

Introduced by

Representatives Bosch, Nathe

Senator D. Larson

1 A BILL for an Act to create and enact section 43-11-27.2 of the North Dakota Century Code,  
2 relating to the practice of advanced skin care; to amend and reenact sections 43-11-01,  
3 43-11-20, and 43-11-28 of the North Dakota Century Code, relating to the regulation of the  
4 practice of advanced skin care by the state board of cosmetology; to provide for application;  
5 and to provide an effective date.

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

7 **SECTION 1. AMENDMENT.** Section 43-11-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **43-11-01. Definitions.**

10 In this chapter, unless the context or subject matter otherwise requires:

11 1. "Advanced skin care" means the practice of microdermabrasion, dermaplaning, or  
12 collagen induction therapy.

13 2. "Board" means the state board of cosmetology.

14 ~~2.3.~~ "Booth space" means that part of a licensed salon ~~that~~which is operated independently  
15 by an individual licensed under this chapter.

16 ~~3.4.~~ "Cosmetologist" means an individual licensed under this chapter to practice  
17 cosmetology.

18 ~~4.5.~~ "Cosmetology" means any one or a combination of practices generally and usually  
19 performed by and known as the occupation of beauty culturists or cosmeticians or  
20 cosmetologists or hairdressers, or of any other ~~person~~individual holding out as  
21 practicing cosmetology by whatever designation and within the meaning of this  
22 chapter and in and upon whatever place or premises; ~~and in particular cosmetology.~~

23 The term includes the following or any one or a combination of practices: ~~arranging~~

- 1           a. Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching,  
2           coloring, or similar work, upon the hair of any person by any means or with hands  
3           or mechanical or electrical apparatus or appliances, or by the use of cosmetic  
4           preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging,  
5           cleansing, stimulating, manipulating, or exercising, ~~performing~~;
- 6           b. Performing noninvasive hair removal, beautifying, or similar work on the body,  
7           ~~manipulation~~;
- 8           c. Manipulating of eyelashes, ~~or manicuring the nails of any person~~;
- 9           d. Performing skin care; or
- 10          e. Manicuring.
- 11    ~~5-6.~~ "Cosmetology salon" includes that part of any building in which the occupation of a  
12          cosmetologist is practiced.
- 13    ~~6-7.~~ "Esthetician" means ~~a person who is~~ an individual licensed by the board to engage in  
14          the practice of skin care.
- 15    ~~7-8.~~ "Homebound" means any ~~person~~ individual who is ill, disabled, or otherwise unable to  
16          travel to a salon.
- 17    ~~8-9.~~ "Instructor" means ~~any person of the age of~~ an individual who is at least eighteen years  
18          ~~or more of age~~, who is a licensed cosmetologist, who teaches cosmetology or any  
19          practices taught in a duly registered school of cosmetology, and who has met the  
20          requirements of section 43-11-27 and has applied for and received an instructor's  
21          license.
- 22    ~~9-10.~~ "Invasive care" means ~~any~~ a procedure, other than advanced skin care, that invades  
23          the live tissue of the dermis, including:
- 24          a. Laser use; and
- 25          b. Chemical peels using:
- 26               (1) Thirty percent or higher concentration of alpha hydroxy acid;
- 27               (2) Twenty percent or higher concentration of beta hydroxy acid;
- 28               (3) Two percent or higher concentration of resorcinol;
- 29               (4) Fifteen percent or higher concentration of trichloroacetic acid (TCA); or
- 30               (5) Fifteen percent or higher concentration of phenol.

- 1 ~~40.11.~~ "Manicuring" means the cleansing, cutting, shaping, beautifying, or massaging of  
2 ~~thean individual's~~ hands, feet, or nails ~~of any person.~~
- 3 ~~41.12.~~ "Manicurist" means ~~a person who is~~ an individual licensed by the board to engage in  
4 the practice of manicuring.
- 5 ~~42.13.~~ "Master cosmetologist" means ~~any person~~ an individual who has met the requirements  
6 of section 43-11-26 and has applied for and received a managing cosmetologist  
7 license.
- 8 ~~43.14.~~ "School of cosmetology" means an establishment operated for the purpose of teaching  
9 cosmetology.
- 10 ~~44.15.~~ "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions,  
11 creams, or otherwise, massaging, cleansing, stimulating, manipulating, performing  
12 noninvasive hair removal, beautifying, or similar work on ~~the body of any person~~ an  
13 individual. The term includes advanced skin care. The term does not include invasive  
14 care.
- 15 ~~45.16.~~ "Student" means ~~any person who is~~ an individual engaged in the learning or acquiring  
16 of any or all the practices of cosmetology and while so learning or acquiring, performs  
17 or assists in any of the practices of cosmetology in ~~any~~ a school registered or licensed  
18 and under the immediate supervision of an instructor ~~licensed as such under this~~  
19 ~~chapter.~~
- 20 ~~46.17.~~ "Student instructor" means a cosmetologist who is receiving instruction in teacher's  
21 training in a duly registered school of cosmetology.
- 22 ~~47.18.~~ "Tuition" means the total cost of ~~a person's~~ an individual's cosmetology studies, ~~and~~  
23 The term does not include books or demonstration kits.

