On behalf of the North Dakota State Board of Cosmetology, we would like to notify our licensees of Governor Burgum’s amended Executive Order 2020-06.4. The Executive Order provides that on or after 8:00 a.m., May 1, 2020, salons operated by cosmetologists, nail technicians, estheticians, barbers and tanning studios may reopen if licensees follow the ND Smart Restart standards, including the “ND Smart Restart: Standards For All Industries” and the “ND Smart Restart industry specific standards: Hair Salons, Waxing Studios and Other Cosmetology Related Services.” Please note that under the Executive Order, these are not considered guidelines, but are REQUIRED to be adopted and rigorously followed. Please review the two documents below for all requirements.

**ND Smart Restart: Standards for all Industries:** <https://ndresponse.gov/sites/www/files/documents/covid-19/ND%20Smart%20Restart/Standards%20for%20all%20Industries.pdf>

**ND Smart Restart: Industry Specific Standards**: [https://ndresponse.gov/sites/www/files/documents/covid-19/ND Smart Restart/Personal Services/Personal Services Guidelines.pdf](https://ndresponse.gov/sites/www/files/documents/covid-19/ND%20Smart%20Restart/Personal%20Services/Personal%20Services%20Guidelines.pdf)

*You can review the executive order on the Governor’s website:*

[https://www.governor.nd.gov/sites/www/files/documents/executive-orders/Executive Order 2020-06.4.pdf](https://www.governor.nd.gov/sites/www/files/documents/executive-orders/Executive%20Order%202020-06.4.pdf)

***Local county and state law enforcement are authorized and directed to enforce the provisions of the executive order. Violations of this Order are an infraction and subject to a $1000 fine.***

The ND State Board of Cosmetology requests that in addition to the above standards, licensees carefully review and follow the rules for cleaning and disinfecting in North Dakota Administrative Code chapter 32-02.

The Board understands that these are difficult and frustrating times. We also recognize that there are many questions regarding the Executive Order and the ND Smart Restart Standards. However, the Board only has authority and jurisdiction over the safety and sanitation rules contained in North Dakota Century Code 43-11 and North Dakota Administrative Code Title 32. The Board cannot expand on these powers or implement new criteria or rules for licensees, absent legislative authority, even during a pandemic. Instead, it is the Governor’s Office who can issue Executive Orders during a state of emergency. As such, questions regarding the Standards and requirements for reopening under Executive Order 2020-06.4 should be directed to the Governor’s Office, the Department of Commerce, or the Department of Health, as the Board does not have the authority to advise, clarify, or issue guidance on the ND Smart Restart reopening protocols.