

**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 licensed salon and school shall keep a copy of the rules of cleaning and disinfecting posted in a conspicuous place in each salon and school for the information and guidance of all persons employed or studying therein.

History: Amended effective March 1, 1998; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-02. Space dimensions and requirements.

1. **Salon.** To maintain adequate conditions of cleanliness and disinfection and in the interest of the public health and welfare, each salon shall have adequate workspace to maintain a safe condition for a salon. In addition to such workspace, the salon shall have a reception area, supply room or supply area with enclosed cabinets, toilet facilities, and facilities to maintain clean conditions. There shall be adequate workspace for each additional cosmetologist, manicurist, or esthetician in the salon.
 - a. Separate entrance. All public entrances and exits must meet the local or state building codes.
 - b. Salon separate. A salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
 - c. Resident salons. Each salon in a residential building shall maintain an entrance separate from the entrance to living quarters. No cosmetology, manicuring, or esthetician services shall be conducted in any room used as living or sleeping quarters. A salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

- d. Mobile home salons. Mobile homes, motor homes, trailers, or any type of recreational vehicles containing a salon shall be permanently set on a foundation. Each salon in such mobile home, motor home, trailer, or any type of recreational vehicle shall maintain an entrance separate from the living quarters. No cosmetology, manicuring, or esthetician services shall be conducted in any room used as living or sleeping quarters. A salon must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
2. **Cosmetology schools.** To maintain adequate conditions of cleanliness and disinfection and in the interest of the public health and welfare, each cosmetology school shall have adequate square feet of floor space to maintain a safe condition for a cosmetology school. Such floor space must include a business office, reception room, clinic laboratory practice room, dispensary, student lounge, hallways, and classrooms sufficient for training the number of students enrolled. Two lavatories must be in the same building as the school and immediately and easily accessible from the school. In addition, for the manicurist and esthetician courses, floor space must include separate classrooms with adequate space to teach students enrolled.
 3. **Cosmetology school separate.** Each cosmetology school shall be separated from living quarters and any other business, except an affiliated school, by a solid nontransparent wall from floor to ceiling containing no openings or doors.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-03. Lighting - Exhaust fans - Fire extinguishers.

1. Each licensed salon shall have adequate lighting at all workstations.
2. Each licensed salon shall be equipped with an exhaust fan or air exchange system in the working area appropriate for the services provided.
3. A licensed salon shall have a fire extinguisher mounted in public view. All employees and students shall be instructed in the proper operation and use of the fire extinguisher.

All exhaust fans, 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.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-04. Cleaning and disinfecting premises.

1. Walls, floors, and fixtures must be kept clean and in good repair at all times.
2. All floors must be cleaned and made free of hair and other debris after each client and must be in good repair. Carpeting is not permitted in the working area, except in a licensed salon with carpeting in the working area on July 1, 2000, and which have not changed ownership since July 1, 2000. Carpeting will only be permitted in the reception and drying areas.
3. Windows and mirrors should be clean.
4. Shampoo bowls must be free from all hair and debris and cleansed prior to each use and disinfected daily.

5. The dispensing area must be neat and clean. The supply area may not be accessible to the public.
6. Pedicure chairs, foot spas, and manicure tables must be cleaned and disinfected between uses. Pedicure bowls must be emptied. Screens, filters, drains, and other removable parts must be removed and first cleaned with soap, detergent, and water, and then immersed in a federal environmental protection agency registered disinfectant, following the manufacturer's directions for proper contact time. The tub must be scrubbed with soap, detergent, and water, then rinsed and filled with water, adding in an environmental protection agency registered disinfectant to achieve proper concentration. The concentration should be allowed to sit or run through the jetted system as per the manufacturer's recommended contact time. The tub should then be drained and either allowed to air dry or wiped dry with a clean towel.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; January 1, 2002; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-05. Water supply and waste disposal.

