

ARTICLE 32-01 GENERAL ADMINISTRATION

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CHAPTER 32-01-01 ORGANIZATION OF BOARD

Section	
32-01-01-01	Organization of Board of Cosmetology

32-01-01-01. Organization of board of cosmetology.

- 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 ~~s~~State ~~b~~Board of ~~e~~Cosmetology. The ~~b~~Board regulates and licenses all cosmetologists, manicurists, estheticians, advanced estheticians instructors, students, apprentices, schools, and ~~salons~~establishments. 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~~safeguard public health, safety, and welfare by regulating the practice of cosmetology. Through licensing, education, and enforcement of professional standards, the Board ensures that all licensees and establishments adhere to safe, sanitary, and ethical practices. The Board's mission is to protect consumers, promote industry excellence, and uphold the integrity of cosmetology services across North Dakota.
- Board membership.** The board consists of ~~five~~seven members appointed by the governor. Each member has a three-year term, and the terms are so arranged that no more than ~~two~~three terms expire on June thirtieth of each year.
- Board officers.** Each year the board meets and elects a president and other officers from their own number. All records of the board ~~shall~~must be kept at the board office.
- Inquiries.** Inquiries regarding the board may be addressed to:

North Dakota State Board of Cosmetology
Website: ndcosmetology.com

History: Amended effective October 1, 1987; July 1, 1988; September 1, 1989; April 1, 1994; March 1, 1998; January 1, 2012; April 1, 2022.

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

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

CHAPTER 32-01-02 DEFINITIONS

Section
32-01-02-01 Definitions

32-01-02-01. Definitions.

The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 43-11, except:

1. "Advanced chemical peel" means the application of professionally regulated, commercially available chemical exfoliant intended to cause controlled injury to the epidermis for therapeutic skin rejuvenation. Exfoliant may be used in multiple layers following manufacturer's instructions but must not penetrate past the epidermis layer. Medical supervision may be required as determined in scope of practice and limitations in rule adopted by the board.
1. "Advanced Needling" is a form of microneedling and means the use of a microneedling device employing multiple needles or prongs to create skin microchannels exceeding 0.5mm depth for cosmetic purposes such as improving texture, stimulating collagen, or cellular renewal, and must be performed under the supervision of a licensed medical professional as defined in this chapter.
2. "Chemical peel" means the application of a single, one-time layer of a nonprescription, esthetic-grade, commercially available exfoliating agent intended solely to remove non-living skin cells from the superficial layers of the epidermis.
3. "Clean" means the removal of visible debris and washing with soap and detergent and water. To clean means to make a nonporous item ready for disinfection.
4. "Combination peel" means an advanced chemical peel involving the use of two or more chemical exfoliating agents, applied either simultaneously or sequentially, to achieve a depth of penetration extending beyond the superficial layers of the epidermis.
5. "Cosmetic preparation" means substances or mixtures for external application to the skin, aimed primarily at cleansing, beautifying, enhancing attractiveness, or altering its appearance or condition, such as makeup and skincare products.
6. "Contact time" means the amount of wet contact time required for the disinfectant to be effective against the pathogens on the label.
7. "Cosmetic Needling" is a form of microneedling and means the use of an apparatus or device that uses multiple tiny needles or cones that do not penetrate past the epidermis layer to facilitate exfoliation, improve the appearance of the skin and other similar uses. These devices must utilize a single use, nonadjustable needle or cone tip with a fixed length of .05mm or less.
8. "Establishment" includes any salon, business, or premises where the occupation of cosmetology, esthetics, advanced esthetics, manicuring is practiced. A license from the North Dakota State Board of Cosmetology is required for all establishments except as otherwise provided in Chapter 43-11.

9. ~~"Cosmetology establishment" includes businesses, premises, and schools required to have a license from the North Dakota board of cosmetology pursuant to North Dakota Century Code chapter 43-11.~~
11. ~~"Cosmetology school" means any school teaching any or all of the practices of cosmetology.~~
12. "Disinfect" means the process of making a nonporous item safe for use. To disinfect requires the use of a chemical intended to kill or denature a pathogen. An ultraviolet light is not an acceptable form of disinfection.
13. "Disinfectant" means as used herein, a federal environmental protection agency registered bactericidal, virucidal, and fungicidal chemical or agent used to destroy pathogenic micro-organisms.
14. "Good repair" means that an item is soil-free with no holes, frayed wires, or tears in covering and fully operational for the purpose intended.
15. "Independent licensee" means an individual holding a separate license to operate independently from a licensed establishment, pursuant by a lease agreement, and permitted to render services within the establishment and at various temporary or offsite locations.
16. "Infectious disease" means any disease which can be transmitted, directly or indirectly, from person to person.
16. "Microneedling" means a procedure that involves the creation of controlled micro-channels in the skin using a device or apparatus consisting of multiple small needles, cones or similar single use tips. Microneedling, as used herein, encompasses cosmetic needling and advanced needling as defined in this chapter.
17. "Nonporous" means any material that has no pores and does not allow for liquids to be absorbed or passed through, such as metal, glass, silicone, and plastic.
18. ~~"Occupation of cosmetologist" includes the practice of cosmetology, esthetics, and manicuring as defined in North Dakota Century Code section 43-11-01.~~
19. "Porous" means any material that allows for liquids to be absorbed or passed through. Porous items are for single use only. ~~This includes all nail files and emery boards that are not made entirely of metal or glass, pumice stones, buffing blocks, orange wood sticks, cotton, sponges, toe separators, flip-flops, bamboo and wood items, and items with natural hair bristles.~~
20. "Shampooing" requires a cosmetology license and means the act of washing and cleansing hair and scalp.
21. "Single use" means items that cannot be used more than once. These items cannot be properly cleaned so that all visible residue is removed, or they are contaminated by exposure or damaged by cleaning and disinfecting.
22. ~~"Salon" means a location where the occupation of a cosmetologist, manicurist, or esthetician is practiced. The occupation of a cosmetologist, manicurist, or esthetician is practiced in a location if the cosmetologist, manicurist, or esthetician provides services at the location on a regularly scheduled basis. The occupation of a~~

~~cosmetologist, manicurist, or esthetician is not practiced in a location if the services are provided at special or educational events after notification to and approval by the board, or at an assisted living residence or assisted living facility. The term salon includes independent licensee salons.~~

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05 **Law Implemented:** NDCC 43-11-01, 43-11-11, 43-11-27.1

CHAPTER 32-01-03 GENERAL RULES

Section

32-01-03-01	Comply With Laws
32-01-03-02	Board Determination [Repealed]
32-01-03-03	Hearings and Appeals [Repealed]
32-01-03-04	Board to Determine Qualifications of Applicant
32-01-03-05	Invalid Rules
<u>32-01-03-06</u>	<u>Board Member Compensations</u>
<u>32-01-03-07</u>	<u>Variances</u>
<u>32-01-03-08</u>	<u>Prohibition of Unsafe Procedures, Techniques, or Devices</u>
<u>32-01-03-09</u>	<u>Approval of Procedures, Techniques, or Devices</u>
<u>32-01-03-10</u>	<u>Identity and United States Residency Verification</u>
<u>32-01-03-11</u>	<u>Complaints and Investigations</u>

32-01-03-01. Comply with laws.

All ~~cosmetology salons~~ establishments and schools, ~~and all cosmetologists, estheticians, manicurists, instructors~~ licensees, student instructors, and students, ~~and apprentices~~ shall must 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; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

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

32-01-03-02. Board determination.

Repealed effective July 1, 1988.

32-01-03-03. Hearings and appeals.

Repealed effective July 1, 1988.

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, and apprentices or for~~ registration or licensing of students, student instructors, apprentices, apprentice trainers, instructors, cosmetologists, estheticians, advanced estheticians and manicurists ~~shall must~~ be determined by the board. The board may delegate specific tasks to support staff as the board chooses. Any applicant feeling aggrieved by the decision may appeal pursuant to North Dakota Century Code chapter 28-32.

History: Amended effective July 1, 1990; December 1, 2005; January 1, 2012; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

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

32-01-03-05. Invalid rules.

If any provision or section of the rules in this title is declared to be invalid or unlawful, the declaration shall must not operate to render the remaining rules of this title void.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-01-03-06 Board Member Compensation.

Board members may be compensated when actively engaged in any board related meeting, duty, or activity as follows:

1. Compensated up to 115% of the daily rate established in NDCC 54-35-10. This enhanced daily rate will be divided by eight to determine an hourly rate;
2. Board members will be compensated a minimum of one hour any day they are actively engaged in board duties and compensation will be capped at eight hours per day; and
3. For out-of-state travel and participation in related events, board members may also be compensated at the same hourly rate, not to exceed a total of eight hours per day, regardless of the combined time spent traveling and attending the event.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-06

32-01-03-07. Variances.

The Board may, at its discretion and upon written application, grant a variance from specific provisions of the rules only upon a clear showing of good cause.

A variance may be granted if:

1. The applicant demonstrates that strict compliance would result in significant hardship;
2. The underlying intent of the rule will still be fulfilled; and
3. The variance will not compromise public health, safety, or the Board's capacity to enforce and uphold its rules and regulatory duties.

General Authority: NDCC 43-11-05

Law Implemented: NDCC

32-01-03-08. Prohibition of Unsafe Procedures, Techniques, or Devices.

The Board may prohibit the use of any procedure, device, product, or modality that the Board determines to be unsafe, unprofessional, or beyond the scope of practice authorized under this title. This authority applies to both currently available procedures and devices, as well as new or emerging practices in the industry.

In making such determinations, the Board may consider adverse event reports, regulatory guidance, expert input, and whether the procedure or device requires medical oversight or falls under another licensed profession.

The Board must provide notice of any such determinations and may issue guidance, or advisories as needed. Licensees are responsible for remaining informed of and complying with all such determinations made by the Board.

General Authority: NDCC 43-11-05

Law Implemented: NDCC

32-01-03-09. Approval of Procedures, Techniques, or Devices.

The Board may approve the use of any procedure, device, product or modality not specified or provided for in chapter 43-11 if deemed safe, within scope, and consistent with professional standards. This includes new or emerging practices in the industry.

In making such determinations, the Board may consider safety data, expert input, regulatory guidance, and industry trends and whether the procedure or device requires medical oversight. The Board may issue advisories to inform licensees of approved practices.

General Authority: NDCC 43-11-05

Law Implemented: NDCC

31-01-03-10. Identity Verification.

Acceptable Forms of Identification. For the purposes of verifying identity for licensure, examination, or other official processes of the Board, applicants and licensees must provide two forms of valid, unexpired identification from the lists below. At least one form of identification must be a primary form as listed in subsection one, and the second form can be either a primary or secondary form as listed in subsection two.

1. Primary Forms of Identification must establish both identity and United States residency:
 - a. A valid United States Passport or United States Passport Card;
 - b. A valid driver's license or identification card issued by a United States state, territory, or the District of Columbia that includes a photograph;
 - c. A certified copy of a birth certificate issued in a United States state, territory, or the District of Columbia, bearing an official seal, accompanied by a valid photo identification document;
 - d. A valid United States military identification card with photograph;
 - e. A Certificate of United States Citizenship; Form N-560 or N-561;
 - f. A Certificate of Naturalization; Form N-550 or N-570; or
 - g. A Permanent Resident Card; Green Card, Form I-551.
2. Secondary Forms of Identification. Must establish identity and may be used to supplement a primary form for residency if it contains a current address:
 - a. A valid photo identification card issued by a United States federal, state, or local government agency; or
 - b. A valid foreign passport with a valid United States visa and I-94 admission stamp or electronic I-94 record.

Requirements and Procedures

1. All submitted identification documents must be valid and unexpired at the time of submission.
2. For initial application purposes, legible photocopies or digital photographs of the required primary and secondary identification documents may be accepted by the Board. The Board reserves the right to require the presentation of the original identification documents for in-person verification at any point during the application process. Failure to present the original documents when requested may result in the denial or delay of the application. All submitted identification documents must be legible and free from alterations or damage that obscures any information.
3. The Board or its designee may make and retain photocopies or electronic scans of the submitted identification documents for record-keeping purposes.
4. The Board reserves the right to verify the authenticity of any submitted identification documents through appropriate means, whether originals or copies are initially provided. These means may include, but are not limited to:
 - a. Manual review;
 - b. Electronic database checks;
 - c. In-person identity verification; or
 - d. Utilization of remote identity verification technology approved by the Board.
5. If there are discrepancies between the information provided on the identification documents or if the Board has reason to believe the documents are not valid, the Board may require additional documentation or deny the application or process until the discrepancies are resolved.

General Authority: NDCC 43-11-05

Law Implemented: NDCC

32-01-03-11. Complaints and Investigations.

1. Filing a Complaint.

- a. **Submission Requirements.** All complaints alleging a violation of N.D.C.C. chapter 43-11 or N.D.A.C. title 32 must be submitted to the Board in writing and may be delivered by mail, email or through the board website. The complaint must be legible, dated, and signed by the complainant.
- b. **Required Information.** A written complaint must include the following information to the best of the complainant's ability:
 - i. The full name, address, and contact information of the complainant;
 - ii. The full name, address, and, if known, the license number of the individual or the name and address of the establishment or school against whom the complaint is being made;
 - iii. A clear, concise, and detailed description of the alleged violation, including the date and location of the incident; and
 - iv. Any supporting documentation, such as, photographs, receipts, witness statements that the complainant believes is relevant to the complaint.
- c. **Public Record.** Complaints filed with the Board are considered public records in accordance with North Dakota law.

2. Complaint Review and Initial Assessment.

- a. **Initial Review.** Upon receipt of a written complaint, Board staff must conduct an initial review to determine if the allegations would constitute a potential violation of N.D.C.C. chapter 43-11 or N.D.A.C. title 32.
- b. **Insufficient Complaints.** If the complaint is incomplete, unclear, or does not allege a potential violation within the Board's jurisdiction, the Board or its designee may request additional information or may close the complaint without further action, providing written notification to the complainant of the reason for closure.
- c. **Referral to Other Agencies.** If the allegations in the complaint fall outside the Board's jurisdiction, the Board or its designee may refer the complaint to the appropriate local, state, or federal agency and must notify the complainant of such referral.

3. Investigation of Complaints.

- a. **Investigation Authority.** The Board or its designee must have the authority to conduct investigations into alleged violations. This may include, but is not limited to, requesting information from the subject of the complaint, conducting interviews, reviewing records, and performing site inspections.
- b. **Notification to Subject.** Unless circumstances warrant otherwise such as immediate risk to public safety, the Board or its designee must provide written notification to the subject of the complaint that a complaint has been filed and provide them with a copy of the complaint. The subject must be given a reasonable opportunity to respond to the allegations in writing.
- c. **Cooperation with Investigation.** Licensees have a duty to cooperate fully with any investigation conducted by the Board or its designee. Failure to cooperate may be grounds for disciplinary action.
- d. **Investigative Findings:** Upon completion of the investigation, Board staff must prepare a summary of the findings and present it to the Board for review.

4. Board Action on Complaints.

- a. **Review of Investigative Findings.** The Board must review the findings of the investigation and determine whether probable cause exists to believe that a violation has occurred.
- b. **Possible Actions.** Based on its review, the Board may take one or more of the following actions:
 - i. Dismiss the complaint if no probable cause is found. The complainant and the subject of the complaint must be notified in writing of the dismissal.
 - ii. Issue a letter of warning or concern to the licensee or other party involved.
 - iii. Enter into a settlement agreement with the licensee or other party involved to resolve the complaint.
 - iv. Initiate formal disciplinary proceedings in accordance with chapter 28-32 which may include suspension, revocation, or other sanctions against a license or permit.
 - v. Refer the matter to the State's Attorney or other appropriate legal authority for further action.

General Authority: NDCC 43-11-05

Law Implemented: NDCC

ARTICLE 32-02 CLEANING AND DISINFECTING

Chapter
32-02-01 Rules of Cleaning and Disinfecting

CHAPTER 32-02-01 RULES OF CLEANING AND DISINFECTING

Section	
32-02-01-01	Rules Posted
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32-02-01-05	Water Supply and Waste Disposal
32-02-01-06	Personal Hygiene
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32-02-01-08	Cleaning and Disinfecting Articles
32-02-01-09	Laundry and Storage of Cloth Items
32-02-01-10	Method of Disinfection
32-02-01-11	Particular Aspects of Disinfecting
32-02-01-12	Toilet Facilities
32-02-01-13	Pets
32-02-01-14	Infants and Children [Repealed]
32-02-01-15	Inspections

32-02-01-01. Rules posted.

