



Joint Legislative Administrative Procedure Oversight Committee

Report on Session Law 2022-72

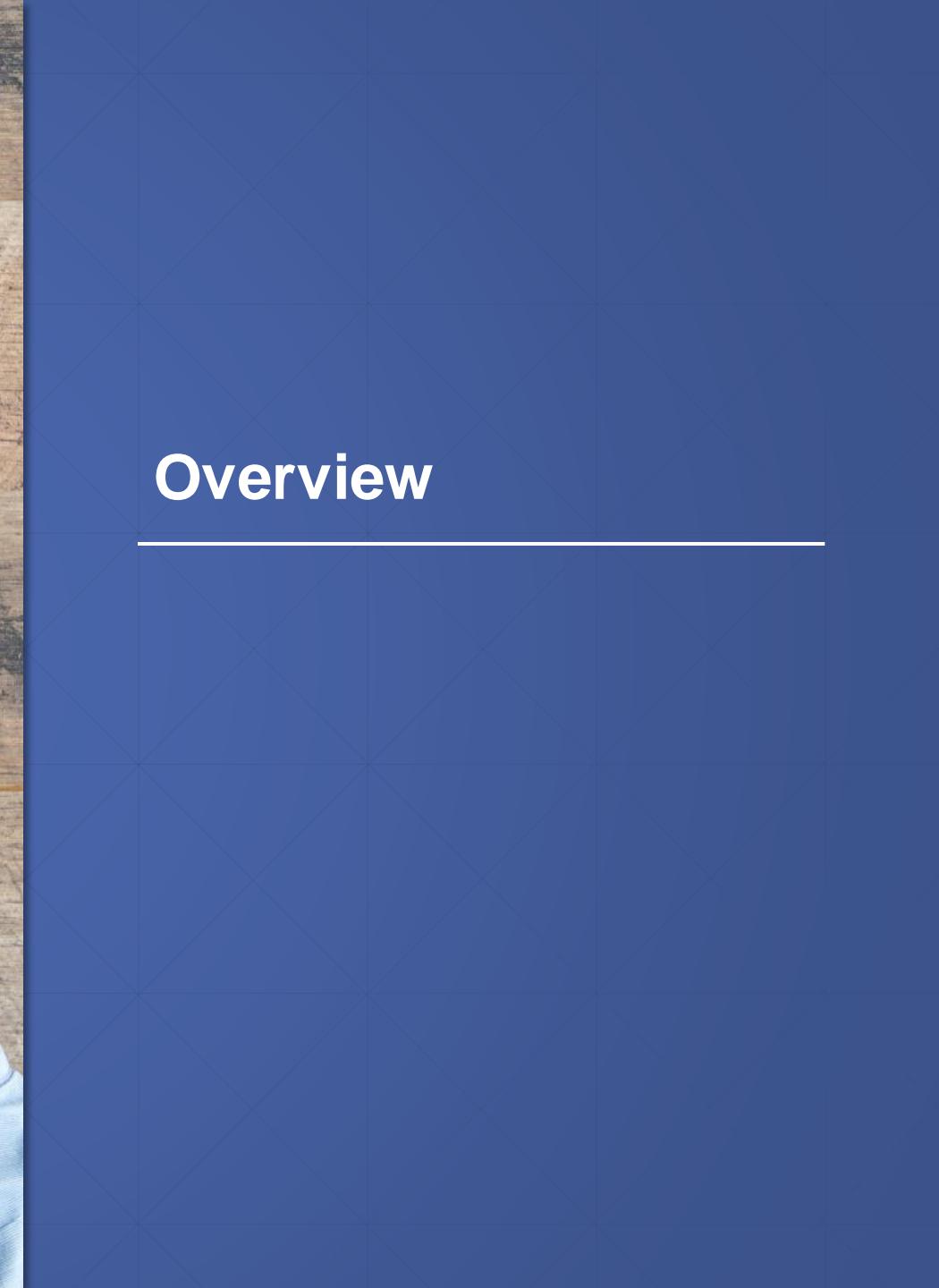
Dennis Seavers
Executive Director

N.C. Board of Barber and
Electrolysis Examiners

February 27, 2024

A black smartphone is positioned vertically on the left side of the image, resting on a dark brown wooden desk. The screen of the phone is a solid teal color.

