



## **NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS**

barbers.nc.gov • ncbee.com  
barbers@nc.gov • electrolysis@nc.gov  
Telephone (919) 814-0640 • Fax (919) 981-5068  
7001 Mail Service Center  
Raleigh, NC 27699-7000

### **Minutes for Public Meeting**

Held January 10, 2023, at 8:30 a.m.  
Videoconference

#### **Board Members**

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

#### **Executive Director**

Dennis Seavers

#### **Counsel to the Board**

M. Jackson Nichols

The meeting of the North Carolina Board of Barber and Electrolysis Examiners was called to order at 8:37 a.m., on January 10, 2023.

The following board members were present during the meeting by video- or teleconference: Sherod Holloway; Craig N. Burkhart, MD; Kristina Proctor; Michael T. Swinney; and David L. Williams. No board members were absent. To ensure representation by all industries, the board also had the following individuals who are expected to be appointed to the board participate as though they were board members,

without voting or making motions: Don Beal; Stacy M. Miller, LE, CPE; and Margaret Wingate, LE.

Also in attendance by videoconference were Dennis Seavers, Executive Director, and Catherine E. Lee, Counsel to the Board.

**OPEN SESSION**

Without objection from the board members, Mr. Holloway acted as chairperson during the meeting.

**Ethics awareness and conflict of interest**

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

**Election of interim chairperson**

Mr. Holloway referred board members to Mr. Seavers’s January 1, 2023 memo on the election of an interim chairperson and the necessity of having the position (see Attachment 1). Dr. Burkhart nominated Mr. Holloway as chairperson, and Ms. Proctor seconded. The motion passed, 5–0.

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

**Minutes from December 11 and 13, 2022 meetings**

Dr. Burkhart made a motion to approve the minutes from the December 11, 2022 meeting of the former Board of Electrolysis Examiners, and Ms. Proctor seconded. The motion passed, 5–0.

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

Ms. Proctor made a motion to approve the minutes from the December 13, 2022 meeting of the former Board of Barber Examiners, and Mr. Swinney seconded. The motion passed, 5–0.

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

Mr. Swinney made a motion to approve the closed-session narrative from the December 13, 2023 meeting of the former Board of Barber Examiners, and Dr. Burkhart seconded. The motion passed, 5–0.

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

### **Administrative hearing**

The board held the continuation of a hearing that the Board of Barber Examiners initially began on December 13, 2022, for Darwin L. Paz, file #11593. Mr. Paz was present for the hearing. Lauren Walser, an inspector for the board, offered testimony.

### **Adoption of bylaws**

Mr. Holloway referred board members to Mr. Seavers’s January 1, 2023 memo on bylaws (see Attachment 2).

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

### **Rulemaking—technical changes to barber-related rules**

Mr. Holloway referred board members to Mr. Seavers’s January 1, 2023 memo on rulemaking for technical changes to barber-related rules (see Attachment 3). After discussion, Ms. Proctor made a motion to adopt the rules. Dr. Burkhart seconded the motion, which passed, 5–0.

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

**Rulemaking—general changes to barber-related rules (temporary rules)**

Mr. Holloway referred board members to Mr. Seavers’s January 1, 2023 memo on rulemaking under temporary procedures for general changes to barber-related rules (see Attachment 4). After discussion, Dr. Burkhart made a motion to propose the rules. Ms. Proctor seconded the motion, which passed, 5–0.

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

**Rulemaking—mobile barber shops (temporary rules)**

Mr. Holloway referred board members to Mr. Seavers’s January 1, 2023 memo on rulemaking under temporary procedures for mobile barber shops (see Attachment 5). After discussion, Ms. Proctor made a motion to propose the rules, and Dr. Burkhart seconded. The motion passed, 5–0.

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

**Rulemaking—barber exam scores (permanent rules)**

Mr. Holloway referred board members to Mr. Seavers’s December 24, 2022 memo on rulemaking related to exam scores (see Attachment 6). After discussion, Mr. Williams made a motion to propose the rules, with one exception: individuals would need to retake the passed exam if they do not pass the other exam within three years (in contrast, the original proposal was to have no time limit). Ms. Proctor seconded the motion, which passed, 5–0.

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

**Budget and authority for contracts**

Mr. Holloway referred board members to Mr. Seavers’s January 4, 2023 memo on the board budget and authority for contracts (see Attachment 7). After discussion and questions, Ms. Proctor made a motion to adopt the proposal outlined in the memo. Mr. Williams seconded the motion, which passed, 5–0.

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

**Per diem payments**

Mr. Holloway referred board members to Mr. Seavers’s January 4, 2023 memo on per diem payments for board members (see Attachment 8). Dr. Burkhart made a motion to adopt a policy for board members to receive the \$100 per diem for regular board meetings. Mr. Williams seconded the motion, which passed, 5–0.

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

**CLOSED SESSION**

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

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

The board entered closed session at 9:42 a.m. The board emerged from closed session at 10:13 a.m.

**OPEN SESSION**

**Determinations**

Mr. Williams made a motion to deny the application submitted by Darwin L. Paz and to bar reapplication for three years. For Flow Barber Shop to operate as a barber shop, a new barber shop permit application would need to be submitted. Mr. Paz would be barred from involvement as a barber, owner, or manager with any barber shop during his period of non-licensure. Ms. Proctor seconded the motion, which passed, 5–0.

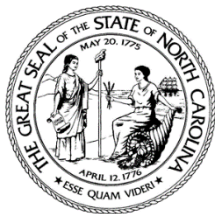
<b>Vote</b>	<b>Sherod Holloway</b>	<b>Craig Burkhart</b>	<b>Kristina Proctor</b>	<b>Michael T. Swinney</b>	<b>David Williams</b>
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Mr. Holloway adjourned the meeting at 10:16 a.m.

Minutes approved on February 28, 2023

---

Sherod Holloway  
Board Chairperson



# NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

## Memo

TO: Board members and anticipated board appointees

FROM: Dennis Seavers

DATE: January 1, 2023

**SUBJECT: Election of chairperson to act until the board is fully appointed**

---

The new board is not expected to be fully appointed by the time of its January 10, 2023 meeting. However, on a temporary basis, the board should elect a chairperson. This individual can serve until the new board is fully appointed and the officers can be elected.

The temporary chairperson is necessary now because only the agency head (that is, the chairperson) can designate a rulemaking coordinator (typically, the executive director). The coordinator is responsible for rule filings, among other rulemaking-related activity. Since the board is proposing or adopting numerous rules that need to be filed quickly, there's an immediate need for a rulemaking coordinator. Otherwise, I won't be able to file the rules.



# NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

## Memo

TO: Board members and anticipated board appointees

FROM: Dennis Seavers

DATE: January 1, 2023

**SUBJECT: Bylaws**

---

Attached to this memo are proposed bylaws for the Board of Barber and Electrolysis Examiners. The bylaws are almost identical to the bylaws of the Board of Barber Examiners.

Bylaws for government agencies are different from the sort of bylaws that are necessary and legally binding for corporations. Whereas corporation bylaws establish the company's structure, governance, and procedures, those functions for the board will often be set by statute or rule. Bylaws for a government board or commission are simply a policy for internal governance. The board's bylaws cannot contravene statutes or rules but instead fill in gaps where statutes or rules aren't explicit and where additional rules wouldn't be necessary or permissible.

Although these bylaws are an updated version of the Barber Board's bylaws, you should feel free to modify them if you wish to take a different approach. Examples of possible changes might include the creation of additional officers (such as multiple vice chairpersons) or the establishment of standing committees.



---

# NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS BYLAWS

## **ARTICLE I—NAME AND PURPOSE**

### **Section 1. Name**

The name of the board is the North Carolina Board of Barber and Electrolysis Examiners.

### **Section 2. Purpose**

The purpose of the board is to carry out all powers and duties outlined under Chapter 86B of the North Carolina General Statutes.

## **ARTICLE II—MEMBERSHIP AND MEETINGS**

### **Section 1. Members**

The board shall consist of nine members as set forth in N.C. Gen. Stat. § 86B-1.

### **Section 2. Meetings**

The board shall hold meetings as determined by the chairperson or the board and as permitted by Chapter 143, Article 33C of the North Carolina General Statutes.

### **Section 3. Quorum**

A majority of the members of the board shall constitute a quorum for the purpose of transacting business, and all action by the board shall be by majority vote of those present.

### **Section 4. Robert's Rules of Order**

The current edition of *Robert's Rules of Order* shall govern Board meetings, except as prohibited by law.

## **ARTICLE III—OFFICERS**

### **Section 1. Officers**

The officers of the Board shall be a chair and a vice chairperson. All officers of the Board shall be elected by the Board on an annual basis.

### **Section 2. Chairperson and vice chairperson**

The chairperson shall perform the duties and have the responsibilities of the agency head of the Board; shall preside at meetings of the board; shall supervise the performance of all activities of the board; shall keep the board duly informed and carry out its decisions; and shall perform such further duties and have such further powers as pertain to the office or as may be designated by the board. The vice chairperson shall assume the duties of the chairperson in absence of the chairperson and shall have such other and further duties as the chairperson from time to time may provide.

### **Section 3. Term of Office**

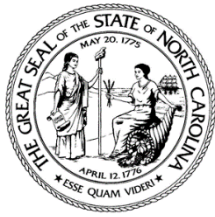
All officers shall serve until the close of the annual Board meeting in which elections are held. Should a vacancy occur in the office of chairperson or vice chairperson, a replacement shall be elected by the board. Any officer elected during a term to fill a vacancy shall serve only until the close of the next meeting in which annual elections are held.

### **Section 4. Elections**

Elections shall be held annually by the board during an open meeting.

### **Section 5. Attendance at meetings**

If an elected board officer should fail to attend two consecutive meetings of the board without good cause, the officer shall be automatically removed from office and a successor elected.



# NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

## Memo

TO: Board members and anticipated board appointees

FROM: Dennis Seavers

DATE: January 1, 2023

**SUBJECT: Rulemaking—technical changes for barber-related rules**

---

House Bill 792 was signed by the governor on July 8, 2022, and most provisions go into effect on January 1, 2023. As a result of this bill, four of the Barber Board's former rules will need to be amended to reflect technical changes, such as the agency name or contact information. There is also a typographical error in one of the rules.

These changes are presented separately because they are so technical that they can be amended without going through the normal rulemaking process.

### **Board action and future steps**

1. If the board agrees with the proposed amendments, it should make a motion to adopt them.
2. I will file them with the Codifier of Rules.
3. If the Codifier approves them, they will go into effect February 1, 2023.

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 electrolysis@nc.gov.

