



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

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Minutes for Public Meeting Held April 2, 2023, at 7:00 p.m. Videoconference

Board Members

Sherod Holloway, Board Chairperson, Barber Member
Craig N. Burkhart, MD, Physician Member
Kristina Proctor, Public Member
Michael T. Swinney, Barber Member
David L. Williams, Barber Member
Electrologist (Vacant)
Electrologist (Vacant)
Barber (Vacant)
Barber (Vacant)

Executive Director Dennis Seavers

Counsel to the Board M. Jackson Nichols

The meeting of the North Carolina Board of Barber and Electrolysis Examiners was called to order at 7:11 p.m., on April 2, 2023.

The following board members were present during the meeting by video- or teleconference: Sherod Holloway; Craig N. Burkhart, MD; Kristina Proctor; Michael T. Swinney; and David L. Williams. No board members were absent. To ensure representation by all industries, the board also had the following individuals who are expected to be appointed to the board participate as though they were board members, without voting or making motions: Margaret Wingate, LE.

Also in attendance by videoconference were Dennis Seavers, Executive Director, and M. Jackson Nichols, Counsel to the Board.

OPEN SESSION

Ethics awareness and conflict of interest

Mr. Holloway read the statement required by G.S. § 138A-15(e) on ethics awareness and conflicts of interest. No board members indicated that they had any potential or actual conflicts.

Adoption of temporary rules

Mr. Holloway referred board members to Mr. Seavers’s March 30, 2023 memo on temporary rules to adopt, mostly dealing with mobile barber shops (see Attachment 1). Mr. Holloway noted there were public comments that had been submitted and that the board members had reviewed before the meeting. Dr. Burkhart made a motion to adopt the 68 temporary rules in Attachment 1. Ms. Proctor seconded the motion, which passed, 5–0.

Vote	Sherod Holloway	Craig Burkhart	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Beaufort County Community College

Mr. Holloway asked Mr. Seavers to give a brief background on the circumstances leading to the request by Beaufort County Community College for a consent order. Mr. Nichols suggested that the date in Section V, Paragraph F, be changed from May 31 to July 1, 2023, to coincide with the fiscal year. Dr. Burkhart made a motion to approve the consent order with the revised date (see Attachment 2). Mr. Williams seconded the motion, which passed, 5–0.

Vote	Sherod Holloway	Craig Burkhart	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Mr. Seavers gave a brief background on the need for Beaufort County Community College to receive a waiver under 21 NCAC 06Y .0106 (see Attachment 3). The waiver

would exempt the college from having to file the monthly report of student hours accrued in February 2023 due to questions about the reliability of the data. Ms. Proctor made a motion to approve the waiver, and Mr. Swinney seconded. The motion passed, 5–0.

Vote	Sherod Holloway	Craig Burkhart	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Department of Adult Corrections request for waiver

Mr. Holloway noted that this matter had been taken up at the February 28, 2023 meeting, but the board did not take a vote (see Attachment 4). Mr. Seavers noted that although the request was for a waiver, the board would actually need to handle the matter through a consent order because the relevant requirement was statute-based rather than rule-based.

Dr. Burkhart made a motion to authorize the executive director to negotiate consent orders for the Department of Adult Correction as listed in that agency’s request. Ms. Proctor seconded the motion, which passed, 5–0.

Vote	Sherod Holloway	Craig Burkhart	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Mr. Holloway adjourned the meeting at 7:29 p.m.

Minutes approved on April 18, 2023

Sherod Holloway
Board Chairperson



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Memo

TO: Board members and anticipated board appointees

FROM: Dennis Seavers

DATE: March 30, 2023

SUBJECT: Rulemaking—mobile barber shops

House Bill 792 was signed by the governor on July 8, 2022, and most provisions went into effect on January 1, 2023. Among other provisions, the bill created a new type of license for mobile barber shops, which previously were prohibited. The board proposed temporary rules in January and has been collecting public comments. At its April 2, 2023, the board will consider the public comments and adopt rules.

I have not included a summary of all the rules in this memo because the board has been reviewing these rules for several months and is familiar with the rule provisions. However, board members can find an explanatory memo attached to the minutes of the January 10, 2023 meeting (see <https://www.barbers.nc.gov/meetings.html>). Board members may also wish to review the public comments submitted on previous drafts of the rules (see in particular the minutes from the December 2022 meeting of the former Board of Barber Examiners).

The board received public comments from three individuals, and the comments are attached to this memo. There was no participation in the public hearing. Before the board adopts the temporary rules, it must fully consider the public comments. The board is not required to discuss the comments at the meeting, but members must have given consideration to them before adopting rules.

Please note that I have made some minor changes to rules to correct errors and ensure consistency; none of them are substantive changes. Since the code was updated with the board's statutes following publication of the rules, I also updated citations so they refer to the statutes rather than session law.

BOARD ACTION AND FUTURE STEPS

1. Once the board decides on the final language of the rules (whether the attached language or something similar), it should make a motion to **adopt** the rules.

2. I will file these rules with the Rules Review Commission, which will consider them at its next meeting.
3. Assuming the commission approves the rules, they will go into effect May 2, 2023.
4. The board staff will work to build out the licensing process once the language of the rules is finalized. (Much of the work has been ongoing for months.)

The temporary rules will be effective for no more than 270 days following publication in the North Carolina Register. Before the temporary rules expire, the board must approve permanent rules. That permanent rulemaking process will begin after the Office of State Budget and Management approves a fiscal note and substantive economic analysis that I will prepare over the next several weeks.

Seavers, Dennis

From: Marcus Hall
Sent: Wednesday, January 25, 2023 7:07 PM
To: Seavers, Dennis
Subject: [External] Re: Temporary rules

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

If the State Board can't require GPS. How can the State Board overrule the DMV when it comes to vehicles traveling. As the new law for mobile barbershops will/shows a restriction on how far the Mobile Unit can travel. But the DMV states the Vehicle can be driven anywhere in the state.

On Thu, Jan 19, 2023 at 4:25 PM Seavers, Dennis <dennis.seavers@nc.gov> wrote:

<https://www.oah.nc.gov/media/14172/download?attachment>

DENNIS SEAVERS	NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS
Executive Director	
(919) 814-0641 (Office)	7001 Mail Service Center
(919) 981-5068 (Fax)	Raleigh, NC 27699-7000
dennis.seavers@nc.gov	www.barbers.nc.gov www.ncbee.com
	barbers@nc.gov electrolysis@nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

--

Seavers, Dennis

From: Brian Hunt
Sent: Monday, January 23, 2023 11:45 AM
To: Seavers, Dennis
Subject: Re: [External] Mobile Units
Attachments: Screenshot_20230123_113142_Google.jpg; Screenshot_20230123_113122_Google.jpg

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

I attached a few pictures of airstreams converted to mobile shops.

I don't see the value in not allowing towable units. Having a toilet in such tight quarters seems less sanitary. Hand washing sinks with hot water but a toilet seems unnecessary since the unit would operate near a public bathroom. I feel mobile units should have to be affiliated with a brick and mortar shop.

I feel mobile units shouldn't replace brick and mortar shops but be more for special events and festivals. Having barbershops set up in Walmart parking lots every day doesn't make barbering look like a profession. It cheapens the trade in my opinion.

Having mobile shops affiliated with brick and mortar shops would make it easier to monitor them. Already with mobile booking apps there are more and more unlicensed barbers practicing. If not careful mobile units would only add to the problem

Sent from my Verizon, Samsung Galaxy smartphone

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From: Seavers, Dennis <dennis.seavers@nc.gov>
Sent: Monday, January 23, 2023 10:55:07 AM
To: Brian Hunt
Subject: RE: [External] Mobile Units

Hello,

The board has proposed temporary rules, which you can review here:

<https://www.oah.nc.gov/media/14172/download?attachment>. The board is accepting public comments until February 6, 2023, and the comment procedures appear toward the bottom of the first page. There's also a public hearing on January 31 at 12:00 PM for members of the public to submit comments if they wish. The information to join the hearing appears toward the top of page 1.

Please consider submitting comments, positive or negative, about the proposed rules so the board can consider those comments. Although this is just an estimate, we expect the rules to be considered by the Rules Review Commission on March 16, 2023. How quickly the rules go into effect would depend on whether the commission approves them.

If you have any other questions, please let me know

From: Brian Hunt
Sent: Monday, January 23, 2023 9:33 AM
To: Seavers, Dennis <dennis.seavers@nc.gov>
Subject: [External] Mobile Units

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hey Dennis

Is the board close to finalizing requirements for mobile units? I have had several meetings with wedding venues that are interested in on site services . Thanks in advance happy new year btw . from my Verizon, Samsung Galaxy smartphone

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Visual matches



pinterest.com
This Trashy Trailer Transformed Into A...



doityourselfrv.com
See This Ratty Old Trailer Transform Int...



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Twitter



Common Ground Music Festival on Twitter: "Thanks..."

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Seavers, Dennis

From: Bobby Peterson
Sent: Wednesday, March 22, 2023 5:50 AM
To: Seavers, Dennis
Subject: [External] Re: Contact information

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good morning Dennis, or whoever this is concern is directed to, my concern is that the Mobile Barbershop is a project that or business that I truly want to see come to pass. Mobile means to be moved around, that being said why not it be placed in a trailer being moved by a truck, car, tractor etc. It should not be subject just to a Van, bus, panel truck one reason is that a 20' box truck or a bus you need a class B license to drive it so my concern is too not limit the mobile Barber Shop so please take in consideration of barbers that do not have these type license thank you sir.

On Thu, Dec 8, 2022, 2:44 PM Seavers, Dennis <dennis.seavers@nc.gov> wrote:

Dennis Seavers

Executive Director

North Carolina Board of Barber Examiners

7001 Mail Service Center

Raleigh, NC 27699-7000

Office: (919) 814-0641 | Fax: (919) 981-5068

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

1 21 NCAC 06C .0912 is amended under temporary procedures with changes as follows:

2
3 **21 NCAC 06C .0912 COMPLAINTS**

4 (a) An individual who wishes to make a complaint alleging a violation of ~~G.S. 86A~~ [S.L. 2022 72, s. 2,] ~~G.S. 86B~~ or
5 the Board's rules shall submit the complaint in writing to the address or through the website set forth in 21 NCAC 06A
6 .0102.

7 (b) Upon receipt of a complaint, the Board's Executive Director shall review the complaint. The Executive Director
8 shall investigate or assign a staff member to investigate the complaint, except for complaints that are dismissed as set
9 forth in Paragraph (c) of this Rule.

10 (c) The Executive Director shall dismiss the complaint and notify the complainant if the complaint:

11 (1) lacks information, such as ~~barbershop~~ business location or a description of the alleged conduct,
12 necessary to investigate the complaint. Before dismissal, the Executive Director shall attempt to
13 collect additional information from the complainant; or

14 (2) alleges conduct that is not prohibited by ~~G.S. 86A~~ [S.L. 2022 72, s. 2,] ~~G.S. 86B~~ or the Board's rules
15 or is not within the Board's jurisdiction. The Executive Director shall refer the complaint to any
16 other agency that may have jurisdiction.

17 (d) After conducting an investigation, the assigned staff member shall:

18 (1) recommend to the Executive Director that the Board counsel issue a probable cause letter for
19 violations of ~~G.S. 86A~~ [S.L. 2022 72, s. 2,] ~~G.S. 86B~~ or the Board's rules; or

20 (2) recommend that the Executive Director dismiss the complaint because there is insufficient evidence
21 of a violation of ~~G.S. 86A~~ [S.L. 2022 72, s. 2,] ~~G.S. 86B~~ or the Board's rules or the alleged conduct
22 is not within the Board's jurisdiction.

23 (e) After receiving a recommendation required by Paragraph (d) of this Rule, the Executive Director shall:

24 (1) conduct or request additional investigation by the assigned staff member on a case-by-case basis
25 when the recommendation does not contain facts to support the actions set forth in Subparagraphs
26 (2) or (3) of this Paragraph;

27 (2) recommend that the Board counsel issue a probable cause letter for violations of ~~G.S. 86A~~ [S.L.
28 2022 72, s. 2,] ~~G.S. 86B~~ or the Board's rules; or

29 (3) dismiss the complaint and notify the complainant, except that the Executive Director shall refer the
30 complaint to any other agency that may have jurisdiction.