OVERVIEW

A dark blue background with a subtle, light blue grid pattern.

Overview

Topics

- Purpose and brief history of legislation
- Changes enacted by legislation
- Implementation status
- Information we must report to you
- Recommendation for further legislation





Purpose and history of SL 2022-72

Why was this legislation passed?

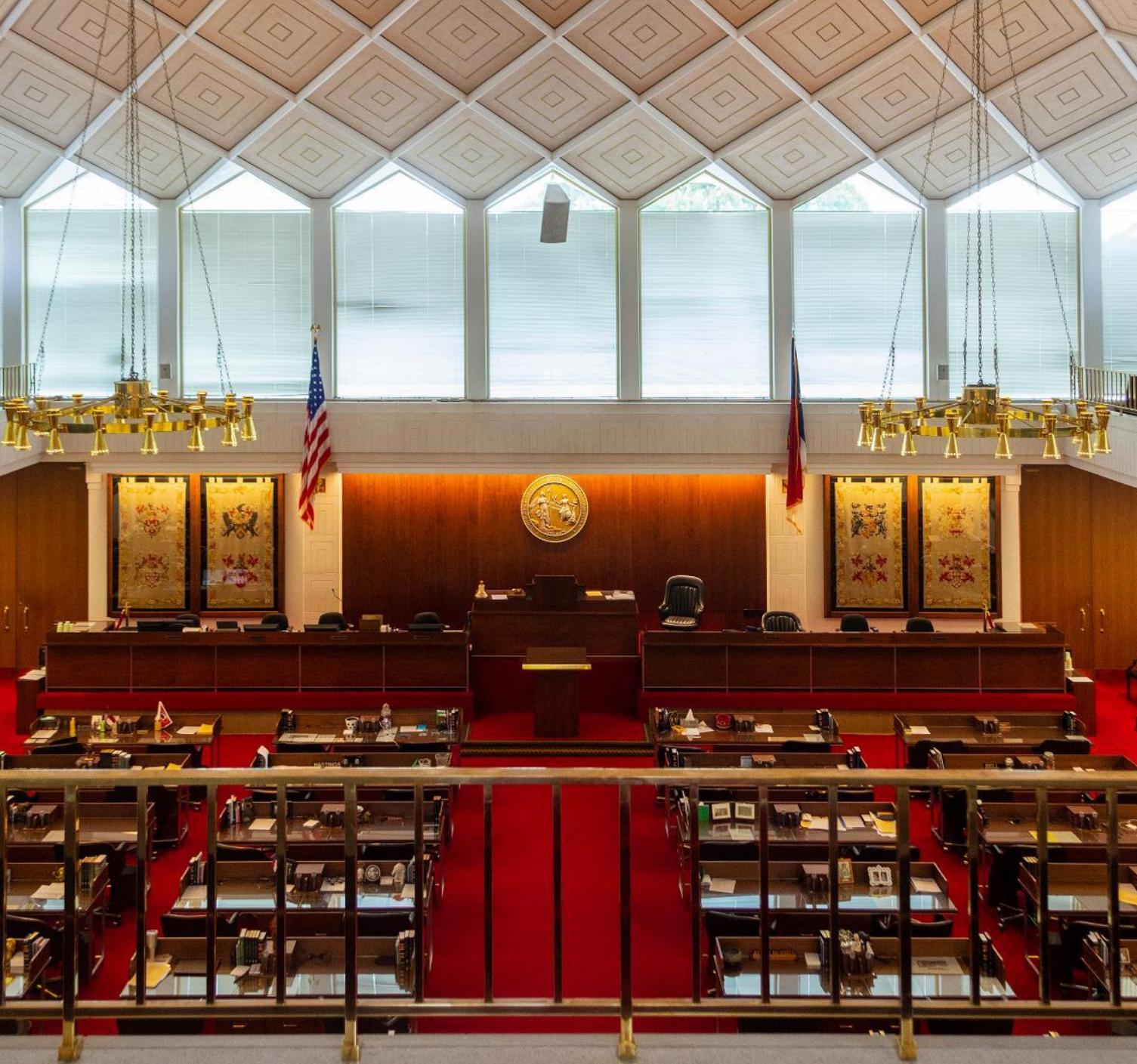
- Purpose:
 - Resolve certain challenges faced by the Electrolysis Board
 - Make it easier to get licensed as an electrologist in North Carolina
 - Give barbers flexibility with their barber shop businesses
- Basic provisions:
 - Merge the Board of Barber Examiners and Board of Electrolysis Examiners → North Carolina Board of Barber and Electrolysis Examiners
 - Establish a new pathway to licensure for electrologists through apprenticeship programs
 - Establish a new license type for the barber industry: mobile barber shops
 - Make other reforms, such as making it easier for out-of-state licensees to get barber licenses in North Carolina



