

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1042

Short Title: Esthetician Licensure.

(Public)

Sponsors: Senator Kinnaird.

Referred to: Finance.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE LICENSURE OF ESTHETICIANS BY THE
STATE BOARD OF COSMETIC ART EXAMINERS.

The General Assembly of North Carolina enacts:

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

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

(a) 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, license,~~ either as a ~~registered an~~ apprentice or as a ~~registered "cosmetologist,"~~ cosmetologist, issued pursuant to the provisions of this Chapter by the State Board of Cosmetic Art Examiners. The practice of cosmetic art shall not be performed outside of a licensed and regularly inspected beauty establishment, unless the practice is allowed under G.S. 88-7.1 or occurs in a barbershop licensed under Chapter 86A of the General Statutes. A person who practices cosmetic art in a barbershop must comply with G.S. 86A-15.

(a1) No person shall, for pay or reward, either directly or indirectly, practice or attempt to practice esthetics or teach or attempt to teach esthetics as defined in this Chapter without a license issued by the State Board of Cosmetic Art Examiners.

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

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

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

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

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

41 "**§ 88-6.1. Definitions of esthetician; esthetician teacher; and esthetics.**

42 The following definitions apply in this Chapter:

- 1 (1) Esthetician. – An individual licensed by the Board to practice only that
2 part of cosmetic art that constitutes esthetics.
- 3 (2) Esthetician teacher. – An individual licensed by the Board to teach only
4 that part of cosmetic art that constitutes esthetics.
- 5 (3) Esthetics. – The providing of services, for compensation, to enhance the
6 appearance of the face, neck, arms, legs, or shoulders of an individual
7 through skin care, makeup artistry, facials, or body waxing. Esthetics
8 does not include the application of permanent makeup."

9 Section 3. Chapter 88 of the General Statutes is amended by adding the
10 following new sections to read:

11 **"§ 88-12.2. Qualifications for licensing estheticians.**

12 A license as an esthetician shall be issued by the State Board of Cosmetic Art
13 Examiners to any person who meets all of the following qualifications:

- 14 (1) Successful completion of at least 600 hours of an esthetician curriculum
15 in an approved cosmetic art school.
- 16 (2) Passage of an examination conducted by the Board.
- 17 (3) Payment of the fees required by G.S. 88-21.

18 **"§ 88-12.3. Qualifications for licensing esthetician teachers.**

19 A license as an esthetician teacher shall be issued by the State Board of Cosmetic Art
20 Examiners to any person who meets all of the following qualifications:

- 21 (1) Holds a high school diploma or high school graduation equivalency
22 certificate.
- 23 (2) Pays the fees required by G.S. 88-21.
- 24 (3) Holds in good standing a cosmetologist or an esthetician license issued
25 by the Board.
- 26 (4) Submits proof of either practice as an esthetician in a cosmetic art shop
27 for a period equivalent to three years of full-time work immediately
28 prior to application or successful completion of at least 650 hours of an
29 esthetician teacher curriculum in an approved cosmetic art school.
- 30 (5) Passes an examination for esthetician teachers conducted by the Board."

31 Section 4. G.S. 88-16 reads as rewritten:

32 **"§ 88-16. Applicants for examination. ~~examination; examination requirements;~~**
33 **examination sites.**

34 (a) Each applicant for an examination shall:

- 35 (1) Make application to the Board of Cosmetic Art Examiners on ~~blank~~
36 forms prepared and furnished by the full-time ~~secretary, such application~~
37 ~~to contain proof under the applicant's oath of the particular qualifications of~~
38 ~~the applicant.~~ secretary to the Board. On the application, the applicant
39 shall state, under oath, the applicant's qualifications for taking the
40 examination.
- 41 (2) Pay to the full-time secretary of the ~~said~~ Board the required examination
42 fee, ~~hereinafter established.~~ fee as prescribed in G.S. 88-21.

