

CHAPTER 6 - BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

SUBCHAPTER 6A - DEPARTMENTAL RULES

SECTION .0100 - ORGANIZATIONAL RULES

21 NCAC 06A .0101 FORMAL NAME

*History Note: Authority G.S. 86A-4;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Repealed Eff. May 1, 1989.*

21 NCAC 06A .0102 ADDRESS

- (a) The Board's mailing address is 7001 Mail Service Center, Raleigh, North Carolina 27699-7000 and email addresses are barbers@nc.gov and electrolysis@nc.gov.
- (b) The Board's physical address is 4328 Bland Rd, Raleigh, North Carolina 27609.
- (c) The Board's website addresses are barbers.nc.gov and ncbee.com.
- (d) The Board's phone number is (919) 814-0640.

History Note: Authority S.L. 2022-72, s. 2;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. June 1, 2008; May 1, 1989;
Readopted Eff. July 1, 2016;
Amended Eff. February 1, 2023; May 1, 2021; April 1, 2019.

21 NCAC 06A .0103 OFFICE HOURS

*History Note: Authority G.S. 86A-6;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. June 1, 2008; May 1, 1989;
Repealed Eff. September 1, 2013.*

21 NCAC 06A .0104 MAILING ADDRESS

*History Note: Authority G.S. 86A-6;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. June 1, 2008.*

21 NCAC 06A .0105 PURPOSES AND RESPONSIBILITIES

*History Note: Legislative Objection Lodged Eff. March 7, 1983;
Statutory Authority G.S. 86A-5; 86A-9; 86A-12; 86A-15; 86A-17; 86A-18; 86A-19; 86A-21;
86A-22; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;*

Repealed Eff. May 1, 1989.

SECTION .0200 - THE BOARD OF BARBER EXAMINERS

21 NCAC 06A .0201	COMPOSITION
21 NCAC 06A .0202	TERM OF OFFICE
21 NCAC 06A .0203	QUALIFICATIONS
21 NCAC 06A .0204	OFFICERS AND EXECUTIVE SECRETARY
21 NCAC 06A .0205	COMPENSATION

*History Note: Legislative Objection Lodged (.0202) Eff. March 7, 1983;
Statutory Authority G.S. 86A-4; 86A-6; 86A-7;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Curative Amended (.0202) Eff. April 6, 1983;
Amended Eff. March 1, 1983;
Repealed Eff. May 1, 1989.*

21 NCAC 06A .0206 INSTRUCTORS CERTIFICATE

*History Note: Authority G.S. 86A-7;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. March 1, 1983.*

21 NCAC 06A .0207 CONFLICT OF INTEREST 21 NCAC 06A .0208 INSPECTION AND REPORTS

*History Note: Authority G.S. 86A-7;
Eff. February 1, 1976;
Repealed Eff. February 8, 1978.*

21 NCAC 06A .0209 MONTHLY REPORTS

*History Note: Authority G.S. 86A-7;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.*

SECTION .0300 - EXECUTIVE SECRETARY

21 NCAC 06A .0301 EXECUTIVE SECRETARY

*History Note: Authority G.S. 86A-6;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989; March 1, 1989;
Repealed Eff. September 1, 2013.*

21 NCAC 06A .0302 INSTRUCTORS CERTIFICATE

*History Note: Authority G.S. 86A-7; 86A-25;
Eff. February 1, 1976;
Repealed Eff. February 8, 1978.*

21 NCAC 06A .0303 DUTIES OF EXECUTIVE SECRETARY

History Note: Authority G.S. 86A-5(a)(4);
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. May 1, 1989;
 Repealed September 1, 2013.

21 NCAC 06A .0304 QUALIFICATIONS
21 NCAC 06A .0305 CONFLICT OF INTEREST

History Note: Authority G.S. 86A-7; 86A-25;
 Eff. February 1, 1976;
 Repealed Eff. February 8, 1978.

21 NCAC 06A .0306 FUNDS COLLECTED

History Note: Authority G.S. 86A-6;
 Eff. March 1, 1983;
 Repealed Eff. May 1, 1989.

SUBCHAPTER 06B – RULE-MAKING PROCEDURES

SECTION .0100 – PETITIONS FOR RULE-MAKING

21 NCAC 06B .0101 PETITION FOR RULE-MAKING

Any person submitting a petition to adopt, amend, or repeal a rule by the Board shall address a petition to the Chairman at the office address in 21 NCAC 06A .0102.

- (1) The petition shall contain the following:
 - (a) for petitions to adopt or amend a rule, a draft of the proposed rule or amendment;
 - (b) a statement of the effect of the requested rule change; and
 - (c) the name and address of the petitioner.
- (2) The petition may contain the following:
 - (a) the reason for the proposal;
 - (b) the effect of the new rule on existing rules; or
 - (c) any data supporting the rule proposal.

History Note: Authority G.S. 150B-20;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. May 1, 1989;
 Readopted Eff. August 1, 2016.

21 NCAC 06B .0102 CONTENTS OF PETITIONS

History Note: Authority G.S. 86A-25; 150A-11(1); 150A-16;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Repealed Eff. May 1, 1989.

21 NCAC 06B .0103 PETITION FOR AMENDMENT OR REPEAL OF RULE

History Note: Authority G.S. 150B-20;

Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. August 1, 2016.

21 NCAC 06B .0104 CONTENTS OF PETITIONS

History Note: *Authority G.S. 86A-25; 150A-11(1); 150A-16;*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

21 NCAC 06B .0105 GRANTING OR DENYING PETITIONS

Within 120 days of submission of the petition, the Board shall render a final decision. If the decision is to grant the petition, the Board shall initiate a rule-making proceeding by issuing a notice as provided for in G.S. 150B-20(c). If the decision is to deny the petition, the Board shall send the petitioner written notice of the decision. The notice shall state the reasons for denying the petition and refer to the appeal rights set forth in G.S. 150B-20(d).

History Note: *Authority G.S. 150B-20;*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. October 1, 2016.

21 NCAC 06B .0106 RECOMMENDATION

21 NCAC 06B .0107 FINAL DECISION

History Note: *Authority G.S. 86A-25; 150A-11(1); 150A-16;*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

SECTION .0200 - NOTICE

21 NCAC 06B .0201 NOTICE TO PARTIES

History Note: *Authority G.S. 86A-12; 150A-11(1); 150A-16; 150A-23;*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

21 NCAC 06B .0202 MAILING LIST

Any person or agency desiring to be placed on the mailing list for the Board's rule-making notices may file such request in writing furnishing his or her or the agency name and mailing address to the Chairman at the office address listed in 21 NCAC 06A .0102.

History Note: *Authority G.S. 150B-21.2(d);*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06B .0203 PUBLIC NOTICE

History Note: Authority G.S. 86A-12; 150A-11(1); 150A-12;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

21 NCAC 06B .0204 INFORMATION REQUESTS

History Note: Authority G.S. 150B-21.2(d);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. July 1, 2016.

SECTION .0300 - HEARINGS

21 NCAC 06B .0301 LOCATION OF HEARINGS

History Note: Authority G.S. 86A-5; 150B-21.2;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. June 1, 2008; May 1, 1989;
Repealed Eff. August 1, 2016.

21 NCAC 06B .0302 ORAL PRESENTATIONS

History Note: Authority G.S. 150B-21.2(e);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. August 1, 2016.

21 NCAC 06B .0303 REQUEST FOR ORAL PRESENTATIONS

21 NCAC 06B .0304 ORAL PRESENTATION

History Note: Authority G.S. 86A-25; 150A-11(1); 150A-12(e); 150A-16;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

21 NCAC 06B .0305 WRITTEN STATEMENT

History Note: Authority G.S. 150B-21.2(f);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. August 1, 2016.

21 NCAC 06B .0306 ACKNOWLEDGMENT

History Note: Authority G.S. 150B-21.2(f);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. July 1, 2016.

21 NCAC 06B .0307 CONTROL OF HEARINGS

(a) The presiding officer at a rule-making hearing shall have control of the proceedings including the following:

- (1) the recognition of speakers;
- (2) the time allotment for presentations and extension of any time allotments; and
- (3) the management of the hearing.

(b) The presiding officer at all times shall ensure that each person participating in the hearing is given an equal opportunity to present views, data, and comments.

History Note: Authority G.S. 150B-21.2(e);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06B .0308 REQUEST FOR STATEMENT ON FINAL DECISION

History Note: Authority G.S. 150B-21.2(h);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. August 1, 2016.

21 NCAC 06B .0309 RECORDS

(a) A record of all rule-making proceedings shall be maintained permanently.

(b) The record shall be maintained on file at the Board's office address listed in 21 NCAC 06A .0102.

History Note: Authority G.S. 150B-21.2(i);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016.

SECTION .0400 - TEMPORARY RULES

21 NCAC 06B .0401 POWER TO ISSUE

21 NCAC 06B .0402 LENGTH OF EFFECTIVENESS

History Note: Authority G.S. 150B-13;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. June 1, 2008.

SECTION .0500 - DECLARATORY RULINGS

21 NCAC 06B .0501 REQUEST FOR DECLARATORY RULING

All requests for declaratory rulings shall be in writing and mailed to the Chairman at the office address in 21 NCAC 06A .0102.

History Note: Authority G.S. 150B-4;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. June 1, 2008; May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06B .0502 CONTENTS OF REQUEST

All requests for a declaratory ruling shall include the following information:

- (1) the name and address of petitioner;
- (2) the statute, rule, or order to which the petition relates;
- (3) a statement of the manner in which the petitioner is affected, or thinks that he or she may be affected, by the rule, statute, or order and its application to him or her; and
- (4) a statement of whether an oral hearing is desired and if so, the reasons for an oral hearing.

History Note: *Authority G.S. 150B-4;*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06B .0503 REFUSAL TO ISSUE DECLARATORY RULING

(a) The Board shall issue a declaratory ruling, except when:

- (1) the request for a declaratory ruling does not meet the requirements set forth in 21 NCAC 06B .0501;
- (2) the Board has previously issued a declaratory ruling on similar facts;
- (3) the Board has previously issued a final agency decision for a contested case for which the petitioner was a party;
- (4) the facts underlying the request for a declaratory ruling were considered at the time the Rule was adopted;
- or
- (5) the subject matter of the petition is involved in pending litigation.

(b) When the Board refuses to issue a declaratory ruling, it shall notify the petitioner of its decision in writing, stating reasons for the denial of a declaratory ruling.

History Note: *Authority G.S. 150B-4;*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. October 1, 2016.

21 NCAC 06B .0504 ISSUANCE OF DECLARATORY RULING

History Note: *Authority G.S. 86A-25; 150A-17;*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

21 NCAC 06B .0505 PROCEDURE

History Note: *Authority G.S. 150B-4;*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. October 1, 2016.

21 NCAC 06B .0506 VALIDITY OF RULE

21 NCAC 06B .0507 CIRCUMSTANCES

History Note: *Authority G.S. 86A-25; 150A-17;*
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

SECTION .0600 - FEES

21 NCAC 06B .0601 FEE SCHEDULE **21 NCAC 06B .0602 AMOUNT**

History Note: *Authority G.S. 86A-25; 150A-11(1);*
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Repealed Eff. May 1, 1989.

SUBCHAPTER 06C – CONTESTED CASES

SECTION .0100 – CONTESTED CASES

21 NCAC 06C .0101 ADMINISTRATIVE HEARINGS

Any person whose rights, duties, or privileges are affected by official actions of the Board shall be entitled to a hearing pursuant to G.S. 150B-38.

History Note: *Authority G.S. 150B-38;*
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. May 1, 1989;
 Readopted Eff. July 1, 2016.

21 NCAC 06C .0102 HEARINGS

History Note: *Authority G.S. 86A-25; 150A-2; 150A-23;*
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Repealed Eff. May 1, 1989.

SECTION .0200 – REQUEST FOR A HEARING

21 NCAC 06C .0201 REQUEST

History Note: *Authority G.S. 150B-38;*
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Repealed Eff. July 1, 2016.

21 NCAC 06C .0202 INFORMAL RESOLUTION ENCOURAGED **21 NCAC 06C .0203 REQUEST AFTER INFORMAL EFFORTS**

History Note: *Authority G.S. 150B-22; 150B-38*
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. June 1, 2008; May 1, 1989;
 Repealed Eff. October 1, 2016.

21 NCAC 06C .0204 CONTENTS OF REQUEST

A written request for an administrative hearing shall contain the following information:

- (1) the name and address of petitioner;

- (2) a statement of the Board action being challenged;
- (3) a statement of the way in which the petitioner has been aggrieved; and
- (4) a demand for a hearing.

History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Readopted Eff. July 1, 2016.

21 NCAC 06C .0205 ACKNOWLEDGEMENT

History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. June 1, 2008; May 1, 1989;
Repealed Eff. July 1, 2016.

SECTION .0300 - THE GRANTING OF HEARING REQUESTS

21 NCAC 06C .0301 GRANTING A HEARING

21 NCAC 06C .0302 CRITERIA

21 NCAC 06C .0303 ISSUANCE

21 NCAC 06C .0304 APPROVAL OF REQUEST

History Note: Authority G.S. 86A-25; 150A-2; 150A-11(1); 150A-23;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

SECTION .0400 - WAIVER

21 NCAC 06C .0401 FAILURE TO NOTIFY

21 NCAC 06C .0402 FAILURE TO APPEAR

History Note: Authority G.S. 86A-25; 150A-11(1); 150A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

SECTION .0500 - NOTICE

21 NCAC 06C .0501 REASONABLE NOTICE

History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. August 1, 2016.

21 NCAC 06C .0502 NOTICE AND HEARING

In determining periods between notice and hearing, the Chairman shall consider the following factors:

- (1) the complexity of the issues involved;
- (2) the probable length of the presentations at the hearing;

- (3) the number of parties;
- (4) the probable success of notifying all the parties without resorting to publication; and
- (5) the time and place of regularly scheduled meetings of the Board.

History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06C .0503 ADDITIONAL INFORMATION ON NOTICES AND HEARINGS
21 NCAC 06C .0504 WRITTEN ANSWERS TO NOTICE

History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. July 1, 2016.

SECTION .0600 – WHO SHALL HEAR CONTESTED CASES

21 NCAC 06C .0601 WHO HEARS CONTESTED CASES

History Note: Authority G.S. 150B-40;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. July 1, 2016.

21 NCAC 06C .0602 APPOINTMENT

History Note: Authority G.S. 86A-25; 150A-32;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

SECTION .0700 – PLACE OF HEARING

21 NCAC 06C .0701 LOCATION

History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. July 1, 2016.

21 NCAC 06C .0702 ALTERNATIVE LOCATIONS

History Note: Authority G.S. 86A-25; 150A-24;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

SECTION .0800 - INTERVENTION

21 NCAC 06C .0801 REQUIREMENTS FOR INTERVENTION

History Note: Authority G.S. 150B-38;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. May 1, 1989;
 Repealed Eff. July 1, 2016.

21 NCAC 06C .0802 PERMISSIVE INTERVENTION

21 NCAC 06C .0803 DISCRETIONARY INTERVENTION

21 NCAC 06C .0804 ADVISABILITY

21 NCAC 06C .0805 WRITTEN PETITION

21 NCAC 06C .0806 PETITION FOR INTERVENTION

History Note: Authority G.S. 86A-25; 150A-23;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Repealed Eff. May 1, 1989.

21 NCAC 06C .0807 ALLOWANCE

If the Board decides to allow intervention, notification of that decision shall be issued to all parties, including the petitioner. In cases of permissive intervention, the notification shall include a statement of the limitations, if any, of time, subject matter, evidence, or any other matters deemed necessary by the Board that are imposed upon the intervenor.

History Note: Authority G.S. 150B-38;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. May 1, 1989;
 Readopted Eff. July 1, 2016.

21 NCAC 06C .0808 DENIAL

History Note: Authority G.S. 150B-38;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Repealed Eff. July 1, 2016.

SECTION .0900 - HEARING OFFICERS

21 NCAC 06C .0901 HEARING OFFICER

21 NCAC 06C .0902 CONDUCT

History Note: Authority G.S. 86A-25; 150A-25; 150A-32; 150A-33;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Repealed Eff. May 1, 1989.

21 NCAC 06C .0903 BIAS OF BOARD MEMBER

If for any reason a member of the Board determines that personal bias or other factors precludes him or her from being able to hear a contested case and perform all duties in an impartial manner, he or she shall submit in writing to the Chairman his or her disqualification and the reasons therefore as required by Chapter 138A of the General Statutes.

History Note: Authority G.S. 138A-36; 150B-38; 150B-40;
 Eff. February 1, 1976;

Readopted Eff. February 8, 1978;
Amended Eff. June 1, 2008; May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06C .0904 BIAS CLAIMED BY PARTY

History Note: Authority G.S. 150B-40;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. July 1, 2016.

21 NCAC 06C .0905 AFFIDAVIT OF DISQUALIFICATION

An affidavit of disqualification shall state all facts the party deems relevant to the disqualification of the member of the Board.

History Note: Authority G.S. 150B-40;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06C .0906 FILING AFFIDAVIT

An affidavit of disqualification shall be considered timely if filed before commencement of the hearing.

History Note: Authority G.S. 150B-40;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06C .0907 DISQUALIFICATION

The members of the Board who are not challenged in an affidavit of disqualification shall decide whether to disqualify the person being challenged by the following procedural rules:

- (1) The person whose disqualification is to be determined shall not participate in the decision but may be called upon to furnish information to the remaining members of the Board.
- (2) The Chairman shall appoint a member of the Board or the Executive Director to investigate the allegations of the affidavit, if necessary.
- (3) If appointed under Item (2) of this Rule, the investigator shall report his or her findings and recommendations to the remaining members of the Board, who shall then decide whether to disqualify the challenged individual.

History Note: Authority G.S. 150B-40;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. September 1, 2013; May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06C .0908 NEW HEARING

History Note: Authority G.S. 86A-25; 150A-25; 150A-32; 150A-33;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

21 NCAC 06C .0909 DISQUALIFICATION OF MAJORITY OF BOARD

History Note: Authority G.S. 150B-40;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed August 1, 2016.

21 NCAC 06C .0910 DETERMINATION TO CONTINUE
21 NCAC 06C .0911 RECORDS

History Note: Authority G.S. 86A-25; 150A-33; 150A-34; 150A-37;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

21 NCAC 06C .0912 COMPLAINTS

- (a) An individual who wishes to make a complaint alleging a violation of G.S. 86A or the Board's rules shall submit the complaint in writing to the address or through the website set forth in 21 NCAC 06A .0102.
- (b) Upon receipt of a complaint, the Board's Executive Director shall review the complaint. The Executive Director shall assign a staff member to investigate the complaint, except for complaints that are dismissed as set forth in Paragraph (c) of this Rule.
- (c) The Executive Director shall dismiss the complaint and notify the complainant if the complaint:
 - (1) lacks information, such as barbershop location or a description of the alleged conduct, necessary to investigate the complaint. Before dismissal, the Executive Director shall attempt to collect additional information from the complainant; or
 - (2) alleges conduct that is not prohibited by G.S. 86A or the Board's rules or is not within the Board's jurisdiction. The Executive Director shall refer the complaint to any other agency that may have jurisdiction.
- (d) After conducting an investigation, the assigned staff member shall:
 - (1) recommend to the Executive Director that the Board counsel issue a probable cause letter for violations of G.S. 86A or the Board's rules; or
 - (2) recommend that the Executive Director dismiss the complaint because there is insufficient evidence of a violation of G.S. 86A or the Board's rules or the alleged conduct is not within the Board's jurisdiction.
- (e) After receiving a recommendation required by Paragraph (d) of this Rule, the Executive Director shall:
 - (1) request additional investigation by the assigned staff member on a case-by-case basis when the recommendation does not contain facts to support the actions set forth in Subparagraphs (2) or (3) of this Paragraph;
 - (2) recommend that the Board counsel issue a probable cause letter for violations of G.S. 86A or the Board's rules; or
 - (3) dismiss the complaint and notify the complainant, except that the Executive Director shall refer the complaint to any other agency that may have jurisdiction.
- (f) At each regularly scheduled Board meeting, the Executive Director shall submit to the Board a report of dismissed complaints that he or she has not previously reported, with a summary of the allegations and a justification for the dismissal. If the complaint was dismissed within 30 days of the Board meeting, the Executive Director may instead include the dismissal in the report for the Board meeting following the next regularly scheduled meeting.
- (g) By a majority vote, the Board may reopen any complaint that the Executive Director has dismissed, in which case the complaint shall be handled as if the Executive Director had not dismissed the complaint.

History Note: Authority G.S. 86A-5;
Eff. April 1, 2017;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06C .0913 PREDETERMINATIONS FOR INDIVIDUALS WITH CRIMINAL RECORDS

(a) An individual who wishes to request a predetermination under G.S. 93B-8.1(b6) shall submit a petition with the following:

- (1) The person's full name;
- (2) The person's social security number;
- (3) The person's date of birth;
- (4) The person's current address;
- (5) A complete and accurate criminal history record from the Federal Bureau of Investigation;
- (6) Three character references from individuals chosen by the petitioner;
- (7) A notarized affirmation under oath that the information in the petition is accurate and true to the best of the petitioner's knowledge; and
- (8) For each offense in the criminal history record, the following information:
 - (A) Whether the crime was a felony or misdemeanor;
 - (B) The date that the person was convicted of the offense;
 - (C) The sentence imposed for the crime;
 - (D) If the petitioner has completed the sentence, documentation from the appropriate court showing that the petitioner has met all court-imposed sentencing conditions or that records pertaining to the applicant either do not exist or have been purged;
 - (E) If the petitioner has not completed the sentence, either a statement written by the petitioner describing, or documentation from the sentencing court showing, the status of the petitioner's efforts toward meeting the sentencing requirements, including the expected date of completion;
 - (F) If applicable, evidence of a Certificate of Relief granted under G.S. 15A-173.2;
 - (G) If applicable, evidence of completion of or active participation in rehabilitative measures, such as drug or alcohol treatment, domestic-violence or anger-management counseling, or Drug Court programs; and
 - (H) A statement by petitioner that describes the circumstances surrounding the commission of the crime.

(b) The petition shall be accompanied by a non-refundable petition fee of forty-five dollars (\$45.00).

(c) The Board delegates authority to make predeterminations to the Executive Director, who shall issue a response as required by G.S. 93B-8.1(b6).

*History: Authority G.S. 93B-8.1;
Eff. July 1, 2020.*

SUBCHAPTER 06D – CONDUCT OF THE CONTESTED CASE

SECTION .0100 – FAILURE TO APPEAR

21 NCAC 06D .0101 CONTESTED CASE HEARINGS

*History Note: Authority G.S. 150B-38;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Repealed Eff. July 1, 2016.*

21 NCAC 06D .0102 ALTERNATIVES OF HEARING OFFICER 21 NCAC 06D .0103 CONTINUANCES 21 NCAC 06D .0104 PETITION TO REOPEN 21 NCAC 06D .0105 CRITERIA FOR REOPENING A CASE

*History Note: Authority G.S. 86A-25; 150A-11(1); 150A-25; 150A-33;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;*

Repealed Eff. May 1, 1989.

