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2 21 NCAC 14A .0101 DEFINITIONS IS AMENDED AS PUBLISHED IN NC REGISTER 32:05 AS
3 FOLLOWS:

4
5 CHAPTER 14 – COSMETIC ART EXAMINERS

6
7 SUBCHAPTER 14A – DEPARTMENTAL RULES

8
9 SECTION .0100 – ORGANIZATION RULES

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11 21 NCAC 14A .0101 DEFINITIONS

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

- 13 (1) "Beauty Establishment" refers to both cosmetic art schools and cosmetic art shops.
- 14 (2) "Clean" is the removal of [visible/surface] visable and surface debris, washing with soap (or
15 detergent) and water, detergent or chemical ["cleaner". Prepares] cleaner, that prepares non-
16 porous items for [disinfection. _Reduces] disinfection and reduces the number and slows the
17 growth of pathogens on both porous and non-porous surfaces. Cleaning does not make multi-use
18 items safe for use.
- 19 (3) "Contact time" is the amount of moist contact time required for a disinfectant to be effective
20 against the pathogens on the manufacturers label. Clean items or surfaces must remain
21 [completely] immersed, or visibly wet if using sprays or wipes, for full contact time to be
22 effective.
- 23 ~~(2)~~(4) "Cosmetology School" is any cosmetic art school that teaches cosmetic art as defined by G.S.
24 88B-2(5), but is not solely a manicurist or an esthetics school.
- 25 ~~(3)~~(5) "Cosmetology Student" is a student in any cosmetic art school whose study is the full curriculum.
- 26 (6) "Disinfect" is the process of making a non-porous item safe for use. Requires the use of a
27 chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be
28 cleaned prior to disinfection. UV light is not acceptable for disinfection.
- 29 (7) "Disinfectant" is an EPA registered bactericidal, virucidal and fungicidal disinfectant that is
30 approved for use in hospital settings, following instruction label for dilution ratio and contact time,
31 or an EPA registered Sodium Hypochlorite 5.25% or higher (household bleach) with instructions
32 for disinfection, diluted as instructed on the label and observing the contact time listed on the
33 manufacturers label. Bleach must be active (not expired) with a manufacture date of less than 6
34 months prior to use.
- 35 (8) "Esthetician School" is any cosmetic art school that teaches only the cosmetic art of skin care.
- 36 (9) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the
37 esthetician curriculum set forth in 21 NCAC ~~14A .0102~~.14T .0604.

1 (10) "Licensing cycle" for cosmetologists is a three-year period beginning on the first day of October
2 and ending on the third following first day of October and continuing thereafter in three year
3 intervals. For estheticians, natural hair care specialists and manicurists, the licensing cycle is one
4 year in length beginning on the first day of October and ending on the next first day of October.
5 For teachers, the licensing cycle is a two-year period beginning on the first day of October of an
6 even-numbered year and ending on the next first day of October of the next even-numbered year.

7 ~~(4)~~(11) "Manicurist School" is a cosmetic art school that teaches only the cosmetic art of manicuring.

8 ~~(5)~~(12) "Manicurist Student" is a student in any cosmetic art school whose study is limited to the
9 manicurist curriculum set forth in 21 NCAC 14K .0102, 14T.0605.

10 (13) "Non-porous" is a material that has no pores and does not allow for liquids to be absorbed or pass
11 through. Common non-porous materials include glass, [metal] metal, and plastic.

12 (14) "Porous" is a material that has minute spaces or holes through which liquid or air may pass. [pass
13 (permeable, penetrable, cellular).] Porous may also be called permeable, penetrable, or cellular.

14 (6) "Successful Completion" is the completion of an approved cosmetic art curriculum with a minimum
15 grade of "C" or 70 %, whichever is deemed as passing by the cosmetic art school.

16 (7) "Esthetician School" is any cosmetic art school that teaches only the cosmetic art of skin care.

17 (8) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the
18 esthetician curriculum set forth in 21 NCAC 14O .0102, 14T .0604.

