

**SUBCHAPTER 14P – CIVIL PENALTY**

**SECTION .0100 – CIVIL PENALTY**

**21 NCAC 14P .0101 SCHEDULE OF CIVIL PENALTIES**

The rules in this Subchapter establish the schedule of civil penalties required by G.S. 88B-29(c). The amounts stated are the presumptive amounts which may be modified in accordance with G.S. 88B-29(b). Those violations that are 1st offense correctable are identified with the word "warning" appended to it. If the offense is not corrected within the 30 day time allotted, the presumptive civil penalty in parenthesis shall apply.

*History Note:* Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999;  
Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

**21 NCAC 14P .0102 QUALIFICATIONS FOR LICENSING TEACHERS**

The presumptive civil penalty for submitting false or fraudulent documentation on the application for licensure as a teacher is:

- |     |                    |   |
|-----|--------------------|---|
| (1) | 1st offense        | \$1,000                                   |
| (2) | subsequent offense | revocation of license and \$1,000 penalty |

*History Note:* Authority G.S. 88B-4; 88B-24; 88B-29;  
Temporary Adoption Eff. January 1, 1999;  
Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

**21 NCAC 14P .0103 TEMPORARY EMPLOYMENT PERMIT**

*History Note:* Authority G.S. 88B-24; 88B-12; 88B-29;  
Temporary Adoption Eff. January 1, 1999;  
Eff. August 1, 2000;  
Repealed Eff. April 1, 2001.

**21 NCAC 14P .0104 LICENSING OF COSMETIC ART SHOPS**

(a) The presumptive civil penalty for operating a cosmetic art shop without first filing an application for a cosmetic art shop license:

- |     |                         |          |
|-----|-------------------------|----------|
| (1) | 1 <sup>st</sup> offense | \$100.00 |
| (2) | 2 <sup>nd</sup> offense | \$200.00 |
| (3) | 3 <sup>rd</sup> offense | \$300.00 |

(b) The presumptive civil penalty for moving or changing location or ownership of an existing cosmetic art shop without first submitting the appropriate form and fee to the Board:

- |     |                         |          |
|-----|-------------------------|----------|
| (1) | 1 <sup>st</sup> offense | \$100.00 |
| (2) | 2 <sup>nd</sup> offense | \$200.00 |
| (3) | 3 <sup>rd</sup> offense | \$300.00 |

*History Note:* Authority G.S. 88B-4;  
Temporary Adoption Eff. January 1, 1999;  
Eff. August 1, 2000;  
Amended Eff. April 1, 2001;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

**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:

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

(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:

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

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

## **21 NCAC 14P .0106 LICENSES REQUIRED**

(a) The presumptive civil penalty for practicing cosmetic art without a license is:

- |     |             |          |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for performing services which the practitioner is not licensed to perform is:

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

(c) The presumptive civil penalty for practicing cosmetic art teaching without a license is:

- |     |             |          |
|-----|-------------|----------|
| (1) | 1st offense | \$250.00 |
|-----|-------------|----------|

- |     |             |          |
|-----|-------------|----------|
| (2) | 2nd offense | \$350.00 |
| (3) | 3rd offense | \$500.00 |
- (d) The presumptive civil penalty for allowing an individual to perform services which the practitioner is not licensed to perform is:
- |     |             |          |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |

*History Note: Authority G.S. 88B-4; 88B-29;  
 Temporary Adoption Eff. January 1, 1999;  
 Eff. August 1, 2000;  
 Amended Eff. April 1, 2011; July 1, 2010; December 1, 2008; August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
 Amended Eff. April 1, 2023.*

**21 NCAC 14P .0107 LICENSES TO BE POSTED**

- (a) The presumptive civil penalty for failure to display a current cosmetic art shop/school license is:
- |     |                         |          |
|-----|-------------------------|----------|
| (1) | 1 <sup>st</sup> offense | \$50.00  |
| (2) | 2 <sup>nd</sup> offense | \$100.00 |
| (3) | 3 <sup>rd</sup> offense | \$200.00 |
- (b) The presumptive civil penalty for failure to display a current individual license is:
- |     |                         |          |
|-----|-------------------------|----------|
| (1) | 1 <sup>st</sup> offense | \$50.00  |
| (2) | 2 <sup>nd</sup> offense | \$100.00 |
| (3) | 3 <sup>rd</sup> offense | \$200.00 |
- (c) The presumptive civil penalty for a school/shop for allowing practice or instruction of cosmetic art without displaying a current license is:
- |     |                         |          |
|-----|-------------------------|----------|
| (1) | 1 <sup>st</sup> offense | \$50.00  |
| (2) | 2 <sup>nd</sup> offense | \$100.00 |
| (3) | 3 <sup>rd</sup> offense | \$200.00 |
- (d) The presumptive civil penalty for displaying a copied license is:
- |     |                         |          |
|-----|-------------------------|----------|
| (1) | 1st offense             | \$50.00  |
| (2) | 2nd offense             | \$100.00 |
| (3) | 3 <sup>rd</sup> offense | \$200.00 |

