



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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September 23, 2019

Lynda Elliott
NC Board of Cosmetic Art Examiners
Sent via email only to: lelliott@nccosmeticarts.com

Re: Objection to Rules 21 NCAC 14H .0101 and .0102

Dear Ms. Elliott:

At its meeting on September 19, 2019, the Rules Review Commission objected to the above-captioned Rules in accordance with G.S. 150B-21.10.

The Commission objected to the above referenced Rules for lack of statutory authority as the only cited authority has been repealed.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amber C. May
Commission Counsel

cc: Stefanie Kuzdrall

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RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0101 and .0102

RECOMMENDED ACTION:

- Approve, but note staff's comment
- Object, based on:
 - Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

The only cited statutory authority for these Rules was repealed in 1998; therefore, staff is recommending objection to these Rules for lack of statutory authority based upon the cited authority in the History Note.

Amber May
Commission Counsel

1 **21 NCAC 14H .0101 COPY OF RULES TO COSMETOLOGY STUDENTS IS PUBLISHED IN 33:21**
2 **NCR 2088 AS FOLLOWS:**

3

4

SUBCHAPTER 14H – ~~SANITATION~~ INFECTION CONTROL

5

6

SECTION .0100 - ~~SANITATION~~ INFECTION CONTROL

7

8 **21 NCAC 14H .0101 COPY OF RULES TO COSMETOLOGY STUDENTS**

9 Cosmetic art schools shall give a copy of the ~~sanitation~~ Infection Control rules governing the practice of the
10 cosmetic arts to each student for study.

11

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

13 *Eff. February 1, 1976;*

14 *Amended Eff. October 1, 2019; April 1, 1991; January 1, 1989;*

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

1 **21 NCAC 14H .0102 COPY OF RULES TO BEAUTY ESTABLISHMENTS IS PUBLISHED IN 33:21**
2 **NCR 2089 AS FOLLOWS:**

3 **21 NCAC 14H .0102 COPY OF RULES TO BEAUTY ESTABLISHMENTS**

4 The Board shall give copies of the rules of ~~sanitation~~ Infection Control governing the practice of cosmetic art to all
5 beauty establishments.

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

8 *Eff. February 1, 1976;*

9 *Amended Eff. October, 1, 2019; 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.*

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