CHAPTER 43-04
BARBERS

43-04-01. Definitions.

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

1. "Board" means the board of barber examiners.
2. "Practice of barbering" includes any one or any combination of the following practices when done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases or physical or mental ailments, and when done for payment either directly or indirectly:
   a. Shaving or trimming the beard or cutting the hair.
   b. Giving facial or scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.
   c. Singeing, shampooing, or dyeing the hair or applying hair tonics.
   d. Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, neck, or upper part of the body.

43-04-02. Declaration of policy.

It is hereby declared that the practice of barbering, by reason of the personal contacts exercised therein, is a business affecting the public health, public welfare, and public safety, that immediate public supervision and control of said occupation in the exercise of the police power of this state and in accordance with the proper standards of said profession, are necessary to the protection and preservation of the public health, public safety, and public welfare, and that this chapter is enacted in the exercise of the police power of this state to protect the public welfare, public health, and public safety.

43-04-03. Exemptions.

The following persons, when engaged in the proper discharge of their occupational duties, are exempt from the provisions of this chapter:

1. Persons authorized by the laws of this state to practice medicine and surgery.
2. Commissioned medical or surgical officers of the United States army, navy, air force, or marine hospital service.
3. Registered nurses.
4. Registered hairdressers and cosmetologists.

The persons exempt by subsections 1, 2, and 3 may not shave nor trim the beard nor cut the hair of any person for cosmetic purposes.

43-04-04. Board of barber examiners - Appointment - Term of office - Qualifications.

The board of barber examiners must consist of three members, each of whom must be appointed by the governor for a term of three years. The terms of office of the members must be so arranged that one term expires on the thirty-first day of December of each year. Each appointment must be made from a list of five names submitted to the governor by the state barber association, and each member must be a registered barber who has followed the occupation of barber in this state for at least five years prior to that member's appointment.

43-04-05. Oath of office - How vacancies filled - Removal.

Each member of the board shall qualify by taking the oath required for civil officers. A vacancy on the board must be filled by appointment by the governor for the unexpired term. Such appointment must be made from the list of five names submitted to the governor by the state barber association from which the original appointment was made. A member of the board may be removed by the governor for cause.

43-04-06. Officers of board - Power to administer oath - Bond.

The members of the board shall elect from their number a president, vice president, and secretary-treasurer. The secretary-treasurer of the board must be bonded for the faithful

discharge of duties in the penal sum of five thousand dollars. The secretary-treasurer and the president of the board may administer oaths.

43-04-07. Compensation - Expenses - How paid.

Each member of the board is entitled to receive daily compensation for actual services in an amount not to exceed sixty-two dollars and must be paid for actual expenses, as provided by law, incurred in attending meetings of the board and in performing official duties. All funds collected or received by the board must be deposited and disbursed in accordance with section 54-44-12.

43-04-08. Expenses - How paid.

Repealed by S.L. 1971, ch. 510, § 15.

43-04-09. Headquarters of board - Board to adopt seal - Quorum.

The board shall have its headquarters at such suitable place as may be designated by it. It shall adopt and use a common seal for the authentication of its orders and records. The majority of the members of the board in a meeting duly assembled may perform and exercise all the duties and powers imposed upon the board.

43-04-10. Board to employ necessary inspectors and assistants.

The board may employ such inspectors, clerks, and other assistants as it may deem necessary to carry out the provisions of this chapter.

43-04-11. Rules and orders.

The board may adopt and enforce all rules and orders necessary to carry out the provisions of this chapter:

1. It may prescribe sanitary regulations for barbershops and barber schools. Such regulations shall be subject to the approval of the state department of health. A copy of the rules and regulations adopted by the board and approved by the state department of health shall be furnished by the board to the owner or manager of every barbershop and barber school and shall be posted by such owner or manager in a conspicuous place in such barbershop or barber school.
2. Every other rule or order of the board shall be posted for public inspection in the main office of the board and a certified copy shall be filed in the office of the secretary of the board and published in the press publications representing the barber industry. An order applying only to a person or persons named therein shall be served on the person or persons affected. An order herein required shall be served by personal delivery of a certified copy or by mailing a certified copy in a sealed envelope with postage prepaid to each person affected thereby, or in the case of a corporation or limited liability company, to an officer, manager, or agent of the corporation or limited liability company upon whom a summons may be served in accordance with the provisions of law. The posting in the main office of the board of any rule or order not required by this chapter to be served, and such filing in the office of the secretary of the board and publishing in representative publications, shall constitute due and sufficient notice to all persons affected by such rule or order. A rule of the board when duly published, posted, and filed as provided in this section, shall have binding force and effect.

