

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH10823-LU-42 (2/5)

Short Title: Clarify Definition/Esthetics/Cosmetic Art.

(Public)

Sponsors: Representative Jeffus.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT CLARIFYING THE DEFINITION OF ESTHETICS UNDER THE NORTH  
3 CAROLINA COSMETIC ART ACT TO ALLOW ESTHETICIANS TO PERFORM  
4 CERTAIN LASER AND LIGHT THERAPY TREATMENTS WITHOUT BEING  
5 SUBJECT TO LICENSURE UNDER THE ELECTROLYSIS PRACTICE ACT.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 88A-15.1 reads as rewritten:

8 "§ 88A-15.1. Persons and practices not affected.

9 The requirements of this Chapter shall not apply to ~~any~~ to the following:

- 10 (1) Any person licensed or approved by the North Carolina Medical Board to  
11 practice medicine or perform medical acts, tasks, or functions pursuant to  
12 Article 1 of Chapter 90 of the General Statutes or any Statutes.  
13 (2) Any person employed and working under the direct supervision of a  
14 physician licensed to practice medicine pursuant to Article 1 of Chapter 90  
15 of the General Statutes.  
16 (3) Any person licensed to practice esthetics as defined in G.S. 88B-2(11a)."

17 SECTION 2. G.S. 88B-2(11a) reads as rewritten:

18 "The following definitions apply in this Chapter:

19 ...

- 20 (11a) Esthetics. – Refers to any of the following practices: giving facials; applying  
21 makeup; performing skin care; removing superfluous hair from the body of a  
22 person by use of creams, tweezers, ~~or waxing;~~ waxing, or broad spectrum  
23 light or Class 2 energy-based devices; applying eyelashes to a person,  
24 including the application of eyelash extensions, brow or lash color;  
25 beautifying the face, neck, arms, or upper part of the human body by use of  
26 cosmetic preparations, antiseptics, tonics, lotions, or creams; surface  
27 manipulation in relation to skin care; or cleaning or stimulating the face,  
28 neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of  
29 hands, devices, apparatus, or appliances along with the use of cosmetic  
30 preparations, antiseptics, tonics, lotions, or creams.

31 ...."

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

33 "§ 88B-9. Qualifications for licensing as an esthetician.

34 (a) The Board shall issue a license to practice as an esthetician to any individual who  
35 meets all of the following requirements:



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

5        **(b)**    Any individual seeking licensure as an esthetician who desires to operate broad  
6 spectrum light or Class 2 energy-based hair removal devices shall meet additional training  
7 requirements pursuant to rules adopted by the Board."

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