The owner or manager of every licensed ~~salon~~ establishment and school shall must keep a copy of the rules of cleaning and disinfecting posted in clear view to the public where services are being provided in each ~~salon~~ establishment and school for the information and guidance of all persons employed or studying therein.

History: Amended effective March 1, 1998; January 1, 2017; April 1, 2022.

General Authority:

NDCC 43-11-05 Law

Implemented: NDCC 43-11-11

32-02-01-02. ~~Space dimensions and requirements~~ General provisions for establishments.

1. ~~Salon.~~ To maintain adequate conditions of cleanliness and disinfection and in the interest of the public health and welfare, each salon shall have adequate workspace to maintain a safe condition for a salon. In addition to such workspace, the salon shall have a reception area, supply room or supply area with enclosed cabinets, toilet facilities, and facilities to maintain clean conditions. There shall be adequate workspace for each additional cosmetologist, manicurist, or esthetician in the salon.
 - a. ~~Separate entrance.~~ All public entrances and exits must meet the local or state building codes.
 - b. ~~Salon.~~ A salon must be separate from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
 - c. ~~Resident salons.~~ Each salon in a residential building shall maintain an entrance separate

~~from the entrance to living quarters. No cosmetology, manicuring, or esthetician services shall be conducted in any room used as living or sleeping quarters. A 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 salon shall be permanently set on a foundation. Each 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, manicuring, or esthetician services shall be conducted in any room used as living or sleeping quarters. A salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.~~

~~—All establishments must adhere to the following:~~

1. **Establishments.**

4. **Each establishment must have:**

- i. **Adequate workspace to ensure safe working conditions;**
- ii. **A reception area;**
- iii. **A supply room or designated supply area with enclosed cabinets for storage;**
- iv. **Readily accessible toilet facilities;**
- v. **Facilities for maintaining clean and sanitary conditions;**
- b. **Separation from living quarters.** Each establishment must be completely separated from any living or sleeping quarters by complete, floor-to-ceiling partitioning and solid door, which must remain closed at all times during hours of operation. No cosmetology, manicuring, esthetician, or advanced esthetician services must be performed in any room used as living or sleeping quarters; and
- c. **Public entrances and exits.** All public entrances and exits must comply with applicable local or state building codes.
- d. **Recreational vehicles.** No establishment may be located in a recreational vehicle such as a motor home, camper or a pull behind enclosed trailer.

2. **Cosmetology schools.** ~~To maintain adequate conditions of cleanliness and disinfection 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 condition for a cosmetology school. Such floor space must include a business office, reception room, service floor area, 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~~**Schools. To ensure adequate conditions of cleanliness and disinfection, and to protect the public health and welfare, each school must maintain adequate floor space to provide a safe and effective learning environment.**

Each school facility must include at a minimum, the following:

- a. **A business office;**

- b. A reception area;
- c. A service area;
- d. A practice area;
- e. A dispensary;
- f. A student lounge;
- g. Classrooms with sufficient space to effectively instruct the number of students enrolled in each program; and
- h. At least two bathrooms must be located in the same building and be readily accessible from within the school.

Classrooms for cosmetology instruction may also be utilized for other offered programs; however, instruction in multiple disciplines must not occur simultaneously within the same classroom. Separate and distinct practice and service floor areas must be clearly delineated for esthetics training and must not overlap with designated practice and service floor areas for hair or nail services, with the exception of facial waxing on the cosmetology practice and service floor where the client does not disrobe.

All practice and service floor areas must be arranged to enable instructors to observe students during the performance of services.

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~~ **School Separation.** Each school must be entirely separated from any living quarters, cosmetology establishment, or other business by a continuous, solid, non-transparent wall extending from the floor to the ceiling. Direct access between the school and any such entity is prohibited. This requirement must not apply to an affiliated school offering instruction in a related field.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2012; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

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

1. ~~Each licensed salon~~establishment and school shall must have adequate lighting at all workstations.
2. ~~Each licensed salon shall be equipped with an exhaust fan or air exchange system in the working area appropriate for the services provided~~establishment and school must install and maintain a ventilation system such as an exhaust fan or air-to-air exchange in the working area if required by local building codes for the types of services provided. Notwithstanding, a ventilation system meeting local building code is required for any establishment offering chemical hair services or nail services.
3. ~~A licensed salon~~An establishment and school shall must have a fire extinguisher mounted in public view. All employees and students shall must be instructed in the proper operation and use of the fire extinguisher.

All exhaust fans, air exchange systems, 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; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-04. Cleaning and disinfecting premises.

1. Walls, floors, All surfaces, floors, and fixtures must be kept clean and in good repair at all times.
2. ~~All flooring surfaces must be cleaned and made free of hair and other debris after each client and must be in good repair. Carpeting and rugs are not permitted in the working area. Carpeting or rugs will only be permitted in the reception areas.~~
3. ~~Windows and mirrors must be clean.~~
4. Shampoo bowls must be free from all hair and debris, cleansed and disinfected after each use.
5. The dispensing area must be neat and clean. The supply area may not be easily accessible to the public.
6. ~~Pedicure chairs, pedicure carts, foot spas, and manicure tables must be cleaned and disinfected after each use. Manicure tables must be wiped clean with soap and water to remove all dust and debris, wiped or sprayed with a federal environmental protection agency registered disinfectant, and left wet for the manufacturer's recommended contact time. Pedicure tubs must be emptied, scrubbed with soap and water, rinsed with hot water, wiped, or sprayed with a federal environmental protection agency registered disinfectant, and left wet for the manufacturer's recommended contact time. Screens, filters, drains, and other removable parts must be removed and first cleaned with soap and water, rinsed with hot water, and then immersed in a federal environmental protection agency registered disinfectant, following the manufacturer's directions for proper contact time. For piped pedicure tubs with jets, the disinfectant must be circulated with the proper concentration for the manufacturer's recommended contact time, rinsed with hot water, and dried with a clean towel. For pipeless pedicure tubs the disinfectant must be sprayed on and left wet for the recommended manufacturer's contact time, rinsed with hot water, and dried with a clean towel. All removable parts must be stored in an enclosed drawer or container after cleaning and disinfecting until ready to use. All cleaning and disinfecting steps must be followed when using liners in pedicure tubs. All surrounding areas, including footrests, must be kept in a clean and disinfected condition.~~

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; January 1, 2002; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-05. Water supply and waste disposal.

Each licensed ~~salon~~ establishment and school shall must be equipped with an adequate supply of hot and cold running water and proper plumbing located within the confines of the ~~salon~~ premises, separate from a bathroom facility. Each ~~salon~~ establishment and school shall must:

1. Have a safe water supply, approved by the local health authority or the state department of health.
2. Dispose of sewage and other liquid wastes in a sanitary manner, approved by the local health authority or the department of environmental quality other regulatory body. Wastewater from each portable sink must be emptied and properly disposed of at least once per day when the sink is in use.
3. Sharps, blood and other potentially infectious materials must be disposed of following local health authority or North Dakota Department of Health and Human Services guidelines for blood waste disposal and as outlined in establishment or school's exposure control plan.
4. Store and collect solid waste so as to avoid health hazards, rodent harborages, insect breeding areas, and accidents.
5. Have solid wastes collected at least once each week, and an adequate number of approved covered containers shall must be provided for storage of solid waste pending collection.

All plumbing in every ~~salon~~ establishment and school shall must comply with the state and local plumbing code.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-06. Personal hygiene.

Every ~~cosmetologist, manicurist, esthetician, instructor~~ licensee, and student, and apprentice while on the ~~salon~~ establishment or school premises, shall must be neat and clean in person and in attire, and free from any infectious or communicable disease.

1. ~~**Attire.** Every cosmetologist, 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. washing.** Every cosmetologist, manicurist, esthetician, instructor, student instructor, and student shall wash one's hands with soap and water or sanitize immediately before serving each client. Hand sanitizer must be available for customers and manicurists to use~~ Each licensee, student, and apprentice must wash hands thoroughly with soap and water, drying with a single use paper towel or air dryer, before and after client service and glove use, and after restroom use. An alcohol-based hand sanitizer with sixty percent alcohol is permitted as an alternative only if hands are visibly clean and free of lotions, ointments, product, or visible soil. Gloves and hand wipes do not substitute for washing.
3. ~~**Carrying combs**~~ **tools or instruments.** ~~Combs~~ Tools, or other instruments shall must not be carried in clothing pockets or other leather or cloth pouches, holsters, or other porous containers or cases.
4. **Infectious or communicable diseases.** A ~~cosmetologist, manicurist, esthetician, instructor licensee, student instructor, or student~~ or apprentice who has an infectious or communicable disease may not knowingly transmit the disease to the public in a ~~salon~~ an establishment or school while such a disease is in a communicable stage.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2012; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-07. First-aid kit.

Every ~~licensed salon~~ establishment and school shall must have and maintain a complete first-aid kit in a readily accessible location on the premises. At a minimum, the first-aid kit must include adhesive dressings, gauze and antiseptic, tape, ~~triple~~ topical antibiotics, eyewash, and gloves.

History: Amended effective July 1, 2000; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-07.1. Blood exposure procedure.

A Blood Exposure Procedure Poster – must be posted in or near the first aid kit in the establishment.

If a blood exposure should occur involving a client or licensee, the following steps must be followed:

1. If client is bleeding:
 - a. Stop service;
 - b. Put gloves on;
 - c. Assist client to sink and rinse the injured area under running water, if appropriate;
 - d. Pat dry with a new, clean, disposable towel;
 - e. Offer or apply antiseptic and adhesive bandage;
 - f. Place all single use items in a bag and place in a trash receptacle;
 - g. Remove all implements from station and properly clean and disinfect;
 - h. Clean and disinfect work area;
 - i. Remove and dispose of gloves; and
 - j. Wash hands and return to service;
2. If licensee, student instructor, student or apprentice is bleeding:
 - a. Stop service;
 - b. Explain the situation and excuse yourself from the service;
 - c. Rinse injured area under running water, if appropriate;
 - d. Pat dry with a new, clean, disposable towel;
 - e. Apply antiseptic and adhesive bandage;
 - f. Put gloves on;
 - g. Place all single use items in a bag and place in a trash receptacle;
 - h. Remove all implements from the work area and properly clean and disinfect;
 - i. Clean and disinfect work area;
 - j. Remove and dispose of gloves; wash hands; and

k. Cover injured area with a protective finger cot or new glove and return to service.

General Authority: NDCC 43-11-05

Law Implemented: NDCC

32-02-01-08. Cleaning and disinfecting articles.

All tools, instruments, shampoo bowls, and other articles which come in contact with a client shall must be cleaned and disinfected before use on each client. Each ~~licensed salon establishment and school~~ shall must have available for use at all times a ~~federal environmental protection agency-registered~~ disinfectant and an enclosed container available that will be used to disinfect tools. The reuse of any ~~porous~~ single-use tool or instrument which cannot be disinfected is prohibited.

History: Amended effective July 1, 1988; January 1, 2017;

April 1, 2022. **General Authority:** NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-09. Laundry and storage of cloth items.

1. **Clean cloth and linen items.** All clean cloth and linen towels, sheets and blankets, robes, capes, and similar items shall must be kept in an enclosed ~~cabinet in the salon~~ container until used.
2. **Soiled cloth items and laundering.** All clean cloth and towels, sheets and blankets, robes, capes, and similar items ~~may be used only once and then must be properly laundered~~ must be laundered after each use. Capes must be laundered after each use, or a neck strip providing a complete barrier between the cape and the client's skin may be used with a multi-use cape. Multi-use capes that are used with a neck strip to provide a barrier must be laundered at the end of each business day or immediately replaced if cape becomes soiled. After use, and until laundering, each item must be placed in an ~~enclosed~~ vented laundry container with a lid container. All soiled cloth and towels, sheets and blankets, robes, and capes ~~must be laundered in a washing machine with laundry detergent in hot water. Commercial laundering is acceptable~~ must be laundered commercially, or in a washing machine with laundry detergent using hot water and dried in dryer on high heat. Plastic or nylon capes and aprons may be washed and dried, on any heat setting, and then must be disinfected with a spray disinfectant.

History: Amended effective July 1, 1988; March 1, 1998; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-10. Method of disinfection.

The disinfection process shall must consist of three steps, and the elimination of any one of the steps ~~render~~ renders the process ineffective. The three steps to be followed are:

1. **Cleaning.** Remove debris from tools and instruments and wash them thoroughly with hot water and a detergent in order to remove all traces of soil.
2. **Rinse.** Thoroughly rinse in clear water to remove all traces of detergent from the tools and instruments.
3. **Immersion.** Completely immerse all nonporous implements except shears, razors and similar tools that are nonporous, such as those made of glass, metal, or plastic, in an

enclosed container, large enough to cover all items, including all handles, with an effective federal environmental protection agency registered bactericidal, virucidal, and fungicidal a disinfectant and left wet for the manufacturer's recommended contact time. After the manufacturer's required contact time listed on the label has been met, items must be removed, air dried, and stored in a clean, covered, and an enclosed cabinet container in the salon establishment or school until used.

Shears, and razors, similar tools ~~are not required to be washed, but must be wiped to remove hair, product residue, and skin debris, and then disinfected with an environmental protection agency registered~~ a disinfectant spray or wipe after each use and must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label.

Nonimmersible ~~nonbladed~~ electrical equipment, including cords and outer parts, must be wiped to remove hair, product residue, and skin debris then disinfected with an ~~environmental protection agency registered~~ disinfectant that is bactericidal, virucidal, and fungicidal, and must remain wet for the contact time listed on the disinfectant label. ~~Nonimmersible bladed electrical equipment, such as clippers or trimmers, must be wiped to remove hair, product residue, and skin debris, and then disinfected with an environmental protection agency registered disinfectant that is bactericidal, virucidal, and fungicidal, and must remain wet for the contact time listed on the disinfectant label. Cords and outer parts must be wiped with an environmental protection agency registered disinfectant and must remain wet for the contact time listed on the disinfectant label.~~

History: Amended effective March 1, 1998; January 1, 2017; April 1, 2022.

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 federal environmental protection agency registered bactericidal, virucidal, and fungicidal~~ a disinfectant treatment of tools, instruments, and implements shall must be used in accordance with the directions of the manufacturer. All germicidal solutions shall must be fresh, clean, and free from contaminants.
2. **Fluids, creams, waxes, cosmetic preparations, and powders.**
 - a. All fluids, semifluids, creams, cosmetic preparations, waxes, and powders shall must be kept in a clean, enclosed container and shall must be dispensed with a clean spatula or from a shaker, dispenser pump, or spray-type container. The reuse of the same spatula or applicator for the same client, also known as double dipping, is prohibited to prevent cross-contamination. If product becomes contaminated or debris is found, the product must be discarded.
 - b. ~~Single-use spatulas made of a porous material, such as wood, must be discarded after a single use or application.~~
 - c. ~~Nonporous spatulas, such as those made of plastic or metal, can only be used for a single use or application and must be cleaned and disinfected before being used again.~~

~~Fluids, semifluids, creams, and powders shall be applied only by disposable applicators and the applicators shall be discarded after use.~~

3. **Wax.**

- a. A new pair of gloves must be worn when performing waxing or tweezing services.
 - b. Wax must be dispensed with a single-use applicator for each application and must be discarded after a single use. Double dipping is prohibited. Paraffin wax must be portioned out for each client in a bag or other container or dispensed in a manner that prevents contamination of the unused supply.
 - c. Wax pots must be cleaned of all wax residue ~~and must maintain a fresh protective wax collar.~~
 - d. Roll on wax is prohibited.
 - e. If debris is found in the wax pot or paraffin warmer, or if the wax or paraffin has been contaminated by contact with skin, unclean applicators, or double-dipping, the wax pot or paraffin warmer must be emptied, the wax must be discarded, and the pot or warmer must be disinfected.
4. **Tools and instruments.** ~~All permanent wave equipment, clips, rollers, pins, as well as all other tools, instruments, and implements shall~~ must be kept in a clean and disinfected condition at all times. ~~All other reusable items shall be cleaned and disinfected before use on each client.~~ Padded brushes must be cleaned and sprayed with disinfectant and may not be immersed.
 5. **Containers.** The manufacturer's label must be on all original containers for any chemicals used in the ~~salon~~ establishment and school. All bottles and containers must be correctly and distinctly labeled with the manufacturer's label to disclose their contents, and all bottles and containers containing poisonous substances shall must be so designated.
 6. **Waste container.** Each licensed ~~salon~~ establishment and school shall must provide adequate covered and lined waste containers which shall must be emptied when full.
 7. **~~Protective coverings.~~** ~~All capes and protective coverings used on a client must be kept clean and in good condition. Capes and protective coverings must always be used on clients receiving services and must be laundered in accordance with section 32-02-01-09 after each use.~~
 8. **Wet disinfecting units.** Each licensed ~~salon~~ establishment and school shall must have wet disinfecting units of sufficient size and quantity to disinfect all tools, instruments, and implements of the establishment, and such disinfectants shall must be readily accessible. ~~Such disinfecting units shall contain an environmental protection agency registered disinfectant and such disinfectant shall be used according to the manufacturers' directions.~~
 9. **~~Metal instruments.~~** ~~All metal tools, instruments, and implements must be cleaned and disinfected with an environmental protection agency registered disinfectant after each use and stored in an enclosed container until the next use. All clippers and trimmers must be cleaned and disinfected with an environmental protection agency registered disinfectant spray after each client.~~
 10. **Storage of supplies.** Every licensed ~~salon~~ establishment and schools shall must have a separate enclosed cabinet or storage area for the storage of supplies, ~~and any~~ Any supplies containing any caustic or other material harmful to humans shall must be stored in a place not readily accessible to clients or the public.