19 (9) "Licensing cycle" for cosmetologists is a three year period beginning on the first day of October
20 and ending on the third following first day of October and continuing thereafter in three year
21 intervals. For estheticians, natural hair care specialists and manicurists, the licensing cycle is one
22 year in length beginning on the first day of October and ending on the next first day of October.
23 For teachers, the licensing cycle is a two year period beginning on the first day of October of an
24 even numbered year and ending on the next first day of October of the next even numbered year.

25 ~~(10)~~(15) "Renewal period" for individual licensees is a three-month period beginning on the first day of
26 July and ending on the first day of October of a renewal year. The "renewal period" for salon
27 licensees is a two-month period beginning on the first day of December and ending on the first day
28 of February of a renewal year.

29 (11) "Clean" is the removal of visible/surface debris, washing with soap (or detergent) and water,
30 detergent or chemical "cleaner". Prepares non porous items for disinfection. Reduces the number
31 and slows the growth of pathogens on both porous and non porous surfaces. Cleaning does not
32 make multi use items safe for use.

33 (12) "Disinfect" is the process of making a non porous item safe for use. Requires the use of a chemical
34 intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned
35 prior to disinfection. UV light is not acceptable for disinfection.

36 (13)~~(16)~~ "Sterilize" is the eradication of all microbial life through the use of heat, [steam] steam, or
37 chemical sterilants. Autoclaves [and/or] or dry heat sterilizers used to sterilize must be spore

1 tested through an independent lab every 30 ~~[days to ensure functionality.] days.~~ Autoclaves
2 and/or dry heat sterilizers used to sterilize must be FDA approved and used only as instructed by
3 the manufacturer. Spore testing results and maintenance records must be kept onsite for 12
4 months.

5 (17) "Successful Completion" is the completion of an approved cosmetic art curriculum with a
6 minimum grade of "C" or 70 %, whichever is deemed as passing by the cosmetic art school.

7 (14) "Disinfectant" is an EPA registered bactericidal, virucidal and fungicidal disinfectant that is approved
8 for use in hospital settings, following instruction label for dilution ratio and contact time, or an
9 EPA registered Sodium Hypochlorite 5.25% or higher (household bleach) with instructions for
10 disinfection, diluted as instructed on the label and observing the contact time listed on the
11 manufacturers label. Bleach must be active (not expired) with a manufacture date of less than 6
12 months prior to use.

13 (15) "Porous" is a material that has minute spaces or holes through which liquid or air may pass
14 (permeable, penetrable, cellular).

15 (16) "Non porous" is a material that has no pores and does not allow for liquids to be absorbed or pass
16 through. Common non porous materials include glass, metal and plastic.

17 (17) "Contact time" is the amount of moist contact time required for a disinfectant to be effective
18 against the pathogens on the label. Clean items or surfaces must remain completely immersed, or
19 visibly wet if using sprays or wipes, for full contact time to be effective.

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22 *History Note: Authority G.S. 88B-2; 88B-4;*
23 *Eff. February 1, 1976;*
24 *Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991; January 1, 1989;*
25 *Temporary Amendment Eff. January 1, 1999;*
26 *Amended Eff. March 1, 2018; October 1, 2012; July 1, 2010; December 1, 2008; May 1, 2005;*
27 *December 1, 2004; May 1, 2004; February 1, 2004; April 1, 2001; August 1, 2000;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
29 *13, 2015.*
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1 **21 NCAC 14H .0301 WATER IS AMENDED AS PUBLISHED IN NC REGISTER 32:05 AS FOLLOWS**
2 **WITH CHANGES:**

3 **SECTION .0300 - COSMETIC ART SHOP AND EQUIPMENT**
4

5 **21 NCAC 14H .0301 WATER**

- 6 (a) Cosmetic art shops shall have a sink with hot and cold running water in the clinic area, separate from restrooms.
7 (b) When a service is provided in a room **in an area of a cosmetic art shop.** closed off by a door, the sink required in
8 this Rule must be within ~~20~~ 50 feet of the ~~door.~~ ~~door or 25 feet from the service table or chair.~~ The restroom sink
9 shall not be used to meet this requirement.

