



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: June 14, 2021

SUBJECT: Rulemaking

At its June 22, 2021 meeting, the board will consider whether to propose three rule amendments. This memo explains the rulemaking actions and what steps the board needs to take.

Location of containers with disinfecting solutions

Under G.S. 86A-15(a)(2)(a), barber shops and schools must use approved solutions to disinfect instruments. Almost every shop and school keeps the containers with solutions at a location near the barber chair. However, an inspector for the board recently encountered a shop that wanted to keep Barbicide jars in a closet at the back of the business. Since there isn't a rule specifying where the jars must be kept, the board staff was unable to prevent the shop from keeping the jars in a closet.

The board staff believes that the containers and solution should be in a location near the barber chair to promote the regular disinfection required by statute. By having the containers and solution nearby, it's more likely that the barber will properly disinfect his or her tools. (The concept is similar to the requirement for handwashing sinks to be located near the barber chair: by having the sinks nearby, it's more likely that frequent handwashing will occur.)

There are two proposed rules attached to this memo that would make it a requirement for the containers to be near the barber chair: 21 NCAC 06F .0101 applies to schools, and 21 NCAC 06L .0103 applies to shops.

Nonrefundable renewal and late fees

Attached to this memo is a proposed amendment to 21 NCAC 06N .0101. The amendment would make renewal and late fees nonrefundable. This amendment would

fit in with a project that I'll be working on later this year to change the online renewal system.

Under the current renewal system, users create a login associated with a license record and then renew the license. This system is a standard approach to transactions. However, each year, the board staff spends a significant amount of overall time resetting the login accounts because individuals forget their credentials. Under the new renewal system, users would simply enter certain information, such as their license number and last name, but they wouldn't need to use a login. This project would make it easier for both the staff members and the users. However, if a user renews the wrong license, we don't want to have to refund the renewal fee and attempt to reclaim the erroneously issued license. (The only reasons someone would renew the wrong license is if they have two license types eligible for renewal—e.g., apprentice and registered—and they select the wrong one. The system will be designed to make it unlikely for that outcome to occur unless the user simply isn't paying attention.)

Upcoming steps

- The board must decide whether to propose the amendments.
- If proposed by the board, I will file the rules for publication in the *North Carolina Register*.
- There would be a 60-day public-comment period after publication.
- After the comment period, the board would consider any comments and decide whether to file the amendments.
- The rules would be considered by the Rules Review Commission.
- If approved, the amendments would go into effect on the first day of the month after the Commission's approval.

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

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3 **21 NCAC 06F .0101 PHYSICAL STRUCTURE**

4 (a) For the purpose of this Rule, "practical area" means the area of the school where barbering services are provided.

5 (b) The physical structure of barber schools in North Carolina shall conform to the following criteria:

- 6 (1) be a minimum of 14 linear feet wide;
- 7 (2) be equipped with a minimum of five barber chairs for barber schools within jail or prison facilities
- 8 or 10 barber chairs for all other schools, and these chairs shall meet the sanitary conditions required
- 9 by G.S. 86A-15(a)(2);
- 10 (3) have a minimum of 896 square feet in the practical area;
- 11 (4) have an additional 70 square feet in the practical area for each additional barber chair over 10 chairs;
- 12 (5) have at least five linear feet of space between each chair, center to center;
- 13 (6) have no more than two students enrolled per barber chair;
- 14 (7) be equipped with toilet facilities with hand-washing sink or basin;
- 15 (8) have concrete or wood floors covered with smooth, nonporous materials;
- 16 (9) have instructional materials, such as blackboard space or slide programs;
- 17 (10) have a workstand, with a mounted mirror with minimum dimensions of 36 inches tall and 20 inches
- 18 wide, for each barber chair in the practical area, constructed of material that can be washed and
- 19 cleansed;
- 20 (11) have the solutions and containers required by G.S. 86A-15(a)(2)(a) located at the workstand
- 21 identified in Subparagraph (b)(10) of this Rule;
- 22 ~~(11)(12)~~ have a tool cabinet for each barber chair, with a door to limit exposure of the tools to the open air;
- 23 ~~(12)(13)~~ have a towel cabinet, or other method of storage, so that clean towels are stored separate from used
- 24 towels;
- 25 ~~(13)(14)~~ have at least one functional sink or lavatory, with hot and cold water, for each two barber chairs,
- 26 located within seven unobstructed linear feet of each barber chair. This sink distance requirement
- 27 does not apply to schools permitted on or before September 1, 2009;
- 28 ~~(14)(15)~~ have the school separate from any other place or type of business, except for a business allowed by
- 29 G.S. 86A-15(a)(1)(b), by a wall of ceiling height;
- 30 ~~(15)(16)~~ have a classroom area, separate from the practical area, with desk chairs sufficient to serve the
- 31 number of students enrolled, and a desk and chair for the instructors;
- 32 ~~(16)(17)~~ have a means for electronic recordation of student hours;
- 33 ~~(17)(18)~~ have a sign displayed in each practical area of the school stating that all barbering services are
- 34 performed by students; and
- 35 ~~(18)(19)~~ have a bulletin board hanging in each classroom area with a posting of the rules in this Subchapter
- 36 and the minimum school curricula as set forth in 21 NCAC 06F .0120.

