

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1345
(Representative Nathe)

AN ACT to amend and reenact section 43-11-01 of the North Dakota Century Code, relating to the practice of natural hair braiding and threading.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

43-11-01. Definitions.

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

1. "Board" means the state board of cosmetology.
2. "Booth space" means that part of a licensed salon ~~that is~~ operated independently by an individual licensed under this chapter.
3. "Cosmetologist" means an individual licensed under this chapter to practice cosmetology.
4. "Cosmetology" means any one or a combination of practices generally and usually performed by and known as the occupation of beauty culturists or cosmeticians or cosmetologists or hairdressers, or of any other person holding out as practicing cosmetology by whatever designation and within the meaning of this chapter and in and upon whatever place or premises; ~~and in particular cosmetology.~~
 - a. The term includes the following or any one or a combination of these practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any ~~person~~individual by any means or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, performing noninvasive hair removal, beautifying, or similar work on the body, manipulation of eyelashes, or manicuring the nails of any ~~person~~individual.
 - b. The term does not include natural hair braiding or threading.
5. "Cosmetology salon" includes that part of any building in which the occupation of a cosmetologist is practiced.
6. "Esthetician" means a ~~person~~an individual who is licensed by the board to engage in the practice of skin care.
7. "Homebound" means ~~any person~~an individual who is ill, disabled, or otherwise unable to travel to a salon.
8. "Instructor" means ~~any person of the age of eighteen years or more~~an individual who is at least eighteen years old, who is a licensed cosmetologist, who teaches cosmetology or any practices taught in a duly registered school of cosmetology, and who has met the requirements of section 43-11-27 and has applied for and received an instructor's license.
9. "Invasive care" means any procedure that invades the live tissue of the dermis, including:

- a. Laser use; and
 - b. Chemical peels using:
 - (1) Thirty percent or higher concentration of alpha hydroxy acid;
 - (2) Twenty percent or higher concentration of beta hydroxy acid;
 - (3) Two percent or higher concentration of resorcinol;
 - (4) Fifteen percent or higher concentration of trichloroacetic acid (TCA); or
 - (5) Fifteen percent or higher concentration of phenol.
10. "Manicuring" means the cleansing, cutting, shaping, beautifying, or massaging of the hands, feet, or nails of any ~~person~~individual.
11. "Manicurist" means a ~~person~~an individual who is licensed by the board to engage in the practice of manicuring.
12. "Master cosmetologist" means ~~any person~~an individual who has met the requirements of section 43-11-26 and has applied for and received a managing cosmetologist license.
13. "Mechanical device" means a clip, comb, crochet hook, curler, curling iron, hairpin, roller, scissors, blunt-tipped needle, thread, and hair binder.
14. "Natural hair braiding" means the service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with a mechanical device. Natural hair braiding is commonly known as "African-style hair braiding" but is not limited to any particular cultural, ethnic, racial, or religious forms of hairstyles.
- a. The term includes:
 - (1) The use of natural or synthetic hair extensions, natural or synthetic hair and fibers, and decorative beads and other hair accessories;
 - (2) Minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair;
 - (3) The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions; and
 - (4) The use of topical agents, such as conditioners, gels, moisturizers, oils, pomades, and shampoos, in conjunction with performing services under paragraph 1 or 2.
 - b. The term does not include:
 - (1) The application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair; or
 - (2) The use of chemical hair joining agents, such as synthetic tape, keratin bonds, or fusion bonds.
15. "School of cosmetology" means an establishment operated for the purpose of teaching cosmetology.
- 14.16. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, performing noninvasive hair removal, beautifying, or similar work on the body of any person. The term does not include invasive care or threading.

- ~~15~~.17. "Student" means any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in any school registered or licensed and under the immediate supervision of an instructor licensed as such under this chapter.
- ~~16~~.18. "Student instructor" means a cosmetologist who is receiving instruction in teacher's training in a duly registered school of cosmetology.
- ~~17~~.19. "Threading" means the method of removing hair from the eyebrows, upper lip, or other body part by using cotton thread to pull hair from follicles.
- a. The term may include the use of an over-the-counter astringent, gel, and powder, tweezers, and scissors, incidental to the removal of hair by threading.
- b. The term does not include the use of chemicals, heat, or any type of wax.
20. "Tuition" means the total cost of a person's cosmetology studies, and does not include books or demonstration kits.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1345.

House Vote: Yeas 92 Nays 0 Absent 2

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State