

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE DRS55102-LU-53 (3/2)**

Short Title:   Cosmetic Art Definitions/Exam Facilities. (Public)

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Sponsors:    Senators Cowell, and Kerr.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO CLARIFY CERTAIN DEFINITIONS UNDER THE NORTH CAROLINA COSMETIC ART ACT, TO APPROVE EXAMINATION FACILITIES, AND TO SET LIMITS FOR FAILED CANDIDATES SEEKING TO RETAKE AN EXAMINATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 88B-2 reads as rewritten:

**"§ 88B-2. Definitions.**

The following definitions apply in this Chapter:

- (1) Apprentice. – A person who is not a manager or operator and who is engaged in learning the practice of cosmetic art under the direction and supervision of a cosmetologist.
- (2) Board. – The North Carolina Board of Cosmetic Art Examiners.
- (3) Booth. – A workstation located within a licensed cosmetic art shop that is operated primarily by one individual in performing cosmetic art services for consumers.
- (4) Booth renter. – A person who rents a booth in a cosmetic art shop.
- (5) Cosmetic art. – All or any part or combination of: ~~(i) the systematic massaging with the hands or mechanical apparatus of the scalp, face, neck, shoulders, hands, and feet; (ii) the use of cosmetic chemicals and preparations and antiseptics; (iii) manicuring, including the application of artificial nails; (iv) esthetics; or (v) cutting, coloring, cleansing, arranging, dressing, waving, and marcelling the hair, and the use of electricity for stimulating growth of hair.~~ of cosmetology, esthetics, or manicuring.

- 1 (6) Cosmetic art school. – Any building or part thereof where cosmetic art  
2 is taught.
- 3 (7) Cosmetic art shop. – Any building or part thereof where cosmetic art is  
4 practiced for pay or reward, whether direct or indirect.
- 5 (8) Cosmetologist. – Any individual who is licensed to practice all parts of  
6 cosmetic art.
- 7 (8a) Cosmetology. – The act of arranging, dressing, curling, waving,  
8 cleansing, cutting, singeing, bleaching, coloring, or similar work upon  
9 the hair of a person by any means, including the use of hands,  
10 mechanical or electrical apparatus, or appliances or by use of cosmetic  
11 or chemical preparations or antiseptics.
- 12 (9) Cosmetology teacher. – An individual licensed by the Board to teach  
13 all parts of cosmetic art.
- 14 (10) Esthetician. – An individual licensed by the Board to practice only that  
15 part of cosmetic art that constitutes skin care.
- 16 (11) Esthetician teacher. – An individual licensed by the Board to teach  
17 only that part of cosmetic art that constitutes skin care.
- 18 (11a) Esthetics. – Refers to any of the following practices: giving facials;  
19 applying makeup; performing skin care; removing superfluous hair  
20 from the body of a person by use of depilatories, tweezers, or waxing;  
21 applying eyelashes to a person, including the application of brow or  
22 lash color; beautifying the face, neck, arms, or upper part of the human  
23 body by use of cosmetic preparations, antiseptics, tonics, lotions, or  
24 creams; surface massaging in relation to skin care; or cleaning or  
25 stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet  
26 of a person by means of hands, devices, apparatus, or appliances along  
27 with the use of cosmetic preparations, antiseptics, tonics, lotions, or  
28 creams.
- 29 (12) Manicuring. – The care and treatment of the fingernails, toenails,  
30 cuticles on fingernails and toenails, and the hands and feet, including  
31 the decoration of the fingernails and the application of nail extensions  
32 and artificial nails. The term "manicuring" shall not include the  
33 treatment of pathologic conditions.
- 34 (13) Manicurist. – An individual licensed by the Board to practice only that  
35 part of cosmetic art that constitutes manicuring.
- 36 (14) Manicurist teacher. – An individual licensed by the Board to teach  
37 manicuring.
- 38 (15) Shampooing. – The application and removal of commonly used, room  
39 temperature, liquid hair cleaning and hair conditioning products.  
40 Shampooing does not include the arranging, dressing, waving,  
41 coloring, or other treatment of the hair."

42 **SECTION 2.** G.S. 88B-18 reads as rewritten:

43 **"§ 88B-18. Examinations.**

1 (a) Each applicant for any examination shall file an application with the Board,  
2 on a form approved by the Board, which shall be verified by the applicant under oath,  
3 and the applicant shall pay the required examination fee. Applications shall be filed at  
4 least 30 days before the requested examination date.

5 (b) Each examination shall have both a practical and a written portion.

6 (c) Examinations for applicants for apprentice, cosmetologist, teacher,  
7 esthetician, and manicurist licenses shall be given in at least three locations in the State  
8 that are geographically scattered. The examinations shall be administered in ~~the Board's~~  
9 ~~office or in a publicly supported two-year postsecondary educational institution with~~  
10 ~~appropriate facilities. The Board shall reimburse an institution, if requested, for the use~~  
11 ~~of its facilities in administering examinations.~~Board-approved facilities.

12 (d) An applicant for a ~~cosmetologist~~ cosmetologist, esthetician, manicurist, or  
13 teacher's license who fails to pass the examination three times may not reapply to take  
14 the examination again until after the applicant has successfully completed any  
15 additional requirements prescribed by the Board."

16 **SECTION 3.** G.S. 88B-9 reads as rewritten:

17 "**§ 88B-9. Qualifications for licensing as an esthetician.**

18 The Board shall issue a license to practice as an esthetician to any individual who  
19 meets all of the following requirements:

- 20 (1) Successful completion of at least 600 hours of an ~~esthetician~~ esthetics  
21 curriculum in an approved cosmetic art school.  
22 (2) Passage of an examination conducted by the Board.  
23 (3) Payment of the fees required by G.S. 88B-20."

24 **SECTION 4.** This act is effective when it becomes law.