43-04-12. General powers of board.

The board is an instrumentality of the state and shall act for the purpose of administering the provisions of this chapter and has such specific powers as are necessary to administer and enforce the same. The board has the following additional powers:

1. To supervise and regulate barbering practice in the state of North Dakota in the manner and for the purposes provided herein.

2. To investigate as conditions permit and regulate as conditions require all matters pertaining to the proper supervision and control of all barbershops and the work of all barbers within this state, in conformity with the intents and purposes of this chapter.
3. To act as mediator and arbitrator in any controversy or issue that may arise among or between barbers as between themselves, or that may arise between them as groups, in harmony with and supplementary to any lawfully constituted medium of arbitration now existing or hereafter created, having jurisdiction of such matters.
4. To issue subpoenas and to administer oaths as provided in section 43-04-13 whenever necessary to carry out the purposes and intents of this chapter, and to issue commissions to take depositions of witnesses absent from this state whenever necessary for such purposes.
5. The board shall sponsor an educational program to carry out the purposes of protecting the public health and safety by encouraging barbershops that are clean, healthful, and sanitary with capable, skilled, professional barbers. The board is directed to use the sum of five dollars from each fee paid for the renewal of any barber's certificate for the purpose of such educational program.

43-04-13. Investigations.

The practice and procedure of the board with respect to any investigation by the board authorized by this chapter must be in accordance with rules and regulations to be promulgated by the board, which must provide for at least twenty days' notice in writing to all persons affected by orders to be made by the board after such investigation, and an opportunity to be heard either in person or by counsel and to introduce testimony in their behalf at a public hearing to be held for that purpose. Notice of any such investigation or hearing must be given to all persons to be directly affected thereby in the manner and form provided in section 43-04-41. For the purposes of such investigation or any hearing which the board is authorized or required to conduct, the board or any members thereof, and its secretary, may conduct such hearing, administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, documents, and testimony. In case of failure of any person to comply with any order of the board or a subpoena issued by the board, or by any of its members, or its secretary, or on the refusal of a witness to testify to any matter regarding which the witness may be lawfully interrogated, the district judge of the county in which the person resides, on application of any member of the board, or its secretary, by order duly entered, may require the compliance of such person with any such order, and may enforce such compliance as in the case of disobedience of the requirements of a subpoena issued from such court, or of a refusal to testify therein. Each officer who serves a subpoena shall receive the same fees as a sheriff, and each witness who appears in obedience to a subpoena, before the board or a member, or its secretary, shall receive for attendance the fees and mileage provided for witnesses in civil cases in the courts of this state, which must be audited and paid in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by any two members of the board. No witnesses subpoenaed at the instance of a party other than the board, or one of its members, or its secretary shall be entitled to compensation unless the board certifies that this testimony was material to the matter investigated.

43-04-14. Reports to board.

Each licensee, from time to time, as required by rule or order of the board, shall make and file a verified report, on forms prescribed by the board, of all matters on account of which a record is required to be kept, together with such other information or facts as may be pertinent and material within the scope of the purpose and intent of this chapter. Such report must cover a period of time specified in the order.

43-04-15. Information obtained by board confidential.

No member of said board, nor any officer, agent, or employee thereof, shall divulge to any person, firm, corporation, or limited liability company the contents of any document, paper, or

record, examined by the person in the performance of the person's duties hereunder, or any information obtained by the person in the course of the person's investigation, except as may be required to carry out the purpose of this chapter.

43-04-16. Order fixing minimum price schedules of barber services.
Repealed by S.L. 1979, ch. 459, § 6.

43-04-17. Amending or modifying price schedules after approval.
Repealed by S.L. 1979, ch. 459, § 6.

