

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Barber Examiners

RULE CITATION: 21 NCAC 06F .0101

DEADLINE FOR RECEIPT: Friday, March 11, 2022

NOTE: This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

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

In (b)(17), to what does "student hours" refer to?

In (b), p.2, lines 1-2, the Rule states that (b) applies to schools permitted on or after 12/1/94, yet in (b)(14), it states that the sink distance requirement applies only to schools permitted on or after 9/1/09. This seems to conflict, and I suggest clarifying which date is controlling.

In the History Note, do you need citations to G.S. 86A-5 and 86A-13?

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

21 NCAC 06F .0101 is amended as published in 36:07 NCR 513 as follows:

21 NCAC 06F .0101 PHYSICAL STRUCTURE

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

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

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

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

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

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

7 *Eff. February 1, 1976;*

8 *Readopted Eff. February 8, 1978;*

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

10 *Readopted Eff. July 1, 2016;*

11 *Amended Eff. April 1, 2022; August 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Barber Examiners

RULE CITATION: 21 NCAC 06L .0103

DEADLINE FOR RECEIPT: Friday, March 11, 2022

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 call our office to inquire concerning the staff recommendation.

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

In (i), lines 19-20, what does "suitable for the safe cutting of hair" mean?

In the History Note, why did you cite to 8A-2?

Also, in the History Note, do you need citations to G.S. 86A-5 and 86A-13?

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

Brian Liebman
Commission Counsel
Date submitted to agency: March 3, 2022

21 NCAC 06L .0103 is amended as published in 36:07 NCR 514 and 36:11 NCR 970 as follows:

21 NCAC 06L .0103 EQUIPMENT

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

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

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

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

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

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

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

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

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

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

History Note: Authority G.S. 86A-2; 86A-15;

Eff. February 1, 1976;

Readopted Eff. February 8, 1978;

Amended Eff. September 1, 2013; September 1, 2009; June 1, 2008; January 1, 1995; May 1, 1989; March 1, 1983;

Readopted Eff. July 1, 2016;

Amended Eff. April 1, 2022; April 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Barber Examiners

RULE CITATION: 21 NCAC 06L .0118

DEADLINE FOR RECEIPT: Friday, March 11, 2022

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 call our office to inquire concerning the staff recommendation.

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

In (e), line 15, please clarify when the inspector shall give each shop a new rating card. For instance, does this occur after each inspection?

In the History Note, please add a citation to G.S. 86A-16.

Also in the History Note, I see the citation to 86A-5(a)(1), but is it also correct to say that (a)(2) applies here? If so, consider merely deleting (a)(1), thus changing the cite to the whole of 86A-5, which would be consistent with your other Rules.

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

Brian Liebman
Commission Counsel
Date submitted to agency: March 3, 2022

21 NCAC 06L .0118 is amended as published in 36:11 NCR 970 as follows:

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

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

- (1) all establishments receiving a sanitary rating of at least 90 percent shall be awarded a grade A;
- (2) all establishments receiving a sanitary rating of at least 80 percent, and less than 90 percent, shall be awarded a grade B; and
- (3) a sanitary rating of less than 80 percent shall be awarded a failing grade.

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

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

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

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

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

*History Note: Authority G.S. 86A-5(a)(1); 86A-15;
Eff. June 1, 2008;
Amended Eff. September 1, 2013;
Readopted Eff. October 1, ~~2016~~ 2016;
Amended Eff. April 1, 2022.*

21 NCAC 06N .0101 is amended as published in 36:07 NCR 514 as follows:

21 NCAC 06N .0101 FEES, ACCESS TO FORMS, AND RENEWALS

(a) The Board charges the following amounts for the fees authorized by G.S. 86A-25:

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

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

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

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

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

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

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

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

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

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

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

Eff. February 1, 1976;

Readopted Eff. February 8, 1978;

Amended Eff. April 1, 2010; September 1, 2009; June 1, 2008; April 1, 2005; May 1, 1989; March 1, 1983;

Readopted Eff. July 1, 2016;

Amended Eff. April 1, 2022; February 1, 2019; January 1, 2018; April 1, 2017.