



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06C .0912 - COMPLAINTS
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the fact that complaints now include matters not formerly under authority of the Board of Barber Examiners: mobile barber shops and particularly electrology and laser hair practice. The staff of the former Board of Barber Examiners is serving as the staff for the newly formed board. The rule is being amended to make sure that the executive director can conduct an investigation, since existing investigators are only trained for barber-related investigations. Adhering to the notice and hearing requirements for permanent rulemaking alone would create a situation where existing staff would be responsible for investigating complaints without having the appropriate background.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06C .0912

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Paragraph (g): Is there any limit to how far back the Board can reopen a complaint?
At what point is the decision final?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: April 6, 2023

21 NCAC 06C .0912 is amended under temporary procedures with changes as follows:

21 NCAC 06C .0912 COMPLAINTS

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

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

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

- (1) lacks information, such as ~~barbershop~~ business location or a description of the alleged conduct, necessary to investigate the complaint. Before dismissal, the Executive Director shall attempt to collect additional information from the complainant; or
- (2) alleges conduct that is not prohibited by G.S. 86A [~~S.L. 2022-72, s. 2,~~] G.S. 86B or the Board's rules or is not within the Board's jurisdiction. The Executive Director shall refer the complaint to any other agency that may have jurisdiction.

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

- (1) recommend to the Executive Director that the Board counsel issue a probable cause letter for violations of G.S. 86A [~~S.L. 2022-72, s. 2,~~] G.S. 86B or the Board's rules; or
- (2) recommend that the Executive Director dismiss the complaint because there is insufficient evidence of a violation of G.S. 86A [~~S.L. 2022-72, s. 2,~~] G.S. 86B or the Board's rules or the alleged conduct is not within the Board's jurisdiction.

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

- (1) conduct or request additional investigation by the assigned staff member on a case-by-case basis when the recommendation does not contain facts to support the actions set forth in Subparagraphs (2) or (3) of this Paragraph;
- (2) recommend that the Board counsel issue a probable cause letter for violations of G.S. 86A [~~S.L. 2022-72, s. 2,~~] G.S. 86B or the Board's rules; or
- (3) dismiss the complaint and notify the complainant, except that the Executive Director shall refer the complaint to any other agency that may have jurisdiction.

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

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

1 *History Note: Authority G.S. ~~86A-5~~; 86B-2;*
2 *Eff. April 1, ~~2017~~. 2017;*
3 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY
VOLUME:
ISSUE:

<p>1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners</p>
<p>2. Rule citation & name: 21 NCAC 06F .0102 - MANAGER</p>
<p>3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal</p>
<p>4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No</p>
<p>5. Provide dates for the following actions as applicable:</p> <p>a. Proposed Temporary Rule submitted to OAH: January 10, 2023</p> <p>b. Proposed Temporary Rule published on the OAH website: January 13, 2023</p> <p>c. Public Hearing date: January 31, 2023</p> <p>d. Comment Period: January 12, 2023 - February 6, 2023</p> <p>e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023</p> <p>f. Adoption by agency on: April 2, 2023</p> <p>g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023</p> <p>h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:</p>
<p>6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.</p> <p><input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare.</p> <p><input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023</p> <p><input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change:</p> <p><input type="checkbox"/> A recent federal regulation. Cite: Effective date:</p> <p><input type="checkbox"/> A recent court order. Cite order:</p> <p><input type="checkbox"/> Other:</p> <p>Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also changed the requirements for personnel in barber schools.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The legislation reduced the number of instructors that for-profit schools must have for the first 20 students enrolled. Temporary procedures were necessary because the rule was otherwise predicated on the notion schools must have multiple instructors.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06F .0102

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally to the Rule: Explain the Board's authority to that each school designate one person as a "school manager" and then make that person responsible for the school's compliance with the rules of the Subchapter?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06F .0102 is amended under temporary procedures with changes 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,~~] G.S. 86B-38 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,~~] G.S.
7 86B-31 and the rules in this Subchapter, whether present on the school premises or not.

8

9 *History Note: Authority G.S. ~~86A-15; 86A-22; 86B-31; 86B-38;~~*

10 *Eff. February 1, 1976;*

11 *Readopted Eff. February 8, 1978;*

12 *Amended Eff. April 1, 2010; May 1, 1989; March 1, 1983;*

13 *Readopted Eff. July 1, 2016;*

14 *Amended Eff. January 1, ~~2018.~~ 2018;*

15 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06F .0104 - INSTRUCTORS
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also included language to change references from "certified" instructors to "licensed" instructors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Since the legislation changed how statutes referred to government approvals for instructors in barber schools, the rule needed to be updated to match statutory language and avoid any challenge to whether the rule actually applied to the intended personnel.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
 Agency submitted request for consultation on:
 Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
 919-814-0641
E-Mail:
 dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06F .0104

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a): "Barbering activities" is an undefined term which needs definition. Consider "barbering services". See 21 NCAC 06P .0101

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06F .0104 is amended under temporary procedures with changes as follows:

2

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

4 (a) At least one barber instructor shall supervise barber students whenever they are engaged in barbering activities at
5 all 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 *History Note: Authority G.S. ~~86A-22; 86A-23; 86B-38; 86B-39;~~*

11 *Eff. February 1, 1976;*

12 *Readopted Eff. February 8, 1978;*

13 *Amended Eff. September 1, 2009; June 1, 2008; May 1, 1989;*

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

15 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06F .0120 - BARBER SCHOOL CURRICULUM
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave a curriculum in place that did not reflect the industry business types.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06F .0120

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Paragraph (c): By what criteria will a book or training material be judged as to whether it was “specifically created for the purpose of teaching barbering skills”?
This standard is ambiguous.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

21 NCAC 06F .0120 is amended under temporary procedures with changes as follows:

21 NCAC 06F .0120 BARBER SCHOOL CURRICULA CURRICULUM

(a) The following categories and courses shall comprise the minimum course work for all barber students at barber schools:

	Hours
Classroom Lecture and Study Periods:	
Hygiene and Good Grooming, Professional Ethics	25
Bacteriology, Sterilization, Sanitation	50
Implements, Honing, Stropping, and Shaving	30
Men's Haircutting	20
Cutting and Styling Curly Hair, Mustaches, and Beards	10
Shampooing and Rinsing, Scalp and Hair Treatments	10
Theory of Massage and Facial Treatments	5
Men's Razor Cutting, Women's Razor, and Shear Cutting	30
Finger Waving Men's Hair, Air Waving, and Curling Iron Techniques	5
Permanent Waving For Men, Chemical Hair Relaxing, and Blow Drying	25
Hair Coloring	10
Men's Hair Pieces	5
The Skin, Scalp, and Hair	30
Disorders of the Skin, Scalp, and Hair	15
Anatomy and Physiology	10
Electricity Therapy, Light Therapy, and Chemistry	10
Barber Styling, <u>Barber Shop and Mobile Barber Shop</u> Management, and Product Knowledge	70
Licensing Laws and Rules and History of Barbering	20
Supervised Practice in Barbering:	
Shampooing and Scientific Hair and Scalp Treatments	55
Shaving	50
Tapered Hair Cutting	250
Hair Styling of Men and Women	400
Facials, Massages, and Packs	10
Bleaching, Frosting, Hair Coloring, and Body Permanents	90
Cutting and Fitting Hair Pieces	5
Hair Straightening	5
The Analyzing and Treatment of Hair and Skin Disorders	10

