



# NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume, issue, and date of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners

2. Agency website postings:

- Text of proposed rule posted at: <http://www.nccosmeticarts.com/uploads/Board/PRApril2012.pdf>
- Explanation and reason for proposed rule posted at: <http://www.nccosmeticarts.com/uploads/Board/PRApril2012.pdf>
- Federal Certification posted at:
- Instructions for oral and written comments posted at:  
<http://www.nccosmeticarts.com/uploads/Board/PRApril2012.pdf>
- Fiscal Note if prepared posted at:

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

**ADOPTION:** 21 NCAC 14A .0404, 21 NCAC 14T .0705

**AMENDMENT:** 21 NCAC 14P .0108, 21 NCAC 14P .0111, 21 NCAC 14P .0112, 21 NCAC 14P .0113, 21 NCAC 14P .0114, 21 NCAC 14R .0101, 21 NCAC 14T .0602, 21 NCAC 14T .0603

**REPEAL:** 21 NCAC 14F .0101, 21 NCAC 14F .0104, 21 NCAC 14F .0105, 21 NCAC 14F .0107, 21 NCAC 14F .0108, 21 NCAC 14F .0109, 21 NCAC 14F .0113, 21 NCAC 14H .0105, 21 NCAC 14H .0107, 21 NCAC 14H .0108, 21 NCAC 14H .0109, 21 NCAC 14H .0110, 21 NCAC 14H .0111, 21 NCAC 14H .0112, 21 NCAC 14H .0113, 21 NCAC 14H .0114, 21 NCAC 14H .0115, 21 NCAC 14H .0117, 21 NCAC 14H .0118, 21 NCAC 14H .0120, 21 NCAC 14H .0121, 21 NCAC 14R .0102, 21 NCAC 14R .0103, 21 NCAC 14R .0104

4. Proposed effective date: September 1, 2012

5. Is a public hearing planned?  Yes  No

If yes: Public Hearing date: May 30, 2012

Public Hearing time: 9:00 am

Public Hearing Location: 1201 Front Street Suite 110 Raleigh, NC 27609

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

**7. Explain Reason For Proposed Action:** These rules have been written/amended or recommended for repeal by the Board to provide clear language for required licensee actions per GS 88B and to eliminate unnecessary regulations.

**8. The procedure by which a person can object to the agency on a proposed rule:** Interested persons may present oral or written comments at the rule-making hearing. In addition, the record will be open for receipt of written comments from April 24, 2012 to July 16, 2012. Written comments not presented at the hearing should be directed to Stefanie Kuzdrall.

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**9. The person to whom written comments may be submitted on the proposed rule:**

**Name:** Stefanie Kuzdrall

**Address:** 1201 Front Street Suite 110  
Raleigh, NC 27609

**Phone (optional):** 919-715-0018

**Fax (optional):** 919-733-4127

**E-Mail (optional):** skuzdrall@nccosmeticarts.com

**10. Comment Period Ends:** July 16, 2012

**11. Fiscal impact (check all that apply).**

**If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.**

- State funds affected
- Environmental permitting of DOT affected  
Analysis submitted to Board of Transportation
- Local funds affected  
Date submitted to OSBM:
- Substantial economic impact ( $\geq$ \$500,000)
- Approved by OSBM
- No fiscal note required

**12. Rule-making Coordinator:** Stefanie Kuzdrall

**Address:** 1201 Front Street Suite 110 Raleigh, NC 27609

**Phone:** 919-715-0018

**E-Mail:** skuzdrall@nccosmeticarts.com

**Agency contact, if any:**

**Phone:**

**E-mail:**

**13. Signature of Agency Head\* or Rule-making Coordinator:**

\_\_\_\_\_

**\*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

**Typed Name:** Stefanie Kuzdrall

**Title:** Rule-making Coordinator

1 **21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS IS PROPOSED FOR ADOPTION**  
2 **AS FOLLOWS:**

3  
4 **21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS**

5 (a) Each cosmetic art school shall meet or exceed a program completion rate of at least 50 percent during any five  
6 year period and shall meet or exceed a student pass rate on state licensure examinations of at least 70 percent during  
7 any three year period.

8 (b) The school shall allow the teachers to have the opportunity to prepare for class, evaluate students' progress in  
9 the course, counsel students individually, and participate in activities of continuing education.

10 (c) Cosmetic art schools must provide to substitutes copies of lesson plans and the performance evaluation plan for  
11 the successful grading of clinical performances.

12 (d) School attendance policies shall give appropriate performances attendance credit for all hours attended;

13 (e) If a graduate meets all the financial, hours, academic, and performance requirements the school must provide the  
14 student with the examination application.

15 (f) Cosmetic Art schools shall maintain current bond according to G.S. 88B and shall submit certification of  
16 renewal or new bond prior to expiration of the bond approved by the Board.

17 (g) Each school shall submit to the Board upon renewal financial record of prepaid tuition and a letter signed by an  
18 authorized representative of the school documenting the calculations made and the method of computing the amount  
19 of the bond for the preceding year. Each school shall maintain and submit to the Board proof of Bond in an amount  
20 of \$10,000, or equivalent to prepaid tuition received during the previous year, whichever is greater.

21  
22  
23 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*

24 *Eff. January 1, ~~2012~~2012;*

25 *Amended Eff. September 1, 2012.*

26

1 **21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM IS PROPOSED FOR**  
 2 **AMENDMENT AS FOLLOWS:**

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 4 **21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM**

5 (a) To meet the approval of the Board, an apprentice cosmetologist training course must consist of at least 1200  
 6 hours of instruction in theory and practical application, divided as follows:

Theory and Performance Requirements	Hours	Services	
Beginners: Professional image, sanitation, bacteriology, disinfection, first aid, anatomy, electricity, chemistry, professional ethics, draping, shampooing, roller sets, pin curls, ridge curls with C shaping, fingerwaves, braids, artificial hair, up-styles, blowdrying brush control, blowdrying with curling iron, pressing/thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails	300		
Advanced: Styles and techniques of cosmetology services including arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching or coloring hair, esthetics and manicuring; and business management and salon business	900		
Performance Requirements		Mannequin	Live Model
Scalp and hair treatments			8
Fullhead fingerwave and style		3 or	3
Fullhead pincurl and style		3 or	3
Hair styling – sets, blowdrying, thermal press/flat iron, and artificial hair		56	80
Haircuts		8	60
Chemical reformation or permanent waving and relaxers		19	8
Temporary color			1
Color application – semi, demi, permanent color and hair lightening		8	11
Multidimensional color – low/high lighting, cap, bleach		<del>8</del> 3	<del>38</del>
Lash and brow color			1
Nail care – manicures and pedicures			12
Artificial nails sets		4 or	4
Facials with surface <del>manipulation/makeup manipulations</del>			7
<u>Makeup application</u>			<u>1</u>
Hair removal			3

- 8 (b) A minimum of 300 hours of theory is required prior to conducting live model performances on the public.
- 9 (c) Certification of live model or mannequin performance completions is required along with the graduation form
- 10 and application for the examination.
- 11 (d) A live model may be substituted for a mannequin for any mannequin service.
- 12 (e) All mannequin services may be performed using a simulated product.
- 13 (f) Simulated product is not allowed for credit for live model performance.
- 14 (g) Mannequin services shall not be substituted for live model services.
- 15 (h) Sharing of performance completions is not allowed.
- 16 (i) Credit for a performance shall be given to only one student.
- 17 (j) A nail set is one hand including all four fingers and thumb.

