

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.*

21 NCAC 14H .0202 RESERVED FOR FUTURE CODIFICATION

21 NCAC 14H .0203 NEWLY ESTABLISHED SHOPS

- (a) A cosmetic art shop 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.*

21 NCAC 14H .0204 DIMENSIONS WITHIN COSMETIC ART SHOPS

Within the clinic area each shop shall maintain no less than the following working distances:

- (1) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;
- (2) 24 inches from the center of the chair forward;
- (3) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring table; and
- (4) at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table to the wall of the shop.

*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.*

SECTION .0300 - COSMETIC ART SHOP AND EQUIPMENT

21 NCAC 14H .0301 WATER

Cosmetic art shops shall have a sink with hot and cold running water in the shop, separate from restrooms.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
Eff. April 1, 2012;
Amended Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2018; March 1, 2018.*

21 NCAC 14H .0302 VENTILATION AND LIGHT

- (a) Ventilation shall be provided at all times in the clinic areas when patrons are serviced in all cosmetic art shops and there must be a continuous exchange of air.
- (b) Light shall be provided in the service area of a cosmetic art shop.
- (c) All cosmetic art shops must adhere to any federal, State and local government regulation or ordinance regarding fire safety codes, plumbing and electrical work.

*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. October 1, 2019; March 1, 2018.*

21 NCAC 14H .0303 BATHROOM FACILITIES

- (a) Toilet and hand washing facilities consisting of at least one commode and one hand washing sink with running water, liquid soap and individual clean towels or hand air dryer shall be accessible to each cosmetic art shop.
- (b) Shops with an initial licensure date on or after March 1, 2012 shall have toilet and hand washing facilities in the bathroom as required in Paragraph (a) of this Rule.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
Eff. April 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2018; March 1, 2018.*

21 NCAC 14H .0304 EQUIPMENT

Cosmetic art shops shall maintain equipment and supplies to safely perform any cosmetic art service offered in the shop.

*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.*

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.
- (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 or blades designed and intended to cut skin and skin growths of skin including skin tags, corns, and calluses;
 - (3) FDA rated Class III devices;
 - (4) carbolic acid (phenol) over two percent strength;
 - (5) 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;
 - (7) use any FDA rated Class II device without the documented supervision of a licensed physician;
 - (8) use any product 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) use or possess any product banned by the FDA. A list of banned products is available at www.fda.gov; or
 - (11) use or possess any machine for a cosmetic art service that is not classified by the FDA.
- (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. September 1, 2020; October 1, 2019; March 1, 2019; March 1, 2018.

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) 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) Cosmetic art shops and schools shall designate the entrance by a sign or lettering.
- (g) 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.

21 NCAC 14H .0403 DISINFECTION PROCEDURES

- (a) Disinfectant, as applicable in this Subchapter, is defined as a disinfectant that is EPA registered as effective against:
- (1) bacteria including *Staphylococcus aureus*, MRSA and *Pseudomonas aeruginosa*;
 - (2) viruses including HIV, Hepatitis B and C;
 - (3) fungi including *Trichophyton mentagrophytes*; and
 - (4) human coronavirus.
- (b) Disinfectants that meet the requirements of Subparagraph (a)(1), (2), and (3) of this Rule may be used if they are listed on EPA list N as effective against pathogen SARS-CoV-2.
- (c) Infection Control rules that apply to towels and cloths are as follows:
- (1) clean protective capes, drapes, linens, and towels shall be used for each patron;
 - (2) after a protective cape has been in contact with a patron's neck it shall be placed in a clean, closed container until laundered with soap and hot water and dried in a heated dryer. Capes that cannot be laundered and dried in a heater dryer may be disinfected in accordance with the manufacturer directions; and
 - (3) after a drape, linen, or towel has been in contact with a patron's skin it shall be placed in a clean, covered container until laundered with soap and hot water and dried in a heated dryer. A covered container may have an opening so soiled items may be dropped into the container.
- (d) Any paper or nonwoven protective drape or covering shall be discarded after one use.
- (e) There shall be a supply of clean protective drapes, linens and towels at all times. Wet towels used in services must be prepared fresh each day. Unused, prepared wet towels must be laundered daily.
- (f) Clean drapes, capes, linens, towels and all other supplies shall be stored in a clean area.
- (g) Bathroom facilities must be kept clean.
- (h) All implements shall be cleaned and disinfected after each use in the following manner:
- (1) They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.
 - (2) They shall be disinfected with either:
 - (A) disinfectant that is mixed and used according to the manufacturer's directions. They shall be rinsed with hot tap water and dried with a clean towel before their next use. They shall be stored in a clean, closed cabinet or container until they are needed; or
 - (B) by UV-C, ultraviolet germicidal irradiation used in accordance with the manufacturer's directions.
 - (3) If the implement is shears, a razor, not immersible, or is not disinfected by UV-C irradiation, it shall be cleaned by wiping it with a clean cloth moistened or sprayed with a disinfectant used in 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.
- (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. 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 each whirlpool or footspa and must be kept and made available for at least 90 days upon request by either a patron or inspector.
- (t) The water in a vaporizer machine must be emptied daily and the unit disinfected daily after emptying.
- (u) The area where services are performed that come in contact with the patron's skin including treatment chairs, treatment tables, and beds shall be disinfected between patrons.
- (v) A manufacturers label for all disinfectant concentrate must be available at all times. If a concentrate bottle is emptied, it must remain available until a new bottle is available.
- (w) When mixed disinfectant concentrate is placed in a secondary container such as a spray bottle, tub or jar, that container must be labeled to indicate what chemical is in the container. SDS sheets must be available for all disinfectants in use at all times.
- (x) Disinfectants must be stored and disposed of in accordance with all local, State, and federal requirements.
- (y) The cabinet and supplies of a towel warmer machine must be emptied daily and the unit dried daily after emptying.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
 Eff. April 1, 2012;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
 Amended Eff. September 1, 2020; October 1, 2019; March 1, 2018.*

