

Burgos, Alexander N

Subject: FW: [External] Rules and forms for March 16, 2023 RRC meeting

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Wednesday, March 15, 2023 2:56 PM
To: Kuzdrall, Stefanie S <skuzdrall@nccosmeticarts.com>
Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Rules and forms for March 16, 2023 RRC meeting

Ms. Kuzdrall,

Thank you for making these changes. Please make sure you copy me and Alex Burgos on future emails regarding these rules. It seems that 14T .0706 was not included in the batch you had sent to oah.rules@oah.nc.gov. Did you intend to leave this Rule off the email or was it an oversight? If an oversight, please "reply all" and send that Rule as soon as you can.

Thank you,
Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

From: Rules, Oah <oah.rules@oah.nc.gov>
Sent: Wednesday, March 15, 2023 2:36 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: [External] Rules and forms for March 16, 2023 RRC meeting

Lawrence, She didn't copy us. Please let Dana know if we can get these saved and posted.

Alexander Burgos
Paralegal
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1940
Alexander.burgos@oah.nc.gov

From: Stefanie Kuzdrall <skuzdrall@nccosmeticarts.com>
Sent: Wednesday, March 15, 2023 1:48 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Rules and forms for March 16, 2023 RRC meeting

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Please find attached the entire rule set and forms for the March 16, 2023 RRC meeting.

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

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Burgos, Alexander N

Subject: FW: [External] RE: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Wednesday, March 15, 2023 12:12 PM
To: Kuzdrall, Stefanie S <skuzdrall@nccosmeticarts.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners

Ms. Kuzdrall,

The changes to 14T .0102 and .0803 are appreciated. Those rules are good to go.

You may want to revert 14H .0403 back to the version sent on Monday, as the changes made alter what is being required for the sake of not needing to change the definition rule (14A .0101).

Once you have made the requested changes, the entire rule set (along with forms) needs to be resubmitted to oah.rules@oah.nc.gov in preparation for the meeting tomorrow.

Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

Burgos, Alexander N

Subject: FW: [External] RE: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Wednesday, March 15, 2023 10:53 AM
To: Kuzdrall, Stefanie S <skuzdrall@nccosmeticarts.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners

Ms. Kuzdrall,

Thank you for making these changes. Please “cc” Alex Burgos on emails regarding rules that are being reviewed. In the interest of transparency, all communication between Rules Review Commission counsel and agencies or boards are included in our online agenda. Mr. Burgos is in charge of this and has been added to this email.

While I appreciate that you want the licensees to understand what these words mean, the Administrative Code is not the way to do this. Definitional rules are used by the Administrative Law Judges to interpret the rules to which they apply. If the words being defined do not appear in the remainder of the rules, then it makes those Items unnecessary.

(3) “Contact time”, (13) “non-porous”, (15) “renewal period”, (16) “sterilize”, and (18) “rasp” appear nowhere in the remainder of Title 21, Chapter 14 and are therefore unnecessary.

(17) “Successful Completion” only appears in 14T .0502, and in that rule it seems to be explained differently than in the definition rule. This creates ambiguity and needs to be removed.

(6) “Disinfect”, (7) “Disinfectant”, (10) “Licensing cycle”, (15) “Renewal period”, and (16) “Sterilize” set substantive requirements. These requirements are the proper subject of a separate rule. Requirements buried in definitions are confusing and difficult to locate.

(19) “Natural Hair Care School” and (20) “Natural Hair Care Student” must be put into the list where it will remain in alphabetical order, which would be between Items (12) and (13).

Also, unless an item is a proper noun, it should not be capitalized. This applies to all of the definitions.

Please make these changes and submit the amended rule. If you need more time to do this, you may request an extension of time. If you would like to keep the rule as it is, you may present your position to the Rules Review Commission, but I will be recommending objection to the Rule. If the RRC objects, your options become limited to either amending the Rule to meet the objection or asking for the Rule to be returned, at which point the Rule is removed from the Code.

If you have any questions, please let me know. I look forward to hearing from you.

Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

From: Stefanie Kuzdrall <skuzdrall@nccosmeticarts.com>

Sent: Wednesday, March 15, 2023 7:52 AM

To: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Subject: RE: [External] RE: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners

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Good Morning,

I made no changes to 21 NCAC 14A .0101, these are needed definitions for our licensees to understand. I made sure all the defined words in 14A .0101 are in the rest of the rules. I have corrected the other three outstanding issues and attached them here. Thank you for your help.

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

Burgos, Alexander N

Subject: FW: [External] RE: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Tuesday, March 14, 2023 6:16 PM
To: Kuzdrall, Stefanie S <skuzdrall@nccosmeticarts.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners

Ms. Kuzdrall,

In looking through the rules you have sent, I was missing 21 NCAC 14A .0101. Did you make any changes to this rule? If so, please send me the updated version.

In 14H .0403(h)(3), you put the or in front of “razor” and not “not immersible”. Please fix.

In 14T .0102(b)(6), please add a period for the rule number. It currently reads, “0610”.

In 14T .0803(c), please use “G.S. 88B” instead of “GS 88B”. Add the periods to the abbreviation.

Thank you,

Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

Burgos, Alexander N

Subject: FW: [External] RE: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners
Attachments: Form 0400 21 NCAC 14T .0608.pdf; 21 ncac 14t .0102.doc; 21 ncac 14t .0101.doc; 21 ncac 14p .0117.doc; 21 ncac 14p .0108.doc; 21 ncac 14p .0105.doc; 21 ncac 14h .0505.doc; 21 ncac 14h .0504.doc; 21 ncac 14h .0503.doc; 21 ncac 14h .0403.doc; 21 ncac 14h .0402.doc; 21 ncac 14h .0401.doc; 21 ncac 14h .0203.doc; 21 ncac 14h .0201.doc; Form 0400 21 NCAC 14T .0603.pdf; Form 0400 21 NCAC 14T .0502.pdf; Form 0400 21 NCAC 14T .0302.pdf; Form 0400 21 NCAC 14T .0301.pdf; Form 0400 21 NCAC 14P .0117.pdf; Form 0400 21 NCAC 14P .0108.pdf; 21 ncac 14t .0803.doc; 21 ncac 14t .0702.doc; 21 ncac 14t .0612.doc; 21 ncac 14t .0603.doc; 21 ncac 14t .0602.doc; 21 ncac 14t .0502.doc; 21 ncac 14t .0302.doc; 21 ncac 14t .0301 (1).doc; 21 ncac 14t .0202.doc; 21 ncac 14t .0201.doc

From: Stefanie Kuzdrall <skuzdrall@nccosmeticarts.com>
Sent: Monday, March 13, 2023 10:42 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Subject: [External] RE: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners

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Thanks so much for getting these to me. I have made and attached the changes requested and worked to ensure all our defined words are included.

Please let me know if there is anything else.

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

21 NCAC 14H .0201 Application for Shop License is amended as published in 37:11 NCR 850 with changes as follows:

SECTION .0200 - SHOP LICENSING AND PHYSICAL DIMENSIONS

21 NCAC 14H .0201 APPLICATION FOR SHOP LICENSE

(a) Rules in this Subchapter apply to all cosmetic art shops making initial application to operate a cosmetic art shop after the effective date of these Rules. shop.

(b) Shops licensed prior to March 1, 2012 may choose to comply with Rules .0202, .0203(c), .0204 and .0301 of this Subchapter.

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

(d) Shops licensed prior to March 1, 2012 that make any structural changes that change the physical layout or square footage must come into compliance comply with all rules in this Subchapter.

(e) Persons desiring to open a cosmetic art shop in the State of North Carolina shop, to change ownership of a cosmetic art shop, relocate or reopen a shop shall make application to the North Carolina State Board of Cosmetic Art Examiner on the Board's application form. Persons desiring to change ownership of a cosmetic art shop, relocate or reopen a shop which has been closed more than 90 days shall make application to the North Carolina State Board of Cosmetic Art Examiner on the Board's application form.

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

Eff. April 1, 2012;

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

Amended Eff. April 1, 2023.

21 NCAC 14H .0203 Newly Established Shops is amended as published in 37:11 NCR 850 with changes as follows:

21 NCAC 14H .0203 NEWLY ESTABLISHED SHOPS

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

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

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

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

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. April 1, 2023.

21 NCAC 14H .0401 Licensees and Students is amended as published in 37:11 NCR 850 as follows:

SECTION .0400 - INFECTION CONTROL PROCEDURES AND PRACTICES

21 NCAC 14H .0401 LICENSEES AND STUDENTS

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

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

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

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

(e) 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 ~~shavers, hollow needles, or blades blades; designed and intended to cut skin and skin growths of skin including skin tags, corns, and calluses;~~

~~(3) FDA rated Class III or greater devices;~~

~~(4)~~(3) carbolic acid (phenol) over two percent strength;

~~(5)~~(4) animals including insects, fish, amphibians, reptiles, birds, or non-human mammals to perform any service; or

~~(6)~~(5) a variable speed electrical nail file unless it has been designed for use on a natural nail.

(f) 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 it falls within the license definition listed in G.S. 88B-2 and 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;~~ misleading. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation is set forth in 21 NCAC 14P .0108;

(7) ~~use any FDA rated Class II device without the documented supervision of a licensed physician;~~
cut or remove growths of skin including freckles, moles, warts, skin tags, corns, and calluses;

(8) use any product or device 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 by Board rules. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation is set forth in 21 NCAC 14P .0108;

(10) Make any statement to a member of the public either verbally or in writing, stating or implying the licensee or student has completed training, licensure, or certification that the licensee/student does not hold or has not completed or not recognized by the Board or NC General Statutes. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation as set forth in 21 NCAC 14P .0108;

~~(10)~~(11) use or possess any product banned by the FDA. A list of banned products is available at www.fda.gov; or

~~(11)~~(12) use or possess any machine for a cosmetic art service that is not classified by the FDA. Machines that do not require classification by the FDA are exempt from this regulation.

