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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3202

02/11/2020 Authored by Christensen, Edelson, Robbins, Elkins and Runbeck
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to state government; exempting hairstyling and makeup application from
1.3 licensing; amending Minnesota Statutes 2018, sections 155A.23, subdivisions 3,
1.4 5, 8, 18, by adding subdivisions; 155A.27, subdivisions 1, 9; 155A.271, subdivision
1.5 1; 155A.29, subdivisions 1, 6.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 155A.23, subdivision 3, is amended to read:

1.8 Subd. 3. Cosmetology. "Cosmetology" is the practice of personal services, for
1.9 compensation, for the cosmetic care of the hair, nails, and skin. These services include
1.10 cleaning, conditioning, shaping, reinforcing, coloring and enhancing the body surface in
1.11 the areas of the head, scalp, face, arms, hands, legs, feet, and trunk of the body, except where
1.12 these services are performed by a barber under sections 154.001, 154.002, 154.003, 154.01
1.13 to 154.161, 154.19 to 154.21, and 154.24 to 154.26. Cosmetology does not include hairstyling
1.14 as defined in subdivision 19, makeup services as defined in subdivision 20, or the application
1.15 of eyelash extensions.

1.16 Sec. 2. Minnesota Statutes 2018, section 155A.23, subdivision 5, is amended to read:

1.17 Subd. 5. Esthetician. An "esthetician" is any person who, for compensation, performs
1.18 personal services for the cosmetic care of the skin only, but does not include makeup services
1.19 as defined in subdivision 20.

1.20 Sec. 3. Minnesota Statutes 2018, section 155A.23, subdivision 8, is amended to read:

1.21 Subd. 8. Manager. A "manager" is any person who is a cosmetologist, esthetician,
1.22 advanced practice esthetician, or nail technician practitioner, or eyelash technician

2.1 ~~practitioner~~, and who has a manager license and provides any services under that license,
2.2 as defined in subdivision 3.

2.3 Sec. 4. Minnesota Statutes 2018, section 155A.23, subdivision 18, is amended to read:

2.4 Subd. 18. **Practitioner.** A "practitioner" is any person licensed in the practice of
2.5 cosmetology, esthology, or nail technology services, ~~or eyelash technology services~~.

2.6 Sec. 5. Minnesota Statutes 2018, section 155A.23, is amended by adding a subdivision to
2.7 read:

2.8 Subd. 19. **Hairstyling.** "Hairstyling" is the practice of cleaning, drying, arranging, or
2.9 styling hair. It includes the use of hair sprays and topical agents, such as shampoos and
2.10 conditioners. It also includes the use and styling of hair extensions and wigs. It does not
2.11 include cutting or the application of dyes, bleach, reactive chemicals, keratin, or other
2.12 preparations to color or alter the structure of hair.

2.13 Sec. 6. Minnesota Statutes 2018, section 155A.23, is amended by adding a subdivision to
2.14 read:

2.15 Subd. 20. **Makeup services.** "Makeup services" is the application of a cosmetic to
2.16 enhance the face or skin, including powder, foundation, rouge, eyeshadow, eyeliner, mascara,
2.17 and lipstick. Makeup services includes the application of makeup applied using an airbrush.
2.18 Makeup services does not include the application of permanent makeup, tattooing, or facial
2.19 services. A person who, for compensation, performs only makeup services is not an
2.20 esthetician.

2.21 Sec. 7. Minnesota Statutes 2018, section 155A.27, subdivision 1, is amended to read:

2.22 Subdivision 1. **Licensing.** A person must hold an individual license to practice in the
2.23 state as a cosmetologist, esthetician, nail technician, ~~eyelash technician~~, advanced practice
2.24 esthetician, manager, or instructor.

2.25 Sec. 8. Minnesota Statutes 2018, section 155A.27, subdivision 9, is amended to read:

2.26 Subd. 9. **Exemptions.** (a) Persons licensed to provide cosmetology services in other
2.27 states visiting this state for cosmetology demonstrations shall be exempted from the licensing
2.28 provisions of sections 155A.21 to 155A.36 if services to consumers are in the physical
2.29 presence of a licensed cosmetologist.

3.1 (b) A person who performs eyelash extensions, hairstyling, makeup services, or threading
3.2 shall be exempt from the licensing provisions of sections 155A.21 to 155A.36 and 155A.275.

3.3 Sec. 9. Minnesota Statutes 2018, section 155A.271, subdivision 1, is amended to read:

3.4 Subdivision 1. **Continuing education requirements.** (a) To qualify for license renewal
3.5 under this chapter as an individual cosmetologist, nail technician, esthetician, advanced
3.6 practice esthetician, ~~eyelash technician~~, or salon manager, the applicant must complete four
3.7 hours of continuing education credits from a board-approved continuing education provider
3.8 during the three years prior to the applicant's renewal date. One credit hour of the requirement
3.9 must include instruction pertaining to state laws and rules governing the practice of
3.10 cosmetology. Three credit hours must include instruction pertaining to health, safety, and
3.11 infection control matters consistent with the United States Department of Labor's
3.12 Occupational Safety and Health Administration standards applicable to the practice of
3.13 cosmetology, or other applicable federal health, infection control, and safety standards, and
3.14 must be regularly updated so as to incorporate newly developed standards and accepted
3.15 professional best practices. Credit hours earned are valid for three years and may be applied
3.16 simultaneously to all individual licenses held by a licensee under this chapter.

3.17 (b) Effective August 1, 2017, in addition to the hours of continuing education credits
3.18 required under paragraph (a), to qualify for license renewal under this chapter as an individual
3.19 cosmetologist, nail technician, esthetician, advanced practice esthetician, or salon manager,
3.20 the applicant must also complete a four credit hour continuing education course from a
3.21 board-approved continuing education provider based on any of the following within the
3.22 licensee's scope of practice:

3.23 (1) product chemistry and chemical interaction;

3.24 (2) proper use and maintenance of machines and instruments;

3.25 (3) business management, professional ethics, and human relations; or

3.26 (4) techniques relevant to the type of license held.

3.27 Credits are valid for three years and must be completed with a board-approved provider of
3.28 continuing education during the three years prior to the applicant's renewal date and may
3.29 be applied simultaneously to other individual licenses held as applicable, except that credits
3.30 completed under this paragraph must not duplicate credits completed under paragraph (a).

3.31 (c) Paragraphs (a) and (b) do not apply to an instructor license, a school manager license,
3.32 or an inactive license.

4.1 Sec. 10. Minnesota Statutes 2018, section 155A.29, subdivision 1, is amended to read:

4.2 Subdivision 1. **Licensing.** A person must not offer cosmetology services for compensation
4.3 unless the services are provided by a licensee in a licensed salon or as otherwise provided
4.4 in this section. Each salon must be licensed as a cosmetology salon, a nail salon, esthetician
4.5 salon, or advanced practice esthetician salon, ~~or eyelash extension salon~~. A salon may hold
4.6 more than one type of salon license.

4.7 Sec. 11. Minnesota Statutes 2018, section 155A.29, subdivision 6, is amended to read:

4.8 Subd. 6. **Exemption.** The facility in which a person provides hairstyling, makeup services,
4.9 eyelash extensions, or threading and no other services requiring licensure by this chapter
4.10 is exempt from the requirement for a salon license under this section.