Chapter 86B.

Barber and Electrolysis Practice Act.

Article 1.

The North Carolina Board of Barber and Electrolysis Examiners.

§ 86B-1. North Carolina Board of Barber and Electrolysis Examiners; appointment and qualifications; term of office; removal.

(a) The North Carolina Board of Barber and Electrolysis Examiners is established to consist of nine members appointed as follows:

(1) Five licensed barbers, one of whom shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, one of whom shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and three of whom shall be appointed by the Governor.

(2) Two electrologists who have engaged in the practice of electrolysis for at least five years, one of whom shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives and one of whom shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.

(3) One physician licensed under Article 1 of Chapter 90 of the General Statutes, and who shall be nominated by the North Carolina Medical Board and appointed by the Governor.

(4) One public member who is not licensed under this Chapter or Chapter 90 of the General Statutes who shall be appointed by the Governor.

(b) No member appointed to the Board shall serve more than three complete consecutive three-year terms, except that each member shall serve until the member's successor is appointed and qualifies.

No person who has been employed by the Board and has been removed for just cause shall be appointed within five years of the removal to serve as a Board member.

(c) The Governor may remove any member for good cause shown and may appoint members to fill unexpired terms. (1929, c. 119, s. 6; 1979, c. 695, s. 1; 1981, c. 457, s. 2; 1995 (Reg. Sess., 1996), c. 605, s. 2; 2001-486, s. 2.2; 2004-146, s. 1(a); recodified from N.C. Gen. Stat. 86A-4 by 2022-72, s. 1(b); 2022-72, s. 2.)

§ 86B-2. Powers and duties of the Board.

The Board shall have the powers and duties necessary to carry out and enforce the provisions of this Chapter. The Board may, in accordance with Chapter 150B of the General Statutes, adopt rules necessary to carry out and enforce the provisions of this Chapter. If the Board has reasonable cause to believe that a violation of a provision of this Chapter may have occurred, the Board may investigate, upon its own motion or upon receipt of a complaint from any individual, any licensee or establishment subject to the provisions of this Chapter to determine whether a violation has occurred. (1929, c. 119, ss. 10, 12, 16; 1931, c. 32; 1933, c. 95, s. 2; 1941, c. 375, ss. 5, 7; 1945, c. 830, s. 8; 1947, c. 1024; 1961, c. 577, ss. 2, 3, 5; 1973, c. 1331, s. 3; 1979, c. 695, s. 1; 1981, c. 457, ss. 3, 4; 2004-146, s. 2; recodified from N.C. Gen. Stat. 86A-5 by 2022-72, s. 1(c); 2022-72, s. 2.)

§ 86B-3. Office; seal; officers and executive director; funds.

The Board shall maintain a suitable office in Wake County, and shall adopt and use a common seal for the authentication of its orders and records. The Board shall annually elect its own officers, and in addition, may appoint a full-time executive director who shall not be a member of the Board, and whose salary shall be fixed by the Board. The executive director shall turn over to the State Treasurer to be credited to the North Carolina Board of Barber and Electrolysis Examiners all funds collected or received under this Chapter, the funds to be held and expended under the supervision of the Director of the Budget, exclusively for the enforcement and administration of the provisions of this Chapter. Nothing herein shall be construed to authorize any expenditure in excess of the amount available from time to time in the hands of the State Treasurer derived from fees collected under the provisions of this Chapter and received by the State Treasurer pursuant to the provisions of this section. (1929, c. 119, ss. 7, 14; 1937, c. 138, s. 4; 1941, c. 375, s. 4; 1943, c. 53, s. 1; 1945, c. 830, ss. 2, 4; 1951, c. 821, s. 1; 1957, c. 813, ss. 1, 3; 1965, c. 513; 1971, c. 826, ss. 1, 2; 1973, c. 1398; 1979, c. 695, s. 1; 1981, c. 884, s. 5; 1983, c. 717, s. 15; 1995 (Reg. Sess., 1996), c. 605, s. 3; 2004-146, s. 3; recodified from N.C. Gen. Stat. 86A-6 by 2022-72, s. 1(d); 2022-72, s. 2.)

§ 86B-4. Salary and expenses; employees.

(a) Each member of the North Carolina Board of Barber and Electrolysis Examiners shall be reimbursed for his or her actual expenses and shall receive compensation and travel allowance according to G.S. 93B-5 for the distance traveled in performance of his or her duties. The expenses, compensation and all other salaries and expenses in connection with the administration of this Chapter, shall be paid upon warrant drawn on the State Treasurer, solely from the funds derived from fees collected and received under this Chapter.

(b) The Board shall employ such agents, assistants and attorneys as it deems necessary. (1929, c. 119, s. 8; 1943, c. 53, s. 2; 1945, c. 830, s. 3; 1957, c. 813, s. 2; 1979, c. 695, s. 1; 1981, c. 884, s. 6; 1983, c. 913, s. 8; recodified from N.C. Gen. Stat. 86A-7 by 2022-72, s. 1(e); 2022-72, s. 2.)

§ 86B-5. Board to keep record of proceedings; data on licensees.

The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of licenses issued by the Board. This record shall contain the name, place of business and residence of each licensed barber and licensed apprentice, and the date and number of the license. This record shall be open to public inspection at all reasonable times. (1929, c. 119, s. 22; 1979, c. 695, s. 1; recodified from N.C. Gen. Stat. 86A-21 by 2022-72, s. 1(f); 2022-72, s. 2.)

§ 86B-6. Expenses and fees.

All salaries, compensation, and expenses incurred or allowed for the purpose of carrying out the purposes of this Chapter shall be paid by the Board exclusively out of the fees received by the Board as authorized by this Chapter. No salary, expense, or other obligations of the Board may be charged against the General Fund of the State. Neither the Board nor any of its officers or employees may incur any expense, debt, or other financial obligation binding upon the State. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 2001-176, s. 1; 2007-489, s. 4; recodified from N.C. Gen. Stat. 88A-9(a) by 2022-72, s. 1(g); 2022-72, s. 2.)

§ 86B-7. Disciplinary authority of the Board.

(a) Grounds for disciplinary action shall include all of the following:

(1) Conviction of, or finding of guilt with respect to, a crime in this State or any other jurisdiction, regardless of adjudication, if any element of the crime directly relates to the practice of electrolysis.

(2) Obtaining, or attempting to obtain, a license to practice electrolysis by bribery or by fraudulent misrepresentation.

(3) Malpractice or the inability to practice electrolysis with reasonable skill and safety.

(4) Disseminating false, deceptive, or misleading advertising.

(5) Judicial determination of mental incompetency.

(6) The revocation, suspension, or denial of the person's license or certification to practice electrolysis in any other state or territory of the United States.

(7) A finding, upon investigation by the Board, that the applicant or licensee is guilty of unprofessional conduct. "Unprofessional conduct" includes any act which departs from, or fails to conform to, the minimum standards of acceptable and prevailing electrolysis practice.

(8) Assisting, aiding, abetting, or procuring the practice of a person who is not licensed under this Chapter.

(9) Violation of any provision of this Chapter, or any rule or regulation of the Board.

(b) In accordance with Chapter 150B of the General Statutes, the Board may require remedial education, issue a letter of reprimand, restrict, revoke, or suspend any license or certification issued pursuant to this Chapter or deny any application for licensure or certification if the Board determines that the applicant or licensee has committed any of the acts listed in subsection (a).

(c) The Board may reinstate a revoked license or remove licensure restrictions when it finds that the reasons for revocation or restriction no longer exist and that the person can reasonably be expected to practice electrology safely and properly. (1989 (Reg. Sess., 1990), c. 1033, s. 1; recodified from N.C. Gen. Stat. 88A-21 by 2022-72, s. 1(h); 2022-72, s. 2.)

§ 86B-8. Enjoining illegal practices.

(a) If the Board finds that any person is violating any of the provisions of this Chapter, it may apply in its own name to the superior court for an injunction or restraining order to prevent that person from further violation. The court is empowered to grant an injunction regardless of whether any other enforcement action has been or may be instituted. All actions by the Board shall be governed by the North Carolina Rules of Civil Procedure.