1		
2	Lectures and Demonstrations on Practical Work:	
3	Shampooing and Scientific Hair and Scalp Treatments	15
4	Shaving	20
5	Tapered Hair Cutting	70
6	Hair Styling of Men and Women	100
7	Facials, Massages, and Packs	5
8	Bleaching, Frosting, Hair Coloring, and Permanent Waving	30
9	Cutting and Fitting Hair Pieces	5
10	Hair Straightening	3
11	The Analyzing and Treating of Hair and Skin Disorders	10
12	Men's and Women's Razor Cutting	15
13		
14		Total Hours 1528 <u>1,528</u>
15		

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

18		Hours
19	Classroom Lecture and Study Periods:	380
20		
21	Supervised Practice in Barbering:	
22	Tapered Hair Cutting	25
23	Hair Styling of Men and Women	34
24	Bleaching, Frosting, Hair Coloring, and Body Permanents	35
25		
26	Lectures and Demonstrations on Practical Work:	
27	Shampooing and Scientific Hair and Scalp Treatments	8
28	Shaving	5
29	Tapered Hair Cutting	20
30	Hair Styling of Men and Women	50
31	Bleaching, Frosting, Hair Coloring, and Permanent Waving	5
32	The Analyzing and Treating of Hair and Skin Disorders	7
33	Men's and Women's Razor Cutting	7
34		
35		Total Online Hours 576
36		

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 *History Note: Authority G.S. ~~86A-22(1); 86A-22(4); 86B-38;~~*

8 *Eff. March 1, 1983;*

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

10 *Readopted Eff. July 1, 2016;*

11 *Amended Eff. April 1, ~~2021.~~ 2021;*

12 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06H .0101 - DUTIES AND RESPONSIBILITIES
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also changed the requirements for personnel in barber schools by eliminating a distinction between nonprofit and for-profit schools. Since this distinction was eliminated, the requirement to provide proof of nonprofit status was also eliminated.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The version of the rule before amendment required schools to provide a copy of the Internal Revenue Service determination of tax-exempt status if the schools wished to have only one instructor employed for the first 20 students enrolled. Since the legislation eliminated the distinction between for-profit and nonprofit schools, the rule needed to be amendment to repeal the requirement for the IRS determination. Adhering to the permanent rulemaking process would leave in place a rule that conflicted with statute.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
 919-814-0641
E-Mail:
 dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
 Sherod Holloway
Title:
 Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06H .0101

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally to the Rule: Explain the Board's authority to make a "school manager" solely responsible for the duties stated in the Rule. Neither G.S. 86B-29 nor G.S. 86B-38 mention "managers". G.S. 86B-31 refers to "owner or manager".

Subparagraph (a)(1): By what criteria will a school manager be judged as to whether barber students have been "instructed"? This is ambiguous and needs definition.

Subparagraph (a)(2): What does the Board mean by "ensure"? The only time "managers" are mentioned in Chapter 86B is in G.S.86B-31? What is the Board's authority to make "managers" responsible for all statutes and rules governing barber schools and barbering?

Paragraph (b): What is the Board's authority to lay a requirement placed upon the barbering school pursuant to G.S. 86B-38 upon the school manager?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06H .0101 is amended under temporary procedures with changes 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 barber 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.~~] G.S.86B-38.

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 *History Note:* Authority ~~G.S. 86A-13; 86A-15; 86A-22; 86B-29; 86B-31; 86B-38;~~

17 ~~Eff. February 1, 1976;~~

18 ~~Readopted Eff. February 8, 1978;~~

19 ~~Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989; March 1, 1983;~~

20 ~~Readopted Eff. July 1, 2016. 2016;~~

21 Temporary Amendment Eff. May 2, 2023.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The board is separately amending 21 NCAC 06N .0101 to establish fees for mobile barber shops. As a result, the cross reference in this rule needed to be updated. In addition, the board is changing the name of the license type from "registered apprentice barber" to "license apprentice" to reflect changes in the legislation and avoid any question about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06I .0105

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally to the Rule: Explain the Board's authority to require someone to be a "barber student" as a prerequisite to taking the apprentice examination? Explain the Board's authority to require subparagraph 1 when G.S. 86B-40(a) prescribes the path an applicant must take to taking the barber apprentice competency examination which has no prerequisites?

History Note: Explain the relevancy of G.S. 86B-35.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06I .0105 is amended under temporary procedures with changes as follows:

2
3 **21 NCAC 06I .0105 LICENSED APPRENTICE BARBER BASED ON OUT-OF-STATE TRAINING**

4 A barber student who has trained in another state may take the examination to become a registered licensed apprentice
5 barber 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 *History Note:* ~~Authority G.S. 86A-5; 86A-18; 86A-24; 86A-25; 86B-2; 86B-35; 86B-40; 86B-41;~~
13 ~~Eff. February 1, 1976;~~
14 ~~Readopted Eff. February 8, 1978;~~
15 ~~Amended Eff. March 1, 1983;~~
16 ~~Legislative Objection Lodged Eff. March 7, 1983;~~
17 ~~Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989;~~
18 ~~Readopted Eff. October 1, 2016;~~
19 ~~Amended Eff. April 1, 2017; 2017;~~
20 Temporary Amendment Eff. May 2, 2023.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06J .0101 - LICENSED APPRENTICE
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also change the names of license types and established a new license type for mobile barber shops, with authority for the board to set fees for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The board is separately amending 21 NCAC 06N .0101 to establish fees for mobile barber shops. As a result, the cross reference in this rule needed to be updated. In addition, the board is changing the name of the license type from "registered apprentice" to "license apprentice" to reflect changes in the legislation and avoid any question about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06J .0101

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally to the Rule: Explain the Board's authority to require someone to be a "barber student" as a prerequisite to taking the apprentice examination?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06J .0101 is amended 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 ~~1528~~ 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 *History Note: Authority G.S. ~~86A-3; 86A-10; 86A-24; 86A-25; 86B-23; 86B-26; 86B-40; 86B-41;~~*
12 *Eff. February 1, 1976;*
13 *Readopted Eff. February 8, 1978;*
14 *Amended Eff. March 1, 1983;*
15 *Legislative Objection Lodged Eff. March 7, 1983;*
16 *Amended Eff. September 1, 2013; June 1, 2008; May 1, 1989;*
17 *Readopted Eff. ~~October 1, 2016.~~ 2016;*
18 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06K .0110 - IDENTIFICATION
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also changed the names of license types.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Since the legislation changes the references to license types in statute, temporary procedures were needed to update rules with the correct license names. That would avoid any question about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:
- No**

