

# 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 we	11
as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.	
Previous publication of text was published in Volume: Issue:	
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1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Agency website postings:	
Text of proposed rule posted at: www.nccosmeticarts.com/uploads/board/proctober2011.pdf	
<ul> <li>Explanation and reason for proposed rule posted at: www.nccosmeticarts.com/uploads/board/proctober2011.pdf</li> </ul>	
Federal Certification posted at:	
Instructions for oral and written comments posted at: www.nccosmeticarts.com/uploads/board/proctober2011.pdf	
Fiscal Note if prepared posted at:	4
3. Proposed Action Check the appropriate box(es) and list rule citation(s) beside proposed action:	- 1
ADOPTION: 21 NCAC 14B .0607, 21 NCAC 14H .0201, .0202, .0203, .0204, .0301, .0302, .0303, .0401, .0402, .0403, .0404, .0501, .0502, .0503, .0504, .0505, 21 NCAC 14R .0105	
<b>✓ AMENDMENT:</b> 21 NCAC 14B .0307	
_	
REPEAL:	
4. Proposed effective date: April 1, 2012	ᅱ
5. Is a public hearing planned?  Yes  No	$\dashv$
5. Is a public hearing planned: [2] Tes [2] No	- 1
If yes: Public Hearing date: December 16, 2011	
Public Hearing time: 9:00 am	- 1
Public Hearing Location: 1201 Front Street Suite 110 Raleigh, NC 27609	
The state of the s	
6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:	$\dashv$
6. If no public hearing is scheduled, provide first actions on now to demand a public hearing.	
	Ц
7. Explain Reason For Proposed Action:	
These rules have been written by the Board to more clearly define the processes of publich hearings for proposed Board rules, to provide clearer language for sanitation standards and to address regulations for the continuing education review process as required by G.S 88B.	
language for samitation standards and to address regulations for the continuing education review process as required by 6.3 665.	
	1
	- 1

8. The procedure by which a person can object to the agency on a proposed rule:  nterested 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 October 24, 2011 to January 30, 2012. Written comments not presented at the hearing should be directed to Stefanie Kuzdrall		
rule, a person may also submit written objections to the written and signed objections in accordance with G.S. 15 legislature and the Rules Review Commission approves the The Commission will receive written objections until 5:00 The Commission will receive those objections by mail, de	we Review: If an objection is not resolved prior to the adoption of the Rules Review Commission. If the Rules Review Commission receives 0B-21.3(b2) from 10 or more persons clearly requesting review by the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). p.m. on the day following the day the Commission approves the rule. livery service, hand delivery, or facsimile transmission. If you have any to the Commission, please call a Commission staff attorncy at 919-431-itted on the proposed rule:	
Phone (optional): Fax (optional): E-Mail (optional): 10. Comment Period Ends: January 30, 2012		
11. Fiscal impact (check all that apply).	mpacts, list the rule citations beside the appropriate impact.	
Analysis submitted to Board of Transportal  Local funds affected  Date submitted to OSBM:  Substantial economic impact (≥\$500,000)  Approved by OSBM  ✓ Approval by OSBM not required	tion	
12. Rule-making Coordinator: Stefanie Kuzdrall Address: 201 Front Street Suite 110 Raleigh, NC 27609	13. Signature of Agency Head* or Rule-making Coordinator:	
Phone: 919-715-0018 E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency contact, if any:	Typed Name: Stefanie Kuzdrall	
Phone:	Title:	

1	21 NCAC 14R .0105 CONTINUING EDUCATION IS PROPOSED FOR ADOPTION AS FOLLOWS:
2	
3	21 NCAC 14R .0105 CONTINUING EDUCATION
4	(a) Each licensee wishing to maintain his/her license shall obtain continuing education during each licensing period.
5	The licensee shall maintain records of attendance of a continuing education course including the following information
6	(1) Course title and detail description;
7	(2) Date conducted;
8	(3) Address location where the course was conducted; and
9	(4) Continuing education hours earned.
10	(b) Each licensee must ensure at least 50 percent of subject matter broadens the licensee knowledge of the cosmetic arts
11	profession.
12	(c) Each instructor must ensure at least 50 percent of subject matter relates to teacher training techniques and enhance the
13	ability to communicate.
14	(d) The continued education shall be approved by the board providing it meets the requirements above.
15	(e) Audits of the licensee's continuing education may be conducted at any time. Upon the Board's request each licensee
16	shall provide completed records to the Board.
17	(f) The Board may suspend a license, revoke a license, or deny the renewal of any licensee, who fails to comply with any
18	provision of the rules in this Subchapter. Written justification of the suspension, denial, or revocation shall be given.
19	(g) Continuing education courses completed prior to an individual's being licensed by the Board shall not qualify for
20	continuing education credit.
21	(h) Apprentices do not need to earn continuing education for renewal.
22	(i) Licensees are exempt from 8 hours of continuing education requirements until the licensing period commencing after
23	their initial licensure.
24	(j) After completion of the continuing education requirements for any licensing cycle the licensee shall forward the
25	following:
26	(1) the license renewal application;
27	(2) the license renewal fee; and
28	(3) A date and signature affirming the following pledge: "I, hereby certify that I have obtained all
29	continuing education hours required in accordance with the general statute and board rules and
30	regulations. I am aware that false or dishonest misleading information may be grounds for 1)
31	disciplinary action against my license; and further that 2) false statements are punishable by law."
32	(k) Failure to produce documents or file a response to a request for audit from the Board within 30 days of the request
33	shall result in civil penalty to the licensee in the amount of two hundred and fifty dollars (\$250.00).
34	(l) The presentation of fraudulent continuing education documentation to the Board by a licensee shall result in civil
35	penalty of five hundred dollars (\$500.00).
36	(m) The failure to attend continuing education courses as required by GS 88-B and determined through Board audit shall
37	result in civil penalty in the amount of five hundred dollars (\$500,00) per renewal cycle

38	(n) Licensees is	n inactive status can reactivate licensure by taking no less than eight hours of continuing education pe
39	year of inactivit	y up to 24 total hours.
40		
41	History Note:	Authority G.S. 88B-2; 88B-4; 88B-21; 88B-24; 88B-29;
42		Eff. March 1, 2012
43		

1	21 NCAC 14H .0505 RULE COMPLIANCE AND ENFORCEMENT MEASURES IS PROPOSED FOR
2	ADOPTION AS FOLLOWS:
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4	21 NCAC 14H .0505 RULE COMPLIANCE AND ENFORCEMENT MEASURES
5	(a) The use of or possession of the following products or equipment in a school or shop shall result in civil penalty in the
6	amount of three hundred dollars (\$300.00) per container of product or piece of equipment:
7	(1) Methyl Methacrylate Liquid Monomer a.k.a. MMA; or
8	(2) Razor-type callus shavers designed and intended to cut growths of skin including but not limited to
9	skin tags, corns and calluses.
10	(b) The use of or possession of the following products or equipment in a school or shop shall result in civil penalty in the
11	amount of one hundred dollars (\$100.00) per container of product or piece of equipment:
12	(1) FDA rated Class III devices; or
13	(2) Carbolic acid (phenol) over two percent strength; or
14	(3) Animals including insects, fish, amphibians, reptiles, birds or mammals to perform any service; or
15	(4) Variable speed electrical nail file on the natural nail unless it has been designed for use on the natural
16	<u>nail.</u>
17	(c) The action of any student or licensee to violate the Board rules in the following manner shall result in civil penalty in
18	the amount of one hundred dollars (\$100.00) per instance of each action:
19	(1) use any product, implement or piece of equipment in any manner other than the product, implement or
20	equipment's intended use as described or detailed by the manufacturer; Diagnosis of any medical
21	condition or treat any medical condition unless referred by a physician; or
22	(2) Use any product that will penetrate the dermis; or
23	(3) Provide any service unless trained prior to performing the service; or
24	(4) Perform services on a client if the licensee has reason to believe the client has any of the following:
25	(A) a contagious condition or disease; an inflamed;
26	(B) infected, broken, raised or swollen skin or nail tissue; or
27	(C) an open wound or sore in the area to be worked on; or
28	(5) Alter or duplicate a license issued by the Board; or
29	(6) Advertise or solicit clients in any form of communication in a manner that is false or misleading; or
30	(7) Use any class II device without the documented supervision of a licensed physician.
31	(d) The presence of an animals or birds in a cosmetic art shop or school shall result in civil penalty in the amount of
32	twenty-five dollars (\$25.00) per animal or bird. Animals trained for the purpose of accompanying disabled persons are
33	exempt.
34	(e) The failure to record the date and time of each cleaning and disinfecting of a footspa in a cosmetic art school or shop
35	as required by this subchapter including the date, time, reason and name of the staff member that performed the cleaning
36	or the failure to keep or make such record available for at least 90 days upon request by either a patron or inspector shall
37	result in civil penalty in the amount of twenty-five dollars (\$25.00) per footspa.

- 38 (f) The failure to clean and disinfect a footspa in a cosmetic art shop or school as required by this subchapter shall result
- in civil penalty in the amount of one hundred dollars (\$100.00) per footspa.
- 40 (g) The failure to maintain in a cosmetic art shop and school antiseptics, gloves or finger guards, sterile bandages
- 41 available to provide first aid shall result in civil penalty in the amount of twenty-five dollars (\$25.00) per item.
- 42 (h) The failure to have in a cosmetic art shop or school to maintain a sink with hot and cold running water in the clinic
- 43 area, separate from restrooms shall result in civil penalty in the amount of one hundred dollars (\$100.00).
- 44 (i) The failure to maintain a water supply within 20 feet of the door or 25 feet from the service table or chair shall result
- in civil penalty in the amount of fifty dollars (\$50.00) per inspection occurrence.
- 46 (j) The failure to provide necessary ventilation at all times in the areas where patrons are serviced in all cosmetic art
- 47 shops, there must be a continuous exchange of air shall result in civil penalty in the amount of twenty-five dollars
- 48 (\$25.00).
- 49 (k) The failure to effectively screen all doors and windows, open for ventilation shall result in civil penalty in the amount
- of twenty-five dollars (\$25.00).
- 51 (l) The failure to provide light in the service area shall result in civil penalty in the amount of twenty-five dollars
- 52 (\$25.00).
- 53 (m) The failure to adhere to any federal, state and local government regulation or ordinance regarding fire safety codes,
- 54 plumbing and electrical work shall result in civil penalty in the amount of twenty-five dollars (\$25.00).
- 55 (n) The failure to provide toilet and hand washing facilities consisting of at least one commode and one hand washing
- 56 sink with hot and cold running water, liquid soap and individual clean towels shall result in civil penalty in the amount of
- 57 <u>twenty-five dollars (\$25.00).</u>
- 58 (o) The failure to maintain equipment and supplies to safely perform any cosmetic art service offered in the shop shall
- result in civil penalty in the amount of one hundred dollars (\$100.00).
- 60 (p) The failure to maintain a sanitation grade of 80% or higher shall result in a civil penalty in the amount of two hundred
- 61 <u>dollars (\$200.00).</u>

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- 62 (q) The failure to display in a conspicuous place a current grade card shall result in a civil penalty in the amount of one
- 63 <u>hundred dollars (\$100.00).</u>
- 64 (r) Repeated violations of the rules in this subchapter exceeding 3 written notifications of any one rule documented to any
- one individual, shop or school shall result in a mandatory disciplinary hearing.

67 *History Note:* Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27;

68 <u>Eff. March 1, 2012</u>

# 1 21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS IS PROPOSED FOR

### 2 **ADOPTION AS FOLLOWS:**

3

### 4 <u>21 NCAC 14H .0504</u> <u>SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS</u>

- 5 The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in this subchapter
- 6 shall be as follows, setting out areas to be inspected and considered, and the maximum points given for compliance:

Sanitation	Point Value
Each licensee and student shall wash his or her hands with soap and water or an equally effective cleansing agent	
immediately before and after serving each client.	<u>2</u>
Each licensee and student shall wear clean garments and shoes while serving patrons.	2
The cosmetic art facility shall be kept clean.	<u>3</u>
Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles shall	
be maintained in a sanitary manner.	<u>4</u>
All doors and windows shall be kept clean.	<u>2</u>
Furniture, equipment, floors, walls, ceilings and fixtures must be clean and in good repair.	<u>3</u>
Clean protective capes, drapes, linens and towels shall be used for each patron	<u>3</u>
After a cape, drape, linen or towel has been in contact with a patron's skin it shall be placed in a clean, closed	
container until laundered with soap and hot water and dried in a heated dryer.	<u>5</u>
Any paper or nonwoven protective drape or covering shall be discarded after one use.	2
There shall be a supply of clean protective drapes, linens and towels at all times.	2
Clean drapes, capes, linens and towels shall be stored in a clean area.	<u>5</u>
Bathroom facilities must be kept cleaned.	<u>3</u>
All implements shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.	<u>2</u>
All implements shall be disinfected	10
All disinfected electrical implements shall be stored in a clean area.	2
Disposable and porous implements and supplies must be discarded after use or upon completion of the service.	<u>10</u>
Product that comes into contact with the patron must be discarded upon completion of the service.	<u>3</u>
Disinfected implements must be kept in a clean closed cabinet or clean closed container and must not be stored with	
any implement or item that has not been disinfected.	<u>10</u>
Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.	2
All creams, lotions, wax, cosmetics, and other products dispensed to come in contact patron's skin must be kept in	
clean, closed containers and dispensed in a sanitary manner. No product dispensed in portions may be returned to the	
container.	<u>10</u>
After each patron each whirlpool or footspa must be cleaned and disinfected	<u>10</u>
The water in a vaporizer machine must be emptied daily and the unit disinfected.	2

The area where services are performed that come in contact with the patron's skin including chairs, tables and beds	
shall be disinfected between patrons.	<u>3</u>

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-26;

Eff. March 1, 2012

2	ADOPTION AS FOLLOWS:
3	
4	21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS
5	(a) The sanitary rating of a beauty establishment shall be based on a system of grading outlined in this Subchapter.
6	Based on the grading, all establishments shall be rated in the following manner:
7	(1) all establishments receiving a rating of at least 90 percent or more, shall be awarded a grade A;
8	(2) all establishments receiving a rating of at least 80 percent, and less than 90 percent, shall be awarded
9	grade B;
10	(3) all establishments receiving a rating of at least 70 percent or more, and less than 80 shall be awarded
11	grade C;
12	(4) any cosmetic art shop or school with a sanitation grade of 70 or below shall be awarded a failed
13	inspection notice.
14	(b) Every beauty establishment shall be given a sanitary rating. A cosmetic art school shall be graded no less than three
15	times a year, and a cosmetic art shop shall be graded once a year.
16	(c) The sanitary rating or failed inspection notice given to a beauty establishment shall be posted in a conspicuous place
17	near the front entryway at all times.
18	(d) All new establishments must receive a rating of at least 90 percent before a license will be issued.
19	(e) The operation of a cosmetic art shop or school which fails to receive a sanitary rating of at least 70 percent (grade C)
20	shall be sufficient cause for revoking or suspending the license.
21	(f) A re-inspection for the purpose of raising the sanitary rating of a beauty establishment shall not be given within 30
22	days of the last inspection, unless the rating at the last inspection was less than 80 percent.
23	(g) A whirlpool and footspa sanitation record must be kept on each whirlpool and footspa for inspection on a form
24	provided by the Board.
25	(h) All cosmetic art shops and schools with a failed inspection report shall be sufficient cause for the immediate
26	suspension of licensure. All cosmetic art shops and schools with a failed inspection report must close until the sanitation
27	conditions have improved to be awarded a passing grade.
28	(i) Mobile cosmetic art shops and schools are prohibited.
29	
30	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-26; 88B-27;
31	Eff. March 1, 2012

21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS IS PROPOSED FOR

1	21 NCAC 14H .0502 FAILURE TO PERMIT INSPECTION IS PROPOSED FOR ADOPTION AS
2	FOLLOWS:
3	
4	21 NCAC 14H .0502 FAILURE TO PERMIT INSPECTION
5	If an inspector is unable to inspect a salon twice with appointment, the Board may initiate proceedings to revoke or
6	suspend the salon license or may refuse to renew the shop license.
7	
8	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;
9	Eff. March 1, 2012

1	21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS IS PROPOSED FOR ADOPTION AS
2	FOLLOWS:
3	
4	SECTION .0500 ENFORCEMENT, MAINTENANCE OF LICENSURE
5	
6	21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS
7	(a) A newly established cosmetic art shop, a shop which has been closed for more than 90 days, or a shop which has
8	changed ownership, must file an application for licensure with the Board prior to opening. A newly established cosmetic
9	art shop, a shop which has been closed for more than 90 days, a shop which has changed ownership or a shop which has
10	been operating without a license shall be inspected before a license will be issued.
11	(b) Each cosmetic art shop must pass inspection by an agent of the Board pursuant to 21 NCAC 14H. Inspections shall
12	be conducted at least annually and may be conducted without notice.
13	
14	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;
15	Eff. March 1, 2012

1	21 NCAC 14H .0404 FIRST AID IS PROPOSED FOR ADOPTION AS FOLLOWS:
2	
3	21 NCAC 14H .0404 FIRST AID
4	(a) Each cosmetic art shop and school must have antiseptics, gloves or finger guards, sterile bandages and other
5	necessary supplies available to provide first aid.
6	(b) If the skin of the licensee or student is punctured, the licensee or student shall immediately do the following:
7	(1) Apply antiseptic and a sterilized bandage;
8	(2) Disinfect any implement exposed to blood before proceeding; and
9	(3) Put on disposable, protective gloves or a finger guard.
10	(c) If the skin of the patron is punctured, the licensee or student shall immediately do the following:
11	(1) Make available to the patron antiseptic and a sterilized bandage;
12	(2) Disinfect any implement exposed to blood before proceeding; and
13	(3) Put on disposable, protective gloves or a finger guard.
14	
15	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
16	Eff. March 1, 2012

1	21 NCAC 14H	.0403 DISINFECTION PROCEDURES IS PROPOSED FOR ADOPTION AS FOLLOWS:
2		
3	21 NCAC 14H	.0403 DISINFECTION PROCEDURES
4	(a) Sanitation ru	ales which apply to towels and cloths are as follows:
5	<u>(1)</u>	Clean protective capes, drapes linens and towels shall be used for each patron;
6	<u>(2)</u>	After a protective cape has been in contact with a patron's neck it shall be placed in a clean, closed
7		container until laundered with soap and hot water and dried in a heated dryer. Capes that cannot be
8		laundered and dried in a heater dryer may be disinfected with an EPA registered hospital grade
9		disinfectant mixed and used in accordance with the manufacturer directions; and
10	<u>(3)</u>	After a drape, linen or towel has been in contact with a patron's skin it shall be placed in a clean,
11		covered container until laundered with soap and hot water and dried in a heated dryer. A covered
12		container may have an opening so soiled items may be dropped into the container.
13	(b) Any paper or	nonwoven protective drape or covering shall be discarded after one use.
14	(c) There shall b	e a supply of clean protective drapes, linens and towels at all times.
15	(d) Clean drape	s, capes, linens, towels and all other supplies shall be stored in a clean area.
16	(e) Bathroom fa	acilities must be kept cleaned.
17	(f) All impleme	ents shall be cleaned and disinfected after each use in the following manner:
18	<u>(1)</u>	They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and
19		<u>dried.</u>
20	(2)	They shall be disinfected in accordance with the following:
21		(A) EPA registered, hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) or
22		tuberculocidal, that is mixed and used according to the manufacturer's directions; They shall
23		be rinsed with hot tap water and dried with a clean towel before their next use. They shall be
24		stored in a clean, closed cabinet or container until they are needed; or
25		(B) 1 and 1/3 cup of 5.25 percent household bleach to one gallon of water for 10 minutes. They
26		shall be rinsed with hot tap water and dried with a clean towel before their next use. They
27		shall be stored in a clean, closed cabinet or container until they are needed; or
28		(C) UV-C, ultraviolet germicidal irradiation used accordance with the manufacturer's directions.
29	<u>(3)</u>	If the implement is not immersible or is not disinfected by UV-C irradiation, it shall be cleaned by
30		wiping it with a clean cloth moistened or spraying with a disinfectant EPA registered,
31		hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) or tuberbulocidal , used in
32		accordance with the manufacturer's directions.
33	(4)	Implements that come in contact with blood, shall be disinfected by:
34		(A) disinfectant, used in accordance with the manufacturer's instructions, that states the solution
35		will destroy HIV, TB or HBV viruses and approved by the Federal Environmental Protection
36		Agency; or

