

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1323

Short Title: Clarify Definition/Esthetics/Cosmetic Art. (Public)

Sponsors: Representatives Jeffus; and Parmon.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Health.

April 9, 2009

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE DEFINITION OF ESTHETICS UNDER THE NORTH CAROLINA COSMETIC ART ACT TO ALLOW ESTHETICIANS TO PERFORM CERTAIN LASER AND LIGHT THERAPY TREATMENTS WITHOUT BEING SUBJECT TO LICENSURE UNDER THE ELECTROLYSIS PRACTICE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 88A-15.1 reads as rewritten:

"§ 88A-15.1. **Persons and practices not affected.**

The requirements of this Chapter shall not apply to any to the following:

- (1) Any person licensed or approved by the North Carolina Medical Board to practice medicine or perform medical acts, tasks, or functions pursuant to Article 1 of Chapter 90 of the General Statutes or any Statutes.
- (2) Any person employed and working under the direct supervision of a physician licensed to practice medicine pursuant to Article 1 of Chapter 90 of the General Statutes.
- (3) Any person licensed to practice esthetics as defined in G.S. 88B-2(11a)."

SECTION 2. G.S. 88B-2(11a) reads as rewritten:

"The following definitions apply in this Chapter:

...

- (11a) Esthetics. – Refers to any of the following practices: giving facials; applying makeup; performing skin care; removing superfluous hair from the body of a person by use of creams, tweezers, ~~or waxing;~~ waxing, or broad spectrum light or Class 2 energy-based devices; applying eyelashes to a person, including the application of eyelash extensions, brow or lash color; beautifying the face, neck, arms, or upper part of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; surface manipulation in relation to skin care; or cleaning or stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of hands, devices, apparatus, or appliances along with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

...."

SECTION 3. G.S. 88B-9 reads as rewritten:

"§ 88B-9. **Qualifications for licensing as an esthetician.**

(a) The Board shall issue a license to practice as an esthetician to any individual who meets all of the following requirements:

- (1) Successful completion of at least 600 hours of an esthetics curriculum in an approved cosmetic art school.



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1 (2) Passage of an examination conducted by the Board.

2 (3) Payment of the fees required by G.S. 88B-20.

3 (b) Any individual seeking licensure as an esthetician who desires to operate broad
4 spectrum light or Class 2 energy-based hair removal devices shall meet additional training
5 requirements pursuant to rules adopted by the Board."

6 **SECTION 4.** This act is effective when it becomes law.