

Burgos, Alexander N

Subject: FW: [External] RE: RFC for Board of Cosmetics Art Examiners March 26

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Saturday, March 21, 2026 4:00 PM
To: Kuzdrall, Stefanie S <skuzdrall@nccosmeticarts.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] RE: RFC for Board of Cosmetics Art Examiners March 26

Stefanie,

Thank you for getting these to me.

I have reviewed your changes, and they appear to satisfy the concerns I raised. I anticipate recommending approval of the rules at Thursday's meeting. I will let you know if anything comes up before then.

Let me know if you have any questions.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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Burgos, Alexander N

Subject: FW: [External] RE: RFC for Board of Cosmetics Art Examiners March 26
Attachments: 21 ncac 14p .0116.doc; 21 ncac 14p .0117.doc; 21 ncac 14r .0105.doc; 21 ncac 14g .0103.doc; 21 ncac 14g .0116.doc; 21 ncac 14h .0201.doc; 21 ncac 14h .0203.doc; 21 ncac 14h .0204.doc; 21 ncac 14h .0301.doc; 21 ncac 14h .0302.doc; 21 ncac 14h .0303.doc; 21 ncac 14h .0304.doc; 21 ncac 14h .0401.doc; 21 ncac 14h .0402.doc; 21 ncac 14h .0403.doc; 21 ncac 14h .0404.doc; 21 ncac 14h .0501.doc; 21 ncac 14h .0502.doc; 21 ncac 14h .0503.doc; 21 ncac 14h .0504.doc; 21 ncac 14i .0401.doc; 21 ncac 14n .0102.doc; 21 ncac 14n .0103.doc; 21 ncac 14n .0107.doc; 21 ncac 14n .0110.doc; 21 ncac 14n .0111.doc; 21 ncac 14n .0115.doc; 21 ncac 14p .0101.doc; 21 ncac 14p .0102.doc; 21 ncac 14p .0104.doc; 21 ncac 14p .0105.doc; 21 ncac 14p .0106.doc; 21 ncac 14p .0107.doc; 21 ncac 14p .0108.doc; 21 ncac 14p .0109.doc; 21 ncac 14p .0110.doc; 21 ncac 14p .0111.doc; 21 ncac 14p .0113.doc; 21 ncac 14p .0115.doc; Cosmetic Examiners RFC March 26.docx

From: Stefanie Kuzdrall <skuzdrall@nccosmeticarts.com>
Sent: Wednesday, March 18, 2026 9:04 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: RFC for Board of Cosmetics Art Examiners March 26

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Thank you for your help with these rules! I have attached the rules and the technical changes file with a couple notes in red.

Stefanie Kuzdrall, MPA
Business Director
NC Board of Cosmetic Art Examiners
121 Edinburgh South Drive, Suite 209
Cary, NC 27511
919-736-6123 ext 8

1 21 NCAC 14G .0103 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS FOLLOWS:

2 **21 NCAC 14G .0103 SPACE REQUIREMENTS**

3 (a) The Cosmetic Art Board shall issue letters of approval only to cosmetic art schools that have at least 2,800
4 square feet of inside floor space for 20 stations or 4,200 square feet of inside floor space for 30 stations located
5 within the same building. An additional 140 square feet of floor space is required for each station above 20 stations,
6 up to and including a total of 30 stations. Thereafter, an additional 40 square feet is required for each station in
7 excess of 30 stations. For purpose of this Rule, the day and night classes is are counted as separate enrollments. A
8 school may have a recitation room located in an adjacent building or another building within 500 feet of the main
9 cosmetology building.

10 (b) Each cosmetic art school ~~must~~ shall have no less than 20 hairdressing stations, arranged to accommodate not
11 less than 20 students and arranged so that the course of study and training cosmetology, as prescribed in 21 NCAC
12 14J .0306, may be given. All stations ~~must~~ shall be numbered numerically.

13 (c) Cosmetic art schools ~~must~~ shall have a beginner department containing sufficient space to comfortably
14 accommodate at least 10 students and having at least 40 inches between mannequins.

15 (d) The Board shall issue a letter of approval only to manicurist schools that have at least 1,000 square feet of inside
16 floor space located within the same building.

17 (e) Manicurist schools with 1,000 square feet of inside floor space shall enroll no more than 20 students at one time,
18 and for each student enrolled in addition to 20 students, 40 square feet of inside floor space ~~must~~ shall be provided.

19 (f) Manicurist schools ~~must~~ shall have 10 manicurist tables and chairs a minimum of two feet apart, side to side,
20 arranged to comfortably accommodate ten students.

21 (g) The Board shall issue a letter of approval only to esthetician schools that have at least 1,500 square feet of inside
22 floor space located within the same building.

23 (h) Esthetician schools with 1,500 square feet of inside floor space shall enroll no more than 20 students at one
24 time, and for each student enrolled in addition to 20 students, 50 square feet of inside floor space ~~must~~ shall be
25 provided.

26 (i) The Board shall issue a letter of approval only to natural hair care schools that have at least 2000 square feet of
27 inside floor space located within the same building.

28 (j) Natural hair care schools with 2000 square feet of inside floor space shall enroll no more than 20 students at one
29 time, and for each student enrolled in addition to 20 students, 50 square feet of inside floor space ~~must~~ shall be
30 provided.

31 (k) Schools combining manicuring, esthetics and natural hair care training programs with 2000 feet of inside floor
32 space shall enroll no more than a total of 20 students at one time and for each student enrolled in addition to 20
33 students, 50 square feet of inside floor space ~~must~~ shall be provided. Equipment requirements for manicuring,
34 esthetics and natural hair care schools shall be followed.

35
36 *History Note: Authority G.S. 88B-4;*

37 *Eff. February 1, 1976;*

38 *Amended Eff. April 1, 1995; January 1, 1992; May 1, 1991; January 1, 1989; May 1, 1998;*
39 *Temporary Amendment Eff. January 1, 1999;*
40 *Amended Eff. July 1, 2010; August 1, 2002; April 1, 2001; August 1, 2000;*
41 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
42 *13, 2015;*
43 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14G .0116 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14G .0116 RE-EVALUATION OF SCHOOLS**

4 The Board reserves the authority to re-evaluate any cosmetic art school to determine compliance with the provisions
5 of GS88B and Board rules at any time.

6
7 *History Note: Authority G.S. 88-23; 88-30; 88B-4;*

8 *Eff. April 1, 1988;*

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

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026;*

1 **21 NCAC 14H .0201 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS**
2 **FOLLOWS:**

3 **SECTION .0200 - SHOP LICENSING AND PHYSICAL DIMENSIONS**
4

5 **21 NCAC 14H .0201 APPLICATION FOR SHOP LICENSE**

6 (a) Rules in this Subchapter apply to all cosmetic art shops making initial application to operate a cosmetic art shop.

7 (b) Shops licensed prior to March 1, 2012 ~~may choose~~ are not required to comply with Rules .0202, .0203(c), .0204
8 and .0301 of this Subchapter.

9 (c) Shops licensed prior to March 1, 2012 ~~must~~ shall comply with Rules .0201, .0203(a)-(b), .0302-.0304 and
10 Sections .0400 and .0500 of this Subchapter.

11 (d) Shops licensed prior to March 1, 2012 that make any structural changes that change the physical layout or
12 square footage ~~must~~ shall comply with all rules in this ~~Subchapter.~~ Subchapter notwithstanding paragraph (b).

13 (e) Persons desiring to open a cosmetic art shop, to change ownership of a cosmetic art shop, relocate or reopen a
14 shop shall make application to the North Carolina State Board of Cosmetic Art Examiner on the Board's application
15 form.

16
17 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-22;*

18 *Eff. April 1, 2012;*

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

21 *Amended Eff. April 1, 2023;*

22 *Readopted Eff. April 1, 2026.*

1 21 NCAC 14H .0203 IS READOPTED AS PUBLISHED IN 40:06 NCR 567 WITH CHANGES AS FOLLOWS:

2 **21 NCAC 14H .0203 NEWLY ESTABLISHED SHOPS**

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

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

9 (c) A residential cosmetic art shop shall furnish bathroom facilities separate and apart from the residence.

10 (d) An entrance to a cosmetic art shop from a passageway, walkway, or mall area used only for access to the shop,
11 or to the shop and other businesses, may be open.