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. ~~864-6~~; S.L. 2022-72, s. 2;*

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 .0121 is amended without notice pursuant to G.S. 150B-21.5(a)(3) and (5) as follows:

2

3 **21 NCAC 06F .0121 PENAL INSTITUTIONS**

4 (a) The Board may enter into memoranda of understanding or other agreements with the North Carolina Department  
5 of ~~Public Safety, Division of Adult Correction and Juvenile Justice~~ for the approval of schools of barbering at penal  
6 institutions within North Carolina.

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

10

11 *History Note: Authority G.S. ~~86A-22~~; S.L. 2022-72, s. 2;*

12 *Eff. June 1, 2008;*

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

14 *Amended Eff. February 1, 2023.*

1 21 NCAC 06F .0123 is amended without notice pursuant to G.S. 150B-21.5(a)(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~~; S.L. 2022-72, s. 2;*

9 *Eff. September 1, 2009;*

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

11 *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; S.L. 2022-72, s. 2;*  
 28 *Eff. July 1, 2016. 2016;*  
 29 *Amended Eff. February 1, 2023.*



# NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

## Memo

TO: Board members and anticipated board appointees

FROM: Dennis Seavers

DATE: January 1, 2023

**SUBJECT: Rulemaking—general changes for barber-related rules**

---

House Bill 792 was signed by the governor on July 8, 2022, and most provisions go into effect on January 1, 2023. Among the provisions are changes like the names of license types and the establishment of a new agency that merges the Board of Barber Examiners and Board of Electrolysis Examiners. This memo discusses the attached proposed set of 30 rule amendments to reflect changes in the bill.<sup>1</sup>

(Other memos and batches of rules will be considered separately by the board because the changes are more substantial.)

### BACKGROUND

To assist the board, the Barber Board shared a draft set of rules with stakeholders in August so that the public would have a chance to review them and comment if it wished. There wasn't the sort of outreach for public comment as with the draft rules for mobile barber shops, but only because the attached rules are more technical in nature, reflecting changes in the bill rather than making policy proposals.

### RULEMAKING PROVISIONS

This section of the memo discusses the specific provisions of the rule changes.

#### General

Most of the amendments deal with the five administrative changes described below.

---

<sup>1</sup> Other memos and batches of rules will be considered separately by the board because those changes are either thematic, such as with electrology apprenticeship rules or mobile barber shops, or so technical that they don't need to go through the normal rulemaking process.



### *Agency name changes*

References to the Board of Barber Examiners have been updated to the Board of Barber and Electrolysis Examiners.

### *License name changes*

HB 792 changed some of the names of barber-related license types, as listed in the table below. These terminology changes don't substantively affect the board's regulatory authority, but the attached rules have been updated with the new license names.

<b>How the Barber Board informally referred to the license</b>	<b>Former statutory terminology</b>	<b>New statutory terminology</b>
Registered barber license	Certificate of registration as a registered barber	Barber license
Apprentice barber license	Certificate of registration as an apprentice barber	Apprentice license
Instructor license	Instructor certificate	Instructor license

### *Style changes or improved wording*

Some rules have also been updated without making substantive changes for clarity or to reflect the Office of Administrative Hearings' current style.

### *Updated cross-references*

The board will be considering other rule amendments. Some of the enclosed rules have been updated to make sure the new cross-references are correct.

### *Recodification*

Many of the barber-related rules currently refer to Chapter 86A, which will be recodified as Chapter 86B to reflect the creation of the new board. If a rule is being proposed for amendment for the other purposes discussed below, you may also notice that citations to statutes will be updated with a reference to Session Law 2022-72 (which is HB 792), section 2. (There won't be references to something like G.S. 86B-19 because the new statutes haven't been codified and won't be for about 18 months or so.)

### **Other changes**

Below are explanations for other changes made to specific rules. Please note that not all 30 rules will be listed below because some of the rules only have changes described in the previous section.

### *21 NCAC 06C .0912 – complaints*

This rule was originally adopted by the Barber Board and assumes that the barbershop inspectors would conduct investigations. The rule has been updated to reflect the fact that electrolysis-related matters now fall within the board's jurisdiction. Some complaints may be now handled by the executive director (who can draw on the expertise of others).

### *21 NCAC 06F .102 – manager*

HB 792 changed the minimum number of instructors that barber schools must employ. The rule has been updated to reflect the fact that for-profit barber schools now may have only one instructor employed if they have 20 or fewer students enrolled, whereas previously only nonprofit barber schools could have one instructor employed.

### *21 NCAC 06H .0101 – duties and responsibilities*

There formerly was a distinction between for-profit barber schools and nonprofit barber schools, the latter of which could have as few as one instructor on staff. As discussed with the previous rule, the bill has eliminated this distinction. Paragraph (c) of this rule assumed a distinction existed, so now it should be eliminated.

### *21 NCAC 06J .0110 – notification of address change*

### *21 NCAC 06K .0111 – notification of change of address*

Apart from making changes to reflect the new license names, these rules would change the amount of time within which the licensees or holders of temporary permits must notify the board of address changes. The 60-day time frame is quite long, and a shorter time frame would help make sure that the board has current information.

### *21 NCAC 06K .0112 – applicants with military training and expertise*

### *21 NCAC 06K .0113 – military spouses*

Among other changes, these rules eliminate fees for these applicants. After the adoption of these rules, the General Assembly changed the underlying statute to eliminate the ability of occupational licensing boards to charge these fees. (The Barber Board wasn't charging the fees following the statutory changes because the statute trumped the rules.) The board should update the rules to properly reflect the board's fee authority.

### *21 NCAC 06L .0107 – lavatory*

The new language in Paragraph (c) of this rule puts in place the requirement that long existed in statute for sinks in barber shops: that they have a drainpipe connected to a sewer line. The bill eliminated that language because mobile barber shops won't be

connected to a sewer system, but the board still has the authority to set this requirement in rule.

### *21 NCAC 06N .0109 – form BAR-8*

The rule includes an amendment to Paragraph (d) that specifies the sort of information that should be included on the verification from the out-of-state agency. This information is typical for what we receive with verifications. However, since this information isn't explicitly listed in rule, it would be beneficial for the board to add this language.

### **BOARD ACTION AND FUTURE STEPS**

1. Once the board decides on the final language of the rules (whether the attached language or something similar), it should make a motion to propose the rules.
2. I will file these rules with the Office of Administrative Hearings under temporary procedures. This process, which allows rules to be put in place faster than permanent rulemaking, can only be used in limited circumstances, but new legislation is one of them.
3. There will be a comment period of 15 business days and a public hearing. (The board members don't need to attend the hearing.)
4. No sooner than 30 business days after the filing in Step 2, the board will need to meet again to adopt the rules.
5. Within 15 business days, the Rules Review Commission will meet to review the rules. Assuming the commission approves them, they will be entered into the code six to eight business days later.

Board members should note that it will still be about two months before the temporary rules are in place, even under these accelerated procedures.

1 21 NCAC 06C .0912 is proposed for amendment under temporary procedures as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36  
37 *Authority S. L. 2022-72, s. 2*

1 21 NCAC 06F .0102 is proposed for amendment under temporary procedures as follows:

2

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

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

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

8

9 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06F .0104 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

9

10 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06G .0106 is proposed for amendment under temporary procedures as follows:

2

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

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

6

7 *Authority S. L. 2022-72, s. 2*

1 21 NCAC 06H .0101 is proposed for amendment under temporary procedures as follows:

2

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

4 (a) Barber school managers shall:

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

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

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

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

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

15

16 *Authority G.S. S.L. 2022-72, s. 2*



1 21 NCAC 06I .0105 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

11

12 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06J .0101 is proposed for amendment under temporary procedures as follows:

2

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

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

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

10

11 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06J .0110 is proposed for amendment under temporary procedures as follows:

2

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

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

6

7 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06K .0101 is proposed for amendment under temporary procedures as follows:

2

3

**SUBCHAPTER 06K - ~~REGISTERED~~ LICENSED BARBER**

4

5

**SECTION.0100 – ~~REGISTERED~~ LICENSED BARBER**

6

**7 21 NCAC 06K .0101 ~~REGISTERED~~ LICENSED BARBER**

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

9

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

10

(2) furnish the Board with Form BAR-5 as set forth in 21 NCAC 06N .0106 and pay the fee according to 21 NCAC 06N .0101; and

11

12

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

13

14

15 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06K .0104 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

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

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

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

15

16 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06K .0110 is proposed for amendment under temporary procedures as follows:

2

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

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

7

8 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06K .0111 is proposed for amendment under temporary procedures as follows:

2

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

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

6

7 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06K .0112 is proposed for amendment under temporary procedures as follows:

2  
3 **21 NCAC 06K .0112 APPLICANTS WITH MILITARY TRAINING AND EXPERTISE**

4 (a) Except for individuals who want to apply under ~~G.S. 86A-12 S.L. 2022-72, s. 2, for licensure as to be a registered~~  
5 licensed barber, an individual who has military training and expertise and wants to apply to become a ~~registered~~  
6 licensed barber in this State shall:

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

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

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

19 (c) If the applicant meets the requirements in Paragraph (a) of this Rule and G.S. 93B-15.1(a2), the applicant shall  
20 ~~shall~~:

- 21 (1) ~~submit the fee as set forth in 21 NCAC 06N .0101(a)(4); and~~  
22 (2) ~~make a score of at least 70 percent on the clinical practical examination.~~

23 ~~(d) After being approved under this Rule, the applicant shall submit the following fee:~~

- 24 (1) ~~if the applicant meets the requirements of this Rule for licensure without examination, the fee as set~~  
25 ~~forth in 21 NCAC 06N .0101(a)(21); or~~  
26 (2) ~~if the applicant meets the requirements of Paragraph (c) of this Rule, the fee as set forth in 21 NCAC~~  
27 ~~06N .0101(a)(1).~~

28 ~~(e)~~(d) The Board shall issue a temporary permit for the applicant to work as a ~~registered~~ licensed barber while he or  
29 she complies with the requirements of this Rule under the following circumstances:

- 30 (1) if the applicant has submitted the Form BAR-11 and part of the documentation required by 21  
31 NCAC 06N .0112(a)(2), and this partial documentation establishes that he or she served in the  
32 military and has certification or experience in barbering, the Board shall issue a temporary permit  
33 that lasts 90 days or until the Board denies the application, whichever is earlier; or  
34 (2) if the applicant is required to take the practical examination and has met the requirements in  
35 Paragraph (a) and Subparagraph (c)(1) of this Rule, the Board shall issue a temporary permit that  
36 last 90 days or until the Board denies the application, whichever is earlier. Upon written request by



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

3

4    *Authority S.L. 2022-72, s. 2; G.S. 93B-15.1*

1 21 NCAC 06K .0113 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

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

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

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

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

18

19 *Authority G.S. S.L. 2022-72, s. 2; G.S. 93B-15.1*

1 21 NCAC 06L .0107 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

11

12 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06N .0102 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

15

16 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06N .0104 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

7 (3) the name of the school enrolled;

8 (4) the date of enrollment; and

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

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

11

12 *Authority S.L. 2022-72, s. 2; G.S. 93B-14*

1 21 NCAC 06N .0105 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

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

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

11

12 *Authority G.S. S.L. 2022-72, s. 2; G.S. 93B-14*

1 21 NCAC 06N .0106 is proposed for amendment under temporary procedures as follows:

2

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

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

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

7 (2) the barber school training; attended and the date of graduation; and

8 (3) the ~~length affidavit of barbering experience.~~ experience as an apprentice barber required by S.L.  
9 2022-72, s. 2.