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06K .0110

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 6: To what "current government-issued photo identification" is the Board referring? A driver's license.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06K .0110 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-10; 86B-21; 86B-26;~~*

9 *Eff. June 1, 2008;*

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

11 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

<p>1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners</p>
<p>2. Rule citation & name: 21 NCAC 06K .0112 - APPLICANTS WITH MILITARY TRAINING AND EXPERTISE</p>
<p>3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal</p>
<p>4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No</p>
<p>5. Provide dates for the following actions as applicable:</p> <p>a. Proposed Temporary Rule submitted to OAH: January 10, 2023</p> <p>b. Proposed Temporary Rule published on the OAH website: January 13, 2023</p> <p>c. Public Hearing date: January 31, 2023</p> <p>d. Comment Period: January 12, 2023 - February 6, 2023</p> <p>e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023</p> <p>f. Adoption by agency on: April 2, 2023</p> <p>g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023</p> <p>h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:</p>
<p>6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.</p> <p><input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare.</p> <p><input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023</p> <p><input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change:</p> <p><input type="checkbox"/> A recent federal regulation. Cite: Effective date:</p> <p><input type="checkbox"/> A recent court order. Cite order:</p> <p><input type="checkbox"/> Other:</p> <p>Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also changed the names of license types.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Since the legislation changes the references to license types in statute, temporary procedures were needed to update rules with the correct license names. That would avoid any question about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06K .0112

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (c), Line 22: Include a reference to the rule or statute establishing the examination for clarity.

Paragraph (d), Line 30 and 31: To which "part of the documentation" is the Board referring?

Paragraph (d)(2), Line 35: As written, there is no Subparagraph (c)(1) f this Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06K .0112 is amended under temporary procedures with changes 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,] G.S. 86B-28 for licensure as to
5 be a registered licensed barber, an individual who has military training and expertise and wants to apply to become a
6 registered 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 *History Note: Authority G.S. ~~86A-1; 86A-11; 86A-12; 86A-25; 86B-21; 86B-27; 86B-28; 86B-41; 93B-15.1;~~*

5 *Eff. April 1, ~~2017.~~ 2017;*

6 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 06K .0113 - MILITARY SPOUSES

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

A serious and unforeseen threat to the public health, safety or welfare.

The effective date of a recent act of the General Assembly or of the U.S. Congress.

Cite: S.L. 2022-72

Effective date: January 1, 2023

A recent change in federal or state budgetary policy.

Effective date of change:

A recent federal regulation.

Cite:

Effective date:

A recent court order.

Cite order:

Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also changed the names of license types.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Since the legislation changes the references to license types in statute, temporary procedures were needed to update rules with the correct license names. That would avoid any question about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06K .0113

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a), Line 6: To which statute or statutes is the Board referring in G.S. 86B?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: April 6, 2023

1 21 NCAC 06K .0113 is amended under temporary procedures with changes 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,]~~ G.S. 86B for licensure as a registered licensed
7 barber:

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

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

11 (b) The applicant shall instead apply for out-of-state licensure under ~~G.S. 86A-12 [S.L. 2022-72, s. 2,]~~ G.S. 86B-28
12 and Rule .0104 of this Section if the certification letter required by Subparagraph (a)(2) of this Rule does not show
13 that the ~~applicant:~~ applicant

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

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

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

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

19
20 *History Note:* Authority ~~G.S. 86A-1; 86A-3; 86A-11; 86A-12; 86A-25; 86B-21; 86B-23; 86B-27; 86B-28; 86B-41;~~
21 ~~93B-15.1;~~

22 *Eff. April 1, 2017. 2017;*

23 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners	
2. Rule citation & name: 21 NCAC 06L .0104 - BARBER SHOP AND MOBILE BARBER SHOP PERMITS	
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Effective date:
5. Provide dates for the following actions as applicable:	
a. Proposed Temporary Rule submitted to OAH: January 10, 2023	
b. Proposed Temporary Rule published on the OAH website: January 13, 2023	
c. Public Hearing date: January 31, 2023	
d. Comment Period: January 12, 2023 - February 6, 2023	
e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023	
f. Adoption by agency on: April 2, 2023	
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023	
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.	
<input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare.	
<input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023	
<input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change:	
<input type="checkbox"/> A recent federal regulation. Cite: Effective date:	
<input type="checkbox"/> A recent court order. Cite order:	
<input type="checkbox"/> Other:	
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. The board also needed to remove a time frame requirement not required by statute.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0104

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a): If a barber shop is found not to have been "ready" for inspection, does this create an additional violation? What does "ready for inspection" mean?

Paragraph (b): What is the Board's authority to charge an inspection fee? Neither of the statutes cited in the History Note address fees. As written, does Paragraph (b) not require notification of a change of address prior to a move?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0104 is amended 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 ~~(e)(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 *History Note: Authority G.S. ~~86A-1; 86A-13; 86B-21; 86B-29;~~*

12 *Eff. February 1, 1976;*

13 *Readopted Eff. February 8, 1978;*

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

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

16 *Temporary Amendment Eff. May 2, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The current version of the rule assumes that mobile barber shops are impermissible and thus requires barber shops in mobile homes, motor homes, trailers, or recreational vehicles to be permanently affixed. Since S.L. 2022-72 created a new license type of mobile barber shops, the amendment repeals Paragraph (e). Temporary rulemaking procedures were necessary to prevent a situation where the rule conflicted with statute, which explicitly allows mobile homes and other types of mobile vehicles.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0106

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a): By employing the word “may” in line 7, the Rule is permissive in nature. Is there any rule placing requirements on the partitions? Line 6 refers to “required partitions”. Is there a rule which could be cited?

Paragraph (b): Why is this paragraph necessary? Would “sanitary regulations and this Subchapter” not already be applicable to the regulated?

Paragraph (c): What does the Board consider a residential building? This is a subjective standard unless defined.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0106 is amended under temporary procedures with changes 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,~~] G.S. 86B-31 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 *History Note: Authority G.S. ~~86A-15~~; 86B-31;*

25 *Eff. February 1, 1976;*

26 *Readopted Eff. February 8, 1978;*

27 *Amended Eff. April 1, 2010; June 1, 2008; January 1, 1995; May 1, 1989; March 1, 1983;*

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

29 *Temporary Amendment Eff. May 2, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The legislation set general sanitation requirements and allowed the board to adopt rules for additional requirements. The board determined that this rule would be essential for public health and that it was crucial to quickly establish criteria for disinfectants. The board also needed to make sure the requirements for disinfectants would apply to mobile barber shops, which the legislation newly allows.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0109

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Subparagraph (b)(1): Registered how? Pursuant to what? A citation to a federal reg would clear this up.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0109 is amended under temporary procedures with changes 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,~~] G.S. 86B of the North Carolina General Statutes shall use any ~~commercial chemical~~ disinfectant in the
6 practice of barbering unless the ~~commercial chemical~~ disinfectant is received with a list of all contents and instructions
7 for its 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 *History Note:* *Authority G.S. ~~86A-5; 86B-2; 86B-31;~~*