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

(h) Licensees may only perform services specifically designated within their licensure field as defined by G.S. 88B-2.

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

Eff. April 1, 2012;

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

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

Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019; March 1, 2019; March 1, 2018.

21 NCAC 14H .0402 Cosmetic Art Shops and Schools is amended as published in 37:11 NCR 851 with changes as follows:

21 NCAC 14H .0402 COSMETIC ART SHOPS AND SCHOOLS

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

(b) Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles shall be maintained in a sanitary manner.

(c) All doors and windows shall be kept clean.

(d) Furniture, equipment, floors, walls, ~~ceilings~~ **ceilings**, and fixtures must be clean and in good repair.

(e) Work surfaces used for resting dirty implements during service performances must be **disinfected**, before and after each service or be protected by a discardable or disinfectable barrier. Any barrier used for this purpose must be discarded, disinfected or laundered before and after each service.

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

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

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

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

Eff. April 1, 2012;

Amended Eff. March 1, 2013;

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

Amended Eff. April 1, 2023.

1 **21 NCAC 14H .0403 DISINFECTION PROCEDURES** is amended as published in 37:11 NCR 851 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 MRSA**, and pseudomonas aeruginosa;
- 7 (2) viruses including HIV, Hepatitis B and C;
- 8 (3) fungi including Trichophyton mentagrophytes; and
- 9 (4) human coronavirus.

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 (c) 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 ~~covered~~ container until laundered with soap and hot water and dried in a heated dryer. ~~A covered~~
20 ~~container may have an opening so soiled items may be dropped into the container.~~

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

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

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

25 (g) Bathroom facilities must be kept clean.

26 (h) All **non-porous** implements shall be cleaned and disinfected after each use in the following manner:

- 27 (1) They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and
28 dried.
- 29 (2) They shall be disinfected **with: with** ~~with either:~~
 - 30 (A) —disinfectant that is mixed and used according to the manufacturer's **directions. directions**
31 **and manufacturer's contact time.** They shall be rinsed with hot tap water and dried with a
32 clean towel before their next use. They shall be stored in a clean, closed cabinet or
33 container until they are needed. needed; or
 - 34 (B) —by UV C, ultraviolet germicidal irradiation used in accordance with the manufacturer's
35 ~~directions.~~

- 1 (3) If the implement is shears, ~~or~~ a razor, not immersible, ~~or is not disinfected by UV-C irradiation~~, it
2 shall be cleaned by wiping it with a clean cloth moistened or sprayed with a disinfectant used in
3 accordance with the manufacturer's directions.
- 4 (i) All disinfected ~~or sterilized~~ non-electrical implements shall be stored in a clean, closed cabinet or clean, closed
5 container.
- 6 (j) All disinfected electrical implements shall be stored in a clean area separate from other clean implements.
- 7 (k) Disposable and porous implements and supplies must be discarded after use or upon completion of the service.
- 8 (l) Product that comes into contact with the patron must be discarded upon completion of the service.
- 9 (m) Containers with open faces may be covered or closed with plastic wrapping. Disinfected implements must not
10 be stored with any implement or item that has not been disinfected. Implements that have not been disinfected must
11 be stored in a container and labeled as soiled.
- 12 (n) Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.
- 13 (o) All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin must be
14 kept in clean, closed ~~containers, containers~~ and must conform in all respects to the requirements of the Federal Food,
15 Drug, and Cosmetic Act as set forth in PL 75-717.52 accessible at www.fda.gov. Any product apportioned for use
16 and removed from original containers must be distributed in a sanitary manner that prevents contamination of
17 product or container. Any product dispensed in portions into another container must be dispensed into a clean
18 container and applied to patrons by means of a disinfected or disposable implement or other clean methods. Any
19 product dispensed in portions not dispensed into another container must be used immediately and applied to patrons
20 by means of a disinfected or disposable implement or other clean methods. No product dispensed in portions may be
21 returned to the original container.
- 22 (p) As used in this ~~Rule whirlpool or footspa~~ Rule, "whirlpool" or "footspa" means any basin using circulating
23 water.
- 24 (q) After use by each patron each whirlpool or footspa must be cleaned and disinfected as follows:
- 25 (1) all water must be drained and all debris removed from the basin;
- 26 (2) the basin must be disinfected by filling the basin with water and circulating a surfactant or
27 enzymatic soap with a disinfectant used according to manufacturer's instructions through the unit
28 for 10 minutes;
- 29 (3) the basin must be drained and rinsed with clean water; and
- 30 (4) the basin must be wiped dry with a clean towel.
- 31 (r) At the end of the day each whirlpool or footspa must be cleaned and disinfected as follows:
- 32 (1) the screen must be removed and all debris trapped behind the screen removed;
- 33 (2) the screen and the inlet must be washed with ~~surfactant~~ ~~surfactant, or~~ enzymatic ~~soap~~ ~~soap, or~~
34 detergent and rinsed with clean water;
- 35 (3) before replacing the screen it must be totally immersed in disinfectant in accordance to the
36 manufacturer's instructions;

1 (4) the inlet and area behind the screen must be cleaned with a brush and surfactant soap and water to
2 remove all visible debris and residue; and

3 (5) the spa system must be flushed with low sudsing surfactant or enzymatic soap and warm water for
4 at least 10 minutes and then rinsed and drained.

5 (s) A record must be made of the date and time of each cleaning and disinfecting as required by this Rule including
6 the date, time, reason, and name of the staff member who performed the cleaning. This record must be made for
7 each whirlpool or footspa and must be kept and made available for at least 90 days upon request by either a patron
8 or inspector.

9 (t) The water in a vaporizer machine must be emptied daily and the unit disinfected daily after emptying.

10 (u) The area where services are performed that come in contact with the patron's skin including treatment chairs,
11 treatment tables, and beds shall be disinfected between patrons.

12 (v) A manufacturers label for all products, cleaners, and disinfectant concentrate must be available at all times. If a
13 concentrate bottle is emptied, it must remain available until a new bottle is available.

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

17 (x) Disinfectants must be stored and disposed of in accordance with all local, State, and federal requirements.

18 (y) The cabinet and supplies of a towel warmer machine must be emptied daily and the unit dried daily after
19 emptying.

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

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; September 1, 2021; September 1, 2020; October 1, 2019; March 1,*
26 *2018.*

27

21 NCAC 14H .0503 SANITARY RATINGS AND POSTING OF RATINGS is amended as published in 37:11 NCR 852 as follows:

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

(a) The sanitary rating of a beauty establishment shall be based on a system of grading outlined in this Subchapter.

~~Based on the grading, all establishments shall be rated in the following manner: The Board's agent or inspector shall~~
~~rate all beauty establishments based on the following grading scale:~~

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

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

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

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

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

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

~~(g) A whirlpool and footspa sanitation record must be kept on each whirlpool and footspa for inspection on a form provided by the Board.~~

~~(h)(g)~~ All cosmetic art shops and schools with a failed inspection report shall be sufficient cause for the immediate suspension of licensure. All cosmetic art shops and schools with a failed inspection report must close until ~~the Board's agent or inspector has reinspected and~~ the sanitation conditions have improved to be awarded a passing grade. All cosmetic art shops with a failed rating may still renew during the renewal period.

~~(i) Mobile cosmetic art shops and schools are prohibited.~~

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

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

Eff. April 1, 2012;

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*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015;
Amended Eff. April 1, 2023.*

21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS is amended as published in 37:11 NCR 853 with changes 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 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, <u>clean</u> 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 .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

1

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

3 *Eff. April 1, 2012;*

4 *Amended Eff. August 1, 2014;*

5 *Readopted Eff. January 1, 2016;*

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

7

1 21 NCAC 14H .0505 Rule Compliance and Enforcement Measures is repealed as published in 37:11 NCR 853:

2 **21 NCAC 14H .0505 RULE COMPLIANCE AND ENFORCEMENT MEASURES**

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

5 *Eff. April 1, 2012;*

6 *Amended Eff. August 1, 2014;*

7 *Readopted Eff. January 1, 2016;*

8 *Amended Eff. March 1, 2019; March 1, 2018*

9 *Repealed Eff. April 1, 2023.*

21 NCAC 14P .0105 RENEWALS; EXPIRED LICENSES; LICENSES REQUIRED is amended as published in 37:11 NCR 854 with changes as follows:

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

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

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

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

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

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

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

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

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

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

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

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


<u>(1)</u>	<u>1st offense</u>	<u>\$100.00</u>
<u>(2)</u>	<u>2nd offense</u>	<u>\$300.00</u>
<u>(3)</u>	<u>3rd offense</u>	<u>\$500.00</u>

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

<u>(1)</u>	<u>1st offense</u>	<u>\$100.00</u>
<u>(2)</u>	<u>2nd offense</u>	<u>\$300.00</u>
<u>(3)</u>	<u>3rd offense</u>	<u>\$500.00</u>

