

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1609

Short Title: Hair Braider Licensure/Cosmetic Art Act. (Public)

Sponsors: Representatives Parmon, Womble (Primary Sponsors); Earle, Fisher, Hall, Harrison, Luebke, and Mobley.

Referred to: Judiciary II, if favorable, Finance.

April 19, 2007

A BILL TO BE ENTITLED

AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR
LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL
HAIR BRAIDING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 88B-2 reads as rewritten:

"§ 88B-2. Definitions.

The following definitions apply in this Chapter:

- (1) Apprentice. – A person who is not a manager or operator and who is engaged in learning the practice of cosmetic art under the direction and supervision of a cosmetologist.
- (2) Board. – The North Carolina Board of Cosmetic Art Examiners.
- (3) Booth. – A workstation located within a licensed cosmetic art shop that is operated primarily by one individual in performing cosmetic art services for consumers.
- (4) Booth renter. – A person who rents a booth in a cosmetic art shop.
- (4a) Braiding teacher. – An individual licensed by the Board to teach hair braiding.
- (5) Cosmetic art. – All or any part or combination of cosmetology, esthetics, hair braiding, or manicuring, including the systematic manipulation with the hands or mechanical apparatus of the scalp, face, neck, shoulders, hands, and feet. Practices included within this subdivision shall not include the practice of massage or bodywork therapy as set forth in Article 36 of Chapter 90 of the General Statutes.
- (6) Cosmetic art school. – Any building or part thereof where cosmetic art is taught.
- (7) Cosmetic art shop. – Any building or part thereof where cosmetic art is practiced for pay or reward, whether direct or indirect.

- 1 (8) Cosmetologist. – Any individual who is licensed to practice all parts of
2 cosmetic art.
- 3 (8a) Cosmetology. – The act of arranging, dressing, curling, waving,
4 cleansing, cutting, singeing, bleaching, coloring, or similar work upon
5 the hair of a person by any means, including the use of hands,
6 mechanical or electrical apparatus, or appliances or by use of cosmetic
7 or chemical preparations or antiseptics.
- 8 (9) Cosmetology teacher. – An individual licensed by the Board to teach
9 all parts of cosmetic art.
- 10 (10) Esthetician. – An individual licensed by the Board to practice only that
11 part of cosmetic art that constitutes skin care.
- 12 (11) Esthetician teacher. – An individual licensed by the Board to teach
13 only that part of cosmetic art that constitutes skin care.
- 14 (11a) Esthetics. – Refers to any of the following practices: giving facials;
15 applying makeup; performing skin care; removing superfluous hair
16 from the body of a person by use of creams, tweezers, or waxing;
17 applying eyelashes to a person, including the application of eyelash
18 extensions, brow or lash color; beautifying the face, neck, arms, or
19 upper part of the human body by use of cosmetic preparations,
20 antiseptics, tonics, lotions, or creams; surface manipulation in relation
21 to skin care; or cleaning or stimulating the face, neck, ears, arms,
22 hands, bust, torso, legs, or feet of a person by means of hands, devices,
23 apparatus, or appliances along with the use of cosmetic preparations,
24 antiseptics, tonics, lotions, or creams.
- 25 (11b) Hair braider. – An individual licensed by the Board to practice only
26 that part of cosmetic art that constitutes hair braiding.
- 27 (12) Manicuring. – The care and treatment of the fingernails, toenails,
28 cuticles on fingernails and toenails, and the hands and feet, including
29 the decoration of the fingernails and the application of nail extensions
30 and artificial nails. The term "manicuring" shall not include the
31 treatment of pathologic conditions.
- 32 (13) Manicurist. – An individual licensed by the Board to practice only that
33 part of cosmetic art that constitutes manicuring.
- 34 (14) Manicurist teacher. – An individual licensed by the Board to teach
35 manicuring.
- 36 (14a) Hair braiding. – A service that results in tension on hair strands or
37 roots by twisting, wrapping, extending, weaving, or locking hair by
38 hand or mechanical device. For purposes of this definition, the phrase
39 'hair braiding' shall include the use of artificial or natural hair.
- 40 (15) Shampooing. – The application and removal of commonly used, room
41 temperature, liquid hair cleaning and hair conditioning products.
42 Shampooing does not include the arranging, dressing, waving,
43 coloring, or other treatment of the hair."