18  
19 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
20 *Eff. January 1, ~~2012~~2012;*  
21 *Amended Eff. September 1, 2012.*

22

1 **21 NCAC 14T .0602 COSMETOLOGY CURRICULUM IS PROPOSED FOR AMENDMENT AS**  
 2 **FOLLOWS:**

3  
 4 **21 NCAC 14T .0602 COSMETOLOGY CURRICULUM**

5 (a) To meet the approval of the Board, a cosmetologist training course must consist of at least 1500 hours of  
 6 instruction in theory and practical application, divided as follows:

Theory and Performance Requirements	Hours	Services	
Beginners: Professional image, sanitation, bacteriology, disinfection, first aid, anatomy, electricity, chemistry, professional ethics, draping, shampooing, roller sets, pin curls, ridge curls with C shaping, fingerwaves, braids, artificial hair, up-styles, blowdrying brush control, blowdrying with curling iron, pressing/thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails	300		
Advanced: Styles and techniques of cosmetology services including arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching or coloring hair; esthetics and manicuring; and business management and salon business	1200		
<b>Performance Requirements</b>		<b>Mannequin</b>	<b>Live Model</b>
Scalp and hair treatments			10
Fullhead fingerwave and style		5 or	5
Fullhead pincurl and style		5 or	5
Hair styling – sets, blowdrying, thermal press/flat iron, and artificial hair		70	100
Haircuts		10	75
Chemical reformation or permanent waving and relaxers		25	10
Temporary color			2
Color application – semi, demi, permanent color and hair lightening		10	30
Multidimensional color – low/high lighting, cap, bleach		10	15
Lash and brow color			2
Nail care – manicures and pedicures			15
Artificial nails sets		5 or	5
Facials with surface <del>manipulation/makeup</del> manipulations			10
<u>Makeup application</u>			<u>2</u>
Hair removal			5

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- (b) A minimum of 300 hours of theory is required prior to conducting live model performances on the public.
- (c) Certification of live model or mannequin performance completions is required along with the graduation form and application for the examination.
- (d) A live model may be substituted for a mannequin for any mannequin service.
- (e) All mannequin services may be performed using a simulated product.
- (f) Simulated product is not allowed for credit for live model performance.
- (g) Mannequin services shall not be substituted for live model services.
- (h) Sharing of performance completions is not allowed.
- (i) Credit for a performance shall be given to only one student.
- (j) A nail set is one hand including all four fingers and thumb.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
*Eff. January 1, ~~2012~~2012;*  
*Amended Eff. September 1, 2012.*

1    **21 NCAC 14R .0104      LICENSE RENEWAL PROCEDURES IS PROPOSED FOR REPEAL:**

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3    **21 NCAC 14R .0104      LICENSE RENEWAL PROCEDURES**

4    ~~After completion of the continuing education requirements for any licensing cycle the licensee shall forward~~  
5    ~~only the license renewal application and the license renewal fee. The Board shall maintain all continuing~~  
6    ~~education attendance information.~~

7

8    ~~*History Note: Authority G.S. 88B-4; 88B-21(e);*~~

9                     ~~*Eff. May 1, 2004;*~~

10                    ~~*Amended Eff. December 1, 2004.*~~

11



**21 NCAC 14R .0103      CRITERIA FOR CONTINUING EDUCATION COURSES IS PROPOSED FOR REPEAL:**

**21 NCAC 14R .0103      CRITERIA FOR CONTINUING EDUCATION COURSES**

- ~~(a) Programs shall not be approved by the Board in segments of less than two hours.~~
- ~~(b) Course monitors are required at the rate of one monitor per 20 students with a maximum of 10 monitors for a seminar course and one monitor per 10 students for a hands on course. Instructors may serve as the course monitor with fewer than 20 students.~~
- ~~(c) Providers must use an attendance sign in sheet provided by the Board, listing the licensee's name, signature and license number to verify attendance. If a course monitor was required the individual's name and signature must be listed on the sign in sheet indicating participation as a class monitor. Forms may be copied.~~
- ~~(d) No provider shall certify the attendance of a person who was not physically present during at least ninety percent of the course time.~~
- ~~(e) A provider shall maintain for four years a record of attendance of each person attending a course including the following information:
  - ~~(1) Board approved continuing education number;~~
  - ~~(2) Name and license number of attendee;~~
  - ~~(3) Course title and description;~~
  - ~~(4) Hours of attendance;~~
  - ~~(5) Date of course;~~
  - ~~(6) Name and original signature of instructor/monitor in employ of provider;~~
  - ~~(7) Provider name; and~~
  - ~~(8) A copy of course certificate.~~~~
- ~~(f) The provider must give a certificate noting items listed in Paragraph (e) of this Rule to the attendee upon completion of the course.~~
- ~~(g) Course attendance may be restricted to licensees due to course prerequisites for admission or by the maximum number of participants allowable as determined by the provider and disclosed during the application process.~~
- ~~(h) The minimum attendance of a course for credit purposes is four licensees attendees. The maximum attendance of a class for credit purposes is 200 licensed attendees.~~
- ~~(i) Each provider shall notify the Board at least five days in advance of any additional course dates or any changes including locations, times, floor plan and changes of course instructors. The Board must be notified at least 48 hours in advance of a cancellation.~~
- ~~(j) The Board shall approve credit for courses only in increments of an hour and not in portions of an hour. The Board shall not approve a course less than two hours, nor shall it approve more than eight hours of credit in one day.~~
- ~~(k) Classroom courses may be no less than two hours or more than eight hours per day.~~
- ~~(l) Internet and correspondence courses may be no less than two hours or more than 12 hours.~~

~~(m) Each provider must enter into the Board's database within ten days after completion of each course, an attendance list of licensees who completed the course. The list shall include for each licensee:~~

- ~~(1) Course title;~~
- ~~(2) Date conducted;~~
- ~~(3) Address location where the course was conducted;~~
- ~~(4) Licensee name;~~
- ~~(5) Licensee's license number;~~
- ~~(6) Course continuing education number; and~~
- ~~(7) Continuing education hours earned.~~

~~(n) The use of both the electronic attendance form and the on-site sign-in sheet with original attendee signatures is mandatory. These forms are used to verify attendance. Each provider shall submit to the Board, within 10 days after completion of each course, the course sign-in sheets with the licensee names and signatures of all licensed attendees that completed the course.~~

~~(o) The Board may suspend, revoke, or deny the approval of an instructor or provider, who fails to comply with any provision of the rules in this Subchapter. Written justification of the suspension, denial, or revocation shall be given.~~

~~(p) Audits of CE course providers may be conducted and upon the Board's request each CE course provider shall provide completed records complete records must be provided to the Board upon request.~~

~~History Note: Authority G.S. 88B-4; 88B-21(e);~~

~~Eff. May 1, 2004;~~

~~Amended Eff. February 1, 2011; July 1, 2010; December 1, 2008; January 1, 2006.~~

1 **21 NCAC 14R .0102 APPLICATION CRITERIA AND CONTINUING EDUCATION COURSE**

2 **APPROVAL IS PROPOSED FOR REPEAL:**

4 **21 NCAC 14R .0102 APPLICATION CRITERIA AND CONTINUING EDUCATION COURSE**

5 **APPROVAL**

6 ~~(a) Application for course approval shall be completed on forms provided by the Board and shall demonstrate that the~~  
7 ~~applicant is:~~

8 ~~(1) Submitting the form to the Board's office at least 90 days prior to the proposed initial date of the~~  
9 ~~course offering.~~

10 ~~(2) Proposing a course offering that includes:~~

11 ~~(A) 50 percent of subject matter in the cosmetic arts or cosmetic art teacher training techniques,~~  
12 ~~25 percent business ethics and management and 25 percent subject matter related to cosmetic~~  
13 ~~art; or~~

14 ~~(B) 50 percent of subject matter in the cosmetic arts or cosmetic art teacher training techniques~~  
15 ~~and 50 percent of subject matter must be related to cosmetic art.~~

16 ~~(3) Providing a resume for all course each instructor for the classroom course.~~

17 ~~(4) Providing a timed outline for the proposed course with timed increments for each segment.~~

18 ~~(5) Submitting the lesson plan with course proposal information for all demonstrations, hands on or~~  
19 ~~lecture materials.~~

20 ~~(6) Providing course materials that are typed and legible.~~

21 ~~(7) Providing a floor plan with the dimensions for attendance greater than 50.~~

22 ~~(8) Teaching current Board sanitation (21 NCAC 14H) regulations.~~

23 ~~(b) The following offerings shall not be approved by the Board for continuing education credit:~~

24 ~~(1) That portion of any offering devoted to any breaks including breakfast, lunch and dinner or other~~  
25 ~~refreshments.~~