22 *Eff. March 1, 1983;*

23 *Amended Eff. May 1, 1989;*

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

25 *Temporary Amendment Eff. May 2, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The legislation created a new license type for mobile barber shops and required the board to adopt rules. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops and to make sure that the mobile shops and brick-and-mortar shops had parity for rented space.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0112

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally to the Rule: Explain the Board's authority to hold a "licensed barber manager" responsible for the "barbering services" performed. The only time managers are mentioned in Chapter 86B is in G.S. 86B-31 and there it states "owner or manager" shall comply with limited sanitary rules and regulations. Further, there is no procedure for the licensure of a barber manager.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0112 is amended 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 *History Note: Authority G.S. ~~86A-15~~; 86B-31;*
11 *Eff. June 1, 2008;*
12 *Readopted Eff. July 1, ~~2016~~; 2016;*
13 *Temporary Amendment Eff. May 2, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the change in license names. Temporary procedures are necessary to avoid any question about the applicability of the rule to the intended license type. The amendment also reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0113

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In Paragraph (a): Consider adding “knowingly” after “shall”.

In Paragraph (c), Line 15: Do boards have “rights”? In this context I think the Board intends “authority”.

In Paragraph (c), Line 15: What does the Board mean by a “physical examination”? Would this be by a physician of the Board’s choosing?

In Paragraph (c), Line 16: Suspected by whom?

In Paragraph (c), Line 16: Suspicion is ambiguous. Upon what must the suspicion be based? Reports? An anonymous phone call? The presence of open sores? Presumably a barber who refuses this invasion of privacy could have their license revoked and lose their livelihood, so clarity and unambiguity are important.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0113 is amended under temporary procedures with changes as follows:

2
3 **21 NCAC 06L .0113 DISEASES**

4 (a) No holder of a ~~registered barber~~, barber license, ~~apprentice~~, apprentice license, or barber student barber permit
5 shall serve 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 *History Note: Authority G.S. ~~86A-15~~; 86B-31;*
20 *Eff. June 1, 2008;*
21 *Readopted Eff. July 1, ~~2016~~. 2016;*
22 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06L .0114 - PETS PROHIBITED
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0114

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4: How does the Board define "service dogs"? Either define it or add a citation to law permitting service animals. 28 CFR 36.104?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0114 is amended 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 *History Note: Authority G.S. ~~86A-15;~~ 86B-31;*

8 *Eff. June 1, 2008;*

9 *Amended Eff. September 1, 2013;*

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

11 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

<p>1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners</p>
<p>2. Rule citation & name: 21 NCAC 06L .0115 - INSPECTIONS OF SHOPS</p>
<p>3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal</p>
<p>4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No</p>
<p>5. Provide dates for the following actions as applicable:</p> <p>a. Proposed Temporary Rule submitted to OAH: January 10, 2023</p> <p>b. Proposed Temporary Rule published on the OAH website: January 13, 2023</p> <p>c. Public Hearing date: January 31, 2023</p> <p>d. Comment Period: January 12, 2023 - February 6, 2023</p> <p>e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023</p> <p>f. Adoption by agency on: April 2, 2023</p> <p>g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023</p> <p>h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:</p>
<p>6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.</p> <p><input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare.</p> <p><input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023</p> <p><input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change:</p> <p><input type="checkbox"/> A recent federal regulation. Cite: Effective date:</p> <p><input type="checkbox"/> A recent court order. Cite order:</p> <p><input type="checkbox"/> Other:</p> <p>Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0115

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (b) and (c): Change "may" to "shall". If it is discretionary, what are the objective criteria which will be considered in making the decision?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0115 is amended under temporary procedures with changes 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.] G.S. 86B and the Board's administrative rules are being followed.

7 Persons authorized to ~~make an inspection of~~ inspect barber shops or mobile barber shops shall prepare a report
8 according to Rule .0119 of this Section. The report shall be signed by the inspector and shall be available free of
9 charge upon request by ~~the owner or manager or~~ any member of the public. The Board shall provide a copy of any
10 violation notice ~~shall be left with~~ to the barber shop or mobile barber shop, ~~owner or registered barber manager, and~~
11 ~~retained within the barbering 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 *History Note: Authority G.S. ~~86A-5(a)(1); 86A-15; 86B-2; 86B-31;~~*

20 *Eff. June 1, 2008;*

21 *Amended Eff. April 1, 2010;*

22 *Readopted Eff. July 1, 2016;*

23 *Amended Eff. January 1, ~~2017.~~ 2017;*

24 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06L .0116 - BARBER SHOP MANAGERS
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0116

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a): Explain the authority of the Board to place an obligation of the business upon a particular employee of the business.

Paragraph (b): Explain the authority of the Board designate responsibility upon the manager, if there is one, to the exclusion of the owner pursuant to G.S. 86B-31.

Paragraph (c): Explain the authority of the Board to place the obligations of the business upon a particular employee of the business.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0116 is amended 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 *History Note: Authority G.S. ~~86A-15; 86A-22; 86B-31; 86B-38;~~*
15 *Eff. June 1, 2008;*
16 *Amended Eff. April 1, 2010;*
17 *Readopted Eff. July 1, 2016;*
18 *Amended Eff. January 1, ~~2018;~~ 2018;*
19 *Temporary Amendment Eff. May 2, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0117

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

“Signs” of rodents is ambiguous. Consider “All barber shops and mobile barber shops shall remain free of rodents, vermin, insects, mold, mildew, or water damage.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0117 is amended 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 *History Note: Authority ~~G.S. 86A-15;~~ G.S. 86B-31;*

8 *Eff. June 1, 2008;*

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

10 *Temporary Amendment Eff. May 2, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0118

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (d): Define "newly established". 60 days? 6 months? The initial inspection?

Paragraph (e): Do not all barber shops receive a sanitary rating card?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0118 is amended 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 *History Note: Authority ~~G.S. 86A-5; 86A-15; G.S. 86B-2; 86B-31;~~*

21 *Eff. June 1, 2008;*

22 *Amended Eff. September 1, 2013;*

23 *Readopted Eff. October 1, 2016;*

24 *Amended Eff. April 1, ~~2022.~~ 2022;*

25 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 06L .0119 - SYSTEMS OF GRADING BARBER SHOPS, MOBILE BARBER SHOPS, AND BARBER SCHOOLS

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0119

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Subparagraph (9)(a): Approved by the EPA how?