31 (f) At each regularly scheduled Board meeting, the Executive Director shall submit to the Board a report of dismissed
32 complaints that he or she has not previously reported, with a summary of the allegations and a justification for the
33 dismissal. If the complaint was dismissed within 30 days of the Board meeting, the Executive Director may instead
34 include the dismissal in the report for the Board meeting following the next regularly scheduled meeting.

35 (g) By a majority vote, the Board may reopen any complaint that the Executive Director has dismissed, in which case
36 the complaint shall be handled as if the Executive Director had not dismissed the complaint.

37

- 1 *History Note: Authority G.S. ~~86A-5~~; 86B-2;*
- 2 *Eff. April 1, ~~2017~~. 2017;*
- 3 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06F .0102 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06F .0102 MANAGER**

4 (a) Each barber school shall designate ~~one of the instructors~~ an instructor required by ~~G.S. 86A-22(2)~~ [S.L. 2022-72,
5 ~~s. 2,~~ G.S. 86B-38 as the school manager.

6 (b) The barber school manager is responsible for the school's compliance with ~~G.S. 86A-15~~ [S.L. 2022-72, s. 2,] G.S.
7 86B-31 and the rules in this Subchapter, whether present on the school premises or not.

8

9 *History Note:* Authority ~~G.S. 86A-15; 86A-22;~~ 86B-31; 86B-38;

10 *Eff. February 1, 1976;*

11 *Readopted Eff. February 8, 1978;*

12 *Amended Eff. April 1, 2010; May 1, 1989; March 1, 1983;*

13 *Readopted Eff. July 1, 2016;*

14 *Amended Eff. January 1, ~~2018;~~ 2018;*

15 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06F .0104 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06F .0104 INSTRUCTORS**

4 (a) At least one barber instructor shall supervise **barber** students whenever they are engaged in barbering ~~activities at~~
5 ~~all times.~~ activities.

6 (b) Barber instructors shall barber only for the purpose of instruction or demonstration while on the premises of the
7 barber school.

8 (c) All course work as outlined under 21 NCAC 06F .0120 shall be taught by a ~~certified~~ licensed barber instructor.

9

10 *History Note: Authority G.S. ~~86A-22; 86A-23; 86B-38; 86B-39;~~*

11 *Eff. February 1, 1976;*

12 *Readopted Eff. February 8, 1978;*

13 *Amended Eff. September 1, 2009; June 1, 2008; May 1, 1989;*

14 *Readopted Eff. July 1, ~~2016.~~ 2016;*

15 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06F .0120 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06F .0120 BARBER SCHOOL CURRICULA CURRICULUM**

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

6 Hours

7 Classroom Lecture and Study Periods:

8 Hygiene and Good Grooming, Professional Ethics 25

9 Bacteriology, Sterilization, Sanitation 50

10 Implements, Honing, Stropping, and Shaving 30

11 Men's Haircutting 20

12 Cutting and Styling Curly Hair, Mustaches, and Beards 10

13 Shampooing and Rinsing, Scalp and Hair Treatments 10

14 Theory of Massage and Facial Treatments 5

15 Men's Razor Cutting, Women's Razor, and Shear Cutting 30

16 Finger Waving Men's Hair, Air Waving, and Curling Iron Techniques 5

17 Permanent Waving For Men, Chemical Hair Relaxing, and Blow Drying 25

18 Hair Coloring 10

19 Men's Hair Pieces 5

20 The Skin, Scalp, and Hair 30

21 Disorders of the Skin, Scalp, and Hair 15

22 Anatomy and Physiology 10

23 Electricity Therapy, Light Therapy, and Chemistry 10

24 Barber Styling, Barber Shop and Mobile Barber Shop Management, and Product Knowledge

25 70

26 Licensing Laws and Rules and History of Barbering 20

27

28 Supervised Practice in Barbering:

29 Shampooing and Scientific Hair and Scalp Treatments 55

30 Shaving 50

31 Tapered Hair Cutting 250

32 Hair Styling of Men and Women 400

33 Facials, Massages, and Packs 10

34 Bleaching, Frosting, Hair Coloring, and Body Permanents 90

35 Cutting and Fitting Hair Pieces 5

36 Hair Straightening 5

37 The Analyzing and Treatment of Hair and Skin Disorders 10

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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 ~~1,528~~ 1,528

(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

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

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

6
7 *History Note: Authority G.S. ~~86A-22(1); 86A-22(4); 86B-38~~;*

8 *Eff. March 1, 1983;*

9 *Amended Eff. June 1, 2008; May 1, 1989;*

10 *Readopted Eff. July 1, 2016;*

11 *Amended Eff. April 1, ~~2021~~; 2021;*

12 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06G .0106 is amended under temporary procedures as follows:

2

3 **21 NCAC 06G .0106 INSTRUCTOR APPLICATION**

4 To become a ~~registered barber~~ licensed instructor an applicant shall furnish the Board with the Form BAR-6 as set
5 forth in 21 NCAC 06N .0107 and pay the fee in ~~21 NCAC 06N .0101(a)(11)~~, 21 NCAC 06N .0101(a)(13).

6

7 *History Note: Authority G.S. ~~86A-23(a); 86A-25; 86B-39; 86B-41;~~*

8 *Eff. October 1, ~~2016;~~ 2016;*

9 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06H .0101 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06H .0101 DUTIES AND RESPONSIBILITIES**

4 (a) Barber school managers shall:

5 (1) ~~file for a school permit at least 30 days before opening the school for business;~~

6 (2)(1) ensure that all **barber** students are instructed; and

7 (3)(2) ensure compliance with the North Carolina General Statutes governing barber schools and barbering
8 and the ~~administrative~~ rules of the Board.

9 (b) A barber school manager shall have 30 days to fill a vacancy to ensure compliance with ~~G.S. 86A-22(2)~~; [**S.L.**
10 **2022-72, s. 2**] **G.S.86B-38**.

11 (c) ~~Managers of schools that are organized as nonprofits, have obtained a determination from the Internal Revenue~~
12 ~~Service recognizing their tax exempt status, and wish to have the lower number of instructors allowed under G.S.~~
13 ~~86A-22 shall provide to the Board a copy of the Internal Revenue Service determination before offering instruction~~
14 ~~with the reduced number of instructors.~~

15

16 *History Note: Authority G.S. ~~86A-13; 86A-15; 86A-22; 86B-29; 86B-31; 86B-38;~~*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. February 8, 1978;*

19 *Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989; March 1, 1983;*

20 *Readopted Eff. July 1, ~~2016~~ 2016;*

21 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06I .0105 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06I .0105 LICENSED APPRENTICE BARBER BASED ON OUT-OF-STATE TRAINING**

4 A **barber** student who has trained in another state may take the examination to become a ~~registered~~ licensed apprentice
5 ~~barber provided:~~ if:

6 (1) his or her hours of training in the out-of-state barber school have been credited under ~~21 NCAC 06I~~
7 ~~.0101;~~ Rule .0101 of this Subchapter;

8 (2) he or she completes and furnishes to the Board the Form BAR-4 that meets the requirements of 21
9 NCAC 06N .0105; and

10 (3) he or she pays the required fee in ~~21 NCAC 06N .0101(a)(5).~~ 21 NCAC 06N .0101(a)(6).

11

12 *History Note: Authority G.S. ~~86A-5; 86A-18; 86A-24; 86A-25; 86B-2; 86B-35; 86B-40; 86B-41;~~*

13 *Eff. February 1, 1976;*

14 *Readopted Eff. February 8, 1978;*

15 *Amended Eff. March 1, 1983;*

16 *Legislative Objection Lodged Eff. March 7, 1983;*

17 *Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989;*

18 *Readopted Eff. October 1, 2016;*

19 *Amended Eff. April 1, ~~2017.~~ 2017.*

20 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06J .0101 is amended under temporary procedures as follows:

2

3 **21 NCAC 06J .0101 REGISTERED LICENSED APPRENTICE**

4 ~~A registered apprentice~~ To become a licensed apprentice, an applicant shall:

- 5 (1) attend an approved barber school for a period of at least ~~4528~~ 1,528 hours as set forth in 21 NCAC
6 06F .0120;
- 7 (2) furnish the Board with the Form BAR-4 as set forth in 21 NCAC 06N .0105 and pay the fee
8 according to ~~21 NCAC 06N .0101(a)(5)~~; 21 NCAC 06N .0101(a)(6); and
- 9 (3) make a score of at least 70 percent on both a written and practical apprentice examination.

10

11 *History Note: Authority G.S. ~~86A-3; 86A-10; 86A-24; 86A-25; 86B-23; 86B-26; 86B-40; 86B-41;~~*

12 *Eff. February 1, 1976;*

13 *Readopted Eff. February 8, 1978;*

14 *Amended Eff. March 1, 1983;*

15 *Legislative Objection Lodged Eff. March 7, 1983;*

16 *Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989;*

17 *Readopted Eff. October 1, ~~2016~~ 2016;*

18 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06J .0110 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06J .0110 NOTIFICATION OF ADDRESS CHANGE**

4 All ~~apprentice barbers~~ licensed apprentices and ~~student barbers~~ **barber students** with temporary permits shall notify
5 the Board within ~~60~~ 30 days of any change in their ~~permanent~~ mailing address.

6

7 *History Note: Authority G.S. ~~86A-11; 86A-24; 86B-27; 86B-40;~~*

8 *Eff. September 1, 2009;*

9 *Readopted Eff. July 1, ~~2016.~~ 2016.*

10 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06K .0101 is amended under temporary procedures with changes as follows:

2

3

SUBCHAPTER 06K - ~~REGISTERED~~ LICENSED BARBER

4

5

SECTION.0100 – ~~REGISTERED~~ LICENSED BARBER

6

7

21 NCAC 06K .0101 ~~REGISTERED~~ LICENSED BARBER

8

To become a ~~registered~~ licensed barber, an applicant shall:

9

(1) meet the qualifications in G.S. ~~86A-3~~; ~~[S.L. 2022-72, s. 2;]~~ G.S. 86B-23;

10

(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

11

12

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

13

14

15

History Note: Authority G.S. ~~86A-3~~; ~~86A-25~~; 86B-23; 86B-41;

16

Eff. February 1, 1976;

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Readopted Eff. February 8, 1978;

18

Amended Eff. March 1, 1983;

19

Legislative Objection Lodged Eff. March 7, 1983;

20

Curative Amended Eff. April 6, 1983;

21

Amended Eff. June 1, 2008; May 1, 1989;

22

Readopted Eff. July 1, ~~2016~~ 2016;

23

Temporary Amendment Eff. May 2, 2023.

1 21 NCAC 06K .0104 is amended under temporary procedures as follows:

2

3 **21 NCAC 06K .0104 OUT-OF-STATE APPLICANTS**

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

6 (1) the Form BAR-8 as set forth in 21 NCAC 06N .0109 and the required fee as set forth in ~~21 NCAC~~
7 ~~06N .0101(a)(21); 21 NCAC 06N .0101(a)(24);~~ and

8 (2) a ~~certified statement letter~~ from the ~~applicant's state agency that issued the~~ out-of-state ~~Board~~
9 ~~license, with stating the following: following information:~~

10 (a) the applicant's length of licensure in that state;

11 (b) whether such licensure has been continuous or has been interrupted by periods when the
12 applicant was not licensed in the state;

13 (c) the reasons for any such interruptions in licensure; and

14 (d) whether or not there have been any disciplinary actions against the applicant's license.

15

16 *History Note: Authority G.S. ~~86A-12; 86A-25; 86B-28; 86B-41;~~*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. February 8, 1978;*

19 *Amended Eff. March 1, 1983;*

20 *Legislative Objection Lodged Eff. March 7, 1983;*

21 *Amended Eff. September 1, 2013; May 1, 1989;*

22 *Readopted Eff. October 1, ~~2016; 2016;~~*

23 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06K .0110 is amended under temporary procedures as follows:

2

3 **21 NCAC 06K .0110 IDENTIFICATION**

4 All ~~registered~~ licensed barbers shall maintain their ~~permit~~ license as defined in 21 NCAC 06P .0103(7) in their
5 possession ~~at all times while~~ whenever they are performing barbering services. The individual shall produce the current
6 government-issued photo identification to the Board's Executive Director or inspector upon request.

7

8 *History Note: Authority G.S. ~~86A-1; 86A-10; 86B-21; 86B-26;~~*

9 *Eff. June 1, 2008;*

10 *Readopted Eff. July 1, ~~2016;~~ 2016;*

11 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06K .0111 is amended under temporary procedures as follows:

2

3 **21 NCAC 06K .0111 NOTIFICATION OF CHANGE OF ADDRESS**

4 All ~~registered~~ licensed barbers shall notify the Board within ~~60~~ 30 days of any change in their ~~permanent~~ mailing
5 address.

