Agency Name: Board of Cosmetology

Statutory Authority: 40-1-70 and 40-13-80

Document Number: 4279

Proposed in State Register Volume and Issue: 36/1

House Committee: Medical, Military, Public and Municipal Affairs Committee

Senate Committee: Labor, Commerce and Industry Committee

Status: Withdrawn due to end of two-year session

Subject: Administrative Citations and Penalties

History: 4279

By Date Action Description Jt. Res. No. Expiration Date

- 01/27/2012 Proposed Reg Published in SR

- 03/09/2012 Received by Lt. Gov & Speaker 02/06/2013

H 03/12/2012 Referred to Committee

S 03/13/2012 Referred to Committee

H 04/18/2012 Resolution Introduced to Approve 5138

- 06/08/2012 Withdrawn due to end of two-year session

Document No. 4279

**BOARD OF COSMETOLOGY**

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

35-6. Administrative Citations and Penalties

**Synopsis:**

 To satisfy the requirements of licensure in the field of cosmetology, Regulations 35-6 must be added in conformance with the current Board of Cosmetology Practice Act.

 The Notice of Drafting was published in the *State Register* on December 23, 2011.

**Instructions:**

 Regulation 35-6 is added as provided below.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

35-6. Administrative Citations and Penalties.

 (A) The board may issue administrative citations and cease and desist orders in person or by certified mail and may assess administrative penalties against an entity or individual, including unlicensed persons, for violations of this chapter as specified by the board.

 (B) Separate citations may be issued and separate administrative penalties may be assessed for each violation; however, no more than five hundred dollars in administrative penalties may be assessed against an entity or an individual per offense.

 (C) Administrative penalties authorized under this section are separate from and in addition to all other remedies, either civil or criminal, and these penalties may not exceed the following limits:

 (1) for a first offense, not more than a five hundred dollar penalty;

 (2) for a second offense in a five year period, the citation must be referred to the board for action in accordance with Sections 40-13-90 and 40-13-110.

 (D) An entity or individual assessed administrative penalties may appeal those penalties to the board within ten days of receipt of the citation. If an appeal is filed, the department shall schedule a hearing before the board, which shall make a determination in the matter. If no appeal is filed, the citation is deemed a final order and the administrative penalties must be paid within thirty days of receipt of the citation or other written demand.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

 This regulation is added in conformance with the current Board of Cosmetology Practice Act.