

CHAPTER 17

Department of Labor, Licensing and Regulation— State Board of Barber Examiners

(Statutory Authority: 1976 Code § 40-7-190)

17-1. Barber Schools, Managers, Teachers and Instructors.

Each barber school shall have a manager who will be responsible for the overall operation of the school. No person shall serve as teacher or instructor in a barber school or college

- a) unless he has qualified under Section 40-7-350 of the South Carolina Code of 1976.

HISTORY: Amended by State Register Volume 36, Issue No. 6, eff June 22, 2012.

17-2. Barber Schools, Managers, Teachers and Instructors [; Filing of Name of Designated Manager].

Each barber school or college shall file with the South Carolina State Board of Barber Examiners (hereafter called "Board") the name of the designated manager or managers thereof. Said filing shall be made not later than thirty (30) days prior to said change. Provided, however, that if such change is due to emergency, said filing shall be made not later than ten (10) days thereafter. Said designated manager or managers shall be responsible for compliance with applicable Statutes, Rules and Regulations of the Board.

17-3. Barber Schools, Managers, Teachers and Instructors [; Teachers and Instructors to Devote Full Time].

All teachers and instructors are required to give full time to the students and cannot do any professional work.

17-4. Barber Schools, Managers, Teachers and Instructors [; Certain Teachers and Instructors to Take Examinations].

All teachers and instructors who have not taught school or college within a period of five years will be required to apply for and take such examinations as required by the Board.

17-5. Barber Schools, Applications and Fees.

All barber schools and colleges to be approved and accepted must file such application as is required by the Board, such application to be filed with the Board at least fifteen (15) days prior to the Board's regular meeting date and accompanied by a check for the fee prescribed by the Code of Barber Laws.

17-6. Barber Schools, Applications and Fees [; Change in Ownership].

When a certificate of approval has been issued to a barber school or college and there is a change in ownership, a new application form must be submitted along with the prescribed annual fee.

17-7. Barber Schools, Disqualifying Actions.

If it shall appear to the Board that any manager, teacher or instructor has

- a) been convicted of any crime involving moral turpitude as shown by a certified copy of the record of the Court of Conviction; or
- b) has engaged in malpractice or demonstrated incompetence; or
- c) has failed to be competent to instruct on any and all required subjects; or

- d) has engaged in false or deceptive statements; or
- e) has evidence of drinking or use of drugs in and about the school or colleges; or
- f) has failed to display a certificate of registration; or
- g) has demonstrated disregard for applicable sanitary rules and regulations; or
- h) has obstructed any member of the Board, its agents, or assistants in inspections of said school or college, or has falsified records or reports required by law or by rules on regulations of the Board, it may revoke after hearing the certificate of registration of such manager, teacher or instructor.

17-8. Barber Students, Applications, Permits, Training, Progress Reports, and Examinations.

1. Every person desiring to train in a barber school or college, or under the personal supervision of a registered barber, shall file an application for student permit to take the training. Such application shall be on a blank form furnished by the Board and shall be signed by the applicant and official of school or college or registered barber under whom the applicant desires to train. The prospective student who desires to train under the personal supervision of a registered barber shall meet along with the registered barber with a representative of the Board. The representative shall make his recommendation to the Board at its next regular meeting, at which time the Board shall make its decision as to approval of the permit. If the applicant wishes a review of the Board's decision, he may meet with the Board at the next regular meeting. A registered barber may train only two (2) students in his shop at a time, provided said students have a chair at all times.

(A) Students training fulltime in a school or college shall be on a five (5) day week basis, eight (8) hours per day, for a minimum of forty (40) weeks; or, students training fulltime under the personal supervision of a qualified registered barber shall be eight (8) hours per day on a forty (40) hour a week basis for forty-eight (48) weeks.

(B) Students shall have received a written student permit issued by the Board.

(C) Each student training under the personal supervision of a registered barber will be required to obtain the same textbooks taught by barber school or college and be given at least one (1) hour of study per day.

(D) Student training parttime in a school or college shall be on a twenty (20) hour a week basis for forty (40) weeks; students training parttime under the personal supervision of a qualified registered barber shall be on a twenty (20) hour a week basis for forty-eight (48) weeks.

HISTORY: Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991; State Register Volume 36, Issue No. 6, eff June 22, 2012.

17-9. Barber Students, Applications, Permits, Progress Reports, Examinations [; When Enrollment Commences].

A student shall be deemed enrolled in the barber school or college or under the personal supervision of a registered barber only from and after the date of issuance of a student permit by this Board.

17-10. Barber Students, Applications, Permits, Progress Reports, Examinations [; Issuance of Permit].