(b) The venue for actions brought under this Chapter shall be the superior court in the county where the illegal or unlawful acts are alleged to have been committed, in the county where the defendant resides, or in the county where the Board maintains its offices and records.

(c) The Department of Health and Human Services, or any county or district health director may apply to the superior court for an injunction to restrain any person from violating the provisions of this Chapter or the Board's rules. Actions under this section shall be brought in the county where the defendant resides or maintains his or her principal place of business or where the alleged acts occurred. (1989 (Reg. Sess., 1990), c. 1033, s. 1; recodified from N.C. Gen. Stat. 86A-20.1, and from N.C. Gen. Stat. 88A-22, by 2022-72, s. 1(i), (j); 2022-72, s. 2.)

§ 86B-9. Reports and immunity from suit.

Any person who has reasonable cause to suspect misconduct or incapacity of a licensee, or who has reasonable cause to suspect that any person is in violation of this Chapter, shall report the relevant facts to the Board. Upon the receipt of such charge, or upon its own initiative, the Board may give notice of an administrative hearing or may, after diligent investigation, dismiss unfounded charges. Any person making a report pursuant to this section shall be immune from any criminal prosecution or civil liability resulting therefrom unless such person knew the report was false or acted in reckless disregard of whether the report was false. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 1995, c. 509, s. 36; recodified from N.C. Gen. Stat. 88A-23 by 2022-72, s. 1(k).)

§ 86B-10. Civil penalties; disciplinary costs.

(a) Authority to Assess Civil Penalties. – The Board may assess a civil penalty not in excess of five hundred dollars ($500.00) per offense for the violation of any section of this Chapter or the violation of any rules adopted by the Board. The clear proceeds of any civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Consideration Factors. – Before imposing and assessing a civil penalty, the Board shall consider the following factors:

(1) The nature, gravity, and persistence of the particular violation.

(2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.

(3) Whether the violation was willful and malicious.

(4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

(c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil penalties for violations of this Chapter and rules adopted by the Board.

(d) Costs. – The Board may in a disciplinary proceeding charge costs, including reasonable attorneys' fees, to the licensee against whom the proceedings were brought. (2004-146, s. 10; recodified from N.C. Gen. Stat. 86A-27 by 2022-72, s. 1(*l*).)

Article 2.

Barbers.

§ 86B-21. Necessity for license and shop or school permit.

No person or combination of persons shall, either directly or indirectly, practice or attempt to practice barbering in the State of North Carolina without first obtaining a license either as a licensed apprentice or as a licensed barber issued pursuant to provisions of this Chapter by the North Carolina Board of Barber and Electrolysis Examiners. No person or combination of persons, or corporation, shall operate, manage or attempt to operate or manage a barber school, barbershop, mobile barbershop, or any other place where barber services are rendered, after July 1, 1945, without first obtaining a shop permit, or school permit, issued by the Board pursuant to the provisions of this Chapter. (1929, c. 119, s. 1; 1941, c. 375, s. 1; 1945, c. 830, s. 1; 1979, c. 695, s. 1; recodified from N.C. Gen. Stat. 86A-1 by 2022-72, s. 1(m); 2022-72, s. 2.)

§ 86B-22. What constitutes practice of barbering.

Any one or combination of the following practices constitutes the practice of barbering in the purview of this Chapter:

(1) Shaving or trimming the beard, or cutting the hair.
(2) Dyeing the hair or applying hair tonics, permanent waving or marcelling the hair.
(3) Giving facial or scalp massages, or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances. (1929, c. 119, s. 2; 1941, c. 375, s. 2; 1979, c. 695, s. 1; recodified from N.C. Gen. Stat. 86A-2 by 2022-72, s. 1(n); 2022-72, s. 2.)

§ 86B-23. Qualifications for certificate as a registered barber.

A license to practice barbering shall be issued by the Board to any person who meets all of the following qualifications:

(1) Has attended an approved barber school for at least 1528 hours.
(2) Has completed a 12-month apprenticeship under the supervision of a licensed barber, as provided in G.S. 86B-40.
(3) Has passed a clinical examination conducted by the Board.
(4) Has submitted to the Board the affidavit required by G.S. 86B-40(c) certifying that the applicant has served the apprenticeship required by subdivision (2). (1929, c. 119, ss. 3, 4, 11; 1941, c. 375, s. 3; 1961, c. 577, s. 1; 1979, c. 695, s. 1; 1981, c. 457, s. 1; 1995 (Reg. Sess., 1996), c. 605, s. 1; recodified from N.C. Gen. Stat. 86A-3 by 2022-72, s. 1(o); 2022-72, s. 2.)

§ 86B-24. Application for examinations; payment of fee.

Each applicant for an examination shall do all of the following:

(1) Make application to the Board on forms prepared and furnished by the Board, and the application shall contain proof of the particular qualifications of the applicant.
(2) Pay to the Board the required fee. (1929, c. 119, s. 9; 1979, c. 695, s. 1; recodified from N.C. Gen. Stat. 86A-8 by 2022-72, s. 1(p); 2022-72, s. 2.)

§ 86B-25. Board to conduct examinations not less than four times each year.

The Board shall conduct examinations of applicants for licensure to practice barbering as licensed barbers and licensed apprentices, not less than four times each year, at such times and places as will prove most convenient and as the Board may determine. The Board may adopt rules establishing procedures for the administration of examinations. (1929, c. 119, s. 10; 1979, c. 695, s. 1; 2004-146, s. 4; recodified from N.C. Gen. Stat. 86A-9 by 2022-72, s. 1(q); 2022-72, s. 2.)

§ 86B-26. Issuance of certificates of registration.

Whenever the provisions of this Chapter have been complied with, the Board shall issue, or have issued, a license as a barber or as an apprentice, as the case may be. (1929, c. 119, s. 11; 1979, c. 695, s. 1; 1981, c. 457, s. 5; recodified from N.C. Gen. Stat. 86A-10 by 2022-72, s. 1(r); 2022-72, s. 2.)

§ 86B-27. Temporary permits.

(a) The Board may grant a temporary permit to work to a graduate of a barber school in North Carolina provided application for examination has been filed and fee paid. The permit is valid only until the date of the next succeeding Board examination of applicants for apprenticeship

licensure except in cases of undue hardship as the Board may determine, unless it is revoked or suspended earlier by the Board. In no event shall a temporary permit be issued or remain valid after the holder has twice failed the apprentice examination required by G.S. 86B-40. The permittee may operate only under the supervision of a licensed barber and may work only at the registered barbershop specified in the permit.

(b) The Board may grant a temporary permit to work to one whose license has been expired for more than five years in North Carolina provided application for examination to restore has been filed and fee paid. The permit is valid only until the date of the next succeeding Board examination of applicants for barber licenses except in cases of undue hardship as the Board may determine, unless it is revoked or suspended earlier by the Board.

(c) The Board may grant a temporary permit to persons licensed in another state who come to North Carolina for the purpose of teaching or demonstrating barber skills. The Board shall also inspect and approve the area where the demonstration is to be given if it is not an already approved shop or school. This permit shall be limited to the specific days of demonstration and shall be of no validity before or after.

(d) The Board may grant a temporary permit to work to persons licensed in another state and seeking permanent licensure in North Carolina under G.S. 86B-28. (1929, c. 119, s. 12; 1941, c. 375, s. 5; 1947, c. 1024; 1961, c. 577, s. 2; 1979, c. 695, s. 1; 1981, c. 457, ss. 6, 7; 1995 (Reg. Sess., 1996), c. 605, s. 4; recodified from N.C. Gen. Stat. 86A-11 by 2022-72, s. 1(s); 2022-72, s. 2.)

§ 86B-28. Applicants licensed in other states.

(a) The Board shall issue, without examination, a license to applicants already licensed in another state provided the applicant presents evidence satisfactory to the Board that the following requirements are met:

(1) The applicant is currently an active, competent practitioner in good standing.
(2) The applicant has practiced at least one out of the five years immediately preceding his application.
(3) The applicant currently holds a valid license in another state.
(4) There is no disciplinary proceeding or unresolved complaint pending against the applicant at the time a license is to be issued by this State.
(5) The licensure requirements in the other state are the substantive equivalent of those required by this State.

