



NORTH CAROLINA BOARD OF BARBER EXAMINERS

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Telephone (919) 814-0640 • Fax (919) 981-5068
7001 Mail Service Center
Raleigh, NC 27699-7000

Minutes for Public Meeting

Held August 23, 2022, at 8:30 a.m.
4328 Bland Road
Raleigh, NC 27609

Board Members

Don Beal, Chair
Sherod Holloway, Vice Chair
Kristina Proctor
Michael T. Swinney
David L. Williams

Executive Director

Dennis Seavers

Counsel to the Board

M. Jackson Nichols

The meeting of the North Carolina State Board of Barber Examiners was called to order at 8:39 a.m., on August 23, 2022.

The following board member was present during the meeting in person: Sherod Holloway. The following board members were present during the meeting by videoconference or teleconference: Don Beal, Kristina Proctor, Michael T. Swinney, and David L. Williams. No board members were absent.

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

OPEN SESSION

Ethics awareness and conflict of interest

Mr. Beal 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.

Minutes from June 21, 2022 meeting

Mr. Holloway made a motion to approve the minutes and closed-session narrative from the June 21, 2022 meeting. Ms. Proctor seconded the motion, which passed, 5–0.

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

Adoption of proposed final agency decisions

Mr. Beal referred board members to the draft final agency decisions the board counsel and staff had prepared for the following individuals:

- Josias A. Casanova (file 48596)
- Weldon A. Jenkins (file #27521)
- Frankie D. Mainor (file #46909)

The drafts captured the decisions made by the board at the June 21, 2022 hearings. Mr. Swinney made a motion to adopt the proposed final agency decisions, and Ms. Proctor seconded. The motion passed, 5–0.

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

Administrative hearing

Trevor M. Minor (file #11603) had requested a hearing to appeal a violation and assessment of civil penalties and fees. On August 22, 2022, after the board gave notice of the hearing, Mr. Minor withdrew his hearing request in a phone call with Mr. Seavers. The board nonetheless proceeded so that the matter was on the record. Mr. Minor was

not present for the hearing. Mr. Seavers offered testimony about the exhibits and the August 22 phone call with Mr. Minor. Derek L. Hill, Barbershop Inspector, offered testimony about the violation. Following testimony, the board adjourned the hearing to a future date. When Mr. Minor's case is resolved, the board can reconvene to resolve the hearing. Alternatively, the board can give notice for a hearing if Mr. Minor does not address the matter.

Discussion about additional inspector

Mr. Beal raised the issue of whether the board should hire a fourth inspector. The board members discussed the matter. The other board members were open to the idea if the budget allowed, and the board asked the executive director to report on whether it would be feasible.

Felony petitions

Johnathan R. Bright (file #45534) had submitted an apprentice barber exam application. Based on his criminal history, he was given notice to appear before the board for a hearing. Mr. Bright did not appear. Mr. Seavers gave an overview of the case. The board did not take action on the matter, and Mr. Bright will need to request a hearing before the board when he wishes to proceed through the licensure process.

Osby L. Dunwood (file #9382) had submitted an application to restore his registered barber license. Based on his criminal history, he was given notice to appear before the board for a hearing. Mr. Dunwood did not appear. Mr. Seavers gave an overview of the case. The board did not take action on the matter, and Mr. Dunwood will need to request a hearing before the board when he wishes to proceed through the licensure process.

Patrick C. Hattler (file #47726) had submitted an application for a student permit. Based on his criminal history, he was given notice to appear before the board for a hearing, which was a continuation of a hearing that began on June 21, 2022. Mr. Hattler appeared in person and offered testimony. He answered questions from Mr. Nichols and the board members.

Johnny T. Hopkins (file #12236) had submitted an application for a registered barber license. Based on his criminal history, he was given notice to appear before the board for a hearing. Mr. Hopkins appeared by teleconference and offered testimony. Mr. Hopkins answered questions from Mr. Nichols and the board members.

Gus A. Parker (file #10912) was seeking an unrestricted registered barber license. He previously had been offered a consent order but never responded to the offer. Based on his criminal history, he was given notice to appear before the board for a hearing. Mr. Parker did not appear, so the board did not take action on the application.

Stephon L. Scales (file #42283) had submitted a student permit application. Based on his criminal history, he was given notice to appear before the board for a hearing. Mr. Scales did not appear. Mr. Seavers gave an overview of the case. The board did not take action on the matter, and Mr. Scales will need to request a hearing before the board when he wishes to proceed through the licensure process.

Kory Stinson (file #42702) had submitted an application to take the apprentice barber exam. Based on his criminal history, he was given notice to appear before the board for a hearing. Mr. Stinson did not appear. Mr. Seavers gave an overview of the case. The board did not take action on the matter, and Mr. Stinson will need to request a hearing before the board when he wishes to proceed through the licensure process.

Donald Wilson had submitted an out-of-state application. Based on his criminal history, he was given notice to appear before the board for a hearing. Mr. Wilson appeared by teleconference and offered testimony. Mr. Wilson answered questions from Mr. Nichols and the board members.

Executive director report

Mr. Beal referred board members to Mr. Seavers's August 16, 2022 report (see Attachment 1). Mr. Seavers answered questions from the board members.

Rulemaking

Mr. Beal referred board members to the draft rules for technical changes and accompanying memo in response to Session Law 2022-72 (see Attachment 2). Mr. Seavers explained that these amendments propose changes that are so technical that they do not need to go through the normal rulemaking process. He said that the new board would need to adopt the rules, but he planned to post the proposed amendments on the board's website before the merger, unless board members objected. No board members had any objections.

Mr. Beal referred board members to the draft rules for mobile barber shops and accompanying memo in response to Session Law 2022-72 (see Attachment 3). He also referred board members to a follow-up memo with comments from the board inspectors on the proposed rules (see Attachment 4). The board discussed various aspects of the draft rules. The board agreed to share the rules for informal public comment, with the following changes: the itinerary could be modified as late as two business days before the day of operation, and the mobile barber shops could operate within a five-mile radius of the location reported on the itinerary. (Since the newly merged board would propose the rules, the board did not take a vote.)

Discussion about written exams

Mr. Beal announced that the board would discuss this matter at a later meeting.

Board officer elections

Mr. Holloway nominated Don Beal as chairperson. Mr. Williams nominated Sherod Holloway as vice chairperson. Ms. Proctor made a motion to close the nominations, and Mr. Williams seconded. The motion passed, 5–0.

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

Ms. Proctor made a motion for the elections to be by acclamation. Mr. Williams seconded the motion, which passed, 5–0.

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

CLOSED SESSION

Mr. Beal made a motion to go into closed session under G.S. § 143–318.11, and Mr. Holloway seconded. The motion passed, 5–0.

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

The board entered closed session at 11:12 a.m. The board emerged from closed session at 11:21 a.m.

DETERMINATIONS

Ms. Proctor made a motion for the following case determinations.

- Patrick C. Hattler would be offered a consent order with standard terms and conditions, including five years of probation.
- Johnny T. Hopkins would be offered a consent order with standard terms and conditions, including five years of probation.

- Donald Wilson’s criminal history would not affect his ability to get a license.

Mr. Holloway seconded the motion, which passed, 5–0.

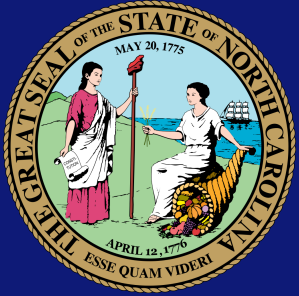
Vote	Don Beal	Sherod Holloway	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

The board decided to have the next meeting in person in Charlotte.

Mr. Beal adjourned the meeting at 11:27 a.m.

Minutes approved on October 18, 2022

Don Beal
Board Chair



North Carolina Board of Barber Examiners

Summary of Executive Director's Report

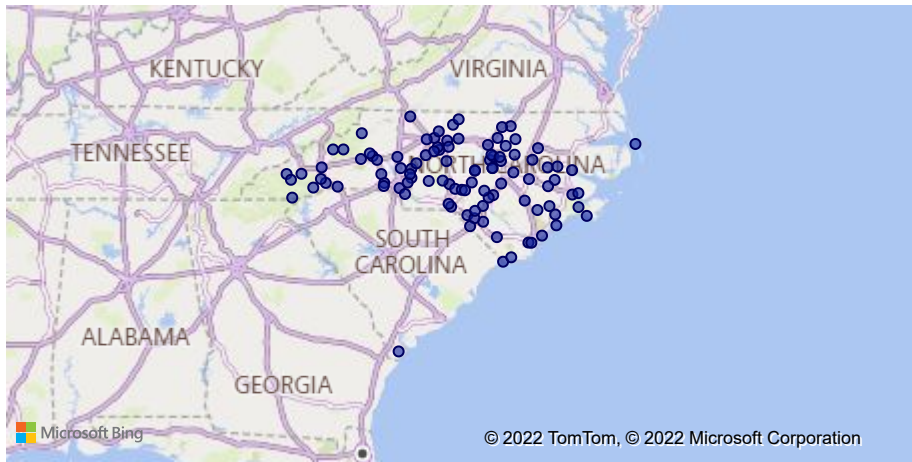
August 23, 2022 Board Meeting

Routine Inspections in Fiscal Year 2022 (July 2021 - June 2020)

