

## **REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14A .0101

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*Definition Rules should not define words that are not used if they do not appear in any other rules. They should not state or add substantive requirements. The definitions in Items (3), (13), (15), (16), and (18) are definitions of words that either do not appear in the rules or include substantive requirements. These items should be removed.*

Please retype the rule accordingly and resubmit it to our office electronically.

21 NCAC 14A .0101 DEFINITIONS is amended as published in 37:11 NCR 848 as follows:

## **CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS**

### **SUBCHAPTER 14A – DEPARTMENTAL RULES**

#### **SECTION .0100 – ORGANIZATION RULES**

##### **21 NCAC 14A .0101 DEFINITIONS**

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

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

- (b) for estheticians, natural hair care specialists and manicurists, the licensing cycle is one year in length beginning on the first day of October and ending on the next first day of October;
- (c) for teachers, the licensing cycle is a two-year period beginning on the first day of October of an even-numbered year and ending on the next first day of October of the next even-numbered year.
- (11) "Manicurist School" is a cosmetic art school that teaches only the cosmetic art of manicuring.
- (12) "Manicurist Student" is a student in any cosmetic art school whose study is limited to the manicurist curriculum set forth in 21 NCAC 14T .0605.
- (13) "Non-porous" is a material that has no pores and does not allow for liquids to be absorbed or pass through. Common non-porous materials include glass, metal, and plastic.
- (14) "Porous" is a material that has minute spaces or holes through which liquid or air may pass such as paper, foam, and wood. Porous may also be called permeable, penetrable, or cellular.
- (15) "Renewal period" for individual licensees is a three-month period beginning on the first day of July and ending on the first day of October of a renewal year. The "renewal period" for salon licensees is a two-month period beginning on the first day of December and ending on the first day of February of a renewal year.
- (16) "Sterilize" is the eradication of all microbial life through the use of heat, steam, or chemical sterilants. Autoclaves and or dry heat sterilizers used to sterilize must be spore tested through an independent lab every 30 days. Autoclaves or dry heat sterilizers used to sterilize must be FDA approved and used only as instructed by the manufacturer. Spore testing results and maintenance records must be kept onsite for 12 months.
- (17) "Successful Completion" is the completion of an approved cosmetic art curriculum with a minimum grade of "C" or 70 percent, whichever is deemed as passing by the cosmetic art school.
- (18) "Rasp" is a coarse file or metal tool with a roughened surface. A tool with a blade designed to cut or slice is not a rasp.
- (19) "Natural Hair Care School" is a cosmetic art school that teaches only the cosmetic art of natural hair care.
- (20) "Natural Hair Care Student" is a student in any cosmetic art school whose study is limited to the natural hair care curriculum set forth in 21 NCAC 14T .0606.

*History Note: Authority G.S. 88B-2; 88B-4;  
Eff. February 1, 1976;  
Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991; January 1, 1989;  
Temporary Amendment Eff. January 1, 1999;*

1           *Amended Eff. October 1, 2012; July 1, 2010; December 1, 2008; May 1, 2005; December 1, 2004;*  
2           *May 1, 2004; February 1, 2004; April 1, 2001; August 1, 2000;*  
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, 2018; March 1, 2018.*  
6

## **REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0201

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*In Paragraph (a), delete “after the effective date of these Rules” as this is unnecessary.*

*In Paragraph (d), what does “structural changes” mean? This is unclear and should be defined. Instead of saying “must come into compliance”, try “must comply”.*

*In Paragraph (e), delete “in the State of North Carolina” as unnecessary. In the second sentence, perhaps “to change ownership of a cosmetic art shop, relocate or reopen a shop” should be moved to the first sentence after “open a cosmetic art shop” and then the remainder of the second sentence can be deleted.*

*In the History Note, add a semicolon after 2015 on Line 21. Remove the spacing of Line 22; there should be no space.*

Please retype the rule accordingly and resubmit it to our office electronically.

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

(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 must come into compliance with all rules in this Subchapter.