(b) The requirements in subdivisions (1) or (5), or both, of subsection (a) of this section may be waived by the Board provided that the applicant presents evidence satisfactory to the Board that the applicant meets all of the following:

(1) Has met the licensure requirements of the state in which he or she received his or her license.
(2) Has at least five years practical experience.
(3) Demonstrates his or her knowledge of barbering skills and of the sanitary regulations in North Carolina by passing a practical, written or oral examination.

(c) Any license granted pursuant to this section is subject to the same duties and obligations and entitled to the same rights and privileges as a license issued under G.S. 86B-23. (1929, c. 119, s. 12; 1941, c. 375, s. 5; 1947, c. 1024; 1961, c. 577, s. 2; 1979, c. 695, s. 1; 1981, c. 457, s. 8; 1987, c. 210; recodified from N.C. Gen. Stat. 86A-12 by 2022-72, s. 1(t); 2022-72, s. 2.)

§ 86B-29. Barbershop, mobile barbershop, and barber school permits.

(a) Any person, firm or corporation, before establishing or opening a barbershop, mobile barbershop, or barber school not licensed by the State or the Board shall make application to the Board on forms to be furnished by the Board, for a permit to operate a barbershop, mobile barbershop, or barber school. The barbershop, mobile barbershop, or barber school of the applicant shall be inspected and approved by the Board or an agent designated for that purpose by the Board, before the barbershop, mobile barbershop, or barber school may open for business. It is unlawful to open a new or reopened barbershop, mobile barbershop, or barber school until that barbershop, mobile barbershop, or barber school has been inspected and determined by the Board to be in compliance with the requirements of this Chapter. Upon compliance by the applicant with all requirements set forth in G.S. 86B-31 and the payment of the prescribed fee the Board shall issue to the applicant the permit applied for. Notwithstanding any other provision of this Chapter, no person, firm, or corporation shall be issued a permit to operate a barbershop or mobile barbershop in a location registered as a barber school, nor shall any person, firm, or corporation be issued a permit to operate a barber school in a location registered as a barbershop or mobile barbershop.

(b) The owners of every barbershop, mobile barbershop, and barber school that possesses a permit in accordance with this Chapter shall annually, on or before May 31 of each year, renew the barbershop's, mobile barbershop's, or barber school's permit and pay the required renewal fee. Every permit for any barbershop, mobile barbershop, or barber school shall expire on the 31st day of May in each year. Any permit issued under this Chapter shall be suspended automatically by operation of law after failure to renew the permit by the expiration date. The owner of any barbershop, mobile barbershop, or barber school whose permit has expired may, after the barbershop, mobile barbershop, or barber school has been inspected as required in subsection (a) of this section, have the permit restored immediately upon paying all lapsed renewal fees and the required late fee. (1929, c. 119, ss. 1, 16; 1931, c. 32; 1933, c. 95, s. 2; 1941, c. 375, ss. 1, 7; 1945, c. 830, ss. 1, 8; 1961, c. 577, ss. 3, 5; 1973, c. 1331, s. 3; 1979, c. 695, s. 1; 1995 (Reg. Sess., 1996), c. 605, s. 5; recodified from N.C. Gen. Stat. 86A-13 by 2022-72, s. 1(u); 2022-72, s. 2.)

§ 86B-30. Mobile barbershops.

(a) A motor home as defined in Article 1 of Chapter 20 of the General Statutes may be used as a mobile barbershop for the practice of barbering.

(b) The Board shall issue a permit to operate a mobile barbershop to any applicant who submits a properly completed application on a form approved by the Board, pays the required fee, and is determined after inspection to be in compliance with the provisions of this Chapter and the Board's rules.

(c) The Board shall adopt rules for the operation, permitting, and inspection of mobile barbershops, including standards for facilities, personnel, and safety and sanitary requirements. All permitting and operating requirements provided by this Chapter or by rules adopted by the Board pursuant to this Chapter that apply to barbershops shall also apply to mobile barbershops, except to the extent that the requirements conflict with this section or with any rules adopted by the Board pursuant to this section.

(d) In addition to the requirements of this Chapter, individuals and the vehicles they operate while providing mobile barbershop services shall be subject to the provisions of (i) Chapter 20 of the General Statutes, (ii) Title 19A of the North Carolina Administrative Code, (iii) all

applicable OSHA requirements, and (iv) all local laws and ordinances regulating business establishments.

(e) A mobile barbershop must be equipped with a functional sink and toilet facilities and must maintain an adequate supply of clean water and wastewater storage capacity.

(f) No barbering or service may be performed in a mobile barbershop while the barbershop is moving. The mobile barbershop must be safely parked in a legal parking spot at all times while patrons are present inside the mobile barbershop.

(g) A mobile barbershop owner must maintain a permanent business address at which records of appointments, itineraries, license numbers, and vehicle identification numbers for each mobile barbershop being operated shall be kept and made available for verification and inspection by the Board and at which all correspondence from the Board can be received.

(h) To facilitate periodic inspections of mobile barbershops, prior to the beginning of each month, the owner of the barbershop shall provide to the Board a written monthly itinerary listing locations, dates, and hours of operation for the barbershop. (2022-72, s. 2.)

§ 86B-31. Sanitary rules and regulations; inspections.

(a) Each barber and each owner or manager of a barbershop, mobile barbershop, barber school or college, or any other place where barber service is rendered, shall comply with the following sanitary rules and regulations:

(1) Proper quarters. –

a. Every barbershop, or other place where barber service is rendered, shall be located in buildings, mobile units, or rooms of such construction that they may be easily cleaned, well lighted, well ventilated and kept in an orderly and sanitary condition.

b. Each area where barber service is rendered or where a combination of barber service and cosmetology service is rendered shall be separated by a substantial partition or wall from areas used for purposes other than barber services, cosmetology services, or shoe shining services.

c. Walls, floor and fixtures where barber service is rendered are to be kept sanitary.

d. Running water, hot and cold, shall be provided, and sinks shall be located at a convenient place in each barbershop so that barbers may wash their hands after each haircut. Tanks and lavatories shall be of such construction that they may be easily cleaned. The Board shall adopt rules regarding the disposal of wastewater in a barbershop or mobile barbershop.

e. Every barbershop or other place where barber service is rendered, and every building or structure used as a part of a barber school, shall comply with applicable building and fire codes and regulations.

f. If a mobile barbershop, all applicable requirements in accordance with G.S. 86B-30.

(2) Equipment and instruments. –

a. Each person serving as a barber shall, immediately before using razors, tweezers, combs, contact cup or pad, sterilize the instruments by immersing them in a product or solution that the Board may approve. Every owner or manager of a barbershop shall supply a separate

container for the use of each barber, adequate to provide for a sufficient supply of the above solutions.

b. Each barber shall maintain combs and hair brushes in a clean and sanitary condition at all times and shall thoroughly clean mug and lather brush before each separate use.

c. The headrest of every barber chair shall be protected with clean paper or a clean laundered towel. Each barber chair shall be covered with a smooth nonporous surface, such as vinyl or leather, that is cleaned easily.

d. Every person serving as a barber shall use a clean towel for each patron. All clean towels shall be placed in closed cabinets until used. Receptacles composed of material that can be washed and cleansed shall be provided to receive used towels, and all used towels must be placed in receptacles until laundered. Towels shall not be placed in a sterilizer or tank or rinsed in the barbershop. All wet and used towels shall be removed from the workstand or lavatory after serving each patron.

e. Whenever a hair cloth is used in cutting the hair, shampooing, etc., a newly laundered towel or paper neckstrap shall be placed around the patron's neck so as to prevent the hair cloth from touching the skin. Hair cloths shall be replaced when soiled.

(3) Barbers. –

a. Every person serving as a barber shall thoroughly cleanse his or her hands immediately before serving each patron.

b. Each person working as a barber shall be clean both as to person and dress.

c. No barber shall serve any person who has an infectious or communicable disease, and no barber shall undertake to treat any patron's infectious or contagious disease.

