~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 25, 2018

**H. 5002**

Introduced by Reps. Parks, McCravy, King, Cobb‑Hunter, Gilliard, Spires, Mack, Felder, Knight, Jefferson, Thigpen, Dillard and Thayer

S. Printed 4/25/18--H.

Read the first time February 22, 2018.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 5002) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑13‑40 so as to provide that a registered barber may practice barbering in a, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety and inserting:

/ SECTION 1. Chapter 13, Title 40 of the 1976 Code is amended by adding:

“Section 40‑13‑40. (A) A person registered as a barber pursuant to the requirements of Chapter 7 of this title may practice barbering in a beauty salon.

(B) The provisions of this section apply notwithstanding another provision of law.

(C) The department shall promulgate regulations to carry out the provisions of this section.” /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Updated for Additional Agency Response**

**Introduced on February 22, 2018**

**State Expenditure**

This bill allows a person registered as a barber under current law to practice barbering in a beauty salon. This bill also alters the definition of beauty salon by including barbering in the allowable practices within a salon. Under current law, only cosmetology may be practiced in a beauty salon.

This bill would also allow a barber shop and a beauty salon to share a common door or entrance and to operate without a physical division between the two shops. Under current law, a licensed cosmetologist, esthetician, or manicurist may practice in a registered barber shop, provided that they are practicing within the scope authorized by their individual license. However, this provision is not reciprocated under current law due to the significant differences in training, scope of practice, and sanitation requirements between the cosmetology and barber professions. The two professions are regulated by separate boards; the Board of Barber Examiners regulates barbers and barber shops, while the Board of Cosmetology regulates, salons, cosmetologist, nail technicians, and estheticians.

While LLR has identified issues in the oversight and regulation of the two professions when they co-locate, these issues will be addressed when LLR promulgates regulations to carry out the provisions of this bill. This bill does not place any additional professional licensing requirements on the Board of Barber Examiners or the Board of Cosmetology. Therefore, this bill will have no impact on the general fund, federal funds, or other funds. This expenditure impact has been updated based on a response from LLR.

**Introduced on February 22, 2018**

**State Expenditure**

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This bill would also allow a barber shop and a beauty salon to share a common door or entrance and to operate without a physical division between the two shops. Under current law, a licensed cosmetologist, esthetician, or manicurist may practice in a registered barber shop, provided that they are practicing within the scope authorized by their individual license. However, this provision is not reciprocated under current law. The expenditure impact of this bill is pending, contingent upon a response from the Department of Labor, Licensing and Regulation (LLR).

**State Revenue**

The licensure board for barbers falls under the Division of Professional and Occupational Licensing. Pursuant to Proviso 81.3 of the FY 2017-18 Appropriations Act, LLR is required to remit annually to the general fund an amount equal to 10 percent of expenditures. Should LLR experience an increase in expenditures, this will create an increase in general fund revenue. The revenue impact of this bill is pending, contingent upon a response from LLR.

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 40‑13‑40 SO AS TO PROVIDE THAT A REGISTERED BARBER MAY PRACTICE BARBERING IN A BEAUTY SALON; AND TO AMEND SECTION 40‑13‑20, RELATING TO THE DEFINITION OF “BEAUTY SALON”, SO AS INCLUDE BARBERING WITHIN THE SCOPE OF PROFESSIONAL SERVICES THAT MAY BE PERFORMED IN A BEAUTY SALON IN ADDITION TO COSMETOLOGY.

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

SECTION 1. Chapter 13, Title 40 of the 1976 Code is amended by adding:

“Section 40‑13‑40. (A) A person registered as a barber pursuant to the requirements of Chapter 7 of this title may practice barbering in a beauty salon.

(B) A barber shop registered with the Board of Barber Examiners pursuant to Section 40‑7‑320 and a beauty salon may share a common door or entrance and may operate without a wall or any other physical division between the barber shop and beauty salon, and may not be required to be separated by a solid wall from floor to ceiling or in any other manner.

(C) The provisions of this section apply notwithstanding another provision of law.

(D) The department shall promulgate regulations to carry out the provisions of this section.”

SECTION 2. Section 40‑13‑20(1) of the 1976 Code is amended to read:

“(1) ‘Beauty salon’ or ‘salon’ means a building or any place, or part of a place or building including, but not limited to, a rental booth, in which cosmetology ~~is~~, barbering, or both, are performed on the general public for compensation.”

SECTION 3. This act takes effect upon approval of the Governor.

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