37	(B) EPA registered, hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) and
38	tuberbulocidal, that is mixed and used according to the manufacturer's directions; or
39	(C) household bleach in a 10 percent solution for 10 minutes.
40	(g) All disinfected non-electrical implements shall be stored in a clean closed cabinet or clean closed container.
41	(h) All disinfected electrical implements shall be stored in a clean area.
42	(i) Disposable and porous implements and supplies must be discarded after use or upon completion of the service.
43	(j) Product that comes into contact with the patron must be discarded upon completion of the service.
44	(k) Disinfected implements must be kept in a clean closed cabinet or clean closed container and must not be stored with
45	any implement or item that has not been disinfected.
46	(1) Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.
47	(m) All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin must be kept
48	in clean, closed containers, and must conform in all respects to the requirements of the Pure Food and Drug Law. Any
49	product apportioned for use and removed from original containers must be distributed in a sanitary manner that prevents
50	contamination of product or container. Any product dispensed in portions into another container must be dispensed into a
51	sanitized container and applied to patrons by means of a disinfected or disposable implement or other sanitized methods.
52	Any product dispensed in portions not dispensed into another container must be used immediately and applied to patrons
53	by means of a disinfected or disposable implement or other sanitized methods. No product dispensed in portions may be
54	returned to the original container.
55	(n) As used in this Rule whirlpool or footspa means any basin using circulating water.
56	(o) After each patron each whirlpool or footspa must be cleaned and disinfected as follows:
57	(1) All water must be drained and all debris removed from the basin;
58	(2) The basin must be disinfected by filling the basin with water and circulating:
59	(A) Two tablespoons of automatic dishwashing powder and ½ cup of 5.25 percent household
60	bleach to one gallon of water through the unit for 10 minutes; or
61	(B) Surfactant or enzymatic soap with an EPA registered disinfectant with bactericidal,
62	tuberculocidal, fungicidal and virucidal activity used according to manufacturer's instructions
63	through the unit for 10 minutes;
64	(3) The basin must be drained and rinsed with clean water; and
65	(4) The basin must be wiped dry with a clean towel.
66	(p) At the end of the day each whirlpool or footspa must be cleaned and disinfected as follows:
67	(1) The screen must be removed and all debris trapped behind the screen removed;
68	(2) The screen and the inlet must be washed with surfactant or enzymatic soap or detergent and rinsed
69	with clean water;
70	(3) Before replacing the screen one of the following procedures must be performed:
71	(A) The screen must be totally immersed in a household bleach solution of ½ cup of 5.25percent
72	household bleach to one gallon of water for 10 minutes; or

/3		(B) The screen must be totally immersed in an EPA registered disinfectant with bactericidal
74		tuberculocidal, fungicidal and virucidal activity in accordance to the manufacturer's
75		instructions for 10 minutes;
76	<u>(4)</u>	The inlet and area behind the screen must be cleaned with a brush and surfactant soap and water to
77		remove all visible debris and residue; and
78	<u>(5)</u>	The spa system must be flushed with low sudsing surfactant or enzymatic soap and warm water for at
79		least 10 minutes and then rinsed and drained.
80	(q) Every week	after cleaning and disinfecting pursuant to Paragraphs (a) and (b) of this Rule each whirlpool and footspa
81	must be cleaned	and disinfected in the following manner:
82	<u>(1)</u>	The whirlpool or footspa basin must be filled with water and 1/4 cup of 5.25 percent household bleach
83		for each one gallon of water or EPA registered disinfectant with bactericidal, tuberculocidal, fungicidal
84		and virucidal activity in accordance to the manufacturer's instructions; and
85	<u>(2)</u>	The whirlpool or footspa system must be flushed with the bleach and water or EPA registered
86		disinfectant solution pursuant to Subparagraph (d)(1) of this Rule for 10 minutes and allowed to sit for
87		at least six hours; and
88	(3)	The whirlpool or footspa system must be drained and flushed with water before use by a patron.
89	(r) A record mus	st be made of the date and time of each cleaning and disinfecting as required by this Rule including the
90	date, time, reason	on and name of the staff member that performed the cleaning. This record must be made for each
91	whirlpool or foo	otspa and must be kept and made available for at least 90 days upon request by either a patron or
92	inspector.	
93	(s) The water in	a vaporizer machine must be emptied daily and the unit disinfected.
94	(t) The area wh	ere services are performed that come in contact with the patron's skin including treatment chairs,
95	treatment tables	and beds shall be disinfected between patrons.
96		
97	History Note:	Authority G.S. 88B-2; 88B-4; 88B-14;
98		Eff. March 1, 2012

1	21 NCAC 14H .0402 COSMETIC ART SHOPS AND SCHOOLS IS PROPOSED FOR ADOPTION AS
2	FOLLOWS:
3	
4	21 NCAC 14H .0402 COSMETIC ART SHOPS AND SCHOOLS
5	(a) The cosmetic art facility shall be kept clean.
6	(b) Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles shall
7	be maintained in a sanitary manner.
8	(c) All doors and windows shall be kept clean.
9	(d) Furniture, equipment, floors, walls, ceilings and fixtures must be clean and in good repair.
10	(e) Animals or birds shall not be in a cosmetic art shop or school. Fish in an enclosure and animals trained for the
11	purpose of accompanying disabled persons are exempt.
12	
13	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
14	Eff. March 1, 2012

1	21 NCAC 14H	.0401 LICENSEES AND STUDENTS IS PROPOSED FOR ADOPTION AS FOLLOWS:
2		
3	SECTION .040	0 SANITATION PROCEDURES AND PRACTICES
4		
5	21 NCAC 14H	.0401 LICENSEES AND STUDENTS
6	(a) Each license	ee and student shall wash his or her hands with soap and water or an equally effective cleansing agent
7	immediately bef	ore and after serving each client.
8	(b) Each license	ee and student shall wear clean garments and shoes while serving patrons.
9	(c) Licensees or	students must not use or possess in a cosmetic art school or shop any of the following products:
10	(1)	Methyl Methacrylate Liquid Monomer a.k.a. MMA;
11	(2)	Razor-type callus shavers designed and intended to cut growths of skin including but not limited to
12		skin tags, corns and calluses;
13	<u>(3)</u>	FDA rated Class III devices;
14	(4)	Carbolic acid (phenol) over two percent strength;
15	(5)	Animals including insects, fish, amphibians, reptiles, birds or mammals to perform any service; or
16	(6)	Variable speed electrical nail file on the natural nail unless it has been designed for use on the natural
17		<u>nail.</u>
18	(d) A licensee o	r student must not:
19	<u>(1)</u>	Use any product, implement or piece of equipment in any manner other than the product, implement or
20		equipment's intended use as described or detailed by the manufacturer;
21	<u>(2)</u>	Diagnose any medical condition or treat any medical condition unless referred by a physician;
22	<u>(3)</u>	Provide any service unless trained prior to performing the service;
23	<u>(4)</u>	Perform services on a client if the licensee has reason to believe the client has any of the following:
24		(A) a contagious condition or disease;
25		(B) an inflamed, infected, broken, raised or swollen skin or nail tissue; or
26		(C) an open wound or sore in the area to be worked on;
27	<u>(5)</u>	Alter or duplicate a license issued by the Board;
28	<u>(6)</u>	Advertise or solicit clients in any form of communication in a manner that is false or misleading;
29	<u>(7)</u>	Use any Class II device without the documented supervision of a licensed physician; or
30	(8)	Use any product that will penetrate the dermis.
31	(e) In using a di	sinfectant, the user shall wear any personal protective equipment, such as gloves, recommended by the
32	manufacturer in	the Material Safety Data Sheet.
33		
34	History Note:	Authority G.S. 88B-2; 88B-4; 88B-14;
35		Eff. March 1, 2012
36		

1	21 NCAC 14H .0304 EQUIPMENT IS PROPOSED FOR ADOPTION AS FOLLOWS:
2	
3	21 NCAC 14H .0304 EQUIPMENT
4	Cosmetic art shops shall maintain equipment and supplies to safely perform any cosmetic art service offered in the shop.
5	
6	<u>History Note:</u> Authority G.S. 88B-2; 88B-4; 88B-14;
7	Eff. March 1, 2012

1	21 NCAC 14H .0303 BATHROOM FACILITIES IS PROPOSED FOR ADOPTION AS FOLLOWS:
2	
3	21 NCAC 14H .0303 BATHROOM FACILITIES
4	Toilet and hand washing facilities consisting of at least one commode and one hand washing sink with hot and cold
5	running water, liquid soap and individual clean towels or hand air dryer shall be provided.
6	
7	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
8	Eff. March 1, 2012

1	21 NCAC 14H .0302 VENTILATION AND LIGHT IS PROPOSED FOR ADOPTION AS FOLLOWS:
2	
3	21 NCAC 14H .0302 VENTILATION AND LIGHT
4	(a) Necessary ventilation shall be provided at all times in the areas where patrons are serviced in all cosmetic art shops,
5	there must be a continuous exchange of air.
6	(b) All doors and windows, if open for ventilation, effectively screened.
7	(c) Light shall be provided in the service area.
8	(d) All cosmetic art shops must adhere to any federal, state and local government regulation or ordinance regarding fire
9	safety codes, plumbing and electrical work.
10	
11	<u>History Note:</u> Authority G.S. 88B-2; 88B-4; 88B-14;
12	Eff. March 1, 2012

1	21 NCAC 14H .0301 WATER SUPPLY IS PROPOSED FOR ADOPTION AS FOLLOWS:
2	SECTION .0300 COSMETIC ART SHOP AND EQUIPMENT
3	
4	21 NCAC 14H .0301 WATER SUPPLY
5	(a) Cosmetic art shops shall have a sink with hot and cold running water in the clinic area, separate from restrooms.
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	<u>History Note:</u> Authority G.S. 88B-2; 88B-4; 88B-14;
10	Eff. March 1, 2012

1	21 NCAC 14H	.0204 DIMENSIONS OF COSMETIC ART SHOPS IS PROPOSED FOR ADOPTION AS
2	FOLLOWS:	
3		
4	21 NCAC 14H.	0204 DIMENSIONS OF COSMETIC ART SHOPS
5	Within the clinic	area each shop shall maintain no less than the following working distances:
6	(1)	48 inches of space from the center to the center of each styling chair, esthetics table or manicuring
7		table:
8	(2)	24 inches from the center of the chair forward;
9	(3)	48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring
10		table; and
11	(4)	at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table to the
12		wall of the shop.
13		
14	History Note:	Authority G.S. 88B-2; 88B-4; 88B-14;
15		Eff. March 1, 2012

1	21 NCAC 14H .0203 NEWLY ESTABLISHED RESIDENTIAL SHOPS IS PROPOSED FOR ADOPTION AS
2	FOLLOWS:
3	
4	21 NCAC 14H .0203 NEWLY ESTABLISHED RESIDENTIAL SHOPS
5	(a) A cosmetic art shop shall be separate and apart from any building or room used for any other business or purpose,
6	separated by a solid wall of at least seven feet in height and must have a separate outside entrance.
7	(b) A newly established cosmetic art shop, shall be separate and apart from any building or room used for living, dining
8	or sleeping and shall be separate and apart from any other room used for any other purpose by a solid wall of ceiling
9	height, making separate and apart rooms used for a cosmetic art shop. All entrances to the cosmetic art shop shall be
10	through solid, full length doors installed in solid walls of ceiling height.
11	(c) A residential cosmetic art shop shall furnish bathroom facilities separate and apart from the residence.
12	
13	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
14	Eff. March 1, 2012

6 any other business by solid walls at least seven ft. in height.	1	21 NCAC 14H .0202 SEPARATION OF COSMETIC ART SHOPS IS PROPOSED FOR ADOPTION AS
4 21 NCAC 14H .0202 SEPARATION OF COSMETIC ART SHOPS  5 (a) A cosmetic art shop, whether residential or non-residential, shall be separated from any building or r  6 any other business by solid walls at least seven ft. in height.  7 (b) An entrance to a cosmetic art shop from a passageway, walkway or mall area used only for access to the shop and other businesses, may be open.  9   10 History Note: Authority G.S. 88B-2; 88B-4; 88B-14;  11 Eff. March 1, 2012	2	FOLLOWS:
<ul> <li>(a) A cosmetic art shop, whether residential or non-residential, shall be separated from any building or read any other business by solid walls at least seven ft. in height.</li> <li>(b) An entrance to a cosmetic art shop from a passageway, walkway or mall area used only for access to the shop and other businesses, may be open.</li> <li>History Note: Authority G.S. 88B-2; 88B-4; 88B-14;</li> <li>Eff. March 1, 2012</li> </ul>	3	
any other business by solid walls at least seven ft. in height.  (b) An entrance to a cosmetic art shop from a passageway, walkway or mall area used only for access to the shop and other businesses, may be open.  History Note: Authority G.S. 88B-2; 88B-4; 88B-14;  Eff. March 1, 2012	4	21 NCAC 14H .0202 SEPARATION OF COSMETIC ART SHOPS
7 (b) An entrance to a cosmetic art shop from a passageway, walkway or mall area used only for access to the shop and other businesses, may be open.  9  10 History Note: Authority G.S. 88B-2; 88B-4; 88B-14;  11 Eff. March 1, 2012	5	(a) A cosmetic art shop, whether residential or non-residential, shall be separated from any building or room used for
<ul> <li>the shop and other businesses, may be open.</li> <li>History Note: Authority G.S. 88B-2; 88B-4; 88B-14;</li> <li>Eff. March 1, 2012</li> </ul>	6	any other business by solid walls at least seven ft. in height.
9 10 <u>History Note: Authority G.S. 88B-2; 88B-4; 88B-14;</u> 11 <u>Eff. March 1, 2012</u>	7	(b) An entrance to a cosmetic art shop from a passageway, walkway or mall area used only for access to the shop, or to
10       History Note:       Authority G.S. 88B-2; 88B-4; 88B-14;         11       Eff. March 1, 2012	8	the shop and other businesses, may be open.
11 <u>Eff. March 1, 2012</u>	9	
<del>-1/</del>	10	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
12	11	Eff. March 1, 2012
	12	

1	21 NCAC 14H .0201 Application for Shop License is proposed for adoption as follows:
2	
3	Section .0200 SHOP LICENSING AND PHYSICAL DIMENSIONS
4	21 NCAC 14H .0201 APPLICATION FOR SHOP LICENSE
5	Persons desiring to open as cosmetic art shop in the State of North Carolina shall make application to the North Carolina
6	State Board of Cosmetic Art Examiner on the Board's application form. Persons desiring to change ownership of a
7	cosmetic art shop, relocate or reopen a shop which has been closed more than 90 days shall make application to the North
8	Carolina State Board of Cosmetic Art Examiner on the Board's application form.
9	
10	History Note: Authority G.S. 88B-2; 88B-4;88 B-14; 88B-22;
11	Eff. March 1, 2012
12	

1	21 NCAC 14B	.0607 WAIVERS IS PROPOSED FOR ADOPTION AS FOLLOWS:
2		
3	21 NCAC 14B	.0607 WAIVERS
4	(a) Individuals v	who wish to request a waiver of an administrative rule shall submit a written request to the Board, which
5	includes:	
6	<u>(1)</u>	The rule for which a waiver is requested;
7	<u>(2)</u>	The reason for requesting the waiver along with supporting documents;
8	<u>(3)</u>	Evidence of how the waiver will provide for the health and safety of the consumer or licensee; and
9	<u>(4)</u>	The signature of applicant.
10	(b) The Board s	hall approve a waiver request only if:
11	<u>(1)</u>	The administrative rule for which the waiver is being requested is not mandated by law; and
12	<u>(2)</u>	The Board finds that approval of the requested waiver shall not jeopardize the health and safety of
13		employees or the public.
14		
15	History Note:	Authority G.S. 88B-4;
16		Eff. March 1, 2012

1	21 NCAC 14B .0307	CONTROL OF HEARINGS IS PROPOSED FOR AMENDEMENT AS FOLLOWS:
2		
3	21 NCAC 14B .0307	CONTROL OF HEARINGS
4		e of this Rule is to provide uniform procedures for the conduct of public comment hearings.
5	(a) (b) The presiding of	ficer at the hearings shall have complete control of the proceedings including the following:
6	(1) extensi	on of any time requirements,
7	(2) recogn	ition of speakers,
8	(3) time al	lotment for presentations, and
9	(4) directi	on of the flow of discussion and the management of the hearing.
10	(b) (c) The presiding of	ficer at all times shall take care that each person participating in the hearing is given a fair
11	opportunity to present vi-	ews, data and comments.
12	(d) Public comment hear	ring shall be open to the public, and members of the public shall be entitled to testify, subject to
13	the provisions of this Rul	<u>e.</u>
14	(e) Public comment hear	ing shall be open to print and electronic media, subject to the following limitations by the board,
15	or the person designated	by the board to preside over the hearing, when such limitations are necessary to allow the
16	hearing to go forward:	
17	(1) Limita	tion of the number of media representatives when their number together with the number of
18	membe	ers of the public present exceeds the capacity of the hearing room;
19	(2) Limita	tion on the placement of cameras to specific locations within the hearing room; or
20	(3) Prohib	ition of interviews conducted within the hearing room during the hearing.
21	(f) Public comment hear	ings shall be presided over by the board or an individual knowledgeable in the subject area of
22	the proposed rules who h	as been designated by the director to preside over the hearing.
23	(g) The person presiding	over the hearing shall:
24	(1) Call th	e hearing to order;
25	(2) Identif	y the proposed rules which are the subject matter of the hearing, and provide copies of them
26	upon re	equest;
27	(3) Cause	a recording of the hearing to be made;
28	(4) Establi	sh limits;
29	(5) Recogn	nize those who wish to be heard;
30	(6) If nece	ssary, refuse to recognize people for speaking, or revoke recognition of speakers;
31	(7) If nece	ssary, limit the activity of the media;
32	(8) If nece	ssary, postpone or move the hearing; and
33	(9) Adjour	n or continue the hearing.
34	(h) The hearing shall be	postponed when:
35	(1) The we	eather is so inclement that it is reasonable to conclude that people wishing to attend the hearing
36	are una	able to do so;

