

North Dakota State Board of Cosmetology Proposed Amended Rules

**ARTICLE 32-01
GENERAL ADMINISTRATION**

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**CHAPTER 32-01-01
ORGANIZATION OF BOARD**

Section	
32-01-01-01	Organization of Board of Cosmetology

32-01-01-01. Organization of board of cosmetology.

1. **History and functions.** The 1927 legislative assembly passed a Cosmetology Practice and Training Act, codified as North Dakota Century Code chapter 43-11. This chapter requires the governor to appoint a state board of cosmetology. The board regulates and licenses all cosmetologists, manicurists, estheticians, instructors, students, schools, and salons. It is the duty of the board to protect the public health, welfare, and safety through the prevention of the creating and spreading of infectious and contagious diseases.
2. **Board membership.** The board consists of five members appointed by the governor. Each member has a three-year term, and the terms are so arranged that no more than two terms expire on June thirtieth of each year.
3. **Board officers.** Each year the board meets and elects a president and ~~secretary~~ other officers from their own number. All records of the board shall be kept at the board office.
4. **Board office.** ~~The address of the board office is:~~

~~State Board of Cosmetology
4719 Shelburne Street
Suite 1
Bismarck, North Dakota 58503~~

Inquiries. Inquiries regarding the board may be addressed to:

North Dakota Board of Cosmetology
Website: ndcosmetology.com

History: Amended effective October 1, 1987; July 1, 1988; September 1, 1989; April 1, 1994; March 1, 1998; January 1, 2012.

General Authority: NDCC 28-32-02, 43-11-05

Law Implemented: NDCC 43-11-03, 43-11-04

**CHAPTER 32-01-02
DEFINITIONS**

Section

32-01-02-01 Definitions.

32-01-02-01. Definitions.

The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 43-11, except:

1. "Clean" means the removal of visible debris and washing with soap and detergent and water. To clean means to make a nonporous item ready for disinfection.
2. "Contact time" means the amount of ~~moist~~wet contact time required for the disinfectant to be effective against the pathogens on the label.
3. "Cosmetology establishment" includes businesses, premises, and schools required to have a ~~certificate of registration~~license from the North Dakota board of cosmetology pursuant to North Dakota Century Code chapter 43-11.
4. "Cosmetology school" means any school teaching any or all of the practices of cosmetology.
5. "Disinfect" means the process of making a nonporous item safe for use. To disinfect requires the use of a chemical intended to kill or denature a pathogen. An ultraviolet light is not an acceptable form of disinfection.
6. "Disinfectant" means federal environmental protection agency registered bactericidal, virucidal, and fungicidal chemical or agent used to destroy pathogenic micro-organisms.
7. "Good repair" means that an item is soil-free with no holes, frayed wires, or tears in covering and fully operational for the purpose intended.
8. "Infectious disease" means any disease which can be transmitted, directly or indirectly, from person to person.
9. "Nonporous" means any material that has no pores and does not allow for liquids to be absorbed or passed through, such as metal, glass, silicone, and plastic.
10. "Occupation of cosmetologist" includes the practice of cosmetology, esthetics and manicuring as defined in North Dakota Century Code section 43-11-01.
11. "Porous" means any material that allows for liquids to be absorbed or passed through. This includes all nail files and emery boards that are not made entirely of metal or glass, pumice stones, buffing blocks, orange wood sticks, cotton, sponges, toe separators, ~~and~~ flip-flops, bamboo and wood items, and items with natural hair bristles.
12. "Salon" means a location where the occupation of a cosmetologist, manicurist, or esthetician is practiced. The occupation of a cosmetologist, manicurist, or esthetician is practiced in a location if the cosmetologist, manicurist, or esthetician provides services at the location on a regularly scheduled basis. The occupation of a cosmetologist, manicurist, or esthetician is not practiced in a location if the services are provided at special or educational events after notification to and approval by the board, or at an assisted living residence or assisted living facility under a homebound license. Salon includes independent licensee salons.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-01, 43-11-11, 43-11-27.1

**CHAPTER 32-01-03
GENERAL RULES**

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32-01-03-03	Hearings and Appeals [Repealed]
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32-01-03-05	Invalid Rules

32-01-03-04. Board to determine qualifications of applicant.

The sufficiency of the qualifications of all applicants for admission to board examinations of all students and student instructors or for registration or licensing of students, student instructors, instructors, cosmetologists, estheticians, and manicurists shall be determined by the board. The board may delegate ~~such authority~~ specific tasks to ~~the secretary of the board~~ support staff as the Board chooses. ~~and anyone~~ Any applicant feeling aggrieved by the board's ~~board secretary's decision in writing request a hearing before the board on the matter~~ may appeal pursuant to ~~The board hearing shall be conducted pursuant to the provisions of North Dakota Century Code chapters 43-11 and chapter 28-32.~~

History: Amended effective July 1, 1990; December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-15, 43-11-16, 43-11-19, 43-11-21, 43-11-22, 43-11-24, 43-11-25, 43-11-26, 43-11-27, 43-11-28, 43-11-29, 43-11-30, 43-11-31, 43-11-32, 43-11-35

**ARTICLE 32-02
CLEANING AND DISINFECTING**

Chapter
32-02-01

**CHAPTER 32-02-01
RULES OF CLEANING AND DISINFECTING**

Section

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32-02-01-01. Rules posted.

The owner or manager of every licensed salon and school shall keep a copy of the rules of cleaning and disinfecting posted in ~~a conspicuous place~~ clear view to the public where services are being provided in each salon and school for the information and guidance of all individuals employed or studying therein.

History: Amended effective March 1, 1998; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-02. Space dimensions and requirements.

1. **Salon.** To maintain adequate conditions of cleanliness and disinfection and in the interest of the public health and welfare, each salon shall have adequate workspace to maintain a safe condition for a salon. In addition to such workspace, the salon shall have a reception area, supply room or supply area with enclosed cabinets, toilet facilities, and facilities to maintain clean conditions. There shall be adequate workspace for each additional cosmetologist, manicurist, or esthetician in the salon.
 - a. **Separate entrance.** All public entrances and exits must meet the local or state building codes.
 - b. **Salon separate.** A salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
 - c. **Residential salons.** Each salon in a residential building shall maintain a separate entrance from living and sleeping quarters. No cosmetology, manicuring, or esthetician services shall be conducted in any room

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used as living or sleeping quarters. A salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

- d. Mobile home salons. Mobile homes, motor homes, trailers, or any type of recreational vehicles containing a salon shall be permanently set on a foundation. Each salon in such mobile home, motor home, trailer, or any type of recreational vehicle shall maintain an entrance separate from the living quarters. No cosmetology, manicuring, or esthetician services shall be conducted in any room used as living or sleeping quarters. A salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
2. **Cosmetology schools.** To maintain adequate conditions of cleanliness and disinfection and in the interest of the public health and welfare, each cosmetology school shall have adequate square feet of floor space to maintain a safe condition for a cosmetology school. Such floor space must include a business office, reception room, service floor area, ~~clinic laboratory~~ practice room, dispensary, student lounge, hallways, and classrooms sufficient for training the number of students enrolled. Two lavatories must be in the same building as the school and immediately and easily accessible from the school. In addition, for the manicurist and esthetician courses, floor space must include separate classrooms with adequate space to teach students enrolled.
3. **Cosmetology school separate.** Each cosmetology school shall be separated from living quarters and any other business, except an affiliated school, by a solid nontransparent wall from floor to ceiling containing no openings or doors.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-04. Cleaning and disinfecting premises.