11. ~~Combs and brushes.~~ Combs and brushes shall be cleaned and disinfected prior to each use. All shall be in good usable condition. Padded brushes must be cleaned and sprayed with an environmental protection agency registered disinfectant and may not be immersed.
12. ~~Electric tools and~~ **Electrical outlets.** Each licensed salon ~~establishment and schools~~ shall must have a sufficient number of electrical outlets so that no cord or electrical connection constitutes a hazard, fire or otherwise, to the public or individuals employed or learning in the establishment.
13. **Neck brushes.** No salon ~~establishment~~ or school may use neck brushes.
14. **Cleaning and disinfection of pedicure and manicure Equipment.** All pedicure chairs, pedicure carts, foot spas, manicure tables, screens, filters, drains, and other removable parts must be cleaned and disinfected after each use.
- a. **Piped Pedicure Tubs with Jets.** For piped pedicure tubs equipped with jets:
- The disinfectant must be circulated through the system at the proper concentration;
 - Circulation must continue for the manufacturer's recommended contact time;
 - The tub must then be rinsed with hot water; and
 - Dried with a clean towel.
- b. **Use of Liners.** The cleaning and disinfecting procedures outlined in this Section must be followed regardless of whether liners are used in the pedicure tub. Liners must only be applied immediately prior to pedicure service.
14. **Dry storage.** All tools, instruments, and implements must be stored in a clean closed cabinet, container, or drawer. The use of self-sealing sterilization pouches as a means of storage is prohibited unless the use of an FDA regulated medical sterilization device is used. Paper, money, candy, and personal items may not be stored or placed in cabinets or drawers where tools, instruments, and implements are stored.
15. **Ultraviolet light.** Ultraviolet light boxes used as a means of disinfection are prohibited as a means of disinfection.
16. **Banned products.** Any products or supplies banned by the United States drug enforcement administration or other federal, state, or local governing agency, including methyl-methacrylate, are prohibited. Banned products or supplies must not be kept on the premises.
17. ~~Invasive practices~~ **Prohibited tools, implements, equipment and practices.** Equipment, including razor type callus shavers, credo blades, rasps or graters, or other implements used to remove corns, calluses, moles, or otherwise used to cut below the epidermis, are prohibited. Micro-needling, plasma fibre blasting pens, derma rollers and the use of lancets also are prohibited The following tools and procedures are prohibited:
- a. Razor-type callus shavers, credo blades, rasps, graters, or other similar sharp implements for skin removal is prohibited in licensed establishments and schools

due to the risk of client injury associated with their use, except as otherwise provided in chapter 43-11.

- b. Performing injections of any kind, even under the direct supervision of an approved healthcare provider.
- c. Performing blood draws, even under the direct supervision of an approved healthcare provider.
- d. Prohibited tools, implements and equipment must not be kept on the premises.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2012; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-12. Toilet facilities.

All ~~salons~~ establishments and schools shall must have adequate toilet facilities conveniently located and readily accessible to the public patronizing the establishment. All ~~salons~~ establishments in residential establishments shall must provide and label toilet facilities only for the use of customers during business hours. Toilet facilities shall must be clean, disinfected, and properly maintained at all times.

Each ~~salon~~ establishment and school shall must provide handwashing facilities, including hot and cold running water. Each handwashing sink must have a soap dispenser supplied with liquid soap and disposable towels or air dryer.

History: Amended effective March 1, 1998; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-13. Pets.

No animals, ~~birds, or other pets, except service animals and~~ of any kind are allowed in a license establishment or school except service animals used by persons with disabilities in accordance with Americans with Disabilities Act regulations. If a service animal belongs to an establishment owner or employee and will be on premises frequently, establishment must make known to the board by submitting notification, in writing, to the board. Fish Service animals must be under the control of the handler or owner at all times.

Fish in aquariums, shall must be permitted in any licensed ~~salon~~ establishment or school. ~~Service animals must be under the control of the handler or owner at all times.~~

History: Amended effective December 1, 2005; January 1, 2017; July 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC

43-11-11 **32-02-01-14.**

Infants and children.

Repealed effective April

1, 2022.

32-02-01-15. Inspections and reinspections.

~~A salon license shall only be issued to establishments inspected and approved by the board. A board inspection and approval shall be required for all new salons and schools as well as when changes of ownership or address take place. All salon premises must be open for inspection during normal business hours. If a salon is not open every day, the salon owner must inform the board office of the days the salon is open for business. The owner of the salon is responsible for keeping the entire salon open for inspection by the board or board inspectors. The board or board inspectors shall examine and inspect the entire salon premises regardless of independent licensee salons. An independent licensee salon within a salon that relocates within the same salon, does not need to go through a new inspection, but shall provide the board office with a revised floor plan as outlined in section 32-03-01-02. Inspections may be conducted as determined by the board. Inspections may be routine, part of the disciplinary process, investigative or ordered by the Board. If an establishment or school's inspection report is marked as reinspection by inspector, the establishment or school must pay the appropriate reinspection fee as determined by 43-11-28. An establishment or school must receive notice from the Board when a reinspection fee is due as a result of a failed inspection.~~

Reinspection may be warranted if there are:

1. **Critical Violations.** A single serious violation related to health, sanitation, or safety including, but not limited to, improper disinfection, prohibited tools, cross-contamination, and not properly displaying licenses. Violations of this nature may warrant disciplinary action;
2. **Multiple Non-Critical Violations.** If an establishment or school accumulates two or more minor violations such as improper storage of tools, and cleanliness issues, inspectors may mark reinspect on inspection report; or
3. **Failure to Correct Violations.** If violations noted during a previous inspection are not addressed by the next inspection, a reinspection is required to ensure compliance. If violations are not addressed within the given timeframe of reinspection, the Board may take disciplinary action.

History: Amended effective July 1, 1988; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-13, 43-11-17

ARTICLE 32-03
SALONSESTABLISHMENTS

Chapter
32-03-01 ~~salon~~Establishments

CHAPTER 32-03-01
SALONSESTABLISHMENTS

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32-03-01-12	Application for License to Practice Cosmetology for the Homebound [Repealed]
32-03-01-13	Brush Rollers [Repealed]
32-03-01-14	Practice Outside of Salon <u>Establishment</u>
<u>32-03-01-15</u>	<u>Licensee Performing Services in Exempt Facilities</u>

32-03-01-01. ~~Salon~~Establishment applications.

All individuals, firms, associations, corporations, partnerships, and other entities desiring to operate a ~~salon~~an establishment shall ~~shall~~must make application to the board for a license prior to commencing business. The application shall ~~shall~~must be made ~~on a form provided by~~to the board and shall ~~shall~~must be accompanied by the ~~appropriate~~appropriate fee of eighty dollars. All renewal applications of salons shall be made to the board before December thirty first in each year. ~~Renewal applications shall be accompanied by the fee of thirty dollars.~~ Prior to any change of ownership, name, location, or address, a salon shall apply for a new license with the board.

All renewal applications of establishments must be made to the board before December thirty-first in each year and must be accompanied by the appropriate fee.

Prior to any change of ownership, location, or address, an establishment must apply for a new license with the board. The board must be notified immediately of any establishment name change.

History: Amended effective July 1, 1988; January 1, 2002; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-15, 43-11-17, 43-11-28

32-03-01-02. Floor plan.

Every application for a license shall ~~shall~~must be accompanied by a detailed floor plan of the proposed ~~salon~~establishment-premises. The floor plan shall ~~shall~~must show entrances, exits,

locations of equipment, reception area, supply area, toilet facilities, hallways, and facilities to maintain sanitary conditions. A revised floor plan shall must be filed with the board in the event of any change of location or major changes in the salon premises to the establishment's original floor plan.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-03-01-03. Zoning.

Repealed effective July 1, 1988.

32-03-01-03.1. ~~Salon~~ Establishment ownership transfer.

Purchasers of existing salons establishments shall must meet the requirements of a new ~~salon~~ establishment. The owner of the existing establishment must complete an establishment closure form which is to be accompanied with the purchaser's establishment application for licensure.

History: Effective July 1, 1988.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-03-01-04. License displayed.

Every ~~salon~~ establishment shall must display its establishment license and the licenses of all licensed employees in clear view to the public in the immediate work area of the ~~salon~~ where services are being provided. Every licensed establishment providing advanced esthetic procedures under the supervision of a healthcare provider must prominently display the supervising healthcare provider's license in clear view to the public.

History: Amended effective January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-14

32-03-01-05. ~~Separate establishments.~~

~~Salons shall be located separately from cosmetology schools.~~

History: Amended effective January 1, 2017.

General Authority: NDCC 43-11-05

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

32-03-01-06. Changes in operators or manager-

operators. Repealed effective March 1, 1998.

32-03-01-07. ~~Salon~~ Establishment management.

- ~~1. Every salon shall be supervised by a master licensee as defined in North Dakota Century Code chapter 43-11 who shall be responsible for the management of the licensees. A master licensee shall be present on the salon premises during business hours. A salon only providing manicuring services must have a master cosmetologist or master manicurist who is responsible for the operation, conduct, and management of the salon. A salon providing only skin care shall have a master cosmetologist or master esthetician who is responsible for the operation, conduct, and management of the salon. The master~~

~~cosmetologist, master manicurist, or master esthetician shall be present on the salon premises during business hours, except the individual may take breaks or leave to perform other responsibilities for periods of time that do not exceed one hour and the individual need not be present if services are not being performed.~~

2. ~~Each salon owner or master cosmetologist, master manicurist, or master esthetician shall provide the board office with an accurate schedule of the days and hours the salon is open for business.~~
3. Every ~~salon~~establishment, upon request, must provide documented hours for master license applications. A ~~salon~~An establishment or ~~supervisor~~manager may not decline to provide documentation for master cosmetologist, manicurist, or esthetician licensure. ~~Salons~~Establishments must keep documented hour records for at least two years after any separation of employment.
4. Except as otherwise provided, if the owner of an establishment is dually licensed in, or employs an individual at his or her establishment to engage in an activity that is not under the jurisdiction of this Board, such as, tattooing, body piercing and massage therapy, the establishment must:
 - a. Obtain and keep active any required license from the regulatory body which governs the other professional license and remain subject to the laws and regulations of this State applicable to such profession as well as to the laws and regulations to laws and rules outlined in this chapter;
 - b. Verify individual's professional license is active and in good standing;
 - c. Tools, apparatuses and instruments specifically used in professions not under the jurisdiction of this Board must be kept separate in an enclosed, locked cabinet when not in use.
 - d. Licenses must be displayed in clear view of clients receiving services.

History: Amended effective July 1, 1988; March 1, 1998; July 1, 2000; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-15

32-03-01-08. Tools and supplies.

Each ~~salon~~establishment shall ~~shall~~must maintain adequate tools, supplies, instruments, capes, towels and linens and equipment ~~adequate for the number of cosmetologists, manicurists, and estheticians employed and adequate to serve the public in cosmetology.~~

History: Amended effective January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-03-01-09. Signs.

Every ~~salon~~establishment shall ~~shall~~must display and maintain a sign indicating the name of the establishment and that is clearly visible to anyone approaching the entrance ~~to the salon. The sign shall designate the establishment as a salon and give the name of the salon.~~

History: Amended effective July 1, 1988; March 1, 1998; January 1, 2017.

General Authority: NDCC 43-11-05
Law Implemented: NDCC 43-11-11, 43-11-13

32-03-01-09.1. Advertising requirements.

Each establishment or school must adhere to the following requirements to protect consumers from misleading claims, ensure public health and safety and uphold professional standards:

1. **Truthful and Accurate Advertising.** All advertising for services, licensees, establishments, and schools must be truthful, accurate, and must not contain any false or misleading claims or information;
2. **Identification of Licensee, Establishment or School.** All advertising must clearly identify the name, as the name appears on the license of the licensed establishment, school or the name of the licensed individual providing the services;
3. **License Specific Services.** If an advertisement promotes services that are regulated by multiple regulatory jurisdictions, the advertisement must clearly separate and identify which services are provided under which regulatory jurisdiction; and
4. **Advertising of Services Requiring Medical Supervision.** For any services advertised being provided by a licensee that require the supervision of a licensed healthcare provider under applicable North Dakota law or rules, the advertisement must clearly identify the licensed healthcare provider by name, professional title.

General Authority: NDCC 43-11-05

Law Implemented:

32-03-01-10. Independent licensee-salon.

~~In the event any salon premises are divided into independent licensee salons to be leased to others, each individual, firm, association, partnership, corporation, or other entity whose name appears on the application as the independent licensee shall be responsible for the properly cleaning and disinfecting the space. Independent licensee salons are subject to inspections during the operation whether or not an independent licensee is available. The owner of the salon shall be responsible for keeping the entire salon open for inspection by the board or inspectors employed by the board, and the board shall examine and inspect the entire salon premises regardless of any independent licensee salons.~~

~~Each independent licensee salon shall be licensed as a separate salon and each independent licensee salon shall be operated only by a master cosmetologist, master manicurist, or master esthetician, as applicable to the independent licensee salon.~~

- ~~1. **Compliance as salon.** Each independent licensee salon must have adequate workspace. The independent licensee salon premises must meet all of the requirements of a salon contained in North Dakota Century Code chapter 43-11 and this article, except that there may be common reception areas, common toilet facilities, common product dispensing area, and common entrances and exits.~~
- ~~2. **License displayed.** The license for each independent licensee salon shall be displayed in clear view in the immediate work area of the independent licensee salon.~~
- ~~3. **Premises used.** Each master cosmetologist, master manicurist, or master esthetician operating an independent licensee salons shall be responsible for all professional services performed and for all of the premises used.~~

- a. **Independent Licensees.** Any establishment may be divided into independent licensee spaces. Each independent licensee must be individually licensed by the board as a separate entity and each independent licensee license may only be issued to a single individual licensee.
- b. **Responsibilities of the independent licensee:**
 - i. Maintain an active North Dakota individual license and independent licensee license for each establishment.
 - ii. Maintain an active lease arrangement with a licensed establishment, which serves as their primary affiliated location.
 - iii. Adhere to all existing applicable laws and administrative rules, particularly within their workstation or suite and any shared space within the establishment.
 - iv. The individual and independent licensee licenses must be displayed in clear view in the immediate work area of the independent licensee.
 - v. Allow the Board or its designees entry to workspace or suite to conduct inspections whether or not an independent licensee is on the premises. The Board or its designees may inspect outside of the establishment service practices and associated equipment upon reasonable notice or in response to a complaint.
- c. **Responsibilities of the Licensed Establishment:**
 - i. Maintain an active North Dakota establishment license in good standing.
 - ii. Verify each licensee operating within their premises holds active North Dakota individual and independent licensee licenses at all times.
 - iii. Provide each independent licensee a workspace, as agreed to in the lease agreement, which meets all requirements outlined in N.D.C.C. chapter 43-11 and N.D.A.C. title 32 except that there may be common reception areas, common toilet facilities, common product dispensing area, and common entrances and exits.
 - iv. Allow the Board or its designees access to entire premises, including providing access to unattended independent licensee suites for inspection.

History: Amended effective February 1, 1996; March 1, 1998; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-13, 43-11-15, 43-11-17

32-03-01-10.1. Establishment Spaces- lease of space to certain persons.

