

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 173  
Committee Substitute Favorable 7/8/03  
Third Edition Engrossed 7/10/03  
Senate Commerce Committee Substitute Adopted 7/1/04

Short Title: Cosmetic Art/Continuing Ed/Penalty Change.

(Public)

Sponsors:

Referred to:

March 3, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS  
PRACTICING UNDER THE COSMETIC ART ACT AND CLARIFYING THE  
REMITTANCE OF CIVIL PENALTIES UNDER THE ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 88B-21 reads as rewritten:

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

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

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

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

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

1 (e) Prior to renewal of a ~~teacher's~~ license, ~~the teacher~~ a teacher, cosmetologist,  
2 ~~esthetician, or manicurist~~ shall annually complete a ~~minimum~~ of eight hours of  
3 Board-approved continuing education ~~which shall be approved by the Board. Teachers~~  
4 for each year of the licensing cycle. A cosmetologist may complete up to 24 hours of  
5 required continuing education at any time within the cosmetologist's three-year  
6 licensing cycle. Licensees shall submit written documentation to the Board showing that  
7 they have satisfied the requirements of this subsection. Promotion of products and  
8 systems shall be allowed at continuing education given in-house or at trade shows.  
9 Continuing education classes may also be offered in secondary languages as needed. No  
10 member of the Board may offer continuing education courses as required by this  
11 section.

12 (f) If an apprentice, cosmetologist, esthetician, manicurist, or teacher fails to  
13 renew his or her license within five years following the expiration date, the licensee  
14 shall be required ~~to pay the license fee for each year that the fees are delinquent~~ and to  
15 pass an examination as prescribed by the Board before the license will be reinstated.

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

21 (h) Upon request by a licensee for inactive status, the Board may place the  
22 licensee's name on the inactive list so long as the licensee is in good standing with the  
23 Board. An inactive licensee is not required to complete continuing education  
24 requirements. An inactive licensee shall not practice cosmetic art for consideration.  
25 However, the inactive licensee may continue to purchase supplies as accorded an active  
26 licensee. When the inactive licensee desires to be removed from the inactive list and  
27 return to active practice, the inactive licensee shall notify the Board of his or her desire  
28 to return to active status and pay the required fee as determined by the Board. As a  
29 condition of returning to active status, the Board may require the licensee to complete  
30 eight to 24 hours of continuing education pursuant to subsection (e) of this section."

31 **SECTION 2.** G.S. 88B-29(a) reads as rewritten:

32 "(a) Authority to Assess Civil Penalties. – In addition to taking any of the actions  
33 permitted under G.S. 88B-24, the Board may assess a civil penalty not in excess of one  
34 thousand dollars (\$1,000) for the violation of any section of this Chapter or the violation  
35 of any rules adopted by the Board. ~~All civil penalties collected by the Board shall be~~  
36 ~~remitted to the school fund of the county in which the violation occurred. The clear~~  
37 ~~proceeds of any civil penalty assessed under this section shall be remitted to the Civil~~  
38 ~~Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."~~

39 **SECTION 3.** Section 1 of this act becomes effective October 1, 2004.  
40 Section 2 of this act is effective when it becomes law and applies to violations occurring  
41 on or after that date.