

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 615
HOUSE BILL 279

AN ACT TO AMEND CHAPTER 88 OF THE GENERAL STATUTES PERTAINING TO
THE PRACTICE OF COSMETIC ART.

The General Assembly of North Carolina enacts:

Section 1. G.S. 88-1 is amended by adding at the end of the first paragraph immediately before the period the following:

"and, except as provided in G.S. 88-7.1, the practice of cosmetic art shall not be performed outside of a licensed and regularly inspected beauty establishment."

Sec. 2. G.S. 88-1 is amended by adding at the end of the second sentence of the last paragraph immediately before the period the following:

"from one location to another or from one owner to another at the same location".

Sec. 3. G.S. 88-4 is amended by adding at the end of the section and immediately before the period the following:

", and a 'Beauty School', 'Beauty College', or 'Beauty Academy' is any building or part thereof wherein cosmetic art is taught".

Sec. 4. G.S. 88-6 is amended on line 1 by deleting the comma following the word "manager" and on line 2 by deleting the word "itinerant" and the comma following that word.

Sec. 5. G.S. 88-7 is repealed.

Sec. 6. Chapter 88 of the General Statutes is amended by adding a new section to read as follows:

§ 88-7.1. Practice outside a beauty parlor. — A registered cosmetologist shall be allowed to attend to the cosmetic needs of persons who are sick or disabled and confined to their place of residence. Registered cosmetologists shall also be allowed to attend to the cosmetic needs of persons in hospitals, nursing homes, rest homes, retirement homes, rehabilitation facilities, mental institutions, correctional facilities, funeral establishments, and similar institutions or facilities."

Sec. 7. G.S. 88-9 is amended by deleting the comma at the end of line 1 and by deleting the phrase "itinerant cosmetologist," on line 2.

Sec. 8. G.S. 88-10 is rewritten to read as follows:

§ 88-10. Qualifications for registered apprentice. — No person shall be issued a certificate of registration as a registered apprentice by the State Board of Cosmetic Art Examiners unless:

- (1) the applicant has completed at least 1,200 hours in classes in a cosmetic art school or college approved by the board and
- (2) the applicant passes a written and practical examination prescribed by the board; applicants shall not be allowed to take an oral examination in lieu of the written portion of the examination administered by the board.

In the alternative, applicants may be admitted under the procedures of G.S. 88-19.

Applicants shall pay the fees required by G.S. 88-21."

Sec. 9. G.S. 88-12 is rewritten to read as follows:

§ 88-12. Qualifications for registered cosmetologist. — A certificate of registration as a registered cosmetologist shall be issued by the State Board of Cosmetic Art Examiners to any person who is qualified under this Chapter or who meets the following qualifications:

- (1) Successful completion of at least 1,200 hours in classes in a cosmetic art school, college or other institution of learning approved by the board and
 - (a) completion of an apprenticeship for a period of at least six months under direct supervision of a registered managing cosmetologist as certified by sworn affidavit of three registered cosmetologists or by other evidence satisfactory to the board, or
 - (b) completion of an additional 300 hours of cosmetic art education in a cosmetic art school, public school, community college, technical institute, college or university approved by the board;
- (2) Successful completion of an examination conducted by the board to determine the applicant's fitness and skill to practice cosmetic art and whether he or she has sufficient knowledge of the diseases of the face, skin, and scalp to avoid the aggravation and spreading thereof in the practice of the profession; provided that applicants shall not be allowed to take an oral examination in lieu of the written portion of the examination administered by the board; and
- (3) Payment of the fees required by G.S. 88-21."

Sec. 10. G.S. 88-13 is rewritten to read as follows:

"§ 88-13. State Board of Cosmetic Art Examiners created; appointment and qualifications of members; term of office; removal for cause. — (a) The State Board of Cosmetic Art Examiners is established to consist of four members appointed by the Governor. Three members shall be experienced, licensed cosmetologists who have practiced all branches of cosmetic art in this State for at least five years immediately preceding appointment to the board. These members shall be free of any connection with any cosmetic art school, college, academy, or training school during their service on the board. The other member shall be a person who is not licensed under this Chapter and who shall represent the interest of the public at large.

(b) Cosmetologist members of the board shall serve staggered three-year terms. In order to establish a staggered term system, the terms of those members currently serving on the board shall expire as follows: the term of the member having served the longest time on the board shall expire on June 30, 1981; the term of the member having served the least amount of time on the board shall expire on June 30, 1983; and the term of the remaining cosmetologist member shall expire on June 30, 1982. Thereafter, all cosmetologist members shall serve three-year terms.