(4) Any person, other than a licensed barber, shall before undertaking to give shampoos in a barbershop furnish the Board with a health certificate on a form provided by the Board.

(5) The owner or manager of a barbershop, mobile barbershop, or any other place where barber service is rendered shall post a copy of these rules and regulations in a conspicuous place in the shop or other place where the services are rendered.

(b) All barbershops, mobile barbershops, barber schools and colleges, and any other place where barber service is rendered, shall be open for inspection at all times during business hours to any members of the Board or its agents or assistants. Initial inspections conducted by the Board pursuant to this Chapter shall not be delayed if the sole reason for delay is the lack of a certificate of occupancy by a unit of local government. A copy of the sanitary rules and regulations set out in this section shall be furnished by the Board to the owner or manager of each barbershop, mobile barbershop, or barber school, or any other place where barber service is rendered in the State, and that copy shall be posted in a conspicuous place in each barbershop, mobile barbershop, or barber school. The Board shall have the right to make additional rules and regulations governing barbers and barbershops, mobile barbershops, and barber schools for the proper administration and

enforcement of this section, but no such additional rules or regulations shall be in effect until those rules and regulations have been furnished to each barbershop within the State.

(c) Notwithstanding any other provision of law, a licensed barber may practice barbering in a client's home out of medical necessity without meeting the requirements of subsection (b) of this section. The Board shall adopt rules to allow this exception. (1929, c. 119, s. 16; 1931, c. 32; 1933, c. 95, s. 2; 1941, c. 375, s. 7; 1961, c. 577, s. 3; 1979, c. 695, s. 1; 1995 (Reg. Sess., 1996), c. 605, s. 7; 2009-471, s. 1; 2014-115, s. 39.7; recodified from N.C. Gen. Stat. 86A-15 by 2022-72, s. 1(v); 2022-72, s. 2.)

§ 86B-32. Persons exempt from the provisions of this Article.

The following persons are exempt from the provisions of this Article while engaged in the proper discharge of their duties:

(1) Persons authorized under the laws of the State to practice medicine and surgery, and those working under their supervision.

(2) Commissioned medical or surgical officers of the United States Army or other components of the Armed Forces of the United States, and those working under their supervision.

(3) Registered nurses and licensed practical nurses and those working under their supervision.

(4) Licensed embalmers and funeral directors and those working under their supervision.

(5) Persons who are working in licensed cosmetic shops or beauty schools and are licensed by the State Board of Cosmetic Art Examiners pursuant to Chapter 88B of the General Statutes.

(6) Persons who are working in barbershops and are licensed by the State Board of Cosmetic Art Examiners pursuant to Chapter 88B of the General Statutes, provided that those persons shall comply with G.S. 86B-31.

(7) Inmates under the jurisdiction of the North Carolina Department of Adult Correction. (1929, c. 119, s. 15; 1937, c. 138, s. 2; 1941, c. 375, s. 6; 1979, c. 695, s. 1; 1995 (Reg. Sess., 1996), c. 605, s. 6; 1998-230, s. 2.2; 2011-183, s. 51; 2022-58, s. 6(a), (b); recodified from N.C. Gen. Stat. 86A-14 by 2022-72, s. 1(w); 2022-72, s. 2.)

§ 86B-33. Licensure to be displayed.

Every holder of a barber license, apprentice license, barbershop permit, mobile barbershop permit, barber school permit, instructor's certificate, or temporary permit issued pursuant to G.S. 86B-27 shall display it in a conspicuous place adjacent to or near the person's work chair. (1929, c. 119, s. 17; 1979, c. 695, s. 1; 1995 (Reg. Sess., 1996), c. 605, s. 8; recodified from N.C. Gen. Stat. 86A-16 by 2022-72, s. 1(x); 2022-72, s. 2.)

§ 86B-34. Renewal or restoration of license.

(a) Licensed barbers who continue in practice shall annually, on or before May 31 of each year, renew their licenses and furnish such health certificate as the Board may require and pay the required renewal fee. Every license shall expire on the 31st day of May in each year. Any license issued under this Article is automatically suspended by operation of law after failure to renew the license by the expiration date.

(b) A licensed barber whose license has expired may have the license restored immediately upon paying all lapsed renewal fees and the required late fee and furnishing a health certificate if required by the Board. Where a barber's license has expired for a period greater than six months, the Board may impose civil penalties pursuant to G.S. 86B-10. A licensed barber whose license has expired for a period of five years shall be required to take the clinical examination prescribed by the Board and otherwise comply with the provisions of this Chapter before engaging in the practice of barbering. No licensed barber who is reissued a license under this subsection shall be required to serve an apprenticeship as a prerequisite to reissuance of the license.

(c) All persons serving in the Armed Forces of the United States and persons whose licenses as a licensed barber were in force one year prior to entering service may, without taking the required examination, renew their licenses within 90 days after receiving an honorable discharge, by paying the current annual license fee and furnishing the Board with a satisfactory health certificate if required by the Board. (1929, c. 119, s. 18; 1937, c. 138, s. 5; 1945, c. 830, s. 5; 1973, c. 605; 1979, c. 695, s. 1; 1981, c. 457, s. 11; 1995 (Reg. Sess., 1996), c. 605, s. 9; 2004-146, s. 5; 2011-183, s. 52; recodified from N.C. Gen. Stat. 86A-17 by 2022-72, s. 1(y); 2022-72, s. 2.)

§ 86B-35. Disqualifications for license.

The Board may either refuse to issue or to renew, or may suspend or revoke any license, barbershop permit, or barber school permit issued under this Article for any one or combination of the following causes:

(1) Conviction of the applicant or licensee of a felony proved by certified copy of the record of the court conviction.
(2) Gross malpractice or gross incompetence.
(3) Continued practice by a person knowingly having an infectious or contagious disease after being warned in writing by the Board to cease practice.
(4) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs.
(5) The commission of any of the offenses described in subdivisions (3), (5), and (6) of G.S. 86B-37.
(6) The violation of any one or more of the sanitary rules and regulations established by statute or rule or regulation of the Board, provided that the Board has previously given two written warnings to the individual committing the violation.
(7) The violation of the rules and regulations pertaining to barber schools, provided that the Board has previously given two written warnings to the barber school. (1929, c. 119, s. 19; 1941, c. 375, s. 8; 1945, c. 830, s. 6; 1961, c. 477, s. 4; 1979, c. 695, s. 1; 1981, c. 457, s. 9; recodified from N.C. Gen. Stat. 86A-18 by 2022-72, s. 1(z); 2022-72, s. 2.)

§ 86B-36. Refusal, revocation or suspension of licenses or permits.

The Board may neither refuse to issue nor refuse to renew, or suspend or revoke any license, barbershop permit, or barber school permit, for any of the causes as provided in G.S. 86B-35, except in accordance with the provisions of Chapter 150B of the General Statutes. (1929, c. 119, s. 20; 1939, c. 218, s. 1; 1945, c. 830, s. 7; 1953, c. 1041, s. 2; 1973, c. 1331, s. 3; 1979, c. 695, s. 1; 1987, c. 827, s. 1; recodified from N.C. Gen. Stat. 86A-19 by 2022-72, s. 1(aa); 2022-72, s. 2.)

§ 86B-37. Misdemeanors.

Each of the following acts constitutes a Class 3 misdemeanor:

(1) Violation of any of the provisions of G.S. 86B-21.

(2) Obtaining or attempting to obtain a certificate of registration for money other than the required fee or any other thing of value, or by fraudulent misrepresentations.

(3) Practicing or attempting to practice by fraudulent misrepresentations.

(4) Willful failure to display a license as required by G.S. 86B-33.

(5) Practicing or attempting to practice barbering during the period of suspension or revocation of any license granted under this Chapter. Each day's operation during a period of suspension or revocation shall be deemed a separate offense.