43-04-18. Records of board - Register of certificates.
The board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record also must contain the name, place of business, and place of residence of each registered barber and each registered apprentice, and the date and number of the person's certificate of registration. This record must be open to public inspection at all reasonable times.

43-04-19. Biennial report.
The board may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04.

43-04-20. Moneys of board held by treasurer - How disbursed.
Moneys collected for the board under the provisions of this chapter must be kept by the treasurer and disbursed only on warrants signed by the president and the secretary of the board. At the end of the treasurer's term, the treasurer shall account to the successor to the office for any moneys remaining in the treasurer's hands.

43-04-21. Barbershop under the supervision of registered barber.
No person may operate a barbershop unless at all times it is under the direct supervision and management of a registered barber.

43-04-22. Apprentice barber - Certificate of registration required - Powers.
A person may not serve as an apprentice barber unless the person:
1. Has a certificate of registration and is registered as an apprentice or has a permit to work as an apprentice barber; and
2. Is under the immediate supervision of a registered barber.

The certificate of registration of an apprentice, as required in subsection 1, shall be annulled three years after the person first makes application as an apprentice. An apprentice barber may do any or all of the acts constituting the practice of barbering. Not more than two apprentices may be employed in any one barbershop.

43-04-23. Qualifications for certificate of registration as registered apprentice.
A person is qualified to receive a certificate of registration as a registered apprentice barber if the person:
1. Is at least seventeen years of age;
2. Is of good moral character and temperate habits;
3. Has graduated from a school of barbering approved by the board; and
4. Has passed a satisfactory examination conducted by the board to determine the person's fitness to practice as a registered apprentice.

43-04-24. Minimum standard of schools of barbering.
No school of barbering may be approved by the board unless it requires as a prerequisite to graduation a course of instruction of not less than one thousand five hundred hours to be completed within a reasonable period of time as determined by the board with not more than

eight hours in any one working day. Such course of instruction must include the following subjects:

1. Scientific fundamentals of barbering.
2. Hygiene.
3. Bacteriology.
4. Histology of the hair, skin, muscles, and nerves.
5. Structure of the head, face, and neck.
6. Elementary chemistry relating to sterilization and antiseptics.
7. Diseases of the skin, glands, and nails.
8. Massaging and manipulating the muscles of the upper body.
9. Hair cutting.
10. Shaving.
11. Arranging, dressing, coloring, bleaching, perming, and tinting the hair.

43-04-25. Application for admission to barber school.

No school or college of barbering may enroll or admit any student thereto unless such student shall make and file, in duplicate, a duly verified application, which must be in such form and which must contain such matters as the state board of barber examiners may prescribe and which must be obtained by such student or the school or college from said board. One copy of such application must be retained by the school or college enrolling or admitting the student, and the other copy must be filed by such school or college with said board.

43-04-26. Application for admission to barber school for postgraduate course.

No school or college of barbering may enroll or admit any student in a postgraduate course thereof, unless such student shall file, in duplicate, an application, duly verified, which must show that such applicant:

1. Has graduated from a school or college of barbering approved by the board;
2. Then holds a valid, unexpired, and uncanceled certificate of registration as a registered apprentice; or
3. Can prove by sworn affidavits that the applicant has practiced as a barber in another state of the United States for at least two years immediately prior to making such application.

One copy of such application must be retained by the college or school so admitting or enrolling such student and the other must be filed by such school or college with said board. Nothing in this section contained may be construed as limiting or modifying the provisions of sections 43-04-31 and 43-04-35.

43-04-27. Barber school must have permit.

It shall be unlawful for any person, firm, corporation, or limited liability company to operate a barber school or barber college without first obtaining a permit from the state board of barber examiners, fully complying with the provisions of this chapter and paying an annual fee for the operation thereof.

43-04-28. Apprentice - Permit to practice.

A person shall receive a permit to work as an apprentice barber in this state if the person has paid the required fee and has all of the following qualifications:

1. Is at least seventeen years of age.
2. Is of good moral character and temperate habits.
3. Has a high school or an equivalent education as determined by an examination conducted by the board; provided, however, that two years armed services should be termed equivalent education.
4. Has a certificate of registration as an apprentice in a state or country which has substantially the requirements for registration as an apprentice prescribed by this chapter.

