



NOTICE OF TEXT

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

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

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Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Board of Cosmetic Art Examiners](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.nccosmeticarts.com/uploads/Board/Rules10-21.pdf>

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

☐ ADOPTION:

☒ AMENDMENT: [21 NCAC 14A .0101; 14T .0102, .0201, .0301, .0612, .0617, .0701, .0706](#)

☒ REPEAL: [21 NCAC 14G .0114-.0115; 14J .0106, .0207-.0208, .0302-.0303, .0306-.0307, .0501; 14L .0106; 14N .0113](#)

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☐ REPEAL through READOPTION:

4. Proposed effective date: [03/01/2022](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
11/16/2021	9:00 am	Teleconference 1-866-365-4406 code 7334117

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

7. Explain Reason For Proposed Rule(s):

The rule changes are proposed to help provide clarification for cosmetic art school owners and potential owners.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

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

Name: [Stefanie Kuzdrall](#)
Address: [121 Edinburgh South Drive](#)
[Cary, NC 27511](#)
Phone (optional): [9197366123](#)
Fax (optional):
EMail (optional) skuzdrall@nccosmeticarts.com

10. Comment Period Ends: [01/03/2022](#)**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

[No fiscal note required](#)

12. Rule-making Coordinator:

Name: [Stefanie Kuzdrall](#)
[919-736-6123](#)
skuzdrall@nccosmeticarts.com

Agency contact, if any:

Name:
Phone:
Email:

13. The Agency formally proposed the text of this rule(s) on

Date: [10/04/2021](#)

21 NCAC 14A .0101 DEFINITIONS IS PROPOSED FOR AMENDMENT AS FOLLOWS:

CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS

SUBCHAPTER 14A – DEPARTMENTAL RULES

SECTION .0100 – ORGANIZATION RULES

21 NCAC 14A .0101 DEFINITIONS

In addition to the definition set forth in G.S. 88B-2, the following definitions apply in this Chapter:

- (1) "Beauty Establishment" refers to both cosmetic art schools and cosmetic art shops.
- (2) "Clean" is the removal of visible and surface debris, washing with soap and water, detergent or chemical cleaner that prepares non-porous items for disinfection and reduces the number and slows the growth of pathogens on both porous and non-porous surfaces. Cleaning does not make multi-use items safe for use.
- (3) "Contact time" is the amount of moist contact time required for a disinfectant to be effective against the pathogens on the manufacturers label. Clean items or surfaces must remain immersed, or visibly wet if using sprays or wipes, for full contact time to be effective.
- (4) "Cosmetology School" is any cosmetic art school that teaches cosmetic art as defined by G.S. 88B-2(5), but is not solely a manicurist or an esthetics school.
- (5) "Cosmetology Student" is a student in any cosmetic art school whose study is the full curriculum.
- (6) "Disinfect" is the process of making a non-porous item safe for use that includes the use of a chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned prior to disinfection. UV light is not acceptable for disinfection.
- (7) "Disinfectant" is an EPA registered bactericidal, virucidal and fungicidal disinfectant that is approved for use in beauty salon or salon settings, following instruction label for dilution ratio and contact time, or an EPA registered Sodium Hypochlorite 5.25 percent or higher (household bleach) with instructions for disinfection, diluted as instructed on the label and observing the contact time listed on the manufacturers label. Bleach must be active (not expired) with a manufacture date of less than 6 months prior to use.
- (8) "Esthetician School" is any cosmetic art school that teaches only the cosmetic art of skin care.
- (9) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the esthetician curriculum set forth in 21 NCAC 14T .0604.
- (10) "Licensing cycle" shall be as follows:
 - (a) for cosmetologists, the licensing cycle is a three-year period beginning on the first day of October and ending on the third following first day of October and continuing thereafter in three year intervals;

