electrolysis, or laser, light source, or pulsed-light  
15    treatments in a Board-approved school unless the person is an instructor licensed pursuant to this  
16    Chapter. A guest lecturer may be exempt from the requirements of this subsection upon approval  
17    by the Board.

18          (d)    An apprentice licensed under the provisions of this Chapter shall apprentice under the  
19    supervision of a licensed barber or the supervision of an electrologist or laser hair practitioner, as  
20    appropriate. An apprentice shall not operate a barbershop or an electrologist or laser hair  
21    practitioner office.

22          (e)    Nothing in this Chapter shall be construed to prohibit a person from practicing  
23    barbering, electrolysis, or laser, light source, or pulsed-light treatments on a family member. For  
24    purposes of this subsection, a "family member" means a spouse, brother, sister, parent,  
25    grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law,  
26    stepparent, or stepchild.

27          (f)    Every person licensed under this Chapter shall display the license issued by the Board  
28    in the location in which the person works. Every license to operate a barbershop, electrologist or  
29    laser hair practitioner office, barber school, or electrologist or laser hair practitioner school shall  
30    be conspicuously posted in the location for which it is issued.

31    **"§ 86B-27. Enjoining illegal practices.**

32           The Board, the Department of Health and Human Services, or any county or district health  
33    director may apply to the superior court for an injunction to restrain any person from violating  
34    the provisions of this Chapter or the Board's rules. Actions under this section shall be brought in  
35    the county where the defendant resides or maintains the defendant's principal place of business  
36    or where the alleged acts occurred.

37    **"§ 86B-28. Civil penalties; disciplinary costs.**

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

42          (b)    Before imposing and assessing a civil penalty, the Board shall consider the following  
43    factors:

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

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

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

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

50          (c)    The Board shall establish a schedule of civil penalties for violations of this Chapter  
51    and rules adopted by the Board.

(d) In a disciplinary proceeding, the Board may charge costs, including reasonable attorneys' fees, to the licensee against whom the proceedings were brought.

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

(a) The following persons and those working under their supervision or direct supervision are exempt from the barbering provisions of this Chapter while engaged in the proper discharge of their duties:

- (1) Persons licensed to practice funeral service pursuant to Article 13A of Chapter 90 of the General Statutes.
- (2) Persons authorized to practice medicine or surgery under Chapter 90 of the General Statutes.
- (3) Nurses licensed under Chapter 90 of the General Statutes.
- (4) Commissioned medical or surgical officers of the United States Army, Air Force, Navy, Marine, or Coast Guard.

(b) The following persons shall be permitted to practice electrology without a license while engaged in the proper discharge of their duties:

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

(c) The electrology and laser, light source, and pulsed-light treatment requirements of this Chapter shall not apply to any person licensed or approved by the North Carolina Medical Board to practice medicine or perform medical acts, tasks, or functions pursuant to Article 1 of Chapter 90 of the General Statutes or any person employed and working under the direct supervision of a physician licensed to practice medicine pursuant to Article 1 of Chapter 90 of the General Statutes.

**"§ 86B-30. Fees required for barbering.**

(a) The Board may charge the applicant the actual cost of preparation, administration, and grading of examinations in addition to the following exam fees:

- (1) Examination to become a licensed barber..... \$85.00
- (2) Examination to become a licensed apprentice barber ..... \$85.00
- (3) Examination to become a barber school instructor ..... \$165.00

(b) The Board may charge application fees not to exceed the following:

- (1) Inspection of a newly established barbershop..... \$120.00
- (2) Inspection of a newly established barber school..... \$220.00
- (3) Reciprocity or certification applicant..... \$120.00

(c) The Board may charge license fees not to exceed the following:

- (1) Barber ..... \$50.00 per year
- (2) Barber apprentice ..... \$50.00 per year
- (3) Barbershop ..... \$50.00 per year
- (4) Barber school ..... \$130.00 per year
- (5) Barber school instructor ..... \$85.00 per year
- (6) Student permit ..... \$25.00
- (7) Temporary permit..... \$25.00
- (8) Duplicate license ..... \$10.00

(d) The Board may require payment of late fees and reinstatement fees not to exceed the following:

- (1) Barber and barber apprentice late renewal within one year ..... \$35.00
- (2) Barber late renewal after one year but within five years ..... \$70.00
- (3) Barber apprentice late renewal after one year but within three years ..... \$45.00
- (4) Barbershop late renewal ..... \$45.00
- (5) Barber school late renewal ..... \$85.00
- (6) Barber school instructor late renewal within one year ..... \$45.00
- (7) Barber school instructor late renewal after one year but within three years ..... \$85.00

(e) The Board may prorate fees as appropriate and may assess reasonable charges for certified copies of public documents and for duplication of other material.

(f) The Board may by rule waive or reduce license and renewal fees for licensees aged 70 or older.

**§ 86B-31. Fees required for electrolysis and laser, light source, and pulsed-light treatment.**

All fees may be calculated by the Board in amounts sufficient to pay the costs of administration of this act related to electrolysis and laser, light source, and pulsed-light treatment, but in no event may they exceed the following:

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

**SECTION 4.3.** Notwithstanding G.S. 86B-3, as enacted by Section 4.2 of this act, the initial appointments to the North Carolina Board of Barber and Electrolysis Examiners are as follows:

- 1 (1) Four barbers serving on the Board of Barber Examiners as of December 31,  
2 2019, until their current terms expire.
- 3 (2) One electrologist serving on the Board of Electrolysis Examiners as of  
4 December 31, 2019, as determined by the Governor, for a three-year term.
- 5 (3) One physician, appointed by the Governor, for a two-year term.
- 6 (4) One public member, appointed by the Governor, for a one-year term.

7 The initial appointments required by G.S. 86B-3, as enacted by Section 4.2 of this act,  
8 shall be made on or before October 1, 2019, and the initial terms of the appointees shall begin on  
9 January 1, 2020. Once these initial terms expire, all vacancies will be filled according to the  
10 provision of G.S. 86B-3, as enacted by Section 4.2 of this act.

11 **SECTION 4.4.(a)** The North Carolina Board of Barber and Electrolysis Examiners,  
12 established by Section 4.2 of this act, shall review the licensing fee limitations, established by  
13 Section 4.2 of this act, and the fees adopted by rule by the State Board of Barber Examiners and  
14 the North Carolina Board of Electrolysis Examiners and determine whether the fee limitations  
15 and fees should be reduced to reflect savings and efficiencies generated by the consolidation of  
16 the Boards. No later than March 1, 2020, the North Carolina Board of Barber and Electrolysis  
17 Examiners shall report its findings and recommendations to the Joint Legislative Administrative  
18 Procedure Oversight Committee.

19 **SECTION 4.4.(b)** The North Carolina Board of Barber and Electrolysis Examiners,  
20 established by Section 4.2 of this act, shall review the licenses established by Section 4.2 of this  
21 act and determine whether certain licenses could be consolidated or eliminated as a result of the  
22 consolidation of the State Board of Barber Examiners and the North Carolina Board of  
23 Electrolysis Examiners. No later than March 1, 2020, the North Carolina Board of Barber and  
24 Electrolysis Examiners shall report its findings and recommendations to the Joint Legislative  
25 Administrative Procedure Oversight Committee.

26 **SECTION 4.5.(a)** Licenses and registrations issued by the State Board of Barber  
27 Examiners and the North Carolina Board of Electrolysis Examiners, prior to the effective date of  
28 this act, shall remain in full force and confer the same authority as when they were issued until  
29 those licenses and registrations expire, are revoked, or are renewed by the North Carolina Board  
30 of Barber and Electrolysis Examiners.

31 **SECTION 4.5.(b)** All property and assets owned by the State Board of Barber  
32 Examiners and the North Carolina Board of Electrolysis Examiners shall be vested in and  
33 transferred to the North Carolina Board of Barber and Electrolysis Examiners.

34 **SECTION 4.5.(c)** Any litigation, disciplinary action, or other proceeding pending as  
35 of the effective date of this act, in the name of or against the State Board of Barber Examiners or  
36 the North Carolina Board of Electrolysis Examiners, shall continue in the name of the North  
37 Carolina Board of Barber and Electrolysis Examiners.

38 **SECTION 4.5.(d)** The Department of State Treasurer shall hold funds received in  
39 the name of the North Carolina Board of Barber and Electrolysis Examiners separate from the  
40 funds received in the name of the State Board of Barber Examiners or the North Carolina Board  
41 of Electrolysis Examiners prior to the effective date of this act.

42 **SECTION 4.5.(e)** Rules adopted by the State Board of Barber Examiners and the  
43 North Carolina Board of Electrolysis Examiners shall remain in effect as provided in  
44 G.S. 150B-21.7.

45 **SECTION 4.6.** Section 4.3 of this Part is effective when it becomes law. The  
46 remainder of this Part becomes effective January 1, 2020, and applies to applications for  
47 licensure, examination, and renewal submitted on or after that date.

#### 48 **PART V. EFFECTIVE DATE**

49 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
50 law.  
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