- 1. Except as otherwise provided, if the owner of an establishment leases space at his or her establishment to a person to engage in an activity that is not under the jurisdiction of the Board, including, but not limited to, tattooing, body piercing and massage therapy, the leased space must:
 - a. Be separated from the establishment by surrounding walls and a door that can be locked or on a floor different from which cosmetology services are performed;

- c. Have sufficient signage to avoid creating the impression that the space is a part of the cosmetology establishment.
 - d. Each such professional must remain under the jurisdiction of the regulatory body which governs licensee's profession and remains subject to applicable laws and rules and will post and maintain proper licensing from that regulatory body.
 - e. Leasing space to a barber. A barber remains under the jurisdiction of the North Dakota Board of Barber Examiners and remains subject to applicable laws and rules. Space leased to a barber does not need to be separated from the establishment by surrounding walls or a locking door.
2. Spaces leased may share entrances, exits, reception seating, bathroom, breakroom and laundry facilities.
 3. Establishment owner is responsible to ensure any leasee maintains proper, active licensure with their respective regulatory body.

General Authority: NDCC 43-11-05

Law Implemented:

32-03-01-10.2. Establishments and independent licensees providing advanced esthetic procedures.

Authorization to Perform Procedures.

Advanced esthetic procedures may be performed only by advanced estheticians licensed under chapter 43-11 and in possession of any applicable certifications required by law or rule.

- a. **Facility Requirements.** Advanced esthetic procedures must be performed in a room that:
 - a. Is enclosed by floor-to-ceiling walls and a door;
 - b. Is physically separated from any area used for hair or nail services;
 - d. No food or beverages may be consumed by any person in the room; and
 - e. Devices, instruments and supplies are properly cleaned and stored.
 - f. Operational and personnel records must be maintained and made available to the Board upon request.
2. **Equipment and Instrumentation.** Device tips must be single-use only. Once affixed to a handpiece, a device tip must not be removed and reused. Whether used or unused, the tip must be disposed of in an appropriate waste container. All reusable instruments and equipment must be cleaned and disinfected in accordance with the manufacturer's instructions and applicable state and federal guidelines.
3. **Laser Procedures.** Establishments or independent licensees performing nonablative laser procedures must develop and maintain a Laser Safety Program consistent with the American National Standards Institute Z136.3 guidelines. The Laser Safety Program must be in writing and made available to the Board upon request.
4. **Information and Disclosure.** Educational and aftercare information must be readily available. Each client must be provided with written appropriate aftercare instructions, and include at minimum:

- a. The name, address, and telephone number of the establishment and licensee;
- b. A statement advising the client to seek medical attention if necessary.
- 5. **Recordkeeping Requirements.** Records must be maintained for all clients receiving advanced esthetic procedures for a period of no fewer than three years. Records must be stored securely in either physical or digital format to prevent unauthorized access. Each client record must include, at a minimum:
 - a. A signed informed consent specific to the procedure performed;
 - b. The date, type, and area of the procedure performed;
 - c. The name and license number of the performing licensee;
 - d. Relevant medical history and screening for contraindications;
 - e. Acknowledgment of risks associated with the procedure;
 - f. Documentation of any adverse event and actions taken.
- 6. **Infection Control and Safety Protocols.** Establishments and independent licensees must implement a written safety plan addressing at minimum:
 - a. Protection of clients and personnel from bloodborne pathogens;
 - b. Handling, storage, and disposal of regulated waste;
 - c. Disinfection and sterilization of reusable instruments;
 - d. Use of single-use disposable instruments where appropriate;
 - e. Procedures for minimizing cross-contamination;
 - f. Equipment maintenance and service logs.
 - g. The infection control plan must comply with the Occupational Safety and Health Administration Standard 29 CFR § 1910.1030 and include:
 - i. An Exposure Control Plan;
 - ii. Safety Data Sheets for all regulated products;
 - iii. Regulated waste pickup receipts;
 - iv. Red bag documentation where applicable.
- 7. **Emergency Preparedness.** Establishments or independent licensees must develop and maintain written protocols for responding to common adverse events associated with advanced esthetic procedures, including but not limited to:
 - a. Allergic reactions;
 - b. Burns;
 - c. Excessive bleeding;
 - d. Chemical or product-related sensitivities.
 - e. Protocols must:
 - i. Be posted in a conspicuous location within the procedure room;
 - ii. Include emergency contact information, including supervising healthcare provider if applicable;
 - iii. Ensure availability of first-aid supplies appropriate to the procedures performed;
 - iv. Be reviewed and understood by all personnel involved in advanced esthetic procedures.
- 8. **Adverse Event Reporting.** Any licensee or establishment aware of a serious adverse event resulting from an advanced esthetic procedure must report such event to the Board within ten business days. Serious adverse events requiring mandatory reporting include, but not limited to:
 - a. Any outcome requiring medical or surgical intervention beyond routine aftercare;

- b. Second-degree or higher burns;
- c. Significant or atypical scarring;
- d. Infection requiring prescription medication;
- e. Pigmentary changes requiring medical intervention;
- f. Hospitalization due to the procedure;
- g. Permanent injury or disfigurement.
- h. Reports must be submitted on a form provided by the Board and must include:
 - i. Client initials or unique identifier, age, and gender;
 - ii. Date of procedure and date the event was discovered;
 - iii. Type of procedure and products or devices used;
 - iv. Name and license number of the performing licensee;
 - v. Supervising physician's name, if applicable;
 - vi. Description of the event and body area affected;
 - vii. Interventions performed and follow-up actions taken;
 - viii. Known medical treatment received by the client outside the facility.
- i. Client confidentiality must be preserved in all reports. Identifying information beyond initials or unique identifiers must not be submitted unless specifically requested by the Board as part of an official investigation. All reporting must comply with applicable state privacy laws.

General Authority: NDCC 43-11-05

Law Implemented:

32-03-01-11. ~~Salon~~Establishment discontinuance.

Each ~~salon~~establishment intending to discontinue its operation shall must notify the board office in writing prior to the final date of operation by submitting an establishment closure form within ten business days of final date of operation.

History: Amended effective July 1, 1988; March 1, 1998; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-15

32-03-01-12. Application for license to practice cosmetology for the homebound.

Repealed effective April 1, 2022.

32-03-01-13. Brush rollers.

Repealed effective April 1, 2022.

32-03-01-14. Practice outside of ~~salon~~establishment.

A licensee desiring to provide cosmetology services outside of a ~~salon~~an establishment shall must meet the following requirements:

- 1. The licensee must be:
 - a. An establishment owner;
 - b. A licensee who is employed by an establishment; or
 - c. An independent licensee.

1. ~~The licensee is a master cosmetologist, master manicurist, or master esthetician;~~
2. The ~~master cosmetologist, master manicurist, or master esthetician~~licensee follows all applicable North Dakota laws and rules of cleaning and disinfecting adopted in chapter 32-02-01;
3. The ~~master cosmetologist, master manicurist, or master esthetician~~owner or manager notifies the board office if licensees will be practicing outside the ~~salon~~establishment; and
4. The ~~master cosmetologist, master manicurist, or master esthetician~~licensee shall must possess a kit. The kit must contain the following:
 - a. Adequate tools and supplies;
 - b. ~~License;~~Individual license, and independent licensee or establishment license;
 - c. Copy of rules of cleaning and disinfecting;
 - d. First-aid kit in compliance with this section; and
 - e. Separate labeled, enclosed containers for soiled and clean supplies.

History: Effective July 1, 2000; amended effective December 1, 2005; January 1, 2017; April 1, 2022.

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

11 Law Implemented: NDCC 43-11-11

32-03-01-15. Licensee performing services in exempt facilities.

Each licensee providing services for compensation within a facility that is exempt from cosmetology establishment licensure under chapter 43-11 must adhere to the following:

1. Licensees performing services only on residents of exempt facilities must:
 - a. Maintain and display current individual license;
 - b. Provide the Board written notice of providing services at an exempt facility; and
 - c. Comply with all applicable laws and rules including 32-03-01-14.
2. Licensees performing services on residents and non-residents of an exempt facility:
 - a. Must obtain an establishment or independent licensee license for the facility location;
 - b. Maintain and display current individual and establishment licenses; and
 - c. Comply with all applicable laws and rules including 32-03-01-14.

ARTICLE 32-04 SCHOOLS

Chapter
32-04-01 Cosmetology Schools

CHAPTER 32-04-01 COSMETOLOGY SCHOOLS

Section

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32-04-01-01. School applications application process.

~~All individuals, firms, associations, partnerships, corporations, and other entities desiring to operate a cosmetology school shall make application to the board for a certificate not less than three months prior to commencing business. The application shall be made on a form provided by the board and shall be accompanied by the fee of five hundred five dollars. All renewal applications of cosmetology schools shall be made to the board before December thirty-first in each year. Renewal applications shall be accompanied by the fee of two hundred five dollars. Six weeks prior to any change of ownership,~~

~~location, or address, a cosmetology school shall make written application to the board. The application for reregistration must be made on a form provided by the board and must be accompanied by a fee of two hundred five dollars.~~

1. **Requirement.** No person, firm, association, corporation, partnership, or other entity must operate a school in this state without a current school license issued by the board.
2. **Application Process - Two Phases.** The application process for a cosmetology school license must consist of two phases:
 - a. a preliminary phase; and
 - b. a formal application phase.
3. **Preliminary Phase Requirements.**
 - a. **Purpose.** The preliminary phase allows the board to review key operational and instructional documents and conduct an interview with the applicant before a formal application is submitted, ensuring understanding and ability to meet the requirements for licensure. The preliminary phase includes the following:
 - b. **Submission of Documents.** Prior to scheduling an interview, the applicant must submit the following documents to the board for review, the specific requirements and content as determined by the Board:
 - i. Curriculum outline for each program offered;
 - ii. Sample program schedule;
 - iii. Comprehensive policy and procedure manual;
 - iv. Student Contract; and
 - v. Detailed floor plan.
 - c. **Initial Review.** The Board's school compliance committee or designated representative must conduct an initial review of the submitted documents. Upon satisfactory initial review, the board office must schedule an interview between the applicant and the board's school compliance committee. The committee may request additional information or clarification on the submitted documents prior to the interview.
 - d. **Interview with School Compliance Committee.** The applicant, or designated representatives, with direct knowledge of the proposed operations and curriculum, must attend an interview with the school compliance committee. The interview will serve to further evaluate the applicant's preparedness and understanding of regulatory requirements.
 - e. **Authorization to Proceed.** Following the document submission, review, and interview with the school compliance committee, the board must determine if the applicant is authorized to proceed with the formal application. The board must notify the applicant in writing of their decision. Authorization to proceed does not guarantee formal licensure but indicates that the applicant's plans and demonstrated understanding appear to meet the necessary standards for schools.
4. **Formal Application Phase Requirements.** Upon receiving authorization to proceed from the preliminary phase, the applicant may submit a formal application for a school license on forms provided by the board.
5. **Required Submissions.** The formal application must be accompanied by:
 - a. The applicable license fee;
 - b. Documentation demonstrating the school is operated and maintained separate from any cosmetology establishment or other business excluding affiliated schools;

- c. Evidence of possessing equipment sufficient for the proper and full teaching of all programs, as required by chapter 43-11 and rule;
 - d. Documentation verifying that the school employs at least two full-time equivalent licensed instructors and detailing the planned required student-to-instructor ratio.
 - e. A copy of the bond in the penal sum of ten thousand dollars as outlined in chapter 43-11.
 - f. Any other documentation or information deemed necessary by the board to evaluate the application and ensure compliance with all applicable laws and rules.
6. **Board Review and Inspection.** The board must review the formal application and conduct an opening inspection of the proposed premises and facilities to verify compliance.
7. **Issuance of License.** Upon satisfactory review of the formal application and successful inspection, the board must issue a school license.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-16, 43-11-17

32-04-01-01.1. School Operations and Compliance.

1. **Adherence to Submitted Plans.** A licensed school must operate in accordance with the curriculum outline, sample program schedule, and policy and procedures manual submitted and approved during the application process. Any modifications to policy and procedures manual and major changes to programming must be submitted to the Board office ten business days prior to being implemented. At least ninety days prior to any change of ownership, name change, location, the school must start application process with the board;
2. **Maintenance of Standards.** A licensed school must continuously meet all the qualifications for licensure;
3. **Licenses displayed.** Every school must display its school license, instructor licenses and student instructor individual licenses in clear view to the public in the reception area of the school;
4. **External Advisory Committee.** Every school must maintain a committee of external members to provide feedback on school operations and student performance;
5. **Student Advisor.** Every school must assign a staff member who assists students on academics, attendance, conduct, and career planning, helping students stay on track and succeed;
6. **Student Records.** Licensed schools must maintain a record of the attendance and performance of each student. The records must contain the full name of each student attending during the calendar month, the date the student enrolled, the number of hours of training had by each student during the calendar month, including a total monthly accumulation of hours for each subject, and the total number of hours of training credited the student since the date of enrollment. The record must be kept current by the fifth of each month the student is enrolled;

7. **Change in instructors.** Every school must notify the board in writing of any change in the staff of instructors within ten business days.

32-04-01-01.2. School Compliance Committee.

The Board may establish a school compliance committee, to meet as needed, to oversee school compliance and consistent delivery of quality education and training by licensed schools. The committee must:

1. Consist of a minimum of three members appointed by the Board, including at least: one board member, one post-secondary school administrative representative, and one external member.
2. Serve two-year terms and may be reappointed at the discretion of the board.

32-04-01-01.3. Duties of the School Compliance Committee

The school compliance committee must have the following duties:

1. **New School Application Review.**
 - a. Review all applications for new school licensure to ensure compliance with chapter 32-03-01 and other applicable rules;
 - b. Coordinate with board staff and inspectors to conduct preliminary interview and possible site visits; and
 - c. Submit recommendations to the Board.
2. **Monitoring of Newly Licensed Schools.**
 - a. Conduct quarterly compliance reviews of each new school for the first twenty-four months following initial licensure when the inspector deems necessary;
 - b. Submit written findings to the Board following each quarterly review. If review deemed unnecessary, the inspector will submit written findings directly to the Board, and
 - c. Coordinate follow-up actions as directed by the Board based on review of written findings.
3. **Biennial Review of Established Schools.**
 - a. Conduct compliance reviews of each established school not less than once every two calendar years.
 - b. Reviews must include verification of curriculum compliance, facility standards, instructor licensure, student documentation, and any relevant records.
4. **Complaint Review and Support.**
 - a. Assist board inspectors in the investigation of complaints involving licensed schools as needed.
 - b. Participate in joint inspections, document reviews, or hearings as needed.
 - c. Provide written findings and recommendations to the board upon conclusion of any complaint-related investigation.

32-04-01-01.4. Authority and Reporting.

1. The school compliance committee may conduct interviews, request documentation, records, and access to school premises as necessary to carry out its duties.
2. All final enforcement decisions and disciplinary actions must remain under the authority of the Board.

3. The committee must report on its findings and recommendations to the Board at regular board meetings or as otherwise directed.

32-04-01-02. Floor plan.

Every application for a license to conduct a cosmetology school shall must be accompanied by a detailed floor plan of the proposed school premises. The floor plan shall must show entrances, exits, locations of equipment, business office, reception area, classrooms, practice area, service floor area, dispensary, student lounge, toilet facilities, and hallways.

~~A revised floor plan shall be filed with the board in the event of any change of location or major changes in the school premises~~ Meets applicable fire, building, health, ventilation, heating and safety requirements. The school must obtain prior written approval from the Board for any major renovations or structural changes to the premises.

History: Amended effective July 1, 1988; December 1, 2005; April 1, 2022.

General Authority: NDCC 43-11-05

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

32-04-01-03. Bond.

Repealed effective July 1, 1988.

~~32-04-01-04. Licenses displayed.~~

~~Every cosmetology school shall display its license in clear view to the public in the reception area of the school.~~

History: Amended effective April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-14

~~32-04-01-05. Separate establishments.~~

~~Cosmetology schools shall be located separately from cosmetology salons.~~

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-06. Student registration.

Each cosmetology school shall must register students taking a complete course program of study within ~~forty-five~~ ten business days after students' enrollment. Each school shall must register students' enrollment by written notification to the board.

1. **Student contract.** Each cosmetology school shall must provide the board with a true copy of the

student contract for each student and student instructor enrolled. The student contract shall must contain the entire contract between the parties, including a complete list of tools, books, and supplies provided to the student or student instructor. Such student contract shall must be provided to the board within ~~forty-five~~ ten business days of enrollment of each student and student instructor.