31 38	(2)	unavoidably absent; or
39	(3)	Postponement will facilitate greater participation by the public.
40	- , ,	shall be moved to another location when the original location is not able to accommodate the number of
41		to attend the hearing.
42		shall be continued past the scheduled time or to another date when:
43	(1)	The time available is not sufficient to give each person who wishes to speak a reasonable opportunity
43 44	(1)	to do so; or
	(2)	
45	(2)	The capacity of the room in which the hearing is to be held does not accommodate the number of
46 47		to attend the hearing and it is not possible to move the hearing to another location.
47	- <del>-</del>	wish to speak about the rules which are the subject matter of the hearing shall be asked to write on the
48		eir full names and if they represent other persons, the identity of the persons represented.
49	<del>-</del>	wish to speak shall be asked to provide the information called for by Paragraph (a) no later than before
50	<u> </u>	on the list has finished speaking.
51	<u> </u>	se names appear on the speaker's list shall be afforded an opportunity to speak at the hearing within the
52	limits on public	<del></del>
53	<u> </u>	ments, may be submitted by the deadline listed in the rule making notice.
54	(o) The person p	residing over the hearing shall:
55	(1)	Refuse to recognize for speaking or revoke the recognition of any person who:
56		(A) Speaks or acts in an abusive or disruptive manner; or
57		(B) Refuses to keep comments relevant to the proposed rules which are the subject matter of the
58		hearing:
59	<u>(2)</u>	Limit the duration of the hearing and limit the amount of time each speaker may speak to a time which
60		allocates approximately equal speaking time to each person shown on the speaker's list as wishing to
61		speak; and
62	(3)	Limit presentations on behalf of the same organization or entity to no more than three, provided that all
63		those representing such organization or entity may enter their names and addresses into the record as
64		supporting the position of the organization or entity.
65		
66	History Note:	Authority G.S. 150B-11(1);150B 21.2;
67		Eff. February 1, 1976;
68		Amended Eff. March 1, 2012;
60		

1	21 NCAC 14R .0105 Continuing Education is proposed for adoption as follows:
2	
3	21 NCAC 14R .0105 Continuing Education
4	(a) Each licensee wishing to maintain his/her license shall obtain continuing education during each licensing period.
5	The licensee shall maintain records of attendance of a continuing education course including the following
6	information:
7	(1) Course title and detail description;
8	(2) Date conducted:
9	(3) Address location where the course was conducted; and
10	(4) Continuing education hours earned.
11	(b) Each licensee must ensure at least 50 percent of subject matter broadens the licensee knowledge of the cosmetic
12	arts profession.
13	(c) Each instructor must ensure at least 50 percent of subject matter relates to teacher training techniques and
14	enhance the ability to communicate.
15	(d) The continued education shall be approved by the board providing it meets the requirements above.
16	(e) Audits of the licensee's continuing education may be conducted at any time. Upon the Board's request each
17	licensee shall provide completed records to the Board.
18	(f) The Board may suspend a license, revoke a license, or deny the renewal of any licensee, who fails to comply with
19	any provision of the rules in this Subchapter. Written justification of the suspension, denial, or revocation shall be
20	given.
21	(g) Continuing education courses completed prior to an individual's being licensed by the Board shall not qualify for
22	continuing education credit.
23	(h) Apprentices do not need to earn continuing education for renewal.
24	(i) Licensees are exempt from 8 hours of continuing education requirements until the licensing period commencing
25	after their initial licensure.
26	(j) After completion of the continuing education requirements for any licensing cycle the licensee shall forward the
27	<u>following:</u>
28	(1) the license renewal application;
29	(2) the license renewal fee; and
30	(3) A date and signature affirming the following pledge: "I, hereby certify that I have obtained all
31	continuing education hours required in accordance with the general statute and board rules and regulations.
32	I am aware that false or dishonest misleading information may be grounds for 1) disciplinary action against
33	my license; and further that 2) false statements are punishable by law."
34	(k) Failure to produce documents or file a response to a request for audit from the Board within 30 days of the

request shall result in civil penalty to the licensee in the amount of two hundred and fifty (\$250).

(l) The presentation of fraudulent continuing education documentation to the Board by a licensee shall result in civil

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37

penalty of five hundred (\$500).

38	(m) The failure to attend continuing education courses as required by GS 88-B and determined through Board aud
39	shall result in civil penalty in the amount of five hundred (\$500) per renewal cycle.
40	(n) Licensees in inactive status can reactivate licensure by taking no less than eight hours of continuing education
41	per year of inactivity up to 24 total hours.
42	
43	History Note: Authority G.S. 88B-2; 88B-4; 88B-21; 88B-24; 88B-29;
44	<u>Eff. March 1, 2012</u>
45	

1	21 NCAC 14H .0505 Rule Compliance and Enforcement Measures is proposed for adoption as follows:
2	
3	21 NCAC 14H .0505 Rule Compliance and Enforcement Measures
4	(a) The use of or possession of the following products or equipment in a school or shop shall result in civil penalty
5	in the amount of three hundred (\$300) per container of product or piece of equipment:
6	(1) Methyl Methacrylate Liquid Monomer a.k.a. MMA; or
7	(2) Razor-type callus shavers designed and intended to cut growths of skin including but not limited
8	to skin tags, corns and calluses.
9	(b) The use of or possession of the following products or equipment in a school or shop shall result in civil penalty
10	in the amount of one hundred (\$100) per container of product or piece of equipment:
11	(1) FDA rated Class III devices; or
12	(2) Carbolic acid (phenol) over two percent strength; or
13	(3) Animals including insects, fish, amphibians, reptiles, birds or mammals to perform any service; or
14	(4) Variable speed electrical nail file on the natural nail unless it has been designed for use on the
15	natural nail.
16	(c) The action of any student or licensee to violate the Board rules in the following manner shall result in civil
17	penalty in the amount of one hundred (\$100) per instance of each action:
18	(1) use any product, implement or piece of equipment in any manner other than the product,
19	implement or equipment's intended use as described or detailed by the manufacturer; Diagnosis of any
20	medical condition or treat any medical condition unless referred by a physician; or
21	(2) Use any product that will penetrate the dermis; or
22	(3) Provide any service unless trained prior to performing the service; or
23	(4) Perform services on a client if the licensee has reason to believe the client has any of the
24	following:
25	(A) a contagious condition or disease; an inflamed;
26	(B) infected, broken, raised or swollen skin or nail tissue; or
27	(C) an open wound or sore in the area to be worked on; or
28	(5) Alter or duplicate a license issued by the Board; or
29	(6) Advertise or solicit clients in any form of communication in a manner that is false or misleading:
30	<u>or</u>
31	(7) Use any class II device without the documented supervision of a licensed physician.
32	(d) The presence of an animals or birds in a cosmetic art shop or school shall result in civil penalty in the amount of
33	twenty-five (\$25) per animal or bird. Animals trained for the purpose of accompanying disabled persons are
34	<u>exempt.</u>
35	(e) The failure to record the date and time of each cleaning and disinfecting of a footspa in a cosmetic art school or
36	shop as required by this subchapter including the date, time, reason and name of the staff member that performed the

37	cleaning or the failure to kee	n or make such record	available for at least 90	days upon request b	v either a patron o
<i>J</i> /	cicaling of the famule to kee	p of make such record	avanabic for at icast 70	days upon request o	y citiles a patient of

- inspector shall result in civil penalty in the amount of twenty-five (\$25) per footspa.
- 39 (f) The failure to clean and disinfect a footspa in a cosmetic art shop or school as required by this subchapter shall
- 40 result in civil penalty in the amount of one hundred (\$100) per footspa.
- 41 (g) The failure to maintain in a cosmetic art shop and school antiseptics, gloves or finger guards, sterile bandages
- 42 available to provide first aid shall result in civil penalty in the amount of twenty-five (\$25) per item.
- 43 (h) The failure to have in a cosmetic art shop or school to maintain a sink with hot and cold running water in the
- 44 clinic area, separate from restrooms shall result in civil penalty in the amount of one hundred (\$100).
- 45 (i) The failure to maintain a water supply within 20 feet of the door or 25 feet from the service table or chair shall
- result in civil penalty in the amount of fifty (\$50) per inspection occurrence.
- 47 (j) The failure to provide necessary ventilation at all times in the areas where patrons are serviced in all cosmetic art
- 48 shops, there must be a continuous exchange of air shall result in civil penalty in the amount of twenty-five (\$25).
- (k) The failure to effectively screen all doors and windows, open for ventilation shall result in civil penalty in the
- amount of twenty-five (\$25).
- 51 (1) The failure to provide light in the service area shall result in civil penalty in the amount of twenty-five (\$25).
- 52 (m) The failure to adhere to any federal, state and local government regulation or ordinance regarding fire safety
- 53 codes, plumbing and electrical work shall result in civil penalty in the amount of twenty-five (\$25).
- 54 (n) The failure to provide toilet and hand washing facilities consisting of at least one commode and one hand
- 55 washing sink with hot and cold running water, liquid soap and individual clean towels shall result in civil penalty in
- 56 the amount of twenty-five (\$25).
- 57 (o) The failure to maintain equipment and supplies to safely perform any cosmetic art service offered in the shop
- 58 <u>shall result in civil penalty in the amount of one hundred (\$100).</u>
- 59 (p) The failure to maintain a sanitation grade of 80% or higher shall result in a civil penalty in the amount of two
- 60 hundred (\$200).

68

- 61 (q) The failure to display in a conspicuous place a current grade card shall result in a civil penalty in the amount of
- one hundred (\$100).
- 63 (r) Repeated violations of the rules in this subchapter exceeding 3 written notifications of any one rule documented
- 64 to any one individual, shop or school shall result in a mandatory disciplinary hearing.

66 History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27;

67 <u>Eff. March 1, 2012</u>

# 1 21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS IS PROPOSED FOR

### **ADOPTION AS FOLLOWS:**

234

### 21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS

- 5 The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in this
- 6 subchapter shall be as follows, setting out areas to be inspected and considered, and the maximum points given for
- 7 <u>compliance:</u>

Sanitation	Point Value
Each licensee and student shall wash his or her hands with soap and water or an equally effective cleansing	
agent immediately before and after serving each client.	2
Each licensee and student shall wear clean garments and shoes while serving patrons.	2
The cosmetic art facility shall be kept clean.	<u>3</u>
Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles	
shall be maintained in a sanitary manner.	<u>4</u>
All doors and windows shall be kept clean.	2
Furniture, equipment, floors, walls, ceilings and fixtures must be clean and in good repair.	<u>3</u>
Clean protective capes, drapes, linens and towels shall be used for each patron	<u>3</u>
After a cape, drape, linen or towel has been in contact with a patron's skin it shall be placed in a clean, closed	
container until laundered with soap and hot water and dried in a heated dryer.	<u>5</u>
Any paper or nonwoven protective drape or covering shall be discarded after one use.	2
There shall be a supply of clean protective drapes, linens and towels at all times.	2
Clean drapes, capes, linens and towels shall be stored in a clean area.	<u>5</u>
Bathroom facilities must be kept cleaned.	3
All implements shall be washed with warm water and a cleaning solution and scrubbed to remove debris and	
<u>dried.</u>	<u>2</u>
All implements shall be disinfected	10
All disinfected electrical implements shall be stored in a clean area.	2
Disposable and porous implements and supplies must be discarded after use or upon completion of the service.	<u>10</u>
Product that comes into contact with the patron must be discarded upon completion of the service.	3
Disinfected implements must be kept in a clean closed cabinet or clean closed container and must not be stored	
with any implement or item that has not been disinfected.	<u>10</u>
Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.	2
All creams, lotions, wax, cosmetics, and other products dispensed to come in contact patron's skin must be kept	
in clean, closed containers and dispensed in a sanitary manner. No product dispensed in portions may be	
returned to the container.	<u>10</u>

After each patron each whirlpool or footspa must be cleaned and disinfected	<u>10</u>
The water in a vaporizer machine must be emptied daily and the unit disinfected.	2
The area where services are performed that come in contact with the patron's skin including chairs, tables and	
beds shall be disinfected between patrons.	<u>3</u>

<u>History Note:</u> Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-26; <u>Eff. March 1, 2012</u>

1	21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS IS PROPOSED FOR
2	ADOPTION AS FOLLOWS:
3 4	21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS
5	(a) The sanitary rating of a beauty establishment shall be based on a system of grading outlined in this Subchapter.
6	Based on the grading, all establishments shall be rated in the following manner:
7	(1) all establishments receiving a rating of at least 90 percent or more, shall be awarded a grade A;
8	(2) all establishments receiving a rating of at least 80 percent, and less than 90 percent, shall be
9	awarded grade B;
10	(3) all establishments receiving a rating of at least 70 percent or more, and less than 80 shall be
11	awarded grade C;
12	(4) any cosmetic art shop or school with a sanitation grade of 70 or below shall be awarded a failed
13	inspection notice.
14	(b) Every beauty establishment shall be given a sanitary rating. A cosmetic art school shall be graded no less than
15	three times a year, and a cosmetic art shop shall be graded once a year.
16	(c) The sanitary rating or failed inspection notice given to a beauty establishment shall be posted in a conspicuous
17	place near the front entryway at all times.
18	(d) All new establishments must receive a rating of at least 90 percent before a license will be issued.
19	(e) The operation of a cosmetic art shop or school which fails to receive a sanitary rating of at least 70 percent
20	(grade C) shall be sufficient cause for revoking or suspending the license.
21	(f) A re-inspection for the purpose of raising the sanitary rating of a beauty establishment shall not be given within
22	30 days of the last inspection, unless the rating at the last inspection was less than 80 percent.
23	(g) A whirlpool and footspa sanitation record must be kept on each whirlpool and footspa for inspection on a form
24	provided by the Board.
25	(h) All cosmetic art shops and schools with a failed inspection report shall be sufficient cause for the immediate
26	suspension of licensure. All cosmetic art shops and schools with a failed inspection report must close until the
27	sanitation conditions have improved to be awarded a passing grade.
28	(i) Mobile cosmetic art shops and schools are prohibited.
29 30 31 32	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-26; 88B-27; Eff. March 1, 2012

FOLLOWS:
21 NCAC 14H .0502 FAILURE TO PERMIT INSPECTION
If an inspector is unable to inspect a salon twice with appointment, the Board may initiate proceedings to revoke or
suspend the salon license or may refuse to renew the shop license.
History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27; Eff. March 1, 2012

2	FOLLOWS:
3	Section .0500 Enforcement, Maintenance of Licensure
4	21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS
5	(a) A newly established cosmetic art shop, a shop which has been closed for more than 90 days, or a shop which has
6	changed ownership, must file an application for licensure with the Board prior to opening. A newly established
7	cosmetic art shop, a shop which has been closed for more than 90 days, a shop which has changed ownership or a
8	shop which has been operating without a license shall be inspected before a license will be issued.
9	(b) Each cosmetic art shop must pass inspection by an agent of the Board pursuant to 21 NCAC 14H. Inspections
10	shall be conducted at least annually and may be conducted without notice.
11 12 13	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27; Eff. March 1, 2012

21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS IS PROPOSED FOR ADOPTION AS

1	21 NCAC 14H .0404 First Aid is proposed for adoption as follows:
2	
3	21 NCAC 14H .0404 First Aid
4	(a) Each cosmetic art shop and school must have antiseptics, gloves or finger guards, sterile bandages and other
5	necessary supplies available to provide first aid.
6	(b) If the skin of the licensee or student is punctured, the licensee or student shall immediately do the following:
7	(1) Apply antiseptic and a sterilized bandage;
8	(2) Disinfect any implement exposed to blood before proceeding; and
9	(3) Put on disposable, protective gloves or a finger guard.
10	(c) If the skin of the patron is punctured, the licensee or student shall immediately do the following:
11	(1) Make available to the patron antiseptic and a sterilized bandage:
12	(2) Disinfect any implement exposed to blood before proceeding; and
13	(3) Put on disposable, protective gloves or a finger guard.
14	
15 16 17	<u>History Note:</u> Authority G.S. 88B-2; 88B-4; 88B-14; <u>Eff. March 1, 2012</u>

1	21 NCAC 14H .0403 Disinfection Procedures is proposed for adoption as follows:
2	21 NCAC 14H .0403 Disinfection Procedures
3	(a) Sanitation rules which apply to towels and cloths are as follows:
4	(1) Clean protective capes, drapes linens and towels shall be used for each patron;
5	(2) After a protective cape has been in contact with a patron's neck it shall be placed in a clean, closed
6	container until laundered with soap and hot water and dried in a heated dryer. Capes that cannot be
7	laundered and dried in a heater dryer may be disinfected with an EPA registered hospital grade disinfectant
8	mixed and used in accordance with the manufacturer directions; and
9	(3) After a drape, linen or towel has been in contact with a patron's skin it shall be placed in a clean,
10	covered container until laundered with soap and hot water and dried in a heated dryer. A covered container
11	may have an opening so soiled items may be dropped into the container.
12	(b) Any paper or nonwoven protective drape or covering shall be discarded after one use.
13	(c) There shall be a supply of clean protective drapes, linens and towels at all times.
14	(d) Clean drapes, capes, linens, towels and all other supplies shall be stored in a clean area.
15	(e) Bathroom facilities must be kept cleaned.
16	(f) All implements shall be cleaned and disinfected after each use in the following manner:
17	(1) They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and
18	<u>dried.</u>
19	(2) They shall be disinfected in accordance with the following:
20	(A) EPA registered, hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) or
21	tuberculocidal, that is mixed and used according to the manufacturer's directions; They shall be
22	rinsed with hot tap water and dried with a clean towel before their next use. They shall be stored
23	in a clean, closed cabinet or container until they are needed; or
24	(B) 1 and 1/3 cup of 5.25 percent household bleach to one gallon of water for 10 minutes. They
25	shall be rinsed with hot tap water and dried with a clean towel before their next use. They shall be
26	stored in a clean, closed cabinet or container until they are needed; or
27	(C) UV-C, ultraviolet germicidal irradiation used accordance with the manufacturer's directions.
28	(3) If the implement is not immersible or is not disinfected by UV-C irradiation, it shall be cleaned by
29	wiping it with a clean cloth moistened or spraying with a disinfectant EPA registered,
30	hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) or tuberbulocidal, used in accordance
31	with the manufacturer's directions.
32	(4) Implements that come in contact with blood, shall be disinfected by:
33	(A) disinfectant, used in accordance with the manufacturer's instructions, that states the solution
34	will destroy HIV, TB or HBV viruses and approved by the Federal Environmental Protection
35	Agency; or
36	(B) EPA registered, hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) and
37	tuberbulocidal, that is mixed and used according to the manufacturer's directions; or