21 NCAC 14H .0404 FIRST AID

- (a) Each cosmetic art shop and school shall have individually packaged antibiotic ointment, gloves or finger guards, sterile adhesive bandages, and other necessary supplies available to provide first aid.
- (b) If the skin of the licensee or student is punctured, the licensee or student shall upon knowledge of the injury do the following in this order:
 - (1) wash and dry the punctured area with soap and running water and a disposable towel;
 - (2) if the cut is still bleeding apply pressure over the wound with a disposable towel;
 - (3) remove materials from first aid kit;
 - (4) apply antibiotic ointment or a sterile adhesive bandage;
 - (5) disinfect any implement or work area exposed to blood per Rule .0403 in this Section;
 - (6) dispose of all contaminated supplies in the trash;
 - (7) wash hands with soap and running water; and
 - (8) if the injured area is on the hands, fingers, or thumb apply disposable, protective glove(s) or a finger guard.
- (c) If the skin of the patron is punctured, the licensee or student shall upon knowledge of the injury do the following in this order:
 - (1) wash and dry hands with soap and running water and a disposable towel and remove materials from first aid kit;
 - (2) make first aid supplies available to the patron or assist the patron with:
 - (A) cleansing injured area with soap and water; and
 - (B) applying antibiotic ointment or a sterile adhesive bandage;
 - (3) disinfect any implement or work area exposed to blood per Rule .0403 in this Section;

- (4) dispose of all contaminated supplies in the trash;
- (5) wash hands with soap and running water; and
- (6) put on disposable, protective gloves.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
Eff. April 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2020; March 1, 2018; January 1, 2016.

SECTION .0500 - ENFORCEMENT, MAINTENANCE OF LICENSURE

21 NCAC 14H .0501 INSPECTION OF COSMETIC ART SHOPS

- (a) A newly established cosmetic art shop, a shop which has been closed for more than 90 days, or a shop which has changed ownership must file an application for licensure with the Board prior to opening. A newly established cosmetic art shop, a shop which has been closed for more than 90 days, a shop which has changed ownership or a shop which has been operating without a license shall be inspected before a license will be issued.
- (b) Each cosmetic art shop must pass inspection by an agent of the Board pursuant to this Subchapter. Inspections shall be conducted annually and may be conducted without notice.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;
Eff. April 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 14H .0502 FAILURE TO PERMIT INSPECTION

If an inspector is twice unable to inspect a salon after making an appointment to inspect the salon the Board may initiate proceedings to revoke or suspend the salon license or may refuse to renew the shop license.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-27;
Eff. April 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

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 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.

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, closed container until laundered with soap and hot water and dried in a heated dryer.	5
Any paper or nonwoven protective drape or covering shall be discarded after one use.	2
There shall be a supply of clean protective drapes, linens and towels at all times.	2
Clean drapes, capes, linens, and towels shall be stored in a clean area.	5
Bathroom facilities shall be kept clean.	3
All implements shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.	2
All implements shall be disinfected per Rule .0403 of this Subchapter.	10
All disinfected electrical implements shall be stored in a clean area.	2
Disposable and porous implements and supplies shall be discarded after use or upon completion of the service.	10
Any product that comes into contact with the patron shall be discarded upon completion of the service.	3
Disinfected implements shall be kept in a clean closed cabinet or clean closed container and shall not be stored with any implement or item that has not been disinfected.	10
Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.	1
The presence of animals or birds shall be prohibited as set forth in Rule .0402 of this Subchapter. Fish in an enclosure and animals trained for the purpose of accompanying disabled persons are exempt.	1
All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin shall be kept in clean, closed containers and dispensed with a clean implement. No product dispensed in portions shall be returned to the container.	10
After each patron's use each whirlpool or footspa shall be cleaned and disinfected.	10
The water in a vaporizer machine shall be emptied daily and the unit disinfected daily.	2
The area where services are performed that come in contact with the patron's skin including chairs, tables, and beds shall be disinfected between patrons.	3

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. September 1, 2018.

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.
- (f) The failure to maintain in a cosmetic art shop and school antiseptics, gloves or finger guards, and sterile bandages available to provide first aid shall result in civil penalty in the amount of twenty-five dollars (\$25.00) per item.
- (g) The failure to maintain a sink with hot and cold running water in the clinic area, separate from restrooms, shall result in civil penalty in the amount of one hundred dollars (\$100.00).
- (h) The failure to provide ventilation at all times in the areas where patrons are serviced in cosmetic art shops shall result in civil penalty in the amount of twenty-five dollars (\$25.00).
- (i) The failure to maintain equipment and supplies necessary to perform any cosmetic art service offered in the shop shall result in civil penalty in the amount of one hundred dollars (\$100.00).
- (j) The failure to maintain a sanitation grade of 80 percent or higher shall result in a civil penalty in the amount of two hundred dollars (\$200.00).
- (k) Repeated violations of the rules in this Subchapter exceeding three written notifications of any one rule documented to any one individual, shop, or school shall result in a mandatory disciplinary hearing in accordance with 21 NCAC 14C.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27; 88B-29;
Eff. April 1, 2012;

Amended Eff. August 1, 2014;
Readopted Eff. January 1, 2016;
Amended Eff. March 1, 2019; March 1, 2018.