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

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14P .0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 1, 2022 Link to Agency notice: https://www.nccosmeticarts.com/uploads/Board/PRNovember2022.pdf Hearing on: December 16, 2022 Adoption by Agency on: February 13, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact <input type="checkbox"/> Check all that apply <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: This amendment establishes civil penalty for allowing unlicensed practice in a shop per person.	
10. Rulemaking Coordinator: Stefanie Kuzdrall Stefanie Kuzdrall Rj qpg<919-736-6123 G/O ckk skuzdrall@nccosmeticarts.com Cf f lkkpccrñi gpe{ 'èqpwev.'ñtēp{ <	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Stefanie Kuzdrall Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 **21 NCAC 14P .0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES** is
2 amended as published in 37:11 NCR 855 as follows:

3 **21 NCAC 14P .0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES**

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

- | | | | |
|---|-----|-------------|--|
| 5 | (1) | 1st offense | \$500.00 <u>per unlicensed practitioner</u> |
| 6 | (2) | 2nd offense | \$750.00 <u>per unlicensed practitioner</u> |
| 7 | (3) | 3rd offense | \$1000.00 <u>per unlicensed practitioner</u> |

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

- | | | | |
|----|-----|-------------|------------|
| 10 | (1) | 1st offense | \$500.00 |
| 11 | (2) | 2nd offense | \$800.00 |
| 12 | (3) | 3rd offense | \$1,000.00 |

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

- | | | | |
|----|-----|-------------|-----------|
| 14 | (1) | 1st offense | \$500.00 |
| 15 | (2) | 2nd offense | \$800.00 |
| 16 | (3) | 3rd offense | \$1000.00 |

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

- | | | | |
|----|-----|-------------|------------|
| 18 | (1) | 1st offense | \$500.00 |
| 19 | (2) | 2nd offense | \$800.00 |
| 20 | (3) | 3rd offense | \$1,000.00 |

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

- | | | | |
|----|-----|-------------|----------|
| 22 | (1) | 1st offense | \$100.00 |
| 23 | (2) | 2nd offense | \$250.00 |
| 24 | (3) | 3rd offense | \$500.00 |

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

- | | | | |
|----|-----|-------------|----------|
| 26 | (1) | 1st offense | \$ 50.00 |
| 27 | (2) | 2nd offense | \$100.00 |
| 28 | (3) | 3rd offense | \$250.00 |

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


- | | | | |
|----|-----|-------------|-----------|
| 30 | (1) | 1st offense | \$500.00 |
| 31 | (2) | 2nd offense | \$800.00 |
| 32 | (3) | 3rd offense | \$1000.00 |

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

- | | | | |
|----|-----|-------------|-----------|
| 34 | (1) | 1st offense | \$300.00 |
| 35 | (2) | 2nd offense | \$500.00 |
| 36 | (3) | 3rd offense | \$1000.00 |

1 *History Note:* *Authority G.S. 88B-4; 88B-24; 88B-29;*
2 *Temporary Adoption Eff. January 1, 1999;*
3 *Eff. August 1, 2000;*
4 *Amended Eff. June 1, 2013; September 1, 2012; September 1, 2011; July 1, 2010; December 1,*
5 *2008; January 1, 2006; April 1, 2004; August 1, 2002; April 1, 2001;*
6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
7 *13, 2015;*
8 *Amended Eff. April 1, 2023.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14P .0117 RULE COMPLIANCE AND ENFORCEMENT MEASURES	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 1, 2022 Link to Agency notice: https://www.nccosmeticarts.com/uploads/Board/PRNovember2022.pdf Hearing on: December 16, 2022 Adoption by Agency on: February 13, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact <input type="checkbox"/> Check all that apply <input type="checkbox"/> Vj l'rwg'y cu'f ct v'qht'e go d'pgf 'cpcq uku <input type="checkbox"/> Ucv'hwf u'ch'gwgf <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: This adoption moves penalties that were previously established in Subchapter H and moves them into the Civil Penalties Subchapter P.	
10. Rulemaking Coordinator: Stefanie Kuzdrall Stefanie Kuzdrall Rj qpg 919-736-6123 G/O ckk skuzdrall@nccosmeticarts.com Cf f l'kwpcr'ci gpe{ 'eqpcev.'h'cp{ < Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Stefanie Kuzdrall Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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 in a cosmetic art shop or school a sink with hot and cold running water separate from
5 restrooms, restrooms shall 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 and
7 schools shall result in civil penalty in the amount of twenty-five dollars (\$25.00).

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

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

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

15
16 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27; 88B-29;*

17 *Amended Eff. April 1, 2023; August 1, 2014;*

18

21 NCAC 14T .0101 SCOPE is amended as published in 37:11 NCR 857 with changes as follows:

SUBCHAPTER 14T – COSMETIC ART SCHOOLS

SECTION .0100 - SCOPE AND SCHOOL APPLICATIONS

21 NCAC 14T .0101 SCOPE AND DEFINITIONS

(a) These Rules apply to existing and new schools as follows:

- (1) Rules in this Subchapter apply to all cosmetic art schools making initial application to operate a cosmetic art school after the effective date of these Rules.
- (2) Schools with a letter of approval dated prior to the effective date of the rules in this Subchapter may choose to comply with Section .0100 and .0200, Rules .0302-.0305 of this Subchapter.
- (3) Schools with a letter of approval dated prior to the effective date of the rules in this Subchapter must comply with Rule .0301, Section .0400, Rules .0602-.0610, .0614, and .0615 of this Subchapter upon the enrollment of students after the effective date of these Rules.
- (4) Schools with a letter of approval dated prior to the effective date of the rules in this Subchapter must comply with Rules .0501, .0502, .0601, .0611-.0613, .0616,-.0901 upon the effective date of the rules in this Subchapter.

(b) ~~These definitions apply to cosmetic art schools licensed by the Board:~~ The following definitions apply to this Subchapter:

(1) “Client consultation” is the review and discussion of client needs and preferences, assessment of client skin, hair, and nails, and assessment of product reactions.

~~(1)~~ (2) “Clinic” is the area for performance of all cosmetic art services. The clinic may also be used for practice.

~~(2)~~ (3) “Conceptual Education” consists of lectures, research, reading, online learning, videos, instructional ~~[clips]~~ clips, and other non-tactile forms of instruction.

~~(3)~~ (4) “Demonstration” is when a teacher shows the hands-on systematic completion of the steps for a safe and effective cosmetic art service.

~~(4)~~ (5) “Evaluation” is the assessment of a student’s independent completion of a practice or performance evaluation plan by a teacher.

~~(5)~~ (6) “Evaluation plan” is a document that outlines the infection control, tool safety, draping, safe ~~[application]~~ application, and steps for systematic completion of a cosmetic art service.

~~(6)~~ (7) “Guided practice” is when a teacher and student work together on systematic completion of the steps for a safe and effective cosmetic art service.

~~(7)~~ (8) “Guided theory” is when a teacher lectures, instructs, and coaches ~~the~~ factual basis for mechanical operations performed in cosmetic art services.

1 ~~(8)~~ ~~(9)~~ “Hands-on Education” ~~[the]~~ is the repeated physical completion of practice and performances, to
2 provide students with the tactile interaction of different hair, skin, nail types and shapes for the
3 purpose of providing experience to safe and effective cosmetic art services despite variable
4 circumstances.

5 ~~(9)~~ ~~(10)~~ “Independent Theory” is the student study of the factual basis for mechanical operations
6 performed in cosmetic art services.

7 ~~(11)~~ “Online instruction” is off-site conceptual education.

8 ~~(10)~~ ~~(12)~~ “Performance” is the hands-on execution of the systematic completion of the steps for a safe and
9 effective cosmetic art service on a live individual by a ~~[student, performance]~~ student.
10 Performance is monitored during the execution and checked by a teacher upon completion for the
11 purpose of pointing out errors in order that the errors may be corrected.

12 ~~(11)~~ ~~(13)~~ “Performance station” for each cosmetic art discipline consists of:

13 _____ (a) cosmetology – hydraulic styling chair, mirror, and work space for supplies;

14 _____ (b) manicuring – manicuring table, client chair, and student chair;

15 _____ (c) esthetics – reclining facial treatment table with leg support and student stool, work space for
16 _____ supplies; and

17 _____ (d) natural hair care - hydraulic styling chair, mirror, and work space for supplies.

18 ~~(12)~~ ~~(14)~~ “Practice” is the independent hands-on execution of the systematic completion of the steps for a
19 safe and effective cosmetic art service on a mannequin by a ~~[student, practice]~~ student. Practice is
20 monitored during the execution and checked by a teacher upon ~~[completion,]~~ completion for the
21 purpose of pointing out errors in order that the errors may be corrected.

22 ~~(13)~~ ~~(15)~~ “Practice station” is a minimum of 24 inches deep by 36 inches wide of workspace surface in an
23 area with hot and cold running water.

24 ~~(14)~~ ~~(16)~~ “Required Evaluations” are mannequin practice evaluations that must be passed prior to student
25 performances on a live model. The list of required evaluations is specific to each discipline and
26 established in ~~[each curriculum rule]~~ rules 21 NCAC 14T .0602-.0606, [and letter (e).]

27 ~~(15)~~ ~~(17)~~ “Safe and effective” is the completion of the systematic steps for a cosmetic art service following
28 infection control regulations, manufacturer’s instructions, and equipment handling.

29 ~~(16)~~ ~~(18)~~ “Service” is the action of hands-on systematic steps for the safe and effective completion of a
30 cosmetic art procedure that alters the hair, ~~[skin]~~ skin, or nails.

31 ~~(17)~~ ~~(19)~~ “Theory” is the factual basis for mechanical operations performed in cosmetic art services.

32 ~~(18)~~ “Online instruction” is off site conceptual education.