Each licensed salon shall be equipped with an adequate supply of hot and cold running water and proper plumbing located within the confines of the salon, separate from a bathroom facility. Each salon 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 the state department of health.
3. Store and collect solid waste so as to avoid health hazards, rodent harborages, insect breeding areas, and accidents.
4. Have solid wastes collected at least once each week, and an adequate number of approved covered containers shall be provided for storage of solid waste pending collection.

All plumbing in every salon shall comply with the state and local plumbing code.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-06. Personal hygiene.

Every cosmetologist, manicurist, esthetician, instructor, and student, while on the salon premises, shall be neat and clean in person and in attire, and free from any infectious or communicable disease.

1. **Attire.** Every cosmetologist, manicurist, esthetician, instructor, student instructor, and student must be neat and clean in person and attire, and shall wear clean washable professional attire as determined by salon and school owner.
2. **Hands.** Every cosmetologist, manicurist, esthetician, instructor, student instructor, and student shall wash one's hands with soap and water immediately before serving each client. Hand sanitizer must be available for customers and manicurists to use.
3. **Carrying combs.** Combs or other instruments shall not be carried in clothing pockets or other leather or cloth pouches, holsters, or other porous containers or cases.

4. **Infectious or communicable diseases.** A cosmetologist, manicurist, esthetician, instructor, student instructor, or student who has an infectious or communicable disease may not knowingly transmit the disease to the public in a salon while such a disease is in a communicable stage.
5. **Smoking.** A cosmetologist, manicurist, esthetician, instructor, student instructor, or student may not smoke while actively engaged in serving the public.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-07. First-aid kit.

Every licensed salon 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, triple antibiotics, eyewash, and gloves.

History: Amended effective July 1, 2000; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-08. Cleaning and disinfecting articles.

All tools, instruments, shampoo bowls, and other articles which come in contact with a client shall be cleaned and disinfected before use on each client. Each licensed salon shall have available for use at all times a federal environmental protection agency registered disinfectant and a container available that will be used to disinfect tools. The reuse of any porous instrument which cannot be disinfected is prohibited.

History: Amended effective July 1, 1988; January 1, 2017.

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, robes, and similar items shall be kept in an enclosed, dustproof cabinet in the salon until used.
2. **Soiled cloth items and laundering.** All towels, robes, sheets, capes, and similar linen items may be used only once and then must be properly laundered. After use, and until laundering, each item must be placed in an enclosed container. All soiled towels and linens must be laundered in a washing machine with laundry detergent in hot water. Commercial laundering is acceptable.

History: Amended effective July 1, 1988; March 1, 1998; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-10. Method of disinfection.

The disinfection process shall consist of three steps, and the elimination of any one of the steps render 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 synthetic 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 implements that are nonporous, such as those made of glass, metal, or plastic, in an appropriate container, large enough to cover all items, including all handles, with an effective federal environmental protection agency registered bactericidal, virucidal, and fungicidal disinfectant prepared and used in accordance with directions on the label. 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 dustproof cabinet in the salon until used.

Shears and razors are not required to be washed, but must be wiped to remove hair, product residue, and skin debris, and then disinfected with an environmental protection agency registered disinfectant spray or wipe after each use. The surface must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label.

Nonimmersible electrical equipment must be wiped or sprayed with an environmental protection agency registered disinfectant that is bactericidal, virucidal, and fungicidal, and created specifically for electrical equipment. Contact time for the electrical equipment as listed on the manufacturer's label must be observed.

History: Amended effective March 1, 1998; January 1, 2017.

