

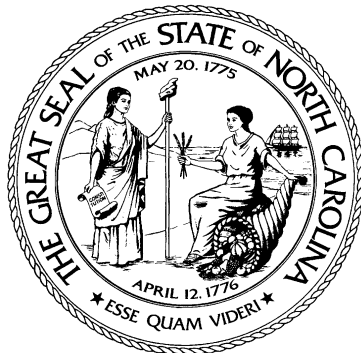
# LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

## Final Assessment Report

For

## NATURAL HAIR BRAIDERS LICENSURE/FEEES

House Bill 291



## LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

April 29, 2009

The Legislative Committee on New Licensing Boards is pleased to release this assessment report on the licensure of natural hair braiders. This report constitutes both the preliminary and final assessment report.

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**Representative Earline W. Parmon**

**LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS  
(2009-2010)**

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Ms. Karen Cochrane-Brown, Committee Counsel  
Mr. Shawn Parker, Legislative Analyst  
Mr. Joseph Moore, Jr., Legislative Research Assistant  
Ms. Pat Christmas, Committee Clerk

## PREFACE

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The Legislative Committee on New Licensing Boards is a 9-member joint committee of the House and Senate created and governed by statute (Article 18A of Chapter 120 of the General Statutes). The primary purpose of the Committee is to evaluate the need for a new licensing board or the proposed licensing of previously unregulated practitioners by an existing board. The Committee has been in existence since 1985.

The Committee solicits written and oral testimony on each licensing proposal in carrying out its duty to determine whether the proposal meets the following criteria:

- 1) Whether the unregulated practice of the profession can substantially endanger the public health, safety, or welfare, and whether the potential for such harm is recognizable and not remote or dependent upon tenuous argument.
- 2) Whether the profession possesses qualities that distinguish it from ordinary labor.
- 3) Whether practice of the profession requires specialized skill or training.
- 4) Whether a substantial majority of the public has the knowledge or experience to evaluate the practitioner's competence.
- 5) Whether the public can effectively be protected by other means.
- 6) Whether licensure would have a substantial adverse economic impact upon consumers of the practitioner's good or services.

The Committee issues an assessment report on its findings and recommendations. The recommendation in the report is not binding upon other committees considering the proposal.

**HOUSE BILL 291**  
**NATURAL HAIR BRAIDERS LICENSURE/FEES**

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**BACKGROUND**<sup>1</sup>

***Current Standards.***

The practice of natural hair braiders in North Carolina currently requires no license. Hair braiders have been conducting their profession without regulation to the requirements of other state cosmetic art professions. Hair braiders would be required to complete adequate training, an exam, and shops would be subject to sanitation inspections.

The NC State Board of Cosmetic Art Examiners is requesting the natural hair braiding professions' regulation due to the increasing number of complaints from within the cosmetic art profession and the public concerning unlicensed cosmetology performances. By instigating a professional certification process, the profession will establish minimum standards and provide the public an opportunity to choose a natural hair braider with training and experience that indicate a certain level of competence. Further, sanitation standards required to beauty salons, nail salons, and skin care spas will be applied to hair braiding salons.

There is currently no code of ethics or standards for natural hair braiders. There are industry concerns that the public is not fully aware of professional standards and is subject to believing that any provider using the title "hair braider" is in fact qualified to engage in the practice of natural hair braiding. The cosmetic arts community believes that the typical consumer has little understanding of proper braiding technique and design or the required salon sanitation conditions required and therefore, places these decisions into the hands of

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<sup>1</sup> **Source:** *Response to Questionnaire for the Legislative Committee for New Licensing Boards.* A copy of the questionnaire is attached to this report.

the hair braider. Consumers are not in a position to protect themselves from practitioners who are operating without a professional system of accountability. With existing lack of professional oversight, the opportunity exists for unlicensed hair braiders to take advantage of uninformed customers. The estimated numbers of hair braiders to be licensed are 1,500 to 2,000 individuals while the estimated number of consumers (including repeat customers) utilizing hair braiding services is between 700,000 to 900,000 services annually.

There are 12 states with a hair braiding license. They are Florida, Louisiana, Michigan, Mississippi, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. Another 11 states require a cosmetologist license to conduct hair braiding services. They are Colorado, Connecticut, Illinois, Iowa, Oregon, Rhode Island, South Dakota, Utah, West Virginia, and Wyoming.

#### LICENSING REQUIREMENTS

##### **§ 88B-10.1. Qualifications for Licensing Hair Braiders.**

The Board shall issue a license to practice as a hair braider to any individual who meets all of the following requirements: Successful completion of at least 300 hours of a hair braider curriculum in an approved cosmetics arts school; Passage of an examination conducted by the Board; and payment of the fees required by G.S. 88B-20.