38	(C) household bleach in a 10 percent solution for 10 minutes.
39	(g) All disinfected non-electrical implements shall be stored in a clean closed cabinet or clean closed container.
40	(h) All disinfected electrical implements shall be stored in a clean area.
41	(i) Disposable and porous implements and supplies must be discarded after use or upon completion of the service.
42	(j) Product that comes into contact with the patron must be discarded upon completion of the service.
43	(k) Disinfected implements must be kept in a clean closed cabinet or clean closed container and must not be stored
44	with any implement or item that has not been disinfected.
45	(1) Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.
46	(m) All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin must be
47	kept in clean, closed containers, and must conform in all respects to the requirements of the Pure Food and Drug
48	Law. Any product apportioned for use and removed from original containers must be distributed in a sanitary
49	manner that prevents contamination of product or container. Any product dispensed in portions into another
50	container must be dispensed into a sanitized container and applied to patrons by means of a disinfected or disposable
51	implement or other sanitized methods. Any product dispensed in portions not dispensed into another container must
52	be used immediately and applied to patrons by means of a disinfected or disposable implement or other sanitized
53	methods. No product dispensed in portions may be returned to the original container.
54	(n) As used in this Rule whirlpool or footspa means any basin using circulating water.
55	(o) After each patron each whirlpool or footspa must be cleaned and disinfected as follows:
56	(1) All water must be drained and all debris removed from the basin;
57	(2) The basin must be disinfected by filling the basin with water and circulating:
58	(A) Two tablespoons of automatic dishwashing powder and 1/4 cup of 5.25 percent household
59	bleach to one gallon of water through the unit for 10 minutes; or
60	(B) Surfactant or enzymatic soap with an EPA registered disinfectant with bactericidal,
61	tuberculocidal, fungicidal and virucidal activity used according to manufacturer's instructions
62	through the unit for 10 minutes;
63	(3) The basin must be drained and rinsed with clean water; and
64	(4) The basin must be wiped dry with a clean towel.
65	(p) At the end of the day each whirlpool or footspa must be cleaned and disinfected as follows:
66	(1) The screen must be removed and all debris trapped behind the screen removed;
67	(2) The screen and the inlet must be washed with surfactant or enzymatic soap or detergent and rinsec
68	with clean water;
69	(3) Before replacing the screen one of the following procedures must be performed:
70	(A) The screen must be totally immersed in a household bleach solution of ½ cup of 5.25percent
71	household bleach to one gallon of water for 10 minutes; or
72	(B) The screen must be totally immersed in an EPA registered disinfectant with bactericidal,
73	tuberculocidal, fungicidal and virucidal activity in accordance to the manufacturer's instructions
74	for 10 minutes;

/5	(4) The inlet and area behind the screen must be cleaned with a brush and surfactant soap and water to
76	remove all visible debris and residue; and
77	(5) The spa system must be flushed with low sudsing surfactant or enzymatic soap and warm water
78	for at least 10 minutes and then rinsed and drained.
79	(q) Every week after cleaning and disinfecting pursuant to Paragraphs (a) and (b) of this Rule each whirlpool and
80	footspa must be cleaned and disinfected in the following manner:
81	(1) The whirlpool or footspa basin must be filled with water and ½ cup of 5.25 percent household
82	bleach for each one gallon of water or EPA registered disinfectant with bactericidal,
83	tuberculocidal, fungicidal and
84	virucidal activity in accordance to the manufacturer's instructions; and
85	(2) The whirlpool or footspa system must be flushed with the bleach and water or EPA registered
86	disinfectant solution pursuant to Subparagraph (d)(1) of this Rule for 10 minutes and allowed to sit for at
87	least six hours; and
88	(3) The whirlpool or footspa system must be drained and flushed with water before use by a patron.
89	(r) A record must be made of the date and time of each cleaning and disinfecting as required by this Rule including
90	the date, time, reason and name of the staff member that performed the cleaning. This record must be made for each
91	whirlpool or footspa and must be kept and made available for at least 90 days upon request by either a patron of
92	inspector.
93	(s) The water in a vaporizer machine must be emptied daily and the unit disinfected.
94	(t) The area where services are performed that come in contact with the patron's skin including treatment chairs
95	treatment tables and beds shall be disinfected between patrons.
96	
97	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
98 99	<u>Eff. March 1, 2012</u>
100	

1	21 NCAC 14H .0402 Cosmetic Art Shops and Schools is proposed for adoption as follows:
2	
3	21 NCAC 14H .0402 Cosmetic Art Shops and Schools
4	(a) The cosmetic art facility shall be kept clean.
5	(b) Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles
6	shall be maintained in a sanitary manner.
7	(c) All doors and windows shall be kept clean.
8	(d) Furniture, equipment, floors, walls, ceilings and fixtures must be clean and in good repair.
9	(e) Animals or birds shall not be in a cosmetic art shop or school. Fish in an enclosure and animals trained for the
10	purpose of accompanying disabled persons are exempt.
11 12 13 14	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. March 1, 2012

1	21 NCAC 14H	.0401 Licensees and Students is proposed for adoption as follows:
2	Section .0400 S	Sanitation Procedures and Practices
3	21 NCAC 14H	.0401 Licensees and Students
4	(a) Each license	ee and student shall wash his or her hands with soap and water or an equally effective cleansing
5	agent immediate	ely before and after serving each client.
6	(b) Each license	ee and student shall wear clean garments and shoes while serving patrons.
7	(c) Licensees of	r students must not use or possess in a cosmetic art school or shop any of the following products:
8	(1)	Methyl Methacrylate Liquid Monomer a.k.a. MMA;
9	<u>(2)</u>	Razor-type callus shavers designed and intended to cut growths of skin including but not limited
10		to skin tags, corns and calluses;
11	(3)	FDA rated Class III devices:
12	<u>(4)</u>	Carbolic acid (phenol) over two percent strength;
13	<u>(5)</u>	Animals including insects, fish, amphibians, reptiles, birds or mammals to perform any service; or
14	<u>(6)</u>	Variable speed electrical nail file on the natural nail unless it has been designed for use on the
15		natural nail.
16	(d) A licensee of	or student must not:
17	<u>(1)</u>	Use any product, implement or piece of equipment in any manner other than the product,
18		implement or equipment's intended use as described or detailed by the manufacturer;
19	<u>(2)</u>	Diagnose any medical condition or treat any medical condition unless referred by a physician;
20	(3)	Provide any service unless trained prior to performing the service;
21	<u>(4)</u>	Perform services on a client if the licensee has reason to believe the client has any of the
22		following:
23		(A) a contagious condition or disease;
24		(B) an inflamed, infected, broken, raised or swollen skin or nail tissue; or
25		(C) an open wound or sore in the area to be worked on;
26	<u>(5)</u>	Alter or duplicate a license issued by the Board;
27	<u>(6)</u>	Advertise or solicit clients in any form of communication in a manner that is false or misleading;
28	<u>(7)</u>	Use any Class II device without the documented supervision of a licensed physician; or
29	<u>(8)</u>	Use any product that will penetrate the dermis.
30	(e) In using a d	isinfectant, the user shall wear any personal protective equipment, such as gloves, recommended by
31	the manufacture	er in the Material Safety Data Sheet.
32		
33	History Note:	Authority G.S. 88B-2; 88B-4; 88B-14;
34 35		Eff. March 1, 2012

#### 21 NCAC 14H .0304 Equipment is proposed for adoption as follows: 1

- 2 21 NCAC 14H .0304 Equipment
- 3 Cosmetic art shops shall maintain equipment and supplies to safely perform any cosmetic art service offered in the
- 4 shop.
- 5 6 History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
- Eff. March 1, 2012 7

#### 1 21 NCAC 14H .0303 Bathroom Facilities is proposed for adoption as follows:

- 2 21 NCAC 14H .0303 Bathroom Facilities
- 3 Toilet and hand washing facilities consisting of at least one commode and one hand washing sink with hot and cold
- 4 running water, liquid soap and individual clean towels or hand air dryer shall be provided.
- 5 6 History Note: Authority G.S. 88B-2; 88B-4; 88B-14;

Eff. March 1, 2012

#### 21 NCAC 14H .0302 Ventilation and Light is proposed for adoption as follows:

- 2 21 NCAC 14H .0302 Ventilation and Light
- 3 (a) Necessary ventilation shall be provided at all times in the areas where patrons are serviced in all cosmetic art
- 4 shops, there must be a continuous exchange of air.
- 5 (b) All doors and windows, if open for ventilation, effectively screened.
- 6 (c) Light shall be provided in the service area.
- 7 (d) All cosmetic art shops must adhere to any federal, state and local government regulation or ordinance regarding
- 8 <u>fire safety codes, plumbing and electrical work.</u>

9

- 10 *History Note:* Authority G.S. 88B-2; 88B-4; 88B-14;
- 11 *Eff. March 1, 2012*

1	21 NCAC 14H .0301 Water Supply is proposed for adoption as follows:
2	Section .0300 Cosmetic Art Shop and Equipment
3	
4	21 NCAC 14H .0301 Water Supply
5	(a) Cosmetic art shops shall have a sink with hot and cold running water in the clinic area, separate from restrooms.
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
7	20 feet of the door or 25 feet from the service table or chair. The restroom sink shall not be used to meet this
8	requirement.
9 10	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. March 1, 2012

1	21 NCAC 14H .0204 Dimensions of Cosmetic Art Shops is proposed for adoption as follows:
2	
3	21 NCAC 14H .0204 Dimensions of Cosmetic Art Shops
4	Within the clinic area each shop shall maintain no less than the following working distances:
5	(a) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring
6	table;
7	(b) 24 inches from the center of the chair forward;
8	(c) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring
9	table; and
LO	(d) at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table to the
L1	wall of the shop.
L2	
L3 L4 L5	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. March 1, 2012

1	21 NCAC 14H .0203 Newly Established Residential Shops is proposed for adoption as follows:
2	
3	21 NCAC 14H .0203 Newly Established Residential Shops
4	(a) A cosmetic art shop shall be separate and apart from any building or room used for any other business or
5	purpose, 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,
7	dining or sleeping and shall be separate and apart from any other room used for any other purpose by a solid wall of
8	ceiling height, making separate and apart rooms used for a cosmetic art shop. All entrances to the cosmetic art shop
9	shall be through solid, full length doors installed in solid walls of ceiling height.
10	(c) A residential cosmetic art shop shall furnish bathroom facilities separate and apart from the residence.
11 12 13 14	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. March 1, 2012

1	21 NCAC 14H .0202 Separation of Cosmetic Art Shops is proposed for adoption as follows:
2	
3	21 NCAC 14H .0202 Separation of Cosmetic Art Shops
4	(a) A cosmetic art shop, whether residential or non-residential, shall be separated from any building or room used
5	for any other business by solid walls at least seven ft. in height.
6	(b) An entrance to a cosmetic art shop from a passageway, walkway or mall area used only for access to the shop,
7	or to the shop and other businesses, may be open.
8 9 10 11	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. March 1, 2012

1	21 NCAC 14H .0201 Application for Snop License is proposed for adoption as follows:
2	
3	Section .0200 Shop Licensing and Physical Dimensions
4	21 NCAC 14H .0201 Application for Shop License
5	Persons desiring to open as cosmetic art shop in the State of North Carolina shall make application to the North
6	Carolina State Board of Cosmetic Art Examiner on the Board's application form. Persons desiring to change
7	ownership of a cosmetic art shop, relocate or reopen a shop which has been closed more than 90 days shall make
8	application to the North Carolina State Board of Cosmetic Art Examiner on the Board's application form.
9 10 11 12	History Note: Authority G.S. 88B-2; 88B-4;88 B-14; 88B-22; Eff. March 1, 2012

1	21 NCAC 14B .0607 WAIVERS IS PROPOSED FOR ADOPTION AS FOLLOWS:
2	21 NCAC 14B .0607 WAIVERS
3	(a) Individuals who wish to request a waiver of an administrative rule shall submit a written request to the Board,
4	which includes:
5	(1) The rule for which a waiver is requested;
6	(2) The reason for requesting the waiver along with supporting documents;
7	(3) Evidence of how the waiver will provide for the health and safety of the consumer or licensee; and
8	(4) The signature of applicant.
9	(b) The Board shall approve a waiver request only if:
10	(1 The administrative rule for which the waiver is being requested is not mandated by law; and
11	(2) The Board finds that approval of the requested waiver shall not jeopardize the health and safety of
12	employees or the public.
13	
14 15 16	History Note: Authority G.S. 88B-4; Eff. March 1, 2012

1	
2	21 NCAC 14B .0307 CONTROL OF HEARINGS IS PROPOSED FOR AMENDEMENT AS
3	FOLLOWS:
4	21 NCAC 14B .0307 CONTROL OF HEARINGS
5	(a) Purpose. The purpose of this part is to provide uniform procedures for the conduct of public comment hearings.
6	(a) (b) The presiding officer at the hearings shall have complete control of the proceedings including the following:
7	(1) extension of any time requirements,
8	(2) recognition of speakers,
9	(3) time allotment for presentations, and
10	(4) direction of the flow of discussion and the management of the hearing.
11	(b) (c) The presiding officer at all times shall take care that each person participating in the hearing is given a fair
12	opportunity to present views, data and comments.
13	(d) Public comment hearing shall be open to the public, and members of the public shall be entitled to testify,
14	subject to the provisions of this Rule.
15	(e) Public comment hearing shall be open to print and electronic media, subject to the following limitations by the
16	board, or the person designated by the board to preside over the hearing, when such limitations are necessary to
17	allow the hearing to go forward:
18	(1) Limitation of the number of media representatives when their number together with the number of
19	members of the public present exceeds the capacity of the hearing room;
20	(2) Limitation on the placement of cameras to specific locations within the hearing room; or
21	(3) Prohibition of interviews conducted within the hearing room during the hearing.
22	(f) Public comment hearings shall be presided over by the board or an individual knowledgeable in the subject area
23	of the proposed rules who has been designated by the director to preside over the hearing.
24	(g) The person presiding over the hearing shall:
25	(1) Call the hearing to order;
26	(2) Identify the proposed rules which are the subject matter of the hearing, and provide copies of them
27	upon request:
28	(3) Cause a recording of the hearing to be made;
29	(4) Establish limits;
30	(5) Recognize those who wish to be heard:
31	(6) If necessary, refuse to recognize people for speaking, or revoke recognition of speakers;
32	(7) If necessary, limit the activity of the media;
33	(8) If necessary, postpone or move the hearing; and
34	(9) Adjourn or continue the hearing.
35	(h) The hearing shall be postponed when:
36	(1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the hearing
37	are unable to do so;

38	(2) The chairman or the individual designated by the chairman to preside over the hearing is ill		
39	unavoidably absent; or		
40	(3) Postponement will facilitate greater participation by the public.		
41	(i) The hearing shall be moved to another location when the original location is not able to accommodate		
42	number of people who wish to attend the hearing.		
43	(j) The hearing shall be continued past the scheduled time or to another date when:		
44	(1) The time available is not sufficient to give each person who wishes to speak a reasonable opportun		
45	to do so; or		
46	(2) The capacity of the room in which the hearing is to be held does not accommodate the number		
47	people who wish to attend the hearing and it is not possible to move the hearing to another location.		
48	(k) People who wish to speak about the rules which are the subject matter of the hearing shall be asked to write		
49	the speaker's list their full names and if they represent other persons, the identity of the persons represented.		
50	(l) People who wish to speak shall be asked to provide the information called for by Paragraph (a) no later to		
51	before the last speaker on the list has finished speaking.		
52	(m) People whose names appear on the speaker's list shall be afforded an opportunity to speak at the hearing with		
53	the limits on public participation.		
54	(n) Written comments, may be submitted by the deadline listed in the rule making notice.		
55	(o) The person presiding over the hearing shall:		
56	(1) Refuse to recognize for speaking or revoke the recognition of any person who:		
57	(A) Speaks or acts in an abusive or disruptive manner; or		
58	(B) Refuses to keep comments relevant to the proposed rules which are the subject matter of		
59	hearing:		
60	(2) Limit the duration of the hearing and limit the amount of time each speaker may speak to a ti		
61	which allocates approximately equal speaking time to each person shown on the speaker's list as wishing		
62	speak; and		
63	(3) Limit presentations on behalf of the same organization or entity to no more than three, provide		
64	that all those representing such organization or entity may enter their names and addresses into the record		
65	supporting the position of the organization or entity.		
66	History Note: Authority G.S. <u>150B-11(1)</u> ; <u>150B-21.2</u> ;		
67	Eff. February 1, 1976;		
68	Amended Eff. March 1, 2012;		

The following pages represent the rules as adopted by the Board February 13, 2012. These rules have been changed from the proposed wording to include all comments received during the public comment period.

No fiscal note has been filed for these rules but a copy of any filed fiscal note may be requested by contacting the Board office.

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners		
2. Rule citation & name (name not required for repeal): 2	1 NCAC 14B .0307 Control of Hearings	
	1.5	
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):	
5. Notice for Proposed Rule:	session taw of general statutes.	
<ul> <li>Notice Required         Notice of Text published on: December 1, 2011         Link to Agency notice: http://www.nccosmeticarts.com/uploa         Hearing on: December 16, 2011         Adoption by agency on: February 13, 2012         Notice not required under G.S.:         Adoption by agency on:     </li> </ul>	ads/Board/PROctober2011.pdf	
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):	
3.1)  ☐ Yes  Agency submitted request for consultation on:  Consultation not required. Cite authority:  ☒ No	<ul> <li>State funds affected</li> <li>Environmental permitting of DOT affected and analysis submitted to Board of Transportation</li> <li>Local funds affected</li> <li>Date submitted to OSBM:</li> <li>Substantial economic impact (≥\$500,000)</li> <li>Approved by OSBM</li> <li>No fiscal note required</li> </ul>	
	ON FOR ACTION	
8A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: Federal regulation / cite:  8B. Explain:	<ul> <li>☐ Legislation enacted in last General Assembly session</li> <li>Cite Session Law:</li> <li>☐ Petition for rule-making</li> <li>☐ Other:</li> </ul>	
9. Rule-making Coordinator: Stefanie Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:	
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:  RRC AND	*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  OAH USE ONLY	
Action taken:		
RRC Extended period of review: RRC determined substantial changes: Withdrawn by agency Subject to Legislative Review Other:		

I	21 NCAC 14B .0307 CONTROL OF HEARINGS IS AMENDED IN NC REGISTER 26:11 AS FOLLOW	VS:
2		
3	21 NCAC 14B .0307 CONTROL OF HEARINGS	
4	(a) Purpose. The purpose of this Rule is to provide uniform procedures for the conduct of public comment hearing	_
5	(a) (b) The presiding officer at the hearings shall have complete control of the proceedings including the following	ng:
6	(1) extension of any time requirements,	
7	(2) recognition of speakers,	
8	(3) time allotment for presentations, and	
9	(4) direction of the flow of discussion and the management of the hearing.	
10	(b) (c) The presiding officer at all times shall take care that each person participating in the hearing is given a	fair
11	opportunity to present views, data and comments.	
12 13	(d) Public comment hearing shall be open to the public, and members of the public shall be entitled to testify, subject the provisions of this Rule.	t to
14	(e) Public comment hearing shall be open to print and electronic media, subject to the following limitations by the box	aud
15	or the person designated by the board to preside over the hearing, when such limitations are necessary to allow	
16	hearing to go forward:	uic
17	(1) Limitation of the number of media representatives when their number together with the number	r of
18	members of the public present exceeds the capacity of the hearing room;	1 01
19	(2) Limitation on the placement of cameras to specific locations within the hearing room; or	
20	(2) Prohibition of interviews conducted within the hearing room during the hearing.	
20 21	(f) Public comment hearings shall be presided over by the board or an individual knowledgeable in the subject area	<b>.</b>
22	the proposed rules who has been designated by the director to preside over the hearing.	1 01
23	(g) The person presiding over the hearing shall:	
24	(1) Call the hearing to order;	
25 26	(2) Identify the proposed rules which are the subject matter of the hearing, and provide copies of the	<u>em</u>
26 27	upon request;	
27 28	(3) Cause a recording of the hearing to be made; (4) Establish limits:	
28 29	<ul><li>(4) Establish limits;</li><li>(5) Recognize those who wish to be heard;</li></ul>	
30	•	
31		
	(7) If necessary, limit the activity of the media;	
32	(8) If necessary, postpone or move the hearing; and	
33	(9) Adjourn or continue the hearing.  (b) The hearing shall be postponed when:	
34 35	(h) The hearing shall be postponed when:  (1) The weather is so inclement that it is reasonable to conclude that nearly wishing to attend the beautiful.	
35 36	(1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the hear	<u>ıng</u>
36	are unable to do so;	