33 ~~(19)~~ “Client consultation” is the review and discussion of client needs and preferences, assessment of
34 client skin, hair, and nails, and assessment of product reactions.

35 ~~(20)~~ “Tool safety” is the factual basis for the safe handling and operation of any tool or device used in a
36 cosmetic art service.

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History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015;
Amended Eff. April 1, 2023.

1 **21 NCAC 14T .0102 NEW SCHOOL APPLICATIONS** is amended as published in 37:11 NCR 858 as
2 follows:

3 **21 NCAC 14T .0102 NEW SCHOOL APPLICATIONS**

4 (a) Persons desiring to operate a cosmetic art school in the state of North Carolina shall make application for
5 licensure by submitting to the Board the Board's School Application. The Board's School Application shall include:

- 6 (1) School name;
- 7 (2) Cosmetic Art discipline(s) to be taught;
- 8 (3) Physical address and mailing address;
- 9 (4) Phone number;
- 10 (5) Email address;
- 11 (6) Ownership type;
- 12 (7) Reason for application;
- 13 (8) Owner name;
- 14 (9) School contact person with phone number and email address; and
- 15 (10) List of teachers with cosmetic art license number.

16 (b) School application forms must be submitted along with supporting documents as follows:

- 17 (1) Proof of bond as required by G.S. 88B-17;
- 18 (2) Diagram with location of equipment placement and marking square footage of all areas including
19 classrooms, dispensary, water supplies, stations, locker room or dressing room, office areas,
20 reception areas, and restroom facilities;
- 21 (3) Course curriculum and required [evaluations] evaluation plans for each cosmetic art discipline and
22 teacher trainee program to be taught in the school;
- 23 (4) Plans for record keeping for compliance with 21 NCAC 14T .0502; of student hours, minimum
24 course requirement qualifications, and student performances;
- 25 (5) The qualifications for passing ~~a performance requirement~~ required evaluations and techniques for
26 grading of performances;
- 27 (6) Handbook for students containing student policies on attendance, leave of absence policy,
28 performance assignment, and a plan ~~to assist~~ for instruction of students to achieve the required
29 minimum ~~hours~~ hours, practice, and performances per [21 NCAC 14T .0602] .0610; 21 NCAC
30 14T .0602 through 0610 and any additional academic requirements established by the school;
- 31 (7) A raised seal identifying the school name and physical location to be used on all Board forms,
32 reports, and other official papers;
- 33 (8) Documentation of local municipality fire, mechanical code, occupancy, electrical and plumbing
34 approval;
- 35 (9) School operation schedule including days, hours, and observed holidays; and
- 36 (10) Signed ~~and notarized~~ statement that the school owner has read and understands the Board's rules in
37 this Subchapter.

1 (c) The Board shall not approve an application for a license until all plans, furniture, supplies and equipment as
2 prescribed by the rules in this Subchapter have been installed.

3 (d) The Board shall issue a license to any cosmetic art school that meets the requirements of this Subchapter.
4

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

6 *Eff. January 1, 2012;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
8 *13, 2015;*

9 *Amended Eff. April 1, 2023; March 1, 2022; October 1, 2019; December 1, 2016.*
10

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS is amended as published in 37:11 NCR 859 with changes as follows:

SECTION .0200 - PHYSICAL REQUIREMENTS FOR COSMETIC ART SCHOOLS

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS

(a) Cosmetology schools must have the following physical departments:

- (1) Practice Department – a minimum of 200 square feet with practice stations ~~a table or tables and or stands to accommodate at least 10 students. students and have at least 40 inches between each mannequin. Cosmetic art schools must provide an additional 5 square feet in the practice department for each student over the maximum of 10. This area shall have at least one mirror of a minimum of two square feet.~~
- (2) Clinic Department – a minimum of 1200 square feet of clinic floor with performance stations for performance of all cosmetic art services. Within the clinic area each school shall have:
 - (A) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;
 - (B) 24 inches from the center of the chair forward;
 - (C) 48 inches from the backrest behind the chair to any other styling chair, ~~esthetics table~~ reclining or flat facial treatment table with leg support or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair, ~~esthetics table~~ reclining or flat facial treatment table to the wall of the school.
- (3) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements and a plumbed sink with hot and cold running water. All cosmetic art schools must have the required equipment to carry out disinfection procedures per 21 NCAC 14H .0403 and .0404;
- (4) Theory classroom – classroom with a minimum of 300 square feet including desks and chairs for each student. ~~feet to accommodate a maximum of 25 students. Cosmetic art schools must provide an additional 8 square feet in the theory classroom for each student over the maximum of 25;~~
- (5) Office – administrative office with a locking door for the secure and locked facilitation of student records and files. This office shall be outfitted with a locking cabinet, electronic office equipment suitable for scanning, printing and secure document storage and a minimum of one desk and one chair;
- (6) Reception area – a reception area for clients to wait prior to receiving services;
- (7) Break room for student use;
- (8) Restrooms for student and public student, school personnel, and school customer use;
- (9) ~~Locker or dressing room — a locker~~ Locker or room for students to secure and lock personal belongings throughout the day; and
- (10) All stations as defined in Rule .0302 of this Subchapter must be numbered numerically.

(b) Manicuring, esthetics and natural hair care schools must have the following physical departments:

- (1) Clinic Department – the clinic floor with performance stations for performance of all cosmetic art services. Within the clinic area each school shall have:
 - (A) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;
 - (B) 24 inches from the center of the chair forward;
 - (C) 48 inches from the backrest behind the chair to any other styling chair, ~~esthetics table~~ reclining or flat facial treatment table with leg support or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair or ~~esthetics table~~ reclining or flat facial treatment table with leg support to the wall of the school.
- (2) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements, and a plumbed sink with hot and cold running water. All cosmetic art schools shall have the required equipment to carry out disinfection procedures per 21 NCAC 14H .0403 and .0404;
- (3) ~~Theory~~ Theory/practice classroom – a room or area with equipment for theory training appropriate to both practical and theory learning including practice stations ~~desks and chairs~~ chairs, and a table or tables and have at least 40 inches between each mannequin.
- (4) Office – administrative office with a locking door for the secure and locked facilitation of student records and files. This office shall be outfitted with a locking cabinet, electronic office equipment suitable for scanning, printing and secure document storage and a minimum of one desk and one chair;
- (5) Reception area – a reception area for clients to wait prior to receiving services;
- (6) Break room for student use;
- (7) Restrooms for student and public student, school personnel, and school customer use;
- (8) ~~Locker or dressing room – a locker~~ Locker or room for students to secure and lock personal belongings throughout the day; and
- (9) All stations as defined in Rule .0304 of this Subchapter must be numbered numerically.

(c) Each cosmetic art school must display a sign in the reception area meeting the requirements of this Paragraph. The sign cannot be smaller than 12 inches by 18 inches, with lettering at least one and one half inches in size and must read as follows: "Cosmetic Art School Work Done Exclusively by Students."

(d) Each of the requirements listed within this Rule must be located within the same building with the exception of the theory classroom, which may be located in an adjacent building or another building within 500 feet of the main cosmetic art building and a proctored examination center, which may be located on the school campus. Theory classrooms located in an adjacent building or another building within 500 feet of the main cosmetic art building shall not be used for student practice.

(e) All Cosmetic Art schools must post hours of operation per cosmetic art discipline and submit this information to the Board. Any changes to the hours of operation must be posted and submitted to the Board. A school shall be considered open by the Board when cosmetic art instruction, services, or performances are provided.

(f) Cosmetic art schools may not offer student ~~hours~~ hours, practice, or performances unless they are in compliance with Paragraph (a) or (b) of this Rule.

(g) All cosmetic art schools must adhere to any federal, state and local government regulation or ordinance regarding fire safety codes, mechanical codes, plumbing, and electrical work.

(h) All cosmetic art schools must maintain a ventilation system with temperature control. During school operating hours the temperature must be maintained between 60 and 85 degrees Fahrenheit.

(i) All equipment in cosmetic art schools shall be in working order; kept in repair; and installed in such a manner as to facilitate usage.

(j) All cosmetic art school buildings shall be maintained. Maintenance includes the safe and working condition of the physical building, furniture, equipment and supplies.

(k) All cosmetic art schools must maintain a bulletin board in sight of the clinic floor. The bulletin board shall be used to display at all times the Board Infection Control rules in 21 NCAC 14H .0200, .0300, .0400, and .0500 and the sanitation grade card issued to the school.

(l) All cosmetic art schools must post together the school letter of approval, the school license, and all cosmetic art licenses issued to the teachers on staff.

(m) Each room in a cosmetic art school must be labeled according to its assigned purpose.

~~(n) Each theory classroom shall be equipped with desks or chairs suitable for classroom work and one chair suitable for demonstrating cosmetic art practices.~~

~~(o) When a school and a shop are under the same ownership:~~

~~(1) — separate operation of the shop and school shall be maintained;~~

~~(2) — if~~

~~(n) If the a school and shop are located in the same building, they must be separated by a solid wall of at least seven feet in height; separate restrooms, separate entrances and visitor reception areas shall be ~~maintained; and maintained.~~~~

~~If a school and another business are located in the same building, they must be separated by a solid wall of at least seven feet in height; separate entrances and visitor reception areas shall be maintained. If the restroom is in a common area of the building a separate restroom need not be provided.~~

~~(3) — the~~

~~(o) All school and shop schools and shops shall have separate public information releases, advertisements, names, and advertising signs.~~

(p) A cosmetic art school must maintain space and equipment appropriate to both practical and theory learning, including desks, chairs, and station requirements so that each student in attendance has a location within which to complete assigned tasks. Each station or desk space shall be designated for only one student at a time.