26 ~~(2) Any application that fails to meet the standards of Rule.0103 of this Subchapter.~~

27 ~~(3) Any curriculum for a classroom course in which the course subject matter deals only with sanitation~~  
28 ~~requirements unless the course is administered by the Board.~~

29 ~~(4) Any curriculum that contains diagnosis or medical treatment.~~

30 ~~(5) Any curriculum that repeats information in another course sponsored by that provider that has been~~  
31 ~~approved by the Board.~~

32 ~~(c) An internet course shall have an examination or methodology built into the course to verify the course material has~~  
33 ~~been completed. All courses shall have a timing element to prevent advancement within each section or page of the~~  
34 ~~course until all material has been reviewed.~~

35 ~~(d) A provider shall disable any timing or verification element when an Internet course is being reviewed for approval by~~  
36 ~~the Board.~~

- 37 ~~(e) A correspondence course shall have an examination or methodology built into the course to verify the course material~~  
38 ~~has been completed and all material shall be mailed through the postal service or comparable mail services.~~  
39 ~~(f) The Board shall approve or deny an application within 45 days of receiving the request.~~  
40 ~~(g) A unique continuing education number shall be assigned to each approved course.~~  
41 ~~(h) The continuing education program approval shall be for two years from the date of approval.~~  
42 ~~(i) Approved courses may be conducted as often as desired during the approved period. The provider must send a list of~~  
43 ~~scheduled course dates to the Board.~~

44

45 *History Note: — Authority G.S. 88 B 4; 88B 21(e);*

46 *Eff. May 1, 2004;*

47 *Amended Eff. February 1, 2011; July 1, 2010; December 1, 2008; May 1, 2007.*

48

1 **21 NCAC 14R .0101 CONTINUING EDUCATION REQUIREMENTS IS PROPOSED FOR**  
2 **AMENDMENT AS FOLLOWS:**

3  
4 **21 NCAC 14R .0101 CONTINUING EDUCATION REQUIREMENTS**

5 ~~(a) No licensee shall receive continuing education credit for course duplication completed during the licensing cycle.~~

6 ~~(b) Continuing education courses completed prior to an individual's being licensed by the Board shall not qualify for~~  
7 ~~continuing education credit. A licensee shall not receive continuing education credit for any course given in North~~  
8 ~~Carolina that does not have the prior approval of the Board. Apprentices shall not earn continuing education credit for~~  
9 ~~any class.~~

10 ~~(c) All licensees must complete courses in their subject area.~~

11 ~~(d) All providers shall allow any representative or employee of the Board entrance into any Board approved continuing~~  
12 ~~education requirement course at no cost to the Board.~~

13 ~~(e) The Board shall keep a current roster of approved continuing education courses. Additional copies of the roster shall~~  
14 ~~be available to licensees and the public upon request to the Board. Requesting individuals shall provide stamped, self-~~  
15 ~~addressed envelopes.~~

16 ~~(f) Out of state continuing education hours shall be submitted for approval to the Board.~~

17 ~~(g) The Board shall approve out of state continuing education hours provided the course is a lecture or hands on. The~~  
18 ~~actual course must be at least two hours and the licensee must submit the following:~~

19 ~~(1) — Out of state continuing education form, created by the Board which contains the following:~~

20 ~~(A) — Licensee's name, telephone number and mailing address;~~

21 ~~(B) — Licensee license number;~~

22 ~~(C) — Provider name and contact information;~~

23 ~~(D) — Date and location of course;~~

24 ~~(E) — Course description;~~

25 ~~(F) — Length of class;~~

26 ~~(G) — Instructor original signature; and~~

27 ~~(H) — Licensee's original signature; and~~

28 ~~(2) — Attached to the form the following:~~

29 ~~(A) — Provider curriculum for the course;~~

30 ~~(B) — Itinerary; and~~

31 ~~(C) — timed outline.~~

32 ~~All material required in Subparagraph (2) of this Paragraph must be typed. The licensee must submit all the above within~~  
33 ~~30 days of completing the course,~~

34 ~~(h) Licensees are exempt from 8 hours of continuing education requirements until the licensing period commencing after~~  
35 ~~their initial licensure.~~

36 ~~(i) Continuing education course instructors shall receive credit for any approved continuing education class taught once~~  
37 ~~during the renewal period.~~

38 ~~(j) Licensees may take internet and correspondence courses not to exceed 12 hours per renewal period for~~  
39 ~~cosmetologists, four hours per renewal period for natural hair care specialists, manicurists and estheticians and eight~~  
40 ~~hours per renewal period for teachers.~~

41 ~~(k) As used in this Subchapter an internet course is defined as a course that is accessible only through a computer that~~  
42 ~~has internet access including emailed information and video.~~

43 ~~(l) As used in this Subchapter a correspondence course is defined as a course that is accessible via mail or DVD with~~  
44 ~~exercises and test which upon completion are returned to the CE provider by mail for grading.~~

45 ~~(m) As used in this Subchapter a classroom course is provided by the licensee physically attending the class.~~

46

47 *History Note: Authority G.S. 88B-4; 88B-21(e);*

48 *Eff. May 1, 2004;*

49 *Amended Eff. January 1, 2011; July 1, 2010; December 1, 2008; January 1, 2006; December 1,*

50 *2004-2004; September 1, 2012.*

51

1 **21 NCAC 14P .0114 COSMETOLOGY CURRICULUM IS PROPOSED FOR AMENDMENT AS**  
2 **FOLLOWS:**

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4 **21 NCAC 14P .0114 COSMETOLOGY CURRICULUM**

5 (a) The presumptive civil penalty for a school allowing cosmetology or apprentice cosmetology students with less than  
6 300 hours credit to work on the public. (Shampoo and scalp manipulations are exempt) is:

7	(1)	1st offense	\$100.00
8	(2)	2nd offense	\$200.00
9	(3)	3rd offense	\$300.00

10 (b) The presumptive civil penalty for a school for manicurist students with less than ~~46~~ 60 hours credit working on the  
11 public is:

12	(1)	1st offense	\$100.00
13	(2)	2nd offense	\$200.00
14	(3)	3rd offense	\$300.00

15 (c) The presumptive civil penalty for a school for esthetician students with less than ~~60~~ 75 hours credit working on the  
16 public is:

17	(1)	1st offense	\$100.00
18	(2)	2nd offense	\$200.00
19	(3)	3rd offense	\$300.00

20 (d) The presumptive civil penalty for a school for natural hair care students with less than ~~46~~ 60 hours credit working on  
21 the public is:

22	(1)	1st offense	\$100.00
23	(2)	2nd offense	\$200.00
24	(3)	3rd offense	\$300.00

25  
26 *History Note: Authority G.S. 88B-4; 88B-29;*  
27 *Temporary Adoption Eff. January 1, 1999;*  
28 *Eff. August 1, 2000;*  
29 *Amended Eff. July 1, ~~2010~~; 2010; September 1, 2012.*  
30

1 **21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART IS PROPOSED FOR**  
2 **AMENDMENT AS FOLLOWS:**

3  
4 **21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART**

5 (a) The presumptive civil penalty for failure to record student's hours of daily attendance is:

- |   |     |                         |                    |
|---|-----|-------------------------|--------------------|
| 6 | (1) | 1 <sup>st</sup> offense | warning (\$100.00) |
| 7 | (2) | 2 <sup>nd</sup> offense | \$200.00           |
| 8 | (3) | 3 <sup>rd</sup> offense | \$300.00           |

9 (b) The presumptive civil penalty for failure to report withdrawal or graduation of a student within 30 working days is:

- |    |     |             |                   |
|----|-----|-------------|-------------------|
| 10 | (1) | 1st offense | warning (\$50.00) |
| 11 | (2) | 2nd offense | \$100.00          |
| 12 | (3) | 3rd offense | \$200.00          |

13 (c) The presumptive civil penalty for failure to submit cosmetology enrollments within 30 working days or manicurist,  
14 natural hair care specialist and esthetician enrollments within 15 working days is:

- |    |     |             |                   |
|----|-----|-------------|-------------------|
| 15 | (1) | 1st offense | warning (\$50.00) |
| 16 | (2) | 2nd offense | \$100.00          |
| 17 | (3) | 3rd offense | \$200.00          |

18 (d) The presumptive civil penalty for failure to display a copy of the sanitation rules is:

- |    |     |                         |                   |
|----|-----|-------------------------|-------------------|
| 19 | (1) | 1 <sup>st</sup> offense | warning (\$50.00) |
| 20 | (2) | 2 <sup>nd</sup> offense | \$100.00          |
| 21 | (3) | 3 <sup>rd</sup> offense | \$200.00          |

22 (e) The presumptive civil penalty for failure to post consumer sign "Cosmetic Art School - Work Done Exclusively by  
23 Students" is:

- |    |     |                         |                   |
|----|-----|-------------------------|-------------------|
| 24 | (1) | 1 <sup>st</sup> offense | warning (\$50.00) |
| 25 | (2) | 2 <sup>nd</sup> offense | \$100.00          |
| 26 | (3) | 3 <sup>rd</sup> offense | \$200.00          |

27 (f) The presumptive civil penalty for allowing a cosmetic art shop to operate within a cosmetic art school is:

- |    |     |                         |          |
|----|-----|-------------------------|----------|
| 28 | (1) | 1 <sup>st</sup> offense | \$200.00 |
| 29 | (2) | 2 <sup>nd</sup> offense | \$400.00 |
| 30 | (3) | 3 <sup>rd</sup> offense | \$600.00 |

31 (g) The presumptive civil penalty for a cosmetic art school that is not separated from a cosmetic art shop or other  
32 business by a solid wall, floor to ceiling, with an separate entrance and a door that stays closed at all times is:

- |    |     |                         |          |
|----|-----|-------------------------|----------|
| 33 | (1) | 1 <sup>st</sup> offense | \$200.00 |
| 34 | (2) | 2 <sup>nd</sup> offense | \$400.00 |
| 35 | (3) | 3 <sup>rd</sup> offense | \$600.00 |

36 (h) The presumptive civil penalty for failure to have students wear clean washable uniform and/or identification is:

- |    |     |             |                   |
|----|-----|-------------|-------------------|
| 37 | (1) | 1st offense | warning (\$50.00) |
|----|-----|-------------|-------------------|





1 **21 NCAC 14P .0112 SANITARY RATINGS AND POSTING OF RATINGS - APPLICABLE TO**  
2 **ESTABLISHMENTS WITH A SANITATION GRADE OF LESS THAN 80% IS PROPOSED FOR**  
3 **AMENDMENT AS FOLLOWS:**

5 **21 NCAC 14P .0112 SANITARY RATINGS AND POSTING OF RATINGS - APPLICABLE TO**  
6 **ESTABLISHMENTS WITH A SANITATION GRADE OF LESS THAN 80%**

7 (a) The presumptive civil penalty for failure to display an inspection grade card is:

- 8 (1) 1st offense \$50.00
- 9 (2) 2nd offense \$100.00
- 10 (3) 3rd offense \$200.00

11 (b) The presumptive civil penalty for non-working toilet facilities is:

- 12 (1) 1st offense warning (\$50.00)
- 13 (2) 2nd offense \$100.00
- 14 (3) 3rd offense \$200.00

15 (c) The presumptive civil penalty for failure to maintain equipment, furnishings and floor coverings is:

- 16 (1) 1st offense warning (\$25.00)
- 17 (2) 2nd offense \$50.00
- 18 (3) 3rd offense \$100.00

19 (d) The presumptive civil penalty for failure to provide hot and cold running water is:

- 20 (1) 1st offense warning (\$50.00)
- 21 (2) 2nd offense \$100.00
- 22 (3) 3rd offense \$200.00

23 (e) The presumptive civil penalty for keeping any animal or bird in a cosmetic art shop or school is: (Trained animals  
24 accompanying sightless or hearing impaired persons are exempt)

- 25 (1) 1st offense warning (\$25.00)
- 26 (2) 2nd offense \$50.00
- 27 (3) 3rd offense \$100.00

28 ~~(f) The presumptive civil penalty for failure to have students wear clean washable uniform is:~~

- 29 ~~(1) 1st offense warning (\$50.00)~~
- 30 ~~(2) 2nd offense \$100.00~~
- 31 ~~(3) 3rd offense \$200.00~~

32 ~~(g)~~ (f) The presumptive civil penalty for failure of operators in cosmetic art shops to wear clean outer garments with  
33 sleeves is:

- 34 (1) 1st offense warning (\$50.00)
- 35 (2) 2nd offense \$100.00
- 36 (3) 3rd offense \$200.00

37 ~~(h)~~ (g) The presumptive civil penalty for failure to store used or clean protective drapes, linens or towels, or failure to  
38 launder used protective drapes, linens or towels is:

39 (1) 1st offense warning (\$50.00)

40 (2) 2nd offense \$100.00

41 (3) 3rd offense \$200.00

42 ~~(i)~~ (h) The presumptive civil penalty for failure to dispose of supplies or instruments which come in direct contact with a  
43 patron and which cannot be disinfected is:

44 (1) 1st offense warning (\$50.00)

45 (2) 2nd offense \$100.00

46 (3) 3rd offense \$200.00

47 ~~(j)~~ (i) The presumptive civil penalty for failure to disinfect non-electrical instruments and equipment is:

48 (1) 1st offense warning (\$50.00)

49 (2) 2nd offense \$100.00

50 (3) 3rd offense \$200.00

51 ~~(k)~~ (j) The presumptive civil penalty for failure to store and label creams, powders, and other cosmetic preparations is:

52 (1) 1st offense warning (\$25.00)

53 (2) 2nd offense \$50.00

54 (3) 3rd offense \$100.00

55 ~~(l)~~ (k) The presumptive civil penalty for failure to have necessary first aid equipment on hand is:

56 (1) 1st offense warning (\$25.00)

57 (2) 2nd offense \$50.00

58 (3) 3rd offense \$100.00

59 ~~(m)~~ (l) The presumptive civil penalty for failure to provide necessary lighting or ventilation is:

60 (1) 1st offense warning (\$50.00)

61 (2) 2nd offense \$100.00

62 (3) 3rd offense \$200.00

63 ~~(n)~~ (m) The presumptive civil penalty for windows and doors not effectively screened is:

64 (1) 1st offense warning (\$50.00)

65 (2) 2nd offense \$100.00

66 (3) 3rd offense \$200.00

67 ~~(o)~~ (n) The presumptive civil penalty for trash containers not covered is:

68 (1) 1st offense warning (\$25.00)

69 (2) 2nd offense \$50.00

70 (3) 3rd offense \$100.00

71 ~~(p)~~ (o) The presumptive civil penalty for failure to use EPA approved disinfectant is:

72 (1) 1st offense \$50.00

73 (2) 2nd offense \$100.00

74 (3) 3rd offense \$200.00

75 ~~(q)~~ (p) The presumptive civil penalty for failure to maintain a sanitary establishment (80% rating or better) is:

76 (1) 1st offense warning (\$25.00)

77 (2) 2nd offense \$50.00

78 (3) 3rd offense \$100.00

79

80 *History Note: Authority G.S. 88B-4; 88B-29;*

81 *Temporary Adoption Eff. January 1, 1999;*

82 *Eff. August 1, 2000;*

83 *Amended Eff. December 1, 2008; February 1, ~~2006-2006~~; September 1, 2012.*

84

1 **21 NCAC 14P .0111 ESTABLISHMENT OF COSMETIC ART SCHOOLS IS PROPOSED FOR**  
2 **AMENDMENT AS FOLLOWS:**

3  
4 **21 NCAC 14P .0111 ESTABLISHMENT OF COSMETIC ART SCHOOLS**

5 (a) The presumptive civil penalty for failure to provide minimum floor space or equipment and supplies as required by  
6 Subchapters 14G, 14I, 14J, 14K, ~~14O, 14T~~ and 14S is:

- 7 (1) 1st offense \$200.00
- 8 (2) 2nd offense \$350.00
- 9 (3) 3rd offense \$500.00

