

**HOUSE BILL NO. 1215**

Introduced by

Representatives Kading, Strinden

Senator Davison

1 A BILL for an Act to create and enact a new section to chapter 43-11 of the North Dakota  
2 Century Code, relating to cosmetology apprenticeships; and to amend and reenact sections  
3 43-11-01, 43-11-13, 43-11-14, 43-11-21, and 43-11-28 of the North Dakota Century Code,  
4 relating to cosmetology apprenticeships.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 43-11-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **43-11-01. Definitions.**

9 In this chapter, unless the context or subject matter otherwise requires:

- 10 1. "Apprentice" means an individual registered with the board as an apprentice  
11 cosmetologist, apprentice esthetician, or apprentice manicurist.
- 12 2. "Board" means the state board of cosmetology.
- 13 ~~2.3.~~ "Booth space" means that part of a licensed salon that is operated independently by  
14 an individual licensed under this chapter.
- 15 ~~3.4.~~ "Cosmetologist" means an individual licensed under this chapter to practice  
16 cosmetology.
- 17 ~~4.5.~~ "Cosmetology" means any one or a combination of practices generally and usually  
18 performed by and known as the occupation of beauty culturists or cosmeticians or  
19 cosmetologists or hairdressers, or of any other person holding out as practicing  
20 cosmetology by whatever designation and within the meaning of this chapter and in  
21 and upon whatever place or premises; and in particular cosmetology includes the  
22 following or any one or a combination of practices: arranging, dressing, curling,  
23 waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair  
24 of ~~any person~~ an individual by any means or with hands or mechanical or electrical

1 apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics,  
2 lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating,  
3 exercising, performing noninvasive hair removal, beautifying, or similar work on the  
4 body, manipulation of eyelashes, or manicuring the nails of any person.

5 ~~5-6.~~ "Cosmetology salon" includes that part of any building in which the occupation of a  
6 cosmetologist is practiced.

7 ~~6-7.~~ "Esthetician" means ~~a person who is~~ an individual licensed by the board to engage in  
8 the practice of skin care.

9 ~~7-8.~~ "Homebound" means ~~any person~~ an individual who is ill, disabled, or otherwise unable  
10 to travel to a salon.

11 ~~8-9.~~ "Instructor" means ~~any person of the age of~~ an individual at least eighteen years or  
12 ~~more of age~~, who is a licensed cosmetologist, who teaches cosmetology or any  
13 practices taught in a duly registered school of cosmetology, and who has met the  
14 requirements of section 43-11-27 and has applied for and received an instructor's  
15 license.

16 ~~9-10.~~ "Invasive care" means any procedure that invades the live tissue of the dermis,  
17 including:

18 a. Laser use; and

19 b. Chemical peels using:

20 (1) Thirty percent or higher concentration of alpha hydroxy acid;

21 (2) Twenty percent or higher concentration of beta hydroxy acid;

22 (3) Two percent or higher concentration of resorcinol;

23 (4) Fifteen percent or higher concentration of trichloroacetic acid (TCA); or

24 (5) Fifteen percent or higher concentration of phenol.

25 ~~10-11.~~ "Manicuring" means the cleansing, cutting, shaping, beautifying, or massaging of the  
26 hands, feet, or nails of ~~any person~~ any individual.

27 ~~11-12.~~ "Manicurist" means ~~a person~~ an individual who is licensed by the board to engage in  
28 the practice of manicuring.

29 ~~12-13.~~ "Master cosmetologist" means ~~any person~~ an individual who has met the requirements  
30 of section 43-11-26 and has applied for and received a managing cosmetologist  
31 license.

1 ~~43-14.~~ "School of cosmetology" means an establishment operated for the purpose of teaching  
2 cosmetology.

3 ~~44-15.~~ "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions,  
4 creams, or otherwise, massaging, cleansing, stimulating, manipulating, performing  
5 noninvasive hair removal, beautifying, or similar work on ~~the~~an individual's body ~~of any~~  
6 ~~person~~. The term does not include invasive care.

7 ~~45-16.~~ "Student" means ~~any person~~ an individual who is engaged in the learning or acquiring  
8 of any or all the practices of cosmetology and while so learning, performs or assists in  
9 any of the practices of cosmetology in any school registered or licensed and under the  
10 immediate supervision of an instructor licensed as such under this chapter.

11 ~~46-17.~~ "Student instructor" means a cosmetologist who is receiving instruction in teacher's  
12 training in a duly registered school of cosmetology.

13 ~~47-18.~~ "Tuition" means the total cost of a person's cosmetology studies, and does not include  
14 books or demonstration kits.