(e) Persons desiring to open a cosmetic art shop in the State of North Carolina 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.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0203

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*Add an Oxford comma after “walkway” in Paragraph (d).*

Please retype the rule accordingly and resubmit it to our office electronically.

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



## **REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0401

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*In Paragraph (e), the final subparagraph (formerly number 6) needs to be numbered as (5).*

*In Subparagraph (f)(10), add an Oxford comma after "licensure" on Line 10. Also, there should be no space after this Subparagraph.*

*In the History Note, underline the addition of "April 1, 2023".*

Please retype the rule accordingly and resubmit it to our office electronically.

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, 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 ~~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)~~ 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](http://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.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0402

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

*Add an Oxford comma after “ceilings” in Paragraph (d) and “disinfected” in Paragraph (e).*

*Remove the space before both (g) and (h) and between lines in the History Note.*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: March 10, 2023

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

## **REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0403

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*In Subparagraph (a)(1), add an Oxford comma after "MRSA"; in (e) add one after "linens"; in (w) add one after "tub".*

*Delete colon after "with" in Subparagraph (h)(2). Add "or" after "a razor," in (h)(3).*

*In Paragraph (o), delete the comma after "closed containers" on Line 10.*

*In Paragraph (p), add a comma after "Rule" and put quotation marks around the defined words "whirlpool" and "footspa".*

*In Subparagraph (r)(2), add a comma after "surfactant" and "soap" and delete the first "or".*

*How does G.S. 143-215.101 grant statutory authority for this Rule? Please explain.*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: March 10, 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 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 and towels at all times. Wet towels used in services  
23 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 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 either:~~
  - 30 (A) ~~disinfectant that is mixed and used according to the manufacturer's directions. They shall~~  
31 ~~be rinsed with hot tap water and dried with a clean towel before their next use. They shall~~  
32 ~~be stored in a clean, closed cabinet or container until they are needed.~~ needed; or
  - 33 (B) ~~by UV C, ultraviolet germicidal irradiation used in accordance with the manufacturer's~~  
34 ~~directions.~~
- 35 (3) If the implement is shears, a razor, not immersible, ~~or is not disinfected by UV C irradiation,~~ it  
36 shall be cleaned by wiping it with a clean cloth moistened or sprayed with a disinfectant used in  
37 accordance with the manufacturer's directions.

- (i) All disinfected non-electrical implements shall be stored in a clean, closed cabinet or clean, closed container.
- (j) All disinfected electrical implements shall be stored in a clean area separate from other clean implements.
- (k) Disposable and porous implements and supplies must be discarded after use or upon completion of the service.
- (l) Product that comes into contact with the patron must be discarded upon completion of the service.
- (m) Containers with open faces may be covered or closed with plastic wrapping. Disinfected implements must not be stored with any implement or item that has not been disinfected. Implements that have not been disinfected must be stored in a container and labeled as soiled.
- (n) Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.
- (o) All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin must be kept in clean, closed containers, and must conform in all respects to the requirements of the Federal Food, Drug, and Cosmetic Act as set forth in PL 75-717.52 accessible at [www.fda.gov](http://www.fda.gov). Any product apportioned for use and removed from original containers must be distributed in a sanitary manner that prevents contamination of product or container. Any product dispensed in portions into another container must be dispensed into a clean container and applied to patrons by means of a disinfected or disposable implement or other clean methods. Any product dispensed in portions not dispensed into another container must be used immediately and applied to patrons by means of a disinfected or disposable implement or other clean methods. No product dispensed in portions may be returned to the original container.
- (p) As used in this Rule whirlpool or footspa means any basin using circulating water.
- (q) After use by each patron each whirlpool or footspa must be cleaned and disinfected as follows:
- (1) all water must be drained and all debris removed from the basin;
  - (2) the basin must be disinfected by filling the basin with water and circulating a surfactant or enzymatic soap with a disinfectant used according to manufacturer's instructions through the unit for 10 minutes;
  - (3) the basin must be drained and rinsed with clean water; and
  - (4) the basin must be wiped dry with a clean towel.
- (r) At the end of the day each whirlpool or footspa must be cleaned and disinfected as follows:
- (1) the screen must be removed and all debris trapped behind the screen removed;
  - (2) the screen and the inlet must be washed with surfactant or enzymatic soap or detergent and rinsed with clean water;
  - (3) before replacing the screen it must be totally immersed in disinfectant in accordance to the manufacturer's instructions;
  - (4) the inlet and area behind the screen must be cleaned with a brush and surfactant soap and water to remove all visible debris and residue; and
  - (5) the spa system must be flushed with low sudsing surfactant or enzymatic soap and warm water for at least 10 minutes and then rinsed and drained.
- (s) A record must be made of the date and time of each cleaning and disinfecting as required by this Rule including the date, time, reason, and name of the staff member who performed the cleaning. This record must be made for