SECTION .0200 - PRE-HEARING CONFERENCE

21 NCAC 06D .0201	DISCRETION TO HOLD CONFERENCE
21 NCAC 06D .0202	PURPOSES
21 NCAC 06D .0203	NATURE OF CONFERENCE
21 NCAC 06D .0204	NOTICE OF PRE-HEARING CONFERENCE
21 NCAC 06D .0205	SIMPLIFICATION OF ISSUES

*History Note: Authority G.S. 86A-25; 150A-11(1); 150A-23; 150A-31; 150A-33(5);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.*

SECTION .0300 - SUBPOENAS

21 NCAC 06D .0301	AUTHORITY TO ISSUE
21 NCAC 06D .0302	ISSUANCE
21 NCAC 06D .0303	SERVICE OF SUBPOENAS
21 NCAC 06D .0304	UNREASONABLE SUBPOENAS
21 NCAC 06D .0305	OBJECTIONS
21 NCAC 06D .0306	STATEMENT OF REASONS
21 NCAC 06D .0307	SERVICE OF OBJECTIONS
21 NCAC 06D .0308	RESPONSES TO OBJECTIONS
21 NCAC 06D .0309	HEARINGS ON SUBPOENA CHALLENGES
21 NCAC 06D .0310	RULINGS

*History Note: Authority G.S. 86A-25; 150A-23; 150A-25; 150A-27;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.*

SECTION .0400 - DISCOVERY

21 NCAC 06D .0401	DISCOVERY OF INFORMATION
21 NCAC 06D .0402	FAILURE TO SUBMIT TO DISCOVERY

*History Note: Authority G.S. 86A-25; 150A-28;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.*

SECTION .0500 - DEPOSITIONS

21 NCAC 06D .0501	USE OF DEPOSITIONS
21 NCAC 06D .0502	PROCEDURE FOR TAKING A DEPOSITION
21 NCAC 06D .0503	RULINGS ON DEPOSITIONS

*History Note: Authority G.S. 86A-25; 150A-28;
Eff. February 1, 1976;*

*Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.*

SUBCHAPTER 6E - DECISION IN CONTESTED CASES

SECTION .0100 - PROPOSALS FOR DECISIONS

21 NCAC 06E .0101	HEARING OFFICERS
21 NCAC 06E .0102	PROPOSAL FOR DECISION
21 NCAC 06E .0103	EXCEPTIONS

*History Note: Authority G.S. 86A-25; 150A-33; 150A-34;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.*

SECTION .0200 - OBJECTIONS TO BOARD DECISIONS

21 NCAC 06E .0201	FORM
21 NCAC 06E .0202	RECORDS
21 NCAC 06E .0203	SUBSTANTIAL PREJUDICE
21 NCAC 06E .0204	ORAL ARGUMENTS
21 NCAC 06E .0205	NOTICE

*History Note: Authority G.S. 86A-25; 150A-23; 150A-25; 150A-37;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.*

SUBCHAPTER 06F – BARBER SCHOOL

SECTION .0100 – BARBER SCHOOL

21 NCAC 06F .0101 PHYSICAL STRUCTURE

- (a) For the purpose of this Rule, "practical area" means the area of the school where barbering services are provided.
- (b) The physical structure of barber schools in North Carolina shall conform to the following criteria:
- (1) be a minimum of 14 linear feet wide;
 - (2) be equipped with a minimum of five barber chairs for barber schools within jail or prison facilities or 10 barber chairs for all other schools, and these chairs shall meet the sanitary conditions required by G.S. 86A-15(a)(2);
 - (3) have a minimum of 896 square feet in the practical area;
 - (4) have an additional 70 square feet in the practical area for each additional barber chair over 10 chairs;
 - (5) have at least five linear feet of space between each chair, center to center;
 - (6) have no more than two students enrolled per barber chair;
 - (7) be equipped with toilet facilities with hand-washing sink or basin;
 - (8) have concrete or wood floors covered with smooth, nonporous materials;
 - (9) have instructional materials, such as blackboard space or slide programs;

- (10) have a workstand, with a mounted mirror with minimum dimensions of 36 inches tall and 20 inches wide, for each barber chair in the practical area, constructed of material that can be washed and cleansed;
- (11) have the solutions and containers required by G.S. 86A-15(a)(2)(a) located at the workstand identified in Subparagraph (b)(10) of this Rule;
- (12) have a tool cabinet for each barber chair, with a door to limit exposure of the tools to the open air;
- (13) have a towel cabinet, or other method of storage, so that clean towels are stored separate from used towels;
- (14) have at least one functional sink or lavatory, with hot and cold water, for each two barber chairs, located within seven unobstructed linear feet of each barber chair. This sink distance requirement does not apply to schools permitted on or before September 1, 2009;
- (15) have the school separate from any other place or type of business, except for a business allowed by G.S. 86A-15(a)(1)(b), by a wall of ceiling height;
- (16) have a classroom area, separate from the practical area, with desk chairs sufficient to serve the number of students enrolled, and a desk and chair for the instructors;
- (17) have a means for electronic recordation of student hours;
- (18) have a sign displayed in each practical area of the school stating that all barbering services are performed by students; and
- (19) have a bulletin board hanging in each classroom area with a posting of the rules in this Subchapter and the minimum school curricula as set forth in 21 NCAC 06F .0120.

This Paragraph applies to barber schools permitted on or after December 1, 1994 or which undergo structural renovations after that date, except as specified in Paragraph (b)(14) of this Rule.

(c) All barber schools seeking a new permit shall receive a satisfactory building inspection by the jurisdiction having authority prior to obtaining a shop inspection pursuant to 21 NCAC 06L .0105.

History Note: Authority G.S. 86A-5; 86A-13; 86A-15; 86A-22;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. September 1, 2013; October 1, 2009; June 1, 2008; December 1, 1994; May 1, 1989;
 Readopted Eff. July 1, 2016;
 Amended Eff. April 1, 2022; August 1, 2018.

21 NCAC 06F .0102 MANAGER

(a) Each barber school shall designate one of the instructors required by G.S. 86A-22(2) as the school manager.

(b) The barber school manager is responsible for the school's compliance with G.S. 86A-15 and the rules in this Subchapter, whether present on the school premises or not.

History Note: Authority G.S. 86A-15; 86A-22;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. April 1, 2010; May 1, 1989; March 1, 1983;
 Readopted Eff. July 1, 2016;
 Amended Eff. January 1, 2018;
 RRC objection due to lack of statutory authority Eff. April 20, 2023.

21 NCAC 06F .0103 FILING

(a) Each barber school shall file with the Board the name of the manager of the school.

(b) When a change in the management of a barber school occurs, the school shall report the change at least 30 days before the change is effective, except in emergencies, such as termination of a manager. If such change is due to an emergency, the filing shall be made not later than 10 days after the change of management has occurred.

History Note: Authority G.S. 86A-22;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. June 1, 2008; May 1, 1989; March 1, 1983;
 Readopted Eff. July 1, 2016.

21 NCAC 06F .0104 INSTRUCTORS

- (a) At least one barber instructor shall supervise students engaged in barbering activities at all times.
- (b) Barber instructors shall barber only for the purpose of instruction or demonstration while on the premises of the barber school.
- (c) All course work as outlined under 21 NCAC 06F .0120 shall be taught by a certified barber instructor.

History Note: Authority G.S. 86A-22; 86A-23;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. September 1, 2009; June 1, 2008; May 1, 1989;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06F .0105 QUALIFICATIONS
21 NCAC 06F .0106 CONDUCT OF MANAGERS AND INSTRUCTORS
21 NCAC 06F .0107 STUDENT PERMITS

History Note: Authority G.S. 86A-18; 86A-22; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Repealed Eff. May 1, 1989.

21 NCAC 06F .0108 RE-EXAMINATION

History Note: Authority G.S. 86A-25;
Eff. February 1, 1976;
Repealed Eff. February 8, 1978.

21 NCAC 06F .0109 RE-ENTERING SCHOOL

A new application for a student permit shall be filed with the Board for:

- (1) each student who drops out and later re-enrolls in a barber school; and
- (2) any barber re-enrolling in barber school for additional instruction.

History Note: Authority G.S. 86A-22(3);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06F .0110 ROSTER AND STUDENT RECORDS

Each barber school shall:

- (1) maintain an up-to-date written roster system that shall be used to ensure that each student serves substantially equal numbers of patrons for practical work;
- (2) maintain a record of each student, including a weekly record of the number of days and hours the student attended classes in practical work and theory;
- (3) maintain a separate daily record of the number of patrons the student served for haircuts, shaves, and other barbering services;
- (4) maintain a weekly record of the subject matter taught to the student in theory classes;
- (5) submit the Form BAR-10 as required by 21 NCAC 06N .0111;
- (6) provide to the Board the list of students required by G.S. 86A-22(5) by the 15th day of each month; and
- (7) maintain the signed acknowledgment required by 21 NCAC 06F .0116.

History Note: Authority G.S. 86A-22;

Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. April 1, 2010; June 1, 2008; May 1, 1989; March 1, 1983;
Readopted Eff. September 1, 2016.

21 NCAC 06F .0111 COPIES OF BARBER SCHOOL RECORDS

(a) Barber schools shall furnish to the Board copies of all records or reports the schools are required to keep, either by the North Carolina General Statutes or by the rules of the Board, including time sheets for instructors to verify compliance with 21 NCAC 06F .0104.

(b) A school shall not refuse to submit any required records or reports due to a dispute or unfulfilled obligation with a student, instructor, or third party.

History Note: Authority G.S. 86A-22;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. September 1, 2009; June 1, 2008; May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06F .0112 ENROLLMENT STANDARDS

History Note: Authority G.S. 86A-22; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Repealed Eff. May 1, 1989.

21 NCAC 06F .0113 STUDENT PERMIT

(a) The barber school shall submit an application as required by 21 NCAC 06N .0104 for a student permit to the Board at an address listed in 21 NCAC 06A .0102.

(b) The Board shall issue the student permit within:

- (1) Five business days for applications submitted online; or
- (2) Ten calendar days for applications submitted by mail or in person.

(c) A student cannot be enrolled in the school until the Board issues the student permit. The student shall receive no credit for training received in barber school until a student permit has been issued for the student.

(d) Within five business days of the date on which any student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall return the student permit to the Board.

(e) The Board issues a student permit only for the specific application. Once a student permit is issued, the Board shall not refund the fee.

History Note: Authority G.S. 86A-22;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. June 1, 2008; May 1, 1989; March 1, 1983;
Readopted Eff. July 1, 2016;
Amended Eff. April 1, 2019.

21 NCAC 06F .0114 SIGNATURES ON REPORTS

History Note: Authority G.S. 86A-22;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. December 1, 1994; May 1, 1989;
Repealed Eff. July 1, 2016.

21 NCAC 06F .0115 PHYSICIAN'S CERTIFICATE

History Note: Authority G.S. 86A-22(3);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Repealed Eff. May 1, 1989.

21 NCAC 06F .0116 STUDENTS WITH CRIMINAL RECORDS

Prior to enrollment and the acceptance of any enrollment fee or tuition, the barber school shall notify the applicant of the statutes regarding criminal convictions in G.S. 86A-18 and G.S. 93B-8.1 and have the applicant sign and date the notice indicating that the applicant has been so informed.

History Note: Authority G.S. 86A-18; 86A-22; 93B-8.1;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Amended Eff. September 1, 2013; April 1, 2010; May 1, 1989;
Readopted Eff. October 1, 2016.

21 NCAC 06F .0117 PENAL INSTITUTIONS

History Note: Authority G.S. 86A-22;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Repealed Eff. May 1, 1989.

21 NCAC 06F .0118 FEES

History Note: Authority G.S. 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. July 1, 2016.

21 NCAC 06F .0119 INTRASTATE TRANSFERS

Students attending barber schools that qualify under Chapter 86A of the North Carolina General Statutes and the rules in this Subchapter may transfer from one school to another and receive credit for the attendance at each of the schools where the student was enrolled.

History Note: Authority G.S. 86A-22(5);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989; March 1, 1983;
Readopted Eff. July 1, 2016.

21 NCAC 06F .0120 BARBER SCHOOL CURRICULA

(a) The following categories and courses shall comprise the minimum course work for all students at barber schools:

	Hours
Classroom Lecture and Study Periods:	
Hygiene and Good Grooming, Professional Ethics	25
Bacteriology, Sterilization, Sanitation	50
Implements, Honing, Stropping, and Shaving	30
Men's Haircutting	20

Cutting and Styling Curly Hair, Mustaches, and Beards	10
Shampooing and Rinsing, Scalp and Hair Treatments	10
Theory of Massage and Facial Treatments	5
Men's Razor Cutting, Women's Razor, and Shear Cutting	30
Finger Waving Men's Hair, Air Waving, and Curling Iron Techniques	5
Permanent Waving For Men, Chemical Hair Relaxing, and Blow Drying	25
Hair Coloring	10
Men's Hair Pieces	5
The Skin, Scalp, and Hair	30
Disorders of the Skin, Scalp, and Hair	15
Anatomy and Physiology	10
Electricity Therapy, Light Therapy, and Chemistry	10
Barber Styling, Shop Management, and Product Knowledge	70
Licensing Laws and Rules and History of Barbering	20
Supervised Practice in Barbering:	
Shampooing and Scientific Hair and Scalp Treatments	55
Shaving	50
Tapered Hair Cutting	250
Hair Styling of Men and Women	400
Facials, Massages, and Packs	10
Bleaching, Frosting, Hair Coloring, and Body Permanents	90
Cutting and Fitting Hair Pieces	5
Hair Straightening	5
The Analyzing and Treatment of Hair and Skin Disorders	10
Lectures and Demonstrations on Practical Work:	
Shampooing and Scientific Hair and Scalp Treatments	15
Shaving	20
Tapered Hair Cutting	70
Hair Styling of Men and Women	100
Facials, Massages, and Packs	5
Bleaching, Frosting, Hair Coloring, and Permanent Waving	30
Cutting and Fitting Hair Pieces	5
Hair Straightening	3
The Analyzing and Treating of Hair and Skin Disorders	10
Men's and Women's Razor Cutting	15

Total Hours 1528

(b) Barber schools shall offer no more than the following hours through online classes based on the curriculum set forth in Paragraph (a) of this Rule:

	Hours
Classroom Lecture and Study Periods:	380
Supervised Practice in Barbering:	
Tapered Hair Cutting	25
Hair Styling of Men and Women	34
Bleaching, Frosting, Hair Coloring, and Body Permanents	35
Lectures and Demonstrations on Practical Work:	
Shampooing and Scientific Hair and Scalp Treatments	8
Shaving	5
Tapered Hair Cutting	20
Hair Styling of Men and Women	50

Bleaching, Frosting, Hair Coloring, and Permanent Waving	5
The Analyzing and Treating of Hair and Skin Disorders	7
Men's and Women's Razor Cutting	7

Total Online Hours 576

(c) All barber schools shall use course books and training materials specifically created for the purpose of teaching barbering skills. Unless the course book or training material has separate and distinct sections covering the practice of barbering, cosmetology course books and training materials are not acceptable.

(d) Through December 31, 2021, barber schools may offer all hours listed in Paragraph (a) of this Rule through online classes, Paragraph (b) of this Rule notwithstanding.

History Note: Authority G.S. 86A-22(1); 86A-22(4);
Eff. March 1, 1983;
Amended Eff. June 1, 2008; May 1, 1989;
Readopted Eff. July 1, 2016;
Amended Eff. April 1, 2021;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06F .0121 PENAL INSTITUTIONS

(a) The Board may enter into memoranda of understanding or other agreements with the North Carolina Department of Adult Correction for the approval of schools of barbering at penal institutions within North Carolina.

(b) Schools operated by the Department of Adult Correction shall comply with all rules in this Subchapter; however, they are exempt from the requirements of Rule .0101(b)(7) and (11) of this Section.

History Note: Authority S.L. 2022-72, s. 2;
Eff. June 1, 2008;
Readopted Eff. July 1, 2016;
Amended Eff. February 1, 2023.

21 NCAC 06F .0122 UNIFORMS AND IDENTIFICATION

All students shall wear a clean, washable uniform, smock, or similar professional attire along with a nametag at all times during instructional hours.

History Note: Authority G.S. 86A-22;
Eff. September 1, 2009;
Readopted Eff. July 1, 2016.

21 NCAC 06F .0123 RECORDS OF STUDENT HOURS

Each student shall use an electronic means to record instructional hours pursuant to Rule .0124 of this Section. The school shall maintain student time data for one year following the individual student's graduation, transfer to another school, or termination of enrollment. Individual student time data shall be available for review by the Board.

History Note: Authority S.L. 2022-72, s. 2;
Eff. September 1, 2009;
Readopted Eff. July 1, 2016;
Amended Eff. February 1, 2023.

21 NCAC 06F .0124 STUDENT HOURS

(a) No student shall be given credit for more than eight total hours during any instruction day.

(b) Students shall record their start time by electronic means upon entering the school for practical or theory hours. Students shall not record any period of break from instruction, even if remaining on school premises.

(c) In meeting the minimum course work and designated barber school curricula required by Rule .0120 of this Section, no student shall be given credit for more than eight hours per month and 40 hours for the duration of enrollment in the school that

were obtained by instruction or demonstration off school premises or from a field trip, except for hours received through online classes allowed under Rule .0120 of this Subchapter.

History Note: Authority G.S. 86A-22;
Eff. September 1, 2009;
Readopted Eff. July 1, 2016;
Amended Eff. April 1, 2021.

21 NCAC 06F .0125 SCHOOL HANDBOOKS AND ENROLLMENT AGREEMENTS

(a) Every school shall provide a school handbook to its students upon enrollment containing the enrollment agreement, tuition fee schedule, any monetary penalties and fees, reimbursement policies, school rules and regulations, tardiness and absenteeism policies, a syllabus or list of the school curricula containing the minimum hours for each subject matter to be taught in accordance with Rule .0120 of this Section, and the grading system for said curricula.

(b) A copy of the school handbook shall be submitted to the Board. An updated copy of the handbook shall be re-submitted to the Board following any amendment or revision.

History Note: Authority G.S. 86A-22;
Eff. September 1, 2009;
Readopted Eff. July 1, 2016.

21 NCAC 06F .0126 EXTENDED EDUCATION

For the purposes of this Rule, "extended education" is additional coursework beyond the 1,528 hours required to complete barber school, or to initially obtain a license from the North Carolina Board of Barber and Electrolysis Examiners.

- (1) When a barber school wishes to provide extended education, the school shall:
 - (a) Submit a proposed curriculum or syllabus that:
 - (i) describes the purpose of the instruction;
 - (ii) indicates how many students are expected to participate in the instruction;
 - (iii) states where the instruction would be provided; and
 - (iv) states how many hours of instruction are required or will be provided in the course of instruction;
 - (b) Identify the instructors providing the instruction; and
 - (c) Submit samples of the advertising or promotion for the program.
- (2) After the instruction has been approved, the barber school shall notify the Board if there are any changes to the instruction, including suspension or discontinuation the class.
- (3) Upon approval, the course offering shall be subject to review of the barber school by the Board inspector. The inspector shall evaluate:
 - (a) Whether the school maintains accurate records as to the individuals in the class and the number of hours in the class;
 - (b) The presentation of the class;
 - (c) Whether the class is offered in classrooms for practical and academic instruction that meet the requirements of Rule .0101 of this Section; and
 - (d) Whether the class complies with the requirements of other barber school instruction.

History Note: Authority S.L. 2022-72, s. 2;
Eff. July 1, 2016;
Amended Eff. February 1, 2023.

21 NCAC 06F .0127 STATE AUTHORIZATION AS A POSTSECONDARY INSTITUTION

(a) If a barber school seeks to be authorized by the Board as a postsecondary educational institution as set forth in 34 C.F.R. 600.9:

- (1) the school handbooks and enrollment agreements required by 21 NCAC 06F .0125 shall require prospective students to have a high school diploma or equivalent; and
- (2) the school shall submit a copy of the student's high school diploma or equivalency documentation with each Form BAR-3 required by 21 NCAC 06N .0104 as set forth in 21 NCAC 06F .0113.

(b) If a barber school meets the requirements set forth in Paragraph (a) of this Rule, the Board shall include the phrase "Postsecondary Institution" on the barber school permit issued under G.S. 86A-13. If the school already holds a school permit issued by the Board, the Board shall issue the permit with the phrase "Postsecondary Institution" at no additional cost, and the school shall relinquish the permit without the phrase to the Board.

(c) The Board shall determine that a school no longer complies with Paragraph (a) based on an inspection or investigation, notification to the Board by the school, or a failure by the school to comply with Paragraph (a)(2) of this Rule. If the Board makes this determination:

- (1) the Board shall issue at no charge a duplicate copy of the permit without the phrase "Postsecondary Institution";
- (2) the school shall relinquish to the Board the permit with the phrase "Postsecondary Institution"; and
- (3) the Board shall notify the federal Department of Education of the school's change in postsecondary status.

(d) This Rule shall not be construed to authorize the Board to delay issuing a permit without the phrase "Postsecondary Institution" to a school that otherwise meets the requirements of the North Carolina General Statutes and the rules of the Board.

History Note: Authority G.S. 86A-13; 86A-22; 20 U.S.C. 1001; 20 U.S.C. 1002; 34 C.F.R. 600.9;
Eff. January 1, 2017;
Amended Eff. April 1, 2019.

21 NCAC 06F .0128 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY

(a) If the Governor declares a state of emergency, the following exceptions shall apply to barber schools and students:

- (1) Schools shall maintain a monthly record of the subject matter taught to the student in theory classes, the requirement in Rule .0110(4) of this Subchapter for a weekly record notwithstanding.
- (2) Schools shall provide to the Board the list of students required by G.S. 86A-22(5) by the last day of each month, the requirement in Rule .0110(6) of this Subchapter for schools to submit the list by the 15th of each month notwithstanding.
- (3) Within 60 days of the date on which any student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall return the student permit to the Board, the requirement in Rule .0113(d) of this Subchapter to return the student permit within five business days notwithstanding.
- (4) Students shall not be required to meet the requirements in Rule .0122 of this Subchapter if the students are attending online classes.
- (5) No student shall be given credit for more than 10 total hours during any instruction day, the restriction to eight hours in Rule .0124(a) of this Subchapter notwithstanding.
- (6) The restrictions on off-campus hours in Rule .0124(c) of this Subchapter shall not apply to hours that students receive during a state of emergency.
- (7) Schools shall not be required to revise the handbooks required by Rule .0125 of this Subchapter to reflect the exceptions listed in this Rule.

(b) The exceptions in this Rule shall only apply through the duration of the state of emergency.

History Note: Authority G.S. 86A-22;
Emergency Adoption Eff. March 27, 2020;
Temporary Adoption Eff. June 1, 2020;
Eff. February 1, 2021.