15 **SECTION 2. AMENDMENT.** Section 43-11-13 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **43-11-13. License required.**

18 ~~No~~A person in this state may neither engage in ~~nor~~ attempt to engage in the occupation of  
19 cosmetology, manicuring, or skin care, nor conduct a cosmetology salon or booth or school of  
20 cosmetology, unless having first obtained a license or certificate of registration.

21 **SECTION 3. AMENDMENT.** Section 43-11-14 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **43-11-14. Licenses - Board to issue - Form - Displayed.**

24 The board may issue all licenses and certificates provided for in this chapter. Each license  
25 and certificate issued must be signed by the secretary of the board and attested by the seal of  
26 the board. A license or certificate is evidence ~~that the person~~individual is entitled to follow all of  
27 the practices or occupations referred to in the license or certificate. A license or certificate must  
28 be displayed conspicuously in the principal office, place of business, or place of employment of  
29 the licenseholder or certificateholder.

30 **SECTION 4. AMENDMENT.** Section 43-11-21 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **43-11-21. Cosmetologist license - Examination required - Application - Examination -**  
2 **Fees.**

3           ~~Each person~~An individual who desires to secure a cosmetologist license shall file with the  
4 secretary of the board a written application under oath on a form supplied by the board. The  
5 application must be accompanied by all of the following:

- 6           1. An examination fee as may be fixed by the board pursuant to section 43-11-28.
- 7           2. Satisfactory proof that the applicant has completed the required training in a school of  
8           cosmetology or through an apprenticeship.
- 9           3. A fee for original licensure as required by section 43-11-28.

10           **SECTION 5. AMENDMENT.** Section 43-11-28 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12           **43-11-28. Fees.**

13           1. Fees to be paid by applicants for original registrations, original licenses, annual  
14 renewals, licenses issued upon reciprocity, and examinations as required under this  
15 chapter may not exceed the following amounts:

| 16           a. Original registrations, licenses, and annual  | MAXIMUM  |
|---|----------|
| 17           renewals:  | FEE:     |
| 18           (1) Salons, original registration                | \$80.00  |
| 19           (2) Salons, annual renewal                       | \$30.00  |
| 20           (3) School of cosmetology, original registration | \$505.00 |
| 21           (4) School of cosmetology, annual renewal        | \$205.00 |
| 22           (5) Cosmetologist, original license              | \$15.00  |
| 23           (6) Cosmetologist, annual renewal                | \$15.00  |
| 24           (7) Master cosmetologist, original license       | \$25.00  |
| 25           (8) Master cosmetologist, annual renewal         | \$20.00  |
| 26           (9) Instructor, original license                 | \$35.00  |
| 27           (10) Instructor, annual renewal                  | \$20.00  |
| 28           (11) Reciprocity license fee                     | \$105.00 |
| 29           (12) Registration fee for student instructor     | \$15.00  |
| 30           (13) Duplicate license                           | \$10.00  |
| 31           (14) Certification fee                           | \$20.00  |

1                   (15) Apprentice certificate of registration                   \$15.00

2                   b. Examinations:

3                   (1) Cosmetology practical examination                   \$25.00

4                   (2) Instructors practical examination                   \$55.00

5                   (3) Written examination fees are set and collected by the administrator of the  
6                   examination and payment is the responsibility of the applicant.

7                   2. Fees are not prorated or returnable. The board may charge a fifty dollar penalty for  
8                   each license renewal application received after December thirty-first. The board shall  
9                   sponsor an educational program for licenseholders to carry out the purposes of  
10                  protecting the public health and safety and maintaining capable and skilled  
11                  cosmetologists, manicurists, estheticians, and instructors. The board shall use such  
12                  portion of the renewal fees as the board may determine for the purpose of providing  
13                  the educational program.

14                  **SECTION 6.** A new section to chapter 43-11 of the North Dakota Century Code is created  
15                  and enacted as follows:

16                  **Apprentice - Registration.**

17                  1. The board shall issue a certificate of registration to a qualified applicant as an  
18                  apprentice cosmetologist, apprentice esthetician, or apprentice manicurist.

19                  2. To qualify for certification of registration as an apprentice, an applicant must be:

20                  a. At least seventeen years of age; and

21                  b. Enrolled as an apprentice with a salon that has been board-approved for an  
22                  apprenticeship.

23                  3. A certificate of registration issued under this section is valid for the full period of the  
24                  apprenticeship and is not renewable.

25                  4. To qualify for board approval as a salon for an apprenticeship:

26                  a. A salon may not have more than four apprentices, not to exceed two apprentices  
27                  per instructor during any one period of time.

28                  b. The apprenticeship program must provide for no more than one thousand eight  
29                  hundred hours of training.

- 1           c. The apprenticeship program shall use a board-approved curriculum and text
- 2           books. The curriculum must limit practice to practice under the constant
- 3           supervision, control, and direction of a board-approved instructor of apprentices.
- 4        5. The board shall adopt rules as necessary to implement this section.