1 *History Note:* *Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*
2 *Eff. January 1, 2012;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
4 *13, 2015;*
5 *Amended Eff. April 1, 2023; March 1, 2022; September 1, 2021; October 1, 2019; January 1,*
6 *2016.*

1 **21 NCAC 14T .0202 COSMETOLOGY SCHOOLS** is repealed as published in 37:11 NCR 861 as follows:

2 **21 NCAC 14T .0202 COSMETOLOGY SCHOOLS**

3

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

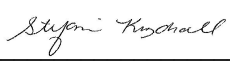
5 *Eff. January 1, 2012;*

6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
7 *13, 2015;*

8 *Repealed Eff. April 1, 2023.*

9

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14T .0301 EQUIPMENT FOR ALL COSMETIC ART SCHOOLS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 1, 2022 Link to Agency notice: https://www.nccosmeticarts.com/uploads/Board/PRNovember2022.pdf Hearing on: December 16, 2022 Adoption by Agency on: February 13, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact <input type="checkbox"/> Check all that apply <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: This rule change creates the requirement for cosmetic art schools to provide supplies for all the services they teach at the school.	
10. Rulemaking Coordinator: Stefanie Kuzdrall Stefanie Kuzdrall Rj qpg 919-736-6123 G/O ckk skuzdrall@nccosmeticarts.com Cf f lkkpccrli gpe{ 'eqpcev.'hlep{ < Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  </div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Stefanie Kuzdrall Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

21 NCAC 14T .0301 EQUIPMENT FOR ALL COSMETIC ART SCHOOLS is amended as published in 37:11 NCR 861 as follows:

SECTION .0300 - SCHOOL EQUIPMENT AND SUPPLIES

21 NCAC 14T .0301 EQUIPMENT FOR ALL COSMETIC ART SCHOOLS

(a) All cosmetic art schools shall maintain for student use, in a dispensary, supplies for all cosmetic art services offered in the school. Simulated products may be used for demonstrations and ~~practice, practice. simulated~~ Simulated products may not be used for required evaluation plan ~~assessments.~~ assessments with the exception of sodium hydroxide relaxers

(b) All cosmetic art schools shall maintain equipment for student use, equipment use for all cosmetic art services offered and for all required evaluations in the school.

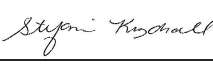
History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;

Eff. January 1, 2012;

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

Amended Eff. April 1, 2023; March 1, 2022.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14T .0302 EQUIPMENT FOR COSMETOLOGY SCHOOLS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 1, 2022 Link to Agency notice: https://www.nccosmeticarts.com/uploads/Board/PRNovember2022.pdf Hearing on: December 16, 2022 Adoption by Agency on: February 13, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact <input type="checkbox"/> Check all that apply <input type="checkbox"/> Ucwg'hwf u'chgwgf <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: This rule change updates the required equipment for cosmetology schools.	
10. Rulemaking Coordinator: Stefanie Kuzdrall Stefanie Kuzdrall Rj qpg 919-736-6123 G/O ckk skuzdrall@nccosmeticarts.com Cf f lkkpccrñi gpe{ 'èqpwev.'h'èp{ < Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  </div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Stefanie Kuzdrall Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

21 NCAC 14T .0302 EQUIPMENT FOR COSMETOLOGY SCHOOLS is amended as published in 37:11
NCR 861 as follows:

21 NCAC 14T .0302 EQUIPMENT FOR COSMETOLOGY SCHOOLS

(a) The practice department in a cosmetology school shall be equipped with the following equipment:

~~(1) One manicure table and stool;~~

~~(2)~~(1) One shampoo bowl with hot and cold running water and chair; ~~chair~~;

~~(3) Thermal styling equipment for the purpose of curling and straightening hair;~~

~~(4)~~(2) Visual aids; and

~~(5)~~(3) One ~~mannequin practice table or stand~~ practice station to accommodate each student in the practice department.

(b) The clinic department in a cosmetology school shall be equipped with the following for up to 40 students in the department:

(1) 20 stations. Each station shall include one mirror, one electrical outlet, and one hydraulic chair;

(2) Four hooded floor type dryers and chairs;

(3) Four shampoo bowls with hot and cold running water and chairs.

(A) each side approach shampoo bowl shall be at least 40 inches apart, center of bowl to center of bowl;

(B) each free standing shampoo bowl shall be at least 31 inches apart, center of bowl to center of bowl;

(C) all other types of shampoo bowls shall be at least 31 inches apart, center of bowl to center of bowl;

(4) Two manicure tables and stools;

(5) One pedicure station that shall include a chair, a foot bath, and a stool; and

(6) One reclining or flat facial treatment table with leg support ~~or chair~~ and a ~~stool~~ stool; and

(7) One facial vaporizer.

(c) The clinic department in a cosmetology school shall be equipped with the following equipment if there are more than 40 enrolled advanced students:

(1) One station for each additional two students;

(2) One shampoo bowl with hot and cold running water for each additional ~~10~~ 20 students; and

~~(3) One manicure table and stool for each additional 15 students;~~

~~(4) One pedicure station for each additional 20 students; and~~

~~(5)~~(3) One ~~facial lounge~~ reclining or flat facial treatment table with leg support or chair for each additional ~~40~~ 60 students.


(d) Cosmetology schools that also offer the disciplines of esthetics, and manicuring shall be equipped with one additional station (as defined in this section per discipline) per ~~five~~ two students and the equipment requirements specific to the discipline.

(e) The theory department in a cosmetology school shall be equipped with desks and chairs.

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History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January
13, 2015;
Amended Eff. April 1, 2023; January 1, 2016.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14T .0502 PERMANENT RECORDS, FORMS, AND DOCUMENTATION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 1, 2022 Link to Agency notice: https://www.nccosmeticarts.com/uploads/Board/PRNovember2022.pdf Hearing on: December 16, 2022 Adoption by Agency on: February 13, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact <input type="checkbox"/> Check all that apply <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: This rule change updates the required records for student education documentation.	
10. Rulemaking Coordinator: Stefanie Kuzdrall Stefanie Kuzdrall Rj qpg<919-736-6123 G/O ckk skuzdrall@nccosmeticarts.com Cf f lkkpccrñi gpe{ 'èqpwev.'ñtēp{ <	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Stefanie Kuzdrall Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

21 NCAC 14T .0502 PERMANENT RECORDS, FORMS, AND DOCUMENTATION is amended as published in 37:11 NCR 862 as follows:

21 NCAC 14T .0502 PERMANENT RECORDS, FORMS FORMS, AND DOCUMENTATION

(a) Cosmetic art schools must maintain locked storage for the permanent files of all enrolled students and students who have withdrawn or graduated together in one room within the approved square footage of the cosmetic art school. Withdrawal and graduation forms reviewed by the Board or an agent of the Board may be removed from this room. and stored in accordance with Paragraph (i) of this Rule. The permanent file shall include a copy of:

- (1) All Board Enrollment Form; Forms with student original signature;
- (2) Documentation of student receipt of evaluation plans, school policies, school handbook, school and student contract; the Board Infection Control rules as set forth in 21 NCAC 14H .0200, .0300, .0400, and .0500 and 21 NCAC 14I .0401, and 21 NCAC 14T .0612 and .0703.
- (3) ~~All Board Withdrawal Forms;~~
- (4) Social security card for any individual who has a social security number or tax ID card or Department of Homeland Security ID; student visa information;
- (5) Government issued photo ID and proof of date of birth;
- (6) Documentation of field trip hours, grades for all required evaluation plans with date of completion and teacher signature. Grades for all examinations and performance evaluation plans. Performance evaluation plans shall be dated, graded, and signed by a teacher;
- (7) Documentation for any leave of absence over 30 days. Documentation shall include an anticipated return date and updated notes every 30 days if the return date exceeds the anticipated return date;
- (8) Transfer of hours form documenting hours earned in other schools ~~and~~ for hours accepted by current school; ~~and~~
- (9) All Board Withdrawal Forms;
- (10) Internship Form; and
- (9)(11) Graduation Form.

(b) The school shall keep onsite, records ~~of~~ for all enrolled students:

- (1) ~~A daily record of the actual number of hours of attendance;~~
- (2) ~~A daily record of the actual number of hours and educational achievements completed via online;~~

~~(3) An updated Performance evaluation plan showing the actual date of the performance and the teacher who approved the performance evaluation plan; and~~

~~(4) A record of hours and subtotaled weekly.~~

(1) daily attendance in school;

(2) daily online hours;

(3) daily field trip hours; and documentation of field trip hours

(4) weekly guided theory and demonstration;

(5) weekly subtotal of attendance in school;

(6) weekly subtotal of online hours;

(7) running grand total of all earned hours through the prior week; and

(8) performances;

(c) Upon withdrawal or graduation the daily records, weekly [subtotals] ~~subtotals~~, and grand total shall be placed in the student's permanent file.

~~(e)~~ (d) When a student enrolled in a cosmetic art school withdraws from the school, the cosmetic art school shall report the withdrawal to the Board.

~~(d)~~ (e) If a student withdraws from a cosmetic art discipline within the first five days, the school need not submit the enrollment to the Board. The unsubmitted enrollment must be maintained in the student file until reviewed by the Board or an agent of the Board after which, it may be removed.