6

7 *History Note: Authority G.S. ~~86A-5; 86A-10; 86A-21;~~ 86B-2; 86B-5; 86B-26;*

8 *Eff. September 1, 2009;*

9 *Readopted Eff. July 1, ~~2016;~~ 2016;*

10 *Temporary Amendment Eff. May 2, 2023.*

21 NCAC 06K .0112 is amended under temporary procedures with changes as follows:

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

(a) Except for individuals who want to apply under G.S. 86A-12 [~~S.L. 2022-72, s. 2,~~ **G.S. 86B-28** for licensure as to be a ~~registered licensed~~ barber, an individual who has military training and expertise and wants to apply to become a ~~registered licensed~~ 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 state~~ agency that issued the out-of-state license ~~of certifying~~ 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 ~~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 practical 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)~~(d) The Board shall issue a temporary permit for the applicant to work as a ~~registered licensed~~ 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

1 the applicant, this temporary permit shall be extended for 90 days no more than twice, unless the
2 Board denies the application.

3

4 *History Note: Authority G.S. ~~86A-1; 86A-11; 86A-12; 86A-25; 86B-21; 86B-27; 86B-28; 86B-41; 93B-15.1;~~*

5 *Eff. April 1, ~~2017.~~ 2017.*

6 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06K .0113 is amended under temporary procedures with changes as follows:

2
3 **21 NCAC 06K .0113 MILITARY SPOUSES**

4 (a) An individual who is currently licensed as a barber in another state, is the spouse of a person serving in the military,
5 and wants to apply to become a ~~registered~~ licensed barber in this State shall provide the following, unless he or she
6 wants to apply under ~~another provision in G.S. 86A [S.L. 2022-72, s. 2],~~ G.S. 86B for licensure as a ~~registered~~ licensed
7 barber:

8 (1) the Form BAR-12 as set forth in 21 NCAC 06N .0113; and

9 (2) a ~~certification~~ letter from the ~~applicant's out-of-state~~ state agency that issued the out-of-state license
10 of certifying the applicant's licensure in that state.

11 (b) The applicant shall instead apply for out-of-state licensure under ~~G.S. 86A-12 [S.L. 2022-72, s. 2],~~ G.S. 86B-28
12 and Rule .0104 of this Section if the certification letter required by Subparagraph (a)(2) of this Rule does not show
13 that the ~~applicant:~~ applicant

14 (1) ~~completed at least 1,500 hours of barber school training;~~ training. and

15 (2) ~~has been licensed as a barber for at least one of the five years preceding the date of application.~~

16 ~~(c) After being approved under this Rule, the applicant shall submit the fee set forth in 21 NCAC 06N .0101(a)(21).~~

17 ~~(d)~~(c) Upon request by the applicant, the Board shall issue one temporary permit for the applicant to work as a
18 ~~registered~~ licensed barber for 90 days while the applicant gathers the documents required by this Rule.

19
20 *History Note: Authority G.S. 86A-1; 86A-3; 86A-11; 86A-12; 86A-25; 86B-21; 86B-23; 86B-27; 86B-28; 86B-41;*
21 *93B-15.1;*
22 *Eff. April 1, 2017. 2017.*
23 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0104 is amended under temporary procedures as follows:

2

3 **21 NCAC 06L .0104 BARBER SHOP AND MOBILE BARBER SHOP PERMITS**

4 ~~(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~~
5 ~~will be complete and ready for inspection. Applications shall meet the requirements of 21 NCAC 06N .0102.~~

6 ~~(b)(a) If the barber shop or mobile barber shop is~~ will not be ready for inspection on a scheduled date, the owner or
7 licensed barber manager shall notify the Board.

8 ~~(c)(b) Failure~~ If a barber shop or mobile barber shop fails to notify the Board of a change of address before the
9 inspection, the barber shop or mobile barber shop shall result in forfeiture of ~~forfeit~~ the inspection fee.

10

11 *History Note: Authority G.S. ~~86A-1; 86A-13; 86B-21; 86B-29;~~*

12 *Eff. February 1, 1976;*

13 *Readopted Eff. February 8, 1978;*

14 *Amended Eff. May 1, 1989; March 1, 1983;*

15 *Readopted Eff. July 1, ~~2016; 2016;~~*

16 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0106 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06L .0106 SEPARATION FROM OTHER BUSINESSES; RESIDENTIAL SHOPS; MOBILE**
4 **HOMES BARBER SHOPS**

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

9 (b) Notwithstanding Paragraph (a) of this Rule and ~~21 NCAC 06L .0102~~, Rule .0102 of this Subchapter, when a
10 barber shop is located within a ~~shop~~ salon licensed by the North Carolina Board of Cosmetic Art Examiners and was
11 permitted on or after January 1, 1995, or undergoes modifications or structural renovations after that date, the area
12 where the barber chair or chairs are located shall comply with the sanitary regulations in ~~G.S. 86A-15(a)~~ [S.L. 2022-
13 72, s. 2,] G.S. 86B-31 and this Subchapter not inconsistent with this Rule.

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

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

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

23

24 *History Note: Authority G.S. ~~86A-15~~; 86B-31;*

25 *Eff. February 1, 1976;*

26 *Readopted Eff. February 8, 1978;*

27 *Amended Eff. April 1, 2010; June 1, 2008; January 1, 1995; May 1, 1989; March 1, 1983;*

28 *Readopted Eff. July 1, ~~2016~~. 2016;*

29 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0107 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06L .0107 LAVATORY**

4 (a) Each barber shop permitted before January 1, ~~1995~~ **1995**, that is not modified or structurally renovated after that
5 date shall have for each barber a functioning sink with hot and cold water, located at a convenient place as required
6 by ~~G.S. 86A-15(a)(1)(d)~~. [~~S.L. 2022-72, s. 2.~~] **G.S. 86B-31.**

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

9 (c) Each sink of a barber shop shall have a drainpipe connected to a sewer line to drain all wastewater out of the
10 building.

11

12 *History Note: Authority G.S. ~~86A-15~~; 86B-31;*
13 *Eff. February 1, 1976;*
14 *Readopted Eff. February 8, 1978;*
15 *Amended Eff. June 1, 2008; January 1, 1995; May 1, 1989;*
16 *Readopted Eff. July 1, ~~2016~~; 2016;*
17 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0109 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06L .0109 ~~COMMERCIAL CHEMICALS~~ **DISINFECTANTS****

4 (a) No person, barber shop, mobile barber shop, or school licensed or ~~registered~~ permitted under Chapter 86A [S.L.
5 2022-72, s. 2,] G.S. 86B of the North Carolina General Statutes shall use any ~~commercial chemical~~ disinfectant in the
6 practice of barbering unless the ~~commercial chemical~~ disinfectant is received with a list of all contents and instructions
7 for its use.

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

9 (1) registered with the Environmental Protection Agency; and

10 (2) effective against communicable pathogens, including:

11 (A) Human immunodeficiency virus;

12 (B) Hepatitis B and C;

13 (C) Herpes;

14 (D) Influenza;

15 (E) Human coronavirus, including severe acute respiratory syndrome coronavirus 2;

16 (F) Trichophyton;

17 (G) Microsporum;

18 (H) Epidermophyton; and

19 (G) Staphylococcus.

20

21 *History Note: Authority ~~G.S. 86A-5; 86B-2; 86B-31;~~*

22 *Eff. March 1, 1983;*

23 *Amended Eff. May 1, 1989;*

24 *Readopted Eff. July 1, ~~2016.~~ 2016;*

25 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0111 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06L .0111 WHERE BARBER SERVICES MAY BE PERFORMED**

4 (a) Except as provided in this Rule, all barber services as defined in ~~G.S. 86A-2~~ [S.L. 2022-72, s. 2,] G.S.86B-22
5 shall only be performed at a location or vehicle permitted by the Board as a barber ~~shop.~~ shop or mobile barber shop.

6 (b) A ~~registered~~ licensed barber may perform barbering services in a client's home, and the home shall be exempt
7 from the inspection requirements of ~~G.S. 86A-15(b)~~; [S.L. 2022-72, s. 2,] G.S. 86B-31(b) under the following
8 conditions:

9 (1) The client upon whom barber services are being performed is unable, due to a medical necessity, to
10 come to a ~~licensed~~ barber shop or mobile barber shop;

11 (2) The licensed barber maintains a log of each instance where this exemption is used, including the
12 name of the client, address of the home where the services were performed, the date services were
13 performed, and the medical necessity requiring that barber services be provided in the home. The
14 log shall be made available to the Board and its inspectors ~~for review~~ for review; and

15 (3) The licensed barber otherwise complies with ~~G.S. 86A-15(a)~~. [S.L. 2022-72, s. 2,] G.S. 86B-31(a).

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

18

19 *History Note: Authority G.S. 86A-15(e); 86B-22; 86B-31;*
20 *Eff. June 1, 2008;*
21 *Amended Eff. April 1, 2010;*
22 *Readopted Eff. July 1, 2016. 2016;*
23 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0112 is amended under temporary procedures as follows:

2

3 **21 NCAC 06L .0112 RENTED BOOTH SPACE**

4 (a) Where a barber shop or mobile barber shop rents or leases space to a barber, the Board shall hold the ~~barbershop~~
5 licensed barber manager and licensee responsible for the barbering services performed in the rented or leased space
6 and for the sanitary conditions of the rented or leased space.

7 (b) The Board's inspectors shall examine the entire premises of each barber shop or mobile barber shop. ~~shop~~
8 irrespective of booth space allotments.

9

10 *History Note: Authority G.S. ~~86A-15~~; 86B-31;*
11 *Eff. June 1, 2008;*
12 *Readopted Eff. July 1, ~~2016~~. 2016;*
13 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0113 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06L .0113 DISEASES**

4 (a) No holder of a ~~registered barber, barber license, apprentice, apprentice license,~~ or **barber** student **barber** permit
5 shall serve a patron:

6 (1) with an open sore or sores;

7 (2) exhibiting symptoms of an infectious dermatologic disease or disorder;

8 (3) with parasitic infestations of the skin or hair; or

9 (4) with a communicable ~~disease.~~ disease that can be spread by providing barber services.

10 (b) No holder of a ~~registered barber, barber license, apprentice, apprentice license,~~ or student barber permit who
11 knows he or she has an infectious dermatologic disease that can be spread by providing barbering services, infectious
12 disease with open sore or sores on the hand or hands, ~~or~~ parasitic infestation of the skin or hair in a communicable
13 ~~stage stage,~~ or any other communicable disease shall provide barber service in a barber shop, mobile barber shop or,
14 when authorized by Rule .0111 of this Section, ~~in a~~ client's home.

15 (c) The Board shall have the right to require a physical examination of any barber employed in any barber shop or
16 mobile barber shop who is suspected of having an infectious dermatologic disease, infectious disease with open sore
17 or sores on the hand or hands, or parasitic infestation of the skin or hair in a communicable stage.

18

19 *History Note: Authority G.S. ~~86A-15; 86B-31;~~*

20 *Eff. June 1, 2008;*

21 *Readopted Eff. July 1, ~~2016;~~ 2016;*

22 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0114 is amended under temporary procedures as follows:

2

3 **21 NCAC 06L .0114 PETS PROHIBITED**

4 ~~With the exception of trained guide or assistance animals, Except for service dogs,~~ no animals shall be permitted in a
5 barber shop or mobile barber shop.

6

7 *History Note: Authority G.S. ~~86A-15;~~ 86B-31;*

8 *Eff. June 1, 2008;*

9 *Amended Eff. September 1, 2013;*

10 *Readopted Eff. July 1, ~~2016;~~ 2016;*

11 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0115 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06L .0115 INSPECTIONS OF SHOPS**

4 (a) The Board's Executive Director and its inspectors may enter and make inspections of any barber shop or mobile
5 barber shop during ~~its~~ the business hours of the barber shop or mobile barber shop for the purpose of determining
6 whether ~~or not~~ G.S. 86A [S.L. 2022-72, s. 2.] G.S. 86B and the Board's ~~administrative~~ rules are being followed.

