

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1112
(Representative M. Ruby)

AN ACT to amend and reenact section 43-04-03, subsection 5 of section 43-04-12, and section 43-04-41 of the North Dakota Century Code, relating to exemptions from regulation of barbers, barber licensure fees, and disciplinary hearings for barbers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-04-03 of the North Dakota Century Code is amended and reenacted as follows:

43-04-03. Exemptions.

1. The following ~~persons~~individuals, when engaged in the proper discharge of their occupational duties, are exempt from the provisions of this chapter:
1. ~~Persons~~
 - a. ~~Individuals~~ authorized by the laws of this state to practice medicine and surgery.
 2. ~~b.~~ Commissioned medical or surgical officers of the United States army, navy, air force, or marine hospital service.
 3. ~~c.~~ Registered nurses.
 4. ~~Registered hairdressers and~~
 - d. Licensed cosmetologists.

The persons

2. ~~An individual exempt by subsections 1, 2, and 3 under subdivision a, b, or c of subsection 1 may not shave nor trim the beard nor cut the hair of any person~~individual for cosmetic purposes.
3. ~~An individual exempt under this section may not advertise, hold out to the public, or represent in any manner that the individual is a barber, or violate the barber pole limitation under section 43-04-49.~~

SECTION 2. AMENDMENT. Subsection 5 of section 43-04-12 of the North Dakota Century Code is amended and reenacted as follows:

5. The board shall sponsor an educational program to carry out the purposes of protecting the public health and safety by encouraging barbershops that are clean, healthful, and sanitary with capable, skilled, professional barbers. The board ~~is directed to~~shall use ~~the sum of five~~an amount not to exceed ten dollars from each fee paid for the renewal of ~~any~~a barber's certificate for the purpose of ~~such~~this educational program.

SECTION 3. AMENDMENT. Section 43-04-41 of the North Dakota Century Code is amended and reenacted as follows:

43-04-41. Revocation of, suspension of, or refusal to issue certificate - Hearing.

The board may not refuse to issue, refuse to renew, suspend, or revoke any certificate of registration to practice barbering for any of the causes set forth in section 43-04-40 unless the person accused has been given a public hearing by the board. A hearing under this section must be conducted pursuant to chapter 28-32. For purposes of the hearing, section 28-32-21 applies only to the licensee. The person must be notified in writing of the charges against the person and of the time set for the hearing, which must be not less than twenty days after serving the notice. Upon the hearing of any such proceedings, the board may administer oaths and may procure by its subpoena the attendance of witnesses and the production of relevant books and papers. Any court in this state, upon application of the accused or the board, by order duly entered, may require the attendance of witnesses and the production of relevant books and papers at such hearing.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1112.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 46 Nays 1 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State