~~(e)~~ (f) The graduation form documentation must be signed by on site school staff or on site school administrators and must have the seal of the school affixed. The original graduation form documentation must be prepared on the Board form and shall indicate that the applicable requirement of this Chapter have been met. The cosmetic art school shall ~~mail~~ securely submit the graduation form to the Board at the Board's address set forth in Rule 14A .0104 or submit the graduation form via the Board's school documents portal at www.ncccosmeticarts.com within 30 days of the student's graduation date.

~~(f)~~ (g) All forms submitted to the Board must be sealed originals or a digital scan of sealed originals and a copy shall be maintained in the school permanent file storage. Except for student signatures, all forms submitted to the Board must be completed by on site school staff or on site school administrators. Board forms shall be used for the sole purpose of documenting to the Board student records and shall not be used to notify students of enrollment, transfer of hours, withdrawal, or graduation.

~~(g)~~ (h) Changes or corrections made by the school to any Board form must be submitted to the Board with supporting documentation.

~~(h)~~ (i) All cosmetic art schools must maintain on file at the school an original daily record of enrolled students' hours and performances. This record must be kept in a secured location under lock and key but made available for review by the Board or its agent at any time.

1 ~~(j)~~ (i) All records kept by a cosmetic art school on a student who has withdrawn or graduated must be
2 kept in the school's locked files for future reference until the date the student is accepted for the Board
3 examination or five years after the date the student first enrolled in the school, whichever occurs
4 earlier. Forms reviewed by the Board or an agent of the Board may be removed from this room.

5 ~~(j)~~ (k) The record of all hours and performance evaluation plans must be documented in writing.
6 Credit issued to students that cannot be verified shall be eliminated from the student record by an
7 agent of the Board.

8 ~~(k)~~ (l) Access to student records must be limited to agents of the Board, teachers, and administrators
9 of the school. Electronic versions of student records must be kept secure and may only be accessed
10 through school authorized equipment. Personal devices may not be used to access student records.
11 Records shall not be altered offsite. Records that are altered must be altered onsite and must have
12 documentation supporting the change attached. The format, school name, and school code on Board
13 forms cannot be altered.

14 ~~(l)~~ (m) All individuals in a cosmetic art school receiving cosmetic art education, earning hours, or
15 performing or practicing cosmetic art services must be enrolled in the school.

16 ~~(m)~~ (n) Only teachers reported to the Board as employees of a cosmetic art school may grade
17 evaluation plans. practical student examinations and evaluate pass or fail of student performances.
18 Only on site teachers, on site school administrators, or on site school staff shall record student hours
19 hours and performances, grade examinations, and determine completion and record credit. credit of
20 live model and mannequin performances.

21 ~~(n)~~ (o) Minimum scores required for examinations and the successful completion of live model and
22 mannequin practice or performances as determined through the school's evaluation plan that is
23 approved by the Board at the time of application shall be disclosed to students at the time of
24 enrollment. Teachers must use the evaluation plan approved by the Board to assess student
25 competency. Passing grades and performances shall not be credited to students who fail to meet the
26 requirements of the evaluation plan.

27 ~~(o)~~ ~~Cosmetic art schools must provide to each student a copy of school policies and 21 NCAC 14I~~
28 ~~.0401. The school shall retain for the permanent file a copy of the student's acknowledgement of~~
29 ~~receipt of these documents.~~

30 (p) The names of students with unsatisfied academic obligations shall not be submitted to the Board
31 as graduates but may be submitted as withdrawn.

32 ~~(q)~~ ~~Cosmetic art schools shall not report to the Board the unsatisfied financial obligations of any~~
33 ~~cosmetic art student.~~ Cosmetic art schools shall not prevent the graduation of students who have met
34 the Board minimum requirements and passed all school academic requirements.

35 (r) Records of hours must be rounded to no more than the nearest quarter hour. Cosmetic art schools
36 shall not give or deduct hours or performances as rewards or penalties.

1 (s) An applicant shall receive credit for instruction taken in another state if the applicant's record is
2 certified by the state agency or department that issues licenses to practice in the cosmetic arts. If this
3 agency or department does not maintain any student records or if the state does not give license to
4 practice in the cosmetic arts, then the records may be certified by any state department or state agency
5 that does maintain such records and is willing to certify their accuracy. If no state department or board
6 will certify the accuracy of the student's records, then the Board shall review the student's records for
7 validity on a case-by-case basis using the documentation provided by the ~~student-out-of-state school~~
8 and submitted to the Board by the accepting NC school.

9 (t) Hours transferred between open North Carolina schools must be obtained by the submission of the
10 Board transfer form mailed directly from the school in which the hours are earned with the school seal
11 affixed, with grades for examinations and performances to the new school in which a student enrolls.
12 Such original documentation shall be submitted to the Board with enrollment. Schools must submit
13 transfer forms for any student that requests a transfer and has no outstanding financial obligations.

14 Transfer forms shall include the following:

- 15 (1) Student name and social security number;
- 16 (2) School code;
- 17 (3) Course type and required evaluations; ~~and total number of live model and mannequin~~
18 ~~service practice and performances;~~
- 19 (4) Enrollment date and last date of attendance;
- 20 (5) Number of hours and minutes completed;
- 21 (6) School owner name or on-site official and signature; and
- 22 (7) School seal.

23 (u) A student must pass an entrance examination including ~~mannequin~~ required evaluations given by
24 the school to which the student is transferring for the hours to be transferred from one cosmetic art
25 school to another.

26 (v) Certification of completion of a curriculum established in ~~[21 NCAC 14T .0602]~~ 21 NCAC 14T
27 .0602 through .0610 shall be required on the graduation form and application for the Board
28 examination. Graduation forms shall include the following:

- 29 (1) Student name and social security number;
 - 30 (2) School code;
 - 31 (3) Course type completed;
 - 32 (4) Date of course completion;
 - 33 (5) Number of hours and minutes completed;
 - 34 (6) School owner or on-site official name and signature; and
 - 35 (7) School seal.
- 36

1
2 *History Note: Authority G.S. 88B-4; 88B-16;*
3 *Eff. January 1, 2012;*
4 *Amended Eff. January 1, 2014; June 1, 2013;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*
6 *Eff. January 13, 2015;*
7 *Amended Eff. April 1, 2023; September 1, 2021; September 1, 2020; October 1,*
8 *2019; December 1, 2016.*
9

21 NCAC 14T .0602 **COSMETOLOGY CURRICULUM** is amended as published in 37:11 NCR 864 with changes as follows:

21 NCAC 14T .0602 COSMETOLOGY CURRICULUM

(a) To meet the approval of the Board, a cosmetologist training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 1500 hours of instruction as defined in 21 NCAC 14T .0612 (c).

(b) Students must pass the infection control and blood exposure procedures evaluation plan with a score of 100 percent.

(c) Each school must develop and use required evaluations for each of the Board required services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application and be recorded in the student permanent file. Teachers must ensure students follow infection control, tool safety, draping, and safe application of products for all service performances. Students must receive guided theory, demonstration, guided practice, independent theory, and practice, pass the evaluation plan, prior to performing services on a live model:

- (1) Blow drying and hot iron;
- (2) Hair cut with shears, a razor and clipper.
- (3) Color application including virgin and retouch
- (4) Relaxer application including virgin and retouch;
- (5) Permanent waving;
- (6) Basic manicure
- (7) Basic pedicure;
- (8) Basic facial including steam; and
- (9) Waxing.

(d) Each school must develop and use evaluation plans for each of the cosmetic art services listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, client consultation, draping, and safe application services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students must receive guided theory, demonstration, guided practice, independent theory, and practice, and perform the following services:

- (1) Shampooing
- (2) Roller sets;
- (3) Pin curls;
- (4) Ridge curls with C shaping;
- (5) Fingerwaves;
- (6) Artificial hair;
- (7) Up-styles;
- (8) Pressing or thermal;
- (9) Blow drying;

- (10) Hot iron;
- (11) Styles that apply tension (twists, braiding, locs, or knots);
- (12) Solid form cut;
- (13) Elevated cut;
- (14) Cut with tapered or thinning shears;
- (15) Razor cut;
- (16) Clipper cut;
- (17) Shears over comb cut;
- (18) Clippers over comb cut;
- (19) Virgin darker;
- (20) Virgin lightener;
- (21) Retouch;
- (22) Foil;
- (23) Freehand painting;
- (24) ~~Relaxer virgin; Relaxer;~~
- (25) ~~Relaxer retouch;~~
- (26) (25) Permanent waving rod placement rectangle, or contour or bricklay-overlap or spiral;
- (27) (26) Basic manicure or pedicure;
- (28) (27) Artificial nails;
- (29) (28) Basic facial;
- (30) (29) Waxing including face and body;
- (31) (30) Hair removal with tweezers;
- (32) (31) Hair removal with razor;
- (33) (32) Makeup application;
- (34) (33) Lash lift and brow lamination;
- (35) (34) Artificial lashes; and
- (36) (35) Lash and brow tint.