- (b) for estheticians, natural hair care specialists and manicurists, the licensing cycle is one year in length beginning on the first day of October and ending on the next first day of October;
- (c) for teachers, the licensing cycle is a two-year period beginning on the first day of October of an even-numbered year and ending on the next first day of October of the next even-numbered year.
- (11) "Manicurist School" is a cosmetic art school that teaches only the cosmetic art of manicuring.
- (12) "Manicurist Student" is a student in any cosmetic art school whose study is limited to the manicurist curriculum set forth in 21 NCAC 14T .0605.
- (13) "Non-porous" is a material that has no pores and does not allow for liquids to be absorbed or pass through. Common non-porous materials include glass, metal, and plastic.
- (14) "Porous" is a material that has minute spaces or holes through which liquid or air may pass such as paper, foam, and wood. Porous may also be called permeable, penetrable, or cellular.
- (15) "Renewal period" for individual licensees is a three-month period beginning on the first day of July and ending on the first day of October of a renewal year. The "renewal period" for salon licensees is a two-month period beginning on the first day of December and ending on the first day of February of a renewal year.
- (16) "Sterilize" is the eradication of all microbial life through the use of heat, steam, or chemical sterilants. Autoclaves and or dry heat sterilizers used to sterilize must be spore tested through an independent lab every 30 days. Autoclaves or dry heat sterilizers used to sterilize must be FDA approved and used only as instructed by the manufacturer. Spore testing results and maintenance records must be kept onsite for 12 months.
- (17) "Successful Completion" is the completion of an approved cosmetic art curriculum with a minimum grade of "C" or 70 percent, whichever is deemed as passing by the cosmetic art school.
- (18) "Rasp" is a coarse file or metal tool with a roughened surface. A tool with a blade designed to cut or slice is not a rasp.

History Note: Authority G.S. 88B-2; 88B-4;
Eff. February 1, 1976;
Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991; January 1, 1989;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. October 1, 2012; July 1, 2010; December 1, 2008; May 1, 2005; December 1, 2004;
May 1, 2004; February 1, 2004; April 1, 2001; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. March 1, 2022; September 1, 2018; March 1, 2018.

1 **21 NCAC 14G .0115 FAILURE TO COMPLY WITH RULES IS PROPOSED FOR REPEAL:**

2 **21 NCAC 14G .0115 FAILURE TO COMPLY WITH RULES**

3 Failure of a cosmetic art school to comply with the rules adopted by the Board is cause to revoke or suspend the
4 school's letter of approval.

5
6 *History Note: Authority G.S. 88-23; 88-30;*

7 *Eff. February 1, 1976;*

8 *Amended Eff. April 1, 1991; January 1, 1989;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
10 *13, 2015.*

1 **21 NCAC 14J .0106 EQUIPMENT FOR BEGINNER DEPARTMENT IS PROPOSED FOR REPEAL**

2 **21 NCAC 14J .0106 EQUIPMENT FOR BEGINNER DEPARTMENT**

3 The beginner department shall be equipped with the following minimum equipment for every 20 students in the
4 department:

- 5 (1) one manicure table and stool;
- 6 (2) two shampoo bowls and chairs, each bowl must be at least 40 inches apart center of bowl to center
7 of bowl;
- 8 (3) one mannequin with hair per student;
- 9 (4) thermal styling equipment for the purpose of curling or straightening the hair;
- 10 (5) visual aids;
- 11 (6) one mannequin practice table to accommodate at least ten students; and
- 12 (7) five dozen cold wave rods for each student in the department.

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

15 *Eff. February 1, 1976;*

16 *Amended Eff. June 1, 2010; May 1, 2007; January 1, 1989; April 1, 1988;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
18 *13, 2015.*

19

21 NCAC 14J .0207 LIVE MODEL/MANNEQUIN PERFORMANCE REQUIREMENTS IS PROPOSED FOR REPEAL

21 NCAC 14J .0207 LIVE MODEL/MANNEQUIN PERFORMANCE REQUIREMENTS

(a) The following live model/mannequin performance completions shall be done by each student in the advanced department before the student is eligible to take the cosmetologist's examination. Sharing of performance completions is not allowed. Credit for a performance shall be given to only one student.

		1200 Hours			1500 Hours		
		Live Model		Maniq.	Live Model		Maniq.
(1)	scalp and hair treatments with massage	8			10		
(2)	fullhead fingerwave and style	3	OR	3	5	OR	5
(3)	fullhead pincurl and style	3	OR	3	5	OR	5
(4)	Hair Styling – sets, blowdrying Thermal press/flat iron, artificial hair	80		56	100		70
(5)	haircuts	60		8	75		10
(6)	chemical reformation or permanent waving and relaxers	16		12	20		15
(7)	temporary color	3			5		
(8)	Color Application – semi, demi, Permanent color, and hair lightening	24		8	30		10
(9)	Multidimensional Color – low/high Lighting, cap, bleach	3		8	5		10
(10)	lash and brow tinting	2			4		
(11)	Nail Care – manicures and pedicures	12			15		
(12)	artificial nails	4	OR	4	4	OR	4
(13)	facials with massage/makeup	3			10		
(14)	hair removal	3			5		

(b) Certification of live model or mannequin performance completions is required along with the application for the examination.

