

## **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 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.
- (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 in a cosmetic art shop or school a sink with hot and cold running water 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 and schools 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 or school 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 Rule 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, 2023.*