The student permit shall be issued for a period of nine (9) months for training in an approved barber school or college, or for twelve (12) months for training under the personal supervision of a qualified registered barber. The student permit is valid only while the student is training in the school, college or under the supervision of the registered barber to which the student permit is issued. The student permit is nontransferable to another school, college or qualified registered barber. If the training of the student is terminated for any reason during the period for which the student permit is issued, the student cannot apply for a new student permit until the expiration of the existing permit; UNLESS the Board decides for good cause that a new permit should be issued. If training of a student has been terminated for any reason and the student desires a new student permit prior to the expiration of the existing permit, the following must be complied with before the Board will consider the application:

- a) a new application must be completed in accordance with Regulation No. 17-8

b) applicant must file a signed statement in writing setting forth why the training was terminated and why a new permit should be issued by the Board. The statement shall accompany the new application for a student permit.

Upon receipt by the Board of the application and statement, a copy of the statement shall be forwarded to the school, college or registered barber that was issued the existing permit. If the school, college or registered barber objects to the issuance of a new student permit prior to the expiration of the existing permit, the following must be complied with in order for the Board to consider the objection:

a) a signed statement in writing by an office or agent of the school or college or registered barber setting for the objection to the issuance of a new student permit.

b) this statement must be received by the Board on or before the tenth (10) day after the date of the Board's letter advising the holder of the student permit of the new application; otherwise, the objection will not be considered by the Board.

After receipt of the application, statement and objection, if any, the Board will consider the application. If the Board desires to hear testimony from the applicant and the holder of the existing student permit, the Board will notify both parties when to appear. Failure to appear by applicant will terminate further consideration of the objection. The applicant and holder of the student permit will be notified of the Board's decision on the new application.

17-11. Barber Students, Applications, Permits, Progress Reports, Examinations [; Monthly Progress Report].

The school, college or the registered barber by whom the training is given, shall file with the Board on the first of each month a monthly progress report on each student. This report is to be prescribed by the Board. All reports, records, or other documents required by rules and regulations to be submitted to the Board by barber school or college or registered barber training a student.

17-12. Barber Students, Applications, Permits, Progress Reports, Examinations [; Re-Examination].

Each student who completes training in a barber school or college or under the supervision of a registered barber and fails to make a passing grade on the examination may be eligible to take another examination by filing a new application.

17-13. Barber Students, Applications, Permits, Progress Reports, Examinations [; Additional Training].

An application for student permit must be filed with the Board for each student re-entering the school or college for additional training or for additional training under the personal supervision of a registered barber.

17-14. Barber Schools, Requirements of.

Each barber school shall:

a) have a qualified instructor or teacher for each twenty (20) students enrolled or fraction thereof; and

b) have a minimum of ten (10) barber chairs and each and every barber chair shall be mechanically workable, and the finish of same, including upholstering, shall be in good condition, and

c) have not more than two (2) enrolled students per barber chair; and

d) have and maintain an up-to-date written roster system which shall be so used as to insure that each enrolled student shall care for substantially equal numbers of patrons; and

e) all students must be given a complete nine months course in the following subjects; the scientific fundamentals of barbering; haircutting; shaving; shampooing, and the application of creams and lotions; shedding and regrowth of hair, hygiene; sanitation and sterilization; anatomy; elementary chemistry; massaging and scalp treatments; scientific massaging and manipulation of the muscles in the scalp, neck and face; history of barbering and professional ethics; and

f) have a bulletin and curriculum containing full information as to the operation of school including physical equipment, number of barber chairs, work stands, floor space of practical and theory department, hours of operation, schedule of hours of each class, schedule of subjects taught and shall furnish the Board with a copy of same within ninety (90) days from the effective date hereof, thereafter within fifteen (15) days of issuance of any new or amendment bulletin; and

g) have and keep a complete record of each student including number of hours attending classes, practical and theory; and

h) have no barber sign or emblem representing that it is a barber shop displayed in front of the place of business designating that it is a barber school or college and stating that all barber work is done by students only. NO SCHOOL OR COLLEGE SHALL IN ANY WAY BE CONNECTED WITH A BARBER SHOP;

i) students training in barber schools or shops must have student permit prominently displayed behind his barber chair;

j) have within each school ample and sufficient space between each and every barber chair as well as from workstand or wall to barber chair whereby the students will not be crowded or hampered. The space between each and every barber chair, measured from center to center, shall be a minimum of five feet, and the space from the barber chairs to the workstand or wall shall be a minimum of three and one half (3 ½) feet;

k) have ample and sufficient space for the purpose of practical demonstrations. Each school shall be separate from any other place or type of business by a substantial wall of ceiling height; and

l) have a room separate and apart from the practical room and must be separate and apart from any other type of business whatsoever by a ceiling height solid partition. Said room must be used exclusively for the training in theory of barbering and sufficient in size to accommodate students enrolled in such school and shall have ample blackboard space as well as charts on anatomy and other facilities adequate to teaching subjects required by law;

m) have an adequate workstand for each barber chair, same to be of such construction that it may be easily cleaned; and adequate tool cabinet for each barber chair, having a door as nearly airtight as possible and of such construction that it may be easily cleaned; and sufficient supply of solution in which to immerse barber instruments immediately accessible to each chair; and

n) have and maintain textbooks, supplies, equipment, fixtures, devices and tools necessary for compliance with regulations.