1 This Paragraph applies to barber schools permitted on or after December 1, 1994 or which undergo structural
2 renovations after that date.

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

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6 *History Note: Authority G.S. 86A-15; 86A-22;*

7 *Eff. February 1, 1976;*

8 *Readopted Eff. February 8, 1978;*

9 *Amended Eff. September 1, 2013; October 1, 2009; June 1, 2008; December 1, 1994; May 1, 1989;*

10 *Readopted Eff. July 1, 2016;*

11 *Amended Eff. August 1, 2018.*

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

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3 **21 NCAC 06L .0103 EQUIPMENT**

4 (a) Each barber shall have a cabinet for barbering equipment. The cabinets shall be constructed of material that may
5 be cleaned.

6 (b) Each shop shall have smooth finished walls and floors, with no exposed pipes.

7 (c) Each barber chair shall be covered with a smooth, non-porous surface, such as vinyl or leather, which is easily
8 cleaned as required by G.S. 86A-15(a)(2)(c).

9 (d) Each shop shall have within the shop or building functioning toilet facilities for employees and patrons.

10 (e) Each barber shop shall have a cabinet, or other method of storage, such that clean towels are stored separate from
11 used towels.

12 (f) In addition to the requirements of Paragraph (d) of this Rule, barber shops that are permitted on or after January
13 1, 1995 or undergo structural renovations after that date, shall have within the shop or building a hand-washing sink
14 or lavatory for patrons with hot and cold water, soap, and disposable towels.

15 (g) Where a barber shop is located within a shop licensed by the North Carolina Board of Cosmetic Art Examiners,
16 the toilet facility and sink may be shared with the cosmetology shop.

17 (h) Paragraphs (a), (d), and (f) of this Rule do not apply to barber shops operated by the North Carolina Department
18 of Public Safety, Division of Adult Correction and Juvenile Justice.

19 (i) All equipment and tools used in the practice of barbering as set forth in G.S. 86A-2 shall be suitable for the safe
20 cutting of hair and shall be maintained in a sanitary and good operating condition as required by G.S. 86A-15(a)(2).

21 (j) The solutions and containers required by G.S. 86A-15(a)(2)(a) shall be located at the backstand identified in Rule
22 .0102(b) of this Subchapter.

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24 *Authority G.S. 86A-2; 86A-15*

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

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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:

5	(1)	Certificate of registration or renewal as a barber	\$50.00
6	(2)	Certificate of registration or renewal as an apprentice barber	\$50.00
7	(3)	Barbershop permit or renewal	\$50.00
8	(4)	Examination to become a registered barber	\$85.00
9	(5)	Examination to become a registered apprentice barber	\$85.00
10	(6)	Late fee for restoration of an expired barber certificate within first year after expiration	\$35.00
11	(7)	Late fee for restoration of an expired barber certificate after first year after expiration but within five years after expiration	\$70.00
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13	(8)	Late fee for restoration of an expired apprentice certificate within the first year after expiration	\$35.00
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15	(9)	Late fee for restoration of an expired apprentice certificate after first year after expiration but within three years of first issuance of the certificate	\$45.00
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17	(10)	Late fee for restoration of an expired barber shop certificate	\$45.00
18	(11)	Examination to become a barber school instructor	\$165.00
19	(12)	Student permit	\$25.00
20	(13)	Issuance of any duplicate copy of a license, certificate, or permit	\$10.00
21	(14)	Barber school permit or renewal	\$130.00
22	(15)	Late fee for restoration of an expired barber school certificate	\$85.00
23	(16)	Barber school instructor certificate or renewal	\$85.00
24	(17)	Late fee for restoration of an expired barber school instructor certificate within first year after expiration	\$45.00
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26	(18)	Late fee for restoration of an expired barber school instructor certificate after first year after expiration but within three years after expiration	\$85.00
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28	(19)	Inspection of newly established barbershop	\$120.00
29	(20)	Inspection of newly established barber school	\$220.00
30	(21)	Issuance of a registered barber or apprentice certificate by certification	\$120.00
31	(22)	Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter	
32	(23)	Charge for duplication services and material shall be as set forth in 26 NCAC 01 .0103(a), including any subsequent amendments and editions of the Rule	
33			
34	(24)	Certificate of registration or renewal as a barber for barbers over 70 years of age	\$0.00
35	(25)	Administrative fee under G.S. 86A-27(d) for paying any required fee for renewal or restoration, or a civil penalty and attorney fee, where the apprentice barber or registered barber is subject to a pick-up order issued to an inspector.	\$70.00
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1 (b) Except as set forth in Paragraph (c) of this Rule, if an applicant is unable to attend an examination, he or she may
2 request a refund of the fee. To request the refund, the applicant shall submit a written request to the address listed in
3 21 NCAC 06A .0102 at least 10 days before the scheduled examination.

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

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

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

13 ~~(e)(f)~~ The forms set forth in this Subchapter may be obtained on the website or at the address listed in 21 NCAC 06A
14 .0102.

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

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

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

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

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27 *Authority G.S. 86A-5; 86A-25; 86A-27(d); 93B-2*