

HOUSE BILL NO. 1345

Introduced by

Representative Nathe

1 A BILL for an Act to amend and reenact section 43-11-01 of the North Dakota Century Code,
2 relating to the practice of natural hair braiding and threading.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **43-11-01. Definitions.**

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

- 8 1. "Board" means the state board of cosmetology.
- 9 2. "Booth space" means that part of a licensed salon ~~that is~~ operated independently by
10 an individual licensed under this chapter.
- 11 3. "Cosmetologist" means an individual licensed under this chapter to practice
12 cosmetology.
- 13 4. "Cosmetology" means any one or a combination of practices generally and usually
14 performed by and known as the occupation of beauty culturists or cosmeticians or
15 cosmetologists or hairdressers, or of any other person holding out as practicing
16 cosmetology by whatever designation and within the meaning of this chapter and in
17 and upon whatever place or premises; ~~and in particular cosmetology.~~

- 18 a. The term includes the following or any one or a combination of these practices:
19 arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching,
20 coloring, or similar work, upon the hair of any ~~person~~ individual by any means or
21 with hands or mechanical or electrical apparatus or appliances, or by the use of
22 cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise,
23 massaging, cleansing, stimulating, manipulating, exercising, performing

- 1 noninvasive hair removal, beautifying, or similar work on the body, manipulation
2 of eyelashes, or manicuring the nails of any ~~person~~individual.
- 3 b. The term does not include natural hair braiding or threading.
- 4 5. "Cosmetology salon" includes that part of any building in which the occupation of a
5 cosmetologist is practiced.
- 6 6. "Esthetician" means a ~~person~~an individual who is licensed by the board to engage in
7 the practice of skin care.
- 8 7. "Homebound" means ~~any person~~an individual who is ill, disabled, or otherwise unable
9 to travel to a salon.
- 10 8. "Instructor" means ~~any person of the age of eighteen years or more~~an individual who
11 is at least eighteen years old, who is a licensed cosmetologist, who teaches
12 cosmetology or any practices taught in a duly registered school of cosmetology, and
13 who has met the requirements of section 43-11-27 and has applied for and received
14 an instructor's license.
- 15 9. "Invasive care" means any procedure that invades the live tissue of the dermis,
16 including:
- 17 a. Laser use; and
- 18 b. Chemical peels using:
- 19 (1) Thirty percent or higher concentration of alpha hydroxy acid;
- 20 (2) Twenty percent or higher concentration of beta hydroxy acid;
- 21 (3) Two percent or higher concentration of resorcinol;
- 22 (4) Fifteen percent or higher concentration of trichloroacetic acid (TCA); or
- 23 (5) Fifteen percent or higher concentration of phenol.
- 24 10. "Manicuring" means the cleansing, cutting, shaping, beautifying, or massaging of the
25 hands, feet, or nails of any ~~person~~individual.
- 26 11. "Manicurist" means a ~~person~~an individual who is licensed by the board to engage in
27 the practice of manicuring.
- 28 12. "Master cosmetologist" means ~~any person~~an individual who has met the requirements
29 of section 43-11-26 and has applied for and received a managing cosmetologist
30 license.

- 1 13. "Mechanical device" means a clip, comb, crochet hook, curler, curling iron, hairpin,
2 roller, scissors, blunt-tipped needle, thread, and hair binder.
- 3 14. "Natural hair braiding" means the service of twisting, wrapping, weaving, extending,
4 locking, or braiding hair by hand or with a mechanical device. Natural hair braiding is
5 commonly known as "African-style hair braiding" but is not limited to any particular
6 cultural, ethnic, racial, or religious forms of hairstyles.
- 7 a. The term includes:
- 8 (1) The use of natural or synthetic hair extensions, natural or synthetic hair and
9 fibers, and decorative beads and other hair accessories;
- 10 (2) Minor trimming of natural hair or hair extensions incidental to twisting,
11 wrapping, weaving, extending, locking, or braiding hair;
- 12 (3) The making of wigs from natural hair, natural fibers, synthetic fibers, and
13 hair extensions; and
- 14 (4) The use of topical agents, such as conditioners, gels, moisturizers, oils,
15 pomades, and shampoos, in conjunction with performing services under
16 paragraph 1 or 2.
- 17 b. The term does not include:
- 18 (1) The application of dyes, reactive chemicals, or other preparations to alter
19 the color of the hair or to straighten, curl, or alter the structure of the hair; or
- 20 (2) The use of chemical hair joining agents, such as synthetic tape, keratin
21 bonds, or fusion bonds.
- 22 15. "School of cosmetology" means an establishment operated for the purpose of teaching
23 cosmetology.
- 24 ~~14.~~16. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions,
25 creams, or otherwise, massaging, cleansing, stimulating, manipulating, performing
26 noninvasive hair removal, beautifying, or similar work on the body of any person. The
27 term does not include invasive care or threading.
- 28 ~~15.~~17. "Student" means any person who is engaged in the learning or acquiring of any or all
29 the practices of cosmetology and while so learning, performs or assists in any of the
30 practices of cosmetology in any school registered or licensed and under the immediate
31 supervision of an instructor licensed as such under this chapter.

- 1 ~~16.18.~~ "Student instructor" means a cosmetologist who is receiving instruction in teacher's
2 training in a duly registered school of cosmetology.
- 3 ~~17.19.~~ "Threading" means the method of removing hair from the eyebrows, upper lip, or other
4 body part by using cotton thread to pull hair from follicles.
- 5 a. The term may include the use of an over-the-counter astringent, gel, and powder,
6 tweezers, and scissors, incidental to the removal of hair by threading.
- 7 b. The term does not include the use of chemicals, heat, or any type of wax.
- 8 20. "Tuition" means the total cost of a person's cosmetology studies, and does not include
9 books or demonstration kits.