1. Walls, floors, and fixtures must be kept clean and in good repair at all times.
2. All ~~floors~~flooring surfaces must be cleaned and made free of hair and other debris after each client and must be in good repair. Carpeting and rugs is-are not permitted in the working area, ~~except in a licensed salon with carpeting in the working area on July 1, 2000, and which have not changed ownership since July 1, 2000.~~ Carpeting or rugs will only be permitted in the reception ~~and drying~~ areas.
3. Windows and mirrors ~~should~~must be clean.
4. Shampoo bowls must be free from all hair and debris, ~~and~~ cleansed and disinfected prior~~after~~ to each use, ~~and disinfected daily.~~
5. The dispensing area must be neat and clean. The supply area may not be accessible to the public.
6. Pedicure chairs, pedicure carts, foot spas, and manicure tables must be cleaned and disinfected ~~between~~after each uses. Manicure tables must be wiped clean with soap and water to remove all dust and debris, wiped or sprayed with a federal environmental protection agency registered disinfectant, and left wet for the manufacturer's recommended contact time. Pedicure ~~bowls~~stubs must be emptied, scrubbed with soap and water, rinsed with hot water, wiped, or sprayed with a federal environmental protection agency registered disinfectant, and left wet for the manufacturer's recommended contact time. Screens, filters, drains, and other

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removable parts must be removed and first cleaned with soap ~~detergent~~, and water, rinsed with hot water and then immersed in a federal environmental protection agency registered disinfectant, following the manufacturer's directions for proper contact time. For piped pedicure tubs with jets, the disinfectant must be circulated with the proper concentration for the manufacturer's recommended contact time, rinsed with hot water, and dried with a clean towel. The tub must be scrubbed with soap, detergent, and water, then rinsed and filled with water, adding in an environmental protection agency registered disinfectant to achieve proper concentration. The concentration should be allowed to sit or run through the jetted system as per the manufacturer's recommended contact time. The tub should then be drained and either allowed to air dry or wiped dry with a clean towel. For pipe-less pedicure tubs the disinfectant must be sprayed on and left wet for the recommended manufacturer's contact time, rinsed with hot water, and dried with a clean towel. All removable parts must be stored in an enclosed drawer or container after cleaning and disinfecting until ready to use. All cleaning and disinfecting steps must be followed when using liners in pedicure tubs. All surrounding areas, including footrests, must be kept in a clean and disinfected condition.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; January 1, 2002; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-06. Personal hygiene.

Every cosmetologist, manicurist, esthetician, instructor, and student, while on the salon premises, shall be neat and clean in person and in attire, and free from any infectious or communicable disease.

1. **Attire.** Every cosmetologist, manicurist, esthetician, instructor, student instructor, and student must be neat and clean in person and attire, and shall wear clean washable professional attire as determined by salon and school owner.
2. **Hands.** Every cosmetologist, manicurist, esthetician, instructor, student instructor, and student shall wash one's hands with soap and water ~~and~~ or sanitize immediately before serving each client. Hand sanitizer must be available for customers and manicurists to use.
3. **Carrying combs.** Combs or other instruments shall not be carried in clothing pockets or other leather or cloth pouches, holsters, or other porous containers or cases.
4. **Infectious or communicable diseases.** A cosmetologist, manicurist, esthetician, instructor, student instructor, or student who has an infectious or communicable disease may not knowingly transmit the disease to the public in a salon while such a disease is in a communicable stage.
5. ~~**Smoking.** A cosmetologist, manicurist, esthetician, instructor, student instructor, or student may not smoke while actively engaged in serving the public.~~

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-08. Cleaning and disinfecting articles.

All tools, instruments, shampoo bowls, and other articles which come in contact with a client shall be cleaned and disinfected before use on each client. Each licensed salon shall have available for use at all times a federal environmental protection agency registered disinfectant and an enclosed container available that will be used to disinfect tools. The reuse of any porous instrument which cannot be disinfected is prohibited.

History: Amended effective July 1, 1988; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-09. Laundry and storage of cloth items.

1. **Clean cloth and linen items.** All clean cloth and linen towels, sheets and blankets, robes, capes, and similar items shall be kept in an enclosed ~~dustproof~~ cabinet in the salon until used.
2. **Soiled cloth items and laundering.** All clean cloth and towels, sheets and blankets, robes, ~~sheets~~, capes, and similar ~~linen~~ items may be used only once and then must be properly laundered. After use, and until laundering, each item must be placed in an enclosed container. All soiled cloth and towels, sheets and blankets, robes, ~~and~~ linens, and capes must be laundered in a washing machine with laundry detergent in hot water. Commercial laundering is acceptable.

History: Amended effective July 1, 1988; March 1, 1998; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-10. Method of disinfection.

The disinfection process shall consist of three steps, and the elimination of any one of the steps render the process ineffective. The three steps to be followed are:

1. **Cleaning.** Remove debris from tools and instruments and wash them thoroughly with hot water and a ~~synthetic~~ detergent in order to remove all traces of soil.
2. **Rinse.** Thoroughly rinse in clear water to remove all traces of detergent from the tools and instruments.
3. **Immersion.** Completely immerse all implements that are nonporous, such as those made of glass, metal, or plastic, in an ~~appropriate~~ enclosed container, large enough to cover all items, including all handles, with an effective federal environmental protection agency registered bactericidal, virucidal, and fungicidal disinfectant and left wet for the manufacturer's recommended contact time ~~prepared and used in accordance with directions on the label~~. After the manufacturer's required contact time listed on the label has been met, items must be removed, air dried, and stored in a clean, covered, and ~~dustproof~~ an enclosed cabinet in the salon until used.