(6) Permitting any person in one's employ, supervision or control to practice as a barber unless that person holds a license as a licensed barber or licensed apprentice. (1929, c. 119, s. 21; 1933, c. 95, s. 1; 1937, c. 138, s. 6; 1941, c. 375, ss. 9, 10; 1951, c. 821, s. 2; 1971, c. 819; 1979, c. 695, s. 1; 1981, c. 457, s. 10; 1993, c. 539, s. 601; 1994, Ex. Sess., c. 24, s. 14(c); recodified from N.C. Gen. Stat. 86A-20 by 2022-72, s. 1(bb); 2022-72, s. 2.)

§ 86B-38. Licensing and regulating barber schools and colleges.

The Board may approve barber schools or colleges in the State, and may prescribe rules and regulations for their operation. The Board shall adopt rules establishing criteria for barber schools and colleges to maintain their accreditation. No barber school or college shall be approved by the Board unless the school or college meets all of the following requirements:

(1) Each school shall provide a course of instruction of at least 1528 hours.

(2) Each school shall employ at least one instructor for the first 20 enrolled students and employ at least one additional instructor for every additional 20 enrolled students. No school, whether for profit or nonprofit, shall provide practical training and theoretical training simultaneously unless at least two instructors are present, or unless the theoretical training is offered online.

(3) An application for a student's permit, on a form prescribed by the Board, must be filed with the Board before the student enters school. No student may enroll without having obtained a student's permit.

(4) Each student enrolled shall be given a complete course of instruction on the following subjects: hair cutting; shaving; shampooing, and the application of creams and lotions; care and preparation of tools and implements; scientific massaging and manipulating the muscles of the scalp, face, and neck; sanitation and hygiene; shedding and regrowth of hair; elementary chemistry relating to sterilization and antiseptics; instruction on common skin and scalp diseases to the extent that they may be recognized; pharmacology as it relates to preparations commonly used in barbershops; instruction in the use of electrical appliances and the effects of the use of these on the human skin; structure of the skin and hair; nerve points of the face; the application of hair dyes and bleaches; permanent waving; marcelling or hair pressing; frosting and streaking; and the statutes and regulations relating to the practice of barbering in North Carolina. The Board shall specify the minimum number of hours of instruction for each subject required by this subsection.

(5) Each school shall file an up-to-date list of its students with the Board at least once a month. If a student withdraws or transfers, the school shall file a report with the Board stating the courses and hours completed by the withdrawing or transferring student. The school shall also file with the Board a list of students who have completed the amount of work necessary to meet the licensing requirements.

(6) Each school shall comply with the sanitary requirements of G.S. 86B-31.

(7)a. Each school shall provide a guaranty bond unless the school has already provided a bond or an alternative to a bond under G.S. 115D-95.

The Board may revoke the approval of a school that fails to maintain a bond or an alternative to a bond pursuant to this subdivision or G.S. 115D-95.

b. When application is made for approval or renewal of approval, the applicant shall file a guaranty bond with the clerk of the superior court of the county in which the school will be located. The bond shall be in favor of the students. The bond shall be executed by the applicant as principal and by a bonding company authorized to do business in this State. The bond shall be conditioned to provide indemnification to any student, or his parent or guardian, who has suffered a loss of tuition or any fees by reason of the failure of the school to offer or complete student instruction, academic services, or other goods and services related to course enrollment for any reason, including the suspension, revocation, or nonrenewal of a school's approval, bankruptcy, foreclosure, or the school ceasing to operate.

The bond shall be in an amount determined by the Board to be adequate to provide indemnification to any student, or his parent or guardian, under the terms of the bond. The bond amount for a school shall be at least equal to the maximum amount of prepaid tuition held at any time during the last fiscal year by the school. The bond amount shall also be at least ten thousand dollars ($10,000).

Each application for approval shall include a letter signed by an authorized representative of the school showing in detail the calculations made and the method of computing the amount of the bond pursuant to this subpart and the rules of the Board. If the Board finds that the calculations made and the method of computing the amount of the bond are inaccurate or that the amount of the bond is otherwise inadequate to provide indemnification under the terms of the bond, the Board may require the applicant to provide an additional bond.

The bond shall remain in force and effect until cancelled by the guarantor. The guarantor may cancel the bond upon 30 days notice to the Board. Cancellation of the bond shall not affect any liability incurred or accrued prior to the termination of the notice period.

c. An applicant that is unable to secure a bond may seek a waiver of the guaranty bond from the Board and approval of one of the guaranty bond alternatives set forth in this subpart. With the approval of the Board, an

applicant may file with the clerk of the superior court of the county in which the school will be located, in lieu of a bond:

1. An assignment of a savings account in an amount equal to the bond required (i) that is in a form acceptable to the Board; (ii) that is executed by the applicant; (iii) that is executed by a federally insured depository institution or a trust institution authorized to do business in this State; and (iv) for which access to the account in favor of the State of North Carolina is subject to the same conditions as for a bond in subpart b. above.
2. A certificate of deposit (i) that is executed by a federally insured depository institution or a trust institution authorized to do business in this State (ii) that is either payable to the State of North Carolina, unrestrictively endorsed to the Board; in the case of a negotiable certificate of deposit, is unrestrictively endorsed to the Board; or in the case of a nonnegotiable certificate of deposit, is assigned to the Board in a form satisfactory to the Board; and (iii) for which access to the certificate of deposit in favor of the State of North Carolina is subject to the same conditions as for a bond in subpart b. above. (1945, c. 830, s. 8; 1961, c. 577, s. 5; 1973, c. 1331, s. 3; 1979, c. 695, s. 1; 1981, c. 457, s. 12; 1989 (Reg. Sess., 1990), c. 824, s. 3; 1995, c. 397, s. 1; 1995 (Reg. Sess., 1996), c. 605, ss. 10, 11; 2004-146, s. 7; 2017-25, s. 1(f); recodified from N.C. Gen. Stat. 86A-22 by 2022-72, s. 1(cc); 2022-72, s. 2.)

§ 86B-39. Instructors.

(a) The Board shall issue an instructor's license to any currently licensed barber who has passed an instructor's examination given by the Board. This examination shall cover the subjects listed in G.S. 86B-38(4) and in the Textbook of Barber Styling approved by the Board.

(b) A person desiring to take an instructor's examination must make application to the Board for examination on forms to be furnished by the Board and pay the instructor's examination fee. Each person who passes the instructor's examination shall be issued a license as an instructor by paying the issuance fee. Every instructor's license shall expire on May 31 of each year. Any instructor's license issued under this Chapter is automatically suspended by operation of law after failure to renew the instructor's license by the expiration date and may be renewed only upon payment of all lapsed renewal fees and the required late fee. Any person whose instructor's license has expired for a period of three years or more shall be required to take and pass the instructor's examination before the license can be renewed. (1945, c. 830, s. 8; 1961, c. 577, s. 5; 1973, c. 1331, s. 3; 1979, c. 695, s. 1; 1981, c. 457, s. 13; 1995 (Reg. Sess., 1996), c. 605, s. 12; recodified from N.C. Gen. Stat. 86A-23 by 2022-72, s. 1(dd); 2022-72, s. 2.)

§ 86B-40. Apprenticeship.

(a) Before being issued an apprentice license, an applicant must pass an examination conducted by the Board to determine his or her competence, including his or her knowledge of barbering, sanitary rules and regulations, and knowledge of diseases of the face, skin and scalp.

(b) An apprentice license expires on May 31 of each year. Every holder of an apprentice license shall annually renew the apprentice license by the expiration date and pay the required renewal fee. An apprentice license issued under this Chapter is automatically suspended by operation of law after failure to renew the apprentice license by the expiration date. An apprentice whose apprentice license has expired may have the license restored immediately upon paying all lapsed renewal fees and the required late fee. The license of an apprentice is valid only so long as the apprentice works under the supervision of a licensed barber. The licensed barber shall remain present on the premises of the barbershop at all times while the apprentice is working. No apprentice shall operate a barbershop.

