



NORTH CAROLINA STATE BOARD OF COSMETIC ART EXAMINERS

In the Matter of:

Request for Declaratory Ruling Regarding Dermaplaning
Requested by Diane Hall, C-109001

DECLARATORY RULING

On July 13, 2020, Diane Hall, licensed by the North Carolina Board of Cosmetic Art Examiners (the “Board”) as a cosmetologist, petitioned the Board to issue a declaratory ruling as to whether the practice of dermaplaning falls within the scope of practice for cosmetologists and estheticians regulated by the Board pursuant to Chapter 88B of the North Carolina General Statutes (the “Petition”). On July 13, 2020, the Board considered the Petition and decided to grant Ms. Hall’s request for a declaratory ruling. Subsequently, on July 29, 2020, pursuant to N.C. Gen. Stat. §150B-4(a1)(1), the Board provided notice of its decision to grant the request and issue a declaratory ruling. Now, pursuant to N. C. Gen. Stat. §150B-4(a1)(3), the Board issues this written declaratory ruling, and, in doing so, finds that:

1. The practice of dermaplaning is generally recognized as a medical or surgical procedure used to improve skin textures by mechanically scraping off the top layers of the skin. Dermaplaning generally involves the use of a scalpel, specialized surgical blade, or other sharp bladed instrument to scrape and remove the surface of the skin and fine vellus hair on the face.

2. N. C. Gen. Stat. §88B-2(8a) defines “cosmetology” as “[t]he act of arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of a person by any means, including the use of hands, mechanical or electrical apparatus, or appliances or by use of cosmetic or chemical preparations or antiseptics.” N. C. Gen. Stat. §88B-2(8a) (emphasis added).

3. Dermaplaning does not fall within the statutory definition of “cosmetology.” While the procedure may result in the removal of fine facial hair and “cosmetology” is defined to include “cutting . . . the hair of a person by any means,” “cosmetology,” by definition, does not include scraping, cutting and/or removal of skin, which also occurs during dermaplaning. *Id.*

4. N. C. Gen. Stat. §88B-2(11a) provides that “esthetics” “refers to any of the following

practices: giving facials; applying makeup; performing skin care; removing superfluous hair from the body of a person by use of creams, tweezers, or waxing; applying eyelashes to a person, including the application of eyelash extensions, brow or lash color; beautifying the face, neck, arms, or upper part of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; surface manipulation in relation to skin care; or cleaning or stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of hands, devices, apparatus, or appliances along with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.” N. C. Gen. Stat. §88B-2(11a) (emphasis added).

5. Dermaplaning does not fall within the statutory definition of “esthetics.” While the procedure may involve the removal of “superfluous hair from the body,” the removal of hair is not accomplished by the “use of creams, tweezers, or waxing,” as required by the statute. Instead, it is accomplished by the use of a scalpel, specialized surgical blade, or other sharp bladed instrument. *Id.* Similarly, dermaplaning may be used for “beautifying the face,” but it involves the use of a scalpel, specialized surgical blade, or other sharp bladed instrument as opposed to “cosmetic preparations, antiseptics, tonics, lotions, or creams,” as required by the statute. *Id.* Moreover, as a procedure that is widely considered medical or surgical in nature and one that involves the use of a scalpel, specialized surgical blade, or other sharp bladed instrument, dermaplaning is a procedure that exceeds the acts contemplated by the use and plain meanings of the phrases “surface manipulation in relation to skin care” and “cleaning or stimulating the face” in N. C. Gen. Stat. §88B-2(11a). *Id.*

6. The Board’s conclusion that dermaplaning does not fall within the statutory definitions of “cosmetology” or “esthetics” is consistent with its rulemaking and previous and current guidance to licensees and to the public. Indeed, 21 N.C.A.C. 14H.0401(e)(8) provides that licensees shall not “use any product that will penetrate the dermis,” and 21 N.C.A.C. 14H.0505(c)(3) provides a civil penalty for violations of 21 N.C.A.C. 14H.0401(e)(8). The scalpels, specialized surgical blades, and other sharp bladed instruments used in dermaplaning are capable of penetrating the dermis, and the Board has consistently taken the position that the use of those instruments violates 21 N.C.A.C. 14H.0401(e)(8). Moreover, the Board’s website (<https://www.nccosmeticarts.com/>) has included and presently includes the following guidance, which reflects the Board’s position on whether dermaplaning (among other practices) is within the scope of practice for its licensees:

Dermaplaning, microblading, and needling - Dermaplaning, microblading, and needling are not within the scope of practice of our licensees. § 88B2. Definitions. (11a) Esthetics. - Refers to any of the following practices: giving facials; applying makeup; performing skin care; removing superfluous hair from the body of a person by use of creams, tweezers, or waxing; applying eyelashes to a person, including the application of eyelash extensions, brow or lash color; beautifying the face, neck, arms, or upper part of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; surface manipulation in relation to skin care; or cleaning or stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of hands, devices, apparatus, or appliances along with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

7. The Board’s conclusion also is consistent with the statutory and regulatory positions taken by other states. Specifically, numerous other states consider dermaplaning to be outside the

scope of practice for cosmetologists and estheticians and have specifically prohibited dermaplaning by cosmetologists and estheticians and/or consider it to be a medical procedure that may be performed only in “medical spas” and/or by or under the supervision of a health care practitioner.

Accordingly, the Board hereby declares that the practice of dermaplaning is not within the scope of practice for cosmetologists or estheticians as set forth in Chapter 88B of the North Carolina General Statutes.

ISSUED BY ORDER OF THE BOARD
OF AUGUST 24, 2020.

A handwritten signature in blue ink that reads "Lynda Elliott". The signature is written in a cursive, flowing style.

Lynda Elliott, Executive Director

Date: 8-26-2020