10

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

12 *Eff. April 1, 2012;*

13 *Amended Eff. March 1, 2018; June 1, 2013;*

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

16

1 **21 NCAC 14H .0302 VENTILATION AND LIGHT IS AMENDED AS PUBLISHED IN NC REGISTER**
2 **32:05 WITH CHANGES AS FOLLOWS:**

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

4 (a) Ventilation shall be provided at all times in the areas where patrons are serviced in all cosmetic art shops and
5 there must be a continuous exchange of air.

6 ~~(b) All doors and windows, if open for ventilation, must be effectively screened.~~

7 ~~(e)~~ (b) Light shall be provided in the service ~~area~~ area of a cosmetic art shop.

8 ~~(d)~~ (c) All cosmetic art shops must adhere to any federal, ~~state~~ State and local government regulation or ordinance
9 regarding fire safety codes, plumbing and electrical work.

10

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

12 *Eff. April 1, 2012;*

13 *Amended Eff. March 1, 2018;*

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

16

1 **21 NCAC 14H .0303 BATHROOM FACILITIES IS AMENDED AS PUBLISHED IN NC REGISTER**
2 **32:05 WITH CHANGES AS FOLLOWS:**

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

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

7 (b) Shops with an initial licensure date after March 1, 2012 must have toilet and hand washing facilities in the
8 bathroom.

9

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

11 *Eff. April 1, 2012;*

12 *Amended Eff. March 1, 2018;*

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

15

1 **21 NCAC 14H .0401 LICENSEES AND STUDENTS IS AMENDED IN NC REGISTER 32:05 WITH**
2 **CHANGES AS FOLLOWS:**

3 **SECTION .0400 - SANITATION PROCEDURES AND PRACTICES**
4

5 **21 NCAC 14H .0401 LICENSEES AND STUDENTS**

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

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

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

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

20 (d) 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 trained prior to performing the service;
- 25 (4) perform services on a client if the licensee has reason to believe the client has any of the
26 following:
 - 27 (A) fungus, lice, or nits;
 - 28 (B) an inflamed, infected, broken, raised, or swollen skin or nail tissue in the area to be
29 worked on; or
 - 30 (C) an open wound or sore in the area to be worked on;
- 31 (5) alter or duplicate a license issued by the Board;
- 32 (6) advertise or solicit clients in any form of communication in a manner that is false or misleading;
- 33 (7) use any FDA rated Class II device without the documented supervision of a licensed physician;
- 34 (8) use any product that will penetrate the dermis; ~~or~~
- 35 (9) make any statement to a member of the ~~public~~ public, either verbally or in ~~writing~~ writing, stating
36 or implying any action is required or forbidden by Board rules when such action is not required or
37 forbidden by Board rules. A violation of this prohibition is considered practicing or attempting to

1 practice by fraudulent misrepresentation. Misrepresentation is set forth in 21 NCAC 14P .0108 of
2 this Chapter; or
3 (10) use or possess any product banned by the FDA. A list of banned products is available at
4 www.fda.gov.

5 (e) In using a disinfectant, the user shall wear any personal protective equipment, such as gloves, recommended by
6 the manufacturer in the ~~Material~~ Safety Data Sheet.

7
8 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-24;*
9 *Eff. April 1, 2012;*
10 *Amended Eff. March 1, 2018; August 1, 2014; March 1, 2013;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
12 *13, 2015.*

13

1 **21 NCAC 14H .0403 DISINFECTION PROCEDURES IS AMENDED AS PUBLISHED IN NC**
2 **REGISTER 32:05 WITH CHANGES:**

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

4 (a) Sanitation rules ~~which~~ **that** apply to towels and cloths are as follows:

5 (1) Clean protective capes, drapes, ~~linens~~ **linens**, and towels shall be used for each patron;

6 (2) After a protective cape has been in contact with a patron's neck it shall be placed in a clean, closed
7 container until laundered with soap and hot water and dried in a heated dryer. Capes that cannot
8 be laundered and dried in a heater dryer may be disinfected with an EPA registered hospital grade
9 disinfectant mixed and used in accordance with the manufacturer directions; and

10 (3) After a drape, ~~linen~~ **linen**, or towel has been in contact with a patron's skin it shall be placed in a
11 clean, covered container until laundered with soap and hot water and dried in a heated dryer. A
12 covered container may have an opening so soiled items may be dropped into the container.