12

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

14 *Eff. April 1, 2012;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
16 *13, 2015;*

17 *Amended Eff. April 1, 2023;*

18 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0204 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14H .0204 DIMENSIONS WITHIN COSMETIC ART SHOPS**

3 Within the clinic area each shop shall maintain no less than the following working distances:

- 4 (1) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring
5 table;
- 6 (2) 24 inches from the center of the chair forward;
- 7 (3) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or
8 manicuring table; and
- 9 (4) at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table
10 to the wall of the shop.

11

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

13 *Eff. April 1, 2012;*

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

16 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0301 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **SECTION .0300 - COSMETIC ART SHOP AND EQUIPMENT**

3

4 **21 NCAC 14H .0301 WATER**

5 Cosmetic art shops shall have a sink with hot and cold running water in the shop, separate from restrooms.

6

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

8 *Eff. April 1, 2012;*

9 *Amended Eff. June 1, 2013;*

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

11 *13, 2015;*

12 *Amended Eff. September 1, 2018; March 1, 2018;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0302 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14H .0302 VENTILATION AND LIGHT**

- 4 (a) Ventilation shall be provided at all times in the clinic areas when patrons are serviced in all cosmetic art shops
5 and there ~~must~~ shall be a continuous exchange of air.
- 6 (b) Light shall be provided in the service area of a cosmetic art shop.
- 7 (c) All cosmetic art shops ~~must~~ shall adhere to any federal, State and local government regulation or ordinance
8 regarding fire safety codes, plumbing and electrical work.

9

10 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14;*
11 *Eff. April 1, 2012;*
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
13 *13, 2015;*
14 *Amended Eff. October 1, 2019; March 1, 2018;*
15 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0303 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14H .0303 BATHROOM FACILITIES**

4 (a) Toilet and hand washing facilities consisting of at least one ~~commode~~ toilet and one hand washing sink with
5 running water, liquid soap and individual clean towels or hand air dryer shall be accessible to each cosmetic art
6 shop.

7 (b) ~~Shops with an initial licensure date on or after March 1, 2012 shall have toilet and hand washing facilities in the~~
8 ~~bathroom as required in Paragraph (a) of this Rule. Shops with an initial licensure date prior to March 1, 2012, are~~
9 not required to comply with Paragraph (a) of this rule

10
11 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14;*

12 *Eff. April 1, 2012;*

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

15 *Amended Eff. September 1, 2018; March 1, 2018;*

16 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0304 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

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
5 shop. Safely is the safe and effective completion of the systematic steps for a cosmetic art service following
6 infection control regulations, manufacturer's instructions, and equipment handling.

7

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

9 *Eff. April 1, 2012;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0401 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **SECTION .0400 - INFECTION CONTROL PROCEDURES AND PRACTICES**

3
4 **21 NCAC 14H .0401 LICENSEES AND STUDENTS**

5 (a) For purposes of this Section, sanitation, as described in G.S. 88B, is defined as "infection control."

6 (b) Notwithstanding Rule .0201 in this Subchapter, this Rule applies to licensees and students in practice in
7 cosmetic art schools and shops.

8 (c) Each licensee and student shall wash his or her hands with soap and water immediately after using the restroom.
9 Each licensee and student shall wash his or her hands with soap and water or use of a 62 percent to 70 percent
10 alcohol-based hand sanitizer immediately before and after serving each client and at any point that the student or
11 licensees hands become contaminated.

12 (d) Each licensee and student shall wear clean garments and shoes while serving patrons.

13 (e) Licensees or students shall not use or possess in a cosmetic art school or shop any of the following:

- 14 (1) Methyl Methacrylate Liquid Monomer, a.k.a. MMA;
- 15 (2) razor-type callus shavers, hollow needles, or blades;
- 16 (3) carbolic acid (phenol) over two percent strength;
- 17 (4) animals including insects, fish, amphibians, reptiles, birds, or non-human mammals to perform
18 any service; or
- 19 (5) a variable speed electrical nail file unless it has been designed for use on a natural nail.

20 (f) A licensee or student shall not:

- 21 (1) use any product, implement, or piece of equipment in any manner other than the product's,
22 implement's, or equipment's intended use as described or detailed by the manufacturer;
- 23 (2) treat any medical condition unless referred by a physician;
- 24 (3) provide any service unless it falls within the license definition listed in G.S. 88B-2 and unless
25 trained prior to performing the service;
- 26 (4) perform services on a client if the licensee has reason to believe the client has any of the
27 following:
 - 28 (A) fungus, lice, or nits;
 - 29 (B) an inflamed, infected, broken, raised, or swollen skin or nail tissue in the area to be
30 worked on; or
 - 31 (C) an open wound or sore in the area to be worked on;
- 32 (5) alter or duplicate a license issued by the Board;
- 33 (6) advertise or solicit clients in any form of communication in a manner that is false or misleading. A
34 violation of this prohibition is considered practicing or attempting to practice by fraudulent
35 misrepresentation is set forth in 21 NCAC 14P .0108;
- 36 (7) cut or remove growths of skin including freckles, moles, warts, skin tags, corns, and calluses;
- 37 (8) use any product or device that will penetrate the dermis;

- 38 (9) make any statement to a member of the public, either verbally or in writing, stating or implying
39 any action is required or forbidden by Board rules when such action is not required or forbidden
40 by Board rules. A violation of this prohibition is considered practicing or attempting to practice by
41 fraudulent misrepresentation is set forth in 21 NCAC 14P .0108;
- 42 (10) Make any statement to a member of the public either verbally or in writing, stating or implying the
43 licensee or student has completed training, licensure, or certification that the licensee/student does
44 not hold or has not completed or not recognized by the Board or NC General Statutes. A violation
45 of this prohibition is considered practicing or attempting to practice by fraudulent
46 misrepresentation as set forth in 21 NCAC 14P .0108;
- 47 (11) use or possess any product banned by the FDA. A list of banned products is available at
48 www.fda.gov; or
- 49 (12) use or possess any machine for a cosmetic art service that is not classified by the FDA. Machines
50 that do not require classification by the FDA are exempt from this regulation.
- 51 (g) In using a disinfectant, the user shall wear any personal protective equipment, such as gloves, recommended by
52 the manufacturer in the Safety Data Sheet.
- 53 (h) Licensees may only perform services specifically designated within their licensure field as defined by G.S. 88B-
54 2.

55

56 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-24;*
57 *Eff. April 1, 2012;*
58 *Amended Eff. August 1, 2014; March 1, 2013;*
59 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
60 *13, 2015;*
61 *Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019; March 1, 2019; March 1, 2018;*
62 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0402 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14H .0402 COSMETIC ART SHOPS AND SCHOOLS**

4 (a) ~~Notwithstanding Rule .0201 in this Subchapter, this Rule applies to all cosmetic art schools and shops.~~ A
5 cosmetic art school or shop shall be kept clean.

6 (b) Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles
7 shall 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) Work surfaces used for resting dirty implements during service performances must be disinfected, before and
11 after each service or be protected by a discardable or disinfectable barrier. Any barrier used for this purpose must be
12 discarded, disinfected or laundered before and after each service.

13 (f) Animals or birds shall not be in a cosmetic art shop or school. Fish in an enclosure and animals trained for the
14 purpose of accompanying disabled persons are exempt from the prohibition in this Paragraph.

15 (g) Cosmetic art shops and schools shall display the name of the shop or school and the suite number at the entrance
16 by a sign or lettering.

17 (h) The owner of a cosmetic art shop or school shall not post any sign that states or implies that some action is
18 required or forbidden by Board rules when such action is not required or forbidden by Board rules. A violation of
19 this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation.

20
21 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-24;*

22 *Eff. April 1, 2012;*

23 *Amended Eff. March 1, 2013;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
25 *13, 2015;*

26 *Amended Eff. April 1, 2023;*

27 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0403 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14H .0403 DISINFECTION PROCEDURES**

4 (a) Disinfectant, as applicable in this Subchapter, is defined as a disinfectant that is EPA registered as effective
5 against:

- 6 (1) bacteria including Staphylococcus aureus, MRSA, and pseudomonas aeruginosa;
- 7 (2) viruses including HIV, Hepatitis B and C;
- 8 (3) fungi including Trichophyton mentagrophytes; and
- 9 (4) human ~~coronavirus~~ Coronavirus or SARS-CoV-2.

