

JANUARY 2026

CHAPTER 32-01-01

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

1. **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 state board of cosmetology. The 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 all licensees, establishments, and schools 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.
2. **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.
3. **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.
4. **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; January 1, 2026.

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

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

CHAPTER 32-01-02

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.
2. "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 one-half of a millimeter in 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.
3. "Chemical peel" means the application of a single, one-time layer of a nonprescription, esthetic-grade, commercially available exfoliating agent intended solely to remove nonliving skin cells from the superficial layers of the epidermis.
4. "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.
5. "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.
- ~~2-6.~~ "Contact time" means the amount of wet contact time required for the disinfectant to be effective against the pathogens on the label.
- ~~3.~~ ~~"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.~~
- ~~4.~~ ~~"Cosmetology school" means any school teaching any or all of the practices of cosmetology.~~
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 one-half of a millimeter or less.
8. "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.
- ~~5-9.~~ "Disinfect" means the process of making a nonporous item safe for use. To disinfect requires the use of a federal environmental protection agency registered chemical or agent intended to kill or denature a pathogen when used following the manufacturer's label instructions. An ultraviolet light is not an acceptable form of disinfection.
- ~~6-10.~~ "Disinfectant" means federal environmental protection agency registered tuberculocidal, bactericidal, virucidal, and fungicidal chemical or agent used to destroy pathogenic microorganisms, as indicated on the label for use in disinfection.

11. "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.
- ~~7.~~12. "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.
13. "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.
- ~~8.~~14. "Infectious disease" means any disease which can be transmitted, directly or indirectly, from person to person.
15. "Microneedling" means a procedure that involves the creation of controlled microchannels 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.
- ~~9.~~16. "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.
- ~~—10.—~~ ~~"Occupation of cosmetologist" includes the practice of cosmetology, esthetics, and manicuring as defined in North Dakota Century Code section 43-11-01.~~
- 44.17. "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.~~
- ~~—12.—~~ ~~"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.~~
18. "Shampooing" requires a cosmetology license and means the act of washing and cleansing hair and scalp.
19. "Single use" means items that may not be used more than once and are disposed of after use on each client. These items cannot be properly cleaned so all visible residue is removed, or they are contaminated by exposure or damaged by cleaning and disinfecting.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; December 1, 2005; January 1, 2017; April 1, 2022; January 1, 2026.

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
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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 Compensation</u>
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<u>32-01-03-08</u>	<u>Prohibition of Unsafe Procedures, Techniques, or Devices</u>
<u>32-01-03-09</u>	<u>Identity and United States Residency Verification</u>
<u>32-01-03-10</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 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; January 1, 2026.

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

32-01-03-04. 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; January 1, 2026.

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.

History: Amended effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-01-03-06. Board member compensation.

A board member may be compensated when actively engaged in any board-related meeting, duty, or activity as follows:

1. Up to 115 percent of the daily rate established in North Dakota Century Code section 54-35-10. This enhanced daily rate must be divided by eight to determine an hourly rate;
2. At a minimum of one hour any day a board member is actively engaged in board duties and compensation must be capped at eight hours per day; and
3. For out-of-state travel and participation in related events, 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.

History: Effective January 1, 2026.

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 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.

A variance must not be used for expansion or change of any scope of practices under title 43.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-05

32-01-03-08. Prohibition of unsafe procedures, techniques, or devices.

The board may prohibit the use of any procedure, device, product, or modality 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 shall 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.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-05

32-01-03-09. Identity and United States residency verification.

Acceptable forms of identification. For the purposes of verifying identity for licensure, examination, or other official processes of the board, applicants and licensees shall 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 1, and the second form may be a primary or secondary form as listed in subsection 2.

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 if 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 recordkeeping 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:
 - 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.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-05

32-01-03-10. Complaints and investigations.

1. Filing a complaint.

- a. **Submission requirements.** All complaints alleging a violation of title 32 or North Dakota Century Code chapter 43-11 must be submitted to the board in writing and may be delivered by mail, electronic mail, 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:
- (1) The full name, address, and contact information of the complainant;
 - (2) 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;
 - (3) A clear, concise, and detailed description of the alleged violation, including the date and location of the incident; and
 - (4) Any supporting documentation, such as, photographs, receipts, and witness statements, which 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 shall conduct an initial review to determine if the allegations constitute a potential violation of title 32 or North Dakota Century Code chapter 43-11.
- 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 shall notify the complainant of such referral.

3. Investigation of complaints.

- a. **Investigation authority.** The board or its designee has the authority to conduct investigations into alleged violations. This may include 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 shall 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 shall 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 shall 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:
 - (1) 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.
 - (2) Issue a letter of warning or concern to the licensee or other party involved.
 - (3) Enter into a settlement agreement with the licensee or other party involved to resolve the complaint.
 - (4) Initiate formal disciplinary proceedings in accordance with North Dakota Century Code chapter 28-32 which may include suspension, revocation, or other sanctions against a license or permit.
 - (5) Refer the matter to the state's attorney or other appropriate legal authority for further action.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-31, 43-11-38

CHAPTER 32-02-01 RULES OF CLEANING AND DISINFECTING

Section

32-02-01-01	Rules Posted
32-02-01-02	Space Dimensions and Requirements <u>General Provisions for Establishments</u>
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32-02-01-06	Personal Hygiene
32-02-01-07	First Aid Kit
<u>32-02-01-07.1</u>	<u>Blood Exposure Procedure</u>
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 <u>and Reinspections</u>

32-02-01-01. Rules posted.

The owner or manager of every ~~licensed salon~~establishment and school shall 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; January 1, 2026.

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 shall adhere to the following:

1. Establishments.

a. Each establishment must have:

- (1) Adequate workspace to ensure safe working conditions;
- (2) A reception area;
- (3) A supply room or designated supply area with enclosed cabinets for storage;
- (4) Readily accessible toilet facilities; and
- (5) 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. Cosmetology, manicuring, esthetician, or advanced esthetician services may not be performed in any room used as living or sleeping quarters.

c. Public entrances and exits. All public entrances and exits must comply with applicable local or state building codes.

d. Recreational vehicles. An establishment may not 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 shall 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 which 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 may not occur simultaneously within the same classroom. Separate and distinct practice and service floor areas must be clearly delineated for esthetics training and may 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, nontransparent wall extending from the floor to the ceiling. Direct access between the school and any such entity is prohibited. This requirement does 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; January 1, 2026.

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 shall~~ establishment and school 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 shall 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 shall~~ An establishment and school 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; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

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

1. ~~Walls~~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.~~2. Shampoo bowls must be free from all hair and debris, cleansed and disinfected after each use.

~~5.~~3. 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; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

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

Each ~~licensed salon shall~~establishment and school 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:

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. Dispose of sharps, blood, and other potentially infectious materials following local health authority or department of environmental quality guidelines for blood waste disposal and as outlined in the establishment or school's exposure control plan.~~

~~3.4.~~ Store and collect solid waste ~~so as~~ to avoid health hazards, rodent harborages, insect breeding areas, and accidents.

