**South Carolina General Assembly**

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**H. 3102**

**STATUS INFORMATION**

General Bill

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Summary: Barbers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

1/11/2011 House Introduced and read first time ([House Journal‑page 45](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 46](file:///h:\hj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3102_20101207.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑7‑257 SO AS TO IMPOSE A CONTINUING EDUCATION REQUIREMENT ON REGISTERED BARBERS IN THIS STATE, TO PROVIDE EXEMPTIONS, TO PROVIDE A VERIFICATION REQUIREMENT, TO DEFINE WHAT ACTIVITIES CONSTITUTE ACCEPTABLE CONTINUING EDUCATION, TO PROVIDE AN AUDIT PROCEDURE, AND TO PROVIDE REQUIREMENTS FOR A CONTINUING EDUCATION PROVIDER, AMONG OTHER THINGS; TO AMEND SECTION 40‑7‑20, AS AMENDED, RELATING TO DEFINITIONS RELATED TO THE REGULATION OF BARBERS AND BARBERING, SO AS TO DEFINE ADDITIONAL TERMS; AND TO AMEND SECTION 40‑7‑250, RELATING TO THE RENEWAL OF A BARBER LICENSE, SO AS TO PROVIDE A RENEWAL IS SUBJECT TO COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 7, Title 40 of the 1976 Code is amended by adding:

“Section 40‑7‑257. (A) A person licensed as a registered barber by the board must earn a minimum of four credits of continuing education annually, except:

(1) reciprocity applicants and newly licensed applicants are exempt from the continuing education requirements until the first renewal period after initial South Carolina licensure;

(2) a licensee who resides outside of South Carolina and who holds a current license to practice in a state other than South Carolina may satisfy the continuing education requirements for South Carolina in order to renew his license in this state; and

(3) the board may grant a waiver to a licensee who has a physical or mental disability or illness or who is providing direct care to a member of his immediate family during all or a portion of the reporting period. A waiver provides an extension of time or exception from some or all of the continuing education requirements. A licensee may request an application for a waiver from the board. The board may approve or deny an application for waiver after review of the application. The board may not grant a waiver of continuing education requirements for more than a one year reporting period.

(B)(1) An applicant for renewal or reinstatement of a license as a registered barber shall verify that he has satisfactorily completed four credits of continuing education during the prescribed year reporting period.

(2)(a) A unit of measurement for continuing education credits are calculated as follows:

(i) thirty to forty‑nine minutes equals one‑half credit;

(ii) fifty to seventy‑four minutes equals one credit;

(iii) seventy‑five to ninety‑nine minutes equals one and one‑half credits; and

(iv) one hundred minutes equals two credits.

(b) An activity lasting less than thirty minutes is not eligible for credit.

(3) Writing an article that is published in a magazine directly related to the profession will qualify for four credits of continuing education within the continuing education reporting period. A copy of the article must be maintained by the licensee for a period of three years following the continuing education activity.

(4) A credit may not be granted for identical continuing education activities submitted during a single year reporting period.

(5) A credit only may be used to satisfy the continuing education requirement of this section in the year in which the credit is earned, and may not be used in a future year reporting period.

(6) Documentation of continuing education credits must be submitted with an application for license renewal on a form provided by the department.

(C) If a licensee fails to satisfy the requirements of this section and does not exempt from this section pursuant to subsection (A), the board may:

(1) place him on inactive status without penalty and may waive the continuing education requirements if the licensee notifies the board in writing before the last day of the reporting period of his desire to place his license on inactive status; and

(2) suspend his license if he fails to notify the board, in writing, prior to the last day of the reporting period that he wishes to place his license on inactive status.

(D) A person wishing to reinstate a license from inactive status or from suspended status must:

(1) apply for reinstatement of the license from inactive status or suspended status;

(2) meet the continuing education requirements as set forth in this rule; and

(3) pay a fee for reinstatement of a suspended license as the board may require.

(E)(1) The board may select a licensee who holds a current license to audit for compliance with continuing education requirements.

(2) The board may conduct no audit provided by this section sixty days prior to the expiration of the license.

(3) A licensee must submit legible copies of certificates of attendance at continuing education activities to comply with the audit request from the board.

(4) A licensee must submit the required documents within thirty days after the date he receives notification of the audit. The board may grant an extension of time for submission of the documents, on an individual basis for hardship, if the licensee makes a written request for an extension of time and provides justification for the request.

(5) A licensee shall keep certificates of attendance at continuing education activities, letters verifying special approval for informal offerings from non‑approved providers, transcripts of courses, and documentation of compliance with exceptions for a three year period following the continuing education activities.

(6) The board shall complete the audit and notify the licensee of the satisfactory completion of the audit within thirty days after receipt of required documentation.

(7) The board may renew no license of a person who fails to submit the requested audit information until the board receives the information and completes the audit.

(8) A licensee must notify the board of a change of his mailing address and is not absolved from the audit requirements because of failure to receive notification of an audit where he has failed to notify the board of a change of address.

(F)(1) A provider of continuing education must complete an application, pay related fees required by the department, and obtain a Continuing Education Provider License from the department before offering to provide continuing education.

(2) The board shall maintain a current list of approved providers which is available to the public upon request.

(3) The board shall notify providers who fail to meet the minimum acceptable provider standards, in writing, of specific deficiencies and offer a reasonable period of time to correct deficiencies.

(4) The board may remove an approved provider who fails to meet the approved provider standards from the list of approved providers.