21 NCAC 06F .0129 REQUIREMENTS FOR BARBER SCHOOL INSTRUCTORS DURING PANDEMIC

History Note: Authority S.L. 2020-3, s. 4.38.(b);
Emergency Adoption Eff. May 19, 2020, to expire pursuant to S.L. 2020-3, s. 4.38.(e);
Emergency Adoption Expired Eff. August 1, 2020 pursuant to S.L. 2020-3, s. 4.38.(e).

SUBCHAPTER 6G - BARBER SCHOOL INSTRUCTORS

21 NCAC 06G .0101 EXPERIENCE
21 NCAC 06G .0102 APPLICATION

History Note: Authority G.S. 86A-22(2); 86A-23(a); 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Repealed Eff. May 1, 1989.

21 NCAC 06G .0103 INSTRUCTOR EXAMINATION

(a) A prospective instructor of barbering shall make a grade of at least 80 percent on both parts (written and practical) of the instructor's examination before being certified.

(b) If any applicant to be licensed as a barber school instructor fails one portion of the examination, but passes the other portion, he or she may take and pass the failed portion within six months of the notification of failure. If the failed portion is not passed within six months of the notification of failure, the applicant shall take all parts of the examination again.

History Note: Authority G.S. 86A-23;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989; March 1, 1983;
Readopted Eff. July 1, 2016.

21 NCAC 06G .0104 PERMISSION TO INSTRUCT
21 NCAC 06G .0105 STUDENT-INSTRUCTOR RATIO

History Note: Legislative Objection Lodged (.0004) Eff. March 7, 1983;
Statutory Authority G.S. 86A-22; 86A-23; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Repealed Eff. May 1, 1989.

21 NCAC 06G .0106 INSTRUCTOR APPLICATION

To become a registered barber instructor an applicant shall furnish the Board with the Form BAR-6 as set forth in 21 NCAC 06N .0107 and pay the fee in 21 NCAC 06N .0101(a)(11).

History Note: Authority G.S. 86A-23(a); 86A-25;
Eff. October 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

SUBCHAPTER 06H - BARBER SCHOOL OWNERS AND MANAGERS

SECTION .0100 – BARBER SCHOOL OWNERS AND MANAGERS

21 NCAC 06H .0101 DUTIES AND RESPONSIBILITIES

(a) Barber school managers shall:

- (1) file for a school permit at least 30 days before opening the school for business;
- (2) ensure that all students are instructed;
- (3) ensure compliance with the North Carolina General Statutes governing barber schools and barbering and the administrative rules of the Board.

(b) A barber school manager shall have 30 days to fill a vacancy to ensure compliance with G.S. 86A-22(2).

(c) Managers of schools that are organized as nonprofits, have obtained a determination from the Internal Revenue Service recognizing their tax-exempt status, and wish to have the lower number of instructors allowed under G.S. 86A-22 shall provide to the Board a copy of the Internal Revenue Service determination before offering instruction with the reduced number of instructors.

History Note: Authority G.S. 86A-13; 86A-15; 86A-22;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989; March 1, 1983;
Readopted Eff. July 1, 2016;
RRC objection due to lack of statutory authority Eff. April 20, 2023.

21 NCAC 06H .0102 STUDENT-INSTRUCTOR RATIO

History Note: Authority G.S. 86A-22;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. February 1, 1996; May 1, 1989;
Repealed Eff. August 1, 2016.

SUBCHAPTER 06I - OUT-OF-STATE TRANSFERS

21 NCAC 06I .0101 CREDIT FOR OUT-OF-STATE TRAINING

The Board may grant a student credit hours for training in a barber school in another state if the Board determines that:

- (1) the school is accredited by the National Accrediting Commission of Career Arts and Sciences;
- (2) if required by the state in which the school is located, the school has a current license; and
- (3) based on a certified transcript submitted by the student, the hours are for topics set forth in 21 NCAC 06F .0120(a).

History Note: Authority G.S. 86A-15(b);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. October 1, 2016.

21 NCAC 06I .0102 CREDIT

21 NCAC 06I .0103 ATTENDANCE

21 NCAC 06I .0104 FULL-TIME ATTENDANCE

History Note: Authority G.S. 86A-25;
Eff. February 1, 1976;
Repealed Eff. February 8, 1978.

21 NCAC 06I .0105 APPRENTICE BARBER

A student who has trained in another state may take the examination to become a registered apprentice barber provided:

- (1) his or her hours of training in the out-of-state barber school have been credited under Rule .0101 of this Subchapter;
- (2) he or she completes and furnishes to the Board the Form BAR-4 that meets the requirements of 21 NCAC 06N .0105; and
- (3) he or she pays the required fee in 21 NCAC 06N .0101(a)(6).

History Note: Authority G.S. 86A-5; 86A-18; 86A-24; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989;
Readopted Eff. October 1, 2016;
Amended Eff. April 1, 2017;
RRC objection due to lack of statutory authority Eff. April 20, 2023
Amended Eff. May 2, 2023.

SUBCHAPTER 06J - APPRENTICE BARBERS

21 NCAC 06J .0101 LICENSED APPRENTICE

A registered apprentice shall:

- (1) attend an approved barber school for a period of at least 1,528 hours as set forth in 21 NCAC 06F .0120;
- (2) furnish the Board with the Form BAR-4 as set forth in 21 NCAC 06N .0105 and pay the fee according to 21 NCAC 06N .0101(a)(6); and
- (3) make a score of at least 70 percent on both a written and practical apprentice examination.

History Note: Authority G.S. 86B-23; 86B-26; 86B-40; 86B-41;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989;
Readopted Eff. October 1, 2016;
RRC objection due to lack of statutory authority Eff. April 20, 2023;
Amended Eff. May 2, 2023.

21 NCAC 06J .0102 FORFEITURE OF FEE

21 NCAC 06J .0103 RENEWAL AS REGISTERED APPRENTICE; WAIVER

History Note: Authority G.S. 86A-24; 86A-25; 93B-15;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. April 1, 2010; February 1, 1996; December 1, 1994; May 1, 1989;
Repealed Eff. July 1, 2016.

21 NCAC 06J .0104 CERTIFICATE ADDRESSES

History Note: Authority G.S. 86A-25;
Eff. February 1, 1976;
Repealed Eff. February 8, 1978.

21 NCAC 06J .0105 PHYSICIAN'S CERTIFICATE

History Note: Authority G.S. 86A-22(3);
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Repealed Eff. May 1, 1989.

21 NCAC 06J .0106 STUDENT PERMISSION TO BARBER

History Note: *Authority G.S. 86A-11;*
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. May 1, 1989;
 Repealed Eff. July 1, 2016.

21 NCAC 06J .0107 VALIDITY OF PHYSICIAN'S CERTIFICATE

History Note: *Authority G.S. 86A-22(3);*
 Eff. March 1, 1983;
 Repealed Eff. May 1, 1989.

21 NCAC 06J .0108 EXAMINATION

If any applicant to be licensed as an apprentice barber fails either the written or practical portion of the examination, he or she shall take and pass the failed portion within six months of the notification of failure. If the failed portion is not passed within six months of the notification of failure, the applicant shall take both portions of the examination again.

History Note: *Authority G.S. 86A-24;*
 Eff. March 1, 1983;
 Amended Eff. May 1, 1989;
 Readopted Eff. July 1, 2016.

21 NCAC 06J .0109 IDENTIFICATION

All apprentice barbers and student barbers with temporary permits shall maintain their license as defined in 21 NCAC 06P .0103(7) in their possession at all times while performing barbering services. The individual shall produce the identification to the Board's Executive Director or inspector upon request.

History Note: *Authority G.S. 86A-1; 86A-10;*
 Eff. June 1, 2008;
 Readopted Eff. July 1, 2016.

21 NCAC 06J .0110 NOTIFICATION OF ADDRESS CHANGE

All apprentice barbers and student barbers with temporary permits shall notify the Board within 60 days of any change in their permanent mailing address.

History Note: *Authority G.S. 86A-11; 86A-24;*
 Eff. September 1, 2009;
 Readopted Eff. July 1, 2016;
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.

SUBCHAPTER 06K - REGISTERED BARBER

SECTION.0100 – REGISTERED BARBER

21 NCAC 06K .0101 REGISTERED BARBER

To become a registered barber, an applicant shall:

- (1) meet the qualifications in G.S. 86A-3;
- (2) furnish the Board with Form BAR-5 as set forth in 21 NCAC 06N .0106 and pay the fee according to 21 NCAC 06N .0101; and

- (3) make a score of at least 70 percent on the clinical portion of the registered barber examination.

History Note: Authority G.S. 86A-3; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. June 1, 2008; May 1, 1989;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06K .0102 CERTIFICATE OF REGISTRATION

History Note: Authority G.S. 86A-25;
Eff. February 1, 1976;
Repealed Eff. February 8, 1978.

21 NCAC 06K .0103 FORFEITURE OF FEE

History Note: Authority G.S. 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. February 1, 1996; December 1, 1994; May 1, 1989;
Repealed Eff. July 1, 2016.

21 NCAC 06K .0104 OUT-OF-STATE APPLICANTS

An applicant who is licensed as a barber in another state and who wants to apply to become registered as a barber in this State shall establish his or her out-of-state license and experience and provide:

- (1) the Form BAR-8 as set forth in 21 NCAC 06N .0109 and the required fee as set forth in 21 NCAC 06N .0101(a)(21); and
- (2) a certified statement from the applicant's out-of-state Board stating the following:
 - (a) the applicant's length of licensure in that state;
 - (b) whether such licensure has been continuous or has been interrupted by periods when the applicant was not licensed in the state;
 - (c) the reasons for any such interruptions in licensure; and
 - (d) whether or not there have been any disciplinary actions against the applicant's license.

History Note: Authority G.S. 86A-12; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Amended Eff. September 1, 2013; May 1, 1989;
Readopted Eff. October 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06K .0105 IN-STATE APPRENTICE REQUIREMENTS

History Note: Authority G.S. 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Repealed Eff. May 1, 1989.

21 NCAC 06K .0106 PERMISSION TO WORK
21 NCAC 06K .0107 BARBER DEMONSTRATIONS

History Note: *Authority G.S. 86A-25;*
 Eff. February 1, 1976;
 Repealed Eff. February 8, 1978.

21 NCAC 06K .0108 OUT-OF-STATE APPLICANTS

History Note: *Authority G.S. 86A-25;*
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Repealed Eff. March 1, 1983.

21 NCAC 06K .0109 ACCEPTANCE

History Note: *Authority G.S. 86A-25;*
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Repealed Eff. May 1, 1989.

21 NCAC 06K .0110 IDENTIFICATION

All registered barbers shall maintain their permit as defined in 21 NCAC 06P .0103(7) in their possession at all times while performing barbering services. The individual shall produce the identification to the Board's Executive Director or inspector upon request.

History Note: *Authority G.S. 86A-1; 86A-10;*
 Eff. June 1, 2008;
 Readopted Eff. July 1, 2016;
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06K .0111 NOTIFICATION OF CHANGE OF ADDRESS

All registered barbers shall notify the Board within 60 days of any change in their permanent mailing address.

History Note: *Authority G.S. 86A-5; 86A-10; 86A-21;*
 Eff. September 1, 2009;
 Readopted Eff. July 1, 2016;
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06K .0112 APPLICANTS WITH MILITARY TRAINING AND EXPERTISE

(a) Except for individuals who want to apply under G.S. 86A-12 for licensure as a registered barber, an individual who has military training and expertise and wants to apply to become a registered barber in this State shall:

- (1) meet the requirements of G.S. 93B-15.1(a) or (a2); and
- (2) submit the Form BAR-11 as set forth in 21 NCAC 06N .0112.

(b) The applicant shall submit with the Form BAR-11 a certification letter from the applicant's out-of-state agency of the applicant's licensure in that state if the following apply:

- (1) the applicant has been licensed in another state;
- (2) the applicant wants to be licensed without examination;
- (3) the military service records do not show that the applicant received at least 1,500 hours of military training and that the applicant practiced at least two of the five years preceding the date of application; and
- (4) the combination of the certification letter and the military service records show that the applicant received at least 1,500 hours of training and practiced at least two of the five years preceding the date of application.

- (c) If the applicant meets the requirements in Paragraph (a) of this Rule and G.S. 93B-15.1(a2), the applicant shall:
 - (1) submit the fee as set forth in 21 NCAC 06N .0101(a)(4); and
 - (2) make a score of at least 70 percent on the clinical examination.
- (d) After being approved under this Rule, the applicant shall submit the following fee:
 - (1) if the applicant meets the requirements of this Rule for licensure without examination, the fee as set forth in 21 NCAC 06N .0101(a)(21); or
 - (2) if the applicant meets the requirements of Paragraph (c) of this Rule, the fee as set forth in 21 NCAC 06N .0101(a)(1).
- (e) The Board shall issue a temporary permit for the applicant to work as a registered barber while he or she complies with the requirements of this Rule under the following circumstances:
 - (1) if the applicant has submitted the Form BAR-11 and part of the documentation required by 21 NCAC 06N .0112(a)(2), and this partial documentation establishes that he or she served in the military and has certification or experience in barbering, the Board shall issue a temporary permit that lasts 90 days or until the Board denies the application, whichever is earlier; or
 - (2) if the applicant is required to take the practical examination and has met the requirements in Paragraph (a) and Subparagraph (c)(1) of this Rule, the Board shall issue a temporary permit that last 90 days or until the Board denies the application, whichever is earlier. Upon written request by the applicant, this temporary permit shall be extended for 90 days no more than twice, unless the Board denies the application.

History Note: Authority G.S. 86A-1; 86A-11; 86A-12; 86A-25; 93B-15.1;
Eff. April 1, 2017;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06K .0113 MILITARY SPOUSES

- (a) An individual who is currently licensed as a barber in another state, is the spouse of a person serving in the military, and wants to apply to become a registered barber in this State shall provide the following, unless he or she wants to apply under another provision in G.S. 86A for licensure as a registered barber:
 - (1) the Form BAR-12 as set forth in 21 NCAC 06N .0113; and
 - (2) a certification letter from the applicant's out-of-state agency of the applicant's licensure in that state.
- (b) The applicant shall instead apply for out-of-state licensure under G.S. 86A-12 and Rule .0104 of this Section if the certification letter required by Subparagraph (a)(2) of this Rule does not show that the applicant:
 - (1) completed at least 1,500 hours of barber school training; and
 - (2) has been licensed as a barber for at least one of the five years preceding the date of application.
- (c) After being approved under this Rule, the applicant shall submit the fee set forth in 21 NCAC 06N .0101(a)(21).
- (d) Upon request by the applicant, the Board shall issue one temporary permit for the applicant to work as a registered barber for 90 days while the applicant gathers the documents required by this Rule.

History Note: Authority G.S. 86A-1; 86A-3; 86A-11; 86A-12; 86A-25; 93B-15.1;
Eff. April 1, 2017;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

SUBCHAPTER 6L - BARBER SHOPS

21 NCAC 06L .0101 RESIDENTIAL BUILDING

History Note: Authority G.S. 86A-25;
Eff. February 1, 1976;
Repealed Eff. February 8, 1978.

21 NCAC 06L .0102 MEASUREMENTS OF BARBER SHOP

- (a) Each barber shop shall be a minimum of 196 square feet measured from the inside walls of the shop, not including common areas shared with other businesses or residents.
- (b) Each chair shall be located in an area where there is no less than eight linear feet from front wall to back wall, measured through the center of the chair, with the back wall being the wall or plane to which the backstand is affixed. There shall be a minimum of five linear feet of space between each barber chair, from center to center of each chair and there shall be no less than three linear feet from the center of any chair to any side wall. There shall be an unobstructed aisle in front of each chair of no less than four feet.
- (c) Paragraphs (a) and (b) apply to barber shops permitted on or after December 1, 1994 or that undergo modification or structural renovations on or after that date.
- (d) Barber shops permitted prior to February 1, 1976, shall be a minimum of 12 feet in width and 14 feet in length.
- (e) Barber shops permitted between February 1, 1976 and November 30, 1994 shall be a minimum of 14 feet in width and 14 feet in length.
- (f) Barber shops permitted within the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice prior to July 1, 2010 are exempt from the requirements of this Rule.

History Note: Authority G.S. 86A-15;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. September 1, 2009; June 1, 2008; December 1, 1994; May 1, 1989;
 Readopted Eff. July 1, 2016;
 Amended Eff. April 1, 2017.

21 NCAC 06L .0103 EQUIPMENT

- (a) Each barber shall have a cabinet for barbering equipment. The cabinets shall be constructed of material that may be cleaned.
- (b) Each shop shall have smooth finished walls and floors.
- (c) Each barber chair shall be covered with a smooth, non-porous surface, such as vinyl or leather, which is easily cleaned as required by G.S. 86A-15(a)(2)(c).
- (d) Each shop shall have within the shop or building functioning toilet facilities for employees and patrons.
- (e) Each barber shop shall have a cabinet, or other method of storage, such that clean towels are stored separate from used towels.
- (f) In addition to the requirements of Paragraph (d) of this Rule, barber shops that are permitted on or after January 1, 1995 or undergo structural renovations after that date, shall have within the shop or building a hand-washing sink or lavatory for patrons with hot and cold water, soap, and disposable towels.
- (g) Where a barber shop is located within a shop licensed by the North Carolina Board of Cosmetic Art Examiners, the toilet facility and sink may be shared with the cosmetology shop.
- (h) Paragraphs (a), (d), and (f) of this Rule do not apply to barber shops operated by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- (i) All equipment and tools used in the practice of barbering as set forth in G.S. 86A-2 shall be suitable for the safe cutting of hair and shall be maintained in a sanitary and good operating condition as required by G.S. 86A-15(a)(2).
- (j) The solutions and containers required by G.S. 86A-15(a)(2)(a) shall be located at the backstand identified in Rule .0102(b) of this Subchapter.

History Note: Authority G.S. 86A-5; 86A-13; 86A-15;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. September 1, 2013; September 1, 2009; June 1, 2008; January 1, 1995; May 1, 1989; March 1, 1983;
 Readopted Eff. July 1, 2016;
 Amended Eff. April 1, 2022; April 1, 2018.

21 NCAC 06L .0104 SHOP PERMITS

- (a) All applications for shop permits shall be on file in the office of the Board 15 days prior to the date when a shop will be complete and ready for inspection. Applications shall meet the requirements of 21 NCAC 06N .0102.
- (b) If the shop is not ready for inspection on a scheduled date, the owner or manager shall notify the Board.

(c) Failure to notify the Board of a change of address shall result in forfeiture of the inspection fee.

History Note: Authority G.S. 86A-1; 86A-13;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989; March 1, 1983;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06L .0105 FEES

The Board shall inspect all newly established or reopened barber shops before issuing a permit. The barber shop shall submit the fee established by 21 NCAC 06N .0101(a)(19) for inspection when submitting the application for a shop permit.

History Note: Authority G.S. 86A-1; 86A-13; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016.

21 NCAC 06L .0106 SEPARATION FROM OTHER BUSINESSES; RESIDENTIAL SHOPS; MOBILE HOMES

(a) When a building or room is used for both a barber shop and for some other business and the building or room does not have air conditioning, ventilation, or heat outlets, or air circulation, the required partition between the shop and the other business may be completed from the floor up to a minimum of six feet with material from six feet to the ceiling that permits good air circulation.

(b) Notwithstanding Paragraph (a) of this Rule and 21 NCAC 06L .0102, when a barber shop is located within a shop licensed by the North Carolina Board of Cosmetic Art Examiners and was permitted on or after January 1, 1995, or undergoes modifications or structural renovations after that date, the area where the barber chair or chairs are located shall comply with the sanitary regulations in G.S. 86A-15(a) and this Subchapter not inconsistent with this Rule.

(c) A barber shop permitted on or after July 1, 2008 that operates in a residential building shall maintain a separate entrance that shall not open off the living quarters, and shall not have any doors or openings leading to the living quarters that are unlocked during business hours. Entrance through garages or any other rooms is not permitted.

(d) The toilet facilities or any sink in the living quarters of any residence shall not be considered to comply with the toilet facility and sink requirements in 21 NCAC 06L .0103 or the sink distance requirement in 21 NCAC 06L .0107.

(e) For barber shops permitted on or after July 1, 2008, mobile homes, motor homes, trailers or any type of recreational vehicle shall be permanently affixed so they cannot be moved. Any such structure approved for a barber shop shall maintain a separate entrance that shall not open off the living quarters, and shall not have any doors or openings to the living quarters that are unlocked during business hours.

History Note: Authority G.S. 86A-15;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. April 1, 2010; June 1, 2008; January 1, 1995; May 1, 1989; March 1, 1983;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06L .0107 LAVATORY

(a) Each barber shop permitted before January 1, 1995 that is not modified or structurally renovated after that date shall have for each barber a functioning sink with hot and cold water, located at a convenient place as required by G.S. 86A-15(a)(1)(d).

(b) For barber shops permitted on or after January 1, 1995 or that undergo modifications or structural renovation after that date, a sink shall be located within seven unobstructed linear feet of each barber chair.

History Note: Authority G.S. 86A-15;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. June 1, 2008; January 1, 1995; May 1, 1989;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06L .0108 MOVED SHOP

History Note: Authority G.S. 86A-1; 86A-15;
Eff. March 1, 1983;
Amended Eff. September 1, 2009;
Repealed Eff. July 1, 2016.

21 NCAC 06L .0109 COMMERCIAL CHEMICALS

(a) No person, shop, or school licensed or registered under Chapter 86A of the North Carolina General Statutes shall use any commercial chemical in the practice of barbering unless the commercial chemical is received with a list of all contents and instructions for its use.

(b) For the purposes of this Rule, "commercial chemical" is defined in G.S. 86A-5(b)(1).

History Note: Authority G.S. 86A-5;
Eff. March 1, 1983;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06L .0110 SANITARY CONDITION RATING

History Note: Legislative Objection Lodged Eff. March 7, 1983;
Statutory Authority G.S. 86A-15(b);
Eff. March 1, 1983;
Repealed Eff. May 1, 1989.

21 NCAC 06L .0111 WHERE BARBER SERVICES MAY BE PERFORMED

(a) Except as provided in this Rule, all barber services as defined in G.S. 86A-2 shall only be performed at a location permitted by the Board as a barber shop.

(b) A registered barber may perform barbering services in a client's home, and the home shall be exempt from the inspection requirements of G.S. 86A-15(b), under the following conditions:

- (1) The client upon whom barber services are being performed is unable, due to a medical necessity, to come to a licensed barber shop;
- (2) The licensed barber maintains a log of each instance where this exemption is used, including the name of the client, address of the home where the services were performed, the date services were performed, and the medical necessity requiring that barber services be provided in the home. The log shall be made available to the Board and its inspectors for review and
- (3) The licensed barber otherwise complies with G.S. 86A-15(a).