Brief history

- 2014: Program Evaluation Division report on occupational licensing
- Other factors contributing to merger:
 - Finances
 - Limited staff
 - Heavy demand on board members
 - Limited and dwindling number of licensees
- 2015: response by electrology and LHP industries and the Electrolysis Board to PED report
- 2017: initial involvement of the Board of Barber Examiners
- 2017-2022: legislation
- January 1, 2023: effective date





Legislative changes

Merger

- Creation of the new North Carolina Board of Barber and Electrolysis Examiners
- Change from two boards with five members to a nine-member board:
 - Five licensed barbers (two appointed by the GA, three by the governor)
 - Two electrologists (both appointed by the GA)
 - One physician (appointed by the governor upon recommendation of the Medical Board)
 - One public member (appointed by the governor)
- Transfer of assets from the two former boards to the new board
- Assurance that licenses issued by the former boards would remain in effect
- Assurance that litigation related to former boards (if applicable) would carry forward with the new board



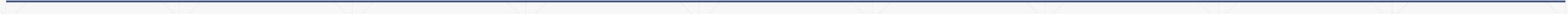
Electrology apprenticeship program

- Pathway to get electrolysis license as an alternative to “traditional” schooling
- Motivated by lack of electrology schools in North Carolina
- Hybrid of theory and on-the-job training in NC electrology facility
- Bill sets requirements for instructors, inspections, examination, etc.
- Legislation granted rulemaking authority to implement the program



Mobile barber shops

- Barber shops in vehicles rather than traditional brick-and-mortar locations
- Idea originally born out of discussions with Rep. Stevens during the pandemic
- Trend seen in other states, and in similar NC legislation
- Vehicle must be a motor home or other vehicle that meets board rules
- Mobile shops must report locations to the board for purposes of inspections
- Bill sets requirements for applications, inspections, and compliance with other laws (such as NCDOT regulations)
- Legislation granted rulemaking authority to implement the program





Implementation

Merger

- Significant amount of work to accomplish, also involving efforts by other agencies (especially OSC, DST, DOA, Ethics, and DIT)
- Challenge of mid-FY implementation
- All appointments made by the appointing authorities
- Efforts completed or underway to improve processes for electrolysis regulation (e.g., exam practices, inspections, renewals, applications)
- Those efforts tied to rule readoption process
- Ongoing efforts to develop IT systems for electrology and LHP business processes



Electrology apprenticeship program

- Rules developed in 2023
- Interest among licensees and especially potential licensees
- No program applications submitted yet
- Board will continue to monitor to determine whether regulatory burdens need to be lifted
- Discussion later in this presentation about other efforts to help potential licensees



Mobile barber shops

- Rules developed in 2023
- Applications and IT systems have been developed
- Recently went live with these systems
- Board will monitor to see whether regulations need to be adjusted for benefit of the public and applicants/licensees