(a) ~~To meet the approval of the Board, a cosmetologist training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 1500 hours of instruction in theory and practical application as set forth in this Rule.~~

(b) ~~Theory and practical application subjects shall include:~~

- (1) ~~Professional image;~~
- (2) ~~Infection control;~~
- (3) ~~Bacteriology;~~
- (4) ~~Disinfection;~~
- (5) ~~First aid;~~
- (6) ~~Anatomy;~~

- (7) Electricity as it relates to cosmetic art;
- (8) Chemistry as it relates to cosmetic art;
- (9) Professional ethics;
- (10) Draping;
- (11) Shampooing;
- (12) Roller sets;
- (13) Pin curls;
- (14) Ridge curls with C shaping;
- (15) Fingerwaves;
- (16) Braids;
- (17) Artificial hair;
- (18) Up styles;
- (19) Blowdrying;
- (20) Brush control;
- (21) Blowdrying with curling iron;
- (22) Pressing or thermal;
- (23) Hair cutting;
- (24) Partings;
- (25) Perm types and wraps;
- (26) Relaxer types and sectioning;
- (27) Color types and application sectioning;
- (28) Scalp treatments;
- (29) Manicures;
- (30) Pedicures;
- (31) Artificial nails;
- (32) Styles and techniques of cosmetology services including:
 - (A) Arranging;
 - (B) Dressing;
 - (C) Curling;
 - (D) Waving;
 - (E) Cutting techniques and implements including razors, clippers, thinning shears, and shears;
 - (F) Cleansing;
 - (G) Cutting;
 - (H) Singeing;
 - (I) Bleaching, or coloring hair;
 - (J) Esthetics;

- ~~(K) — Manicuring;~~
- ~~(L) — Business management; and~~
- ~~(M) — Salon business; and;~~
- ~~(33) — Board laws, rules and website.~~

~~(c) Performances shall be defined as the systematic completion of all steps for safe and effective cosmetic art services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students shall be trained on the following performance requirements:~~

- ~~(1) — Infection Control;~~
- ~~(2) — Blood exposure procedure;~~
- ~~(3) — Blow drying;~~
- ~~(4) — Hot iron;~~
- ~~(5) — Styles that apply tension (twists, braiding, loes, or knots);~~
- ~~(6) — Solid form cut;~~
- ~~(7) — Elevated cut;~~
- ~~(8) — Cut with tapered or thinning shears;~~
- ~~(9) — Razor cut;~~
- ~~(10) — Clipper cut;~~
- ~~(11) — Shears over comb cut;~~
- ~~(12) — Clippers over comb cut;~~
- ~~(13) — Virgin darker;~~
- ~~(14) — Virgin lightener;~~
- ~~(15) — Retouch;~~
- ~~(16) — Foil;~~
- ~~(17) — Freehand painting;~~
- ~~(18) — Relaxer virgin;~~
- ~~(19) — Relaxer retouch;~~
- ~~(20) — Curl reforming virgin;~~
- ~~(21) — Curl reforming retouch;~~
- ~~(22) — Permanent waving rod placement rectangle;~~
- ~~(23) — Permanent waving rod placement contour;~~
- ~~(24) — Permanent waving rod placement bricklay overlap;~~
- ~~(25) — Permanent waving rod placement spiral;~~
- ~~(26) — Basic manicure;~~
- ~~(27) — Artificial nails~~
- ~~(28) — Basic facial;~~
- ~~(29) — Waxing including face and body;~~
- ~~(30) — Hair removal with tweezers;~~

1 ~~(31) — Hair removal with razor; and~~

2 ~~(32) — Makeup application.~~

3 ~~(d) Each school must develop and use performance evaluation plans for each of the Board required performances~~
4 ~~listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, draping, and safe~~
5 ~~application. Teachers must ensure students follow infection control, tool safety, draping, and safe application of~~
6 ~~products for all service performances. Students must pass the infection control and blood exposure procedures~~
7 ~~evaluation plan with a score of 100 percent, received theory and practical instructions, and passed each of the~~
8 ~~following performance evaluations prior to performing services on a live model:~~

9 ~~(1) — Blow drying and hot iron;~~

10 ~~(2) — Hair cut with shears, a razor and clipper.~~

11 ~~(3) — Color application including virgin and retouch~~

12 ~~(4) — Relaxer application including virgin and retouch;~~

13 ~~(5) — Permanent waving;~~

14 ~~(6) — Basic manicure with pedicure difference;~~

15 ~~(7) — Basic facial including steam; and~~

16 ~~(8) — Waxing.~~

17 ~~(e) Certification of performance completions shall be required on the graduation form and application for the Board~~
18 ~~examination. Graduation forms shall include the following:~~

19 ~~(1) — Student name and social security number;~~

20 ~~(2) — School code;~~

21 ~~(3) — Course type completed;~~

22 ~~(4) — Date of course completion;~~

23 ~~(5) — Number of hours and minutes completed;~~

24 ~~(6) — School owner name and signature; and~~

25 ~~(7) — School seal.~~

26
27 *History Note: Authority G.S. 88B-4; 88B-16;*

28 *Eff. January 1, 2012;*

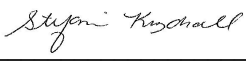
29 *Amended Eff. January 1, 2015; June 1, 2013; October 1, 2012;*

30 *Readopted Eff. January 1, 2016;*

31 *Amended Eff. April, 1, 2023; September 1, 2020; October 1, 2019.*

32

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 1, 2022 Link to Agency notice: https://www.nccosmeticarts.com/uploads/Board/PRNovember2022.pdf Hearing on: December 16, 2022 Adoption by Agency on: February 13, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact <input type="checkbox"/> Check all that apply <input type="checkbox"/> Vj l'rwg'y cu'f ct v'qht'eqo dlpqf 'cpcl ulu <input type="checkbox"/> Ucv'hwf u'clhwgf <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: This rule change updates the terminology used in the rule to agree with the definitions added in the amendment to 21 NCAC 14T .0101 and change the curriculum requirements for apprentice cosmetologists.	
10. Rulemaking Coordinator: Stefanie Kuzdrall Stefanie Kuzdrall Rj qpg 919-736-6123 G/O clx skuzdrall@nccosmeticarts.com Cf f l'kwpcrl'ci gpe{ 'eqpcev.'h'cp{ < Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  </div> <hr style="border: 0.5px solid black;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Stefanie Kuzdrall Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

- (10) Hot iron;
- (11) Styles that apply tension (twists, braiding, locs, or knots);
- (12) Solid form cut;
- (13) Elevated cut;
- (14) Cut with tapered or thinning shears;
- (15) Razor cut;
- (16) Clipper cut;
- (17) Shears over comb cut;
- (18) Clippers over comb cut;
- (19) Virgin darker;
- (20) Virgin lightener;
- (21) Retouch;
- (22) Foil;
- (23) Freehand painting;
- (24) Relaxer virgin; Relaxer;
- (25) Relaxer retouch;
- (26) (25) Permanent waving rod placement rectangle, or contour or bricklay-overlap or spiral;
- (27) (26) Basic manicure or pedicure;
- (28) (27) Artificial nails;
- (29) (28) Basic facial;
- (30) (29) Waxing including face and body;
- (31) (30) Hair removal with tweezers;
- (32) (31) Hair removal with razor;
- (33) (32) Makeup application;
- (34) (33) Lash lift and brow lamination;
- (35) (34) Artificial lashes; and
- (36) (35) Lash and brow tint.

(a) ~~To meet the approval of the Board, an apprentice cosmetologist training course shall begin with infection control and blood exposure procedures as defined in 21 NCAC 14H .0403 and .0404 and consist of 1200 hours of instruction in theory and practical application as set forth in this Rule.~~

(b) ~~Theory and practical application subjects shall include:~~

- (1) ~~Professional image;~~
- (2) ~~Infection control;~~
- (3) ~~Bacteriology;~~
- (4) ~~Disinfection;~~
- (5) ~~First aid;~~

- (6) — Anatomy;
- (7) — Electricity as it relates to cosmetic art;
- (8) — Chemistry as it relates to cosmetic art;
- (9) — Professional ethics;
- (10) — Draping;
- (11) — Shampooing;
- (12) — Roller sets;
- (13) — Pin curls;
- (14) — Ridge curls with C shaping;
- (15) — Fingerwaves;
- (16) — Braids;
- (17) — Artificial hair;
- (18) — Up styles;
- (19) — Blowdrying;
- (20) — Brush control;
- (21) — Blowdrying with curling iron;
- (22) — Pressing or thermal;
- (23) — Hair cutting;
- (24) — Partings;
- (25) — Perm wraps;
- (26) — Relaxer sectioning;
- (27) — Color application sectioning;
- (28) — Scalp treatments;
- (29) — Manicures;
- (30) — Pedicures;
- (31) — Artificial nails;
- (32) — Styles and techniques of cosmetology services including:
 - (A) — Arranging;
 - (B) — Dressing;
 - (C) — Curling;
 - (D) — Waving;
 - (E) — Cutting techniques and implements including razors, clippers, thinning shears, and shears;
 - (F) — Cleansing;
 - (G) — Cutting;
 - (H) — Singeing;
 - (I) — Bleaching, or coloring hair;

- (J) — Esthetics;
- (K) — Manicuring;
- (L) — Business management; and
- (M) — Salon business; and;

(33) — Board laws, rules and website.