~~4.5.~~ 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 shall~~establishment and school must comply with the state and local plumbing code.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2017; January 1, 2026.

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.** 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 **Hand washing.** Each licensee, student, and apprentice shall 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.~~

~~3.2.~~ **Carrying ~~combs~~tools or instruments.** ~~Combs~~Tools or ~~other~~ instruments ~~shall~~may not be carried in clothing pockets or other leather or cloth pouches, holsters, or other porous containers or cases.

~~4.3.~~ **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; January 1, 2026.

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 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; January 1, 2026.

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 occurs 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 oneself 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 and wash hands; and

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

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-26.1

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

All tools, instruments, shampoo bowls, and other articles ~~which~~that come in contact with a client ~~shall~~must be cleaned and disinfected before use on each client as specified in section 32-02-01-10.

Each ~~licensed salon~~establishment and school shall 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~~that cannot be disinfected is prohibited.

History: Amended effective July 1, 1988; January 1, 2017; April 1, 2022; January 1, 2026.

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, ~~cap~~es, and similar items may be used only once and then must be properly launderedmust 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 multiuse cape. Multiuse 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 container~~a vented laundry container with a lid. 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~~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; January 1, 2026.

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, that are nonporous, such as those made of glass, metal, or plastic~~except shears, razors, and similar tools~~, 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 proper disinfectant and ~~left~~leave 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 are not required to be washed, but, and similar tools 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, a disinfectant 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; January 1, 2026.

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, 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~~ must be single-use cartridges only. Cartridges with removable roller heads are 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 ~~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 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~~ and 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.~~
- ~~10.8.~~ **Storage of supplies.** Every ~~licensed~~ salon establishment and school shall 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.~~
- ~~12.9.~~ **Electric tools and Electrical outlets.** Each licensed salon establishment and school shall 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.
- ~~13.10.~~ **Neck brushes.** ~~No salon~~ An establishment or school may ~~not~~ use neck brushes.
11. **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:
 - (1) The disinfectant must be circulated through the system at the proper concentration;
 - (2) Circulation must continue for the manufacturer's recommended contact time; and

(3) The tub then must 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.

~~14.12.~~ **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.

~~15.13.~~ **Ultraviolet light.** Ultraviolet light boxes used as a means of disinfection are prohibited ~~as a means of disinfection.~~

~~16.14.~~ **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 may not be kept on the premises.

~~17.15.~~ **Invasive 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.~~ **Prohibited tools, implements, equipment, and practices.** The following tools and procedures are prohibited:

a. Razor-type callus shavers, credo blades, rasps, graters, or other similar sharp implements for skin removal, due to the risk of client injury associated with their use, except as otherwise provided in North Dakota Century Code chapter 43-11.

b. Performing injections of any kind, even under the direction or supervision of an approved health care provider.

c. Performing blood draws, even under the direction or supervision of an approved health care provider.

Prohibited tools, implements and equipment may 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; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-12. Toilet facilities.

All ~~salons~~establishments and schools shall have adequate toilet facilities conveniently located and readily accessible to the public patronizing the establishment. All ~~salons~~establishments in residential establishments shall 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 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; January 1, 2026.

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 fish in aquariums, shall be permitted in any licensed salon.~~ Animals of any kind are not 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 is on premises frequently, the establishment shall make it known to the board by submitting notification, in writing, to the board. Service animals must be under the control of the handler or owner at all times.

Fish in aquariums are permitted in any licensed establishment or school.

History: Amended effective December 1, 2005; January 1, 2017; July 1, 2022; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

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 North Dakota Century Code section 43-11-28. An establishment or school shall receive notice from the board when a reinspection fee is due as a result of a failed inspection.

Reinspection may be warranted if there:

1. **Is a critical violation,** including a single serious violation related to health, sanitation, or safety, including improper disinfection, prohibited tools, cross-contamination, and not properly displaying licenses. Violations of this nature may warrant disciplinary action;
2. **Are multiple noncritical 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. **Is a 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 time frame of reinspection, the board may take disciplinary action.

History: Amended effective July 1, 1988; January 1, 2017; April 1, 2022; January 1, 2026.

General Authority: NDCC 43-11-05

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

ARTICLE 32-03
SALONS ESTABLISHMENTS

Chapter
32-03-01 ~~Salons~~ Establishments

CHAPTER 32-03-01
SALONS ESTABLISHMENTS

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

All individuals, firms, associations, corporations, partnerships, and other entities desiring to operate ~~a salon~~ an establishment shall make application to the board for a license prior to commencing business. The application ~~shall~~ must be made ~~on a form provided by~~ to the board and ~~shall~~ must be accompanied by the 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 shall 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; January 1, 2026.

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~~ must be accompanied by a detailed floor plan of the proposed ~~salon~~ establishment premises. The floor plan ~~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; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

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

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

History: Effective July 1, 1988; amended effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-03-01-04. License displayed.

Every ~~salon~~establishment shall 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 health care provider shall prominently display the supervising health care provider's license in clear view to the public.

History: Amended effective January 1, 2017; April 1, 2022; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-14

32-03-01-05. Separate establishments.

Repealed effective January 1, 2026.

~~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~~

32-03-01-07. ~~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~~shall 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 must~~Establishments shall keep documented hour records for at least two years after any separation of employment.

2. Except as otherwise provided, if the owner of an establishment is dually licensed in, or employs an individual at the owner's 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 shall:

a. Obtain and keep active any required license from the regulatory body that 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; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-15

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

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

History: Amended effective January 1, 2012; January 1, 2017; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-03-01-09. Signs.

Every ~~salon~~establishment shall display and maintain a sign ~~that~~indicating the name of the establishment, which 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; January 1, 2026.

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 shall 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 may 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 clearly must 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 which require the supervision of a licensed health care provider under applicable North Dakota law or rules, the advertisement clearly must identify the licensed health care provider by name, professional title.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13

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

~~— 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.~~

1. **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 only may be issued to a single individual licensee.

2. **Responsibilities of the independent licensee:**

a. Maintain an active North Dakota individual license and independent licensee license for each establishment.

b. Maintain an active lease arrangement with a licensed establishment, which serves as their primary affiliated location.

- c. Adhere to all existing applicable laws and administrative rules, particularly within their workstation or suite and any shared space within the establishment.
- d. Display the individual and independent licensee licenses in clear view in the immediate work area of the independent licensee.
- e. 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.

3. Responsibilities of the licensed establishment:

- a. Maintain an active North Dakota establishment license in good standing.
- b. Verify each licensee operating within the establishment's premises holds active North Dakota individual and independent licensee licenses at all times.
- c. Provide each independent licensee a workspace, as agreed to in the lease agreement, which meets all requirements outlined in title 32 and North Dakota Century Code chapter 43-11 except that there may be common reception areas, common toilet facilities, common product dispensing area, and common entrances and exits.
- d. 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; January 1, 2026.