1 (3) ~~All applications for said examination must be filed with the full-time~~
2 ~~secretary at least 30 days prior to the actual taking of such examination~~
3 ~~by applicant. File the application with the full-time secretary at least 30~~
4 ~~days before the actual taking of the examination.~~

5 (4) ~~Any applicant who fails to pass the written examination and/or the~~
6 ~~practical examination prescribed by the Board five times will not be~~
7 ~~accepted for any other examination given by the Board until the~~
8 ~~applicant completes at least 200 additional hours in a beauty school that~~
9 ~~is approved by the Board. These 200 hours must be in the basic training~~
10 ~~in cosmetic art.~~

11 (b) Each examination shall have both a practical and a written portion.

12 (c) Any applicant who, after five attempts, fails to pass the practical examination,
13 the written examination, or both, will not be allowed to take any other examination given
14 by the Board until the applicant completes at least 200 additional hours in basic cosmetic
15 art training in a beauty school that is approved by the Board. An applicant for an
16 esthetician license who fails to pass the examination three times may not reapply to take
17 the examination until after the applicant has successfully completed any additional
18 requirements prescribed by the Board.

19 (d) Examinations shall be given in at least three locations in the State that are
20 geographically scattered. The examinations shall be administered in the Board's office or
21 in a publicly supported two-year postsecondary educational institution with appropriate
22 facilities. The Board shall reimburse an institution, if requested, for the use of its
23 facilities in administering examinations."

24 Section 5. G.S. 88-19 reads as rewritten:

25 **"§ 88-19. Applicants licensed in other states.**

26 (a) ~~The board~~ Board shall issue a license to applicants already licensed as an
27 ~~apprentice or registered cosmetologist apprentice, cosmetologist, or esthetician in another~~
28 ~~state provided if the applicant presents evidence satisfactory to the board~~ Board that:

29 (1) ~~He~~ The applicant is currently an active, competent practitioner in good
30 ~~standing; and standing.~~

31 (2) ~~He~~ The applicant has practiced at least one out of the three years
32 ~~immediately preceding his application; and the application for licensure.~~

33 (3) ~~He currently holds a valid license in another state; and~~

34 (4) There is no disciplinary proceeding or unresolved complaint pending
35 ~~against him~~ the applicant at the time a license is to be issued by this
36 ~~State; and State.~~

37 (5) The licensure requirements in the other state are the substantive
38 equivalent of those required by this State.

39 (b) Any license granted pursuant to this section is subject to the same duties and
40 obligations and entitled to the same rights and privileges as a license issued under G.S.
41 88-10 or G.S. 88-12.

42 (c) ~~In lieu~~ Instead of meeting the requirements of subdivisions (1) (5) in subsection
43 (a) of this section, any applicant who has been licensed to practice as an ~~apprentice or~~

1 ~~registered cosmetologist apprentice, cosmetologist, or esthetician~~ by the examining board
2 of another state shall be admitted to practice cosmetic art in this State under the same
3 reciprocity or comity provisions ~~which the state of his or her registration or licensing that the~~
4 ~~state where the applicant is licensed grants to persons licensed in this State.~~

5 (d) The Board may issue a license to an applicant who is licensed as a teacher in
6 another state if the licensure requirements in the state in which the teacher is licensed are
7 substantially equivalent to those required in this State. The applicant shall be licensed by
8 the Board to practice in this State only in the area in which the applicant is licensed to
9 teach."

10 Section 6. G.S. 88-21(a) reads as rewritten:

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

12 (1) The fee to be paid by an applicant for a ~~certificate of registration license~~
13 to practice cosmetic art as an apprentice is five dollars (\$5.00).

14 (2) The fee to be paid by an applicant for an examination to determine the
15 applicant's fitness to receive a ~~certificate of registration license~~ as a
16 ~~registered cosmetologist~~ is twenty dollars (\$20.00).

17 (2a) The fee to be paid by an applicant for an examination to determine the
18 applicant's fitness to receive a license as an esthetician is sixty dollars
19 (\$60.00).