(c) A live model may be substituted for a mannequin for any mannequin service.

(d) All mannequin services may be performed using a simulated product.

(e) Simulated product is not allowed for credit for live model performance.

History Note: Authority G.S. 88B-4; Eff. August 1, 1998;

1 *Amended Eff. April 1, 2011; June 1, 2010; July 1, 2009; November 1, 2005;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
3 *13, 2015.*
4

1 **21 NCAC 14J .0208 INTERNSHIPS IS PROPOSED FOR REPEAL**

2 **21 NCAC 14J .0208 INTERNSHIPS**

3 Schools and cosmetic art shops desiring to implement an internship program shall follow these requirements:

- 4 (1) Schools wishing to participate in an internship program must notify the Board of intent to
5 implement a program before credit for an internship may be granted. Cosmetic art shops and
6 student selection criteria must be submitted along with the notification.
- 7 (2) Schools shall report to the Board all cosmetic art shops contracted and students selected to
8 participate in the program.
- 9 (3) Internships may be arranged in various time frames but shall never exceed 10 percent of a
10 student's training period.
- 11 (4) Credit for an internship shall be granted upon submission of student hours verification based on a
12 daily attendance record. Hours must be recorded on a form approved by the school.
- 13 (5) Students may be assigned a variety of duties, but client services are restricted. Cosmetology and
14 natural hair care students may only provide shampoo services, manicurist students may only
15 remove nail polish and esthetician students may only drape and prep clients. Cosmetic art shop
16 violation of restrictions or school requirements may result in the termination of the internship
17 contract and the loss of student training hours.
- 18 (6) Students must follow all cosmetic art shop employee rules and regulations. Violations of cosmetic
19 art shop rules or any misconduct may result in dismissal of the intern or loss of training hours.
- 20 (7) A licensed teacher need not be in attendance during this internship.
- 21 (8) Students participating in the program shall not receive compensation for duties performed in the
22 cosmetic art shop.

23

24 *History Note: Authority G.S. 88B-4;*
25 *Temporary Adoption Eff. January 1, 1999;*
26 *Eff. August 1, 2000;*
27 *Amended Eff. July 1, 2010; August 1, 2002;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
29 *13, 2015.*

30

1 **21 NCAC 14J .0302 EQUIPMENT IS PROPOSED FOR REPEAL:**

2 **21 NCAC 14J .0302 EQUIPMENT**

3 Each cosmetology school shall provide training in the decontamination methods used to prevent the growth of germs
4 and bacteria. Each cosmetology school shall provide the following equipment or supplies for use in the training and
5 teaching of all students:

- 6 (1) containers of sufficient size for the purpose of disinfecting implements by the immersion of
7 implements in an EPA recommended, hospital grade disinfectant solution;
8 (2) covered containers for storage of disinfected implements until they are needed to prevent
9 contamination.

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

12 *Eff. February 1, 1976;*

13 *Amended Eff. December 1, 2008; May 1, 2007; January 1, 1989; April 1, 1988;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
15 *13, 2015.*

16

1 **21 NCAC 14J .0303 STUDENTS' PERSONAL SUPPLIES IS PROPOSED FOR REPEAL**

2 **21 NCAC 14J .0303 STUDENTS' PERSONAL SUPPLIES**

3 Each student shall have the following minimum supplies:

- 4 (1) manicure supplies and implements for a complete manicure;
- 5 (2) six combs;
- 6 (3) six brushes;
- 7 (4) sufficient pin curl clips;
- 8 (5) sufficient smooth rollers;
- 9 (6) hard rubber or nonflammable comb for heat protection used in thermal styling;
- 10 (7) one electric curling iron, marcel;
- 11 (8) one razor;
- 12 (9) two scissors, one tapered and one straight;
- 13 (10) one eyebrow tweezer;
- 14 (11) one tint comb;
- 15 (12) one blow dryer; and
- 16 (13) one copy of "An Act to Regulate the Practice of Cosmetic Art in the State of North Carolina"
- 17 and a copy of the course curriculum requirements, both of which shall be at no charge to the
- 18 student for the first copy.