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, any federal environmental protection agency registered bactericidal, virucidal, and fungicidal disinfectant treatment of tools, instruments, and implements shall be used in accordance with the directions of the manufacturer. All germicidal solutions shall be fresh, clean, and free from contaminants.
2. **Fluids, creams, waxes, and powders.** All fluids, semifluids, creams, waxes, and powders shall be kept in a clean, covered container free of contaminants at all times and shall be dispensed with a clean spatula or from a shaker, dispenser pump, or spray-type container. Single-use spatulas made of a porous material, such as wood, must be discarded after a single use or application. Nonporous spatulas, such as those made of plastic or metal, can only be used for a single use or application and must be cleaned and disinfected before being used again. Fluids, semifluids, creams, and powders shall be applied only by disposable applicators and the applicators shall be discarded after use. Gloves must be worn when performing waxing or tweezing services. Roll on wax is prohibited.
3. **Tools and instruments.** All permanent wave equipment, clips, rollers, pins, as well as all other tools, instruments, and implements shall be kept in a clean and disinfected condition at all times. All other reusable items shall be cleaned and disinfected before use on each client.
4. **Containers.** The manufacturer's label must be on all original containers for any chemicals used in the salon. All bottles and containers shall be correctly and distinctly labeled to disclose their contents, and all bottles and containers containing poisonous substances shall be so designated.
5. **Waste container.** Each licensed salon shall provide adequate covered and lined waste containers which shall be emptied when full.
6. **Protective coverings.** All protective coverings used on a client shall be kept clean and in good condition. Protective coverings, or "capes", must always be used on clients receiving hair services and must be laundered in accordance with section 32-02-01-09 after each use.

Capes made of plastic or vinyl unable to be laundered in accordance with section 32-02-01-09 shall be disinfected with the use of an environmental protection agency registered disinfectant spray or wipe in accordance with the manufacturer's label.

7. **Wet disinfecting units.** Each licensed salon shall have wet disinfecting units of sufficient size and quantity to disinfect all tools, instruments, and implements of the establishment, and such disinfectants shall be readily accessible. Such disinfecting units shall contain an environmental protection agency registered disinfectant and such disinfectant shall be used according to the manufacturers' directions.
8. **Metal instruments.** All metal tools, instruments, and implements shall be cleaned and disinfected with an environmental protection agency registered disinfectant solution after each use and stored in a closed container until the next use. All clippers and trimmers must be cleaned with an environmental protection agency registered disinfectant spray or wipe after each client.
9. **Storage of supplies.** Every licensed salon shall have a separate cabinet or storage area for the storage of supplies, and any supplies containing any caustic or other material harmful to humans shall be stored in a place not readily accessible to clients or the public.
10. **Combs and brushes.** Combs and brushes shall be cleaned and disinfected prior to each use. All shall be in good usable condition.
11. **Electric tools and outlets.** Each licensed salon 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 persons employed or learning in the establishment.
12. **Neck brushes.** No salon or school may use neck brushes.
13. **Dry storage.** All tools, instruments, and implements must be stored in a clean closed cabinet or drawer. Paper, money, candy, and personal items may not be stored or placed in cabinets or drawers where tools, instruments, and implements are stored.
14. **Ultraviolet light.** Ultraviolet light boxes are prohibited as a means of disinfection.
15. **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.
16. **Invasive practices.** Skin cutting equipment, including razor type callus shavers, credo blades, rasps or graters, or other implements used to remove corns, calluses, moles, or otherwise used to cut below the skin surface, are prohibited. The use of lancets also is prohibited.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-12. Toilet facilities.

All salons shall have adequate toilet facilities conveniently located and readily accessible to the public patronizing the establishment. All salons in residential establishments shall provide and label toilet facilities only for the use of customers during business hours. Toilet facilities shall be clean, disinfected, and properly maintained at all times. All plumbing must be in accordance with the state or local plumbing codes.

Each salon shall provide adequate handwashing facilities, including hot and cold running water. Each handwashing sink must have a soap dispenser supplied with liquid soap and disposable towels or approved air dryer.

History: Amended effective March 1, 1998; December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-13. Pets.

No animals, birds, or other pets, except assistance animals for the disabled and fish in aquariums, shall be permitted in any licensed salon.

History: Amended effective December 1, 2005; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

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

No licensed salon premises shall be used in any manner for the care or babysitting of infants or small children.

History: Amended effective January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11

32-02-01-15. Inspections.

A salon license shall only be issued to establishments inspected and approved by the board. A board inspection and approval shall be required for all new salons and schools as well as when changes of ownership or address take place. All salon premises must be open for inspection during normal business hours. If a salon is not open every day, the salon owner must inform the board office of the days the salon is open for business.

History: Amended effective July 1, 1988; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-13, 43-11-17