(5) The providers shall provide a certificate to the licensee indicating the:

(a) name of licensee who attended the continuing education class;

(b) date attended;

(c) value of continuing education credits; and

(d) contact information for the continuing education provider.

(6) The providers shall provide a list to the State Board in a Microsoft Excel format in paper and digitally within thirty days of the continuing education class. The list shall include the:

(a) name and license number of a licensee who completed the class or activity;

(b) location where the class or activity took place;

(c) date and time when the class or activity took place; and

(d) title of the continuing education class or activity.

(7) An application for a continuing education provider license must provide a detailed description of the subject areas, sponsors, speakers, instructors, training courses, events, or demonstrations for which the applicant seeks approval.

(G) A continued education offering must consist of one or more of the following subject areas or events:

(1) product information or training;

(2) events, speakers, or shows by third party administrators held at beauty schools/conventions;

(3) tax, business, or computer training or courses;

(4) styling or application demonstrations;

(5) sanitation courses;

(6) HIV/AIDS awareness and other communicable disease awareness courses;

(7) training or courses on South Carolina state laws governing the practices licensed by the board; and

(8) continuing education activities sponsored by the National Cosmetology Association (NCA), National Interstate Council of State Boards of Cosmetology (NIC), National Cosmetology Seminar, Aesthetic International Association, National Association of Barbering and Hairstyling, National Association of Barber Boards of American approved courses, seminars, and demonstrations or any other national association approved by the board.

(H) The following activities are not acceptable for continuing education credit:

(1) job‑related practice;

(2) development and presentation of a program as a responsibility of the job of a licensee;

(3) orientation to a policy and procedure specific to the licensee’s employing facility or a review of a modification to these procedures;

(4) an activity that is part of the usual job responsibility of a licensee; and

(5) in‑house training from an employee, manager, or owner of the facility.”

SECTION 2. Section 40‑7‑20 of the 1976 Code, as last amended by Act 52 of 2005, is further amended to read:

“Section 40‑7‑20. As used in this chapter:

(1) ‘Approved academic course’ means a formal course of study offered by an accredited postsecondary educational institution as it relates to the barbering, cosmetology, manicuring and nail technology, and aesthetics.

(2) ‘Approved provider’ means a local, state, or national agency, organization, or association recognized by the board.

(3) ‘Audit’ means the selection of licensees for verification of satisfactory completions of continuing education during a specified time period, or the selection of approved providers for verification of adherence to continuing education approved provider requirements during a specified time period.

(4) ‘Continuing education activity’ means planned, organized learning activities engaged in following initial licensure and designed to maintain, improve, or expand beauty knowledge and skills or to develop new knowledge and skills related to beauty culture practice, education, or theory development.

(5) ‘Continuing education activity’ means a learning activity that is planned, organized, and administered to enhance the professional knowledge and skills underlying the professional performance that the licensee uses to provide services to the public. To qualify as continuing education, the activity must provide sufficient depth and scope of a subject area.

(6) ‘Continuing education credit’ means credit earned for completing a continuing education activity expressed in units as provided in Section 40‑7‑257.

(7) ‘Continuing education provider license’ means a licensed provider of continuing education.

(8) ‘Documentation’ means proof of participation in a continuing education activity.

(9) ‘Formal offering’ means an extension course, independent study, or other course which is offered for college credit by a recognized educational institution.

(10) ‘Hair braiding’ means the weaving or interweaving of natural human hair for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment and does not include the use of hair extensions or wefts.

(11) ‘Informal offering’ means a workshop, seminar, institute, conference, lecture, or short term course, which is offered for credit in continuing education units.

(12) ‘Objectives’ means an expression in measurable and observable terms of what the participant will learn as a result of the educational activity.

(~~1~~13) ‘Practice of barbering’ means any one or a combination of:

(a) shaving or trimming a beard, cutting the hair, or hairstyling;

(b) giving facial or scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;

(c) singeing, shampooing, or dyeing the hair or applying hair tonics or chemicals to wave, relax, straighten, or bleach the hair;

(d) applying cosmetic preparations, antiseptics, powders, oils, clays, and lotions to the scalp, neck, or face;

(e) cutting, shaping, fitting, styling, and servicing hair pieces, toupees, and wigs.

(~~2~~14) ~~‘Hair braiding’ means the weaving or interweaving of natural human hair for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment and does not include the use of hair extensions or wefts~~ ‘Sponsor’ means an organization, including professional societies, academic institutions, individuals, corporations, or governmental agencies, which plans, organizes, supports, endorses, subsidizes, or administers educational activities and is responsible for the content, quality, and integrity of the educational activity.”

SECTION 3. Section 40‑7‑250(B) of the 1976 Code is amended to read:

“(B)(1) A registered barber ~~or a registered apprentice~~ whose certificate of registration has expired may have the certificate reinstated ~~immediately~~ upon payment of the required reinstatement fee and compliance with the continuing education requirements of Section 40‑7‑257. A registered barber who does not engage in the practice of barbering for three years or less may renew the certificate of registration upon payment of a reinstatement fee and compliance with the continuing education requirements of Section 40‑7‑257. If more than three years have elapsed, the person must pass an examination and pay the reinstatement fee.

(2) A registered apprentice whose certificate of registration has expired may have the certificate reinstated immediately upon payment of the required reinstatement fee.”

SECTION 4. This act takes effect upon approval by the Governor.

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