

## CHAPTER 43-11 COSMETOLOGISTS

### 43-11-01. Definitions.

In this chapter:

1. "Ablative esthetic procedure" means an esthetic procedure to excise, vaporize, disintegrate, or remove living tissue. Ablative procedures may not be performed by cosmetologists, estheticians, advanced estheticians, or manicurists.
2. "Advanced esthetician" means an individual who practices advanced esthetics and esthetics.
3. "Advanced esthetics" means the practice of advanced cosmetic preparations or procedures using the hands or a mechanical or electronic apparatus for esthetic purposes.
  - a. The term includes:
    - (1) Advanced chemical peels;
    - (2) Microneedling;
    - (3) Nonablative procedures; and
    - (4) Extractions using lancets.
  - b. The term does not include:
    - (1) Procedures to treat a medical, physical, or mental ailment; or
    - (2) Ablative esthetic procedures.
4. "Apprentice" means an individual who is:
  - a. At least sixteen years of age;
  - b. Employed in an apprenticeable occupation; and
  - c. Registered in North Dakota by the office of apprenticeship of the United States department of labor.
5. "Apprentice program" means a program registered with the office of apprenticeship of the United States department of labor, meeting the terms and conditions for qualifications, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed establishment in accordance with the rules adopted by the board.
6. "Apprentice trainer" means an individual who trains an apprentice in an approved apprenticeship program and who is approved by rule of the board.
7. "Approved apprenticeship establishment" means an establishment approved by rule of the board.
8. "Board" means the state board of cosmetology.
9. "Cosmetologist" means an individual licensed under this chapter to practice cosmetology.
10. "Cosmetology" means any one or a combination of practices generally and usually performed by and known as the occupation of beauty culturists or cosmeticians or cosmetologists or hairdressers, or of any other individual holding out as practicing cosmetology by whatever designation and within the meaning under this chapter and in and upon whatever place or premises.
  - a. The term includes:
    - (1) Hair care, including arranging, dressing, curling, waving, permanent waving, cleansing, cutting, shaving, trimming, singeing, bleaching, coloring, straightening, or similar work, upon the hair of any individual by any means or with hands or mechanical or electrical apparatus or appliances;
    - (2) Esthetics;
    - (3) Manipulation and application of product to eyelashes and eyebrows, including extensions, design, treatment, tinting, and lightening;
    - (4) Hair extensions using chemical hair joint agents, such as synthetic tape, keratin bonds, or fusion bonds; and
    - (5) Manicuring.
  - b. The term does not include natural hair braiding or threading.

11. "Esthetician" means an individual licensed under this chapter to practice esthetics.
12. "Esthetics" means the practice of a variety of services to beautify or improve the appearance of the skin.
  - a. The term includes:
    - (1) Beautifying, massaging, cleansing, or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;
    - (2) Use of a device to care for the skin, including microdermabrasion, dermaplaning, or high frequency;
    - (3) Cosmetic peels using a concentration of less than:
      - (a) Thirty percent alpha hydroxy acid;
      - (b) Twenty percent beta hydroxy acid;
      - (c) Fifteen percent resorcinol; or
      - (d) Fifteen percent trichloroacetic acid;
    - (4) Application of cosmetics, eyelashes, or eyelash extensions;
    - (5) Perming, laminating, tinting, or lightening eyebrows, eyelashes, or other hair on the body; or
    - (6) Depilating, tweezing, shaving, sugaring, or waxing hair from the body.
  - b. The term does not include:
    - (1) Any procedure invading living tissue below the stratum corneum layer of the epidermis by any means;
    - (2) Threading hair removal; or
    - (3) Advanced esthetic procedures.
13. "Independent licensee" means a licensed individual who maintains a separate license and practices cosmetology, manicuring, esthetics, or advanced esthetics at a location within, but separate, from a cosmetology establishment. The licensee must abide by the same provisions of this chapter as an establishment.
14. "Instructor" means an individual who is a licensed cosmetologist, esthetician, advanced esthetician, or manicurist who teaches cosmetology, esthetics, manicuring, or other practices within the scope of the individual's license, in a duly registered school of cosmetology, and who has met the requirements of section 43-11-27 and has applied for and received an instructor's license.
15. "Manicuring" means:
  - a. Cleansing, cutting, shaping, or beautifying nails;
  - b. Massaging from the elbow to the fingertips or knee to toes of any individual;
  - c. Caring for and treating the cuticles and nails; and
  - d. The application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances.
16. "Manicurist" means an individual licensed under this chapter to practice manicuring.
17. "Master cosmetologist" means an individual who has met the requirements of section 43-11-26 and has applied for and received a master cosmetologist license.
18. "Master esthetician" means an individual who has met the requirements of section 43-11-26 and has applied for and received a master esthetician license.
19. "Master manicurist" means an individual who has met the requirements of section 43-11-26 and has applied for and received a master manicuring license.
20. "Natural hair braiding" means hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, and hair extensions into a variety of shapes, patterns, and textures by hand or by using simple hair braiding devices.
  - a. The term includes:
    - (1) The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions;
    - (2) The use of topical agents, such as conditioners, gels, moisturizers, oils, pomades, and shampoos; and
    - (3) The maintenance of natural hair braids.

