

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 291
Committee Substitute Favorable 5/20/09**

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

Sponsors:

Referred to:

February 25, 2009

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.
- (8) Cosmetologist. – Any individual who is licensed to practice all parts of cosmetic art.
- (8a) Cosmetology. – The act of arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of a person by any means, including the use of hands, mechanical or electrical apparatus, or appliances or by use of cosmetic or chemical preparations or antiseptics.
- (9) Cosmetology teacher. – An individual licensed by the Board to teach all parts of cosmetic art.



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

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

35 **"§ 88B-10.1. Qualifications for licensing hair braiders.**

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

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

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

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

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

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

2 "**§ 88B-12. Temporary employment permit; extensions; limits on practice.**

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

6 (1) Has completed the required hours of a cosmetic art school curriculum in the
7 area in which the applicant wishes to be licensed.

8 (2) Has applied to take the examination within three months of completing the
9 required hours.

10 (3) Is qualified to take the examination.

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

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

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

17 "**§ 88B-13. Applicants licensed in other states.**

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

20 (1) The applicant is an active practitioner in good standing.

21 (2) The applicant has practiced at least one of the three years immediately
22 preceding the application for a license.

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

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

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

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

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

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

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

40 "**§ 88B-18. Examinations.**

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

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

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

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

50 **SECTION 8.** G.S. 88B-20 reads as rewritten:

51 "**§ 88B-20. Fees required.**

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

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

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

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

- 8 (1) Cosmetologist.....\$ 39.00 every 3 years
- 9 (2) Apprentice\$ 10.00 per year
- 10 (3) Esthetician\$ 10.00 per year
- 11 (4) Manicurist\$ 10.00 per year
- 12 (4a) Hair braider\$ 10.00 per year
- 13 (5) Teacher.....\$ 10.00 every 2 years
- 14 (6) Cosmetic art shop per active booth\$ 3.00 per year
- 15 (7) Cosmetic art school.....\$ 50.00 per year
- 16 (8) Duplicate license\$ 1.00.

17 (d) The Board may require payment of late fees and reinstatement fees as follows:

- 18 (1) Apprentice, cosmetologist, esthetician, manicurist, hair braider, and teacher
 19 late renewal\$ 10.00
- 20 (2) Cosmetic art schools and shops late renewal\$ 10.00
- 21 (3) Reinstatement – cosmetic art schools and shops\$ 25.00.

22 (e) The Board may prorate fees as appropriate."

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

24 "**§ 88B-21. Renewals; expired licenses; inactive status.**

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

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

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

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

44 (e) Prior to renewal of a license, a teacher, cosmetologist, esthetician, hair braider, or
 45 manicurist shall annually complete eight hours of Board-approved continuing education for
 46 each year of the licensing cycle. A cosmetologist may complete up to 24 hours of required
 47 continuing education at any time within the cosmetologist's three-year licensing cycle.
 48 Licensees shall submit written documentation to the Board showing that they have satisfied the
 49 requirements of this subsection. A licensee who is in active practice as a cosmetologist,
 50 esthetician, hair braider, or manicurist, has practiced for at least 10 consecutive years in that
 51 ~~profession~~ profession, and is 60 years of age or older does not have to meet the continuing

1 education requirements of this subsection. A licensee who is in active practice as a
2 cosmetologist and has at least 20 consecutive years of experience as a cosmetologist, does not
3 have to meet the continuing education requirements of this subsection, but shall report any
4 continuing education classes completed to the Board, whether the continuing education classes
5 are Board-approved or not. Promotion of products and systems shall be allowed at continuing
6 education given in-house or at trade shows. Continuing education classes may also be offered
7 in secondary languages as needed. No member of the Board may offer continuing education
8 courses as required by this section.

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

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

17 (h) Upon request by a licensee for inactive status, the Board may place the licensee's
18 name on the inactive list so long as the licensee is in good standing with the Board. An inactive
19 licensee is not required to complete continuing education requirements. An inactive licensee
20 shall not practice cosmetic art for consideration. However, the inactive licensee may continue
21 to purchase supplies as accorded an active licensee. When the inactive licensee desires to be
22 removed from the inactive list and return to active practice, the inactive licensee shall notify the
23 Board of his or her desire to return to active status and pay the required fee as determined by
24 the Board. As a condition of returning to active status, the Board may require the licensee to
25 complete 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 practice
29 cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed
30 as an apprentice, cosmetologist, esthetician, hair braider, or manicurist by the Board.

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

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

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

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

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

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

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

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

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

49 "**§ 88B-24. Revocation of licenses and other disciplinary measures.**

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

1 ...

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

5 **SECTION 13.** Any hair braider who submits proof to the Board that the hair
6 braider is actively engaged in the practice of hair braiding on the effective date of this act,
7 passes an examination conducted by the Board, and pays the required fee under G.S. 88B-20
8 shall be licensed without having to satisfy the requirements of G.S. 88B-10.1, enacted by
9 Section 2 of this act. A cosmetic art shop that practices hair braiding only and that submits
10 proof to the Board that the shop is actively engaged in the practice of hair braiding on the
11 effective date of this act shall have one year from the date of this act to comply with the
12 requirements of G.S. 88B-14. All persons who do not make application to the Board within one
13 year of the effective date of this act shall be required to complete all training and examination
14 requirements prescribed by the Board and to otherwise comply with the provisions of Chapter
15 88B of the General Statutes.

16 **SECTION 14.** This act becomes effective October 1, 2009, and applies to acts
17 occurring on or after that date.