The Board shall issue a license to practice as a hair braiding teacher to any individual who meets the requirements of this section and who meets all of the following: Holds in good standing a hair braiding license issued by the Board; Submits proof of either practice as a hair braider in a cosmetic art shop or any Board-approved employment capacity in the cosmetic are industry for a period equivalent to two years of full-time work immediately

prior to application or successful completion of at least 230 hours of a hair braider teacher curriculum in an approved cosmetic art school."

**§ 88B-12. Temporary Employment Permit; Extensions; Limits on Practice.**

The Board shall issue a temporary employment permit to an applicant for licensure as an hair braider who meets all of the following: Has completed the required hours of a cosmetic art school curriculum in the area in which the applicant wishes to be licensed; Has applied to take the examination within three months of completing the required hours; And is qualified to take the examination.

The Board shall issue a temporary employment permit to an applicant for licensure as an hair braider who meets all of the following: Has completed the required hours of a cosmetic art school curriculum in the area in which the applicant wishes to be licensed; Has applied to take the examination within three months of completing the required hours; Is qualified to take the examination.

A temporary employment permit shall expire six months from the date of graduation from a cosmetic art school and shall not be renewed. The holder of a temporary employment permit may practice cosmetic art only under the supervision of a licensed cosmetologist, manicurist, hair braider, or esthetician, as appropriate, and may not operate a cosmetic art shop.

**§ 88B-12. Applicants Licensed in Other States.**

The Board shall issue a license to an applicant licensed as an hair braider in another state if the applicant shows: The applicant is an active practitioner in good standing; The

applicant has practiced at least one of the three years immediately preceding the application for a license; There is no disciplinary proceeding or unresolved complaint pending against the applicant at the time a license is to be issued by this State; and the licensure requirements in the state in which the applicant is licensed are substantially equivalent to those required by this State.

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

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

#### **§ 88B-18. Examinations.**

Each examination shall have both a practical and a written portion. Examinations for applicants for hair braider licenses shall be given in at least three locations in the State that are geographically scattered. The examinations shall be administered in Board-approved facilities. An applicant for a hair braider or teacher's license who fails to pass the examination three times may not reapply to take the examination again until after the applicant has successfully completed any additional requirements prescribed by the Board.



**§ 88B-20. Fees required.**

The Board may charge the applicant the actual cost of preparation, administration, and grading of examinations for hair braiders, or teachers, in addition to its other fees.

The Board may charge application fees for hair braider licensure at the amount of \$10.00 per year. The Board may require payment of late fees and reinstatement for hair braider licensure, and teacher late renewal at the amount of \$ 10.00 per year. The Board may prorate fees as appropriate.

**§88B-21. Renewals; Expired Licenses; Inactive Status.**

Hair braider licenses shall be renewed annually on or before October 1 of each year. A late fee shall be charged for the renewal of licenses after that date. Any license not renewed shall expire on October 1 of that year.

Prior to renewal of a license, hair braider shall annually complete eight hours of Board-approved continuing education for each year of the licensing cycle. Licensees shall submit written documentation to the Board showing that they have satisfied the requirements of this subsection. A licensee who is in active practice as a cosmetologist, esthetician, hair braider, or manicurist, has practiced for at least 10 consecutive years in that profession, and is 60 years of age or older does not have to meet the continuing education requirements of this subsection. Promotion of products and systems shall be allowed at continuing education given in-house or at trade shows. Continuing education classes may

also be offered in secondary languages as needed. No member of the Board may offer continuing education courses as required by this section.

If a hair braider fails to renew his or her license within five years following the expiration date, the licensee shall be required to pass an examination as prescribed by the Board before the license will be reinstated.

Upon request by a licensee for inactive status, the Board may place the licensee's name on the inactive list so long as the licensee is in good standing with the Board. An inactive licensee is not required to complete continuing education requirements. An inactive licensee shall not practice cosmetic art for consideration. However, the inactive licensee may continue to purchase supplies as accorded an active licensee. When the inactive licensee desires to be removed from the inactive list and return to active practice, the inactive licensee shall notify the Board of his or her desire to return to active status and pay the required fee as determined by the Board. As a condition of returning to active status, the Board may require the licensee to complete eight to 24 hours of continuing education pursuant to this section.

**§ 88B-22. Licenses Required; Criminal Penalty.**

Except as provided in this Chapter, no person may practice or attempt to practice cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed as a hair braider by the Board.

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

An individual licensed as a hair braider may practice only that part of cosmetic art for which the individual is licensed.

A violation of this Chapter is a Class 3 misdemeanor.

Every hair braider licensed under this Chapter shall display the certificate of license issued by the Board within the shop in which the person works.

#### **§ 88B-24. Revocation of Licenses and Other Disciplinary Measures.**

The Board may restrict, suspend, revoke, or refuse to issue, renew, or reinstate any license for any of the following: Violation of G.S. 86A-15 by a hair braider licensed by the Board and practicing cosmetic art in a barber shop.

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

This act becomes effective October 1, 2009, and applies to acts occurring on or after that date.