Paragraph (e): Do not all barber shops receive a sanitary rating card?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0119 is amended under temporary procedures with changes 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]~~ G.S. 86B-31(a)(2)(d) 4;
- 33 (9) for tools and instruments:
- 34 (a) whether disinfectants used by the barber shop or school are selected from those approved
35 by the federal Environmental Protection Agency 4;
- 36 (b) whether disinfectants are used according to manufacturer instructions 4;

- 1 (c) whether all implements are cleaned and disinfected and, when not in use, stored in a tool
 2 cabinet as set forth in 21 NCAC 06F .0101(b)(11) for barber ~~schools~~ schools, or 21 NCAC
 3 ~~06L .0103(a)~~ Rule .0103(a) of this Subchapter for barber ~~shops~~ shops, or Rule .0202(1) of
 4 this Subchapter 8;
- 5 (10) for working areas:
- 6 (a) whether the work stand is sanitary 3;
- 7 (b) whether sinks are sanitary 2;
- 8 (c) whether jars and containers are sanitary and disinfected 1;
- 9 (d) whether the work area is free from equipment that is unnecessary to provide barbering
 10 services, and whether articles in the work area are sanitary 1;
- 11 (11) whether the ~~license, permit, license or certificate of registration~~ permit is current and posted as set
 12 forth in ~~G.S. 86A-16 [S.L. 2022-72, s. 2]~~ G.S. 86B-33 10;
- 13 (12) whether the sanitary rules and regulations are posted in a conspicuous place as set forth in ~~G.S. 86A-~~
 14 ~~15(b) [S.L. 2022-72, s. 2]~~ G.S. 86B-31(b) 1;
- 15 (13) whether there are sterilizing containers and solutions that are used according to manufacturer
 16 instructions 20.

17

18 *History Note:* Authority G.S. 86A-5(a)(1); 86A-15; 86A-16; G.S. 86B-2; 86B-31; 86B-33;
 19 Eff. June 1, 2008;
 20 Amended Eff. September 1, 2013;
 21 Readopted Eff. October 1, 2016;
 22 Amended Eff. April 1, 2018. 2018;
 23 Temporary Amendment Eff. May 2, 2023.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 06L .0120 - NOTIFICATION OF CHANGE OF ADDRESS

3. Action: Adoption Amendment Repeal

4. Was this an Emergency Rule: Yes No **Effective date:**

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: January 10, 2023
- b. Proposed Temporary Rule published on the OAH website: January 13, 2023
- c. Public Hearing date: January 31, 2023
- d. Comment Period: January 12, 2023 - February 6, 2023
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023
- f. Adoption by agency on: April 2, 2023
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

Agency contact, if any:

Phone:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0120

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Explain the Board's authority to designate individual responsibility for an obligation of the business.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0120 is amended 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 *History Note: Authority ~~G.S. 86A-1;~~ G.S. 86B-21;*

9 *Eff. September 1, 2009;*

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

11 *Temporary Amendment Eff. May 2, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

Agency contact, if any:

Phone:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0201

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (b): Define or remove "sufficient". The Board should be able to define the number of inches or feet which are required.

Paragraph (c): Identify the "statutes of the Division of Motor Vehicles".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0201 is adopted under temporary procedures with changes 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); or

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 *History Note:* Authority G.S. 86B-30;

22 Temporary Adoption Eff. May 2, 2023.



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 06L .0202 - EQUIPMENT

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

Effective date:

No

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: January 10, 2023
- b. Proposed Temporary Rule published on the OAH website: January 13, 2023
- c. Public Hearing date: January 31, 2023
- d. Comment Period: January 12, 2023 - February 6, 2023
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023
- f. Adoption by agency on: April 2, 2023
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0202

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 5: "with for" ?

Line 5: Can't all things be cleaned? Define "may be cleaned". Does the Board mean sanitized?

Line 10: Replace "must" with "shall".

Line 18: Define "suitable".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0202 is adopted under temporary procedures with changes 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~~; G.S. 86B-31(a)(2)(c);
- 14 (6) maintain a supply of clean towels sufficient to provide barbering services;
- 15 (7) have a cabinet, or other method of storage, such that clean towels are stored separate from used
16 towels; and
- 17 (8) ensure that all equipment and tools used in the practice of barbering as set forth in ~~S.L. 2022-72, s.~~
18 ~~2~~, is G.S. 86B-22 are suitable for the safe cutting of hair and maintained in sanitary and good
19 operating condition as required by ~~S.L. 2022-72, s. 2~~ G.S. 86B-31(a)(2).
20

21 *History Note:* *Authority G.S. 86B-30;*
22 *Temporary Adoption Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

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

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

Agency contact, if any:

Phone:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0203

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Subparagraph 6 (d) and (e): Define or delete "adequate".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0203 is adopted 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 *History Note: Authority G.S. 86B-30;*

21 *Temporary Adoption Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 06L .0204 - PERSONNEL

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

Effective date:

No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06L .0204

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a): What is the process to become a "Licensed Barber Manager"?

Paragraph (a): Explain the Board's authority to require a manager and then require and hold accountable that employee for obligations which fall upon the business?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06L .0204 is adopted 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 *History Note: Authority G.S. 86B-30;*

14 *Temporary Adoption Eff. May 2, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. It also updates the names of license types to reflect the statutory language. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops. Temporary procedures also were necessary to update the names of license types to avoid any question about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes**
Agency submitted request for consultation on: January 12, 2023
Consultation not required. Cite authority:
- No**

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06N .0101

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a)(1)-(24), (27): Given that the fees are set in G.S. 86B-41, why is this reasonably necessary?

Paragraph (a)(28): Explain the Board's authority for creating this fee?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06N .0101 is amended under temporary procedures with changes 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;~~] G.S. 86B-
5 41:

6	(1)	Certificate of registration or renewal as a <u>licensed</u> barber	\$50.00
7	(2)	Certificate of registration or renewal as an a <u>licensed</u> apprentice barber	\$50.00
8	(3)	Barbershop <u>Barber shop</u> permit or renewal	\$50.00
9	(4)	<u>Mobile barber shop permit or renewal</u>	\$50.00
10	(4)(5)	Examination to become a registered <u>licensed</u> barber	\$85.00
11	(5)(6)	Examination to become a registered <u>licensed</u> apprentice barber	\$85.00
12	(6)(7)	Late fee for restoration of an expired barber certificate <u>license</u> within first year after expiration	\$35.00
13			
14	(7)(8)	Late fee for restoration of an expired barber certificate <u>license</u> after first year after expiration but within five years after expiration	\$70.00
15			
16	(8)(9)	Late fee for restoration of an expired apprentice certificate <u>license</u> within the first year after expiration	\$35.00
17			
18			\$35.00
19	(9)(10)	Late fee for restoration of an expired apprentice certificate <u>license</u> after first year after expiration but within three years of first issuance of the certificate <u>license</u>	\$45.00
20			
21	(10)(11)	Late fee for restoration of an expired barber shop certificate <u>permit</u>	\$45.00
22	(12)	<u>Late fee for restoration of an expired mobile barber shop permit</u>	\$45.00
23	(11)(13)	Examination to become a barber school instructor	\$165.00
24	(12)(14)	Student <u>Barber student</u> permit	\$25.00
25	(13)(15)	Issuance of any duplicate copy of a license, certificate, <u>license</u> or permit	\$10.00
26	(14)(16)	Barber school permit or renewal	\$130.00
27	(15)(17)	Late fee for restoration of an expired barber school certificate <u>permit</u>	\$85.00
28	(16)(18)	Barber school instructor certificate <u>license</u> or renewal	\$85.00
29	(17)(19)	Late fee for restoration of an expired barber school instructor certificate <u>license</u> within first year after expiration	\$45.00
30			
31	(18)(20)	Late fee for restoration of an expired barber school instructor certificate <u>license</u> after first year after expiration but within three years after expiration	\$85.00
32			
33	(19)(21)	Inspection of newly established barbershop <u>barber shop</u>	\$120.00
34	(22)	<u>Inspection of newly established mobile barber shop</u>	\$120.00
35	(20)(23)	Inspection of newly established barber school	\$220.00
36	(21)(24)	Issuance of a registered barber or apprentice certificate <u>license</u> by certification <u>reciprocity</u>	\$120.00
37	(22)(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~~] G.S. 86B-10(d) for paying any
6 required fee for renewal or restoration, or a civil penalty and attorney fee, where the apprentice
7 barber or ~~registered~~ licensed barber 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~~ 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~~ 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 licensed~~ licensed barbers, apprentice barbers, or barber instructors, a statement from the holder
29 of the ~~license, permit, license~~ license or ~~certificate of registration permit~~ permit that the individual is not able to
30 renew online; or