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

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

12

13 *Authority S.L. 2022-72, s. 2; G.S. 93B-14*

1 21 NCAC 06N .0107 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

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

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

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

12

13 *Authority S.L. 2022-72, s. 2; G.S. 93B-14*



1 21 NCAC 06N .0109 is proposed for amendment under temporary procedures as follows:

2

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

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

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

8 (2) whether the applicant attended barber school and the name and address of any barber school attended  
9 in another state; and

10 (3) barbering experience and the status of each barber license in another state.

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

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

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

15 (1) The applicant's length of licensure;

16 (2) Whether the applicant held the license continuously or had any breaks in licensure;

17 (3) If there were any breaks in licensure, the reason for those interruptions; and

18 (4) Whether there were any disciplinary actions or are any open complaints against the license.

19

20 *Authority S.L. 2022-72, s. 2; G.S. 93B-14*

1 21 NCAC 06N .0110 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

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

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

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

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

12 (8) a copy of the bond or alternative to a bond required by ~~G.S. 86A-22(7)(a)~~ S.L. 2022-72, s. 2, or a  
13 request for waiver under ~~G.S. 86A-22(7)(e)~~ S.L. 2022-72, s. 2.

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

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

17

18 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06N .0112 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

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

12

13 *Authority S.L. 2022-72, s. 2; G.S. 93B-14; 93B-15.1*

1 21 NCAC 06O .0102 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$200.00

7 (2) 2nd offense \$300.00

8 (3) 3rd offense \$500.00

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

10 (1) 1st offense \$150.00

11 (2) 2nd offense \$300.00

12 (3) 3rd offense \$500.00

13

14 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0104 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$400.00

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

10 (1) 1st offense \$200.00

11 (2) 2nd offense \$300.00

12 (3) 3rd offense \$500.00

13

14 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0109 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$200.00

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

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$200.00

14

15 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0110 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$250.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

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

11 (1) 1st offense \$250.00

12 (2) 2nd offense \$450.00

13 (3) 3rd offense \$500.00

14

15 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0116 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$200.00

7 (2) 2nd offense \$300.00

8 (3) 3rd offense \$500.00

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

10 (1) 1st offense \$150.00

11 (2) 2nd offense \$450.00

12 (3) 3rd offense \$500.00

13

14 *Authority S.L. 2022-72, s. 2*



1 21 NCAC 06O .0117 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

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

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$250.00

14

15 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06P .0103 is proposed for amendment under temporary procedures as follows:

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

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

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

29  
30 *Authority S.L. 2022-72, s. 2; G.S. 93B-15.1*



# NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

## Memo

TO: Board members and anticipated board appointees

FROM: Dennis Seavers

DATE: January 1, 2023

**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. Among other provisions, the bill creates a new type of license for mobile barber shops, which previously were prohibited. This memo discusses the attached proposed set of 38 rule amendments and adoptions to implement this part of 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.

This memo refers to a couple of boards, so for the sake of clarity:

- “Board” refers to the new Board of Barber and Electrolysis Examiners; and
- “Barber Board” refers to the former Board of Barber Examiners.

## **BACKGROUND**

To assist the board, the Barber Board developed a draft set of rules for mobile barber shops. The intention was to recommend a set of rules that had been discussed, debated, and commented on by interested parties. That way, the new board could have a solid set of recommendations from which to propose rules.

### **Work of the Barber Board**

The rules were developed by drawing on the work of an ad hoc committee of the Barber Board and on regulations for mobile shops in other states. The Barber Board shared the draft rules with stakeholders and received public comments for a little over 10 weeks. Based on the public comments received, the board finalized the attached rules. (For

your reference, a copy of the public comments is attached to this memo, after the recommended rules. The Barber Board incorporated some but not all public comments.)

## Responsibility of the board

Board members should regard the attached rules as a recommendation based on the Barber Board’s expertise, but you are not bound by the actions of that board. Ultimately, this board is responsible for the proposed rules and implementation of the legislation.

## 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.

Board members, especially members who served on the Barber Board, should note that HB 792 changed some of the names of barber-related license types, as listed in the table below. These terminology changes don’t substantively affect the board’s regulatory authority.

How the Barber Board informally referred to the license	Former statutory terminology	New statutory terminology
Registered barber license	Certificate of registration as a registered barber	Barber license
Apprentice barber license	Certificate of registration as an apprentice barber	Apprentice license
Instructor license	Instructor certificate	Instructor license

## 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 board’s jurisdiction.<sup>1</sup> 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 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.

---

<sup>1</sup> Although the rules formerly under the jurisdiction of the Electrolysis Board are in Title 21, Chapter 19, they are in the process of being moved to Chapter 06.

## **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 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 16 feet in length. Initially, the Barber Board proposed that the vehicle be at least 24 feet but reduced the recommended length based on public comments. The Barber Board also added a clarification after the public-comments period that trailers or

towed units would not be allowed. This rule was originally intended to prohibit trailers or towed units, but the revision makes that more explicit.

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. They 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 all activities at the mobile shop, regardless of whether he or she is on the premises. Included among the manager's responsibilities would be the sanitary condition of the mobile shop and verification that only licensed barbers provide barber services in the mobile shop.

As the table at the beginning of this memo explained, "licensed barber" is the equivalent of what used to be called "registered barber." Since this rule requires the manager to verify that only "licensed barbers" provide barber services in the mobile barber shop, other individuals who can provide barber services—i.e., licensed apprentices and holders of temporary permits—would therefore be prohibited from working in a mobile shop. The Barber Board decided to recommend this limitation at its December 13, 2022 board meeting to reduce the chance that other license or permit holders who require supervision aren't working alone in the mobile shop.

### *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. By statute, the itinerary must be submitted on the last day of each month for the upcoming month's business activities. 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.

Although the legislation requires the itinerary to be submitted the last day of each month for the upcoming month's business activities, the Barber Board acknowledged that it would be unlikely for a mobile shop to know all its activity for the upcoming month, and it would be common for mobile shops to want to change its schedule to accommodate new appointments or unexpected situations. The Barber Board decided to propose draft rules that allowed revisions to be made to the monthly itinerary; mobile shops would still

need to meet the end-of-month deadline, but they could make certain changes to the itinerary.

The Barber Board attempted to find a good compromise between the needs of (1) inspectors to know the location of mobile shops in advance for the purpose of conducting surprise inspections, and (2) mobile shops to revise their schedules for business purposes. The attached rules reflect some of the general guidelines the Barber Board gave. They would allow mobile shops to operate a new or different location as follows:

- If the new location and time didn't appear on the original report (such as a brand new appointment), the revised report must be submitted at least one business day before the appointment;
- If a location change is more than 20 miles from the original location, the revised report must be submitted at least one business day before the appointment; or
- If a location change is fewer than 20 miles from the original location, the revised report must be submitted at least four hours before the originally reported time.

The 20-mile threshold is meant to allow a business to change its schedule fairly close to the originally reported time, while requiring additional advance notice if the change in location is far from the originally reported location. The distance could certainly be different, but the principle is to prevent inspectors from having to significantly change their travel plans.

The rule allows mobile shops to operate within a half mile of the location they report (whether in the original or revised itinerary) without having to submit a revision. This provision would accommodate situations where a mobile barber shop must move a short distance away due to unanticipated situations like construction or parking issues.

The Barber Board discussed giving mobile shops the option to allow GPS tracking by the board of the vehicles. These vehicles would still need to report their monthly itinerary, but they wouldn't need to submit revised reports when they change locations. This option would need to be voluntary because the board doesn't have the authority to require GPS tracking. After implementation, I will be discussing this option with our licensing-database vendor and assessing cybersecurity and operational implications. At a later date, the board could consider amending its rules to offer this option.

## **Subchapter N – fees and forms**

### *Fees*

Rule .0101 would be amended to establish the fees shown below for mobile shop permits and renewals, late fees, and inspection fees. As part of the temporary rulemaking process, I will need to submit a consultation request to the Joint Legislative Commission on Government Operations. 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 statute requires all mobile shops to 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 dimensions;
- 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 change in name for barber school managers (who 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.

### **BOARD ACTION AND FUTURE STEPS**

1. Once the board decides on the final language of the rules (whether the attached language or something similar), it should make a motion to propose the rules.
2. I will file these rules with the Office of Administrative Hearings under temporary procedures. This process, which allows rules to be put in place faster than permanent rulemaking, can only be used in limited circumstances, but new legislation is one of them.
3. There will be a comment period of 15 business days and a public hearing. (The board members don’t need to attend the hearing.)
4. No sooner than 30 business days after the filing in Step 2, the board will need to meet again to adopt the rules. (This adoption can take place in the context of a regular board meeting. But given the importance of getting the rules in place, I

recommend a special meeting solely for the purpose of adopting temporary rules.)

5. Within 15 business days, the Rules Review Commission will meet to review the rules. Assuming the commission approves them, they will be entered into the code six to eight business days later.<sup>2</sup>

Board members should note that it will still be about two months before the temporary rules are in place, even under these accelerated procedures. In the meantime, I will work with the Office of State Budget and Management to get a fiscal note approved so the board can begin the permanent rulemaking process.

---

<sup>2</sup> The exception will be rules related to new fees, which will be entered into the code after the consultation with the Joint Legislative Commission on Governmental Operations or after 90 days, whichever is sooner.

