Agency Name: Board of Cosmetology

Statutory Authority: 40-1-70, 40-13-60 and 40-13-80

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Subject: Administrative Citations and Penalties

History: 4335

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

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- 02/27/2013 Received by Lt. Gov & Speaker 02/03/2014

S 02/27/2013 Referred to Committee

H 02/28/2013 Referred to Committee

H 05/22/2013 Resolution Introduced to Approve 4203

- 02/03/2014 Approved by: Expiration Date

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 provided for in the Regulation

Document No. 4335

**BOARD OF COSMETOLOGY**

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70, 40-13-60 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 and to provide for the issuance of administrative citations and penalties to salons and individuals.

 The Notice of Drafting was published in the *State Register* on October 26, 2012.

**Instructions:**

 The following section of Chapter 35 is added as provided below. All other items and sections remain unchanged.

**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 or regulation 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.

 (D) An entity or individual assessed administrative penalties may appeal those penalties to the board within ten calendar 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 calendar 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 and to provide for the issuance of administrative citations and penalties to salons and individuals.