31 (2) For barber ~~shops, 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.

34 *History Note:* Authority G.S. ~~86A-5; 86A-25; 86A-27(d); 86B-2; 86B-10; 86B-41; 93B-2;~~

35 *Eff. February 1, 1976;*

36 *Readopted Eff. February 8, 1978;*

1 *Amended Eff. April 1, 2010; September 1, 2009; June 1, 2008; April 1, 2005; May 1, 1989; March*
2 *1, 1983;*
3 *Readopted Eff. July 1, 2016;*
4 *Amended Eff. April 1, 2022; February 1, 2019; January 1, 2018; April 1, ~~2017~~ 2017;*
5 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 06N .0102 - FORM BAR-1

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops and changed the names of licenses.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment indirectly reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. The rule needed to be updated to make it clear that this application was only for brick-and-mortar barber shops rather than barber shops, since the board is separately adopting an application rule for mobile barber shops. The cross-reference in Paragraph (b) also needed to be updated because the board adopted fees in 21 NCAC 06N .0101 through temporary procedures.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
 Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06N .0102

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a)(2): There is no procedure to license a barber manager. What is the Board's authority to require a business to have a "manager"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06N .0102 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-13; 86A-15; 86A-25; 86B-21; 86B-29; 86B-31; 86B-41;~~*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. February 8, 1978;*

19 *Amended Eff. March 1, 1983;*

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

21 *Curative Amended Eff. April 6, 1983;*

22 *Amended Eff. May 1, 1989;*

23 *Readopted Eff. July 1, 2016;*

24 *Amended Eff. February 1, 2021; October 1, ~~2020~~ 2020;*

25 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY
VOLUME:
ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06N .0103 - FORM BAR-2
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops and changed the names of licenses.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The current version of the rule assumes that "barber shop" refers to a brick-and-mortar business, since that was the only type of business allowed before S.L. 2022-72 became law. The amendment updates references to show that there are two business types that would be affected by this rule, including a license type that did not exist before S.L. 2022-72. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

Agency contact, if any:

Phone:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06N .0103

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a), (a)(3), and (a)(5): There is no procedure to license a "barber manager". What is the Board's authority to require a business to have a "manager"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06N .0103 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-25; 86B-21; 86B-41~~;*
18 *Eff. February 1, 1976;*
19 *Readopted Eff. February 8, 1978;*
20 *Amended Eff. March 1, 1983;*
21 *Legislative Objection Lodged Eff. March 7, 1983;*
22 *Curative Amended Eff. April 6, 1983;*
23 *Amended Eff. May 1, 1989;*
24 *Readopted Eff. October 1, ~~2016~~; 2016;*
25 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 06N .0104 - FORM BAR-3

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment indirectly reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. The cross-reference in Paragraph (b) needed to be updated because the board adopted fees in 21 NCAC 06N .0101 through temporary procedures.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06N .0104

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a): Explain the Board's authority to require a member of the general public to seek permission from the Board to enroll in an educational institution.

Paragraph (a)(4): How can an applicant provide the "date of enrollment" on a form seeking "permission to enroll"?

Paragraph (b): What if the barber school does not have a manager? What is the Board's authority to require a business to have a "manager"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06N .0104 is amended 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 *History Note: Authority G.S. ~~86A-18; 86A-22; 86A-25; 86B-35; 86B-38; 86B-41~~; 93B-14;*

13 *Eff. February 1, 1976;*

14 *Readopted Eff. February 8, 1978;*

15 *Amended Eff. March 1, 1983;*

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

17 *Curative Amended Eff. April 6, 1983;*

18 *Amended Eff. September 1, 2013;*

19 *May 1, 1989;*

20 *Readopted Eff. October 1, 2016;*

21 *Amended Eff. October 1, ~~2020~~; 2020;*

22 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06N .0109 - FORM BAR-8
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Effective date:
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops, changed the name of some license types, and reduced the requirements for out-of-state applicants.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The cross-reference in Paragraph (b) needed to be updated because the board adopted fees in 21 NCAC 06N .0101 through temporary procedures. The board also needed to follow temporary procedures to update the names of license types to avoid any question about the applicability of the rule to the intended license type. The board, which did not exist before January 1, 2023, needed to clarify an ambiguous provision about what the content of the verification in Paragraph (d) should contain. Finally, S.L. 2022-72, s. 2, reduced the requirements for out-of-state licensees from three years of practice to one year, and the rule needed to be updated to avoid conflict with statute.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06N .0109

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a), Line 5: Is there a separate form for out-of-state applicants licensed in another state less than one year? It is noted that 21 NCAC 06K .0104 does not require out of state licensure for "at least one year".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06N .0109 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-12; 86A-25; 86B-21; 86B-28; 86B-41;~~*

21 *Eff. March 1, 1983;*

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

23 *Curative Eff. April 6, 1983;*

24 *Amended Eff. September 1, 2013; May 1, 1989;*

25 *Readopted Eff. July 1, 2016;*

26 *Amended Eff. October 1, 2020; January 1, ~~2017~~ 2017;*

27 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06N .0116 - FORM BAR-13
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Temporary procedures were necessary to establish the rules and begin permitting mobile barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06N .0116

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a)(3): What is the procedure for someone to be licensed a "barber manager". I believe what the Board intends is a barber shop manager who is licensed to barber. Consider making this a defined term.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06N .0116 is adopted under temporary procedures with changes 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)~~; G.S. 86B-30(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 Section 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 *History Note:* Authority *G.S. 86B-30*;

22 *Temporary Adoption Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06O .0104 - UNSUPERVISED APPRENTICE
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also changed the references to various license types.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment updates the name of a license type. Temporary procedures were necessary so that there were no questions about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06O .0104 through .0125

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

What does the Board mean by “2nd offense” and “3rd offense”. When is the “offense” complete? For example, if a penalty was waived by the Board, does that count as an offense? What if the penalty is currently under appeal? What does “offense” mean in this context?