20 (3) The fee to be paid by an applicant for an examination to determine the
21 applicant's fitness to receive a ~~certificate of registration license~~ as a
22 ~~registered manicurist~~ is fifteen dollars (\$15.00).

23 (4) The license fee for a ~~registered cosmetologist~~ shall be in an amount
24 determined by the Board but not to exceed thirty-nine dollars (\$39.00)
25 for three years, payable in advance.

26 (4a) The license fee for an esthetician shall be in an amount determined by
27 the Board, but not to exceed twenty-five dollars (\$25.00) a year.

28 (5) The fee for renewal of ~~the a cosmetologist license of a registered~~
29 ~~cosmetologist~~ shall be in an amount determined by the Board but not to
30 exceed thirty-nine dollars (\$39.00) for three years, payable in advance,
31 if the license is renewed before it becomes delinquent. The licenses of
32 all ~~registered cosmetologists~~ are due for renewal in October 1986, and
33 every three years thereafter.

34 (5a) The fee for the annual renewal of an esthetician license is twenty-five
35 dollars (\$25.00).

36 (6) A delinquency penalty of ten dollars (\$10.00) shall be paid, in addition
37 to the renewal fee, for the renewal of a ~~registered cosmetologist's~~
38 ~~cosmetologist~~ license that has become delinquent.

39 (6a) A delinquency penalty of ten dollars (\$10.00) shall be paid, in addition
40 to the renewal fee, for the renewal of an esthetician license that has
41 become delinquent.

- 1 (7) The annual fee for a ~~registered~~-licensed apprentice cosmetologist and a
2 ~~certified~~-licensed manicurist, which shall be due on or before October 1,
3 is ten dollars (\$10.00).
- 4 (8) All cosmetic art shops shall pay an annual fee of three dollars (\$3.00)
5 for each active booth, on or before February 1 of each year.
- 6 (9) A delinquency penalty of ten dollars (\$10.00) shall be paid by each
7 cosmetic art shop that does not pay the required fees by the February 1
8 deadline.
- 9 (10) The fee for reissuance of an expired permit of a cosmetic art shop is
10 twenty-five dollars (\$25.00).
- 11 (11) All cosmetic art schools shall pay a fee of fifty dollars (\$50.00)
12 annually.
- 13 (12) Applicants for licensing under G.S. 88-19 shall pay an application fee of
14 fifteen dollars (\$15.00).
- 15 (13) ~~Registered cosmetologists~~-Cosmetologists licensed under G.S. 88-19 shall
16 pay an annual license fee of one-third the amount set under subdivision
17 (4) of this subsection, rounded up to the nearest whole dollar, until the
18 year in which all other ~~registered~~-cosmetologist licenses are due for
19 renewal and then shall pay the fees required in subdivision (5) above.
- 20 (14) A delinquency penalty of three dollars (\$3.00) shall be paid by all
21 ~~registered~~-cosmetologists licensed under G.S. 88-19, paying on an
22 annual basis if they do not renew their license before October 1 of that
23 year.
- 24 (15) Apprentice cosmetologists, licensed under G.S. 88-19, shall pay an
25 annual license fee of ten dollars (\$10.00) for the first year, or part of the
26 year, in addition to the application fee required by subdivision (12)
27 above.
- 28 (16) All cosmetic art teachers shall be licensed by the Board and shall pay a
29 fee of ten dollars (\$10.00) for that license which shall be renewed every
30 two years.
- 31 (16a) All esthetician teachers shall be licensed by the Board and shall pay
32 a fee of ten dollars (\$10.00) for that license.
- 33 (16b) The fee for the two-year renewal of the esthetician teacher's license
34 is ten dollars (\$10.00).
- 35 (17) The fee to be paid by an applicant for an examination to determine
36 the applicant's fitness to receive a license to teach cosmetic art is
37 twenty-five dollars (\$25.00).
- 38 (17a) The fee to be paid by an applicant for an examination to determine
39 the applicant's fitness to receive a license to teach esthetics is
40 twenty-five dollars (\$25.00).
- 41 (17b) A delinquency fee of ten dollars (\$10.00) shall be paid, in addition to
42 the renewal fee, for the renewal of an esthetician teacher's license
43 that has becomes delinquent."