Shears and razors are not required to be washed, but must be wiped to remove hair, product residue, and skin debris, and then disinfected with an environmental protection agency registered disinfectant spray or wipe after each use. ~~The surface must~~ and remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label.

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Nonimmersible non-bladed electrical equipment must be wiped with an environmental protection agency registered disinfectant that is bactericidal, virucidal, and fungicidal, and must remain wet for the contact time listed on the disinfectant label. Nonimmersible bladed electrical equipment, such as clippers or trimmers, must be sprayed with an environmental protection agency registered disinfectant that is bactericidal, virucidal, and fungicidal, and must remain wet for the contact time listed on the disinfectant label created specifically for electrical equipment. Contact time for the electrical equipment as listed on the manufacturer's label must be observed. Cords and outer parts must be wiped with an environmental protection agency registered disinfectant and must remain wet for the contact time listed on the disinfectant label.

History: Amended effective March 1, 1998; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-11. Particular aspects of disinfecting.

1. **Germicides.** In disinfecting tools, instruments, and implements, any federal environmental protection agency registered bactericidal, virucidal, and fungicidal disinfectant treatment of tools, instruments, and implements shall be used in accordance with the directions of the manufacturer. All germicidal solutions shall be fresh, clean, and free from contaminants.
2. **Fluids, creams, waxes, and powders.**
 - a. All fluids, semi-fluids, creams, waxes, and powders shall be kept in a clean, ~~covered~~enclosed container ~~free of contaminants at all times~~ and shall be dispensed with a clean spatula or from a shaker, dispenser pump, or spray-type container.
 - b. Single-use spatulas made of a porous material, such as wood, must be discarded after a single use or application.
 - c. Nonporous spatulas, such as those made of plastic or metal, can only be used for a single use or application and must be cleaned and disinfected before being used again. Fluids, semifluids, creams, and powders shall be applied only by disposable applicators and the applicators shall be discarded after use.
 - d. ~~Gloves must be worn when performing waxing or tweezing services. Roll on wax is prohibited.~~
3. **Wax.**
 - e. A new pair of gloves must be worn ~~with each~~when performing waxing or tweezing services.
 - f. Wax must be dispensed with a single use applicator for each application and must discarded after a single use. Double dipping is prohibited.
 - g. Wax pots must be cleaned of all wax residue and shall maintain a fresh protective wax collar.
 - h. Roll on wax is prohibited.

~~3.4.~~ **Tools and instruments.** All permanent wave equipment, clips, rollers, pins, as well as all other tools, instruments, and implements shall be kept in a clean and disinfected condition at all times. All other reusable items shall be cleaned and disinfected before use on each client.

~~4.5.~~ **Containers.** The manufacturer's label must be on all original containers for any chemicals used in the salon. All bottles, and containers shall must be correctly and distinctly labeled with the manufacturer's label to disclose their contents and all bottles and containers containing poisonous substances shall be so designated.

~~5.6.~~ **Waste container.** Each licensed salon shall provide adequate covered and lined waste containers which shall be emptied when full.

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~~6.7.~~ **Protective coverings.** All capes and protective coverings used on a client shall must be kept clean and in good condition. ~~Protective coverings, or "Capes" and protective coverings~~ must always be used on clients receiving hair services and be laundered in accordance with section 32-02-01-09 after each use. ~~Capes made of plastic or vinyl unable to be laundered in accordance with section 32-02-01-09 shall be disinfected with the use of an environmental protection agency registered disinfectant spray or wipe in accordance with the manufacturer's label.~~

~~7.8.~~ **Wet disinfecting units.** Each licensed salon shall have wet disinfecting units of sufficient size and quantity to disinfect all tools, instruments, and implements of the establishment, and such disinfectants shall be readily accessible. Such disinfecting units shall contain an environmental protection agency registered disinfectant and such disinfectant shall be used according to the manufacturers' directions.

~~8.9.~~ **Metal instruments.** All metal tools, instruments, and implements shall must be cleaned and disinfected with an environmental protection agency registered disinfectant ~~solution~~ after each use and stored in an enclosed container until the next use. All clippers and trimmers must be cleaned and disinfected with an environmental protection agency registered disinfectant spray ~~or wipe~~ after each client.

~~9.10.~~ **Storage of supplies.** Every licensed salon shall have a separate enclosed cabinet or storage area for the storage of supplies, and any supplies containing any caustic or other material harmful to humans shall be stored in a place not readily accessible to clients or the public.

~~10.11.~~ **Combs and brushes.** Combs and brushes shall be cleaned and disinfected prior to each use. All shall be in good usable condition. Padded brushes should be cleaned and sprayed with an environmental protection agency registered disinfectant and should not be immersed.

~~11.12.~~ **Electric tools and outlets.** Each licensed salon shall have a sufficient number of electrical outlets so that no cord or electrical connection constitutes a hazard, fire or otherwise, to the public or ~~persons~~ individuals employed or learning in the establishment.

~~12.13.~~ **Neck brushes.** No salon or school may use neck brushes.

~~13.14.~~ **Dry storage.** All tools, instruments, and implements must be stored in a clean enclosed cabinet or drawer. Paper, money, candy, and personal items may not be stored or placed in cabinets or drawers where tools, instruments, and implements are stored.

~~14.15.~~ **Ultraviolet light.** Ultraviolet light boxes are prohibited as a means of disinfection.

~~15.16.~~ **Banned products.** Any products or supplies banned by the United States drug enforcement administration or other federal, state, or local governing agency, including methyl-methacrylate, are prohibited.

~~16.17.~~ **Invasive practices.** ~~Skin-cutting equipment~~ Equipment, including, but not limited to razor type callus shavers, credo blades, rasps or graters, or other implements used to remove corns, calluses, moles, or otherwise used to cut below the ~~skin surface~~ epidermis are prohibited. Micro-needling, plasma fibro-blasting pens, derma rollers, and the ~~The~~ use of lancets are also prohibited.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

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32-02-01-12. Toilet facilities.

All salons shall have adequate toilet facilities conveniently located and readily accessible to the public patronizing the establishment. All salons in residential establishments shall provide and label toilet facilities only for the use of customers during business hours. Toilet facilities shall be clean, disinfected, and properly maintained at all times. ~~All plumbing must be in accordance with the state or local plumbing codes.~~

Each salon shall provide adequate handwashing facilities, including hot and cold running water. Each handwashing sink must have a soap dispenser supplied with liquid soap and disposable towels or ~~approved~~ air dryer.

History: Amended effective March 1, 1998; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-13. Pets.

No animals, ~~birds, or other pets,~~ except assistance service or companion animals for the disabled and fish in aquariums, shall be permitted in any licensed salon. Service or companion animals must be under control of handler or owner at all times.

