

**ARTICLE 14-01
GENERAL ADMINISTRATION**

Chapter
14-01-01 Organization of Board

**CHAPTER 14-01-01
ORGANIZATION OF BOARD**

Section
14-01-01-01 Organization of Board of Barber Examiners

14-01-01-01. Organization of board of barber examiners.

1. **History.** The 1901 legislative assembly passed legislation establishing the board of barber examiners, codified as North Dakota Century Code chapter 43-04. This chapter requires the governor to appoint a board of barber examiners. The board, generally speaking, provides supervision of the practice of barbering to protect the public health, welfare, and safety. It is the responsibility of the board to protect the public and the barbering profession from unfair and uneconomic practices.
2. **Board membership.** The board consists of three members appointed by the governor from a list of five names submitted by the state barber association. Each member must be a registered barber who has followed the occupation of barber in North Dakota for at least five years prior to appointment. Members of the board serve three-year terms which are so arranged that one term expires on December thirty-first of each year.
3. **Inquiries and complaints.** Inquiries regarding the board and complaints regarding violations of this title may be addressed to any member of the board.
4. **Inquiries.** Inquiries regarding the board may be addressed to the president:

Ms. Tona Stevenson
President
Board of Barber Examiners
122 Eighth Avenue NW
Minot, ND 58703

History: Effective August 1, 1978; amended effective September 1, 1983; January 1, 2011.

General Authority: NDCC 28-32-02.1

Law Implemented: NDCC 28-32-02.1

ARTICLE 14-02
SANITATION AND PREVENTION OF COMMUNICABLE DISEASES

Chapter	
14-02-01	General Considerations and Inspections
14-02-02	Water
14-02-03	Sewage and Baths [Repealed]
14-02-04	Equipment, Fixtures, and Supplies
14-02-05	Hygiene

14-02-01
GENERAL CONSIDERATIONS AND INSPECTIONS

Section	
14-02-01-01	Inspections
14-02-01-02	Identification
14-02-01-03	Proper Quarters
14-02-01-04	Special Quarters
14-02-01-05	Shop Conditions
14-02-01-06	Minimum Dimensions

14-02-01-01. Inspections.

All barber shops and schools or colleges where barber service is rendered shall be open for inspection at all times during business hours to any member of the board, and its agents, assistants, and deputies and to any member of the state department of health. Those persons may inspect any part of the premises to ascertain whether North Dakota Century Code chapter 43-04 or North Dakota Administrative Code title 14, is being violated, in order that the board may enforce proper observance of those statutes, rules, and regulations to prevent the spreading of contagious diseases. All barber shops and schools or colleges where barber service is rendered shall be efficiently disinfected and properly cleaned when ordered by an inspector or the proper health officer.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-44

14-02-01-02. Identification.

A design, clearly visible, shall be displayed at the main entrance to all barber shops, schools, and colleges where barber service is rendered indicating the business conducted within the establishment.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-01-03. Proper quarters.

Barber shops, schools, and colleges where barber service is rendered and bathrooms, toilets, and sparerooms in connection therewith, shall be in a proper location and shall be properly lighted, provided with hot and cold running water, and kept in a clean and sanitary condition.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-01-04. Special quarters.

A barber shop located in a place of residence must be in a separate room, have a private entrance, and must be isolated and used exclusively for barbering or beauty culture.

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-43

14-02-01-05. Shop conditions.

All barber shop equipment, furniture, floors, walls, ceilings, windows, bathrooms, toilets, adjoining rooms and all other articles and fixtures of barber shops or schools where barber services are rendered shall be kept clean and free from dust and in an orderly manner at all times. Waste or used towel baskets must be emptied and cleaned each day. Floors must be kept free from hair and swept or mopped each day.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-01-06. Minimum dimensions.

All barber shops shall have a minimum work space of one hundred square feet [9.29 square meters]. If any barber shop contains more than one work area or barber chair, a minimum of twenty-five square feet [2.32 square meters] shall be required for each such additional work area or barber chair.

History: Effective December 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

**CHAPTER 14-02-02
WATER**

Section

14-02-02-01	Water Supply
14-02-02-02	Private Supplies of Water [Repealed]
14-02-02-03	Rainwater [Repealed]
14-02-02-04	Water Receptacles [Repealed]
14-02-02-05	Public Drinking Cups [Repealed]

14-02-02-01. Water supply.