10 (b) The presumptive civil penalty for failure to provide instruction at a ratio of ~~one teacher for every 20 students~~ required  
11 is:

- 12 (1) 1st offense warning (\$100.00)
- 13 (2) 2nd offense \$250.00
- 14 (3) 3rd offense \$500.00

15 (c) The presumptive civil penalty for failure to report a change in the teaching staff is:

- 16 (1) 1st offense warning (\$50.00)
- 17 (2) 2nd offense \$100.00
- 18 (3) 3rd offense \$200.00

19 (d) The presumptive civil penalty for failure to submit an application for the approval of a school in the case of a change  
20 of location or ownership is:

- 21 (1) 1st offense \$100.00
- 22 (2) 2nd offense \$200.00
- 23 (3) 3rd offense \$500.00

24

25 *History Note: Authority G.S. 88B-4(2); 88B-16; 88B-29;*  
26 *Temporary Adoption Eff. January 1, 1999;*  
27 *Eff. August 1, 2000;*  
28 *Amended Eff. July 1, 2010; February 1, ~~2004-2004~~; September 1, 2012.*

29

1 **21 NCAC 14P .0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES IS**  
2 **PROPOSED FOR AMENDMENT AS FOLLOWS:**

3  
4 **21 NCAC 14P .0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES**

5 (a) The presumptive civil penalty for allowing unlicensed practitioners to practice in a licensed cosmetic art shop is:

- |   |     |             |           |
|---|-----|-------------|-----------|
| 6 | (1) | 1st offense | \$500.00  |
| 7 | (2) | 2nd offense | \$750.00  |
| 8 | (3) | 3rd offense | \$1000.00 |

9 (b) The presumptive civil penalty for practicing cosmetology, natural hair care, manicuring or esthetics with a license  
10 issued to another person is:

- |    |     |             |            |
|----|-----|-------------|------------|
| 11 | (1) | 1st offense | \$500.00   |
| 12 | (2) | 2nd offense | \$800.00   |
| 13 | (3) | 3rd offense | \$1,000.00 |

14 (c) The presumptive civil penalty for altering a license, permit or authorization issued by the Board is:

- |    |     |             |           |
|----|-----|-------------|-----------|
| 15 | (1) | 1st offense | \$500.00  |
| 16 | (2) | 2nd offense | \$800.00  |
| 17 | (3) | 3rd offense | \$1000.00 |

18 (d) The presumptive civil penalty for submitting false or fraudulent documents is:

- |    |     |             |            |
|----|-----|-------------|------------|
| 19 | (1) | 1st offense | \$500.00   |
| 20 | (2) | 2nd offense | \$800.00   |
| 21 | (3) | 3rd offense | \$1,000.00 |

22 (e) The presumptive civil penalty for refusing to present photographic identification is:

- |    |     |             |          |
|----|-----|-------------|----------|
| 23 | (1) | 1st offense | \$100.00 |
| 24 | (2) | 2nd offense | \$250.00 |
| 25 | (3) | 3rd offense | \$500.00 |

26 ~~(f) The presumptive civil penalty for advertising by means of knowingly false or deceptive statement is:~~

- |    |                |                        |                               |
|----|----------------|------------------------|-------------------------------|
| 27 | <del>(1)</del> | <del>1st offense</del> | <del>warning (\$300.00)</del> |
| 28 | <del>(2)</del> | <del>2nd offense</del> | <del>\$400.00</del>           |
| 29 | <del>(3)</del> | <del>3rd offense</del> | <del>\$500.00</del>           |

30 (g) The presumptive civil penalty for permitting an individual to practice cosmetic art with an expired license is:

- |    |     |             |          |
|----|-----|-------------|----------|
| 31 | (1) | 1st offense | \$ 50.00 |
| 32 | (2) | 2nd offense | \$100.00 |
| 33 | (3) | 3rd offense | \$250.00 |

34 (h) The presumptive civil penalty for practicing or attempting to practice by fraudulent misrepresentation is:

- |    |     |             |           |
|----|-----|-------------|-----------|
| 35 | (1) | 1st offense | \$500.00  |
| 36 | (2) | 2nd offense | \$800.00  |
| 37 | (3) | 3rd offense | \$1000.00 |

38 (i) The presumptive civil penalty for the illegal use or possession of equipment or Methyl Methacrylate Monomer  
39 (MMA) in a cosmetic art shop or school is:

- |    |     |             |           |
|----|-----|-------------|-----------|
| 40 | (1) | 1st offense | \$300.00  |
| 41 | (2) | 2nd offense | \$500.00  |
| 42 | (3) | 3rd offense | \$1000.00 |

43 (j) The presumptive civil penalty for failure to maintain footspa sanitation records is:

- |    |     |             |          |
|----|-----|-------------|----------|
| 44 | (1) | 1st offense | \$100.00 |
| 45 | (2) | 2nd offense | \$200.00 |
| 46 | (3) | 3rd offense | \$300.00 |

47

48 *History Note: Authority G.S. 88B-4; 88B-24; 88B-29;*

49 *Temporary Adoption Eff. January 1, 1999;*

50 *Eff. August 1, 2000;*

51 *Amended Eff. September 1, 2011; July 1, 2010; December 1, 2008; January 1, 2006; April 1, 2004;*

52 *August 1, 2002; April 1, ~~2001~~2001; September 1, 2012.*

53

1 **21 NCAC 14H .0121 PROHIBITED PRACTICES IS PROPOSED FOR REPEAL:**

2  
3 **21 NCAC 14H .0121 PROHIBITED PRACTICES**

4 ~~(a) Licensees must not use or possess in a shop any of the following products:~~

- 5 ~~(1) Methyl Methacrylate Liquid Monomer a.k.a. MMA;~~
- 6 ~~(2) Razor type callus shavers designed and intended to cut growths of skin such as corns and calluses;~~
- 7 ~~(3) Permanent makeup, defined as beautifying the face by inserting or implanting facial cosmetic pigment~~  
8 ~~under the surface of the skin or mucosa;~~
- 9 ~~(4) FDA rated Class III devices;~~
- 10 ~~(5) Any adulterated chemical exfoliating substances;~~
- 11 ~~(6) Carboic acid (phenol) over two percent strength;~~
- 12 ~~(7) Animals including insects, fish, amphibians, reptiles, birds or mammals to perform any service; or~~
- 13 ~~(8) Variable speed electrical nail file on the natural nail unless it has been designed for use on the natural~~  
14 ~~nail.~~

15 ~~(b) A licensee must not:~~

- 16 ~~(1) Use product in any other manner than the product's intended use;~~
- 17 ~~(2) Diagnose any medical condition or treat any medical condition unless referred by a physician;~~
- 18 ~~(3) Provide any service unless trained prior to performing the service;~~
- 19 ~~(4) Perform services on a client if the licensee has reason to believe the client has any of the following:~~
  - 20 ~~(A) a communicable disease;~~
  - 21 ~~(B) a contagious condition;~~
  - 22 ~~(C) an inflamed, infected, broken, raised or swollen skin or nail tissue; or~~
  - 23 ~~(D) an open wound or sore in the area to be worked on that would contraindicate the efficacy of~~  
24 ~~the service;~~
- 25 ~~(5) Alter or duplicate a license issued by the Board; or~~
- 26 ~~(6) Advertise or solicit clients in any form of communication in a manner that is false or misleading.~~

27 ~~(c) Class II devices may be used by licensees while under the supervision of a licensed physician.~~

28  
29 *History Note: Authority G.S. 88B-2; 88B-4;*

30 *Eff. April 1, 2004;*

31 *Amended Eff. January 1, 2011; January 1, 2008; May 1, 2007; December 1, 2004.*



1 **21 NCAC 14H .0120 WHIRLPOOL, FOOTSPA AND FACIAL STEAMER SANITATION IS PROPOSED**  
2 **FOR REPEAL:**

3  
4 **21 NCAC 14H .0120 WHIRLPOOL, FOOTSPA AND FACIAL STEAMER SANITATION**

5 ~~(a) As used in this Rule whirlpool or footspa means any basin using circulating water.~~

6 ~~(b) After each patron each whirlpool or footspa must be cleaned and disinfected as follows:~~

