

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 997

Short Title: Esthetician/Manicurist Requirements.

(Public)

Sponsors: Representatives Holt; and Easterling.

Referred to: State Government.

April 19, 1993

A BILL TO BE ENTITLED

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

6 The General Assembly of North Carolina enacts:

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

9 **"§ 88-3.1. Esthetician.**

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

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

16 **"§ 88-31. Registered esthetician.**

17 A certificate of registration as a registered esthetician shall be issued by the Board of
18 Cosmetic Art Examiners to any person who pays an application fee of thirty dollars
19 (\$30.00), who has completed an appropriate program of study of at least 750 hours in a
20 cosmetic art school or college approved by the Board, and who has passed a satisfactory
21 examination, conducted by the Board, to determine his or her fitness to practice as an
22 esthetician as defined in this Chapter. The Board shall adopt reasonable rules and
23

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

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

- 1 (15) Apprentice cosmetologists, licensed under G.S. 88-19, shall pay an
2 annual license fee of five dollars (\$5.00) for the first year, or part of
3 the year, in addition to the application fee required by subdivision
4 (12) above.
- 5 (16) All cosmetic art teachers shall be licensed by the Board and shall
6 pay a fee of ten dollars (\$10.00) for that license which shall be
7 renewed every two years.
- 8 (17) The fee to be paid by an applicant for examination to determine his
9 or her fitness to receive a certificate of registration as a registered
10 esthetician is thirty dollars (\$30.00). Registered estheticians shall
11 pay a license fee of thirty dollars (\$30.00) and an annual renewal
12 fee of thirty dollars (\$30.00). The renewal fee shall be due on
13 October 1 of each year."

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

15 **"§ 88-1. Practice of cosmetology regulated; permits for operation of cosmetic art**
16 **shops.**

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

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

33 On and after February 1, 1976, any person, firm or corporation, before establishing
34 or opening a cosmetic art shop not heretofore licensed by the State Board of Cosmetic
35 Art, shall make application to the Board, on forms to be furnished by the Board, for a
36 permit to operate a cosmetic art shop. The shop of such applicant shall be inspected and
37 approved by the State Board of Cosmetic Art by an agent designated for such purpose
38 by the Board before such cosmetic art shop shall be opened for business. It shall be
39 unlawful to open a new cosmetic art shop for the practice of cosmetology until such
40 shop has been inspected, as heretofore required, and determined by the Board to be in
41 compliance with the requirements set forth in this Chapter. Upon the determination by
42 the Board that the applicant has complied with the requirements of this Chapter, the
43 Board shall issue to such applicant a permit to operate a cosmetic art shop. A fee of
44 twenty-five dollars (\$25.00) shall be paid to the Board for the inspection of a cosmetic

1 art shop. Such fee must accompany the application for a permit to operate a cosmetic art
2 shop at the time such application is filed with the Board.

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

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

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

14 **"§ 88-8. Manicurist.**

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

20 Sec. 6. G.S. 88-22 reads as rewritten:

21 **"§ 88-22. Persons exempt.**

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

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

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

35 **"§ 88-30. Registered manicurist.**

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

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

- 41 (1) Who has completed ~~150 hours~~ 300 hours in classes in a cosmetic art
42 school or college approved by the Board;
- 43 (2) Repealed by Session Laws 1981, c. 615, s. 19.
- 44 (3) Repealed by Session Laws 1973, c. 450, s. 4.

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

7 Sec. 8. This act becomes effective January 1, 1994, except that (i) the Board
8 may adopt reasonable rules at any time after this act is ratified to implement its
9 provisions, and (ii) any applicant for registration as a registered manicurist who applies
10 on or before December 31, 1993, shall be required to have completed no more than 150
11 hours in classes in a cosmetic arts school or college approved by the Board.