Barber shops or any other place where barber service is rendered must provide a safe and adequate supply of continuous hot and cold running water. They must maintain a hot water receptacle of not less than five gallons [19 liters] for each chair. All plumbing must conform to the state plumbing code [North Dakota Administrative Code article 62-03.1].

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-02-02. Private supplies of water.

Repealed effective January 1, 2011.

14-02-02-03. Rainwater.

Repealed effective January 1, 2011.

14-02-02-04. Water receptacles.

Repealed effective January 1, 2011.

14-02-02-05. Public drinking cups.

Repealed effective January 1, 2011.

**CHAPTER 14-02-03
SEWAGE AND BATHS**

[Repealed effective January 1, 2011]

**CHAPTER 14-02-04
EQUIPMENT, FIXTURES, AND SUPPLIES**

Section

14-02-04-01	Headrests
14-02-04-02	Haircloths and Neck Strips
14-02-04-03	Towels
14-02-04-04	Mugs and Shaving Brushes
14-02-04-05	Hairbrushes, Combs, and Dusters
14-02-04-06	Cuspidors, Bowls, Basins, and Jars [Repealed]
14-02-04-07	Sterilization
14-02-04-08	Cabinets and Disinfecting Containers
14-02-04-09	Miscellaneous
14-02-04-10	Sinks

14-02-04-01. Headrests.

The headrest of every barber chair shall be protected with a clean freshly laundered linen or clean headrest paper for each service.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-04-02. Haircloths and neck strips.

Whenever a haircloth is used in cutting the hair, shampooing, etc., a newly laundered towel or sanitary neck strip shall be placed around the neck so as to prevent the haircloth from touching the skin.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-04-03. Towels.

A clean, freshly laundered towel shall be used for each patron. This applies to every kind of towel, including but not limited to dry towels, steam towels, or washcloths. Any towel that comes in contact with the skin of a patron or operator must be discarded in an enclosed towel receptacle until laundered. Used towels shall not be replaced in a sterilizer or rinsed or washed in the barber shop. All soiled or used towels must be removed from the workstand or lavatory after serving each patron.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-04-04. Mugs and shaving brushes.

All shaving cups, the soap therein, and lathering brushes must be thoroughly cleaned with hot water of not less than one hundred sixty degrees Fahrenheit [71.68 degrees Celsius] before using on customers. All lathering brushes must be immersed in hot water of not less than one hundred seventy degrees Fahrenheit [77.28 degrees Celsius] for at least two minutes after using on customers before reusing. Latherizers are recommended.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-04-05. Hairbrushes, combs, and dusters.

If hairbrushes are used, there shall be a minimum of four brushes per barber chair. Hairbrushes shall be cleaned and sterilized after each customer use. Combs shall be cleaned and sterilized after each customer use. Hair or neck dusters shall be washed with soap and water and dipped in a disinfectant solution and kept clean at all times.

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-04-06. Cuspidors, bowls, basins, and jars.

Repealed effective January 1, 2011.

14-02-04-07. Sterilization.

Barber schools and barber shops shall maintain thorough sterilization of all tools and instruments used to provide barber services. All tools used on a customer shall be cleaned and sterilized before each customer use. Tweezers and other instruments of a similar nature shall be sterilized before each use.

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-04-08. Cabinets and disinfecting containers.

Every barber must have an individual dip sterilizer which must be of sufficient size to allow combs to be completely submerged. Dip sterilizers must be made of glass, porcelain, or metal and must contain at all times a recognized effective disinfectant. Combs, brushes, and neck dusters shall be immersed in a dip sterilizer for twenty minutes after washing with soap and hot water and before storing in a dry sterilizer or closed drawer/cabinet. All clean linens must be stored in a closed cabinet used for that purpose only.

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-04-09. Miscellaneous.

Alum or other material used to stop the flow of blood may be used only in liquid or powder form and shall be applied with a clean cloth, towel, or other clean appliance. The use of styptic sticks, pencils, lump alum, or powder puffs is prohibited.

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-04-10. Sinks.

One sink shall be provided for each two barber chairs which shall be located within the workstations. Sinks must be kept clean and sanitary at all times.