Such permit is valid until the holder thereof is called by the board to determine the holder's fitness to receive a certificate of registration as an apprentice. If the person passes the required examination, the person shall receive a certificate of registration as a registered apprentice.

43-04-29. Apprenticeship in other state applied to apprenticeship required for registration.

A person who has practiced as an apprentice barber in another state or country which has substantially the requirements for registration as an apprentice required by this chapter, and who has the qualifications required in section 43-04-23, must be credited with the time spent as an apprentice in such other state or country upon the period of apprenticeship required by this chapter.

43-04-30. Barber - Certificate of registration required.

A person may not practice barbering within this state unless the person holds a certificate of registration and is registered as a barber or holds a permit to practice as a journeyman barber.

43-04-30.1. Continuing education requirements.

1. The board may adopt rules establishing requirements for the continuing education of persons licensed under this chapter. Rules for accreditation of continuing education must allow accreditation for a variety of types of continuing education forums, including live presentations and correspondence education.
2. The board may suspend, revoke, place on probationary status, or refuse to renew any license issued under this chapter if the licensee fails to meet the continuing education requirements established by the board.
3. An applicant for accreditation of continuing education courses, classes, or activities may be charged a reasonable fee determined by the board.

43-04-31. Qualifications for certificate of registration as registered barber.

A person is qualified to receive a certificate of registration to practice barbering if the person:

1. Is qualified in accordance with the provisions of section 43-04-23;
2. Is at least eighteen years of age;
3. Is of good moral character and temperate habits;
4. Has practiced as a registered apprentice for a period of twelve months under the immediate supervision of a registered barber; and
5. Has passed a satisfactory examination conducted by the board to determine that person's fitness to practice barbering.

43-04-31.1. Conviction not bar to certification or permit - Exceptions.

Conviction of an offense does not disqualify a person from certification or a permit under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as a barber, or determines, following conviction of any offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.

43-04-32. Barber and apprentice - Application for examination.

Any person, who desires to take the examination for a certificate of registration to practice as a registered barber or for a certificate of registration to practice as a registered apprentice, shall make application to the board on blanks prepared and furnished by it and shall enclose with the application all of the following:

1. Proof, under oath, of the person's qualifications.
2. A five-inch by three-inch [12.7-centimeter by 7.62-centimeter] signed photograph of that person. The person also shall present such a photograph to the board when the person appears for examination.
3. The required fee.

4. A certificate showing graduation from a public or recognized private high school or an equivalent education as determined by an examination conducted by the board; provided, however, that two years armed service should be termed equivalent education.

43-04-33. Examinations - Barber - Apprentice barber.

The board, not less than four times each year, at such times and places as it may determine, shall conduct examinations of applicants for certificates of registration to practice as registered barbers and of applicants for certificates of registration to practice as registered apprentices. Each examination must include both a practical demonstration and a written and oral test, and must embrace the subjects usually taught in schools of barbering approved by the board.

43-04-34. Failure to pass examination for apprentice barber - When applicant may be re-examined.

An applicant for a certificate of registration to practice as an apprentice barber, who fails to pass a satisfactory examination, shall complete a further course of study of not less than one hundred sixty hours in a school of barbering approved by the board. Such course of study must be in the subject or subjects the applicant failed to pass and must be completed in not less than one month of not more than eight hours in any one working day.

43-04-35. Failure to pass examination for registered barber - When applicant may be re-examined.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board shall continue to practice as an apprentice for an additional six months before that person again is entitled to take the examination for registration as a barber.

43-04-36. Barber and apprentice - Certificate of registration - When issued.

The board shall issue to an applicant a certificate of registration as a registered barber whenever the applicant has complied with the provisions of section 43-04-31, and it shall issue a certificate of registration as a registered apprentice whenever the applicant has complied with the provisions of section 43-04-23.

43-04-37. Display of certificate of registered barber.

Every holder of a certificate of registration as a registered barber or registered apprentice shall display it in a conspicuous place adjacent to or near that person's work chair.

43-04-38. Persons having practiced barbering in another state - Permit to practice as journeyman barber.

Repealed by S.L. 1987, ch. 511, § 3.

