

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 215
Committee Substitute Favorable 4/8/93

Short Title: Booths Are Not Shops.

(Public)

Sponsors:

Referred to:

February 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT SPACE WITHIN A COSMETIC ART SHOP RENTED BY AN INDEPENDENT CONTRACTOR IS NOT A SEPARATE COSMETIC ART SHOP AND TO REQUIRE THAT OWNERS LIST ALL COSMETOLOGISTS PRACTICING IN THEIR COSMETIC ART SHOP.

The General Assembly of North Carolina enacts:

Section 1. G.S. 88-4 reads as rewritten:

"§ 88-4. Beauty parlor, etc.

'Cosmetic art shop,' 'beauty parlor,' or 'hairdressing establishment' is any building, or part thereof wherein cosmetic art is practiced, and a 'beauty school,' 'beauty college,' or 'beauty academy' is any building or part thereof wherein cosmetic art is taught. Booth space rented by an independent contractor within a cosmetic art shop, beauty parlor, or hairdressing establishment is not a separate cosmetic art shop, beauty parlor, or hairdressing establishment."

Sec. 2. G.S. 88-1 reads as rewritten:

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

(a) On and after June 30, 1933, no person or combination of persons shall, for pay or reward, either directly or indirectly, practice or attempt to practice cosmetic art as hereinafter defined in the State of North Carolina without a certificate of registration, either as a registered apprentice or as a registered 'cosmetologist,' issued pursuant to the provisions of this Chapter by the State Board of Cosmetic Art Examiners hereinafter

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

3 (b) The operator of a cosmetic art shop, beauty parlor or hairdressing
4 establishment may employ unlicensed personnel to do shampooing only, where the
5 shampooing is done under the supervision of a registered cosmetologist. As used in this
6 paragraph, 'shampooing' includes only the application of shampoo to hair and the
7 removal of the shampoo from the hair, and does not include any arranging, dressing,
8 waving, marcelling or other treatment of hair. This paragraph does not apply to
9 barbershops. This paragraph shall not apply to the following counties: Guilford, Jones,
10 Lenoir, Mecklenburg, Onslow, Richmond, Sampson.

11 (c) On and after February 1, 1976, any person, firm or corporation, before
12 establishing or opening a cosmetic art shop not heretofore licensed by the State Board of
13 Cosmetic Art, shall make application to the Board, on forms to be furnished by the
14 Board, for a permit to operate a cosmetic art shop. As a part of the application, the
15 person, firm, or corporation shall list all registered cosmetologists who will practice
16 cosmetic art in that cosmetic art shop and shall identify each cosmetologist as an
17 employee or a booth renter. The shop of such applicant shall be inspected and approved
18 by the State Board of Cosmetic Art by an agent designated for such purpose by the
19 Board before such cosmetic art shop shall be opened for business. It shall be unlawful
20 to open a new cosmetic art shop for the practice of cosmetology until such shop has
21 been inspected, as heretofore required, and determined by the Board to be in compliance
22 with the requirements set forth in this Chapter. Upon the determination by the Board
23 that the applicant has complied with the requirements of this Chapter, the Board shall
24 issue to such applicant a permit to operate a cosmetic art shop. A fee of twenty-five
25 dollars (\$25.00) shall be paid to the Board for the inspection of a cosmetic art shop.
26 Such fee must accompany the application for a permit to operate a cosmetic art shop at
27 the time such application is filed with the Board.

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

32 (e) ~~Thereafter, all~~ All permits shall be renewed as of the first day of February of
33 each and every year, and the fee for annual renewal of cosmetic art shop permits shall
34 be as set forth in G.S. 88-21. As a part of the renewal of the permit, the person, firm, or
35 corporation shall list all registered cosmetologists who currently practice cosmetic art in
36 that cosmetic art shop and shall identify each cosmetologist as an employee or a booth
37 renter. No permit or certificate shall be transferable from one location to another or
38 from one owner to another at the same location. Each cosmetic art shop permit shall be
39 conspicuously posted within such cosmetic art shop for which same is issued."

40 Sec. 3. This act is effective upon ratification.