19
20 *History Note: Authority G.S. 88B-4;*

21 *Eff. February 1, 1976;*

22 *Amended Eff. May 1, 2007; August 1, 1998; March 1, 1994; January 1, 1989; April 1, 1988;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*

24 *January 13, 2015.*

25

**21 NCAC 14J .0306 COURSE WORK REQUIREMENTS FOR BEGINNERS AND ADVANCED IS
PROPOSED FOR REPEAL:**

21 NCAC 14J .0306 COURSE WORK REQUIREMENTS FOR BEGINNERS AND ADVANCED

The course work done by beginners and advanced students shall be as follows:

- (1) orientation,
- (2) your professional image,
- (3) sanitation and bacteriology,
- (4) properties of the scalp and hair,
- (5) draping, shampooing, rinses,
- (6) hair shaping,
- (7) hair and hairstyling,
- (8) thermal pressing and styling,
- (9) permanent waving and chemical relaxing,
- (10) hair coloring,
- (11) artificial hair,
- (12) nails and manicuring,
- (13) facials, makeup, and skin care,
- (14) anatomy,
- (15) electricity,
- (16) chemistry,
- (17) salon business.

History Note: Authority G.S. 88-23;

Eff. August 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

1 **21 NCAC 14J .0307 TESTS IS PROPOSED FOR REPEAL:**

2 **21 NCAC 14J .0307 TESTS**

3 Written tests and examinations shall be given in all subjects.

4

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

6 *Eff. August 1, 1998;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

8 *13, 2015.*

9

1 **21 NCAC 14J .0501 APPROVAL OF CREDIT FOR COSMETOLOGY INSTRUCTION/ANOTHER**
2 **STATE IS PROPOSED FOR REPEAL:**

3 **SECTION .0500 – CREDIT FOR COSMETOLOGY STUDY OUTSIDE OF NORTH CAROLINA**
4

5 **21 NCAC 14J .0501 APPROVAL OF CREDIT FOR COSMETOLOGY INSTRUCTION/ANOTHER**
6 **STATE**

7 (a) An applicant shall receive credit for instruction taken in another state if the conditions set forth in this Rule are
8 met.

9 (b) The applicant's record shall be certified by the state agency or department that issues licenses to practice in the
10 cosmetic arts. If this agency or department does not maintain any student records or if the state does not give license
11 to practice in the cosmetic arts, then the records may be certified by any state department or state agency that does
12 maintain such records and is willing to certify their accuracy. If no state department or board will certify the
13 accuracy of the student's records, then the Board shall review the student's records on a case-by-case basis.

14
15 *History Note: Authority G.S. 88B-16:*

16 *Eff. March 2, 1992;*

17 *Amended Eff. April 1, 2011; May 1, 2004; August 1, 2000; August 1, 1998; June 1, 1994;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
19 *13, 2015.*
20

1 **21 NCAC 14L .0106 APPLICATION TO TAKE EXAMINATION IS PROPOSED FOR REPEAL:**

2 **21 NCAC 14L .0106 APPLICATION TO TAKE EXAMINATION**

3 (a) To apply to be a cosmetic art teacher, an applicant must apply to the Board on a form provided by the Board.

4 (b) The Board shall not consider an application until the applicant submits all the information required by the
5 application rules.

6 (c) An applicant cannot take the cosmetic art teacher examination until the Board approves the applicant's
7 application.