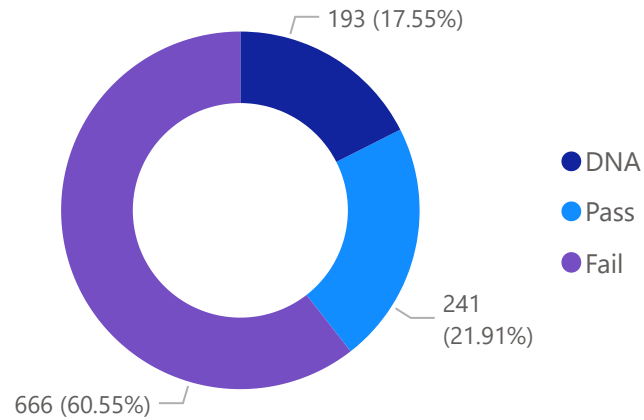
96.06

Average Sanitation Score

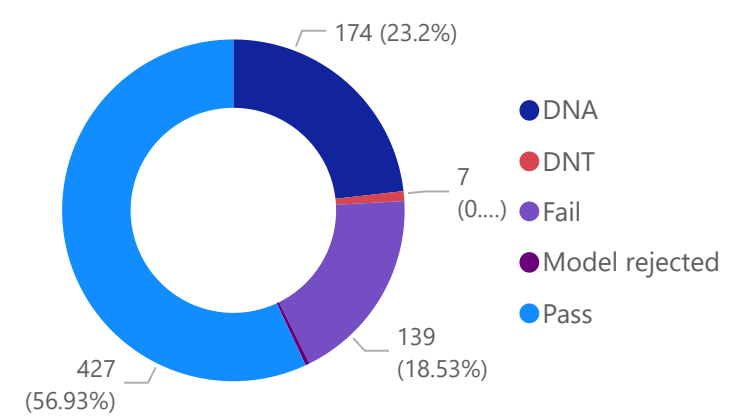
Complaint locations



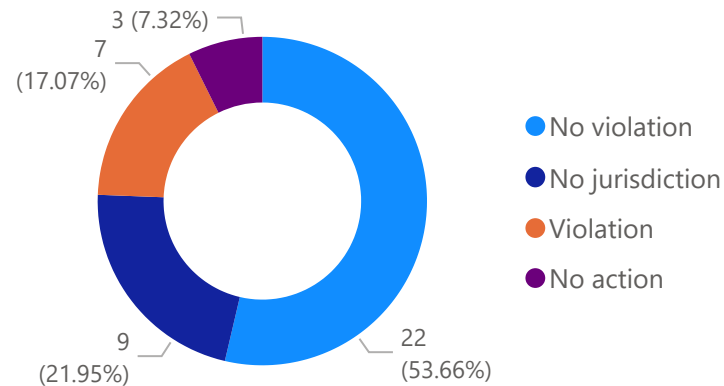
Apprentice Results - Written Exam (FY 2022)



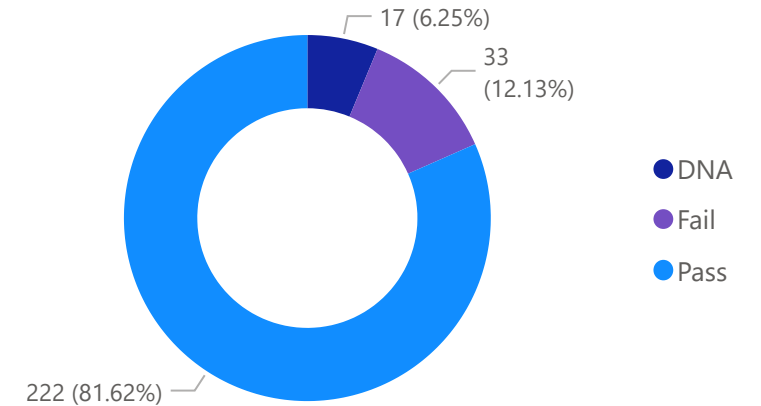
Apprentice Results - Practical Exam (FY 2022)



Complaint outcome (FY 2022)



Registered Results - Practical Exam (FY 2022)





NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 16, 2022

SUBJECT: Executive director's report

Below is the executive director's report for the board's August 23, 2022 meeting. If there are other areas of finances or operations that the board is interested in, or if board members have questions about this report, please feel free to contact me.

Board members should refer to the summary dashboard that precedes this memo and discusses various aspects of board operations.

Fiscal year 2022 budget report

Attachment A shows the board's expenditures and revenues for all of fiscal year 2022 on an accrual basis. Expenditures were 99.04% of the budgeted amount, and revenues were 99.04% of the projected amount.

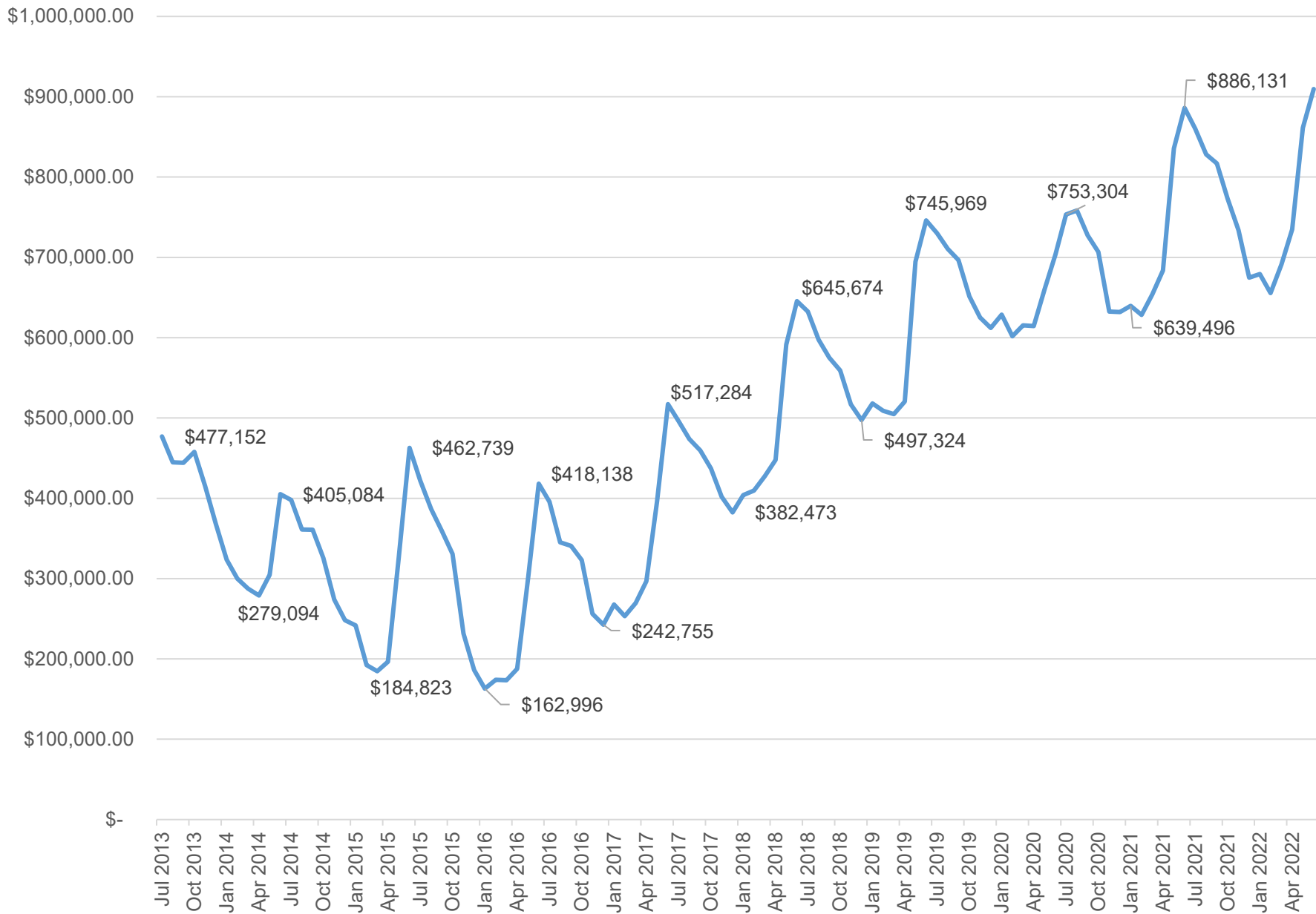
Attachment B shows the board's fund balance over the past few years.

