

**21 NCAC 14H .0401 LICENSEES AND STUDENTS IS PUBLISHED IN NC REGISTER 33:04 AS
FOLLOWS:**

SECTION .0400 - SANITATION PROCEDURES AND PRACTICES

21 NCAC 14H .0401 LICENSEES AND STUDENTS

(a) Notwithstanding Rule .0201 in this Subchapter, this Rule applies to licensees and students in practice in cosmetic art schools and shops. Each licensee and student shall wash his or her hands with soap and water or an equally effective cleansing agent immediately before and after serving each client.

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

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

- (1) Methyl Methacrylate Liquid Monomer, a.k.a. MMA;
- (2) razor-type callus shavers designed and intended to cut growths of skin including skin tags, corns, and calluses;
- (3) FDA rated Class III devices;
- (4) carbolic acid (phenol) over two percent strength;
- (5) animals including insects, fish, amphibians, reptiles, birds, or non-human mammals to perform any service; or
- (6) a variable speed electrical nail file ~~on a natural nail~~ unless it has been designed for use on a natural nail.

(d) A licensee or student shall not:

- (1) use any product, implement, or piece of equipment in any manner other than the product's, implement's, or equipment's intended use as described or detailed by the manufacturer;
- (2) treat any medical condition unless referred by a physician;
- (3) provide any service unless trained prior to performing the service;
- (4) perform services on a client if the licensee has reason to believe the client has any of the following:
 - (A) fungus, lice, or nits;
 - (B) an inflamed, infected, broken, raised, or swollen skin or nail tissue in the area to be worked on; or
 - (C) an open wound or sore in the area to be worked on;
- (5) alter or duplicate a license issued by the Board;
- (6) advertise or solicit clients in any form of communication in a manner that is false or misleading;
- (7) use any FDA rated Class II device without the documented supervision of a licensed physician;
- (8) use any product that will penetrate the dermis;
- (9) make any statement to a member of the public, either verbally or in writing, stating or implying any action is required or forbidden by Board rules when such action is not required or forbidden

37 by Board rules. A violation of this prohibition is considered practicing or attempting to practice by
38 fraudulent misrepresentation is set forth in 21 NCAC 14P .0108 of this Chapter; or
39 (10) use or possess any product banned by the FDA. A list of banned products is available at
40 www.fda.gov.
41 (e) In using a disinfectant, the user shall wear any personal protective equipment, such as gloves, recommended by
42 the manufacturer in the Safety Data Sheet.
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44 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-24;*
45 *Eff. April 1, 2012;*
46 *Amended Eff. August 1, 2014; March 1, 2013;*
47 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
48 *13, 2015;*
49 *Amended Eff. February 1, 2019; March 1, 2018.*
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**21 NCAC 14H .0505 RULE COMPLIANCE AND ENFORCEMENT MEASURES IS AMENDED AS
PUBLISHED IN NC REGISTER 33:04 AS FOLLOWS:**

21 NCAC 14H .0505 Rule Compliance and Enforcement Measures

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

- (1) Methyl Methacrylate Liquid Monomer a.k.a. MMA; or
- (2) razor-type callus shavers designed and intended to cut growths of skin including skin tags, corns, and calluses.

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

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

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

- (1) use of any product, implement, or piece of equipment in any manner other than the product's, implement's, or equipment's intended use as described or detailed by the manufacturer;
- (2) treatment of any medical condition unless referred by a physician;
- (3) use of any product that will penetrate the dermis;
- (4) provision of any service unless trained prior to performing the service;
- (5) performance of services on a client if the licensee has reason to believe the client has any of the following:
 - (A) fungus, lice, or nits;
 - (B) inflamed infected, broken, raised, or swollen skin or nail tissue in the area to be worked on; or
 - (C) an open wound or sore in the area to be worked on;
- (6) alteration of or duplication of a license issued by the Board;
- (7) advertisement or solicitation of clients in any form of communication in a manner that is false or misleading; or
- (8) use of any FDA rated Class II device without the documented supervision of a licensed physician.

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

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

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

(g) The failure to maintain a sink with hot and cold running water in the clinic area, separate from restrooms, shall result in civil penalty in the amount of one hundred dollars (\$100.00).

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

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

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

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

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

Eff. April 1, 2012;

Amended Eff. August 1, 2014;

Readopted Eff. January 1, 2016;

Amended Eff. February 1, 2019; March 1, 2018.