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 the owner's establishment to a person to engage in an activity that is not under the jurisdiction of the board, including 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;
 - b. Have sufficient signage to avoid creating the impression that the space is a part of the cosmetology establishment.
- 2. 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.
- 3. 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.
- 4. Spaces leased may share entrances, exits, reception seating, bathroom, breakroom, and laundry facilities.
- 5. The establishment owner is responsible to ensure any lessee maintains proper, active licensure with the lessee's respective regulatory body.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-15

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 North Dakota Century Code chapter 43-11 who possess any applicable certifications required by law or rule.

1. **Facility requirements.** Advanced esthetic procedures must be performed in a room that:

- a. That is enclosed by floor-to-ceiling walls and a door;
- b. That is physically separated from any area used for hair or nail services;
- c. In which no food or beverages may be consumed by any person in the room; and
- d. In which devices, instruments, and supplies are properly cleaned and stored.

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 shall 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 shall 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; and
- 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; and
- f. Documentation of any adverse event and actions taken.

6. **Infection control and safety protocols.** Establishments and independent licensees shall 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 if appropriate;
- e. Procedures for minimizing cross-contamination; and
- f. Equipment maintenance and service logs.

The infection control plan must comply with the occupational safety and health administration standard 29 CFR 1910.1030 and include:

- a. An exposure control plan;
- b. Safety data sheets for all regulated products;
- c. Regulated waste pickup receipts; and
- d. Red bag documentation if applicable.

7. **Emergency preparedness.** Establishments or independent licensees shall develop and maintain written protocols for responding to common adverse events associated with advanced esthetic procedures, including:

- a. Allergic reactions;
- b. Burns;
- c. Excessive bleeding; and
- d. Chemical or product-related sensitivities.

Protocols must:

- a. Be posted in a conspicuous location within the procedure room;
- b. Include emergency contact information, including supervising health care provider if applicable;
- c. Ensure availability of first-aid supplies appropriate to the procedures performed;
- d. 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 shall report such event to the board within ten business days. Serious adverse events requiring mandatory reporting include:

- 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; and

g. Permanent injury or disfigurement.

Reports must be submitted on a form provided by the board and must include:

a. Client initials or unique identifier, age, and gender;

b. Date of procedure and date the event was discovered;

c. Type of procedure and products or devices used;

d. Name and license number of the performing licensee;

e. Supervising physician's name, if applicable;

f. Description of the event and body area affected;

g. Interventions performed and followup actions taken; and

h. Known medical treatment received by the client outside the facility.

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 open records laws.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-15

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

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

History: Amended effective July 1, 1988; March 1, 1998; January 1, 2017; January 1, 2026.

General Authority: NDCC 43-11-05

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

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

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

1. ~~The licensee is a master cosmetologist, master manicurist, or master esthetician;~~ The licensee must be:

a. An establishment owner;

b. A licensee who is employed by an establishment; or

c. An independent licensee.

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 32-02-04;

3. The ~~master cosmetologist, master manicurist, or master esthetician~~ owner or manager notifies the board if licensees ~~will be~~ is practicing outside the ~~salon~~ establishment; and
4. The ~~master cosmetologist, master manicurist, or master esthetician~~ shall licensee 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.

5. Advanced esthetic procedures must not be practiced outside of a licensed establishment.

History: Effective July 1, 2000; amended effective December 1, 2005; January 1, 2017; April 1, 2022; January 1, 2026.

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 North Dakota Century Code chapter 43-11 shall adhere to the following:

1. Licensees performing services only on residents of exempt facilities shall:

- 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 section 32-03-01-14.

2. Licensees performing services on residents and nonresidents of an exempt facility shall:

- a. 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 section 32-03-01-14.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-02, 43-11-15.1

ARTICLE 32-04 SCHOOLS

Chapter
32-04-01 ~~Cosmetology~~ Schools

CHAPTER 32-04-01 ~~COSMETOLOGY~~ SCHOOLS

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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.** A person, firm, association, corporation, partnership, or other entity may not 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 shall submit the following documents to the board for review, the specific requirements and content as determined by the board:

(1) Curriculum outline for each program offered;

(2) Sample program schedule;

(3) Comprehensive policy and procedure manual;

(4) Student contract; and

(5) Detailed floor plan.

c. **Initial review.** The board's school compliance committee or designated representative shall conduct an initial review of the submitted documents. Upon satisfactory initial review, the board office shall 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, shall attend an interview with the school compliance committee. The interview serves 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 shall determine if the applicant is authorized to proceed with the formal application. The board shall notify the applicant in writing of the board's 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 North Dakota Century Code chapter 43-11 and rule;
 - d. Documentation verifying 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 North Dakota Century Code chapter 43-11; and
 - 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 shall 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 shall issue a school license.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005; April 1, 2022; January 1, 2026.

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 shall 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, or location, the school shall start the application process with the board.
2. **Maintenance of standards.** A licensed school shall meet continuously all the qualifications for licensure.
3. **Licenses displayed.** Every school shall 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 shall maintain a committee of external members to provide feedback on school operations and student performance.
5. **Student advisor.** Every school shall 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 shall 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 shall notify the board in writing of any change in the staff of instructors within ten business days.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

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 shall:

1. Consist of a minimum of three members appointed by the board, including at least:

a. One board member;

b. One postsecondary school administrative representative; and

c. One external member.

2. Serve two-year terms and may be reappointed at the discretion of the board.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-01.3. Duties of school compliance committee.

The school compliance committee shall:

1. Review all applications for new school licensure to ensure compliance with chapter 32-03-01 and other applicable rules.

2. Coordinate with board staff and inspectors to conduct preliminary interview and possible site visits.

3. Submit recommendations to the board.

4. Conduct quarterly compliance reviews of each new school for the first twenty-four months following initial licensure when the inspector deems necessary.

5. Submit written findings to the board following each quarterly review. If review deemed unnecessary, the inspector shall submit written findings directly to the board.

6. Coordinate followup actions as directed by the board based on review of written findings.

7. Conduct compliance reviews of each established school not less than once every two calendar years. Reviews must include verification of curriculum compliance, facility standards, instructor licensure, student documentation, and any relevant records.

- 8. Assist board inspectors in the investigation of complaints involving licensed schools as needed.
- 9. Participate in joint inspections, document reviews, or hearings as needed.
- 10. Provide written findings and recommendations to the board upon conclusion of any complaint-related investigation.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

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

- 1. The school compliance committee may conduct interviews and 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 shall report on its findings and recommendations to the board at regular board meetings or as otherwise directed.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

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, 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 and meet applicable fire, building, health, ventilation, heating and safety requirements. The school shall 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; January 1, 2026.

General Authority: NDCC 43-11-05

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

32-04-01-04. Licenses displayed.

Repealed effective January 1, 2026.

~~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.

Repealed effective January 1, 2026.