1 21 NCAC 06F .0120 is proposed for amendment under temporary procedures 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, Barber Shop and Mobile Barber 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 <del>1,528</del> <u>1,528</u>

14

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 S.L. 2022-72, s. 2*

1 21 NCAC 06L .0104 is proposed for amendment under temporary procedures as follows:

2

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

4 ~~(a) All applications for shop permits shall be on file in the office of the Board 15 days prior to the date when a shop~~  
5 ~~will be complete and ready for inspection. Applications shall meet the requirements of 21 NCAC 06N .0102.~~

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

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

10

11 *Authority S.L. 2022-72, s. 2*



1 21 NCAC 06L .0106 is proposed for amendment under temporary procedures as follows:

2

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

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

9 (b) Notwithstanding Paragraph (a) of this Rule and ~~21 NCAC 06L .0102~~, Rule .0102 of this Subchapter, when a  
10 barber shop is located within a ~~shop~~ salon licensed by the North Carolina Board of Cosmetic Art Examiners and was  
11 permitted on or after January 1, 1995, or undergoes modifications or structural renovations after that date, the area  
12 where the barber chair or chairs are located shall comply with the sanitary regulations in ~~G.S. 86A-15(a)~~ S.L. 2022-  
13 72, s. 2, 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 S.L. 2022-72, s. 2*

1 21 NCAC 06L .0109 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

10 (2) effective against communicable pathogens, including:

11 (A) Human immunodeficiency virus;

12 (B) Hepatitis B and C;

13 (C) Herpes;

14 (D) Influenza;

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

16 (F) Trichophyton;

17 (G) Microsporum;

18 (H) Epidermophyton; and

19 (G) Staphylococcus.

20

21 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0111 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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 S.L. 2022-72, s. 2*

1 21 NCAC 06L .0112 is proposed for amendment under temporary procedures as follows:

2

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

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

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

9

10 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0113 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) with an open sore or sores;

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

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

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

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

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

18

19 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0114 is proposed for amendment under temporary procedures as follows:

2

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

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

6

7 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0115 is proposed for amendment under temporary procedures as follows:

2

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

4 (a) The Board's Executive Director and its inspectors may enter and make inspections of any barber shop or mobile  
5 barber shop during ~~its~~ the business hours of the barber shop or mobile barber shop for the purpose of determining  
6 whether ~~or not G.S. 86A S.L. 2022-72, s. 2,~~ and the Board's ~~administrative~~ rules are being followed. Persons authorized  
7 to ~~make an inspection of~~ inspect barber shops or mobile barber shops shall prepare a report according to Rule .0119  
8 of this Section. The report shall be signed by the inspector and shall be available free of charge upon request by ~~the~~  
9 ~~owner or manager~~ or any member of the public. The Board shall provide a copy of any violation notice ~~shall be left~~  
10 ~~with to the barber shop or mobile barber shop. owner or registered barber manager, and retained within the barbering~~  
11 ~~area until the violation is resolved with the Board.~~

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

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

18

19 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0116 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

13

14 *Authority S.L. 2022-72, s. 2*



1 21 NCAC 06L .0117 is proposed for amendment under temporary procedures as follows:

2

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

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

6

7 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0118 is proposed for amendment under temporary procedures as follows:

2

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

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

7 (1) all establishments receiving a sanitary rating of at least 90 percent shall be awarded a grade A;

8 (2) all establishments receiving a sanitary rating of at least 80 percent, and less than 90 percent, shall  
9 be awarded a grade B; and

10 (3) a sanitary rating of less than 80 percent shall be awarded a failing grade.

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

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

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

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

19

20 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0119 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

18

19 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0120 is proposed for amendment under temporary procedures as follows:

2

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

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

7

8 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0201 is proposed for adoption under temporary procedures 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 16 feet in length and that  
9 is not a towed unit or trailer.

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

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

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

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

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

20  
21 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0202 is proposed for adoption under temporary procedures as follows:

2

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

4 Mobile barber shops shall:

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

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

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

11 (4) have smooth finished walls and floors;

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

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

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

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

20

21 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0203 is proposed for adoption under temporary procedures as follows:

2

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

4 Mobile barber shops shall:

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

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

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

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

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

13 (6) immediately cease operation when:

14 (a) wastewater storage capacity has been reached;

15 (b) the toilets do not function;

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

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

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

19

20 *Authority S.L. 2022-72, s. 2*



1 21 NCAC 06L .0204 is proposed for adoption under temporary procedures as follows:

2

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

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

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

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

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

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

12

13 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06L .0205 is proposed for adoption under temporary procedures as follows:

2  
3 **21 NCAC 06L .0205 MONTHLY REPORTS OF LOCATIONS**

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

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

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

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

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

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

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

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

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

20  
21 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06N .0101 is proposed for amendment under temporary procedures 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~~; S.L. 2022-72, s. 2:

5	(1)	Certificate of registration or renewal as a <u>licensed</u> barber	\$50.00
6	(2)	Certificate of registration or renewal as <del>an</del> a <u>licensed</u> apprentice barber	\$50.00
7	(3)	<del>Barbershop</del> <u>Barber shop</u> permit or renewal	\$50.00
8	(4)	<u>Mobile barber shop permit or renewal</u>	\$50.00
9	<del>(4)</del> (5)	Examination to become a <del>registered</del> <u>licensed</u> barber	\$85.00
10	<del>(5)</del> (6)	Examination to become a <del>registered</del> <u>licensed</u> apprentice barber	\$85.00
11	<del>(6)</del> (7)	Late fee for restoration of an expired barber <del>certificate</del> <u>license</u> within first year after expiration	\$35.00
12			
13	<del>(7)</del> (8)	Late fee for restoration of an expired barber <del>certificate</del> <u>license</u> after first year after expiration but within five years after expiration	\$70.00
14			
15	<del>(8)</del> (9)	Late fee for restoration of an expired apprentice <del>certificate</del> <u>license</u> within the first year after expiration	\$35.00
16			
17			
18	<del>(9)</del> (10)	Late fee for restoration of an expired apprentice <del>certificate</del> <u>license</u> after first year after expiration but within three years of first issuance of the <del>certificate</del> <u>license</u>	\$45.00
19			
20	<del>(10)</del> (11)	Late fee for restoration of an expired barber shop <del>certificate</del> <u>permit</u>	\$45.00
21	(12)	<u>Late fee for restoration of an expired mobile barber shop permit</u>	\$45.00
22	<del>(11)</del> (13)	Examination to become a barber school instructor	\$165.00
23	<del>(12)</del> (14)	Student permit	\$25.00
24	<del>(13)</del> (15)	Issuance of any duplicate copy of a <del>license, certificate,</del> <u>license</u> or permit	\$10.00
25	<del>(14)</del> (16)	Barber school permit or renewal	\$130.00
26	<del>(15)</del> (17)	Late fee for restoration of an expired barber school <del>certificate</del> <u>permit</u>	\$85.00
27	<del>(16)</del> (18)	Barber school instructor <del>certificate</del> <u>license</u> or renewal	\$85.00
28	<del>(17)</del> (19)	Late fee for restoration of an expired barber school instructor <del>certificate</del> <u>license</u> within first year after expiration	\$45.00
29			
30	<del>(18)</del> (20)	Late fee for restoration of an expired barber school instructor <del>certificate</del> <u>license</u> after first year after expiration but within three years after expiration	\$85.00
31			
32	<del>(19)</del> (21)	Inspection of newly established <del>barbershop</del> <u>barber shop</u>	\$120.00
33	(22)	<u>Inspection of newly established mobile barber shop</u>	\$120.00
34	<del>(20)</del> (23)	Inspection of newly established barber school	\$220.00
35	<del>(21)</del> (24)	Issuance of a <del>registered</del> barber or apprentice <del>certificate</del> <u>license</u> by <del>certification</del> <u>reciprocity</u>	\$120.00
36	<del>(22)</del> (25)	Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter	

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

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

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

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

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

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

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

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

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

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

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

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

33  
34 *Authority S.L. 2022-72, s. 2; 93B-2*

1 21 NCAC 06N .0103 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

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

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

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

16

17 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06N .0114 is proposed for amendment under temporary procedures as follows:

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

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

- 7 (1) the late fee for restoration of an expired barber ~~certificate~~ license within the first year after expiration  
8 as set forth in ~~21 NCAC 06N .0101(a)(6)~~; Rule .0101(a)(7) of this 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 S.L. 2022-72, s. 2*

1 21 NCAC 06N .0116 is proposed for adoption under temporary procedures 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 S.L. 2022-72, s. 2*



1 21 NCAC 06O .0105 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$500.00

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

9 (1) 1st offense \$250.00

10 (2) 2nd offense \$450.00

11 (3) 3rd offense \$500.00

12

13 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0106 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

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

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$250.00

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

16 (1) 1st offense \$100.00

17 (2) 2nd offense \$150.00

18 (3) 3rd offense \$250.00

19

20 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0108 is proposed for amendment under temporary procedures 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 S.L. 2022-72, s. 2*

1 21 NCAC 06O .0112 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

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

11 (1) 1st offense \$100.00

12 (2) 2nd offense \$150.00

13 (3) 3rd offense \$250.00

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

16 (1) 1st offense \$100.00

17 (2) 2nd offense \$150.00

18 (3) 3rd offense \$250.00

19

20 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0113 is proposed for amendment under temporary procedures as follows:

2

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

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

5 (1) 1st offense \$150.00

6 (2) 2nd offense \$250.00

7 (3) 3rd offense \$500.00

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

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

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

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

12

13 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0114 is proposed for amendment under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$100.00

7 (2) 2nd offense \$150.00

8 (3) 3rd offense \$250.00

9

10 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0119 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

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

12 (1) 1st offense \$50.00

13 (2) 2nd offense \$100.00

14 (3) 3rd offense \$200.00

15

16 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0121 is proposed for amendment under temporary procedures as follows:

2

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

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

- |   |     |             |                              |
|---|-----|-------------|------------------------------|
| 6 | (1) | 1st offense | <del>\$50.00</del> \$150.00  |
| 7 | (2) | 2nd offense | <del>\$100.00</del> \$350.00 |
| 8 | (3) | 3rd offense | <del>\$200.00</del> \$400.00 |

9

10 *Authority S.L. 2022-72, s. 2*



1 21 NCAC 06O .0122 is proposed for amendment under temporary procedures as follows:

2

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

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

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

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

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

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

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

20

21 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0123 is proposed for adoption under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$400.00

7 (2) 2nd offense \$450.00

8 (3) 3rd offense \$500.00

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

10 (1) 1st offense \$200.00

11 (2) 2nd offense \$300.00

12 (3) 3rd offense \$500.00

13

14 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0124 is proposed for adoption under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

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

10 (1) 1st offense \$300.00

11 (2) 2nd offense \$400.00

12 (3) 3rd offense \$500.00

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

14 (1) 1st offense \$300.00

15 (2) 2nd offense \$400.00

16 (3) 3rd offense \$500.00

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

18 (1) 1st offense \$200.00

19 (2) 2nd offense \$300.00

20 (3) 3rd offense \$400.00

21

22 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0125 is proposed for adoption under temporary procedures as follows:

2

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

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

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

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

11

12 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06O .0126 is proposed for adoption under temporary procedures as follows:

