

### Guidance Regarding the Application of Hair Tinsel (“Fairy Hair”)

N. C. Gen. Stat. §88B-22 provides that “no person may practice or attempt to practice cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed as an apprentice, cosmetologist, esthetician, natural hair care specialist, or manicurist by the Board,” and, except as provided under Chapter 88B, “no person may practice cosmetic art or any part of cosmetic art, for pay or reward in any form, either directly or indirectly, outside of a licensed cosmetic art shop.” N. C. Gen. Stat. §88B-22(a), (b). “Cosmetic art” means, in pertinent part, “all or any part or combination of cosmetology . . . [or] natural hair care . . .” N. C. Gen. Stat. §88B-2(5). “Cosmetology” means “the act of arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of a person by any means, including the use of hands, mechanical or electrical apparatus, or appliances or by use of cosmetic or chemical preparations or antiseptics.” N. C. Gen. Stat. §88B-2(8a). “Natural hair care” means “a service that results in tension on hair strands or roots by twisting, wrapping, extending, or locking hair by hand or mechanical device.” N. C. Gen. Stat. §88B-2(14a).

In light of these statutes, our interpretation historically has been that a cosmetology license is required to perform any service involving the “arranging” or “dressing” of hair, and a natural hair care specialist license is required to perform any service resulting in “tension on hair strands or roots by twisting, wrapping, extending, or locking hair by hand or mechanical device.”

Recently, we have had occasion to consider whether the application of hair tinsel (commonly referred to as “fairy hair”) is within the scope of practice for cosmetology or natural hair care and thus whether performing that service requires a cosmetology or natural hair care specialist license. Our review indicates that the most common application of hair tinsel is more limited in nature than those practices described in the statutory definitions of “cosmetology” or “natural hair care.” Specifically, the application of hair tinsel usually involves only tying a strand of decorative tinsel to a strand of hair, without braiding, twisting, wrapping, curling, waving, or chemical use to alter the hair.

Accordingly, the Board now takes the position that the application of hair tinsel may reasonably be viewed as outside the scope of practice of cosmetology and natural hair care, provided that:

- (i) The service is limited to attaching tinsel to individual strands of hair by tying;
- (ii) No braiding, weaving, or incorporation of artificial hair occurs;
- (iii) No chemicals, adhesives, bonding materials or heat tools are used; and
- (iv) The activity does not expand into the broader services of arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair by any means (including the use of hands, mechanical or electrical apparatus, or appliances or by use of cosmetic or chemical preparations or antiseptics), or tension on hair strands or roots by twisting, wrapping, extending, or locking hair by hand or mechanical device.

The Board believes that the approach outlined in this guidance maintains consumer protection while recognizing the limited and accessory nature of most tinsel hair services. However, it is important to note that our statutes continue to require individuals performing the services described in (iv) above to be licensed by the Board. Those services involve a greater degree of manipulation and skill than the usual application of hair tinsel requires and remain clearly within the scope of practice of cosmetology or natural hair care.