10 ~~(b) Disinfectants that meet the requirements of Subparagraph (a)(1), (2), and (3) of this Rule may be used if they are~~
11 ~~listed on EPA list N as effective against pathogen SARS-CoV-2.~~

12 ~~(b)~~ (b) Infection Control rules that apply to towels and cloths are as follows:

- 13 (1) clean protective capes, drapes, linens, and towels shall be used for each patron;
- 14 (2) after a protective cape has been in contact with a patron's neck it shall be placed in a clean, closed
15 container until laundered with soap and hot water and dried in a heated dryer. Capes that cannot be
16 laundered and dried in a heater dryer may be disinfected in accordance with the manufacturer
17 directions; and
- 18 (3) after a drape, linen, or towel has been in contact with a patron's skin it shall be placed in a clean,
19 container until laundered with soap and hot water and dried in a heated dryer.

20 ~~(c)~~ (c) Any paper or nonwoven protective drape or covering shall be discarded after one use.

21 ~~(d)~~ (d) There shall be a supply of clean protective drapes, linens, and towels at all times. Wet towels used in
22 services ~~must~~ shall be prepared fresh each day. Unused, prepared wet towels ~~must~~ shall be laundered daily.

23 ~~(e)~~ (e) Clean drapes, capes, linens, towels and all other supplies shall be stored in a clean area.

24 ~~(f)~~ (f) Bathroom facilities ~~must~~ shall be kept clean.

25 ~~(g)~~ (g) All implements shall be cleaned and disinfected after each use in the following manner:

- 26 (1) They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and
27 dried.
- 28 (2) They shall be disinfected with disinfectant that is mixed and used according to the manufacturer's
29 directions and manufacturer's contact time. They shall be rinsed with hot tap water and dried with
30 a clean towel before their next use. They shall be stored in a clean, closed cabinet or container
31 until they are needed.
- 32 (3) If the implement is shears, a razor, or not immersible, it shall be cleaned by wiping it with a clean
33 cloth moistened or sprayed with a disinfectant used in accordance with the manufacturer's
34 directions.

35 ~~(h)~~ (h) All disinfected non-electrical implements shall be stored in a clean, closed cabinet or clean, closed container.

36 ~~(i)~~ (i) All disinfected electrical implements shall be stored in a clean area separate from other clean implements.

37 (k) (j) Disposable and porous implements and supplies ~~must~~ shall be discarded after use or upon completion of the
38 service.

39 (l) (k) Product that comes into contact with the patron ~~must~~ shall be discarded upon completion of the service.

40 (m) (l) Containers with open faces may be covered or closed with plastic wrapping. Disinfected implements ~~must~~
41 shall not be stored with any implement or item that has not been disinfected. Implements that have not been
42 disinfected ~~must~~ shall be stored in a container and labeled as soiled.

43 (n) (m) Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.

44 (o) (n) All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin ~~must~~
45 shall be kept in clean, closed containers and ~~must~~ shall conform in all respects to the requirements of the Federal
46 Food, Drug, and Cosmetic Act as set forth in ~~PL 75-717, 52 accessible at www.fda.gov. 21 U.S.C. 9 accessible at~~
47 <https://uscode.house.gov/view.xhtml?path=/prelim@title21/chapter9/subchapter6&edition=prelim>. Any product
48 apportioned for use and removed from original containers ~~must~~ shall be distributed in a sanitary manner that
49 prevents contamination of product or container. Any product dispensed in portions into another container ~~must~~ shall
50 be dispensed into a clean container and applied to patrons by means of a disinfected or disposable implement or
51 other clean methods. Any product dispensed in portions not dispensed into another container ~~must~~ shall be used
52 immediately and applied to patrons by means of a disinfected or disposable implement or other clean methods. No
53 product dispensed in portions may be returned to the original container.

54 (p) (o) As used in this Rule, "whirlpool" or "footspa" means any basin using circulating water.

55 (q) (p) After use by each patron each whirlpool or footspa ~~must~~ shall be cleaned and disinfected as follows:

- 56 (1) all water ~~must~~ shall be drained and all debris removed from the basin;
- 57 (2) the basin ~~must~~ shall be disinfected by filling the basin with water and circulating a surfactant or
58 enzymatic soap with a disinfectant used according to manufacturer's instructions through the unit
59 for 10 minutes;
- 60 (3) the basin ~~must~~ shall be drained and rinsed with clean water; and
- 61 (4) the basin ~~must~~ shall be wiped dry with a clean towel.

62 (r) (q) At the end of the day each whirlpool or footspa ~~must~~ shall be cleaned and disinfected as follows:

- 63 (1) the screen ~~must~~ shall be removed and all debris trapped behind the screen removed;
- 64 (2) the screen and the inlet must be washed with surfactant, enzymatic soap, or detergent and rinsed
65 with clean water;
- 66 (3) before replacing the screen it ~~must~~ shall be totally immersed in disinfectant in accordance to the
67 manufacturer's instructions;
- 68 (4) the inlet and area behind the screen ~~must~~ shall be cleaned with a brush and surfactant soap and
69 water to remove all visible debris and residue; and
- 70 (5) the spa system ~~must~~ shall be flushed with low sudsing surfactant, enzymatic soap, and warm water
71 for at least 10 minutes and then rinsed and drained.

72 (s) (r) A record ~~must~~ shall be made of the date and time of each cleaning and disinfecting as required by this Rule
73 including the date, time, reason, and name of the staff member who performed the cleaning. This record ~~must~~ shall

74 be made for each whirlpool or footspa and ~~must~~ shall be kept and made available for at least 90 days upon request
75 by either a patron or inspector.

76 ~~(s)~~ (s) The water in a vaporizer machine ~~must~~ shall be emptied daily and the unit disinfected daily after emptying.

77 ~~(t)~~ (t) The area where services are performed that come in contact with the patron's skin including treatment chairs,
78 treatment tables, and beds shall be disinfected between patrons.

79 ~~(u)~~ (u) A manufacturers label for all products, cleaners, and disinfectant concentrate ~~must~~ shall be available at all
80 times. If a concentrate bottle is emptied, it ~~must~~ shall remain available until a new bottle is available.

81 ~~(v)~~ (v) When mixed disinfectant concentrate is placed in a secondary container such as a spray bottle, tub, or jar,
82 that container ~~must~~ shall be labeled to indicate what chemical is in the container. SDS sheets ~~must~~ shall be available
83 for all disinfectants in use at all times.

84 ~~(w)~~ (w) Disinfectants ~~must~~ shall be stored and disposed of in accordance with all local, State, and federal
85 requirements.

86 ~~(x)~~ (x) The cabinet and supplies of a towel warmer machine ~~must~~ shall be emptied daily and the unit dried daily
87 after emptying.

88

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

90 *Eff. April 1, 2012;*

91 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
92 *13, 2015;*

93 *Amended Eff. April 1, 2023; September 1, 2021; September 1, 2020; October 1, 2019; March 1,*
94 *2018;*

95 *Readopted April 1, 2026.*

1 **21 NCAC 14H .0404 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14H .0404 FIRST AID**

3 (a) Each cosmetic art shop and school shall have individually packaged antibiotic ointment, gloves or finger guards,
4 sterile adhesive bandages, and other necessary supplies available to provide first aid.

5 (b) If the skin of the licensee or student is punctured, the licensee or student shall upon knowledge of the injury do
6 the following in this order:

- 7 (1) wash and dry the punctured area with soap and running water and a disposable towel;
- 8 (2) if the cut is still bleeding apply pressure over the wound with a disposable towel;
- 9 (3) remove materials from first aid kit;
- 10 (4) apply antibiotic ointment or a sterile adhesive bandage;
- 11 (5) disinfect any implement or work area exposed to blood per Rule .0403 in this Section;
- 12 (6) dispose of all contaminated supplies in the trash;
- 13 (7) wash hands with soap and running water; and
- 14 (8) if the injured area is on the hands, fingers, or thumb apply disposable, protective glove(s) or a
15 finger guard.

16 (c) If the skin of the patron is punctured, the licensee or student shall upon knowledge of the injury do the following
17 in this order:

- 18 (1) wash and dry hands with soap and running water and a disposable towel and remove materials
19 from first aid kit;
- 20 (2) make first aid supplies available to the patron or assist the patron with:
 - 21 (A) cleansing injured area with soap and water; and
 - 22 (B) applying antibiotic ointment or a sterile adhesive bandage;
- 23 (3) disinfect any implement or work area exposed to blood per Rule .0403 in this Section;
- 24 (4) dispose of all contaminated supplies in the trash;
- 25 (5) wash hands with soap and running water; and
- 26 (6) put on disposable, protective gloves.

