



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: October 13, 2021

SUBJECT: Rulemaking

At its October 19, 2021 meeting, the board will consider whether to amend existing rules that deal with barber shop licensing requirements and sanitation scores. This memo outlines the issues and explains what steps the board can take. Attached to this memo are draft rule amendments.

Barber shop licensing requirements

Under 21 NCAC 06L .0103(b), all shops must have “smooth finished walls and floors, with no exposed pipes.” The purpose of the rule is to make sure that the surfaces can be “easily cleaned,” as required under G.S. § 86A-15(a)(1)(a). From time to time, the board staff encounters barber shops that have exposed pipes attached to handwashing sinks, and the shops must purchase covers for the pipes. In these cases, the pipes don’t appear to prevent the barber shop from properly cleaning surfaces, and some shops prefer exposed pipes for reasons of cost or aesthetics. The board doesn’t have a similar requirement for barber schools.

The attached amendment would eliminate the language that prevents pipes from being exposed.

Sanitation scores

Under 21 NCAC 06L .0118, any business that receives a sanitation score of less than 80 is awarded a failing grade. The same rule prohibits the board staff from conducting a new inspection for the purpose of raising a failing grade. If a shop fails, the failing grade must remain in place for at least 30 days.

If the board were to eliminate the prohibition on reinspecting shops, there would be an incentive for failing shops to resolve the sanitation issues. The shop would be motivated

to improve its score by quickly fixing the problems. In contrast, the current rule may make it less urgent for shops to improve sanitation because the failing grade will remain in place regardless of how quickly the problems are resolved.

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 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.~~ floors.

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).

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

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

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

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

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

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

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

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

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

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

15 (e) Barber inspectors shall give each barber shop a new sanitary rating card.

16 ~~(f) A re-inspection for the purpose of raising a failing sanitary rating of a barber shop shall not be given within 30~~
17 ~~days.~~

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19 *Authority G.S. 86A-5(a)(1); 86A-15*