History: Amended effective December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

~~**32-02-01-14. Infants and children.**~~

~~No licensed salon premises shall be used in any manner for the care or babysitting of infants or small children.~~

~~**History:** Amended effective January 1, 2017.~~

~~**General Authority:** NDCC 43-11-05~~

~~**Law Implemented:** NDCC 43-11-11~~

32-02-01-15. Inspections.

A salon license shall only be issued to establishments inspected and approved by the board. A board inspection and approval shall be required for all new salons and schools as well as when changes of ownership or address take place. All salon premises must be open for inspection during normal business hours. If a salon is not open every day, the salon owner must inform the board office of the days the salon is open for business. The owner of the salon shall be responsible for keeping the entire salon open for inspection by the board or board inspectors. The board or board inspectors shall examine and inspect the entire salon premises regardless of independent licensee salons. An independent licensee salon within a salon that relocates within the same salon, does not need to go through a new inspection, but shall provide the board office with a revised floor plan as outlined in 32-03-01-02. Inspections will be conducted as determined by the board.

History: Amended effective July 1, 1988; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-13, 43-11-17

**ARTICLE 32-03
SALONS**

CHAPTER

32-03-01 Cosmetology Salons

**CHAPTER 32-03-01
SALONS**

Section

32-03-01-01	Salon Applications
32-03-01-02	Floor Plan
32-03-01-03	Zoning [Repealed]
32-03-01-03.1	Salon Transfer
32-03-01-04	License Displayed
32-03-01-05	Separate Establishments
32-03-01-06	Changes in Operators or Manager-Operators [Repealed]
32-03-01-07	Master Cosmetologist Salon Management
32-03-01-08	Tools and Supplies
32-03-01-09	Signs
32-03-01-10	<u>Booth Space Independent Licensee Salon</u>
32-03-01-11	Salon Discontinuance
32-03-01-12	Application for License to Practice Cosmetology for the Homebound
32-03-01-13	Brush Rollers
32-03-01-14	Practice Outside of Salon

32-03-01-01. Salon applications.

All ~~persons~~individuals, firms, associations, corporations, partnerships, and other entities desiring to operate a salon shall make application to the board for a license prior to commencing business. The application shall be made on a form provided by the board and shall be accompanied by the fee of eighty dollars. All renewal applications of salons shall be made to the board before December thirty-first in each year. Renewal applications shall be accompanied by the fee of thirty dollars. Prior to any change of ownership, name, location, or address, a salon shall apply for a new license with the board. ~~For rural salons, owners shall supply a detailed map indicating the salon's exact location and directions for driving to that salon.~~

History: Amended effective July 1, 1988; January 1, 2002; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-15, 43-11-17, 43-11-28

32-03-01-02. Floor plan.

Every salon application for a ~~certificate of registration~~license shall be accompanied by a detailed floor plan of the proposed salon premises. The floor plan shall show entrances, exits, locations of equipment, reception area, supply area, toilet facilities, hallways, and facilities to maintain sanitary conditions. ~~A copy of an approved inspection report by local, county, or state authorities governing plumbing, electrical, and building codes is required prior to final inspection. A revised floor plan shall be filed with the board in the event of any change of location or major changes in the salon premises.~~

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-03-01-04. License displayed.

Every salon shall ~~conspicuously~~ display its licenses in clear view to the public in the reception area-immediate work area of the salon where services are being provided of the salon.

History: Amended effective January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-14

32-03-01-07. ~~Master cosmetologist.~~ Salon Management.

1. Every salon shall be supervised by ~~have~~ a master cosmetologist licensee as defined in chapter of 43-11 who shall be responsible for the ~~operation, conduct, and~~ management of the licensee's salon. A master licensee shall be present on the salon premises during business hours. A salon only providing manicuring services must have a master cosmetologist or master manicurist who is responsible for the operation, conduct, and management of the salon. A salon providing only skin care shall have a master cosmetologist or master esthetician who is responsible for the operation, conduct, and management of the salon. The master cosmetologist, master manicurist, or master esthetician shall be present on the salon premises during business hours, except the individual may take breaks or leave to perform other responsibilities for periods of time that do not exceed one hour and the individual need not be present if services are not being performed.
2. Each salon owner or master cosmetologist, master manicurist, or master esthetician shall provide the board office with an accurate schedule of the days and hours the salon is open for business.
3. Every salon, upon request, must provide documented hours for master license applications. No salon or supervisor may decline to provide documentation for master cosmetologist, manicurist, or esthetician licensure. Salons must keep documented hour records for at least 2 years after any separation of employment.

History: Amended effective July 1, 1988; March 1, 1998; July 1, 2000; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-15

32-03-01-10. ~~Booth space~~ Independent licensee-salon.

In the event any salon premises are divided into ~~booth space allotments~~ independent licensee-salons to be leased to others, each ~~person-individual,~~ firm, association, partnership, corporation, or other entity whose name appears on the application as ~~operator of the booth space independent licensee~~ shall be responsible for properly cleaning and disinfecting the space. ~~Booth Independent licensee-rental salons~~ are subject to inspections during the operation whether or not an independent licensee is available. The owner of the salon shall be responsible for keeping the entire salon open for inspection by the board or ~~board~~ inspectors employed by the board, and the board shall examine and inspect the entire salon premises regardless of any ~~booth space allotments~~ independent licensee-salons.

Each ~~booth space allotment~~ independent licensee-salon shall be licensed as a separate salon and each independent licensee-salon ~~booth space allotment~~ shall be operated only by a master cosmetologist, master manicurist, or master esthetician, as applicable to the independent licensee salon.

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1. **Compliance as salon.** Each ~~booth space allotment~~ independent licensee-salon must have adequate workspace. The independent licensee-salon premises must meet all of the requirements of a salon contained in North Dakota Century Code chapter 43-11 and this article, except that there may be common reception areas, common toilet facilities, common product dispensing area, and common entrances and exits.
2. **License displayed.** The license for each ~~booth space allotment~~ independent licensee-salon shall be displayed in clear view in the ~~booth~~ immediate work area of the independent licensee-salon.
3. **Premises used.** Each master cosmetologist, master manicurist, or master esthetician operating an independent licensee~~booth space-salon~~ shall be responsible for all professional services performed and for all of the premises used.