(c) For purposes of this Rule, a "client's home" includes the client's residence, nursing homes, rest homes, retirement homes, mental health institutions, and similar institutions where the client has established permanent residency.

History Note: Authority G.S. 86A-15(c);
Eff. June 1, 2008;
Amended Eff. April 1, 2010;
Readopted Eff. July 1, 2016;

*Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.*

21 NCAC 06L .0112 RENTED BOOTH SPACE

- (a) Where a barber shop rents or leases space to a barber, the Board shall hold the barbershop manager and licensee responsible for the barbering services performed in the rented or leased space and for the sanitary conditions of the rented or leased space.
- (b) The Board's inspectors shall examine the entire premises of each shop irrespective of booth space allotments.

*History Note: Authority G.S. 86A-15;
 Eff. June 1, 2008;
 Readopted Eff. July 1, 2016;
 RRC objected due to lack of statutory authority and necessity Eff. April 20, 2023.*

21 NCAC 06L .0113 DISEASES

- (a) No holder of a registered barber, apprentice, or student barber permit shall serve a patron:
- (1) with an open sore or sores;
 - (2) exhibiting symptoms of an infectious dermatologic disease or disorder;
 - (3) with parasitic infestations of the skin or hair; or
 - (4) with a communicable disease.
- (b) No holder of a registered barber, apprentice, or student barber permit who knows he or she has an infectious dermatologic disease that can be spread by providing barbering services, infectious disease with open sore or sores on the hand or hands, or parasitic infestation of the skin or hair in a communicable stage or any other communicable disease shall provide barber service in a barber shop or, when authorized by Rule .0111 of this Section, in a client's home.
- (c) The Board shall have the right to require a physical examination of any barber employed in any barber shop who is suspected of having an infectious dermatologic disease, infectious disease with open sore or sores on the hand or hands, or parasitic infestation of the skin or hair in a communicable stage.

*History Note: Authority G.S. 86A-15;
 Eff. June 1, 2008;
 Readopted Eff. July 1, 2016;
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.*

21 NCAC 06L .0114 PETS PROHIBITED

With the exception of trained guide or assistance animals, no animals shall be permitted in a barber shop.

*History Note: Authority G.S. 86A-15;
 Eff. June 1, 2008;
 Amended Eff. September 1, 2013;
 Readopted Eff. July 1, 2016;
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.*

21 NCAC 06L .0115 INSPECTIONS OF SHOPS

- (a) The Board's Executive Director and its inspectors may enter and make inspections of any shop during its business hours for the purpose of determining whether or not G.S. 86A and the Board's administrative rules are being followed. Persons authorized to make an inspection of shops shall prepare a report according to Rule .0119 of this Section. The report shall be signed by the inspector and shall be available free of charge upon request by the owner or manager or any member of the public. The copy of any violation notice shall be left with the owner or manager, and retained within the barbering area until the violation is resolved with the Board.
- (b) The Board's Executive Director and its inspectors may inspect all areas of the shop, including the backstand and its drawers and cabinets, and any other drawers, closets or other enclosures within the permitted shop.

(c) The Board's Executive Director and its inspectors may determine and assign numerical and letter sanitary grades to a shop following inspections as set forth in Rules .0118 and .0119 of this Section. The grade shall be displayed in a place visible to the public at the front of the shop.

History Note: Authority G.S. 86A-5(a)(1); 86A-15;
Eff. June 1, 2008;
Amended Eff. April 1, 2010;
Readopted Eff. July 1, 2016;
Amended Eff. January 1, 2017;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06L .0116 BARBER SHOP MANAGERS

(a) All barber shop managers shall verify that any licensee employed in the barber shop is the person whose name appears on the license or permit prior to allowing the licensee to perform barbering services in the shop. This verification shall be based on government issued identification.

(b) The shop manager is responsible for the sanitary condition, as defined in 21 NCAC 06P .0103(10), of the entire shop.

(c) The barber shop manager is accountable for activities at the shop whether present on the premises or not.

History Note: Authority G.S. 86A-15; 86A-22;
Eff. June 1, 2008;
Amended Eff. April 1, 2010;
Readopted Eff. July 1, 2016;
Amended Eff. January 1, 2018;
Temporary Amendment Eff. May 10, 2023;
Temporary Amendment Exp. Eff. February 26, 2024.

21 NCAC 06L .0117 GENERAL SANITATION

All barber shops shall remain free of any signs of rodents, vermin, insects, mold, mildew, or water damage.

History Note: Authority G.S. 86A-15;
Eff. June 1, 2008;
Readopted Eff. July 1, 2016
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06L .0118 SANITARY RATINGS AND POSTING OF RATINGS

(a) The sanitary rating of a barber shop shall be based on a system of grading outlined in 21 NCAC 06L .0119. Based on the grading, all establishments shall be rated in the following manner:

- (1) all establishments receiving a sanitary rating of at least 90 percent shall be awarded a grade A;
- (2) all establishments receiving a sanitary rating of at least 80 percent, and less than 90 percent, shall be awarded a grade B; and
- (3) a sanitary rating of less than 80 percent shall be awarded a failing grade.

(b) Every barber shop shall be given a sanitary rating.

(c) The sanitary rating of A, B, or failing given to a barber shop establishment shall be posted in a conspicuous place, defined as a place easily seen by the public at the front of the shop, at all times.

(d) No newly established barber shop shall be permitted to operate without first having obtained a sanitary rating card with a grade of not less than 80 percent.

(e) Barber inspectors shall give each barber shop a new sanitary rating card at the time of inspection.

History Note: Authority G.S. 86A-5; 86A-15;
Eff. June 1, 2008;
Amended Eff. September 1, 2013;
Readopted Eff. October 1, 2016;
Amended Eff. April 1, 2022;

Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06L .0119 SYSTEMS OF GRADING BARBER SHOPS AND BARBER SCHOOLS

The system of grading the sanitary rating of all barber shops and schools shall be as follows, setting forth areas to be inspected, and the maximum points given for compliance. In cases where barber shops or schools are exempt from specific rules cross-referenced below, the barber shop or school shall receive the maximum points for that listing:

- (1) whether the entrance and waiting area are sanitary 2;
- (2) whether there is a water system with hot and cold running water and plumbing or a septic system for removal of sewage 2;
- (3) whether the walls and floors:
 - (a) comply with 21 NCAC 06F .0101(b)(8) for barber schools or 21 NCAC 06L .0103(b) for barber shops 9;
 - (b) are sanitary 7;
- (4) whether the barber shop or school is well-lighted and well-ventilated, with sanitary windows, fixtures, and ventilation surfaces 3;
- (5) whether the public toilet or lavatories:
 - (a) are sanitary and well-ventilated 5;
 - (b) have soap and individual towels 5;
 - (c) have hot and cold running water 2;
- (6) whether each person working as a barber is sanitary in person and dress 1;
- (7) for towels and linens:
 - (a) whether there is a supply of sanitary towels 2;
 - (b) whether clean towels are stored separately as set forth in 21 NCAC 06F .0101(b)(12) for barber schools or 21 NCAC 06L .0103(e) for barber shops 3;
 - (c) whether barbers have a sanitary hair cloth or cape for clients 1;
- (8) whether there is a soiled towel receptacle that meets the requirements set forth in G.S. 86A-15(a)(2)(d) 4;
- (9) for tools and instruments:
 - (a) whether disinfectants used by the barber shop or school are selected from those approved by the federal Environmental Protection Agency 4;
 - (b) whether disinfectants are used according to manufacturer instructions 4;
 - (c) whether all implements are cleaned and disinfected and, when not in use, stored in a tool cabinet as set forth in 21 NCAC 06F .0101(b)(11) for barber schools or 21 NCAC 06L .0103(a) for barber shops 8;
- (10) for working areas:
 - (a) whether the work stand is sanitary 3;
 - (b) whether sinks are sanitary 2;
 - (c) whether jars and containers are sanitary and disinfected 1;
 - (d) whether the work area is free from equipment that is unnecessary to provide barbering services, and whether articles in the work area are sanitary 1;
- (11) whether the license, permit, or certificate of registration is current and posted as set forth in G.S. 86A-16 10;
- (12) whether the sanitary rules and regulations are posted in a conspicuous place as set forth in G.S. 86A-15(b) 1;
- (13) whether there are sterilizing containers and solutions that are used according to manufacturer instructions 20.

History Note: Authority G.S. 86A-5(a)(1); 86A-15; 86A-16;
Eff. June 1, 2008;
Amended Eff. September 1, 2013;
Readopted Eff. October 1, 2016;
Amended Eff. April 1, 2018;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06L .0120 NOTIFICATION OF CHANGE OF ADDRESS

The barber shop owner or manager shall notify the Board of a change in the barber shop's mailing or, if changed by the United States Postal Service, the physical address, within five business days of the change.

History Note: *Authority G.S. 86A-1;
Eff. September 1, 2009;
Readopted Eff. July 1, 2016
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.*

SECTION .0200 – MOBILE BARBER SHOPS

21 NCAC 06L .0201 VEHICLES

History Note: *Authority G.S. 86B-30;
Temporary Adoption Eff. May 2, 2023;
Temporary Rule Expired Eff. February 9, 2024.*

21 NCAC 06L .0202 EQUIPMENT

History Note: *Authority G.S. 86B-30;
Temporary Adoption Eff. May 2, 2023;
Temporary Rule Expired Eff. February 9, 2024.*

21 NCAC 06L .0203 TOILETS, SINKS, SEWAGE, AND WASTEWATER

History Note: *Authority G.S. 86B-30;
Temporary Adoption Eff. May 2, 2023;
Temporary Rule Expired Eff. February 9, 2024.*

21 NCAC 06L .0205 RESERVED FOR FUTURE CODIFICATION

21 NCAC 06L .0205 MONTHLY REPORTS OF LOCATIONS

History Note: *Authority G.S. 86B-30;
Temporary Adoption Eff. May 2, 2023;
Temporary Rule Expired Eff. February 9, 2024.*

SUBCHAPTER 06M - BARBERSHOP INSPECTORS

21 NCAC 06M .0101 QUALIFICATIONS

History Note: *Authority G.S. 86A-7;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989; March 1, 1983;
Repealed Eff. September 1, 2013.*

21 NCAC 06M .0102 DUTIES AND RESPONSIBILITIES

History Note: *Authority G.S. 86A-7; 86A-13; 86A-15; 86A-22;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;*

*Amended Eff. September 1, 2013; June 1, 2008; December 1, 1994; May 1, 1989; March 1, 1983;
Repealed Eff. July 1, 2016.*

SUBCHAPTER 06N – FEES AND FORMS

21 NCAC 06N .0101 FEES, ACCESS TO FORMS, AND RENEWALS

(a) The Board charges the following amounts for the fees authorized by G.S. 86A-25:

- | | | | | | | | | |
|--|----|--------------|------------|------------|----|------------|--------------------------|---|
| (1)Certificate | of | registration | or | renewal | as | a | barber | |
| | | | | | | | | \$50.00 |
| (2)Certificate | of | registration | or | renewal | as | an | apprentice | barber |
| | | | | | | | | \$50.00 |
| (3)Barbershop | | | permit | | | | or | renewal |
| | | | | | | | | \$50.00 |
| (4)Examination | | to | become | | a | | registered | barber |
| | | | | | | | | \$85.00 |
| (5)Examination | | to | become | | a | | registered | apprentice |
| | | | | | | | | barber |
| | | | | | | | | \$85.00 |
| (6)Late fee for restoration of an expired barber certificate within first year after expiration | | | | | | | | \$35.00 |
| (7)Late fee for restoration of an expired barber certificate after first year after expiration but within five years after expiration | | | | | | | | \$70.00 |
| (8)Late fee for restoration of an expired apprentice certificate within the first year after expiration | | | | | | | | \$35.00 |
| (9)Late fee for restoration of an expired apprentice certificate after first year after expiration but within three years of first issuance of the certificate | | | | | | | | \$45.00 |
| (10)Late fee for restoration of an expired barber shop | | | | | | | | certificate |
| | | | | | | | | \$45.00 |
| (11)Examination | | to | become | | a | | barber | school |
| | | | | | | | | instructor |
| | | | | | | | | \$165.00 |
| (12)Student | | | | | | | | permit |
| | | | | | | | | \$25.00 |
| (13)Issuance | of | any | duplicate | copy | of | a | license, certificate, or | permit |
| | | | | | | | | \$10.00 |
| (14)Barber | | | school | | | | permit | or |
| | | | | | | | | renewal |
| | | | | | | | | \$130.00 |
| (15)Late fee for restoration of an expired barber school | | | | | | | | certificate |
| | | | | | | | | \$85.00 |
| (16)Barber | | school | | instructor | | | certificate | or |
| | | | | | | | | renewal |
| | | | | | | | | \$85.00 |
| (17)Late fee for restoration of an expired barber school instructor certificate within first year after expiration | | | | | | | | \$45.00 |
| (18)Late fee for restoration of an expired barber school instructor certificate after first year after expiration but within three years after expiration | | | | | | | | \$85.00 |
| (19)Inspection | | of | | newly | | | established | barbershop |
| | | | | | | | | \$120.00 |
| (20)Inspection | | of | | newly | | | established | barber |
| | | | | | | | | school |
| | | | | | | | | \$220.00 |
| (21)Issuance | of | a | registered | barber | or | apprentice | certificate | by |
| | | | | | | | | certification |
| | | | | | | | | \$120.00 |
| (22) | | | | | | | | Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter |
| (23) | | | | | | | | Charge for duplication services and material shall be as set forth in 26 NCAC 01 .0103(a), including any subsequent amendments and editions of the Rule |

(24) Certificate of registration or renewal as a barber for barbers over 70 years of age
\$0.00

(25) Administrative fee under G.S. 86A-27(d) for paying any required fee for renewal or restoration, or a civil penalty and attorney fee, where the apprentice barber or registered barber is subject to a pick-up order issued to an inspector.
\$70.00

(b) Except as set forth in Paragraph (c) of this Rule, if an applicant is unable to attend an examination, he or she may request a refund of the fee. To request the refund, the applicant shall submit a written request to the address listed in 21 NCAC 06A .0102 at least 10 days before the scheduled examination.

(c) If an applicant submits a request for a refund of examination fees later than 10 days before the scheduled examination, the Board shall consider the request on a case-by-case basis and only grant the request if the applicant demonstrates good cause for not complying with Paragraph (b) of this Rule. For the purpose of this Rule, "good cause" means that the applicant could not have submitted the written request as set forth in Paragraph (b) of this Rule due to circumstances such as illness, injury, or death in the family.

(d) Renewal and late fees set forth in Paragraph (a) of this Rule are nonrefundable.

(e) In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2, the Board shall continue to issue and renew licenses and all fees tendered shall be placed in the escrow account maintained by the Board for this purpose.

(f) The forms set forth in this Subchapter may be obtained on the website or at the address listed in 21 NCAC 06A .0102.

(g) All timely renewals of licenses, permits, or certificates of registration shall be submitted online at the Board's website, along with any fees required by this Rule.

(h) Barber school permits shall be exempt from the online renewal requirement in Paragraph (g) of this Rule.

(i) Registered barbers, apprentice barbers, barber instructors, or barber shops that are unable to comply with the online requirement of Paragraph (g) of this Rule may submit the renewal and payment by mail or in person after receiving a waiver from the Board. This waiver shall be effective only for one renewal period. The Board shall issue a waiver within five business days after receiving the following:

- (1) For registered barbers, apprentice barbers, or barber instructors, a statement from the holder of the license, permit, or certificate of registration that the individual is not able to renew online; or
- (2) For barber shops, a statement from the manager or owner that neither the manager nor owner are able to renew online.

History Note: Authority G.S. 86A-5; 86A-25; 86A-27(d); 93B-2;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. April 1, 2010; September 1, 2009; June 1, 2008; April 1, 2005; May 1, 1989; March 1, 1983;
Readopted Eff. July 1, 2016;
Amended Eff. April 1, 2022; February 1, 2019; January 1, 2018; April 1, 2017;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. February 9, 2024.

21 NCAC 06N .0102 FORM BAR-1

(a) The Form BAR-1 shall be filed when one applies to open or manage a new barber shop. It requests the following:

- (1) the name and address of the shop;
- (2) the name, address, and certificate number of the manager;
- (3) the name and address of the shop owner;
- (4) the physical dimensions of the shop;
- (5) the shop business hours;
- (6) the type of fixtures installed; and
- (7) the date the shop will be ready for inspection.

(b) The fee required by Rule .0101(a)(19) of this Section shall accompany this form.

(c) The Form BAR-1 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. 86A-1; 86A-13; 86A-15; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;

Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016;
Amended Eff. February 1, 2021; October 1, 2020;
Temporary Amendment Eff. May 10, 2023;
Temporary Amendment Exp. February 26, 2024.

21 NCAC 06N .0103 FORM BAR-2

- (a) The Form BAR-2 shall be filed when there is a change of management at any barber shop. It requires the following:
- (1) the name, mailing address, and permit number of the barber shop before the change of management;
 - (2) the name of the barber shop after the change of management, if the barber shop name changes;
 - (3) the name, address, and certificate number of the new manager or managers;
 - (4) if the barber shop was closed at the time the Form BAR-2 was submitted, the date of closure; and
 - (5) the former manager's name and certificate number.
- (b) The Form BAR-2 shall be notarized.

History Note: Authority G.S. 86A-1; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. May 1, 1989;
Readopted Eff. October 1, 2016;
RRC objection due to lack of statutory authority Eff. April 20, 2023.

21 NCAC 06N .0104 FORM BAR-3

- (a) The Form BAR-3 shall be filed for permission to enroll in barber school. It requires the following:
- (1) the name, address, social security number, and birth date of the applicant;
 - (2) the applicant's prior barber school attendance, if any;
 - (3) the name of the school enrolled;
 - (4) the date of enrollment; and
 - (5) the school manager's attestation that the information in the form is correct.
- (b) The fee in 21 NCAC 06N .0101(a)(12) shall accompany this form.

History Note: Authority G.S. 86A-18; 86A-22; 86A-25; 93B-14;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. September 1, 2013; May 1, 1989;
Readopted Eff. October 1, 2016;
Amended Eff. October 1, 2020;
Temporary Amendment Eff. May 10, 2023;
Temporary Amendment Exp. February 26, 2024.

21 NCAC 06N .0105 FORM BAR-4

- (a) The Form BAR-4 shall be filed by one applying to take the examination to receive a registered apprentice certificate. It requires the following:
- (1) the name, address, social security number, and birthdate of the applicant;
 - (2) the name of any barber school attended and the date of enrollment and graduation; and
 - (3) the place of proposed employment as an apprentice barber.
- (b) The fee in Rule .0101(a)(5) of this Section shall be submitted with the application.

(c) The Form BAR-4 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. 86A-1; 86A-10; 86A-24; 86A-25; 93B-14;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. September 1, 2013; May 1, 1989;
Readopted Eff. July 1, 2016;
Amended Eff. October 1, 2020; January 1, 2017;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06N .0106 FORM BAR-5

(a) The Form BAR-5 shall be filed by one applying to take the examination to receive a registered barber certificate. It requires the following:

- (1) the name, address, social security number, and birthdate of the applicant;
- (2) barber school training; and
- (3) the length of barbering experience.

(b) The Form BAR-5 shall include the applicant's attestation that the information in the form is correct.

(c) The fee in 21 NCAC 06N .0101(a)(4) shall accompany this form.

History Note: Authority G.S. 86A-1; 86A-3; 86A-10; 86A-25; 93B-14;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. September 1, 2013; May 1, 1989;
Readopted Eff. October 1, 2016;
Amended Eff. October 1, 2020;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06N .0107 FORM BAR-6

(a) The Form BAR-6 shall be filed by one applying to take an examination as a barber school instructor. It requires the following:

- (1) the name, address, social security number, and birthdate of the applicant;
- (2) the current registered certificate number;
- (3) the name of barber school attended; and
- (4) the proposed place of employment, if any.

(b) The fee in Rule .0101(a)(11) of this Section shall accompany this form.

(c) The Form BAR-6 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. 86A-23; 86A-25; 93B-14;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016;
Amended Eff. October 1, 2020;
Temporary Amendment Eff. May 2, 2023;

Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06N .0108 FORM BAR-7

*History Note: Authority G.S. 86A-1; 86A-12; 86A-25;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. September 1, 2013; May 1, 1989;
Repealed Eff. October 1, 2016.*

21 NCAC 06N .0109 FORM BAR-8

(a) The Form BAR-8 shall be filed by one who has practiced as a barber in a state other than North Carolina for three years or more and is applying to obtain a certificate as a registered barber in North Carolina. It requires the following:

- (1) the name, address, social security number, and birthdate of the applicant;
- (2) the name and address of any barber school attended in another state; and
- (3) barbering experience and the status of each barber license in another state.

(b) The fee in Rule .0101(a)(21) of this Section shall accompany this form.

(c) The Form BAR-8 shall include the applicant's attestation that the information in the form is correct.

(d) The Form BAR-8 shall be accompanied by verification from the applicant's out-of-state agency of the applicant's licensure in that state.

*History Note: Authority G.S. 86A-1; 86A-12; 86A-25;
Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Eff. April 6, 1983;
Amended Eff. September 1, 2013; May 1, 1989;
Readopted Eff. July 1, 2016;
Amended Eff. October 1, 2020; January 1, 2017;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.*

21 NCAC 06N .0110 FORM BAR-9

(a) The Form BAR-9 shall be filed when one applies to open a new barber school. It requires the following:

- (1) the date the barber school will be ready for the Board inspection;
- (2) the name and address of the barber school;
- (3) the name and address of the owner;
- (4) the name and address of the manager;
- (5) the names, instructor certificate numbers, and address of the instructors;
- (6) the physical dimensions of the barber school;
- (7) the number of barber chairs, tool cabinets, towel cabinets, and lavatories; and
- (8) a copy of the bond or alternative to a bond required by G.S. 86A-22(7)(a) or a request for waiver under G.S. 86A-22(7)(c).

(b) The Form BAR-9 shall include the applicant's attestation that the information in the form is correct.

(c) The Form BAR-9 shall be accompanied by the fee in 21 NCAC 06N .0101(a)(20).

*History Note: Authority G.S. 86A-1; 86A-22;
Eff. March 1, 1983;
Amended Eff. May 1, 1989;
Readopted Eff. August 1, 2016;
Amended Eff. October 1, 2020;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.*

21 NCAC 06N .0111 FORM BAR-10

(a) Each barber school shall submit the Form BAR-10 monthly for each student enrolled in barber school. The Form BAR-10 shall include the following:

- (1) the name of the school submitting the report;
- (2) the student's name;
- (3) the month and year for which the report is filed; and
- (4) the number of hours the student attended during the month and year for which the report is filed.

(b) The school shall submit Form BAR-10 to the Board online at the website address listed in 21 NCAC 06A .0102.

(c) Notwithstanding the requirement in Paragraph (b) of this Rule to submit the Form BAR-10 online, if a student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall submit a paper version of the Form BAR-10 to the Board:

- (1) within five business days; or
- (2) within 30 days if the student's enrollment ends during the effective period of a state of emergency declared by the Governor.