43-04-38.1. Persons having practiced barbering in another state - Qualifications for certificate of registration as registered barber.

The board may waive the requirement of a satisfactory examination and issue to an applicant a certificate of registration to practice barbering, if the applicant:

1. Is at least eighteen and one-half years of age.
2. Has completed high school or received a high school equivalency degree.
3. Has been graduated from a school of barbering approved by the board which requires as a requisite to graduation the completion of not less than one thousand five hundred fifty hours of instruction. If the applicant has not completed the requisite number of hours of instruction, each year of the applicant's subsequent barbering experience constitutes the equivalent of two hundred hours of instruction which may be applied toward fulfilling the requisite number of hours.

4. Has a valid license or certificate of registration as a practicing barber from another state that has substantially the same requirements for licensing or registering barbers as required by this chapter.
5. Delivers to the board a certificate from the examining board of another state certifying that the applicant is a licensed or registered barber in good standing and has practiced full time as a barber in that state for a period of at least three years.
6. Has paid the required fee.

43-04-39. Renewal and restoration of certificates of barber and apprentice barber.

Every registered barber and every registered apprentice who continues in active practice or service, annually, on or before July first, shall renew that person's certificate of registration and pay the required fee. Every certificate of registration which has not been renewed during the month of July in any year expires the first day of August in that year. A registered barber or a registered apprentice whose certificate of registration has expired may have that person's certificate restored immediately upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering for not more than five years may renew that person's certificate upon payment of the required restoration fee.

43-04-40. Refusal and revocation of certificate.

The board either may refuse to issue or renew a certificate of registration to practice barbering or may suspend or revoke the same for any one, or a combination, of the following causes:

1. Conviction of an offense, shown by a certified copy of the record of conviction, determined by the board to have a direct bearing upon a person's ability to serve the public as a barber, or the board determines, following conviction of any offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.
2. Gross malpractice or gross incompetency.
3. Continued practice by a person knowingly having an infectious or contagious disease.
4. Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drug.
5. Advertising by means of knowingly false or deceptive statements.
6. Immoral and unprofessional conduct.
7. When satisfied that any such person has violated any provision of this chapter.
8. Repeated violations of the rules of the board governing the sanitary regulation of barbershops and barber schools.

43-04-41. Revocation of certificate - Hearing.

The board may not refuse to issue, refuse to renew, suspend, or revoke any certificate of registration to practice barbering for any of the causes set forth in section 43-04-40 unless the person accused has been given a public hearing by the board. The person must be notified in writing of the charges against the person and of the time set for the hearing, which must be not less than twenty days after serving the notice. Upon the hearing of any such proceedings, the board may administer oaths and may procure by its subpoena the attendance of witnesses and the production of relevant books and papers. Any court in this state, upon application of the accused or the board, by order duly entered, may require the attendance of witnesses and the production of relevant books and papers at such hearing.

43-04-42. Fees.

1. The board may charge applicants the following fees:
   a. For examination and issuance of a certificate to practice master barbering, one hundred dollars.
   b. For examination and issuance of a certificate to practice as an apprentice barber, fifty dollars.
   c. For renewal of a master barber's certificate, one hundred dollars.

d. For restoration of an expired master barber's certificate, a twenty dollar penalty fee in addition to the regular renewal fee.
e. For renewal of an apprentice barber's certificate, twenty dollars.
f. For restoration of an expired apprentice barber's certificate, a twenty dollar penalty fee in addition to the regular renewal fee.
g. For a permit to operate a barber school or college, an annual fee of one hundred twenty-five dollars.
h. For issuance of an annual barbershop license, fifty dollars, to be paid by each shopowner in advance.
i. For issuance of a certificate to an applicant who qualifies under section 43-04-38.1, one hundred seventy-five dollars.
j. For restoration of an expired barbershop license, a twenty dollar penalty fee in addition to the annual license fee.
k. For renewal of an instructor's license, twenty-five dollars.