27
28 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14;*
29 *Eff. April 1, 2012;*
30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
31 *13, 2015;*
32 *Amended Eff. September 1, 2020; March 1, 2018; January 1, 2016;*
33 *Readopted Eff. April 1, 2026.*
34

1 **21 NCAC 14H .0501 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **SECTION .0500 - ENFORCEMENT, MAINTENANCE OF LICENSURE**
4

5 **21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS**

6 (a) A newly established cosmetic art shop, or a shop which has changed ownership must file an application for
7 licensure with the Board prior to opening. A newly established cosmetic art shop, a shop which has changed
8 ownership or a shop which has been operating without a license shall be inspected before a license will be issued. A
9 new shop license application shall include the following:

10 (1) Shop name;

11 (2) Owner name and social security number or tax id number;

12 (3) Shop location and mailing addresses;

13 (4) Number of booths;

14 (5) Date of opening or ownership change;

15 (6) Shop phone number and email address;

16 (7) Work days and hours;

17 (b) Each cosmetic art shop must pass inspection by an agent of the Board pursuant to this Subchapter. Inspections
18 shall be conducted annually and may be conducted without notice.

19 (c) Mobile cosmetic art shops and schools are prohibited.
20

21 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;*

22 *Eff. April 1, 2012;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
24 *13, 2015;*

25 *Amended Eff. April 1, 2023.*

26 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0502 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14H .0502 FAILURE TO PERMIT INSPECTION**

4 ~~If an inspector is twice unable to inspect a salon after making an appointment to inspect the salon the Board may~~
5 ~~initiate proceedings to revoke or suspend the salon license or may refuse to renew the shop license. A salon shall~~
6 ~~allow an inspector access to inspect a salon after the inspector makes an appointment. If a salon fails to meet this~~
7 ~~requirement twice, the Board may initiate proceedings to revoke or suspend the salon license or may refuse to renew~~
8 ~~the shop license.~~

9

10 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;*

11 *Eff. April 1, 2012;*

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

13 *January 13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0503 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS**

4 (a) The sanitary rating of a beauty establishment shall be based on a system of grading outlined in this Subchapter.
5 The Board's agent or inspector shall rate all beauty establishments based on the following grading scale:

- 6 (1) all establishments receiving a rating of at least 90 percent or more shall be awarded a grade A;
- 7 (2) all establishments receiving a rating of at least 80 percent, and less than 90 percent, shall be
8 awarded grade B;
- 9 (3) all establishments receiving a rating of at least 70 percent and less than 80 percent shall be
10 awarded grade C; and
- 11 (4) any cosmetic art shop or school with a sanitation grade of below 70 percent shall be awarded a
12 failed inspection notice.

13 (b) Every beauty establishment shall be inspected and graded by the Board's agent or inspector and given a sanitary
14 rating. A cosmetic art school shall be graded no less than three times a year, and a cosmetic art shop shall be graded
15 once a year.

16 (c) The sanitary rating or failed inspection notice given to a beauty establishment by the Board's agent or inspector
17 shall be posted by the owner in plain sight near the front entryway at all times.

18 (d) All new establishments ~~must~~ shall be graded by the Board's agent or inspector and receive a rating of at least 90
19 percent before a license will be issued.

20 (e) The operation of a cosmetic art shop or school which fails to receive a sanitary rating of at least 70 percent
21 (grade C) shall be sufficient cause for revoking or suspending the license.

22 (f) A re-inspection by the Board's agent or inspector for the purpose of raising the sanitary rating of a beauty
23 establishment shall not be given within 30 days of the last inspection unless the rating at the last inspection was less
24 than 80 percent.

25 (g) 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~~ shall close until the
27 Board's agent or inspector has reinspected and the sanitation conditions have improved to be awarded a passing
28 grade.

29 (h) A copy of the itemized and graded inspection report ~~must~~ shall be provided to the operator at the time of the
30 inspection.

31
32 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-26; 88B-27;*

33 *Eff. April 1, 2012;*

34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
35 *13, 2015;*

36 *Amended Eff. April 1, 2023;*

37 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14H .0504 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS**

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

Sanitation	Point Value
Each licensee and student shall wash his or her hands with soap and water or hand sanitizer with the active ingredient of 70 percent alcohol or higher 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.	4
All doors and windows shall be kept clean.	2
Furniture, equipment, floors, walls, ceilings and fixtures shall 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 container until laundered with soap and hot water and dried in a heated dryer.	5
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.	5
Bathroom facilities shall be kept clean.	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 per Rule .0403 of this Subchapter.	10
All disinfected electrical implements shall be stored in a clean area.	2
Disposable and porous implements and supplies shall be discarded after use or upon completion of the service.	10
Any product that comes into contact with the patron shall be discarded upon completion of the service.	3
Disinfected implements shall be kept in a clean closed cabinet or clean closed container and shall not be stored with any implement or item that has not been disinfected.	10
Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.	1
The presence of animals or birds shall be prohibited as set forth in Rule .0402 of this Subchapter. Fish in an enclosure and animals trained for the purpose of accompanying disabled persons are exempt.	1

All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin shall be kept in clean, closed containers and dispensed with a clean implement. No product dispensed in portions shall be returned to the container.	10
After each patron's use each whirlpool or footspa shall be cleaned and disinfected.	10
The water in a vaporizer machine shall be emptied daily and the unit disinfected daily.	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.	3

6

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

8 *Eff. April 1, 2012;*

9 *Amended Eff. August 1, 2014;*

10 *Readopted Eff. January 1, 2016; April 1, 2026;*

11 *Amended Eff. April 1, 2023; September 1, 2018.*

1 **21 NCAC 14I .0401 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **SECTION .0400 - LICENSURE OF INDIVIDUALS WHO HAVE BEEN CONVICTED OF A FELONY**
4

5 **21 NCAC 14I .0401 APPLICATION/LICENSURE/INDIVIDUALS WHO HAVE BEEN CONVICTED**
6 **OF FELONY**

7 (a) Any applicant convicted of a felony or charged with a felony that is still pending may apply for Board licensure
8 approval. All documentation submitted shall have no effect on an individual's ability to attend a cosmetic art school,
9 take an examination administered by the Board, or apply for a license.

10 (b) The applicant shall supply the following:

- 11 (1) a statement of facts of the crime, accompanied by a certified copy of the indictment (or, in the
12 absence of an indictment, a copy of the "information" that initiated the formal judicial process),
13 the judgment and any commitment order for each felony for which there has been a conviction;
- 14 (2) at least three letters attesting to the applicant's character from individuals unrelated by blood or
15 marriage;
- 16 (3) a summary of the applicant's personal history since conviction including, if applicable, date of
17 release, parole or probation status, employment, and military service; and
- 18 (4) any other information that in the opinion of the applicant would be useful or pertinent to the
19 consideration by the Board of the applicant's request for licensure.

20
21 *History Note: Authority G.S. 88B-4; 88B-24(1);*

22 *Eff. June 1, 1995;*

23 *Amended Eff. August 1, 2014; September 1, 2010; December 1, 2008; April 1, 2001; August 1,*
24 *1998;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
26 *13, 2015; March 1, 2026.*

27 *Amended Eff. March 1, 2018;*

28 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14N .0102 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**

2 **FOLLOWS:**

3 **21 NCAC 14N .0102 INITIAL APPLICATIONS AND FEES**

4 Cosmetologist candidates having completed a minimum of 1000 hours in a cosmetology curriculum from an
5 approved cosmetic art school are authorized to receive the written examination. All cosmetic art licensee candidates
6 ~~must~~ shall have successfully completed the appropriate cosmetic art curriculum in an approved cosmetic art school
7 before receiving the practical examination.

8

9 *History Note: Authority G.S. 88B-4; 88B-7(1); 88B-8(1); 88B-18; 88B-20(a);*

10 *Eff. June 1, 1992;*

11 *Amended Eff. December 1, 2008; May 1, 2007; December 1, 2005; August 1, 2000; August 1,*
12 *1998;*

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

15 *Readopted Eff. April 1, 2026*

1 **21 NCAC 14N .0103 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14N .0103 GENERAL EXAMINATION INSTRUCTIONS**

3 (a) Examinations conducted by the Board shall be administered by a testing agency contracted by the Board.

