

Reason for Proposed Action:

21 NCAC 06O .0202 would establish a presumptive civil penalty for individuals practicing electrology or laser hair practice without a license. The presumptive penalty would be set at the statutory maximum of \$5,000. (Under 21 NCAC 06O .0101, the presumptive penalty can be modified according to the criteria in G.S. 86B-10(b).)

21 NCAC 06O .0203 would establish presumptive civil penalties for electrology schools that fail to comply with regulatory requirements. Examples of noncompliance include operating a school without a license, failing to maintain records, falsifying records, and failing to submit records. (Under 21 NCAC 06O .0101, the presumptive penalties can be modified according to the criteria in G.S. 86B-10(b).)

Comments may be submitted to: Dennis Seavers, 7001 Mail Service Center, Raleigh, NC 27699-7000; phone (919) 814-0641; email dennis.seavers@nc.gov

Comment period ends: September 15, 2023

Procedure for Subjecting a Proposed Rule to Legislative

Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

SUBCHAPTER 06O – CIVIL PENALTY

SECTION .0200 – ELECTROLYSIS

21 NCAC 06O .0202 UNLICENSED PRACTICE

The presumptive civil penalty for an individual engaging in the practice of electrology or laser, light source, or pulsed-light treatments without a license is five thousand dollars (\$5,000).

Authority G.S. 86B-10; 86B-52.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 – BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Barber and Electrolysis Examiners intends to adopt the rules cited as 21 NCAC 06O .0202 and .0203.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.barbers.nc.gov/news.html>

Proposed Effective Date: November 1, 2023

Public Hearing:

Date: August 1, 2023

Time: 10:00 a.m.

Location:

By videoconference at <https://bit.ly/BBEEAug2023rules>
or by teleconference at (984) 204-1487
conference ID 533 413 014#

21 NCAC 060 .0203 SCHOOLS

(a) The presumptive civil penalty for an individual operating a school of electrology or laser, light source, or pulsed-light treatments without certification pursuant to G.S. 86B-67:

- | | | |
|-----|--------------------|-----------------|
| (1) | <u>1st offense</u> | <u>\$300.00</u> |
| (2) | <u>2nd offense</u> | <u>\$400.00</u> |
| (3) | <u>3rd offense</u> | <u>\$500.00</u> |

(b) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to maintain records required by this Chapter:

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

(c) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments falsifying records required by 21 NCAC 06X .0105 and 21 NCAC 06X .0108 is five hundred dollars (\$500.00).

(d) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to submit records required by this Chapter:

- | | | |
|-----|--------------------|-----------------|
| (1) | <u>1st offense</u> | <u>\$200.00</u> |
| (2) | <u>2nd offense</u> | <u>\$350.00</u> |
| (3) | <u>3rd offense</u> | <u>\$500.00</u> |

(e) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to comply with the facility requirements as set forth in 21 NCAC 06X .0106 and .0107:

- | | | |
|-----|--------------------|-----------------|
| (1) | <u>1st offense</u> | <u>\$250.00</u> |
| (2) | <u>2nd offense</u> | <u>\$400.00</u> |
| (3) | <u>3rd offense</u> | <u>\$500.00</u> |

(f) The presumptive civil penalty for a school of electrology or laser, light source, or pulsed-light treatments failing to comply with the student-instructor ratio set forth in 21 NCAC 06X .0110:

- | | | |
|-----|--------------------|-----------------|
| (1) | <u>1st offense</u> | <u>\$250.00</u> |
| (2) | <u>2nd offense</u> | <u>\$400.00</u> |
| (3) | <u>3rd offense</u> | <u>\$500.00</u> |

Authority G.S. 86B-10; 86B-67; 86B-68.