1 each whirlpool or footspa and must be kept and made available for at least 90 days upon request by either a patron  
2 or inspector.

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

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

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

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

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

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

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

16 *Eff. April 1, 2012;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
18 *13, 2015;*

19 *Amended Eff. April 1, 2023; September 1, 2021; September 1, 2020; October 1, 2019; March 1,*  
20 *2018.*

## **REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0503

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

*Active verbs should be used throughout. The Rule needs to state who does what. For instance, in Paragraph (a), the sentence on Line 5: "Based on the grading, all establishments shall be rated in the following manner:" should read: "The Board's agent or inspector shall rate all beauty establishments based on the following grading scale:" Paragraphs (a) through (j) should be amended to state who does what.*

*In Subparagraph (a)(3), delete "or more" and add "and" after the semicolon at the end of the Subparagraph.*

*Paragraphs (h) and (j) need to be renumbered due to the deletion of Paragraphs (g) and (i).*

*Paragraph (h) is unclear. Would a re-inspection be necessary to reopen or would merely the improvement of the sanitary conditions? Is this what is intended?*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: March 10, 2023

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:

- (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;
- (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 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 shall be posted in plain sight near the front entryway at all times.

(d) All new establishments must 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 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) 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 sanitation conditions have improved to be awarded a passing grade.

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

(j) 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;*

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

*Amended Eff. April 1, 2023.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0504

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*Delete the comma in front of the deleted “~~closed~~”.*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: March 10, 2023

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

*History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-26;*  
*Eff. April 1, 2012;*  
*Amended Eff. August 1, 2014;*  
*Readopted Eff. January 1, 2016;*  
*Amended Eff. April 1, 2023; September 1, 2018.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0505

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*When a rule is repealed, the text of the Rule is to be deleted, not struck through.*

Please retype the rule accordingly and resubmit it to our office electronically.

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

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

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

~~(1) Methyl Methacrylate Liquid Monomer a.k.a. MMA; or~~

~~(2) razor type callus shavers designed and intended to cut growths of skin including skin tags, corns, and calluses.~~

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

~~(1) animals including insects, fish, amphibians, reptiles, birds, or non human mammals to perform any service; or~~

~~(2) variable speed electrical nail file unless it has been designed for use on the natural nail.~~

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

~~(1) use of any product, implement, or piece of equipment in any manner other than the product's, implement's, or equipment's intended use as described or detailed by the manufacturer;~~

~~(2) treatment of any medical condition unless referred by a physician;~~

~~(3) use of any product that will penetrate the dermis;~~

~~(4) provision of any service unless trained prior to performing the service;~~

~~(5) performance of services on a client if the licensee has reason to believe the client has any of the following:~~

~~(A) fungus, lice, or nits;~~

~~(B) inflamed infected, broken, raised, or swollen skin or nail tissue in the area to be worked on; or~~

~~(C) an open wound or sore in the area to be worked on;~~

~~(6) alteration of or duplication of a license issued by the Board;~~

~~(7) advertisement or solicitation of clients in any form of communication in a manner that is false or misleading; or~~