- b. The term does not include the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair.
  - c. For purposes of this section, "simple hair braiding devices" means clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair binders, including adhesives, required for hair braiding.
21. "Nonablative esthetic procedure" means the use of a laser, light, or energy device for the purpose of skin rejuvenation, body contouring, dyschromia reduction, cellulite reduction, hair removal, hair reduction, or tattoo removal and is not intended to excise, vaporize, disintegrate, or remove living tissue.
  22. "Noninvasive care" means procedures or services limited to nonliving cells in the stratum corneum layer of the epidermis.
  23. "Salon" means an establishment in a fixed location, not used as sleeping or living quarters, licensed under this chapter where cosmetology services are provided.
  24. "School" means an establishment operated for the purpose of teaching cosmetology, esthetics, advanced esthetics, or manicuring.
  25. "Student" means any individual who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in any school registered or licensed and under the immediate supervision of an instructor licensed as such under this chapter.
  26. "Student instructor" means a cosmetologist, esthetician, advanced esthetician, or manicurist who is receiving instruction in teacher's training within the scope of the individual's license in a duly registered school of cosmetology.
  27. "Threading" means the method of removing hair from the eyebrows, upper lip, or other body part by using cotton thread to pull hair from follicles.
    - a. The term may include the use of an over-the-counter astringent, gel, and powder, tweezers, and scissors, incidental to the removal of hair by threading.
    - b. The term does not include the use of chemicals, heat, or any type of wax.
  28. "Tuition" means the total cost of an individual's cosmetology studies, and does not include books or demonstration kits.

**43-11-02. Exemptions from provisions of chapter.**

This chapter does not apply to:

1. Services provided by individuals practicing cosmetology upon members of the individual's immediate families.
2. Services by nurses, undertakers, and morticians lawfully engaged in the performance of the usual and ordinary duties of their vocation.
3. Educational activities conducted in connection with any regularly scheduled meeting or any educational activities of any bona fide association of licensed cosmetologists, estheticians, advanced estheticians, or manicurists from which the general public is excluded. For purposes of this subsection, a "bona fide association of cosmetologists" means any organization whose constitution, bylaws, or membership rules establish within said organization a class of membership consisting of licensed cosmetologists, estheticians, advanced estheticians, or manicurists.
4. Services provided by retailers or their sales personnel trained in the demonstration of cosmetics application if the cosmetics are applied only with disposable applicators that are discarded after each customer demonstration. The board may adopt rules to ensure sanitary conditions for services provided under this exemption.
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 facility staff.
6. Advanced esthetic procedures provided by a licensed:
  - a. Physician or physician assistant practicing under chapter 43-17;
  - b. Nurse practicing under chapter 43-12.1;
  - c. Dentist or dental surgeon practicing under chapter 43-28;

- d. Optometrist practicing under chapter 43-13; or
- e. Chiropractor practicing under chapter 43-06.

**43-11-03. State board of cosmetology - Appointment - Term - Removal.**

The state board of cosmetology consists of seven members appointed by the governor for three years each, with their terms of office so arranged that no more than three terms expire on June thirtieth of each year. Each member shall qualify by taking the oath required of civil officers and shall hold office until a successor is appointed and qualified. The governor may remove from office a member for misconduct, malfeasance, neglect of duty in office, crime in office, gross incompetency, or habitual drunkenness. A vacancy on the board must be filled by appointment by the governor for the unexpired term.

**43-11-04. Members of board - Qualifications.**

Each member of the board must be an eligible voting resident of this state and have at least three years of practical experience in the occupation. The board must consist of at least three licensed cosmetologists and one licensed cosmetology instructor, secondary teacher, or postsecondary educator. Three members may be any of the following:

- 1. A licensed cosmetologist;
- 2. A licensed esthetician;
- 3. A licensed advanced esthetician; or
- 4. A licensed manicurist.

**43-11-05. Officers of board - Powers - Rulemaking.**

- 1. The members of the board annually shall elect a president and a secretary from the members of the board.
- 2. The president and the secretary may administer oaths.
- 3. The board shall:
  - a. Adopt and enforce rules to administer this chapter after collaborating with affected parties;
  - b. Employ administrative staff and additional staff positions as needed;
  - c. Set fees, manage funds, and authorize expenditures necessary for board operations;
  - d. Collect and analyze data;
  - e. Maintain a registry of licensees and registered individuals;
  - f. Issue licenses for cosmetologists, estheticians, advanced estheticians, manicurists, instructors, establishments, independent licensees, and schools;
  - g. Adopt and enforce rules for continuing competence of licensees and registrants;
  - h. Regulate cosmetology practices; and
  - i. Issue practice statements regarding the interpretation and application of this chapter.

**43-11-06. Compensation of members of board - How paid.**

Each appointed member of the board is entitled to receive compensation in an amount determined by the board by rule, for services rendered in the performance of the member's duties under this chapter. Expenses incurred by a board member in the performance of an official function are payable by the board pursuant to sections 44-08-04 and 54-06-09. The compensation and expenses of all members of the board must be paid from the license fees and other sources of income of the board.