17-15. Barber Schools, Requirements of [; Sanitary Inspections].

All schools, colleges or barber shops are subject to sanitary inspections at any time by the Board of Barber Examiners or its agents.

17-16. Rules and Regulations.

All barber schools, colleges and registered barbers training students are required to comply with the above rules and regulations in order to remain on the approved list. The State Board of Barber Examiners reserves the right to add to or amend these rules at any time.

17-17. Rules and Regulations [; Revocation of Prior Rules and Regulations].

Rules and regulations heretofore adopted by the Board governing or pertaining to barber schools, colleges and training under personal supervision of a registered barber and filed with the Secretary of State of South Carolina shall be and they are hereby revoked.

17-20. Barbershop Requirements; Applications for Inspection and Registration and Shop License.

A building that is to be used for a newly established barbershop or a shop reopening for business shall be separate and apart from any residence or building or room used for housing purposes. A newly established barbershop shall be a minimum of 12 feet in width at the entrance of same, and shall have 5 feet of space between each barber chair from center to center of each chair, and shall have 7 feet of space from each chair to the wall of shop, front and rear.

Each barber shall be provided with a cabinet, constructed of such material that it may be easily cleaned, consisting of adequate space for clean freshly laundered towels, and each barber shall be provided with an adequate container for discarding soiled towels; each barber chair shall be mechanically workable and have a good grade of upholstery which is unbroken, torn or ripped. Each shop shall have within said shop or building adequate toilet facilities; each shop shall have smooth finished walls ceiling and floor; be well lighted and ventilated; no exposed pipes; and a barbershop or a room to be used for a barbershop shall be separate and apart from any other room which is used for any other purpose by a substantial partition or wall of ceiling height separating such portion used for a barbershop.

All new shops opening, and any established barbershop moving to a new location shall be deemed a new shop, shall file an application for inspection and registration with the Board fifteen days prior to opening along with the \$50.00 inspection and registration fee. No new shop shall be operated until all fees are paid and shop shall have passed inspection. Shop license shall not be transferable to a new owner or to a new location.

If a new or reopened shop meets the above requirements, a person who is the holder of a current certificate of registration as a registered barber may obtain an application for a shop license from the Inspector or write this office. All applications for shop license must be on file in the office of the State Board of Barber Examiners at least fifteen days prior to the date when a shop will be complete and ready for inspection.

Note: Please notify this office immediately should this shop not be ready for inspection as stated on the application that same will be complete and ready for inspection in order to save additional expense.

17-30. Certificate of Results of Chest X-ray.

All barbers practicing barbering in South Carolina, upon applying for a license therefor shall furnish to the said Board a certificate from a qualified practicing physician or from a County Health Department showing the results of the chest X ray as applied to such barber. Said certificate must accompany the application for license to practice barbering, as aforesaid.

The above rule is substituted for the rule that was filed in the Secretary of State's Office on September 25, 1939.

17-50. Sanitary Rules Governing Barbers, Barber Shops and Barber Colleges.

1. Inspection.

All barber shops, or any other place where barber service is rendered, shall be open for inspection at all times during business hours to any members of the board of barber examiners, or its agents or assistants.

2. Proper quarters.

No barber shop shall be used as a dormitory, sleeping or living quarters or for the preparation of meals.

3. Barber shops.

Every barber shop, or any other place where barber service is rendered, shall be well-lighted, well-ventilated, and kept in a clean, orderly and sanitary condition. Cuspidors and paper jars must be kept clean and sanitary at all times.

4. Fixture conditions.

Workstands or cabinets, towels and tools, and fixtures of all barber shops, or any other place where barber service is rendered, must be kept clean and sanitary at all times.

5. Water.

Running water, hot and cold, located at a convenient point within each barber shop, or any other place where barber service is rendered, shall be provided in cities or towns having water systems.

6. Water receptacles.

Barber shops, or any other place where barber service is rendered, not located in cities or towns having water systems, shall supply hot and cold water under pressure in such quantities as may be necessary to conduct such place of business in a sanitary manner. Hot water receptacles to hold not

less than five gallons and a sink or lavatory with drain pipe to drain waste water outside of the building, shall be provided. The dipping of shaving mugs, towels, etc., into water receptacles is prohibited. (Rule 6, as amended, filed in the Office of the Secretary of State May 16, 1961.)