37	(2)	The chairman or the individual designated by the chairman to preside over the hearing is ill or
38		unavoidably absent; or
39	(3)	Postponement will facilitate greater participation by the public.
40	(i) The hearing:	shall be moved to another location when the original location is not able to accommodate the number of
41	people who wis	h to attend the hearing.
42	(j) The hearing	shall be continued past the scheduled time or to another date when:
43	(1)	The time available is not sufficient to give each person who wishes to speak a reasonable opportunity
44		to do so; or
45	(2)	The capacity of the room in which the hearing is to be held does not accommodate the number of
46	people who wisl	h to attend the hearing and it is not possible to move the hearing to another location.
47	(k) People who	wish to speak about the rules which are the subject matter of the hearing shall be asked to write on the
48	speaker's list the	eir full names and if they represent other persons, the identity of the persons represented.
49	(l) People who	wish to speak shall be asked to provide the information called for by Paragraph (a) no later than before
50	the last speaker	on the list has finished speaking.
51	(m) People who	se names appear on the speaker's list shall be afforded an opportunity to speak at the hearing within the
52	limits on public	participation.
53	(n) Written com	nments, may be submitted by the deadline listed in the rule making notice.
54	(o) The person p	presiding over the hearing shall:
55	(1)	Refuse to recognize for speaking or revoke the recognition of any person who:
56		(A) Speaks or acts in an abusive or disruptive manner; or
57		(B) Refuses to keep comments relevant to the proposed rules which are the subject matter of the
58		hearing;
59	(2)	Limit the duration of the hearing and limit the amount of time each speaker may speak to a time which
60		allocates approximately equal speaking time to each person shown on the speaker's list as wishing to
61		speak; and
62	(3)	Limit presentations on behalf of the same organization or entity to no more than three, provided that all
63		those representing such organization or entity may enter their names and addresses into the record as
64		supporting the position of the organization or entity.
65		
66	History Note:	Authority G.S. <del>150B-11(1);</del> 150B-21.2;
67		Eff. February 1, 1976;
68		Amended Eff. March 1, 2012;
69		

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21	NCAC 148.0607 Waivers		
3. Action:   ☑ ADOPTION ☐ AMENDMENT ☐ REPEAL	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):		
5. Notice for Proposed Rule:	session law of general statute).		
Notice Required Notice of Text published on: December 1, 2011	de ID e and ID DO Atala e 2004 de la 18		
Link to Agency notice: http://www.nccosmeticarts.com/uploa Hearing on: December16,2011	ds/Board/PROctober2011.pdf		
Adoption by agency on: February13,2012			
Notice not required under G.S.:			
Adoption by agency on:	La wee		
6. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1)	7. Fiscal impact (check all that apply):		
3.1)	State funds affected		
☐ Yes	Environmental permitting of DOT affected and analysis submitted to Board of Transportation		
Agency submitted request for consultation on:	Local funds affected		
Consultation not required. Cite authority:	Date submitted to OSBM:		
⊠ No	Substantial economic impact (≥\$500,000)		
	☐ Approved by OSBM  ☑ No fiscal note required		
e drace	ON FOR ACTION		
8A. What prompted this action? Check all that apply:	IN FOR ACTION		
	Legislation enacted in last General Assembly session		
Court order / cite:	Cite Session Law:		
Federal statute / cite: Federal regulation / cite:	Petition for rule-making Other:		
8B. Explain: This rule adoption establishes requirements for both new and older salons to follow new changes to regulations. It allows older shops to continue to operate within permissions previously granted.			
9. Rule-making Coordinator: Stefanle Kuzdrell	10. Signature of Agency Head* or Rule-making Coordinator:		
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Organic of Agency fread of Rule-making Coordinator.		
	$\mathcal{L}_{\mathcal{A}}$		
Phone: 919-715-0018	*If this function has been delegated (reassigned) pursuant to		
E-Mail: skuzdrall@nccosmeticarts.com	G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency Contact, if any:	.,,		
	Typed Name: Stefanie Kuzdrall		
· · · · · · · · · · · · · · · · · · ·	Title: Rule-making Coordinator		
RRC AND OAH USE ONLY Action taken:			
RRC Extended period of review:			
RRC determined substantial changes:			
☐ Withdrawn by agency			
Subject to Legislative Review			
Other:			

1	21 NCAC 14B	.0607 WAIVERS IS ADOPTED AS PUBLISHED IN NC REGISTER 26:11 AS FOLLOWS:
2		
3	21 NCAC 14B	.0607 WAIVERS
4	(a) Individuals v	who wish to request a waiver of an administrative rule shall submit a written request to the Board, which
5	includes:	
6	(1)	The rule for which a waiver is requested;
7	(2)	The reason for requesting the waiver along with supporting documents;
8	(3)	Evidence of how the waiver will provide for the health and safety of the consumer or licensee; and
9	<u>(4)</u>	The signature of applicant.
10	(b) The Board s	hall approve a waiver request only if:
11	(1)	The administrative rule for which the waiver is being requested is not mandated by law; and
12	(2)	The Board finds that approval of the requested waiver shall not jeopardize the health and safety of
13		employees or the public.
14		
15	History Note:	Authority G.S. 88B-4;
16		Eff. March 1, 2012

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1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0201 Application for Shop License			
	T. 2		
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):		
5. Notice for Proposed Rule:	session law of general statutes:		
Notice Required     Notice Required			
Notice of Text published on: December 1, 2011			
Link to Agency notice: http://www.nccosmeticarts.com/uploa	ds/Board/PROctober2011.pdf		
Hearing on: December16,2011			
Adoption by agency on: February 13,2012  Notice not required under G.S.:			
Adoption by agency on:			
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):		
3.1)	State funds affected		
	Environmental permitting of DOT affected and		
Agency submitted request for consultation on:	analysis submitted to Board of Transportation		
Consultation not required. Cite authority:	Local funds affected		
, i	Date submitted to OSBM:		
⊠ No	☐ Substantial economic impact (≥\$500,000) ☐ Approved by OSBM		
·	No fiscal note required		
8. REASO	ON FOR ACTION		
8A. What prompted this action? Check all that apply:			
	Legislation enacted in last General Assembly session		
Federal statute / cite:	Cite Session Law: Petition for rule-making		
Federal regulation / cite:	Other:		
8B. Explain:			
This rule adoption establishes minimum requirements for the seperation of shops from other businesses and entranceways.			
, , , , , , , , , , , , , , , , , , , ,			
9. Rule-making Coordinator: Stefanie Kuzdrall 10. Signature of Agency Head* or Rule-making Coordinator:			
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Orginature of Agency freat of Rule-making Coofdinator:		
	XXX		
Phone: 919-715-0018			
	If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency Contact, if any:	0.5. 1450-10(a), submit a copy of the delegation with this total.		
	Typed Name: Stefanie Kuzdrall		
	Title: Rule-making Coordinator		
RRC AND OAH USE ONLY Action taken:			
Action taken.			
RRC Extended period of review:  RRC determined substantial changes:			
Withdrawn by agency			
Subject to Legislative Review			
Other:			

<u>1</u>	21 NCAC 14H .0201 APPLICATION FOR SHOP LICENSE IS ADOPTED AS PUBLISHED IN NC REGISTE.		
2	26:11 WITH CHANGES AS FOLLOWS:		
<u>3</u>			
<u>4</u>	SECTION .0200	SHOP LICENSING AND PHYSICAL DIMENSIONS	
<u>5</u>	21 NCAC 14H .02	201 APPLICATION FOR SHOP LICENSE	
<u>6</u>	(a) Rules in this Su	ubchapter apply to all cosmetic art shops making initial application to operate a cosmetic art shop after	
7	the effective date of these Rules.		
<u>8</u>	(b) Shops initially licensed prior to the effective date of the rules in this Subchapter may choose to comply with Rules		
<u>9</u>	.0202, .0203 (c), .0204 and .0301 of this Subchapter.		
<u>10</u>	(c) Shops initially	licensed prior to the effective date of the rules in this Subchapter must comply with Rules .0201, .0203	
<u>11</u>	(a)-(b), .03020304 and section .0400 and .0500 of this Subchapter.		
<u>12</u>	(d) Shops initially	licensed prior to the effective date of the rules in this Subchapter that make structural changes must	
<u>13</u>	come into complia	unce with all rules in this Subchapter	
<u>14</u>	(e) Persons desiri	ng to open as cosmetic art shop in the State of North Carolina shall make application to the North	
<u>15</u>	Carolina State Boa	rd of Cosmetic Art Examiner on the Board's application form. Persons desiring to change ownership	
<u>16</u>	of a cosmetic art sh	nop, relocate or reopen a shop which has been closed more than 90 days shall make application to the	
<u>17</u>	North Carolina Sta	ate Board of Cosmetic Art Examiner on the Board's application form.	
<u>18</u>			
<u>19</u>	History Note:	Authority G.S. 88B-2; 88B-4;88 B-14; 88B-22;	
<u>20</u>	1	Eff. March 1, 2012	
<u>21</u>			

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners		
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0202 Separation of Cosmetic Art Shops		
2.1.0		
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):	
5. Notice for Proposed Rule:	session law of general statute).	
Notice Required Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.nccosmetlcarts.com/upload Hearing on: December 16, 2011 Adoption by agency on: February 13, 2012 Notice not required under G.S.: Adoption by agency on: 6. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1)	7. Fiscal impact (check all that apply):   State funds affected	
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	Environmental permitting of DOT affected and analysis submitted to Board of Transportation     Local funds affected  Detartion of	
⊠ No	Date submitted to OSBM:  Substantial economic impact (≥\$500,000)  Approved by OSBM  No fiscal note required	
	N FOR ACTION	
8A. What prompted this action? Check all that apply:    Agency		
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. 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.	
Agency Contact, if any: Phone: E-Mail:	Typed Name: Stefanie Kuzdrałl Title: Rule-making Coordinator	
RRC AND OAH USE ONLY		
Action taken:  RRC Extended period of review: RRC determined substantial changes: Withdrawn by agency Subject to Legislative Review Other:		

1	21 NCAC 14H .0202 SEPARATION OF COSMETIC ART SHOPS IS ADOPTED AS PUBLISHED IN NC	
2	REGISTER 26:11 AS FOLLOWS:	
3		
4	21 NCAC 14H .0202 SEPARATION OF COSMETIC ART SHOPS	
5	(a) A cosmetic art shop, whether residential or non-residential, shall be separated from any building or room used for	
6	any other business by solid walls at least seven ft. in height.	
7	(b) An entrance to a cosmetic art shop from a passageway, walkway or mall area used only for access to the shop, or to	
8	the shop and other businesses, may be open.	
9		
10	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;	
11	Eff. March 1, 2012	
12		

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0203 Newly Established Shops	
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite
<b>★ ADOPTION AMENDMENT REPEAT</b> 5. Notice for Proposed Rule:	session law or general statute):
<u>'</u>	
Notice Required	
Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.nccosmeticarts.com/uplo	ade/Board/DROctober2011 ndf
Hearing on: December16,2011	aus/Board/F1/Octobe12011.ptil
Adoption by agency on: February 13, 2012	
☐ Notice not required under G.S.:	
Adoption by agency on:	
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):
3.1)	☐ State funds affected
☐ Yes	Environmental permitting of DOT affected and
Agency submitted request for consultation on:	analysis submitted to Board of Transportation
Consultation not required. Cite authority:	Local funds affected
	Date submitted to OSBM:  ☐ Substantial economic impact (≥\$500,000)
⊠ No	Approved by OSBM
	No fiscal note required
8. REAS	ON FOR ACTION
8A. What prompted this action? Check all that apply:	
★ Agency	☐ Legislation enacted in last General Assembly session
Court order / cite:	Cite Session Law:
Federal statute / cite:	Petition for rule-making
Federal regulation / cite:	Other:
8B. Explain:	
This rule adoption establishes minimum requirements for the seperate	on of in home shops from the living area.
9. Rule-making Coordinator: Stefanle Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	0611
Phonosomeron	
Phone: 919-715-0018 E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to
skuzdraii@nccosmeticans.com	G.S. 143B-10(a), submit a copy of the delegation with this form.
Agency Contact, if any:	<u>.</u>
Phone:	Typed Name: Stefanie Kuzdrall
E-Mail:	Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken:	
RRC Extended period of review:	
RRC determined substantial changes:	
Withdrawn by agency	
Subject to Legislative Review Other:	
Onioi.	

1	21 NCAC 14H .0203 NEWLY ESTABLISHED SHOPS ADOPTED AS PUBLISH IN NC REGISTER 26:11 AS
2	FOLLOWS:
3	
4	21 NCAC 14H .0203 NEWLY ESTABLISHED SHOPS
5	(a) A cosmetic art shop shall be separate and apart from any building or room used for any other business or purpose,
6	separated by a solid wall of at least seven feet in height and must have a separate outside entrance.
7	(b) A newly established cosmetic art shop, shall be separate and apart from any building or room used for living, dining
8	or sleeping and shall be separate and apart from any other room used for any other purpose by a solid wall of ceiling
9	height, making separate and apart rooms used for a cosmetic art shop. All entrances to the cosmetic art shop shall be
10	through solid, full length doors installed in solid walls of ceiling height.
11	(c) A residential cosmetic art shop shall furnish bathroom facilities separate and apart from the residence.
12	
13	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
14	Eff. March 1, 2012

.

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners		
2. Rule citation & name (name not required for repeal); 21 NCAC 14H .0204 Dimensions of Cosmetic Art Shops		
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite	
5. Notice for Proposed Rule:	session law or general statute):	
Notice Required Notice of Text published on: December 1, 2011		
Link to Agency notice: http://www.nccosmeticarts.com/uploa	uds/Board/PROctober2011 ndf	
Hearing on: December16,2011	dorboardir (Coloberzo I r.pur	
Adoption by agency on: February 13,2012		
Notice not required under G.S.:		
Adoption by agency on:		
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):	
3.1)	☐ State funds affected	
│	Environmental permitting of DOT affected and	
Agency submitted request for consultation on:	analysis submitted to Board of Transportation	
Consultation not required. Cite authority:	Local funds affected	
,	Date submitted to OSBM:  Substantial economic impact (≥\$500,000)	
⊠ No	Approved by OSBM	
	No fiscal note required	
8. REASO	ON FOR ACTION	
8A. What prompted this action? Check all that apply:		
Agency	Legislation enacted in last General Assembly session	
Court order / cite:	Cite Session Law:	
Federal statute / cite:  Federal regulation / cite:	Petition for rule-making Other:	
<del>-</del>	_ Other.	
8B. Explain:		
This rule adoption establishes minimum space requirements for the clinic (service) area to allow a safe distance between work area.		
9. Rule-making Coordinator: Stefanle Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:	
Address: 1201 Front Street Suite 110 Raleigh, NC 27609		
Phone: 040 745 0040	XXX	
Phone: 919-715-0018  E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to	
and Entire Incommentation (St.COII)	G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency Contact, if any:		
	Typed Name: Stefanie Kuzdrall	
	Title: Rule-making Coordinator	
RRC AND OAH USE ONLY		
Action taken:	•	
RRC Extended period of review:		
RRC determined substantial changes:		
Withdrawn by agency Subject to Legislative Review		
Other:		

I	21 NCAC 14H	.0204 DIMENSIONS OF COSMETIC ART SHOPS IS ADOPTED AS PROPOSED IN NC
2	REGISTER 26	11 AS FOLLOWS:
3		
4	21 NCAC 14H	.0204 DIMENSIONS OF COSMETIC ART SHOPS
5	Within the clinic	area each shop shall maintain no less than the following working distances:
6	(1)	48 inches of space from the center to the center of each styling chair, esthetics table or manicuring
7		table;
8	(2)	24 inches from the center of the chair forward;
9	(3)	48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring
10		table; and
11	(4)	at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table to the
12		wall of the shop.
13		
14	History Note:	Authority G.S. 88B-2; 88B-4; 88B-14;
15		Eff. March 1, 2012

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners		
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0301 Water Supply		
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite	
ADOPTION AMENDMENT REPEAL  5. Notice for Proposed Rule:	session law or general statute):	
Notice Required		
Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.nccosmeticarts.com/uploa	ode/Roard/DBOatobar2011 ndf	
Hearing on: December16,2011	idensidal dir i Nociobel 2011, pdi	
Adoption by agency on: February 13,2012		
Notice not required under G.S.:		
Adoption by agency on:		
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):	
3.1)	State funds affected	
Yes	Environmental permitting of DOT affected and	
Agency submitted request for consultation on:	analysis submitted to Board of Transportation  Local funds affected	
Consultation not required. Cite authority:	Date submitted to OSBM:	
⊠ No	Substantial economic impact (≥\$500,000)	
	Approved by OSBM	
	⊠ No fiscal note required	
	ON FOR ACTION	
8A. What prompted this action? Check all that apply:		
	Legislation enacted in last General Assembly session Cite Session Law:	
Federal statute / cite:	Petition for rule-making	
Federal regulation / cite:	Other:	
OD Evolain		
8B. Explain: This rule adoption establishes a requirement for ventilation and light in	shops.	
, , , , , , , , , , , , , , , , , , , ,		
	10.01	
9. Rule-making Coordinator: Stefanie Kuzdrall Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Signature of Agency Head* or Rule-making Coordinator:	
Address: 1201 Front Order Odite 110 Maleigh, 140 27003		
Phone: 919-715-0018		
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to	
	G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency Contact, if any: Phone:	Typed Name: Stefanie Kuzdrall	
E-Mail:	Title: Rule-making Coordinator	
· · · · · · · · · · · · · · · · · · ·	OAH USE ONLY	
Action taken:		
RRC Extended period of review:		
RC Extended period of Teview.  RRC determined substantial changes:		
☐ Withdrawn by agency		
Subject to Legislative Review		
Other:		

I	21 NCAC 14H .0301 WATER SUPPLY IS ADOPTED AS PUBLISHED IN NC REGISTER 26:11 AS FOLLOWS:
2	SECTION .0300 COSMETIC ART SHOP AND EQUIPMENT
3	
4	21 NCAC 14H .0301 WATER SUPPLY
5	(a) Cosmetic art shops shall have a sink with hot and cold running water in the clinicarea, separate from restrooms.
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-2; 88B-4; 88B-14;
10	Eff. March 1, 2012