Attachment A
Fiscal Year 2022 Budget vs. Actuals
July 2021 - June 2022

	Total			
	Actual	Budget	Over budget	Perc. of budget & over/under budget
Income				
433 - investment income				
433121 - STIF interest income	\$ 1,290.01	\$ 4,200.00	\$ (2,909.99)	30.71% ▼
Total 433 - investment income	\$ 1,290.01	\$ 4,200.00	\$ (2,909.99)	30.71% ▼
435 - fees, licenses, and fines				
435100 - business license fees				
435100059 - duplicate license	\$ 990.00	\$ 727.00	\$ 263.00	136.18% ▲
435100060 - individual license	\$ 276,849.94	\$ 294,571.00	\$ (17,721.06)	93.98% ▼
435100061 - school permit	\$ 7,150.00	\$ 5,077.00	\$ 2,073.00	140.83% ▲
435100062 - bus/shop permit	\$ 118,070.00	\$ 126,939.00	\$ (8,869.00)	93.01% ▼
435100063 - student permit	\$ 28,375.00	\$ 23,476.00	\$ 4,899.00	120.87% ▲
435100064 - renewal-individual	\$ 64,785.00	\$ 60,437.00	\$ 4,348.00	107.19% ▲
Total 435100 - business license fees	\$ 496,219.94	\$ 511,227.00	\$ (15,007.06)	97.06% ▼
435300 - certification fees				
435300016 - instructor exam fee	\$ 5,775.00	\$ 7,642.00	\$ (1,867.00)	75.57% ▼
435300017 - registered exam fee	\$ 25,125.00	\$ 35,109.00	\$ (9,984.00)	71.56% ▼
435300018 - apprentice exam fee	\$ 147,900.00	\$ 119,898.00	\$ 28,002.00	123.35% ▲
435300019 - apprentice certific	\$ 22,452.00	\$ 36,249.00	\$ (13,797.00)	61.94% ▼
435300020 - instructor certific	\$ 13,855.00	\$ 13,586.00	\$ 269.00	101.98% ▲
Total 435300 - certification fees	\$ 215,107.00	\$ 212,484.00	\$ 2,623.00	101.23% ▲
435400 - inspection/exam fees	\$ 27,800.00	\$ 37,652.00	\$ (9,852.00)	73.83% ▼
435500 - fines, pen, assess fee	\$ 16,373.64	\$ 9,326.00	\$ 7,047.64	175.57% ▲
435800 - tuition and fees				
435830 - other fees	\$ 660.00	\$ 790.00	\$ (130.00)	83.54% ▼
Total 435800 - tuition and fees	\$ 660.00	\$ 790.00	\$ (130.00)	83.54% ▼
Total 435 - fees, licenses, and fines	\$ 756,160.58	\$ 771,479.00	\$ (15,318.42)	98.01% ▼
437 - miscellaneous				
437127 - procuremnt card rebate	\$ 629.38	\$ 250.00	\$ 379.38	251.75% ▲
437990 - other misc revenue	\$ 1,773.68	\$ 647.00	\$ 1,126.68	274.14% ▲
Total 437 - miscellaneous	\$ 2,403.06	\$ 897.00	\$ 1,506.06	267.90% ▲
438 - intergovernmental transactions				
438P72 - ARPA SFRF	\$ 9,150.25		\$ 9,150.25	
Total 438 - intergovernmental transactions	\$ 9,150.25	\$ -	\$ 9,150.25	
Total Income	\$ 769,003.90	\$ 776,576.00	\$ (7,572.10)	99.02% ▼
Gross Profit	\$ 769,003.90	\$ 776,576.00	\$ (7,572.10)	99.02% ▼
Expenses				
531 - personal services				
531112 - EPA regular salaries	\$ 299,704.51	\$ 298,981.52	\$ 722.99	100.24% ▲
531422 - holiday pay - receipts	\$ 67.76		\$ 67.76	
531462 - longevity - receipts	\$ 4,840.00	\$ 4,722.30	\$ 117.70	102.49% ▲
531476 - bonus ARPA receipts	\$ 8,500.00	\$ 8,500.00	\$ -	100.00% ▼
531512 - Social Security	\$ 22,228.78	\$ 21,621.78	\$ 607.00	102.81% ▲
531522 - regular retirement	\$ 69,809.60	\$ 66,701.76	\$ 3,107.84	104.66% ▲
531562 - medical insurance	\$ 38,874.22	\$ 38,290.56	\$ 583.66	101.52% ▲
531576 - flexible spending acct	\$ 693.09	\$ 793.50	\$ (100.41)	87.35% ▼
531651 - comp to board members	\$ 2,300.00	\$ 2,400.00	\$ (100.00)	95.83% ▼
Total 531 - personal services	\$ 447,017.96	\$ 442,011.42	\$ 5,006.54	101.13% ▲
532 - purchased services				
532110 - legal services	\$ 13,299.83	\$ 9,054.96	\$ 4,244.87	146.88% ▲
532120 - financial/audit svcs	\$ 14,000.00	\$ 14,000.00	\$ -	100.00% ▼

532145 - managed server support	\$	51,133.24	\$	51,811.25	\$	(678.01)	98.69%	▼
532170001 - prof testing serv	\$	16,164.00	\$	11,000.00	\$	5,164.00	146.95%	▲
532184 - janitorial services	\$	4,550.00	\$	4,200.00	\$	350.00	108.33%	▲
532199 - misc contract services	\$	21,816.78	\$	28,006.00	\$	(6,189.22)	77.90%	▼
532430 - maint agrmnt - equip	\$	2,043.74	\$	1,917.00	\$	126.74	106.61%	▲
532512 - rental of bldg/prop	\$	22,187.79	\$	24,156.54	\$	(1,968.75)	91.85%	▼
532714 - ground trans in-state	\$	31,139.04	\$	22,500.00	\$	8,639.04	138.40%	▲
532721 - lodging in-state	\$	16,844.77	\$	18,000.00	\$	(1,155.23)	93.58%	▼
532724 - meals in-state	\$	6,241.88	\$	12,750.00	\$	(6,508.12)	48.96%	▼
532731 - board/non-emp transpor	\$	497.05	\$	1,860.00	\$	(1,362.95)	26.72%	▼
532732 - board/non-emp subsist	\$	359.11	\$	2,900.00	\$	(2,540.89)	12.38%	▼
532811 - telephone service	\$	1,506.65	\$	2,400.00	\$	(893.35)	62.78%	▼
532814 - cellular phone service	\$	4,941.47	\$	6,240.00	\$	(1,298.53)	79.19%	▼
532815 - email and calendaring	\$	477.01	\$	445.59	\$	31.42	107.05%	▲
532822 - managed LAN svc charge	\$	4,216.76	\$	3,396.48	\$	820.28	124.15%	▲
532824 - managed server service			\$	3,540.18	\$	(3,540.18)	0.00%	▼
532825 - managed WAN service	\$	16,730.48	\$	14,710.21	\$	2,020.27	113.73%	▲
532826 - software subscriptions	\$	2,369.86	\$	10,545.96	\$	(8,176.10)	22.47%	▼
532828 - managed desktop svcs	\$	17,140.13	\$	16,322.68	\$	817.45	105.01%	▲
532840 - postage & delivery	\$	1,997.25	\$	1,500.00	\$	497.25	133.15%	▲
532840003 - postage/postal meter charges	\$	11,727.19	\$	13,000.00	\$	(1,272.81)	90.21%	▼
532850 - printing, binding, dup	\$	6,420.71	\$	9,000.00	\$	(2,579.29)	71.34%	▼
532911 - insurance - property	\$	21,417.00	\$	25,000.00	\$	(3,583.00)	85.67%	▼
532942 - other emp trng expense			\$	100.00	\$	(100.00)	0.00%	▼
Total 532 - purchased services	\$	289,221.74	\$	308,356.85	\$	(19,135.11)	93.79%	▼
533 - Supplies								
533110 - general office supply	\$	5,170.32	\$	6,518.00	\$	(1,347.68)	79.32%	▼
Total 533 - Supplies	\$	5,170.32	\$	6,518.00	\$	(1,347.68)	79.32%	▼
534 - property, plant, & equip								
534511 - office equipment	\$	1,147.58	\$	1,042.00	\$	105.58	110.13%	▲
534534 - PC and printer purch	\$	5,198.18	\$	5,325.68	\$	(127.50)	97.61%	▼
Total 534 - property, plant, & equip	\$	6,345.76	\$	6,367.68	\$	(21.92)	99.66%	▼
535 - other expenses and adjust								
535830 - member dues & subcript	\$	910.00	\$	270.00	\$	640.00	337.04%	▲
535900 - other expenses	\$	450.97	\$	100.00	\$	350.97	450.97%	▲
Total 535 - other expenses and adjust	\$	1,360.97	\$	370.00	\$	990.97	367.83%	▲
538 - intragovernmental transac								
538030 - fine/penalty transfer	\$	20,068.64	\$	13,000.00	\$	7,068.64	154.37%	▲
Total 538 - intragovernmental transac	\$	20,068.64	\$	13,000.00	\$	7,068.64	154.37%	▲
Total Expenses	\$	769,185.39	\$	776,623.95	\$	(7,438.56)	99.04%	▼
Net Operating Income	\$	(181.49)	\$	(47.95)				
Net Income	\$	(181.49)	\$	(47.95)				

Attachment B. Fund balance





NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: June 13, 2022

SUBJECT: Rulemaking—technical revisions of Barber Board rules

House Bill 792 was signed by the governor on July 8, 2022, and most provisions go into effect on January 1, 2023. As part of the merger of the Boards of Barber Examiners and Electrolysis Examiners, the bill recodifies both boards' statutes. As a result, many of the board's current rules will have outdated information after January 2023. Although the rules will remain in effect, even with outdated information, it will be useful for the new board to update the rules as soon after January 1, 2023, as practical.

In certain circumstances, the Administrative Procedures Act allows agencies to update rules without going through the normal rulemaking process, though the updates require approval from the Codifier of Rules. The following are cases relevant to the board's merger:

- Update an agency name;
- Update citations to laws when the citations have become inaccurate due to renumbering;
- Change information that's readily available to the public, such as an address, a telephone number, or a website; or
- Correct a typographical error.

There are quite a few barber rules that'll need substantial updates due to HB 792, and they'll have to go through the normal rulemaking process. But there are 27 rules that can be updated through this streamlined process that only requires approval from the Codifier.

Attached to this memo are those 27 rules with the proposed updates. Most updates are simply to the history note, which shows the law that allows the board to adopt the rules. Since there's no public-comments requirement for this type of rule change, this memo is more to inform the current board of potential rule changes and give you an opportunity

to flag any rules you may concerns about. With the board's approval, I'd also like to post these 27 rules on the Barber Board's website.

1 21 NCAC 06A .0102 is amended without notice pursuant to G.S. 150B-21.5(a)(3) and (4) as follows:

2

3 **21 NCAC 06A .0102 ADDRESS**

4 (a) The Board's mailing address is 7001 Mail Service Center, Raleigh, North Carolina 27699-7000 and email address
5 is addresses are ~~barberboard@nc.gov.~~ barberboard@nc.gov and ncbeexam@att.net.

6 (b) The Board's physical address is 4328 Bland Rd, Raleigh, North Carolina 27609.

7 (c) The Board's website ~~address is~~ addresses are ~~barbers.nc.gov.~~ barbers.nc.gov and ncbee.com.

8 (d) The Board's phone number is (919) 814-0640.

