

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1205
Committee Substitute Favorable 6/29/89
Human Resources Senate Committee Substitute Adopted 7/11/90

Short Title: Cosmetology Requirements.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF COSMETIC ART EXAMINERS TO ISSUE A TEMPORARY EMPLOYMENT PERMIT TO PERSONS WHO HAVE APPLIED AND ARE QUALIFIED TO TAKE THE EXAMINATION FOR APPRENTICE COSMETOLOGIST, REGISTERED COSMETOLOGIST, OR REGISTERED MANICURIST.

The General Assembly of North Carolina enacts:

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

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

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

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

(1) Within six months of having met the classroom hour requirements for 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, a
5 permit issued to the qualifying individual for the first time shall be
6 valid for not more than six months from the date that the permit
7 applicant has met the classroom hour requirements for registration as
8 an apprentice cosmetologist, registered cosmetologist, or registered
9 manicurist.

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

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

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

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

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

34 **"§ 88-26. Causes for revocation of certificates.**

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

- 38 (1) Conviction of a felony shown by certified copy of the record of the
39 court of conviction.
- 40 (2) Gross malpractice, or gross incompetency, which shall be determined
41 by the Board of Cosmetic Art Examiners.
- 42 (3) Continued practice by a person knowingly having an infectious, or
43 contagious disease.
- 44 (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. This act is effective upon ratification. Section 2 of this act applies to
29 actions taken by the State Board of Cosmetic Art Examiners on or after the date of
30 ratification. Section 3 of this act applies to charges brought on or after the date of
31 ratification.