**Information required
to be reported**

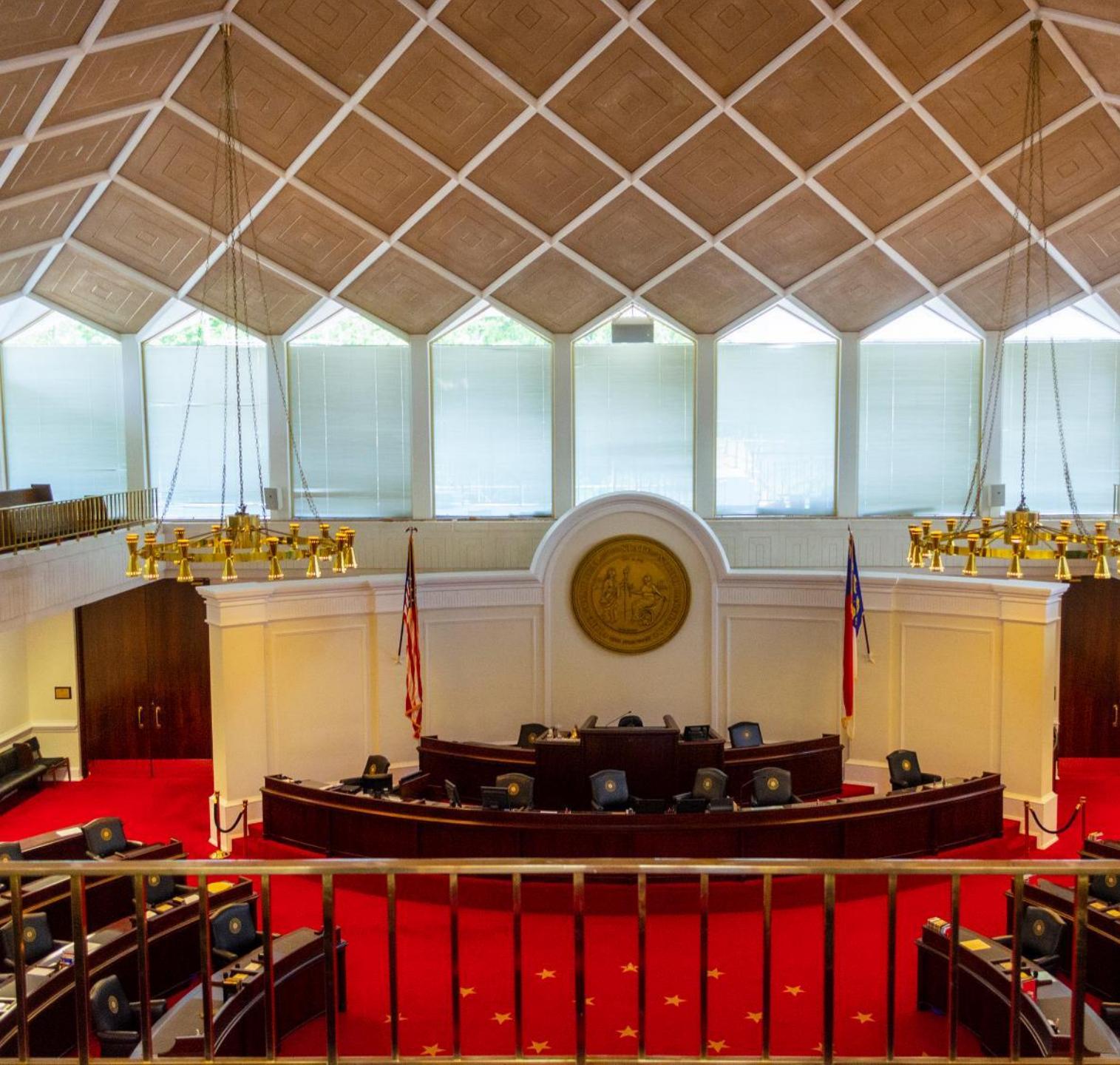
Licensing fee limitations

- S.L. 2022-72, § 3.(a): the board “shall review the licensing fee limitations, established by this act, and the fees adopted by rule by the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners and determine whether the fee limitations and fees should be reduced to reflect savings and efficiencies generated by the consolidation of the Boards.”
- **In summary: does the merger generate cost savings that would allow fees to be reduced?**
- No, given the small level of expenditures of the former Electrolysis Board

Consolidation or elimination of licenses

- S.L. 2022-72, § 3.(b): the board “shall review the licenses established by this act and determine whether certain licenses could be consolidated or eliminated as a result of the consolidation of the State Board of Barber Examiners and the North Carolina Board of Electrolysis Examiners.”
- **In summary: does the merger allow licenses to be eliminated or consolidated?**
- No – in fact, consolidation would reduce flexibility





Recommendation for future legislation

Residency requirement for electrologists

- G.S. § 86B-53: electrologists must be residents of North Carolina
- Obstacle to licensure with unclear public benefit
- Prevents licensees from living in cities across state lines from a North Carolina market (e.g., reside in Rock Hill and work in Charlotte)
- Obstacle to setting up a school in North Carolina