**43-11-07. Bond of secretary.**

Before entering upon the discharge of duties, the secretary of the board must be bonded for the faithful discharge of duties in the amount of five thousand dollars, and the premium for the bond must be paid out of the funds received by the board. The bond and oath of office must be deposited with the secretary of state.

#### **43-11-08. Meetings of the board.**

The board shall meet at least every other month at times determined by the board. The board shall publish annually the time and place of its regularly scheduled meetings. A majority of the members constitutes a quorum.

#### **43-11-09. Fees - Deposited with state treasurer - Expenses - How paid.**

Repealed by S.L. 1971, ch. 510, § 15.

#### **43-11-10. Records of board - Fees - Expenses - How paid.**

The secretary of the board shall keep a record of the board's proceedings and a register of applicants for licensure showing the name of the applicant, the name and location of the applicant's place of occupation or business, and whether the applicant was granted or refused a license. The books and records of the board are prima facie evidence of matters therein contained and constitute public records. All fees and payments required to be paid by applicants for examinations or licenses must be deposited with the secretary of the board. The secretary shall pay all expenses incurred in the operation of maintaining an office for the purpose of carrying out this chapter from fees and other income. The secretary may delegate authority under this section to administrative support staff.

#### **43-11-10.1. Material changes to practice act.**

Material changes to the practice act must be brought to the board before enactment.

#### **43-11-11. Rules of cleaning and disinfecting - Practice outside salon.**

The board with the approval of the department of health and human services shall adopt rules of cleaning and disinfecting necessary to prevent the creating and spreading of infectious and contagious diseases. A cosmetologist, esthetician, advanced esthetician, or manicurist may practice outside of a licensed establishment under rules adopted by the board. The board shall inspect establishments and schools to assure compliance with rules of cleaning and disinfecting.

#### **43-11-11.1. Use of brush rollers authorized.**

Repealed by S.L. 2025, ch. 386, § 36.

#### **43-11-12. Employees of board.**

The board may employ support staff and other individuals knowledgeable in cosmetology for conducting examinations, inspections, and investigations of licensees regulated under this chapter. Any individual employed by the board is entitled to receive expenses in the amounts payable under sections 44-08-04 and 54-06-09.

#### **43-11-13. License required.**

An individual may not:

1. Advertise, engage in, or attempt to engage in the practice of cosmetology, esthetics, advanced esthetics, or manicuring, or conduct an establishment or school of cosmetology unless having first obtained the proper license.
2. Employ an unlicensed individual to perform cosmetology unless otherwise provided under this chapter.

#### **43-11-13.1. License - Master esthetician and master manicurist.**

Repealed by S.L. 2021, ch. 309, § 31.

#### **43-11-13.2. Homebound license.**

Repealed by S.L. 2021, ch. 309, § 31.

**43-11-14. Licenses - Board to issue - Form - Displayed.**

The board may issue all licenses provided for under this chapter. Each license issued must be:

1. Signed by the secretary of the board;
2. Attested by the seal of the board; and
3. Displayed in clear view to the public.

**43-11-15. Establishment ownership and operation.**

1. An establishment may be owned by any person authorized to do business in this state.
2. The board shall determine the qualifications by rule for licensure and license fees for an establishment.

**43-11-15.1. Exemption from licensing requirement - Licensed nursing homes, basic care facilities, and assisted living centers.**

Any licensed nursing home, basic care 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 licensed nursing home, basic care facility, or assisted living center who performs cosmetology services on nonresidents of the facility must obtain an establishment license.

**43-11-16. Schools of cosmetology - Qualifications for licensure.**

1. A license must be granted to a school upon application to the board and payment of the license fee if the school:
  - a. Is operated and maintained in premises separate from an establishment;
  - b. Requires training and instruction to be a minimum of:
    - (1) One thousand five hundred hours in cosmetology;
    - (2) Six hundred hours in esthetics;
    - (3) Three hundred fifty hours in manicuring; or
    - (4) Eleven hundred hours for advanced esthetics;
  - c. Employs at least two full-time equivalent licensed instructors and maintains a maximum student-to-instructor ratio of twenty-four-to-one based on current enrollment, except a school that provides training and instruction limited to esthetics, advanced esthetics, or manicuring shall maintain a maximum student-to-instructor ratio of twelve-to-one based on current enrollment;
  - d. Possesses apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum;
  - e. Maintains a record of the attendance and performance of each student;
  - f. Maintains regular class and instruction hours to include practical demonstrations and theoretical studies supplemented by audiovisual aids, and studies in disinfection, sterilization, infection control, and other safety measures consistent with the practical and theoretical requirements as applicable to all curriculums;
  - g. Agrees not to:
    - (1) Permit any student to practice on any individual who is not an instructor or registered student of the school until the student has completed at least twenty percent of the total hours of instruction required under this chapter and only if the practice is under the immediate direction and supervision of a licensed instructor; or
    - (2) Compensate any of the school's basic students in any way; and
  - h. At the time of application for licensure and upon the renewal of a license, furnishes to the board, and maintains in force at all times the license is in effect, a bond in the penal sum of ten thousand dollars. The bond must run in favor of the board, as agent of the state, and must be furnished by a surety company authorized to do business in this state. It must be conditioned upon the bonded school's providing its registered students with the full course of instruction

required under this chapter and must provide for a refund of a proportionate amount of each student's tuition fee upon default.

