

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 317

Short Title: Esthetician/Manicurist Requirements.

(Public)

Sponsors: Representatives Holt; and Wood.

Referred to: State Government.

March 25, 1991

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A REGISTRATION REQUIREMENT FOR ESTHETICIANS, TO INCLUDE ARTIFICIAL NAIL PROVIDERS WITHIN THE DEFINITION OF MANICURIST, TO INCREASE THE COURSE HOURS FOR REGISTERED MANICURISTS, AND TO REMOVE THE EXEMPTION FOR MANICURISTS PRACTICING OUTSIDE COSMETIC ART SHOPS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 88 of the General Statutes is amended by adding a new section to read:

**"§ 88-3.1. Esthetician.**

An esthetician is any person, other than a registered cosmetologist, registered apprentice, or student, who engages in any of the following specialized practices, as generally recognized in the field of cosmetology: skin care, makeup artistry, facials, or body waxing."

Sec. 2. Chapter 88 of the General Statutes is amended by adding a new section to read:

**"§ 88-31. Registered esthetician.**

A certificate of registration as a registered esthetician shall be issued by the Board of Cosmetic Art Examiners to any person who pays an application fee of thirty dollars (\$30.00), who has completed an appropriate program of study of at least 750 hours in a cosmetic art school or college approved by the Board, and who has passed a satisfactory examination, conducted by the Board, to determine his or her fitness to practice as an esthetician as defined in this Chapter. The Board shall adopt reasonable rules and

1 regulations for an appropriate program of study for an esthetician, including curriculum,  
2 sanitary management, and equipment requirements."

3 Sec. 3. G.S. 88-21(a) reads as rewritten:

4 **"§ 88-21. Fees required.**

5 (a) The following fees shall be paid to the Board:

- 6 (1) The fee to be paid by an applicant for a certificate of registration to  
7 practice cosmetic art as an apprentice shall be five dollars (\$5.00).
- 8 (2) The fee to be paid by an applicant for an examination to determine his  
9 or her fitness to receive a certificate of registration as a registered  
10 cosmetologist shall be ten dollars (\$10.00).
- 11 (3) The fee to be paid by an applicant for an examination to determine his  
12 or her fitness to receive a certificate of registration as a registered  
13 manicurist shall be five dollars (\$5.00).
- 14 (4) The license fee for a registered cosmetologist shall be thirty-three  
15 dollars (\$33.00) for three years, payable in advance.
- 16 (5) The fee for renewal of the license of a registered cosmetologist shall  
17 be thirty-three dollars (\$33.00) for three years, payable in advance, if  
18 the license is renewed before it becomes delinquent. The licenses of all  
19 registered cosmetologists shall be due for renewal in October 1986,  
20 and every three years thereafter.
- 21 (6) A delinquency penalty of ten dollars (\$10.00) shall be paid, in  
22 addition to the renewal fee, for the renewal of a registered  
23 cosmetologist's license that has become delinquent.
- 24 (7) The annual fee for a registered apprentice or certified manicurist,  
25 which shall be due on or before October 1, shall be five dollars  
26 (\$5.00).
- 27 (8) All cosmetic art shops shall pay an annual fee of three dollars (\$3.00)  
28 for each active booth, on or before February 1 of each year.
- 29 (9) A delinquency penalty of ten dollars (\$10.00) shall be paid by each  
30 cosmetic art shop that does not pay the required fees by the February 1  
31 deadline.
- 32 (10) The fee for reissuance of an expired permit of a cosmetic art shop shall  
33 be twenty-five dollars (\$25.00).
- 34 (11) All cosmetic art schools shall pay a fee of fifty dollars (\$50.00)  
35 annually.
- 36 (12) Applicants for licensing under G.S. 88-19 shall pay an application fee  
37 of fifteen dollars (\$15.00).
- 38 (13) Registered cosmetologists licensed under G.S. 88-19 shall pay an  
39 annual license fee of eleven dollars (\$11.00) until the year in which all  
40 other registered cosmetologist licenses are due for renewal and then  
41 shall pay the fees required in subdivision (5) above.
- 42 (14) A delinquency penalty of three dollars (\$3.00) shall be paid by all  
43 registered cosmetologists licensed under G.S. 88-19, paying on an

1 annual basis if they do not renew their license before October 1 of that  
2 year.

3 (15) Apprentice cosmetologists, licensed under G.S. 88-19, shall pay an  
4 annual license fee of five dollars (\$5.00) for the first year, or part of  
5 the year, in addition to the application fee required by subdivision (12)  
6 above.

7 (16) All cosmetic art teachers shall be licensed by the Board and shall pay a  
8 fee of ten dollars (\$10.00) for that license which shall be renewed  
9 every two years.

10 (17) The fee to be paid by an applicant for examination to determine his or  
11 her fitness to receive a certificate of registration as a registered  
12 esthetician is thirty dollars (\$30.00). Registered estheticians shall pay  
13 a license fee of thirty dollars (\$30.00) and an annual renewal fee of  
14 thirty dollars (\$30.00). The renewal fee shall be due on October 1 of  
15 each year."