7 ~~(1) All water must be drained and all debris removed from the basin;~~

8 ~~(2) The basin must be disinfected by filling the basin with water and circulating:~~

9 ~~(A) Two tablespoons of automatic dishwashing powder and ¼ cup of 5.25 percent household~~  
10 ~~bleach to one gallon of water through the unit for 10 minutes; or~~

11 ~~(B) Surfactant or enzymatic soap with an EPA registered disinfectant with bactericidal, fungicidal~~  
12 ~~and virucidal activity used according to manufacturer's instructions through the unit for 10~~  
13 ~~minutes;~~

14 ~~(3) The basin must be drained and rinsed with clean water; and~~

15 ~~(4) The basin must be wiped dry with a clean towel.~~

16 ~~(c) At the end of the day each whirlpool or footspa must be cleaned and disinfected as follows:~~

17 ~~(1) The screen must be removed and all debris trapped behind the screen removed;~~

18 ~~(2) The screen and the inlet must be washed with surfactant or enzymatic soap or detergent and rinsed~~  
19 ~~with clean water;~~

20 ~~(3) Before replacing the screen one of the following procedures must be performed:~~

21 ~~(A) The screen must be totally immersed in a household bleach solution of ¼ cup of 5.25 percent~~  
22 ~~household bleach to one gallon of water for 10 minutes; or~~

23 ~~(B) The screen must be totally immersed in an EPA registered disinfectant with bactericidal,~~  
24 ~~fungicidal and virucidal activity in accordance to the manufacturer's instructions for 10~~  
25 ~~minutes;~~

26 ~~(4) The inlet and area behind the screen must be cleaned with a brush and surfactant soap and water to~~  
27 ~~remove all visible debris and residue; and~~

28 ~~(5) The spa system must be flushed with low sudsing surfactant or enzymatic soap and warm water for at~~  
29 ~~least 10 minutes and then rinsed and drained.~~

30 ~~(d) Every week after cleaning and disinfecting pursuant to Paragraphs (a) and (b) of this Rule each whirlpool and footspa~~  
31 ~~must be cleaned and disinfected in the following manner:~~

32 ~~(1) The whirlpool or footspa basin must be filled with water and ¼ cup of 5.25 percent household bleach~~  
33 ~~for each one gallon of water;~~

34 ~~(2) The whirlpool or footspa system must be flushed with the bleach and water solution pursuant to~~  
35 ~~Subparagraph (d)(1) of this Rule for 10 minutes and allowed to sit for at least six hours; and~~

36 ~~(3) The whirlpool or footspa system must be drained and flushed with water before use by a patron.~~

37 ~~(e) A record must be made of the date and time of each cleaning and disinfecting as required by this Rule including the~~  
38 ~~date, time, reason and name of the staff member that performed the cleaning. This record must be kept and made~~  
39 ~~available for at least 90 days upon request by either a patron or inspector.~~

40 ~~(f) The water in a vaporizer machine must be emptied daily and the unit disinfected.~~

41

42 ~~History Note: Authority G.S. 88B 4; 88B 14;~~

43 ~~Eff. February 1, 2004;~~

44 ~~Amended Eff. January 1, 2011; December 1, 2008; May 1, 2007; October 1, 2006; November 1,~~

45 ~~2005.~~

46

1 **21 NCAC 14H .0118 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS IS PROPOSED FOR**  
2 **REPEAL**

3 **21 NCAC 14H .0118 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS**

4 The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in 21 NCAC 14H  
5 .0106 to .0117 shall be as follows, setting out areas to be inspected and considered, and the maximum points given for  
6 compliance:

- 7 (1) clean and repaired entrance and reception room 2;  
8 (2) general condition of the entire establishment 8;  
9 (3) water system; hot and cold running water 2;  
10 (4) walls, ceiling and floors:  
11 (A) construction and coverings 4;  
12 (B) clean 4;  
13 (C) good repair 3;  
14 (5) lighting and fresh continuous ventilation (windows included); their adequacy and  
15 cleanliness 3;  
16 (6) public toilet:  
17 (A) clean and ventilated 5;  
18 (B) liquid soap and individual towels furnished 5;  
19 (C) hot and cold running water 2;  
20 (7) appearance of operators and students 4;  
21 (8) linens:  
22 (A) supply of clean drapes, linens and towels stored in clean closed containers 2;  
23 (B) soiled drapes, linens and towels properly stored in closed containers 3;  
24 (9) waste in closed containers and clean area 4;  
25 (10) equipment cleanliness:  
26 (A) disinfectants selected from those approved by the Federal Environmental  
27 Protection Agency 6;  
28 (B) disinfectants used properly 5;  
29 (C) all implements cleaned, disinfected, and properly stored 12;  
30 (D) furniture, fixtures, and equipment clean and in good repair 7;  
31 (11) working area:  
32 (A) workstation clean 4;  
33 (B) lavatories clean 4;  
34 (C) jars and containers closed, clean and disinfected 2;  
35 (D) no unnecessary articles in work area 2;  
36 (12) antiseptics and first aid supplies on hand 1;  
37 (13) cosmetics:

38                   (A) ~~clean and sanitary conditions~~ ~~2;~~

39                   (B) ~~storage area for supplies clean and in order~~ ~~3;~~

40           (14) ~~no animals or birds kept or allowed in the establishment except as provided by Rule .0117 of this~~

41                   Subchapter.

42

43 ~~History Note: Authority G.S. 88B 2; 88B 4; 88B 14;~~

44                   ~~Eff. February 1, 1976;~~

45                   ~~Amended Eff. August 1, 1998; June 1, 1994; April 1, 1991; January 1, 1989;~~

46                   ~~Temporary Amendment Eff. January 20, 1999;~~

47                   ~~Amended Eff. December 1, 2008; August 1, 2000.~~

48

1 **21 NCAC 14H .0117 ANIMALS IS PROPOSED FOR REPEAL**

2

3 **21 NCAC 14H .0117 ANIMALS**

4 ~~Animals or birds shall not be in a beauty establishment. Trained animals accompanying disabled persons are exempt.~~

5

6 ~~*History Note: Authority G.S. 88B 4; 88B 17; 88B 23;*~~

7 ~~*Eff. February 1, 1976;*~~

8 ~~*Amended Eff. July 1, 2010; December 1, 2008.*~~

9

1 **21 NCAC 14H .0115 FIRST AID IS PROPOSED FOR REPEAL**

2

3 **21 NCAC 14H .0115 FIRST AID**

4 ~~Each beauty establishment must have antiseptics and other necessary supplies available to provide first aid when necessary.~~

5

6 ~~*History Note: Authority G.S. 88-23;*~~

7 ~~*Eff. February 1, 1976;*~~

8 ~~*Amended Eff. January 1, 1989.*~~

9

10

11

1 **21 NCAC 14H .0114 CARE OF CREAMS: LOTIONS: AND COSMETICS IS PROPOSED FOR REPEAL:**

2

3 **21 NCAC 14H .0114 CARE OF CREAMS: LOTIONS: AND COSMETICS**

4 ~~All creams, lotions, and other cosmetics used for patrons must be kept in clean, closed containers, and must conform in all~~  
5 ~~respects to the requirements of the Pure Food and Drug Law. Lotions, or fluids must be poured into a clean glass or other~~  
6 ~~sanitized container and applied to patrons by means of cotton or other sanitized methods.~~

7

8 ~~*History Note: Authority G.S. 88-23;*~~

9 ~~*Eff. February 1, 1976;*~~

10 ~~*Amended Eff. January 1, 1989.*~~

11

12

13

1 **21 NCAC 14H .0113 CLEANLINESS OF SCISSORS: SHEARS: RAZORS AND OTHER EQUIPMENT IS**  
2 **PROPOSED FOR REPEAL:**

3  
4 **21 NCAC 14H .0113 CLEANLINESS OF SCISSORS: SHEARS: RAZORS AND OTHER EQUIPMENT**

5 ~~(a) All scissors, shears, razors, and other metal instruments must be cleaned and disinfected after each use in the~~  
6 ~~following manner:~~