History: Effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

**CHAPTER 14-02-05
HYGIENE**

Section

14-02-05-01	Personal Health and Hygiene
14-02-05-02	Treatment of Persons Afflicted With Certain Communicable Diseases Prohibited
14-02-05-03	Treatment of Diseases Prohibited
14-02-05-04	Barber's Hands
14-02-05-05	Barber's Appearance
14-02-05-06	Physical Examination
14-02-05-07	Health Certificate

14-02-05-01. Personal health and hygiene.

All persons employed in a barber shop shall be clean. No person shall act as a barber who is known to be infected with a disease which may be transmitted or communicated to a person.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-05-02. Treatment of persons afflicted with certain communicable diseases prohibited.

No barber, apprentice, or barber school student shall practice or knowingly serve a person afflicted with erysipelas, syphilis, gonorrhea, measles, scarlet fever, smallpox, diphtheria, tinea sycosis, ringworm, eczema, impetigo, tuberculosis, or other communicable or infectious disease.

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-05-03. Treatment of diseases prohibited.

No barber or other person in charge of any barber shop shall undertake to treat any disease of the skin; nor shall a barber or other person in charge of a barber shop administer in any other manner any medicine or treatment which administration is not distinctly a part of the profession of barbering. No person serving as a barber shall shave any person when the surface to be shaved is inflamed or broken out, or contains pus, unless such person is provided with a cup, shaving brush, and razor for one's individual use.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-05-04. Barber's hands.

Every person serving as a barber, student, or apprentice shall thoroughly cleanse one's hands with soap and warm water and then dry them with paper towels or towels complying with section 14-02-04-03 immediately before serving each customer.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-05-05. Barber's appearance.

Each person working as a barber shall be clean, both as to person and dress. Every barber or other person in charge of any barber shop or barber school, while serving any customer, shall wear washable and suitable clothing.

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-05-06. Physical examination.

Any member of the board or proper health officer shall have authority to require any barber or apprentice to submit to any physical examination when the board member or health officer has reason to believe the barber or apprentice may be afflicted with a contagious or infectious disease.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-02-05-07. Health certificate.

Each and every barber practicing the profession in North Dakota shall furnish the state board of barber examiners a satisfactory health certificate at such times as the board may deem necessary, signed by a physician in good standing and licensed by the North Dakota board of medical examiners, together with two signed photographs.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

**ARTICLE 14-03
LICENSE TO PRACTICE BARBERING**

Chapter	
14-03-01	Examination
14-03-02	Display and Possession of License
14-03-03	Continuing Education

**14-03-01
EXAMINATION**

Section	
14-03-01-01	Examination - Minimum Hours of Instruction

14-03-01-01. Examination - Minimum hours of instruction.

No person will be granted a license to practice barbering in North Dakota unless the person has completed a minimum of one thousand five hundred fifty hours of instruction at a barber school or college approved by the board and passes a satisfactory examination. A minimum passing grade for master license is seventy-five percent. A minimum passing grade for apprentices and students is seventy percent. Such examinations shall include the following subjects:

1. Practical work in:
 - a. Hair cutting.
 - b. Shampoos.
 - c. Scalp manipulations.
 - d. Shaving.
 - e. Massage-facials.
 - f. Tonics and cosmetics.
2. Theory-sanitation:
 - a. Bacteriology.
 - b. Diseases.
 - c. Sterilization.
 - d. Implements.
 - e. Physiology.
 - f. Anatomy.
 - g. Ethics.

No permits to practice barbering pending examination for license will be issued.

History: Effective August 1, 1978; amended effective December 1, 1978; January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-31

CHAPTER 14-03-02
DISPLAY AND POSSESSION OF LICENSE

Section

14-03-02-01 Display of License
14-03-02-02 Manager's Duty to Employ Licensed Barbers

14-03-02-01. Display of license.

Valid and current certificates of registration and renewal cards of every person working or apprenticing in any barber shop shall be displayed in a conspicuous place adjacent to or near each chair where such person is employed so that the public can see them.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-37, 43-04-39

14-03-02-02. Manager's duty to employ licensed barbers.

