

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 489

Short Title: Cosmetic Art Definitions/Exam Facilities.

(Public)

Sponsors: Senators Cowell, Kerr; and Snow.

Referred to: Health Care.

March 15, 2005

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART
EXAMINERS TO CLARIFY CERTAIN DEFINITIONS UNDER THE NORTH
CAROLINA COSMETIC ART ACT, TO APPROVE EXAMINATION
FACILITIES, AND TO SET LIMITS FOR FAILED CANDIDATES SEEKING TO
RETAKE AN EXAMINATION.

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.
- (5) Cosmetic art. – All or any part or combination of: ~~(i) the systematic massaging with the hands or mechanical apparatus of the scalp, face, neck, shoulders, hands, and feet; (ii) the use of cosmetic chemicals and preparations and antiseptics; (iii) manicuring, including the application of artificial nails; (iv) esthetics; or (v) cutting, coloring, cleansing, arranging, dressing, waving, and marcelling the hair, and the use of electricity for stimulating growth of hair.~~ cosmetology, esthetics, or manicuring.
- (6) Cosmetic art school. – Any building or part thereof where cosmetic art is taught.

- 1 (7) Cosmetic art shop. – Any building or part thereof where cosmetic art is
2 practiced for pay or reward, whether direct or indirect.
- 3 (8) Cosmetologist. – Any individual who is licensed to practice all parts of
4 cosmetic art.
- 5 (8a) Cosmetology. – The act of arranging, dressing, curling, waving,
6 cleansing, cutting, singeing, bleaching, coloring, or similar work upon
7 the hair of a person by any means, including the use of hands,
8 mechanical or electrical apparatus, or appliances or by use of cosmetic
9 or chemical preparations or antiseptics.
- 10 (9) Cosmetology teacher. – An individual licensed by the Board to teach
11 all parts of cosmetic art.
- 12 (10) Esthetician. – An individual licensed by the Board to practice only that
13 part of cosmetic art that constitutes skin care.
- 14 (11) Esthetician teacher. – An individual licensed by the Board to teach
15 only that part of cosmetic art that constitutes skin care.
- 16 (11a) Esthetics. – Refers to any of the following practices: giving facials;
17 applying makeup; performing skin care; removing superfluous hair
18 from the body of a person by use of depilatories, tweezers, or waxing;
19 applying eyelashes to a person, including the application of brow or
20 lash color; beautifying the face, neck, arms, or upper part of the human
21 body by use of cosmetic preparations, antiseptics, tonics, lotions, or
22 creams; surface massaging in relation to skin care; or cleaning or
23 stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet
24 of a person by means of hands, devices, apparatus, or appliances along
25 with the use of cosmetic preparations, antiseptics, tonics, lotions, or
26 creams.
- 27 (12) Manicuring. – The care and treatment of the fingernails, toenails,
28 cuticles on fingernails and toenails, and the hands and feet, including
29 the decoration of the fingernails and the application of nail extensions
30 and artificial nails. The term "manicuring" shall not include the
31 treatment of pathologic conditions.
- 32 (13) Manicurist. – An individual licensed by the Board to practice only that
33 part of cosmetic art that constitutes manicuring.
- 34 (14) Manicurist teacher. – An individual licensed by the Board to teach
35 manicuring.
- 36 (15) Shampooing. – The application and removal of commonly used, room
37 temperature, liquid hair cleaning and hair conditioning products.
38 Shampooing does not include the arranging, dressing, waving,
39 coloring, or other treatment of the hair."

40 **SECTION 2.** G.S. 88B-18 reads as rewritten:

41 **"§ 88B-18. Examinations.**

- 42 (a) Each applicant for any examination shall file an application with the Board,
43 on a form approved by the Board, which shall be verified by the applicant under oath,

1 and the applicant shall pay the required examination fee. Applications shall be filed at
2 least 30 days before the requested examination date.

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

4 (c) Examinations for applicants for apprentice, cosmetologist, teacher,
5 esthetician, and manicurist licenses shall be given in at least three locations in the State
6 that are geographically scattered. The examinations shall be administered in ~~the Board's~~
7 ~~office or in a publicly supported two-year postsecondary educational institution with~~
8 ~~appropriate facilities. The Board shall reimburse an institution, if requested, for the use~~
9 ~~of its facilities in administering examinations.~~ Board-approved facilities.

10 (d) An applicant for a ~~cosmetologist~~ cosmetologist, esthetician, manicurist, or
11 teacher's license who fails to pass the examination three times may not reapply to take
12 the examination again until after the applicant has successfully completed any
13 additional requirements prescribed by the Board."

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

15 "**§ 88B-9. Qualifications for licensing as an esthetician.**

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

- 18 (1) Successful completion of at least 600 hours of an ~~esthetician~~ esthetics
19 curriculum in an approved cosmetic art school.
20 (2) Passage of an examination conducted by the Board.
21 (3) Payment of the fees required by G.S. 88B-20."

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