7 ~~(1) If the implement is not immersible, it shall be cleaned by wiping it with a moistened clean cloth and~~  
8 ~~disinfected with a disinfectant used in accordance with the manufacturer's instructions, that states the~~  
9 ~~solution will destroy HIV, TB or HBV viruses and approved by the Federal Environmental Protection~~  
10 ~~Agency.~~

11 ~~(2) If it is immersible, it shall be disinfected by immersion and whenever it comes in contact with blood,~~  
12 ~~with:~~

13 ~~(A) disinfectant, used in accordance with the manufacturer's instructions, that states the solution~~  
14 ~~will destroy HIV, TB or HBV viruses and approved by the Federal Environmental Protection~~  
15 ~~Agency.~~

16 ~~(B) EPA registered, hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) or~~  
17 ~~tuberculocidal, that is mixed and used according to the manufacturer's directions; or~~

18 ~~(C) household bleach in a 10 percent solution for 10 minutes.~~

19 ~~(3) If the implement is not used immediately after cleaning, it must be stored in a clean, closed cabinet~~  
20 ~~until it is needed.~~

21 ~~(b) Furniture, equipment and fixtures must be of a washable material and kept clean and in good repair.~~

22 ~~(c) Lancets, disposable razors, and other sharp objects shall be disposed in puncture resistant containers.~~

23  
24 ~~History Note: Authority G.S. 88B-4; 88B-14;~~

25 ~~Eff. February 1, 1976;~~

26 ~~Amended Eff. April 1, 2011; December 1, 2008; January 1, 2008; October 1, 2006; February 1,~~  
27 ~~2004; August 1, 1998; June 1, 1994; January 1, 1989; April 1, 1988.~~

28



1 **21 NCAC 14H .0112 CLEANLINESS OF CLINIC AREA IS PROPOSED FOR REPEAL:**

2  
3 **21 NCAC 14H .0112 CLEANLINESS OF CLINIC AREA**

4 ~~(a) The clinic area shall be kept clean.~~

5 ~~(b) Waste material shall be kept in covered receptacles. The area surrounding the waste receptacles shall be maintained~~  
6 ~~in a neat and sanitary manner.~~

7 ~~(c) Sanitation rules which apply to towels and cloths are as follows:~~

8 ~~(1) Separate and clean protective drapes, linens and towels shall be used for each patron.~~

9 ~~(2) After a protective cape, drape, linen or towel has been used once, it shall be placed in a clean, closed~~  
10 ~~container until laundered. Any paper or nonwoven protective drape or covering shall be discarded~~  
11 ~~after one use.~~

12 ~~(3) There shall be an adequate supply of clean protective drapes, linens and towels at all times.~~

13 ~~(4) All plastic capes used on patrons shall not be allowed to come in contact with the patron's neck.~~

14 ~~(5) Clean drapes, linens and towels shall be stored in a covered receptacle when not in use.~~

15 ~~(d) At least six combs and brushes shall be provided for each cosmetology operator and cosmetology student.~~

16 ~~(e) All combs, brushes, and implements shall be cleaned and disinfected after each use in the following manner:~~

17 ~~(1) They shall be soaked in a cleaning solution that will not leave a residue and, if necessary, scrubbed.~~

18 ~~(2) They shall be disinfected in accordance with the following:~~

19 ~~(A) EPA registered, hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) or~~  
20 ~~tuberculocidal, that is mixed and used according to the manufacturer's directions; or~~

21 ~~(B) 1 and 1/3 cup of 5.25 percent household bleach to one gallon of water for 10 minutes.~~

22 ~~The disinfectant shall not shorten the service life of the comb, brush, esthetics or manicuring~~  
23 ~~instrument. In using a disinfectant, the user shall wear any personal protective equipment, such as~~  
24 ~~gloves, recommended in the Material Safety Data Sheet prepared on the disinfectant manufacturer.~~

25 ~~(3) They shall be rinsed with hot tap water and dried with a clean towel before their next use. They shall~~  
26 ~~be stored in a clean, closed cabinet or container until they are needed.~~

27 ~~(f) Disposable and porous implements must be discarded after use or upon completion of the service.~~

28 ~~(g) Product that comes into contact with the patron must be discarded upon completion of the service.~~

29 ~~(h) Clean items and items needing to be disinfected shall be kept in separate containers.~~

30 ~~(i) A covered receptacle may have an opening so soiled items may be dropped into the receptacle.~~

31  
32 *History Note: Authority G.S. 88B-4; 88B-14;*

33 *Eff. February 1, 1976;*

34 *Amended Eff. June 1, 1994; April 1, 1991; January 1, 1989; April 1, 1988;*

35 *Temporary Amendment Eff. January 20, 1999;*

36 *Amended Eff. January 1, 2011; December 1, 2008; October 1, 2006; November 1, 2005; August 1,*  
37 *2000.*



1 **21 NCAC 14H .0111 CLEANLINESS OF OPERATORS IS PROPOSED FOR REPEAL:**

2

3 **21 NCAC 14H .0111 CLEANLINESS OF OPERATORS**

4 ~~(a) All operators and students shall be personally clean and neat.~~

5 ~~(b) Every person employed in a beauty establishment shall wear clean, washable outer garments with sleeves while~~  
6 ~~serving patrons.~~

7 ~~(c) Each licensee and student shall wash his or her hands with soap and water or an equally effective cleansing agent~~  
8 ~~immediately before and after serving each client.~~

9

10 *History Note: — Authority G.S. 88B-4; 88B-14;*

11 *Eff. February 1, 1976;*

12 *Amended Eff. December 1, 2008; January 1, 2008; June 1, 1994.*

13

1 **21 NCAC 14H .0110 BATHROOM FACILITIES IS PROPOSED FOR REPEAL:**

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3 **21 NCAC 14H .0110 BATHROOM FACILITIES**

4 ~~(a) Toilet and hand washing facilities consisting of at least one commode and one lavatory with hot and cold running~~  
5 ~~water, liquid soap and individual towels shall be provided.~~

6 ~~(b) A residential beauty salon shall furnish bathroom facilities separate and apart from the residence.~~

7

8 ~~*History Note: Authority G.S. 88B-4(a)(9);*~~

9 ~~*Eff. February 1, 1976;*~~

10 ~~*Amended Eff. July 1, 2010; June 1, 1994; January 1, 1989; April 1, 1988.*~~

11

1 **21 NCAC 14H .0109 VENTILATION AND LIGHT IS PROPOSED FOR REPEAL:**

2

3 **21 NCAC 14H .0109 VENTILATION AND LIGHT**

4 ~~(a) All doors and windows shall be kept clean and, if open for ventilation, effectively screened.~~

5 ~~(b) Necessary ventilation shall be provided at all times. In the clinic areas of all cosmetic art schools and in the areas where~~  
6 ~~patrons are serviced in all cosmetic art shops, there must be an adequate, continuous exchange of air.~~

7 ~~(c) Adequate light shall be provided for each operator.~~

8

9 ~~*History Note: Authority G.S. 88-23;*~~

10 ~~*Eff. February 1, 1976;*~~

11 ~~*Amended Eff. April 1, 1991; April 1, 1988.*~~

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1 **21 NCAC 14H .0107 WATER SUPPLY IS PROPOSED FOR REPEAL:**

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3 **21 NCAC 14H .0107 WATER SUPPLY**

4 ~~(a) A beauty establishment shall have a supply of running hot and cold water in the clinic area, approved by the local~~  
5 ~~health department.~~

6 ~~(b) When a service is provided in a room closed off by a door, the water supply required in this Rule must be within 20~~  
7 ~~feet of the door or 25 feet from the service table or chair. The restroom sink shall not be used to meet this requirement.~~

8

9 ~~*History Note: Authority G.S. 88B-4;*~~

10 ~~*Eff. February 1, 1976;*~~

11 ~~*Amended Eff. January 1, 2011; September 1, 2004; January 1, 1989.*~~

12

1 **21 NCAC 14H .0105 SANITARY RATINGS AND POSTING OF RATINGS IS PROPOSED FOR REPEAL:**

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3 **21 NCAC 14H .0105 SANITARY RATINGS AND POSTING OF RATINGS**

4 ~~(a) The sanitary rating of a beauty establishment shall be based on a system of grading outlined in this Subchapter.~~

