



North Dakota STATE BOARD OF COSMETOLOGY

4719 Shelburne St. | Suite 1 | Bismarck ND 58503
(701) 224-9800 | bocinfo@nd.gov | ndcosmetology.com

Madame/Mr. Chairman, and Committee Members,

I am Maureen Wanner, a member of the State Board of Cosmetology. We, as a board, serve approximately:

- 1816 Establishments & Independent Licensees
- 6630 Cosmetologist,
- 789 Estheticians,
- 925 Manicurist,
- 69 Instructors,
- 5 schools (2 in Fargo, 1 in Grand Forks, 1 in Bismarck, 1 in Williston),
- along with approximately 200 students.

In 2024 the board issued 393 new individual licenses and 318 new establishment/independent licensee licenses.

Our mission is to ensure the health and safety of North Dakota consumers by promoting ethical standards and by enforcing the laws of the beauty industry. It is the duty of the board to protect the public health, welfare, and safety through the prevention of the creating and the spreading of infectious and contagious diseases.

Today I am introducing HB 1126.

But before I get started, the Long-Term Care Association contacted the Board and requested the following amendment, which the Board agrees with: (adding basic care facilities since they are their own type of facility and changing nursing assistant to facility staff)

Section 2, Page 8, lines 3-4

- 1 5. Services provided in a licensed hospital, basic care facility or a nursing home by an individual practicing cosmetology on a volunteer basis without compensation or by a ~~nurse's assistant~~ facility staff.

Page 16, lines 15-22

SECTION 20. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Licensed nursing facilities, basic care facilities and assisted living centers. Any licensed nursing facility or licensed assisted living center that permits licensed cosmetologists to perform services to residents only, and does not advertise as an establishment, is not required to have an establishment license. A licensed cosmetologist located within a nursing home or assisted living center who performs cosmetology services on nonresidents of the facility must obtain an establishment license.

Now let's begin,

The State Board of Cosmetology conducted a thorough review of our existing laws to modernize and enhance their clarity. Our primary objectives are:

- To reduce barriers to entry in the cosmetology profession,
- To remove outdated language,

- Add necessary definitions,
- And ensure consistency in repeated terminology.

Our goal is to make these laws more accessible and understandable for licensed professionals, aspiring professionals, and individuals relocating to our state.

This bill is rather lengthy and before I get to line by line explanations, let me summarize the main points. We will:

- Define language for apprenticeship programs for cosmetology, esthetics & manicuring.
- Create a new license type, advanced esthetician, to allow our licensed estheticians and cosmetologist the opportunity to expand their businesses by offering services that are not currently allowed in their scope of practice.
 - We felt rather than require all future estheticians, some who may not want to perform these advanced services, obtain additional curriculum hours, to offer as a separate enhanced license type.
- Add clarity around inspections that are currently being conducted.
- Expedite licensure for those transferring to our state.
- Adopt licensing provisions for our active military and veterans who transfer to our state to make the move easier.
- Increase the number of board members from 5 to 7 to allow inclusion of all our license types.
- Further define the powers of the Board.
- Simplify training hours needed to obtain an instructor's license and establish a required curriculum.
- Increase licensing fees.

I apologize for bouncing around a bit but please be patient with me.

Let's begin with updating terminology and consistency in repeated terminology.

Page 3, line 8, 15, and 16.

"Esthetics." We are updating this definition, and we will get more into esthetics shortly.

Page 4, lines 10-15 and 17.

Here we are updating and clarifying terminology and creating consistency.

Page 5, lines 12-13.

"Mechanical device." Updating terminology that is no longer needed.

Page 5, lines 14-31, page 6, lines 1-12.

"Natural hair braiding." We are updating terminology and removing "African style hair braiding" terminology to better clarify this service with modern terminology.

The following are updating and clarifying terminology and creating consistency.

Page 6, lines 24-25.

Page 7, lines 5, 25, and 28-29.

Page 8, lines 5-7.

Page 10, lines 14, 27, and 28.

Page 11, lines 4-6, 12-16, and 31.

Page 12, lines 3, 4, and 12.

Page 13, lines 19-28, and 30.

Page 14, lines 2, and 9-12.