The Governor shall appoint the public member not later than July 1, 1981, to serve a three-year term.

No board member appointed on or after July 1, 1981, shall serve more than two complete consecutive terms, except that each member shall serve until his successor is appointed and qualifies.

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

Sec. 11. G.S. 88-15 is amended on lines 4 and 5 by deleting the phrase following the word "Board" and ending before the word "shall", which reads as follows:

"deemed to be official business of the Board".

Sec. 12. G.S. 88-19 is rewritten to read as follows:

"§ 88-19. Applicants licensed in other states. — The board shall issue a license to applicants already licensed as an apprentice or registered cosmetologist in another state provided the applicant presents evidence satisfactory to the board that:

- (1) He is currently an active, competent practitioner in good standing; and
- (2) He has practiced at least one out of the three years immediately preceding his application; and

- (3) He currently holds a valid license in another state; and
- (4) There is no disciplinary proceeding or unresolved complaint pending against him at the time a license is to be issued by this State; and
- (5) The licensure requirements in the other state are the substantive equivalent of those required by this State.

Any license granted pursuant to this section is subject to the same duties and obligations and entitled to the same rights and privileges as a license issued under G.S. 88-10 or G.S. 88-12."

Sec. 13. Two new sentences are added to the end of G.S. 88-21 to read as follows:

"Applicants for licensure under G.S. 88-19 shall pay an application fee of fifteen dollars (\$15.00) and a license fee of five dollars (\$5.00) for an apprentice or eight dollars (\$8.00) for registration as a cosmetologist; thereafter, the annual fee for renewal of licenses issued pursuant to G.S. 88-19 shall be the same as that charged registered apprentices and cosmetologists under this section."

Sec. 14. G.S. 88-23 is rewritten to read as follows:

"§ 88-23. Rules and regulations of board; inspections; granting of certificates to board members; employment of former board members. — (a)(1) The State Board of Cosmetic Art Examiners shall have the authority to make a reasonable curriculum and rules for recognized schools and colleges of beauty culture and make reasonable rules and regulations for the sanitary management of cosmetic art shops, beauty parlors, hairdressing establishments, cosmetic art schools, colleges, academies and training schools, hereinafter called shops and schools, and to have such curriculum and rules and the sanitary rules and regulations enforced. The duly authorized agents of said board shall have authority to enter upon and inspect any shop or school at any time during business hours. A copy of the curriculum and rules and the sanitary rules and regulations shall be furnished from the office of the board or by the above mentioned authorized agents to the owner or manager of each shop or school in the State, and such copy shall be kept posted in a conspicuous place in each shop and school, and a copy of the curriculum and rules for recognized schools and colleges of beauty culture shall be kept posted in a conspicuous place in each school and the rules and regulations complied with as required by this Chapter.

(2) The board shall adopt regulations prohibiting the use of commercial chemicals of unknown content by persons registered under this Chapter. For purposes of this section, 'commercial chemicals' are those products sold only through beauty and barber supply houses and not available to the general public.

(3) The board shall adopt regulations instructing persons registered under this Chapter in the proper use and application of commercial chemicals where no manufacturer's instructions are included. In the alternative, the board shall prohibit the use of such commercial chemicals by persons registered under this Chapter.

(b) The Board of Cosmetic Art shall not hereafter be authorized to grant teacher's or instructor's certificates to board members during their term of appointment on said board. Teacher's or instructor's certificates granted to members by official action of the board, without prior examination, shall be rescinded upon such member's termination from the Board of Cosmetic Art.

Any person appointed to the board shall be prohibited from being employed by the board for a period of one year after that person's term of appointment expires, whether or not that person served his whole term."

Sec. 15. G.S. 88-26(6) is amended on line 1 by deleting the word "commission" and substituting therefor the word "conviction".

Sec. 16. G.S. 88-27 is amended on line 3 by deleting the citation "150(A)" and substituting therefor the citation "150A".

Sec. 17. G.S. 88-28 is amended by rewriting the second line of subsection (4) to read as follows:

"money other than the required fee or any other thing of value, or by".

Sec. 18. G.S. 88-28.1 is amended by adding a new sentence at the end of the section to read as follows:

"Actions under this section shall be commenced in the county in which the respondent resides or has his principal place of business or in which the alleged acts occurred."

Sec. 19. G.S. 88-30(2) is repealed.

Sec. 20. G.S. 143-34.12 is amended by deleting line 18, which reads as follows:

"Chapter 88, entitled 'Cosmetic Art'."

Sec. 21. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1981.