1 **SECTION 2.** Chapter 88B of the General Statutes is amended by adding a
2 new section to read:

3 **"§ 88B-10.1. Qualifications for licensing hair braiders.**

4 The Board shall issue a license to practice as a hair braider to any individual who
5 meets all of the following requirements:

- 6 (1) Successful completion of at least 300 hours of a hair braider
7 curriculum in an approved cosmetic art school.
8 (2) Passage of an examination conducted by the Board.
9 (3) Payment of the fees required by G.S. 88B-20."

10 **SECTION 3.** G.S. 88B-11 is amended by adding a new subsection to read:

11 "(e) The Board shall issue a license to practice as a hair braiding teacher to any
12 individual who meets the requirements of subsection (a) of this section and who meets
13 all of the following:

- 14 (1) Holds in good standing a hair braiding license issued by the Board.
15 (2) Submits proof of either practice as a hair braider in a cosmetic art shop
16 or any Board-approved employment capacity in the cosmetic art
17 industry for a period equivalent to two years of full-time work
18 immediately prior to application or successful completion of at least
19 320 hours of a hair braider teacher curriculum in an approved cosmetic
20 art school."

21 **SECTION 4.** G.S. 88B-12 reads as rewritten:

22 **"§ 88B-12. Temporary employment permit; extensions; limits on practice.**

23 (a) The Board shall issue a temporary employment permit to an applicant for
24 licensure as an apprentice, cosmetologist, esthetician, hair braider, or manicurist who
25 meets all of the following:

- 26 (1) Has completed the required hours of a cosmetic art school curriculum
27 in the area in which the applicant wishes to be licensed.
28 (2) Has applied to take the examination within three months of completing
29 the required hours.
30 (3) Is qualified to take the examination.

31 (b) A temporary employment permit shall expire six months from the date of
32 graduation from a cosmetic art school and shall not be renewed.

33 (c) The holder of a temporary employment permit may practice cosmetic art only
34 under the supervision of a licensed cosmetologist, manicurist, hair braider, or
35 esthetician, as appropriate, and may not operate a cosmetic art shop."

36 **SECTION 5.** G.S. 88B-13 reads as rewritten:

37 **"§ 88B-13. Applicants licensed in other states.**

38 (a) The Board shall issue a license to an applicant licensed as an apprentice,
39 cosmetologist, esthetician, hair braider, or manicurist in another state if the applicant
40 shows:

- 41 (1) The applicant is an active practitioner in good standing.
42 (2) The applicant has practiced at least one of the three years immediately
43 preceding the application for a license.

(3) There is no disciplinary proceeding or unresolved complaint pending against the applicant at the time a license is to be issued by this State.

(4) The licensure requirements in the state in which the applicant is licensed are substantially equivalent to those required by this State.

(b) Instead of meeting the requirements in subsection (a) of this section, any applicant who is licensed as a cosmetologist, esthetician, hair braider, or manicurist in another state shall be admitted to practice in this State under the same reciprocity or comity provisions that the state in which the applicant is licensed grants to persons licensed in this State.

(c) The Board may establish standards for issuing a license to an applicant who is licensed as a teacher in another state. These standards shall include a requirement that the licensure requirements in the state in which the teacher is licensed shall be substantially equivalent to those required in this State and that the applicant shall be licensed by the Board to practice in the area in which the applicant is licensed to teach."

SECTION 6. G.S. 88B-14(b) reads as rewritten:

"(b) The applicant shall list all ~~licensed cosmetologists~~licensees who practice cosmetic art in the shop and shall identify each as an employee or a booth renter."

SECTION 7. G.S. 88B-18 reads as rewritten:

"§ 88B-18. Examinations.

(a) Repealed by Session Laws 2006-212, s. 2, effective August 8, 2006.

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

(c) Examinations for applicants for apprentice, cosmetologist, teacher, esthetician, hair braider, and manicurist licenses shall be given in at least three locations in the State that are geographically scattered. The examinations shall be administered in Board-approved facilities.

(d) An applicant for a cosmetologist, esthetician, manicurist, hair braider, or teacher's license who fails to pass the examination three times may not reapply to take the examination again until after the applicant has successfully completed any additional requirements prescribed by the Board."