~~(8) use of any FDA rated Class II device without the documented supervision of a licensed physician.~~

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

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



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

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

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

8 ~~(i) The failure to maintain equipment and supplies necessary to perform any cosmetic art service offered in the shop~~  
9 ~~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 Subchapter exceeding three written notifications of any one rule~~  
13 ~~documented to any one individual, shop, or school shall result in a mandatory disciplinary hearing in accordance~~  
14 ~~with 21 NCAC 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 *Eff. April 1, 2012;*

18 *Amended Eff. August 1, 2014;*

19 *Readopted Eff. January 1, 2016;*

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

21 *Repealed Eff. April 1, 2023.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14P .0105

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*In Paragraph (g), it appears that the "as" is unnecessary and should be deleted.*

*In the History Note: Authority, there should be a semicolon instead of a colon after 88B-24.*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: March 10, 2023

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

1 *History Note: Authority G.S. 88B-4; 88B-7; 88B-11; 88B-12; 88B-14; 88B-21; 88B-22; 88B- 23(a); 88B-24;*  
2 *88B-29;*  
3 *Temporary Adoption Eff. January 1, 1999;*  
4 *Eff. August 1, 2000;*  
5 *Amended Eff. September 1, 2011; December 1, 2008; September 1, 2006; February 1, 2004;*  
6 *August 1, 2002; April 1, 2001;*  
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; December 1, 2016.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14P .0108

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*On the "Submission for Permanent Rule" form, in Box 2, add a space between "LICENSES" and "AND".*

*Underline the added text in the History Note.*

Please retype the rule accordingly and resubmit it to our office electronically.

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.*

## **REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14P .0117

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*On the "Submission for Permanent Rule" form, in Box 2, add a space between "AND" and "ENFORCEMENT".*

*In Subparagraph (c)(8), clarify "cut skin growths of skin".*

*In Paragraph (g), delete the comma after "restrooms".*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: March 10, 2023



21 NCAC 14P .0117      **RULE COMPLIANCE AND ENFORCEMENT MEASURES** is amended as published in 37:11 NCR 857 as follows:

**21 NCAC 14P .0117      RULE COMPLIANCE AND ENFORCEMENT MEASURES**

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

(1) Methyl Methacrylate Liquid Monomer a.k.a. MMA; or

(2) razor-type callus shavers, hollow needles or blades.

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

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

(2) variable speed electrical nail file unless it has been designed for use on the natural nail.

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

(1) use of any product, implement, or piece of equipment in any manner other than the product's, implement's, or equipment's intended use as described or detailed by the manufacturer;

(2) treatment of any medical condition unless referred by a physician;

(3) use of any product or device that will penetrate the dermis;

(4) provision of any service unless trained prior to performing the service;

(5) performance of services on a client if the licensee has reason to believe the client has any of the following:

(A) fungus, lice, or nits;

(B) inflamed infected, broken, raised, or swollen skin or nail tissue in the area to be worked on; or

(C) an open wound or sore in the area to be worked on;

(6) alteration of or duplication of a license issued by the Board;

(7) advertisement or solicitation of clients in any form of communication in a manner that is false or misleading; or

(8) cut skin growths of skin including skin tags, corns, and calluses.

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

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

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, 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;*

## **REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0101

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*In Paragraph (b), definitions apply to Rules, not schools. Use: "The following definitions apply to this [Subchapter or Chapter]."*

*Please make sure that all words that are defined actually appear in the rules.*

*Add Oxford commas to Subparagraphs (b)(3), (6), (14), and (18). Also, delete the comma in (14) on Line 18.*

*Clarify Subparagraph (b)(8). "A teacher lectures, instructs, and coaches factual basis" seems to be missing a word or phrase.*

*In Subparagraph (b)(9), delete the hyphen and add "is".*

*Clarify Subparagraph (b)(10). "The student study of factual basis" seems to be missing a word or phrase.*

*Clarify Subparagraph (b)(12). This is two sentences joined together incorrectly.*

*Clarify Subparagraph (b)(14). This is two sentences joined together incorrectly.*

*In Subparagraph (b)(16), delete "each". Also, delete the hyphen between rule numbers and add "through". Clarify what is meant by "and letter (c)."*

*Delete the space after Subparagraph (b)(17).*

Please retype the rule accordingly and resubmit it to our office electronically.