~~(c) Performances shall be defined as the systematic completion of all steps for safe and effective cosmetic art services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students shall be trained on the following performance requirements:~~

- (1) — Infection Control;
- (2) — Blood exposure procedure;
- (3) — Blow drying;
- (4) — Hot iron;
- (5) — Styles that apply tension (twists, braiding, loes, or knots);
- (6) — Solid form cut;
- (7) — Elevated cut;
- (8) — Cut with tapered or thinning shears;
- (9) — Razor cut;
- (10) — Clipper cut;
- (11) — Shears over comb cut;
- (12) — Clippers over comb cut;
- (13) — Virgin darker;
- (14) — Virgin lightener;
- (15) — Retouch;
- (16) — Foil;
- (17) — Freehand painting;
- (18) — Relaxer virgin;
- (19) — Relaxer retouch;
- (20) — Curl reforming virgin;
- (21) — Curl reforming retouch;
- (22) — Permanent waving rod placement rectangle;
- (23) — Permanent waving rod placement contour;
- (24) — Permanent waving rod placement bricklay overlap;
- (25) — Permanent waving rod placement spiral;
- (26) — Basic manicure;
- (27) — Artificial nails;
- (28) — Basic facial;
- (29) — Waxing including face and body;

1 ~~(30) — Hair removal with tweezers;~~

2 ~~(31) — Hair removal with razor; and~~

3 ~~(32) — Makeup application.~~

4 ~~(d) Each school must develop and use performance evaluation plans for each of the Board required performances~~
5 ~~listed in this Paragraph. Evaluation plans must include a minimum of infection control, tool safety, draping, and safe~~
6 ~~application. Teachers must ensure students follow infection control, tool safety, draping, and safe application of~~
7 ~~products for all service performances. Students must pass the infection control and blood exposure procedures~~
8 ~~evaluation plan with a score of 100 percent, received theory and practical instructions, and passed each of the~~
9 ~~following performance evaluations prior to performing services on a live model:~~

10 ~~(1) — Blow drying and hot iron;~~

11 ~~(2) — Hair cut with shears, a razor and clipper.~~

12 ~~(3) — Color application including virgin and retouch~~

13 ~~(4) — Relaxer application including virgin and retouch;~~

14 ~~(5) — Permanent waving;~~

15 ~~(6) — Basic manicure with pedicure difference;~~

16 ~~(7) — Basic facial including steam; and~~

17 ~~(8) — Waxing.~~

18 ~~(e) Certification of performance completions shall be required on the graduation form and application for the Board~~
19 ~~examination. Graduation forms shall include the following:~~

20 ~~(1) — Student name and social security number;~~

21 ~~(2) — School code;~~

22 ~~(3) — Course type completed;~~

23 ~~(4) — Date of course completion;~~

24 ~~(5) — Number of hours and minutes completed;~~

25 ~~(6) — School owner name and signature; and~~

26 ~~(7) — School seal.~~

27
28 *History Note: Authority G.S. 88B-4; 88B-16;*

29 *Eff. January 1, 2012;*

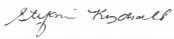
30 *Amended Eff. January 1, 2015; June 1, 2013; September 1, 2012;*

31 *Readopted Eff. January 1, 2016;*

32 *Amended Eff. April 1, 2023; September 1, 2020; October 1, 2019.*

33

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Cosmetic Art Examiners	
2. Rule citation & name (name not required for repeal): 21 NCAC 14T .0608 ESTHETIC TEACHER TRAINEE Curriculum	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 1, 2022 Link to Agency notice: https://www.nccosmeticarts.com/uploads/Board/PRNovember2022.pdf Hearing on: December 16, 2022 Adoption by Agency on: February 13, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: This rule change updates the terminology used in the rule to agree with the definitions added in the amendment to 21 NCAC 14T .0101 and change the curriculum requirements for esthetics teacher trainees.	
10. Rulemaking Coordinator: Stefanie Kuzdrall Stefanie Kuzdrall Phone: 919-736-6123 E-Mail: skuzdrall@nccosmeticarts.com Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Stefanie Kuzdrall Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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21 NCAC 14T .0612 INSTRUCTION GUIDELINES is amended as published in 37:11 NCR 872 as follows:

21 NCAC 14T .0612 INSTRUCTION GUIDELINES

(a) The hours earned in the clinic department must be devoted to ~~study and~~ **safe and effective practice and** performance completions.

(b) Work in the clinic department may be done on the public.

(c) All instruction in a cosmetic art school shall be in this order:

(1) Guided theory;

(2) Demonstration;

(3) Guided practice;

(4) Independent theory;

(5) Practice;

(6) Evaluation and passage of evaluation; and

(7) Performance

(d) Infection control and blood exposure required evaluations shall be taught in this order:

_____ (1) Hand washing;

_____ (2) Implement disinfection;

_____ (3) Beginning and end of day infection control;

_____ (4) Blood exposure (self cut); and

_____ (5) Blood exposure (client).

~~All work done by students on the public shall be checked by the cosmetic art teacher as the work is being performed and after the service has been completed so that the teacher may point out errors to the student in order that the errors may be corrected.~~

~~(d) Cosmetic art students shall receive training on theory of any cosmetic art service prior to performing that service.~~

~~(e) Theory work shall include lectures on theory subjects as well as demonstrations, questions and answers on textbooks, written examinations, and in-class practice of procedures and methods.~~

~~(f) Cosmetic art teacher trainees must be enrolled in school to earn hours.~~

~~(g) Cosmetic art schools shall supply each student with a copy of the North Carolina Cosmetic Art Act, Board rules, and the student handbook.~~

~~(h) All of the work outlined in the practice department and the clinic department shall be given to the students through practical demonstrations and lectures, questions and answers on textbooks, and written exam.~~

~~(i) (e)~~ A minimum of 10 percent of scheduled attendance time each week shall be dedicated to guided theory, demonstration, and guided practice, spent on theory work as defined in Paragraph (e) of this Rule.

~~(j) (f)~~ All papers assignments shall be graded and returned to the students.

~~(k) (g)~~ Cosmetic art students shall receive training and practice only in the discipline in which they are enrolled.

~~(l) All live model performances on the public shall be done in the clinic department. Mannequin performances and live model performances~~

(h) Performances on other students may be performed in the clinic department or in a room within the school with a cosmetic art station.

~~(m)~~ (i) Textbooks shall not be used more than five years if a newer version is available.

~~(n)~~ (j) Schools shall provide textbooks and supplementary educational materials and equipment to students.

~~(o)~~ (k) A cosmetic art teacher shall not perform clinical services on a client at the cosmetic art school.

~~(p)~~ (l) Exams administered in a proctored exam site need not be attended by a cosmetic art teacher.

~~(q)~~ (m) Cosmetic art teachers shall use the respective evaluation plan to verify student competency prior to assigning a live model service-a performance.

(n) The school shall provide students and teachers with access to current reference materials that may include, but are not limited to, such formats as books, periodicals and other written matter, audio-visual equipment and materials, digital media, and online education platforms to support the educational course. Equipment for producing digital and paper copies of supplementary instructional materials shall be available.

(o) Schools must develop lesson plans for conceptual education, guided theory, hands-on education, and demonstrations that integrate Board infection control rules as established in 21 NCAC 14H. with the steps to complete each service as listed in 21 NCAC 14T .0602-.0606.

(p) School owners, teachers, and school administrators shall not make any statement to a member of the public or students either verbally or in writing, stating or implying Board mandated consequences that are not established by the Board Rules or NC General Statutes. A violation of this prohibition is considered practicing or attempting to practice by fraudulent misrepresentation as set forth in 21 NCAC 14P .0108

History Note: Authority G.S. 88B-4; 88B-16;

Eff. January 1, 2012;

Amended Eff. June 1, 2013; October 1, 2012;

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

Amended Eff. April 1, 2023; March 1, 2022; October 1, 2019; January 1, 2016.

1 **21 NCAC 14T .0803** **SCHOOL INSPECTIONS** is amended as published in 37:11 NCR 875 as follows:

2 **21 NCAC 14T .0803** **SCHOOL INSPECTIONS**

3 (a) Schools must facilitate and cooperate by providing access to the school facility, students, and records during all
4 school ~~inspections~~ inspections.

5 (b) Schools are subject to reevaluation and re-inspection at any ~~time~~ time.

6 (c) Failure to comply with the ~~laws~~ GS 88B and rules of the Board is cause to revoke or suspend the school's
7 license/letter of approval.

8 (d) In addition to such other reports as may be required by the Board, cosmetic art schools shall report to the Board
9 or its authorized agent, upon inspection of the cosmetic art school and at other times upon specific request, the
10 names of all students currently enrolled and the hours and ~~performances~~ evaluation plans completed by each.

11 (e) The owner ~~or manager~~ of the cosmetic art school or owner's representative shall read each inspection report
12 made of the school by an authorized agent of the Board to determine that the information on the inspection report is
13 correct, and shall sign and retain a copy of all inspection reports.

14 (f) If any part of the information on the report is incorrect, it shall be corrected by the authorized agent of the ~~Board~~
15 Board.

16 (g) A school may submit an exception to any inspection report. Such exceptions shall be prepared and signed by the
17 owner ~~or manager~~ and submitted to the Board and shall be attached to the report.

18 (h) All present student equipment and records shall be made available to inspectors during school inspection.

19 (i) Cosmetic art schools must maintain copies of lesson plans and evaluation plans and make such copies available
20 to an agent of the Board upon request.

21
22 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*

23 *Eff. January 1, 2012;*

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.*

Burgos, Alexander N

From: Duke, Lawrence
Sent: Friday, March 10, 2023 6:33 PM
To: Kuzdrall, Stefanie S
Cc: Burgos, Alexander N
Subject: Change Requests for 21 NCAC 14 - Cosmetic Arts Examiners
Attachments: Cosmetic Art Examiners - 03.2023 - 21 NCAC 14 - Change Requests.docx

Ms. Kuzdrall,

As promised, here are the requests for changes that apply to the Board of Cosmetic Arts Examiners Rules.

The RRC will formally review these Rules at its meeting on Thursday, March 16, 2023, at 9:00 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 closer to the meeting. If there are any other representatives from your Board who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Tuesday, March 14, 2023.

In the meantime, please let me know if you have any questions or concerns about these changes.

Thanks,

Lawrence Duke



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