8
9 *History Note: Authority G.S. 88B-7; 88B-8; 88B-9; 88B-10; 88B-16; 88B-18;*

10 *Eff. April 1, 1991;*

11 *Amended Eff. December 1, 2008;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
13 *13, 2015.*

1 **21 NCAC 14N .0113 RE-EXAMINATION IS PROPOSED FOR REPEAL:**

2 **21 NCAC 14N .0113 RE-EXAMINATION**

3 (a) Notwithstanding any other provision of the rules in this Subchapter, pursuant to G.S. 88B-18(d) a cosmetologist,
4 esthetician, manicurist, natural hair care specialist or teacher candidate who has failed either section of the
5 examination three times, shall complete the following amounts of study at an approved cosmetic art school before
6 retaking the examination:

- 7 (1) Cosmetologist 200 hours,
8 (2) Esthetician 80 hours,
9 (3) Manicurist 40 hours,
10 (4) Natural Hair Care Specialist 40 hours, and
11 (5) Teacher:
12 (A) cosmetology 100 hours,
13 (B) esthetician 80 hours, and
14 (C) manicurist 40 hours.

15 (b) Teacher candidates with no prior cosmetic art teacher training program experience shall provide a written
16 affidavit documenting a minimum of required work experience as outlined in 21 NCAC 14N .0115 or complete a
17 minimum of the hours required for the teacher curriculum in the discipline in which they hold a license. The
18 required minimums for teacher curriculums are 800 hours of a cosmetology teacher curriculum, 650 hours of an
19 esthetician teacher curriculum, 320 hours of a natural hair care teacher curriculum or 320 hours of a manicurist
20 teacher curriculum.

21 (c) The school in which the student has enrolled pursuant to G.S. 88B-18(d) shall design a course of study for that
22 student in order to correct the student's deficiencies.

23
24 *History Note:* *Authority G.S. 88B-4; 88B-18;*

25 *Eff. June 1, 1992;*

26 *Amended Eff. August 1, 1998; June 1, 1993;*

27 *Temporary Amendment Eff. January 1, 1999;*

28 *Amended Eff. June 1, 2011; July 1, 2010; May 1, 2007; January 1, 2006; February 1, 2004;*
29 *August 1, 2000;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
31 *13, 2015.*

32

1 **21 NCAC 14T .0102 NEW SCHOOL APPLICATIONS IS PROPOSED FOR AMENDMENT AS**
2 **FOLLOWS:**

3 **21 NCAC 14T .0102 NEW SCHOOL APPLICATIONS**

4 (a) Persons desiring to operate a cosmetic art school in the state of North Carolina shall make application for
5 licensure by submitting to the Board the Board's School Application. The Board's School Application shall include:

- 6 (1) School name;
- 7 (2) Cosmetic Art discipline(s) to be taught;
- 8 (3) Physical address and mailing address;
- 9 (4) Phone number;
- 10 (5) Email address;
- 11 (6) Ownership type;
- 12 (7) Reason for application;
- 13 (8) Owner name;
- 14 (9) School contact person with phone number and email address; and
- 15 (10) List of teachers with cosmetic art license number.

16 (b) School application forms must be submitted along with supporting documents as follows:

- 17 (1) Proof of bond as required by G.S. 88B-17;
- 18 (2) Diagram with location of equipment placement and marking square footage of all areas including
19 classrooms, dispensary, water supplies, stations, locker room/dressing room, office areas,
20 reception areas and restroom facilities;
- 21 (3) Course curriculum for each cosmetic art discipline and teacher trainee program to be taught in the
22 school;
- 23 (4) Plans for record keeping of student hours, minimum course requirement qualifications, and
24 student performances;
- 25 (5) The qualifications for passing a performance requirement and techniques for grading of
26 performances;
- 27 (6) Handbook for students containing student policies on attendance, leave of absence policy,
28 performance assignment, and a plan to assist students to achieve the required minimum hours and
29 performances per 21 NCAC 14T .0602-.0610;
- 30 (7) A raised seal identifying the school name and physical location to be used on all Board forms,
31 reports, and other official papers;
- 32 (8) Documentation of local municipality fire, mechanical code approval, occupancy, electrical and
33 plumbing approval;
- 34 (9) School operation schedule including days, hours and observed holidays; and
- 35 (10) Signed and notarized statement that the school owner has read and understands the Board's rules in
36 this Subchapter.

1 (c) The Board shall not approve an application for a license until all plans, furniture, supplies and equipment as
2 prescribed by the rules in this Subchapter have been installed.