1   **21 NCAC 14T .0101**       SCOPE is amended as published in 37:11 NCR 857 with changes as follows:

2  
3                                   **SUBCHAPTER 14T – COSMETIC ART SCHOOLS**

4  
5                                   **SECTION .0100 - SCOPE AND SCHOOL APPLICATIONS**

6  
7   **21 NCAC 14T .0101**       **SCOPE AND DEFINITIONS**

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

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

19   (b) These definitions apply to cosmetic art schools licensed by the Board:

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

22       ~~(1)~~ (2)   “Clinic” is the area for performance of all cosmetic art services. The clinic may also be used for  
23       practice.

24       ~~(2)~~ (3)   “Conceptual Education” consists of lectures, research, reading, online learning, videos,  
25       instructional clips and other non-tactile forms of instruction.

26       ~~(3)~~ (4)   “Demonstration” is when a teacher shows the hands-on systematic completion of the steps for a  
27       safe and effective cosmetic art service.

28       ~~(4)~~ (5)   “Evaluation” is the assessment of a student’s independent completion of a practice or performance  
29       evaluation plan by a teacher.

30       ~~(5)~~ (6)   “Evaluation plan” is a document that outlines the infection control, tool safety, draping, safe  
31       application and steps for systematic completion of a cosmetic art service.

32       ~~(6)~~ (7)   “Guided practice” is when a teacher and student work together on systematic completion of the  
33       steps for a safe and effective cosmetic art service.

34       ~~(7)~~ (8)   “Guided theory” is when a teacher lectures, instructs, and coaches factual basis for mechanical  
35       operations performed in cosmetic art services.

36       ~~(8)~~ (9)   “Hands-on Education” – the repeated physical completion of practice and performances, to  
37       provide students with the tactile interaction of different hair, skin, nail types and shapes for the

purpose of providing experience to safe and effective cosmetic art services despite variable circumstances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.*  
6

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0102

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*In Subparagraph (b)(3), should "evaluations" be plural? In (6), delete the hyphen between rule numbers and add "through".*

Please retype the rule accordingly and resubmit it to our office electronically.

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 plans for each cosmetic art discipline and teacher  
22 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; .0610 and any  
30 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

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0202

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*Delete text instead of striking through for repealed Rules.*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: March 10, 2023

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    ~~Cosmetology Schools must have the following physical departments: Advanced Department—a minimum clinic~~  
4    ~~floor of 1200 square feet which shall accommodate a maximum of 40 enrolled advanced students. All cosmetology~~  
5    ~~schools must provide an additional 10 square feet on the clinic floor for each enrolled advanced student over 40.~~  
6    ~~Each side approach shampoo bowl must be at least 40 inches apart, center of bowl to center of bowl; free standing~~  
7    ~~shampoo bowls must be at least 31 inches apart, center of bowl to center of bowl.~~

8  
9    *History Note:      Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*

10                    *Eff. January 1, 2012;*

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

13                    *Repealed Eff. April 1, 2023.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0301

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*On the "Submission for Permanent Rule" form, in Box 2, add a space between "ALL" and "COSMETIC".*

*In Paragraph (b), delete comma. Word or phrase order could be changed to clarify this requirement.*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: March 10, 2023



**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0302

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*On the "Submission for Permanent Rule" form, in Box 2, add a space between "FOR" and "COSMETOLOGY".*

*In Subparagraph (a)(1), end this requirement with a semicolon instead of a period.*

*End Subparagraph (c)(2) with "and".*

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke  
Commission Counsel

Date submitted to agency: March 10, 2023

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.