History: Amended effective February 1, 1996; March 1, 1998; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-13, 43-11-15, 43-11-17

~~32-03-01-12. Application for license to practice cosmetology for the homebound. All licensed cosmetologists not associated with licensed salons desiring to provide cosmetology services for the homebound shall make application to the board for a homebound license and meet the following requirements:~~

- ~~1. Possess a valid master cosmetologist, master manicurist, or master esthetician license.~~
- ~~2. Possess a kit and present the kit for inspection by a board approved inspector. The kit must contain the following:
 - ~~a. License;~~
 - ~~b. Copy of rules of cleaning and disinfecting;~~
 - ~~c. First aid kit complying with section 32-02-01-07; and~~
 - ~~d. Separate closed labeled containers for soiled and clean supplies.~~~~
- ~~3. Comply with all rules of disinfection for combs, brushes, tools, and other equipment as provided in section 32-02-01-10.~~
- ~~4. The original fee for a homebound license is fifty five dollars per year and annual renewals are thirty dollars per year and yearly inspections must be coordinated with the inspector.~~

~~**History:** Effective February 1, 1996; amended effective July 1, 1996; August 8, 1996; December 1, 2005; January 1, 2012; January 1, 2017.~~

~~**General Authority:** NDCC 43-11-05~~

~~**Law Implemented:** NDCC 43-11-01, 43-11-11, 43-11-13, 43-11-13.2, 43-11-14, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-28~~

OBJECTION

~~THE LEGISLATIVE COUNCIL'S COMMITTEE ON ADMINISTRATIVE RULES OBJECTS TO NORTH DAKOTA ADMINISTRATIVE CODE SECTION 32-03-01-12 AS ADOPTED BY THE STATE BOARD OF COSMETOLOGY EFFECTIVE FEBRUARY 1, 1996.~~

~~The committee objects to this rule because the committee deems it to be unreasonable, arbitrary, or capricious. The committee believes this rule exceeds the intent of the Legislative Assembly by unduly restricting the availability of cosmetology services to homebound persons.~~

~~Section 28-32-03.3 provides that after the filing of a committee objection, the burden of persuasion is upon the agency in any action for judicial review or for enforcement of the rule to establish that the whole or portion thereof objected to is within the procedural and substantive authority delegated to the agency. If the agency fails to meet its~~

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~~burden of persuasion, the court shall declare the whole or portion of the rule objected to invalid and judgment shall be rendered against the agency for court costs.~~

~~History:~~ Effective May 29, 1996.

~~General Authority:~~ NDCC 28-32-03.3

~~32-03-01-13. Brush rollers.~~

~~All brush rollers must be free of hair before being disinfected.~~

~~History:~~ Effective March 1, 1998; amended effective January 1, 2017.

~~General Authority:~~ NDCC 43-11-05

~~Law Implemented:~~ NDCC 43-11-11, 43-11-11.1

32-03-01-14. Practice outside of salon.

A licensee desiring to provide cosmetology services outside of a salon, must meet the following requirements:

~~A master cosmetologist, master manicurist, or master esthetician may practice outside of a salon establishment if:~~

- ~~1. They are a~~ The master cosmetologist, master manicurist, or master esthetician has one year of work experience;
- ~~2. The master cosmetologist, master manicurist, or master esthetician follows all applicable rules of cleaning and disinfecting adopted in chapter 32-02-01; and~~
- ~~3. Cosmetology services are not provided in a manner or frequency to cause the location where the services are provided to constitute a salon as defined in section 32-01-02-01. The master cosmetologist, master manicurist, or master esthetician notifies the board if licensees will be practicing outside the salon; and~~
- ~~4. The master cosmetologist, master manicurist, or master esthetician shall possess a kit. The kit must contain the following:~~
 - a. Adequate tools and supplies;
 - b. License;
 - c. Copy of rules of cleaning and disinfecting;
 - d. First-aid kit in compliance with this section; and
 - e. Separate labeled, enclosed containers for soiled and clean supplies.

~~History:~~ Effective July 1, 2000; amended effective December 1, 2005; January 1, 2017.

~~General Authority:~~ NDCC 43-11-05, 43-11-11

~~Law Implemented:~~ NDCC 43-11-11

**ARTICLE 32-04
SCHOOLS**

Chapter
32-04-01 Cosmetology Schools

**CHAPTER 32-04-01
COSMETOLOGY SCHOOLS**

Section
32-04-01-01 School Applications
32-04-01-02 Floor Plan
32-04-01-03 Bond [Repealed]
32-04-01-04 ~~Certificates~~ Licenses Displayed
32-04-01-05 Separate Establishments
32-04-01-06 Student Registration
32-04-01-07 Student Transfers
32-04-01-08 Discontinuance of Students
32-04-01-09 Change in Instructors
32-04-01-10 School Discontinuance
32-04-01-11 Attendance Reports
32-04-01-12 Signs and Advertising
32-04-01-13 Equipment and Library
32-04-01-14 Tools and Supplies
32-04-01-15 School Rules and Regulations
32-04-01-16 Lockers
32-04-01-17 Name Tags
32-04-01-18 Curriculum
32-04-01-19 Credit and Deductions
32-04-01-20 Class Schedule
32-04-01-21 Instructors at School
32-04-01-22 Student Compensation and Guaranteed Position
32-04-01-23 Certain Student Use Prohibited
32-04-01-24 Student Complaints
32-04-01-25 Examinations
32-04-01-26 Solicitor's Permit
32-04-01-26.1 Cosmetology Course Curriculum
32-04-01-27 Esthetician Course Curriculum
32-04-01-28 Manicurist Course Curriculum
32-04-01-29 Curriculum for Esthetician Instructor Training [Repealed]
32-04-01-30 Curriculum for Nail Care Instructor Training [Repealed]

32-04-01-01. School applications.

All ~~persons~~individuals, firms, associations, partnerships, corporations, and other entities desiring to operate a cosmetology school shall make application to the board for a certificate not less than three months prior to commencing business. The application shall be made on a form provided by the board and shall be accompanied by the fee of five hundred five dollars. All renewal applications of cosmetology schools shall be made to the board before December thirty-first in each year. Renewal applications shall be accompanied by the fee of two hundred five dollars. Six weeks prior to any change of ownership, location, or address, a cosmetology school shall make written application to the

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board. The application for reregistration must be made on a form provided by the board and must be accompanied by a fee of two hundred five dollars.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-16, 43-11-17

32-04-01-02. Floor plan.

Every application for a ~~certificate of registration~~license to conduct a cosmetology school shall be accompanied by a detailed floor plan of the proposed school premises. The floor plan shall show entrances, exits, locations of equipment, business office, reception area, classrooms, ~~clinic laboratory~~service floor area, dispensary, student lounge, toilet facilities, and hallways. A revised floor plan shall be filed with the board in the event of any change of location or major changes in the school premises.