13 (b) Any paper or nonwoven protective drape or covering shall be discarded after one use.

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

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

17 (e) Bathroom facilities must be kept ~~cleaned~~ **clean**.

18 (f) All implements shall be cleaned and disinfected after each use in the following manner:

19 (1) They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and
20 dried.

21 (2) They shall be disinfected ~~in accordance with the following: with either:~~

22 (A) ~~EPA registered hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal)~~
23 ~~disinfectant that is bactericidal, virucidal and fungicidal and approved by the EPA for use~~
24 ~~beauty salons, or salon settings or tuberculocidal that is mixed and used according to the~~
25 ~~manufacturer's directions. They shall be rinsed with hot tap water and dried with a clean~~
26 ~~towel before their next use. They shall be stored in a clean, closed cabinet or container~~
27 ~~until they are needed; or~~

28 (B) 1 and 1/3 cup of 5.25 percent unexpired household bleach to one gallon of water for 10
29 minutes. They shall be rinsed with hot tap water and dried with a clean towel before their
30 next use. They shall be stored in a clean, closed cabinet or container until they are
31 needed; or

32 (C) UV-C, ultraviolet germicidal irradiation used accordance with the manufacturer's
33 directions.

34 (3) If the implement is not immersible or is not disinfected by UV-C irradiation, it shall be cleaned by
35 wiping it with a clean cloth moistened or sprayed with a ~~disinfectant EPA registered,~~
36 ~~hospital/pseudomonacidal (bactericidal, virucidal, and fungicidal)~~ disinfectant that is bactericidal,

1 ~~virucidal and fungicidal and approved by the EPA for use beauty salons, or salon settings~~ or
2 ~~tuberculocidal~~, used in accordance with the manufacturer's directions.

3 (4) ~~Implements that come in contact with blood, shall be disinfected by:~~

4 (A) ~~disinfectant, used in accordance with the manufacturer's instructions, that states the~~
5 ~~solution will destroy HIV, TB or HBV viruses and approved by the Federal~~
6 ~~Environmental Protection Agency; or~~

7 (B) ~~EPA registered hospital/pseudomonocidal (bactericidal, virucidal, and fungicidal) and~~
8 ~~tuberculocidal that is mixed and used according to the manufacturer's directions; or~~

9 (C) ~~unexpired household bleach in a 10 percent solution (1 and 2/3 cup of bleach to 1 gallon~~
10 ~~of water) for 10 minutes.~~

11 (g) All disinfected non-electrical implements shall be stored in a clean clean, closed cabinet or clean closed
12 container.

13 (h) All disinfected electrical implements shall be stored in a clean area.

14 (i) Disposable and porous implements and supplies must be discarded after use or upon completion of the service.

15 (j) Product that comes into contact with the patron must be discarded upon completion of the service.

16 (k) ~~Clean, closable storage must be provided for all disinfected implements not in use.~~ Containers with open faces
17 may be ~~covered/closed~~ covered or closed with plastic wrapping. Disinfected implements ~~must be kept in a clean~~
18 ~~closed cabinet or clean closed container and~~ must not be stored with any implement or item that has not been
19 disinfected.

20 (l) Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.

21 (m) All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin must be
22 kept in clean, closed containers, and must conform in all respects to the requirements of the Pure Food and Drug
23 Law. Any product apportioned for use and removed from original containers must be distributed in a sanitary
24 manner that prevents contamination of product or container. Any product dispensed in portions into another
25 container must be dispensed into a ~~sanitized~~ clean container and applied to patrons by means of a disinfected or
26 disposable implement or other ~~sanitized~~ clean methods. Any product dispensed in portions not dispensed into
27 another container must be used immediately and applied to patrons by means of a disinfected or disposable
28 implement or other ~~sanitized~~ clean methods. No product dispensed in portions may be returned to the original
29 container.

30 (n) As used in this Rule whirlpool or footspa means any basin using circulating water.

