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CHAPTER 7.

 BARBERS AND BARBERING

**SECTION 40‑7‑5.** Conflicts between this chapter and Article 1, Chapter 1.

 Unless otherwise provided for in this chapter, Article 1, Chapter 1 applies to barbers; however, if there is a conflict between this chapter and Article 1, Chapter 1, the provisions of this chapter control.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑10.** Establishment of State Board of Barber Examiners; membership.

 The State Board of Barber Examiners is established and consists of five members appointed by the Governor with the advice and consent of the Senate for terms of four years and until successors are appointed and qualify. Four members must be licensed barbers who have been engaged in the practice of barbering for at least five years in this State, and of these members at least two must be licensed as master haircare specialists. One member must be a member from the general public not connected with the practice of barbering. Nominations for the member from the general public may be submitted to the Nominations Committee by an individual, group, or association. The Nominations Committee shall give consideration to these nominations, and the appointment of this member must be made in accordance with Section 40‑1‑45. The member from the general public has all the rights and privileges of the other board members except the lay member may not participate in the examination of an applicant for a license. The Governor may remove a member in accordance with Section 1‑3‑240 and shall appoint a member to fill the unexpired portion of the term. A majority vote is required to exercise any function of the board.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑20.** Definitions.

 As used in this chapter:

 (1) "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) "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.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑30.** Licensure requirement.

 No person may engage in the practice of barbering unless the person is licensed in accordance with this chapter.

HISTORY: 1997 Act No. 137, Section 1; 2005 Act No. 52, Section 2.

**SECTION 40‑7‑50.** Department of Labor, Licensing and Regulation to provide all administrative and fiscal operations and activities of board; board to establish fees by regulations.

 (A) The Department of Labor, Licensing and Regulation shall provide all administrative, fiscal, investigative, inspectional, clerical, secretarial, and license renewal operations and activities of the board in accordance with Section 40‑1‑50.

 (B) The board shall establish in regulation fees for:

 (1) examination, licensure, renewal, and reinstatement fees for student barbers, barber assistants, barber apprentices, registered barbers, master haircare specialists, barber instructors, and any other category of barber authorized by this chapter;

 (2) the inspection, registration, renewal, and registration reinstatement of barbershops and barber schools and colleges.

The board may prorate the annual license fee as provided for in regulation. All licenses and registration must be renewed as of June thirtieth of each year. All fees must accompany applications, license renewals, license reinstatements, and barbershop inspections, registration, and renewals.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑60.** Adoption of rules; seal; regulations.

 The board may adopt rules governing its proceedings as provided for in Section 40‑1‑60 and shall adopt a seal for the authentication of its orders and records. The board may promulgate regulations necessary to carry out the provisions of this chapter including, but not limited to, regulations for the sanitary management of barbershops and barber schools which must be approved by the Department of Health and Environmental Control and which must be furnished by the board to the owner or manager of each barbershop or barber school in the State.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑70.** Additional powers and duties.

 In addition to the powers and duties provided for in this chapter, the board has those powers and duties set forth in Section 40‑1‑70.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑80.** Investigation of complaints and violations of chapter.

 The Department of Labor, Licensing and Regulation on behalf of the board shall investigate complaints and violations of this chapter as provided for in Section 40‑1‑80.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑90.** Results of investigation to be presented to board; hearing.

 The results of an investigation must be presented to the board and any subsequent hearing must be conducted in accordance with Section 40‑1‑90.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑100.** Issuance of cease and desist order, or petition for temporary restraining order or other equitable relief.

 In addition to other remedies provided for in this chapter or Article 1, Chapter 1, the board in accordance with Section 40‑1‑100 may issue a cease and desist order or may petition an administrative law judge for a temporary restraining order or other equitable relief to enjoin a violation of this chapter.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑110.** Disciplinary action.

 The board may take disciplinary action against a barber permittee or licensee as provided for in Section 40‑1‑110 and based upon grounds enumerated in that section.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑115.** Jurisdiction of board.

 The board has jurisdiction over the actions of licensees and permittees and former licensees and permittees as provided for in Section 40‑1‑115.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑120.** Additional disciplinary action.

 In addition to the sanctions the board may impose against a person pursuant to Section 40‑1‑110, the board also may take disciplinary action against a person as provided for in Section 40‑1‑120.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑130.** Denial of permit or licensure on same grounds as potential disciplinary action.