4 (b) Once a candidate has scheduled an examination the testing company shall provide:

- 5 (1) the date, time and place of examination;
- 6 (2) information on how to obtain a Candidate Information Bulletin (CIB). The CIB contains the
- 7 admission requirements, exam requirements and supplies needed for the examination; and
- 8 (3) a name and telephone number for further assistance.

9

10 *History Note: Authority G.S. 88B-4; 88B-7; 88B-9; 88B-10; 88B-11; 88B-18;*

11 *Eff. June 1, 1992;*

12 *Temporary Amendment Eff. April 1, 1999; January 1, 1999;*

13 *Amended Eff. January 1, 2011; January 1, 2006; August 1, 2000;*

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

15 *13, 2015;*

16 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14N .0107 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14N .0107 SPECIAL ARRANGEMENTS FOR DISABLED**

4 (a) If a candidate has a disability which will require special arrangements to take an examination, the candidate
5 shall request such arrangements with his or her application for examination. The request for special arrangements
6 shall be in writing and shall set out in sufficient detail what special arrangements are needed. The Board shall make
7 reasonable accommodations for candidates requesting assistance under this Section, including any assistance
8 required by applicable provisions of the Federal Americans with Disabilities Act.

9 (b) If reading assistance, or a reader is required, the application for special arrangements shall also be accompanied
10 by a letter from the candidate's cosmetic art school which documents the assistance the candidate required during
11 classes there. In addition, the candidate shall submit a letter from a professional qualified to diagnose and document
12 the disability.

13 (c) The application, accompanied by a letter from a professional qualified to diagnose shall document the disability.

14 (d) The candidate shall provide any special equipment or readers. A reader shall be 18 years of age or older.

15 (e) A reader shall not be:

16 (1) currently or formerly licensed by this state or any state, nor have received or is currently receiving
17 any training, in any branch of cosmetic art;

18 (2) a current or former owner or employee of any beauty establishment;

19 (3) simultaneously a model for any candidate taking the examination.

20 (f) The application for permission to use a reader shall be made on a form provided by the Board. The form shall
21 include the applicant name, date of birth, and signature.

22
23 *History Note: Authority G.S. 88-10(2); 88-12(2); 88-16; 88-17; 88-21(a)(16); 88-23; 88-30(4);*

24 *Eff. June 1, 1992;*

25 *Amended Eff. August 1, 1998; January 1, 1996;*

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

28 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14N .0110 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14N .0110 PASSING GRADES FOR EXAMINATION**

3 Candidates shall make the following grades on both the practical and theory sections of the examination:

- 4 (1) For licensure as a cosmetologist, 75 percent;
- 5 (2) For licensure as an apprentice cosmetologist, 70 percent;
- 6 (3) for licensure as a cosmetology teacher, 85 percent;
- 7 (4) For licensure as a manicurist teacher, 85 percent;
- 8 (5) For licensure as a manicurist, 75 percent;
- 9 (6) For licensure as an esthetician, 75 percent;
- 10 (7) For licensure as an esthetician teacher, 85 percent; and
- 11 (8) For licensure as a natural hair care specialist, 75 percent.

12

13 *History Note: Authority G.S. 88B-4; 88B-7(2); 88B-8(2); 88B-9(2); 88B-10(2); 88B-10.1; 88B-11(b)(3); 88B-*
14 *11(c)(3); 88B-11(d)(3);*

15 *Eff. June 1, 1992;*

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

17 *Amended Eff. July 1, 2010; August 1, 2000;*

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

20 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14N .0111 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14N .0111 NOTIFICATION OF EXAMINATION RESULTS**

3 Any cosmetology student who completed a 1500-hour course and failed to make the required 75 percent on both
4 parts of the cosmetology examination, but scored at least 70 percent on both parts, may send a written request for an
5 apprentice cosmetologist license, along with the required fee, instead of taking the exam again. In this case, the
6 candidate shall not be given credit toward apprentice time until the date the written request and appropriate fee are
7 received in the office. Notice shall be sent, with the license, advising the applicant of the starting date of the
8 apprenticeship.

9

10 *History Note: Authority G.S. 88B-10(2); 88B-12(2); 88B-16; 88B-17; 88B-21(a)(16); 88B-23; 88B-30(4);*

11 *Eff. June 1, 1992;*

12 *Amended Eff. January 1, 2006;*

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

15 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14N .0115 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14N .0115 FULL TIME AND PART TIME EQUIVALENCY**

3

4 This Rule applies to teacher candidates who have not completed a teacher training course but submit proof of
5 practice in the cosmetic arts industry. Candidates shall be approved for cosmetology teacher exams upon providing
6 a signed affidavit documenting a minimum of 10,400 hours in the cosmetic arts industry to be eligible for Board
7 examination. Candidates shall be approved for manicurist upon providing a signed affidavit documenting a
8 minimum of 4,160 hours in the cosmetic arts industry to be eligible for Board examination. Candidates shall be
9 approved for esthetician teacher exams upon providing a signed affidavit documenting a minimum of 6,240 hours in
10 the cosmetic art industry. Applicants shall not receive credit for more than 2,080 hours per year for full-time work
11 or less than 1,040 per year for part-time work.

12

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

14 *Eff. June 1, 2007;*

15 *Amended Eff. July 1, 2010;*

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

18 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0101 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **SUBCHAPTER 14P – CIVIL PENALTY**

3
4 **SECTION .0100 – CIVIL PENALTY**

5
6 **21 NCAC 14P .0101 SCHEDULE OF CIVIL PENALTIES**

7 The rules in this Subchapter establish the schedule of civil penalties required by G.S. 88B-29(c). The amounts
8 stated are the presumptive amounts which may be modified in accordance with G.S. 88B-29(b). Those violations
9 that are 1st offense correctable are identified with the word "warning" appended to it. If the offense is not corrected
10 within the 30 day time allotted, the presumptive civil penalty in parenthesis shall apply.

11
12 *History Note: Authority G.S. 88B-4; 88B-29;*

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

14 *Eff. August 1, 2000;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
16 *13, 2015;*

17 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0102 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0102 QUALIFICATIONS FOR LICENSING TEACHERS**

3 The presumptive civil penalty for submitting false or fraudulent documentation on the application for licensure as a
4 teacher is:

- | | | | |
|---|-----|--------------------|---|
| 5 | (1) | 1st offense | \$1,000 |
| 6 | (2) | subsequent offense | revocation of license and \$1,000 penalty |

7

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

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

10 *Eff. August 1, 2000;*

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

12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0104 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0104 LICENSING OF COSMETIC ART SHOPS**

3 (a) The presumptive civil penalty for operating a cosmetic art shop without first filing an application for a cosmetic
4 art shop license:

5 (1) 1st offense \$100.00

6 (2) 2nd offense \$200.00

7 (3) 3rd offense \$300.00

8 (b) The presumptive civil penalty for moving or changing location or ownership of an existing cosmetic art shop
9 without first submitting the appropriate form and fee to the Board:

10 (1) 1st offense \$100.00

11 (2) 2nd offense \$200.00

12 (3) 3rd offense \$300.00

13

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

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

16 *Eff. August 1, 2000;*

17 *Amended Eff. April 1, 2001;*

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

20 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0105 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0105 RENEWALS; EXPIRED LICENSES; LICENSES REQUIRED**

3 (a) The presumptive civil penalty for operating a cosmetic art shop/school with an expired license or temporary
4 permit is:

5	(1)	1st offense	\$100.00
6	(2)	2nd offense	\$250.00
7	(3)	3rd offense	\$500.00

8 (b) The presumptive civil penalty for practicing cosmetology, manicuring, esthetics, or natural hair care with an
9 expired license is:

10	(1)	1st offense	\$ 50.00
11	(2)	2nd offense	\$100.00
12	(3)	3rd offense	\$250.00

13 (c) The presumptive civil penalty for allowing an apprentice or someone with a temporary permit to practice
14 cosmetic art without direct supervision is:

15	(1)	1st offense	\$100.00
16	(2)	2nd offense	\$300.00
17	(3)	3rd offense	\$500.00

18 (d) The presumptive civil penalty for practicing in a cosmetic art shop with an apprentice license or a temporary
19 permit without direct supervision is:

20	(1)	1st offense	\$100.00
21	(2)	2nd offense	\$300.00
22	(3)	3rd offense	\$500.00