2. **Registration.** Each cosmetology school shall must furnish the board for each student and student instructor enrolled with the completed state board notice of registration form accompanied by ~~a copy of the student's birth certificate and high school diploma or official transcript signed by school or general educational development.~~

- a. Two forms of valid, unexpired identification from as outlined in this chapter.
- b. Proof of completing a minimum of tenth grade education or equivalent. If student is a minor, written parental consent or proof of emancipation is required.

All such materials shall must be provided to the board within ~~forty-five~~ ten business days of student and student instructor enrollment.

3. **Discontinuance before registration.** If a student discontinues the ~~course~~ program before the student is registered with the board, the school will notify the board as required by section 32-04-01-08.

4. **Reregistration.** Upon reregistration for any reason, the provisions of this section shall must be complied with when applicable.

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

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-19

32-04-01-07. Student transfers.

1. **Domestic In-state transfers.** A student of a North Dakota cosmetology school transferring to another school shall must be granted full credit for the hours completed in the corresponding program.
2. **Out of state and Foreign transfer.** Any student of a cosmetology school located in another state, country, or territory desiring to transfer to a North Dakota school shall must make an application to the board in the same manner as a new student. A certified copy of the student's records shall must accompany the application. Approval of the board must be given in writing before any transfer is made. If the board approves the application and the student completed the corresponding ~~course~~ program, the student shall must receive full credit hours for the ~~course~~ program. If the board approves the application and the student did not complete the ~~course~~ program, the student shall must be granted full credit for the hours completed in the corresponding program.
3. **Credit hours.**
 - a. North Dakota school credit hours for uncompleted program will be credited for five years.
 - b. Out-of-state credit hours for uncompleted program will be credited for two years.
 - c. Credit hours for successfully completed programs where individual did not obtain licensure will be credited for ten years. After ten years individual must complete additional hours at a school equal to fifty percent of current curriculum requirements.

History: Amended effective July 1, 1988; July 1, 2000; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-15, 43-11-16, 43-11-19

32-04-01-08. Discontinuance of students.

Each cosmetology school shall must notify the board in writing within ~~five~~ ten business days after the discontinuance of the ~~course~~ program. The written notification shall must contain the name of the student, the last-known address or home address of the student, the reason for the discontinuance, and ~~a statement~~ a signed official record of the hours

completed by the student. Upon reentrance to the school, an application ~~shall~~must be submitted to the board in the same manner as new student applications.

History: Amended effective March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-19

~~32-04-01-09. Change in instructors.~~

~~Every cosmetology school shall notify the board in writing of any change in the staff of instructors.~~

History: Amended effective March 1, 1998; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-17

32-04-01-10. School discontinuance.

Each ~~cosmetology~~ school intending to transfer ownership or discontinue its operation either voluntarily or by revocation of license by the Board, ~~shall~~must notify the board in writing at least sixty days prior to the final date of operation, and all proper and full ~~credits~~credit hours for all students and student instructors currently enrolled ~~shall~~must be certified in writing to the board for the protection of the students and student instructors.

Written notification of transfer of ownership or voluntary discontinuance of school must include a plan for transfer of all current students. The plan must:

1. Be approved by the Board;
2. Include last date of operation and which closing procedure will be followed;
3. School will continue operations until last enrolled student is graduated; or
4. Transfer option for enrolled students to another licensed school.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-19

~~32-04-01-11. Attendance reports.~~

~~Each cosmetology school shall maintain monthly reports for each student enrolled. The reports shall contain the full name of each student attending during the calendar month, the date the student enrolled, the number of hours of training had by each student during the calendar month, and the total number of hours of training credited the student since the date of enrollment.~~

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

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-19, 43-11-22

32-04-01-12. Signs and advertising.

1. **Entrance sign.** Every ~~cosmetology~~ school ~~shall~~must display and maintain a sign, clearly visible to anyone approaching the entrance to the school, designating it as a school and giving the name of the school.

2. **Student services sign.** Every cosmetology school shall must prominently display signs stating "all services are performed by students and overseen by licensed instructors". The signs shall must be clearly visible in the service floor area and the reception area.
3. **Signs for entrances to school areas.** The entrances to the various rooms and areas of each school premises shall must be clearly and suitably marked with signs.
4. **Price signs.** Signs listing prices charged for clinic work shall must be prominently displayed in the reception area and any applicable school website.
5. **Advertising.** All advertising of cosmetology schools shall must disclose that services are performed by students. All school advertising and marketing must include school's name and direct contact information.

History: Amended effective March 1, 1998; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-16, 43-11-18

32-04-01-13. Equipment and library.

Each cosmetology school shall must have the following minimum equipment and library for each of the following ~~courses~~ programs of training and instruction provided by the school:

1. General minimum equipment for all programs:
 - a. Properly functioning presentation equipment, audiovisual materials and teaching aids;
 - b. Products and supplies as applicable; and
 - c. Wet disinfecting unit or units sufficient for the number of students enrolled.
2. **Cosmetology minimum equipment:**
 - a. ~~One anatomy chart, which includes:~~
 - (1) ~~Bones;~~
 - (2) ~~Muscles;~~
 - (3) ~~Nerves;~~
 - (4) ~~Circulatory system; and~~
 - (5) ~~Skin.~~
 - b. ~~Presentation equipment for each theory room.~~
 - c. ~~Large wet disinfecting unit for each twenty five students enrolled.~~
 - d. Shampoo bowl for each six students enrolled.
 - e. Facial chairs, bed, or Spa chairs or tables adequate for the number of students enrolled.
 - f. ~~Hair dryer for each eight students enrolled.~~ Hair dryers adequate for the number of students enrolled.
 - g. Manicure table for each four students enrolled.
 - h. Workstation with mirror for each two students enrolled.

3. **Esthetician minimum equipment:**

- a. ~~Presentation equipment.~~
- b. ~~One sink separate from restrooms for enrollment for up to fifteen students.~~ Adequate number of sinks with hot and cold running water located separate from restrooms.
- c. ~~One workstation or position per two students, which must include a facial chair or cushioned massage table.~~ spa chair or table.
- d. ~~One set of manual, mechanical, or electrical facial equipment per two workstations or positions necessary to fulfill the curriculum requirement.~~
- e. ~~One enclosed storage unit per each workstation.~~
- f. ~~One properly lighted makeup area.~~
- g. ~~One head form.~~
- h. ~~One facial chart per class.~~
- i. ~~Audiovisual aids.~~

4. **Manicurist minimum equipment:**

- a. ~~Presentation equipment.~~
- b. ~~A handwashing sink separate from restrooms for enrollment up to fifteen, and one additional sink for each fifteen students.~~ Adequate number of sinks with hot and cold running water located separate from restrooms
- c. ~~One workspace with adequate light must be provided for every student.~~
- d. ~~Sufficient trays for manicuring supplies.~~
- e. ~~One set of mannequin hands per student.~~
- f. ~~Manicuring kit for each student containing proper implements for manicuring and pedicuring.~~
- g. ~~Implements~~ Supplies ~~for artificial nails, nail wraps, and tipping~~ nail services and enhancements.
- h. ~~One pedicure setup station.~~ Adequate number of pedicure stations for students enrolled
- i. ~~Audiovisual aids.~~

5. **Minimum school library:**

- a. ~~Standard dictionary.~~
- b. ~~Dictionary of medical words.~~ Medical dictionary.
- c. ~~Standard~~ Current ~~textbook~~ for each curriculum offered.
- d. ~~References on iron curling.~~ Additional references related to all areas of practice under this chapter.

- e. ~~References on hair straightening.~~
- f. ~~References on hair coloring.~~
- g. ~~Copy of cosmetology law~~ North Dakota Century Code chapter 43-11.
- h. ~~Copy of cleaning and disinfecting rules and regulations~~ North Dakota Administrative Code title 32.
- i. ~~Copy of minimum prices.~~
- j. ~~Audiovisual aids pertaining to cosmetology.~~

History: Amended effective July 1, 1990; March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

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

32-04-01-14. Tools and supplies.

The ~~cosmetology school shall~~ must provide each student with the tools and supplies listed in the student contract. Each ~~cosmetology school shall~~ must furnish ~~a mannequin to each cosmetology, esthetics, and manicure student~~ each student a sufficient number of tools, supplies, and mannequins appropriate for the area of study in which the student is enrolled.

History: Amended effective July 1, 1988; July 1, 1990; January 1, 2002; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-15. School rules and regulations **Policy and procedures.**

Upon enrollment, each student shall must be furnished with a copy of ~~rules and regulations of the cosmetology school~~ the school policy and procedures manual which must include all rules and regulations of the school.

1. **Receipt.** Each student ~~upon receiving the~~ receiving a copy of the school rules and regulations policy and procedures manual shall must sign a receipt for the copy and the school shall must retain the receipt in the student's file ~~keep the receipt in its file for each student.~~ Students must receive and sign any updates to the policy and procedures manual a minimum of ten business days prior to implementation.
2. **Rules and regulations** **Policy and procedures manual** **filed with the board.** Each ~~cosmetology school shall~~ must furnish the board with a true copy of its ~~rules and regulations~~ policy and procedures manual. School rules must include rules for absenteeism and tardiness. No penalties may be imposed that are not written in school rules and regulations ~~policy and procedures manual~~. The school shall must be responsible for providing the board with any changes or amendments to the rules and regulations their policy and procedure manuals within ten business days of implementation.
3. ~~**Students to read rules.**~~ Each student shall read and be familiar with the school rules and regulations.

History: Amended effective July 1, 1988.

General Authority: NDCC 43-11-05

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

32-04-01-16. Lockers.

Every cosmetology school shall must provide each student with a locker and lock. Each student locker shall must be of adequate size for the storage of personal effects, books, tools, and instruments.

History: Amended effective March 1, 1998.

General Authority: NDCC 43-11-05

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

32-04-01-17. Name tags.

Each instructor, student instructor, and student shall must wear name tags bearing the individual's name and title. The name tags shall must be worn at all times while on the premises of a cosmetology school.

History: Amended effective April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-18. Curriculum.

Each cosmetology school shall must teach branches and areas of cosmetology, which shall must include theory and practice in subjects required, provided, and approved by the board.

1. **Hours.** ~~The course of instruction shall consist of one thousand five hundred hours for cosmetology, six hundred hours for esthetics, and three hundred fifty hours for manicuring.~~ Schools may adopt a hybrid didactic portion of the curriculum consisting of distance and in person learning. No more than twenty-five percent of total didactic hours may be distance learning, as significant emphasis remains on in-person and hands-on training to ensure competency in practical skills. Hybrid curriculums must be approved by the Board prior to implementation.
2. **Theory classes.** ~~Each cosmetology school shall conduct theory classes a minimum of four hours per week until requirements under North Dakota Century Code chapter 43-11 are met.~~
3. **Didactic training.** Training that is classroom-based where students acquire foundational knowledge through lectures, presentations, discussions, textbooks, demonstrations and lab practice.
4. **Enrichment hours.** Includes flexible hours to reinforce advanced concepts, provide additional practice training, cover emerging topics within scope and incorporate related educational activities such as guest speakers and field trips. Field trips must not exceed fifteen hours for any one program.
5. **Credit record.** Each cosmetology school shall must keep the student hour and credit record current for each student, and the record shall must be current by the fifth of each month the student is enrolled. Within five ten business days of a school's knowledge that a student has either completed the course program, or ~~discontinued~~ and fulfilled all school requirements accordingly, the school shall must furnish the board with the record finalized curriculum card or signed official transcript in a format approved by the Board.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; April 1, 2022.

General Authority: NDCC 43-11-05

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

32-04-01-19. Credit and deductions.

No student shall must be given credit, full or partial, for any time or work unless the time or work is wholly performed and completed by the student. No earned credit hours of any student shall must be deducted by any cosmetology school for any reason whatsoever.

General Authority: NDCC 43-11-05

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

32-04-01-20. Class schedule.

~~Each cosmetology school shall keep a class schedule, and the class schedule shall be provided two weeks in advance of the classes to be held. The schedule shall also show the classes already held. The school shall maintain a true copy of the schedules in its permanent files, and the schedules shall be subject to the inspection and approval of the board.~~ Each school must maintain and post a program schedule for every program start date. A copy must be provided to enrolled students no later than the first day of the program. The school must retain a true copy of each schedule in its permanent records. All schedules are subject to Board inspection.

History: Amended effective April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-21. Instructors at school.

Each instructor of a cosmetology school shall must be present in classrooms of the school during classes, and each instructor shall must be present and supervise all student and student instructor work and activities on the school premises. All workstations in the school service floor area shall must be open and arranged so instructors can supervise each student and student instructor on the clinic floor. Instructors and student instructors shall must not provide any professional service to the public while employed at a cosmetology school on the school premises.

For schools offering the advanced esthetics program a licensed healthcare professional must be available as defined in this article. The health care professional may be a guest presenter for the purpose of demonstrating advanced esthetic procedures without an instructor license as long as a licensed instructor is present in the classroom at all times.

History: Amended effective July 1, 1988; April 1, 2022.

General Authority: NDCC 43-11-13

Law Implemented: NDCC 43-11-16, 43-11-27

32-04-01-22. Student compensation and ~~guaranteed position~~.

A student registered in a cosmetology school may provide clinic services, while attending and on the premises of a school, if the student is under the immediate direction and supervision of a licensed instructor. No student shall must be paid a salary or commission for the performance of the clinic services. ~~A student may be assisted in obtaining a position after graduation from a cosmetology school, but no student shall~~ must be guaranteed any position by the cosmetology school.

History: Amended effective July 1, 1988.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-20

32-04-01-23. Certain student use prohibited.

Students shall must not be called from any ~~theory class~~ didactic training to perform services on the public, and students shall must not be permitted to instruct or teach fellow students.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-24. Student complaints.

A student of a ~~cosmetology~~ school may file a complaint with the board concerning the school in which the student is enrolled as outlined in this chapter. ~~A student complaint shall be made to the board in writing clearly and concisely stating the complaint, and the complaint must be signed by the student.~~

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-25. Examinations.

1. **School examinations.** Each student must ~~have successfully passed eighty percent of the weekly examinations and secured~~ maintain a minimum of a seventy-five percent average in on course work and achieve a seventy-five percent on the cosmetology school final examination in both written and practical work.
2. **Board examinations.** A cosmetologist, manicurist, esthetician, advanced esthetician and instructor examination shall must consist of a theoretical portion, state laws, rules and regulations portion and a practical portion. The practical examinations shall must be administered by the board as determined by the board. A candidate must successfully graduate from a school of cosmetology prior to taking any board examinations. The board must receive proof of completion from the school attended in the form of a signed curriculum card or a signed official school transcript.

In order to be certified as passing an examination, a candidate shall must score at least seventy-five percent ~~on the theoretical and practical portions of the examination.~~

3. **Failing applicant.** candidate. If the applicant candidate fails to pass the examination, the examination fee may not be returned. ~~If an applicant fails to pass an examination, the applicant~~ The candidate may be examined again with the payment of a re-examination fee as defined under North Dakota Century Code chapter 43-11.
4. **Applicant** Candidate **complaint.** An applicant A candidate shall must notify the board in writing if ~~there is reason to believe that there has been discrimination during any portion of the examination.~~ there is reason to believe that any portion of the examination was affected by unfair practices or the misapplication of examination procedures.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; December 1, 2005; January 1, 2012; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

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

32-04-01-26. Solicitor's permit.

All individuals who solicit or sell any ~~course~~ program of instruction shall must obtain a permit. Applications must be accompanied by a surety bond in the penal sum of one thousand dollars for each solicitor. The annual permit fee is thirty dollars.

History: Effective July 1, 1988; amended effective December 1, 2005; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-26.1. Cosmetology course curriculum.

The curriculum for students enrolled in a cosmetology program must be fifteen 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 hours of the cosmetology course curriculum for classroom or clinic for instruction must include the following: The instruction in all subject areas must collectively meet or exceed the overall minimum didactic and practical hours required for the entire fifteen-hundred hour cosmetology curriculum and must include:-

Cleaning, disinfecting, and safety	150 hours
Hair cutting and styling	450 hours
Manicuring	100 hours
Skin care and esthetics	100 hours
Chemical services	300 hours
Study of theory and law	150 hours
Business management, interpersonal skills, ethics, and related subjects	250 hours

Total minimum hours	1,500 hours
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Cleaning, disinfecting, and safety:	Total 75 hours
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Didactic: 35 hours

Practical: 40 hours

Haircutting:	Total 200 hours
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Didactic: 55 hours

Practical: 145 hours

Hair Styling:	Total 175 hours
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Didactic: 45 hours

Practical: 130 hours

Manicuring:	Total 100 hours
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Didactic: 35 hours

Practical: 65 hours

Esthetics:	Total 200 hours
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Didactic: 80 hours

Practical: 120 hours

Chemical services:	Total 425 hours
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To include at minimum: hair coloring, permanent waving and relaxing.