7 Persons authorized to ~~make an inspection of~~ inspect barber shops or mobile barber shops shall prepare a report
8 according to Rule .0119 of this Section. The report shall be signed by the inspector and shall be available free of
9 charge upon request by ~~the owner or manager or~~ any member of the public. The Board shall provide a copy of any
10 violation notice ~~shall be left with~~ to the barber shop or mobile barber shop, owner or registered barber manager, and
11 ~~retained within the barbering area until the violation is resolved with the Board.~~

12 (b) The Board's Executive Director and its inspectors may inspect all areas of the barber shop or mobile barber shop,
13 including the ~~backstand and its~~ backstand, drawers and ~~drawers,~~ cabinets, ~~and any other drawers, closets~~ closets, or
14 other ~~enclosures within the permitted shop.~~ enclosures.

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

18

19 *History Note: Authority G.S. 86A 5(a)(1); 86A 15; 86B-2; 86B-31;*

20 *Eff. June 1, 2008;*

21 *Amended Eff. April 1, 2010;*

22 *Readopted Eff. July 1, 2016;*

23 *Amended Eff. January 1, 2017. 2017;*

24 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0116 is amended under temporary procedures as follows:

2

3 **21 NCAC 06L .0116 BARBER SHOP MANAGERS**

4 (a) All barber ~~shop~~ managers of barber shops and mobile barber shops shall verify that any licensee employed in the
5 barber shop or mobile barber shop is the person whose name appears on the license or permit ~~prior to~~ before allowing
6 the licensee to perform barbering services in the barber shop or mobile barber shop. This verification shall be based
7 on government issued identification.

8 (b) The ~~shop-registered~~ barber manager of the barber shop or mobile barber shop is responsible for the sanitary
9 condition, as defined in ~~21 NCAC 06P .0103(10), 21 NCAC 06P .0103(11)~~, of the entire barber shop or mobile barber
10 shop.

11 (c) The barber ~~shop~~ manager of a barber shop or mobile barber shop is accountable for activities at the barber shop
12 or mobile barber shop whether present on the premises or not.

13

14 *History Note: Authority G.S. ~~86A-15; 86A-22; 86B-31; 86B-38;~~*

15 *Eff. June 1, 2008;*

16 *Amended Eff. April 1, 2010;*

17 *Readopted Eff. July 1, 2016;*

18 *Amended Eff. January 1, ~~2018; 2018;~~*

19 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0117 is amended under temporary procedures as follows:

2

3 **21 NCAC 06L .0117 GENERAL SANITATION**

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

6

7 *History Note: Authority ~~G.S. 86A-15~~; G.S. 86B-31;*

8 *Eff. June 1, 2008;*

9 *Readopted Eff. July 1, ~~2016~~. 2016;*

10 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0118 is amended under temporary procedures as follows:

2

3 **21 NCAC 06L .0118 SANITARY RATINGS AND POSTING OF RATINGS**

4 (a) The sanitary rating of a barber shop or mobile barber shop shall be based on a system of grading outlined in ~~21~~
5 ~~NCAC 06L .0119. Rule .0119 of this Subchapter.~~ Based on the grading, all establishments shall be rated in the
6 following manner:

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

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

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

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

17 (e) Barber inspectors shall give each barber shop and mobile barber shop a new sanitary rating ~~card.~~ card upon initial
18 inspection.

19

20 *History Note: Authority ~~G.S. 86A-5; 86A-15; G.S. 86B-2; 86B-31;~~*

21 *Eff. June 1, 2008;*

22 *Amended Eff. September 1, 2013;*

23 *Readopted Eff. October 1, 2016;*

24 *Amended Eff. April 1, ~~2022.~~ 2022;*

25 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0119 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06L .0119 SYSTEMS OF GRADING BARBER SHOPS SHOPS, MOBILE BARBER SHOPS,**
4 **AND BARBER SCHOOLS**

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

- 9 (1) whether the entrance and waiting area are sanitary 2;
- 10 (2) whether ~~there is a water system~~ the business complies with the applicable requirements for hot and
11 cold running ~~water and~~ water, plumbing or a septic system for removal of ~~sewage~~ sewage, and
12 disposal of wastewater 2;
- 13 (3) whether the walls and floors:
- 14 (a) comply with 21 NCAC 06F .0101(b)(8) for barber ~~schools or~~ schools, ~~21 NCAC 06L~~
15 ~~.0103(b)~~ Rule .0103(b) of this Subchapter for barber ~~shops~~ shops, or Rule .0202(4) of this
16 Subchapter for mobile barber shops 9;
- 17 (b) are sanitary 7;
- 18 (4) whether the barber ~~shop~~ shop, mobile barber shop, or school is well-lighted and well-ventilated,
19 with sanitary windows, fixtures, and ventilation surfaces 3;
- 20 (5) whether the ~~public~~ toilet toilets or lavatories:
- 21 (a) are sanitary and well-ventilated 5;
- 22 (b) have soap and ~~individual~~ disposable towels 5;
- 23 (c) have hot and cold running water 2;
- 24 (6) whether each person working as a barber is sanitary in person and dress 1;
- 25 (7) for towels and linens:
- 26 (a) whether there is a supply of sanitary towels 2;
- 27 (b) whether clean towels are stored separately as set forth in 21 NCAC 06F .0101(b)(12) for
28 barber ~~schools~~ schools, or ~~21 NCAC 06L .0103(e)~~ Rule .0103(e) of this Subchapter for
29 barber ~~shops~~ shops, or Rule .0202 of this Subchapter for mobile barber shops 3;
- 30 (c) whether barbers have a sanitary hair cloth or cape for clients 1;
- 31 (8) whether there is a soiled towel receptacle that meets the requirements set forth in ~~G.S. 86A-~~
32 ~~15(a)(2)(d)~~ [S.L. 2022-72, s. 2] G.S. 86B-31(a)(2)(d) 4;
- 33 (9) for tools and instruments:
- 34 (a) whether disinfectants used by the barber shop or school are selected from those approved
35 by the federal Environmental Protection Agency 4;
- 36 (b) whether disinfectants are used according to manufacturer instructions 4;

- 1 (c) whether all implements are cleaned and disinfected and, when not in use, stored in a tool
2 cabinet as set forth in 21 NCAC 06F .0101(b)(11) for barber ~~schools schools, or 21 NCAC~~
3 ~~06L .0103(a)~~ Rule .0103(a) of this Subchapter for barber ~~shops shops, or Rule .0202(1) of~~
4 this Subchapter 8;
5 (10) for working areas:
6 (a) whether the work stand is sanitary 3;
7 (b) whether sinks are sanitary 2;
8 (c) whether jars and containers are sanitary and disinfected 1;
9 (d) whether the work area is free from equipment that is unnecessary to provide barbering
10 services, and whether articles in the work area are sanitary 1;
11 (11) whether the ~~license, permit, license or certificate of registration~~ permit is current and posted as set
12 forth in ~~G.S. 86A-16~~ [S.L. 2022-72, s. 2] G.S. 86B-33 10;
13 (12) whether the sanitary rules and regulations are posted in a conspicuous place as set forth in ~~G.S. 86A-~~
14 ~~15(b)~~ [S.L. 2022-72, s. 2] G.S. 86B-31(b) 1;
15 (13) whether there are sterilizing containers and solutions that are used according to manufacturer
16 instructions 20.

17

18 *History Note:* Authority ~~G.S. 86A-5(a)(1); 86A-15; 86A-16; G.S. 86B-2; 86B-31; 86B-33;~~

19 Eff. June 1, 2008;

20 Amended Eff. September 1, 2013;

21 Readopted Eff. October 1, 2016;

22 Amended Eff. April 1, ~~2018~~ 2018;

23 Temporary Amendment Eff. May 2, 2023.

1 21 NCAC 06L .0120 is amended under temporary procedures as follows:

2

3 **21 NCAC 06L .0120 NOTIFICATION OF CHANGE OF ADDRESS**

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

7

8 *History Note: Authority ~~G.S. 86A-1~~; G.S. 86B-21;*

9 *Eff. September 1, 2009;*

10 *Readopted Eff. July 1, ~~2016~~. 2016;*

11 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06L .0201 is adopted under temporary procedures with changes as follows:

2

3

SECTION .0200 – MOBILE BARBER SHOPS

4

21 NCAC 06L .0201 VEHICLES

6 (a) Only the following vehicle types shall qualify as mobile barber shops:

7 (1) a motor home as defined in G.S. 20-4.01(27)(k); or

8 (2) a self-contained, self-supporting, enclosed mobile vehicle that is at least 16 feet in length and that
9 is not a towed unit or trailer.

10 (b) The vehicle shall have sufficient capacity for the barber to be able to maneuver around the barber chair and safely
11 provide barbering services.

12 (c) The vehicle shall comply with the statutes and rules of the North Carolina Division of Motor Vehicles.

13 (d) The vehicle shall have ventilation and air circulation through the use of fans or a heating, ventilation, and air
14 conditioning system.

15 (e) Mobile homes, motor homes, trailers, or any type of recreational vehicle approved before January 1, 2023, as
16 permanently affixed barber shops are not authorized to operate as mobile barber shops unless they meet the
17 requirements of this Section and 21 NCAC 06N .0116.

18 (f) Mobile barber shops shall display the name of the mobile barber shop and permit number on the outside of the
19 vehicle so that the name and permit number can be seen by the public from a distance of 50 yards.

20

21 *History Note: Authority G.S. 86B-30;*

22 *Temporary Adoption Eff. May 2, 2023.*

1 21 NCAC 06L .0202 is adopted under temporary procedures with changes as follows:

2

3 **21 NCAC 06L .0202 EQUIPMENT**

4 Mobile barber shops shall:

5 (1) have at least one cabinet with for barbering equipment that is constructed of material that may be
6 cleaned;

7 (2) have safety catches for all storage cabinet doors and securely anchor to the mobile vehicle all
8 equipment not stored in cabinets;

9 (3) have at least one covered container made of noncorrosive metal or plastic, where all hair clippings,
10 refuse, and other waste materials must be deposited;

11 (4) have smooth finished walls and floors;

12 (5) have at least one barber chair, with all barber chairs covered with a smooth, non-porous surface,
13 such as vinyl or leather, that is easily cleaned as required by ~~S.L. 2022-72, s. 2~~; G.S. 86B-31(a)(2)(c);

14 (6) maintain a supply of clean towels sufficient to provide barbering services;

15 (7) have a cabinet, or other method of storage, such that clean towels are stored separate from used
16 towels; and

17 (8) ensure that all equipment and tools used in the practice of barbering as set forth in ~~S.L. 2022-72, s.~~
18 ~~2, is~~ G.S. 86B-22 are suitable for the safe cutting of hair and maintained in sanitary and good
19 operating condition as required by ~~S.L. 2022-72, s. 2~~ G.S. 86B-31(a)(2).

20

21 *History Note: Authority G.S. 86B-30;*

22 *Temporary Adoption Eff. May 2, 2023.*

1 21 NCAC 06L .0203 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06L .0203 TOILETS, SINKS, SEWAGE, AND WASTEWATER**

4 Mobile barber shops shall:

5 (1) be equipped with at least one functional sink with potable, running hot and cold water, with the sink
6 available for use by both mobile barber shop personnel and clients;

7 (2) have hot water tanks with a minimum capacity of six gallons;

8 (3) provide soap and disposable towels for all sinks;

9 (4) be equipped with at least one self-contained, recirculating, flush chemical toilet with a holding tank,
10 with the toilet available for use by both mobile barber shop personnel and clients;

11 (5) comply with all applicable federal, state, and local commercial, transportation, and environmental
12 statutes and rules related to the disposal of sewage and wastewater; and

13 (6) immediately cease operation when:

14 (a) wastewater storage capacity has been reached;

15 (b) the toilets do not function;

16 (c) the sinks do not have potable, running hot and cold water;

17 (d) there is no longer an adequate supply of clean water to complete barbering services; or

18 (e) there is no longer adequate wastewater capacity to complete barbering services.

19

20 *History Note: Authority G.S. 86B-30;*

21 *Temporary Adoption Eff. May 2, 2023.*

1 21 NCAC 06L .0204 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06L .0204 PERSONNEL**

4 (a) Each mobile barber shop shall have a licensed barber manager responsible for the following:

5 (1) the sanitary condition, as defined in 21 NCAC 06P .0103(10), of the mobile barber shop;

6 (2) verifying that only licensed barbers provide barbering services in the mobile barber shop; and

7 (3) conducting a verification based on government-issued identification that any licensee employed in
8 the mobile barber shop is the person whose name appears on the license before allowing the licensee
9 to perform barbering services in the mobile barber shop.