31 (o) After use by each patron each whirlpool or footspa must be cleaned and disinfected as follows:

32 (1) All water must be drained and all debris removed from the basin;

33 (2) The basin must be disinfected by filling the basin with water and circulating:

34 (A) Two tablespoons of automatic dishwashing powder and 1/4 cup of 5.25 percent
35 household bleach to one gallon of water through the unit for 10 minutes; or

- 1 (B) Surfactant or enzymatic soap with an EPA registered disinfectant with bactericidal,
2 ~~tuberculocidal~~, fungicidal and virucidal activity used according to manufacturer's
3 instructions through the unit for 10 minutes;
- 4 (3) The basin must be drained and rinsed with clean water; and
- 5 (4) The basin must be wiped dry with a clean towel.
- 6 (p) At the end of the day each whirlpool or footspa must be cleaned and disinfected as follows:
- 7 (1) The screen must be removed and all debris trapped behind the screen removed;
- 8 (2) The screen and the inlet must be washed with surfactant or enzymatic soap or detergent and rinsed
9 with clean water;
- 10 (3) Before replacing the screen one of the following procedures must be performed:
- 11 (A) The screen must be totally immersed in a household bleach solution of 1/4 cup of 5.25
12 percent household bleach to one gallon of water for 10 minutes; or
- 13 (B) The screen must be totally immersed in an EPA registered disinfectant with bactericidal
14 ~~tuberculocidal~~, fungicidal and virucidal activity in accordance to the manufacturer's
15 instructions for 10 minutes;
- 16 (4) The inlet and area behind the screen must be cleaned with a brush and surfactant soap and water to
17 remove all visible debris and residue; and
- 18 (5) The spa system must be flushed with low sudsing surfactant or enzymatic soap and warm water
19 for at least 10 minutes and then rinsed and drained.
- 20 ~~(q) Every week after cleaning and disinfecting pursuant to Paragraphs (a) and (b) of this Rule each whirlpool and~~
21 ~~footspa must be cleaned and disinfected in the following manner:~~
- 22 ~~(1) The whirlpool or footspa basin must be filled with water and 1/4 cup of 5.25 percent household~~
23 ~~bleach for each one gallon of water or EPA registered disinfectant with bactericidal,~~
24 ~~tuberculocidal, fungicidal and virucidal activity in accordance to the manufacturer's instructions;~~
25 ~~and~~
- 26 ~~(2) The whirlpool or footspa system must be flushed with the bleach and water or EPA registered~~
27 ~~disinfectant solution for 10 minutes and allowed to sit for at least six hours; and~~
- 28 ~~(3) The whirlpool or footspa system must be drained and flushed with water before use by a patron.~~
- 29 ~~(q)~~ (q) A record must be made of the date and time of each cleaning and disinfecting as required by this Rule
30 including the date, time, **reason reason**, and name of the staff member who performed the cleaning. This record
31 must be made for each whirlpool or footspa and must be kept and made available for at least 90 days upon request
32 by either a patron or inspector.
- 33 ~~(r)~~ (r) The water in a vaporizer machine must be emptied daily and the unit disinfected daily after emptying.
- 34 ~~(s)~~ (s) The area where services are performed that come in contact with the patron's skin including treatment chairs,
35 treatment **tables tables**, and beds shall be disinfected between patrons.
- 36 (t) A manufacturers label for all disinfectant concentrate must be available at all times. If a concentrate bottle is
37 emptied, it must remain available until a new bottle is available.

1 (u) When mixed disinfectant concentrate is placed in a secondary container such as a spray bottle, tub or jar, that
2 container must be labeled to indicate what chemical is in the container. SDS sheets must be readily available for all
3 disinfectants in use at all times.

4 (v) Disinfectants must be stored and disposed of in accordance with all local, [state] State, and federal requirements.

5 (w) The cabinet and supplies of a towel warmer machine must be emptied daily and the unit dried daily after
6 emptying.