Page 15, lines 3-4, 15-16, and 10-11.

Page 17, lines 3-6, 12, 16-23, and 29-31.

Page 18, lines 1-9.

Page 22, lines 24-25.

Page 23, line 11.

Page 24, line 8.

Page 28, 12 and 31.

Page 29, line 1.

Moving back to esthetics. A very hot topic. We are adding and redefining necessary terminology to align with our new advanced esthetician license type.

Page 1, lines 18-20.

“Ablative esthetic procedure” is a definition we feel needs to be added so our licensed professionals understand what is not in their scope of practice. This term refers to services that are beyond the scope of our licensees and should only be performed by licensed medical professionals. We wanted to make this very clear in law.

Staying on page 1, line 21-22, and moving to page 2, lines 1-10.

The introduction of the “Advanced Esthetician” license and its associated terms, such as “advanced esthetics” and “advanced esthetic procedures,” represents a forward-thinking approach for our licensed professions. This new license will provide an opportunity for professionals to explore and offer advanced services that are in high demand. We recognize the growing market for these services and want to ensure our licensed professionals are not restricted from pursuing these opportunities. At the same time, we are committed to establishing clear guidelines and oversight to protect the health and safety of North Dakota consumers.

Additionally, the creation of an Advanced Esthetician license will enhance reciprocity agreements, making it easier for licensed professionals to move between states while maintaining high standards.

Page 3, lines 17-31 and page 4, lines 1-9.

We have already outlined Advanced Esthetics and now we are clarifying Esthetics.

Page 4, lines 21-29.

We have taken out the term “Invasive care.” This definition is not applicable with the creation of the Advanced Esthetician license. We redefined this section and included it under “esthetics” for better clarification on what is allowed under that license type while not eliminating these from an Advanced Esthetician’s scope of practice.

Page 6, lines 13-21.

“Nonablative esthetic procedure and Noninvasive care.” These are other definitions that need to be clarified for advanced estheticians and esthetician scopes of practice.

Also on page 6, lines 26-30.

“Skin care” was eliminated because this outdated terminology no longer aligns with modern terminology as things are more defined in “esthetics” and “advanced esthetic procedures.”

Page 8, lines 5-13.

We further defined other licensed professions that may also be offering “advanced esthetics procedures” within their practices under this exemption as to not limit their practices.

Page 11, line 21-23.

It is again, a clarification on the scope of the practice for our licensed professionals.

Page 13, line 29, page 14, lines 28-30, and page 15, lines 1-9.

We are defining the hours for advanced esthetics license and how many hours will go towards advanced esthetics if one is already licensed as a cosmetologist or esthetician.

Starting on page 23 going to 25. 43-11-27.

To ensure the health and safety of the public, it is essential that licensed Advanced Estheticians receive comprehensive training. The services outlined require a high level of skill, and those performing these procedures must have the specialized training necessary to do so safely and effectively. Our goal is to provide the public with confidence that these licensed professionals are well-qualified and prepared to deliver these advanced services. We have outlined an opportunity for our licensed professionals who currently hold a license as an esthetician or cosmetologist to become a licensed advanced esthetician.

Now let's address apprenticeship. Another big topic.

Page 2, lines 11-25.

"Apprentice, Apprentice Program, and Apprentice Trainer." In 2021, 43-11-16.1 was established and states: "The board may establish internships with the schools of cosmetology and may establish apprenticeship programs. The board may adopt rules related to the licensure and discipline of interns and apprentices practicing in programs established under this section." We are now defining these terms.

Page 15, lines 18-30, and page 16, lines 1-14.

In 43-11-16.1, we are outlining the apprenticeship program. We want to make as clear as possible for those who want to take part in this program.

Also on page 16, lines 28-30, and page 23, lines 7-8, we are reducing the barrier to entry by removing the need to have general education equivalent to the completion of four years in high school.

Let's cover the State Board of Cosmetology.

Page 8, lines 27-31, page 9, lines 1-7.

As our industry continues to grow and evolve, we believe a seven-member board that includes not only cosmetologists, but also forward-thinking manicurists, estheticians, and advanced estheticians will best represent the voices of our licensed professionals. While we recognize the challenges of maintaining a licensed healthcare provider on the board, we believe that including an advanced esthetician will bring valuable expertise and perspective on skincare, ensuring well-rounded and informed decision-making.

Continuing on page 9, lines 15-31.

We want things to be clearer for our board in rulemaking and their compensation.

Page 10, lines 4-7.

This is clarification on the compensation of the board.

Moving onto salon and inspections.

Page 12, lines 6-10, 15-31, and page 13, lines 1-15.

We are eliminating the requirement of needing a master licensee to supervise licensees and establishments as we do not want to get in the way of an individual licensee pursuing their own business or dictating how owners manage their businesses.

The Board's current practice is to conduct inspections, and we want to provide clarity for establishments, owners and independent licensees and schools as to when and why they are being inspected. We feel it is very important for the board to do inspections in a timely manner for the health and safety of the public.

Nursing home facilities.

Page 16, lines 17-22.

I regularly provide services at one care center and two assisted living homes while also managing my own salon. Our goal is to ease the burden on these facilities and support the licensed professionals who serve the older generation in these settings, as the residents are already protected under the facility's medical standards. Many facilities have family members and/or volunteers that perform services to residents and we don't want to limit their ability to work in the space the facilities already have established. These volunteers are already exempt under 43-11-02. Of course, there are some facilities that allow our licensed professionals to bring non-resident clientele in to receive services. We feel for these non-resident consumers' safety, establishments that allow this need to be licensed and regulated by our board.

43-11-25. Page 18, lines 20-31, page 19, lines 1-29 and page 20, lines 1-18.

This is another way we are reducing barriers to licensure in our state. We are making it easier for those who are licensed in another jurisdiction to get licensed more quickly in our state, while ensuring they have the required training and/or experience to safely provide services for the public. We reduced requirement to hold license for 3 years to 1 year if the applicant's licensing requirements were not substantially equivalent to ND requirements. They also will not have to take exams if they hold a license for 1 year or more. This also allows those licensed under 1 year to obtain an ND license while taking their work experience into consideration if their state doesn't have substantially equivalent requirements in training hours.

Section 27. Page 20, lines 21-30, page 21, lines 1-31, and page 22, lines 1-11.

Again, another item close to my heart. My husband is a retired Master Sergeant who spent 26.5 years in the North Dakota Army National Guards. I want Section 26 to be outlined to the best of our abilities. I want us to do what we can for those serving our nation. I want them to be working as quickly as possible. We are allowing immediate provisional licenses at no cost for active military/spouses who are relocated to ND for as long as they are active duty stationed in ND. We also added 3-year provisional licenses for no fee to veterans/spouses who are returning to ND.

Sections 34 and 35. Page 29, lines 9-31, and page 30, lines 1-6.

We are clarifying license renewal and failure to renew for our schools, establishments, owners and independent licensees. We believe our licensed professionals will better understand what is expected of them.

Before we talk about the money, let's cover practical examination and continuing education.

Page 28, lines 4,5, and 7-9.

Currently our practical examinations must be administered by the Board at the board office, with candidates (students) paying the fee established in law. We would like to be able to offer additional options for this exam such as the ability to take it remotely. This could reduce the time and travel expense incurred by candidates who may choose to or otherwise not be able to travel to Bismarck to take the exam. To do this, we would need to utilize a third-party test administrator who the student would need to pay directly, similar to our current written exams.

If we learned anything from 2020, it was the importance of educating ourselves about infection control practices and utilizing responsible behaviors to keep the public safe. This is why we feel it is important to

have the option to adopt rules for all our licensee to complete continuing education in the future. The instructors need to complete 8 hours of continuing education per year. Currently, there is no continuing education required for our other licensed professionals.

Now, let's address the financial aspects outlined in 43-11-28

Page 25, lines 24-31, page 26, lines 1-31, page 27, lines 1-31, page 28, lines 1-3.

We are familiar with rising costs and the prevalence of fraud and scams, and our board is not immune to these challenges. It's worth noting, the board has not requested a fee increase since 2003. While we've managed to keep fees remarkably low for over 20 years, this decision has likely come at the expense of operational efficiencies.

To put this in perspective, according to the U.S. Bureau of Labor Statistics, a \$20 license fee in 2003 would equate to approximately \$35 today, simply to account for inflation. To maintain the same operational standards as in 2003, the board would need to raise fees just to cover employee wages, benefits, office leases, postage, and printing costs. However, the needs of 2025 extend well beyond those of 2003.

Today, we must address modern expenses such as data security, identity verification, licensing software, and meeting licensee expectations for online applications and payments. Unfortunately, the board's current income from licensee fees has not kept pace with these growing demands of managing 8,413 individual licensee and 1,816 establishments.

To mitigate expenses over the past few years, the board has implemented several cost-saving measures:

- We transitioned to email communication whenever possible, reducing the costs of paper, printing, and postage.
- Establishment inspections are now conducted using an online platform and iPads, eliminating the need for costly triplicate inspection forms and reducing mailing costs.
- Utilization of virtual meetings to reduce expenses paid for Board Members time and travel.
- The board adopted state fleet vehicles to lower mileage reimbursement expenses.
- We renegotiated vendor contracts, reduced underused services, and streamlined processes.

Additionally, we restructured our inspection team from nine part-time regional inspectors to two full-time benefited positions. While this change has not increased hourly wages or mileage reimbursements, it has significantly reduced administrative overhead, provided more consistent and timely inspections, and improved service for establishment owners. However, the inclusion of employee benefits does come with additional costs.

We are committed to ensuring that any fee increases are both necessary and minimal, carefully balancing the board's operational needs with the financial impact on our licensed professionals. Further details are outlined in the fiscal note.

In closing I would again like to highlight some of the ways this bill would reduce some barriers for licensure and entry into the cosmetology profession in North Dakota.

- Lowering age to 16 or 10th grade education to become licensed and allowing high schools to offer program.
- Simplifying the endorsement requirements for those transferring from other jurisdictions.
- Special provisions for our military members relocating to our state.
- Creating apprenticeships for cosmetology, esthetics and manicuring licensure to allow individuals to 'earn while they learn.'
- Allowing the use of remote or alternate examinations can reduce the need for candidates to travel for exams.

- Removing the requirement of obtaining a master license to become an independent licensee

Madame/Mr. Chairman, and Committee Members, today I present to you HB 1126.

Again, I am Maureen Wanner, member of the State Board of Cosmetology. I will entertain questions at this time.

Supplemental Information:

2025 ND Occupation License Fees: (Individuals)

BARBER:

Master Barber: Original License Fee: \$175
Annual Renewal: \$100

MASSAGE THERAPIST:

Massage Therapist: Original License: \$150
Renewal: Every 2 years \$200 (\$100/year)

PLUMBER:

Journeyman: Annual Renewal: \$100
Master Plumber: Annual Renewal: \$200

ATHLETIC TRAINER:

Athletic Trainer: Original License: \$100
Annual Renewal: \$50

NURSE:

LPN: Every 2 years: \$130 (\$65/year)
RN: Every 2 years: \$140 (\$70/year)

CURRENT COSMETOLOGY: (Since 2003)

Cosmetologist: Original License: \$15
Annual Renewal: \$15
Instructor: Original License: \$35
Annual Renewal: \$20
All Other Licenses: Original License: \$25
Annual Renewal: \$20

Other states that offer Advanced Esthetician License= 7

MN, NV, OR, UT, WA, VA, DC

Why Establishment instead of Salon:

With the creation of advanced esthetician which will now require the licensing of medi spas that employ our licensees, we felt the term 'salon' did not adequately represent what we call our 'business' licenses going forward. This also helps further distinguish the difference between an independent licensee and 'salon'

Why eliminate requirement of master license and not eliminate the master license type:

We do not want to get in the way of an individual licensee pursuing their own business. We also do not want to eliminate the license type at this time as commission salon owners still may prefer to require this in their personal businesses management practices.

Why change Instructor requirements:

We felt our current requirements were very confusing and a bit unclear. We simplified the hours required and created required curriculum elements to ensure student instructors were trained in teaching methodology, presentation styles and learner styles. Currently schools are allowed to create their own curriculum with no required elements.