~~(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;

~~(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.*



**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0502

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*On the "Submission for Permanent Rule" form, in Box 2, add a space after the comma. Add an Oxford comma to the name of the rule after "forms". Do the same in the Rule.*

*End Subparagraph (b)(7) with "and".*

*Add an Oxford comma after "weekly subtotals" in Paragraph (c).*

*Use "through" instead of a hyphen in Paragraph (v).*

Please retype the rule accordingly and resubmit it to our office electronically.

**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 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 Forms; 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~~ and for hours accepted by current school; ~~and~~
- (9) All Board Withdrawal Forms;
- (10) Internship Form; and
- (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;~~

~~(8) performances;~~

(c) Upon withdrawal or graduation the daily records, weekly 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](http://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.

~~(i)~~ (j) All records kept by a cosmetic art school on a student who has withdrawn or graduated must be kept in the school's locked files for future reference until the date the student is accepted for the Board

1 examination or five years after the date the student first enrolled in the school, whichever occurs  
2 earlier. Forms reviewed by the Board or an agent of the Board may be removed from this room.

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

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

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

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

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

25 ~~(o)~~ Cosmetic art schools must provide to each student a copy of school policies and 21 NCAC 14I  
26 .0401. The school shall retain for the permanent file a copy of the student's acknowledgement of  
27 receipt of these documents.

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

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

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

35 (s) An applicant shall receive credit for instruction taken in another state if the applicant's record is  
36 certified by the state agency or department that issues licenses to practice in the cosmetic arts. If this

agency or department does not maintain any student records or if the state does not give license to practice in the cosmetic arts, then the records may be certified by any state department or state agency that does maintain such records and is willing to certify their accuracy. If no state department or board will certify the accuracy of the student's records, then the Board shall review the student's records for validity on a case-by-case basis using the documentation provided by the ~~student-out-of-state school~~ and submitted to the Board by the accepting NC school.

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

Transfer forms shall include the following:

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

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

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

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

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

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

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0602

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*Add new effective date in History Note.*

Please retype the rule accordingly and resubmit it to our office electronically.

**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;

1                   ~~(K) — Manicuring;~~  
2                   ~~(L) — Business management; and~~  
3                   ~~(M) — Salon business; and;~~  
4           ~~(33) — Board laws, rules and website.~~  
5   ~~(e) Performances shall be defined as the systematic completion of all steps for safe and effective cosmetic art~~  
6   ~~services to a client. In addition to the requirements set forth in Paragraph (a) of this Rule all students shall be trained~~  
7   ~~on the following performance requirements:~~  
8           ~~(1) — Infection Control;~~  
9           ~~(2) — Blood exposure procedure;~~  
10          ~~(3) — Blow drying;~~  
11          ~~(4) — Hot iron;~~  
12          ~~(5) — Styles that apply tension (twists, braiding, loes, or knots);~~  
13          ~~(6) — Solid form cut;~~  
14          ~~(7) — Elevated cut;~~  
15          ~~(8) — Cut with tapered or thinning shears;~~  
16          ~~(9) — Razor cut;~~  
17          ~~(10) — Clipper cut;~~  
18          ~~(11) — Shears over comb cut;~~  
19          ~~(12) — Clippers over comb cut;~~  
20          ~~(13) — Virgin darker;~~  
21          ~~(14) — Virgin lightener;~~  
22          ~~(15) — Retouch;~~  
23          ~~(16) — Foil;~~  
24          ~~(17) — Freehand painting;~~  
25          ~~(18) — Relaxer virgin;~~  
26          ~~(19) — Relaxer retouch;~~  
27          ~~(20) — Curl reforming virgin;~~  
28          ~~(21) — Curl reforming retouch;~~  
29          ~~(22) — Permanent waving rod placement rectangle;~~  
30          ~~(23) — Permanent waving rod placement contour;~~  
31          ~~(24) — Permanent waving rod placement bricklay overlap;~~  
32          ~~(25) — Permanent waving rod placement spiral;~~  
33          ~~(26) — Basic manicure;~~  
34          ~~(27) — Artificial nails~~  
35          ~~(28) — Basic facial;~~  
36          ~~(29) — Waxing including face and body;~~  
37          ~~(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. September 1, 2020; October 1, 2019.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0603

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*On the "Submission for Permanent Rule" form, in Box 2, add a space between "COSMETOLOGY" and "CURRICULUM".*

*Add new effective date in History Note.*

Please retype the rule accordingly and resubmit it to our office electronically.

