



HOUSE BILL 792: Barbers/Electrolysis Boards/Merger.

2021-2022 General Assembly

Committee:	House Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	September 22, 2021
Introduced by:	Rep. Stevens	Prepared by:	Trina Griffin
Analysis of:	PCS to Second Edition H792-CSSVf-32		Staff Attorney

OVERVIEW: *House Bill 792 would do the following:*

- *Merge the existing State Board of Barber Examiners and the Board of Electrolysis Examiners into a single board. The terms of the newly created Board would begin on January 1, 2022.*
- *Authorize mobile barbershops.*
- *Revise barber school requirements.*
- *Establish an electrolysis apprenticeship program.*
- *Modify certain fee provisions.*

The PCS would update the date by which appointments must be made to the newly merged Board.

CURRENT LAW:

The North Carolina State Board of Barber Examiners was originally established in 1929. "Barbering" is the practice of cutting or dying hair, giving facial or scalp treatments, and shaving or trimming beards. The provisions governing the licensure of barbers are contained in Chapter 86A of the General Statutes.

The North Carolina Board of Electrolysis Examiners was established in 1989. "Electrology" is the practice of hair removal by application of an electric current to the hair papilla by means of a needle so as to cause growth inactivity and thus permanently remove the hair. The provisions governing the licensure of electrologists and laser hair practitioners are contained in Chapter 88A of the General Statutes.

BILL ANALYSIS: This bill would consolidate the State Board of Barber Examiners and the Board of Electrolysis Examiners into a single board to be known as the "North Carolina Board of Barber and Electrolysis Examiners."

Board Composition

The Board would consist of nine members appointed as follows:

- Five licensed barbers (three appointed by the Governor, one appointed by the General Assembly at the recommendation of the Speaker of the House of Representatives, and one appointed by the General Assembly at the recommendation of the President Pro Tempore of the Senate).
- Two electrologists (one appointed by the General Assembly at the recommendation Speaker of the House of Representatives, and one appointed by the General Assembly at the recommendation of the President Pro Tempore of the Senate).

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- One licensed physician nominated by the North Carolina Medical Board and appointed by the Governor.
- One member of the general public who is not licensed under this Chapter or Chapter 90 (Medicine and Allied Occupations) and appointed the Governor.

For the initial appointments to the Board, the members of the Board of Electrolysis Examiners, serving as of December 31, 2021, shall be appointed to the new consolidated Board as follows:

- Two electrologists appointed by the General Assembly (one at the recommendation of the Speaker of the House of Representatives and one by President Pro Tempore of the Senate) for a three-year term.
- One physician appointed by the Governor for a two-year term.
- One public member (serving either on the Board of Electrolysis Examiners or the Board of Barber Examiners) appointed by the Governor for a one-year term.

Mobile Barbershops

The bill would authorize motor homes to be used as mobile barbershops. The mobile barbershop owner would be required to maintain a permanent business address, as well as providing a monthly written itinerary to the Board that includes the shop's listing location, dates, and hours of operation. No barbering may be performed while the mobile barbershop is moving.

The bill would require the new Board to adopt rules for the operation, permitting, and inspection of mobile barbershops.

Barber Schools

The bill would reduce the number of required instructors of barber schools from two instructors for the first 40 students to one instructor for the first 20 students. Also, the bill would allow a barber school with only one instructor present to simultaneously provide practical and theoretical training if the theoretical training is offered online.

Electrolysis Apprenticeship

Under current law, the licensure requirements for an electrologist include being a North Carolina resident over 21 years of age, passing an examination given by the Board, and either graduating from a Board-approved electrology program or practicing electrology for at least one year in a state that does not license electrologists.

The bill would establish an alternative pathway for electrolysis licensure by way of completing a 625-hour internship program, visiting two electrologist offices other than the apprenticeship instructor's, and passing an examination given by the Board.

The Board would be required to adopt rules governing the electrology apprenticeship program, including curriculum specifications, authorized textbooks, facility and equipment requirements, record-keeping requirements, and the qualifications of instructors.

Fees

The fees are the same as under the current law with five exceptions:

- The bill would establish a maximum fee of \$120 for the inspection of a newly established mobile barbershop.
- The bill would establish a maximum fee of \$50 for a mobile barbershop permit or renewal.

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- The bill would establish a maximum late fee of \$45 for restoration of an expired mobile barbershop permit.
- The maximum fee for an initial licensure for an electrologist or laser hair practitioner would decrease from \$150 to \$125.
- The maximum fee for an electrologist licensing examination would increase from \$125 to \$150.

Transitional Provisions

Section 3 of the bill consists of various transitional provisions to address the handling of existing licenses, applications, rules, property and assets, and any pending litigation and disciplinary proceedings under the authority of the individual boards.

Technical Changes

The bill would make various technical and conforming changes to the statutes recodified into the new Chapter 86B.

EFFECTIVE DATE: The initial appointments to the new Board must be made by December 1, 2021, and the initial terms of the appointees would begin on January 1, 2022. By March 1, 2023, the new Board must determine whether any licenses can be consolidated or eliminated, and must review the fee schedule and determine whether any fees should be reduced to reflect savings and efficiencies generated by consolidating their boards. The findings must be reported to the Joint Legislative Administrative Procedure Oversight Committee.

Jeremy Ray and Aaron McGlothlin, staff attorneys, substantially contributed to this summary.