

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 ~~three~~ five members appointed by the governor. Each member has a three-year term, and the terms are so arranged that ~~only one term expires~~ 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 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:

North Dakota State Board of
Cosmetology
1102 South Washington
Suite 200
P.O. Box 2177
Bismarck, North Dakota 58504 58502

History: Amended effective October 1, 1987; July 1, 1988; September 1, 1989; April 1, 1994; March 1, 1998; _____, 2011.

General Authority: NDCC ~~28-32-02.1~~ 28-32-02, 43-11-05

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

32-01-03-01. Comply with laws. All cosmetology salons and schools and all operators cosmetologists, manager-operators, estheticians, manicurists, instructors, student instructors, and students shall comply with the rules contained in this title and all applicable federal, state, and local laws, ordinances, rules, regulations, and codes.

History: Amended effective July 1, 1990; December 1, 2005; _____, 2011.

General Authority: NDCC 43-11-05, ~~43-11-35~~

Law Implemented: NDCC 43-11-11, 43-11-11.1, 43-11-12, 43-11-13, 43-11-14, 43-11-15, 43-11-16, 43-11-17, 43-11-18, 43-11-19, 43-11-20, 43-11-20.1, 43-11-20.2, 43-11-20.3, 43-11-20.4, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-25, 43-11-26, 43-11-27, 43-11-27.1, 43-11-28, 43-11-29, 43-11-30, 43-11-31, 43-11-32, 43-11-33, 43-11-34, 43-11-35

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, ~~operators~~ cosmetologists, manager-operators, estheticians, and manicurists shall be determined by the board. The board may delegate such authority to the secretary of the board, and anyone feeling aggrieved by the board secretary's decision may in writing request a hearing before the board on the matter. The board hearing shall be conducted pursuant to the provisions of North Dakota Century Code chapters 43-11 and 28-32.

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

General Authority: NDCC 43-11-05; _____, 2011.

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

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

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

be permanently set on a foundation. Each cosmetology 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 services shall be conducted in any room used as living or sleeping quarters. A cosmetology 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 sanitation 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 and sanitary condition for a cosmetology school. Such floor space must include a business office, reception room, 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; _____, 2011.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-03. Lighting - Exhaust fans - Fire extinguishers.

1. Each cosmetology establishment shall have adequate lighting at all workstations.
2. Each cosmetology establishment shall be equipped with an exhaust fan or air exchange system in the working area appropriate for the services provided.
3. ~~Each~~ A cosmetology establishment shall ~~maintain on the premises~~ have a fire extinguisher mounted in public view. All employees and students shall be instructed in the proper operation and use of the fire extinguisher.

All exhaust fans, fire extinguishers, and lighting must comply with the state and local building codes.

History: Amended effective July 1, 1988; March 1, 1998; December 1, 2005; _____, 2011.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-06. Personal hygiene. Every operator cosmetologist, manager-operator, manicurist, esthetician, instructor, and student, while on the cosmetology establishment premises, shall be neat and clean in person and in attire, and free from any infectious or communicable disease.

1. **Attire.** Every operator cosmetologist, manager-operator, 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 operator cosmetologist, manager-operator, manicurist, esthetician, instructor, student instructor, and student shall wash one's hands with soap and water immediately before serving each client.
3. **Carrying combs.** Combs or other instruments shall not be carried in clothing pockets.
4. **Infectious or communicable diseases.** ~~An operator~~ A cosmetologist, manager-operator, 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 cosmetology establishment while such a disease is in a communicable stage.
5. **Smoking.** ~~An operator~~ A cosmetologist, manager-operator, 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; _____, 2011.