7

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

9 *Eff. April 1, 2012;*

10 *Amended Eff. March 1, 2018;*

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

13

1 **21 NCAC 14H .0404 FIRST AID IS AMENDED AS PUBLISHED IN NC REGISTER 32:05 WITH**
2 **CHANGES AS FOLLOWS:**

3 **21 NCAC 14H .0404 FIRST AID**

4
5 (a) Each cosmetic art shop and school shall have antiseptics, gloves or finger guards, sterile bandages, and other
6 necessary supplies available to provide first aid.

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

9 (1) Wash and dry the punctured area with soap and running water and a disposable towel;

10 ~~(1)(2)~~ Apply protective gloves to remove materials from first aid kit;

11 ~~(2)(3)~~ Cleanse injured area with antiseptic (e.g. alcohol, hand sanitizer);

12 ~~(3)(4)~~ Apply a sterile bandage;

13 ~~(4)(5)~~ Disinfect any implement or work area exposed to blood per Rule .0403 in this Section;

14 ~~(5)(6)~~ Dispose of all contaminated supplies and gloves in a zip lock bag then place in the trash;

15 ~~(6)(7)~~ Wash hands with soap and running water; and

16 ~~(7)(8)~~ If the injured area is on the hands, fingers or thumb Apply apply disposable, protective gloves
17 glove(s) or a finger guard.

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

20 (1) Apply protective gloves to remove materials from first aid kit;

21 (2) Make first aid supplies available to the patron or assist the patron with:

22 (a) Cleansing injured area with antiseptic (e.g. alcohol, hand sanitizer)

23 (b) Applying a sterile bandage;

24 (3) Disinfect any implement or work area exposed to blood per Rule .0403 in this Section;

25 (4) Dispose of all contaminated supplies and gloves in a zip lock bag then place in the trash;

26 (5) Wash hands with soap and running water; and

27 (6) Put on disposable, protective ~~gloves or a finger guard.~~ gloves.

28
29 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14;*

30 *Eff. April 1, 2012;*

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

33 *Amended Eff. March 1, 2018; January 1, 2016.*

1 **21 NCAC 14H .0505** **RULE COMPLIANCE AND ENFORCEMENT MEASURES IS AMENDED AS**
2 **PUBLISHED IN NC REGISTER 32:05 WITH CHANGES AS FOLLOWS:**

3 **21 NCAC 14H .0505** **RULE COMPLIANCE AND ENFORCEMENT MEASURES**

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

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

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

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

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

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

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

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

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

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

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

8 ~~(i) The failure to screen all doors and windows open for ventilation shall result in civil penalty in the amount of~~
9 ~~twenty five dollars (\$25.00).~~

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

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

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

17

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

19 *Eff. April 1, 2012;*

20 *Amended Eff. March 1, 2018; August 1, 2014;*

21 *Readopted Eff. January 1, 2016.*

1 **21 NCAC 14I .0401 APPLICATION/LICENSURE/INDIVIDUALS WHO HAVE BEEN CONVICTED**
2 **OF FELONY IS AMENDED AS PUBLISHED IN NC REGISTER 32:05 WITH**
3 **CHANGES AS FOLLOWS:**

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

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

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

12 (b) The applicant shall supply the ~~following;~~following:

- 13 (1) a statement of facts of the crime, accompanied by a certified copy of the indictment (or, in the
14 absence of an indictment, a copy of the "information" that initiated the formal judicial process),
15 the judgment and any commitment order for each felony for which there has been a conviction;
- 16 (2) at least three letters attesting to the applicant's character from individuals unrelated by blood or
17 marriage;
- 18 (3) a summary of the applicant's personal history since conviction including, if applicable, date of
19 release, parole or probation status, employment, and military service; and
- 20 ~~(4) records of any cosmetology, esthetics, natural hair care, or manicurist school disciplinary actions;~~
21 ~~or a statement from the school indicating no disciplinary actions were taken; and~~
- 22 ~~(5)~~(4) any other information that in the opinion of the applicant would be useful or pertinent to the
23 consideration by the Board of the applicant's ~~request.~~ request for licensure.

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

26 *Eff. June 1, 1995;*

27 *Amended Eff. March 1, 2018; August 1, 2014; September 1, 2010; December 1, 2008; April 1,*
28 *2001; August 1, 1998;*

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