 As provided for in Section 40‑1‑130, the board may deny a permit or licensure to an applicant based on the same grounds for which the board may take disciplinary action against a licensee or permittee.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑140.** Denial of permit or licensure based on prior criminal record.

 A permit or license may be denied based on a person's prior criminal record only as provided for in Section 40‑1‑140.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑150.** Voluntary surrender of license.

 A licensee or permittee under investigation for a violation of this chapter or a regulation promulgated under this chapter may voluntarily surrender the license or permit in accordance with Section 40‑1‑150.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑160.** Appeal.

 A person aggrieved by a final action of the board may seek review of the decision in accordance with Section 40‑1‑160.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑170.** Investigation and prosecution costs.

 A person found in violation of this chapter or regulations promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case in accordance with Section 40‑1‑170.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑180.** Costs and fines subject to collection and enforcement provisions of Section 40‑1‑180.

 All costs and fines imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Section 40‑1‑180.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑190.** Confidentiality of investigations and proceedings.

 Investigations and proceedings conducted under this chapter are confidential, and all communications are privileged as provided for in Section 40‑1‑190.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑200.** Practicing barbering in violation of chapter; knowing submission of false information for purpose of obtaining license; penalties.

 A person who practices or offers to practice barbering in this State in violation of this chapter or who knowingly submits false information for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than five thousand dollars.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑210.** Petition for injunctive relief.

 The department, on behalf of the board and in accordance with Section 40‑1‑120, may petition an administrative law judge, in the name of the State, for injunctive relief against a person violating this chapter.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑230.** Barber assistant; requirements for licensure; certificate of registration for registered barber apprentice, registered barber, or master haircare specialist.

 (A) The board shall issue a license to practice as a barber assistant to a person who:

 (1) is at least sixteen years of age;

 (2) has passed a physical examination prescribed by the Department of Health and Environmental Control;

 (3) has been issued a student permit and completed six weeks' training as a barber assistant under the supervision of a registered barber who is qualified to train an assistant barber as provided for in Section 40‑7‑290;

 (4) has been examined by the board and has been determined to be qualified to give shampoos and manicures.

 A barber assistant only may work under the direct supervision of a licensed registered barber.

 The board may promulgate regulations for the purpose of examination, supervision, and licensing of these persons.

 A barber assistant employed as of February 1, 1976, may within sixty days obtain a barber assistant license without further training or examination by paying the required fee.

 (B) The board shall issue a certificate of registration as a registered barber apprentice to a person who:

 (1) is at least sixteen years of age and has achieved a ninth grade education or its equivalent;

 (2) has passed a physical examination prescribed by the Department of Health and Environmental Control;

 (3) has completed at least nine months' course of fifteen hundred hours in a reliable barber school or college approved by the board; or twelve months' training under the personal supervision of a registered barber who has been examined by the board and who has been determined to be qualified to train student barbers under laws governing barber training in this State;

 (4) has passed the examination prescribed by the board;

 (5) has submitted the applicable fees established by the board in regulation.

 (C) The board shall issue a certificate of registration as a registered barber to a person who:

 (1) is at least seventeen years of age;

 (2) has passed a physical examination as prescribed by the board;

 (3) has practiced as a registered apprentice for twelve months under the direct supervision of a registered barber, and this practice must have included at least one thousand nine hundred twenty hours, proof of which must be submitted to the board by affidavit of three registered barbers or by other methods of proof that the board may prescribe;

 (4) has passed the registered barber examination prepared and conducted by the board to determine if the applicant has:

 (a) the requisite skill to perform properly all the duties associated with the practice of barbering including, but not limited to, the ability of the applicant in the preparation of tools, shaving, haircutting, and all the duties and services incident to them;

 (b) sufficient knowledge concerning diseases of the face, skin, and scalp.

 (D) The board shall issue a certificate of registration as a master hair care specialist to:

 (1) a cosmetologist licensed under Chapter 13 who has:

 (a) satisfied educational requirements prescribed by the board in regulation;

 (b) passed the examination required by the board.