6a. On account of the impracticability of complying with Rule 6 and the other sanitary rules duly promulgated by the board, house to house barbering is hereby prohibited, and no certificate of registration will be issued to barbers practicing barbering from house to house, or to barbers who operate their shops in their homes, unless proper equipment is supplied and the sanitary rules and regulations are strictly complied with. (This rule filed in the Office of the Secretary of State April 22, 1942.)

7. Styptic pencil and alum.

No person serving as a barber shall, to stop the flow of blood, use alum or other material unless the same be used in liquid or powder form. The use of common styptic pencil or lump alum shall not be permitted for any purpose.

8. Instruments.

All equipment used in connection with serving a patron shall be maintained in a clean and sanitary manner. Instruments or appliances of any kind which come in contact with the body of a patron shall be, before each separate use, sterilized by immersing in a solution of sixty percent alcohol.

9. Hair brushes, combs and neck dusters.

Hair brushes, combs, and neck dusters, shall be kept clean and sanitary at all times.

10. Mugs and brushes.

All shaving cups and lather brushes must be kept clean and sanitary at all times.

11. Headrest.

The headrest of every barber chair shall be protected with fresh, clean paper or clean laundered towel before its use for any person.

12. Towels.

A clean, freshly laundered towel shall be used for each patron. This applies to every kind of towel—dry towel, steam towel, or washcloth. All towels that are used on a patron must be discarded until laundered. Used towels shall not be replaced in a sterilizer or rinsed or washed in the barber shop. All wet towels must be removed from the work stand or lavatory after serving each patron.

13. Haircloths.

Whenever a haircloth is used in cutting the hair, shampooing, etc., a newly laundered towel or paper neck strip shall be placed around the neck so as to prevent the haircloth from touching the skin.

14. Baths and toilets.

Baths and toilets must be kept in a clean and sanitary manner at all times.

15. Barber hands.

Every person serving as a barber shall thoroughly cleanse his or her hands immediately before serving each customer.

16. Barber appearance.

Each person working as a barber shall be clean, both as to person and dress.

17. Health certificates.

Each and every barber practicing the profession in South Carolina shall furnish the state board of barber examiners a satisfactory health certificate at such times as the board of barber examiners may deem necessary, signed by a physician in good standing and licensed by the South Carolina board of medical examiners.

18. Communicable disease.

No owner or manager of a barber shop, or any other place where barber service is rendered, shall permit any person suffering from a communicable disease of any form or any venereal disease in communicable form, to act as a barber in said shop unless upon a written order from a physician.

19. Treating disease.

No barber or other person in charge of any barber shall undertake to treat any disease of the skin.

20. Shaving diseased faces.

No person serving as a barber shall shave any person when the surface to be shaved is inflamed or broken out, or contains pus, unless such person is provided with a cup, shaving brush and razor for his individual use.

21. Rules posted.

The owner or manager of any barber shop, or any other place where barber service is rendered, shall post a copy of these rules and regulations in a conspicuous place in said shop.

Any violation of these rules will be prosecuted according to law.

22. When an application is made to the South Carolina state board of barber examiners for a license to construct, operate, and maintain a new barber shop, the said board, or its agents, shall, before said license is issued, inspect the premises, building, equipment, and other conditions surrounding the same to ascertain and determine if the said premises, building, and equipment complies with the sanitary rules and regulations appertaining thereto, duly promulgated and adopted by the said board. (This rule filed in the Office of the Secretary of State August 28, 1941.)

23. When Barber Shops and Barber Colleges or Schools are inspected periodically and graded, in accordance with compliance of the Sanitary Rules and Regulations, cards denoting grade, A—90-100, B—80-89, C—70-79 and D—unsatisfactory will be posted in a conspicuous place. These grades to be determined by the Inspector. Shops making low and unsatisfactory grades will be given thirty days for compliance. (Filed in the Office of the Secretary of State November 30, 1954.)

17-51. Minimum Requirements for Licensing of Cosmetologists as Master Hair Care Specialists.

1. The Board will issue master hair care specialist licenses to those licensed as cosmetologists by the South Carolina State Board of Cosmetology who submit a completed application with the application fee, proof of a current South Carolina cosmetologist license, and proof of a passing score on all portions of the practical examination prescribed by the Board along with the total number of years' experience and training prescribed hereunder.

2. Any licensed cosmetologist with fewer than two (2) years' experience must have three hundred seventy-five (375) hours of barber school training approved by the Board.

3. Any applicant failing any portion of the examination must complete fifty (50) hours of training in each portion failed in a Board approved barber school prior to reapplying and retaking the portion(s) of the examination failed.

HISTORY: Added by State Register Volume 15, Issue No. 4, eff April 26, 1991. Amended by State Register Volume 40, Issue No. 5, Doc. No. 4601, eff May 27, 2016.