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

1. **Student contract.** Each ~~cosmetology~~ school shall provide the board with a true copy of the student contract for each student and student instructor enrolled. The student contract shall 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 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 as outlined in this chapter.
 - b. Proof of completing a minimum of tenth grade education or equivalent. If a 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; January 1, 2026.

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. **~~Foreign~~ 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 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 ~~course~~ program, the student shall 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 ~~will~~for an uncompleted program must be credited for five years.
- b. Out-of-state credit hours ~~will~~for an uncompleted program must be credited for two years.
- c. Credit hours for successfully completed programs after which individual did not obtain licensure must be credited for ten years. After ten years individual shall 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; January 1, 2026.

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 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~~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; January 1, 2026.

General Authority: NDCC 43-11-05

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

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

Repealed effective January 1, 2026.

~~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.

1. Each ~~cosmetology~~ school intending to transfer ownership or discontinue its operation voluntarily or by revocation of license by the board shall 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.

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

a. Be approved by the board;

b. Include last date of operation; and

c. Include which closing procedure will be followed:

(1) The school will continue operations until last enrolled student is graduated; or

(2) The plan includes a transfer option to another licensed school for enrolled students.

History: Amended effective January 1, 2026.

General Authority: NDCC 43-11-05
Law Implemented: NDCC 43-11-16, 43-11-19

32-04-01-11. Attendance reports.

Repealed effective January 1, 2026.

~~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 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 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; January 1, 2026.
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 have the following minimum equipment and library for each of the following courses 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.~~b. ~~Facial chairs, bed,~~Spa chairs or tables adequate for the number of students enrolled.

~~f.~~c. Hair ~~dryer for each eight~~dryers adequate for the number of students enrolled.

~~g.~~d. Manicure table for each four students enrolled.

~~h.~~e. Workstation with mirror for each two students enrolled.

2.3. Esthetician minimum equipment:

a. ~~Presentation equipment.~~

~~———— b. One sink~~Adequate number of sinks with hot and cold running water located separate from restrooms ~~for enrollment for up to fifteen students.~~

~~e.~~b. One workstation or position per two students, which must include a ~~facial~~spa chair or ~~cushioned massage~~ table.

~~d.~~c. One set of ~~manual, mechanical, or electrical~~ facial equipment per two workstations or positions necessary to fulfill the curriculum requirement.

~~e.~~d. 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.~~

3.4. Manicurist minimum equipment:

a. ~~Presentation equipment.~~

~~———— b. A handwashing sink~~Adequate number of sinks with hot and cold running water located separate from restrooms ~~for enrollment up to fifteen, and one additional sink for each fifteen students.~~

~~e.~~b. One workspace with adequate light must be provided for every student.

~~d.~~c. 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.d. Implements for artificial nails, nail wraps, and tipping~~Supplies for nail services and enhancements.

~~h.e. One pedicure setup station~~Adequate number of pedicure stations for students enrolled.

~~i. Audiovisual aids.~~

4.5. 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.f. Copy of cleaning and disinfecting rules and regulation~~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; January 1, 2026.

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 provide each student with the tools and supplies listed in the student contract. Each ~~cosmetology~~ school shall 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; January 1, 2026.

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 the school policy and procedures manual which must include all rules and regulations of the ~~cosmetology~~ school.

1. **Receipt.** Each student upon receiving ~~a copy of the school rules and regulations~~the policy and procedures manual shall sign a receipt for the copy and the school shall ~~keep the receipt in its file for each student~~retain the receipt in the student's file. Students shall 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 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 be~~ responsible for providing the board with any changes or amendments to the ~~rules and regulations~~**school's 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; January 1, 2026.

General Authority: NDCC 43-11-05

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

32-04-01-16. Lockers.

Every ~~cosmetology~~ school shall 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; January 1, 2026.

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 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; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-18. Curriculum.

Each ~~cosmetology~~ school shall 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.~~**Didactic training.** Training is classroom based in which students acquire foundational knowledge through lectures, presentations, discussions, textbooks, demonstrations and laboratory practice.
- ~~3. **Enrichment hours.** Flexible hours are included 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 may not exceed fifteen hours for any one program.~~

~~3-4.~~ **Credit record.** Each ~~cosmetology~~ school shall 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**, transferred, ~~or discontinued~~ and fulfilled all school requirements accordingly, the school shall 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; January 1, 2026.

General Authority: NDCC 43-11-05

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

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

~~No~~**A** student ~~shall~~**may not** 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~~**Earned** credit hours of ~~any~~**a** student ~~shall~~**may not** be deducted by any ~~cosmetology~~ school for any reason whatsoever.

History: Amended effective January 1, 2026.

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 shall 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 shall retain a true copy of each schedule in its permanent records. All schedules are subject to board inspection.**

History: Amended effective April 1, 2022; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

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

1. 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~~**may** not provide any professional service to the public while ~~employed at a cosmetology school~~**on the school premises.**

2. ~~For schools offering the advanced esthetics program, a licensed health care 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; January 1, 2026.

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~~A student ~~shall~~ may not 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~~ not be guaranteed any position by the ~~cosmetology~~ school.

History: Amended effective July 1, 1988; January 1, 2026.

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

History: Amended effective January 1, 2026.

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.~~

History: Amended effective January 1, 2026.

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~~ shall maintain a minimum of a seventy-five percent average in non 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 as determined by the board. A candidate shall successfully graduate from a school of cosmetology prior to taking any board examinations. The board shall 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 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 notify the board in writing if there is reason to believe that ~~there has been discrimination during~~ 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; [January 1, 2026](#).

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 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; [January 1, 2026](#).

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-26.1. Cosmetology [course program](#) curriculum.

~~The hours of the cosmetology course curriculum for classroom or clinic for instruction must include the following~~
The curriculum for students enrolled in a cosmetology program must be fifteen hundred hours of training. A school or licensed instructor may not permit a student to render clinical services until a student has completed twenty percent of the total hours of instruction required. The instruction in all subject areas collectively must 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: Didactic: 35 hours Practical: 40 hours	150 Total 75 hours
Hair cutting and styling : Didactic: 55 hours Practical: 145 hours	450 Total 200 hours
Hair styling: Didactic: 45 hours Practical: 130 hours	Total 175 hours
Manicuring: Didactic: 35 hours Practical: 65 hours	Total 100 hours
Skin care and esthetics Esthetics : Didactic: 80 hours Practical: 120 hours	400 Total 200 hours
Chemical services: To include at minimum: hair coloring, permanent waving and relaxing : Didactic: 130 hours Practical: 285 hours	300 Total 425 hours
Study of theory Additional subjects and law: Didactic: 120 hours Practical: 30 hours	Total 150 hours
Business management, interpersonal skills, ethics, and related subjects : Didactic: 40 hours Practical: 10 hours	250 Total 50 hours
Professionalism, ethics, and career development : Didactic: 40 hours	Total 50 hours

Practical: 10 hours

Enrichment:

Total 75 hours

Total ~~minimum~~ hours

1,500 hours

History: Effective July 1, 2000; amended effective January 1, 2012; January 1, 2017; April 1, 2022; January 1, 2026.