(c) On completion of at least one year's apprenticeship, evidenced by affidavit of the supervising licensed barber or barbers, and upon meeting the other requirements of G.S. 86B-23, the apprentice shall be issued a license as a barber, pursuant to G.S. 86B-26. No licensed apprentice may practice for a period exceeding three years without retaking and passing the required examination to receive a license as an apprentice. (1929, c. 119, ss. 4, 5; 1941, c. 375, s. 3; 1975, c. 68, ss. 1, 2; 1979, c. 695, s. 1; 1981, c. 457, s. 14; 1995 (Reg. Sess., 1996), c. 605, s. 13; 2004-146, s. 8; recodified from N.C. Gen. Stat. 86A-24 by 2022-72, s. 1(ee); 2022-72, s. 2.)

§ 86B-41. Fees collectible by Board.

The Board shall charge fees not to exceed the following:

License or renewal as a barber	$ 50.00
License or renewal as an apprentice barber	50.00
Barbershop permit or renewal	50.00
Mobile barbershop permit or renewal	50.00
Examination to become a registered barber	85.00
Examination to become a licensed apprentice barber	85.00
Late fee for restoration of an expired barber license within first year after expiration	35.00
Late fee for restoration of an expired barber license after first year after expiration but within five years after expiration	70.00
Late fee for restoration of an expired apprentice license within first year after expiration	35.00
Late fee for restoration of an expired apprentice license after first year after expiration but within three years of first issuance of the license	45.00
Late fee for restoration of an expired barbershop permit	45.00
Late fee for restoration of an expired mobile barbershop permit	45.00
Examination to become a barber school instructor	165.00
Student permit	25.00
Issuance of any duplicate copy of a license, certificate, or permit	10.00
Barber school permit or renewal	130.00
Late fee for restoration of an expired barber school permit	85.00
Barber school instructor license or renewal	85.00
Late fee for restoration of an expired barber school instructor license within first year after expiration	45.00
Late fee for restoration of an expired barber school instructor license after first year after expiration but within three years	

after expiration	85.00
Inspection of newly established barbershop	120.00
Inspection of newly established mobile barbershop	120.00
Inspection of newly established barber school	220.00
Issuance of a licensed barber or apprentice license by certification	120.00
Barbers 70 years and older license or renewal	No charge
Reasonable charges for certified copies of public documents	
Reasonable charges for duplication services and material.	

(1929, c. 119, s. 14; 1937, c. 138, s. 4; 1945, c. 830, ss. 4, 8; 1951, c. 821, s. 1; 1957, c. 813, s. 3; 1961, c. 577, s. 5; 1965, c. 513; 1971, c. 826, ss. 1, 2; 1973, c. 1331, s. 3; c. 1398; 1979, c. 695, s. 1; 1981, c. 753; 1989 (Reg. Sess., 1990), c. 1029, s. 1; 1995 (Reg. Sess., 1996), c. 605, s. 14; 2004-146, s. 11; recodified from N.C. Gen. Stat. 86A-25 by 2022-72, s. 1(ff); 2022-72, s. 2.)

§ 86B-42. Barbering among members of same family.

This Chapter shall not prohibit a member of a family from practicing barbering on a member of his or her family. For purposes of this section, "a member of his or her family" means a spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild. (1941, c. 375, s. 12; 1979, c. 695, s. 1; 2004-146, s. 9; recodified from N.C. Gen. Stat. 86A-26 by 2022-72, s. 1(gg).)

Article 3.

Electrolysis.

§ 86B-50. Purpose.

The purpose of this Article is to ensure minimum standards of competency, to protect the public from misrepresentation of status by persons who hold themselves out to be "licensed electrologists" or "licensed laser hair practitioners" and to provide the public with safe care by the mandatory licensing of electrologists and laser hair practitioners. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 2007-489, s. 1; recodified from N.C. Gen. Stat. 88A-2 by 2022-72, s. 1(ii); 2022-72, s. 2.)

§ 86B-51. Definitions.

As used in this Chapter, unless the context requires otherwise:

(1) Board. – The North Carolina Board of Barbers and Electrolysis Examiners.

(2) Electrologist or electrolocist. – A person who engages in the practice of electrolysis for permanent hair removal.

(3) Electrology. – The art and practice relating to the removal of hair from the normal skin of the human body by application of an electric current to the hair papilla by means of a needle or needles so as to cause growth inactivity of the hair papilla and thus permanently remove the hair.

(4) Electrolysis. – The permanent removal of hair by the application of an electrical current to the dermal papilla by a filament to cause decomposition, coagulation, or dehydration within the hair follicle as approved by the Food and Drug Administration of the United States Government.

(5) Laser hair practitioner. – A person who engages in laser, light source, or pulsed-light treatments for the removal of hair.

(6) Laser, light source, or pulsed-light devices. – A device used exclusively in the nonablative procedure for the removal of hair.

(7) Laser, light source, or pulsed-light treatments. – The use of laser or pulsed-light devices for nonablative procedures for the removal of hair. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 2007-489, s. 2; recodified from N.C. Gen. Stat. 88A-3 by 2022-72, s. 1(jj); 2022-72, s. 2.)

§ 86B-52. Unlawful practice.

(a) It shall be unlawful to engage in the practice of electrolysis or laser, light source, or pulsed-light treatments in this State without a license.

(b) Any person practicing electrology or laser, light source, or pulsed-light treatments for the purpose of hair removal or hair reduction in this State without being licensed by the Board shall be guilty of a Class I felony and may be assessed a civil penalty of up to five thousand dollars ($5,000) for each offense. Any other violation of this Article shall be a Class 2 misdemeanor. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 1991 (Reg. Sess., 1992), c. 1003, s. 2; 1993, c. 530, s. 3; c. 539, s. 609; 1994, Ex. Sess., c. 24, s. 14(c); 2007-489, s. 3; recodified from N.C. Gen. Stat. 88A-4 by 2022-72, s. 1(kk); 2022-72, s. 2.)

§ 86B-53. Requirements for licensure as an electrologist.

(a) Any person who desires to be licensed as an "electrologist" pursuant to this Chapter shall:

(1) Submit an application on a form approved by the Board.

(2) Be a resident of North Carolina.

(3) Be 21 years of age or older.

(4) Meet the requirements of subsection (b) of this section.

(5) Pass an examination given by the Board.

(6) Submit the application and examination fees required in G.S. 86B-70.

(b) An applicant for licensure under this section shall provide one of the following:

(1) Proof of graduation from a school certified by the Board pursuant to G.S. 86B-67.

(2) Proof satisfactory to the Board that, for at least one year prior to the date of application or the date of initial residence in this State, whichever is earlier, the applicant was engaged in the practice of electrology in a state that does not license electrologists.

Subdivision (2) of this subsection applies only to applicants whose residence in this State began on or after January 31, 1994, who do not meet the qualifications of subdivision (1) of this subsection or G.S. 86B-57.

(c) At least twice each year, the Board shall give an examination to applicants for licensure to determine the applicants' knowledge of the basic and clinical sciences relating to the theory and practice of electrology. The Board shall give applicants notice of the date, time, and place of the examination at least 60 days in advance.

(d) When the Board determines that an applicant has met all the requirements for licensure, and has submitted the initial license fee required in G.S. 86B-70, the Board shall issue a license to the applicant.

(e) An applicant otherwise qualified for licensure who is not a resident of this State may nevertheless submit a statement of intent to begin practicing electrology in this State and receive a

license. The applicant must provide to the Board within six months of receiving a license evidence satisfactory to the Board that the applicant has actually begun to practice electrology in this State. The Board may revoke the license of an applicant who fails to submit this proof or whose proof fails to satisfy the Board. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 1993 (Reg. Sess., 1994), c. 755, s. 1; 2001-176, s. 2; 2007-489, s. 5; recodified from N.C. Gen. Stat. 88A-10 by 2022-72, s. 1(pp); 2022-72, s. 2.)

§ 86B-54. Temporary license.