1 Section 7. G.S. 88-24 reads as rewritten:

2 **"§ 88-24. Posting of certificates, licenses, permits.**

3 Every holder of a certificate of registration shall display it in a conspicuous place
4 adjacent to or near his, or her work chair.

5 (a) Every apprentice, cosmetologist, esthetician, and esthetician teacher licensed
6 under this Chapter shall display the license issued by the Board within the shop or school
7 where the person works.

8 (b) Every permit to operate a cosmetic art shop shall be conspicuously posted in
9 the shop for which it is issued."

10 Section 8. G.S. 88-25 reads as rewritten:

11 **"§ 88-25. Annual renewal of certificates, licenses and permits.**

12 (a) Every registered cosmetologist who continues in active practice or service shall
13 renew his or her certificate of registration the license issued by the Board on or before
14 October 1, 1986, and every three years thereafter. The certificate-license shall expire on
15 the first day of November in the year in which the renewal is due. Every registered
16 apprentice who continues in active practice or service shall annually, on or before
17 October 1 of each year, renew his or her certificate of registration which the license issued
18 by the Board that has not been renewed prior to, or during, the month of October in any
19 year, and which shall expire on the first day of November in that year. A registered
20 cosmetologist, or a registered an apprentice whose certificate of registration-license has
21 expired may have his or her certificate the license restored immediately upon payment of
22 the required restoration fee. Any registered cosmetologist who retires from the practice of
23 cosmetic art for not more than three years may renew his or her certificate of registration the
24 license issued by the Board upon payment of the required restoration fee, and by paying
25 the license fee for the years that such the license fees have not been paid.

26 (b) Every esthetician shall renew their license annually on or before October 1 of
27 each year. An esthetician teacher shall renew their license every two years on or before
28 October 1. As provided in G.S. 88-21, a late fee shall be charged for the renewal of the
29 license after that date. Any license not renewed shall expire on October 1 of that year.

30 (c) Prior to the renewal of an esthetician teacher's license, the teacher shall
31 annually complete a minimum of eight hours of continuing education which shall be
32 approved by the Board. Esthetician teachers shall submit written documentation to the
33 Board showing that they have satisfied the requirements of this subsection.

34 (d) If an apprentice, cosmetologist, esthetician, manicurist, or teacher fails to
35 renew their license within five years following the expiration date, the licensee shall be
36 required to pay the license fee for each year that the fees are delinquent and to pass an
37 examination as prescribed by the Board before the license will be reinstated.

38 (e) Every cosmetic art shop, which continues to operate, shall annually, on or
39 before February 1 of each year, renew its permit to operate, and any permit that has not
40 been renewed before or during the month of February in any year shall expire on the first
41 day of March in that year. A cosmetic art shop whose permit has expired may have its
42 permit restored immediately upon payment of restoration fee, as required in G.S. 88-21,
43 in addition to the renewal fee."

1 Section 9. Any esthetician who submits proof to the Board that the esthetician
2 is actively engaged in the practice of esthetics on the effective date of this act and who
3 passes an examination conducted by the Board and pays the fee required by G.S. 88-
4 21(a), as enacted in Section 1 of this act, shall be licensed without having to satisfy the
5 requirements of G.S. 88-12.2, as enacted in Section 1 of this act. Persons who do not
6 make application to the Board within one year of the effective date of this act shall be
7 required to complete all training and examination requirements prescribed by the Board
8 and to otherwise comply with the provisions of Chapter 88 of the General Statutes.

9 Section 10. This act becomes effective October 1, 1997.