For every Rule establishing a civil penalty, the Rule should state the Rule being violated as the Board did in 21 NCAC 06O .0125 for example.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06O .0104 is amended under temporary procedures with changes 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 barber student ~~barber~~ with
5 a temporary permit to engage in barbering without the supervision as required by G.S. 86A-24(b): [~~S.L. 2022-72, s.~~
6 ~~2:~~] G.S. 86B-40(b):

7 (1) 1st offense \$300.00

8 (2) 2nd offense \$400.00

9 (b) The presumptive civil penalty for an apprentice or barber student ~~barber~~ with a temporary permit engaging in
10 barbering without the supervision as required by G.S. 86A-24(b): [~~S.L. 2022-72, s. 2:~~] G.S. 86B-40(b):

11 (1) 1st offense \$200.00

12 (2) 2nd offense \$300.00

13 (3) 3rd offense \$500.00

14

15 *History Note: Authority G.S. ~~86A-5(a)(6); 86A-24; 86A-27; 86B-40; 86B-10;~~*

16 *Eff. April 1, 2005;*

17 *Amended Eff. September 1, 2009;*

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

19 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 060 .0105 - UNLICENSED BARBER OR APPRENTICE

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops and changed the references to existing license types.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. The board also needed to make sure that the rules specified the consequences for unlicensed practice in a mobile barber shop.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on: January 12, 2023

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06O .0105, .0112, .0114, .0119

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Explain the Board's authority to issue a penalty against a manager for the business's violation.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06O .0105 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-27; 86B-10; 86B-21;~~*

14 *Eff. April 1, 2005;*

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

16 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 060 .0106 - DISPLAY OF CURRENT LICENSE
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment reflects the mandate of the legislation for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. The board also needed to make sure that the rules specified the consequences for failure to display a mobile barber shop permit.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on: January 12, 2023

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

Agency contact, if any:

Phone:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0106 is amended 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 *History Note:* Authority G.S. 86A-1; 86A-5(a)(6); 86A-16; 86A-27; 86B-10; 86B-21; 86B-33;
21 Eff. April 1, 2005;
22 Readopted Eff. July 1, 2016. 2016;
23 Temporary Amendment Eff. May 2, 2023.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 060 .0108 - INSPECTIONS OF BARBER SHOPS, MOBILE BARBER SHOPS, AND SCHOOLS

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. The board also needed to make sure that the rules specified the consequences for preventing inspections.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes**
Agency submitted request for consultation on: January 12, 2023
Consultation not required. Cite authority:
- No**

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

Agency contact, if any:

Phone:
E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0108 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-15(b); 86A-27; 86B-10; 86B-21; 86B-31;~~*
12 *Eff. April 1, 2005;*
13 *Readopted Eff. July 1, ~~2016; 2016;~~*
14 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 060 .0109 - EXPIRED LICENSE

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule: Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also changed the names of license types.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment changes references from registered barber certificates to barber licenses. Temporary procedures were necessary to avoid any questions about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

Agency contact, if any:

Phone:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0109 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-17(b); 86A-27; 86B-10; 86B-21; 86B-34;~~*

16 *Eff. April 1, 2005;*

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

18 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06O .0110 - ADEQUATE PREMISES
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. Since other rules specify the facility requirements for mobile barber shops, the board needed to clarify that this rule only applied to brick-and-mortar barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:
- No**

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0110 is amended under temporary procedures with changes 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,~~] G.S. 86B-31 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,~~] G.S. 86B-31 and the applicable rules in 21 NCAC 06L .0102 through .0109, after two written
11 warnings:

12 (1) 1st offense \$250.00

13 (2) 2nd offense \$450.00

14 (3) 3rd offense \$500.00

15

16 *History Note:* Authority G.S. 86A-5(a)(6); 86A-15; 86A-18(6); 86A-18(7); 86A-22(6); 86A-27; 86B-10; 86B-31;
17 86B-35; 86B-38;

18 Eff. April 1, 2005;

19 Readopted Eff. July 1, 2016. 2016;

20 Temporary Amendment Eff. May 2, 2023.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06O .0112 - IDENTIFICATION
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. The board also needed to make sure that the rules specified the consequences for failure of identification. And the rules needed to reflect new statutory language about license types ("licensed barber" rather than "registered barber") so that there was no question about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes**
 Agency submitted request for consultation on: **January 12, 2023**
 Consultation not required. Cite authority:
- No**

9. Rule-making Coordinator:

Dennis Seavers
Phone:
 919-814-0641
E-Mail:
 dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
 Sherod Holloway
Title:
 Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0112 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-10; 86A-11; 86A-27; 86B-10; 86B-21; 86B-26; 86B-27;~~*

21 *Eff. June 1, 2008;*

22 *Amended Eff. September 1, 2009;*

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

24 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06O .0113 - BARBER SHOPS IN RESIDENCES
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Effective date:
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The original version of the rule is predicated on barber shops being prohibited in mobile homes, since mobile barber shops were unlawful before S.L. 2022-72. With the legislation, mobile barber shops are allowed, and the board needed to update the rule under temporary procedures to avoid having a rule that conflicted with statute.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0113 is amended 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 *History Note: Authority G.S. ~~86A-15; 86A-27; 86B-10; 86B-31;~~*

14 *Eff. June 1, 2008;*

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

16 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 060 .0114 - ANIMALS IN BARBER SHOPS
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. The board also needed to make sure that the rules specified the consequences for having prohibited animals in barber shops.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on: January 12, 2023

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0114 is amended 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 *History Note: Authority G.S. ~~86A-15; 85A-27; 86B-10; 86B-31;~~*

11 *Eff. June 1, 2008;*

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

13 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners	
2. Rule citation & name: 21 NCAC 060 .0116 - UNLICENSED SCHOOL INSTRUCTORS	
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No	
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:	
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also changed the name of some license types.	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment updates the name of the government approval for instructors from "certificate" to "license." Temporary procedures were necessary to avoid questions about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0116 is amended 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 *History Note: Authority G.S. ~~86A-22; 86A-23; 86A-27; 86B-10; 86B-38; 86B-39;~~*

15 *Eff. September 1, 2009;*

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

17 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners	
2. Rule citation & name: 21 NCAC 06O .0117 - BARBER FAILING TO MAINTAIN OR PRODUCE EXEMPTION LOG	
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No	
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:	
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also changed the name of some license types.	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment updates the name licensed barbers to reflect the new statutory language. Temporary procedures were necessary to avoid questions about the applicability of the rule to the intended license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0117 is amended 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 *History Note: Authority G.S. ~~86A-15(e); 86A-27; 86B-10; 86B-31~~;*
16 *Eff. April, 1, 2010;*
17 *Readopted Eff. July 1, ~~2016~~, 2016;*
18 *Temporary Amendment Eff. May 2, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 060 .0119 - FAILURE TO NOTIFY BOARD OF CHANGE OF ADDRESS