The Board may issue a temporary license to practice electrology to an applicant who meets the requirements of G.S. 86B-53(a)(1)-(4). A temporary license may not be valid for more than six months and may be renewed not more than once. The Board may by rule provide for a shorter duration and may prohibit any renewal of a temporary license. The Board shall adopt rules setting the criteria for any renewals. The Board may by rule require that holders of a temporary license practice under supervision and may specify criteria for supervision in its rules, including the setting, amounts of supervision, and qualifications of supervisors. (1993 (Reg. Sess., 1994), c. 755, s. 2; recodified from N.C. Gen. Stat. 88A-10.1 by 2022-72, s. 1(qq); 2022-72, s. 2.)

§ 86B-55. Licensure without examination.

The Board may issue a license to practice electrology, without examination, to an applicant who is certified or licensed in good standing to practice electrolysis in another state, provided that the other state's educational hours of instruction are equal to or greater than the hours required in this State. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 1991 (Reg. Sess., 1992), c. 1003, s. 1; 1993, c. 530, s. 4; recodified from N.C. Gen. Stat. 88A-11 by 2022-72, s. 1(rr); 2022-72, s. 2.)

§ 86B-56. Requirements for licensure as a laser hair practitioner; limitations on licensed laser hair practitioners.

(a) Any person seeking licensure by the Board as a laser hair practitioner shall have met the following requirements at the time the license is requested:

(1) Be an electrologist licensed under this Chapter.

(2) Completed a minimum 30-hour laser, light source, or pulsed-light treatment certification course approved by the Board and in accordance with rules adopted by the Board.

(3) Be currently using or anticipate using laser, light source, or pulsed-light devices that the person has been certified by a Board-approved school to operate.

(b) When the Board determines that an applicant has met all the requirements for licensure, and has submitted the initial license fee required in G.S. 86B-70, the Board shall issue a license to the applicant.

(c) Each laser hair practitioner shall practice laser, light source, or pulsed-light treatments under the supervision of a physician licensed under Article 1 of Chapter 90 of the General Statutes. The physician shall be readily available, but not required to be on site when the laser, light source, or pulsed-light treatments are being performed. However, the authority to regulate laser clinicians shall remain with the Board.

(d) A laser hair practitioner shall not dispense or administer medication or provide advice regarding the use of medication, whether prescription or over-the-counter, in connection with laser, light source, or pulsed-light treatments.

(e) All laser hair practitioners shall use laser, light source, or pulsed-light devices approved by the federal Food and Drug Administration and comply with all applicable federal and State regulations, rules, and laws. Any licensed laser hair practitioner violating this subsection shall have his or her license revoked by the Board.

(f) Only a licensed physician may use laser, light source, or pulsed-light devices for ablative procedures. (2007-489, s. 6; recodified from N.C. Gen. Stat. 88A-11.1 by 2022-72, s. 1(ss); 2022-72, s. 2.)

§ 86B-57. License renewal.

(a) Every electrologist license or laser hair practitioner license issued pursuant to this Chapter must be renewed annually. On or before the date the current license expires, a person who desires to continue to practice electrology or as a laser hair practitioner shall apply for license renewal to the Board on forms approved by the Board, provide evidence of the successful completion of a continuing educational program approved by the Board, meet the criteria for renewal established by the Board, and pay the required fee. The Board may provide for the late renewal of licensure upon payment of a late fee as set by the Board, but late renewal may not be granted more than 90 days after expiration of the license.

(b) Any person who has failed to renew his or her license for more than 90 days after expiration may have it reinstated by applying to the Board for reinstatement on a form approved by the Board, furnishing a statement of the reason for failure to apply for renewal prior to the deadline, and paying the required fee. The Board may require evidence of competency to resume practice before reinstating the applicant's license. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 1993 (Reg. Sess., 1994), c. 755, s. 3; 2007-489, s. 7; recodified from N.C. Gen. Stat. 88A-12 by 2022-72, s. 1(tt).)

§ 86B-58. Continuing education.

(a) The Board shall determine the number of hours and subject matter of continuing education required as a condition of license renewal. The Board may offer continuing education to the licensees under this act.

(b) Upon request, the Board may grant approval to a continuing education program or course upon finding that the program or course offers an educational experience designed to enhance the practice of electrology.

(c) The Board shall maintain and distribute, as appropriate, records of the educational course work successfully completed by each licensee, including the subject matter and the number of hours of each course.

(d) Laser hair practitioners are required to complete a minimum of 10 hours of continuing education annually to maintain their licenses pursuant to rules adopted by the Board. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 2007-489, s. 8; recodified from N.C. Gen. Stat. 88A-13 by 2022-72, s. 1(uu).)

§ 86B-59. Inactive list.

Upon request by a licensee for inactive status, the Board shall place the licensee's name on the inactive list. While on the inactive list, the person shall not be subjected to renewal requirements and shall not practice electrology in North Carolina. When that person desires to be removed from the inactive list and returned to an active list, a reactivation application shall be submitted to the Board on a form furnished by the Board and the fee shall be paid for license reactivation. The Board may require evidence of competency to resume practice before returning the applicant to the

active status. Any person whose license has lapsed or expired for a period of five years or more shall be required to take and pass the examination for licensure before the license can be reactivated. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 2001-176, s. 3; recodified from N.C. Gen. Stat. 88A-14 by 2022-72, s. 1(vv).)

§ 86B-60. Exemptions from licensure.

The following individuals shall be permitted to practice electrology without a license:

(1) Any physician licensed in accordance with Article 1 and Article 11 of Chapter 90 of the General Statutes.

(2) A student at an approved school of electrology when electrolysis is performed in the course of study.

(3) A person demonstrating on behalf of a manufacturer or distributor any electrolysis equipment or supplies, if such demonstration is performed without charge.

(4) An employee of a hospital licensed under Chapter 131E of the General Statutes and working under the supervision of a physician licensed under Article 1 of Chapter 90 of the General Statutes who is certified by the American Board of Dermatology. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 1993 (Reg. Sess., 1994), c. 755, s. 4; recodified from N.C. Gen. Stat. 88A-15 by 2022-72, s. 1(ww).)

§ 86B-61. Persons and practices not affected.

The requirements of this Article shall not apply to 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 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. (2007-489, s. 9; recodified from N.C. Gen. Stat. 88A-15.1 by 2022-72, s. 1(xx); 2022-72, s. 2.)

§ 86B-62. Permanent establishment required.

(a) Electrolysis shall be practiced by a licensed person only in a permanent establishment, hereafter referred to as an office. The Board may adopt reasonable rules and regulations concerning the sanitation standards, equipment, and supplies to be used and observed in offices. Offices shall be subject to periodic inspection at any time during business hours by members of the Board or its agents or assistants.

(b) Every electrologist shall notify the Board in writing 30 business days prior to, but no later than 10 business days after, any change of address or opening of a new office.

(c) Every electrologist shall display his license in a conspicuous place in the office.

(d) Every electrologist may make calls outside the office. The Board shall adopt rules and regulations concerning the equipment and instruments to be used by an electrologist when treating patients outside the office. (1989 (Reg. Sess., 1990), c. 1033, s. 1; recodified from N.C. Gen. Stat. 88A-16 by 2022-72, s. 1(yy).)

§ 86B-63. Requirements for certification as an electrology instructor.

(a) Any person who desires to be certified as an "electrology instructor" pursuant to this Chapter shall meet all of the following requirements:

(1) Submit an application on a form approved by the Board.

(2) Be a licensed electrologist.
(3) Have practiced electrology actively for at least five years immediately before the application.
(4) Pass a written examination given by the Board.

(b) At least twice each year, the Board shall give an examination to applicants for certification as an electrology instructor. The examination shall consist of written and verbal sections testing the applicants' knowledge of the basic and clinical sciences relating to the theory and practice of electrology. The Board shall give applicants notice of the date, time, and place of the examination at least 60 days in advance.

(c) When the Board determines that an applicant has met all the qualifications for certification as an electrology instructor, and has submitted the required fee, the Board shall issue an instructor's certificate to the applicant. (1989 (Reg. Sess., 1990), c. 1033, s. 1; recodified from N.C. Gen. Stat. 88A-17 by 2022-72, s. 1(zz); 2022-72, s. 2.)

§ 86B-64. Requirements for licensure as a laser hair practitioner instructor.