10 (b) The licensed barber manager is accountable for activities at the mobile barber shop, whether or not he or she is
11 present on the premises.

12

13 *History Note: Authority G.S. 86B-30;*

14 *Temporary Adoption Eff. May 2, 2023.*

1 21 NCAC 06L .0205 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06L .0205 MONTHLY REPORTS OF LOCATIONS**

4 (a) Mobile barber shops shall submit a report at the website address in 21 NCAC 06A .0102(c) by the last day of each
5 month showing where they will provide services for the upcoming month. This report shall include the following for
6 each day of the month:

7 (1) the address where the mobile barber shop will operate; and

8 (2) the hours when the mobile barber shop will operate at each location.

9 (b) If a mobile barber shop wishes to operate at a new or different location than what was listed in the report required
10 by Paragraph (a)(1) of this Rule, it must submit a revised report at the website address in 21 NCAC 06A .0102(c):

11 (1) at least one business day before a location change if the new location is more than 20 miles away
12 from the originally reported location;

13 (2) at least one business day in advance for a new location and time that was not on the original report;
14 or

15 (3) at least four hours before the start time reported in Paragraph (a)(2) of this Rule if the new location
16 is fewer than 20 miles away from the originally reported location.

17 (c) Mobile barber shops may operate up to half a mile away from the location reported in this Rule without having to
18 submit a revised report.

19 (d) Mobile barber shops are prohibited from operating at a location except as listed in the report required by this Rule.

20

21 *History Note: Authority G.S. 86B-30;*

22 *Temporary Adoption Eff. May 2, 2023.*

21 NCAC 06N .0101 is amended under temporary procedures with changes as follows:

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: [S.L. 2022-72, s. 2] G.S. 86B-41:

(1)	Certificate of registration or renewal as a <u>licensed</u> barber	\$50.00
(2)	Certificate of registration or renewal as an a <u>licensed</u> apprentice barber	\$50.00
(3)	Barbershop <u>Barber shop</u> permit or renewal	\$50.00
(4)	<u>Mobile barber shop</u> permit or renewal	\$50.00
(4) (5)	Examination to become a registered <u>licensed</u> barber	\$85.00
(5) (6)	Examination to become a registered <u>licensed</u> apprentice barber	\$85.00
(6) (7)	Late fee for restoration of an expired barber certificate <u>license</u> within first year after expiration	\$35.00
(7) (8)	Late fee for restoration of an expired barber certificate <u>license</u> after first year after expiration but within five years after expiration	\$70.00
(8) (9)	Late fee for restoration of an expired apprentice certificate <u>license</u> within the first year after expiration	\$35.00
(9) (10)	Late fee for restoration of an expired apprentice certificate <u>license</u> after first year after expiration but within three years of first issuance of the certificate <u>license</u>	\$45.00
(10) (11)	Late fee for restoration of an expired barber shop certificate <u>permit</u>	\$45.00
(12)	<u>Late fee for restoration of an expired mobile barber shop permit</u>	\$45.00
(11) (13)	Examination to become a barber school instructor	\$165.00
(12) (14)	<u>Student Barber student</u> permit	\$25.00
(13) (15)	Issuance of any duplicate copy of a license, certificate, <u>license</u> or permit	\$10.00
(14) (16)	Barber school permit or renewal	\$130.00
(15) (17)	Late fee for restoration of an expired barber school certificate <u>permit</u>	\$85.00
(16) (18)	Barber school instructor certificate <u>license</u> or renewal	\$85.00
(17) (19)	Late fee for restoration of an expired barber school instructor certificate <u>license</u> within first year after expiration	\$45.00
(18) (20)	Late fee for restoration of an expired barber school instructor certificate <u>license</u> after first year after expiration but within three years after expiration	\$85.00
(19) (21)	Inspection of newly established barbershop <u>barber shop</u>	\$120.00
(22)	<u>Inspection of newly established mobile barber shop</u>	\$120.00
(20) (23)	Inspection of newly established barber school	\$220.00
(21) (24)	Issuance of a registered barber or apprentice certificate <u>license</u> by certification <u>reciprocity</u>	\$120.00
(22) (25)	Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter	

1 ~~(23)~~(26) Charge for duplication services and material shall be as set forth in 26 NCAC 01 .0103(a), including
2 any subsequent amendments and editions of the Rule

3 ~~(24)~~(27) ~~Certificate of registration or renewal~~ Licensure as a barber or apprentice barber for barbers over 70
4 years of age \$0.00

5 ~~(25)~~(28) Administrative fee under ~~G.S. 86A-27(d)~~ [~~S.L. 2022-72, s. 2~~] G.S. 86B-10(d) for paying any
6 required fee for renewal or restoration, or a civil penalty and attorney fee, where the apprentice
7 barber or registered licensed barber is subject to a pick-up order issued to an inspector. \$70.00

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

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

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

19 (e) The forms set forth in this Subchapter may be obtained on the website or at the address listed in 21 NCAC 06A
20 .0102.

21 (f) All timely renewals of ~~licenses, permits, licenses or certificates of registration~~ permits shall be submitted online
22 at the Board's ~~website, website listed in 21 NCAC 06A .0102,~~ along with any fees required by this Rule.

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

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

28 (1) For registered licensed barbers, apprentice barbers, or barber instructors, a statement from the holder
29 of the ~~license, permit, license or certificate of registration~~ permit that the individual is not able to
30 renew online; or

31 (2) For barber ~~shops,~~ shops or mobile barber shops a statement from the manager or owner that neither
32 the manager nor owner are able to renew online.

33
34 *History Note:* ~~Authority G.S. 86A-5; 86A-25; 86A-27(d); 86B-2; 86B-10; 86B-41; 93B-2;~~
35 *Eff. February 1, 1976;*
36 *Readopted Eff. February 8, 1978;*

1 *Amended Eff. April 1, 2010; September 1, 2009; June 1, 2008; April 1, 2005; May 1, 1989; March*
2 *1, 1983;*
3 *Readopted Eff. July 1, 2016;*
4 *Amended Eff. April 1, 2022; February 1, 2019; January 1, 2018; April 1, ~~2017~~ 2017;*
5 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0102 is amended under temporary procedures as follows:

2

3 **21 NCAC 06N .0102 FORM BAR-1**

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

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

13 (b) The fee required by ~~Rule .0101(a)(19)~~ Rule .0101(a)(21) of this Section shall accompany this form.

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

15

16 *History Note: Authority G.S. ~~86A-1; 86A-13; 86A-15; 86A-25; 86B-21; 86B-29; 86B-31; 86B-41;~~*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. February 8, 1978;*

19 *Amended Eff. March 1, 1983;*

20 *Legislative Objection Lodged Eff. March 7, 1983;*

21 *Curative Amended Eff. April 6, 1983;*

22 *Amended Eff. May 1, 1989;*

23 *Readopted Eff. July 1, 2016;*

24 *Amended Eff. February 1, 2021; October 1, ~~2020~~ 2020;*

25 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0103 is amended under temporary procedures as follows:

2

3 **21 NCAC 06N .0103 FORM BAR-2**

4 (a) The Form BAR-2 shall be filed when there is a change of ~~management~~ licensed barber manager at any barber
5 shop or mobile barber shop. It requires the following:

6 (1) the name, mailing address, and permit number of the barber shop or mobile barber shop before the
7 change of management;

8 (2) the name of the barber shop or mobile barber shop after the change of management, if the ~~barber~~
9 ~~shop~~ business name changes;

10 (3) the name, address, and ~~certificate~~ license number of the new ~~manager or managers;~~ licensed barber
11 manager;

12 (4) if the barber shop or mobile barber shop was closed at the time the Form BAR-2 was submitted, the
13 date of closure; and

14 (5) the former licensed barber manager's name and ~~certificate~~ license number.

15 (b) The Form BAR-2 shall be notarized.

16

17 *History Note: Authority G.S. ~~86A-1; 86A-25; 86B-21; 86B-41;~~*

18 *Eff. February 1, 1976;*

19 *Readopted Eff. February 8, 1978;*

20 *Amended Eff. March 1, 1983;*

21 *Legislative Objection Lodged Eff. March 7, 1983;*

22 *Curative Amended Eff. April 6, 1983;*

23 *Amended Eff. May 1, 1989;*

24 *Readopted Eff. October 1, ~~2016.~~ 2016;*

25 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0104 is amended under temporary procedures as follows:

2

3 **21 NCAC 06N .0104 FORM BAR-3**

4 (a) The Form BAR-3 shall be filed for permission to enroll in barber school. It requires the following:

5 (1) the name, address, social security number, and birth date of the applicant;

6 (2) the applicant's prior barber school attendance, if any;

7 (3) the name of the school enrolled;

8 (4) the date of enrollment; and

9 (5) the school manager's attestation that the information in the form is correct.

10 (b) The fee in ~~21 NCAC 06N .0101(a)(12)~~ Rule .0101(a)(14) of this Section shall accompany this form.

11

12 *History Note: Authority G.S. ~~86A-18; 86A-22; 86A-25; 86B-35; 86B-38; 86B-41; 93B-14;~~*

13 *Eff. February 1, 1976;*

14 *Readopted Eff. February 8, 1978;*

15 *Amended Eff. March 1, 1983;*

16 *Legislative Objection Lodged Eff. March 7, 1983;*

17 *Curative Amended Eff. April 6, 1983;*

18 *Amended Eff. September 1, 2013;*

19 *May 1, 1989;*

20 *Readopted Eff. October 1, 2016;*

21 *Amended Eff. October 1, ~~2020~~. 2020;*

22 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0105 is amended under temporary procedures as follows:

2

3 **21 NCAC 06N .0105 FORM BAR-4**

4 (a) The Form BAR-4 shall be filed by one applying to take the examination to receive a ~~registered~~ an apprentice
5 ~~certificate. license.~~ It requires the following:

6 (1) the name, address, social security number, and ~~birthdate~~ birth date of the applicant; and

7 (2) the name of any barber school attended and the date of enrollment and ~~graduation; and graduation.~~

8 ~~(3) the place of proposed employment as an apprentice barber.~~

9 (b) The fee in ~~Rule .0101(a)(5)~~ Rule .0101(a)(6) of this Section shall be submitted with the application.

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

11

12 *History Note: Authority G.S. ~~86A-1; 86A-10; 86A-24; 86A-25; 86B-21; 86B-26; 86B-40; 86B-41; 93B-14;~~*

13 *Eff. February 1, 1976;*

14 *Readopted Eff. February 8, 1978;*

15 *Amended Eff. March 1, 1983;*

16 *Legislative Objection Lodged Eff. March 7, 1983;*

17 *Curative Amended Eff. April 6, 1983;*

18 *Amended Eff. September 1, 2013; May 1, 1989;*

19 *Readopted Eff. July 1, 2016;*

20 *Amended Eff. October 1, 2020; January 1, ~~2017.~~ 2017;*

21 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0106 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06N .0106 FORM BAR-5**

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

- 6 (1) the name, address, social security number, and ~~birthdate~~ birth date of the applicant;
- 7 (2) ~~the barber school training; attended and the date of graduation;~~ and
- 8 (3) ~~the length affidavit of barbering experience.~~ experience as an apprentice barber required by [S.L.
9 2022-72, s. 2.] G.S. 86B-23(4).

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

11 (c) The fee in ~~21 NCAC 06N .0101(a)(4)~~ Rule .0101(a)(5) of this Section shall accompany this form.

12

13 *History Note: Authority G.S. ~~86A-1; 86A-3; 86A-10; 86A-25; 86B-21; 86B-23; 86B-26; 86B-41; 93B-14;~~*
14 *Eff. February 1, 1976;*
15 *Readopted Eff. February 8, 1978;*
16 *Amended Eff. March 1, 1983;*
17 *Legislative Objection Lodged Eff. March 7, 1983;*
18 *Curative Amended Eff. April 6, 1983;*
19 *Amended Eff. September 1, 2013; May 1, 1989;*
20 *Readopted Eff. October 1, 2016;*
21 *Amended Eff. October 1, ~~2020.~~ 2020;*
22 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0107 is amended under temporary procedures as follows:

2

3 **21 NCAC 06N .0107 FORM BAR-6**

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

6 (1) the name, address, social security number, and ~~birthdate~~ birth date of the applicant;

7 (2) the current ~~registered certificate~~ barber license number; and

8 (3) the name of the barber school ~~attended; and~~ attended.

