

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 504

Short Title: Mobile Beauty Salons. (Public)

Sponsors: Senators J. Jackson, Gunn, Krawiec (Primary Sponsors); Bryant and Waddell.

Referred to: Rules and Operations of the Senate.

March 26, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR LICENSURE OF MOBILE BEAUTY SALONS AND TO
3 ENSURE THE SAFE AND HYGIENIC OPERATION THEREOF.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 88B of the General Statutes reads as rewritten:

6 "**§ 88B-2. Definitions.**

7 The following definitions apply in this Chapter:

- 8 (1) Apprentice. – A person who is not a manager or operator and who is
9 engaged in learning the practice of cosmetic art under the direction and
10 supervision of a cosmetologist.
- 11 (2) Board. – The North Carolina Board of Cosmetic Art Examiners.
- 12 (3) Booth. – A workstation located within a licensed cosmetic art shop that is
13 operated primarily by one individual in performing cosmetic art services for
14 consumers.
- 15 (4) Booth renter. – A person who rents a booth in a cosmetic art shop.
- 16 (5) Cosmetic art. – All or any part or combination of cosmetology, esthetics,
17 natural hair care, or manicuring, including the systematic manipulation with
18 the hands or mechanical apparatus of the scalp, face, neck, shoulders, hands,
19 and feet. Practices included within this subdivision shall not include the
20 practice of massage or bodywork therapy as set forth in Article 36 of
21 Chapter 90 of the General Statutes.
- 22 (6) Cosmetic art school. – Any building or part thereof where cosmetic art is
23 taught.
- 24 (7) Cosmetic art shop. – Any building or part thereof where cosmetic art is
25 practiced for pay or reward, whether direct or indirect.
- 26 (8) Cosmetologist. – Any individual who is licensed to practice all parts of
27 cosmetic art.
- 28 ~~(8a)~~(9) Cosmetology. – The act of arranging, dressing, curling, waving, cleansing,
29 cutting, singeing, bleaching, coloring, or similar work upon the hair of a
30 person by any means, including the use of hands, mechanical or electrical
31 apparatus, or appliances or by use of cosmetic or chemical preparations or
32 antiseptics.
- 33 ~~(9)~~(10) Cosmetology teacher. – An individual licensed by the Board to teach all
34 parts of cosmetic art.
- 35 ~~(10)~~(11) Esthetician. – An individual licensed by the Board to practice only that
36 part of cosmetic art that constitutes skin care.



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

36 ...

37 **"§ 88B-4. Powers and duties of the Board.**

38 ...

39 (b) A member of the Board shall have the authority to inspect cosmetic art ~~shops~~ shops,
40 mobile salons, and cosmetic art schools at any reasonable hour to determine compliance with
41 the provisions of this Chapter if the inspection is made: (i) at the request of the Board, or with
42 the approval of the chair or the executive director as the result of a complaint made to the
43 Board or a problem reported by an inspector, or (ii) at the request of an inspector who deems it
44 necessary to request the assistance of a Board member and who has the prior approval of the
45 chair or executive director to do so. A Board member who makes an inspection pursuant to this
46 subsection shall file a report with the Board before requesting reimbursement for expenses.

47 ...

48 **"§ 88B-20. Fees required.**

49 ...

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

- 1 (1) Inspection of a newly established cosmetic art shop or
- 2 mobile salon \$ 25.00
- 3 (2) Reciprocity applicant under G.S. 88B-13 \$ 15.00.
- 4 (c) The Board may charge license fees as follows:
- 5 (1) Cosmetologist.....\$ 39.00 every 3 years
- 6 (2) Apprentice \$ 10.00 per year
- 7 (3) Esthetician \$ 10.00 per year
- 8 (4) Manicurist \$ 10.00 per year
- 9 (4a) Natural hair care specialist \$ 10.00 per year
- 10 (5) Teacher \$ 10.00 every 2 years
- 11 (6) Cosmetic art shop per active booth \$ 3.00 per year
- 12 (7) Cosmetic art school \$ 50.00 per year
- 13 (8) Duplicate license \$ 1.00.
- 14 (d) The Board may require payment of late fees and reinstatement fees as follows:
- 15 (1) Apprentice, cosmetologist, esthetician, manicurist,
- 16 natural hair care specialist, and teacher late renewal \$ 10.00
- 17 (2) Cosmetic art schools and shops and mobile salons late
- 18 renewal \$ 10.00
- 19 (3) Reinstatement – cosmetic art schools and shops and
- 20 mobile salons..... \$ 25.00.