(a) Any person who desires licensure as a laser practitioner instructor pursuant to this Chapter shall meet the following requirements:
(1) Submit an application on a form approved by the Board.
(2) Be an electrologist licensed under this Chapter or a physician licensed under Article 1 of Chapter 90 of the General Statutes.
(3) Have practiced laser and light-based treatments actively for at least five years immediately before applying for licensure.
(4) Have at least 100 hours of training in laser and light-based treatments.

(b) When the Board determines that an applicant has met all qualifications for licensure as a laser hair practitioner instructor and has submitted the required fee, the Board shall issue an instructor's license to the applicant. (2007-489, s. 9; recodifed from N.C. Gen. Stat. 88A-17.1 by 2022-72, s. 1(aaa).)

§ 86B-65. Electrology apprenticeship program.

(a) Notwithstanding the requirements of G.S. 86B-53, the Board shall issue a license as an electrologist to any individual who meets all of the following requirements:
(1) Completes a Board-approved electrology apprenticeship program consisting of 625 hours.
(2) Visits two electrologist offices that are not the same office as the instructor of the program.
(3) Successfully passes a clinical examination conducted by the Board.

(b) The Board shall not approve an electrology apprenticeship program until the Board has conducted an inspection of the facility where the program will be offered.

(c) An application for a student permit must be filed with the Board before the student enrolls in school. The application shall be on a form prescribed by the Board. No student may enroll without having obtained a student permit prior to enrollment.

(d) Instructors in the electrology apprenticeship program shall meet all of the following requirements:
(1) Be licensed as an electrologist in this State.
(2) Have more than five continuous years of experience as an electrologist.
(3) Obtain at least one hour of Board-approved continuing education.

(4) Successfully pass a written exam designated by the Board. The Board may charge the applicant the actual cost of preparing and administering the examination under this section.

(e) The Board shall adopt rules for the electrology apprenticeship program, including curriculum specifications, authorized textbooks, facility and equipment requirements, reporting and record-keeping requirements, assessment of students' progress in the program, school agreements, and qualifications of instructors, consistent with this section. (2022-72, s. 2.)

§ 86B-66. Renewal of instructor's license.

An electrology or laser hair practitioner instructor's license shall be renewed annually. On or before the date the current license expires, the applicant must submit an application for renewal of licensure on a form approved by the Board, meet criteria for renewal established by the Board, and pay the required fee. Any person whose instructor's license has expired for a period of three years or more shall be required to take and pass the instructor's examination before the license can be renewed. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 2007-489, s. 10; recodified from N.C. Gen. Stat. 88A-18 by 2022-72, s. 1(bbb).)

§ 86B-67. Requirements for certification as a Board approved school of electrology.

(a) Any school in this State or another state that desires to be certified as a Board approved school of electrology shall do all of the following:

(1) Submit an application on a form approved by the Board.

(2) Submit a detailed projected floor plan of the institutional area demonstrating adequate school facilities to accommodate students for purposes of lectures, classroom instruction, and practical demonstration.

(3) Submit a detailed list of the equipment to be used by the students in the practical course of their studies.

(4) Submit a copy of the planned electrology curriculum consisting of the number of hours and subject matter determined by the Board, provided that the number of hours required shall not be less than 120 hours and not more than 600 hours.

(5) Submit a certified copy of the school manual of instruction.

(6) Submit the names and qualifications of the instructors certified in accordance with G.S. 86B-63.

(7) Submit any additional information the Board may require.

(b) When the Board determines that an applicant has met all the qualifications for certification as a Board approved school of electrology, and has submitted the required fee, the Board shall issue a certificate to the applicant.

(c) A school's certification is only valid for the location named in the application. When a school desires to change locations, an application shall be submitted to the Board on a form furnished by the Board and the fee shall be paid for certificate renewal.

(d) A school's certification is not transferrable. Schools must immediately notify the Board in writing of any sale, transfer, or change in ownership or management.

(e) Every school shall display its certification in a manner prescribed by the Board.

(f) All epilators used in the school must be approved by the Food and Drug Administration of the United States Government. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 1993 (Reg. Sess., 1994), c. 755, s. 5; recodified from N.C. Gen. Stat. 88A-19 by 2022-72, s. 1(ccc); 2022-72, s. 2.)

§ 86B-68. Requirements for certification as a Board-approved school of laser, light source, or pulsed-light treatments.

(a) Any school in this State or another state that desires to be certified as a Board-approved school of laser, light source, or pulsed-light treatments shall do all of the following:

(1) Submit an application on a form approved by the Board.

(2) Submit a detailed projected floor plan of the institutional area demonstrating adequate school facilities to accommodate students for purposes of lectures, classroom instruction, and practical demonstration.

(3) Submit a detailed list of the equipment to be used by the students in the practical course of their studies.

(4) Submit a copy of the planned laser, light source, or pulsed-light curriculum consisting of the number of hours and subject matter determined by the Board, provided that the number of hours required shall not be less than 30 hours pursuant to rules adopted by the Board.

(5) Submit a certified copy of the school manual of instruction.

(6) Submit the names and qualifications of the instructors certified.

(7) Submit any additional information the Board may require.

(b) When the Board determines that an applicant has met all the qualifications for certification as a Board-approved school of laser, light source, or pulsed-light treatments and has submitted the required fee, the Board shall issue a certificate to the applicant.

(c) A school's certification is only valid for the location named in the application. When a school desires to change locations, an application shall be submitted to the Board on a form furnished by the Board, and the fee shall be paid for certificate renewal.

(d) A school's certification is not transferable. Schools shall immediately notify the Board in writing of any sale, transfer, or change in ownership or management.

(e) Every school shall display its certification in a manner prescribed by the Board.

(f) All laser, light source, or pulsed-light devices used in the school shall be approved by the federal Food and Drug Administration. (2007-489, s. 11; recodified from N.C. Gen. Stat. 88A-19.1 by 2022-72, s. 1(ddd); 2022-72, s. 2.)

§ 86B-69. Certification renewal.

Every certificate issued pursuant to G.S. 86B-67 or G.S. 86B-68 shall be renewed annually. On or before the date the current certificate expires, the applicant must submit an application for renewal of certification on a form approved by the Board, meet criteria for renewal established by the Board, and pay the required fee. Failure to renew the certificate within 90 days after the expiration date shall result in automatic forfeiture of any certification issued pursuant to this Chapter. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 2007-489, s. 12; recodified from N.C. Gen. Stat. 88A-20 by 2022-72, s. 1(eee); 2022-72, s. 2.)

§ 86B-70. Fees.

All fees may be calculated by the Board in amounts sufficient to pay the costs of administration of this act, but in no event may they exceed the following:

(1) Application for licensure as an electrologist $150.00
(2) Initial license 125.00
(3) Examination or reexamination 150.00

(4) Licensure of electrology renewal 150.00
(5) Application for licensure as an electrology instructor 150.00
(6) Licensure of electrology instructor renewal 150.00
(7) Application for certification as a Board-approved school of electrology 500.00
(8) Application for licensure as laser hair practitioner 150.00
(9) Licensure of laser hair practitioner renewal 150.00
(10) Application for licensure as laser hair practitioner instructor 150.00
(11) Licensure of laser hair practitioner instructor renewal 150.00
(12) Application for certification as a Board-approved school of laser, light source, or pulsed-light treatments 500.00
(13) Certificate of Board-approved school of laser, light source, or pulsed-light renewal 400.00
(14) Certificate of Board-approved school of electrology renewal 250.00
(15) Certification of out-of-state schools 150.00
(16) Certification of out-of-state schools renewal 100.00
(17) Office inspection or reinspection 100.00
(18) License by reciprocity 150.00
(19) Late renewal charge 125.00
(20) Reinstatement of expired license or certification 250.00
(21) Reactivation of license 200.00
(22) Duplicate license or certification ..... 25.00. (1989 (Reg. Sess., 1990), c. 1033, s. 1; 2001-176, s. 1; 2007-489, s. 4; recodified from N.C. Gen. Stat. 88A-9(b) by 2022-72, s. 1(fff); 2022-72, s. 2.)