9 (4) ~~the proposed place of employment, if any.~~

10 (b) The fee in ~~Rule .0101(a)(11)~~ Rule .0101(a)(13) of this Section shall accompany this form.

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

12

13 *History Note: Authority G.S. ~~86A-23; 86A-25; 86B-39; 86B-41; 93B-14;~~*

14 *Eff. February 1, 1976;*

15 *Readopted Eff. February 8, 1978;*

16 *Amended Eff. March 1, 1983;*

17 *Legislative Objection Lodged Eff. March 7, 1983;*

18 *Curative Amended Eff. April 6, 1983;*

19 *Amended Eff. May 1, 1989;*

20 *Readopted Eff. July 1, 2016;*

21 *Amended Eff. October 1, ~~2020.~~ 2020;*

22 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0109 is amended under temporary procedures as follows:

2

3 **21 NCAC 06N .0109 FORM BAR-8**

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

- 7 (1) the name, address, social security number, and ~~birthdate~~ birth date of the applicant;
- 8 (2) whether the applicant attended barber school and the name and address of any barber school attended
9 in another state; and
- 10 (3) barbering experience and the status of each barber license in another state.

11 (b) The fee in ~~Rule .0101(a)(21)~~ Rule .0101(a)(24) of this Section shall accompany this form.

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

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

- 15 (1) The applicant's length of licensure;
- 16 (2) Whether the applicant held the license continuously or had any breaks in licensure;
- 17 (3) If there were any breaks in licensure, the reason for those interruptions; and
- 18 (4) Whether there were any disciplinary actions or are any open complaints against the license.

19

20 *History Note: Authority G.S. ~~86A-1; 86A-12; 86A-25; 86B-21; 86B-28; 86B-41;~~*

21 *Eff. March 1, 1983;*

22 *Legislative Objection Lodged Eff. March 7, 1983;*

23 *Curative Eff. April 6, 1983;*

24 *Amended Eff. September 1, 2013; May 1, 1989;*

25 *Readopted Eff. July 1, 2016;*

26 *Amended Eff. October 1, 2020; January 1, ~~2017, 2017;~~*

27 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0110 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06N .0110 FORM BAR-9**

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

5 (1) the date the barber school will be ready for the Board inspection;

6 (2) the name and address of the barber school;

7 (3) the name and address of the owner;

8 (4) the name and address of the manager;

9 (5) the names, instructor ~~certificate~~ license numbers, and ~~address~~ addresses of the instructors;

10 (6) the physical dimensions of the barber school;

11 (7) the number of barber chairs, tool cabinets, towel cabinets, and lavatories; and

12 (8) a copy of the bond or alternative to a bond required by ~~G.S. 86A-22(7)(a)~~ [S.L. 2022-72, s. 2,] G.S.

13 86B-38(7)(a) or a request for waiver under ~~G.S. 86A-22(7)(c)~~. [S.L. 2022-72, s. 2,] G.S. 86B-

14 38(7)(c).

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

16 (c) The Form BAR-9 shall be accompanied by the fee in ~~21 NCAC 06N .0101(a)(20)~~. Rule .0101(a)(23) of this

17 Section.

18

19 *History Note: Authority G.S. 86A-1; 86A-22; 86B-21; 86B-38;*

20 *Eff. March 1, 1983;*

21 *Amended Eff. May 1, 1989;*

22 *Readopted Eff. August 1, 2016;*

23 *Amended Eff. October 1, 2020. 2020;*

24 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0112 is amended under temporary procedures as follows:

2

3 **21 NCAC 06N .0112 FORM BAR-11**

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

6 (1) the name, address, social security number, and ~~birthdate~~ birth date of the applicant; and

7 (2) copies of the military service records showing the applicant's military certification and experience
8 in barbering.

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

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

12

13 *History Note: Authority G.S. ~~86A-1; 86A-12; 86B-21; 86B-28; 93B-14; 93B-15.1;~~*

14 *Eff. May 1, 1989;*

15 *Amended Eff. September 1, 2013;*

16 *Readopted Eff. July 1, 2016;*

17 *Amended Eff. October 1, 2020; April 1, ~~2017; 2017;~~*

18 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06N .0114 is amended under temporary procedures as follows:

2
3 **21 NCAC 06N .0114 EXTENSIONS FOR MEMBERS OF THE ARMED FORCES**

4 (a) If an individual is licensed or owns a business licensed under ~~G.S. 86A~~, G.S. 86B, is serving in the Armed Forces
5 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
6 waive the following fees for the same period that would apply if the license fee were a tax:

- 7 (1) the late fee for restoration of an expired barber ~~certificate~~ license within the first year after expiration
8 as set forth in ~~21 NCAC 06N .0101(a)(6)~~; Rule .0101(a)(7) of this Section;
- 9 (2) the late fee for restoration of an expired barber ~~certificate~~ license after the first year after expiration
10 but within five years after expiration as set forth in ~~21 NCAC 06N .0101(a)(7)~~; Rule .0101(a)(8) of
11 this Section;
- 12 (3) the late fee for restoration of an expired apprentice ~~certificate~~ license within the first year after
13 expiration as set forth in ~~21 NCAC 06N .0101(a)(8)~~; Rule .0101(a)(9) of this Section;
- 14 (4) the late fee for restoration of an expired apprentice ~~certificate~~ license after the first year after
15 expiration but within three years of first issuance of the ~~certificate~~ license as set forth in ~~21 NCAC~~
16 ~~06N .0101(a)(9)~~; Rule .0101(a)(10) of this Section;
- 17 (5) if the individual serving in the Armed Forces is the ~~barbershop~~ licensed barber manager or barber
18 shop owner, the late fee for restoration of an expired barber shop ~~certificate~~ permit as set forth in ~~21~~
19 ~~NCAC 06N .0101(a)(10)~~; Rule .0101(a)(11) of this Section;
- 20 (6) if the individual serving in the Armed Forces is the license barber manager or barber shop owner,
21 the late fee for restoration of an expired mobile barber shop permit as set forth in Rule .0101(a)(12)
22 of this Section;
- 23 ~~(6)(7)~~ if the individual serving in the Armed Forces is the barber school manager or owner, the late fee for
24 restoration of an expired barber school ~~certificate~~ permit as set forth in ~~21 NCAC 06N .0101(a)(15)~~;
25 Rule .0101(a)(17) of this Section;
- 26 ~~(7)(8)~~ the late fee for restoration of an expired ~~barber school~~ instructor ~~certificate~~ license within the first
27 year after expiration as set forth in ~~21 NCAC 06N .0101(a)(17)~~; Rule .0101(a)(19) of this Section;
28 and
- 29 ~~(8)(9)~~ the late fee for restoration of an expired ~~barber school~~ instructor ~~certificate~~ license after the first year
30 after expiration but within three years after expiration as set forth in ~~21 NCAC 06N .0101(a)(18)~~.
31 Rule .0101(a)(20) of this Section;

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

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

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

1 21 NCAC 06N .0116 is adopted under temporary procedures with changes as follows:

2

3 **21 NCAC 06N .0116 FORM BAR-13**

4 (a) The Form BAR-13 shall be filed when one applies to open or manage a new mobile barber shop. It requires the
5 following:

6 (1) the name of the shop;

7 (2) the permanent business address required by ~~G.S. 86B-20(g)~~; G.S. 86B-30(g);

8 (3) the name, address, and license number of the licensed barber manager;

9 (4) the name and address of the mobile barber shop owner;

10 (5) if available, the email address, website, or social media handle of the mobile barber shop;

11 (6) the physical dimensions of the mobile barber shop;

12 (7) the vehicle identification number, license plate number, and vehicle make and model of the mobile
13 barber shop;

14 (8) the mobile barber shop business hours;

15 (9) an explanation of how the mobile barber shop will dispose of sewage and wastewater;

16 (10) the type of fixtures installed; and

17 (11) the date the mobile barber shop will be ready for inspection.

18 (b) The fee required by Rule .0101(a)(22) of this Section shall accompany this form.

19 (c) The Form BAR-13 shall include the applicant's attestation that the information in the form is correct.

20

21 *History Note: Authority G.S. 86B-30;*

22 *Temporary Adoption Eff. May 2, 2023.*

1 21 NCAC 06O .0102 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0102 LICENSING OF BARBER SHOPS**

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

6 (1) 1st offense \$200.00

7 (2) 2nd offense \$300.00

8 (3) 3rd offense \$500.00

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

10 (1) 1st offense \$150.00

11 (2) 2nd offense \$300.00

12 (3) 3rd offense \$500.00

13

14 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-27; 86B-10; 86B-21; 86B-29;~~*

15 *Eff. April 1, 2005;*

16 *Readopted Eff. July 1, ~~2016; 2016;~~*

17 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0104 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06O .0104 UNSUPERVISED APPRENTICE**

4 (a) The presumptive civil penalty for a ~~registered licensed~~ barber allowing an apprentice or **barber** student **barber** with
5 a temporary permit to engage in barbering without the supervision as required by ~~G.S. 86A-24(b)~~: [~~S.L. 2022-72, s.~~
6 ~~2~~] **G.S. 86B-40(b)**:

7 (1) 1st offense \$300.00

8 (2) 2nd offense \$400.00

9 (b) The presumptive civil penalty for an apprentice or **barber** student **barber** with a temporary permit engaging in
10 barbering without the supervision as required by ~~G.S. 86A-24(b)~~: [~~S.L. 2022-72, s. 2~~] **G.S. 86B-40(b)**:

11 (1) 1st offense \$200.00

12 (2) 2nd offense \$300.00

13 (3) 3rd offense \$500.00

14

15 *History Note: Authority ~~G.S. 86A-5(a)(6); 86A-24; 86A-27; 86B-40; 86B-10~~:*

16 *Eff. April 1, 2005;*

17 *Amended Eff. September 1, 2009;*

18 *Readopted Eff. July 1, ~~2016~~; 2016;*

19 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0105 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0105 UNLICENSED BARBER OR APPRENTICE**

4 (a) The presumptive civil penalty for a barber shop or mobile barber shop manager allowing a barber or apprentice to
5 practice without a license:

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$500.00

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

9 (1) 1st offense \$250.00

10 (2) 2nd offense \$450.00

11 (3) 3rd offense \$500.00

12

13 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-27; 86B-10; 86B-21;~~*

14 *Eff. April 1, 2005;*

15 *Readopted Eff. July 1, ~~2016; 2016;~~*

16 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0106 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0106 DISPLAY OF CURRENT LICENSE**

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

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

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

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$250.00

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

16 (1) 1st offense \$100.00

17 (2) 2nd offense \$150.00

18 (3) 3rd offense \$250.00

19

20 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-16; 86A-27; 86B-10; 86B-21; 86B-33;~~*

21 *Eff. April 1, 2005;*

22 *Readopted Eff. July 1, ~~2016.~~ 2016;*

23 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0109 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0109 EXPIRED LICENSE**

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

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$200.00

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

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$200.00

14

15 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-17(b); 86A-27; 86B-10; 86B-21; 86B-34;~~*

16 *Eff. April 1, 2005;*

17 *Readopted Eff. July 1, ~~2016~~. 2016;*

18 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0110 is amended under temporary procedures with changes as follows:

2

3 **21 NCAC 06O .0110 ADEQUATE PREMISES**

4 (a) The presumptive civil penalty for a school ~~to fail~~ failing to maintain facilities as required by ~~G.S. 86A-15~~ [S.L.
5 2022-72, s. 2,] G.S. 86B-31 and 21 NCAC 06F .0101, after two written warnings:

6 (1) 1st offense \$250.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

9 (b) The presumptive civil penalty for a barber shop ~~to fail~~ failing to maintain facilities as required by ~~G.S. 86A-15~~
10 [S.L. 2022-72, s. 2,] G.S. 86B-31 and the applicable rules in 21 NCAC 06L .0102 through .0109, after two written
11 warnings:

12 (1) 1st offense \$250.00

13 (2) 2nd offense \$450.00

14 (3) 3rd offense \$500.00

15

16 *History Note:* ~~Authority G.S. 86A-5(a)(6); 86A-15; 86A-18(6); 86A-18(7); 86A-22(6); 86A-27; 86B-10; 86B-31;~~

17 ~~86B-35; 86B-38;~~

18 ~~Eff. April 1, 2005;~~

19 ~~Readopted Eff. July 1, 2016. 2016;~~

20 ~~Temporary Amendment Eff. May 2, 2023.~~

1 21 NCAC 06O .0112 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0112 IDENTIFICATION**

