

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14A .0101

DEADLINE FOR RECEIPT: Tuesday, August 7, 2018

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In Item (2), is the use of detergent in "soap (or detergent)" necessary given its use on line 13 "detergent or chemical cleaner"?

In Item (6), please make the phrase on line 22 beginning with "requires the use of chemical..." into a full sentence. A suggestion would be "'Disinfect' is the process of making a non-porous item safe for use that includes use. Requires the use of a chemical..."

In Item (10), please consider breaking out the different requirements of each licensing cycle into a list for easier reading. A suggestion would be as follows:

(10) "Licensing cycle" shall be as follows:

(a) for cosmetologists-cosmetologists, the licensing cycle is a three-year period beginning on the first day of October and ending on the third following first day of October and continuing thereafter in three year intervals. For intervals:

(b) for estheticians, natural hair care specialists and manicurists, the licensing cycle is one year in length beginning on the first day of October and ending on the next first day of October. For intervals; and

(c) for teachers, the licensing cycle is a two-year period beginning on the first day of October of an even-numbered year and ending on the next first day of October of the next even-numbered year.

In Item (14), would it be helpful to provide some examples for porous materials as you have for non-porous materials in Item (13)?

In Item (16), is sterilization specific to non-porous materials as disinfect is specific to porous materials?

Amber May
Commission Counsel
Date submitted to agency: July 24, 2018

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 24, 2018

**21 NCAC 14A .0101 DEFINITIONS IS AMENDED AS PUBLISHED IN NC REGISTER 32:21 FOR AS
FOLLOWS:**

CHAPTER 14 – COSMETIC ART EXAMINERS

SUBCHAPTER 14A – DEPARTMENTAL RULES

SECTION .0100 – ORGANIZATION RULES

21 NCAC 14A .0101 DEFINITIONS

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

- (1) "Beauty Establishment" refers to both cosmetic art schools and cosmetic art shops.
- (2) "Clean" is the removal of visible and surface debris, washing with soap (or detergent) and water, detergent or chemical cleaner that prepares non-porous items for disinfection and reduces the number and slows the growth of pathogens on both porous and non-porous surfaces. Cleaning does not make multi-use items safe for use.
- (3) "Contact time" is the amount of moist contact time required for a disinfectant to be effective against the pathogens on the manufacturers label. Clean items or surfaces must remain immersed, or visibly wet if using sprays or wipes, for full contact time to be effective.
- (4) "Cosmetology School" is any cosmetic art school that teaches cosmetic art as defined by G.S. 88B-2(5), but is not solely a manicurist or an esthetics school.
- (5) "Cosmetology Student" is a student in any cosmetic art school whose study is the full curriculum.
- (6) "Disinfect" is the process of making a non-porous item safe for use. Requires the use of a chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned prior to disinfection. UV light is not acceptable for disinfection.
- (7) "Disinfectant" is an EPA registered bactericidal, virucidal and fungicidal disinfectant that is approved for use in ~~hospital~~ hospital-beauty salon or salon settings, following instruction label for dilution ratio and contact time, or an EPA registered Sodium Hypochlorite 5.25 percent or higher (household bleach) with instructions for disinfection, diluted as instructed on the label and observing the contact time listed on the manufacturers label. Bleach must be active (not expired) with a manufacture date of less than 6 months prior to use.
- (8) "Esthetician School" is any cosmetic art school that teaches only the cosmetic art of skin care.
- (9) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the esthetician curriculum set forth in 21 NCAC 14T .0604.
- (10) "Licensing cycle" for cosmetologists is a three-year period beginning on the first day of October and ending on the third following first day of October and continuing thereafter in three year intervals. For estheticians, natural hair care specialists and manicurists, the licensing cycle is one year in length beginning on the first day of October and ending on the next first day of October.

For teachers, the licensing cycle is a two-year period beginning on the first day of October of an even-numbered year and ending on the next first day of October of the next even-numbered year.

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

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

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

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

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

(16) "Sterilize" is the eradication of all microbial life through the use of heat, steam, or chemical sterilants. Autoclaves and or dry heat sterilizers used to sterilize must be spore tested through an independent lab every 30 days. Autoclaves or dry heat sterilizers used to sterilize must be FDA approved and used only as instructed by the manufacturer. Spore testing results and maintenance records must be kept onsite for 12 months.

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

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

Eff. February 1, 1976;

Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991; January 1, 1989;

Temporary Amendment Eff. January 1, 1999;

Amended Eff. October 1, 2012; July 1, 2010; December 1, 2008; May 1, 2005; December 1, 2004;

May 1, 2004; February 1, 2004; April 1, 2001; August 1, 2000;

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

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

1 **21 NCAC 14H .0301 WATER IS AMENDED AS PUBLISHED IN NC REGISTER 32:21 AS**
2 **FOLLOWS:**

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~~, shop, separate from
7 restrooms.

8 ~~(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~~
9 ~~this Rule must be within 50 feet of the door. The restroom sink shall not be used to meet this requirement.~~

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

12 *Eff. April 1, 2012;*

13 *Amended Eff. June 1, 2013;*

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

16 *Amended Eff. September 1, 2018; March 1, 2018.*
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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0303

DEADLINE FOR RECEIPT: Tuesday, August 7, 2018

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Is (a) only applicable to shops with an initial licensure date prior to March 1, 2012 and (b) is applicable to shops with an initial licensure date **on** or after March 1, 2012? If so, please say that.*

In (a), what does it mean that toilet and hand washing facilities shall be "accessible" to each shop?

In (b), please change "must" to "shall" for purposes of consistency.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 24, 2018

**21 NCAC 14H .0303 BATHROOM FACILITIES IS AMENDED AS PUBLISHED IN NC REGISTER
32:21 AS FOLLOWS:**

21 NCAC 14H .0303 BATHROOM FACILITIES

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

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

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

Eff. April 1, 2012;

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

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0504

DEADLINE FOR RECEIPT: Tuesday, August 7, 2018

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is meant by "equally effective" and "immediately" in "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." Please delete or define.*

*Please make "The presence of animals or birds as prohibited in Rule .0402 of this Subchapter" a complete sentence. Perhaps something like "The presence of animals or birds **as shall be** prohibited **as set forth** in Rule .0402 of this Subchapter"*

*What is meant by "sanitary manner" in "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 in a **sanitary manner**." Please delete or define.*

In your History Note, please move the effective date after the readoption date so that it looks like the following:

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

Eff. April 1, 2012;

*Amended Eff. **September 1, 2018;** August 1, 2014;*

*Readopted Eff. January 1, **2016. 2016;***

Amended Eff. September 1, 2018.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 24, 2018

**21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS IS AMENDED AS
PUBLISHED IN NC REGISTER 32:21 AS FOLLOWS:**

21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS

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

Sanitation	Point Value
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.	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, closed 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 .0404 <u>.0403</u> 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 as prohibited 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 in a sanitary manner. 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

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

3 *Eff. April 1, 2012;*

4 *Amended Eff. September 1, 2018; August 1, 2014;*

5 *Readopted Eff. January 1, 2016.*

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