SECTION 8. 88B-20 reads as rewritten:

"§ 88B-20. Fees required.

(a) The Board may charge the applicant the actual cost of preparation, administration, and grading of examinations for cosmetologists, apprentices, manicurists, estheticians, hair braiders, or teachers, in addition to its other fees.

(b) The Board may charge application fees as follows:

- (1) Inspection of a newly established cosmetic art shop \$ 25.00
- (2) Reciprocity applicant under G.S. 88B-13 \$ 15.00.

(c) The Board may charge license fees as follows:

- (1) Cosmetologist..... \$ 39.00 every 3 years
- (2) Apprentice \$ 10.00 per year
- (3) Esthetician \$ 10.00 per year
- (4) Manicurist..... \$ 10.00 per year
- (4a) Hair braider..... \$ 10.00 per year
- (5) Teacher \$ 10.00 every 2 years

- 1 (6) Cosmetic art shop per active booth \$ 3.00 per year
- 2 (7) Cosmetic art school \$ 50.00 per year
- 3 (8) Duplicate license \$ 1.00.
- 4 (d) The Board may require payment of late fees and reinstatement fees as
- 5 follows:
- 6 (1) Apprentice, cosmetologist, esthetician, manicurist, hair braider, and
- 7 teacher late renewal \$ 10.00
- 8 (2) Cosmetic art schools and shops late renewal \$ 10.00
- 9 (3) Reinstatement – cosmetic art schools and shops..... \$ 25.00.
- 10 (e) The Board may prorate fees as appropriate."

SECTION 9. G.S. 88B-21 reads as rewritten:

"§ 88B-21. Renewals; expired licenses; inactive status.

13 (a) Each license to operate a cosmetic art shop shall be renewed on or before the
14 first day of February of each year. As provided in G.S. 88B-20, a late fee shall be
15 charged for licenses renewed after February 1. Any license not renewed by March 1 of
16 each year shall expire. A cosmetic art shop whose license has been expired for one year
17 or less shall have the license reinstated immediately upon payment of the reinstatement
18 fee, the late fee, and all unpaid license fees. The licensee shall submit to the Board, as a
19 part of the renewal process, a list of all licensed cosmetologists who practice cosmetic
20 art in the shop and shall identify each as an employee or a booth renter.

21 (b) Cosmetologist licenses shall be renewed on or before October 1 every three
22 years beginning October 1, 1998. A late fee shall be charged for renewals after that date.
23 Any license not renewed shall expire on October 1 of the year that renewal is required.
24 The Board may develop and implement a plan for staggered license renewal and may
25 prorate license fees to implement such a plan.

26 (c) Apprentice, esthetician, hair braider, and manicurist licenses shall be renewed
27 annually on or before October 1 of each year. A late fee shall be charged for the renewal
28 of licenses after that date. Any license not renewed shall expire on October 1 of that
29 year.

30 (d) Teacher licenses shall be renewed every two years on or before October 1. A
31 late fee shall be charged for the renewal of licenses after that date. Any license not
32 renewed shall expire on October 1 of that year.

33 (e) Prior to renewal of a license, a teacher, cosmetologist, esthetician, hair
34 braider, or manicurist shall annually complete eight hours of Board-approved
35 continuing education for each year of the licensing cycle. A cosmetologist may
36 complete up to 24 hours of required continuing education at any time within the
37 cosmetologist's three-year licensing cycle. Licensees shall submit written
38 documentation to the Board showing that they have satisfied the requirements of this
39 subsection. A licensee who is in active practice as a cosmetologist, esthetician, hair
40 braider, or manicurist, has practiced for at least 10 consecutive years in that ~~profession~~
41 profession, and is 60 years of age or older does not have to meet the continuing
42 education requirements of this subsection. A licensee who is in active practice as a
43 cosmetologist and, as of October 1, 2004, has at least 20 consecutive years of
44 experience as a cosmetologist, does not have to meet the continuing education

1 requirements of this subsection, but shall report any continuing education classes
2 completed to the Board, whether the continuing education classes are Board-approved
3 or not. Promotion of products and systems shall be allowed at continuing education
4 given in-house or at trade shows. Continuing education classes may also be offered in
5 secondary languages as needed. No member of the Board may offer continuing
6 education courses as required by this section.