21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM is amended as published in 37:11  
NCR 866 with changes as follows:

**21 NCAC 14T .0603 APPRENTICE 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 1200 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, 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.

~~(e) 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. September 1, 2020; October 1, 2019.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0608

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*On the "Submission for Permanent Rule" form, in Box 2, add a space between "TRAINEE" and "CURRICULUM".*

Please retype the rule accordingly and resubmit it to our office electronically.

**21 NCAC 14T .0608 ESTHETIC TEACHER TRAINEE CURRICULUM** is amended as published in 37:11  
NCR 871 as follows:

**21 NCAC 14T .0608 ESTHETIC TEACHER TRAINEE CURRICULUM**

(a) To meet the approval of the Board under the standards set out in these Rules, an esthetician teacher training course shall consist of at least 650 hours of instruction in theory and practical application, divided as follows:

Requirement Description	Hours
<u>Guided and independent Theory: <del>observation theory, observation,</del></u> <del>motivation, business management,</del> student relations, teaching techniques, preparing lesson plans, <del>facilitating student shop</del> <del>internship,</del> preparing class lectures and presentations, preparing examinations, grading, and G.S. 88B and the rules of the Board	325
Practical Application: Conducting <u>guided</u> theory classes from prepared lessons, preparing and giving examinations, and giving <del>practical</del> demonstrations	325

(b) Trainees shall receive a minimum of 120 hours of guided theory prior to ~~any~~ providing any instruction in a cosmetic art classroom.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;  
Eff. January 1, 2012;  
Readopted Eff. January 1, 2016;  
Amended Eff. April 1, 2023; October 1, 2019.*

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0702

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*In Paragraph (d), change addition to “may request the school to apply”*

Please retype the rule accordingly and resubmit it to our office electronically.

**21 NCAC 14T .0702** **TRANSFER OF CREDIT** is amended as published in 37:11 NCR 875 with changes as follows:

21 NCAC 14T .0702

(a) A student who transfers from one cosmetic art discipline to another cosmetic art discipline shall not receive credit for hours received in the initial curriculum.

(b) Up to ~~25 percent~~ 50 percent of all credit earned in an approved esthetician, manicurist or natural hair care teacher training program may be transferred to a cosmetology teacher training program.

(c) A maximum of 160 hours earned in either an esthetician, natural hair care or manicurist teacher training program may be transferred between programs once.

(d) Licensed estheticians, manicurists and natural hair care stylists may request the school apply up to 25 percent 50 percent of hours required for licensure by G.S. 88B earned toward the cosmetology curriculum.

(e) Licensed cosmetologists may request the school apply up to 50% of the hours required for licensure as an esthetician, manicurist, or natural hair care specialist by G.S.88B toward the esthetician, manicurist, or natural hair care specialist curriculum.

*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.

## **REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: NC Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0803

**DEADLINE FOR RECEIPT: Tuesday, March 14, 2023**

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

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

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

*In Paragraph (a), what does facilitate and cooperate” mean? This should be explained in more detail.*

*In Paragraph (c), to what laws does this paragraph refer? More specificity is needed.*

*In Paragraph (e), add “and” on Line 12 after “correct,”.*

Please retype the rule accordingly and resubmit it to our office electronically.

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 during all school ~~inspections~~ inspections.

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

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

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

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

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

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

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

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

20  
21   *History Note:     Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*

22                     *Eff. January 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.*