2

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

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

6

7 *Authority S.L. 2022-72, s. 2*

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

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

4 Except as provided in ~~Chapter 86A of the General Statutes, S.L. 2022-72, s. 2,~~ the Board:

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

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

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

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

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

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

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

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

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

23  
24 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06R .0101 is proposed for amendment under temporary procedures as follows:

2

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

4 Every establishment permitted to practice barbering shall display at its entrance a sign that is visible from the street  
5 with lettering no smaller than three inches, stating "barber shop," "barber salon," "barber styling," "mobile barber  
6 shop," or similar use of the designation, "shop, ~~salon~~ salon, or styling." Alternatively, an establishment may display  
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. S.L. 2022-72, s. 2*

ITEM	NAME	ORGANIZATION	COMMENTS	EXECUTIVE DIRECTOR COMMENTS
1	Daheem Steele		Ive been waiting for this a long time. I see no issues with any of the rules except for monthly reports of location. The reason being for example if and when i start my mobile shop ill be changing locations constantly by the week. One week i may be in Greensboro the next Jacksonville. I think we should be able to go by some of the same rules as a stationary shop with the same importance to sanitation. Other than that this is really big. Thanks in advance to whom it may	Although the legislation requires the monthly reports, the Board's rules draft rules allow updates to the itinerary. This option to make updates may partially address Mr. Steele's comments.
2	Charly Babikian		My opinion to avoid any inconvenience of business operations for stationary barbershop with leases of long term. The mobile shops should not operate near any existing stationary barbershop with a selective mile distance to avoid parking mobile shops in shopping centers with barber shops. That goes for mobile shops to avoid two mobile shops in same near location.  Also they should pay a rental fee to the state for operating in such locations or be taxed.  This is a new future way to generate revenue to the state and needs to be directed in the right direction For the benefit of the people with dreams/ and the future growth of the state of North Carolina.	The board won't be able to adopt regulations to prevent shops from operating within certain distances of other shops or other mobile barber shops. The FTC would see such regulations as impermissibly anti-competitive. The suggestion for additional fees or taxation would require legislation to implement, but I have no comment on the suggestion.
3	Brian Hunt		I feel having a bathroom on a mobile unit,will make them less sanitary. What I have scene in other areas. Mobile units operate at wedding venues, nurseing homes, special events ,and other locations with proper plumbing. Hand washing basin with hot water absolutely. But having to provide a toilet in a tight mobile unit is just not sanitary. I feel a mobile shop should be like a food truck,used for special events and fund raising for charities. Mobile units should not replace brick and mortar shops. I feel like a mobile unit should have to be affiliated with a established shop. Much like food trucks must	The legislation requires toilets, but I have no comment on the suggestion that bathrooms shouldn't be required as a matter of policy. If the board agrees, it would need to ask the General Assembly to amend the statute. I would recommend that the board first implement the bill and then bring forward a package of suggested changes in future years if necessary.
4	Michael Chatham	City Barber Shop	Based on minimum requirements for brick and mortar barbershops, I am personally against any form of a mobile barbershop. I don't think they can be properly inspected since an inspector will not know it's location. Post Covid, I think a mobile barbershop is a terrible idea.	No response



ITEM	NAME	ORGANIZATION	COMMENTS	EXECUTIVE DIRECTOR COMMENTS
5	Vantwan Newkirk	DIY Mobile Builder	<p>Hello, I would like to first say this is great opportunity for barbers. I am a local trailer builder for NC &amp; TX. I've built several Mobile barbershop trailers for out of state clients (IG @diy_mobilebuilder). My suggestion is that minimum of 8.5x16ft enclosed trailer can meet most of your requirements. I have install plumbing and both barbershop trailers I built. If a restroom is going to be a standard requirement, I believe a 16footer will have enough space to have a restroom. (Please see social page for photos). I would also love to be part of helping finalizing the decision for mobile barbershop since I have experience in building mobile businesses. Please feel free to contact me anytime as I travel to Raleigh, NC frequently.</p>	<p>If the board agrees with the comment that the length should be a minimum of 16 feet rather than 24 feet, the draft rule 21 NCAC 06L .02021 would need to be updated.</p>
6	Rahsaan Stewart	Do Drop Inn Barbershop	<p>1. My question is zoning for a mobile barbershop. Does the mobile barbershop have to have a primary location? If so, does the barbershop have to act as a commissary (i.e. food truck) or does the barbershop stand as it's own business?</p> <p>2. If a barber wanted to do events, private business locations, churches, prisons, etc., would the mobile barbershop license be zoned for that? If these aren't put into place for zoning in the beginning, we would have to go back to NC General Assy and amend the zoning laws put in place for NC.</p>	<p>From the email response from executive director to commenter:</p> <p>There will be a statute that requires mobile barber shops to have a permanent business address at which records of appointments, itineraries, license numbers, and VINs for each mobile barber shops must be kept. This address must also be available for inspection by the board and would be where all correspondence from the board can be received. However, this permanent business address doesn't need to be a brick-and-mortar barber shop. It can simply be a suite or other business location solely for the purposes mentioned above.</p> <p>Local governments would set up zoning requirements, or more broadly they would have local ordinances that might limit where you could operate. It would be up to the mobile barber shop operator to make sure that it doesn't violate local ordinances.</p>

ITEM	NAME	ORGANIZATION	COMMENTS	EXECUTIVE DIRECTOR COMMENTS
7	Leslie Goyette		<p>Hello, Thank you for the opportunity to read the proposed mobile barber shop rules. It all looks great, however the most trickiest area of concern is the shop inspection section. Every stylist and barber know that your schedule changes daily, so to give an accurate monthly schedule is near impossible. You are giving the mobile shop a two day window to know exactly how their day will run. It varies from hour to hour. I suggest that the communication between the inspector and the shop owner of the location where the shop will be parked at night be the location of the inspections. This will allow the inspectors to have one address on file and set up times for the inspection.</p> <p>Thank you again for allowing me to comment. Have a great day!  Leslie Goyette  Barber stylist</p>	<p>See the executive director reponse to item 1. In addition to that response, I would acknowledge the challenge of maintaining a current itinerary in the face of day-to-day business needs. The itinerary is a requirement in statute, but the board could determine whether it will allow businesses to update the itinerary even closer to the actual date than the proposed requirement in the draft rules.</p>
8	Maurice J. Shelton		<p>Man don't ever send me no mess like this again who you think you are. Don't you think y'all Rob people of enough money now you want more than don't ever send me this mess again! I'll cut who I want to cut.</p>	<p>No response</p>
9	Andrew Armstrong		<p>I dont think mobile barbers should be legalize. The board is having a hard enough time inspecting brick and mortar shops. It also gives a higher risk of non licensed persons working in the mobile shop.</p>	<p>No response</p>

ITEM	NAME	ORGANIZATION	COMMENTS	EXECUTIVE DIRECTOR COMMENTS
10	Marcus Jamal Hall		<p>Restrictions on movement should not be limited if Mobile Unit compels with state Regulations. It's a Mobile Barber Unit such as a Food Truck shouldn't be restricted to a location. No Service should be performed with vehicle in motion. Consider GPS locator systems.</p> <p>Follow-up comment submitted by commentor:</p> <p>For example the barber has a stationary Location in Durham. But has a client's in Raleigh/Cary/Knightdale even Charlotte that wants the barber to pull up for serviced within their residence or office area. The board shouldn't restrict that mobile barber to a specific mileage restriction. The distance of operation should be that barber's business decision not the boards. With a GPS system the mobile barber units can be tracked when operating if the board is looking to do pop up inspections. They should be restricted to the state lines not county or city. Long as the Barber is Registered &amp; License they should be able to operate within the entire state if they find service is wanted from them &amp; Legal Site to provide service. It's North Carolina Barber License not a City of Durham, Raleigh or Charlotte Barber License. After the barber is approved for operation under the board. The Business model of Mobile Service should be the barber's business decision</p>	<p>See the executive director response to items 1 and 7. I would only clarify that the purpose of the itinerary is so the board can conduct inspections, not to approve the business decision about where to provide services. The commentor's point about GPS systems is understandable. In this case, the General Assembly decided not to pursue that route. See also the response to item 12 below.</p>

ITEM	NAME	ORGANIZATION	COMMENTS	EXECUTIVE DIRECTOR COMMENTS
11	Pat Cooney		<p>Mr Seavers</p> <p>My name is Patrick Cooney I have been a barber for 18 years in Durham. I understand people need to make a living and have seen a lot of "mobile shops " in Durham thats fine as long as they don't set up in front of my brick and mortar shop.</p> <p>I hope you guys can add some language about how far they have to be away from a licensed barber shop to set up. Much like they have for a food truck. It's not right for them to have the ability to set up in a parking spot next to a guy who has been in business for years with half of the overhead and start cutting hair.</p> <p>Please let me know what you think?</p> <p>Thanks Pat Cooney</p>	<p>From the email response from executive director to commentor:</p> <p>Thank you for taking the time to submit your comments, and I'll be sure to share them with the board. The issue you're raising is a great one, and you're not the only person to have expressed concern about mobile shops setting up in front of a brick-and-mortar shop. It's a very reasonable concern. The short response is that we don't believe we have the authority to prevent a mobile barber shop from operating near another shop, as long as the mobile shop is meeting state and local requirements. However, there may be local ordinances from the city or county, or business leases that prevent the mobile shop from operating.</p> <p>The reason that we wouldn't be able to prohibit them from operating is that the Federal Trade Commission would regard that as an illegal antitrust action by the State that was designed to stifle competition. However, local governments may have ordinances about where mobile businesses -- such as mobile shops or food trucks -- can operate, and that may limit where the mobile shops can park and do business. In addition, if you're on private property, such as a suite leased from a strip mall, that landlord may have noncompete clauses or prohibitions on mobile businesses operating in the parking lot.</p>
12	Valerie Willis		<p>We're in the digital era, I'd recommend GPS system on the mobile barber vehicle. Less work on barber and barber inspectors fulfilling the tedious task of reporting the whereabouts of mobile truck. Inspectors can log on to GPS data base for surprise inspections.</p>	<p>From the email response from executive director to commentor:</p> <p>I very much appreciate your excellent suggestion. The legislation requires mobile shops to submit an itinerary, so we'd have to do that. But maybe we can give them the option to have GPS reporting so that they can move around without having to update the monthly itinerary.</p>

ITEM	NAME	ORGANIZATION	COMMENTS	EXECUTIVE DIRECTOR COMMENTS
13	Deangelo Bethea		<p>I think it's a bit over kill I have been thinking about this and some is on a small scale so just home visit or business that have a rest room when your going to be a a client home or place of business when they have a rest room there I feel is a bit much and more spending on your mobile shop, Also the month Itinerary is another over kill I think there should be levels to what your plan is for your mobile shop if your doing a stop and service in the city completely understand but for those that will be just going to residential or business that will be hard some of us don't know who or how often someone will use your service ( can we please get a license level 1 being basic 3 being the max those that will be on a higher scale and eventually as you grow you can level up your license)</p>	<p>See previous comments about the toilets and the monthly reports. Otherwise, no response.</p>
14	Dominique		<p>Mobile barber shop, why is it important to have a bathroom, I mean it's mobile.</p>	<p>From the email response by executive director to commentor:</p> <p>To respond to your question, the short answer is that the legislation that creates the mobile barber shop license requires the bathroom in the mobile shop. So it's really a statute rather than a board rule that requires it. But there may be a chance for the board to consider comments that identify possible issues with the legislation, as well as the proposed rules, and I'll make sure the board has a chance to consider the comments.</p>

## Seavers, Dennis

---

**From:** White, Bobby  
**Sent:** Wednesday, December 7, 2022 11:42 AM  
**To:** Seavers, Dennis  
**Subject:** RE: [External] re: barbershop

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

Good morning,

Yes, please do. When I went to the website it said comments on that form no longer accepted.