It shall be the duty of the head barber, manager, or owner of a barber shop, school, or college to make certain that all barbers employed in the shop, school, or college hold a valid, unexpired and unrevoked license to practice barbering in North Dakota. It shall also be the duty of the head barber, manager, or owner to make certain that all employees observe this title and all regulations and rules of the state department of health. No licensed apprentice may independently practice barbering, but may, as an apprentice, do all acts constituting the practice of barbering under the immediate supervision of a master licensed barber.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-21, 43-04-22

CHAPTER 14-03-03 CONTINUING EDUCATION

Section

14-03-03-01 Continuing Education Requirements

14-03-03-01. Continuing education requirements.

1. All barbers licensed to practice barbering in North Dakota must complete a minimum of six hours of continuing education every two years.
2. "Continuing education" means:
 - a. Seminars or workshops conducted by barber and cosmetology supply dealers or barbers licensed in this state, if an affidavit is signed by the person conducting the seminar or workshop indicating that the barber has attended the seminar or workshop. Any seminar or workshop conducted by a barber licensed in this state must be preapproved by the board.
 - b. Registration and attendance at the board's annual state barber convention.
 - c. Correspondence courses by video, if accompanied by a worksheet to be filled out and returned to the board.
 - d. Any other education that relates to or increases competence in the practice of barbering, if approved by the board.
3. This section does not apply, and continuing education is not required, under the following circumstances:
 - a. A barber whose license has not been revoked or suspended may request inactive license status. While on inactive status, the barber may not engage in the practice of barbering for more than twenty days per calendar year. If inactive status is approved, the barber must continue to submit an annual renewal application and pay the annual license fee, but is not subject to the continuing education requirements in this section. Before approval will be given by the board to return to active status, a barber must complete at least three hours of continuing education if on inactive status for less than two years, or at least six hours of continuing education if on inactive status for two years or more.
 - b. The continuing education requirement in this section may be waived by the board upon request of a barber for reasons of health, military service, or other good cause if adequate proof is provided to the board.

History: Effective August 1, 1998.

General Authority: NDCC 43-04-11, 43-04-30.1

Law Implemented: NDCC 43-04-30.1

ARTICLE 14-04
GENERAL ADMINISTRATIVE RULES FOR OPERATION OF BARBER SHOPS, SCHOOLS,
AND COLLEGES

Chapter	
14-04-01	Shop License and Records
14-04-02	Display and Possession of Regulations and Price Lists
14-04-03	Sunday Service [Repealed]
14-04-04	Equipment, Staff, and Notification Requirements
14-04-05	Permits for Barber Schools and Colleges

14-04-01
SHOP LICENSE AND RECORDS

Section	
14-04-01-01	Shop License
14-04-01-02	Shop Records [Repealed]

14-04-01-01. Shop license.

No barber shop shall be opened for business of barbering until a permit is given by the state board of barber examiners. Any person or persons proposing to open a new barber shop in a new location or to change location shall first make application for an inspection and approval of the premises, containing an exact description of the proposed location of said barber shop filed with the secretary of the board on a form prescribed by the board and accompanied by an inspection fee.

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-27, 43-04-42

14-04-01-02. Shop records.

Repealed as the result of S.L. 1979, ch. 459, § 6.

CHAPTER 14-04-02
DISPLAY AND POSSESSION OF REGULATIONS AND PRICE LISTS

Section

14-04-02-01 Display of Regulations
14-04-02-02 Price Posting

14-04-02-01. Display of regulations.

The owner or manager of every barber shop, school, or college shall be furnished a copy of this title by the state board of barber examiners. The copy shall be posted in a conspicuous place in the shop, school, or college.

History: Effective August 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

14-04-02-02. Price posting.

Every owner or manager of a barber shop shall post a list of prices charged by the owner or manager in a prominent place in the shop.

History: Effective August 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-11

**CHAPTER 14-04-03
SUNDAY SERVICES**

[Repealed effective January 1, 2011]

CHAPTER 14-04-04
EQUIPMENT, STAFF, AND NOTIFICATION REQUIREMENTS

Section	
14-04-04-01	Required Equipment
14-04-04-02	Required Library
14-04-04-03	Qualifications for Instructors
14-04-04-04	Staff of Instructors
14-04-04-05	Change of Instructors
14-04-04-06	Discontinuance of Students
14-04-04-07	School Discontinuance

14-04-04-01. Required equipment.