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 federally approved germicide prepared specifically for germicidal 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, and powders.** All fluids, semifluids, creams, wax, and powders shall be kept in a clean, covered container at all times and shall be dispensed with a clean sanitized spatula or from a shaker, dispenser pump, or spray-type container. Spatulas made of a washable, nonabsorbent material may be sanitized and used again, and spatulas made of wood shall be discarded after use. Fluids, semifluids, creams, and powders shall be applied only by sanitary, disposable applicators, and the applicators shall be discarded after use.
3. **Tools and instruments.** All permanent wave equipment, clips, rollers, pins, shampoo and comb-out capes, nets, as well as all other tools, instruments, and implements shall be kept in a clean, sanitized condition at all times. Neck strips or similar covering shall be used in lieu of a clean towel whenever applicable in order to prevent such materials from coming in contact with the skin or hair of each client. Such neck strips or similar covering shall not be used more than once, and all other reusable items shall be washed, sanitized, and disinfected before use on each client.
4. **Containers.** All bottles and containers shall be correctly and distinctly labeled to disclose their contents, and all bottles and containers containing poisonous substances shall be so designated.
5. **Waste container.** Each cosmetology establishment shall provide adequate covered and lined waste containers which shall be emptied and washed daily. All chemical waste material must be deposited immediately in a closed fire-retardant container and frequently disposed of in a sanitary manner.
6. **Protective coverings.** All protective coverings used on a client shall be kept clean and in good condition, ~~and such protective coverings shall be stored in a closed cabinet when not in use.~~
7. **Wet sanitizers.** Each cosmetology establishment shall have wet sanitizers of sufficient size and quantity to sanitize all tools, instruments, and implements of the establishment, and such sanitizers shall be readily accessible. Such sanitizers shall contain a commercial sanitizing agent

approved federally and such sanitizing agent shall be used according to the manufacturers' directions.

8. **Metal instruments.** All metal tools, instruments, and implements shall be sanitized with a disinfectant solution after each use and stored in a closed container until the next use. All clippers and trimmers must be cleaned with a disinfectant spray after each client.
9. **Storage of supplies.** Every cosmetology establishment shall have a separate 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. **Combs and brushes.** Combs and brushes shall be cleansed and disinfected prior to each use. All shall be in good usable condition.
11. **Electric tools and outlets.** Each cosmetology establishment 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 employed or learning in the establishment.
12. **Neck brushes.** No salon or school may use neck brushes.
13. **Dry sanitizers.** All tools, instruments, and implements must be stored in a clean closed 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.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; _____, 2011.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-03-01-08. Tools and supplies. Each cosmetology salon shall maintain tools, supplies, instruments, and equipment adequate for the number of operators cosmetologists and manager-operators employed and adequate to serve the public in cosmetology.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

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 manager-operator, 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 sanitation;
 - 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 ~~board office~~ inspector.

History: Effective February 1, 1996; amended effective July 1, 1996; August 8, 1996; December 1, 2005; _____, 2011.

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

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, and esthetician examination shall consist of a theoretical portion and a practical portion. The practical examinations shall be administered by the board.

~~The practical portion of the cosmetologist examination shall consist of the candidate demonstrating:~~

- a. ~~Hairstyling.~~

- b. ~~Basic hair shaping using entire mannequin (full head haircut).~~
- c. ~~Hair coloring.~~
- d. ~~Permanent waving.~~
- e. ~~Chemical hair relaxing.~~

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.

3. **Failing applicant.** Applicants who fail any portion of the examination shall reregister and pay the required fee before being permitted to retake the portion of the examination they have failed. 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 ~~before applying for a second reexamination.~~ 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 ~~before applying for a second reexamination.~~
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; _____, 2011.

General Authority: NDCC 43-11-05

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

32-04-01-26.1. Cosmetology course curriculum. The hours of the cosmetology course curriculum must include the following:

Hair shaping	250 hours
Hairstyling	250 hours
Nails	50 <u>100</u> hours
Facials, skin care	25 <u>100</u> hours
Chemical services	250 hours
Study of theory, law, and sanitation	400 hours
Related subjects (classroom or clinic for instructions)	<u>575</u> <u>450</u> hours
Total minimum hours	1,800 hours

History: Effective July 1, 2000; _____, 2011.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-27. Esthetician course curriculum. The curriculum for students enrolled in an esthetician course must be six hundred hours of training. No school or licensed instructor may permit a student to render clinical services until a student has completed twenty percent of the total hours of instruction required. The curriculum must include the following:

Sterilization, sanitation, and safety	75 hours
Body treatment, facials, hair removal, and makeup	340 hours
Study of <u>theory</u> , law, ethics , management, and salesmanship	
<u>sanitation</u>	75 hours
Related subjects	60 hours
Unassigned	<u>50 hours</u>
Total minimum hours	600 hours

History: Effective July 1, 1990; amended effective July 1, 2000; December 1, 2005; _____, 2011.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-28. Manicurist course curriculum. The curriculum for students enrolled in a manicurist course must be three hundred fifty hours. No school or licensed instructor may permit a student to render clinical services until a student has completed twenty percent of the total hours of instruction required. The curriculum must include the following:

Sterilization, sanitation, and safety	45 hours
Manicuring, pedicuring, and application of artificial nails	200 hours
Study of <u>theory</u> , law, management, ethics , and salesmanship	
<u>sanitation</u>	45 hours
Related subjects	35 hours
Unassigned	<u>25 hours</u>
Total minimum hours	350 hours

History: Effective July 1, 1990; amended effective December 1, 2005; _____, 2011.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

ARTICLE 32-05

INDIVIDUALS

Chapter
32-05-01 Operators Cosmetologists, Manager-Operators, Instructors, Student
Instructors, Demonstrators, Estheticians, and Manicurists

CHAPTER 32-05-01
**OPERATORS COSMETOLOGISTS, MANAGER-OPERATORS, INSTRUCTORS,
STUDENT
INSTRUCTORS, DEMONSTRATORS, ESTHETICIANS, AND MANICURISTS**

Section
32-05-01-01 Operators Cosmetologists
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32-05-01-02 Manager-Operators
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. Operators Cosmetologists. Every person desiring to be licensed by the board as an ~~operator~~ cosmetologist shall have the qualifications required by North Dakota Century Code chapter 43-11 applicable to ~~operators~~ 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 an ~~operator~~ 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 ~~operator~~ cosmetologist shall renew the ~~operator's~~ 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 ~~operator's~~ cosmetologist's license by the expiration date, a penalty fee of fifteen dollars is required.

4. **Change of name or address.** Every ~~operator~~ cosmetologist shall notify the board in writing of any change of name or change of residence address.
5. **Certificates displayed.** Every ~~operator~~ cosmetologist shall conspicuously display the ~~operator's~~ cosmetologist's certificate of registration in the reception or work area of the cosmetology salon.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2002; December 1, 2005; _____, 2011.

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

32-05-01-01.1. License without examination. Every person desiring to be licensed as an ~~operator~~ a cosmetologist, instructor, manicurist, or esthetician without taking the examination shall make an application on the form provided by the board and:

1. Pay the application fee.
2. Provide proof that the applicant is licensed as a cosmetologist, instructor, manicurist, or esthetician in another jurisdiction and that the applicant's license is in good standing.
3. Demonstrate the other jurisdiction's licensure requirements at the time the applicant was licensed by the other jurisdiction were substantially equal to those in North Dakota at the time the North Dakota application was filed. Three thousand hours or more of work experience as a licensed ~~operator~~ cosmetologist will be considered substantially equal to three hundred hours of cosmetology education.
4. Pass an examination on North Dakota sanitation practices and cosmetology law.

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

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-25

32-05-01-02. Manager-operators. Every person desiring to be licensed by the board as a manager-operator shall have the qualifications required by North Dakota Century Code chapter 43-11 applicable to manager-operators 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. ~~One thousand hours of practice as a licensed operator is the equivalent of one hundred twenty-five days of practice as a licensed operator.~~
2. **Renewal.** Every manager-operator shall renew the manager-operator'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 manager-operator's license by the expiration date, a penalty fee of fifteen dollars is required.
4. **Change of name or address.** Every manager-operator shall notify the board in writing of any change of name or change of residence address.
5. **Certificates displayed.** Every manager-operator shall conspicuously display the manager-operator's certificate of registration in the reception or work area of the cosmetology salon.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005; _____, 2011.

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

32-05-01-06. Esthetician. Every person 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.
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 fifteen dollars is required.

4. **Change of name or address.** Every esthetician shall notify the board in writing of any change of name or residence.
5. **Certificates displayed.** Every esthetician shall conspicuously display the esthetician's certificate of registration in the reception or work area of the cosmetology salon.

History: Effective July 1, 1990; amended effective March 1, 1998; January 1, 2002; December 1, 2005; _____, 2011.

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

32-05-01-07. Manicurist. Every person 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 fifteen dollars is required.
4. **Change of name or address.** Every manicurist shall notify the board in writing of any change of name or any change of residence.
5. **Certificates displayed.** Every manicurist shall conspicuously display the manicurist's certificate of registration in the reception or work area of the cosmetology salon.

History: Effective July 1, 1990; amended effective March 1, 1998; January 1, 2002; December 1, 2005; _____, 2011.

General Authority: NDCC 43-11-05

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