COMMITTEE REPORT

February 3, 2016

**H. 4447**

Introduced by Reps. Henegan and Yow

S. Printed 2/3/16--H.

Read the first time January 12, 2016.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4447) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑7‑355 so as to authorize the State Board of Barber Examiners to issue mobile, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund or federal funds. There will be an expenditure impact on other funds; however, permit and renewal fee revenue retained by the Department of Labor, Licensing and Regulation will offset any necessary expenditures.

**Explanation of Fiscal Impac**t

**State Expenditure**

This bill adds Section 40-7-355 requiring the Department of Labor, Licensing and Regulation (LLR) to regulate and inspect mobile barbershops. The bill authorizes LLR to charge permit and renewal fees and to set fees by regulation.

The department is not able to estimate regulation and inspection expenditures or the amount of revenue that might be earned as this is a new enterprise and the number of permit applicants is not yet known. However, the department will set fees in an amount sufficient to offset operating expenses. There will be no expenditure impact on the general fund or federal funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑7‑355 SO AS TO AUTHORIZE THE STATE BOARD OF BARBER EXAMINERS TO ISSUE MOBILE BARBERSHOP PERMITS, TO ESTABLISH PERMIT REQUIREMENTS, AND TO FURTHER PROVIDE FOR THE REGULATION OF MOBILE BARBERSHOPS.

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 40‑7‑355. (A) As used in this section:

(1) ‘Mobile barbershop’ means a self‑contained unit in which the practice of barbering is conducted, which may be moved, towed, or transported from one location to another. A ‘mobile barbershop’ includes a portable barber operation.

(2) ‘Portable barber operation’ means equipment used in the practice of barbering that is in a mobile barbershop or transported from a barbershop and used on a temporary basis at a location, including, but not limited to:

(a) a client’s home;

(b) a nursing home; or

(c) another institution or location as may be authorized by the board in regulation.

(B) An individual may operate a mobile barbershop if the individual:

(1) is licensed pursuant to this chapter to engage in the practice of barbering; and

(2) does not have a physically stationary office at the location where the barbering services are provided.

(C) In order to operate a mobile barbershop, a barber shall apply to the board for a mobile barbershop permit. The barber shall submit a permit application and fee in the form and manner prescribed by the board in regulation.

(D)(1) Before a mobile barbershop permit may be issued, an inspection of the mobile barbershop must be conducted by a representative of the board pursuant to Sections 40‑7‑320 and 40‑7‑330. Upon satisfactory inspection, the board shall issue the applicant a mobile barbershop permit with the current year indicated, to be affixed within the mobile barbershop as prescribed by the board. The board also shall issue a permit card to be carried by the barber when practicing barbering through a portable barber operation.

(2) A mobile barbershop permit must be renewed annually, including payment of a renewal fee, as prescribed by the board in regulation.

(3) A mobile barbershop must be inspected annually before a permit may be renewed.

(E)(1) A mobile barbershop permittee shall maintain an official business address which must be indicated on the permit application and which must not be a post office box. If an address different from the official business address is used for official business, that address also must be provided.

(2) A mobile barbershop permittee shall maintain an official telephone number, which must be indicated on the application. If other phones are used for official business, those phone numbers also must be provided.

(3) The board must be notified within thirty days of any change in the official business address or telephone number as indicated on the permit application or as otherwise provided to the board.

(F) A mobile barbershop permittee shall comply with applicable state and local laws, regulations, and ordinances pertaining to the practice of barbering and with applicable flammability, construction, sanitation, zoning, infectious waste management, universal precautions, Occupational Safety and Health Administration guidelines, and federal Centers for Disease Control guidelines. The permittee shall maintain applicable county and city licenses or permits, including business licenses, to operate the mobile barbershop at the location where barbering services will be provided.

(G) A mobile barbershop permittee shall maintain a written or an electronic record of the street addresses where barbering services have been provided.

(H) A licensed barber must at all times be in charge of a mobile barbershop and is responsible for all barbering services provided at the mobile barbershop.

(I)(1) A mobile barbershop permittee shall notify the board in writing within thirty days of the last day of operations when a mobile barbershop ceases to operate.

(2) A mobile barbershop permit is not transferable. If a mobile barbershop is sold, the new owner shall apply to the board for a permit before providing barbering services through the mobile barbershop.

(J) The board shall promulgate regulations to carry out the provisions of this section, including, but not limited to, establishing permit application and renewal fees.

(K) A barber who violates a provision of this chapter or a regulation promulgated by the board pursuant to this chapter is subject to disciplinary action as may be determined by the board.”

SECTION 2. This act takes effect upon approval by the Governor.

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