



NORTH DAKOTA STATE BOARD OF COSMETOLOGY

1102 S. WASHINGTON SUITE 200

P.O. BOX 2177

BISMARCK, ND 58502-2177

TELEPHONE (701) 224-9800

December 9, 2011

Administrative Rule Committee
North Dakota Legislative Council
State Capitol
600 East Boulevard
Bismarck, ND 58505-0360

RE: Amendments to N.D. Admin. Code Title 32

Mr. Chairman and Committee Members:

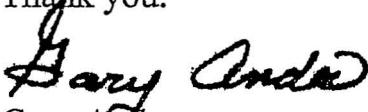
The Board of Cosmetology is asking the Committee to approve the amendments to N.D. Admin. Code Title 32 concerning the practice of cosmetology in North Dakota.

The Board is testifying before the Committee concerning the matters set forth in John Walstad's letter of December 2, 2011.

1. Amendments resulted from statutory changes to N.D.C.C. 43-11- 01, 43-11-03, 43-11-24, and 43-11-28.
2. The rules are not related to any federal statute or regulation.
3. The Board complied with the requirements of N.D.C.C. chapter 28-32. The Notice of Intent to Amend Administrative Rules was published once in each official county newspaper. The N.D. Department of Health approving the rule changes. The Attorney General approved the rules as to their legality.
4. No oral or written comments were received on the rules.

5. The Board paid \$1,630.45 to give public notice to ND Newspaper Association.
6. The purpose of amending the rules is to update and clarify rules governing the profession of cosmetology. Attached is a Summary of the Amendments which explains the subject matter and reason for the changes in the rules.
7. A regulatory analysis was not issued or requested.
8. A regulatory analysis or impact statement was not issued or requested.
9. Rules do not have a fiscal effect on state revenues and expenditures.
10. A constitutional takings assessment was not prepared or required.
11. Rules were not adopted as emergency rules.

Thank you.

A handwritten signature in black ink that reads "Gary Andes". The signature is written in a cursive, flowing style.

Gary Andes

President

ND State Board of Cosmetology



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Brief summary of the amendments.

32-01-01-01. Subsection 2 (Page 31) Rule changed according to the N.D.C.C. 43-11-03. Adding five members to the Board.

32-01-03-01. (Page 33) Updating terminology. This will change the word "operator" to "cosmetologist" to all the rules.

32-02-01-03. Subsection 2. (Page 35) An exhaust fan or air exchange system is not necessary if the salon is not providing chemical services.

32-02-01-03. Subsection 3. (Page 35) Changing the language. Booth renters are independent salon owners within a licensed salon. A salon is required to have a fire extinguisher, but the booth renters are not required to have one at their station.

32-02-01-11. Subsection 6. (Page 37) Capes don't have to be stored in a closed cabinet, throughout the day, as long as the protective coverings are clean for each client.

32-03-01-12. Subsection 4. (Page 38) Inspectors will coordinate inspections directly with the licensee instead of going through the board office.

32-04-01-25. (Page 40)

- Subsection 2. This will allow the Board to add or remove portions of the practical examination.**
- Subsection 3. This rule changed according to N.D.C.C. 43-11-24. An applicant who fails the cosmetology, esthetician or manicure practical examination is required to complete 160 hours of school training. An applicant is not required to complete additional hours if they fail the written portion.**

32-04-01-26.1 (Page 41) Adding additional hours to the nails and skin care course. Cosmetologists are providing more nails and skin care services in salons.

32-04-01-27. (Page 41) and 32-04-01-28. (Page 42) Changing the language.

32-05-01-01.1 (Page 44) This will allow an instructor, licensed in another state, to apply for a North Dakota license by reciprocity.

32-05-01-02 Subsection 1. (Page 44) The qualifications are stated in the N.D.C.C. 43-11-26. Thousand hours of work experience is required. Removing 125 days.

32-05-01-06. (Page 45) and 32-05-01-07. (Page 46) This is to clarify that the examination fee is for the practical portion of the examination. The written examination is offered via computer. Therefore, the candidates pay the testing company not the Board.

FILE

NOTICE OF INTENT TO
AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the State Board of Cosmetology will hold a public hearing to address proposed amendments to N.D. Admin. Code title 32 at 9:00 a.m. on August 3, 2011, in the downstairs conference room in the Office of Attorney General at 500 North 9th Street, Bismarck, North Dakota. The purpose of the proposed amendments are to clarify and update the rules. The proposed amendments and repeals address general administration, sanitation, salons, schools and individuals. The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the office of the State Board of Cosmetology, 1102 South Washington, Suite 200, P.O. Box 2177, Bismarck, North Dakota 58502. A copy of the proposed rules may be requested by writing the above address or calling (701) 224-9800. Written or oral comments on the proposed rules sent to the above address or telephone number and received by August 13, 2011, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the State Board of Cosmetology at the above phone number or address at least ten days prior to the public hearing.

Dated this 21st day of June, 2011.

Gary Andes, President
State Board of Cosmetology