Every barber school or college operating pursuant to a permit issued by the board shall maintain, at a minimum, the following equipment:

1. One wet sterilizer at each workstation.
2. One sink basin for each two barber chairs which station shall be located within a reasonable distance from each chair.
3. One mirror and backbar at each barber chair.
4. One waste container for each two barber chairs.
5. One storage cabinet for linens of a size adequate to store all linens used.
6. Two supply cabinets for each twenty-four students enrolled.
7. One fireproof cabinet for student and school records.
8. Six shampoo or permanent capes for each twenty-four students enrolled.

History: Effective December 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-12, 43-04-27

14-04-04-02. Required library.

Every barber school or college operating pursuant to a permit issued by the board shall maintain a library containing, at a minimum, the following:

1. Standard dictionary.
2. Medical dictionary.
3. Standard textbook of barbering.
4. Reference book of iron curling.
5. Reference book of hair coloring.
6. Reference book of hair straightening.
7. North Dakota Century Code chapter 43-04 and this article of the North Dakota Administrative Code.
8. Trade magazines.

9. Video illustrative of the practice of barbering.

History: Effective December 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-12, 43-04-27

14-04-04-03. Qualifications for instructors.

Every person employed as an instructor at a barber school or college operated pursuant to a permit issued by the board shall have all of the following qualifications:

1. Has a high school or equivalent education with an affidavit, diploma, or certificate of such.
2. Has passed an instructor's examination conducted by the board. Each applicant for the instructor's examination shall pay to the board an examination fee prior to the administration of the examination. No person shall be allowed to take the instructor's examination without first presenting to the board a valid master barber's license.
3. Has been actively practicing as a master barber for no less than five years immediately preceding taking the instructor's examination.
4. Possesses a current instructor's license issued by the board at an annual fee.
5. Has the unanimous approval of the board established through a personal interview with the board.

History: Effective December 1, 1978; amended effective January 1, 2011.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-12, 43-04-27

14-04-04-04. Staff of instructors.

Every barber school or college operating pursuant to a permit issued by the board shall inform the board by written notice of its staff of instructors. The written notice shall be made annually on or before November first.

History: Effective December 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-12, 43-04-27

14-04-04-05. Change of instructors.

Every barber school or college operating pursuant to a permit issued by the board shall notify the board in writing of any change in the staff of instructors prior to the change whenever possible but not later than five days after the change. The written notice shall contain the name, current home address, and certificate of registration number of each instructor employed or terminated.

History: Effective December 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-12, 43-04-27

14-04-04-06. Discontinuance of students.

Each barber school or college operating pursuant to a permit issued by the board shall notify the board within five days of the date that any student shall discontinue coursework at such barber school or college. The written notification shall contain the name of the student, the last-known address or home address of the student, the reason for the student's discontinuance, and a statement of the coursework completed by the student. Should any person reenter the barber school or college after

once discontinuing coursework therein, an application shall be submitted to the board in the same manner as new student applications.

History: Effective December 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-12, 43-04-27

14-04-04-07. School discontinuance.

Every person operating a barber school or college pursuant to a permit issued by the board intending to transfer ownership or discontinue its operation shall notify the board in writing at least sixty days prior to its final date of operation or transfer of ownership, whichever the case may be. Proper and full credit for all instructors and students enrolled shall be certified in writing and delivered to the board prior to the final day of operation.

History: Effective December 1, 1978.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-12, 43-04-27

CHAPTER 14-04-05
PERMITS FOR BARBER SCHOOLS AND COLLEGES

Section

14-04-05-01 Permits for Barber Schools and Colleges

14-04-05-01. Permits for barber schools and colleges.

The person, firm, corporation, or limited liability company operating a barber school or college shall mark on the application for permit whether the barber school or college is a secondary or postsecondary school.

1. If the person, firm, corporation, or limited liability company operating a barber school or college is marking that it is applying for a permit as a postsecondary school, the barber school or college shall require a high school diploma or equivalent certificate as a requirement for admission.
2. The person, firm, corporation, or limited liability company operating a barber school or college shall submit a copy of its application for admission or enrollment as a part of its application for a permit.
3. Each permit must designate whether the barber school or college is permitted as a secondary or postsecondary barber school or college.

History: Effective July 1, 2020.

General Authority: NDCC 43-04-11

Law Implemented: NDCC 43-04-27