Thanks again!

**\*\*Please note new e-mail address below\*\***

Bobby Q. white, MBA  
Advanced Planning Engineer

 **Hitachi Astemo Greenfield – Tarboro NC Plant**

---

**From:** Seavers, Dennis <dennis.seavers@nc.gov>  
**Sent:** Wednesday, December 7, 2022 11:09 AM  
**To:** White, Bobby  
**Subject:** [!]RE: [External] re: barbershop

I appreciate the information. Did you want me to share this email thread with the board so it can see your comments? Alternatively, you can submit comments at the web page I previously provided, if you wish.

---

**From:** White, Bobby  
**Sent:** Tuesday, December 6, 2022 8:50 AM  
**To:** Seavers, Dennis <[dennis.seavers@nc.gov](mailto:dennis.seavers@nc.gov)>  
**Subject:** RE: [External] re: barbershop

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

Thanks for the specification of states. This actually gives me a better way to see what's been approved in those regions. The pic below is a better idea of what I meant by using an RV as a shop. It is not self-propelled, but does have everything else, (bathroom, running hot and cold water, electrical, propane heat and air, etc.).

My only concern is that requiring the shop itself to be housed where the motor and transmission are puts an additional strain on the business. Since any motor or transmission issues, can put the business out of operation even though the actual facility itself is still usable. Trailer options such as this allows the owner and operators more flexibility and costs are kept lower, while allowing a barber to focus on the important parts; the shop itself and barbering.

# Lava Salon Owner Pushing Mobile Barber Shop Bill

Imagine if your barber came to you, a bill currently stalled in the SC House of Representatives would allow stylists to set up shop on wheels



Jonathan Allen, Patch Staff P

Posted Sun, May 26, 2013 at 7:40 am ET | Updated Fri, May 31, 2013 at 10:17 am ET

[Reply](#)



Thanks for taking the time to help me understand. It is truly appreciated. Looking forward to building something soon!

Have a great day!

Bobby

**\*\*Please note new e-mail address below\*\***

Bobby Q. white, MBA  
Advanced Planning Engineer

 **Hitachi Astemo Greenfield – Tarboro NC Plant**

---

**From:** Seavers, Dennis <[dennis.seavers@nc.gov](mailto:dennis.seavers@nc.gov)>  
**Sent:** Monday, December 5, 2022 5:00 PM  
**To:** White, Bobby  
**Subject:** [!]RE: [External] re: barbershop

Thank you for the picture. I'm not sure the photo would qualify under the second category either because it's not "self-contained, self supporting," nor is it a vehicle. But if you believe the board should allow a trailer, then I recommend submitting comments.

For other states that have mobile barber shops, I'm aware of California, Ohio, and South Carolina. I believe there may be others, but these were the three that we focused on.

Thanks so much for your interest and feedback, and let me know if you need anything else

---

**From:** White, Bobby  
**Sent:** Monday, December 5, 2022 4:28 PM  
**To:** Seavers, Dennis <[dennis.seavers@nc.gov](mailto:dennis.seavers@nc.gov)>  
**Cc:** Bobby White  
**Subject:** RE: [External] re: barbershop

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

Hello,

Thanks! That is very informative.

Looking at the answers, "built into as an integral part, or permanently attached to", may mean trailers like the one in the image, are actually not motorhomes. They actually fall under the second category.





As for the size requirement, given that the average RV like has room for living, (bathroom, kitchen and, living/sleep quarters) I would think, that removal of kitchen cooking equipment, living, and sleeping quarters should allow enough room to conduct barber services. Of course that takes for granted all the other sanitary/accessibility options are put in place as well. Depending on size there would most likely be minimal waiting area and a specific headcount limit to apply as well.

I am looking forward to seeing the results. Since I already have customers asking about it, I am pretty sure I will be in touch again, so I can build it right the first time.

Are there any neighboring location that have already made this legal that you know of? I'd like to look at some examples that are already up to par with what our State will be requiring.

Thanks for all of your assistance. You have definitely been of great help!

Have a great day!

---

**From:** Seavers, Dennis <[dennis.seavers@nc.gov](mailto:dennis.seavers@nc.gov)>

**Sent:** Monday, December 5, 2022 4:02 PM

To: White, Bobby

Subject: [!]RE: [External] re: barbershop

Hello,

Below is the information you requested. If you have any other questions, please let me know

- “Motor home” has a specific meaning in statute, and this is what the definition is: “A vehicular unit, designed to provide temporary living quarters, built into as an integral part, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must provide at least four of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating or air conditioning, a portable water supply system including a faucet and sink, separate 110-125 volt electrical power supply, or an LP gas supply.” If the RV you’re referring to isn’t self-propelled (because it’s a trailer), it probably won’t qualify.
- No, the size requirement won’t apply to motor homes. They’re sort of a category on their own. If the vehicle meets the definition above, the size requirement won’t apply.
- The intention with the length is to make sure that the vehicle is large enough to accommodate the toilet and other facility requirements, while also giving enough space to perform barber services. We’ve gotten comments suggestion that this length is more than necessary, and you’re welcome to submit comments along those lines if you disagree with the proposal.
- The proposed size requirement is a minimum for all vehicles, regardless of the number of chairs in the vehicle.
- An example of the type of vehicle, and probably the most common one that we’d expect, is a sprinter van. Please note that the length proposal would represent the largest type of sprinter van in (for example) the Mercedes line of vehicles.

Dennis

---

From: White, Bobby

Sent: Friday, December 2, 2022 4:06 PM

To: Seavers, Dennis <[dennis.seavers@nc.gov](mailto:dennis.seavers@nc.gov)>

Cc: Bobby White

Subject: RE: [External] re: barbershop

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

Mr. Seavers,

Thanks for the prompt response! This Answered the questions I received from clients perfectly.

- Bathroom is a necessity
- Have to have a license barber manager
- Can rent booths
- Have to report locations of operations monthly.
- All the information I need to know what kind of finishes and surfaces to build into the space.
- Signage requirements

My only area of question is the beginning of vehicle requirement.

- A motor home; or
  - [Does this include RVs that are trailers?](#)
  - [Also does the size restriction below apply to motorhomes as well?](#)
- A self-contained, self-supporting, enclosed mobile vehicle that is at least 24 feet in length.

- Is there a specific reason for this length? It makes the ability to get one restrictive in terms of the size vehicle needed to pull a trailer that size.
- Will this vary depending on how many stations are in the unit?
- Would need more detail on what vehicles fall into this category. (enclosed trailers, uhauls, box trucks, etc.)

thanks again you have been a great help!

**\*\*Please note new e-mail address below\*\***

Bobby Q. white, MBA  
Advanced Planning Engineer

 **Hitachi Astemo Greenfield – Tarboro NC Plant**

---

**From:** Seavers, Dennis <[dennis.seavers@nc.gov](mailto:dennis.seavers@nc.gov)>

**Sent:** Friday, December 2, 2022 3:43 PM

**To:** White, Bobby

**Subject:** [!]RE: [External] re: barbershop

Dear Mr. White,

At some point next year, we'll be able to license mobile barber shops (salons are licensed by a different board). I've attached an informational sheet of the draft rules the board is considering. Also, you can use the link below to see more information and submit comments on the draft rules. (The attached communication says you should submit comments by November 30. But if you submit comments in the next few days, I can still pass them on to the board.)

<https://www.barbers.nc.gov/mbs.html>

If you'd like to discuss this further after reviewing the information, please let me know

Dennis

**Dennis Seavers**

Executive Director

North Carolina Board of Barber Examiners

7001 Mail Service Center

Raleigh, NC 27699-7000

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

---

**From:** McLendon, Nakia T <[nakia.mclendon@nc.gov](mailto:nakia.mclendon@nc.gov)>

**Sent:** Friday, December 2, 2022 3:35 PM

To: Seavers, Dennis <[dennis.seavers@nc.gov](mailto:dennis.seavers@nc.gov)>

Subject: Fwd: [External] re: barbershop

Get [Outlook for iOS](#)

---

**From:** White, Bobby

**Sent:** Friday, December 2, 2022 3:32:58 PM

**To:** McLendon, Nakia T <[nakia.mclendon@nc.gov](mailto:nakia.mclendon@nc.gov)>

**Cc:** Bobby White

**Subject:** [External] re: barbershop

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

Good afternoon Ms. McLendon

After a bit of research I reached out to Ms. Baksics and she informed me Barbers fell under different rules than salons. So I got your email from the state website. I currently have many customers asking me to build out some version or type of Mobile Barbershop/Salon/or Nail shop. Not wanting to waste their or my time/money I wanted to ensure that is even an option in Nc. I recall looking into it like 5 years ago and there were serious roadblocks so I went into food trucks instead. Ms. Baksics informed me the Mobile salon is not an option in NC. Is that the same for Barbershops. If they are allowed where do I find the requirements?

In my research I have seen a few things pop up like HOUSE BILL 590. However, I wanted to reach out to a reputable source and see what is factual.

I am trying to get ahead of the curve so I can offer trailers or trucks, whichever are approved, that always pass inspection per state requirements from the beginning. Also I want to make sure I am giving my clients the correct information in response to their questions.

Any information you can provide would be greatly appreciated. I look forward to hearing from you soon.

**\*\*Please note new e-mail address below\*\***

Bobby Q. white, MBA

Advanced Planning Engineer

 **Hitachi Astemo Greenfield – Tarboro NC Plant**



# NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

## Memo

TO: Board members

FROM: Dennis Seavers

DATE: December 24, 2022

**SUBJECT: Rulemaking – barber exam scores**

---

At its January 10, 2023 meeting, the North Carolina Board of Barber and Electrolysis Examiners will consider the enclosed two rulemaking actions related to barber-related exams.