3 (d) The Board shall issue a license to any cosmetic art school that meets the requirements of this Subchapter.
4

5 *History Note: Authority G.S. 88B-4; 88B-16; 88B-17;*

6 *Eff. January 1, 2012;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
8 *13, 2015;*

9 *Amended Eff. March 1, 2022; October 1, 2019; December 1, 2016.*
10

- 1 (A) 48 inches of space from the center to the center of each styling chair, esthetics table or
2 manicuring table;
- 3 (B) 24 inches from the center of the chair forward;
- 4 (C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or
5 manicuring table; and
- 6 (D) at least 30 inches of space from the back of each styling chair or esthetics table to the
7 wall of the school.
- 8 (2) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all
9 implements and a sink with hot and cold running water. All cosmetic art schools shall have the
10 required equipment to carry out disinfection procedures per 21 NCAC 14H .0403 and .0404;
- 11 (3) Theory classroom – a room or area with equipment for theory training appropriate to both
12 practical and theory learning including desks and ~~chairs~~ chairs and a table or tables and have at
13 least 40 inches between each mannequin.
- 14 (4) Office – administrative office with a locking door for the secure and locked facilitation of student
15 records and files. This office shall be outfitted with a minimum of one desk and one chair;
- 16 (5) Reception area – a reception area for clients to wait prior to receiving services;
- 17 (6) Break room for student use;
- 18 (7) Restrooms for student and public use;
- 19 (8) Locker or dressing room – a locker or room for students to secure and lock personal belongings
20 throughout the day; and
- 21 (9) All stations as defined in Rule .0304 of this Subchapter must be numbered numerically.
- 22 (c) Each cosmetic art school must display a sign in the reception area. The sign cannot be smaller than 12 inches by
23 18 inches, with lettering at least one and one half inches in size and must read as follows: "Cosmetic Art School
24 Work Done Exclusively by Students."
- 25 (d) Each of the requirements listed within this Rule must be located within the same building with the exception of
26 the theory classroom which may be located in an adjacent building or another building within 500 feet of the main
27 cosmetic art building and a proctored examination center, which may be located on the school campus. Theory
28 classrooms located in an adjacent building or another building within 500 feet of the main cosmetic art building
29 shall not be used for student practice.
- 30 (e) All Cosmetic Art schools must post hours of operation per cosmetic art discipline and submit this information to
31 the Board. Any changes to the hours of operation must be posted and submitted to the Board. A school shall be
32 considered open by the Board when cosmetic art instruction, services or performances are provided.
- 33 (f) Cosmetic art schools may not offer student hours or performances unless they are in compliance with Paragraph
34 (a) or (b) of this Rule.
- 35 (g) All cosmetic art schools must adhere to any federal, state and local government regulation or ordinance
36 regarding fire safety codes, mechanical codes, plumbing and electrical work.

- 1 (h) All cosmetic art schools must maintain a ventilation system with temperature control. During school operating
2 hours the temperature must be maintained between 60 and 85 degrees Fahrenheit.
- 3 (i) All equipment in cosmetic art schools shall be in working order; kept in repair; and installed in such a manner as
4 to facilitate usage.
- 5 (j) All cosmetic art school buildings shall be maintained. Maintenance includes the safe and working condition of
6 the physical building, furniture, equipment and supplies.
- 7 (k) All cosmetic art schools must maintain a bulletin board in sight of the clinic floor. The bulletin board shall be
8 used to display at all times the Board Infection Control rules in 21 NCAC 14H .0200, .0300, .0400, and .0500 and
9 the sanitation grade card issued to the school.
- 10 (l) All cosmetic art schools must post together the school letter of approval, the school license and all cosmetic art
11 licenses issued to the teachers on staff.
- 12 (m) Each room in a cosmetic art school must be labeled according to its assigned purpose.
- 13 (n) Each theory classroom shall be equipped with desks or chairs suitable for classroom work and one chair suitable
14 for demonstrating cosmetic art practices.
- 15 (o) When a school and a shop are under the same ownership:
- 16 (1) separate operation of the shop and school shall be maintained;
- 17 (2) if the school and shop are located in the same building, they must be separated by a solid wall of at
18 least seven feet in height; separate entrances and visitor reception areas shall be maintained; and
- 19 (3) the school and shop shall have separate public information releases, advertisements, names and
20 advertising signs.
- 21 (p) A cosmetic art school must maintain space and equipment appropriate to both practical and theory learning
22 including desks and chairs, and station requirements so that each student in attendance has a location within which
23 to complete assigned tasks. Each station or desk space shall be designated for only one student at a time.
- 24