5 ~~Based on the grading, all establishments shall be rated in the following manner:~~

6 ~~(1) all establishments receiving a rating of at least 90 percent or more, shall be awarded a grade A;~~

7 ~~(2) all establishments receiving a rating of at least 80 percent, and less than 90 percent, shall be awarded~~  
8 ~~grade B;~~

9 ~~(3) all establishments receiving a rating of at least 70 percent or more, and less than 80 shall be awarded~~  
10 ~~grade C.~~

11 ~~(b) Every beauty establishment shall be given a sanitary rating. A cosmetic art school shall be graded no less than three~~  
12 ~~times a year, and a cosmetic art shop shall be graded once a year.~~

13 ~~(c) The sanitary rating given to a beauty establishment shall be posted in a conspicuous place at all times.~~

14 ~~(d) All new establishments must receive a rating of at least 90 percent before a license will be issued.~~

15 ~~(e) The willful operation of a beauty establishment which fails to receive a sanitary rating of at least 70 percent (grade C)~~  
16 ~~shall be sufficient cause for revoking or suspending the letter of approval or permit.~~

17 ~~(f) A re inspection for the purpose of raising the sanitary rating of a beauty establishment shall not be given within 30~~  
18 ~~days of the last inspection, unless the rating at the last inspection was less than 80 percent.~~

19 ~~(g) A whirlpool and footspa sanitation record must be kept on each whirlpool and footspa for inspection on a form~~  
20 ~~provided by the Board.~~

21  
22 ~~*History Note: Authority G.S. 88B 4; 88B 23; 88B 24;*~~

23 ~~*Eff. February 1, 1976;*~~

24 ~~*Amended Eff. January 1, 2011; June 1, 2009; June 1, 2007; August 1, 1998; June 1, 1994; April 1,*~~  
25 ~~*1991; January 1, 1989.*~~

26



1 **21 NCAC 14F .0113 FAILURE TO PERMIT INSPECTION IS PROPOSED FOR REPEAL:**

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3 **21 NCAC 14F .0113 FAILURE TO PERMIT INSPECTION**

4 ~~If an inspector is unable to inspect a salon twice with appointment, the Board may initiate proceedings to revoke or~~  
5 ~~suspend the salon license or may refuse to renew the salon license.~~

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7 ~~*History Note: Authority G.S. 88-23;*~~

8

~~*Eff. April 1, 1988.*~~

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11

1 **21 NCAC 14F .0109 SIGNS IS PROPOSED FOR REPEAL:**

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3 **21 NCAC 14F .0109 SIGNS**

4 ~~A beauty salon shall be designated by a sign of not less than four inch letters at the outside entrance to said premises~~  
5 ~~provided it is not contrary to a local ordinance.~~

6

7 ~~*History Note: Authority G.S. 88-23;*~~

8 ~~*Eff. February 1, 1976;*~~

9 ~~*Amended Eff. April 1, 1988.*~~

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1 **21 NCAC 14F .0108 INSPECTION OF COSMETIC ART SHOPS IS PROPOSED FOR REPEAL:**

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3 **21 NCAC 14F .0108 INSPECTION OF COSMETIC ART SHOPS**

4 ~~(a) A newly established cosmetic art shop, a shop which has been closed for more than 90 days, a shop which has~~  
5 ~~changed ownership, or a shop which has been operating without a license shall be inspected before a license will be~~  
6 ~~issued. The Board shall be given 30 days notice to schedule an inspection.~~

7 ~~(b) Each cosmetic art shop must pass inspection by the Board pursuant to 21 NCAC Subchapter 14H. Inspections shall~~  
8 ~~be conducted at least annually and may be conducted without notice.~~

9

10 *History Note: Authority G.S. 88B-4; 88B-21; 88B-14;*

11 *Eff. February 1, 1976;*

12 *Amended Eff. November 1, 2005; October 1, 1991; January 1, 1989; May 1, 1988.*

13

1 **21 NCAC 14F .0107 DIMENSIONS OF BEAUTY SALON IS PROPOSED FOR REPEAL:**

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3 **21 NCAC 14F .0107 DIMENSIONS OF BEAUTY SALON**

4 ~~A cosmetic art shop shall maintain at least five feet of space between each styling chair from the center to the center of~~  
5 ~~each chair, and shall have at least two feet of space from each chair to the wall of the salon, front and back. Shampoo~~  
6 ~~bowls must be at least 40 inches apart center of bowl to center of bowl.~~

7

8 ~~*History Note: Authority G.S. 88B-4(a)(9);*~~

9 ~~*Eff. February 1, 1976;*~~

10 ~~*Amended Eff. July 1, 2010; April 1, 1995; January 1, 1989; April 1, 1988.*~~

11

1 **21 NCAC 14F .0105 NEWLY ESTABLISHED RESIDENTIAL SALONS IS PROPOSED FOR REPEAL:**

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3 **21 NCAC 14F .0105 NEWLY ESTABLISHED RESIDENTIAL SALONS**

4 ~~(a) A cosmetic art shop shall be separate and apart from any building or room used for any other business or purpose,~~  
5 ~~separated by a solid wall of at least seven feet in height and must have a separate outside entrance.~~

6 ~~(b) A newly established cosmetic art shop, shall be separate and apart from any building or room used for living, dining~~  
7 ~~or sleeping and shall be separate and apart from any other room used for any other purpose by a solid wall of ceiling~~  
8 ~~height, making separate and apart rooms used for a cosmetic art shop. All entrances to the cosmetic art shop shall be~~  
9 ~~through solid, full length doors installed in solid walls of ceiling height.~~

10

11 *History Note: — Authority G.S. 88B-4;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. August 1, 2000; May 1, 1998.*

14

1 **21 NCAC 14F .0104 SEPARATION OF BEAUTY SALON IF PROPOSED FOR REPEAL:**

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3 **21 NCAC 14F .0104 SEPARATION OF BEAUTY SALON**

4 ~~(a) A beauty salon, whether residential or non-residential, shall be separated from any building or room used for any~~  
5 ~~other business by solid walls at least 7 ft. in height.~~

6 ~~(b) An entrance to a beauty salon from a passageway, walkway or mall area used only for access to the salon, or to the~~  
7 ~~salon and other businesses, may be open.~~

8

9 ~~*History Note: Authority G.S. 88B-4(9);*~~

10 ~~*Eff. February 1, 1976;*~~

11 ~~*Amended Eff. April 1, 2011; July 1, 1990; January 1, 1989; April 1, 1988.*~~

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**21 NCAC 14F .0101 APPLICATION FOR SALON LICENSE IS PROPOSED FOR REPEAL:**

**21 NCAC 14F .0101 APPLICATION FOR SALON LICENSE**

~~Persons desiring to continue to operate or open a cosmetic art shop, or to reopen a cosmetic art shop which has been closed more than 90 days in the State of North Carolina shall make application to the North Carolina State Board of Cosmetic Art Examiners on an application form to be furnished by the Board.~~

~~*History Note: Authority G.S. 88B-14;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2000; April 1, 1988.*~~

1 **21 NCAC 14A .0404 FEES IS PROPOSED FOR ADOPTION AS FOLLOWS:**

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3 **21 NCAC 14A .0404 FEES**

4 (a) Personal checks for fees returned unpaid for any reason shall be treated in the same manner as though no fee had  
5 been tendered and the bank's returned check fee shall be assessed to the account holder. All subsequent payments  
6 must be submitted via credit card, money order or certified check.

7 (b) All moneys tendered in payment of fees shall be in the exact amount required for said fees.

8 (c) Licenses, certifications, duplicates, inactivations, or reactivations will not be processed until all fees and assessed  
9 civil penalties are paid in full.

10 (d) In addition to the conduct set forth in G.S. 90B-11, the board may take disciplinary action for offering a check to  
11 the Board in payment of required fees which is returned unpaid;

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13  
14 History Note: Authority G.S. 88B-2; 88B-4;

15 Eff. September 1, 2012.

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