Didactic: 130 hours

Practical: 285 hours

Additional subjects and law:	Total 150 hours
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Didactic: 120 hours

Practical: 30 hours

Business:	Total 50 hours
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Didactic: 40 hours

Practical: 10 hours

Professionalism, ethics, and career development:	Total 50 hours
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Didactic: 40 hours

Practical: 10 hours

Enrichment:	Total 75 hours
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Total Hours:	1500 hours
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History: Effective July 1, 2000; amended effective January 1, 2012; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-27. Esthetician ~~course~~program curriculum.

The curriculum for students enrolled in an esthetician ~~course~~program 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:~~ The instruction in all subject areas must collectively meet or exceed the overall minimum didactic and practical hours required for the entire six-hundred hour esthetic curriculum and must include:-

Cleaning, disinfecting, and safety	75 hours
Body treatment, facials, hair removal, and makeup	340 hours
Study of theory, law, and cleaning and disinfecting	75 hours
Related subjects	60 hours
Unassigned	50 hours
Total minimum hours	600 hours

Cleaning, disinfecting, and safety: **Total 75 hours**

Didactic: 35 hours

Practical: 40 hours

Facials: **Total 215 hours**

Didactic: 80

Practical: 135

Hair Removal: **Total 85 hours**

Didactic: 30

Practical: 55

Makeup: **Total 65 hours**

Didactic: 25

Practical: 40

Additional subjects and law: **Total 50 hours**

Didactic: 40 hours

Practical: 10 hours

Professionalism, ethics, and career development: **Total 25 hours**

Didactic: 20 hours

Practical: 5 hours

Business: **Total 35 hours**

Didactic: 30 hours

Practical: 5 hours

Enrichment: **Total 50 hours**

Total hours: **600 hours**

History: Effective July 1, 1990; amended effective December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-27.1. Advanced esthetician program curriculum.

1. Completion of a board-approved six-hundred-hour fundamental esthetician curriculum, or its substantial equivalent as determined by the board may be used as a prerequisite for enrollment in the advanced esthetics training component of this curriculum. The Board may approve partial hours for completion of cosmetology curriculum.
2. No school or licensed instructor may permit a student to render clinical services related to advanced esthetics procedures until a student has successfully completed the six-hundred-hour fundamental esthetics curriculum component, or its substantial equivalent.
3. The instruction in all subject areas must collectively meet or exceed the overall minimum didactic and practical hours required for the entire eleven-hundred-hour advanced esthetic curriculum and must include :

Fundamental esthetic hours:

Cleaning, disinfecting, and safety: Total 75 hours

Didactic: 35 hours

Practical: 40 hours

Facials: Total 215 hours

Didactic: 80

Practical: 135

Hair Removal: Total 85 hours

Didactic: 30

Practical: 55

Makeup: Total 65 hours

Didactic: 25

Practical: 40

Additional subjects and law: Total 50 hours

Didactic: 40 hours

Practical: 10 hours

Professionalism, ethics, and career development: Total 25 hours

Didactic: 20 hours

Practical: 5 hours

Business: Total 35 hours

Didactic: 30 hours

Practical: 5 hours

Enrichment: Total 50 hours

Total fundamental esthetic hours: 600 hours

Advanced esthetics hours:

Advanced skin sciences: Total 75 hours

Didactic: 50 hours

Practical: 25 hours

Advanced esthetic techniques and technologies: Total 280 hours

Didactic: 70 hours

Practical: 210 hours

Medical esthetics and specialized practices:	Total 60 hours
Didactic: 45 hours	
Practical: 15 hours	
Advanced professional development and business:	Total 40 hours
Didactic: 35 hours	
Practical: 5 hours	
Advanced enrichment and special topics:	Total 45 hours
Total hours	1100 hours

Advanced estheticians must obtain an active occupational safety and health administration bloodborne pathogen certification and first-aid and cardiopulmonary resuscitation certification from Board approved training providers prior to obtaining licensure.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-28. Manicurist ~~course~~program curriculum.

The curriculum for students enrolled in a manicurist ~~course~~program 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~~ The instruction in all subject areas must collectively meet or exceed the overall minimum didactic and practical hours required for the entire three-hundred-and-fifty-hour manicuring curriculum and must include:

Cleaning, disinfecting, and safety	45 hours
Manicuring, pedicuring, and application of artificial nails	200 hours
Study of theory, law, and cleaning and disinfecting	45 hours
Related subjects	35 hours
Unassigned	25 hours
Total minimum hours	350 hours

Cleaning, disinfecting, and safety:	Total 50 hours
Didactic: 20 hours	
Practical: 30 hours	
Manicuring and pedicuring:	Total 40 hours
Didactic: 10 hours	
Practical: 30 hours	
Nail enhancements:	Total 150 hours
Didactic: 50 hours	
Practical: 100 hours	
Additional subjects and law:	Total 60 hours
Didactic: 50 hours	
Practical: 10 hours	
Business, professionalism, and ethics:	Total 40 hours
Didactic: 25 hours	
Practical: 15 hours	
Unassigned:	Total 10 hours
Total hours:	350 hours

History: Effective July 1, 1990; amended effective December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-29. Curriculum for esthetician instructor training.

Repealed effective December 1, 2005.

32-04-01-30. Curriculum for nail care instructor training.

Repealed effective December 1, 2005.

Instructor curriculum two hundred forty hours. For licensees who have held a license more than two years.

1. Instructional Design and Delivery Methods **60 hours**

This section includes practical teaching hours through lesson planning, demonstration practice, and creating engaging activities.

- a. Learning theories and instructional strategies;
- b. Developing engaging learning activities;
- c. Utilizing digital learning platforms for instruction;
- d. Adapting instruction for diverse learners and learning styles; and
- e. Effective questioning and facilitation techniques.

2. Classroom Management and Communication **65 hours**

This section includes practical teaching hours through role-playing classroom management scenarios and practicing communication techniques.

- a. Creating a positive and inclusive learning environment;
- b. Managing student behavior effectively;
- c. Effective communication skills;
- d. Conflict resolution and mediation; and
- e. Motivation and engagement strategies.

3. Didactic Training **70 hours**

Instructor didactic hours may be in-person or distance learning or a combination of both.

- a. Adult learning principles;
- b. Curriculum development;
- c. Assessment and evaluation methods;
- d. Legal and ethical responsibilities for educators; and
- e. Professional development and leadership.

4. Clinic Floor Duties and Focused Observations **25 hours**

- a. Supervised Clinic Floor Duty.

5. Elective **20 Hours**

Total hours **240 hours**

Instructor curriculum four hundred eighty hours. Licensees who have held a license less than two years.

1. Instructional design and delivery methods **100 hours**

This section includes significant practical teaching hours through extensive lesson planning, in-depth demonstration practice across various cosmetology skills, and the creation of diverse learning activities.

- a. Learning theories and instructional strategies;
- b. Developing engaging learning activities;
- c. Utilizing digital learning platforms for instruction;
- d. Adapting lessons for diverse learners and learning styles; and
- e. Mastering effective questioning and facilitation techniques.

2. Classroom management and communication **120 hours**

This section includes substantial practical teaching hours through extensive role-playing of classroom management scenarios and practicing a wide range of communication techniques.

- a. Creating a positive and inclusive learning environment;
- b. Managing student behavior effectively;
- c. Advanced communication techniques;
- d. Conflict resolution and mediation skills; and
- e. Motivating and engaging students with varied skill levels.

4. Didactic training **70 hours**

Instructor didactic hours may be in-person or distance learning or a combination of both.

- a. Adult learning principles;
- a. Curriculum development, alignment, and sequencing;
- b. Assessment and evaluation methods;
- c. Detailed review of legal and ethical responsibilities; and
- d. Professional development & leadership.

4. Foundational cosmetology skills and techniques reinforcement **80 hours**

This section will involve both theoretical review and hands-on practice to ensure the instructor is confident and proficient in the foundational skills they will be teaching.

- a. Advanced Haircutting Principles and Techniques Review;
- b. Comprehensive Hair Color Theory and Application Review;
- c. Chemical Texturizing Services: Theory and Practical Application Review; and
- d. Skincare and Nail Care Fundamentals Review for Instruction.

5. Clinic floor duties and focused observations **80 hours**

- a. Supervised Clinic Floor Duty.

6. Elective **30 hours**

Total hours **480 hours**

ARTICLE 32-05 INDIVIDUALS

Chapter
32-05-01 ~~Cosmetologists, Master Cosmetologist,~~Licensees, Instructors, and Student Instructors,
~~Demonstrators, Estheticians, and Manicurists~~

CHAPTER 32-05-01 ~~COSMETOLOGISTS, MASTER COSMETOLOGIST,~~ LICENSEES, ~~INSTRUCTORS, AND STUDENT INSTRUCTORS, DEMONSTRATORS,~~ ~~ESTHETICIANS, AND MANICURISTS~~

Section
32-05-01-01 ~~Cosmetologists~~Licensees and Instructors
32-05-01-01.1 License Without Examination
32-05-01-02 Master Cosmetologist
32-05-01-03 Instructors
32-05-01-04 Student Instructors
32-05-01-05 Demonstrators [Repealed]
32-05-01-06 Esthetician
32-05-01-06.1 Master Esthetician
32-05-01-07 Manicurist
32-05-01-07.1 Master Manicurist
32-05-01-08 Advanced Esthetician
32-05-01-09. Legacy License Status.

32-05-01-01. ~~Cosmetologists~~Licensees and instructors.

Every individual desiring to be licensed by the board as ~~a cosmetologist~~ shall must have the qualifications required by North Dakota Century Code ~~N.D.C.C.~~ chapter 43-11 applicable to ~~cosmetologists~~ individual license type and the educational qualifications set forth in section 32-04-01-26.1 N.D.A.C title 32 and shall must make application to the board for a certificate licensure prior to commencing any activity as a ~~cosmetologist~~ licensee.

1. **Fee and proof.** The application shall must be accompanied by the required proof of qualification applicable to the applicant, the appropriate original license fee of ~~fifteen dollars~~ as determined in 43-11-28, and ~~the practical examination fee of twenty-five dollars.~~
2. **Renewal.** Every ~~cosmetologist~~ shall renew the ~~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 license must be renewed on or before December thirty-first in each year.
3. **Penalty fee.** If the licensee fails to renew ~~the cosmetologist's license~~ by the expiration date, a penalty fee of fifty dollars as determined in 43-11-28 is required.
4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of ~~one hundred fifty dollars~~ as determined in 43-11-28 is required. Licensee must make reinstatement application to the board, pay appropriate penalty fee and retake and pass the most current North Dakota state laws rules and regulations examination.

5. **Change of name or address.** Every ~~cosmetologist~~licensee shall ~~must~~ notify the board in writing of any change ~~of name or change of residence address.~~ Every licensee must make application for individual name change to the board and provide supporting court documentation of name change.
6. **License displayed.** Every ~~cosmetologist~~licensee shall ~~must~~ display their current ~~cosmetologist's license in clear view to the public in the immediate work area of the salon where services are being provided.~~
7. **Continuing education.** Commencing with the 2028 license renewal cycle, and for all renewal cycles occurring thereafter, each license, except otherwise provisioned by rule, must complete annual continuing education which must commence on the calendar year following the year in which the initial license was issued to ensure knowledge of safety protocols for emerging products and procedures and regulatory changes is maintained. Continuing education includes:
 - a. **Hours.** Each licensee must complete at least three hours of board-approved continuing education annually.
 - b. **Format.** Continuing education may be completed in person, online, or virtually;
 - c. **Approval.** All continuing education must be from board-approved courses or programs; and
 - d. **Mandatory topics.** The board may annually require specific topics within the three hours. The board will post mandatory topics, if applicable, on its website by February fifteenth annually.
 - e. **Trade shows.** A maximum of one hour of continuing education annually is allowed for industry related trade show general attendance.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2012; January 1, 2017; April 1, 2022.

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 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 that either:~~
 - ~~a. The applicant provides satisfactory proof of completing the course curriculum hours required by the board and provide proof of successfully passing the theoretical and practical examinations substantially similar to those required in this state; or~~
 - ~~b. 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. Under this specific subsection, three thousand hours or more of work experience as a licensed~~

~~cosmetologist will be considered substantially equal to three hundred hours of cosmetology education.~~

- ~~4. Pass an examination on North Dakota laws, rules, and regulations.~~

History: Effective July 1, 2000; amended effective December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-25

~~32-05-01-02. Master cosmetologists.~~

~~Every individual desiring to be licensed by the board as a master cosmetologist shall have the qualifications required by North Dakota Century Code chapter 43-11 applicable to master cosmetologists 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.~~
- ~~2. **Renewal.** Every master cosmetologist shall renew the master cosmetologist'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 master cosmetologist's license by the expiration date, a penalty fee of fifty dollars is required.~~
- ~~4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.~~
- ~~5. **Change of name or address.** Every master cosmetologist shall notify the board in writing of any change of name or change of residence address.~~
- ~~6. **License displayed.** Every master cosmetologist shall display their current master cosmetologist's license in clear view to the public in the immediate work area of the salon where services are being provided.~~

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005; January 1, 2012; January 1, 2017; April 1, 2022.

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

~~32-05-01-03. Instructors.~~

~~Every individual desiring to be an instructor shall have the qualifications and have passed the examination required under North Dakota Century Code chapter 43-11. Student instructors and instructors shall make application in writing to the board as defined under North Dakota Century Code chapter 43-11 and this section~~Each instructor must complete annual continuing education to ensure knowledge of up to date teaching methods, industry trends and regulatory changes is maintained. Continuing education includes:

- ~~1. **Renewal.** Every instructor shall renew the instructor's license by annually making written application to the board before December thirty-first each year, and the renewal application shall be accompanied by the twenty-dollar fee and evidence of attendance at a board-approved seminar during the previous year.~~
- ~~2. **Penalty fee.** If the licensee fails to renew the instructor's license by the expiration date, a penalty fee of fifty dollars is required.~~

3. ~~**Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.~~
4. ~~**Seminars.** Every instructor shall attend eight hours of board approved continuing education annually. Before attending any seminar, every instructor shall apply in writing to the board for approval of the seminar.~~
5. ~~**Change of name or address.** Every instructor shall notify the board in writing of any change of name or change of residence address.~~
6. ~~**License displayed.** Every instructor shall display their current instructor's license in clear view to the public in the immediate work area of the salon where services are being provided.~~
1. **Hours.** Instructors must complete at least twelve hours of board-approved continuing education annually which must commence on the calendar year following the year in which the initial license was issued.
2. **Format.** Continuing education may be completed in person, online, or virtually;
3. **Approval.** All continuing education must be from board-approved courses or programs;
4. **Mandatory Topics.** The board may annually require specific topics within the twelve hours. The board will post mandatory topics, if applicable, on its website by February fifteenth annually; and
5. **Trade Shows.** A maximum of one hour of continuing education annually is allowed for general trade show attendance.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-14, 43-11-22, 43-11-23, 43-11-27, 43-11-28

32-05-01-04. Student instructors.

Every individual desiring to be a student instructor ~~shall~~**must** have the qualifications required by ~~North Dakota Century Code~~**N.D.C.C.** chapter 43-11 applicable to student instructors and ~~shall~~**must** make application in writing to the board before enrollment in a registered ~~cosmetology~~ school. Upon board approval of the application, the individual may enroll in a licensed ~~cosmetology~~ school.

1. **Fee.** There ~~shall~~**must** be a ~~fifteen dollar~~ fee as determined in 43-11-28 for application and registration of student instructors with the board.
2. **Contents and certification.** The ~~cosmetology~~ school of the approved student ~~shall~~**must** certify in writing to the board the name, age, and qualifications of the student instructor, and the board ~~shall~~**must** record the information in a student instructor register.
3. **Application.** Upon completion of the required ~~course~~**program** prescribed for student instructors, the student instructor ~~shall~~**must** make written application to the board ~~on a form provided by the board~~, and the written application ~~shall~~**must** be accompanied by a fee of ~~thirty-five dollars~~as determined in 43-11-28.
4. **Examination.** The time, place, and date of the examinations for instructor's licenses ~~shall~~**must** be set by the board. The examination fee is ~~fifty-five dollars~~as determined in 43-11-28.

