

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2802

(SENATE AUTHORS: INGEBRIGTSEN, Rosen and Johnson)

DATE	D-PG	OFFICIAL STATUS
03/17/2016	5097	Introduction and first reading Referred to State and Local Government
03/29/2016	5307	Comm report: To pass and re-referred to Finance
04/28/2016	6532a	Comm report: To pass as amended
	6538	Second reading
05/10/2016	6878	Special Order
	6878	Third reading Passed
05/17/2016	7057	Returned from House Presentment date 05/18/16
05/20/2016	7264	Governor's action Approval 05/19/16
	7264	Secretary of State Chapter 127 05/19/16 Effective date 05/20/16

A bill for an act

1.1
 1.2 relating to cosmetology; regulating eyelash extension services; amending
 1.3 Minnesota Statutes 2014, section 155A.23, by adding subdivisions; Minnesota
 1.4 Statutes 2015 Supplement, sections 155A.23, subdivisions 8, 18; 155A.27,
 1.5 subdivision 1; 155A.271; 155A.29, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2014, section 155A.23, is amended by adding a
 1.8 subdivision to read:

1.9 Subd. 4a. **Eyelash extensions.** "Eyelash extensions" means the application,
 1.10 removal, and trimming of threadlike natural or synthetic fibers to an eyelash, and includes
 1.11 the cleansing of the eye area and lashes. Eyelash extensions do not include color agents,
 1.12 straightening agents, permanent wave solutions, bleaching agents, applications to the
 1.13 eyebrow, or any other cosmetology service.

1.14 Sec. 2. Minnesota Statutes 2014, section 155A.23, is amended by adding a subdivision
 1.15 to read:

1.16 Subd. 4b. **Eyelash technician.** An "eyelash technician" is any person who is not
 1.17 a cosmetologist, esthetician, or advanced practice esthetician who, for compensation,
 1.18 performs the personal services limited to eyelash extensions as defined in subdivision 4a
 1.19 only.

1.20 Sec. 3. Minnesota Statutes 2015 Supplement, section 155A.23, subdivision 8, is
 1.21 amended to read:

1.22 Subd. 8. **Manager.** A "manager" is any person who is a cosmetologist, esthetician,
 1.23 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 2015 Supplement, section 155A.23, subdivision 18, is
 2.4 amended to read:

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

2.7 Sec. 5. Minnesota Statutes 2015 Supplement, section 155A.27, subdivision 1, is
 2.8 amended to read:

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

2.12 Sec. 6. Minnesota Statutes 2015 Supplement, section 155A.271, is amended to read:

2.13 **155A.271 CONTINUING EDUCATION REQUIREMENTS.**

2.14 Subdivision 1. **Continuing education requirements.** (a) ~~Effective August 1,~~
 2.15 ~~2014,~~ To qualify for license renewal under this chapter as an individual cosmetologist,
 2.16 nail technician, esthetician, advanced practice esthetician, eyelash technician, or salon
 2.17 manager, the applicant must ~~attest to the completion of~~ complete four hours of continuing
 2.18 education credits from ~~an accredited school or a professional association of cosmetology~~
 2.19 a board-approved continuing education provider during the three years prior to the
 2.20 applicant's renewal date. One credit hour of the requirement must include instruction
 2.21 pertaining to state laws and rules governing the practice of cosmetology. Three credit
 2.22 hours must include instruction pertaining to health, safety, and infection control matters
 2.23 consistent with the United States Department of Labor's Occupational Safety and Health
 2.24 Administration standards applicable to the practice of cosmetology, or other applicable
 2.25 federal health, infection control, and safety standards, and must be regularly updated so as
 2.26 to incorporate newly developed standards and accepted professional best practices. Credit
 2.27 hours earned are valid for three years and may be applied simultaneously to all individual
 2.28 licenses held by a licensee under this chapter.