*History Note: Authority G.S. 88B-4; 88B-23; 88B-29;  
 Temporary Adoption Eff. January 1, 1999;  
 Eff. August 1, 2000;  
 Amended Eff. December 1, 2008; February 1, 2004; April 1, 2001;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
 Amended Eff. December 1, 2016.*

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

- (a) The presumptive civil penalty for allowing unlicensed practitioners to practice in a licensed cosmetic art shop is:
- |     |             |                                       |
|-----|-------------|---------------------------------------|
| (1) | 1st offense | \$500.00 per unlicensed practitioner  |
| (2) | 2nd offense | \$750.00 per unlicensed practitioner  |
| (3) | 3rd offense | \$1000.00 per unlicensed practitioner |
- (b) The presumptive civil penalty for practicing cosmetology, natural hair care, manicuring or esthetics with a license issued to another person is:
- |     |             |            |
|-----|-------------|------------|
| (1) | 1st offense | \$500.00   |
| (2) | 2nd offense | \$800.00   |
| (3) | 3rd offense | \$1,000.00 |
- (c) The presumptive civil penalty for altering a license, permit or authorization issued by the Board is:
- |     |             |          |
|-----|-------------|----------|
| (1) | 1st offense | \$500.00 |
| (2) | 2nd offense | \$800.00 |

- |     |             |           |
|-----|-------------|-----------|
| (3) | 3rd offense | \$1000.00 |
|-----|-------------|-----------|
- (d) The presumptive civil penalty for submitting false or fraudulent documents is:
- |     |             |            |
|-----|-------------|------------|
| (1) | 1st offense | \$500.00   |
| (2) | 2nd offense | \$800.00   |
| (3) | 3rd offense | \$1,000.00 |
- (e) The presumptive civil penalty for refusing to present photographic identification is:
- |     |             |          |
|-----|-------------|----------|
| (1) | 1st offense | \$100.00 |
| (2) | 2nd offense | \$250.00 |
| (3) | 3rd offense | \$500.00 |
- (f) The presumptive civil penalty for permitting an individual to practice cosmetic art with an expired license is:
- |     |             |          |
|-----|-------------|----------|
| (1) | 1st offense | \$ 50.00 |
| (2) | 2nd offense | \$100.00 |
| (3) | 3rd offense | \$250.00 |
- (g) The presumptive civil penalty for practicing or attempting to practice by fraudulent misrepresentation is:
- |     |             |           |
|-----|-------------|-----------|
| (1) | 1st offense | \$500.00  |
| (2) | 2nd offense | \$800.00  |
| (3) | 3rd offense | \$1000.00 |
- (h) The presumptive civil penalty for the illegal use or possession of equipment in a cosmetic art shop or school is:
- |     |             |           |
|-----|-------------|-----------|
| (1) | 1st offense | \$300.00  |
| (2) | 2nd offense | \$500.00  |
| (3) | 3rd offense | \$1000.00 |

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

**21 NCAC 14P .0109 INSPECTIONS**

The presumptive civil penalty for refusal to permit or interference with an inspection:

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

*History Note:* Authority G.S. 88B-4; 88B-27; 88B-29;  
 Temporary Adoption Eff. January 1, 1999;  
 Eff. August 1, 2000;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

**21 NCAC 14P .0110 LICENSING OF BEAUTY SALONS**

(a) The presumptive civil penalty for use of a cosmetic art shop as living, dining, or sleeping quarters is:

- |     |                         |                   |
|-----|-------------------------|-------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$50.00) |
| (2) | 2 <sup>nd</sup> offense | \$100.00          |
| (3) | 3 <sup>rd</sup> offense | \$200.00          |

(b) The presumptive civil penalty for failure to provide a separate entrance into the cosmetic art shop is:

- |     |                         |                    |
|-----|-------------------------|--------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$100.00) |
| (2) | 2 <sup>nd</sup> offense | \$200.00           |
| (3) | 3 <sup>rd</sup> offense | \$400.00           |