2. Each application to open or establish a barbershop in this state must be accompanied by a fee of one hundred dollars to cover expenses of inspection, which must be retained by the board and deposited as other fees.
3. A duplicate license, certificate, or permit must be issued upon:
   a. Filing a statement verified by the oath of the applicant which explains the loss;
   b. Submitting a signed photograph of the applicant; and
   c. Paying a fee of ten dollars for the issuance of the duplicate.
4. Anyone who becomes a member of the armed forces of the United States in time of war, while holding a license as a barber or apprentice, and while in good standing as to payment of fees, may obtain a certificate restoration without payment of the restoration fee.

43-04-43. Barbershop - Regulations.

No person may use for the purpose of practicing barbering any room or place which also is used for:

1. Residential purposes; or
2. Any business purpose other than the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, candies in original package, and such other commodities as are used and sold in barbershops,

unless a substantial partition of ceiling height separates the portion used for residential or business purposes from the room used for barbering. A barbershop may be operated in conjunction with a beauty shop, shoe shining parlor, or agency for the reception and delivery of laundry without the separation thereof by a partition of ceiling height.

43-04-44. Inspection of barbershops and barber schools.

Any member of the board or any of its inspectors, agents, or assistants may enter and inspect any barbershop or barber school at any time during business hours.

43-04-45. Penalty.

Any person who shall:

1. Violate any of the provisions of sections 43-04-21, 43-04-22, 43-04-30, and 43-04-43;
2. Permit any person in that person's employ, supervision, or control to practice as an apprentice or barber unless the person employed, supervised, or controlled has a certificate of registration as a registered apprentice or barber;
3. Obtain or attempt to obtain a certificate of registration by the payment of money other than the required fee, or any other thing of value, or by fraudulent misrepresentations;
4. Practice or attempt to practice by fraudulent misrepresentations; or
5. Willfully fail to display a certificate of registration as is required by this chapter,

is guilty of a class B misdemeanor. A violation of any provision of this chapter or of any rule, subpoena, or order of the board lawfully made pursuant hereto, except as otherwise provided herein, is a class B misdemeanor.

43-04-46. Board may institute actions.

The board may institute such actions in the courts of competent jurisdiction as may appear necessary to enforce compliance with any provision of this chapter, or to enforce compliance with any rule, subpoena, or order of the board made pursuant to the provisions of this chapter, and, in addition to any other remedy, may apply to any district court of competent jurisdiction for relief by injunction.

43-04-47. Perjury - Penalty.

Repealed by S.L. 1975, ch. 106, § 673.

43-04-48. Appeals.

Any applicant or licensee aggrieved by any action of the board taken under any of the provisions of this chapter, within thirty days after receipt of a copy of the order of the board, may file a petition in the district court, which has jurisdiction to affirm, reverse, vacate, or modify the order complained of. The board of barber examiners of North Dakota must be the defendant, and such petition must set forth the errors complained of. Unless they are waived, citations and other judicial process must be served upon the president of the board, or in the event of the president's absence, upon any member of the board, or by leaving a copy at the office of the board or the office of the secretary-treasurer. Upon such service or waiver, the board, with its answer, shall file a transcript of the records of the board, and the original papers or transcripts thereof, and a certified transcript of all evidence adduced upon the hearing before the board in the proceedings complained of, which must be filed in the court. No proceedings to vacate, reverse, or modify a final order rendered by the board may operate to stay the execution or effect thereof unless the district court, or a judge thereof in vacation, on application and three days' notice to the board, shall allow such stay, in which event the petitioner must be required to execute the petitioner's bond in such a sum as the court may prescribe, with sufficient surety to the satisfaction of the court, conditioned for the prompt payment of all damages arising from or caused by the delay in the effectiveness or enforcement of the order complained of.

43-04-49. Deceptive acts - Barber poles.

A person may not advertise, hold out to the public, or represent in any manner that the person is authorized to practice barbering unless the person is authorized under this chapter to practice barbering or authorized to employ or lease space to a barber. A person not authorized to practice barbering or not authorized to employ or lease space to a barber may not place a barber pole in a location that would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop unless the location of the barber pole is related to a business authorized to operate a barbershop. As used in this section, barber pole means a red, white, or blue striped vertical cylinder with a ball located on the top, bottom, or top and bottom of the cylinder, or any object or facsimile of similar nature, regardless of the actual shape or coloring, if the object or facsimile would tend to create an impression to members of the general public that a business located near the object is a barbershop.