



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: October 28, 2024

SUBJECT: Emergency rules

The board will be meeting next week in a special meeting to consider whether to adopt 21 NCAC 06N .0119 as an emergency rule. To assist the board with its deliberations, this memo explains the legislative background, rule provisions, and procedures for adoption.

Legislative background

On October 25, 2024, the governor signed Senate Bill 743 into law. The law was chaptered as Session Law 2024-53. The purpose of the bill was to offer disaster recovery and assistance to individuals and communities affected by Hurricane Helene.

Among other provisions, the legislation authorizes state agencies to exercise regulatory flexibility for employment-related certifications, including the sort of licenses that the board issues. Specifically, the legislation requires agencies to do all of the following if “it is in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the affected area”:

- Delay the renewal dates of employment-related certifications issued by the agency pursuant to its statutes for residents of the affected area; and
- Delay or modify any educational or examination requirements for employment-related certifications implemented by the agency pursuant to its statutes for residents of the affected area.

The legislation allows agencies to adopt emergency rules that expire March 1, 2025, to implement this regulatory flexibility. It also requires agencies to report by March 1 to two legislative bodies—the Joint Legislative Administrative Procedure Oversight Committee and the Joint Legislative Commission on Governmental Operations—on how the agencies used this regulatory flexibility.

Rule provisions

The proposed rule (attached) would apply to individuals who reside or own a business licensed or permitted by the board in one of 39 counties. The counties are those that appeared in FEMA disaster declarations and that were impacted by Hurricane Helene.

For affected individuals, the rule would do the following:

Rule Paragraph	Normal practice	Changes under the rule
Paragraph (b), page 2, lines 8-9	Electrology licenses expire one year after issuance and must be renewed before the deadline	Electrologists whose licenses expire between September 1, 2024, and February 28, 2025, would have the license-renewal deadline extended to March 1, 2025
Paragraph (c), page 2, lines 10-12	Individuals who take the apprentice barber exam can receive a temporary permit, but it expires a few weeks after the exam date	Temporary permits would be effective for six months rather than a few weeks
Paragraph (c), page 2, lines 12-15	If an apprentice barber applicant fails the exam twice, he or she cannot receive another temporary permit	Individuals would receive a temporary permit even if they failed the exam twice.
Paragraph (d), page 2, lines 16-18	The time spent working under a temporary permit doesn't count toward the 12-month apprenticeship required to take the licensed barber exam.	The time spent working under these special temporary permits would count toward the 12-month apprenticeship.
Paragraph (e), page 2, lines 19-24	If an individual has held an apprentice barber license for three years (including renewals) without applying to take the licensed barber exam, he or she must submit another apprentice barber exam application and take the written and practical exams.	Individuals whose three years expire between September 1, 2024, and February 28, 2024, can apply to take the licensed barber exam and won't have to retake the apprentice exam. Moreover, the board must issue temporary permits with deadlines of June 30, 2025.

Procedures for adoption

If the board adopts this rule (or a modified version), I will file it with the Codifier of Rules, who will have two business days to review it. If she approves the rule, the rule will be entered into the administrative code and be effective on the sixth business day.

1 21 NCAC 06N .0119 is adopted under emergency procedures as follows:

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3 **21 NCAC 06N .0119 2024 HURRICANE RELIEF**

4 (a) For the purpose of this rule, “affected individuals” mean persons who reside or own a business licensed or
5 permitted by the board in one of the following counties:

6 (1) Alexander;

7 (2) Alleghany;

8 (3) Ashe;

9 (4) Avery;

10 (5) Buncombe;

11 (6) Burke;

12 (7) Cabarrus;

13 (8) Caldwell;

14 (9) Catawba;

15 (10) Cherokee;

16 (11) Clay;

17 (12) Cleveland;

18 (13) Forsyth;

19 (14) Gaston;

20 (15) Graham;

21 (16) Haywood;

22 (17) Henderson;

23 (18) Iredell;

24 (19) Jackson;

25 (20) Lee;

26 (21) Lincoln;

27 (22) Macon;

28 (23) Madison;

29 (24) McDowell;

30 (25) Mecklenburg;

31 (26) Mitchell;

32 (27) Nash;

33 (28) Polk;

34 (29) Rowan;

35 (30) Rutherford;

36 (31) Stanly;

37 (32) Surry;

- 1 (33) Swain;
- 2 (34) Transylvania;
- 3 (35) Union;
- 4 (36) Watauga;
- 5 (37) Wilkes;
- 6 (38) Yadkin; or
- 7 (39) Yancey.

8 (b) G.S. 86B-57 notwithstanding, an electrologist who is an affected individual and whose license expires between
9 September 1, 2024, and February 28, 2025, shall have the license-renewal deadline extended to March 1, 2025.

10 (c) The board shall issue temporary permits to practice barbering to affected individuals who apply or applied between
11 September 1, 2024, and February 28, 2025, to take the apprentice barber exam as set forth in 21 NCAC 06N .0105.
12 These temporary permits shall be effective for six months, G.S. 86B-27(a) notwithstanding. If board receives requests
13 for temporary permits between November 18, 2024, and March 1, 2025 from affected individuals who have failed the
14 apprentice examination required by G.S. 86B-40 at least twice, the board shall issue temporary permits, G.S. 86B-
15 27(a) notwithstanding.

16 (d) If an affected individual provides barbering services under a temporary permit issued as set forth in Paragraph (c)
17 of this Rule, the board shall credit the period of services toward the 12-month apprenticeship required by G.S. 86B-
18 23(2). This period of services must be documented in the affidavit required by G.S. 86B-23(4).

19 (e) The board shall allow an affected individual who has held an apprentice barber license for three years and whose
20 license expired or expires between September 1, 2024, and February 28, 2025, to take the licensed barber exam, G.S.
21 86B-40(c) notwithstanding. The affected individual must submit the licensed barber exam application as set forth in
22 21 NCAC 06N .0106 by March 1, 2025. Upon receipt of a complete application, the board shall issue a temporary
23 permit with a deadline of June 30, 2025, to the affected individual so that he or she can practice barbering while
24 meeting the requirements to be a licensed barber.

25 (f) Affected individuals shall submit requests for the temporary permits required under this Rule as set forth in Rule
26 .0117 of this Subchapter.

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28 *History Note: Authority S.L. 2024-53, s. 4E.1.(b);*
29 *Eff. November 18, 2024.*