9

10 *History Note: Authority G.S. ~~86A-6;~~ 86B-3;*

11 *Eff. February 1, 1976;*

12 *Readopted Eff. February 8, 1978;*

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

14 *Readopted Eff. July 1, 2016;*

15 *Amended Eff. February 1, 2023; May 1, 2021; April 1, 2019.*

1 21 NCAC 06F .0103 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0103 FILING**

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

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

8

9 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*

10 *Eff. February 1, 1976;*

11 *Readopted Eff. February 8, 1978;*

12 *Amended Eff. June 1, 2008; May 1, 1989; March 1, 1983;*

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

14 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0109 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0109 RE-ENTERING SCHOOL**

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

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

7

8 *History Note: Authority G.S. ~~86A-22(3)~~; 86B-28;*

9 *Eff. February 1, 1976;*

10 *Readopted Eff. February 8, 1978;*

11 *Amended Eff. May 1, 1989;*

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

13 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0110 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0110 ROSTER AND STUDENT RECORDS**

4 Each barber school shall:

- 5 (1) maintain an up-to-date written roster system that shall be used to ensure that each student serves
6 substantially equal numbers of patrons for practical work;
- 7 (2) maintain a record of each student, including a weekly record of the number of days and hours the
8 student attended classes in practical work and theory;
- 9 (3) maintain a separate daily record of the number of patrons the student served for haircuts, shaves,
10 and other barbering services;
- 11 (4) maintain a weekly record of the subject matter taught to the student in theory classes;
- 12 (5) submit the Form BAR-10 as required by 21 NCAC 06N .0111;
- 13 (6) provide to the Board the list of students required by ~~G.S. 86A-22(5)~~ G.S. 86B-28(5) by the 15th day
14 of each month; and
- 15 (7) maintain the signed acknowledgment required by 21 NCAC 06F .0116.

16

17 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*
18 *Eff. February 1, 1976;*
19 *Readopted Eff. February 8, 1978;*
20 *Amended Eff. April 1, 2010; June 1, 2008; May 1, 1989; March 1, 1983;*
21 *Readopted Eff. September 1, ~~2016~~; 2016;*
22 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0111 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0111 COPIES OF BARBER SCHOOL RECORDS**

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

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

9

10 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*

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 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0113 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0113 STUDENT PERMIT**

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

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

7 (1) Five business days for applications submitted online; or

8 (2) Ten calendar days for applications submitted by mail or in person.

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

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

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

15

16 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. February 8, 1978;*

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

20 *Readopted Eff. July 1, 2016;*

21 *Amended Eff. February 1, 2023; April 1, 2019.*

1 21 NCAC 06F .0116 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0116 STUDENTS WITH CRIMINAL RECORDS**

4 Prior to enrollment and the acceptance of any enrollment fee or tuition, the barber school shall notify the applicant of
5 the statutes regarding criminal convictions in ~~G.S. 86A-18~~ G.S. 86B-25 and G.S. 93B-8.1 and have the applicant sign
6 and date the notice indicating that the applicant has been so informed.

7

8 *History Note: Authority G.S. ~~86A-18; 86A-22; 86B-25; 86B-28; 93B-8.1;~~*

9 *Eff. February 1, 1976;*

10 *Readopted Eff. February 8, 1978;*

11 *Amended Eff. March 1, 1983;*

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

13 *Amended Eff. September 1, 2013; April 1, 2010; May 1, 1989;*

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

15 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0119 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0119 INTRASTATE TRANSFERS**

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

7

8 *History Note: Authority G.S. ~~86A-22(5)~~; 86B-28;*

9 *Eff. February 1, 1976;*

10 *Readopted Eff. February 8, 1978;*

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

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

13 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0122 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0122 UNIFORMS AND IDENTIFICATION**

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

6

7 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*

8 *Eff. September 1, 2009;*

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

10 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0123 is amended without notice pursuant to G.S. 150B-21.5(a)(3) and (5) as follows:

2

3 **21 NCAC 06F .0123 RECORDS OF STUDENT HOURS**

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

7

8 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*

9 *Eff. September 1, 2009;*

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

11 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0124 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0124 STUDENT HOURS**

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

5 (b) Students shall record their start time by electronic means upon entering the school for practical or theory hours.

6 Students shall not record any period of break from instruction, even if remaining on school premises.

7 (c) In meeting the minimum course work and designated barber school curricula required by Rule .0120 of this

8 Section, no student shall be given credit for more than eight hours per month and 40 hours for the duration of

9 enrollment in the school that were obtained by instruction or demonstration off school premises or from a field trip,

10 except for hours received through online classes allowed under Rule .0120 of this Subchapter.

11

12 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*

13 *Eff. September 1, 2009;*

14 *Readopted Eff. July 1, 2016;*

15 *Amended Eff. February 1, 2023; April 1, 2021.*

1 21 NCAC 06F .0125 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0125 SCHOOL HANDBOOKS AND ENROLLMENT AGREEMENTS**

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

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

10

11 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*

12 *Eff. September 1, 2009;*

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

14 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0126 is amended without notice pursuant to G.S. 150B-21.5(a)(2) and (3) as follows:

2

3 **21 NCAC 06F .0126 EXTENDED EDUCATION**

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

7 (1) When a barber school wishes to provide extended education, the school shall:

8 (a) Submit a proposed curriculum or syllabus that:

9 (i) describes the purpose of the instruction;

10 (ii) indicates how many students are expected to participate in the instruction;

11 (iii) states where the instruction would be provided; and

12 (iv) states how many hours of instruction are required or will be provided in the course
13 of instruction;

14 (b) Identify the instructors providing the instruction; and

15 (c) Submit samples of the advertising or promotion for the program.

16 (2) After the instruction has been approved, the barber school shall notify the Board if there are any
17 changes to the instruction, including suspension or discontinuation the class.

18 (3) Upon approval, the course offering shall be subject to review of the barber school by the Board
19 inspector. The inspector shall evaluate:

20 (a) Whether the school maintains accurate records as to the individuals in the class and the
21 number of hours in the class;

22 (b) The presentation of the class;

23 (c) Whether the class is offered in classrooms for practical and academic instruction that meet
24 the requirements of Rule .0101 of this Section; and

25 (d) Whether the class complies with the requirements of other barber school instruction.

26

27 *History Note: Authority G.S. ~~86A-1~~; ~~86A-22~~; ~~86B-11~~; ~~86B-28~~;*

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

29 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0127 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0127 STATE AUTHORIZATION AS A POSTSECONDARY INSTITUTION**

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

6 (1) the school handbooks and enrollment agreements required by 21 NCAC 06F .0125 shall require
7 prospective students to have a high school diploma or equivalent; and

8 (2) the school shall submit a copy of the student's high school diploma or equivalency documentation
9 with each Form BAR-3 required by 21 NCAC 06N .0104 as set forth in 21 NCAC 06F .0113.

10 (b) If a barber school meets the requirements set forth in Paragraph (a) of this Rule, the Board shall include the phrase
11 "Postsecondary Institution" on the barber school permit issued under ~~G.S. 86A-13~~, G.S. 86B-19. If the school already
12 holds a school permit issued by the Board, the Board shall issue the permit with the phrase "Postsecondary Institution"
13 at no additional cost, and the school shall relinquish the permit without the phrase to the Board.

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

17 (1) the Board shall issue at no charge a duplicate copy of the permit without the phrase "Postsecondary
18 Institution";

19 (2) the school shall relinquish to the Board the permit with the phrase "Postsecondary Institution"; and

20 (3) the Board shall notify the federal Department of Education of the school's change in postsecondary
21 status.

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

25

26 *History Note: Authority G.S. ~~86A-13; 86A-22; 86B-19; 86B-28~~; 20 U.S.C. 1001; 20 U.S.C. 1002; 34 C.F.R. 600.9;*
27 *Eff. January 1, 2017;*

28 *Amended Eff. February 1, 2023; April 1, 2019.*

1 21 NCAC 06F .0128 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06F .0128 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY**

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

5 (1) Schools shall maintain a monthly record of the subject matter taught to the student in theory classes,
6 the requirement in Rule .0110(4) of this Subchapter for a weekly record notwithstanding.

7 (2) Schools shall provide to the Board the list of students required by ~~G.S. 86A-22(5)~~ G.S. 86B-28(5)
8 by the last day of each month, the requirement in Rule .0110(6) of this Subchapter for schools to
9 submit the list by the 15th of each month notwithstanding.

10 (3) Within 60 days of the date on which any student completes his or her course of study, drops out of
11 school, or transfers to another school, the barber school shall return the student permit to the Board,
12 the requirement in Rule .0113(d) of this Subchapter to return the student permit within five business
13 days notwithstanding.

14 (4) Students shall not be required to meet the requirements in Rule .0122 of this Subchapter if the
15 students are attending online classes.

16 (5) No student shall be given credit for more than 10 total hours during any instruction day, the
17 restriction to eight hours in Rule .0124(a) of this Subchapter notwithstanding.

18 (6) The restrictions on off-campus hours in Rule .0124(c) of this Subchapter shall not apply to hours
19 that students receive during a state of emergency.

20 (7) Schools shall not be required to revise the handbooks required by Rule .0125 of this Subchapter to
21 reflect the exceptions listed in this Rule.

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

23

24 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*
25 *Emergency Adoption Eff. March 27, 2020;*
26 *Temporary Adoption Eff. June 1, 2020;*
27 *Eff. February 1, ~~2021~~; 2021;*
28 *Amended Eff. February 1, 2023.*

1 21 NCAC 06J .0108 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06J .0108 EXAMINATION**

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

8

9

10 *History Note: Authority ~~G.S. 86A-24~~; G.S. 86B-30;*

11 *Eff. March 1, 1983;*

12 *Amended Eff. May 1, 1989;*

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

14 *Amended Eff. February 1, 2023.*

1 21 NCAC 06J .0109 is amended without notice pursuant to G.S. 150-21.5(a)(3) as follows:

2

3 **21 NCAC 06J .0109 IDENTIFICATION**

4 All apprentice barbers and student barbers with temporary permits shall maintain their license as defined in 21 NCAC
5 06P .0103(7) in their possession at all times while performing barbering services. The individual shall produce the
6 identification to the Board's Executive Director or inspector upon request.