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

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

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

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$250.00

14 (c) The presumptive civil penalty for a barber student failing to wear identification as set forth in 21 NCAC 06F
15 .0122:

16 (1) 1st offense \$100.00

17 (2) 2nd offense \$150.00

18 (3) 3rd offense \$250.00

19

20 *History Note: Authority G.S. ~~86A-1; 86A-10; 86A-11; 86A-27; 86B-10; 86B-21; 86B-26; 86B-27;~~*

21 *Eff. June 1, 2008;*

22 *Amended Eff. September 1, 2009;*

23 *Readopted Eff. July 1, ~~2016-2016;~~*

24 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0113 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0113 BARBER SHOPS IN RESIDENCES ~~AND MOBILE HOMES~~**

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

5 (1) 1st offense \$150.00

6 (2) 2nd offense \$250.00

7 (3) 3rd offense \$500.00

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

9 ~~(1) 1st offense \$200.00~~

10 ~~(2) 2nd offense \$300.00~~

11 ~~(3) 3rd offense \$500.00~~

12

13 *History Note: Authority G.S. ~~86A-15; 86A-27; 86B-10; 86B-31;~~*

14 *Eff. June 1, 2008;*

15 *Readopted Eff. July 1, ~~2016; 2016;~~*

16 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0114 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0114 ANIMALS IN BARBER SHOPS**

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

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

9

10 *History Note: Authority G.S. ~~86A-15; 85A-27; 86B-10; 86B-31;~~*

11 *Eff. June 1, 2008;*

12 *Readopted Eff. July 1, ~~2016.~~ 2016;*

13 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0116 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0116 UNLICENSED SCHOOL INSTRUCTORS**

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

6 (1) 1st offense \$200.00

7 (2) 2nd offense \$300.00

8 (3) 3rd offense \$500.00

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

10 (1) 1st offense \$150.00

11 (2) 2nd offense \$450.00

12 (3) 3rd offense \$500.00

13

14 *History Note: Authority G.S. ~~86A-22; 86A-23; 86A-27; 86B-10; 86B-38; 86B-39;~~*

15 *Eff. September 1, 2009;*

16 *Readopted Eff. July 1, ~~2016.~~ 2016.*

17 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0117 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0117 BARBER FAILING TO MAINTAIN OR PRODUCE EXEMPTION LOG**

4 (a) The presumptive civil penalty for a licensed barber failing to maintain the exemption log required by 21 NCAC
5 06L .0111:

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

9 (b) The presumptive civil penalty for a licensed barber failing to produce the exemption log required by 21 NCAC
10 06L .0111:

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$250.00

14

15 *History Note: Authority G.S. ~~86A-15(e); 86A-27; 86B-10; 86B-31;~~*

16 *Eff. April, 1, 2010;*

17 *Readopted Eff. July 1, ~~2016;~~ 2016;*

18 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0119 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0119 FAILURE TO NOTIFY BOARD OF CHANGE OF ADDRESS**

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

6 (1) ~~1st offense \$50.00~~

7 (2) ~~2nd offense \$100.00~~

8 (3) ~~3rd offense \$200.00~~

9 ~~(b) The presumptive civil penalty for an individual the owner or licensed barber manager of a barber shop or mobile~~
10 ~~barber shop, or the owner or school manager of a barber school, for the failure failing to notify the Board of a change~~
11 ~~of address for a barber shop shop, mobile barber shop, or barber school:~~

12 (1) 1st offense \$50.00

13 (2) 2nd offense \$100.00

14 (3) 3rd offense \$200.00

15

16 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-27; 86B-2; 86B-10; 86B-30;~~*

17 *Eff. July 1, ~~2016; 2016;~~*

18 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0121 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0121 FAILURE TO DISPLAY SANITATION GRADE AND SHOP PERMIT**

4 The presumptive civil penalty for the failure of a ~~shop~~ barber shop, mobile barber, or barber school to display its
5 sanitation grade ~~and shop~~ or permit in a place visible to the ~~public at the front of the shop~~: public:

6 (1) 1st offense ~~\$50.00~~ \$150.00

7 (2) 2nd offense ~~\$100.00~~ \$350.00

8 (3) 3rd offense ~~\$200.00~~ \$400.00

9

10 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-16; 86A-27; 86B-2; 86B-10; 86B-33;~~*

11 *Eff. July 1, ~~2016.~~ 2016.*

12 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0122 is amended under temporary procedures as follows:

2

3 **21 NCAC 06O .0122 FAILURE TO NOTIFY BOARD OF CHANGE OF BARBER SHOP SHOP,**
4 **MOBILE BARBER SHOP, OR SCHOOL MANAGER**

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

- 7 (1) 1st offense \$50.00
- 8 (2) 2nd offense \$100.00
- 9 (3) 3rd offense \$200.00

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

- 12 ~~(1) 1st offense \$50.00~~
- 13 ~~(2) 2nd offense \$100.00~~
- 14 ~~(3) 3rd offense \$200.00~~

15 (b) The presumptive civil penalty for the failure of a barber school to notify the Board of a change of licensed
16 instructor manager:

- 17 (1) 1st offense \$50.00
- 18 (2) 2nd offense \$100.00
- 19 (3) 3rd offense \$200.00

20

21 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-22; 86A-27; 86B-2; 86B-10; 86B-38;~~*
22 *Eff. July 1, 2016;*
23 *Amended Eff. July 1, ~~2020.~~ 2020:*
24 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06O .0123 is adopted under temporary procedures as follows:
2

3 **21 NCAC 06O .0123 LICENSING OF MOBILE BARBER SHOPS**

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

6 (1) 1st offense \$400.00

7 (2) 2nd offense \$450.00

8 (3) 3rd offense \$500.00

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

10 (1) 1st offense \$200.00

11 (2) 2nd offense \$300.00

12 (3) 3rd offense \$500.00

13

14 *History Note: Authority G.S. 86B-10; 86B-29; 86B-30;*

15 *Temporary Adoption Eff. May 2, 2023.*

1 21 NCAC 06O .0124 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06O .0124 TOILETS, SINK, SEWAGE, AND WASTEWATER IN MOBILE BARBER SHOPS**

4 (a) The presumptive civil penalty for operating a mobile barber shop after wastewater storage capacity has been
5 reached:

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

9 (b) The presumptive civil penalty for operating a mobile barber shop with toilets that do not function:

10 (1) 1st offense \$300.00

11 (2) 2nd offense \$400.00

12 (3) 3rd offense \$500.00

13 (c) The presumptive civil penalty for operating a mobile barber shop without potable, running hot and cold water:

14 (1) 1st offense \$300.00

15 (2) 2nd offense \$400.00

16 (3) 3rd offense \$500.00

17 (d) The presumptive civil penalty for operating a mobile barber shop without soap and disposable towels for all sinks:

18 (1) 1st offense \$200.00

19 (2) 2nd offense \$300.00

20 (3) 3rd offense \$400.00

21

22 *History Note: Authority G.S. 86B-10; 86B-30;*

23 *Temporary Adoption Eff. May 2, 2023.*

1 21 NCAC 06O .0125 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06O .0125 MOBILE BARBER SHOP MONTHLY REPORTS**

4 (a) The presumptive civil penalty for a mobile barber shop failing to submit the monthly report required by 21 NCAC
5 06L .0205:

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

9 (b) The presumptive civil penalty for a mobile barber shop operating at a location on a particular date not included in
10 the report required by 21 NCAC 06L .0205: \$500.

11

12 *History Note: Authority G.S. 86B-10; 86B-30;*

13 *Temporary Adoption Eff. May 2, 2023.*

1 21 NCAC 06O .0126 is adopted under temporary procedures as follows:

2

3 **21 NCAC 06O .0126 DISPOSAL OF SEWAGE AND WASTEWATER**

4 The presumptive civil penalty for a mobile barber shop disposing of sewage or wastewater by means contrary to
5 applicable federal, state, and local commercial, transportation, or environmental statutes and rules: \$500.

6

7 *History Note: Authority G.S. 86B-10; 86B-30;*

8 *Temporary Adoption Eff. May 2, 2023.*

1 21 NCAC 06P .0103 is amended under temporary procedures with changes as follows:

2
3 **21 NCAC 06P .0103 GENERAL DEFINITIONS**

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

- 5 (1) "Barber" means any person who engages in or attempts to engage in the practice of barbering or
6 provide barbering services.
- 7 (2) "Barber instructor" means any person who engages in or attempts to engage in the teaching of the
8 practice of barbering.
- 9 (3) "Barber pole" means an actual or representation of a cylinder or pole with alternating stripes of any
10 combination including red and white, and red, white, and blue that run diagonally along the length
11 of the cylinder or pole.
- 12 (4) "Barber school" means any establishment that ~~engages in teaches~~ or attempts to ~~engage in the~~
13 ~~teaching of teach~~ the practice of barbering.
- 14 (5) "Barber student" means any person who is enrolled in barber school, including those taking classes
15 beyond the ~~4528~~ 1,528 hours required ~~hours.~~ by [S.L. 2022-72, s. 2.] G.S. 86B-38.
- 16 (6) "Board" means the ~~State~~ North Carolina Board of Barber and Electrolysis Examiners.
- 17 (7) "License" or "permit" ~~or "certificate of registration"~~ means the actual license or permit issued by the
18 Board and current government issued photo identification depicting the licensee's or permittee's
19 photograph and legal name.
- 20 (8) "Military service record" means veteran service records, such as the U.S. Department of Defense
21 Form 214 (DD-214), or other military service records from the military or National Archives.
- 22 (9) "Pick-up order" means an order issued by the Board and signed by the Executive Director
23 authorizing an inspector to physically retrieve a permit or license.
- 24 (10) "Practice of barbering" and "barber services" means all activities set forth in ~~G.S. 86A-2,~~ [S.L. 2022-
25 72, s. 2.] G.S. 86B-22 and the sanitary requirements of ~~Chapter 86A~~ [S.L. 2022-72, s. 2.] G.S. 86B
26 and the sanitary rules adopted by the Board.
- 27 (11) "Sanitary" means free of infectious agents, diseases, or infestation by insects or vermin and free of
28 soil, dust, or dirt.

29
30 *History Note: Authority G.S. 86A-2; 86A-5; 86A-13; 86A-15; 86A-22; 86A-23; 86B-2; 86B-22; 86B-29; 86B-31;*
31 *86B-38; 86B-39; 93B-15.1;*
32 *Eff. June 1, 2008;*
33 *Readopted Eff. July 1, 2016;*
34 *Amended Eff. April 1, 2017; 2017;*
35 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06Q .0101 is amended under temporary procedures with changes as follows:

2
3 **21 NCAC 06Q .0101 ADDITIONAL GROUNDS FOR DENIAL OR DISCIPLINE**

4 Except as provided in ~~Chapter 86A of the General Statutes, [S.L. 2022 72, s. 2],~~ **G.S. 86B**, the Board:

5 (1) shall find fraudulent misrepresentation in the following examples:

6 (a) An individual or entity operates or attempts to operate a barber ~~shop~~ shop, mobile barber
7 shop, or barber school without a permit;

8 (b) An individual or entity advertises barbering services unless the establishment and
9 personnel employed therein are licensed or permitted;

10 (c) An individual or entity uses or displays a barber pole only if the use of the barber pole is
11 for the purpose of offering barber services to the public without a barber ~~shop~~ shop, mobile
12 barber shop, or barber school permit. This Rule does not prohibit use of a barber pole for
13 purposes other than offering services that require a ~~certificate of registration, license,~~
14 license or permit under ~~G.S. 86A; [S.L. 2022 72, s. 2],~~ **G.S. 86B**; and

15 (d) An individual or entity fails to produce a license or permit as defined by 21 NCAC 06P
16 .0103(7) upon the request of the Board's Executive Director or a Board inspector during an
17 inspection;

18 (2) will determine whether grounds for denial or discipline exist when:

19 (a) An individual violates a settlement agreement entered into with the Board;

20 (b) An individual or entity violates ~~G.S. 86A [S.L. 2022 72, s. 2]~~ **G.S. 86B** or any rule adopted
21 by the Board for barbers, barber ~~shops~~ shops, mobile barber shops, or barber schools; or

22 (c) An individual fails to disclose a felony criminal conviction in dealing with the Board.