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~~A school or licensed instructor may not 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 collectively must 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:

Total 75 hours

Didactic: 35 hours

Practical: 40 hours

~~Body treatment, facials, hair removal, and makeup~~Facials:

~~340~~Total 215 hours

Didactic: 80 hours

Practical: 135 hours

~~Study of theory, law, and cleaning and disinfecting~~Hair removal:

~~75~~Total 85 hours

Didactic: 30 hours

Practical: 55 hours

Make-up:

Total 65 hours

Didactic: 25 hours

Practical: 40 hours

~~Related~~Additional subjects and law:

~~60~~Total 50 hours

Didactic: 40 hours

Practical: 10 hours

~~Unassigned~~Professionalism, ethics, and career development:

~~50~~Total 25 hours

Didactic: 20 hours

Practical: 5 hours

Business:

Total 35 hours

Didactic: 30 hours

Practical: 5 hours

Enrichment:

Total 50 hours

Total ~~minimum~~ hours:

600 hours

History: Effective July 1, 1990; amended effective July 1, 2000; December 1, 2005; January 1, 2012; January 1, 2017; January 1, 2026.

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. A school or licensed instructor may not 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 collectively must 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:

<u>Cleaning, disinfecting, and safety:</u>	<u>Total 75 hours</u>
<u>Didactic: 35 hours</u>	
<u>Practical: 40 hours</u>	
<u>Facials:</u>	<u>Total 215 hours</u>
<u>Didactic: 80 hours</u>	
<u>Practical: 135 hours</u>	
<u>Hair removal:</u>	<u>Total 85 hours</u>
<u>Didactic: 30 hours</u>	
<u>Practical: 55 hours</u>	
<u>Make-up:</u>	<u>Total 65 hours</u>
<u>Didactic: 25 hours</u>	
<u>Practical: 40 hours</u>	
<u>Additional subjects and law:</u>	<u>Total 50 hours</u>
<u>Didactic: 40 hours</u>	
<u>Practical: 10 hours</u>	
<u>Professionalism, ethics, and career development:</u>	<u>Total 25 hours</u>
<u>Didactic: 20 hours</u>	
<u>Practical: 5 hours</u>	
<u>Business:</u>	<u>Total 35 hours</u>
<u>Didactic: 30 hours</u>	
<u>Practical: 5 hours</u>	
<u>Enrichment:</u>	<u>Total 50 hours</u>
<u>Total fundamental esthetic hours:</u>	<u>600 hours</u>

Advanced esthetics hours:

<u>Advanced skin sciences:</u>	<u>Total 75 hours</u>
<u>Didactic: 50 hours</u>	
<u>Practical: 25 hours</u>	
<u>Advanced esthetic techniques and technologies:</u>	<u>Total 280 hours</u>
<u>Didactic: 70 hours</u>	
<u>Practical: 210 hours</u>	
<u>Medical esthetics and specialized practices:</u>	<u>Total 60 hours</u>
<u>Didactic: 45 hours</u>	

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: 1,100 hours

Advanced estheticians shall 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.

History: Effective January 1, 2026

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~~A school or licensed instructor may not 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-fifty-hour manicuring curriculum and must include:

Cleaning, disinfecting, and safety: 45Total 50 hours
Didactic: 20 hours
Practical: 30 hours

Manicuring, ~~and~~ pedicuring, ~~and application of artificial nails:~~ 200Total 40 hours
Didactic: 10 hours
Practical: 30 hours

Nail enhancements: Total 150 hours
Didactic: 50 hours
Practical: 100 hours

~~Study of theory,~~Additional subjects and law, ~~and cleaning and disinfecting:~~ 45Total 60 hours
Didactic: 50 hours
Practical: 10 hours

~~Related subjects~~Business, professionalism, and ethics: 35Total 40 hours
Didactic: 25 hours
Practical: 15 hours

Unassigned: 25Total 10 hours

Total ~~minimum~~ hours: 350 hours

History: Effective July 1, 1990; amended effective December 1, 2005; January 1, 2012; January 1, 2017; January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-31. Instructor curriculum two hundred forty hours.

This section applies to licensees who have held a license more than two years.

1. Instructional design and delivery methods: 60 hours

This subsection 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 subsection 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

Supervised clinic floor duty.

5. Elective: 20 Hours

Total hours: 240 hours

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-32. Instructor curriculum four hundred eighty hours.

This section applies to licensees who have held a license less than two years.

1. Instructional design and delivery methods: 100 hours

This subsection 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 subsection 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.

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, alignment, and sequencing;
- c. Assessment and evaluation methods;
- d. Detailed review of legal and ethical responsibilities; and
- e. Professional development and leadership.

4. Foundational cosmetology skills and techniques reinforcement: 80 hours

This subsection 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 hair cutting principles and techniques review;
- b. Comprehensive hair color theory and application review;
- c. Chemical texturizing services: theory and practical application review; and
- d. Skin care and nail care fundamentals review for instruction.

5. Clinic floor duties and focused observations: 80 hours

Supervised clinic floor duty.

6. **Elective:** **30 hours**

Total hours: **480 hours**

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

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 ~~[Repealed]~~
32-05-01-01.2 Endorsement With Examination
32-05-01-02 Master Cosmetologist ~~[Repealed]~~
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32-05-01-01. ~~Cosmetologists~~ Licensees and instructors.

Every individual desiring to be licensed by the board ~~as a cosmetologist~~ shall have the qualifications required by North Dakota Century Code chapter 43-11 applicable to ~~cosmetologists~~ individual license type and the educational qualifications set forth in ~~section 32-04-01-26.1~~ 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 North Dakota Century Code section 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 North Dakota Century Code section 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 North Dakota Century Code section 43-11-28~~ is required. The licensee shall 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 notify the board in writing of any change ~~of name or change~~ of residence address. Every licensee shall make application for individual name change to the board and provide supporting court documentation of name change.
6. **License displayed.** Every ~~cosmetologist~~ licensee shall 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 licensee, except otherwise provisioned by rule, shall 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 shall complete at least four 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 four hours. The board shall 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; January 1 2026.

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.

Repealed effective January 1, 2026.

~~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~~

32-05-01-01.2. Endorsement with examination.

An individual for licensure by endorsement, who otherwise satisfies all conditions of North Dakota Century Code section 43-11-25, is required to successfully pass required examinations as determined by the board if any of the following conditions exist:

1. An individual has held a license in another jurisdiction for a period of less than one year at the time the application is submitted.
2. An individual's original licensing jurisdiction did not require the NIC practical and NIC theory examination or equivalent examination for licensure, and the applicant has held that license for a period of less than three years at the time the application is submitted.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-25

32-05-01-02. Master cosmetologists.