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

26 *Eff. January 1, 2012;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
28 *13, 2015;*

29 *Amended Eff. March 1, 2022; September 1, 2021; October 1, 2019; January 1, 2016.*

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**21 NCAC 14T .0301 EQUIPMENT FOR ALL COSMETIC ART SCHOOLS IS PROPOSED FOR
AMENDMENT AS FOLLOWS:**

SECTION .0300 - SCHOOL EQUIPMENT AND SUPPLIES

21 NCAC 14T .0301 EQUIPMENT FOR ALL COSMETIC ART SCHOOLS

All cosmetic art schools shall maintain for student use, in a dispensary, supplies for all cosmetic art services offered in the school. Simulated products may be used for demonstrations and practice, simulated products may not be used for evaluation plan assessments.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;

Eff. January 1, 2012;

Amended Eff. March 1, 2022;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

1 **21 NCAC 14T .0617 TEACHER TRAINEES IS PROPOSED FOR AMENDMENT AS FOLLOWS:**

2 **21 NCAC 14T .0617 TEACHER TRAINEES**

3 (a) A cosmetic art teacher trainee may not perform clinical services on a client at the cosmetic art school.

4 (b) A cosmetic art teacher trainee shall be supervised by a cosmetic art teacher at all times when the trainee is at a
5 cosmetic art school except as set out in Paragraph (c) of this Rule.

6 (c) A manicurist, natural hair care or esthetician teacher may supervise a cosmetic art teacher trainee with regard to
7 manicuring, natural hair care, or esthetics.

8 (d) A cosmetic art teacher trainee program may be a full time program or a part time program. A cosmetic art
9 teacher trainee, however, may not receive credit for more than 10 hours per day.

10 (e) Teacher trainees may present lessons they have prepared under the direct supervision of a licensed cosmetic art
11 teacher as long as the supervising teacher is present in the classroom.

12 (f) Persons receiving teacher training in a cosmetic art school shall be furnished a teacher's manual and shall spend
13 all of their training time under the direct supervision of a licensed cosmetic art teacher and shall not be left in charge
14 of students or the school at any time.

15 (g) Teacher trainees must be taught how to assess cosmetic art performances using evaluation plans.

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

18 *Eff. January 1, 2012;*

19 *Amended Eff. March 1, 2022; August 1, 2014;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
21 *13, 2015.*

22

21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE IS PROPOSED FOR AMENDMENT AS FOLLOWS:

SECTION .0700 - SCHOOL LICENSURE, OPERATIONS, CLOSING AND RELOCATING SCHOOLS

21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE

(a) No individual shall be given credit for any hours earned in a cosmetic art school before the date the school is granted a license, before the student is enrolled, or after graduation or withdrawal of the student without a new enrollment.

(b) All Cosmetic Art schools shall submit hours of operation per cosmetic art discipline to the Board. Any changes to the hours of operation shall be submitted to the Board. A school shall be considered open by the Board when cosmetic art instruction, services, or performances are provided.

(c) Students may be required to clean and disinfect work areas, reception areas, implements, and the dispensary. Students shall not be required to perform maintenance.

(d) All cosmetic art schools shall adhere to all Board Infection Control Rules located in 21 NCAC 14H Infection Control.

(e) Cosmetic art schools may permit students to leave the cosmetic art school during instructional time to visit on campus libraries and other educational resource rooms such as computer labs for research and study under the supervision of a cosmetic art instructor.

(f) Cosmetic art schools shall use the following grading scale as a for passing grades:

Grade A	100-90
Grade B	80-89
Grade C	70-79
Grade F (Fail)	0-69

(g) In order to graduate, all students shall meet the minimum school and Board requirements as set forth in Rules .0602-.0610 of this Subchapter.

(h) Examinations shall be administered in all subjects of the cosmetic art curriculum.

(i) Students present at school earning cosmetic art school hours shall be supervised by a cosmetic art teacher at all times. If a guest lecturer is leading a class, at least one cosmetic art teacher must be present in the lecture.

(j) All cosmetic art schools shall provide:

- (1) One teacher for every 25 students enrolled in the practice department;
- (2) One teacher for every 20 students during practical work on live models in the clinic department;
and
- (3) Each Cosmetic art teacher may have up to five teacher trainees, in addition to the ratios set forth in Subparagraph (j)(1) and (2).