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0302 Ventilation and Light	
3. Action:  ADOPTION AMENDMENT REPEAL	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):
5. Notice for Proposed Rule:	
Notice Required Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.nccosmeticarts.com/uploa Hearing on: December16,2011 Adoption by agency on: February 13, 2012 Notice not required under G.S.: Adoption by agency on:	ids/Board/PROctober2011.pdf
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):
3.1)  ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  ☒ No	<ul> <li>State funds affected</li> <li>Environmental permitting of DOT affected and analysis submitted to Board of Transportation</li> <li>Local funds affected</li> <li>Date submitted to OSBM:</li> <li>Substantial economic impact (≥\$500,000)</li> <li>Approved by OSBM</li> </ul>
	■ No fiscal note required
8. REASON FOR ACTION  8A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: Federal regulation / cite:  BB. Explain: This rule adoption establishes minimum equipment standards for bathroom facilities.	
9. Rule-making Coordinator: Stefanle Kuzdrall Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Signature of Agency Head* or Rule-making Coordinator:
Phone: 919-715-0018  E-Mail: skuzdrall@nccosmeticarts.com  Agency Contact, if any: Phone: E-Mail:	*H 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
	OAH USE ONLY
Action taken:  RRC Extended period of review: RRC determined substantial changes: Withdrawn by agency Subject to Legislative Review	
Other:	

1	21 NCAC 14H .0302 VENTILATION AND LIGHT IS ADOPTED AS PROPOSED IN NC REGISTER 26:11 AS
2	FOLLOWS:
3	
4	21 NCAC 14H .0302 VENTILATION AND LIGHT
5	(a) Necessary ventilation shall be provided at all times in the areas where patrons are serviced in all cosmetic art shops,
6	there must be a continuous exchange of air
7	(b) All doors and windows, if open for ventilation, effectively screened.
8	(c) Light shall be provided in the service area.
9	(d) All cosmetic art shops must adhere to any federal, state and local government regulation or ordinance regarding fire
10	safety codes, plumbing and electrical work.
11	
12	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
13	Eff. March 1, 2012

2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0303 Bathroom Facilities  3. Action:  3. Action:  3. Action:  3. Approximate App	1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
MADOPTION				
MADOPTION				
5. Notice for Proposed Rule:  Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.nccosmeticarts.com/usloade/Board/PROctober2011.pdf Hearing on: December 16, 2011 Adoption by agency on: February 13, 2012 Notice not required under G.S.: Adoption by agency on:  6. Fee. Rule establishes or increases a fee? (See G.S. 12- 3.1)  Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  No  8. REASON FOR ACTION  8. REASON FOR ACTION  8. What prompted this action? Check all that apply: Court order / cite: Pederal statute / cite: Pederal regulation / cite: Petition for rule-making  9. Rule-making Coordinator: Stefanie Kuzdrall Address: 120, 130, 130, 130, 130, 130, 130, 130, 13				
Notice Required   Notice of Text published on: December 1, 2011   Link to Agency notice: http://www.ncoosmeticarts.com/uploads/Board/PROctober2011.pdf   Hearing on: December16,2011   Adoption by agency on: February13,2012   Notice not required under G.S.:   Adoption by agency on:   Adoption by agency on:   Agency submitted request for consultation on:   Consultation not required. Cite authority:   No		session law or general statute):		
Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.necosmeticarts.com/uploads/Board/PROctober2011.pdf Hearing on: December 16, 2011 Adoption by agency on: February 13, 2012 Notice not required under G.S.: Adoption by agency on: 6. Fee. Rule establishes or increases a fee? (See G.S. 12- 3.1)	<u>'</u>			
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Hearing on: December16,2011 Adoption by agency on: February13,2012 Notice not required under G.S.: Adoption by agency on:  6. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1)    Yes		do/Roard/DBOotober2014 w/F		
Adoption by agency on: February 13,2012 Notice not required under G.S.: Adoption by agency on:  6. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1)  7. Fiscal impact (check all that apply): 3.1)  State funds affected Environmental permitting of DOT affected and analysis submitted to Board of Transportation Local funds affected Date submitted to Board of Transportation Local funds affected Environmental permitting of DOT affected and analysis submitted to Board of Transportation Local funds affected Date submitted to Board of Transportation Local funds affected Environmental permitting of DOT affected and analysis submitted to Board of Transportation Local funds affected Date submitted to Board of Transportation Local funds affected Environmental permitting of DOT affected and analysis submitted to Board of Transportation Local funds affected Environmental permitting of DOT affected and analysis submitted to Board of Transportation Date submitted to Board of Transportation Date submitted to Board of Transportation Date submitted to Board of Transportation Local funds affected Environmental permitting of DOT affected and analysis submitted to Board of Transportation Date submitted rounds affected Environmental permitting of DOT affected and analysis submitted rounds analysis submitted to Board of Transportation Local funds affected Environmental permitting of DOT affected and analysis submitted rounds analysis state funds affected Environmental permitting of DOT affected and analysis state funds affected Environmental permitting of DOT affected and analysis submitted rounds analysis state funds affected Environmental permitting of DOT affected and analysis state funds affected Environmental permitting of DOT affected analysis states analysis states analysis analysis states analysis analysis states analysis	Hearing on: December16 2011	us/board/PROctoberzu11,pdf		
Notice not required under G.S.:   Adoption by agency on:   6. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1.)   State funds affected   Environmental permitting of DOT affected and analysis submitted request for consultation on:   Consultation not required. Cite authority:   State funds affected   Environmental permitting of DOT affected and analysis submitted to OSBM:   Consultation not required. Cite authority:   Date submitted to OSBM:   Substantial economic impact (≥\$500,000)   Approved by OSBM   No fiscal note required.   No   Provided this action? Check all that apply:   Legislation enacted in last General Assembly session   Cite Session Law:   Petition for rule-making   Other:     Federal statute / cite:   Petition for rule-making   Other:     SB. Explain:   Petition for rule-making   Other:   Petition for rule-making   Othe				
6. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1)    Yes	Notice not required under G.S.:			
State funds affected    Yes				
State funds affected Environmental permitting of DOT affected and analysis submitted to Board of Transportation Local funds affected Date submitted to OSBM:  Substantial economic impact (≥\$500,000) Approved by OSBM No Substantial economic impact (≥\$500,000) Approved by OSBM No fiscal note required  8. REASON FOR ACTION  8A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: Federal statute / cite: Federal regulation / cite: Other:  8B. Explain: This rule adoption establishes a grading rubric for the evaluation of shop sanitation grades.  9. Rule-making Coordinator: Stefanle Kuzdrall Address: 1201 Front Street Suite 110 Raleigh, NC 27609  Phone: 919-715-0018 E-Mail: skuzdrall@necosmeticarts.com  Agency Contact, if any: Phone: Typed Name: Stefanle Kuzdrall Title: Rule-making Coordinator  Typed Name: Stefanle Kuzdrall Title: Rule-making Coordinator  RRC AND OAH USE ONLY		7. Fiscal impact (check all that apply):		
Agency submitted request for consultation on: Consultation not required. Cite authority:  No  No  REASON FOR ACTION  8. REASON FOR ACTION  8A. What prompted this action? Check all that apply: Agency Court order / cite: Federal statute / cite: Federal regulation / cite: Other:  8B. Explain: This rule adoption establishes a grading rubric for the evaluation of shop sanitation grades.  9. Rule-making Coordinator: Stefanie Kuzdrall Address: 1201 Front Street Suite 110 Raleigh, NC 27609  Phone: 919-715-0018 E-Mail: skuzdrall@necosmeticarts.com  Agency Contact, if any: Phone: F-Mail: RRC AND OAH USE ONLY  analysis submitted to Board of Transportation Local funds affected Date submitted to Board of Transportation Local funds affected Date submitted to Board of Transportation Local funds affected Date submitted to Board of Transportation Local funds affected Date submitted to OSBM: Substantial economic impact (≥\$500,000) Approved by OSBM No fiscal note required  8. REASON FOR ACTION  Legislation enacted in last General Assembly session Cite Session Law: Petition for rule-making Other:  8B. Explain:  10. Signature of Agency Head* or Rule-making Coordinator:  4 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  RRC AND OAH USE ONLY	3.1)	State funds affected		
Agency submitted to Poard of Transportation Consultation not required. Cite authority:  No  No  REASON FOR ACTION  8A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: Federal regulation / cite: Cite Session Law: Federal regulation / cite: Cite Session Law: Federal regulation / cite: Cite Session Law: Petition for rule-making Other:  8B. Explain: This rule adoption establishes a grading rubric for the evaluation of shop sanitation grades.  9. Rule-making Coordinator; Stefanle Kuzdrall Address: 1201 Front Street Suite 110 Raleigh, NC 27609  Phone: 919-715-0018 E-Mail: skuzdrall@nccosmeticarts.com  Agency Contact, if any: Phone: F-Mail: RRC AND OAH USE ONLY	☐ Ves			
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Address: 1201 Front Street Sulte 110 Raleigh, NC 27609  Phone: 919-715-0018  E-Mail: skuzdrall@nccosmeticarts.com  Agency Contact, if any:  Phone:  Phone:  Typed Name: Stefanie Kuzdrall  Title: Rule-making Coordinator  RRC AND OAH USE ONLY				
Phone: 919-715-0018  E-Mail: skuzdrall@nccosmeticarts.com  Agency Contact, if any:  Phone:  Phone:  Typed Name: Stefanie Kuzdrall  Title: Rule-making Coordinator  RRC AND OAH USE ONLY		10. Signature of Agency Head* or Rule-making Coordinator:		
E-Mail: skuzdrall@nccosmeticarts.com  Agency Contact, if any:  Phone:  E-Mail:  Typed Name: Stefanie Kuzdrall  Title: Rule-making Coordinator  RRC AND OAH USE ONLY	Address: 1201 Front Street Sulte 110 Raleigh, NC 27609			
E-Mail: skuzdrall@nccosmeticarts.com  Agency Contact, if any:  Phone:  E-Mail:  Typed Name: Stefanie Kuzdrall  Title: Rule-making Coordinator  RRC AND OAH USE ONLY	Phone: 040 745 0040			
Agency Contact, if any:  Phone: Typed Name: Stefanie Kuzdrall Title: Rule-making Coordinator  RRC AND OAH USE ONLY		*If this function has been delegated (reassigned) nursuant to		
Phone: Typed Name: Stefanie Kuzdrall E-Mail: Title: Rule-making Coordinator  RRC AND OAH USE ONLY				
E-Mail: Title: Rule-making Coordinator  RRC AND OAH USE ONLY	Agency Contact, if any:			
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Pastery .				
RRC Extended period of review:				
RRC determined substantial changes: Withdrawn by agency				
Subject to Legislative Review				
Other:				

Ţ	21 NCAC 14H .0303 BATHROOM FACILITIES IS PROPOSED FOR ADOPTION NC REGISTER 26:11 A
2	FOLLOWS WITH CHANGES:
3	
4	21 NCAC 14H .0303 BATHROOM FACILITIES
5	(a) Toilet and hand washing facilities consisting of at least one commode and one hand washing sink with hot an
6	cold running water, liquid soap and individual clean towels or hand air dryer shall be provided.
7	(b) Shops with an initial licensure date after the effective date of this Rule must have toilet and hand washin
8	facilities in the bathroom.
9	
10	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
11	Eff. March 1, 2012

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0 304 Equipment			
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite		
■ ADOPTION	session law or general statute):		
5. Notice for Proposed Rule:			
■ Notice Required			
Notice of Text published on: December 1, 2011			
Link to Agency notice: http://www.nccosmeticarts.com/uploa	ids/Board/PROctober2011.pdf		
Hearing on: December16,2011 Adoption by agency on: February13,2012			
Notice not required under G.S.:			
Adoption by agency on:			
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):		
3.1)	tana		
	State funds affected Environmental permitting of DOT affected and		
Yes	analysis submitted to Board of Transportation		
Agency submitted request for consultation on:  Consultation not required. Cite authority:	Local funds affected		
constitution not required. Cite authority.	Date submitted to OSBM:		
⊠ No	Substantial economic impact (≥\$500,000)		
	☐ Approved by OSBM ☐ No fiscal note required		
0 PE 0	·		
8A. What prompted this action? Check all that apply:	ON FOR ACTION		
Agency	Legislation enacted in last General Assembly session		
Court order / cite:	Cite Session Law:		
Federal statute / cite:	Petition for rule-making		
☐ Federal regulation / cite:	Other:		
8B. Explain:			
This rule adoption establishes criteria underwhich the Board can review	circumstances for waiver of regulations.		
9. Rule-making Coordinator: Stefanie Kuzdrall	10 Cignoting of Assert Hardy Pales Line Co. 11		
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Signature of Agency Head* or Rule-making Coordinator:		
<b>3</b> .,,	(XA)		
<b>Phone:</b> 919-715-0018	3//		
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to		
Agency Contact, if any:	G.S. 143B-10(a), submit a copy of the delegation with this form.		
	Typed Name: Stefanie Kuzdrall		
	Title: Rule-making Coordinator		
	OAH USE ONLY		
Action taken:			
	· .		
RRC Extended period of review:			
RRC determined substantial changes:			
Withdrawn by agency			
Subject to Legislative Review			
Other:			

1	21 NCAC 14H .0304 EQUIPMENT IS ADOPTED AS PROPOSED IN NC REGISTER 26:11 AS FOLLOWS:
2	
3	21 NCAC 14H .0304 EQUIPMENT
4	Cosmetic art shops shall maintain equipment and supplies to safely perform any cosmetic art service offered in the shop
5	
6	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
7	Eff. March 1, 2012

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0401 Licensees and Students			
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite		
ADOPTION ☐ AMENDMENT ☐ REPEAR	L session law or general statute):		
5. Notice for Proposed Rule:			
Notice Required			
Notice of Text published on: December 1, 2011	•		
Link to Agency notice: http://www.nccosmeticarts.com/uple	pads/Board/PROctober2011.pdf		
Hearing on: December16,2011			
Adoption by agency on: February 13,2012  Notice not required under G.S.:			
Adoption by agency on:			
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):		
3.1)	generation.		
	State funds affected		
☐ Yes	Environmental permitting of DOT affected and		
Agency submitted request for consultation on:	analysis submitted to Board of Transportation  Local funds affected		
Consultation not required. Cite authority:	Date submitted to OSBM:		
⊠ No	☐ Substantial economic impact (≥\$500,000)		
. T40	Approved by OSBM		
	No fiscal note required  No fiscal note		
8. REAS	SON FOR ACTION		
8A. What prompted this action? Check all that apply:			
Agency	Legislation enacted in last General Assembly session		
Court order / cite:	Cite Session Law:		
<ul><li>☐ Federal statute / cite:</li><li>☐ Federal regulation / cite:</li></ul>	Petition for rule-making Other:		
reactarregulation / cite.	U Other:		
8B. Explain:			
This rule adoption provides guidelines for physical standards of cleanliness, repair of equipment and designation of location for cosmetic art shops.			
These standards are necessary both for safety and inspection purposes.			
9. Rule-making Coordinator: Stefanie Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:		
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Signature of Agency Head of Kute-making Coordinator:		
Phone: 919-715-0018			
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to		
	G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency Contact, if any: Phone:	The Ana Ctofonio Kurdroll		
r none: E-Mail:	Typed Name: Stefanie Kuzdrall Title: Rule-making Coordinator		
The state of the s	D OAH USE ONLY		
Action taken:	O VARA UND VITEL		
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RRC Extended period of review:			
RRC determined substantial changes:			
☐ Withdrawn by agency ☐ Subject to Legislative Review			
Other:			

1	21 NCAC 14H .0401 LICENSEES AND STUDENTS IS ADOPTED AS PROPOSED IN NC REGISTER 26	:11 AS
2	FOLLOWS:	
3		
4	SECTION .0400 SANITATION PROCEDURES AND PRACTICES	
5		
6	21 NCAC 14H .0401 LICENSEES AND STUDENTS	
7	(a) Each licensee and student shall wash his or her hands with soap and water or an equally effective cleansing	g agent
8	immediately before and after serving each client.	
9	(b) Each licensee and student shall wear clean garments and shoes while serving patrons.	
10	(c) Licensees or students must not use or possess in a cosmetic art school or shop any of the following produc	ts:
11	(1) Methyl Methacrylate Liquid Monomer a.k.a. MMA;	
12	(2) Razor-type callus shavers designed and intended to cut growths of skin including but not lim	rited to
13	skin tags, corns and calluses;	
14	(3) FDA rated Class III devices;	
15	(4) Carbolic acid (phenol) over two percent strength;	
16	(5) Animals including insects, fish, amphibians, reptiles, birds or mammals to perform any serv	<u>ice; o</u> r
17	(6) Variable speed electrical nail file on the natural nail unless it has been designed for use on the	<u>natural</u>
18	<u>nail.</u>	
19	(d) A licensee or student must not:	
20	(1) Use any product, implement or piece of equipment in any manner other than the product, implement of the product, implement of the product	nent or
21	equipment's intended use as described or detailed by the manufacturer;	
22	(2) Diagnose any medical condition or treat any medical condition unless referred by a physicia	<u>n</u> ;
23	(3) Provide any service unless trained prior to performing the service;	
24	(4) Perform services on a client if the licensee has reason to believe the client has any of the following	owing:
25	(A) a contagious condition or disease;	
26	(B) an inflamed, infected, broken, raised or swollen skin or nail tissue; or	
27	(C) an open wound or sore in the area to be worked on;	
28	(5) Alter or duplicate a license issued by the Board;	
29	(6) Advertise or solicit clients in any form of communication in a manner that is false or mislead	ling;
30	(7) Use any Class II device without the documented supervision of a licensed physician; or	
31	(8) Use any product that will penetrate the dermis.	
32	(e) In using a disinfectant, the user shall wear any personal protective equipment, such as gloves, recommended	by the
33	manufacturer in the Material Safety Data Sheet.	
34		
35	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;	
36	Eff March 1 2012	

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0402 Cosmetic Art Shops and Schools			
3. Action:   ▼ ADOPTION	4. Exemption. Rule exempt from RRC review according to (cite		
<b>X</b> ADOPTION ☐ AMENDMENT ☐ REPEAL  5. Notice for Proposed Rule:	session law or general statute):		
1 <u> </u>			
Notice Required			
Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.nccosmeticarts.com/uploa	nds/Roard/RROatshar2011 neff		
Hearing on: December16,2011	dus/board/FNOdoperzo11.pd)		
Adoption by agency on: February 13, 2012			
☐ Notice not required under G.S.:			
Adoption by agency on:			
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):		
3.1)	☐ State funds affected		
Yes	Environmental permitting of DOT affected and		
Agency submitted request for consultation on:	analysis submitted to Board of Transportation		
Consultation not required. Cite authority:	Local funds affected Date submitted to OSBM:		
⊠ No	Substantial economic impact (≥\$500,000)		
M NO	Approved by OSBM		
	No fiscal note required		
	ON FOR ACTION		
8A. What prompted this action? Check all that apply:			
	Legislation enacted in last General Assembly session		
Federal statute / cite:	Cite Session Law: Petition for rule-making		
Federal regulation / cite:	Other:		
OD Evenlain.			
8B. Explain: This rule adoption provides guidelines for minimum standards of disinfection and cleanliness in salons.			
The two support provided guidelines for minimum standards of distillection and cleanliness in salicits.			
	•		
9. Rule-making Coordinator: Stefanie Kuzdrall Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Signature of Agency Head* or Rule-making Coordinator:		
Address: 1207 From Offset Guille 110 (Valeign, NG 27009			
Phone: 919-715-0018			
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to		
Agency Contact, if any:	G.S. 143B-10(a), submit a copy of the delegation with this form.		
	Typed Name: Stefanie Kuzdrall		
	Title: Rule-making Coordinator		
RRC AND OAH USE ONLY			
Action taken:			
RRC Extended period of review:			
RRC determined substantial changes:			
Withdrawn by agency	į		
Subject to Legislative Review Other:			
U Calci.			