5. **Examination deadline and provisional student teaching.** Instructor license applicants must pass all required exams within sixty days of program completion. Pending exam results, graduates may engage in student teaching under direct supervision in approved schools, following Board student instructor rules.
6. **Lapse of provisional practice and examination failure remediation.** Failure to pass all exams within sixty days terminates student teaching privileges until full licensure. Two failed exam attempts require re-enrollment in a Board approved instructor program for two-hundred hours of didactic and hands-on practical. No clinic floor supervision is permitted during this re-enrollment. Upon completion, applicant may retake failed exams.
7. **Student instructor classification and compensation.** Individuals engaged in student teaching must maintain the classification of "student instructor" and must not be considered employees of the school. While schools may, at their discretion, provide a stipend or other form of financial support to student instructors, such compensation must not alter the student instructor's classification. All student teaching activities must adhere to the regulations established by the Board to ensure the educational nature of the experience and the appropriate supervision of students.

History: Amended effective July 1, 1988; December 1, 2005; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-14, 43-11-22, 43-11-23, 43-11-27, 43-11-28

32-05-01-05. Demonstrators.

Repealed effective March 1, 1998.

32-05-01-06. Esthetician.

~~Every individual 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 fifty dollars is required.~~
- ~~4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.~~
- ~~5. **Change of name or address.** Every esthetician shall notify the board in writing of any change of name or residence.~~
- ~~6. **License displayed.** Every esthetician shall display their current esthetician's license in clear view to the public in the immediate work area of the salon where services are being provided.~~

History: Effective July 1, 1990; amended effective March 1, 1998; January 1, 2002;

December 1, 2005; January 1, 2012; January 1, 2017; April 1, 2022.

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

~~32-05-01-06.1. Master esthetician.~~

~~Every individual desiring to be licensed by the board as a master esthetician shall furnish to the board evidence of having practiced as a licensed esthetician for one thousand hours.~~

~~A master esthetician may operate and supervise a salon that is operated and engaged exclusively in the practice of skin care.~~

- ~~1. **Fee and proof.** The application must be accompanied by the required proof of qualification applicable to the applicant and the original license fee of twenty five dollars.~~
- ~~2. **Renewal.** Every master esthetician shall renew the master esthetician's license by annually making written application to the board's 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 master esthetician's license by the expiration date, a penalty fee of fifty dollars is required.~~
- ~~4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.~~
- ~~5. **Change of name or address.** Every master esthetician shall notify the board in writing of any change of name or residence.~~
- ~~6. **License displayed.** Every master esthetician shall display their current master esthetician's license in clear view to the public in the immediate work area of the salon where services are being provided.~~

History: Effective February 1, 1996; amended effective July 1, 2000; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13.1, 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 individual 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 fifty dollars is required.~~
- ~~4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred~~

fifty dollars is required.

- ~~5. **Change of name or address.** Every manicurist shall notify the board in writing of any change of name or any change of residence.~~
- ~~6. **License displayed.** Every manicurist shall display their current manicurist's license in clear view to the public in the immediate work area of the salon where services are being provided.~~

History: Effective July 1, 1990; amended effective March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2012; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

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

32-05-01-07.1. Master manicurist.

~~Every individual desiring to be licensed by the board as a master manicurist shall furnish to the board evidence of having practiced as a licensed manicurist for one thousand hours.~~

~~A master manicurist may operate and supervise a salon that is operated and engaged exclusively in the practice of manicuring.~~

- ~~1. **Fee and proof.** The required proof of qualification applicable to the applicant and the original license fee of twenty five dollars must accompany the application.~~
- ~~2. **Renewal.** Every master manicurist shall renew the master manicurist'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 master manicurist's license by the expiration date, a penalty fee of fifty dollars is required.~~
- ~~4. **Late renewal fee.** If the licensee fails to renew up to five years, a penalty fee of one hundred fifty dollars is required.~~
- ~~5. **Change of name or address.** Every master manicurist shall notify the board in writing of any change of name or residence.~~
- ~~6. **License displayed.** Every master manicurist shall display their current master manicurist's license in clear view to the public in the immediate work area of the salon where services are being provided.~~

History: Effective February 1, 1996; amended effective July 1, 2000; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13.1, 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

32-05-01-08. Advanced Esthetician.

1. **Continuing education.** Each advanced esthetician must complete annual continuing education which must commence on the calendar year following the year in which the initial license was issued to ensure knowledge of safety protocols for emerging products and procedures and regulatory changes is maintained. Continuing education includes:
 - a. **Hours.** Each advanced esthetician must complete at least six hours of board-approved continuing education annually.
 - b. **Format.** Continuing education may be completed in person, online, or virtually:

- c. **Approval.** All continuing education must be from board-approved courses or programs;
 - d. **Mandatory topics.** The board may annually require specific topics within the eight hours. The board will post mandatory topics, if applicable, on its website by February fifteenth annually; and
 - e. **Trade shows.** A maximum of one hour of continuing education annually is allowed for industry related trade show general attendance.
- 2. **Scope and limitations.** Each licensed advanced esthetician in North Dakota is authorized to perform the following procedures in a licensed establishment:
 - a. All services permitted within the scope of practice of a licensed esthetician.
 - b. Microneedling, encompassing both cosmetic and advanced needling techniques. Microneedling certification required.
 - c. Advanced chemical peels, which includes the application of combination peels. Chemical peel certification required.
 - d. Extractions utilizing lancets.
 - e. Nonablative procedures. Laser certification required.
- 3. **Limitations and supervision requirements.** Advanced estheticians are permitted to perform the procedures outlined in subsection 2 and specific limitations regarding supervision apply to the following:
 - a. Advanced needling procedures require direct or indirect supervision by a licensed healthcare provider.
 - b. Chemical peels utilizing an exfoliant formulated to penetrate beyond the epidermis, compounded in a pharmacy or a formulation that necessitates administration by a licensed healthcare provider due to its depth of exfoliation require direct or indirect supervision by a licensed healthcare provider.
 - c. Nonablative procedures require direct or indirect supervision by a licensed healthcare provider.
- 3. **Licensed healthcare provider.** The supervising healthcare provider must be sufficiently trained or certified in the specific procedures being supervised. Proof of such training or certification must be maintained and available to the Board upon request. Healthcare providers eligible to oversee advanced estheticians are the following:
 - a. A physician licensed under N.D.C.C. chapter 43-17;
 - b. A physician assistant licensed under N.D.C.C. chapter 43-17; or
 - c. An advanced practice registered nurse licensed under N.D.C.C. chapter 43-12.1.
- 4. **Supervision requirements.**
 - a. **Collaborative Agreement.** A formal, written document, jointly developed and executed between a licensed advanced esthetician and a supervising healthcare provider must be in place prior to the advanced esthetician performing services requiring supervision. The agreement must define procedures performed, written protocols, and oversight mechanisms for all advanced esthetic procedures requiring oversight that are performed by the advanced esthetician.
 - b. **Written Protocols.** An individual written protocol must be established for each procedure performed under the supervision of a healthcare provider. This protocol must be signed

and dated by both the individual advanced esthetician and the supervising healthcare provider, reviewed annually, and maintained at the practice location for each type of procedure performed. The protocol must detail:

- i. Specific procedures covered and devices used.
- ii. Device parameters/settings guidelines.
- iii. Criteria for client selection and contraindications.
- iv. Pre- and post-procedure care instructions.
- v. Plan for managing potential complications and adverse events.
- vi. Emergency procedures and contact information.
- vii. Method and frequency of supervision, including requirements for supervisor availability either via telecommunication or in-person during procedures.
- viii. Method and frequency for supervisor review of client records and outcomes.
- ix. Requirements for client consultation with the supervising healthcare provider, specifying, at minimum:
 - (1) Criteria or circumstances requiring an initial in-person or telehealth consultation between the client and the supervising healthcare provider prior to the first procedure.
 - (2) Procedures for supervisor review and approval of the advanced esthetician's initial assessment and proposed treatment plan if an initial client-supervising healthcare provider consultation is not mandated by the protocol's criteria.
 - (3) The minimum frequency and circumstances under which the supervising healthcare provider must review the client's progress or conduct follow-up consultations during a series of treatments
- c. **Healthcare provider availability.** The supervising healthcare provider must be readily available for consultation during the hour's procedures are performed, as defined in the written protocol. "Readily available" means reachable by telecommunication and able to respond promptly, generally expected within thirty minutes, to address urgent issues or clinical questions arising during treatment. The protocol must specify the methods of contact.
- d. **Healthcare provider responsibility.** The supervising healthcare provider is responsible for ensuring that the supervision provided complies with all statutes, rules, and standards of practice applicable to their specific license as determined by their respective regulatory licensing board. Compliance with this section does not absolve the healthcare provider of their professional responsibilities under their own licensing act.
- e. **Protocol Submission.** A complete, signed, and dated copy of the collaborative agreement accompanied by any written protocols required under this section must be submitted to the Board office prior to the commencement of supervised procedures and upon any subsequent revision. The protocol must be available to the Board during inspection of the establishment.
- f. **Change of healthcare provider notification.** The establishment and advanced esthetician must notify the Board in writing within ten business days of any change in the supervising healthcare provider. This notification must include the name and contact information of the new supervising healthcare provider and be accompanied by a new collaborative agreement that is signed by each advanced esthetician and the new healthcare provider. Advanced estheticians may not perform procedures requiring

healthcare provider supervision until a valid, signed collaborative agreement with an active supervising healthcare provider is on file with the Board and at the establishment.

- g. Supervision across multiple locations.** A single supervising healthcare provider may supervise advanced estheticians performing procedures at multiple licensed establishments, provided that:

 - i. The healthcare provider can realistically meet the availability requirements outlined in this article for all locations under their supervision.
 - ii. A separate, written protocol specific to the devices, procedures, and staff at each individual location is developed, signed by the healthcare provider and each advanced esthetician at each location, submitted to the Board, and maintained at each respective establishment.
- h. Termination of Supervision Agreement.**

 - i. In the event a supervision agreement documented in a collaborative agreement is terminated by either the supervising healthcare provider or the advanced esthetician, the terminating party must notify the Board in writing within ten business days of the termination date.
 - ii. Upon termination of the supervision agreement, the advanced esthetician must immediately cease performing all procedures that require healthcare provider supervision under these rules.
 - iii. The advanced esthetician may only resume performing such procedures after establishing a collaborative agreement with a new qualified healthcare provider and providing the board office with a copy of the collaborative agreement and written protocols that meet the requirements of this section.

5. Device compliance and maintenance.

- a. All laser, light, and energy devices must be FDA cleared or approved for the specific intended cosmetic use. Proof of FDA status must be available.
- b. Devices must be used, maintained, and calibrated strictly in accordance with manufacturer's instructions and safety guidelines. Maintenance and calibration logs must be kept and made available for inspection.

6. Laser safety requirements. For licensed facilities using nonablative laser or light and energy devices, a laser safety program, consistent with American National Standards Institute Z136.3 principles, must be implemented, and must include:

- a. Laser safety officer.**

 - i. Designation and qualification.** Designation of a Laser Safety Officer who has obtained certification from a Board-approved Laser Safety Officer training program. Such certification must demonstrate competency consistent with the requirements of the American National Standards Institute Z136.3 and relevant Occupational Safety and Health Administration standards. A licensed advanced esthetician who meets these certification requirements may serve as the laser safety officer. Proof of current laser safety officer certification must be maintained and available during inspection.
 - ii. Responsibilities.** The officer is responsible for overseeing and enforcing the establishment's laser, light and energy device safety program, including:

 - (1) hazard evaluation,
 - (2) specifying control measures,
 - (3) verifying operator training and credentials.

- (4) ensuring compliance with all safety protocols and record-keeping requirements, and
 - (5) conducting periodic safety audits.
- iii. **Record keeping.** The laser safety officer must establish and maintain specific laser safety records, including but not limited to:
 - (1) Current certification.
 - (2) Inventory of all Class 3B and Class 4 lasers.
 - (3) Documentation of hazard assessments for each laser treatment-controlled area.
 - (4) Written laser safety policies and standard operating procedures.
 - (5) Records of laser safety training for all personnel working in or having access to the laser treatment-controlled area.
 - (6) Records verifying appropriate laser protective eyewear are available and periodically inspected.
 - (7) Device service and maintenance logs.
 - (8) Records of internal laser safety audits and corrective actions taken.
- iv. **Laser safety officer per location requirement.** Each licensed establishment where nonablative laser procedures are performed must designate a certified laser safety officer specifically for that location. An exception allowing a single certified laser safety officer to oversee multiple locations may be granted only upon written application to and approval from the Board. The application must demonstrate, to the Board's satisfaction, how the officer will effectively fulfill all required duties at each specified location, including regular on-site presence, audits, record maintenance, and availability.
- b. **Laser, light and energy treatment-controlled area.** Establishment of a treatment-controlled area where laser, light or energy procedures are performed, controlling access during operation.
- c. **Warning signage:** Use of appropriate American National Standards Institute compliant laser warning signs at entrances to the laser treatment-controlled area and appropriate warning signs for light and energy treatment areas.
- d. **Protective eyewear.** Provision and mandatory use of appropriate protective eyewear specifically designed to filter the wavelengths of light or energy emitted by the device being used for the licensee, client, and any other individuals within the treatment-controlled area during operation.
- e. **Hazard control.** Implementation of controls for beam hazards such as window coverings, non-reflective surfaces where applicable and non-beam hazards such as plume evacuation for procedures generating airborne contaminants, electrical safety.

General Authority: NDCC 43-11-05

Law Implemented:

Nonablative Laser Certification Requirements.

Didactic training requirements.

1. An advanced esthetician applying for cosmetic laser certification must complete a minimum of forty hours of didactic instruction through a board-approved training provider, which may be delivered in person or through a distance learning format.
2. The curriculum for didactic training must include, at a minimum:
 - a. Principles of laser and intense pulsed light physics and fundamentals;
 - b. Human skin and hair biology, including Fitzpatrick skin typing;
 - c. Indications and contraindications for laser procedures;
 - d. Client consultation, assessment, and informed consent procedures;
 - e. Laser safety, hazard control, and protective measures;
 - f. Infection control and universal precautions;
 - g. Equipment operation, calibration, and maintenance; and
 - h. Documentation, recordkeeping, and post-treatment care protocols.

Hands-on clinical training requirements.

1. An advanced esthetician must complete a minimum of forty-eight hours of supervised hands-on clinical training that involves direct use of approved laser and intense pulse light devices on live models or patients.
2. Clinical training may be conducted in any of the following settings:
 - a. A licensed establishment, or similar clinical setting under the supervision of a qualified licensed healthcare provider as defined in this section; or
 - b. A board-approved laser training facility or a Board licensed school.
3. The hands-on clinical training must include direct experience with FDA-cleared laser and/or IPL devices and must include, at a minimum:
 - a. Ten laser hair removal procedures;
 - b. Ten photo rejuvenation or intense pulse light skin rejuvenation procedures;
 - c. Ten procedures addressing benign pigmented or vascular lesions;
 - d. Observation and simulation of emergency procedures and adverse event response.
4. The supervising instructor or supervising healthcare provider must be present in the room during treatments and must document all procedures and certify the applicant's competency by submitting a signed affidavit to the board.

Laser safety and competency certification.

1. Applicants must pass a laser safety examination approved by the board, which must be based on recognized safety standards such as American National Standards Institute Z136.
2. A complete application for certification must include:
 - a. Verification of didactic training;
 - b. Verification of clinical training and signed affidavit of competency;
 - c. Proof of passing the Board approved laser safety examination.

Microneedling certification requirements.

1. Must hold active North Dakota advanced esthetician license.
2. Must complete Board-approved certification course and receive instructor attestation.
3. Microneedling is prohibited without valid certification and advanced esthetician license.

Board approved certification course.

1. Course must be Board-approved twelve-hour program consisting of didactic and hands on training.
2. May be conducted in Licensed Schools or other Board approved locations.

3. Must include a minimum of three hours comprehensive didactic training either in-person or distance learning.
4. Must include a minimum six hours in-person, supervised hands-on training.
5. Instructors must meet Board qualifications.
6. Certificate of completion must be submitted to the Board prior to performing microneedling procedures. Certificate must include at minimum:
 - a. Name of instructor and student;
 - b. Date of course completion;
 - c. Total hours completed; and
 - d. An attestation in writing and signed by instructor verifying applicant's successful hands-on competency.

