§ 6818-a. Cosmetic samples. 1. No person engaged in the business of selling cosmetics shall provide for the use by or application to customers of any cosmetics, except for use or application to the hand or arm as a sample if such immediate container of cosmetics is to be used by or applied to more than one customer. For the purposes of this section, the term "cosmetic" shall not include perfume or cologne; or samples removed from the immediate container with a single use disposable applicator furnished to each customer; or samples dispensed from a tube, pump, spray or shaker container; or samples or applicators that have been cleansed before each use or application. The provisions of this section shall be deemed to have been satisfied if written instructions on the use or application of cosmetic samples pursuant to this section are clearly and visibly posted at or near the place of display of cosmetic samples. Nothing contained in this section shall prohibit the use or application of cosmetic samples by persons trained to apply cosmetics to customers in accordance with the provisions of this section.

2. Notwithstanding any other provision of this article, a violation of this section shall result in a civil penalty of one hundred dollars for the first offense and a civil penalty of two hundred fifty dollars for a second or subsequent offense.