History: Amended effective July 1, 1988; December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-16

32-04-01-04. ~~Certificates~~Licenses displayed.

Every cosmetology school shall ~~conspicuously~~ display its ~~certificate of registration~~license in clear view to the public in the reception area of the school.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-14

32-04-01-09. Change in instructors.

Every cosmetology school shall notify the board in writing of any change in the staff of instructors. ~~The written notification provided to the board by the school shall contain the name, current home address, and certificate of registration number of each instructor employed or terminated.~~

History: Amended effective March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-17

32-04-01-12. Signs and advertising.

1. Entrance sign. Every cosmetology school shall display and maintain a sign, clearly visible to anyone approaching the entrance to the school, designating it as a school and giving the name of the school.
2. Student services sign. Every cosmetology school shall prominently display signs stating "all services performed by students". The signs shall be clearly visible in the ~~clinic laboratory~~service floor area and the reception area.
3. Signs for entrances to school areas. The entrances to the various rooms and areas of each school premises shall be clearly and suitably marked with signs.
4. Price signs. Signs listing prices charged for clinic work shall be prominently displayed in the reception area.

5. Advertising. All advertising of cosmetology schools shall disclose that services are performed by students.

History: Amended effective March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-16, 43-11-18

32-04-01-13. Equipment and library.

Each cosmetology school shall have the following minimum equipment and library for each of the following courses of training and instruction provided by the school:

1. Cosmetology minimum equipment:

~~1—Chart of anatomy~~ a. One anatomy chart, which includes:

- ~~(1) a.~~ Bones
- ~~b.~~ (2) Muscles
- ~~c.~~ (3) Nerves
- ~~d.~~ (4) Circulatory system
- ~~e.~~ (5) Skin

~~1—Blackboard~~ b. Presentation equipment for each theory room

~~1—~~ c. Large wet disinfecting unit for each twenty-five students enrolled

~~1—~~ d. Shampoo basin/bowl for each six students enrolled

~~6—~~ e. Facial chairs, beds, or tables

~~1—~~ f. Hair dryer for each eight students enrolled

g. Manicure table for each four students enrolled

h. Workstation with mirror for each two students enrolled

~~300—Permanent cold wave rods and other permanent cold wave supplies~~

~~1—Bulletin board—conspicuously located~~

Solution dispensers adequate for enrollment

Fireproof cabinet or file for school and student records

Adequate supply of facial supplies

2. Esthetician minimum equipment:

a. ~~Sufficient chalkboards~~ Presentation equipment

b. ~~One lavatory bowls~~ sink separate from restrooms for enrollment for up to fifteen students.

c. One workstation or position per two students, which must include a facial chair or cushioned massage table.

d. One set of manual, mechanical or electrical facial equipment per two workstations or positions, ~~to include manual, mechanical, or electrical apparatus (at least one of the following): electrical heating mask, steamer, brushing, vacuum ionization, glass electrode or high frequency galvanic or cathodic current (prohibited faradic) decrustation machine, spray or mister, or one magnification lamp~~ necessary to fulfill the curriculum requirement.

~~e.—Sufficient trays for facial supplies.~~

~~f.e.~~ One dry enclosed storage unit per each workstation.

~~g.f.~~ One properly lighted makeup area.

~~h.g.~~ One head form or

~~i.h.~~ One facial chart per class.

~~h.i.~~ Audiovisual aids

3. Manicurist minimum equipment:

a. ~~Sufficient chalkboards~~ Presentation equipment

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- b. ~~A minimum of one~~ handwashing sink separate from restrooms for enrollment up to fifteen, and one additional sink for each fifteen students ~~or fraction thereof.~~
 - ~~c. Advanced department will have adequate chairs for clients, also adequate ventilation for work areas.~~
 - ~~d.c.~~ One workspace with adequate light must be provided for every student.
 - ~~e.d.~~ Sufficient trays for manicuring supplies.
 - ~~f.e.~~ One set of mannequin hands per student.
 - ~~g.f.~~ Manicuring kit for each student containing proper implements for manicuring and pedicuring.
 - ~~h.g.~~ Implements for artificial nails, nail wraps, and tipping.
 - ~~g.h.~~ One pedicure setup station.
 - ~~h.i.~~ Audiovisual aids.
4. Minimum school library:
- a. Standard dictionary.
 - b. Dictionary of medical words.
 - c. Standard textbook.
 - d. References on iron curling.
 - e. References on hair straightening.
 - f. References on hair coloring.
 - g. Copy of cosmetology law.
 - h. Copy of cleaning and disinfecting rules and regulations.
 - i. Copy of minimum prices.
 - ~~j. Trade magazines.~~
 - ~~k.j.~~ Audiovisual aids pertaining to cosmetology.

History: Amended effective July 1, 1990; March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-16

32-04-01-14. Tools and supplies.

The cosmetology school shall provide each student with the tools, and supplies listed in the student contract.

- ~~1- Mannequin. Each cosmetology school shall furnish a mannequin to each cosmetology, esthetics and student/manicure student, except a student provided training and instruction limited to esthetics or manicure.~~
- ~~2- Removing tools and supplies. Registered students shall not remove any tools, supplies, or equipment from the school premises without permission of the school management.~~

History: Amended effective July 1, 1988; July 1, 1990; January 1, 2002.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-17. Name tags.

Each instructor, student instructor, and student shall wear name tags bearing the person's individual's name. The name tags shall be worn at all times while on the premises of a cosmetology school.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

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32-04-01-18. Curriculum.

Each cosmetology school shall teach branches and areas of cosmetology, which shall include theory and practice in subjects required, provided, and approved by the board.

1. Hours. The course of instruction shall consist of one thousand ~~eight~~ five hundred hours for cosmetology, six hundred hours for esthetics, and three hundred fifty hours for manicuring.
2. Theory classes. Each cosmetology school shall conduct theory classes a minimum of ~~one hour per day for a minimum of four days~~ hours per week until requirements under chapter 43-11 are met.
3. Credit record. Each cosmetology school shall keep the student hour and credit record current for each student, and the record shall be current by the fifth of each month the student is enrolled. Within five days of a school's knowledge that a student has either completed the course, transferred, or discontinued and fulfilled all school requirements accordingly, the school shall furnish the board with the record.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-22

32-04-01-20. Class schedule.

Each cosmetology school shall keep a class schedule, and the class schedule shall be ~~posted on the school bulletin board~~ provided two weeks in advance of the classes to be held. The schedule shall also show the classes already held. The school shall maintain a true copy of the schedules in its permanent files, and the schedules shall be subject to the inspection and approval of the board.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-21. Instructors at school.