21 (e) The Board may prorate fees as appropriate.

22 **"§ 88B-21. Renewals; expired licenses; inactive status.**

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

31 ...
 32 **"§ 88B-22. Licenses required; criminal penalty.**

33 (a) Except as provided in this Chapter, no person may practice or attempt to practice
 34 cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed
 35 as an apprentice, cosmetologist, esthetician, natural hair care specialist, or manicurist by the
 36 Board.

37 (b) Except as provided in this Chapter, no person may practice cosmetic art or any part
 38 of cosmetic art, for pay or reward in any form, either directly or indirectly, outside of a licensed
 39 cosmetic art ~~shop~~ shop or mobile salon.

40 (c) No person may open or operate a cosmetic art shop or mobile salon in this State
 41 unless a license has been issued by the Board for that ~~shop~~ shop or mobile salon.

42 (d) An individual licensed as an esthetician, natural hair care specialist, or manicurist
 43 may practice only that part of cosmetic art for which the individual is licensed.

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

47 (e) An apprentice licensed under the provisions of this Chapter shall apprentice under
 48 the direct supervision of a cosmetologist. An apprentice shall not operate a cosmetic art
 49 ~~shop~~ shop or mobile salon.

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

51 **"§ 88B-23. Licenses to be posted.**

1 (a) Every apprentice, cosmetologist, esthetician, manicurist, natural hair care specialist,
2 and teacher licensed under this Chapter shall display the certificate of license issued by the
3 Board within the shop or mobile salon in which the person works.

4 (b) Every certificate of license to operate a cosmetic art ~~shop or school~~shop, school, or
5 mobile salon shall be conspicuously posted in the ~~shop or school~~shop, school, or mobile salon
6 for which it is issued.

7 **"§ 88B-26. Rules to be posted.**

8 (a) The Board shall furnish a copy of its rules relating to sanitary management of
9 cosmetic art shops and cosmetic art schools to each shop and school licensed by the Board.
10 Each ~~shop and school~~shop, school, and mobile salon shall post the rules in a conspicuous place.

11 ...

12 **"§ 88B-27. Inspections.**

13 Any inspector or other authorized representative of the Board may enter any cosmetic art
14 ~~shop or school~~shop, school, or mobile salon to inspect it for compliance with this Chapter and
15 the Board's rules. All persons practicing cosmetic art in a ~~shop or school~~shop, school, or mobile
16 salon shall, upon request, present satisfactory proof of identification. Satisfactory proof shall be
17 in the form of a photographic driver's license or photographic identification card issued by any
18 state, federal, or other government entity. The Board may require a cosmetic art ~~shop or~~
19 ~~school~~shop, school, or mobile salon to be inspected as a condition for license renewal."

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

22 **"§ 88B-15.1. Mobile Salons.**

23 (a) A motor home as defined in Article 1 of Chapter 20 of the General Statutes may be
24 used as a mobile salon for the practice of cosmetic art.

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

29 (c) The Board shall adopt rules for the operation, licensure, and inspection of mobile
30 salons, including standards for facilities, personnel, and safety and sanitary requirements. All
31 licensure and operating requirements provided by this Chapter or by rules adopted by the Board
32 pursuant to this Chapter that apply to cosmetic art shops shall also apply to mobile salons,
33 except to the extent that the requirements conflict with this section or with any rules adopted by
34 the Board pursuant to this section.

35 (d) In addition to the requirements of this Chapter, individuals and the vehicles they
36 operate while providing mobile salon services shall be subject to the provisions of (i) Chapter
37 20 of the General Statutes, (ii) Chapter 19A of the North Carolina Administrative Code, (iii) all
38 applicable requirements of the Americans with Disabilities Act, (iv) all applicable OSHA
39 requirements, and (v) all local laws and ordinances regulating business establishments.

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

42 (f) No cosmetic art or service may be performed in a mobile salon while the salon is
43 moving. The mobile salon must be safely parked in a legal parking spot at all times while
44 patrons are present inside the salon.

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

49 (h) To facilitate periodic inspections of mobile salons, prior to the beginning of each
50 month, the owner of the salon shall provide to the Board a written monthly itinerary listing
51 locations, dates, and hours of operation for the salon."

1

SECTION 3. This act becomes effective July 1, 2015.