History Note: Authority G.S. 86A-22;
Eff. May 1, 1989;
Readopted Eff. July 1, 2016;
Emergency Adoption Eff. March 27, 2020;
Temporary Adoption Eff. June 1, 2020;
Amended Eff. January 1, 2024; February 1, 2021.

21 NCAC 06N .0112 FORM BAR-11

(a) The Form BAR-11 shall be filed by an individual who has military training and expertise and who wants to apply to become a registered barber pursuant to 21 NCAC 06K .0112. It requires the following:

- (1) the name, address, social security number, and birthdate of the applicant; and
- (2) copies of the military service records showing the applicant's military certification and experience in barbering.

(b) The applicant shall submit with the Form BAR-11 a certification letter from the applicant's out-of-state agency of the applicant's licensure if the conditions set forth in 21 NCAC 06K .0112(b) apply.

(c) The Form BAR-11 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. 86A-1; 86A-12; 93B-14; 93B-15.1;
Eff. May 1, 1989;
Amended Eff. September 1, 2013;
Readopted Eff. July 1, 2016;
Amended Eff. October 1, 2020; April 1, 2017;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06N .0113 FORM BAR-12

(a) The Form BAR-12 shall be filed by an individual who has practiced as a barber pursuant to Rule 21 NCAC 06K .0113. It requires the following:

- (1) the name, address, social security number, and birthdate of the applicant; and
- (2) copies of the military service records showing that the applicant's spouse is serving in the military, along with evidence of the marriage, such as a copy of the marriage license.

(b) The applicant shall submit with the Form BAR-12 a certification letter from the applicant's out-of-state agency of the applicant's licensure.

(c) The Form BAR-12 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. 86A-1; 86A-25; 93B-14; 93B-15.1;
Eff. April 1, 2017;
Amended Eff. October 1, 2020.

21 NCAC 06N .0114 EXTENSIONS FOR MEMBERS OF THE ARMED FORCES

(a) If an individual is licensed or owns a business licensed under G.S. 86A, is serving in the Armed Forces of the United States, and has received an extension of time to file a tax return under G.S. 105-249.2, the Board shall waive the following fees for the same period that would apply if the license fee were a tax:

- (1) the late fee for restoration of an expired barber certificate within the first year after expiration as set forth in 21 NCAC 06N .0101(a)(6);
- (2) the late fee for restoration of an expired barber certificate after the first year after expiration but within five years after expiration as set forth in 21 NCAC 06N .0101(a)(7);
- (3) the late fee for restoration of an expired apprentice certificate within the first year after expiration as set forth in 21 NCAC 06N .0101(a)(8);
- (4) the late fee for restoration of an expired apprentice certificate after the first year after expiration but within three years of first issuance of the certificate as set forth in 21 NCAC 06N .0101(a)(9);
- (5) if the individual serving in the Armed Forces is the barbershop manager or owner, the late fee for restoration of an expired barber shop certificate as set forth in 21 NCAC 06N .0101(a)(10);
- (6) if the individual serving in the Armed Forces is the barber school manager or owner, the late fee for restoration of an expired barber school certificate as set forth in 21 NCAC 06N .0101(a)(15);
- (7) the late fee for restoration of an expired barber school instructor certificate within the first year after expiration as set forth in 21 NCAC 06N .0101(a)(17); and
- (8) the late fee for restoration of an expired barber school instructor certificate after the first year after expiration but within three years after expiration as set forth in 21 NCAC 06N .0101(a)(18).

(b) To receive any extension as set forth in Paragraph (a) of this Rule, the individual shall submit the following to the Board at the address in 21 NCAC 06A .0102:

- (1) a written request that states what extension he or she is seeking; and
- (2) a copy of the documentation from the North Carolina Department of Revenue granting the extension under G.S. 105-249.2.

History Note: *Authority G.S. 93B-15(a);*
 Eff. April 1, 2017;
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06N .0115 EXTENSION OF RENEWAL DEADLINES DURING COVID-19 STATE OF EMERGENCY

History Note: *Authority S.L. 2020-3, s. 4.38.(b);*
 Emergency Adoption Eff. May 19, 2020, to expire pursuant to S.L. 2020-3, s. 4.38.(e);
 Emergency Adoption Expired Eff. August 1, 2020 pursuant to S.L. 2020-3, s. 4.38.(e).

21 NCAC 06N .0116 FORM BAR-13

History Note: *Authority G.S. 86B-30;*
 Temporary Adoption Eff. May 10, 2023;
 Temporary Rule Expired Eff. February 26, 2024.

21 NCAC 06N .0117 REQUEST FOR TEMPORARY PERMIT

(a) An individual who wishes to request a temporary permit shall submit the following information using the form available at the website listed in 21 NCAC 06A .0102:

- (1) the requester's name, mailing address, phone number, and email address;
- (2) if the requester attended a North Carolina barber school, the name of the school;
- (3) the type of license application the requester has submitted; and
- (4) the name, permit number, and physical address of the barbershop where the requester would like to work.

(b) Except as set forth in Paragraph (c) of this Rule, the Board shall not accept requests for temporary permits submitted in paper form.

(c) If an individual wishes to submit a request for a temporary permit in paper form because he or she cannot submit the request online, the individual shall submit a paper version of the form in Paragraph (a) of this Rule to the address listed in 21

NCAC 06A .0102, along with an explanation for why the request cannot be submitted online. The individual may request the paper version of the form by contacting the board at the phone number, email, or mailing address in 21 NCAC 06A .0102. The Board shall determine whether good cause exists for the individual not to submit a request online. For the purpose of this Rule, "good cause" means that the applicant could not have submitted the request online as set forth in Paragraph (a) of this Rule due to circumstances such as disability or lack of access to a computer or mobile device.

History Note: Authority G.S. 86B-2; 86B-27;
Eff. August 1, 2023.

21 NCAC 06N .0119 2024 HURRICANE RELIEF

History Note: Authority S.L. 2024-53, s. 4E.1.(b);
Emergency Adoption Eff. November 14, 2024;
Emergency Adoption Expired Eff. March 1, 2025.

SUBCHAPTER 06O – CIVIL PENALTY

21 NCAC 06O .0101 SCHEDULE OF PENALTIES

The rules in this Subchapter establish the schedule of civil penalties required by G.S. 86A-27(c). The amounts stated are the presumptive amounts that may be modified in accordance with G.S. 86A-27(b).

History Note: Authority G.S. 86A-5(a)(6); 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016.

21 NCAC 06O .0102 LICENSING OF BARBER SHOPS

(a) The presumptive civil penalty for operating a barber shop without first filing an application for a barber shop license, obtaining an inspection, and obtaining a shop permit:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for operating a barber shop with an expired permit:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$150.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06O .0103 LICENSING OF BARBER SCHOOLS

(a) The presumptive civil penalty for operating a barber school without first filing an application for a barber school license, obtaining an inspection, and obtaining a school permit:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for operating a barber school with an expired permit:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$150.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016.

21 NCAC 060 .0104 UNSUPERVISED APPRENTICE

(a) The presumptive civil penalty for a registered barber allowing an apprentice or student barber with a temporary permit to engage in barbering without supervision as required by G.S. 86A-24(b):

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$300.00 |
| (2) | 2nd offense | \$400.00 |

(b) The presumptive civil penalty for an apprentice or student barber with a temporary permit engaging in barbering without supervision as required by G.S. 86A-24(b):

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 86A-5(a)(6); 86A-24; 86A-27;
Eff. April 1, 2005;
Amended Eff. September 1, 2009;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 060 .0105 UNLICENSED BARBER

(a) The presumptive civil penalty for a barber shop manager allowing a barber to practice without a license:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$300.00 |
| (2) | 2nd offense | \$500.00 |

(b) The presumptive civil penalty for an individual engaging in barbering without a license:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$250.00 |
| (2) | 2nd offense | \$450.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 10, 2023;
Temporary Amendment Exp. Eff. February 26, 2024.

21 NCAC 060 .0106 DISPLAY OF CURRENT LICENSE

(a) The presumptive civil penalty for the failure of a barber shop or barber school to display a current shop or school license:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$250.00 |

(b) The presumptive civil penalty for a barber shop or barber school to allow an individual to perform barbering without displaying a current license or permit:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$250.00 |

(c) The presumptive civil penalty for an individual to practice barbering without displaying a current license or permit:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$250.00 |

History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-16; 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016;

*Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.*

21 NCAC 060 .0107 FRAUDULENT MISREPRESENTATIONS OR SUBMISSION OF FRAUDULENT DOCUMENT

The presumptive civil penalty for barbering or attempting to barber by fraudulent misrepresentations or the submission of fraudulent or false documents in connection with licensing or an application for license as prohibited by G.S. 86A-20: 1st offense \$500.00.

*History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-20(2); 86A-20(3); 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016.*

21 NCAC 060 .0108 INSPECTIONS OF SHOPS AND SCHOOLS

The presumptive civil penalty for refusing to permit or preventing the inspection of a barber shop or barber school:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$150.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

*History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-15(b); 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.*

21 NCAC 060 .0109 EXPIRED LICENSE

(a) The presumptive civil penalty for engaging in the practice of barbering with a registered barber certificate that has expired for more than a six month duration:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$200.00 |

(b) The presumptive civil penalty for a barber shop manager allowing an individual to engage in the practice of barbering with a registered barber certificate that has expired for more than a six month duration:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$200.00 |

*History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-17(b); 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.*

21 NCAC 060 .0110 ADEQUATE PREMISES

(a) The presumptive civil penalty for a school to fail to maintain facilities as required by G.S. 86A-15 and 21 NCAC 06F .0101, after two written warnings:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$250.00 |
| (2) | 2nd offense | \$400.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for a shop to fail to maintain facilities as required by G.S. 86A-15 and the applicable rules in 21 NCAC 06L .0102 through .0109, after two written warnings:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$250.00 |
| (2) | 2nd offense | \$450.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 86A-5(a)(6); 86A-15; 86A-18(6); 86A-18(7); 86A-22(6); 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 060 .0111 SCHOOL INSTRUCTORS

The presumptive civil penalty for a school failing to provide sufficient instructors to meet the student-teacher ratios set forth in G.S. 86A-22(2):

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$150.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 86A-5(a)(6); 86A-22(2); 86A-27;
Eff. April 1, 2005;
Readopted Eff. July 1, 2016.

21 NCAC 060 .0112 IDENTIFICATION

(a) The presumptive civil penalty for a barber shop owner or manager failing to positively identify a registered barber, apprentice, or holder of a temporary permit:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$250.00 |

(b) The presumptive civil penalty for a registered barber, apprentice, or holder of a temporary permit failing to maintain and produce a license or permit as defined in 21 NCAC 06P .0103(7):

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$250.00 |

(c) The presumptive civil penalty for a barber student failing to wear identification as set forth in 21 NCAC 06F .0122:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$250.00 |

History Note: Authority G.S. 86A-1; 86A-10; 86A-11; 86A-27;
Eff. June 1, 2008;
Amended Eff. September 1, 2009;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 10, 2023;
Temporary Amendment Exp. Eff. February 26, 2024.

21 NCAC 060 .0113 BARBER SHOPS IN RESIDENCES AND MOBILE HOMES

(a) The presumptive civil penalty for operating a barber shop in a residence in violation of 21 NCAC 06L .0106(c):

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$150.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for operating a barber shop in a mobile home in violation of 21 NCAC 06L .0106(e):

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 86A-15; 86A-27;
Eff. June 1, 2008;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06O .0114 ANIMALS IN BARBER SHOPS

The presumptive civil penalty for a barber manager allowing an animal in a barber shop in violation of 21 NCAC 06L .0114:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$250.00 |

History Note: *Authority G.S. 86A-15; 85A-27;*
Eff. June 1, 2008;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 10, 2023;
Temporary Amendment Exp. Eff. February 26, 2024.

21 NCAC 06O .0115 SCHOOL FAILING TO MAINTAIN, FALSIFYING, OR FAILING TO SUBMIT RECORDS

(a) The presumptive civil penalty for a barber school failing to maintain records:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for a barber school falsifying records:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$250.00 |
| (2) | 2nd offense | \$400.00 |
| (3) | 3rd offense | \$500.00 |

(c) The presumptive civil penalty for a barber school failing to submit required records:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$350.00 |
| (3) | 3rd offense | \$500.00 |

History Note: *Authority G.S. 86A-22; 86A-27;*
Eff. June 1, 2008;
Amended Eff. September 1, 2009;
Readopted Eff. July 1, 2016.

21 NCAC 06O .0116 UNLICENSED SCHOOL INSTRUCTORS

(a) The presumptive civil penalty for a barber school allowing an individual to instruct without an instructor's certificate:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for an individual engaging in instructing without an instructor's certificate:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$150.00 |
| (2) | 2nd offense | \$450.00 |
| (3) | 3rd offense | \$500.00 |

History Note: *Authority G.S. 86A-22; 86A-23; 86A-27;*
Eff. September 1, 2009;
Readopted Eff. July 1, 2016;
Temporary Amendment Eff. May 2, 2023;
Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06O .0117 BARBER FAILING TO MAINTAIN OR PRODUCE EXEMPTION LOG

(a) The presumptive civil penalty for a barber failing to maintain the exemption log required by 21 NCAC 06L .0111:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$250.00 |

(b) The presumptive civil penalty for a barber failing to produce the exemption log required by 21 NCAC 06L .0111:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$150.00 |
| (3) | 3rd offense | \$250.00 |

History Note: Authority G.S. 86A-15(c); 86A-27;
 Eff. April, 1, 2010;
 Readopted Eff. July 1, 2016;
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 060 .0118 UNLICENSED BARBER STUDENT

(a) The presumptive civil penalty for a barber school allowing an individual to receive barber instruction without a barber student permit:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for an individual engaging as a barber student without a barber student permit:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. 86A-1; 86A-22; 86A-27;
 Eff. July 1, 2016.

21 NCAC 060 .0119 FAILURE TO NOTIFY BOARD OF CHANGE OF ADDRESS

(a) The presumptive civil penalty for the failure of a barber shop or barber school to fail to notify the Board of a change of address:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(b) The presumptive civil penalty for an individual manager for the failure to notify the Board of a change of address for a barber shop or barber school:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-27;
 Eff. July 1, 2016.
 Temporary Amendment Eff. May 10, 2023;
 Temporary Amendment Exp. Eff. February 26, 2024.

21 NCAC 060 .0120 RESERVED FOR FUTURE CODIFICATION

21 NCAC 060 .0121 FAILURE TO DISPLAY SANITATION GRADE AND SHOP PERMIT

The presumptive civil penalty for the failure of a shop to display its sanitation grade and shop permit in a place visible to the public at the front of the shop:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-16; 86A-27;
 Eff. July 1, 2016.
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 060 .0122 FAILURE TO NOTIFY BOARD OF CHANGE OF BARBER SHOP OR SCHOOL MANAGER

(a) The presumptive civil penalty for the failure of a barber shop or barber school to notify the Board of a change of barber shop manager:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

(b) The presumptive civil penalty for an individual manager for the failure to notify the Board of a change of manager of a barber shop or barber school:

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$200.00 |

History Note: *Authority G.S. 86A-1; 86A-5(a)(6); 86A-22; 86A-27;*
Eff. July 1, 2016;
Amended Eff. July 1, 2020;
RRC objection due to lack of statutory authority Eff. April 20, 2023.

21 NCAC 060 .0123 LICENSING OF MOBILE BARBER SHOPS

History Note: *Authority G.S. 86B-10; 86B-21; 86B-29; 86B-30;*
Temporary Adoption Eff. May 2, 2023;
Temporary Rule Expired Eff. February 9, 2024.

21 NCAC 060 .0124 TOILETS, SINK, SEWAGE, AND WASTEWATER IN MOBILE BARBER SHOPS

History Note: *Authority G.S. 86B-10; 86B-30;*
Temporary Adoption Eff. May 2, 2023;
Temporary Rule Expired Eff. February 9, 2024.

21 NCAC 060 .0125 MOBILE BARBER SHOP MONTHLY REPORTS

History Note: *Authority G.S. 86B-10; 86B-30;*
Temporary Adoption Eff. May 2, 2023;
Temporary Rule Expired Eff. February 9, 2024.

SECTION .0200 – ELECTROLYSIS

21 NCAC 060 .0201 ELECTROLOGY APPRENTICESHIP PROGRAM

History Note: *Authority G.S. 86B-10; 86B-65;*
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

SUBCHAPTER 06P - DEFINITIONS

21 NCAC 06P .0101 BARBERING

Unless specifically exempted by G.S. 86A-14, "the practice of barbering" or "barbering services" means any one or more of the activities defined in G.S. 86A-2 when performed upon a member of the public.

History Note: *Authority G.S. 86A-2;*
Eff. June 1, 2008;
Readopted Eff. July 1, 2016.

21 NCAC 06P .0102 BARBERING EXEMPTIONS

History Note: *Authority G.S. 86A-2;*
 Eff. June 1, 2008;
 Repealed Eff. July 1, 2016.

21 NCAC 06P .0103 GENERAL DEFINITIONS

For purposes of the rules in this Chapter, the following definitions shall apply:

- (1) "Barber" means any person who engages in or attempts to engage in the practice of barbering or provide barbering services.
- (2) "Barber instructor" means any person who engages in or attempts to engage in the teaching of the practice of barbering.
- (3) "Barber pole" means an actual or representation of a cylinder or pole with alternating stripes of any combination including red and white, and red, white, and blue that run diagonally along the length of the cylinder or pole.
- (4) "Barber school" means any establishment that engages in or attempts to engage in the teaching of the practice of barbering.
- (5) "Barber student" means any person who is enrolled in barber school, including those taking classes beyond the 1528 required hours.
- (6) "Board" means the State Board of Barber Examiners.
- (7) "License" or "permit" or "certificate of registration" means the actual license or permit issued by the Board and current government issued photo identification depicting the licensee's or permittee's photograph and legal name.
- (8) "Military service record" means veteran service records, such as the U.S. Department of Defense Form 214 (DD-214), or other military service records from the military or National Archives.
- (9) "Pick-up order" means an order issued by the Board and signed by the Executive Director authorizing an inspector to physically retrieve a permit or license.
- (10) "Practice of barbering" and "barber services" means all activities set forth in G.S. 86A-2, and the sanitary requirements of Chapter 86A and the sanitary rules adopted by the Board.
- (11) "Sanitary" means free of infectious agents, diseases, or infestation by insects or vermin and free of soil, dust, or dirt.

History Note: *Authority G.S. 86A-2; 86A-5; 86A-13; 86A-15; 86A-22; 86A-23; 93B-15.1;*
 Eff. June 1, 2008;
 Readopted Eff. July 1, 2016;
 Amended Eff. April 1, 2017;
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.

SUBCHAPTER 06Q - PROHIBITED PRACTICES

21 NCAC 06Q .0101 ADDITIONAL GROUNDS FOR DENIAL OR DISCIPLINE

Except as provided in Chapter 86A of the General Statutes, the Board:

- (1) shall find fraudulent misrepresentation in the following examples:
 - (a) An individual or entity operates or attempts to operate a barber shop or barber school without a permit;
 - (b) An individual or entity advertises barbering services unless the establishment and personnel employed therein are licensed or permitted;
 - (c) An individual or entity uses or displays a barber pole only if the use of the barber pole is for the purpose of offering barber services to the public without a barber shop or barber school permit. This Rule does not prohibit use of a barber pole for purposes other than offering services that require a certificate of registration, license, or permit under G.S. 86A; and

- (d) An individual or entity fails to produce a license or permit as defined by 21 NCAC 06P .0103(7) upon the request of the Board's Executive Director or a Board inspector during an inspection;
- (2) will determine whether grounds for denial or discipline exist when:
 - (a) An individual violates a settlement agreement entered into with the Board;
 - (b) An individual or entity violates G.S. 86A or any rule adopted by the Board for barbers, barber shops or barber schools; or
 - (c) An individual fails to disclose a felony criminal conviction in dealing with the Board.

History Note: Authority G.S. 86A-1; 86A-2; 86A-5(a); 86A-10; 86A-11; 86A-13; 86A-15; 86A-16; 86A-17; 86A- 18; 86A-20; 86A-22; 86A-23; 86A-24;
 Eff. June 1, 2008;
 Amended Eff. September 1, 2013;
 Readopted Eff. October 1, 2016.
 Temporary Amendment Eff. May 2, 2023;
 Temporary Amendment Exp. Eff. February 9, 2024.

21 NCAC 06Q .0102 EFFECT OF CHILD SUPPORT DEFAULT ON LICENSE OR CERTIFICATE

History Note: Authority G.S. 93B-13; 110-142.1;
 Eff. June 1, 2008;
 Repealed Eff. July 1, 2016.

21 NCAC 06Q .0103 REGISTERED SEX OFFENDER

History Note: Authority G.S. 86A-17; 86A-18;
 Eff. June 1, 2008;
 Amended Eff. April 1, 2010;
 Repealed Eff. October 1, 2016.

21 NCAC 06Q .0104 EFFECT OF NOTICE OF VIOLATION ON LICENSE OR CERTIFICATE

History Note: Authority G.S. 86A-1; 86A-10; 86A-17; 86A-18; 86A-20;
 Eff. October 1, 2009;
 Repealed Eff. October 1, 2016.

SUBCHAPTER 06R - ADVERTISING

21 NCAC 06R .0101 DISPLAY OF SIGN OR BARBER POLE

Every establishment permitted to practice barbering shall display at its entrance a sign that is visible from the street with lettering no smaller than three inches, stating "barber shop," "barber salon," "barber styling," or similar use of the designation, "shop, salon or styling." Alternatively, an establishment may display a "barber pole" as defined in 21 NCAC 06P .0103(3) that is visible from the street.

History Note: Authority G.S. 86A-1; 86A-13;
 Eff. June 1, 2008;
 Amended Eff. September 1, 2009;
 Readopted Eff. July 1, 2016;
 RRC objection due to lack of statutory authority and ambiguity Eff. April 20, 2023.

SUBCHAPTER 06S - EXAMINATIONS

21 NCAC 06S .0101 GENERAL EXAMINATION INSTRUCTIONS

- (a) For the purposes of this Rule, "test center" means those rooms where the Board administers written and practical examinations while the examinations are being conducted.
- (b) All candidates scheduled for an examination conducted by the Board shall:
- (1) provide two forms of identification, one of which shall have a photo of the candidate;
 - (2) submit a signed copy of the exam instructions that the Board sent to the candidate;
 - (3) wear closed-toed shoes and barber smocks or jackets, if they are taking a practical exam;
 - (4) bring tools and supplies as required by the Board in its exam instructions; and
 - (5) bring a hygienically clean model with natural hair and beard of sufficient length to demonstrate practical barbering proficiency as determined by the Board in its qualifying model policy.
- (c) The following shall be prohibited in the test center during examinations:
- (1) briefcases, bags, books, papers, or study materials;
 - (2) cell phones, calculators, or other electronic devices;
 - (3) eating, drinking, smoking, or chewing gum;
 - (4) visitors, children, or pets;
 - (5) talking by candidates; or
 - (6) wearing or carrying any school identification on uniforms or equipment.
- (d) The Board shall not be responsible for lost or misplaced items.
- (e) No extra time for the examination shall be permitted unless mandated by State or federal law, such as the Americans with Disabilities Act.
- (f) No candidate shall leave the test center during the examination. Candidates may visit the restroom with the Board staff's permission but shall not receive any additional time for the examination.
- (g) No candidate may give or receive assistance during the examination. If a candidate gives or receives assistance during the examination, the Board staff shall stop the candidate's examination and the candidate shall be dismissed from the test center. The Board staff shall not score the examination and shall report the candidate to the Board, which shall make any decisions regarding discipline.