### Background

There have multiple barber-related license types under Barber Act, and these license types now appear in Article 2 of the new Chapter 86B. For the matter under consideration here, two of the licenses are for apprentice barbers and instructors.

- Apprentice barber. An individual who graduates from barber school first applies to become an apprentice barber and serve an apprenticeship of at least one year. This license type allows the individual to do most things that a licensed barber (formerly called a registered barber) can do, but there are some limitations, such as a requirement to perform barber services in the presence of a licensed barber.
- Instructor. Barber schools must have a certain number of licensed instructors on staff. To qualify to become an instructor, an individual must be a licensed barber and meet the application requirements.

The former Barber Board had both written and practical exams for individuals who applied for an apprentice license and an instructor license. Under two of the board's rules, if an applicant failed one part of the exam, he or she had six months to pass the other part. Otherwise, the applicant would have to retake both parts. For example, suppose I applied to take the apprentice exams, and I was scheduled on March 3, 2022. On that date, I passed the practical exam but failed the written. Under one of the board's rules, I would have until September 3, 2022, to pass the written exam. Otherwise, I would have to retake the practical along with the written exam.

The Barber Board's existing rulemaking records don't indicate when these rule provisions went into effect, but it was at least 1989 and perhaps 1978 or 1983. That board's records also don't indicate why this rule was adopted. My assumption is that the board was concerned about individuals taking long periods of time to pass exams.

### **Proposed action**

Attached are two proposed rulemaking actions for the Board of Barber and Electrolysis Examiners to consider. The purpose of both actions would be to eliminate this six-month time frame and instead give applicants as much time as they need to pass both parts. Under these rule changes, once an individual passes one part, he or she wouldn't need to retake it.

The first attachment is an amendment to 21 NCAC 06G .0103. Since this rule includes other provisions unrelated to the six-month deadline, the rule itself isn't being repealed, just the relevant paragraph. The second attachment is a repeal of 21 NCAC 06J .0108. Since the six-month deadline was the only provision in that rule, the entire rule would be repealed.

### **Impact on revenues**

Based on data from fiscal year 2022, I anticipate that this change would result in about \$3,545 in lost revenues for the board (partially offset by savings from costs for exam-space rental). This amounts to about 0.46% of the former Barber Board's projected FY 2023 revenues. I also expect a savings of about 12 hours of productivity of staff time.

### **Board action and future steps**

If the board agrees that the six-month deadline should be repealed, the following will take place.

1. The board will make a motion at the January 10, 2023 meeting to propose the amendment and repeal.
2. I will file the rule actions for publication in the February 1 edition of the North Carolina Register.
3. There will be a 60-day period for public comments.
4. After April 3, the board will meet to review the public comments and decide how it wants to proceed. If the board decides to proceed with the rules (perhaps with modifications in response to public comments), it will make a motion to adopt the finalized version of the rules.
5. I will file the rules for consideration by the Rules Review Commission.
6. If approved by the commission, the rules will go into effect. The effective date will depend on when the board meets and whether the commission objects to the rules (something that I consider unlikely). But the earliest effective date would be June 1.

1 21 NCAC 06G .0103 is proposed for amendment as follows:

2

3 **21 NCAC 06G .0103 INSTRUCTOR EXAMINATION**

4 ~~(a) A prospective~~ An applicant for an instructor of barbering license shall make a grade of at least 80 percent on both  
5 the written and practical parts ~~(written and practical)~~ of the instructor's examination before being ~~certified~~. licensed.

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

10

11 *Authority S.L. 2022-72, s. 2*

1 21 NCAC 06J .0108 is proposed for repeal as follows:

2

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

4

5 *Authority S.L. 2022-72, s. 2*





# NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

## Memo

TO: Board members and anticipated board appointees

FROM: Dennis Seavers

DATE: January 4, 2023

**SUBJECT: Budget and authority for contracts**

---

The board is subject to the Executive Budget Act, just as the former Board of Barber Examiners and Board of Electrolysis Examiners were. Unlike many other occupational licensing boards, the Office of State Budget and Management (“OSBM”) has authority over the board’s budget.

Although the board is subject to the Executive Budget Act, it was the practice for the Barber Board to adopt budgets annually. The purpose was to make sure that the governing body still exercised oversight over the budget (within the limits set by OSBM) and aligned expenditures with strategic objectives.

The new board should also adopt a budget. The board can hold a retreat or a meeting to set a budget and strategic plan for upcoming years. But in the meantime, for the purpose of getting the new board on its feet, I recommend that the board temporarily ratify the budgets of the Barber Board and Electrolysis Board (see attached). I also ask the board to ratify the Barber Board’s authorization for me to continue or enter into any necessary contracts—the costs of which are included in the budget—to make sure that operations remain smooth. (The Barber Board made this authorization for the past eight fiscal years.)<sup>1</sup>

### **Recommended board action**

The board should pass a motion to ratify the former boards’ budgets on a temporary basis until the new board has an opportunity to approach its budget on a strategic basis.

---

<sup>1</sup> The Barber Board established an ad hoc committee to help develop a Request for Proposals for computer-based barber testing. The new chairperson will need to reappoint the committee, but the authorization referred to in this memo wouldn’t circumvent that committee.

**Attachment A**  
**FY 2023 Budget**  
**Proposal (Barber Board)**

	FY22 Budget (Revised)	FY23 Proposed	Difference
<b>Income</b>			
<b>433 - investment income</b>			
433121 - STIF interest income	\$ 4,200.00	\$ 4,200.00	\$ -
<b>Total 433 - investment income</b>	<b>\$ 4,200.00</b>	<b>\$ 4,200.00</b>	<b>\$ -</b>
<b>434 - sales, service, rentals</b>			
434320 - sale of surplus property	\$ -	\$ -	\$ -
<b>Total 434 - sales, service, rentals</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>435 - fees, licenses, and fines</b>			
435100 - business license fees			
435100059 - duplicate license	\$ 727.00	\$ 727.00	\$ -
435100060 - individual license	\$ 294,571.00	\$ 294,571.00	\$ -
435100061 - school permit	\$ 5,077.00	\$ 5,077.00	\$ -
435100062 - bus/shop permit	\$ 126,939.00	\$ 126,939.00	\$ -
435100063 - student permit	\$ 23,476.00	\$ 23,476.00	\$ -
435100064 - renewal-individual	\$ 60,437.00	\$ 60,437.00	\$ -
435100 - business license fees - Other	\$ -	\$ -	\$ -
<b>Total 435100 - business license fees</b>	<b>\$ 511,227.00</b>	<b>\$ 511,227.00</b>	<b>\$ -</b>
435300 - certification fees			
435300016 - instructor exam fee	\$ 7,642.00	\$ 7,642.00	\$ -
435300017 - registered exam fee	\$ 35,109.00	\$ 35,109.00	\$ -
435300018 - apprentice exam fee	\$ 119,898.00	\$ 119,898.00	\$ -
435300019 - apprentice certific	\$ 36,249.00	\$ 36,249.00	\$ -
435300020 - instructor certific	\$ 13,586.00	\$ 13,586.00	\$ -
<b>Total 435300 - certification fees</b>	<b>\$ 212,484.00</b>	<b>\$ 212,484.00</b>	<b>\$ -</b>
435400 - inspection/exam fees			
435400 - inspection/exam fees	\$ 37,652.00	\$ 37,652.00	\$ -
435500 - fines, pen, assess fee			
435500 - fines, pen, assess fee	\$ 9,326.00	\$ 9,326.00	\$ -
435800 - tuition and fees			
435830 - other fees	\$ 790.00	\$ 790.00	\$ -
<b>Total 435800 - tuition and fees</b>	<b>\$ 790.00</b>	<b>\$ 790.00</b>	<b>\$ -</b>
<b>Total 435 - fees, licenses, and fines</b>	<b>\$ 771,479.00</b>	<b>\$ 771,479.00</b>	<b>\$ -</b>
<b>437 - miscellaneous</b>			
432127 - procurement card rebate	\$ 250.00	\$ 250.00	\$ -
437990 - other misc revenue	\$ 647.00	\$ 647.00	\$ -
<b>Total 437 - miscellaneous</b>	<b>\$ 897.00</b>	<b>\$ 897.00</b>	<b>\$ -</b>
<b>Total Income</b>	<b>\$ 776,576.00</b>	<b>\$ 776,576.00</b>	<b>\$ -</b>
<b>Expense</b>			
<b>531 - personal services</b>			
531112 - EPA regular salaries	\$ 298,981.52	\$ 309,446.48	\$ 10,464.96
531462 - longevity - receipts	\$ 4,722.30	\$ 4,900.87	\$ 178.57
531466 - bonus ARPA receipts	\$ 8,500.00	\$ -	\$ (8,500.00)
531512 - Social Security	\$ 21,621.78	\$ 22,947.36	\$ 1,325.58
531522 - regular retirement	\$ 66,701.76	\$ 75,443.36	\$ 8,741.60
531562 - medical insurance	\$ 38,290.56	\$ 39,610.16	\$ 1,319.60
531576 - flexible spending acct	\$ 793.50	\$ 780.00	\$ (13.50)
531651 - comp to board members	\$ 2,400.00	\$ 2,400.00	\$ -
<b>Total 531 - personal services</b>	<b>\$ 442,011.42</b>	<b>\$ 455,528.23</b>	<b>\$ 13,516.81</b>
<b>532 - purchased services</b>			
532110 - legal services	\$ 9,054.96	\$ 20,000.00	\$ 10,945.04
532120 - financial/audit svcs	\$ 14,000.00	\$ 14,500.00	\$ 500.00
532145 - managed server support	\$ 51,811.25	\$ 48,763.58	\$ (3,047.67)