Repealed effective January 1, 2026.

~~— 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 shall 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 shall 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 shall post mandatory topics, if applicable, on its website by February fifteenth annually.
 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; January 1 2026.

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 have the qualifications required by North Dakota Century Code chapter 43-11 applicable to student instructors and shall 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 North Dakota Century Code section 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 North Dakota Century Code section 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 North Dakota Century Code section 43-11-28.
5. **Examination deadline and provisional student teaching.** Instructor license applicants shall pass all required examinations within sixty days of program completion. Pending examination 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 examinations within sixty days terminates student teaching privileges until full licensure. Two failed examination attempts require re-enrollment in a board-approved instructor program for two hundred hours of didactic and hands-on practical. Clinic floor supervision is not permitted during this re-enrollment. Upon completion, an applicant may retake failed examinations.
7. **Student instructor classification and compensation.** Individuals engaged in student teaching shall maintain the classification of "student instructor" and may 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 may 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; January 1, 2026.

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

32-05-01-06. Esthetician.

Repealed effective January 1, 2026.

~~— 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.

Repealed effective January 1, 2026.

~~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.

Repealed effective January 1, 2026.

~~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.~~
- ~~5. **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.

Repealed effective January 1, 2026.

~~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 shall 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 shall complete at least eight 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 shall 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.

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 direction or supervision are as follows:

- a. Advanced needling procedures require direction or supervision by a licensed health care 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 health care provider due to its depth of exfoliation require direction or supervision by a licensed health care provider.
- c. Nonablative procedures require direction or supervision by a licensed health care provider.

4. Direction and supervision are outlined as follows and must be documented:

- a. "Direction" means the comprehensive, overarching authority and responsibility a licensed physician, physician assistant, or advanced registered nurse has over an advanced esthetics practice. This involves establishing and approving all medical protocols, delegating specific procedures, and ensuring the practice operates in compliance with all relevant laws and standards of care.
- b. "Documented supervision" means the creation and maintenance of a formal, written record for each advanced esthetic procedure that requires medical oversight. This record serves as legal proof of compliance and must include:
 - (1) The specific procedure performed;
 - (2) The date and time of the procedure;
 - (3) The name and license number of the supervising medical professional and licensed advanced esthetician; and
 - (4) A clear attestation that the required level of supervision was provided and that the supervising professional is accountable for the patient's care.
- c. "Supervision" means the active, direct, and continuous oversight of an advanced esthetician by a licensed medical professional. It requires the supervising professional to be available for immediate consultation and to have ultimate responsibility for all delegated medical procedures. The degree of supervision is determined by the complexity of the procedure and the specific protocols established by the supervising professional.

5. Licensed health care provider. The supervising health care provider shall hold an active, unencumbered North Dakota license in their respective profession and 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. Health care providers eligible to oversee advanced estheticians are the following:

- a. A physician licensed under North Dakota Century Code chapter 43-17;
- b. A physician assistant licensed under North Dakota Century Code chapter 43-17; or
- c. An advanced practice registered nurse licensed under North Dakota Century Code chapter 43-12.1.

6. Supervision requirements.

- a. **Collaborative agreement.** A formal, written document, jointly developed and executed between a licensed advanced esthetician and a supervising health care 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 health care provider. This protocol must be signed and dated by both the individual advanced esthetician and the supervising health care provider, reviewed annually, and maintained at the practice location for each type of procedure performed. The protocol must detail:

(1) Specific procedures covered and devices used.

(2) Device parameters and settings guidelines.

(3) Criteria for client selection and contraindications.

(4) Preprocedure and postprocedure care instructions.

(5) Plan for managing potential complications and adverse events.

(6) Emergency procedures and contact information.

(7) Method and frequency of supervision, including requirements for supervisor availability either via telecommunication or in person during procedures.

(8) Method and frequency for supervisor review of client records and outcomes.

(9) Requirements for client consultation with the supervising health care provider, specifying, at minimum:

(a) Criteria or circumstances requiring an initial in-person or telehealth consultation between the client and the supervising health care provider prior to the first procedure.

(b) Procedures for supervisor review and approval of the advanced esthetician's initial assessment and proposed treatment plan if an initial client-supervising health care provider consultation is not mandated by the protocol's criteria.

(c) The minimum frequency and circumstances under which the supervising health care provider must review the client's progress or conduct followup consultations during a series of treatments.

c. **Health care provider availability.** The supervising health care provider must be readily available for consultation during the hours 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. The health care provider must be physically onsite a minimum of four hours per week. A log of these hours must be maintained.

d. **Health care provider responsibility.** The supervising health care 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 health care provider of the professional responsibilities under the provider's 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 health care provider notification.** The establishment and advanced esthetician shall notify the board in writing within forty-eight hours of any change in the supervising health care provider. This notification must include the name and contact information of the new supervising health care provider and be accompanied by a new collaborative agreement that is signed by each advanced esthetician and the new health care provider. Advanced estheticians may not perform procedures requiring health care provider supervision immediately upon the termination of an agreement until such time a new valid, signed collaborative agreement with an active supervising health care provider is on file with the board and at the establishment.

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

(1) The health care provider can realistically meet the availability requirements outlined in this article for all locations under the provider's supervision with a maximum of five locations at a time.

(2) A separate, written protocol specific to the devices, procedures, and staff at each individual location is developed, signed by the health care provider and each advanced esthetician at each location, submitted to the board, and maintained at each respective establishment.

h. **Termination of supervision agreement.**

(1) If a supervision agreement documented in a collaborative agreement is terminated by either the supervising health care provider or the advanced esthetician, the terminating party shall notify the board in writing within forty-eight hours of the termination date.

(2) Upon termination of the supervision agreement, the advanced esthetician immediately shall cease performing all procedures that require health care provider supervision under these rules.

(3) The advanced esthetician may only resume performing such procedures after establishing a collaborative agreement with a new qualified health care provider and providing the board office with a copy of the collaborative agreement and written protocols that meet the requirements of this section.

7. 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.

8. **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 the following:

a. **Laser safety officer.**

(1) **Designation and qualification.** Designation of a laser safety officer who has obtained certification from a board-approved laser safety officer training program is required. 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.

(2) **Responsibilities.** The officer is responsible for overseeing and enforcing the establishment's laser, light and energy device safety program, including:

(a) Hazard evaluation;

(b) Specifying control measures;

(c) Verifying operator training and credentials;

(d) Ensuring compliance with all safety protocols and recordkeeping requirements; and

(e) Conducting periodic safety audits.

(3) **Recordkeeping.** The laser safety officer shall establish and maintain specific laser safety records, including:

(a) Current certification.

(b) Inventory of all class 3B and class 4 lasers.

(c) Documentation of hazard assessments for each laser treatment-controlled area.

(d) Written laser safety policies and standard operating procedures.

(e) Records of laser safety training for all personnel working in or having access to the laser treatment-controlled area.