 (2) a person who after July 1, 1985, meets the requirements of subsection (C) and has passed a written and practical examination conducted by the board to determine the person's ability to use chemicals to wave, relax, straighten, or bleach the hair;

 (3) a cosmetologist licensed under Chapter 13 who has two or more years' experience working as a cosmetologist and after successfully completing a practical examination prescribed and conducted by the board. The examination shall include a basic tapered haircut.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑240.** Applications for examination; frequency of examinations.

 (A) An applicant for an examination shall apply to the board on forms approved and furnished by the board, and the application shall contain proof under the applicant's oath of the particular qualifications of the applicant. The applicant shall submit the required fee with the application. An application for examination must be submitted to the board at least fifteen working days before the applicant takes the examination.

 (B) The board shall conduct examinations of applicants for certificates of registration to practice as registered barbers and of applicants for certificates of registration to practice as registered apprentices not fewer than four times a year, at such times and places as is prescribed by the board. The examination of applicants for certificates of registration as registered barbers and registered apprentices shall include practical demonstrations and oral and written tests as the board may prescribe.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑250.** Renewal of master haircare specialist license; reinstatement of certificate of registration for registered barbers and registered apprentices.

 (A) A person who is licensed as a master haircare specialist on May 13, 1986, may have this license renewed annually upon payment of the required license fee.

 (B) 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. 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. If more than three years have elapsed, the person must pass an examination and pay the reinstatement fee.

 (C) A registered apprentice who has submitted proof of the apprenticeship for the purpose of becoming licensed as a registered barber must take the examination before the next July first and the apprentice license may not be renewed.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑255.** Hair braiding practitioner registration; training; term and renewal of registration.

 (A) Only those individuals who are licensed to practice barbering or cosmetology or who are registered to practice hair braiding in this State may engage in the practice of hair braiding or perform hair braiding services in this State.

 (B) All implements used in connection with hair braiding must be disposable or must be sanitized in a disinfectant approved for hospital use or approved by the Environmental Protection Agency for commercial use.

 (C) To practice hair braiding in this State an individual shall:

 (1) apply to the board for registration in a manner prescribed by the board;

 (2) provide satisfactory proof of successful completion of a one‑day, six‑hour board‑approved hair braiding course;

 (3) pass an examination administered by the board; and

 (4) pay a twenty‑five dollar registration fee.

 (D) The hair braiding course shall include instruction regarding:

 (1) sanitation and sterilization including:

 (a) universal sanitation and sterilization precautions;

 (b) how to distinguish between disinfectants and antiseptics; and

 (c) how to sanitize hands and disinfect tools used in the practice of hair braiding;

 (2) disorders and diseases of the scalp, including:

 (a) how to distinguish between these disorders and diseases; and

 (b) when hair braiding services can be performed on a client with disorders or diseases of the scalp;

 (3) where and when an individual may legally practice hair braiding; and

 (4) the procedures, fees, and requirements for renewal of a hair braiding registration.

 (E) Registration to practice hair braiding is valid for two years or until the end of the biennial licensure renewal cycle in which the registration is first issued, whichever occurs first. The holder of a registration to practice hair braiding shall renew his or her registration by paying the renewal fee.

 (F) An individual currently engaging in the practice of hair braiding on the effective date of this act has one year from the effective date to complete the registration requirements as provided for in this section.

HISTORY: 2005 Act No. 52, Section 1.

**SECTION 40‑7‑260.** Only licensed master haircare specialist may use chemicals to wave, relax, straighten, or bleach hair.

 No person may use chemicals to wave, relax, straighten, or bleach the hair in a barber shop unless a license as a master haircare specialist has been issued to the person by the board.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑270.** Temporary master haircare specialist license without examination; requirements.

 A registered barber who has used chemicals to wave, relax, straighten, or bleach the hair before July 1, 1985, may receive a temporary master haircare specialist license without the examination required in Section 40‑7‑230(D)(2) by notifying the board and certifying sixty hours of on‑the‑job experience with chemical applications.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑280.** Restrictions on giving shampoos and manicures.

 No person may give shampoos or manicures in a barber shop unless a license as a barber assistant has been issued to him by the Board of Barber Examiners.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑285.** Practice by cosmetologist, esthetician, or manicurist in barbershop.

 Notwithstanding the provisions of Section 40‑7‑280 or any other provision of law, a person licensed as a cosmetologist, esthetician, or manicurist pursuant to Chapter 13 of this title may practice, within the scope authorized by the person's license, in a barbershop registered in accordance with this chapter.