24 **SECTION 2. AMENDMENT.** Section 43-11-20 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **43-11-20. Student practice.**

27 A student certified under this chapter, while attending a school of cosmetology, may assist  
28 in any of the practices of cosmetology if under the immediate direction and supervision of a  
29 licensed an instructor. The student may not assist in the practice of advanced skin care unless  
30 the supervising instructor is certified under section 43-11-27.2 to practice advanced skin care.

1       **SECTION 3.** Section 43-11-27.2 of the North Dakota Century Code is created and enacted  
2 as follows:

3       **43-11-27.2. Advanced skin care - Certification.**

- 4       1. A cosmetologist, master cosmetologist, esthetician, or master esthetician may not  
5 practice advanced skin care unless certified under this section. A certificate holder is  
6 not required to practice the advanced skin care under the supervision, control, or  
7 responsibility of a physician or advanced practice registered nurse.
- 8       2. The board shall determine the qualifications for certification to practice advanced skin  
9 care and annual certification fees. The qualifications established by the board under  
10 this section for initial certification must include completion of forty hours of education  
11 or continuing education directly related to the practice of advanced skin care and for  
12 recertification, annual completion of thirty hours of continuing education directly related  
13 to the practice of advanced skin care.
- 14       3. A certificate issued under this section is valid through December thirty-first of the year  
15 of issuance. If a certificate holder under this section fails to timely renew the certificate,  
16 the individual may not practice advanced skin care until the individual is recertified. If a  
17 certificate holder under this section fails to recertify within one year from the date of  
18 expiration of the certificate, the individual is subject to initial certification before the  
19 individual may practice advanced skin care.

20       **SECTION 4. AMENDMENT.** Section 43-11-28 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22       **43-11-28. Fees.**

- 23       1. Fees to be paid by applicants for original registrations, original licenses, original  
24 certifications, annual renewals, licenses issued upon reciprocity, and examinations as  
25 required under this chapter may not exceed the following amounts:
- |  |          |
|--|----------|
| 26       a. Original registrations, licenses, <u>certifications</u> , and annual | MAXIMUM  |
| 27       renewals:   | FEE:     |
| 28       (1) Salons, original registration                                       | \$80.00  |
| 29       (2) Salons, annual renewal  | \$30.00  |
| 30       (3) School of cosmetology, original registration                        | \$505.00 |
| 31       (4) School of cosmetology, annual renewal                               | \$205.00 |

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1	(5) Cosmetologist, original license	\$15.00
2	(6) Cosmetologist, annual renewal	\$15.00
3	(7) Master cosmetologist, original license	\$25.00
4	(8) Master cosmetologist, annual renewal	\$20.00
5	(9) Instructor, original license	\$35.00
6	(10) Instructor, annual renewal	\$20.00
7	(11) Reciprocity license fee	\$105.00
8	(12) Registration fee for student instructor	\$15.00
9	(13) Duplicate license	\$10.00
10	(14) <del>Certification fee</del> <u>Instructor certification</u>	\$20.00
11	(15) <u>Advanced skin care certification, original certification</u>	<u>\$20.00</u>
12	(16) <u>Advanced skin care certification, annual renewal</u>	<u>\$20.00</u>
13	b. Examinations:	
14	(1) Cosmetology practical examination	\$25.00
15	(2) Instructors practical examination	\$55.00
16	(3) Written examination fees are set and collected by the administrator of the	
17	examination and payment is the responsibility of the applicant.	
18	2. Fees are not prorated or returnable. The board may charge a fifty dollar penalty for	
19	each license renewal application received after December thirty-first.	
20	<u>3.</u> The board shall sponsor an educational program for licenseholders to carry out the	
21	purposes of protecting the public health and safety and maintaining capable and	
22	skilled cosmetologists, manicurists, estheticians, and instructors. The board shall use	
23	such portion of the renewal fees as the board may determine for the purpose of	
24	providing the educational program.	
25	<b>SECTION 5. EFFECTIVE DATE - APPLICATION.</b> This Act becomes effective January 1,	
26	2021. The state board of cosmetology shall implement the provisions of this Act for advanced	
27	skin care certification years beginning after December 31, 2020.	