

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1205
Committee Substitute Favorable 6/29/89

Short Title: Cosmetology Requirements.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE STATE BOARD OF COSMETIC ART EXAMINERS
2 TO ISSUE A TEMPORARY EMPLOYMENT PERMIT TO PERSONS WHO
3 HAVE APPLIED AND ARE QUALIFIED TO TAKE THE EXAMINATION FOR
4 APPRENTICE COSMETOLOGIST OR REGISTERED COSMETOLOGIST, AND
5 TO PROHIBIT THE STATE BOARD OF COSMETIC ART EXAMINERS FROM
6 IMPOSING CONTINUING EDUCATION REQUIREMENTS AS A CONDITION
7 OF CERTIFICATE AND PERMIT RENEWAL.
8

9 The General Assembly of North Carolina enacts:

10 Section 1. Chapter 88 of the General Statutes is amended by adding a new
11 section to read:

12 "**§ 88-12.1. Temporary employment permit for applicants for examination.**

13 (a) Any person who has completed the classroom hour requirements under this
14 Chapter for registration as an apprentice cosmetologist or registered cosmetologist, has
15 applied and is qualified to take the State Board examination for registration as an
16 apprentice cosmetologist or registered cosmetologist, and has otherwise complied with
17 this section, may apply to the State Board of Cosmetic Art Examiners for a temporary
18 permit to be employed and engage in the practice of cosmetology under the direct
19 supervision of a registered cosmetologist.

20 (b) Temporary employment permits shall be issued by the Board provided that
21 the following conditions are satisfied:

22 (1) Within 12 months of having met the classroom hour requirements for
23 registration under this Chapter, the applicant for a temporary

1 employment permit has applied and is qualified to take the Board's
2 examination for registration as an apprentice cosmetologist or
3 registered cosmetologist.

4 (2) Except as otherwise provided in subparagraph (3) of this section,
5 permits issued to qualifying individuals for the first time shall be valid
6 for not more than 12 months from the date that the permit applicant
7 has met the classroom hour requirements for registration as an
8 apprentice cosmetologist or registered cosmetologist.

9 (3) If the holder of a temporary employment permit does not pass the
10 examination that he took during the period that the permit was valid or
11 within 30 days of permit expiration, and if at the time the examination
12 results are published the permit has expired or will expire within 30
13 days of such publication, the permit holder may apply to the Board to
14 have the temporary employment permit extended for a period not to
15 exceed six months from the date of publication by the Board of the
16 results of the examination taken and not passed by the individual,
17 provided that the applicant for a permit extension has applied and is
18 qualified to retake the examination within the same six month period.
19 Permits shall not be extended more than one time for the same
20 individual.

21 (c) The Board shall issue a temporary employment permit or permit extension to
22 any individual who applies and meets the requirements for the permit or extension, as
23 appropriate, as provided in this section.

24 (d) The holder of a valid temporary employment permit issued by the Board may
25 engage in the practice of cosmetic art as defined under G.S. 88-2, provided that such
26 practice is under the direct supervision of a registered cosmetologist. Nothing in this
27 section may be construed to allow the holder of a valid temporary employment permit to
28 operate, manage, or maintain a cosmetic art shop, beauty parlor, or hairdressing
29 establishment, regulated under the provisions of this Chapter.

30 (e) The Board shall adopt rules necessary to implement the provisions of this
31 section."

32 Sec. 2. G.S. 88-26 reads as rewritten:

33 **"§ 88-26. Causes for revocation of certificates.**

34 The Board of Cosmetic Art Examiners may either refuse to issue or renew, or may
35 suspend, or revoke any certificate of registration or temporary employment permit for
36 any one, or combination of the following causes:

- 37 (1) Conviction of a felony shown by certified copy of the record of the
38 court of conviction.
- 39 (2) Gross malpractice, or gross incompetency, which shall be determined
40 by the Board of Cosmetic Art Examiners.
- 41 (3) Continued practice by a person knowingly having an infectious, or
42 contagious disease.
- 43 (4) Advertising by means of knowingly false, or deceptive statements.

1 (5) Habitual drunkenness, or habitual addiction to the use of morphine,
2 cocaine, or other habit-forming drugs.

3 (6) The conviction of any of the offenses described in G.S. 88-28,
4 subdivisions (3), (4), (6) and (7)."

5 Sec. 3. G.S. 88-28 reads as rewritten:

6 **"§ 88-28. Acts made misdemeanors.**

7 Each of the following constitutes a misdemeanor punishable upon conviction by a
8 fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars
9 (\$100.00), or up to 30 days in jail, or both:

10 (1) The violation of any of the provisions of G.S. 88-1.

11 (2) Permitting any person in one's employ, supervision, or control to
12 practice as an apprentice unless that person has a certificate of
13 registration as a registered apprentice.

14 (3) Permitting any person in one's employ, supervision, or control, to
15 practice as a cosmetologist unless that person has a certificate as a
16 registered cosmetologist.

17 (3a) Employing or permitting any person in one's employ, supervision, or
18 control, to engage in the practice of cosmetic art under an invalid
19 temporary employment permit.

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

23 (5) Practicing or attempting to practice by fraudulent misrepresentations.

24 (6) The willful failure to display a certificate of registration as required by
25 G.S. 88-24.

26 (7) The willful violation of the reasonable rules and regulations adopted
27 by the State Board of Cosmetic Art Examiners."

28 Sec. 4. G.S. 88-25 reads as rewritten:

29 **"§ 88-25. Annual renewal of certificates and permits.**

30 Every registered cosmetologist who continues in active practice or service shall
31 renew his or her certificate of registration on or before October 1, 1986, and every three
32 years thereafter. The certificate shall expire on the first day of November in the year in
33 which the renewal is due. Every registered apprentice who continues in active practice
34 or service shall annually, on or before October 1 of each year, renew his or her
35 certificate of registration which has not been renewed prior to, or during, the month of
36 October in any year, and which shall expire on the first day of November in that year. A
37 registered cosmetologist, or a registered apprentice whose certificate of registration has
38 expired may have his or her certificate restored immediately upon payment of the
39 required restoration fee. Any registered cosmetologist who retires from the practice of
40 cosmetic art for not more than three years may renew his or her certificate of
41 registration upon payment of the required restoration fee, and by paying the license fee
42 for the years that such license fees have not been paid.

43 Every cosmetic art shop, which continues to operate, shall annually, on or before
44 February 1 of each year, renew its permit to operate, and any permit that has not been

1 renewed before or during the month of February in any year shall expire on the first day
2 of March in that year. A cosmetic art shop whose permit has expired may have its
3 permit restored immediately upon payment of restoration fee, as required in G.S. 88-21,
4 in addition to the renewal fee.

5 The State Board of Cosmetic Art Examiners shall not impose seminar, workshop, or
6 other type of continuing education requirements as a condition of certificate or
7 operation permit renewal."

8 Sec. 5. This act is effective upon ratification. Section 2 of this act applies to
9 actions taken by the State Board of Cosmetic Art Examiners on or after the date of
10 ratification. Section 3 of this act applies to charges brought on or after the date of
11 ratification.