(f) Records verifying appropriate laser protective eyewear are available and periodically inspected.

(g) Device service and maintenance logs.

(h) Records of internal laser safety audits and corrective actions taken.

(4) **Laser safety officer per location requirement.** Each licensed establishment where nonablative laser procedures are performed shall 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 onsite 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, nonreflective surfaces where applicable and nonbeam hazards such as plume evacuation for procedures generating airborne contaminants, electrical safety.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-25, 43-11-26.1, 43-11-27.2, 43-11-28

32-05-01-08.1. Nonablative laser certification requirements.

1. Didactic training requirements.

- a. An advanced esthetician applying for cosmetic laser certification shall 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.
- b. The curriculum for didactic training must include, at a minimum:
 - (1) Principles of laser and intense pulsed light physics and fundamentals;
 - (2) Human skin and hair biology, including Fitzpatrick skin typing;
 - (3) Indications and contraindications for laser procedures;
 - (4) Client consultation, assessment, and informed consent procedures;
 - (5) Laser safety, hazard control, and protective measures;
 - (6) Infection control and universal precautions;
 - (7) Equipment operation, calibration, and maintenance; and
 - (8) Documentation, recordkeeping, and post-treatment care protocols.

2. Hands-on clinical training requirements.

- a. An advanced esthetician shall complete a minimum of forty-eight hours of supervised hands-on clinical training that involves direct use of approved laser and intense pulsed light devices on live models or patients.
- b. Clinical training may be conducted in any of the following settings:
 - (1) A licensed establishment, or similar clinical setting under the supervision of a qualified licensed health care provider as defined in this section; or
 - (2) A board-approved laser training facility or a board-licensed school.
- c. The hands-on clinical training must include direct experience with FDA-cleared laser and intense pulsed light devices and must include, at a minimum:

- (1) Ten laser hair removal procedures;
- (2) Ten photo rejuvenation or intense pulsed light skin rejuvenation procedures;
- (3) Ten procedures addressing benign pigmented or vascular lesions; and
- (4) Observation and simulation of emergency procedures and adverse event response. The supervising instructor or supervising health care 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.

3. Laser safety and competency certification.

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

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-27.2

32-05-01-08.2. Microneedling certification requirements.

1. An active North Dakota advanced esthetician license is required.
2. Completion of a board-approved certification course and instructor attestation is required. The course:
 - a. Must be board-approved twelve-hour program consisting of didactic and hands-on training;
 - b. May be conducted in licensed schools or other board-approved locations;
 - c. Must include a minimum of three hours comprehensive didactic training either in person or distance learning;
 - d. Must include a minimum six hours in-person, supervised hands-on training;
 - e. Instructors must be approved by the board; and
 - f. Certificate of completion must be submitted to the board prior to performing microneedling procedures. Certificate must include at minimum:
 - (1) Name of instructor and student;
 - (2) Date of course completion;
 - (3) Total hours completed; and
 - (4) An attestation in writing and signed by instructor verifying applicant's successful hands-on competency.

3. Microneedling is prohibited without valid certification and advanced esthetician license.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-26.2

32-05-01-08.3. Advanced chemical peel certification requirements.

1. An active North Dakota advanced esthetician license is required.

2. Completion of a board-approved eight-hour hybrid certification course and instructor attestation for hands-on competency from board-approved certification course is required. The course:

a. Must be a minimum of an eight-hour course consisting of didactic and hands-on training;

b. May be conducted in licensed schools or other board-approved locations;

c. Must include comprehensive didactic training either in person or distance learning;

d. Must include in-person training supervised, hands-on training;

e. Instructors must meet board qualifications; and

f. Certificate of completion must be submitted to the board prior to performing microneedling procedures. Certificate must include at minimum:

(1) Name of instructor and student;

(2) Date of course completion;

(3) Total hours completed; and

(4) An attestation in writing and signed by instructor verifying applicant's successful hands-on competency.

3. Advanced chemical peel procedures are prohibited without valid certification and an advanced esthetician license.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-26.2

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

Legacy license status honors 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. An individual holds an active license which has remained active for forty-five or more cumulative years, verifiable by the board;

b. The license must be in good standing or the individual must be eligible for reinstatement under North Dakota Century Code section 43-11-29;

c. The individual is not currently engaged in licensed practice;

d. The individual makes application to the board and pays the appropriate fee; and

e. The individual renews on or before December thirty-first in each year.

2. Not in practice.

a. The licensee is not performing any of the acts or services defined under North Dakota Century Code chapter 43-11 for compensation or as part of any business or employment arrangement. This includes:

(1) Providing services for compensation;

(2) Advertising or holding out as available to provide services;

(3) Managing or operating a licensed establishment; or

(4) Supervising licensed individuals or students.

b. Uncompensated volunteer activities may be excluded and must be reviewed by the board or its designees for determination. Advanced esthetic procedures may not be performed under legacy license status.

c. Limitations. A legacy licenseholder is authorized to identify themselves as a "Licensed [License Type] - Legacy Status." Legacy license status prohibits an individual from performing services as defined in North Dakota Century Code chapter 43-11 for compensation.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-28

32-05-01-10. Advanced esthetician grandfather clause application process.

1. Application period. An individual must apply on or before December 31, 2027.

2. Eligibility and required documentation. To apply for an advanced esthetician license under the grandfather clause, a North Dakota-licensed cosmetologist or esthetician shall meet the following requirements and provide the corresponding documentation:

a. Current North Dakota license. Hold an active North Dakota cosmetologist or esthetician license since January 1, 2025, or before.

b. Safety and infection control education. Provide proof of completion of a board-approved four-hour safety and infection control training.

c. Bloodborne pathogen certification. Provide proof of an active occupational safety and health administration bloodborne pathogens certification.

d. 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.

e. Practical experience or training.

(1) Supervised clinical experience. Provide a notarized affidavit from a supervising medical professional. This affidavit must certify that the applicant worked in-person and 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

(2) Advanced esthetics training.

(a) Provide proof of completing one hundred fifty hours of advanced esthetics training approved by the board.

(b) These training hours may be achieved through hands-on or distance learning from reputable manufacturers or institutions.

(c) Training may be comprised of one or more courses to achieve the one hundred fifty hours.

(d) Training must have been completed within the past five years.

3. General application steps.

a. Fill out the advanced esthetician grandfathering application accurately;

b. Pay the required original advance esthetician licensing fees as determined in North Dakota Century Code section 43-11-28; and

c. Submit the application to the board office with all required documentation as outlined above. The 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, the individual shall complete five hundred hours of training in advanced esthetics in a board-approved program to obtain the advanced esthetician license.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-26.1

ARTICLE 32-06 APPRENTICESHIPS

Chapter
32-06-01 Apprenticeships

CHAPTER 32-06-01 APPRENTICESHIPS

Section
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32-06-01-01. Apprenticeships.

1. 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, Code of Federal Regulations, parts 29 and 30.