23 (e) The presumptive civil penalty for teaching with an expired license is:

24	(1)	1st offense	\$100.00
25	(2)	2nd offense	\$250.00
26	(3)	3rd offense	\$500.00

27 (f) The presumptive civil penalty for allowing a North Carolina cosmetic art graduate without a temporary permit to
28 practice cosmetic art without direct supervision is:

29	(1)	1st offense	\$100.00
30	(2)	2nd offense	\$300.00
31	(3)	3rd offense	\$500.00

32 (g) The presumptive civil penalty for practicing in a cosmetic art shop with as a North Carolina cosmetic art
33 graduate without a temporary permit is:

34	(1)	1st offense	\$100.00
35	(2)	2nd offense	\$300.00
36	(3)	3rd offense	\$500.00

37

38 *History Note: Authority G.S. 88B-4; 88B-7; 88B-11; 88B-12; 88B-14; 88B-21; 88B-22; 88B- 23(a); 88B-24;*
39 *88B-29;*
40 *Temporary Adoption Eff. January 1, 1999;*
41 *Eff. August 1, 2000;*
42 *Amended Eff. September 1, 2011; December 1, 2008; September 1, 2006; February 1, 2004;*
43 *August 1, 2002; April 1, 2001;*
44 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
45 *13, 2015;*
46 *Amended Eff. April 1, 2023; December 1, 2016;*
47 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0106 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0106 LICENSES REQUIRED**

3 (a) The presumptive civil penalty for practicing cosmetic art without a license is:

- | | | | |
|---|-----|-------------|----------|
| 4 | (1) | 1st offense | \$200.00 |
| 5 | (2) | 2nd offense | \$250.00 |
| 6 | (3) | 3rd offense | \$500.00 |

7 (b) The presumptive civil penalty for performing services which the practitioner is not licensed to perform is:

- | | | | |
|----|-----|-------------|----------|
| 8 | (1) | 1st offense | \$100.00 |
| 9 | (2) | 2nd offense | \$250.00 |
| 10 | (3) | 3rd offense | \$500.00 |

11 (c) The presumptive civil penalty for practicing cosmetic art teaching without a license is:

- | | | | |
|----|-----|-------------|----------|
| 12 | (1) | 1st offense | \$250.00 |
| 13 | (2) | 2nd offense | \$350.00 |
| 14 | (3) | 3rd offense | \$500.00 |

15 (d) The presumptive civil penalty for allowing an individual to perform services which the practitioner is not
16 licensed to perform is:

- | | | | |
|----|-----|-------------|----------|
| 17 | (1) | 1st offense | \$100.00 |
| 18 | (2) | 2nd offense | \$250.00 |
| 19 | (3) | 3rd offense | \$500.00 |

20

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

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

23 *Eff. August 1, 2000;*

24 *Amended Eff. April 1, 2011; July 1, 2010; December 1, 2008; August 1, 2002;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
26 *13, 2015;*

27 *Amended Eff. April 1, 2023;*

28 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0107 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0107 LICENSES TO BE POSTED**

3 (a) The presumptive civil penalty for failure to display a current cosmetic art shop/school license is:

- | | | | |
|---|-----|-------------------------|----------|
| 4 | (1) | 1 st offense | \$50.00 |
| 5 | (2) | 2 nd offense | \$100.00 |
| 6 | (3) | 3 rd offense | \$200.00 |

7 (b) The presumptive civil penalty for failure to display a current individual license is:

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

11 (c) The presumptive civil penalty for a school/shop for allowing practice or instruction of cosmetic art without
12 displaying a current license is:

- | | | | |
|----|-----|-------------------------|----------|
| 13 | (1) | 1 st offense | \$50.00 |
| 14 | (2) | 2 nd offense | \$100.00 |
| 15 | (3) | 3 rd offense | \$200.00 |

16 (d) The presumptive civil penalty for displaying a copied license is:

- | | | | |
|----|-----|-------------------------|----------|
| 17 | (1) | 1 st offense | \$50.00 |
| 18 | (2) | 2 nd offense | \$100.00 |
| 19 | (3) | 3 rd offense | \$200.00 |

20

21 *History Note: Authority G.S. 88B-4; 88B-23; 88B-29;*

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

23 *Eff. August 1, 2000;*

24 *Amended Eff. December 1, 2008; February 1, 2004; April 1, 2001;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
26 *13, 2015;*

27 *Amended Eff. December 1, 2016;*

28 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0108 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES**

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

- 4 (1) 1st offense \$500.00 per unlicensed practitioner
- 5 (2) 2nd offense \$750.00 per unlicensed practitioner
- 6 (3) 3rd offense \$1000.00 per unlicensed practitioner

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

- 9 (1) 1st offense \$500.00
- 10 (2) 2nd offense \$800.00
- 11 (3) 3rd offense \$1,000.00

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

- 13 (1) 1st offense \$500.00
- 14 (2) 2nd offense \$800.00
- 15 (3) 3rd offense \$1000.00

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

- 17 (1) 1st offense \$500.00
- 18 (2) 2nd offense \$800.00
- 19 (3) 3rd offense \$1,000.00

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

- 21 (1) 1st offense \$100.00
- 22 (2) 2nd offense \$250.00
- 23 (3) 3rd offense \$500.00

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

- 25 (1) 1st offense \$ 50.00
- 26 (2) 2nd offense \$100.00
- 27 (3) 3rd offense \$250.00

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

- 29 (1) 1st offense \$500.00
- 30 (2) 2nd offense \$800.00
- 31 (3) 3rd offense \$1000.00

32 (h) The presumptive civil penalty for the illegal use or possession of equipment in a cosmetic art shop or school is:

- 33 (1) 1st offense \$300.00
- 34 (2) 2nd offense \$500.00
- 35 (3) 3rd offense \$1000.00

36

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

38 *Temporary Adoption Eff. January 1, 1999;*
39 *Eff. August 1, 2000;*
40 *Amended Eff. June 1, 2013; September 1, 2012; September 1, 2011; July 1, 2010; December 1,*
41 *2008; January 1, 2006; April 1, 2004; August 1, 2002; April 1, 2001;*
42 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
43 *13, 2015;*
44 *Amended Eff. April 1, 2023.*
45 *Readopted Eff. April 1, 2026*

1 **21 NCAC 14P .0109 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0109 INSPECTIONS**

3 The presumptive civil penalty for refusal to permit or interference with an inspection:

4	(1)	1st offense	\$100.00
5	(2)	2nd offense	\$250.00
6	(3)	3rd offense	\$500.00

7

8 *History Note: Authority G.S. 88B-4; 88B-27; 88B-29;*

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

10 *Eff. August 1, 2000;*

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

12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0110 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0110 LICENSING OF BEAUTY SALONS**

3 (a) The presumptive civil penalty for use of a cosmetic art shop as living, dining, or sleeping quarters is:

- | | | | |
|---|-----|-------------------------|-------------------|
| 4 | (1) | 1 st offense | warning (\$50.00) |
| 5 | (2) | 2 nd offense | \$100.00 |
| 6 | (3) | 3 rd offense | \$200.00 |

7 (b) The presumptive civil penalty for failure to provide a separate entrance into the cosmetic art shop is:

- | | | | |
|----|-----|-------------------------|--------------------|
| 8 | (1) | 1 st offense | warning (\$100.00) |
| 9 | (2) | 2 nd offense | \$200.00 |
| 10 | (3) | 3 rd offense | \$400.00 |

11 (c) The presumptive civil penalty for re-opening a cosmetic art shop which has been closed for more than 90 days
12 without making application to the Board for a new license:

- | | | | |
|----|-----|-------------------------|----------|
| 13 | (1) | 1 st offense | \$100.00 |
| 14 | (2) | 2 nd offense | \$200.00 |
| 15 | (3) | 3 rd offense | \$300.00 |

16

17 *History Note: Authority G.S. 88B-4; 88B-14; 88B-29;*

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

19 *Eff. August 1, 2000;*

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

22 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0111 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0111 ESTABLISHMENT OF COSMETIC ART SCHOOLS**

3 (a) The presumptive civil penalty for failure to provide minimum floor space or equipment and supplies as required
4 by Subchapter 14T is:

5	(1)	1st offense	\$200.00
6	(2)	2nd offense	\$350.00
7	(3)	3rd offense	\$500.00

8 (b) The presumptive civil penalty for failure to provide instruction at a ratio required in 21 NCAC 14T .0701 is:

9	(1)	1st offense	warning (\$100.00)
10	(2)	2nd offense	\$250.00
11	(3)	3rd offense	\$500.00

12 (c) The presumptive civil penalty for failure to report a change in the teaching staff as required in 21 NCAC 14T
13 .0701 is:

14	(1)	1st offense	warning (\$50.00)
15	(2)	2nd offense	\$100.00
16	(3)	3rd offense	\$200.00

17 (d) The presumptive civil penalty for failure to submit an application for the approval of a school in the case of a
18 change of location or ownership as required in in 21 NCAC 14T .0706 is:

19	(1)	1st offense	\$500.00
20	(2)	2nd offense	\$750.00
21	(3)	3rd offense	\$1000.00

22

23 *History Note: Authority G.S. 88B-4(2); 88B-16; 88B-29;*
24 *Temporary Adoption Eff. January 1, 1999;*
25 *Eff. August 1, 2000;*
26 *Amended Eff. September 1, 2012; July 1, 2010; February 1, 2004;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
28 *13, 2015;*
29 *Amended Eff. April 1, 2023; December 1, 2016;*
30 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0113 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART**

3 (a) The presumptive civil penalty for failure to record student's hours of daily attendance per 21 NCAC 14T .0502
4 is:

- 5 (1) 1st offense warning (\$100.00)
- 6 (2) 2nd offense \$200.00
- 7 (3) 3rd offense \$300.00

8 (b) The presumptive civil penalty for failure to report withdrawal or graduation of a student per 21 NCAC 14T
9 .0502 is:

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

13 (c) The presumptive civil penalty for failure to submit student enrollments per 21 NCAC 14T .0502 is:

- 14 (1) 1st offense warning (\$50.00)
- 15 (2) 2nd offense \$100.00
- 16 (3) 3rd offense \$200.00

17 (d) The presumptive civil penalty for failure to display a copy of the Infection Control rules is:

- 18 (1) 1st offense warning (\$50.00)
- 19 (2) 2nd offense \$100.00
- 20 (3) 3rd offense \$200.00

21 (e) The presumptive civil penalty for failure to post consumer sign "Cosmetic Art School - Work Done Exclusively
22 by Students" per 21 NCAC 14T .0201 is:

- 23 (1) 1st offense warning (\$50.00)
- 24 (2) 2nd offense \$100.00
- 25 (3) 3rd offense \$200.00

26 (f) The presumptive civil penalty for allowing a cosmetic art shop to operate within a cosmetic art school per 21
27 NCAC 14T .0201 is:

- 28 (1) 1st offense \$200.00
- 29 (2) 2nd offense \$400.00
- 30 (3) 3rd offense \$600.00

31 (g) The presumptive civil penalty for a cosmetic art school that is not separated from a cosmetic art shop or other
32 business by a solid wall, floor to ceiling, with a separate entrance and a door that stays closed at all times per 21
33 NCAC 14T .0201 is:

- 34 (1) 1st offense \$200.00
- 35 (2) 2nd offense \$400.00
- 36 (3) 3rd offense \$600.00

37 (h) The presumptive civil penalty for failure to have any student wear the required school uniform or identification
38 per 21 NCAC 14T .0613 is:

- 39 (1) 1st offense warning (\$50.00)
- 40 (2) 2nd offense \$100.00
- 41 (3) 3rd offense \$200.00

42 (i) The presumptive civil penalty for failure to renew or file school bond or bond alternative per G.S. 88B-17 is:

- 43 (1) 1st offense \$200.00
- 44 (2) 2nd offense \$400.00
- 45 (3) 3rd offense \$600.00

46 (j) The presumptive civil penalty for failure to maintain the student permanent file with required documents per 21
47 NCAC 14T .0502 is:

- 48 (1) 1st offense warning (\$50.00)
- 49 (2) 2nd offense \$100.00
- 50 (3) 3rd offense \$200.00

51 (k) The presumptive civil penalty for failure to maintain records of daily hours of attendance documents per 21
52 NCAC 14T .0502 is:

- 53 (1) 1st offense warning (\$50.00)
- 54 (2) 2nd offense \$100.00
- 55 (3) 3rd offense \$200.00

56 (l) The presumptive civil penalty for failure to maintain records of performances documents per 21 NCAC 14T
57 .0502 is:

- 58 (1) 1st offense warning (\$50.00)
- 59 (2) 2nd offense \$100.00
- 60 (3) 3rd offense \$200.00

61 (m) The presumptive civil penalty for allowing an unlicensed individual to instruct cosmetic art per 21 NCAC 14T
62 .0701 is:

- 63 (1) 1st offense \$500.00
- 64 (2) 2nd offense \$750.00
- 65 (3) 3rd offense \$1000.00

66 (n) The presumptive civil penalty for failure to track and record the student progression in an online education
67 course per 21 NCAC 14T .0502 is:

- 68 (1) 1st offense warning (\$50.00)
- 69 (2) 2nd offense \$100.00
- 70 (3) 3rd offense \$200.00

71 (o) The presumptive civil penalty for allowing more than 50 percent for teachers and 30 percent of all other courses
72 to be done through online education per 21 NCAC 14T .0502 is:

- 73 (1) 1st offense warning (\$50.00)

74 (2) 2nd offense \$100.00

75 (3) 3rd offense \$200.00

76 (p) The presumptive civil penalty for failure to administer education as required in 21 NCAC 14T .0612(c) is:

77 (1) 1st offense warning (\$50.00)

78 (2) 2nd offense \$100.00

79 (3) 3rd offense \$200.00

80 (q) The presumptive civil penalty altering the format, school name or school code on a Board form per 21 NCAC
81 14T .0502 is:

82 (1) 1st offense warning (\$50.00)

83 (2) 2nd offense \$100.00

84 (3) 3rd offense \$200.00

85

86 *History Note: Authority G.S. 88B-4; 88B-16; 88B-17; 88B-29;*

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

88 *Eff. August 1, 2000;*

89 *Amended Eff August 1, 2014; September 1, 2012; July 1, 2010; December 1, 2008; April 1, 2004;*

90 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
91 *13, 2015;*

92 *Amended Eff. April 1, 2023; October 1, 2019; December 1, 2016;*

93 *Readopted Eff. April 1, 2026.*

94

1 **21 NCAC 14P .0115 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 AS FOLLOWS:**

2 **21 NCAC 14P .0115 SANITARY RATINGS**

3 The presumptive civil penalty for failure to display a current inspection grade card is:

4	(1)	1st offense	\$50.00
5	(2)	2nd offense	\$100.00
6	(3)	3rd offense	\$200.00

7

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

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

10 *Eff. August 1, 2000;*

11 *Amended Eff. December 1, 2008; February 1, 2004; April 1, 2001;*

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

13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0116 IS READOPTED AS PUBLISHED IN 40:06 NCR 568 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14P .0116 CIVIL PENALTY PROCEDURES**

4 (a) Citations. The Board, through its duly authorized representatives, shall issue a citation with respect to any
5 violation for which a civil penalty may be assessed. Each citation shall be in writing and shall describe the nature of
6 the violation, including a reference to the specific provision alleged to have been violated. The civil penalty, if any,
7 shall attach at the time the citation is written. The citation shall include an order to correct any condition or violation
8 which lends itself to corrections, as determined by the Board.

9 (b) Correction of Violation. Any licensee who has been issued a warning citation ~~must~~ shall present written proof
10 satisfactory to the Board, or its executive director, that the violation has been corrected. This provision applies only
11 to a licensee's first violation in any one year period for a violation with a first offense warning penalty. Proof of
12 correction shall be presented to the Board, through its executive director, within 30 days of the date the warning
13 citation was issued. The Board may extend for a reasonable period, the time within which to correct the warning
14 citation in case of a death or hospitalization. Notices of correction filed after the prescribed date shall not be
15 acceptable and the civil penalty shall be paid.

16 (c) Contested Case. Persons to whom a notice of violation or a citation is issued and a civil penalty assessed, may
17 contest the civil penalty by filing written notice with the Board. The Board shall institute a contested case by
18 sending a notice of hearing pursuant to G.S. 150B, Article 3A. The issuance of notice of hearing shall stay the civil
19 penalty until the Board renders a final agency decision in the contested case.