HISTORY: 2008 Act No. 353, Section 2, Part 17A.1.

**SECTION 40‑7‑290.** Requirements for barbers who train students.

 (A) A barber training a student in a shop must have had three years' experience as a registered barber and must have been examined by the board and determined to be qualified to train a student barber. A barber found qualified after examination must be issued an instructor's license.

 (B) A registered barber may train no more than two students at a time if each student has a chair at all times.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑300.** Practicing barbers from other states; requirements for receiving certificate of registration to practice in state.

 A person who has practiced barbering in another state or country which has licensing requirements which meet or exceed the requirements of this chapter, as determined by the board, and who moves into this State, before practicing barbering in South Carolina shall submit to the board:

 (1) notarized statements from previous employers establishing that the person has been licensed and actively has practiced barbering for the preceding calendar year;

 (2) a letter from the licensing board of the state or country from which the person is moving verifying that the person is licensed and in good standing with the board of that state or country;

 (3) a certificate that the person has read, understands, and will abide by the provisions of this chapter and regulations promulgated under this chapter;

 (4) a completed application for a certificate of registration upon a form provided by the board.

 Upon receipt of these documents, the board shall issue the person a certificate of registration to practice barbering in this State.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑310.** Display of certificate of registration.

 A holder of a certificate of registration for any category of barbering authorized by this chapter shall display in a conspicuous place adjacent to or near the person's work chair.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑320.** Barbershops to be registered; posting of copy of inspection rating and regulations.

 (A) A barbershop must be registered with the board. Applications for registration and inspection of new shops must be made at least fifteen working days before opening the shop. No new shop may be operated until all fees are paid and the shop has passed inspection.

 (B) A copy of the inspection rating and copy of the regulations for the sanitary management of a barbershop, as provided for in Section 40‑7‑60, must be posted in a conspicuous place in each barbershop or barber school.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑330.** Inspection of barbershop or barber schools.

 A member of the board or the board's agents, assistants, and inspectors may enter upon and inspect a barbershop or barber school at any time during business hours in the performance of the duties conferred or imposed by this chapter.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑340.** Special certificates for inmates in custody of State Department of Corrections.

 (A) Notwithstanding any other provision of this chapter, the board may issue special certificates of registration as an apprentice barber to an inmate in the custody of the State Department of Corrections who:

 (1) complies with Section 40‑7‑230(B), having completed the required number of hours in a barber school or college approved by the board; and

 (2) has been sentenced:

 (a) under the Youthful Offender Act and has served at least nine months of the sentence; or

 (b) to a determinant sentence and is eligible for release or parole consideration within one hundred twenty days.

 (B) These certificates are valid for one hundred twenty days and may be renewed at the discretion of the board.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑350.** Barber colleges and teachers to be registered.

 A barber college and teachers at a barber college must be registered with the board. These teachers must have had three years' experience as practicing barbers and shall have passed successfully a teacher's examination as prescribed by the board.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑360.** Chapter not applicable to services for immediate family.

 This chapter does not apply to a person who performs the service of a barber for members of the person's immediate family.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑370.** Operation of barbershop by registered apprentice prohibited.

 No registered apprentice, registered under the provisions of this chapter, may operate a barbershop in this State.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑380.** Board members prohibited from ownership interest in barber colleges or companies servicing barbershops.

 It is unlawful for a member, inspector, or employee of the board to own an interest in a barber college or a company which deals in sales or services to barbershops.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑390.** Persons exempt from chapter.

 These persons are exempt from this chapter while engaged in the proper discharge of their professional duties:

 (1) persons authorized under the laws of this State to practice medicine and surgery;

 (2) commissioned medical or surgical officers of the United States Army, Navy, or Marine hospital service;

 (3) registered nurses;

 (4) students in schools, colleges, and universities who practice barbering only upon students in the school, college, or university premises for the purpose of earning part of their school expenses;

 (5) undertakers;

 (6) persons authorized by state law to practice cosmetology only when they are practicing in salons or schools of cosmetology.

HISTORY: 1997 Act No. 137, Section 1.

**SECTION 40‑7‑400.** Severability.

 If a provision of this chapter or the application of a provision to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable."

HISTORY: 1997 Act No. 137, Section 1.