3. Action: Adoption Amendment Repeal

4. Was this an Emergency Rule: Yes Effective date:
 No

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: January 10, 2023
- b. Proposed Temporary Rule published on the OAH website: January 13, 2023
- c. Public Hearing date: January 31, 2023
- d. Comment Period: January 12, 2023 - February 6, 2023
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023
- f. Adoption by agency on: April 2, 2023
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:
Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. The board also needed to make sure that the rules specified the consequences for failing to notify the board of address changes.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on: January 12, 2023

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0119 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-27; 86B-2; 86B-10; 86B-30;~~*

17 *Eff. July 1, 2016- 2016;*

18 *Temporary Amendment Eff. May 2, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. The board also needed to make sure that the rules specified the consequences for failing to display permits or sanitation grades.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes**
Agency submitted request for consultation on: January 12, 2023
Consultation not required. Cite authority:
- No**

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0121 is amended 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 | \$50.00 <u>\$150.00</u> |
| 7 | (2) | 2nd offense | \$100.00 <u>\$350.00</u> |
| 8 | (3) | 3rd offense | \$200.00 <u>\$400.00</u> |

9

10 *History Note:* Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-16; 86A-27; 86B-2; 86B-10; 86B-33;~~
11 Eff. July 1, 2016. 2016;
12 Temporary Amendment Eff. May 2, 2023.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

21 NCAC 060 .0122 - FAILURE TO NOTIFY BOARD OF CHANGE OF BARBER SHOP, MOBILE BARBER SHOP, OR SCHOOL MANAGER

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule: Yes

Effective date:

No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type. The board also needed to make sure that the rules specified the consequences for failing to notify the board of changes in management.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on: January 12, 2023

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06O .0122

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a): What is the procedure for someone to be licensed a "barber manager". I believe what the Board intends is a barber shop manager who is licensed to barber. Consider making this a defined term.

Paragraph (b): What is the procedure for someone to be licensed an "instructor manager".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06O .0122 is amended 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 *History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-22; 86A-27; 86B-2; 86B-10; 86B-38;~~*

22 *Eff. July 1, 2016;*

23 *Amended Eff. July 1, ~~2020~~, 2020;*

24 *Temporary Amendment Eff. May 2, 2023.*



TEMPORARY RULE-MAKING
FINDINGS OF NEED
[Authority G.S. 150B-21.1]

OAH USE ONLY
VOLUME:
ISSUE:

1. Rule-Making Agency:
North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:
21 NCAC 06O .0123 - LICENSING OF MOBILE BARBER SHOPS

3. Action: Adoption Amendment Repeal

4. Was this an Emergency Rule: Yes **Effective date:**
 No

5. Provide dates for the following actions as applicable:

a. **Proposed Temporary Rule submitted to OAH:** January 10, 2023

b. **Proposed Temporary Rule published on the OAH website:** January 13, 2023

c. **Public Hearing date:** January 31, 2023

d. **Comment Period:** January 12, 2023 - February 6, 2023

e. **Notice pursuant to G.S. 150B-21.1(a3)(2):** January 13, 2023

f. **Adoption by agency on:** April 2, 2023

g. **Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:** May 2, 2023

h. **Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:**

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

A serious and unforeseen threat to the public health, safety or welfare.

The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023

A recent change in federal or state budgetary policy.
Effective date of change:

A recent federal regulation.
Cite:
Effective date:

A recent court order.
Cite order:

Other:

Explain:
Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type and without rules to specify the consequences of noncompliance.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on: January 12, 2023
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0123 is adopted 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 *History Note: Authority G.S. 86B-10; 86B-29; 86B-30;*

15 *Temporary Adoption Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 06O .0124 - TOILETS, SINK, SEWAGE, AND WASTEWATER IN MOBILE BARBER SHOPS
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type and without rules to specify the consequences of noncompliance.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes**
Agency submitted request for consultation on: January 12, 2023
Consultation not required. Cite authority:
- No**

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Agency contact, if any:

Phone:

E-Mail:

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0124 is adopted 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 *History Note: Authority G.S. 86B-10; 86B-30;*

23 *Temporary Adoption Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 060 .0125 - MOBILE BARBER SHOP MONTHLY REPORTS
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other:
Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules for mobile barber shops to report their location for inspections.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes**
Agency submitted request for consultation on: January 12, 2023
Consultation not required. Cite authority:
- No**

9. Rule-making Coordinator:

Dennis Seavers
Phone:
919-814-0641
E-Mail:
dennis.seavers@nc.gov

Agency contact, if any:

Phone:
E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:
Sherod Holloway
Title:
Chairman
E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 21 NCAC 06O .0125 is adopted 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 *History Note: Authority G.S. 86B-10; 86B-30;*

13 *Temporary Adoption Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Board of Barber and Electrolysis Examiners
2. Rule citation & name: 21 NCAC 060 .0126 - DISPOSAL OF SEWAGE AND WASTEWATER
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: January 10, 2023 b. Proposed Temporary Rule published on the OAH website: January 13, 2023 c. Public Hearing date: January 31, 2023 d. Comment Period: January 12, 2023 - February 6, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023 f. Adoption by agency on: April 2, 2023 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-72 Effective date: January 1, 2023 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type and without rules to specify the consequences of noncompliance.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on: January 12, 2023

Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

Agency contact, if any:

Phone:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06O .0126

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Explain the Board's authority to issue a civil penalties for violations of statutes and regulations outside of Chapter 86B.

What does the Board mean by "by means contrary"?

Identify the applicable statutes and rules with particularity or define what "applicable" means and who will determine which rules and statutes are applicable.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

1 21 NCAC 06O .0126 is adopted 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 *History Note: Authority G.S. 86B-10; 86B-30;*

8 *Temporary Adoption Eff. May 2, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Board of Barber and Electrolysis Examiners

2. Rule citation & name:

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

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: January 10, 2023

b. Proposed Temporary Rule published on the OAH website: January 13, 2023

c. Public Hearing date: January 31, 2023

d. Comment Period: January 12, 2023 - February 6, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): January 13, 2023

f. Adoption by agency on: April 2, 2023

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: May 2, 2023

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety ~~or~~ welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-72
Effective date: January 1, 2023
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- Other:

Explain:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also established a new license type for mobile barber shops.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The amendment enacts the legislative mandate for the board to adopt rules that reflect the new license type for mobile barber shops. Adhering to the notice and hearing requirements for permanent rulemaking alone would leave the board without a set of rules to govern the application and permitting process for this new license type.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Dennis Seavers

Phone:

919-814-0641

E-Mail:

dennis.seavers@nc.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Sherod Holloway

Title:

Chairman

E-Mail: sherodholloway@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Barber and Electrolysis Examiners

RULE CITATION: 21 NCAC 06R .0101

DEADLINE FOR RECEIPT: April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Explain the Board's authority to compel commercial speech.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 6, 2023

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

8

9 *History Note: Authority G.S. ~~86A-1; 86A-13; 86B-2;~~*

10 *Eff. June 1, 2008;*

11 *Amended Eff. September 1, 2009;*

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

13 *Temporary Amendment Eff. May 2, 2023.*