21 NCAC 14H .0402 COSMETIC ART SHOPS AND SCHOOLS IS ADOPTED AS PROPOSED IN NC
REGISTER 26:11 AS FOLLOWS WITH CHANGES:

21 NCAC 14H .0402 COSMETIC ART SHOPS AND SCHOOLS

- 5 (a) The cosmetic art facility shall be kept clean.
- 6 (b) Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles shall
- 7 be maintained in a sanitary manner
- 8 (c) All doors and windows shall be kept clean.
- 9 (d) Furniture, equipment, floors, walls, ceilings and fixtures must be clean andin good repair.
- 10 (e) Animals or birds shall not be in a cosmetic art shop or school. Fish in an enclosure and animals trained for the
- 11 purpose of accompanying disabled persons are exempt.
- 12 (f) Cosmetic art shops and schools shall be designate the entrance by a sign or lettering.

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

15 Eff. March 1, 2012

13

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0403 Disinfection Procedures			
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):		
5. Notice for Proposed Rule:	session iaw or general statute):		
· ·			
Notice Required Notice of Text published on: December 1, 2011			
Link to Agency notice: http://www.nccosmeticarts.com/uploa	ds/Board/PROctober2011 pdf		
Hearing on: December16,2011	as/bouten (Notobolizo ) (ipul		
Adoption by agency on: February 13,2012			
Notice not required under G.S.:			
Adoption by agency on:			
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):		
3.1)	State funds affected		
Yes	Environmental permitting of DOT affected and		
Agency submitted request for consultation on:	analysis submitted to Board of Transportation		
Consultation not required. Cite authority:	Local funds affected		
	Date submitted to OSBM:  Substantial economic impact (≥\$500,000)		
⊠ No	Approved by OSBM		
	No fiscal note required		
8. REASO	ON FOR ACTION		
8A. What prompted this action? Check all that apply:			
Agency Agency	Legislation enacted in last General Assembly session		
Court order / cite:	Cite Session Law:		
Federal statute / cite: Federal regulation / cite:	Petition for rule-making Other:		
	_ Other.		
8B. Explain:			
This rule adoption provides guidelines for minimum equiment necessary to maintain in a salon to provide for self administered first aid treatment.			
9. Rule-making Coordinator; Stefanie Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:		
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	$\alpha$		
Phonores			
Phone: 919-715-0018  E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to		
skuzdran@nccosmeticarts.com	G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency Contact, if any:			
Phone:	Typed Name: Stefanie Kuzdrall		
	Title: Rule-making Coordinator		
	OAH USE ONLY		
Action taken:			
	·		
RRC Extended period of review:			
RRC determined substantial changes:			
Withdrawn by agency	•		
Subject to Legislative Review Other:			
~ ~ *** VII			

1	21 NCAC 14H	.0403 DISINFECTION PROCEDURES IS ADOPTED AS PROPOSED IN NC REGISTER 26:11
2	AS FOLLOWS	S WITH CHANGES:
3		
4	21 NCAC 14H	.0403 DISINFECTION PROCEDURES
5	(a) Sanitation r	ules which apply to towels and cloths are as follows:
6	(1)	Clean protective capes, drapes linens and towels shall be used for each patron;
7	(2)	After a protective cape has been in contact with a patron's neck it shall be placed in a clean, closed
8		container until laundered with soap and hot water and dried in a heated dryer Capes that cannot be
9		laundered and dried in a heater dryer may be disinfected with an EPA registered hospital grade
10		disinfectant mixed and used in accordance with the manufacturer directions; and
11	(3)	After a drape, linen or towel has been in contact with a patron's skin it shall be placed in a clean,
12		covered container until laundered with soap and hot water and dried in a heated dryer. A covered
13		container may have an opening so soiled items may be dropped into the container
14	(b) Any paper of	or nonwoven protective drape or covering shall be discarded after one use.
15	(c) There shall	be a supply of clean protective drapes, linens and towels at all times.
16	(d) Clean drape	es, capes, linens, towels and all other supplies shall be stored in a clean area.
17	(e) Bathroom fa	acilities must be kept cleaned.
18	(f) All implem	ents shall be cleaned and disinfected after each use in the following manner:
19	(1)	They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and
20		dried.
21	(2)	They shall be disinfected in accordance with the following:
22		(A) EPA registered, hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) or
23		tuberculocidal, that is mixed and used according to the manufacturer's directions; They shall
24		be rinsed with hot tap water and dried with a clean towel before their next use. They shall be
25		stored in a clean, closed cabinet or container until they are needed; or
26		(B) 1 and 1/3 cup of 5.25 percent household bleach to one gallon of water for 10 minutes. They
27		shall be rinsed with hot tap water and dried with a clean towel before their next use. They
28		shall be stored in a clean, closed cabinet or container until they are needed; or
29		(C) UV-C, ultraviolet germicidal irradiation used accordance with the manufacturer's directions.
30	(3)	If the implement is not immersible or is not disinfected by UV-C irradiation, it shall be cleaned by
31		wiping it with a clean cloth moistened or spraying with a disinfectant EPA registered,
32		hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) or tuberculocidal, used in
33		accordance with the manufacturer's directions.
34	(4)	Implements that come in contact with blood, shall be disinfected by:
35		(A) disinfectant, used in accordance with the manufacturer's instructions, that states the solution
36		will destroy HIV, TB or HBV viruses and approved by the Federal Environmental Protection
37		Agency; or

38		(B)	EPA registered, hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal) and
39			tuberculocidal, that is mixed and used according to the manufacturer's directions; or
40		(C)	household bleach in a 10 percent solution for 10 minutes.
41	(g) All disinfected non-electrical implements shall be stored in a clean closed cabinet or clean closed container.		
42	(h) All disinfected electrical implements shall be stored in a clean area.		
43	(i) Disposable	and porou	us implements and supplies must be discarded after use or upon completion of the service.
44	(j) Product that comes into contact with the patron must be discarded upon completion of the service.		
45	(k) Clean, clos	able storaș	ge much be provided for all disinfected implements not in use. Containers with open faces may
46	be covered/clos	ed with pl	lastic wrapping. Disinfected implements must be kept in a clean closed cabinet or clean closed
47	container and r	nust not b	e stored with any implementor item that has not been disinfected.
48	(I) Lancets, di	sposable i	razors, and other sharp objects shall be disposed in puncture-resistant containers.
49	(m) All creams	, lotions, v	wax, cosmetics, and other products dispensed to come in contact with patron's skin must be kept
50	in clean, closed	containe	rs, and must conform in all respects to the requirements of the Pure Food and Drug Law. Any
51	product apport	oned for u	ise and removed from original containers must be distributed in a sanitary manner that prevents
52	contamination	of product	or container. Any product dispensed in portions into another container must be dispensed into a
53	sanitized conta	iner and ap	oplied to patrons by means of a disinfected or disposable implement or other sanitized methods.
54	Any product di	spensed in	portions not dispensed into another container must be used immediately and applied to patrons
55	by means of a disinfected or disposable implement or other sanitized methods. No product dispensed in portions may be		
56	returned to the original container.		
57	(n) As used in this Rule whirlpool or footspa means any basin using circulating water		
58	(o) After each	patron eac	ch whirlpool or footspa must be cleaned and disinfected as follows:
59	(1)	All wat	ter must be drained and all debris removed from the basin;
60	(2)	The ba	sin must be disinfected by filling the basin with water and circulating:
61		(A)	Two tablespoons of automatic dishwashing powder and ¼ cup of 5.25 percent household
62			bleach to one gallon of water through the unit for 10 minutes; or
63		(B)	Surfactant or enzymatic soap with an EPA registered disinfectant with bactericidal,
64			tuberculocidal, fungicidal and virucidal activity used according to manufacturer's instructions
65			through the unit for 10 minutes;
66	(3)	The ba	sin must be drained and rinsed with clean water; and
67	(4)	The ba	sin must be wiped dry with a clean towel.
68	(p) At the end	of the day	each whirlpool or footspa must be cleaned and disinfected as follows:
69	(1)	The sci	reen must be removed and all debris trapped behind the screen removed;
70	(2)	The sci	reen and the inlet must be washed with surfactant or enzymatic soap or detergent and rinsed
71		with cl	ean water;
72	(3)	Before	replacing the screen one of the following procedures must be performed:
73		(A)	The screen must be totally immersed in a household bleach solution of $\frac{1}{4}$ cup of 5.25 percent
74			household bleach to one gallon of water for 10 minutes; or

75		(B) The screen must be totally immersed in an EPA registered disinfectant with bactericidal
76		tuberculocidal, fungicidal and virucidal activity in accordance to the manufacturer's
77		instructions for 10 minutes;
78	(4)	The inlet and area behind the screen must be cleaned with a brush and surfactant soap and water to
79		remove all visible debris and residue; and
80	(5)	The spa system must be flushed with low sudsing surfactant or enzymatic soap and warm water for at
81		least 10 minutes and then rinsed and drained.
82	(q) Every week	after cleaning and disinfecting pursuant to Paragraphs (a) and (b) of this Rule each whirlpool and footspa
83	must be cleaned	and disinfected in the following manner:
84	(1)	The whirlpool or footspa basin must be filled with water and 1/4 cup of 5.25 percent household bleach
85		for each one gallon of water or EPA registered disinfectant with bactericidal, tuberculocidal, fungicidal
86		and virucidal activity in accordance to the manufacturer's instructions; and
87	(2)	The whirlpool or footspa system must be flushed with the bleach and water or EPA registered
88		disinfectant solution for 10 minutes and allowed to sit for at least six hours; and
89	(3)	The whirlpool or footspa system must be drained and flushed with water before use by a patron.
90	(r) A record mu	st be made of the date and time of each cleaning and disinfecting as required by this Rule including the
91	date, time, reas	on and name of the staff member that performed the cleaning. This record must be made for each
92	whirlpool or fo	otspa and must be kept and made available for at least 90 days upon request by either a patron or
93	inspector.	
94	(s) The water in	a vaporizer machine must be emptied daily and the unit disinfected.
95	(t) The area wh	ere services are performed that come in contact with the patron's skin including treatment chairs,
96	treatment tables	and beds shall be disinfected between patrons.
97		
98	History Note:	Authority G.S. 88B-2; 88B-4; 88B-14;
00		Eff. March 1 2012

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0404 First Aid			
	10pt-1900-4889 P 1977-19-4b- 4889 B 1977-19-4b- 4880 B 1977-19-4b- 488		
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite		
ADOPTION AMENDMENT REPEAL	session law or general statute):		
5. Notice for Proposed Rule:			
Notice Required			
Notice of Text published on: December 1, 2011			
Link to Agency notice: http://www.nccosmeticarts.com/uploa	ds/Board/PROctober2011.pdf		
Hearing on: December16,2011			
Adoption by agency on: February 13,2012  Notice not required under G.S.:			
Adoption by agency on:			
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):		
3.1)			
	State funds affected		
☐ Yes	Environmental permitting of DOT affected and analysis submitted to Board of Transportation		
Agency submitted request for consultation on:	Local funds affected		
Consultation not required. Cite authority:	Date submitted to OSBM:		
	Substantial economic impact (≥\$500,000)		
⊠ No	Approved by OSBM		
	No fiscal note required		
8. REASO	ON FOR ACTION		
8A. What prompted this action? Check all that apply:			
	Legislation enacted in last General Assembly session		
Court order / cite:	Cite Session Law:		
Federal statute / cite:	Petition for rule-making		
Federal regulation / cite:	☐ Other:		
8B. Explain:	,		
This rule adoption provides guidelines for sanitaiton inspection of salons by Board agent as required by statute.			
9. Rule-making Coordinator: Stefanie Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:		
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Signature of Agency Mead of Rule-making Cool dinator.		
Trade construction of the	Q1		
<b>Phone:</b> 919-715-0018			
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to		
	G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency Contact, if any:	OL C. C. L. D. H.		
Phone:	Typed Name: Stefanie Kuzdrall		
E-Mail:	Title: Rule-making Coordinator OAH USE ONLY		
with the second	OAH USE ONLY		
Action taken:			
RRC Extended period of review:			
RRC determined substantial changes:			
Withdrawn by agency			
Subject to Legislative Review			
Other:			

1	21 NCAC 14H .0404 FIRST AID IS ADOPTED AS PROPOSED IN NC REGISTER 20:11 AS FOLLOWS:
2	
3	21 NCAC 14H .0404 FIRST AID
4	(a) Each cosmetic art shop and school must have antiseptics, gloves or finger guards, sterile bandages and other
5	necessary supplies available to provide first aid.
6	(b) If the skin of the licensee or student is punctured, the licensee or student shall immediately do the following:
7	(1) Apply antiseptic and a sterilized bandage;
8	(2) Disinfect any implement exposed to blood before proceeding; and
9	(3) Put on disposable, protective gloves or a finger guard.
10	(c) If the skin of the patron is punctured, the licensee or student shall immediately do the following:
11	(1) Make available to the patron antiseptic and a sterilized bandage;
12	(2) Disinfect any implement exposed to blood before proceeding; and
13	(3) Put on disposable, protective gloves or a finger guard.
14	
15	History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
16	Eff. March 1, 2012

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0501 Inspection of Cosmetic Art Shops			
3. Action:   ☑ ADOPTION □ AMENDMENT □ REPEAL	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):		
5. Notice for Proposed Rule:	session law or general statute):		
Notice Required Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.nccosmeticarts.com/uploa Hearing on: December 16, 2011 Adoption by agency on: February 13, 2012 Notice not required under G.S.: Adoption by agency on: 6. Fee. Rule establishes or increases a fee? (See G.S. 12-	ads/Board/PROctober2011.pdf  7. Fiscal impact (check all that apply):		
3.1)	State funds affected		
Yes Agency submitted request for consultation on:	Environmental permitting of DOT affected and analysis submitted to Board of Transportation  Local funds affected		
Consultation not required. Cite authority:	Date submitted to OSBM:		
⊠ No	Substantial economic impact (≥\$500,000)		
	Approved by OSBM		
o DELG			
8A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: Federal regulation / cite:  8B. Explain: This rule adoption provides specific guidelines for the repercussions of	ON FOR ACTION  Legislation enacted in last General Assembly session Cite Session Law: Petition for rule-making Other: failure to permit inspections as required by regulation.		
9. Rule-making Coordinator: Stefanle Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:		
Address: 1201 Front Street Suite 110 Raleigh, NC 27609			
Phone: 919-715-0018	XXII		
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to		
	G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency Contact, if any: Phone:	Typed Name: Stefanie Kuzdrall		
E-Mail:	Title: Rule-making Coordinator		
RRC AND OAH USE ONLY			
Action taken:			
RRC Extended period of review: RRC determined substantial changes: Withdrawn by agency Subject to Legislative Review Other:			

1	21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS IS ADOPTED AS PROPOSED IN NC
2	REGISTER 26:11 AS FOLLOWS:
3	
4	SECTION .0500 ENFORCEMENT, MAINTENANCE OF LICENSURE
5	
6	21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS
7	(a) A newly established cosmetic art shop, a shop which has been closed for more than 90 days, or a shop which has
8	changed ownership, must file an application for licensure with the Board prior to opening. A newly established cosmetic
9	art shop, a shop which has been closed for more than 90 days, a shop which has changed ownership or a shop which has
10	been operating without a license shall be inspected before a license will be issued.
11	(b) Each cosmetic art shop must pass inspection by an agent of the Board pursuant to 21 NCAC 14H. Inspections shall
12	be conducted at least annually and may be conducted without notice.
13	
14	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;
15	Eff. March 1, 2012

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21	NCAC 14H .0502 Failure to permit inspection		
3. Action:  ☑ ADOPTION ☐ AMENDMENT ☐ REPEAL	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):		
5. Notice for Proposed Rule:			
Notice Required Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.nccosmeticarts.com/uploads/8card/PROctober2011.pdf Hearing on: December16,2011			
Adoption by agency on: February 13,2012  Notice not required under G.S.: Adoption by agency on:			
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):		
3.1)  ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  ☒ No	<ul> <li>State funds affected</li> <li>Environmental permitting of DOT affected and analysis submitted to Board of Transportation</li> <li>Local funds affected</li> <li>Date submitted to OSBM:</li> <li>Substantial economic impact (≥\$500,000)</li> </ul>		
№ INO	Approved by OSBM		
	No fiscal note required		
8A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: Federal regulation / cite:  8B. Explain:	DN FOR ACTION  Legislation enacted in last General Assembly session Cite Session Law: Petition for rule-making Other:  tion rating cards, posting of sanitation ratings and listing of sanitation records		
9. Rule-making Coordinator: Stefanie Kuzdrall Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Signature of Agency Head* or Rule-making Coordinator:		
Phone: 919-715-0018			
E-Mail: skuzdrall@nccosmeticarts.com	If this function has been delegated (reassigned) pursuant to		
Agency Contact, if any: Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Stefanie Kuzdrail		
	Title: Rule-making Coordinator		
RRC AND OAH USE ONLY Action taken:			
RRC Extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review Other:			

1	21 NCAC 14H .0502 FAILURE TO PERMIT INSPECTION IS ADOPTED AS PROPOSED IN NC
2	REGISTER 26:11 AS FOLLOWS:
3	
4	21 NCAC 14H .0502 FAILURE TO PERMIT INSPECTION
5	If an inspector is unable to inspect a salon twice with appointment, the Board may initiate proceedings to revoke or
6	suspend the salon license or may refuse to renew the shop license.
7	
8	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;
9	Eff. March 1, 2012

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners		
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0503 Sanitary Ratings and posting of Ratings		
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite	
■ ADOPTION	session law or general statute):	
5. Notice for Proposed Rule:		
Notice Required     Notice Required		
Notice of Text published on: December 1, 2011		
Link to Agency notice: http://www.nccosmeticarts.com/uplo	ads/Board/PROctober2011.pdf	
Hearing on: December16,2011		
Adoption by agency on: February 13, 2012		
Notice not required under G.S.:		
Adoption by agency on:		
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):	
3.1)	State funds affected	
· ·	Environmental permitting of DOT affected and	
Yes	analysis submitted to Board of Transportation	
Agency submitted request for consultation on:  Consultation not required. Cite authority:	Local funds affected	
Constitution not required. One authority;	Date submitted to OSBM:	
⊠ No	Substantial economic impact (≥\$500,000)	
<u>K.a. 110</u>	Approved by OSBM	
	No fiscal note required	
8. REAS	ON FOR ACTION	
8A. What prompted this action? Check all that apply:		
	Legislation enacted in last General Assembly session	
Court order / cite:	Cite Session Law:	
Federal statute / cite:	Petition for rule-making	
Federal regulation / cite:	☐ Other:	
8B. Explain:	an ar feet an	
This rule amendment provides limits within which public hearings shall	be conducts for the rule <del>makeing</del> process.	
9. Rule-making Coordinator: Stefanle Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:	
Address: 1201 Front Street Suite 110 Raleigh, NC 27609		
DI.	Q 2011	
Phone: 919-715-0018	*154: 64	
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency Contact, if any:	G.S. 1430-10(a), subtile a copy of the delegation with this form.	
Phone:	Typed Name: Stefanie Kuzdrali	
E-Mail:	Title: Rule-making Coordinator	
RRC AND OAH USE ONLY		
Action taken:		
**************************************		
RRC Extended period of review:		
RRC determined substantial changes:		
Withdrawn by agency		
Subject to Legislative Review		
Other:		