(c) The presumptive civil penalty for re-opening a cosmetic art shop which has been closed for more than 90 days without making application to the Board for a new license:

- |     |                         |          |
|-----|-------------------------|----------|
| (1) | 1 <sup>st</sup> offense | \$100.00 |
| (2) | 2 <sup>nd</sup> offense | \$200.00 |

(3) 3<sup>rd</sup> offense \$300.00

*History Note: Authority G.S. 88B-4; 88B-14; 88B-29;  
Temporary Adoption Eff. January 1, 1999;  
Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

**21 NCAC 14P .0111 ESTABLISHMENT OF COSMETIC ART SCHOOLS**

(a) The presumptive civil penalty for failure to provide minimum floor space or equipment and supplies as required by Subchapter 14T is:

(1) 1st offense \$200.00  
(2) 2nd offense \$350.00  
(3) 3rd offense \$500.00

(b) The presumptive civil penalty for failure to provide instruction at a ratio required in 21 NCAC 14T .0701 is:

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

(c) The presumptive civil penalty for failure to report a change in the teaching staff as required in 21 NCAC 14T .0701 is:

(1) 1st offense warning (\$50.00)  
(2) 2nd offense \$100.00  
(3) 3rd offense \$200.00

(d) The presumptive civil penalty for failure to submit an application for the approval of a school in the case of a change of location or ownership as required in in 21 NCAC 14T .0706 is:

(1) 1st offense \$500.00  
(2) 2nd offense \$750.00  
(3) 3rd offense \$1000.00

*History Note: Authority G.S. 88B-4(2); 88B-16; 88B-29;  
Temporary Adoption Eff. January 1, 1999;  
Eff. August 1, 2000;  
Amended Eff. September 1, 2012; July 1, 2010; February 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
Amended Eff. April 1, 2023; December 1, 2016.*

**21 NCAC 14P .0112 SANITARY RATINGS AND POSTING OF RATINGS - APPLICABLE TO ESTABLISHMENTS WITH A SANITATION GRADE OF LESS THAN 80%**

*History Note: Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999;  
Eff. August 1, 2000;  
Amended Eff. September 1, 2012; December 1, 2008; February 1, 2006;  
Repealed Eff. January 1, 2014.*

**21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART**

(a) The presumptive civil penalty for failure to record student's hours of daily attendance per 21 NCAC 14T .0502 is:

(1) 1<sup>st</sup> offense warning (\$100.00)  
(2) 2<sup>nd</sup> offense \$200.00  
(3) 3<sup>rd</sup> offense \$300.00

(b) The presumptive civil penalty for failure to report withdrawal or graduation of a student per 21 NCAC 14T .0502 is:

(1) 1st offense warning (\$50.00)  
(2) 2nd offense \$100.00

- (3) 3rd offense \$200.00
- (c) The presumptive civil penalty for failure to submit student enrollments per 21 NCAC 14T .0502 is:
- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00
- (d) The presumptive civil penalty for failure to display a copy of the Infection Control rules is:
- (1) 1<sup>st</sup> offense warning (\$50.00)
- (2) 2<sup>nd</sup> offense \$100.00
- (3) 3<sup>rd</sup> offense \$200.00
- (e) The presumptive civil penalty for failure to post consumer sign "Cosmetic Art School - Work Done Exclusively by Students" per 21 NCAC 14T .0201 is:
- (1) 1<sup>st</sup> offense warning (\$50.00)
- (2) 2<sup>nd</sup> offense \$100.00
- (3) 3<sup>rd</sup> offense \$200.00
- (f) The presumptive civil penalty for allowing a cosmetic art shop to operate within a cosmetic art school per 21 NCAC 14T .0201 is:
- (1) 1<sup>st</sup> offense \$200.00
- (2) 2<sup>nd</sup> offense \$400.00
- (3) 3<sup>rd</sup> offense \$600.00
- (g) The presumptive civil penalty for a cosmetic art school that is not separated from a cosmetic art shop or other business by a solid wall, floor to ceiling, with a separate entrance and a door that stays closed at all times per 21 NCAC 14T .0201 is:
- (1) 1<sup>st</sup> offense \$200.00
- (2) 2<sup>nd</sup> offense \$400.00
- (3) 3<sup>rd</sup> offense \$600.00
- (h) The presumptive civil penalty for failure to have any student wear the required school uniform or identification per 21 NCAC 14T .0613 is:
- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00
- (i) The presumptive civil penalty for failure to renew or file school bond or bond alternative per G.S. 88B-17 is:
- (1) 1<sup>st</sup> offense \$200.00
- (2) 2<sup>nd</sup> offense \$400.00
- (3) 3<sup>rd</sup> offense \$600.00
- (j) The presumptive civil penalty for failure to maintain the student permanent file with required documents per 21 NCAC 14T .0502 is:
- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00
- (k) The presumptive civil penalty for failure to maintain records of daily hours of attendance documents per 21 NCAC 14T .0502 is:
- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00
- (l) The presumptive civil penalty for failure to maintain records of performances documents per 21 NCAC 14T .0502 is:
- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00
- (m) The presumptive civil penalty for allowing an unlicensed individual to instruct cosmetic art per 21 NCAC 14T .0701 is:
- (1) 1<sup>st</sup> offense \$500.00
- (2) 2<sup>nd</sup> offense \$750.00
- (3) 3<sup>rd</sup> offense \$1000.00
- (n) The presumptive civil penalty for failure to track and record the student progression in an online education course per 21 NCAC 14T .0502 is:

- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

(o) The presumptive civil penalty for allowing more than 50 percent for teachers and 30 percent of all other courses to be done through online education per 21 NCAC 14T .0502 is:

- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

(p) The presumptive civil penalty for failure to administer education as required in 21 NCAC 14T .0612(c) is:

- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

(q) The presumptive civil penalty altering the format, school name or school code on a Board form per 21 NCAC 14T .0502 is:

- (1) 1st offense warning (\$50.00)
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

*History Note: Authority G.S. 88B-4; 88B-16; 88B-17; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Amended Eff August 1, 2014; September 1, 2012; July 1, 2010; December 1, 2008; April 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2023; October 1, 2019; December 1, 2016.*

**21 NCAC 14P .0114 COSMETOLOGY CURRICULUM**

*History Note: Authority G.S. 88B-4; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Amended Eff. September 1, 2012; July 1, 2010; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13 2015; Repealed Eff. December 1, 2016.*

**21 NCAC 14P .0115 SANITARY RATINGS**

The presumptive civil penalty for failure to display a current inspection grade card is:

- (1) 1st offense \$50.00
- (2) 2nd offense \$100.00
- (3) 3rd offense \$200.00

*History Note: Authority G.S. 88B-4; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Amended Eff. December 1, 2008; February 1, 2004; April 1, 2001; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

**21 NCAC 14P .0116 CIVIL PENALTY PROCEDURES**

(a) Citations. The Board, through its duly authorized representatives, shall issue a citation with respect to any violation for which a civil penalty may be assessed. Each citation shall be in writing and shall describe the nature of the violation, including a reference to the specific provision alleged to have been violated. The civil penalty, if any, shall attach at the time the citation is written. The citation shall include an order to correct any condition or violation which lends itself to corrections, as determined by the Board.

- (b) Correction of Violation. Any licensee who has been issued a warning citation must present written proof satisfactory to the Board, or its executive director, that the violation has been corrected. This provision applies only to a licensee's first violation in any one year period for a violation with a first offense warning penalty. Proof of correction shall be presented to the Board, through its executive director, within 30 days of the date the warning citation was issued. The Board may extend for a reasonable period, the time within which to correct the warning citation in case of a death or hospitalization. Notices of correction filed after the prescribed date shall not be acceptable and the civil penalty shall be paid.
- (c) Contested Case. Persons to whom a notice of violation or a citation is issued and a civil penalty assessed, may contest the civil penalty by filing written notice with the Board. The Board shall institute a contested case by sending a notice of hearing pursuant to G.S. 150B, Article 3A. The issuance of notice of hearing shall stay the civil penalty until the Board renders a final agency decision in the contested case.
- (d) Final Agency Decision. The Board, after the hearing has been concluded, may affirm, reduce, or dismiss the charges filed in the notice of hearing or any penalties assessed. In no event shall the civil penalty be increased.
- (e) Failure to File. If no written notice contesting the civil penalty is filed as set forth in Paragraph (c), the civil penalty becomes a final agency decision.
- (f) Any offender who has not committed a previously cited offense for which a civil penalty has been assessed for a three year period after the last penalty payment is complete shall have his record of the specific offense cleared. The next subsequent violation shall be treated as a first offense.

*History Note: Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999;  
Eff. August 1, 2000;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
Amended Eff. April 1, 2023.*

## **21 NCAC 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.