



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: June 12, 2023

SUBJECT: Rulemaking—electrology civil penalties

Attached to this memo are two rules for the board to propose through the permanent rulemaking process. The board will consider the rules at its June 20, 2023 meeting.

The rules establish new civil penalties as follows:

- \$5,000 for an individual engaging in electrology or laser hair practice without a license. This amount is the maximum allowed by law.
- Various civil penalties for electrology or laser hair practice schools. Please note that these are for “traditional” schools, not electrology apprenticeship programs. The civil penalties will depend on the nature of the offense and whether the offense has occurred before. The civil penalties cover the following actions:
 - Unlicensed operation of a school;
 - Failure to maintain proper records;
 - Falsifying records;
 - Failing to submit records;
 - Failing to comply with facility requirements; and
 - Failing to comply with the appropriate student-to-instructor ratio.

The board previously proposed these rules through temporary procedures. Commission counsel for the Rules Review Commission believed that the rules did not meet the criteria for temporary procedures, so the board withdrew them. The board can instead propose them through the “normal” permanent rulemaking process.

BOARD ACTION AND FUTURE STEPS

1. If the board still wishes to adopt the rules, it will propose them at the June 20, 2023 meeting.
2. After publication in the North Carolina Register, a 60-day comment period will begin.

3. After the comment period, the board will review any public comments and decide whether it wishes to adopt the rules.
4. If adopted, the Rules Review Commission will determine whether to approve them.

1 21 NCAC 06O .0202 is proposed for adoption as follows:

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3 **21 NCAC 06O .0202 UNLICENSED PRACTICE**

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

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

1 21 NCAC 06O .0203 is proposed for adoption as follows:

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3 **21 NCAC 06O .0203 SCHOOLS**

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

6 (1) 1st offense \$300.00

7 (2) 2nd offense \$400.00

8 (3) 3rd offense \$500.00

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

11 (1) 1st offense \$200.00

12 (2) 2nd offense \$250.00

13 (3) 3rd offense \$500.00

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

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

18 (1) 1st offense \$200.00

19 (2) 2nd offense \$350.00

20 (3) 3rd offense \$500.00

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

23 (1) 1st offense \$250.00

24 (2) 2nd offense \$400.00

25 (3) 3rd offense \$500.00

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

28 (1) 1st offense \$250.00

29 (2) 2nd offense \$400.00

30 (3) 3rd offense \$500.00

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