(k) In theory classes, the teacher student ratio may exceed the ratios established in this Rule.

(l) A teacher may administer instruction to up to 10 students enrolled in practice and clinic departments at the same time. A teacher shall not administer instruction to more than 10 students enrolled in practice and clinic departments at the same time.

(m) At no time can any one teacher be simultaneously responsible for students in a theory class and students in practice on the clinic floor.

(n) In cases of change in teaching staff, the school shall notify the Board of the change in writing prior to beginning instruction. A change in teaching staff includes any substitution for the regularly scheduled teacher and any change, scheduled or otherwise, in the list of teachers last given to the Board.

(1) All courses in a cosmetic art school shall be taught by a licensed cosmetology teacher, except as follows:

(A) manicuring courses shall be taught by either a licensed cosmetology teacher or a licensed manicurist teacher;

(B) natural hair care courses shall be taught by either a licensed cosmetology teacher or a licensed natural hair care teacher;

(C) esthetics courses shall be taught by either a licensed cosmetology teacher or a licensed esthetician teacher.

(2) A licensed cosmetologist not licensed as a cosmetology teacher may substitute for a cosmetology, esthetician, natural hair care or manicurist teacher; a licensed manicurist not licensed as a manicurist teacher may substitute for a manicurist teacher; a licensed natural hair care specialist not licensed as a natural hair care teacher may substitute for a natural hair care teacher; and a licensed esthetician not licensed as an esthetician teacher may substitute for an esthetician teacher.

(o) In no event may any cosmetic art licensee substitution last for more than 15 consecutive working days per year per teacher. If any teacher substitution is 16 consecutive days or longer, the school shall provide a new cosmetic art teacher.

(p) Enrolled students may earn a maximum of 10 hours per day per discipline of cosmetic art and a maximum of 48 hours per week per discipline. Online education can be earned in addition to the maximum daily and weekly hours. A student enrolled in more than one cosmetic art discipline may not earn hours or complete performances concurrently.

(q) The Board shall certify student hours for any North Carolina cosmetic art school that is closed. The Board shall not certify student hours between any North Carolina open cosmetic art schools. The Board shall certify student hours earned at North Carolina cosmetic art schools to other state boards and schools open outside of the state of North Carolina as set forth in Rule .0502 of this Subchapter.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;

Eff. February 1, 2012;

Amended Eff. August 1, 2014; June 1, 2013; October 1, 2012;

Readopted Eff. January 1, 2016;

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Amended Eff. March 1, 2022; October 1, 2019; December 1, 2016.

**21 NCAC 14T .0706 SCHOOL APPROVAL CHANGES AND SCHOOL CLOSING IS PROPOSED
FOR AMENDMENT AS FOLLOWED:**

21 NCAC 14T .0706 SCHOOL APPROVAL CHANGES AND SCHOOL CLOSING

(a) If the location of a cosmetic art school changes or if there is a transfer of majority ownership of a cosmetic art school, whether by sale, lease, or otherwise, the school owner shall submit a new application for approval in accordance with Rule .0102 of this Subchapter.

(b) License and letters of approval issued to cosmetic art schools are not transferrable, and are valid only for the location, square footage, and enrollment capacity for which issued, and to the owner to whom issued. The letter of approval shall contain the school name, school owner name, school location, date of approval, ~~the signature of the Board members~~, the amount of approved square footage, and the maximum number of enrollments for which the school has been approved.

(c) Schools intending to close must notify the Board not less than 30 days in advance.

(d) Schools must make provisions for the long term storage of school documents as set forth in Rule .0502 of this Subchapter, and facilitate the retrieval of any school documents upon the request of a student or the Board. Schools shall notify the Board of the contact information for retrieval of any school information.

(e) Schools must facilitate and cooperate in the final inspection and processing of student hours.

(f) If the square footage or instructional layout of a cosmetic art school changes, the school shall notify the Board of the change and submit a diagram of the new instructional layout. Following receipt of the notification of the change in the instructional layout or square footage, a Board inspector shall verify the change.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;

Eff. January 1, 2012;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Amended Eff. March 1, 2022; September 1, 2021.