**Attachment A**  
**FY 2023 Budget Proposal**

	<b>FY22 Budget (Revised)</b>	<b>FY23 Proposed</b>	<b>Difference</b>
532170001 - prof testing serv	\$ 11,000.00	\$ 16,000.00	\$ 5,000.00
532184 - janitorial services	\$ 4,200.00	\$ 4,200.00	\$ -
532199 - misc contract services	\$ 28,006.00	\$ 27,969.00	\$ (37.00)
532430 - maint agrment - equip	\$ 1,917.00	\$ 1,917.00	\$ -
532512 - rental of bldg/prop	\$ 24,156.54	\$ 24,881.28	\$ 724.74
532714 - ground trans in-state	\$ 22,500.00	\$ 24,200.00	\$ 1,700.00
532721 - lodging in-state	\$ 18,000.00	\$ 18,000.00	\$ -
532724 - meals in-state	\$ 12,750.00	\$ 9,000.00	\$ (3,750.00)
532731 - board/non-emp transpor	\$ 1,860.00	\$ 1,000.00	\$ (860.00)
532732 - board/non-emp subsist	\$ 2,900.00	\$ 1,200.00	\$ (1,700.00)
532811 - telephone service	\$ 2,400.00	\$ 1,800.00	\$ (600.00)
532814 - cellular phone service	\$ 6,240.00	\$ 6,180.00	\$ (60.00)
532815 - email and calendaring	\$ 445.59	\$ 360.00	\$ (85.59)
532822 - managed LAN svc charge	\$ 3,396.48	\$ 3,978.72	\$ 582.24
532824 - managed server support	\$ 3,540.18	\$ -	\$ (3,540.18)
532825 - managed WAN service	\$ 14,710.21	\$ 14,217.60	\$ (492.61)
532826 - software subscriptions	\$ 10,545.96	\$ 4,150.00	\$ (6,395.96)
532828 - managed desktop services	\$ 16,322.68	\$ 9,096.00	\$ (7,226.68)
532840 - postage & delivery	\$ 1,500.00	\$ 1,800.00	\$ 300.00
532840003 - postage/postal meter charges	\$ 13,000.00	\$ 13,000.00	\$ -
532850 - printing, binding, dup	\$ 9,000.00	\$ 7,000.00	\$ (2,000.00)
532911 - insurance - property	\$ 25,000.00	\$ 26,000.00	\$ 1,000.00
532942 - other emp trng expense	\$ 100.00	\$ 100.00	\$ -
<b>Total 532 - purchased services</b>	<b>\$ 308,356.85</b>	<b>\$ 299,313.18</b>	<b>\$ (9,043.67)</b>
<b>533 - Supplies</b>			
533110 - general office supply	\$ 6,518.00	\$ 6,000.00	\$ (518.00)
<b>Total 533 - Supplies</b>	<b>\$ 6,518.00</b>	<b>\$ 6,000.00</b>	<b>\$ (518.00)</b>
<b>534 - property, plant, &amp; equip</b>			
534511 - furniture - office	\$ 1,042.00	\$ 370.00	\$ (672.00)
534534 - PC and printer purchases	\$ 5,325.68	\$ 1,647.99	\$ (3,677.69)
<b>Total 534 - property, plant, &amp; equip</b>	<b>\$ 6,367.68</b>	<b>\$ 2,017.99</b>	<b>\$ (4,349.69)</b>
<b>535 - other expenses and adjust</b>			
535830 - member dues & subcript	\$ 270.00	\$ 630.00	\$ 360.00
535900 - other expenses	\$ 100.00	\$ 470.00	\$ 370.00
<b>Total 535 - other expenses and adjust</b>	<b>\$ 370.00</b>	<b>\$ 1,100.00</b>	<b>\$ 730.00</b>
<b>538 - intragovernmental transac</b>			
538030 - fine/penalty transfer	\$ 13,000.00	\$ 13,000.00	\$ -
<b>Total 538 - intragovernmental transac</b>	<b>\$ 13,000.00</b>	<b>\$ 13,000.00</b>	<b>\$ -</b>
<b>Total Expense</b>	<b>\$ 776,623.95</b>	<b>\$ 776,959.40</b>	<b>\$ 335.45</b>
<b>Net Income</b>	<b>\$ (47.95)</b>	<b>\$ (383.40)</b>	<b>\$ (335.45)</b>



**STATE OF NORTH CAROLINA  
OFFICE OF STATE BUDGET AND MANAGEMENT**

The FY 2022-23 Certified Budget as appropriated by the General Assembly of 2021 is adjusted by S.L. 2022-74, and S.L. 2022-75 for the fiscal year of 2022-23, July 1, 2022 to June 30, 2023, for the use of

**Code: 28107**

**CAMPUS/AGENCY NAME:** NC State Board of Electrolysis Examiners

and available only by monthly or quarterly allotments under Section 6-3 and only for the Purposes and/or Objects herein enumerated as under Sections 6-1 and 6-4 of the State Budget Act, Chapter 143C of the General Statutes of North Carolina.

	<b>2022-23 Revised</b>
TOTAL REQUIREMENTS	\$19,054
LESS ESTIMATED RECEIPTS	\$19,210
<b>CHANGE IN FUND BALANCE</b>	<b>\$156</b>

Office of State Budget And Management  
 Certified Budget - Revised (BD307)  
 Summary By Purpose  
 Biennium 2021-23

**28107-NC State Board of Electrolysis Examiners**

Fund Code	Fund Title	2022-23 Original	2022-23 Change	2022-23 Revised
<b>REQUIREMENTS</b>				
2100	Administration	\$19,054	\$0	\$19,054
<b>Total REQUIREMENTS</b>		<b>\$19,054</b>	<b>\$0</b>	<b>\$19,054</b>
<b>RECEIPTS</b>				
2100	Administration	\$19,210	\$0	\$19,210
<b>Total RECEIPTS</b>		<b>\$19,210</b>	<b>\$0</b>	<b>\$19,210</b>
<b>CHANGE IN FUND BALANCE</b>		<b>\$156</b>	<b>\$0</b>	<b>\$156</b>

**Office of State Budget And Management  
Certified Budget - Revised (BD307)  
Summary By Account  
Biennium 2021-23**

**28107-NC State Board of Electrolysis Examiners**

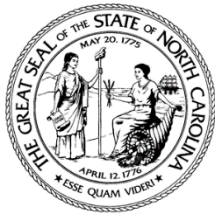
<b>Account Code</b>	<b>Account Title</b>	<b>2022-23 Original</b>	<b>2022-23 Change</b>	<b>2022-23 Revised</b>
<b>REQUIREMENTS</b>				
532110	LEGAL SERVICES	\$165	\$0	\$165
532120	FINAN/AUDIT SERVICES	\$59	\$0	\$59
532170	ADMIN SERVICES	\$12,324	\$0	\$12,324
5325XX	RENTALS/LEASES	\$3,600	\$0	\$3,600
5327XX	TRAVEL & OTHER EMPLOYEE EXPENSE	\$255	\$0	\$255
5328XX	COMMUNICATIONS AND INFORMATION TECHNOLOGY (IT) SERVICES	\$2,296	\$0	\$2,296
<b>TOTAL PURCHASED SERVICES</b>		<b>\$18,699</b>	<b>\$0</b>	<b>\$18,699</b>
5331XX	GENERAL ADMINISTRATIVE SUPPLIES	\$355	\$0	\$355
<b>TOTAL SUPPLIES</b>		<b>\$355</b>	<b>\$0</b>	<b>\$355</b>
<b>TOTAL REQUIREMENTS</b>		<b>\$19,054</b>	<b>\$0</b>	<b>\$19,054</b>
<b>RECEIPTS</b>				
435100	BSNS LICENSE FEES	\$10,650	\$0	\$10,650
435300	CERTIFICATION FEES	\$260	\$0	\$260
435400	INSPECTION/EXAM FEES	\$7,100	\$0	\$7,100
435500	FINES,PENAL, ASSESS FEE	\$375	\$0	\$375
435900	OTHER LIC,FEES/PERMITS	\$825	\$0	\$825
<b>TOTAL FEES, LICENSES, &amp; FINES</b>		<b>\$19,210</b>	<b>\$0</b>	<b>\$19,210</b>
<b>TOTAL RECEIPTS</b>		<b>\$19,210</b>	<b>\$0</b>	<b>\$19,210</b>
<b>CHANGE IN FUND BALANCE</b>		<b>\$156</b>	<b>\$0</b>	<b>\$156</b>

**Office of State Budget And Management  
Certified Budget - Revised (BD307)  
Detail by Fund  
Biennium 2021-23**

**28107-NC State Board of Electrolysis Examiners**

**2100-Administration**

<b>Account Code</b>	<b>Account Title</b>	<b>2022-23 Original</b>	<b>2022-23 Change</b>	<b>2022-23 Revised</b>
<b>REQUIREMENTS</b>				
532110	LEGAL SERVICES	\$165	\$0	\$165
532120	FINAN/AUDIT SERVICES	\$59	\$0	\$59
532170	ADMIN SERVICES	\$12,324	\$0	\$12,324
5325XX	RENTALS/LEASES	\$3,600	\$0	\$3,600
5327XX	TRAVEL & OTHER EMPLOYEE EXPENSE	\$255	\$0	\$255
5328XX	COMMUNICATIONS AND INFORMATION TECHNOLOGY (IT) SERVICES	\$2,296	\$0	\$2,296
<b>TOTAL PURCHASED SERVICES</b>		<b>\$18,699</b>	<b>\$0</b>	<b>\$18,699</b>
5331XX	GENERAL ADMINISTRATIVE SUPPLIES	\$355	\$0	\$355
<b>TOTAL SUPPLIES</b>		<b>\$355</b>	<b>\$0</b>	<b>\$355</b>
<b>REQUIREMENTS</b>		<b>\$19,054</b>	<b>\$0</b>	<b>\$19,054</b>
<b>RECEIPTS</b>				
435100	BSNS LICENSE FEES	\$10,650	\$0	\$10,650
435300	CERTIFICATION FEES	\$260	\$0	\$260
435400	INSPECTION/EXAM FEES	\$7,100	\$0	\$7,100
435500	FINES,PENAL, ASSESS FEE	\$375	\$0	\$375
435900	OTHER LIC,FEES/PERMITS	\$825	\$0	\$825
<b>TOTAL FEES, LICENSES, &amp; FINES</b>		<b>\$19,210</b>	<b>\$0</b>	<b>\$19,210</b>
<b>RECEIPTS</b>		<b>\$19,210</b>	<b>\$0</b>	<b>\$19,210</b>
<b>CHANGE IN FUND BALANCE</b>		<b>\$156</b>	<b>\$0</b>	<b>\$156</b>



# NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

## Memo

TO: Board members and anticipated board appointees

FROM: Dennis Seavers

DATE: January 4, 2023

**SUBJECT: Per diem payments**

---

Under G.S. § 93B-5, board members receive compensation for their board services for each day in which they engage in the official business of the board. The per diem payment is capped at \$100 per day. The board should decide how it will handle per diem payments.

The former Board of Electrolysis Examiners didn't make per-diem payments. The former Board of Barber Examiners paid \$100 for regular board meetings. (For the occasional meetings that were briefer, such as a teleconference to deal with a single topic, that board wouldn't make payments.) Some other boards will pay \$100 for a regular board meeting, and then a smaller, proportionate amount for brief meetings.

I recommend that the board adopt the practice of the Barber Board: pay \$100 per diem for full meetings and not pay the per diem for brief, ad-hoc meetings. However, the board has discretion to set the policy.

### **Board action**

The board should pass a motion to enact a per-diem policy.