

**ARTICLE 32-02  
CLEANING AND DISINFECTING**

Chapter  
32-02-01 Rules of Cleaning and Disinfecting

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RULES OF CLEANING AND DISINFECTING**

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**32-02-01-01. Rules posted.**

The owner or manager of every establishment and school shall keep a copy of the rules of cleaning and disinfecting posted in each 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. General provisions for establishments.**

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. **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. **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 - Ventilation - Fire extinguishers.**

1. Each establishment and school must have adequate lighting at all workstations.

2. Each 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. An establishment and school must have a fire extinguisher mounted in public view. All employees and students 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. All surfaces, floors, and fixtures must be kept clean and in good repair at all times. Carpeting and rugs are not permitted in the working area. Carpeting or rugs will only be permitted in the reception areas.
2. Shampoo bowls must be free from all hair and debris, cleansed and disinfected after each use.
3. The dispensing area must be neat and clean. The supply area may not be easily accessible to the public.

**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 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 premises, separate from a bathroom facility. Each 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 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.
4. Store and collect solid waste to avoid health hazards, rodent harborages, insect breeding areas, and accidents.
5. Have solid waste collected at least once each week, and an adequate number of approved covered containers must be provided for storage of solid waste pending collection.

All plumbing in every 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 licensee, student, and apprentice while on the establishment or school premises, must be neat and clean in person and in attire, and free from any infectious or communicable disease.

1. **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.
2. **Carrying tools or instruments.** Tools or instruments may not be carried in clothing pockets or other leather or cloth pouches, holsters, or other porous containers or cases.
3. **Infectious or communicable diseases.** A licensee, student instructor, student, or apprentice who has an infectious or communicable disease may not knowingly transmit the disease to the public in a 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 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, 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 that come in contact with a client must be cleaned and disinfected before use on each client as specified in section 32-02-01-10. Each establishment and school shall have available for use at all times disinfectant and an enclosed container available that will be used to disinfect tools. The reuse of any single-use tool or instrument 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 must be kept in an enclosed container until used.
2. **Soiled cloth items and laundering.** All clean cloth and towels, sheets and blankets, robes, must be laundered after each use. Capes must be laundered after each use, or a neck strip providing a complete barrier between the cape and the client's skin may be used with a 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 a vented laundry container with a lid. All soiled cloth and towels, sheets and blankets, robes, and capes must be laundered commercially, or in a washing machine with laundry detergent using hot water and dried in

dryer on high heat. Plastic or nylon capes and aprons may be washed and dried, on any heat setting, and then must be disinfected with a spray disinfectant.

**History:** Amended effective July 1, 1988; March 1, 1998; January 1, 2017; April 1, 2022; 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 must consist of three steps, and the elimination of any one of the steps renders the process ineffective. The three steps to be followed are:

1. **Cleaning.** Remove debris from tools and instruments and wash them thoroughly with hot water and a detergent in order to remove all traces of soil.
2. **Rinse.** Thoroughly rinse in clear water to remove all traces of detergent from the tools and instruments.
3. **Immersion.** Completely immerse all nonporous implements, except shears, razors, and similar tools, in an enclosed container, large enough to cover all items, including all handles, with a proper disinfectant and 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 container in the establishment or school until used.

Shears, razors, and similar tools must be wiped to remove hair, product residue, and skin debris, then disinfected with 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 electrical equipment, including cords and outer parts, must be wiped to remove hair, product residue, and skin debris then disinfected with a 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, a disinfectant treatment of tools, instruments, and implements must be used in accordance with the directions of the manufacturer. All germicidal solutions must be fresh, clean, and free from contaminants.
2. **Fluids, creams, waxes, cosmetic preparations, and powders.** All fluids, semifluids, creams, waxes, and powders must be kept in a clean, enclosed container and 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.
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.
  - d. Roll on wax 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 tools, instruments, and implements must be kept clean and disinfected at all times. 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 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 must be so designated.
  6. **Waste container.** Each licensed establishment and school must provide adequate covered and lined waste containers which must be emptied when full.
  7. **Wet disinfecting units.** Each 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 must be readily accessible and used according to the manufacturers' directions.
  8. **Storage of supplies.** Every establishment and school shall have a separate enclosed cabinet or storage area for supplies. Any supplies containing caustic or other material harmful to humans must be stored in a place not readily accessible to clients or the public.
  9. **Electrical outlets.** Each licensed 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.
  10. **Neck brushes.** 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.
  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.

13. **Ultraviolet light.** Ultraviolet light boxes used as a means of disinfection are prohibited.
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.
15. **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 establishments and schools shall have adequate toilet facilities conveniently located and readily accessible to the public patronizing the establishment. All establishments in residential establishments shall provide and label toilet facilities only for the use of customers during business hours. Toilet facilities must be clean, disinfected, and properly maintained at all times.

Each 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.**

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

**32-02-01-14. Infants and children.**

Repealed effective April 1, 2022.

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

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