2. 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 following definitions:
 - a. **"Apprentice"** means an individual who is registered with the United States department of labor office of apprenticeship through a sponsor.

 - b. **"Apprentice trainer"** means 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.

 - c. **"Apprenticeship agreement"** means 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.

 - d. **"On-the-job learning"** means supervised practical training occurring in an approved apprenticeship establishment, structured by the work process schedule of a board-recognized registered apprenticeship program.

 - e. **"Registered apprenticeship program"** means 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.

- f. "Related technical instruction" means 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.
- g. "Sponsor" means 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.
- h. "Wage progression" means a progressively increasing schedule of wages to be paid to the apprentice consistent with the skill acquired.
- i. "Work process schedule" means 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.

History: Effective January 1, 2026.
General Authority: NDCC 43-11-05
Law Implemented: NDCC 43-11-16.1

32-06-01-02. Program sponsor.

Sponsors shall 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 North Dakota Century Code chapter 43-11 and applicable rules.

History: Effective January 1, 2026.
General Authority: NDCC 43-11-05
Law Implemented: NDCC 43-11-16.1

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

Establishments shall:

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 subsection 6 of North Dakota Century Code section 43-11-16.1.

History: Effective January 1, 2026.
General Authority: NDCC 43-11-05
Law Implemented: NDCC 43-11-16.1

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

Individuals shall apply for and receive board approval and must hold an active license in the specific practice area for a minimum of three consecutive years and complete board-approved educator training to obtain an apprentice trainer registration. Apprentice trainers shall complete eight hours of continuing education annually by December thirty-first to maintain registration. The board may require mandatory topics.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05
Law Implemented: NDCC 43-11-16.1

32-06-01-05. Apprentice.

1. An apprentice shall:
 - 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 North Dakota Century Code section 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; and
 - 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.

History: Effective January 1, 2026.
General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16.1

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 as follows:
 - 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 as follows:
 - 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 shall 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 time frames are as follows:
 - 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 shall 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 are as follows:
 - a. Cosmetology: forty hours;
 - b. Esthetics: thirty hours; or
 - c. Manicuring: thirty hours.

5. **Curriculum and supervision.** A board-approved apprentice trainer shall 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 the apprentice is performing on-the-job learning tasks.
 - a. **Cosmetology program.**

(1) **Related technical instruction.** **300 hours**

Training must include sufficient instruction in each of the following:

- (a) Safety, sanitation, infection control theory;
- (b) North Dakota state law, rules, and regulations;
- (c) Anatomy, physiology, and basic chemistry;
- (d) Hair theory;
- (e) Skin theory;
- (f) Nail theory; and
- (g) Professionalism, ethics, and business practices.

(2) **On-the-job learning.** **2,500 hours**

Training must include sufficient learning in each of the following:

- (a) Safety, sanitation, and salon procedures application;
- (b) Hair cutting;
- (c) Hair styling;
- (d) Hair coloring and lightening;
- (e) Chemical texture services;
- (f) Basic skin care;
- (g) Basic nail care; and
- (h) Client consultation, dispensing, and salon operations.

b. **Esthetics program.**

(1) **Related technical instruction.** **250 hours**

Training must include sufficient instruction in each of the following:

- (a) Safety, sanitation, infection control theory;
- (b) North Dakota law, rules, and regulations;
- (c) Anatomy, physiology, and histology;
- (d) Chemistry, product ingredients, and electricity;
- (e) Skin analysis, conditions and disorders;
- (f) Facial treatments and machine theory;
- (g) Hair removal theory;
- (h) Makeup theory; and
- (i) Professionalism, ethics, and business practices.

(2) **On-the-job learning.** **2,000 hours**

Training must include sufficient learning in each of the following:

- (a) Safety, sanitation, and salon procedures application;
- (b) Client consultation and skin analysis;
- (c) Manual facial techniques;
- (d) Hair removal;
- (e) Make-up application;
- (f) Advanced topics; and
- (g) Client handling and salon operations.

c. Manicure program.

(1) Related technical instruction. 250 hours

Training must include sufficient instruction in each of the following:

- (a) Safety, sanitation, infection control theory;
- (b) North Dakota law, rules, and regulations;
- (c) Anatomy and physiology;
- (d) Chemistry and product knowledge;
- (e) Manicuring and pedicuring theory;
- (f) Nail enhancement theory; and
- (g) Professionalism, ethics, and business practices.

(2) On-the-job learning. 2,000 hours

Must include sufficient learning in each of the following:

- (a) Safety, sanitation, and salon procedures application;
- (b) Manicuring techniques;
- (c) Pedicuring techniques;
- (d) Nail enhancements; and
- (e) Client consultation and salon operations.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16.1

32-06-01-07. Financial requirements.

1. **Fee transparency.** The sponsor or establishment shall provide an apprentice with a clear, itemized, written disclosure of all program costs, including tuition, fees, books, kits, and supplies prior to signing the apprenticeship agreement.
2. **Cost limitations.** The sponsor or establishment shall adhere to maximum allowable tuition and fee structures established by the board.

3. **Payment plans.** Prior to signing the apprenticeship agreement, the sponsor or establishment shall provide a written, reasonable, interest-free payment plan option for any program costs.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16.1

32-06-01-08. Recordkeeping and reporting.

1. **Progress records.** Sponsors and establishments shall maintain accurate, current records of each apprentice's on-the-job progress against the work progress schedule and related technical instruction attendance and completion. Trainers shall verify on-the-job training records.
2. **Board reporting.** The establishment shall 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. A 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 or establishment shall 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.

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16.1

32-06-01-09. Compliance.

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

History: Effective January 1, 2026.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16.1

32-06-01-10. Noncompliance identification and correction.

1. If the board determines a sponsor or apprenticeship establishment is noncompliant with requirements, including failure to provide required training, inadequate supervision, violation of the one-to-one ratio, failure to maintain or submit accurate and 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 noncompliance detailing the specific violations.
2. Upon written notice the sponsor or establishment shall 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 time frame may result in disciplinary action by the board against the sponsor, establishment, and apprentice trainer.

History: Effective January 1, 2026.
General Authority: NDCC 43-11-05
Law Implemented: NDCC 43-11-16.1

32-06-01-11. Licensure.

Each apprentice in possession of the United States department of labor office of apprenticeship certificate of completion for a board-recognized program is eligible for board licensure upon completing and passing applicable theoretical, North Dakota state laws, rules, and regulations, and practical examinations, making application to the board, and paying applicable fees under North Dakota Century Code section 43-11-28.

History: Effective January 1, 2026.
General Authority: NDCC 43-11-05
Law Implemented: NDCC 43-11-16.1

32-06-01-12. 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 shall complete and pass applicable theoretical, North Dakota state laws, rules, and regulations, and practical examinations and pay applicable fees under North Dakota Century Code section 43-11-28.

History: Effective January 1, 2026.
General Authority: NDCC 43-11-05
Law Implemented: NDCC 43-11-16.1