2. A student enrolled in the training or who has completed the training of the esthetician or cosmetologist curriculum in part or as a whole at a board-licensed school or who is a holder of an active North Dakota license as a cosmetologist or esthetician license may receive up to six hundred hours credit toward advanced esthetics requirements as allowed by rule.
3. Any school that enrolls student instructors shall set up a course of training consisting of:
  - a. A minimum of two hundred forty hours for student instructors who have held a cosmetology, esthetician, advanced esthetician, or manicure license for two or more years; or
  - b. Four hundred eighty hours for student instructors who have held a cosmetology, esthetician, advanced esthetician, or manicure license less than two years.
4. A school may not have at any one time more than two student instructors for each full-time equivalent licensed instructor actively engaged in the school.

#### **43-11-16.1. Internships and apprenticeship programs.**

1. The board may establish internships, apprenticeship programs, and rules related to the licensure and discipline of interns and apprentices practicing in programs established under this section. Apprenticeship programs allow for direct entry of individuals into an approved training program under this chapter.
2. An apprenticeship establishment participating in the apprenticeship program must:
  - a. Be an approved apprenticeship program conducted in an approved establishment by the state office of apprenticeship; and
  - b. Provide the board with the names of all individuals acting as apprentice trainers.
3. To act as an apprentice trainer, an individual must be approved by the board. To be approved, the trainer must:
  - a. Hold a current license in the practice of which the individual is providing training for a minimum of three consecutive years; and
  - b. Complete board-approved educator training.
4. If an approved apprenticeship program or apprenticeship establishment implements changes affecting the information required to be provided to the board under this section or rules adopted under this section, the revised information must be submitted to the board before implementing the changes.
5. The board or the board's designee shall audit and inspect approved apprenticeship establishments for compliance with this chapter at least annually.
  - a. If the board determines that an approved apprenticeship establishment is not maintaining the standards required by this chapter, written notice must be given.
  - b. An approved apprenticeship establishment that fails to correct the conditions listed in the notice to the satisfaction of the board within a reasonable time may be subject to penalty.
6. An approved apprenticeship establishment shall post a notice to consumers in the reception area of the establishment stating that services may be provided by an apprentice. The notice must state: "This establishment is a participant in a state-approved apprenticeship program. Apprentices in this program are in training and have not yet received a license."

#### **43-11-17. Licenses issued for schools of cosmetology and cosmetology salons - Fee for registration.**

Repealed by S.L. 2025, ch. 386, § 36.

**43-11-18. School advertising must disclose work done by students - Violation - Cancellation of license.**

No person, firm, corporation, or limited liability company operating or conducting a school of cosmetology may advertise to perform any of the practices of cosmetology without disclosing that the practice offered is to be performed by students under the supervision of a licensed instructor. If any school violates this section, the board, after notice and hearing and a determination of the violation, shall cancel the license granted to the school.

**43-11-19. Students - Registration.**

1. A student must:
  - a. Adhere to the laws and rules regarding the practice of cosmetology;
  - b. Be at least sixteen years old;
  - c. Complete at least a tenth grade education or equivalent; and
  - d. Have enrolled in a school of cosmetology and complied with the preliminary requirements of the school.
2. A student registration form for each student must be submitted to the board office by each school of enrollment. The registration form must be accompanied by the fee for each student in an amount determined by the board under section 43-11-28.

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

Repealed by S.L. 2021, ch. 309, § 31.

**43-11-20.1. Refund of student tuition fees upon cancellation of course.**

Schools of cosmetology shall refund tuition and other charges paid by or on behalf of a student when written notice of cancellation is given by the student. Refunds must be made in accordance with the following schedule:

Hours Enrolled	Tuition Retained By School
0.0% - 4.9%	20%
5% - 9.9%	30%
10% - 14.9%	40%
15% - 24.9%	45%
25% - 49.9%	70%
Over 50%	100%

Notice of this section and of sections 43-11-20.2 and 43-11-20.3 must be posted in clear view to the public where services are being provided in each school of cosmetology. The notice must be in a form and contain information as prescribed by the board. The board shall take action necessary to enforce this section and sections 43-11-20.2 and 43-11-20.3, including revocation of the license issued pursuant to section 43-11-17. This section does not prejudice the right of any student to commence a civil action against any school of cosmetology for breach of contract or fraud.

**43-11-20.2. Negotiation of promissory instruments.**

No school of cosmetology may negotiate any promissory instrument received as payment for tuition or other charges prior to the completion of one-half of the course of instruction offered by the school.

**43-11-20.3. Cancellation of contract for instruction.**

Any person has the unrestricted right to rescind, revoke, or cancel a contract for a course of instruction at any school after entering into the contract without incurring any tort or contract liability.

**43-11-20.4. Exemption from postsecondary license requirement - Solicitor's permit required.**

Schools of cosmetology are exempt from the license requirement of chapter 15-20.4. All individuals who solicit business for a school of cosmetology or who sell any course of instruction shall secure a solicitor's permit and bond in an amount and under conditions as established by the board.

**43-11-21. Cosmetologist, esthetician, advanced esthetician, manicurist license - Examination required - Application - Examination - Fees.**

Each individual who desires to secure a cosmetologist, esthetician, advanced esthetician, or manicurist license shall file with the board a written application under oath on a form supplied by the board. The application must be accompanied by:

1. An examination fee fixed by the board under section 43-11-28;
2. Satisfactory proof that the applicant has completed the board-approved training requirements; and
3. A fee for original licensure as required by section 43-11-28.

**43-11-22. Board to determine qualifications of applicants - Delegation of power.**

The qualifications of applicants for admission to examination for registration and for certification or licensure to practice under this chapter must be determined by the board. The board may delegate authority under this section to support staff.

**43-11-23. Examination.**

The examination of applicants for license to practice under this chapter must be conducted under rules adopted by the board and must include practical and theoretical examinations on the practices for which a license is desired and related studies or subjects as the board may determine necessary for the proper and efficient performance of a practice.

**43-11-24. Cosmetologist, esthetician, advanced esthetician, or manicurist license - When issued - Failure to pass examination - Re-examination.**

1. A cosmetologist, esthetician, advanced esthetician, or manicurist license must be issued to any individual who has met all the following requirements:
  - a. Complied with section 43-11-21.
  - b. Passed to the satisfaction of the board the examination of applicants for a license to practice under this chapter.
2. 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 set forth in section 43-11-28.

**43-11-25. Licensure by endorsement.**

1. As used in this section, "issuing jurisdiction" means the duly constituted authority in another state, territory, foreign country, or province that issued a license to an individual.
2. The board shall issue a license to a cosmetologist, esthetician, advanced esthetician, or manicurist applicant:
  - a. Without an examination if the out-of-state applicant:
    - (1) Is licensed by another jurisdiction with similar scope of work through substantially similar or equivalent licensure standards of examination; the other jurisdiction verifies the out-of-state applicant met minimum education requirements to be licensed in that jurisdiction; the out-of-state applicant has maintained good standing in all jurisdictions in which the person holds a license for at least one year before making application to the North Dakota state board of cosmetology;
    - (2) Has not had a license revoked and has not voluntarily surrendered a license in any other issuing jurisdiction or country while under investigation;

- (3) Pays all applicable fees; and
  - (4) Has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the applicant, the board shall determine if the cause for the action was corrected and the matter resolved. If the board determines the matter has not been resolved by the jurisdiction imposing discipline, the board shall not issue or deny a license to the person until the matter is resolved.
- b. If the following conditions are met:
- (1) The out-of-state applicant is currently licensed by another jurisdiction and the jurisdiction verifies the applicant met the requirements of that jurisdiction;
  - (2) Any out-of-state license held by the applicant, is and has been maintained in good standing;
  - (3) The applicant provides satisfactory proof of completing the course curriculum by:
    - (a) Completion of the hours required by the board; or
    - (b) Substantially equal work experience, determined at a rate of one thousand hours as equivalent to one hundred course curriculum hours, capped at five hundred hours if gained in the three years immediately preceding the application;
  - (4) The applicant's license has not been revoked or voluntarily surrendered in any other issuing jurisdiction while under investigation;
  - (5) The applicant has not been disciplined by any other regulating entity in this state or another issuing jurisdiction, or the board determined the cause for the action was corrected and the matter resolved; and
  - (6) The applicant pays all applicable fees.

**43-11-25.1. International applicants.**

- 1. An applicant with training and credentials outside of the United States shall submit, at the applicant's own expense, qualifications, credentials, and work experience for review to a credentialing agency approved by the board.
- 2. Failure to have a review completed by the above credentialing agency may result in the board denying the application. The board may accept or refuse any recommendations made by the credentialing agency.

**43-11-25.2. Applications to practice cosmetology - Active-duty military members - Veterans - Spouses.**

- 1. Active-duty military members, spouses of active-duty military members, veterans and spouses of veterans, are eligible for provisional licensure under this chapter.
- 2. Active-duty military members and spouses of active-duty military members are exempt from having to take an examination to practice under this chapter while on active-duty status, upon filing the following:
  - a. A board-approved application;
  - b. Proof the applicant holds an active license in good standing, or an equivalent, to practice cosmetology in another state, or territory of the United States, for the two years immediately preceding the application, and the applicant's license remains active and in good standing in the original jurisdiction; and
  - c. In the case of:
    - (1) An application from an active-duty military member, a copy of the member's current military orders or current military identification card; or
    - (2) An application from a spouse of an active-duty military member, provide the following:
      - (a) Proof the applicant is married to an active-duty military member by providing a copy of a marriage certificate; and

- (b) Proof the spouse is assigned to a duty station in this state by providing a copy of the official active-duty military orders or proof the spouse has been assigned to active duty in a foreign country and the applicant is relocating to the state during the spouse's deployment.
- 3. A provisional license issued under subsection 2 must be:
  - a. Valid for three years from the date of original issuance;
  - b. Renewable with proof military orders continue to be active in the state; and
  - c. Issued without a fee.
- 4. For six months following honorable discharge from active duty, veterans and spouses of veterans are exempt from having to take an examination to practice under this chapter and may be issued a provisional license upon filing the following:
  - a. A board approved application;
  - b. Proof the applicant holds an active license in good standing, or an equivalent to practice cosmetology in another state or territory of the United States, for the two years immediately preceding the application, and the applicant's license remains active and in good standing in the original jurisdiction; and
  - c. In the case of:
    - (1) An application from a veteran, a copy of the members discharge papers.
    - (2) An application from a spouse of a veteran, provide the following:
      - (a) Proof the applicant is married to the veteran by providing a copy of a marriage certificate; and
      - (b) A copy of the spouse's discharge papers.
- 5. A provisional license issued under subsection 4 must be:
  - a. Valid for three years from the date of original issuance;
  - b. Nonrenewable; and
  - c. Issued without a fee.
- 6. If discharge of the veteran occurred more than six months prior, veterans and spouses of veterans may be eligible to obtain a license to practice cosmetology in the state under section 43-11-25.
- 7. The board shall prioritize and expedite an application received under this section from an active-duty military member, the spouse of an active-duty military member, a veteran, spouse of a veteran, or the surviving spouse of a veteran. The board shall record, track, and monitor applications under this section.

**43-11-26. Master cosmetologist, master esthetician, and master manicurist - License - Qualifications.**

An individual may obtain a master cosmetologist, master esthetician, or master manicurist license upon meeting all the following requirements:

- 1. Furnishing to the board evidence of having practiced as a cosmetologist, esthetician, or manicurist for at least one thousand hours. Cosmetologists may obtain hours under the direction and control of a master cosmetologist. Estheticians may obtain hours under the direction and control of a master cosmetologist or master esthetician. Manicurists may obtain hours under the direction and control of a master cosmetologist or master manicurist. Cosmetologists and estheticians may obtain a master license under the direction, control, and responsibility of a licensed advanced esthetician, a physician, or a physician assistant practicing within the scope of licensure under chapter 43-17 or a nurse practicing within the scope of the nurse's license under chapter 43-12.1.
- 2. Paying an original licensure fee as set forth in section 43-11-28.
- 3. Complying with the other requirements under this chapter applicable to a master license.

**43-11-26.1. Advanced esthetician license - Grandfather provision.**

- 1. A cosmetologist or esthetician licensed in this state with practical experience of at least one year immediately preceding January 1, 2026, may apply for an advanced esthetician license until December 31, 2027, if the applicant:

- a. Completes a board-approved four-hour safety and infection control training;
  - b. Obtains an active occupational safety and health administration bloodborne pathogens certification;
  - c. Obtains an active board-approved first aid and cardiopulmonary resuscitation certification; and
  - d. Provides:
    - (1) A notarized affidavit from a supervising medical professional certifying the applicant worked under the direct supervision and control of a licensed physician or physician assistant practicing under chapter 43-17, or nurse under chapter 43-12.1, for a minimum of three hundred hours of actual service work within five years immediately preceding application; or
    - (2) Proof of completing one hundred fifty hours of advanced esthetic training approved by the board.
2. A cosmetologist or esthetician licensed in this state who fails to meet the requirements in subsection 1 or fails to apply by December 31, 2027, must complete five hundred hours of training in advanced esthetics in a board-approved program.

**43-11-26.2. License requirements - Additional certifications for advanced estheticians.**

In addition to the license requirements for an advanced esthetician, a written application and proof of board-approved additional training and certifications must be made to the board before the use of:

1. Microneedling pens, rollers, or devices;
2. Nonablative devices; or
3. Advanced chemical peels.

**43-11-27. Instructor's license - Student instructor's license - Registration - Qualifications.**

1. No individual may be licensed as an instructor of cosmetology unless the individual passes a theory and a practical examination required by the board after paying the examination fee set forth in section 43-11-28. An applicant shall:
  - a. Possess a current North Dakota license as a cosmetologist, esthetician, advanced esthetician, or manicurist; and
  - b. Complete the required hours of instructor training in a school of cosmetology or course approved by the board.
2. An instructor or student instructor may not practice cosmetology on a patron at a school other than as part of practical work pertaining directly to the teaching of students.
3. Each school of enrollment shall submit to the board a student instructor registration form for each student instructor. The registration form must be accompanied by a fee for a student instructor in an amount determined by the board under section 43-11-28. A student instructor shall possess, at the time of enrollment, a general education equivalent to the completion of four years in high school and hold a license as a cosmetologist, esthetician, advanced esthetician, or manicurist. Upon completion of the course prescribed for student instructors, the student instructor shall make an application to the board and pay a fee as provided in section 43-11-28. The board then shall cause the applicant to be examined for an instructor's license. Upon successfully passing the theoretical and practical examinations, the board shall issue an instructor's license to the applicant.
4. No individual is entitled to renew an instructor's license unless the instructor has furnished to the board evidence of completion of the continuing education established by the board by rule.
5. Licensed estheticians and manicurists may only provide instruction within the scope of practice of the respective licenses determined under this chapter.

**43-11-27.1. Esthetician and manicurist licenses - Qualifications - Fees.**

Repealed by S.L. 2025, ch. 386, § 36.

**43-11-27.2. Scope of practice - Noninvasive care limitation - Advanced esthetic exception.**

1. The practice of cosmetology, manicuring, or esthetics is limited to noninvasive care. A cosmetologist, manicurist, or esthetician may not alter, cut, puncture, or damage any living cells whether superficially or through the use of laser, light, or energy.
2. Certain advanced esthetic services, as determined by rules adopted by the board, may be limited in scope or required to be performed under the supervision or direction of a physician or physician assistant licensed under chapter 43-17 or an advanced registered nurse licensed under chapter 43-12.1, who is sufficiently trained or certified in the procedure being supervised.

**43-11-28. Fees and qualifications.**

1. The board shall determine the qualifications for licensure of cosmetologists, estheticians, advanced estheticians, manicurists, instructors, establishments, independent licensees, and schools, and may issue licenses upon approval.
2. Fees to be paid by applicants as required under this chapter may not exceed the following amounts:

a. Fees:		MAXIMUM FEE:
(1)	Establishment, original license	\$150.00
(2)	Establishment, annual renewal	\$100.00 per year
(3)	Independent licensee, original license	\$150.00
(4)	Independent licensee, annual renewal	\$100.00 per year
(5)	School, original license	\$550.00
(6)	School, annual renewal	\$250.00 per year
(7)	Advanced esthetician, original license	\$50.00
(8)	Advanced esthetician, annual renewal	\$50.00 per year
(9)	Cosmetologist, original license	\$50.00
(10)	Cosmetologist, annual renewal	\$50.00 per year
(11)	Master cosmetologist, original license	\$50.00
(12)	Master cosmetologist, annual renewal	\$50.00 per year
(13)	Esthetician, original license	\$50.00
(14)	Esthetician, annual renewal	\$50.00 per year
(15)	Master esthetician, original license	\$50.00
(16)	Master esthetician, annual renewal	\$50.00 per year
(17)	Instructor, original license	\$50.00
(18)	Instructor, renewal	\$50.00 per year
(19)	Manicurist, original license	\$50.00
(20)	Manicurist, annual renewal	\$50.00 per year
(21)	Master manicurist, original license	\$50.00
(22)	Master manicurist, annual renewal	\$50.00 per year
(23)	Duplicate license	\$20.00
(24)	Individual or business name change	\$20.00
(25)	Reciprocity license fee	\$105.00
(26)	Registration fee for apprentice	\$15.00
(27)	Registration fee for apprentice trainer	\$25.00
(28)	Registration fee for student	\$15.00
(29)	Reinspection fee	\$75.00
(30)	Transcript fee	\$20.00
(31)	Verification fee	\$20.00
b. Late fees		
(1)	Individual late renewal within one year	\$50.00
(2)	Individual late renewal after one year but before five years	\$150.00

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|-----|---|---------------------------|
| (3) | Establishment late renewal within one year        | \$50.00                   |
| (4) | Independent licensee late renewal within one year | \$50.00                   |
| (5) | Establishment late renewal after one year         | \$100.00 per year expired |
| (6) | Independent licensee late renewal after one year  | \$100.00 per year expired |
| (7) | School late renewal within thirty days            | \$50.00                   |
3. The examination administrator shall set and collect examination fees and the applicant shall pay the fee.
  4. Fees are not prorated or returnable.
  5. The board may establish continuing education requirements for cosmetologists, estheticians, advanced estheticians, manicurists, and instructors. The board may adopt rules related to continuing education hours for each license type under this section.
  6. The board shall sponsor an educational program for licenseholders to carry out the purposes of protecting the public health and safety and maintaining capable and skilled cosmetologists, estheticians, advanced estheticians, manicurists, and instructors. The board shall use such portion of the renewal fees as the board may determine for the purpose of providing the educational program.
  7. A licensee who has maintained an active license issued by this board for forty-five years or more and who is no longer engaged in the active practice of the profession may apply to the board for a legacy status of license not less than ninety days prior to the expiration of their license. Licenses with legacy status expire on December thirty-first of each year and must be renewed annually for a fee of twenty-five dollars. While in legacy status, continuing education hours are not required for renewal. Legacy status does not apply to an instructor license, establishment license, or independent licensee license. A licensee may remove legacy status by:
    - a. Applying to the board and paying the applicable renewal fee; and
    - b. Taking the required annual continuing education hours if applicable.

**43-11-29. License renewal - Failure to renew.**

1. A license issued by the board expires on December thirty-first. If the application for renewal is not received on or before the expiration date, the license expires.
2. The board may renew a license if:
  - a. An application for renewal is submitted as provided by the board;
  - b. The renewal fee is paid; and
  - c. Grounds for denial do not exist under section 43-11-31.
3. The holder of an expired license, within one year from and after the date of the license's expiration, may obtain a reinstatement of the license upon:
  - a. Payment of the required late fee; and
  - b. Payment of the current renewal fee.
4. The holder of an expired license, one year after the date of expiration but before five years, may obtain a reinstatement of the license upon:
  - a. Payment of the required late fee;
  - b. Payment of the current renewal fee; and
  - c. Furnishment to the board of satisfactory proof of passing the North Dakota law, rules, and regulations examination.
5. The board may not reinstate a license if more than five years has lapsed since the license expired. If a license has not been renewed within five years, the individual may reapply for licensure under the requirements of initial licensure as set forth under this chapter.

**43-11-29.1. Establishment, independent licensee license renewal - Failure to renew.**

1. An establishment license issued by the board expires annually on December thirty-first. If the application for renewal is not received on or before the expiration date, the license expires.
2. The board may renew a license if:

- a. An application for renewal is submitted as provided by the board;
- b. The renewal fee is paid; and
- c. Grounds for denial do not exist under section 43-11-31.
3. The holder of an expired establishment or independent license, within twelve months from the date of the license's expiration, may obtain a reinstatement of the establishment license upon:
  - a. Payment of the required late fee; and
  - b. Payment of the current renewal fee.
4. After twelve months from the date of the license's expiration, the holder of an expired establishment or independent license seeking licensure shall pay the required late penalty fee for each year not renewed and reapply for establishment or independent licensure under this chapter.

**43-11-29.2. School license renewal - Failure to renew.**

1. A school license issued by the board expires annually on December thirty-first. If the application for renewal is not received on or before the expiration date, the license expires.
2. The board may renew a license if:
  - a. An application for renewal is submitted as provided by the board;
  - b. The renewal fee is paid; and
  - c. Grounds for denial do not exist under section 43-11-31.
3. A school license not renewed within thirty days of expiration may be cause for disciplinary action.

**43-11-30. Revocation or suspension of license.**

The board may place on probation, revoke, or suspend a license upon proof of a violation under this chapter or a rule adopted by the board.

**43-11-31. License - Refusal to grant - Grounds.**

The board may deny an application or discipline a licensee on any of the following grounds:

1. Fraud in passing the examination.
2. Conviction of an offense determined by the board to have a direct bearing upon an individual's ability to serve the public in a profession licensed by the board, or, following conviction of any offense, the board determines the individual is not sufficiently rehabilitated under section 12.1-33-02.1.
3. Grossly unprofessional or dishonest conduct.
4. Addiction to the use of intoxicating liquor or drugs to such an extent as to render the individual unfit to practice.
5. Advertising by means of knowingly false or deceptive statements.
6. Failure to display the license as provided under this chapter.
7. Violation of the provisions under this chapter or the rules adopted by the board.
8. Permitting an unlicensed individual to practice cosmetology, or teaching in a cosmetology salon or school of cosmetology.
9. Advertising or providing services outside of the licensee's scope of practice as defined under this chapter.

**43-11-32. Hearings.**

All hearings must be conducted pursuant to chapter 28-32. For purposes of a hearing, section 28-32-21 applies only to the licensee.

**43-11-33. Board may subpoena witnesses - Fees - How paid.**

The board may require the attendance of witnesses and the production of books, records, and papers at any hearing or with reference to any matter which the board has authority to investigate and, for that purpose, may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers. The fees and mileage of

witnesses must be the same as may be allowed in the court in criminal cases. Fees and mileage must be paid in the same manner as expenses of the board.

**43-11-34. Appeal from actions of the board.**

An appeal may be taken from an action of the board under this chapter in refusing to grant or in suspending or revoking a license to the district court of the county of residence of the individual who has been refused a license or whose license has been suspended or revoked. The appeal must be taken in accordance with the provisions under chapter 28-32.

**43-11-35. Penalty.**

Any individual who without a license as required under this chapter willfully practices any of the occupations, maintains a school, or acts or advertises in any capacity violates this chapter or rule adopted by the board, is guilty of a class B misdemeanor.

**43-11-36. Minimum fees may be established - Conditions - How.**

Repealed by S.L. 1981, ch. 435, § 26.

**43-11-37. Inspections of establishments, independent licensees, and schools.**

1. Each new establishment, independent licensee, and school must be inspected by the board or the board's designee to determine compliance with the laws, rules, and regulations of this chapter as determined by the board.
2. Each establishment, independent licensee, and school must be subject to routine inspections as determined by the board.
3. An establishment, independent licensee, or school may be subject to additional inspections if the establishment, independent licensee, or school:
  - a. Had a violation in a previous inspection;
  - b. Changed ownership;
  - c. Did not timely renew the license; or
  - d. Is on probation because of disciplinary action from the board.
4. A reinspection fee, determined by the board, may be charged for additional inspections under subsection 3.
5. Inspections must be made during the establishment's regular hours of operation, or anytime the instruction or practice of cosmetology, esthetics, advanced esthetics, or manicuring is conducted, unless otherwise agreed by all interested persons.
6. Inspections may be authorized by the board or its executive director and the authorized inspection may be conducted with or without notice to the licensee.

**43-11-38. Inspection generated by a complaint.**

1. Each establishment, independent licensee, and school may be subject to inspection by the board or its designee, in response to a specific complaint filed with the board for a violation of a law, rule, or regulation under this chapter.
2. Any inspection generated by a complaint may be authorized by the board or the board's executive director at any time.

**43-11-39. Refusal to allow inspection.**

Refusal to allow or interference with any inspection by the board or the board's designees is cause for disciplinary action.