History Note: *Authority G.S. 86A-5(a)(4); 86A-8; 86A-9; 86A-24;*
Eff. September 1, 2009;
Amended Eff. September 1, 2013;
Readopted Eff. July 1, 2016;
Amended Eff. July 1, 2020.

SUBCHAPTER 06T – ELECTROLYSIS PROHIBITED PRACTICE

21 NCAC 06T .0101 RESERVED FOR FUTURE CODIFICATION

21 NCAC 06T .0102 RESERVED FOR FUTURE CODIFICATION

21 NCAC 06T .0103 ADVERTISING

No advertisement by an electrologist for the services of any electrologist shall be false or misleading. An electrologist who fails to correct such an advertisement or who fails to cause it to be corrected within 10 days after receipt of written notice by the Board is subject to disciplinary action in accordance with G.S. 88A-21.

History Note: *Authority G.S. 88A-6; 88A-2;*
Eff. December 1, 1995;
Amended Eff. September 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0104 Eff. January 1, 2023.

SUBCHAPTER 06U – ELECTROLYSIS FEES AND FORMS

21 NCAC 06U .0101 FEES

(a) The following fees are payable to the Board for licensure as an electrologist:

(1)

Application for licensure
\$150.00

(2)

Initial licensure ~~\$250~~

(3)

Renewal of licensure ~~\$250~~

(b) The following fees are payable to the Board for licensure as a laser hair practitioner:

(1)

Application for licensure
\$125.00

(2)

Initial licensure ~~\$250~~

(3)

Renewal of licensure ~~\$250~~

(c) The following fees are payable to the Board for certification as an instructor:

(1)

instructor

Application for Electrology
\$150.00

(2)

instructor

Renewal of Electrology
\$125.00

(3)

practitioner instructor

Application for laser hair
\$150.00

(4)

practitioner instructor

Renewal of laser hair
\$125.00

(d) The following fees are payable to the Board for certification as a Board approved school:

(1)

IN STATE SCHOOL

(A)

an Electrology school

Application for certification as
\$250.00

(B)

Electrology school

Renewal of certification as an
\$150.00

(C)

a laser, light source,
or pulse light treatment school

Application for certification as

(D)

laser, light source,
or pulse light treatment school

\$250.00

Renewal of certification for a

(2)

\$150.00

OUT-OF-STATE SCHOOL

(A)

an Electrology school

Application for certification as
\$400.00

(B)

Electrology school

Initial certification as an
\$100.00

(C)

Electrology school

Renewal of certification for an
\$100.00

(D)

a laser, light source,
or pulse light treatment school

Application for certification as

(E)

light source,
or pulse light treatment school

\$350.00

Initial certification as a laser,

(F)

laser, light source,
or pulse light treatment school

\$75.00

Renewal of certification as a

(e) The following other fees are payable to the Board:

(1)

reexamination

Electrologist Examination or
\$125.00

(2)

inspection

Office inspection or re-

- | | | |
|-----|--------------------------------|---|
| (A) | for each office site | Electrologist – per licensee,
\$100.00 |
| (B) | licensee, for each office site | Laser Hair Practitioner – per
\$100.00 |
| (3) | | License by reciprocity \$250 |
| (4) | | Late renewal charge \$500 |
| (5) | license | Reinstatement of expired
\$250.00 |
| (6) | licensure | Reinstatement of instructor
\$250.00 |
| (7) | | Reactivation of license
\$150.00 |
| (8) | | Reactivation of instructor
\$150.00 |
| (9) | | Duplicate license \$250 |
- (f) All fees shall be paid by check or money order, made payable to "The North Carolina Board of Electrolysis Examiners."
- (g) Renewal fees required for Subparagraphs (a)(3), (b)(3), (c)(2), (c)(4), (e)(2), and (e)(9) of this Rule shall be waived for licensees under this Chapter that are exempt from renewal fees under G.S. 93B-15.

History Note: Authority G.S. 88A-9; 93B-15;
Temporary Adoption Eff. December 1, 1991 for a period of 62 days to expire on February 1, 1992;
Eff. January 1, 1992;
Temporary Amendment Eff. September 17, 2001;
Amended Eff. September 1, 2015; October 9, 2010; December 4, 2002;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0201 Eff. January 1, 2023;
Temporary Amendment Eff. June 1, 2023;
Temporary Amendment Exp. Eff. March 11, 2024.

21 NCAC 06U .0102 APPLICATION FOR LICENSURE

- (a) All applicants for licensure as an electrologist shall submit an application on the form provided by the Board (available online at www.ncbee.com), accompanied by proof of being 21 years of age, a passport acceptable photograph (see photo requirements for U.S. passports at <https://travel.state.gov>) taken within the past two years, the required application fee, as set forth in Rule .0101 of this Section, any information required by Paragraphs (b), (c), and (d) of this Rule, and certification of completion from each electrology and laser institution attended with verification of the number of hours completed in theory and clinical training. The Initial Electrolysis License Application may be obtained by contacting the Board or accessing it online at www.ncbee.com.
- (b) All applications for licensure under G.S. 88A-11(2) shall be accompanied by:
- (1) the address of the licensing agency in the other state or jurisdiction;
 - (2) any information such as a license number needed to identify the applicant in correspondence with that agency; and
 - (3) a statement authorizing that agency to certify to the Board that the applicant is currently licensed or certified by the other state or jurisdiction and is in good standing, to inform the Board whether there are any pending complaints about the applicant, and to provide the Board with a copy of the licensing requirements in that state or jurisdiction.
- (c) Proof of age shall be shown by certified copy of a birth certificate. If the applicant cannot obtain a certified copy of the birth certificate, the applicant shall attach an explanation as to why no birth certificate is obtainable and shall submit other proof of age. Other proof of age includes passports, current life insurance policies held for at least one year showing date of birth, entries in family bibles, medical or school records showing date of birth, and marriage licenses showing age.
- (d) Applicants from states that do not license electrologists or applicants from states that require less than 600 hours of certified education shall submit proof of practice as required by G.S. 88A-10(a1) supported by tax records or a copy of a privilege license that documents previous practice of electrolysis prior to date of application.
- (e) All new electrologist applicants shall take and pass both a written and a practical examination except for applicants meeting the requirements of G.S. 88A-11(2).
- (f) In addition to maintaining an active electrologist license from the Board, a laser hair practitioner shall submit:

- (1) proof of completion of a 30-hour laser, light source, or pulsed light treatment certification course approved by the Board that encompasses the laser or light device being used by the laser hair practitioner; and
 - (2) a Supervisory Agreement between the laser hair practitioner and a supervising physician licensed with the North Carolina Medical Board (NCMB) as defined under G.S. Article 1 Chapter 90. The Agreement shall be in accordance with 21 NCAC 06W .0101.
- (g) A copy of the Supervisory Agreement shall be filed with the Board and a copy shall be available in the office of the supervising physician and the laser hair practitioner for inspection by the Board or its agent.
- (h) A new licensee's office(s) shall be inspected prior to commencing business by a designee of the Board.
- (i) The Board shall reject an incomplete or partial application.

History Note: Authority G.S. 88A-6; 88A-9; 88A-10; 88A-11; 88A-11.1; 88A-16; 88A-19; 88A-19.1; 88A-21; Temporary Adoption Eff. December 1, 1991 for a period of 62 days to expire on February 1, 1992; Eff. February 1, 1992; Temporary Amendment Eff. October 13, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. October 1, 2015; September 1, 2010; February 1, 1994; Readopted Eff. September 1, 2019; Recodified from 21 NCAC 19 .0202 Eff. January 1, 2023.

21 NCAC 06U .0103 APPLICATION FOR RENEWAL, REINSTATEMENT, OR REACTIVATION OF ELECTROLYSIS LICENSE

- (a) Unless an applicant electrolysis' license expired more than 90 days prior to the filing of an Electrolysis Annual Renewal application, (available online at www.ncbee.com), each applicant for license renewal pursuant to G.S. 88A-12 shall pay the required renewal fee, including the late renewal charge if applicable, and shall provide proof of compliance with 21 NCAC 06Y .0101(a)(1).
- (b) An electrologist whose license has been expired for more than 90 days but less than five years may apply for reinstatement by submitting an Electrolysis Reinstatement application (available online at www.ncbee.com), paying the reinstatement fee, and providing proof of competence pursuant to 21 NCAC 06Y .0101(a)(4).
- (c) An electrologist who has been on the inactive list for less than five years and desires to be returned to active status shall submit an Electrolysis Reactivation application (available online at www.ncbee.com), pay the reactivation fee, and provide proof of competence pursuant to 21 NCAC 06Y .0101(a)(3).
- (d) Proof of compliance with 21 NCAC 06Y .0101 shall be provided by a copy of a certificate of course completion issued by the course provider that identifies the course and includes the date, location, and number of hours taken by the applicant. The Board may request confirmation of the number of hours from the course provider if there are questions regarding the authenticity of the documentation and shall not give credit for hours that the entity does not confirm as hours actually taken by the applicant.
- (e) Electrolysis Instructor Certification:
 - (1) Renewal of Electrolysis Instructor Certification: Unless the applicant's instructor certification expired more than 90 days prior to the filing of an application for renewal, each applicant for instructor certification renewal pursuant to G.S. 88A-18 may apply for renewal by:
 - (A) submitting an Electrolysis Instructor Renewal application (available online at www.ncbee.com);
 - (B) paying the renewal fee; and
 - (C) providing proof of current electrolysis licensure.
 - (2) Reactivation of Electrolysis Instructor Certification: An instructor whose certification has been expired for more than 90 days but less than 3 years may apply for reactivation of the expired certification by:
 - (A) submitting an Electrolysis Instructor Reactivation application (available online at www.ncbee.com);
 - (B) paying the reactivation fee; and
 - (C) providing proof of competence as described in 21 NCAC 06Y .0101(b)(1).
 - (3) Reinstatement of Electrolysis Instructor Certification: An instructor whose certification has been expired for three years or more may apply for reinstatement of the certification by:
 - (A) taking and passing the instructor's examination;
 - (B) submitting an Electrolysis Instructor Reinstatement application (available online at www.ncbee.com);
 - (C) paying the reinstatement fee; and

- (D) providing proof of competence pursuant to 21 NCAC 06Y .0101(b)(2).

History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;
Eff. March 1, 1995;
Amended Eff. October 1, 2015;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0203 Eff. January 1, 2023.

21 NCAC 06U .0104 APPLICATION FOR RENEWAL, REINSTATEMENT, OR REACTIVATION OF LASER HAIR PRACTITIONER LICENSE

(a) Unless an applicant laser hair practitioner's license expired more than 90 days prior to the filing of an application for renewal, each applicant for license renewal pursuant to G.S. 88A-12 shall file a Laser Annual Renewal application (available online at www.ncbee.com), pay the required renewal fee, including the late renewal charge if applicable, and shall provide proof of compliance with 21 NCAC 06Y .0101(a)(2).

(b) A laser hair practitioner who has been on the inactive list for less than five years who desires to be returned to active status, shall apply for reactivation by submitting a Laser Reactivation application (available online at www.ncbee.com), paying the reactivation fee, and providing proof of competence pursuant to 21 NCAC 06Y .0101(a)(3).

(c) A laser hair practitioner whose license has been expired for more than 90 days but less than five years shall apply for reinstatement by submitting a Laser Reinstatement application (available online at www.ncbee.com), paying the reinstatement fee, and providing proof of competence pursuant to 21 NCAC 06Y .0101(a)(4).

(d) Proof of compliance with 21 NCAC 06Y .0101 shall be provided by a copy of a certificate of course completion issued by the entity that offered the program or course, that identifies the course and includes the date, location, and number of hours taken by the applicant. The Board may request confirmation of the number of hours from the course provider if there are questions regarding the authenticity of the documentation and shall not give credit for hours that the entity does not confirm as hours actually taken by the applicant.

(e) Laser Hair Removal Instructor Certification:

- (1) Renewal of Laser Hair Removal Instructor Certification: Unless the applicant's instructor certification expired more than 90 days prior to the filing of an application for renewal, each applicant may apply for renewal by:
 - (A) submitting a Laser Instructor Renewal application (available online at www.ncbee.com);
 - (B) paying the renewal fee; and
 - (C) providing proof of current laser hair removal licensure.
- (2) Reactivation of Laser Hair Removal Instructor Certification: An instructor whose certification has been expired for less than 3 years but more than 90 days may apply for reactivation of the expired certification by:
 - (A) submitting a Laser Instructor Reactivation application (available online at www.ncbee.com);
 - (B) paying the reactivation fee; and
 - (C) providing proof of competence as described in 21 NCAC 06Y .0101(b)(1).
- (3) Reinstatement of Laser Hair Removal Instructor Certification: An instructor whose certification has been expired for three years or more may apply for reinstatement of the certification by:
 - (A) submitting a Laser Instructor Reinstatement application (available online at www.ncbee.com);
 - (B) paying the reinstatement fee; and
 - (C) providing proof of competence pursuant to 21 NCAC 06Y .0101(b)(2).

History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-14; 88A-18;
Eff. September 1, 2010;
Amended Eff. October 1, 2015;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0204 Eff. January 1, 2023.

21 NCAC 06U .0105 TEMPORARY LICENSE

(a) An applicant for an electrologist license who is required to take the Board's examination and has complied with Rule .0102 of this Section may request a temporary license. The request may be made with the initial application for an electrologist license or at any time thereafter. The applicant shall submit with the request a written statement by a licensed electrologist or electrology instructor that the applicant will be practicing in this individual's office and that this individual has

agreed to supervise the applicant's practice. On receiving a request for a temporary license that complies with this Paragraph, the Board will issue the applicant a temporary license subject to the time limits in Paragraph (b) of this Rule.

(b) A temporary license is valid only during the dates stated in the license. Consistent with G.S. 88A-10.1, a temporary license cannot be valid for more than six months. The Board shall begin issuing temporary licenses no sooner than five months before the date of the next scheduled examination. The Board shall stop issuing temporary licenses 30 days before that examination. All temporary licenses shall expire one month after the date of that examination.

(c) Except as provided in Paragraph (d) of this Rule, a temporary license may not be renewed.

(d) The holder of a temporary license who did not take the examination for which the holder was scheduled may apply to have the temporary license renewed. The applicant shall:

- (1) apply to retake the examination on the next occasion it is offered;
- (2) provide a written recommendation from the applicant's supervisor that the Board renew the applicant's temporary license;
- (3) show to the satisfaction of the Board that the applicant was unable to appear and take the examination for which the applicant was previously scheduled due to causes beyond the applicant's control.

If the Board determines that the applicant has met the requirements of this Paragraph, the Board shall renew the applicant's temporary license. The renewed temporary license shall expire six months after the date it is renewed or 30 days after the date of the next scheduled examination, whichever is shorter, and it may not be renewed again.

(e) The holder of a temporary license shall practice only under the supervision of another licensed electrologist or electrology instructor. As used in this Rule, "supervision of another" means that the other is physically in the same establishment as the holder of the temporary license and that the acts done by the holder of the temporary license are done pursuant to the other's order, control, and approval. The holder of a temporary license shall notify the Board within five business days of any change of supervisor and shall submit to the Board within 10 business days a written statement by the new supervisor that the holder of the temporary license will be practicing in the new supervisor's establishment and that the new supervisor has agreed to supervise his or her practice.

(f) Notwithstanding any other provision of this Rule, the Board shall not issue a temporary license to anyone who has failed the examination for licensure as an electrologist, to anyone who has previously been issued a temporary license, or to anyone whose temporary license was revoked pursuant to G.S. 88A-21.

History Note: Authority G.S. 88A-6; 88A-10.1;
Eff. December 1, 1995;
Recodified from 21 NCAC 19 .0204 Eff. September 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0205 Eff. January 1, 2023.

21 NCAC 06U .0106 STUDENT PERMIT FOR ELECTROLOGY APPRENTICESHIP PROGRAM

History Note: Authority G.S. 86B-65; 93B-14;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06U .0107 MONTHLY REPORTS FOR ELECTROLOGY APPRENTICESHIP PROGRAM

History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06U .0108 APPLICATION FOR INSTRUCTOR IN ELECTROLOGY APPRENTICESHIP PROGRAM

History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06U .0109 POST-APPRENTICESHIP APPLICATION FOR LICENSURE

History Note: Authority G.S. 86B-65; 93B-14;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06U .0110 APPLICATION FOR APPROVAL AS AN ELECTROLOGY APPRENTICESHIP PROGRAM

History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

SUBCHAPTER 06V — ELECTROLYSIS INFECTION CONTROL

21 NCAC 06V .0101 OFFICES

- (a) Each electrolysis office, wherever located, shall:
- (1) have a treatment table or other piece of furniture for placing clients for treatment;
 - (2) have at least one circuline type lamp, halogen lamp, or other type or magnifying lamp;
 - (3) have hand washing facilities on the same floor and toilet facilities in the same building, both with a supply of either soap or a germicidal skin preparation for washing hands;
 - (4) have a supply of labeled non-sterile examination gloves, cotton balls and antiseptic product for cleaning client's skin, materials for cleaning instruments and other items, materials for cleaning the workplace or documentation of cleaning contract, paper or cotton towels, and puncture-resistant containers and plastic bags for used materials;
 - (5) have sterilization equipment and supplies needed for the sterilization methods used;
 - (6) have a covered trash can and, if linens are used, a laundry bag or closed container for laundry, available to each workplace area;
 - (7) have storage facilities to contain the equipment, instruments, and supplies of the electrolysis practice;
 - (8) be inspected annually at each location where the licensee practices; and
 - (9) be inspected prior to the commencement of practice if the office is relocated.
- (b) In addition to the items required in Paragraph (a) of this Rule, each laser practitioner office shall have the following:
- (1) all doors leading to laser room shall have laser-specific safety signs displayed in accordance with American National Standard Institute (ANSI) Z136.1 Z136.1, which is incorporated herein by reference, including subsequent amendments or additions, and may be obtained at a cost of two hundred and three dollars (\$203.00) from www.lia.org;
 - (2) no uncovered mirrors or reflective surfaces;
 - (3) laser safety eyewear that is labeled with the same wavelength and optical density as the laser device operated and that is worn while treatment is administered;
 - (4) all windows protected from laser beam with either an opaque material or white blinds;
 - (5) a fire extinguisher in the treatment room;
 - (6) face masks to be worn while treatment is administered; and
 - (7) an air filter.
- (c) A laser, pulsed-light, or light-based hair removal practice shall be maintained in accordance with local zoning regulations.
- (d) Laser, pulsed-light, and light-based devices shall be maintained and operated in accordance with Occupational Safety and Health Administration (OSHA) standards, which are incorporated herein by reference, including subsequent amendments or editions and may be accessed at no cost at <https://www.osha.gov/SLTC/laserhazards>.
- (e) A copy of the current "Supervisory Agreement" shall be available in the office for inspection upon request.

History Note: Authority G.S. 88A-6(9); 88A-11.1; 88A-16;
Eff. June 1, 1993;
Amended Eff. September 1, 2010;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0403 Eff. January 1, 2023.

21 NCAC 06V .0102 DEFINITIONS AND OVERVIEW

In addition to the terms defined in G.S. 88A, the following terms have the following meanings:

- (1) "Alcohol-based hand rub or gel" means a preparation that contains 60 percent to 95 percent ethanol or isopropanol that is designed for application to the hands to reduce the number of viable microorganisms on the hands.
- (2) "Antiseptic" means a germicide used on skin or living tissue to inhibit or destroy microorganisms.
- (3) "Aseptic technique" means the term used to describe the precautionary measures taken to help reduce the risk of post treatment infections by decreasing the opportunity for microorganisms to enter the body. Precautionary measures include handwashing, disinfection, sterilization of surfaces and instruments, use of protective barriers, containment and disposal of waste, and instrument and surface manipulations that minimize cross contamination.
- (4) "Autoclave" means a vessel used for sterilization by the application of saturated steam under pressure and heat.
- (5) "Chemical indicator" means a chemically treated paper strip used to monitor parameters of a heat sterilization process by means of a characteristic color change. A chemical indicator does not indicate that sterilization has been achieved, but a chemical indicator indicates that the temperature needed has been attained.
- (6) "Cleaning" means the removal of all visible organic material from objects using friction, detergent, and water prior to the disinfection and sterilization processes.
- (7) "Contaminated" means the presence of potentially infectious pathogenic microorganisms on surfaces of a objects.
- (8) "Continuing education unit" or "CEU" means one contact hour of participation in an organized learning experience that:
 - (a) is related to the practice of electrolysis or laser light-based hair reduction;
 - (b) is related to the scope of practice of a practitioner of electrolysis or laser light-based hair reduction;
 - (c) occurs after the original granting of licensure; and
 - (d) is approved by the Board at least 60 days before the event according to the standards set forth in G.S. 88A-13.
- (9) "Cross-contamination" means the process by which bacteria or other microorganisms are transferred from one substance or object to another with harmful effect.
- (10) "Critical items" means instruments, devices, objects, or environmental surfaces that will come in direct contact with the bloodstream or other normally sterile areas of the body.
- (11) "Decontaminate" means to neutralize or remove dangerous substances or germs from an area or object.
- (12) "Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy pathogens on a surface or item so that they are no longer capable of transmitting infectious particles and to render the surface or item safe for handling, use, or disposal.
- (13) "Disinfect" means to clean with a disinfectant to destroy bacteria.
- (14) "Disinfectant" means a chemical agent used on inanimate surfaces and objects to destroy infectious fungi and bacteria, but not necessarily their spores, and is classified into levels of potency as follows:
 - (a) "High-level," which is utilized for the reprocessing of semi-critical instruments or devices and includes Food and Drug Administration (FDA) regulated substances such as glutaraldehyde-, chlorine dioxide-hydrogen peroxide, orthophthaldehyde-, and peracetic acid-based formulations;
 - (b) "Intermediate-level," which is utilized for disinfecting tips for epilator needles and includes Environmental Protection Agency (EPA) regulated substances such as alcohols containing 70 to 90 percent ethanol or isopropanol, chlorine compounds, and certain phenolic or iodophor preparations as determined by the EPA;
 - (c) "Low-level," which is utilized for disinfecting environmental or non-instrument surfaces and includes EPA regulated substances such as quaternary ammonium compounds and certain phenolic or iodophor preparations as determined by the EPA.
- (15) "Disinfection" means a procedure that reduces the level of microbial contamination and is classified into the following levels:
 - (a) "High-level," which inactivates some, but not necessarily all, bacterial spores. This process will also kill Mycobacterium tuberculosis var. bovis and all microorganisms except for high levels of bacterial spores.

