

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2371

Introduced by

Senators Espeguard, Lee

Representatives Kasper, Nottestad

1 A BILL for an Act to amend and reenact subsection 12 of section 43-11-01, section 43-11-16,  
2 and subdivisions b and c of subsection 1 of section 43-11-27 of the North Dakota Century  
3 Code, relating to skin care, cosmetology schools, and cosmetology instructors.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 12 of section 43-11-01 of the 1999  
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 12. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions,  
8 creams, or otherwise, massaging, cleansing, stimulating, manipulating, beautifying,  
9 or similar work on the scalp, face, neck, arms, hands, bust, or upper part of the  
10 body of any person. The term does not include invasive care including:

11 a. The use of lasers or high-energy applications, including intense light or  
12 microwaves, of any type;

13 b. Dermabrasion of any type;

14 c. Dermaplaning or scraping with sharp instruments; and

15 d. Chemical peels utilizing:

16 (1) Phenol, resorcinol, salicylic acid, trichloroacetic acid, or glycolic acid,  
17 except glycolic acid that is buffered and that has a concentration not  
18 exceeding twenty percent with a ph greater than 3.5; or

19 (2) A combination or mixture of commercially available skin removal  
20 products, except as specified by the manufacturer's instructions.

21 **SECTION 2. AMENDMENT.** Section 43-11-16 of the North Dakota Century Code is  
22 amended and reenacted as follows:

1           **43-11-16. Schools of cosmetology - Qualifications for licensure.** A license must be  
2 granted to a school of cosmetology upon an application to the board and the payment of the  
3 annual license fee, if the school:

- 4           1. Is operated and maintained in premises separate from any cosmetology salon;
- 5           2. Requires one thousand eight hundred hours of training and instruction in  
6           cosmetology, six hundred hours of training and instruction in esthetics, or three  
7           hundred fifty hours of training and instruction in manicure, not to exceed eight  
8           hours per day;
- 9           3. Employs at least two full-time licensed instructors for the first twenty-five students  
10           enrolled and one additional instructor for each additional twenty-five students  
11           enrolled or fraction thereof ~~after the school's enrollment has reached fifty students,~~  
12           except a school that provides training and instruction limited to esthetics or  
13           manicure shall employ at least one full-time instructor for the first twelve students  
14           enrolled and one additional instructor for each additional twelve students enrolled  
15           or fraction thereof;
- 16           4. Possesses apparatus and equipment sufficient for the proper and full teaching of  
17           all subjects of its curriculum;
- 18           5. Maintains a record of the attendance and performance of each student;
- 19           6. Maintains regular class and instruction hours to include practical demonstrations  
20           and theoretical studies supplemented by audiovisual aids, and studies in  
21           sanitation, sterilization, and other safety measures and the use of antiseptics,  
22           cosmetics, and electrical appliances consistent with the practical and theoretical  
23           requirements as applicable to cosmetology;
- 24           7. Agrees not to:
  - 25           a. Conduct a clinical department for fees after licensure by the board, until the  
26           school has been operating for a period of at least twenty percent of the total  
27           hours of instruction required by this chapter;
  - 28           b. Permit any student to practice on any person not an instructor or registered  
29           student of the school until the student has completed at least twenty percent  
30           of the total hours of instruction required by this chapter;
  - 31           c. Compensate any of its basic students in any way; and

1           8. At the time of application for licensure and upon the renewal of a license, furnishes  
2           to the board, and maintains in force at all times the license is in effect, a bond in  
3           the penal sum of ten thousand dollars. The bond must run in favor of the board, as  
4           agent of the state, and must be furnished by a surety company authorized to do  
5           business in this state. It must be conditioned upon the bonded school's providing  
6           its registered students with the full course of instruction required under this chapter  
7           and must provide for a refund of a proportionate amount of each student's tuition  
8           fee upon default.

9 Any school that enrolls student instructors shall set up an adequate course of training, with the  
10 approval of the board, and may not have at any one time more than ~~one~~ two student instructor  
11 instructors for each licensed instructor actively engaged in the school.

12           **SECTION 3. AMENDMENT.** Subdivisions b and c of subsection 1 of section 43-11-27  
13 of the 1999 Supplement to the North Dakota Century Code are amended and reenacted as  
14 follows:

15           b. ~~Shall have at least one year's experience as an active practicing~~  
16           ~~cosmetologist~~ possess a current North Dakota license as a cosmetologist and  
17           must have been actively engaged in the practice of cosmetology for at least  
18           one year before application for an instructor's license, supplemented by not  
19           less than four hundred eighty hours instructor's training in ~~cosmetology~~ in a  
20           school of cosmetology. ~~In no event may more than six hundred hours~~  
21           ~~instructor's training be requisite for admission for examination under this~~  
22           ~~subdivision~~ or course of training approved by the board; or

23           c. Shall possess a current North Dakota license as a cosmetologist and shall  
24           have been actively engaged in the practice of cosmetology for at least three  
25           years prior to application for an instructor's license supplemented by not less  
26           than one hundred sixty hours instructor's training in ~~cosmetology~~ in a school  
27           of cosmetology or course of training approved by the board. ~~In no event may~~  
28           ~~more than six hundred hours instructor's training be requisite for admission for~~  
29           ~~examination under this subdivision.~~ No instructor or student instructor may be  
30           permitted to practice cosmetology on a patron other than that part of practical

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- 1 work which pertains directly to the teaching of practical operations to
- 2 students.