7

8 *History Note: Authority G.S. ~~86A-1; 86A-10; 86B-11; 86B-16;~~*

9 *Eff. June 1, 2008;*

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

11 *Amended Eff. February 1, 2023.*

1 21 NCAC 06N .0104 is amended without notice pursuant to G.S. 150B-21.5(a)(3) and (4) 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 Subchapter shall accompany this form.

11

12 *History Note: Authority G.S. ~~86A-18; 86A-22; 86A-25; 86B-28; 86B-31; 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. October 1, 2016;*

20 *Amended Eff. February 1, 2023; October 1, 2020.*

1 21 NCAC 06N .0111 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06N .0111 FORM BAR-10**

4 (a) The Form BAR-10 is a report that shall be filed monthly by the manager of the school for each student enrolled
5 in barber school. It requires the following:

- 6 (1) the name of the school submitting the report;
- 7 (2) the name and date of enrollment of the student;
- 8 (3) the month and year for which the report is filed;
- 9 (4) the dates and hours of the student's absences;
- 10 (5) the dates and hours of the student's attendance;
- 11 (6) the number of patrons served for clinical services; and
- 12 (7) the subject matter covered in practical and theory courses.

13 (b) The Form BAR-10 shall be submitted to the Board over the signature of the manager of the school and co-signed
14 by the student.

15 (c) If a student completes his or her course of study, drops out of school, or transfers to another school, the barber
16 school shall return the Form BAR-10 to the Board:

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

20

21 *History Note: Authority G.S. ~~86A-22~~; 86B-28;*
22 *Eff. May 1, 1989;*
23 *Readopted Eff. July 1, 2016;*
24 *Emergency Adoption Eff. March 27, 2020;*
25 *Temporary Adoption Eff. June 1, 2020;*
26 *Amended Eff. February 1, 2023; February 1, 2021.*

1 21 NCAC 06N .0113 is amended without notice pursuant to G.S. 150B-21.5(a)(3) and (4) as follows:

2

3 **21 NCAC 06N .0113 FORM BAR-12**

4 (a) The Form BAR-12 shall be filed by an individual who has practiced as a barber pursuant to Rule ~~21 NCAC 06K~~
5 ~~.0113. 06K .0113~~ of this Chapter. It requires the following:

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

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

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

12

13 *History Note: Authority G.S. ~~86A-1; 86A-25; 86B-11~~; 93B-14; 93B-15.1;*

14 *Eff. April 1, 2017;*

15 *Amended Eff. February 1, 2023; October 1, 2020.*

1 21 NCAC 06O .0101 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06O .0101 SCHEDULE OF PENALTIES**

4 The rules in this Subchapter establish the schedule of civil penalties required by ~~G.S. 86A-27(e)~~, G.S. 86B-10(c). The
5 amounts stated are the presumptive amounts that may be modified in accordance with ~~G.S. 86A-27(b)~~, G.S. 86B-
6 10(b).

7

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

9 *Eff. April 1, 2005;*

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

11 *Amended Eff. February 1, 2023.*

1 21 NCAC 06O .0103 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06O .0103 LICENSING OF BARBER SCHOOLS**

4 (a) The presumptive civil penalty for operating a barber school without first filing an application for a barber school
5 license, obtaining an inspection, and obtaining a school 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 school 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-11;~~*

15 *Eff. April 1, 2005;*

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

17 *Amended Eff. February 1, 2023.*

1 21 NCAC 06O .0107 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06O .0107 FRAUDULENT MISREPRESENTATIONS OR SUBMISSION OF FRAUDULENT**
4 **DOCUMENT**

5 The presumptive civil penalty for barbering or attempting to barber by fraudulent misrepresentations or the submission
6 of fraudulent or false documents in connection with licensing or an application for license as prohibited by ~~G.S. 86A-~~
7 ~~20~~; G.S. 86B-27: 1st offense \$500.00.

8

9 *History Note:* Authority ~~G.S. 86A-1; 86A-5(a)(6); 86A-20(2); 86A-20(3); 86A-27; 86B-10; 86B-11; 86B-27;~~

10 *Eff. April 1, 2005;*

11 *Readopted Eff. July 1, 2016. 2016:*

12 *Amended Eff. February 1, 2023.*

1 21 NCAC 06O .0111 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06O .0111 SCHOOL INSTRUCTORS**

4 The presumptive civil penalty for a school failing to provide sufficient instructors to meet the student-teacher ratios
5 set forth in ~~G.S. 86A-22(2)~~; G.S. 86B-28(2):

6 (1) 1st offense \$150.00

7 (2) 2nd offense \$300.00

8 (3) 3rd offense \$500.00

9

10 *History Note:* ~~Authority G.S. 86A-5(a)(6); 86A-22(2); 86A-27; 86B-10; 86B-28;~~

11 *Eff. April 1, 2005;*

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

13 *Amended Eff. February 1, 2023.*

1 21 NCAC 06O .0115 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06O .0115 SCHOOL FAILING TO MAINTAIN, FALSIFYING, OR FAILING TO SUBMIT**
4 **RECORDS**

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

6 (1) 1st offense \$200.00

7 (2) 2nd offense \$250.00

8 (3) 3rd offense \$500.00

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

10 (1) 1st offense \$250.00

11 (2) 2nd offense \$400.00

12 (3) 3rd offense \$500.00

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

14 (1) 1st offense \$200.00

15 (2) 2nd offense \$350.00

16 (3) 3rd offense \$500.00

17

18 *History Note: Authority G.S. ~~86A-22; 86A-27; 86B-10; 86B-28;~~*

19 *Eff. June 1, 2008;*

20 *Amended Eff. September 1, 2009;*

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

22 *Amended Eff. February 1, 2023.*

1 21 NCAC 06O .0118 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06O .0118 UNLICENSED BARBER STUDENT**

4 (a) The presumptive civil penalty for a barber school allowing an individual to receive barber instruction without a
5 barber student 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 an individual engaging as a barber student without a barber student 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. ~~86A-1; 86A-22; 86A-27~~; 86B-10; 86B-11; 86B-28;*

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

16 *Amended Eff. February 1, 2023.*

1 21 NCAC 06P .0101 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:

2

3 **21 NCAC 06P .0101 BARBERING**

4 Unless specifically exempted by ~~G.S. 86A-14~~, G.S. 86B-22, "the practice of barbering" or "barbering services" means
5 any one or more of the activities defined in ~~G.S. 86A-2~~ G.S. 86B-12 when performed upon a member of the public.

6

7 *History Note: Authority G.S. ~~86A-2~~; 86B-12;*
8 *Eff. June 1, 2008;*
9 *Readopted Eff. July 1, ~~2016~~; 2016;*
10 *Amended Eff. February 1, 2023.*



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: July 25, 2022

SUBJECT: Rulemaking—mobile barber shops

House Bill 792 was signed by the governor on July 8, 2022, and most provisions go into effect on January 1, 2023. The bill creates a new type of license for mobile barber shops, which currently are prohibited. This memo discusses the attached draft set of 30 rule amendments and adoptions to implement the bill.

Please note that this memo doesn't discuss specific methods of implementation, such as the technology that will be deployed to fulfill the statutory and rule-based requirements. Although there are implementation plans, this memo is focused on the regulatory framework.

BACKGROUND

Role of the Barber Board

The newly merged Board of Barber and Electrolysis Examiners will be the agency that has the authority to adopt rules related to mobile barber shops. The current Board of Barber Examiners won't be able to adopt the rules. (There's a possibility that the Barber Board could *propose* but not *adopt* the rules, but it would be safest to let the new board propose the rules.)

Nonetheless, there's still a crucial role for the current Barber Board to play:

- Implementation of the mobile-barber-shop provisions in HB 792 need to begin well before January 1, 2023; in fact, several implementation steps have already begun.
- The Barber Board can solicit public input to help shape the rules. That way, when the new board proposes temporary and permanent rules in January, the rules will

be more polished, with opportunities for members of the public to have given feedback.

- I anticipate that all current board members will continue to serve on the new board, so your views on these rules will affect the views of the new board.
- The executive director will need to begin work on a fiscal note and substantive economic analysis well in advance of January. Fiscal notes and substantive economic analyses require multiple drafts based on feedback from the Office of State Budget and Management, and they require a significant amount of work and time to develop. It's important to being that work as soon as possible.
- The inspection staff will need to be trained to inspector mobile shops, and that training will need to be as developed as possible before January.

How the rules were developed

The board chair appointed an ad hoc committee for mobile barber shops in 2020, and the committee shared ideas about how mobile barbering would look in North Carolina. The rules are based in part on that discussion. In addition, the rules draw on the regulatory designs in other states that have mobile barber shops, such as California, Ohio, and South Carolina.

Terminology

This memo uses the terms “mobile barber shop” and “barber shop.” The board should understand the term “barber shop” (without the word “mobile”) to refer solely to a brick-and-mortar shop.

Organization of this memo

This memo is organized according to the subchapters in Title 21, Chapter 06, which is the chapter that deals with matters under the Barber Board’s jurisdiction. Board members can locate the specific rules by referring to these subchapters. For example, the attached rule 21 NCAC 06F .0120 is in Title 21, Chapter 06, Subchapter F, and the rules are consecutive according to the number after the decimal point.

RULEMAKING PROVISIONS

Although the board should carefully consider all of the draft rules, the most important ones will be in Subchapter L below. Those are the rules that set the most fundamental requirements for mobile barber shops.

Subchapter F – barber schools

The curriculum for schools would be updated to include mobile shops, though there would be no impact on the number of hours. Under current law, schools must spend 70 hours on “Barber Styling, Shop Management, and Product Knowledge.” The draft rule 21 NCAC 06F .0120 would specify that “shop management” includes both barber shops

and mobile barber shops. Unrelated to mobile shops, the amendment would also eliminate a paragraph that is no longer relevant.

Subchapter L – barber shops

General requirements

Throughout the subchapter, there are rules that currently apply only to barber shops. Various amendments would apply the same requirements to mobile shops. In addition, the amendments make the following changes.