- (b) "Intermediate-level," which does not kill bacterial spores but can kill *M. tuberculosis* var. *bovis*, most vegetative bacteria and fungi, as well as viruses such as hepatitis B virus (HBV) and human immunodeficiency virus (HIV);
- (c) "Low-level," which inactivates most bacteria, some viruses, and fungi, but not bacterial spores or *Mycobacterium tuberculosis* var. *bovis*.
- (16) "Dry heat sterilizer" means a forced air oven-type device designed to sterilize items by exposure to high temperatures for designated exposure periods.
- (17) "Environmental surfaces" means surfaces in the electrology treatment room that may contribute to cross-contamination by contact with the electrologist or instruments that will subsequently contact clients.
- (18) "Enzyme detergent" means the detergent that helps break down organic soils and fats and suspends particles during cleaning. An enzyme detergent is used as a soaking solution for critical and non-critical instruments and as the detergent used in the ultrasonic device.
- (19) "Epilator" means an electrical device used to perform electrolysis.
- (20) "Epilator cords" means insulated plastic covered cords used to complete the current circuit between the epilator and the epilator needle or the indifferent electrode.
- (21) "Forceps" means the sterilized instruments or "tweezers" used in electrology treatments to lift the treated hair from the follicle.
- (22) "Gloves" means coverings for the hands that provide a protective barrier against infections and toxic substances.
- (23) "Hand hygiene" means the general term that applies to:
 - (a) "Hand washing," the decontamination process for the removal of soil and transient microorganisms from the hands by a vigorous rubbing together of all surfaces of hands lathered with plain soap for at least 15 seconds, followed by rinsing under a stream of water;
 - (b) "Antiseptic hand wash," the washing of hands with water and soap or other detergents containing an antiseptic agent;
 - (c) "Antiseptic hand rub," the application of an alcohol-based hand rub product, to all surfaces of the hands to reduce the number of microorganisms present; and
 - (d) "Hand antisepsis," a preoperative antiseptic hand wash or antiseptic hand rub to eliminate transient microorganisms and reduce resident hand flora.
- (24) "Health History Assessment File" means the cumulative and permanent documentation of a client's medical and treatment record that is maintained by the electrologist as set forth in Rule .0409 of this Section.
- (25) "Hirsute or Hirsutism" means the excessive growth of hair that is thickened caused by hormonal or biochemical imbalances or genetic predisposition.
- (26) "Home study" means an educational activity undertaken by an individual, completed by correspondence or online, and with a certification of completion awarded at the end of the course.
- (27) "Hospital-grade disinfectant" means a chemical germicide that is classed in a spectrum of activity as either low-level or intermediate-level, as defined in Item (15) of this Rule, with labeled claims for effectiveness against *Salmonella choleraesuis*, *Staphylococcus aureus*, and *Pseudomonas aeruginosa*.
- (28) "Indifferent electrode" means a stainless steel bar held by the client during electrology treatments to complete current circuit with galvanic electrolysis modality or with the use of a timer delay switch in automatic delivery epilators.
- (29) "In-person seminar" means continuing education that occurs in a physical location rather than online.
- (30) "Instruments" means tools or devices designed to perform a specific function within the field of electrology, such as grasping, holding, or retracting.
- (31) "Intact skin" means skin in which the natural protective barrier has not been altered by infection or trauma.
- (32) "Microbial" means a minute life form; a microorganism, especially a bacterium that causes disease.
- (33) "Nitrile" means non-sterile, latex-free substance from which gloves are manufactured.
- (34) "Needle" means the pre-sterilized, disposable wire filament that is inserted into the hair follicle for application of electrical current in electrology.
- (35) "Non-intact skin" means skin in which there is a break in the skin's natural integrity, for example, exposed skin that is chapped, abraded, or afflicted with dermatitis.
- (36) "Packaging" means a generic term meant to include all types of containment, such as woven or non-woven wraps, paper or film pouches, or rigid container systems.
- (37) "Pathogen" means a microorganism or substance capable of producing a disease.

- (38) "Phoresis rollers" means sterilized stainless steel rollers used to apply current to skin before or after electrology treatment.
- (39) "Plain soap" means a detergent-based cleanser without antimicrobial additives that is used for the physical removal of dirt and transient microorganisms.
- (40) "Protective disposable barrier" means a disposable, moisture-resistant covering that reduces the potential for contaminating environmental or medical device surfaces that may be difficult or inconvenient to clean and disinfect routinely, for example, tables, pillows, or hard-to-clean surfaces, such as light handles and epilator surfaces.
- (41) "Reprocessing" means the process of cleaning, disinfecting, or sterilizing a reusable instrument that has been used or contaminated in order to be made safe for its intended use.
- (42) "Semi-critical items" means instruments, devices, objects, or environmental surfaces that may come in contact with mucous membranes and non-intact skin, but do not ordinarily penetrate body surfaces. Semi-critical items require sterilization or exposure to high-level disinfection as set in Item (41) of this Rule.
- (43) "Sharps container" means a manufactured and labeled, leak-proof, rigid, puncture-resistant, durable plastic container into which needles are placed after use and that is designed to be disposed of as an item of medical waste regulated by the North Carolina Department of Environmental Quality.
- (44) "Standards" means the level of quality or excellence.
- (45) "Sterility assurance file" means the record containing the sterilizer maintenance and use log and culture report from each biological monitor.
- (46) "Sterilization" means the process that destroys all forms of microbial life. The methods of sterilization of instruments and items used in the practice of electrology are the dry heat sterilizer or the autoclave.
- (47) "Treatment room" means the operatory where electrolysis treatments are performed.
- (48) "Ultrasonic cleaner" means a device that uses ultrasonic waves transmitted through the cleaning solution in a mechanical process known as cavitation. The transmitted sound waves produce tiny air bubbles on instrument surfaces that scrub tightly adhering or embedded particles from solid surfaces and remove soil deposits from hard-to-reach areas.

History Note: Authority G.S. 88A-6; 88A-13; 88A-16;
 Eff. December 1, 2010;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
 Amended Eff. November 1, 2022;
 Recodified from 21 NCAC 19 .0404 Eff. January 1, 2023.

21 NCAC 06V .0103 HAND HYGIENE

- (a) Electrologists shall cleanse their hands by handwashing or by degerming through hand antisepsis:
 - (1) before and after treatment on each client;
 - (2) before donning gloves;
 - (3) immediately after gloves are removed; and
 - (4) immediately, if bare-handed contact with blood, body fluids, secretions, excretions, non-intact skin, mucous membranes or contaminated equipment occurs.
- (b) As used in this Rule, handwashing includes:
 - (1) wetting hands with running warm water and applying plain soap in the amount recommended by the manufacturer;
 - (2) rubbing hands together at least 15 seconds, covering all surfaces of hands, including between fingers and fingernail areas;
 - (3) rinsing hands under a stream of water;
 - (4) drying hands with a clean disposable paper towel;
 - (5) turning faucets off with the paper towel; and
 - (6) disposing of the paper towel in a covered receptacle.
- (c) As used in this Rule, hand antisepsis is achieved by:
 - (1) applying the product label recommended amount of an antiseptic alcohol-based gel or rinse to the palm of one hand;
 - (2) rubbing hands together, covering all surfaces of hands, especially between fingers and fingernail areas; and
 - (3) continuing to rub hands together at least 15 seconds or until the alcohol dries.

*History Note: Authority G.S. 88A-16;
Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0405 Eff. January 1, 2023.*

21 NCAC 06V .0104 USE OF GLOVES

Electrologists shall:

- (1) Wear a fresh pair of non-sterile, medical grade, latex, nitrile or vinyl disposal examination gloves:
 - (a) during the treatment of each client;
 - (b) when contact with blood or other potentially infectious materials, mucous membranes and non-intact skin could occur; and
 - (c) during the procedures of soaking, cleaning, rinsing, drying and packaging of forceps and other contaminated instruments.
- (2) Refrain from using latex gloves if the client's health history assessment file indicates a sensitivity or allergic reaction to latex-based products.
- (3) Decontaminate hands in accordance with the procedures in Rule .0103 of this Section before putting on gloves and immediately after gloves are removed.
- (4) In the event of an interrupted treatment session:
 - (a) remove and discard gloves;
 - (b) decontaminate hands before touching items or surfaces; and
 - (c) decontaminate hands before re-gloving with a fresh pair of gloves before resuming treatment.
- (5) In the event of torn or perforated gloves:
 - (a) remove torn or perforated gloves immediately;
 - (b) decontaminate hands; and
 - (c) re-glove with fresh gloves.
- (6) After each treatment:
 - (a) remove gloves;
 - (b) dispose in a receptacle located in the treatment room; and
 - (c) immediately decontaminate hands.

*History Note: Authority G.S. 88A-16;
Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0406 Eff. January 1, 2023.*

21 NCAC 06V .0105 CLEANING, STERILIZATION, AND SAFETY PRECAUTIONS FOR INSTRUMENTS AND OTHER TREATMENT-RELATED ITEMS

- (a) Each office of each electrologist and laser hair practitioner shall be inspected by the Board or its agent:
 - (1) prior to initial licensure;
 - (2) each time an office is relocated;
 - (3) annually after a license is issued; and
 - (4) at any time the Board deems necessary to ensure safety of the public, including in response to a complaint or inquiry.
- (b) Electrologists shall observe the following safety precautions for the cleaning and sterilization of instruments:
 - (1) Coordinate sterilized instruments and supplies needed for each treatment in a manner whereby adherence to aseptic technique is maintained;
 - (2) Wear gloves when handling soiled instruments; and
 - (3) Avoid puncture injury from instruments.
- (c) As used in this Rule, instruments and other items include:
 - (1) Needles that are:
 - (A) single-use, pre-sterilized, and disposable;
 - (B) stored in a manner that will maintain sterile conditions of contents;
 - (C) not recapped, bent, or otherwise manipulated by hand prior to disposal;
 - (D) placed in a puncture-resistant sharps container after use, when opened or found damaged, when contaminated before use, or when not used before pre-printed expiration date; and

- (E) disposed of in accordance with State and local regulations when the sharps container is no more than three quarters full;
- (2) Forceps, phoresis rollers, and epilator tips that are:
 - (A) disinfected before initial use and after use on the client;
 - (B) disinfected after a 24-hour period when packaging is opened and instruments are unused or when packaging is contaminated before use, for example, dropped or placed on a surface not protected by barriers;
 - (C) accumulated after use and before cleaning and sterilization in a covered holding container by submersion in a solution of a protein-dissolving enzyme detergent and water, following manufacturer's instruction for dilution, then rinsed and drained; and
 - (D) cleaned and sterilized in accordance with the standards in Paragraphs (d) and (e) of this Rule.
- (d) Electrologists shall observe the following standards for cleaning:
 - (1) Place items and other instruments in the basket of a covered ultrasonic cleaning unit containing a fresh solution of a protein-dissolving enzyme detergent and water;
 - (2) Follow manufacturer's instructions for dilution and ultrasonic running times;
 - (3) Remove basket from ultrasonic unit rinse under running water and drain;
 - (4) Drain and air dry items on a clean, disposable, absorbent, non-shedding cloth in an area protected from exposure to contaminants with a hot-air dryer or by placement into a drying cabinet;
 - (5) Package forceps, rollers, and heat-stable tips individually in woven or non-woven wraps, paper or film pouches, or rigid container systems for the sterilization process;
 - (6) Place packaged instruments and items in an autoclave or dry-heat sterilizer with a chemical indicator;
 - (7) If dry-heat sterilizers are used, subject the heat-sensitive tips to an intermediate-level disinfectant, after which the tips are rinsed and dried; and
 - (8) Store instruments and items in a clean and dry covered container, drawer or closed cabinet after the cleaning process.
- (e) Electrologists shall observe the following standards for sterilization:
 - (1) The required minimum time and temperature relationship for sterilization methods shall be:
 - (A) for the dry heat method, the minimum time-temperature relationship required to be attained is 340° F (170° C) for one hour or 320° F (160° C) for two hours; and
 - (B) for the autoclave (steam under pressure) method, the minimum time-temperature-pressure relationship required to be attained is 15 to 20 minutes at 121°C (250°F) and 15 psi (pounds per square inch) for unpackaged instruments and items and 30 minutes at 121° C (250° F) and 15 psi (pounds per square inch) for packaged instruments and items.
 - (C) temperature and exposure requirements in Parts (A) and (B) of this Subparagraph relate to the time of exposure after attainment of the required temperature and do not include a penetration of heat-up lag time, drying time, or cool-down time;
 - (2) Sterilizers shall have visible physical indicator gauges, for example, thermometers, timers, on the devices that shall be monitored during the sterilization cycle;
 - (3) The interior of the sterilization devices shall be cleaned according to the manufacturer's instructions;
 - (4) Packaging for sterilization shall:
 - (A) accommodate the size, shape, and number of instruments to be sterilized;
 - (B) be able to withstand the physical conditions of the selected sterilization process;
 - (C) allow enough space between items in each package for the sterilization of all surfaces to occur; and
 - (D) chemical indicators shall be visible on the outside of each package sterilized that indicates the instruments and items have been exposed to a sterilization process.
 - (5) Manufacturer's recommendations shall be followed for aseptic removal of contents in the sterilized packages;
 - (6) Biological monitors shall be used no less than once a month for each sterilization device according to manufacturer's instruction in order to ensure that proper mechanical function of the sterilizer is maintained; and
 - (7) Recorded laboratory reports from the biological monitors shall be filed in a permanent sterility assurance file.
- (f) Safety precautions shall be observed for other treatment related items as follows:

- (1) Indifferent electrodes, epilator cords, and eye shields shall be cleaned, dried, and subjected to intermediate-level disinfection before initial use and after each treatment and replaced when showing signs of wear and tear;
- (2) Ultrasonic cleaning units and all other containers and their removable parts shall be used during soaking and cleaning procedures, cleaned, dried daily, and used and maintained according to manufacturer's instructions; and
- (3) Environmental surfaces directly related to treatment shall be cleaned and subjected to low-level disinfection daily and whenever visibly contaminated.

*History Note: Authority G.S. 88A-6(9); 88A-16;
 Eff. December 1, 2010;
 Amended Eff. September 1, 2015;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
 Recodified from 21 NCAC 19 .0407 Eff. January 1, 2023.*

21 NCAC 06V .0106 ENVIRONMENTAL CONTROL AND HOUSEKEEPING

(a) Electrologists shall observe the following elements of environmental control:

- (1) Each treatment room shall be kept lighted, ventilated, and free from dirt, dust, and contamination;
- (2) Each treatment room shall be equipped with labeled containers, covered storage for supplies, a puncture-resistant sharps container labeled as a biohazard, and covered trash containers;
- (3) Treatment table surfaces shall be made of materials that can be washed with detergents and treated with disinfectants;
- (4) Treatment table surfaces shall be covered with newly laundered linens, new disposable paper drapes, or barrier before each client treatment;
- (5) Headrests shall be covered with newly laundered linens, new disposable paper drapes, or barrier before each client treatment;
- (6) Treatment table surfaces that may come in contact with bare skin during treatments shall be covered with newly laundered linens, new disposable paper drapes, or barrier;
- (7) Containers for dispensing products, such as soap, alcohol hand-rubs, and treatment supplies shall be labeled;
- (8) All treatment supplies shall be disposable or, if reusable, the supplies containers shall be cleaned and dried before being refilled with fresh products;
- (9) Aseptic techniques for dispensing creams, lotions, ointments and antiseptics during treatment shall be followed;
- (10) Manufacturer's recommendations for the use and disposal of products and containers when contaminated, or when expiration date is reached, shall be followed;
- (11) Environmental surfaces that are touched during treatment, such as epilator needle holder and cords, epilator cart, magnification lamps, light devices and epilator controls shall be covered with a new protective disposable barrier before each treatment of a client or decontaminated after each treatment of a client, following manufacturer's instructions;
- (12) Disposable items such as cotton, paper drapes and protective disposal barriers shall be stored in covered containers, closed cabinets, or drawers before use;
- (13) Used disposable items shall be discarded into a covered trash container lined with a plastic bag that is tightly fastened when ready for disposal, and is disposed of daily into the trash, unless otherwise specified by State and local health regulations;
- (14) Reusable items such as sheets, pillowcases, and towels that are used to cover the treatment table or as a client drape shall be stored in covered containers, closed cabinets, or drawers before use; and
- (15) After use, reusable items shall be placed in a covered container labeled as "soiled laundry," laundered with detergent and water temperatures that will ensure cleaning and disinfection, and dried in a gas or electric clothes dryer.

(b) Electrologists shall observe the following elements of housekeeping:

- (1) A low-level hospital-grade disinfectant registered with the Environmental Protection Agency (EPA) shall be used for cleaning non-critical environmental surfaces such as epilator surfaces, magnifying lamps, epilator carts, floors, walls, door knobs, tabletops, and window sills that will only contact intact skin;

- (2) All other environmental surfaces in the treatment room shall be cleaned with water and detergent using a hospital-grade disinfectant or detergent designed for general housekeeping purposes, as indicated on the product label;
- (3) Countertops shall be of smooth, non-porous material and shall be cleaned daily in the areas where cleaning and sterilizing of instruments and items takes place;
- (4) Sinks and toilet facilities shall be cleaned daily;
- (5) Non-critical equipment, such as doorknobs, telephones, and treatment tables in the treatment room, shall be kept cleaned and disinfected;
- (6) Floors cleaned weekly and carpets shall be vacuumed weekly or more often if necessary; and
- (7) Walls, blinds, and curtains shall be cleaned when dirty or dusty.

History Note: Authority G.S. 88A-16;
 Eff. December 1, 2010;
 Readopted Eff. September 1, 2019;
 Recodified from 21 NCAC 19 .0408 Eff. January 1, 2023.

21 NCAC 06V .0107 CLIENT EVALUATION

As an evaluation for each client, the electrologist and laser hair practitioner shall:

- (1) Prepare a Health History Assessment File that contains:
 - (a) the date, name, address, contact information, date of birth, and names of family physician, gynecological physician, and dermatologist, if applicable;
 - (b) the areas of face and body to be treated;
 - (c) the hirsute family history;
 - (d) any current and previous methods of hair removal;
 - (e) any current and previous medications;
 - (f) any current and previous physical examination dates and results;
 - (g) any skin irregularities; and
 - (h) the date and signature of client.
- (2) Update and evaluate the client's current health condition to determine if the client should be referred to a physician.
- (3) Examine the client's skin for signs of infection or rashes prior to each treatment and delay treatment if actual or potential signs or symptoms of infection are present.
- (4) Refer the client to a physician when evaluation of health history or skin examination indicates.
- (5) Instruct the client on post-treatment care to promote healing of the treated skin site.
- (6) Update active client Health History Assessment annually.

History Note: Authority G.S. 88A-2; 88A-6;
 Eff. December 1, 2010;
 Amended Eff. September 1, 2015;
 Readopted Eff. September 1, 2019;
 Recodified from 21 NCAC 19 .0409 Eff. January 1, 2023.

21 NCAC 06V .0108 NEEDLESTICK SAFETY AND PREVENTION

Electrologists shall comply with the Needlestick Safety and Prevention Act published January 18, 2001 to amend United States Occupational Safety & Health Administration (OSHA) Regulation 29 CFR 1910.1030, which is hereby incorporated by reference including subsequent amendments and editions. Copies may be obtained at no cost at: <http://www.osha.gov/SLTC/bloodborne pathogens/>.

History Note: Authority G.S. 88A-16;
 Eff. December 1, 2010;
 Readopted Eff. September 1, 2019;
 Recodified from 21 NCAC 19 .0410 Eff. January 1, 2023.

21 NCAC 06V .0109 FOLLOW-UP PROCEDURES FOR EXPOSURES TO HEPATITIS, HUMAN IMMUNODEFICIENCY VIRUS (HIV), AND OTHER BLOOD-BORNE PATHOGENS

Electrologists shall comply with the blood-borne pathogens standards contained in the Needlestick Safety and Prevention Act, published in United States Occupational Safety & Health Administration (OSHA). Regulation 29 CFR 1910.1030. which is hereby incorporated by reference including subsequent amendments and editions. Copies may be obtained at no cost at <http://www.osha.gov/SLTC/bloodbornepathogens>.

History Note: Authority G.S. 88A-16;
Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0411 Eff. January 1, 2023.

21 NCAC 06V .0110 STANDARD PRECAUTIONS FOR DISEASE CONTROL AND PREVENTION

Electrologists shall:

- (1) Wear a mask and eye protection or a face shield to protect mucous membranes of the eyes, nose, and mouth during procedures and client care activities that may generate splashes or sprays of blood and body fluids;
- (2) Wear scrubs, lab coat, or medical grade clothing to protect skin and prevent soiling of clothing during procedures and client care activities that may generate splashes or sprays of blood and body fluids;
- (3) Remove soiled medical clothing at the conclusion of client procedures and wash hands; and
- (4) Wear protective gloves to prevent puncture injuries when using or cleaning instruments and when disposing of used needles.

History Note: Authority G.S. 88A-16;
Eff. December 1, 2010;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0412 Eff. January 1, 2023.

SUBCHAPTER 06W - SUPERVISION

21 NCAC 06W .0101 SUPERVISING PHYSICIAN

(a) Supervision by Physician – It is the licensed laser practitioner's responsibility to perform procedures solely within his or her professional scope of practice. A laser hair practitioner licensed under this Chapter shall perform laser hair removal only under the supervision of a physician licensed by the State of North Carolina to perform surgical services. The laser hair practitioner shall receive physician supervision before the initial laser treatment procedure. The laser hair practitioner shall perform services only after a physician or other practitioner licensed by the NC Medical Board (NCMB) under G.S. 1, Article 90 has examined the patient. This examination shall include a medical history and focused physical examination of the patient's skin condition to identify abnormalities that might be altered after exposure to a laser beam. The laser hair practitioner shall ensure that the supervising physician is readily available during services in accordance with G.S. 88A-11.1(c) so that the supervising physician is able to respond to patient emergencies and questions by the laser practitioner.