Each instructor of a cosmetology school shall be present in classrooms of the school during classes, and each instructor shall be present and supervise all student work and activities on the school premises. All workstations in the school ~~clinic laboratory service floor area~~ shall be open and arranged so instructors can supervise each student on the clinic floor. Instructors and student instructors shall not provide any professional service to the public while employed at a cosmetology school.

History: Amended effective July 1, 1988.

General Authority: NDCC 43-11-13

Law Implemented: NDCC 43-11-16, 43-11-27

32-04-01-25. Examinations.

1. **School examinations.** Each student must have successfully passed eighty percent of the weekly examinations and secured a seventy-five percent average in the cosmetology school final examination in both written and practical work.
2. **Board examinations.** A cosmetologist, manicurist, esthetician, and instructor examination shall consist of a theoretical portion and a practical portion. The practical examinations shall be administered by the board. In order to be certified as passing an examination, a candidate shall score at least seventy-five percent on the theoretical and practical portions of the examination.

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- 3. **Failing applicant.** If the applicant fails to pass the examination, the examination fee may not be returned. If an applicant fails to pass an examination, the applicant may be examined again with the payment of a re-examination fee as defined under chapter 43-11.~~Applicants who fail any portion of the examination shall reregister and pay the required fee before being permitted to retake the examination. An applicant for a cosmetology license who fails the practical examination twice must complete an additional one hundred sixty hours of training at a school of cosmetology. An applicant for an esthetician license who fails the practical examination twice must complete an additional fifty hours of training at a school of cosmetology. An applicant for a manicurist license who fails the practical examination twice must complete an additional thirty hours of training at a school of cosmetology.~~
- 4. **Applicant complaint.** An applicant shall notify the board in writing if there is reason to believe that there has been discrimination during any portion of the examination.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-22, 43-11-23

32-04-01-26. Solicitor's permit.

All ~~persons~~individuals who solicit or sell any course of instruction shall obtain a permit. Applications must be accompanied by a surety bond in the penal sum of one thousand dollars for each solicitor. The permit fee is thirty dollars.

History: Effective July 1, 1988; amended effective December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-26.1. Cosmetology course curriculum.

The hours of the cosmetology course curriculum for classroom or clinic for instruction must include the following:

<u>Cleaning, disinfecting, and safety</u>	<u>150</u> hours
<u>Haircutting and shaping styling</u>	250 <u>450</u> hours
Hair styling	250 hours
Nails <u>Manicuring</u>	100 hours
Facials, s <u>Skin care and esthetics</u>	100 hours
Chemical services	250 <u>300</u> hours
Study of theory, <u>and law, and cleaning and disinfecting</u>	400 <u>150</u> hours
<u>Business management, interpersonal skills, ethics, and Rrelated subjects (classroom or clinic for instructions)</u>	450 <u>250</u> hours
Total minimum hours	1,800 <u>1500</u> hours

History: Effective July 1, 2000; amended effective January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

**ARTICLE 32-05
INDIVIDUALS**

Chapter

32-05-01 Cosmetologists, Master Cosmetologist, Instructors, Student Instructors, Demonstrators, Estheticians, and Manicurists

**CHAPTER 32-05-01
COSMETOLOGISTS, MASTER COSMETOLOGIST, INSTRUCTORS, STUDENT
INSTRUCTORS, DEMONSTRATORS, ESTHETICIANS, AND MANICURISTS**

Section

32-05-01-01 Cosmetologists
32-05-01-01.1 License Without Examination
32-05-01-02 Master Cosmetologist
32-05-01-03 Instructors
32-05-01-04 Student Instructors
32-05-01-05 Demonstrators
32-05-01-06 Esthetician
32-05-01-06.1 Master Esthetician
32-05-01-07 Manicurist
32-05-01-07.1 Master Manicurist

32-05-01-01. Cosmetologists.

Every ~~person~~ individual desiring to be licensed by the board as a cosmetologist shall have the qualifications required by North Dakota Century Code chapter 43-11 applicable to cosmetologists and the educational qualifications set forth in section 32-04-01-26.1 and shall make application to the board for a certificate prior to commencing any activity as a cosmetologist.

1. **Fee and proof.** The application shall be accompanied by the required proof of qualification applicable to the applicant, the original license fee of fifteen dollars, and the practical examination fee of twenty-five dollars.
2. **Renewal.** Every cosmetologist shall renew the cosmetologist's license by annually making written application to the board before December thirty-first each year, and such renewal application shall be accompanied by the fifteen dollar fee.
3. **Penalty fee.** If the licensee fails to renew the cosmetologist's license by the expiration date, a penalty fee of fifty dollars is required.
4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.
5. **Change of name or address.** Every cosmetologist shall notify the board in writing of any change of name or change of residence address.
5. **6. License displayed.** Every cosmetologist shall conspicuously display their current cosmetologist's license in clear view to the public in the reception or in the immediate work area of the salon where services are being provided.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2002; December 1,

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2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-14, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-25, 43-11-28

32-05-01-02. Master cosmetologists.

Every ~~person~~ individual desiring to be licensed by the board as a master cosmetologist shall have the qualifications required by North Dakota Century Code chapter 43-11 applicable to master cosmetologists and shall make written application to the board.

1. **Fee and proof.** The application shall be accompanied by the fee of twenty-five dollars and the required proof of qualification.
2. **Renewal.** Every master cosmetologist shall renew the master cosmetologist's license by annually making an application to the board before December thirty-first each year, and the renewal application shall be accompanied by the twenty dollar fee.
3. **Penalty fee.** If the licensee fails to renew the master cosmetologist's license by the expiration date, a penalty fee of fifty dollars is required.

4. Late renewal fee. If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.

4.5. Change of name or address. Every master cosmetologist shall notify the board in writing of any change of name or change of residence address.

~~5. 6. License displayed.~~ Every master cosmetologist shall ~~conspicuously~~ display ~~the~~ their current master cosmetologist's license in clear view to the public in the reception or in the immediate work area of the salon where services are being provided.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-14, 43-11-22, 43-11-23, 43-11-26, 43-11-28

32-05-01-03. Instructors.

Every individual ~~person~~ desiring to be an instructor shall have the qualifications and have passed the examination required ~~by under~~ North Dakota Century Code chapter 43-11, ~~applicable to s~~ Student instructors and instructors and shall make application in writing to the board ~~pursuant to as defined under~~ North Dakota Century Code ~~section~~ chapter 43-11-27 and this section.