- Currently, applications for shop permits must be submitted at least 15 days before the shop is ready for inspection. The amendment to Rule .0104 would repeal this requirement since the staff can often either issue a consent order or conduct an inspection within 15 days.
- The amendment to Rule .0109, which deals with disinfecting chemicals, specifies the necessary criteria for disinfectants. The rule says that the disinfectants which must be registered with the EPA and be effective against several viral, bacterial, and fungal infections.

Vehicles

Under a current rule, 21 NCAC 06L .0106, the board requires shops established in mobile homes, trailers, or recreational vehicles to be permanently affixed so they can't move. The reason they must be permanently affixed is because the present law prohibits mobile shops. Among the attached rules is an amendment that eliminates the requirement for a mobile vehicle to be permanently affixed, since the new law will allow mobile shops.

A new rule, 21 NCAC 06L .0201, would set the requirements for the types of vehicles that can serve as mobile shops. Only the following vehicle types could serve as mobile shops:

- A motor home, which is defined in G.S. 20-4.01(27)(k). HB 792 explicitly states that the board must allow this type of vehicle to be permitted.
- A self-contained, self-supporting, enclosed mobile vehicle that is at least 24 feet in length. The board should be aware that this length is among the longest of sprinter vans, so smaller vehicles would be excluded. The board should give careful thought to whether this requirement is too restrictive.

The rule excludes mobile homes, motor homes, trailers, or other vehicles previously approved by the board from operating as mobile shops, unless they meet the new requirements. As discussed above, the board currently allows some of the vehicles to be barber shops, but only if they're permanently affixed. The concept behind this new rule provision is to prevent those vehicles from converting from permanently affixed shops to mobile shops without first making sure they meet the new requirements.

All vehicles will need to comply with DMV requirements. They also will need signage outside the vehicle that includes the name of the mobile shop and its permit number, and this signage must be visible from a distance of 50 yards.

Equipment

Rule .0202 would require mobile shops to:

- Have cabinets that can be easily cleaned for barbering equipment;
- Have safety catches for all cabinet doors;
- Securely anchor all equipment not stored in cabinets;
- Have at least one covered container made of noncorrosive metal or plastic for hair clippings, refuse, and other waste materials;
- Have smooth finished walls and floors;
- Have at least one barber chair, which must be covered with a smooth, non-porous surface that can be easily cleaned;
- Maintain a supply of clean towels sufficient to provide barbering services;
- Have a cabinet where clean towels can be stored separately from used towels; and
- Ensure that all barbering equipment and tools are suitable for safe cutting of hair and maintained in sanitary and good operating condition.

Toilets, sinks, sewage, and wastewater

Rule .0203 will require mobile shops to:

- Have at least one functional sink with potable, running hot and cold water. This sink must be available to both mobile shop personnel and clients;
- Have hot water tanks with a minimum capacity of six gallons;
- Have soap and disposable towels at all sinks; and
- Have at least one self-contained, recirculating, flush chemical toilet with a holding tank. This toilet must be available for use by both mobile shop personnel and clients.

Mobile shops must comply with all applicable federal, state, and local commercial, transportation, and environmental regulations that deal with the disposal of sewage and wastewater. The also must immediately stop operating when:

- The wastewater storage capacity has been reached;
- The toilets don't function;
- The sinks don't have potable, running hot and cold water;
- There's no longer an adequate supply of clean water to complete barbering services; or
- There's no longer adequate wastewater capacity to complete barbering services.

Personnel

Rule .0204 would require each mobile shop to have a licensed barber manager, which would match a similar requirement currently in place for barber shops. The licensed barber manager would be responsible for the sanitary condition of the mobile shop, and he or she would need to verify that all barbering personnel had proper authorization (either a license or temporary permit) from the board. The licensed barber manager would be responsible for all activities at the mobile shop, whether he or she is on the premises or not.

Location reporting

HB 792 requires mobile shops to report their itineraries for the upcoming month, with the location, dates, and hours of operation. These itineraries will allow the inspection staff to know where the mobile shop will be on a particular date. Rule .0205 would make it mandatory for these itineraries to be submitted through the board's website (rather than through other means, such as fax or email). The rule also prohibits mobile shops from operating in a location and on a date not in the itinerary.

The board may want to consider whether it'll allow mobile shops to update their itineraries if circumstances change. It may be difficult for mobile shops to know a month in advance where they'll be, although it's clear that the new board will have the authority to establish this requirement. Rule .0205 could be updated to allow changes to the itinerary, perhaps with a certain amount of advance notice. At the same time, the board should keep in mind that the closer to the actual date that the itinerary can be modified, the harder it'll be for the staff to plan inspections.

Subchapter N – fees and forms

Fees

Rule .0101 would be amended to establish fees for mobile shop permits and renewals, late fees, and inspection fees. The proposed fees would be the maximum allowed under statute and would match the fees for barber shops:

Description	Amount
Mobile shop permit or renewal	\$50.00
Late fee to restore an expired mobile shop permit	\$45.00
Inspection of a newly established mobile shop	\$120.00

As with most other license types, either the mobile shop permit would need to be renewed online or the owner or manager would need to get a waiver to renew by mail.

Rule .0114, which allows members of the Armed Forces to have fees waived in certain circumstances, would be extended to include mobile shops.

Application

A new application type would be established by Rule .0116, which would require:

- The shop name;
- The permanent business address, which is a physical location that all mobile shops must have;
- Information about both the licensed barber manager and the owner;
- If available, the email address, website, or social media handle of the mobile barber shop;
- The physical dimension;
- The VIN, license plate number, and vehicle make and model for the mobile shop;
- Business hours;
- An explanation of how the mobile shop will dispose of sewage and wastewater;
- The type of fixtures installed; and
- The date the mobile shop will be ready for inspection.

Subchapter O – civil penalties

The following are already existing civil penalties for barber shops or schools, and they'll continue to exist. However, the amendments will extend the penalties to mobile barber shops. The indicated ranges of penalties depend on whether the recipient has previously committed the violation, and the draft rules don't propose to change the fine amounts.

- Barber shop or mobile barber shop manager allowing a barber or apprentice to practice without a license: \$300-\$500;
- Failure of a barber shop, mobile barber shop, or barber school to display a current license: \$100-\$250;
- Barber shop, mobile barber shop, or barber school allowing an individual to perform barbering without displaying a current license or permit: \$100-\$250;
- Refusing to permit or preventing the inspection of a barber shop, mobile barber shop, or barber school: \$150-\$500;
- Barber shop or mobile barber shop owner or manager failing to positively identify a licensed barber, apprentice, or holder of a temporary permit: \$100-\$250;
- Manager of a barber shop or mobile barber shop allowing an animal (apart from service dogs) in the barber shop or mobile barber shop: \$100-\$250;
- Failure of an owner or manager of a barber shop, mobile shop, or barber school to notify the board of a change of address: \$50-\$200;
- Failure of a barber shop, mobile barber shop, or barber school to display its sanitation grade or permit in a place visible to the public: \$150-\$400; and
- Failure of a barber shop or mobile shop to notify the board of a change of licensed barber manager: \$50-200. Though not related to mobile shops, the same rule is being amended to create a new paragraph, but the effect is to replicate the effect of an existing rule; the amendment is only necessary to reflect

the changed in name for barber school managers (which will be known as licensed instructor managers). In addition, a paragraph is proposed for repeal because it duplicates provisions that appear earlier in the rule and therefore is unnecessary.

The following would be new civil penalties that deal specifically with mobile barber shops:

- Operating a mobile shop without first filing an application for a mobile barber shop permit, obtaining an inspection, and obtaining a mobile barber shop permit: \$400-\$500. The board should note that there's a comparable civil penalty for barber shops, but the range of penalties is \$200-\$500. The justification for higher penalties for mobile shops is to help discourage illegal mobile shops and issue heftier fines at the outset, since illegal mobile shops would be harder to locate;
- Operating a mobile shop with an expired permit: \$200-500. The comparable barber shop penalty for a first offense is \$50 less expensive, but otherwise the penalties are identical. The justification for the higher amount for a first offense is the same as what was discussed in the previous bullet point;
- Operating a mobile shop after wastewater storage capacity has been reached: \$300-\$500;
- Operating a mobile shop with toilets that don't function: \$300-\$500;
- Operating a mobile shop without potable, running hot and cold water: \$300-\$500;
- Operating a mobile shop without soap and disposable towels for all sinks: \$200-\$400;
- Failing to submit the monthly report that shows the mobile shop's itinerary for the upcoming month: \$300-\$500;
- Operating a mobile shop at a location on a particular date not included in the monthly report: \$500. Please note that there is a single civil penalty for this violation, whereas violations usually (though not always) have a range of penalties, depending on whether it was a first, second, or third offense. Operators of mobile shops will be tempted to operate away from the reported locations; perhaps a client calls and asks to be fit in, or the shop simply decides it'd be easier to operate elsewhere. It'll be important to establish strong penalties for noncompliance, and \$500 is the maximum allowed under law; and
- Disposing of sewage or wastewater by means contrary to applicable federal, state, and local commercial, transportation, or environmental statutes and rules: \$500. Given the seriousness of this violation, the new board should establish a hefty penalty. Apart from issuing civil penalties, the board could also have a policy of referring these violations to the appropriate government authorities with jurisdiction over the unlawful disposal.

The following violation types would be repealed:

- Operating a mobile barber shop in a mobile home: \$200-500. As discussed earlier in this memo, the provisions in 21 NCAC 06L .0106(e) related to

permanently affixed mobile homes are being repealed, so this violation would also be repealed; and

- One paragraph in Rule .0119 is proposed for repeal, but only because the two paragraphs in that rule have been rewritten to combine the information into one paragraph. There would be no change in the requirement for barber shops or barber schools to notify the board of a change of address, nor would the penalties change for violations.