(b) Supervisory Agreement – A laser hair practitioner shall not operate any laser equipment without a signed Supervisory Agreement in accordance with 21 NCAC 06U .0102 in place and on file with the Board. The Supervisory Agreement shall include the following elements:

- (1) the supervising physician's name, business address, business telephone number, NCMB license number, and medical specialty;
- (2) an attestation that the supervising physician is licensed to practice medicine in North Carolina and plans to maintain licensure during the timeframe of the agreement;
- (3) a list of devices, makes, and models being used by the laser hair practitioner;
- (4) an attestation that the supervising physician is knowledgeable in the use of the listed devices;
- (5) an attestation that the supervising physician ensures the laser hair practitioner has training to perform laser hair reduction with the listed devices;
- (6) an attestation that the supervising physician will provide personal and responsible direction to the laser hair practitioner;
- (7) an attestation that the supervising physician will be available and able to respond to patient emergencies and to questions by the laser hair practitioner under supervision;
- (8) the geographical distance between the supervising physician and the laser hair practitioner;

- (9) an attestation that the supervising physician will ensure that patient contact, evaluation, and education have been provided for the prescription medications that are related to laser hair reduction, both before and after treatment; and
- (10) a provision for biannual renewal of the Supervisory Agreement, with a copy provided to the Board.
- (c) A laser hair practitioner shall notify the Board within 30 days of the termination of the Supervisory Agreement with the supervising physician.

*History Note: Authority G.S. 88A-11.1;
Eff. October 1, 2010;
Amended Eff. October 1, 2015;
Readopted Eff. June 15, 2020;
Recodified from 21 NCAC 19 .0501 Eff. January 1, 2023.*

SUBCHAPTER 06X – ELECTROLOGY SCHOOLS

21 NCAC 06X .0101 CURRICULUM

(a) The course of study for electrolysis shall consist of at least 600 clock hours of instruction in theory and clinical practice as set out in the following table:

Subject	Theory Hours	Clinical Hours
General Orientation	20	0
Rules of the school		
Personal hygiene and dress		
Professional ethics and office rules		
State and local laws governing electrolysis		
History of electrolysis		
Trichology (Hair Growth)	20	0
Hair structure and function		
Growth cycles, including regrowth cycles		
Follicle structure and function		
Endocrinology	20	0
Causes of hair growth, including new hair stimulation		
Study and function of glands		
Dermatology	30	0
Skin structure and function		
Disease of the skin (as related to the practice of electrolysis)		
Reaction of the skin as related to the clinical application of electrolysis		
Neurology/Angiology (as related to electrolysis)	20	0
Nervous system		
Pain thresholds		
Pain variables		
Synoptic responses		
Circulatory system		
Cardiovascular system		
Lymphatic system		
Bacteriology	25	40
Sanitation		
Sterilization		
Rules and standards promulgated by the Board		
Principles of Electricity	20	80

Subject	Theory Hours	Clinical Hours
Short wave (Alternating) current		
Direct (Galvanic) current		
Equipment	30	200
Modalities		
Electrolysis (DC - Galvanic)		
Thermolysis (SW - Shortwave)		
Blend (Combination of Galvanic and Shortwave)		
Variables		
Probes		
Intensity		
Timing		
Depth of insertion		
Equipment maintenance and upkeep		
General Treatment Procedure	25	30
Consultation with clients		
Consultation instruction shall include methods of developing case histories and health history assessments and providing information on hair growth cycles, modalities used, pain factors, scheduling of appointments, and fees		
Positioning and draping		
Development of Practice	20	20
Public relations and advertisement		
Office procedure and management		
Record keeping		
Telephone etiquette		
Housekeeping (Office)		
Totals:	230	370

(b) The course of study for laser hair removal shall consist of at least 30 clock hours of instruction in theory and clinical practice, with a minimum of 20 hours in practical hands-on instruction and at least 10 hours of basic science (Didactic) instruction in the use of laser and light-based hair removal or reduction devices in the following topics:

- (1) biology of hair;
- (2) laser and light-based terminology;
- (3) laser physics;
- (4) types of laser and light-based hair removal devices;
- (5) safety and precautions;
- (6) tissue interaction;
- (7) Fitzpatrick skin typing;
- (8) patient history form and consultation;
- (9) treatment contraindications;
- (10) sterilization procedures;
- (11) draping of patient;
- (12) pre-treatment and post-treatment care;
- (13) photo documentation; and
- (14) photosensitive drugs and disorders.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1;
Eff. June 1, 1993;
Amended Eff. December 1, 2010;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0601 Eff. January 1, 2023.

(a) Each person applying for a school certification shall submit to the Board the information required by G.S. 88A-19 and 88A-19.1, and:

- (1) A copy of the student contract required by Rule .0105 of this Section; and
- (2) A copy of the form for student authorization to receive electrolysis treatment required by Rule .0105 of this Section.

(b) Applicants for renewal of a school certification shall pay the required renewal fee and update the information that was submitted in accordance with Paragraph (a) of this Rule. This update shall include any information required by virtue of amendments to this Rule in effect as of the date of renewal.

(c) Upon forfeiture, a school may reapply for certification by submitting an Electrolysis School Application or Laser School Application and paying the required application fee. Applications are available at www.ncbee.com.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. September 1, 2015;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0602 Eff. January 1, 2023.

21 NCAC 06X .0103 CERTIFICATIONS NOT TRANSFERABLE

Consistent with G.S. 88A-19 and G.S. 88A-19.1, school certifications are valid only for the location named in the certification and are not transferable either to a new owner or to a new location. A school shall within 10 business days notify the Board in writing of a sale, transfer, change in management or change in ownership. Each school shall display its certification in a conspicuous place near the main entrance.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0603 Eff. January 1, 2023.

21 NCAC 06X .0104 PROGRAM DIRECTORS

Each school certified by the Board shall at all times be under the direction and supervision of a program director. The program director of each school shall be responsible for the organization, administration, development and general effectiveness of the school's electrolysis and laser, light source, or pulsed-light treatments training program.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. December 1, 1993;
Amended Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0604 Eff. January 1, 2023.

21 NCAC 06X .0105 ENROLLMENT PROCEDURES

(a) Every school certified by the Board shall furnish to each student upon enrollment a signed copy of the school contract with the student and a copy of the school handbook which shall include the school curriculum as approved by the Board. The school shall also furnish to each student upon enrollment a copy of the statutes and rules governing electrologists or laser hair practitioners and the sanitation standards issued by the Board.

(b) Every school shall obtain from each student on enrollment a signed copy of the student's permission to receive electrolysis or laser, light source, or pulsed-light treatment. Any limitations on treatment shall be listed on the permission form.

(c) Within 10 business days after each student's enrollment, every school shall furnish the Board with the following:

- (1) The name, address, date of enrollment, telephone number and specification of day or evening classes of each student, recorded on the school's stationery;
- (2) A statement signed by the student stating that he or she has received a copy of the statutes and the rules governing electrologists or laser hair practitioners and the sanitation standards issued by the Board and is cognizant of the fact that in order to qualify for an electrologist or laser hair removal license, the student must meet the requirements of G.S. 88A-10 or G.S. 88A-11.1.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0605 Eff. January 1, 2023.

21 NCAC 06X .0106 SCHOOL EQUIPMENT

(a) Every electrolysis school certified by the Board shall provide and maintain the following equipment in accordance with manufacturers' instructions:

- (1) one high frequency or thermolysis (short wave) machine;
- (2) one galvanic/thermolysis (blend) machine;
- (3) stainless steel, insulated, and disposable epilation probes (or needles) of sizes 002, 003, 004, and 005;
- (4) at least one circuline type lamp, halogen lamp, or other type of magnifying lamp per treatment table;
- (5) two treatment tables and chairs for clients and adjustable chairs or stools for students;
- (6) a cabinet for towels and utilities for each table;
- (7) a covered trash container for each table;
- (8) covered containers for all lotions, soaps, cotton balls, tissues, and other supplies and sterilizing solutions;
- (9) six dozen epilation forceps (or tweezers);
- (10) one plastic puncture resistant container (for used sharps) for each table;
- (11) one autoclave sterilizer, dry heat sterilizer, and ultrasonic cleaner; and
- (12) audio-visual teaching materials and equipment.

(b) Only Federal Food and Drug Administration (FDA) approved types of epilators and laser equipment shall be used by each school in training students.

(c) All epilators, laser equipment, autoclaves and dry heat sterilizers shall be monitored monthly by the school to ascertain effectiveness. Any changes from the list of equipment provided to the Board pursuant to G.S. 88A-19(a)(3) and 88A-19.1(a)(3) shall be reported to the Board.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. September 1, 2015; December 1, 2010;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0608 Eff. January 1, 2023.

21 NCAC 06X .0107 SCHOOL LIBRARY

Every school certified by the Board shall maintain a library containing at least one copy of each textbook used and shall make the books in the library available for use by the students. The school library shall contain the current copy of the International Board of Electrologist Certification (IBEC) compendium of study in preparation for examination by the Board.

History Note: Authority G.S. 88A-6; 88A-19; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0609 Eff. January 1, 2023.

21 NCAC 06X .0108 RECORD OF ATTENDANCE

Every school certified by the Board shall:

- (1) keep a daily record of the attendance of each student and a record of the time devoted by the student to practical and theoretical work;
- (2) establish credits; and
- (3) hold examinations before issuing diplomas.

These records or any part of the information contained in the records shall be made available on request to any inspector or member of the Board assigned by the Board to inspect records.

History Note: Authority G.S. 88A-6; 88A-19; 88A-20;
Eff. November 1, 1993;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0610 Eff. January 1, 2023.*

21 NCAC 06X .0109 STUDENT PRACTICAL WORK; CREDIT FOR OBSERVING AND SERVING AS A CLIENT

- (a) No practical work may be done by students attending a school certified by the Board except within the school premises and under the direct supervision of a licensed instructor.
- (b) Hours of credit shall be given to a student for time spent as a client in the ratio of one hour of practical credit for every three hours as a client. The maximum hours of practical credit to be given a student for time spent as a client or observing will be 30 credit hours. Any student observing, or as a client, may receive either theory or clinical practice hours but not both for the same unit of time.

*History Note: Authority G.S. 88A-6; 88A-19; 88A-20;
Eff. November 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0612 Eff. January 1, 2023.*

21 NCAC 06X .0110 STUDENT/TEACHER RATIO AND EQUIPMENT

- (a) For electrology, at least one instructor per 12 students, or fraction thereof, shall be in attendance at all times when students are engaged in clinical work. The school shall provide the necessary equipment, which was documented and approved in its school certification, for each student and client.
- (b) For laser, at least one instructor per 12 students, or fraction thereof, shall be in attendance at all times when students are engaged in clinical work. A skills attained checklist that matches current curriculum requirements in Rule .0101(b) of this Section shall be completed and signed off on by the instructor for each student. The school shall provide the necessary equipment, which was documented and approved in its school certification, for each student and client.

*History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. December 1, 1993;
Amended Eff. December 1, 2010;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0613 Eff. January 1, 2023.*

21 NCAC 06X .0111 EQUIPMENT ENDORSEMENTS AND SALES PROHIBITED

No school certified by the Board may endorse, recommend, advertise, promote, or sell any type of laser, light-based devices, epilator, or other electrolysis or laser hair removal equipment to the students in the school or permit any other person to do so.

*History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1;
Eff. November 1, 1993;
Amended Eff. December 1, 2010;
Readopted Eff. September 1, 2019;
Recodified from 21 NCAC 19 .0619 Eff. January 1, 2023.*

21 NCAC 06X .0112 CERTIFICATION OF SCHOOLS IN OTHER STATES OR JURISDICTIONS

- (a) The Board shall certify a school in another state or jurisdiction for purposes of G.S. 88A-10 provided that:
 - (1) The school applies for certification, submits the information required by G.S. 88A-19(a)(1) through (7) or 88A-19.1(a)(1) through (7), and meets the requirements of, and remains in compliance with, all other applicable provisions of this Section;
 - (2) If the school is in a state or jurisdiction that approves electrolysis schools, the school is approved by the proper agency for that state or jurisdiction;
 - (3) The electrology school has a curriculum of 600 hours; and
 - (4) The laser hair removal school has a laser, light source, or pulsed-light curriculum of 30 hours.
- (b) The Board shall revoke the certification of a school in another state or jurisdiction upon documentation that the school in a jurisdiction that licenses electrologists has lost its approval in that state.
- (c) The school shall agree to teach North Carolina's sanitation standards to any student who states to the school an intention of taking North Carolina's licensing examination.

(d) Applications for electrolysis and laser schools may be accessed online at www.ncbee.com.

*History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-21(b);
Eff. February 1, 1994;
Temporary Amendment Eff. September 1, 2001;
Amended Eff. September 1, 2015; December 1, 2010; December 4, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Recodified from 21 NCAC 19 .0622 Eff. January 1, 2023.*

SUBCHAPTER 06Y – CONTINUING EDUCATION

21 NCAC 06Y .0101 CONTINUING EDUCATION REQUIREMENTS, LICENSE RENEWAL, REINSTATEMENT AND REACTIVATION

(a) The following are requirements for the Board to approve renewals for electrologist or laser hair practitioners:

- (1) Each electrologist licensed in this State shall complete 10 CEUs as defined in 21 NCAC 06V .0102 per license effective period as a requirement for renewal of the electrology license. Electrologists with 30 or more years of practice without interruption in licensure shall complete 10 CEUs every five years. The first five-year period shall be measured from the issuance date of the license in year 30, and subsequent periods shall be measured from the issuance date in each fifth year thereafter.
- (2) A laser hair practitioner licensed in this State shall complete 10 CEUs per license effective period as a requirement for renewal of the laser hair practitioner license.
- (3) An electrologist or laser hair practitioner who has been placed on the inactive list by the Board as set forth in G.S. 88A-14 for fewer than five years and desires to return to active status shall present certification of completion of 10 CEUs within the 12 months preceding the reactivation application in satisfaction of the competency requirement of G.S. 88A-14.
- (4) An electrologist or laser hair practitioner whose license has been expired for 90 days or more but less than five years shall present certification of completion of 10 CEUs for each license effective period or part of a license effective period that has elapsed since the electrologist's or laser hair practitioner's license was last current, in satisfaction of the competency requirement of G.S. 88A-12. At least 10 of the CEUs offered in satisfaction of a competency requirement shall have been completed within the 12 months immediately preceding the application for reinstatement.
- (5) Not more than 10 CEUs may be carried over to the next license effective period. CEUs earned through home study shall only be carried over to the next license effective period if the following occur:
 - (A) The education provider records the full name and license number of the attendee;
 - (B) There is both a host and a monitor administering the education, where the monitor verifies that attendees are present during the presentation;
 - (C) The attendee has a camera on at all times so that the monitor can verify that the attendee is participating in the presentation;
 - (D) The education provider records the time the attendee was present during the education; and
 - (E) The education provider submits verification of the licensee's attendance at the presentation within 30 days of the event to the address in 21 NCAC 06A .0102.
- (6) Licensees shall not receive credit from the Board for more than 10 CEUs of home study for continuing education in each license effective period.
- (7) In the initial year of licensure, new licensees who take a licensing examination after the sixth month of the calendar year shall not be required to obtain CEUs until the following renewal year.
- (8) Over any two sequential license effective periods, the Board shall give credit for no more than five CEUs in the area of business management.
- (9) New licensees shall be required to pay for inspections for the upcoming year.
- (10) An initial license shall not be issued until an initial inspection has been completed on the practicing office.

(b) The following are requirements for the Board to approve renewals for instructors:

- (1) An instructor whose certification has been placed on the inactive list for more than 90 days and fewer than three years shall present certification of completion of 10 CEUs within the 12 months immediately preceding the application for reactivation of certification.

- (2) An instructor whose certification has been expired for more than 90 days, but less than three years shall present certification of completion of 10 CEUs for each license effective period or part of a license effective period that has elapsed since the instructor's license was last current. At least 10 of the CEUs offered in satisfaction of a competency requirement shall have been completed within the 12 months immediately preceding the application for reinstatement of certification.

*History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;
Eff. March 1, 1995;
Amendment Eff. October 1, 2015; December 1, 2010;
Readopted Eff. September 1, 2019;
Amended Eff. November 1, 2022;
Recodified from 21 NCAC 19 .0701 Eff. January 1, 2023.*

21 NCAC 06Y .0102 BOARD APPROVAL OF COURSES

- (a) The Board shall approve a program or course if it is:
 - (1) in any subject required by 21 NCAC 06X .0101; and
 - (2) offered by one of the following entities:
 - (A) a college or university authorized to grant degrees in this State;
 - (B) a national professional electrolysis or laser hair practice association;
 - (C) a school or Continuing Education (CE) provider certified by the Board;
 - (D) American Society of Laser Medicine (ASLM);
 - (E) American Academy of Dermatology (AAD); or
 - (F) an entity providing a program of Certified Medical Education (CME).
- (b) The applicant or entity offering the program or course shall provide the Board with the information listed in Paragraph (c) of this Rule and shall certify to the Board the names of all electrologists licensed by the Board who attended the program or course and their actual hours of attendance.
- (c) The Board shall not approve a program or course without the following information:
 - (1) Title, location, and date of the course or courses;
 - (2) Sponsoring entity;
 - (3) Course objective and outline of each course's content;
 - (4) Hours of study for each course topic; and
 - (5) Name, education, and background of each instructor.
- (d) An electrologist or laser hair practitioner seeking credit for a program or course offered by an entity not listed in Paragraph (a) of this Rule may request that the Board approve the course by submitting the application for approval of continuing education as set forth in Rule .0105 of this Section.
- (e) The Board shall approve a program or course if requested pursuant to Paragraph (d) of this Rule upon finding that it meets the requirements of G.S. 88A-13. When making this finding, the Board shall consider the criteria set forth in The Continuing Education Unit Criteria and Guidelines, current edition, as adopted by the International Association for Continuing Education and Training (IACET) in conjunction with the American Standards National Institute (ANSI) and incorporated herein by reference including subsequent amendments or editions. Copies of The Continuing Education Unit Criteria and Guidelines, current edition, may be obtained for four hundred ninety-five dollars (\$495.00) at <http://www.IACET.org>.
- (f) The Board shall notify the electrologist by first-class mail of the Board's findings and decision regarding the request made pursuant to Paragraph (d) of this Rule.
- (g) A change in subject matter, length, or instructor of a course requires reapproval by the Board.
- (h) The entity offering the program or course shall either provide to the electrologist or directly to the Board certification of the electrologist's actual hours of attendance after the program or course is complete.

*History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;
Eff. March 1, 1995;
Amended Eff. September 1, 2015; December 1, 2010;
Readopted Eff. September 1, 2019;
Amended Eff. November 1, 2022;
Recodified from 21 NCAC 19 .0702 Eff. January 1, 2023.*

21 NCAC 06Y .0103 COMPUTATION OF CONTINUING EDUCATION UNITS

- (a) To obtain credit as a contact hour of continuing education, the learning experience scheduled for an hour shall occupy at least 50 minutes of the hour.
- (b) An electrologist may fulfill the continuing education requirements of Rule .0101 of this Section by completing more than one course if the total equals 10 or more CEUs.
- (c) One semester credit hour at a university or college in a course that would enhance the practice of electrology or laser hair practice, such as a course in the endocrine system, shall be equivalent to 10 CEUs. A course may be audited or taken for credit.
- (d) An electrologist who teaches in a program or course approved by the Board may obtain CEU credit at the rate of four contact hours for each contact hour of teaching.

History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;
Eff. March 1, 1995;
Readopted Eff. September 1, 2019;
Amended Eff. November 1, 2022;
Recodified from 21 NCAC 19 .0703 Eff. January 1, 2023.

21 NCAC 06Y .0104 TIME LIMITS ON CREDIT

An electrologist or laser hair practitioner applying for reinstatement under 21 NCAC 06U .0103(b) and presenting CEUs in satisfaction of competency requirements may receive credit for any CEUs taken during the time the applicant's license was expired, subject to the requirements of Rule .0101 of this Section.

History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;
Eff. March 1, 1995;
Amended Eff. December 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. November 1, 2022;
Recodified from 21 NCAC 19 .0704 Eff. January 1, 2023.

21 NCAC 06Y .0105 APPLICATION FOR APPROVAL OF CONTINUING EDUCATION

- (a) An application for approval of continuing education as set forth in Rule .0102(d) of this Section shall include the following in his or her application:
 - (1) the application date;
 - (2) the sponsoring entity offering the continuing education;
 - (3) the name of the speakers or presenters;
 - (4) the title of the course;
 - (5) the location of the course;
 - (6) the date of the course;
 - (7) the number of hours of study;
 - (8) the course objectives and a summary of the course content;
 - (9) the educational or professional background of the speakers or presenters, or a copy of the curricula vitae of the speakers or presenters; and
 - (10) a summary of the learning outcomes of the course.
- (b) An applicant shall submit the form to the address in 21 NCAC 06A .0102 at least two months before the course-registration date.
- (c) Any change in subject matter, length, or instructor of a course shall require a new application.
- (d) The application form is available at the website address listed in 21 NCAC 06A .0102.
- (e) The application form shall be submitted as a fillable PDF and shall not be submitted as a handwritten form.

History Note: Authority G.S. 88A-6; 88A-13;
Eff. November 1, 2022;
Recodified from 21 NCAC 19 .0705 Eff. January 1, 2023.

21 NCAC 06Y .0106 WAIVER

The Board may waive any rule in this Chapter that is not statutorily required if a licensee, or applicant for license or certification, submits a written request to the address in 21 NCAC 06A .0102. Factors the Board shall use in determining whether to grant the waiver are:

- (1) degree of disruption to the Board;
- (2) cost to the Board;
- (3) degree of benefit to the public;
- (4) whether the requesting party had control over the circumstances that required the requested waiver;
- (5) notice to and opposition by the public, provided that this notice does not conflict with laws that would prohibit disclosure of information, such as the Health Insurance Portability and Accountability Act or the North Carolina Identity Theft Protection Act;
- (6) need for the waiver; and
- (7) previous requests for waivers submitted from the requesting party.

History Note: Authority G.S. 88A-6; 150B-19(6);
Eff. November 1, 2022;
Recodified from 21 NCAC 19 .0706 Eff. January 1, 2023.

SUBCHAPTER 06Z – ELECTROLOGY APPRENTICESHIP PROGRAM

21 NCAC 06Z .0101 ENROLLMENT REQUIREMENTS AND STUDENT PERMITS

History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06Z .0102 CURRICULUM

History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06Z .0103 FACILITY REQUIREMENTS

History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06Z .0104 STUDENT HOURS AND PERMITS

History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06Z .0105 PROGRAM HANDBOOKS AND ENROLLMENT AGREEMENTS

History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06Z .0106 INSTRUCTORS IN AN ELECTROLOGY APPRENTICESHIP PROGRAM

History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;

Temporary Rule Expired Eff. March 11, 2024.

21 NCAC 06Z .0107 TRANSFERS

*History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.*

21 NCAC 06Z .0108 PROGRAM COMPLETION

*History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.*

21 NCAC 06Z .0109 POST-APPRENTICESHIP ELECTROLOGY LICENSE

*History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.*

21 NCAC 06Z .0110 APPROVAL AS AN ELECTROLOGY APPRENTICESHIP PROGRAM

*History Note: Authority G.S. 86B-65;
Temporary Adoption Eff. June 1, 2023;
Temporary Rule Expired Eff. March 11, 2024.*