20 (d) Final Agency Decision. The Board, after the hearing has been concluded, may affirm, reduce, or dismiss the
21 charges filed in the notice of hearing or any penalties assessed. In no event shall the civil penalty be increased.

22 (e) Failure to File. If no written notice contesting the civil penalty is filed as set forth in Paragraph (c), the civil
23 penalty becomes a final agency decision.

24 (f) Any offender who has not committed a previously cited offense for which a civil penalty has been assessed for a
25 three year period after the last penalty payment is complete shall have his record of the specific offense cleared. The
26 next subsequent violation shall be treated as a first offense.

27
28 *History Note: Authority G.S. 88B-4; 88B-29;*

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

30 *Eff. August 1, 2000;*

31 *Amended Eff. August 1, 2002;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
33 *13, 2015;*

34 *Amended Eff. April 1, 2023;*

35 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14P .0117 IS READOPTED AS PUBLISHED IN 40:06 NCR 569 AS FOLLOWS:**

2 **21 NCAC 14P .0117 RULE COMPLIANCE AND ENFORCEMENT MEASURES**

3 (a) The use of or possession of the following products or equipment in a school or shop shall result in civil penalty
4 in the amount of three hundred dollars (\$300.00) per container of product or piece of equipment:

- 5 (1) Methyl Methacrylate Liquid Monomer a.k.a. MMA; or
- 6 (2) razor-type callus shavers, hollow needles or blades.

7 (b) The use of or possession of the following in a school or shop shall result in civil penalty in the amount of one
8 hundred dollars (\$100.00) per use or possession:

- 9 (1) animals including insects, fish, amphibians, reptiles, birds, or non-human mammals to perform
10 any service; or
- 11 (2) variable speed electrical nail file unless it has been designed for use on the natural nail.

12 (c) The action of any student or licensee to violate the Board rules in the following manner shall result in civil
13 penalty in the amount of one hundred dollars (\$100.00) per instance of each action:

- 14 (1) use of any product, implement, or piece of equipment in any manner other than the product's,
15 implement's, or equipment's intended use as described or detailed by the manufacturer;
- 16 (2) treatment of any medical condition unless referred by a physician;
- 17 (3) use of any product or device that will penetrate the dermis;
- 18 (4) provision of any service unless trained prior to performing the service;
- 19 (5) performance of services on a client if the licensee has reason to believe the client has any of the
20 following:
 - 21 (A) fungus, lice, or nits;
 - 22 (B) inflamed infected, broken, raised, or swollen skin or nail tissue in the area to be worked
23 on; or
 - 24 (C) an open wound or sore in the area to be worked on;
- 25 (6) alteration of or duplication of a license issued by the Board;
- 26 (7) advertisement or solicitation of clients in any form of communication in a manner that is false or
27 misleading; or
- 28 (8) cut growths of skin including skin tags, corns, and calluses.

29 (d) The failure to record the date and time of each cleaning and disinfecting of a footspa in a cosmetic art school or
30 shop as required by this Subchapter including the date, time, reason, and name of the staff member who performed
31 the cleaning or the failure to keep or make such record available for at least 90 days upon request by either a patron
32 or inspector shall result in civil penalty in the amount of twenty-five dollars (\$25.00) per footspa.

33 (e) The failure to clean and disinfect a footspa in a cosmetic art shop or school as required by this Subchapter shall
34 result in civil penalty in the amount of one hundred dollars (\$100.00) per footspa.

35 (f) The failure to maintain in a cosmetic art shop and school antiseptics, gloves or finger guards, and sterile
36 bandages available to provide first aid shall result in civil penalty in the amount of twenty-five dollars (\$25.00) per
37 item.

38 (g) The failure to maintain in a cosmetic art shop or school a sink with hot and cold running water separate from
39 restrooms shall result in civil penalty in the amount of one hundred dollars (\$100.00).

40 (h) The failure to provide ventilation at all times in the areas where patrons are serviced in cosmetic art shops and
41 schools shall result in civil penalty in the amount of twenty-five dollars (\$25.00).

42 (i) The failure to maintain equipment and supplies necessary to perform any cosmetic art service offered in the shop
43 or school shall result in civil penalty in the amount of one hundred dollars (\$100.00).

44 (j) The failure to maintain a sanitation grade of 80 percent or higher shall result in a civil penalty in the amount of
45 two hundred dollars (\$200.00).

46 (k) Repeated violations of the rules in this Rule exceeding three written notifications of any one rule documented to
47 any one individual, shop, or school shall result in a mandatory disciplinary hearing in accordance with 21 NCAC
48 14C.

49

50 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27; 88B-29;*

51 *Eff. April 1, 2023;*

52 *Readopted Eff. April 1, 2026.*

53

1 **21 NCAC 14R .0105 IS READOPTED AS PUBLISHED IN 40:06 NCR 569 WITH CHANGES AS**
2 **FOLLOWS:**

3 **21 NCAC 14R .0105 CONTINUING EDUCATION**

4 (a) This Rule pertains to all cosmetic art licensees. Each licensee wishing to maintain his or her license shall obtain
5 continuing education during each licensing period. The licensee shall maintain records of attendance at a continuing
6 education course including the following information:

- 7 (1) course title and description;
- 8 (2) date conducted;
- 9 (3) address of location where the course was conducted; and
- 10 (4) continuing education hours earned.

11 (b) At least one-half of the required continuing education hours for each licensee shall be in the cosmetic arts
12 profession in which he or she is licensed.

13 (c) Each cosmetic art teacher ~~must~~ shall ensure at least 50 percent of the subject matter in a course taken for the
14 purpose of license renewal relates to teacher training techniques such as the the ability to communicate.

15 (d) Continuing education courses shall be approved by the Board providing the courses meet the requirements in
16 Paragraphs (b) and (c) of this Rule.

17 (e) The Board or an agent of the Board may conduct audits of the licensee's continuing education at any time. Upon
18 the Board's request, each licensee shall provide records to the Board to support the last affirmation of records of
19 attendance at a continuing education course given pursuant to Paragraph (a) of this Rule. Records ~~must~~ shall be
20 maintained until the end of the next renewal cycle after the affirmation for audit purposes.

21 (f) Continuing education courses completed prior to an individual's being licensed by the Board shall not qualify for
22 continuing education credit.

23 (g) Apprentices do not need to earn continuing education for license renewal.

24 (h) Licensees are exempt from the eight hours of continuing education requirement until the licensing period
25 commencing after their initial licensure.

26 (i) After completion of the continuing education requirements for any licensing cycle, the licensee shall forward to
27 the Board the following:

- 28 (1) the license renewal application including name, address, and license number;
- 29 (2) the license renewal fees per G.S. 88B-20 and 21 NCAC 14B .0603; and
- 30 (3) affirmation of the following pledge: "I hereby certify that I have obtained all continuing education
31 hours required in accordance with the G.S. 88B-21 and Board rules. I am aware that 1) false or
32 dishonest misleading information may be grounds for disciplinary action against my license; and
33 further that 2) false statements are punishable by law."

34 (j) Failure to produce documents or file a response to a request for audit from the Board within 30 days of the
35 request shall result in a civil penalty to the licensee in the amount of one hundred dollars (\$100.00).

36 (k) The presentation of fraudulent continuing education documentation to the Board by a licensee shall result in a
37 civil penalty of five hundred dollars (\$500.00).

38 (l) Licensees in inactive status may reactivate licensure by taking no fewer than eight hours of continuing education
39 per year of inactivity up to 24 total hours.

40

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

42 *Eff. April 1, 2012;*

43 *Amended Eff. August 1, 2014; March 1, 2013;*

44 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
45 *13, 2015;*

46 *Amended Eff. October 1, 2019;*

47 *Readopted Eff. April 1, 2026.*

Burgos, Alexander N

From: Ascher, Seth M
Sent: Thursday, March 12, 2026 4:45 PM
To: Kuzdrall, Stefanie S
Cc: Burgos, Alexander N
Subject: RFC for Board of Cosmetics Art Examiners March 26
Attachments: Cosmetic Examiners RFC March 26.docx

Good afternoon,

I'm the attorney who reviewed a portion of the Rules submitted by the Board of Cosmetic Examiners for the March 2026 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, March 26, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. I am aware that portions of your submission were reviewed by my colleagues, so please make any additional changes necessary for consistency across rules. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on March 19, 2026.

Please let me know if you have any questions of concerns.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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