2.29 (b) Effective August 1, 2017, in addition to the hours of continuing education credits
 2.30 required under paragraph (a), to qualify for license renewal under this chapter as an
 2.31 individual cosmetologist, nail technician, esthetician, advanced practice esthetician, or
 2.32 salon manager, the applicant must also ~~attest to the completion of one four-hour~~ complete a

3.1 four credit hour continuing education course from a board-approved continuing education
 3.2 provider based on any ~~or all~~ of the following within the licensee's scope of practice:

- 3.3 (1) product chemistry and ~~chemistry~~ chemical interaction;
- 3.4 (2) proper use and maintenance of machines and instruments;
- 3.5 (3) business management, professional ethics, and human relations; or
- 3.6 (4) techniques relevant to the type of license held.

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

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

3.13 Subd. 1a. **Product sales or marketing prohibited.** The marketing or sale of
 3.14 any product is prohibited during a continuing education class receiving credit under
 3.15 subdivision 1.

3.16 Subd. 2. **Continuing education providers.** (a) Only a board-licensed school of
 3.17 cosmetology, a postsecondary institution as defined in section 136A.103, paragraph
 3.18 (a), or a board-recognized professional association organized under chapter 317A may
 3.19 be approved by the board to offer continuing education curriculum for credit under
 3.20 subdivision 1, paragraph (a). Continuing education ~~curriculum~~ under subdivision 1,
 3.21 paragraph (b), may be offered by a:

- 3.22 (1) board-licensed school of cosmetology;
- 3.23 (2) board-recognized professional association organized under chapter 317A; or
- 3.24 (3) board-licensed salon.

3.25 ~~The~~ An approved school ~~and~~ or professional association may offer ~~online and~~
 3.26 ~~independent study options~~ Web-based continuing education instruction to achieve
 3.27 maximum involvement of licensees. Continuing education providers are encouraged to
 3.28 offer classes available in foreign language formats.

3.29 (b) Board ~~authorization~~ approval of a any continuing education provider ~~under~~
 3.30 ~~paragraph (a)~~ is valid for one calendar year and is contingent upon submission and
 3.31 preapproval of the lesson plan or plans with learning objectives for the class to be offered
 3.32 and the payment of the application fee in section 155A.25, subdivision 1a, paragraph (d),
 3.33 clause (11). The board shall maintain a list of approved providers and courses on the
 3.34 board's Web site. The board may revoke authorization of a continuing education provider
 3.35 at any time for just cause and the board may demand return of documents required under
 3.36 subdivision 3.

4.1 Subd. 3. **Proof of credits.** The continuing education provider shall provide to
4.2 licensees ~~who attend a class a receipt to prove~~ documentation establishing completion
4.3 of the class. Licensees shall retain proof of their continuing education credits for one
4.4 year beyond the credit's expiration. The continuing education provider shall retain
4.5 documentation of all licensees ~~successfully~~ completing a class and the licensee's credit
4.6 hours awarded by them for five years.

4.7 Subd. 4. **Audit.** The board shall conduct random audits of active licensees
4.8 ~~periodically and continuing education providers~~ to ensure compliance with ~~continuing~~
4.9 ~~education~~ the requirements of this section. To initiate an audit, the board shall notify
4.10 an active licensee of the audit and request proof of credits earned during a specified
4.11 period. The licensee must provide the requested proof to the board within 30 days of an
4.12 audit notice. The board may request that a ~~school or professional association~~ continuing
4.13 education provider verify a licensee's credits. The ~~continuing education~~ provider must
4.14 furnish verification, or a written statement that the credits are not verified, within 15 days
4.15 of the board's request for verification. If the board determines that a licensee has failed to
4.16 provide proof of necessary credits earned during the specified time, the board may revoke
4.17 the individual's license and may deem the individual an expired practitioner subject to
4.18 penalty under section 155A.25 or 155A.36. The board staff shall have unrestricted free
4.19 access to any provider's class offerings to verify adherence to the provider's approved
4.20 lesson plan and overall compliance with this chapter.

4.21 Sec. 7. Minnesota Statutes 2015 Supplement, section 155A.29, subdivision 1, is
4.22 amended to read:

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

4.28 Sec. 8. **EFFECTIVE DATE; APPLICATION.**

4.29 Sections 1 to 7 are effective the day following final enactment. With respect to
4.30 eyelash technicians, the Board of Cosmetologist Examiners must not enforce sections 1 to
4.31 7 until July 1, 2017. Any educational or training requirements developed by the board
4.32 regarding eyelash technicians must be 14 hours.