Subchapter Q – prohibited practices

There is one rule in this subchapter, dealing with the additional grounds for denial or discipline. Its provisions have been extended to mobile barber shops. Also, one of the terms in the rule has been updated to reflect new terms as established by HB 792 (“license” rather than “certificate of registration”). Otherwise, there will be no change in the impact of this rule on existing license types.

Subchapter R – display of sign or barber pole

The board has a single rule in this subchapter that requires entities to have signage (e.g., a barber pole or a sign that says “barber shop”). The amendment would extend the requirements to mobile barber shops.

1 21 NCAC 06F .0120 is proposed for amendment 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 students at barber schools:

5 Hours

6 Classroom Lecture and Study Periods:

7	Hygiene and Good Grooming, Professional Ethics	25
8	Bacteriology, Sterilization, Sanitation	50
9	Implements, Honing, Stropping, and Shaving	30
10	Men's Haircutting	20
11	Cutting and Styling Curly Hair, Mustaches, and Beards	10
12	Shampooing and Rinsing, Scalp and Hair Treatments	10
13	Theory of Massage and Facial Treatments	5
14	Men's Razor Cutting, Women's Razor, and Shear Cutting	30
15	Finger Waving Men's Hair, Air Waving, and Curling Iron Techniques	5
16	Permanent Waving For Men, Chemical Hair Relaxing, and Blow Drying	25
17	Hair Coloring	10
18	Men's Hair Pieces	5
19	The Skin, Scalp, and Hair	30
20	Disorders of the Skin, Scalp, and Hair	15
21	Anatomy and Physiology	10
22	Electricity Therapy, Light Therapy, and Chemistry	10
23	Barber Styling, <u>Barber Shop and Mobile Barber</u> Shop Management, and Product Knowledge	
24		70
25	Licensing Laws and Rules and History of Barbering	20

26

27 Supervised Practice in Barbering:

28	Shampooing and Scientific Hair and Scalp Treatments	55
29	Shaving	50
30	Tapered Hair Cutting	250
31	Hair Styling of Men and Women	400
32	Facials, Massages, and Packs	10
33	Bleaching, Frosting, Hair Coloring, and Body Permanents	90
34	Cutting and Fitting Hair Pieces	5
35	Hair Straightening	5
36	The Analyzing and Treatment of Hair and Skin Disorders	10

37

1	Lectures and Demonstrations on Practical Work:	
2	Shampooing and Scientific Hair and Scalp Treatments	15
3	Shaving	20
4	Tapered Hair Cutting	70
5	Hair Styling of Men and Women	100
6	Facials, Massages, and Packs	5
7	Bleaching, Frosting, Hair Coloring, and Permanent Waving	30
8	Cutting and Fitting Hair Pieces	5
9	Hair Straightening	3
10	The Analyzing and Treating of Hair and Skin Disorders	10
11	Men's and Women's Razor Cutting	15
12		
13		Total Hours 1,528 <u>1,528</u>

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

17		Hours
18	Classroom Lecture and Study Periods:	380
19		
20	Supervised Practice in Barbering:	
21	Tapered Hair Cutting	25
22	Hair Styling of Men and Women	34
23	Bleaching, Frosting, Hair Coloring, and Body Permanents	35
24		
25	Lectures and Demonstrations on Practical Work:	
26	Shampooing and Scientific Hair and Scalp Treatments	8
27	Shaving	5
28	Tapered Hair Cutting	20
29	Hair Styling of Men and Women	50
30	Bleaching, Frosting, Hair Coloring, and Permanent Waving	5
31	The Analyzing and Treating of Hair and Skin Disorders	7
32	Men's and Women's Razor Cutting	7
33		
34		Total Online Hours 576

35

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 *Authority G.S. 86B-28*

1 21 NCAC 06L .0104 is proposed for amendment 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 *Authority G.S. 86B-11; 86B-19*

1 21 NCAC 06L .0106 is proposed for amendment 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)~~ G.S. 86B-
13 21(a) 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 *Authority G.S. 86B-21*

1 21 NCAC 06L .0109 is proposed for amendment 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~~ Chapter
5 86B of the North Carolina General Statutes shall use any ~~commercial chemical~~ disinfectant in the practice of barbering
6 unless the ~~commercial chemical~~ disinfectant is received with a list of all contents and instructions for its use.

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

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

9 (2) effective against communicable pathogens, including:

10 (A) Human immunodeficiency virus;

11 (B) Hepatitis B and C;

12 (C) Herpes;

13 (D) Influenza;

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

15 (F) Trichophyton;

16 (G) Microsporum;

17 (H) Epidermophyton; and

18 (G) Staphylococcus.

19

20 *Authority G.S. 86B-21*

1 21 NCAC 06L .0111 is proposed for amendment 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~~ G.S. 86B-12 shall only be performed
5 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);~~ G.S. 86B-21(b) under the following conditions:

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

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

14 (3) The licensed barber otherwise complies with ~~G.S. 86A-15(a);~~ G.S. 86B-21(a).

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

17

18 *Authority G.S. 86B-11; 86B-12; 86B-21*

1 21 NCAC 06L .0119 is proposed for amendment 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)~~ G.S. 86B-21(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~~ G.S 86B-23 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)~~ G.S. 86B-21(b) 1;
- 15 (13) whether there are sterilizing containers and solutions that are used according to manufacturer
16 instructions 20.

17

18 *Authority G.S. 86B-2; 86B-20; 86B-21; 86B-23*

1 21 NCAC 06L .0120 is proposed for amendment 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 *Authority G.S. 86B-11*

1 21 NCAC 06L .0201 is proposed for adoption as follows:
2

3 **SECTION .0200 – MOBILE BARBER SHOPS**
4

5 **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);

8 (2) a self-contained, self-supporting, enclosed mobile vehicle that is at least 24 feet in length.

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

11 (c) All vehicles shall comply with the statutes and rules of the North Carolina Division of Motor Vehicles.

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

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

17
18 *Authority G.S. 86B-20*

1 21 NCAC 06L .0202 is proposed for adoption 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 G.S. 86B-21(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 G.S. 86B-12 is
18 suitable for the safe cutting of hair and maintained in sanitary and good operating condition as
19 required by G.S. 86B-21(a)(2).
20

21 *Authority G.S. 86B-20; 86B-21*

1 21 NCAC 06L .0203 is proposed for adoption 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 *Authority G.S. 86B-20*

1 21 NCAC 06L .0204 is proposed for adoption 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, apprentices, or holders of valid temporary permits provide
7 barbering services in the mobile barber shop; and

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

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

13

14 *Authority G.S. 86B-20*

1 21 NCAC 06L .0205 is proposed for adoption 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 of operation.

9 (b) Mobile barber shops are prohibited from operating at a location on a particular date unless that location and date
10 match the information listed in the report required by Paragraph (a) of this Rule.

11

12 *Authority G.S. 86B-20*

1 21 NCAC 06N .0101 is proposed for amendment as follows:
2

3 **21 NCAC 06N .0101 FEES, ACCESS TO FORMS, AND RENEWALS**

4 (a) The Board charges the following amounts for the fees authorized by ~~G.S. 86A-25~~; G.S. 86B-31:

5	(1)	Certificate of registration or renewal as a <u>licensed</u> barber	\$50.00
6	(2)	Certificate of registration or renewal as an a <u>licensed</u> apprentice barber	\$50.00
7	(3)	Barbershop <u>Barber shop</u> permit or renewal	\$50.00
8	(4)	<u>Mobile barber shop permit or renewal</u>	\$50.00
9	(4) (5)	Examination to become a registered <u>licensed</u> barber	\$85.00
10	(5) (6)	Examination to become a registered <u>licensed</u> apprentice barber	\$85.00
11	(6) (7)	Late fee for restoration of an expired barber certificate <u>license</u> within first year after expiration	\$35.00
12			
13	(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
14			
15	(8) (9)	Late fee for restoration of an expired apprentice certificate <u>license</u> within the first year after expiration	\$35.00
16			
17			\$35.00
18	(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
19			
20	(10) (11)	Late fee for restoration of an expired barber shop certificate <u>permit</u>	\$45.00
21	(12)	<u>Late fee for restoration of an expired mobile barber shop permit</u>	\$45.00
22	(11) (13)	Examination to become a barber school instructor	\$165.00
23	(12) (14)	Student permit	\$25.00
24	(13) (15)	Issuance of any duplicate copy of a license, certificate, license or permit	\$10.00
25	(14) (16)	Barber school permit or renewal	\$130.00
26	(15) (17)	Late fee for restoration of an expired barber school certificate <u>permit</u>	\$85.00
27	(16) (18)	Barber school instructor certificate <u>license</u> or renewal	\$85.00
28	(17) (19)	Late fee for restoration of an expired barber school instructor certificate <u>license</u> within first year after expiration	\$45.00
29			
30	(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
31			
32	(19) (21)	Inspection of newly established barbershop <u>barber shop</u>	\$120.00
33	(22)	<u>Inspection of newly established mobile barber shop</u>	\$120.00
34	(20) (23)	Inspection of newly established barber school	\$220.00
35	(21) (24)	Issuance of a registered barber or apprentice certificate <u>license</u> by certification <u>reciprocity</u>	\$120.00
36	(22) (25)	Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter	

1 21 NCAC 06N .0103 is proposed for amendment 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 *Authority G.S. 86B-2; 86B-11; 86B-15*

1 21 NCAC 06N .0114 is proposed for amendment 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 Subchapter;
- 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 Subchapter;
- 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 Subchapter;
- 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 Subchapter;
- 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 Subchapter;
- 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 Subchapter;
- 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 Subchapter;
- 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
28 Subchapter; 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 Subchapter;

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 *Authority G.S. 93B-15(a)*

1 21 NCAC 06N .0116 is proposed for adoption 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);

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 Subchapter 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 *Authority G.S. 86B-11; 86B-19; 86B-20; 86B-21; 86B-31*