Advanced chemical peel certification requirement.

1. Must hold active North Dakota advanced esthetician license.
2. Must complete Board-approved eight-hour hybrid certification course and receive instructor attestation for hands-on competency.
3. Advanced chemical peel procedures prohibited without valid certification and an advanced esthetician license.

Board-approved certification course.

1. Course must be Board-approved eight-hour program consisting of didactic and hands on training.
2. May be conducted in Licensed Schools or other Board-approved locations.
3. Must include comprehensive didactic training either in-person or distance learning.
4. Must include in person training supervised, hands on training.
5. Instructors must meet Board qualifications.
6. Certificate of completion must be submitted to the Board prior to performing microneedling procedures. Certificate must include at minimum:
 - a. Name of instructor and student;
 - b. Date of course completion;
 - c. Total hours completed; and
 - d. An attestation in writing and signed by instructor verifying applicant's successful hands-on competency.

32-05-01-09. Legacy license status.

Legacy license status is to honor the long-term commitment of licensees who have held a North Dakota license for forty-five years or longer and who are no longer actively engaged in the profession.

1. Eligibility.
 - a. Individual hold an active license which has remained active for forty-five or more cumulative years, verifiable by the Board;
 - b. License must be in good standing or eligible for reinstatement under 43-11-29;
 - c. Not currently engaged in licensed practice;
 - d. Makes application to the Board and pays appropriate fee; and
 - e. Renews on or before December thirty-first in each year.
2. Not in practice.
 - a. Licensee is not performing any of the acts or services defined under chapter 43-11 for compensation or as part of any business or employment arrangement. This includes, but is not limited to:
 - i. Providing services for compensation;
 - ii. Advertising or holding out as available to provide services;

- iii. Managing or operating a licensed establishment; or
- iv. Supervising licensed individuals or students.
- b. Uncompensated volunteer activities may be excluded and will be reviewed by the Board or its designees for determination.
- c. Limitations. A legacy license holder is authorized to identify themselves as a "Licensed [License Type] - Legacy Status." Legacy license status prohibits an individual from performing services as defined in 43-11 for compensation.

General Authority: NDCC 43-11-05

Law Implemented:

Advanced Esthetician Grandfather Clause Application Process.

Application Period: Must apply on or before December 31, 2027.

Eligibility and Required Documentation:

To apply for an advanced esthetician license under the grandfather clause, a North Dakota licensed cosmetologist or esthetician must meet the following requirements and provide the corresponding documentation:

1. **Current North Dakota License.** Must hold an active North Dakota cosmetologist or esthetician license since January 1, 2025, or before.
2. **Safety and Infection Control Education.** Provide proof of completion of a Board approved four-hour safety and infection control training.
3. **Bloodborne Pathogen Certification.** Provide proof of an active Occupational Safety and Health Administration bloodborne pathogens certification.
4. **First aid and cardiopulmonary resuscitation certification.** Provide proof of an active first aid and cardiopulmonary resuscitation certification from a board approved recognized certifying body such as American Red Cross or American Heart Association.
5. **Practical Experience or Training.**
 - a. **Supervised Clinical Experience.**
 - i. Provide a notarized affidavit from a supervising medical professional. This affidavit must certify that the applicant worked under their direct supervision and control for a minimum of three hundred hours of actual service work within the five years immediately preceding the application; or
 - b. **Advanced Esthetics Training.**
 - i. Provide proof of completing one hundred fifty hours of advanced esthetics training approved by the Board.
 - (1) These training hours may be achieved through hands-on or distance learning from reputable manufacturers or institutions;
 - (2) Training can be comprised of one or more course to achieve the one hundred and fifty hours; and
 - (3) Training must have been completed within the past five years.

General Application Steps.

1. Fill out advanced esthetician grandfathering application accurately;
2. Pay the required original advance esthetician licensing fees as determined in 43-11-28; and
3. Submit application to the board office with all required documentation as outlined above. Application must be postmarked on or before December 31, 2027.

If a licensed cosmetologist or esthetician does not meet these grandfather clause requirements or fails to apply by **December 31, 2027**, they will be required to complete five hundred hours of training in advanced esthetics in a Board-approved program to obtain the advanced esthetician license.

ARTICLE 32-06 APPRENTICESHIPS

Chapter 32-06-01 Apprenticeship

CHAPTER 32-06-01 APPRENTICESHIPS

Section 32-06-01-01 Apprenticeship 32-06-01-02 Program sponsor 32-06-01-03 Approved apprenticeship establishment 32-06-01-04 Approved apprentice trainer 32-06-01-05 Apprentice 32-06-01-06 Training standards 32-06-01-07 Financial requirements 32-06-01-08 Record keeping and reporting 32-06-01-09 Compliance 32-06-01-10 Out of state applicants

32-06-01-01. Apprenticeship.

All apprenticeship programs must be registered with and maintain good standing with the United States Department of Labor Office of Apprenticeship. All such programs and their participants must comply with applicable federal apprenticeship laws and regulations, including Title 29 of the Code of Federal Regulations Parts 29 and 30.

All terms, components and related requirements regarding apprenticeship, are subject to the foundational prerequisite of registration and compliance with the guidelines of the United States Department of Labor Office of Apprenticeship as a foundational prerequisite. These include, but are not limited to:

1. **Apprentice.** An individual who is registered with the United States Department of Labor Office of Apprenticeship through a Sponsor.
2. **Apprenticeship agreement.** The formal written agreement registered with the United States Department of Labor Office of Apprenticeship between an apprentice and the Program Sponsor, outlining the terms and conditions of the apprenticeship.
3. **Apprentice trainer.** An individual who is a Board approved licensee providing direct on the job learning supervision, instruction, evaluation, and ensures safety according to program standards and Board rules within a board-recognized registered apprenticeship program.
4. **On the job learning.** Supervised practical training occurring in an approved apprenticeship establishment, structured by the work process schedule of a Board-recognized registered apprenticeship program.
5. **Registered apprenticeship program.** An apprenticeship program which is registered with the United States Department of Labor Office of Apprenticeship, sponsored by a sponsor, and includes structured on the job learning and related technical instruction meeting applicable standards.

6. **Related technical instruction.** Organized theoretical and technical instruction, as part of a Board recognized registered apprenticeship program, designed to provide an apprentice with knowledge of the theoretical and technical subjects related to the area of study.
7. **Sponsor.** An entity registered with the United States Department of Labor Office of Apprenticeship and recognized by the Board, assuming the full responsibility for administration and operation of the registered apprenticeship program.
8. **Wage progression.** A progressively increasing schedule of wages to be paid to the apprentice consistent with the skill acquired.
9. **Work process schedule.** The detailed outline of work tasks and competencies to be learned on the job and the approximate time to be spent on each, as part of the United States Department of Labor Office of Apprenticeship registered standards for a registered apprenticeship program.

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-02. Program sponsor.

Sponsors must apply for and receive Board approval, providing proof of active United States Department of Labor Office of Apprenticeship registration and program standards. Sponsors are responsible for ensuring program operation adheres to their standards and chapter 43-11 and applicable rules.

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-03. Approved apprenticeship establishment.

Establishments must:

1. Hold an active establishment license and apply for Board approval to train apprentices, demonstrating capacity for on the job learning and identifying trainers;
2. Provide the Board with a current list of approved apprentice trainers and report any changes immediately; and
3. Post the consumer notice as specified in 43-11-16.1(6).

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-04. Approved apprentice trainer.

Individuals must apply for and receive Board approval and must hold an active license in the specific practice area for minimum three consecutive years and complete Board-approved educator training.

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-05. Apprentice.

1. An apprentice must:

- a. Meet age, employment, and United States Department of Labor Office of Apprenticeship registration requirements;
- b. Be registered with the Board by the sponsor or establishment in a manner prescribed by the Board and paying the applicable fee according to 43-11-28;
- c. Have a fully executed apprenticeship agreement registered with United States Department of Labor Office of Apprenticeship, specifying the program start date and including program terms. A copy must be provided to the Board upon registration;
- d. Request any leave of absence according to the sponsor's policy. Approved leaves must be reported to the Board by the sponsor or establishment. Approved leave of absence may extend the maximum program completion deadline outlined in the section, subject to sponsor and Board confirmation;
- e. Be considered inactive if they fail to participate in required on the job learning or related technical instruction for thirty consecutive days without an approved leave of absence.
2. Prolonged unapproved inactivity may lead to disciplinary action by the sponsor according to program standards, including potential suspension or termination from the program, which must be reported to the Board. The Board may suspend or revoke the apprentice's Board registration following appropriate procedures if program participation ceases.
3. If an apprentice discontinues the program and does not re-enroll and successfully complete a Board-recognized registered apprenticeship program within five years from their last date of recorded training activity, all previously earned apprentice hours registered with the Board must expire.
4. An apprentice may transfer between Board-recognized registered apprenticeship programs within North Dakota subject to:
 - a. Acceptance by the receiving Program Sponsor.
 - b. Execution of a new or amended agreement registered with United States Department of Labor Office of Apprenticeship.
 - c. Verification and acceptance of previously completed on the job learning and related technical instruction hours by the receiving sponsor, consistent with all standards, provided the hours have not expired.
 - d. Notification and updated registration information submitted to the Board by the receiving sponsor or establishment.
5. Hours earned within a Board-recognized registered apprenticeship program are not transferable to meet North Dakota licensed school training requirements. Hours earned at a North Dakota licensed school are not transferable to meet the on the job learning or related technical instruction requirements of a Board-recognized registered apprenticeship program.

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-06. Training standards.

1. **On the job learning.** On the job learning must provide supervised practical training following the tasks and competencies outlined in the work process schedule. Minimum required hours are:
 - a. Cosmetology: two-thousand-five-hundred-hours;
 - b. Esthetics: two-thousand-hours; or
 - c. Manicuring: two-thousand-hours.
2. **Related technical instruction.** Related technical instruction must provide theoretical and technical knowledge related to the occupation, following the registered plan. Minimum required hours are:
 - a. Cosmetology: three-hundred-hours;

- b. Esthetics: two-hundred-fifty-hours; or
- c. Manicuring: two-hundred-fifty-hours.

3. Program duration and pace. Each apprentice must complete all program requirements within a maximum timeframe from the start date specified in the apprenticeship agreement and maintain progress by completing an average of at least eighty combined hours per month, excluding periods of approved leave. Consistent failure to meet this pace may result in Sponsor intervention according to program standards. Maximum timeframes are:

- a. Cosmetology: thirty-six months;
- b. Esthetics: thirty months; or
- c. Manicuring: thirty months.

4. Related technical instruction prerequisite for on the job learning. An apprentice must successfully complete a minimum of required related technical instruction hours before beginning any services on clients. Completion must be documented and verifiable by the Board. Prerequisite hours:

- a. Cosmetology: forty hours;
- b. Esthetics: thirty hours; or
- c. Manicuring: thirty hours.

5. Curriculum and Supervision. A Board-approved apprentice trainer must provide direct supervision during all on the job learning, maintaining a one-to-one ratio of trainer to apprentice. Multiple approved trainers within the establishment may supervise the apprentice; however, the one-to-one ratio must be maintained at all times when the apprentice is performing on the job learning tasks.

a. **Cosmetology program**

Related Technical Instruction: 300 hours

Must include sufficient instruction in each of the following:

Safety, Sanitation, Infection Control Theory;
North Dakota State Law, Rules, and Regulations;
Anatomy, Physiology, and Basic Chemistry;
Hair Theory;
Skin Theory;
Nail Theory; and
Professionalism, Ethics, and Business Practices.

On the Job Learning 2500 hours

Must include sufficient learning in each of the following:

Safety, Sanitation, and Salon Procedures Application;
Hair Cutting;
Hair Styling;
Hair Coloring and Lightening;
Chemical Texture Services;
Basic Skin Care;
Basic Nail Care; and
Client Consultation, Dispensing, and Salon Operations.

b. **Esthetics program.**

Related Technical Instruction. 250 hours

Must include sufficient instruction in each of the following:

Safety, sanitation, infection control theory;
North Dakota law, rules, and regulations;
Anatomy, physiology, and histology;

Chemistry, product ingredients, and electricity;
Skin analysis, conditions and disorders;
Facial treatments and machine theory;
Hair removal theory
Makeup theory; and
Professionalism, Ethics, and Business Practices.

On the Job Learning.

2000 hours

Must include sufficient learning in each of the following:

Safety, Sanitation, and Salon Procedures Application;
Client consultation and skin analysis;
Manual facial techniques;
Hair removal;
Makeup application;
Advanced topics; and
Client handling and salon operations.

c. Manicure program.

Related Technical Instruction:

250 hours

Must include sufficient instruction in each of the following:

Safety, sanitation, infection control theory;
North Dakota law, rules, and regulations;
Anatomy and physiology;
Chemistry and product knowledge;
Manicuring and pedicuring theory
Nail enhancement theory
Professionalism, Ethics, and Business Practices.

On the Job Learning

2000 hours

Must include sufficient learning in each of the following:

Safety, Sanitation, and Salon Procedures Application;
Manicuring techniques;
Pedicuring techniques;
Nail enhancements; and
Client consultation and salon operations.

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-07. Financial requirements.

- 1. Fee Transparency.** Sponsor or establishment must provide an apprentice with a clear, itemized, written disclosure of all program costs including but not limited to tuition, fees, books, kits, and supplies prior to signing the apprenticeship agreement.
- 2. Cost Limitations.** Sponsor or Establishment must adhere to maximum allowable tuition and fee structures established by the Board.
- 3. Payment Plans.** Prior to signing the apprenticeship agreement, sponsor or Establishment must provide a written, reasonable, interest-free payment plan option for any program costs.

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-08 Record keeping and reporting.

- 1. Progress records.** Sponsors and establishments must maintain accurate, current records of each apprentice on the job progress against the work progress schedule and related technical instruction attendance and completion. Trainers must verify on the job training records.
- 2. Board reporting.** Establishment must submit quarterly reports of accrued hours for each apprentice to the Board by the fifteenth day of the month following the end of each calendar quarter. Withdrawal, termination, approved leave of absence, return from leave, and transfer must be reported within ten business days of the event.
- 3. Sponsor certification.** The sponsor is responsible for certifying program completion to United States Department of Labor Office of Apprenticeship and providing the resulting certificate of completion to the apprentice and the Board.
- 4. Final Record Submission.** Within ten business days of an apprentice's completion or discontinuance from the program, the Sponsor/Establishment must submit a complete copy of the apprentice's final training records to the Board.
- 5. Digital Records.** All required apprentice training records must be maintained and submitted electronically in a manner and format prescribed by the Board.

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-09. Compliance.

The Board or its designees must conduct inspections of approved apprenticeship establishments at least annually for compliance.

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-08. Non-Compliance Identification and Correction.

If the Board determines a sponsor or apprenticeship establishment is non-compliant with requirements, including but not limited to failure to provide required training, inadequate supervision, violation of the one-to-one ratio, failure to maintain or submit accurate/timely records, violation of financial rules, failure to report apprentice status changes, unsafe practices, or failure to adhere to standards impacting state requirements, the Board may issue a written notice of non-compliance detailing the specific violations. Upon written notice:

- 1. The Sponsor or establishment must submit a written corrective action plan to the Board within ten business days of receiving the notice. Failure to submit an acceptable corrective action plan or failure to correct the deficiencies within the agreed-upon timeframe may result in disciplinary action by the Board against the sponsor, establishment, and apprentice trainer.**

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-09. Licensure.

Each apprentice in possession of the United States Department of Labor Office of Apprenticeship certificate of completion for a Board recognized program must be eligible for Board licensure upon completing and passing applicable theoretical, North Dakota state laws, rules, and regulations, and practical examinations and making application to the Board and pay applicable fees as determined in 43-11-28.

General Authority: NDCC 43-11-05

Law Implemented:

32-06-01-10. Out of state applicants.

An applicant may submit a United States Department of Labor Office of Apprenticeship certificate of completion from a registered apprenticeship program in another state if the applicant provides documentation verifying that the completed program's required minimum on the job training and related technical instruction hours are substantially similar North Dakota requirements. Upon application approval from the Board, applicants must complete and pass applicable theoretical, North Dakota state laws, rules, and regulations, and practical examinations and pay applicable fees as determined in 43-11-28.

General Authority: NDCC 43-11-05

Law Implemented: