

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 44
Judiciary Committee Substitute Adopted 4/18/23
PROPOSED COMMITTEE SUBSTITUTE S44-PCS15328-SVf-15

Short Title: Mobile Salons/Cosmetic Services at Weddings. (Public)

Sponsors:

Referred to:

February 1, 2023

A BILL TO BE ENTITLED
AN ACT TO PROVIDE LICENSURE OF MOBILE BEAUTY SALONS AND ENSURE
THEIR SAFE AND HYGIENIC OPERATION AND TO AUTHORIZE COSMETIC ART
SERVICES AT WEDDING VENUES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 88B of the General Statutes reads as rewritten:

"Chapter 88B.

"Cosmetic Art.

...

§ 88B-2. Definitions.

The following definitions apply in this Chapter:

(14)(13a) Manicurist teacher. – An individual licensed by the Board to teach manicuring.

(14) Mobile salon. – A self-contained, enclosed mobile unit licensed for the practice of cosmetic art.

...

§ 88B-4. Powers and duties of the Board.

...

(b) A member of the Board shall have the authority to inspect cosmetic art ~~shops~~ shops, mobile salons, and cosmetic art schools at any reasonable hour to determine compliance with the provisions of this Chapter if the inspection is made: (i) at the request of the Board, or with the approval of the chair or the executive director as the result of a complaint made to the Board or a problem reported by an inspector, or (ii) at the request of an inspector who deems it necessary to request the assistance of a Board member and who has the prior approval of the chair or executive director to do so. A Board member who makes an inspection pursuant to this subsection shall file a report with the Board before requesting reimbursement for expenses.

...

§ 88B-20. Fees required.

...

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

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

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



- 1 (1) Cosmetologist.....\$ 39.00 every 3 years
- 2 (2) Apprentice \$ 10.00 per year
- 3 (3) Esthetician \$ 10.00 per year
- 4 (4) Manicurist \$ 10.00 per year
- 5 (4a) Natural hair care specialist \$ 10.00 per year
- 6 (5) Teacher\$ 10.00 every 2 years
- 7 (6) Cosmetic art shop per active booth \$ 3.00 per year
- 8 (6a) Mobile salon..... \$ 25.00 per year
- 9 (7) Cosmetic art school \$ 50.00 per year
- 10 (8) Duplicate license \$ 1.00.
- 11 (d) The Board may require payment of late fees and reinstatement fees as follows:
- 12 (1) Apprentice, cosmetologist, esthetician, manicurist,
- 13 natural hair care specialist, and teacher late renewal \$ 10.00
- 14 (2) Cosmetic art schools and shops and mobile salons late
- 15 renewal \$ 10.00
- 16 (3) Reinstatement – cosmetic art schools and shops and
- 17 mobile salons..... \$ 25.00.

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

19 **"§ 88B-21. Renewals; expired licenses; inactive status.**

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

28 ...

29 **"§ 88B-22. Licenses required; criminal penalty.**

30 (a) Except as provided in this Chapter, no person may practice or attempt to practice
 31 cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed
 32 as an apprentice, cosmetologist, esthetician, natural hair care specialist, or manicurist by the
 33 Board.

34 (b) Except as provided in this Chapter, no person may practice cosmetic art or any part
 35 of cosmetic art, for pay or reward in any form, either directly or indirectly, outside of a licensed
 36 cosmetic art ~~shop~~ shop or mobile salon.

37 (c) No person may open or operate a cosmetic art shop or mobile salon in this State unless
 38 a license has been issued by the Board for that ~~shop~~ shop or mobile salon.

39 (d) An individual licensed as an esthetician, natural hair care specialist, or manicurist
 40 may practice only that part of cosmetic art for which the individual is licensed.

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

44 (e) An apprentice licensed under the provisions of this Chapter shall apprentice under the
 45 direct supervision of a cosmetologist. An apprentice shall not operate a cosmetic art ~~shop~~ shop
 46 or mobile salon.

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

48 **"§ 88B-23. Licenses to be posted.**

49 (a) Every apprentice, cosmetologist, esthetician, manicurist, natural hair care specialist,
 50 and teacher licensed under this Chapter shall display the certificate of license issued by the Board
 51 within the shop or mobile salon in which the person works.

1 (b) Every certificate of license to operate a cosmetic art ~~shop or school~~ shop, school, or
2 mobile salon shall be conspicuously posted in the ~~shop or school~~ shop, school, or mobile salon
3 for which it is issued.

4 ...

5 **"§ 88B-26. Rules to be posted.**

6 (a) The Board shall furnish a copy of its rules relating to sanitary management of
7 cosmetic art ~~shops and schools~~ shops, schools, and mobile salons to each ~~shop and~~
8 ~~school~~ shop, school, and mobile salon licensed by the Board. Each ~~shop and school~~ shop, school,
9 and mobile salon shall post the rules in a conspicuous place.

10 ...

11 **"§ 88B-27. Inspections.**

12 Any inspector or other authorized representative of the Board may enter any cosmetic art
13 ~~shop or school~~ shop, school, or mobile salon to inspect it for compliance with this Chapter and
14 the Board's rules. All persons practicing cosmetic art in a ~~shop or school~~ shop, school, or mobile
15 salon shall, upon request, present satisfactory proof of identification. Satisfactory proof shall be
16 in the form of a photographic driver's license or photographic identification card issued by any
17 state, federal, or other government entity. The Board may require a cosmetic art ~~shop or school~~
18 shop, school, or mobile salon to be inspected as a condition for license renewal.

19"

20 **SECTION 1.(b)** Chapter 88B of the General Statutes is amended by adding a new
21 section to read:

22 **"§ 88B-15.1. Mobile salons.**

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

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

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

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

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

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

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

49 (h) An inspector, or other authorized representative of the Board, must provide the owner
50 of a mobile salon with at least 24 hours' notice of an inspection. Upon receiving the notice, the
51 owner of the mobile salon must provide to the inspector, or other authorized representative of the

1 Board, the exact location of the mobile salon, the hours of operation, and the times of services to
2 be provided on the date scheduled for inspection. A mobile salon must notify the inspector of
3 any changes to the information provided."

4 **SECTION 2.** The North Carolina Board of Cosmetic Art Examiners shall adopt
5 temporary rules to implement the provisions of this act.

6 **SECTION 3.** G.S. 88B-15 is amended by adding a new subsection to read:

7 "(c) For the purpose of assisting individuals in preparing for weddings, any individual
8 licensed under this Chapter may practice makeup application and natural hair care outside of a
9 cosmetic art shop."

10 **SECTION 4.** This act becomes effective October 1, 2023.