7 (f) If an apprentice, cosmetologist, esthetician, manicurist, hair braider, or
8 teacher fails to renew his or her license within five years following the expiration date,
9 the licensee shall be required to pass an examination as prescribed by the Board before
10 the license will be reinstated.

11 (g) Cosmetic art school licenses shall be renewed on or before October 1 of each
12 year. A late fee shall be charged for licenses renewed after that date. Any license not
13 renewed by November 1 of that year shall expire. A cosmetic art school whose license
14 has been expired for one year or less shall have its license reinstated upon payment of
15 the reinstatement fee, the late fee, and all unpaid license fees.

16 (h) Upon request by a licensee for inactive status, the Board may place the
17 licensee's name on the inactive list so long as the licensee is in good standing with the
18 Board. An inactive licensee is not required to complete continuing education
19 requirements. An inactive licensee shall not practice cosmetic art for consideration.
20 However, the inactive licensee may continue to purchase supplies as accorded an active
21 licensee. When the inactive licensee desires to be removed from the inactive list and
22 return to active practice, the inactive licensee shall notify the Board of his or her desire
23 to return to active status and pay the required fee as determined by the Board. As a
24 condition of returning to active status, the Board may require the licensee to complete
25 eight to 24 hours of continuing education pursuant to subsection (e) of this section."

26 **SECTION 10.** G.S. 88B-22 reads as rewritten:

27 "**§ 88B-22. Licenses required; criminal penalty.**

28 (a) Except as provided in this Chapter, no person may practice or attempt to
29 practice cosmetic art for pay or reward in any form, either directly or indirectly, without
30 being licensed as an apprentice, cosmetologist, esthetician, hair braider, or manicurist
31 by the Board.

32 (b) Except as provided in this Chapter, no person may practice cosmetic art or
33 any part of cosmetic art, for pay or reward in any form, either directly or indirectly,
34 outside of a licensed cosmetic art shop.

35 (c) No person may open or operate a cosmetic art shop in this State unless a
36 license has been issued by the Board for that shop.

37 (d) An individual licensed as an ~~esthetician~~ esthetician, hair braider, or
38 manicurist may practice only that part of cosmetic art for which the individual is
39 licensed.

40 (d1) No person may teach cosmetic art in a Board-approved cosmetic art school
41 unless the person is a teacher licensed under this Chapter. A guest lecturer may be
42 exempt from the requirements of this subsection upon approval by the Board.

1 (e) An apprentice licensed under the provisions of this Chapter shall apprentice
2 under the direct supervision of a cosmetologist. An apprentice shall not operate a
3 cosmetic art shop.

4 (f) A violation of this Chapter is a Class 3 misdemeanor."

5 **SECTION 11.** G.S. 88B-23(a) reads as rewritten:

6 "(a) Every apprentice, cosmetologist, esthetician, manicurist, hair braider, and
7 teacher licensed under this Chapter shall display the certificate of license issued by the
8 Board within the shop in which the person works."

9 **SECTION 12.** G.S. 88B-24(9) reads as rewritten:

10 **"§ 88B-24. Revocation of licenses and other disciplinary measures.**

11 The Board may restrict, suspend, revoke, or refuse to issue, renew, or reinstate any
12 license for any of the following:

13 ...

14 (9) Violation of G.S. 86A-15 by a cosmetologist, esthetician, hair braider,
15 or manicurist licensed by the Board and practicing cosmetic art in a
16 barber shop."

17 **SECTION 13.** Any hair braider who submits proof to the Board that the hair
18 braider is actively engaged in the practice of hair braiding on the effective date of this
19 act, passes an examination conducted by the Board, and pays the required fee under
20 G.S. 88B-20 shall be licensed without having to satisfy the requirements of
21 G.S. 88B-10.1, enacted by Section 2 of this act. A cosmetic art shop that practices hair
22 braiding only and that submits proof to the Board that the shop is actively engaged in
23 the practice of hair braiding on the effective date of this act shall have one year from the
24 date of this act to comply with the requirements G.S. 88B-14. All persons who do not
25 make application to the Board within one year of the effective date of this act shall be
26 required to complete all training and examination requirements prescribed by the Board
27 and to otherwise comply with the provisions of Chapter 88B of the General Statutes.

28 **SECTION 14.** This act becomes effective October 1, 2007, and applies to
29 acts occurring on or after that date.