1	21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS IS ADOPTED AS PROPOSED
2	IN NC REGISTER 26:11 AS FOLLOWS:
3	
4	21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS
5	(a) The sanitary rating of a beauty establishment shall be based on a system of grading outlined in this Subchapter.
6	Based on the grading, all establishments shall be rated in the following manner:
7	(1) all establishments receiving a rating of at least 90 percent or more, shall be awarded a gradeA;
8	(2) all establishments receiving a rating of at least 80 percent, and less than 90 percent, shall be awarded
9	grade B;
10	(3) all establishments receiving a rating of at least 70 percent or more, and less than 80 shall be awarded
11	grade C;
12	(4) any cosmetic art shop or school with a sanitation grade of 70 or below shall be awarded a failed
13	inspection notice.
14	(b) Every beauty establishment shall be given a sanitary rating. A cosmetic art school shall be graded no less than three
15	times a year, and a cosmetic art shop shall be graded once a year
16	(c) The sanitary rating or failed inspection notice given to a beauty establishment shall be posted in a conspicuous place
17	near the front entryway at all times,
18	(d) All new establishments must receive a rating of at least 90 percent before a license willbe issued.
19	(e) The operation of a cosmetic art shop or school which fails to receive a sanitary rating of at least 70 percent (grade C)
20	shall be sufficient cause for revoking or suspending the license.
21	(f) A re-inspection for the purpose of raising the sanitary rating of a beauty establishment shall not be given within 30
22	days of the last inspection, unless the rating at the last inspection was less than 80 percent.
23	(g) A whirlpool and footspa sanitation record must be kept on each whirlpool and footspa for inspection on a form
24	provided by the Board.
25	(h) All cosmetic art shops and schools with a failed inspection report shall be sufficient cause for the immediate
26	$\underline{suspension\ of\ licensure,\ All\ cosmetic\ art\ shops\ and\ schools\ with\ a\ failed\ inspection\ report\ must close\ until\ the\ sanitation}$
27	conditions have improved to be awarded a passing grade.
28	(i) Mobile cosmetic art shops and schools are prohibited.
29	
30	History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-26; 88B-27;
31	Eff. March 1, 2012
32	

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners		
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0504 Systems of Grading Beauty Establishments		
3. Action:  ADOPTION AMENDMENT REPEAL	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):	
5. Notice for Proposed Rule:		
Notice Required Notice of Text published on: December 1, 2011		
Link to Agency notice: http://www.nccosmeticarts.com/uploa	ads/Board/PROctober2011.pdf	
Hearing on: December16,2011 Adoption by agency on: February13,2012		
☐ Notice not required under G.S.:		
Adoption by agency on:		
6. Fee, Rule establishes or increases a fee? (See G.S. 12-3.1)	7. Fiscal impact (check all that apply):	
	State funds affected  Environmental permitting of DOT affected and	
Yes	analysis submitted to Board of Transportation	
Agency submitted request for consultation on: Consultation not required. Cite authority:	Local funds affected	
	Date submitted to OSBM:  Substantial economic impact (≥\$500,000)	
⊠ No	Approved by OSBM	
	No fiscal note required	
	ON FOR ACTION	
8A. What prompted this action? Check all that apply:  Agency	Legislation enacted in last General Assembly session	
Court order / cite:	Cite Session Law:	
Federal statute / cite:	Petition for rule-making	
☐ Federal regulation / cite:	Other:	
8B. Explain: This rule adoption establishes penalties as permitted by statute for the failure to adhere to santiation and practice regulations of the Board.		
9. Rule-making Coordinator: Stefanie Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:	
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	$\Omega I_{\neg}$	
Phone: 919-715-0018		
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to	
	G.S. 143B-10(a), submit a copy of the delegation with this form.	
Agency Contact, if any: Phone:	Typed Name: Stefanle Kuzdrali	
E-Mail:	Title: Rule-making Coordinator	
RRC AND OAH USE ONLY		
Action taken:		
RRC Extended period of review: RRC determined substantial changes:		
Withdrawn by agency		
Subject to Legislative Review		
Other:		

#### 1 21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS IS ADOPTED AS

#### 2 PUBLISHE IN NC REGISTER 26:11 AS FOLLOWS:

3

#### 21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS

- 5 The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in this subchapter
- 6 shall be as follows, setting out areas to be inspected and considered, and the maximum points given for compliance:

Sanitation	Point Value
Each licensee and student shall wash his or her hands with soap and water or an equally effective cleansing agent	
immediately before and after serving each client.	2
Each licensee and student shall wear clean garments and shoes while serving patrons.	2
The cosmetic art facility shall be kept clean.	3
Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles shall	
be maintained in a sanitary manner	4
All doors and windows shall be kept clean.	2
Furniture, equipment, floors, walls, ceilings and fixtures must be clean and in good repair.	3
Clean protective capes, drapes, linens and towels shall be used for each patron	3
After a cape, drape, linen or towel has been in contact with a patron's skin it shall be placed in a clean, closed	
container until laundered with soap and hot water and dried in a heated dryer.	<u>5</u>
Any paper or nonwoven protective drape or covering shall be discarded after one use.	2
There shall be a supply of clean protective drapes, linens and towels at all times.	2
Clean drapes, capes, linens and towels shall be stored in a clean area.	<u>5</u>
Bathroom facilities must be kept cleaned.	3
All implements shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.	2
All implements shall be disinfected	10
All disinfected electrical implements shall be stored in a clean area.	2
Disposable and porous implements and supplies must be discarded after use or upon completion of the service.	<u>10</u>
Product that comes into contact with the patron must be discarded upon completion of the service.	3
Disinfected implements must be kept in a clean closed cabinet or clean closed container and must not be stored with	
any implement or item that has not been disinfected.	<u>10</u>
Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.	<u>2</u>
All creams, lotions, wax, cosmetics, and other products dispensed to come in contact patron's skin must be kept in	
clean, closed containers and dispensed in a sanitary manner. No product dispensed in portions may be returned to the	
container.	<u>10</u>
After each patron each whirlpool or footspa must be cleaned and disinfected	10
The water in a vaporizer machine must be emptied daily and the unit disinfected.	2

	I ne area where	e services are performed that come in contact with the patron's skin including chairs, tables and beds	
	shall be disinfe	ected between patrons.	<u>3</u>
7			
8	History Note:	Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-26;	
9		Eff. March 1, 2012	
10			

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners			
2. Rule citation & name (name not required for repeal): 21 NCAC 14H .0505 Rule Compliance and Enforcement Measures			
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite		
ADOPTION AMENDMENT REPEAL	session law or general statute):		
5. Notice for Proposed Rule:			
Notice Required Notice Required			
Notice of Text published on: December 1, 2011			
Link to Agency notice: http://www.nccosmeticarts.com/uploa Hearing on: December16,2011	ds/Board/PROctober2011.pdf		
Adoption by agency on: February 13,2012			
Notice not required under G.S.:			
Adoption by agency on:			
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7. Fiscal impact (check all that apply):		
3.1)	State funds affected		
	Environmental permitting of DOT affected and		
Yes	analysis submitted to Board of Transportation		
Agency submitted request for consultation on:  Consultation not required. Cite authority:	Local funds affected		
Sometime in the required. One administry.	Date submitted to OSBM:		
⊠ No	Substantial economic impact (≥\$500,000)		
	☐ Approved by OSBM ☐ No fiscal note required		
O DELC	<del></del>		
8A. What prompted this action? Check all that apply:	ON FOR ACTION		
Agency	Legislation enacted in last General Assembly session		
Court order / cite;	Cite Session Law:		
Federal statute / cite:	Petition for rule-making		
☐ Federal regulation / cite:	Other:		
8B. Explain:			
This rule adoption establishes penalties as permitted by statute for the failure to adhere to santiation and practice regulations of the Board.			
9. Rule-making Coordinator: Stefanie Kuzdrall	10 00		
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	10. Signature of Agency Head* or Rule-making Coordinator:		
Tradit Distriction Street Carlo 110 Tradigity (NO 2) 000	0 &		
Phone: 919-715-0018			
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to		
	G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency Contact, if any:  Typed Name: Stefanie Kuzdrall			
E-Mail:	Title: Rule-making Coordinator		
RRC AND OAH USE ONLY			
Action taken:			
DDC Bytondad maried of services	İ		
RRC Extended period of review:  RRC determined substantial changes:			
Withdrawn by agency			
Subject to Legislative Review			
Other:			

2	PUBLISHED IN N	C REGISTER 26:11 AS FOLLOWS WITH CHANGES:
3		
4	21 NCAC 14H .050	5 RULE COMPLIANCE AND ENFORCEMENT MEASURES
5	(a) The use of or poss	session of the following products or equipment in a school or shop shall result in civil penalty in the
6	amount of three hun-	dred dollars (\$300.00) per container of product or piece of equipment:
7	(1) Me	ethyl Methacrylate Liquid Monomer a.k.a. MMA; or
8	(2) Ra	zor-type callus shavers designed and intended to cut growths of skin including but not limited to
9	ski	in tags, corns and calluses.
10	(b) The use of or poss	session of the following products or equipment in a school or shop shall result in civil penalty in the
11	amount of one hunds	red dollars (\$100.00) per container of product or piece of equipment:
12	(1)——FD	OA rated Class III devices; or
13	(2)———Ca	rbolic acid (phenol) over two percent strength; or
14	<del>(3)——<u>(1)</u></del>	Animals including insects, fish, amphibians, reptiles, birds or mammals to perform any
15	service; or	
16	<del>(4)(2)</del>	Variable speed electrical nail file on the natural nail unless it has been designed for use on the
17	nat	tural nail.
18	(c) The action of any	student or licensee to violate the Board rules in the following manner shall result in civil penalty in
19	the amount of one hu	indred dollars (\$100.00) per instance of each action:
20	(1) use	e any product, implement or piece of equipment in any manner other than the product, implement or
21	equ	uipment's intended use as described or detailed by the manufacturer; Diagnosis of any medical
22	cor	ndition or treat any medical condition unless referred by a physician; or
23	(2) Us	e any product that will penetrate the dermis; or
24	(3) Pro	ovide any service unless trained prior to performing the service; or
25	(4) Per	rform services on a client if the licensee has reason to believe the client has any of the following:
26	(A)	a contagious condition or disease; an inflamed;
27.	(B)	infected, broken, raised or swollen skin or nail tissue; or
28	(C)	an open wound or sore in the area to be worked on; or
29	(5) Alt	ter or duplicate a license issued by the Board; or
30	(6) Ad	vertise or solicit clients in any form of communication in a manner that is false or misleading; or
31	(7) Use	e any class II device without the documented supervision of a licensed physician.
32	(d) The presence of a	nimals or birds in a cosmetic art shop or school shall result in civil penalty in the amount of twenty-
33	five dollars (\$25.00)	per animal or bird. Animals trained for the purpose of accompanying disabled persons are exempt.
34	Fish in an enclosure	and animals trained for the purpose of accompanying disabled persons are exempt.
35	(e) The failure to reco	ord the date and time of each cleaning and disinfecting of a footspa in a cosmetic art school or shop
36	as required by this sul	ochapter including the date, time, reason and name of the staff member that performed the cleaning

21 NCAC 14H .0505 RULE COMPLIANCE AND ENFORCEMENT MEASURES IS ADOPTED AS

- or the failure to keep or make such record available for at least 90 days upon request by either a patron or inspector shall
- result in civil penalty in the amount of twenty-five dollars (\$25.00) per footspa.
- 39 (f) The failure to clean and disinfect a footspa in a cosmetic art shop or school as required by this subchapter shall result
- 40 in civil penalty in the amount of one hundred dollars (\$100.00) per footspa.
- 41 (g) The failure to maintain in a cosmetic art shop and school antiseptics, gloves or finger guards, sterile bandages
- 42 available to provide first aid shall result in civil penalty in the amount of twenty-five dollars (\$25.00) per item.
- (h) The failure to have in a cosmetic art shop or school to maintain a sink with hot and cold running water in the clinic
- 44 area, separate from restrooms shall result in civil penalty in the amount of one hundred dollars (\$100.00).
- 45 (i) The failure to maintain a water supply within 20 feet of the door or 25 feet from the service table or chair shall result
- in civil penalty in the amount of fifty dollars (\$50.00) per inspection occurrence.
- 47 (j) The failure to provide necessary ventilation at all times in the areas where patrons are serviced in all cosmetic art
- 48 shops, there must be a continuous exchange of air shall result in civil penalty in the amount of twenty-five dollars
- 49 (\$25.00).
- 50 (k) The failure to effectively screen all doors and windows, open for ventilation shall result in civil penalty in the amount
- of twenty-five dollars (\$25.00).
- 52 (1) The failure to provide light in the service area shall result in civil penalty in the amount of twenty-five dollars
- 53 (\$25.00).
- 54 (m) The failure to adhere to any federal, state and local government regulation or ordinance regarding fire safety codes,
- 55 plumbing and electrical work shall result in civil-penalty in the amount of twenty-five dollars (\$25.00).
- 56 (n) The failure to provide toilet and hand washing facilities consisting of atleast one commode and one hand washing
- 57 sink-with hot and cold running water, liquid soap and individual clean towels shall result in civil penalty in the amount of
- 58 twenty-five dollars (\$25.00).
- (e) (1) The failure to maintain equipment and supplies to safely perform any cosmetic art service offered in the shop shall
- result in civil penalty in the amount of one hundred dollars (\$100.00).
- (p) (m) The failure to maintain a sanitation grade of 80% or higher shall result in a civil penalty in the amount of two
- 62 hundred dollars (\$200.00).
- 63 (q) The failure to display in a conspicuous place a current grade card shall result in a civil penalty in the amount of one
- 64 hundred dollars (\$100.00).

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- 65 (r) (n) Repeated violations of the rules in this subchapter exceeding 3 written notifications of any one rule documented
- to any one individual, shop or school shall result in a mandatory disciplinary hearing.
- 68 History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27;
- 69 Eff. March 1, 2012

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14 R 0105 Continuing Education	
3. Action:	4. Exemption. Rule exempt from RRC review according to (cite
ADOPTION AMENDMENT REPEAL	session law or general statute):
5. Notice for Proposed Rule:	
Notice Required Notice of Text published on: December 1, 2011 Link to Agency notice: http://www.nccosmeticarts.com/uploads/Board/PROctober2011.pdf	
Hearing on: December16,2011	
Adoption by agency on: February 13,2012  Notice not required under G.S.:	
Adoption by agency on:	
6. Fee. Rule establishes or increases a fee? (See G.S. 12-	7 Figure impose (al. 1) 11 (1)
3.1)	7. Fiscal impact (check all that apply):
0.2)	State funds affected
☐ Yes	Environmental permitting of DOT affected and
Agency submitted request for consultation on:	analysis submitted to Board of Transportation  Local funds affected
Consultation not required. Cite authority:	Date submitted to OSBM:
   ☑ N-	Substantial economic impact (≥\$500,000)
⊠ No	Approved by OSBM
	■ No fiscal note required
8. REASON FOR ACTION	
8A. What prompted this action? Check all that apply:	
Agency	Legislation enacted in last General Assembly session
Court order / cite:	Cite Session Law:
☐ Federal statute / cite:☐ Federal regulation / cite:	Petition for rule-making Other:
[ ] Federal regulation / cite.	Uther:
8B. Explain:	
This rule adoption provides guidelines for the steps each practitioner must take to safely perform cosmetic art services.	
•	
9. Rule-making Coordinator; Stefanie Kuzdrall	10. Signature of Agency Head* or Rule-making Coordinator:
Address: 1201 Front Street Suite 110 Raleigh, NC 27609	
	$\times$ $\mathcal{A}$
Phone: 919-715-0018	
E-Mail: skuzdrall@nccosmeticarts.com	*If this function has been delegated (reassigned) pursuant to
Agency Contact, if any:	G.S. 143B-10(a), submit a copy of the delegation with this form.
Phone:	Typed Name: Stefanie Kuzdrall
E-Mail:	Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken:	
RRC Extended period of review:	
RRC extended period of review:  RRC determined substantial changes:	
Withdrawn by agency	
Subject to Legislative Review	·
Other:	

#### 21 NCAC 14R .0105 CONTINUING EDUCATION IS ADOPTED AS PROPOSED IN NC REGISTER 26:11 AS

#### 2 FOLLOWS WITH CHANGES:

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#### 21 NCAC 14R .0105 CONTINUING EDUCATION

- 5 (a) Each licensee wishing to maintain his/her license shall obtain continuing education during each licensing period.
- 6 The licensee shall maintain records of attendance of a continuing education course including the following information:
- 7 (1) Course title and detail description;
- 8 (2) Date conducted;
  - (3) Address location where the course was conducted; and
- 10 (4) Continuing education hours earned.
- 11 (b) Each licensee must ensure at least 50 percent of subject matter broadens the licensee knowledge of the cosmetic arts
- 12 profession.
- 13 (c) Each instructor must ensure at least 50 percent of subject matter relates to teacher training techniques and enhance the
- 14 ability to communicate.
- 15 (d) The continued education shall be approved by the board providing it meets the requirements above.
- 16 (e) Audits of the licensee's continuing education may be conducted at any time. Upon the Board's request each licensee
- shall provide completed records to the Board.
- 18 (f) The Board may suspend a license, revoke a license, or deny the renewal of any licensee, who fails to comply with any
- 19 provision of the rules in this Subchapter. Written justification of the suspension, denial, or revocation shall be given.
- 20 (g) Continuing education courses completed prior to an individual's being licensed by the Board shall not qualify for
- 21 continuing education credit.
- 22 (h) Apprentices do not need to earn continuing education for renewal.
- 23 (i) Licensees are exempt from 8 hours of continuing education requirements until the licensing period commencing after
- 24 their initial licensure.
- 25 (j) After completion of the continuing education requirements for any licensing cycle the licensee shall forward the
- 26 following:
- 27 (1) the license renewal application;
- 28 (2) the license renewal fee; and
- 29 (3) A date and signature affirming the following pledge: "I, hereby certify that I have obtained all
- 30 continuing education hours required in accordance with the general statute and board rules and
- 31 regulations. I am aware that false or dishonest misleading information may be grounds for 1)
- disciplinary action against my license; and further that 2) false statements are punishable by law"
- 33 (k) Failure to produce documents or file a response to a request for audit from the Board within 30 days of the request
- shall result in civil penalty to the licensee in the amount of two hundred and fifty dollars (\$250.00).
- 35 (I) The presentation of fraudulent continuing education documentation to the Board by a licensee shall result in civil
- 36 penalty of five hundred dollars (\$500.00).

(m) The failure to attend continuing education courses as required by GS 88-B and determined through Board audit shall result in civil-penalty in the amount of five hundred dollars (\$500.00) per renewal cycle.

(n) (n) Licensees in inactive status can reactivate licensure by taking no less than eight hours of continuing education per year of inactivity up to 24 total hours.

History Note: Authority G.S. 88B-2; 88B-4; 88B-21; 88B-24; 88B-29;

Eff. March 1, 2012