1. **Renewal.** Every instructor shall renew the instructor's license by annually making written application to the board before December thirty-first each year, and the renewal application shall be accompanied by the twenty dollar fee and evidence of attendance at a board-approved seminar during the previous year.
2. **Penalty fee.** If the licensee fails to renew the instructor's license by the expiration date, a penalty fee of fifty dollars is required.

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3. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.

~~3.4.~~ **Seminars.** Every instructor shall attend eight hours of board-approved continuing education annually. Before attending any seminar, every instructor shall apply in writing to the board for approval of the seminar.

~~4.5.~~ **Change of name or address.** Every instructor shall notify the board in writing of any change of name or change of residence address.

~~5. 6.~~ **License displayed.** Every instructor shall ~~conspicuously display the~~ their current instructor's license in clear view to the public in the reception or in the immediate work area of the salon where services are being provided.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-14, 43-11-22, 43-11-23, 43-11-27, 43-11-28

32-05-01-04. Student instructors.

Every ~~person~~ individual desiring to be a student instructor shall have the qualifications required by North Dakota Century Code chapter 43-11 applicable to student instructors and shall make application in writing to the board before enrollment in a registered cosmetology school. Upon board approval of the application, the ~~person~~ individual may enroll in a licensed cosmetology school.

1. **Fee.** There shall be a fifteen dollar fee for application and registration of student instructors with the board.
2. **Contents and certification.** The cosmetology school of the approved student shall certify in writing to the board the name, age, and qualifications of the student instructor, and the board shall record the information in a student instructor register.
3. **Application.** Upon completion of the required course prescribed for student instructors, the student instructor shall make written application to the board on a form provided by the board, and the written application shall be accompanied by a fee of thirty-five dollars.
4. **Examination.** The time, place, and date of the examinations for instructor's licenses shall be set by the board. The examination fee is fifty-five dollars.

History: Amended effective July 1, 1988; December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-14, 43-11-22, 43-11-23, 43-11-27, 43-11-28

32-05-01-06. Esthetician.

Every ~~person~~ individual desiring to be licensed by the board as an esthetician shall have the qualifications required by North Dakota Century Code chapter 43-11 applicable to estheticians and the educational qualifications set forth in section 32-04-01-27 and shall make written application to the board to register for the esthetician's examination:

1. **Fee and proof.** The application must be accompanied by the required proof of qualification applicable to the applicant, the original license fee of twenty-five dollars, and the practical examination fee of twenty-five dollars.

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2. **Renewal.** Every esthetician shall renew the esthetician's license by annually making written application to the board office before December thirty-first each year, and such renewal application must be accompanied by the twenty dollar fee.
3. **Penalty fee.** If the licensee fails to renew the esthetician's license by the expiration date, a penalty fee of fifty dollars is required.
4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.
- ~~4.5.~~ **Change of name or address.** Every esthetician shall notify the board in writing of any change of name or change of residence address.

~~5. 6.~~ **License displayed.** Every esthetician shall ~~conspicuously display the~~ their current esthetician's license in clear view to the public in the reception or in the immediate work area of the salon where services are being provided.

History: Effective July 1, 1990; amended effective March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-14, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-25, 43-11-27.1, 43-11-28

32-05-01-06.1. Master esthetician.

Every ~~person~~ individual desiring to be licensed by the board as a master esthetician shall furnish to the board evidence of having practiced as a licensed esthetician for one thousand hours. A master esthetician may operate and supervise a salon that is operated and engaged exclusively in the practice of skin care.

1. **Fee and proof.** The application must be accompanied by the required proof of qualification applicable to the applicant and the original license fee of twenty-five dollars.
2. **Renewal.** Every master esthetician shall renew the master esthetician's license by annually making written application to the board's office before December thirty-first each year, and such renewal application must be accompanied by the twenty dollar fee.
3. **Penalty fee.** If the licensee fails to renew the master esthetician's license by the expiration date, a penalty fee of fifty dollars is required.
4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.
- ~~4.5.~~ **Change of name or address.** Every master esthetician shall notify the board in writing of any change of name or change of residence address.

~~5. 6.~~ **License displayed.** Every master esthetician shall ~~conspicuously display the~~ their current master esthetician's license in clear view to the public in the reception or in the immediate work area of the salon where services are being provided.

History: Effective February 1, 1996; amended effective July 1, 2000; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13.1, 43-11-14, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-25,

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43-11-27.1, 43-11-28

32-05-01-07. Manicurist.

Every ~~person~~ individual desiring to be licensed by the board as a manicurist shall have the qualifications required by North Dakota Century Code chapter 43-11 applicable to manicurists and the educational qualifications set forth in section 32-04-01-28 and shall make written application to the board to register for the manicurist's examination.

1. **Fee and proof.** The application must be accompanied by the required proof of qualification applicable to the applicant, the original license fee of twenty-five dollars, and the practical examination fee of twenty-five dollars.
2. **Renewal.** Every manicurist shall renew the manicurist's license by annually making written application to the board before December thirty-first each year, and such renewal application must be accompanied by the twenty dollar fee.
3. **Penalty fee.** If the licensee fails to renew the manicurist's license by the expiration date, a penalty of fifty dollars is required.
4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.
- 4-5. **Change of name or address.** Every manicurist shall notify the board in writing of any change of name or change of residence address.
- 5-6. **License displayed.** Every manicurist shall ~~conspicuously display their~~ conspicuously display their current manicurist's license in clear view to the public in the reception or in the immediate work area of the salon where services are being provided.

History: Effective July 1, 1990; amended effective March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-27, 43-11-27.1, 43-11-28

32-05-01-07.1. Master manicurist.

Every ~~person~~ individual desiring to be licensed by the board as a master manicurist shall furnish to the board evidence of having practiced as a licensed manicurist for one thousand hours. A master manicurist may operate and supervise a salon that is operated and engaged exclusively in the practice of manicuring.

1. **Fee and proof.** The required proof of qualification applicable to the applicant and the original license fee of twenty-five dollars must accompany the application.
2. **Renewal.** Every master manicurist shall renew the master manicurist's license by annually making written application to the board office before December thirty-first each year, and such renewal application must be accompanied by the twenty dollar fee.
3. **Penalty fee.** If the licensee fails to renew the master manicurist's license by the expiration date, a penalty fee of fifty dollars is required.
4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.

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4.5. Change of name or address. Every master manicurist shall notify the board in writing of any change of name or change of residence address.

~~5. 6. License displayed.~~ Every master manicurist shall ~~conspicuously display the~~their current master manicurist's license in clear view to the public ~~in the reception or~~in the immediate work area of the salon ~~where services are being provided.~~

History: Effective February 1, 1996; amended effective July 1, 2000; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13.1, 43-11-14, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-25, 43-11-27.1, 43-11-28