16 Sec. 4. G.S. 88-1 reads as rewritten:

17 **"§ 88-1. Practice of cosmetology regulated; permits for operation of cosmetic art**  
18 **shops.**

19 On and after June 30, 1933, no person or combination of persons shall, for pay or  
20 reward, either directly or indirectly, practice or attempt to practice cosmetic art as  
21 hereinafter defined in the State of North Carolina without a certificate of registration,  
22 either as a registered manicurist, registered esthetician, registered apprentice or as a  
23 registered 'cosmetologist,' issued pursuant to the provisions of this Chapter by the State  
24 Board of Cosmetic Art Examiners hereinafter established and, except as provided in  
25 G.S. 88-7.1; the practice of cosmetic art shall not be performed outside of a licensed and  
26 regularly inspected beauty establishment.

27 The operator of a cosmetic art shop, beauty parlor or hairdressing establishment  
28 may employ unlicensed personnel to do shampooing only, where the shampooing is  
29 done under the supervision of a registered cosmetologist. As used in this paragraph,  
30 'shampooing' includes only the application of shampoo to hair and the removal of the  
31 shampoo from the hair, and does not include any arranging, dressing, waving,  
32 marcelling or other treatment of hair. This paragraph does not apply to barbershops.  
33 This paragraph shall not apply to the following counties: Guilford, Jones, Lenoir,  
34 Mecklenburg, Onslow, Richmond, Sampson.

35 On and after February 1, 1976, any person, firm or corporation, before establishing  
36 or opening a cosmetic art shop not heretofore licensed by the State Board of Cosmetic  
37 Art, shall make application to the Board, on forms to be furnished by the Board, for a  
38 permit to operate a cosmetic art shop. The shop of such applicant shall be inspected and  
39 approved by the State Board of Cosmetic Art by an agent designated for such purpose  
40 by the Board before such cosmetic art shop shall be opened for business. It shall be  
41 unlawful to open a new cosmetic art shop for the practice of cosmetology until such  
42 shop has been inspected, as heretofore required, and determined by the Board to be in  
43 compliance with the requirements set forth in this Chapter. Upon the determination by  
44 the Board that the applicant has complied with the requirements of this Chapter, the

1 Board shall issue to such applicant a permit to operate a cosmetic art shop. A fee of  
2 twenty-five dollars (\$25.00) shall be paid to the Board for the inspection of a cosmetic  
3 art shop. Such fee must accompany the application for a permit to operate a cosmetic art  
4 shop at the time such application is filed with the Board.

5 All cosmetic art shops in operation as of February 1, 1976, shall be required to make  
6 application to the Board of Cosmetic Art, on forms supplied by the Board, for a permit  
7 to operate. The fee required for such permit shall be three dollars (\$3.00) per active  
8 booth in said shop.

9 Thereafter, all permits shall be renewed as of the first day of February of each and  
10 every year, and the fee for annual renewal of cosmetic art shop permits shall be as set  
11 forth in G.S. 88-21. No permit or certificate shall be transferable from one location to  
12 another or from one owner to another at the same location. Each cosmetic art shop  
13 permit shall be conspicuously posted within such cosmetic art shop for which same is  
14 issued."

15 Sec. 5. G.S. 88-8 reads as rewritten:

16 **"§ 88-8. Manicurist.**

17 'Manicurist' means any person who does manicuring or pedicuring and who makes a  
18 charge for such service. provides manicuring or pedicuring services for compensation.  
19 Manicuring or pedicuring services include trimming, filing, sculpturing, shaping, and  
20 decorating fingernails or toenails and applying sculptured or other artificial fingernails  
21 or toenails."

22 Sec. 6. G.S. 8-22 reads as rewritten:

23 **"§ 88-22. Persons exempt.**

24 The following persons are exempt from the provisions of this Chapter while engaged  
25 in the proper discharge of their professional duties:

- 26 (1) Persons authorized under the laws of the State to practice  
27 medicine and surgery.
- 28 (2) Commissioned medical or surgical officers of the United States army,  
29 navy, or marine hospital services.
- 30 (3) Registered nurses.
- 31 (4) Undertakers.
- 32 (5) Registered barbers.
- 33 (6) Manicurists as ~~herein defined.~~ defined in G.S. 88-8, who perform  
34 manicuring in a barbershop that is operating as required by G.S. 86A-  
35 13."

36 Sec. 7. G.S. 88-30 reads as rewritten:

37 **"§ 88-30. Registered manicurist.**

38 ~~A person shall be a registered manicurist to engage in the practice of manicuring or~~  
39 ~~pedicuring in a cosmetic art shop, beauty parlor or hairdressing establishment and that~~  
40 ~~person may be a registered manicurist without being a registered cosmetologist.~~

41 A certificate of registration as a registered manicurist shall be issued by the Board of  
42 Cosmetic Art Examiners to any person who meets the following qualifications:

- 43 (1) Who has completed ~~150 hours~~ 300 hours in classes in a cosmetic art  
44 school or college approved by the Board;

1           (2)    Repealed by Session Laws 1981, c. 615, s. 19.

2           (3)    Repealed by Session Laws 1973, c. 450, s. 4.

3           (4)    Who has passed a satisfactory examination, conducted by the Board, to  
4           determine his or her fitness to practice manicuring, such examination  
5           to be so prepared and conducted as to determine whether or not the  
6           applicant is possessed of the requisite skill in such trade to properly  
7           perform all the duties thereof and services incident thereto."

8           Sec. 8. This act becomes effective January 1, 1992, except that (i) the Board  
9    may adopt reasonable rules at any time after this act is ratified to implement its  
10   provisions, and (ii) any applicant for registration as a registered manicurist who applies  
11   on or before December 31, 1991, shall be required to have completed no more than 150  
12   hours in classes in a cosmetic arts school or college approved by the Board.