**FINDINGS AND RECOMMENDATIONS**  
**NATURAL HAIR BRAIDERS LICENSURE/FEES**

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*Findings.* The Joint Legislative Committee on New Licensing Boards finds that the sponsors have met the six criteria by which the Committee judges licensure proposals. Specifically, the Committee finds that:

- The unregulated practice of natural hair braiding can substantially harm or endanger the public health, safety, or welfare because there is not a regulatory body in place to investigate and resolve allegations of impropriety. The greatest potential for harm would be from individuals who lack the appropriate professional credentials but are engaging in the direct delivery of natural hair braiding services or procedures.
- The profession possesses qualities that distinguish it from ordinary labor due to the requirement that an applicant be licensed and before being allowed to practice complete a Board approved course of study.
- The practice of natural hair braiding requires specialized skill or training.
- A substantial majority of the public does not have the knowledge or experience to evaluate the competence of natural hair braiders.
- The public cannot be effectively protected by other means.
- Licensure would not have a substantial adverse economic impact upon the recipient of the services of a natural hair braider.

*Recommendation.* The Legislative Committee on New Licensing Boards recommends that the practice of natural hair braiding be performed by a licensed professional. This assessment report constitutes both the preliminary and final assessment report for the

licensure of natural hair braiders. The report is based on the proposed licensing as set out in House Bill 291, the response to the Committee's questionnaire (Attachment), and testimony before the Committee on April 29, 2009.

# ATTACHMENT

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*Response to Questionnaire for the  
Legislative Committee on New Licensing  
Boards*

## QUESTIONS FOR THE LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

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1. In what ways has the marketplace failed to regulate adequately the profession or occupation?

Hair braiders have been conducting their profession without regulation to the sanitation requirements of other state cosmetic art professions. Hair braiders would be required to complete adequate training, an exam, and shops would be subject to sanitation inspections.

2. Have there been any complaints about the unregulated profession or occupation? Please give specific examples including (unless confidentiality must be maintained) complainants' names and addresses.

General complaints from the cosmetic art profession and occasional complaints from the public concerning unlicensed cosmetology performances.

3. In what ways has the public health, safety, or welfare sustained harm or is in imminent danger of harm because of the lack of state regulation? Please give specific examples.

Sanitation standards available to beauty salons, nail salons, and skin care spas will be applied to hair braiding salons. Without some form of sanitation regulation, the public could be put into danger of disease transmission.

4. Is there potential for substantial harm or danger by the profession or occupation to the public health, safety, or welfare? How can this potential for substantial harm or danger be recognized?

Public health could be jeopardized by the lack of any sanitation standards. State cosmetic art inspectors are trained to recognize the lack of disinfection and sterilization procedures.

5. Has this potential harm or danger to the public been recognized by other states or the federal government through the licensing of certification process? Please list the other states and any applicable federal law.

There are 12 states with a hair braiding license. They are Florida, Louisiana, Michigan, Mississippi, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. Another 11 states require a cosmetologist license to conduct hair braiding services. They are Colorado, Connecticut, Illinois, Iowa, Oregon, Rhode Island, South Dakota, Utah, West Virginia, and Wyoming.

6. What will be the economic advantage of licensing to the public?



No economic advantage to the public.

7. What will be the economic disadvantage of licensing to the public?

No economic disadvantage to the public.

8. What will be the economic advantages of licensing to the practitioners?

No economic advantages to practitioners.

9. What will be the economic disadvantages of licensing to the practitioners?

\$10 annual fee will be assessed to a hair braider.

10. Please give other potential benefits to the public of licensing that outweigh the potential harmful effects of licensure such as a decrease in the availability of practitioners and higher cost to the public.

The fee is low enough so that there would be no impact on the availability of hair braiders to the public. The bill includes a grandfathering proposal to allow present hair braiders to be licensed by exam only. Shops would also have a year to apply for licensure.

11. Please detail the specific specialized skills or training that distinguishes the occupation from ordinary labor.

Following the grandfathering period, hair braiders will be required to attend a 300 hour training course from an approved cosmetic art school. Techniques, safety, and sanitation will be taught in the course.

12. What are other qualities of the profession or occupation that distinguish it from ordinary labor?

Services provided involve direct contact with the skin/hair of the public.

13. Will licensing requirements cover all practicing members of the occupation or profession? If any practitioners will be exempt, what is the rationale for the exemption?

All members of the profession will be licensed. No provision for exemption will be allowed.

14. What is the approximate number of persons who will be regulated and the number of persons who are likely to utilize the services of the occupation or profession?

Total hair braiders to be licensed are estimated at 1,500 to 2,000 individuals. The number of consumers (including repeat customers) utilizing hair braiding services are at 700,000 to 900,000 services annually.

15. What kind of knowledge or experience does the public need to evaluate the services offered by the practitioner?

The public will observe a licensed practitioner, who will have passed a practical/written exam and completed the required training (post grandfathering period). The shop will

receive a license to operate, which will include an inspection grading card, indicating standards of sanitation/cleanliness have been met.

16. Does the occupational group have an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service?

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