23
24 *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~~
25 ~~18; 86A 20; 86A 22; 86A 23; 86A 24; 86B-2; 86B-21; 86B-22; 86B-26; 86B-27; 86B-29; 86B-31;~~
26 ~~86B-33; 86B-34; 86B-35; 86B-37; 86B-38; 86B-39; 86B-40;~~

27 *Eff. June 1, 2008;*

28 *Amended Eff. September 1, 2013;*

29 *Readopted Eff. October 1, 2016. 2016;*

30 *Temporary Amendment Eff. May 2, 2023.*

1 21 NCAC 06R .0101 is amended under temporary procedures as follows:

2

3 **21 NCAC 06R .0101 DISPLAY OF SIGN OR BARBER POLE**

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

8

9 *History Note: Authority G.S. ~~86A-1; 86A-13; 86B-2;~~*

10 *Eff. June 1, 2008;*

11 *Amended Eff. September 1, 2009;*

12 *Readopted Eff. July 1, ~~2016.~~ 2016;*

13 *Temporary Amendment Eff. May 2, 2023.*

BEFORE THE NORTH CAROLINA BOARD OF
BARBER AND ELECTROLYSIS EXAMINERS

BEAUFORT COUNTY)	
COMMUNITY COLLEGE)	
Petitioner)	
)	CONSENT ORDER
v.)	
NORTH CAROLINA BOARD OF BARBER)	
AND ELECTROLYSIS EXAMINERS,)	
Respondent)	

This AGREEMENT AND CONSENT ORDER is made between the North Carolina Board of Barber and Electrolysis Examiners (the “Board”) and Beaufort County Community College (the “Petitioner”) for the purposes of resolving a potential contested case.

WITNESS THAT:

WHEREAS, N.C. Gen. Stat. § 86B-29(a) requires barber schools to be inspected before operating; and

WHEREAS, Petitioner has held a barber school license, effective June 22, 2022, to May 31, 2023; and

WHEREAS, Petitioner contracted with a vendor to provide a facility, equipment, and personnel for its barber program; and

WHEREAS, Petitioner conducted an investigation of various matters dealing with school administration and identified items with which the school had concerns; and

WHEREAS, the contractor suddenly stopped providing services, leaving the barber program without a facility, equipment, or personnel; and

WHEREAS, Petitioner:

- has identified another licensed instructor to serve as school manager;
- is identifying a long-term location for the barber school; and

- is able to offer the classroom portions of the curriculum consistent with 21 N.C. Admin. Code 06F .0120 both online and at existing Beaufort County Community College facilities; and

WHEREAS, Petitioner and the State have an interest in making sure that barber students continue to receive instruction without disruption to their vocational education; and

WHEREAS, the parties wish to resolve and settle this matter;

NOW, THEREFORE, pursuant to N.C. Gen. Stat. § 150B-22, which mandates that, whenever possible, disputes between a regulatory agency and another person that involve the person's rights, duties or privileges be settled through informal procedure, and pursuant to N. C. Gen. Stat. § 150B-41(c), which authorizes settlement of a contested case by settlement and consent order, the Parties hereby agree and stipulate as follows:

I. Jurisdiction

The Board is an occupational licensing board of the State of North Carolina, organized under N.C. Gen. Stat. § 86B-1, *et seq.* The Board has jurisdiction over this matter pursuant to N.C. Gen. Stat. § 86B-1 *et seq.*, N.C. Gen. Stat. § 150B-1, *et seq.*, and 21 N.C. Admin. Code 06A .0102, *et. seq.*

II. Identification of Petitioner

Petitioner's mailing address is Beaufort County Community College, 5337 US Highway 264 East, Washington, North Carolina 27889.

III. Waiver of Rights

Petitioner understands that Petitioner has the following rights:

- A. to a hearing before the Board;
- B. to a Final Agency Decision by the Board;

- C. to be represented by counsel;
- D. to present evidence in mitigation of any sanction that could be imposed for a violation;
- E. to confront and cross-examine witnesses;
- F. to challenge evidence presented by the Board;
- G. to present legal arguments in a brief or orally; and
- H. to appeal from any final decision adverse to Petitioner's license to operate a barber school.

Petitioner hereby freely and knowingly waives these rights without further process, including her right for judicial review under N.C. Gen. Stat. § 150B, Article 4. Based upon the above, Petitioner agrees to the terms of this Consent Order.

To resolve this matter with a Consent Order, Petitioner agrees that the Board staff and counsel may discuss this Consent Order with the Board (and any subcommittee that may be assigned to this matter) *ex parte*, whether or not the Board accepts this Consent Order as written.

IV. Stipulation to Facts.

Petitioner and the Board stipulate to the following facts:

- A. Petitioner claims that it has appropriate means to offer classroom or online instruction;
- B. Petitioner has identified Russell Shaw as a licensed barber instructor who will serve as school manager, and the Board has verified that Mr. Shaw has a current, valid license;
- C. The Board received a request on March 24, 2023, that Petitioner be allowed to operate a barber school as specified in the Stipulated Order below.

V. Stipulated Order

Parties consent to the following terms in settlement of this case:

In lieu of proceeding to issuance of a Final Agency Decision, Petitioner and the Board hereby enter into this Settlement Agreement and Consent Order whereby Petitioner and the Board agree to the following terms:

- A. Petitioner agrees to the **Stipulation to Facts** above;
- B. Petitioner will be able to provide classes as set forth in 21 N.C. Admin. Code 06F .0120, beginning April 3, 2023;
- C. Petitioner shall only provide classes online or at Beaufort County Community College facilities approved by the Board's executive director;
- D. To the degree possible, the in-person facilities described in Paragraph C above shall comply with the requirements in 21 N.C. Admin. Code 06F .0101(b)(16) and (19);
- E. Apart from the instruction described in Paragraphs B and C above, Petitioner shall not offer any other classes until the requirements in Paragraph F below are fulfilled;
- F. On or before July 1, 2023, Petitioner shall file a barber school permit application as set forth in 21 N.C. Admin. Code 06N .0110 and meet all requirements in N.C. Gen. Stat. § 86B-38.

VI. Costs

The parties agree that each party shall bear its own expenses incurred regarding this matter, including attorneys' fees and any other professional services, and that no claim for such expenses shall be made by either party against the other.

VII. Effective Date

The effective date of this Order is the date on which it is signed by Parties.

VIII. Public Record

The parties agree that this Settlement Agreement and Consent Order is a public record, as required by N.C. Gen. Stat. § 132-1.3. Other related documents are part of the investigative file and are trial preparation materials and are not public records, pursuant to N.C. Gen. Stat. § 132-1.9.

IX. Compliance with Settlement Agreement & Consent Order

- A. This Settlement Agreement and Consent Order and its provisions are effective on the date of signature by the Board's Chairperson or designee.
- B. Any modification of this Settlement Agreement and Consent Order must be pre-approved in writing by the Board and signed by the Board's Chairperson or designee before it may be effective.
- C. If, during the term of this Settlement Agreement and Consent Order, the Board staff receives evidence that Petitioner has violated any of the above conditions, the Board staff may schedule a Contested Case Hearing for a determination of the violations.
- D. Should circumstances arise that affect the Petitioner's ability to remain in compliance, the Petitioner shall immediately notify the Board in writing by email

at barbers@nc.gov or dennis.seavers@nc.gov, fully describing the situation along with any attendant request for Board consideration.

- E. Communications with Petitioner regarding compliance with this Consent Order may occur between the Board staff and Petitioner and shall not be considered *ex parte* communications.

WE CONSENT:

DAVID LOOPE
President
Beaufort County Community College
5337 US Highway 264 East
Washington, N.C. 27889

Date

SHEROD HOLLOWAY
Board Chairman
N.C. Board of Barber and Electrolysis Examiners
7001 Mail Service Center
Raleigh, N.C. 27699

Date

Seavers, Dennis

From: Stacey Gerard <stacey.gerard@beaufortccc.edu>
Sent: Friday, March 24, 2023 1:23 PM
To: Seavers, Dennis
Cc: Rose, Justin; Langley, Casey; Loope, David
Subject: [External] Waiver Request for February Student Hours-Barber Program
Attachments: DOC032423-03242023130859.pdf

Importance: High

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Mr. Seavers,

I request the Board of Barber Electrolysis Examiners waive the requirement to submit student hours for our day, full-time students (M/F 8 am – 5 pm) for the month of February 2023. Our Beaufort County Community College staff can't be sure the hours were legitimately earned, so we have deemed these hours unreliable. The February 2023 report is attached for your records. Mr. William Stokes was the instructor for these students.

We plan to submit the hours for our evening, part-time students (M/F 5 -9 pm) for the month of February 2023 on Monday, March 27th, provided the instructor, Mr. Russell Shaw, agrees with the report. Provided Mr. Shaw agrees, we feel the student hours for the evening program are legitimate and reliable.

I plan to attend your Friday, March 31st Board meeting on Microsoft Teams at 7:30 pm. Please send the link my way.

Please feel free to contact me with questions or concerns. Thanks again, Dennis!

Warmest regards,



Stacey Gerard, Ed.D.
Vice President of Continuing Education
Title IX Coordinator
Professional Development Committee Chair
Beaufort County Community College, Building 8--Room 808A



Free tuition & fees for qualifying students from Beaufort, Hyde, Tyrrell, & Washington Counties for college courses & 50+ hour initial certification courses.

College credit students must take 9+ credits. Applicants must have & maintain a 2.0+ GPA. Summer semesters & textbook costs not included.

www.beaufortccc.edu/beaufort-promise



E-MAIL CORRESPONDENCE TO AND FROM THIS SENDER MAY BE SUBJECT TO THE NORTH CAROLINA PUBLIC RECORDS LAW AND MAY BE DISCLOSED TO THIRD PARTIES.



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Memo

TO: Board members and anticipated board appointees

FROM: Dennis Seavers

DATE: February 21, 2023

SUBJECT: Waiver request from NCDAC

The North Carolina Department of Adult Corrections (“NCDAC”) submitted the attached waiver request.¹ The purpose of this memo is to explain how waivers work, since the rule that allows them is new, and to clarify the background situation that led to NCDAC’s request.

Waivers

In 2022, the Board of Electrolysis Examiners adopted a waiver rule that some other boards had also adopted and which staff at Nichols, Choi & Lee had developed. The rule allows **rule-based** requirements to be waived under certain conditions. (I emphasize “rule-based” because this waiver rule doesn’t allow agencies to waive requirements in statute.) When the merger occurred and the rule was recodified, it applied to the new Board of Barber and Electrolysis Examiners.

I’ve attached a copy of the rule. Please note the conditions under which the waiver may be granted and the criteria the board must consider.

NCDAC request

The issue that NCDAC is addressing is a requirement in statute for licensees to disclose whether they’ve been investigated for employee misclassification. This misclassification occurs when a business treats an individual as a contractor or vendor when the individual should have been classified as an employee. Normally, licensees would complete a form online or by paper (if they get a waiver) when they renew, and that form requires them to disclose whether they’ve been investigated for employee misclassification.

¹ NCDAC was formerly part of the North Carolina Department of Public Safety.

NCDAC has indicated that it would be impractical to distribute these forms to the inmates who are licensed, given the number of licensees and their distribution across the state. The agency would like to have the licenses renewed without having to send forms to inmates and collect the completed forms. The board staff will be available to discuss options with the board at the February meeting.

Seavers, Dennis

From: Cogdell, Duane E
Sent: Friday, February 3, 2023 5:12 PM
To: Seavers, Dennis
Cc: Cogdell, Duane E
Subject: North Carolina Board of Barbers Examiners License Renewal

Greetings, Mr. Seavers, and the North Carolina Board of Barbers Examiners,

Thank you to the Barber Board of Examiners for taking the opportunity to hear this request of the North Carolina Department of Adult Corrections (NCDAC) Education Services.

This letter serves as a request for a waiver for the following individuals to have their Barber Licenses Renewed.

Chico Talbert – License #36286
Buddy Mckay – License #36271
Kenneth Stanley – License #36283
Bryan Gale – License #36261
John Holden-El – License #34150
James A Parker -- #38723

We request this waiver because most of the people listed above are housed in prison facilities across North Carolina.

If a waiver is granted, NCDAC will ensure that each person receives their license and that all fees are paid.

Thank you for supporting the population that we serve.

For questions, do not hesitate to contact Duane Cogdell by phone or email.

Duane E. Cogdell
Education and Program Consultant II
Division of Adult Correction & Juvenile Justice
3070 Hammond Business Place
Raleigh, NC 27603

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.*