1 21 NCAC 06O .0105 is proposed for amendment 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 *Authority G.S. 86B-10; 86B-11*

1 21 NCAC 06O .0106 is proposed for amendment 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 *Authority G.S. 86B-10; 86B-11; 86B-23*

1 21 NCAC 06O .0108 is proposed for amendment as follows:

2

3 **21 NCAC 06O .0108 INSPECTIONS OF ~~SHOPS~~ BARBER SHOPS, MOBILE BARBER SHOPS, AND**
4 **SCHOOLS**

5 The presumptive civil penalty for refusing to permit or preventing the inspection of a barber ~~shop~~ shop, mobile barber
6 shop, or barber school:

- | | | | |
|---|-----|-------------|----------|
| 7 | (1) | 1st offense | \$150.00 |
| 8 | (2) | 2nd offense | \$300.00 |
| 9 | (3) | 3rd offense | \$500.00 |

10

11 *Authority G.S. 86B-10; 86B-11; 86B-21(b)*

1 21 NCAC 06O .0112 is proposed for amendment 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. 86B-10; 86B-11; 86B-17*

1 21 NCAC 06O .0113 is proposed for amendment 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 *Authority G.S. 86B-10; 86B-21*

1 21 NCAC 06O .0114 is proposed for amendment 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 *Authority G.S. 86B-10; 86B-21*

1 21 NCAC 06O .0119 is proposed for amendment 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 *Authority G.S. 86B-10; 86B-11*

1 21 NCAC 06O .0121 is proposed for amendment 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 *Authority G.S. 86B-2; 86B-10; 86B-11; 86B-23*

1 21 NCAC 06O .0122 is proposed for amendment 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 *Authority G.S. 86B-10; 86B-11; 86B-28*

1 21 NCAC 06O .0123 is proposed for adoption 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 *Authority G.S. 86B-10; 86B-11*

1 21 NCAC 06O .0124 is proposed for adoption 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 *Authority G.S. 86B-10; 86B-20*

1 21 NCAC 06O .0125 is proposed for adoption 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 *Authority G.S. 86B-10; 86B-20*

1 21 NCAC 06O .0126 is proposed for adoption 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 *Authority G.S. 86B-10; 86B-20*

1 21 NCAC 06Q .0101 is proposed for amendment as follows:

2

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

4 Except as provided in ~~Chapter 86A~~ Chapter 86B of the General Statutes, 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; 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~~ G.S. 86B or any rule adopted by the Board for
21 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 *Authority G.S. 86B-2; 86B-11; 86B-12; 86B-16; 86B-17; 86B-19; 86B-21; 86B-23; 86B-24; 86B-25; 86B-27; 86B-*
25 *28; 86B-29; 86B-30*

1 21 NCAC 06R .0101 is proposed for amendment 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
7 a "~~barber pole~~" barber pole as defined in 21 NCAC 06P .0103(3) that is visible from the street.

8

9 *Authority G.S. 86B-11; 86B-19*



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 16, 2022

SUBJECT: Staff comments on rulemaking for mobile barber shops

On July 25, I sent you a memo and draft rules related to mobile barber shops. I also shared the draft rules with the board inspectors for comments. Below are their comments for the board to consider when it discusses the draft rules on August 23. In some cases, I've added my own comments, normally to provide context or background or to help the board identify the rule that would need to be amended.

ALCOHOL IN MOBILE BARBER SHOPS

An inspector suggested that the board should prevent alcoholic beverages from being served in mobile barber shops or for there to be open containers. The inspector believed that open containers may present a public-safety issue, both in the performance of barber services and the operation of the vehicle.

Executive director comments:

The board may be able to prohibit alcohol under G.S. § 86B-20(c), which includes authorization for the board to "adopt rules for the operation ... of mobile barbershops, including standards for ... safety and sanitary requirements." The prohibition would best fit under draft Rule 06L .0201.

The board should be aware that open-container laws don't prohibit all instances of open containers in vehicles, so if the board wants to prevent open containers in mobile barber shops, it may not be able to rely on existing open-container laws and may need to propose additional rules. The board should also consider whether there are circumstances when it's acceptable to have alcohol in a mobile barber shop, such as when no barber services are being provided (e.g., parked at the owner's residence during off hours).

DISPOSAL OF WASTEWATER

There was some concern about how mobile barber shops will handle wastewater. Although there's a rule that requires mobile barber shops to comply with all federal, state, and local laws concerning disposal of wastewater, the inspectors were worried about shops that would violate the laws. One inspector recommended a rule requiring shops to keep a log of how they empty their "gray" and "black" tanks.

Executive director comments:

If the board wants to propose a requirement to keep a log, the best approach would be to add it to proposed Rule 06L .0205 and change the rule title to "Reporting requirements for mobile barber shops."

As suggested in the July 25 memo, the board would have three options under the proposed rules: (1) levy civil penalties of \$500 for each instance of noncompliance with laws about the disposal of wastewater; (2) take disciplinary action, such as license revocation or suspension; and (3) refer the matter to other government authorities that have jurisdiction and may have stronger enforcement tools. These options aren't mutually exclusive.

The board could consider insurance requirements that deal with wastewater disposal (or that hold licensees responsible for noncompliance with wastewater-disposal laws), but this would need to be an area for further research.

The board could also offer educational information to applicants that addresses proper disposal of wastewater.

SINKS IN BARBER SHOPS

An inspector raised the question of the impact of the legislation and draft rules on the sink requirements for brick-and-mortar barber shops. He wanted to know whether barber shops would be able to have portable sinks rather than sinks with plumbing that goes into the sewer system.

Executive director comments:

The inspector raises an important point: if the board wants barber shops to continue to meet the current plumbing requirements for sinks, then it'll need to adopt rules. In the past, this requirement appeared in statute, but that statute has been amended. Without new rules, barber shops won't be prohibited from using portable sinks with reservoirs instead of plumbing. (Technically, barber shops can use "portable" sinks now, but they must be connected to the plumbing system.) The board could put such a requirement either in Rule 06L .0103 or in Rule 06L .0107 (changing the title to "Lavatories and Sinks").

APPRENTICES IN MOBILE BARBER SHOPS

An inspector suggested that there be stiffer penalties for apprentices working in mobile barber shops without a registered barber present than for apprentices in barber shops. As with other draft rules that have stiffer civil penalties for mobile barber shops, the idea is that it's harder to catch violations in mobile barber shops, so the penalties should be harsher.

Executive director comments:

If the board agrees with the inspector, it should change Rule 06O .0104.

TEMPORARY PERMITS

An inspector raised the question of whether holders of temporary permits (e.g., recent barber-school graduates) would be able to work in mobile barber shops. The draft rules don't address the issue, and the assumption was that they could work in mobile barber shops. However, the board may want to consider the possible issues with temporary permits being issued for individuals to work in mobile barber shops.

MONTHLY ITINERARY REPORT

Under the new legislation and the draft rules, mobile barber shops will be required to submit itineraries showing their location each day they'll be operating. During discussions with an inspector, the question came up whether the report should also indicate the anticipated time of day for each location. Having that information would help the inspectors locate a mobile barber shop that plans to move throughout a particular day.

The July 25 memo said:

The board may want to consider whether it'll allow mobile shops to update their itineraries if circumstances change. It may be difficult for mobile shops to know a month in advance where they'll be, although it's clear that the new board will have the authority to establish this requirement. Rule .0205 could be updated to allow changes to the itinerary, perhaps with a certain amount of advance notice. At the same time, the board should keep in mind that the closer to the actual date that the itinerary can be modified, the harder it'll be for the staff to plan inspections.

All the inspectors agreed that the board should allow shops to modify their itinerary after the end-of-month submission deadline. As one inspector noted, the less flexibility the board gives the mobile shops to alter their schedules, the more likely they are to "go rogue" and violate laws prohibiting them from operating in unreported locations.

LENGTH OF VEHICLES

Rule 06L .0120 requires vehicles to be either (a) motor homes or (b) self-contained, self-supporting, enclosed mobile vehicles that are at least 24 feet in length. As explained in the July 25 memo, this 24-foot requirement for vehicles other than motor homes represents the larger-sized sprinter vans.

An inspector noted that there are illegal mobile barber shops operating now that don't have a toilet and won't be able to get licensed by the board. The inspector wasn't taking issue with the proposed rule, but simply observing that these illegal shops won't be able to straighten out their licensure situation. The inspector believed that the 24-foot length would be appropriate, given the requirement for a toilet.

Executive director comments:

The legislation requires mobile barber shops to have toilets. Under § G.S. 86B-20(e), a "mobile barbershop must be equipped with a functional sink and toilet facilities and must maintain an adequate supply of clean water and wastewater storage capacity." The board should consider whether the 24-foot requirement is reasonable, given that there must be a toilet.

QUESTIONS

This section includes questions that came up during discussions with the inspectors. They were more requests for information and clarification than comments on the proposed rules. I'm including them here—along with the responses—since the information may be useful to the board and the public.

1. Will non-barbering businesses be prohibited in mobile barber shops?

As with barber shops, there must be a substantial partition between the mobile barber shop and another business, apart from cosmetology and shoe-shining. Cosmetology salons currently can't operate in mobile vehicles, and mobile vehicles are too small to accommodate a business that's within the mobile vehicle but still separated from the barber shop. Therefore, as a practical matter, mobile barber shops will only be able to provide barbering and shoe-shining services. If the law changes for cosmetology salons, then mobile barber shops might be able to be dually permitted.

2. Will cosmetologists be able to work in mobile barber shops?

This will be a question for the Board of Cosmetic Arts Examiners to answer. Currently, mobile vehicles cannot be licensed as mobile salons, but any questions about where cosmetologists may perform services will need to be referred to that board.

3. How will inspectors know the locations of mobile barber shops?

Based on the data submitted by those shops, reports can be generated for the geographical area in which an inspector will be working on a particular week, just as inspectors get reports for geographical areas for brick-and-mortar barber shops.