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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1481

02/08/2023 Authored by Pérez-Vega, Koznick, Noor, Hudson, Gomez and others
The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to cosmetology; creating hair technician licenses; appropriating money;
1.3 amending Minnesota Statutes 2022, sections 155A.23, subdivisions 8, 11, 18, by
1.4 adding a subdivision; 155A.25, subdivision 1a; 155A.27, subdivisions 1, 5a, 6, 7,
1.5 10, by adding subdivisions; 155A.271, subdivision 1; 155A.29, subdivisions 1, 4;
1.6 155A.30, subdivision 2; proposing coding for new law in Minnesota Statutes,
1.7 chapter 155A.

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

1.9 Sec. 26. Minnesota Statutes 2022, section 155A.23, subdivision 8, is amended to read:

1.10 Subd. 8. Manager. A "manager" is any person who is a cosmetologist, esthetician,
1.11 advanced practice esthetician, hair technician, nail technician practitioner, or eyelash
1.12 technician practitioner, and who has a manager license and provides any services under that
1.13 license, as defined in subdivision 3.

1.14 EFFECTIVE DATE. This section is effective January 1, 2024.

1.15 Sec. 27. Minnesota Statutes 2022, section 155A.23, subdivision 11, is amended to read:

1.16 Subd. 11. Instructor. An "instructor" is any person employed by a school to prepare
1.17 and present the theoretical and practical education of cosmetology to persons who seek to
1.18 practice cosmetology. An instructor must maintain an active operator or manager's license
1.19 in the area in which the instructor holds an instructor's license. While an instructor holds an
1.20 active instructor license, the instructor's license as an operator or a salon manager in the
1.21 same field is automatically renewed without fees with a term ending when the instructor
1.22 license expires.

1.23 EFFECTIVE DATE. This section is effective January 1, 2025.

2.1 Sec. 28. Minnesota Statutes 2022, section 155A.23, subdivision 18, is amended to read:

2.2 Subd. 18. **Practitioner.** A "practitioner" is any person licensed as an operator or manager
2.3 in the practice of cosmetology, esthiology, advanced practice esthiology, hair technology
2.4 services, nail technology services, or eyelash technology services.

2.5 **EFFECTIVE DATE.** This section is effective January 1, 2024.

2.6 Sec. 29. Minnesota Statutes 2022, section 155A.23, is amended by adding a subdivision
2.7 to read:

2.8 Subd. 21. **Hair technician.** A "hair technician" is any person who, for compensation,
2.9 performs personal services for the cosmetic care of hair on the scalp. Hair technician services
2.10 include cutting hair and the application of dyes, bleach, reactive chemicals, keratin, or other
2.11 preparations to color or alter the structure of hair. A person who only performs hairstyling
2.12 as defined by subdivision 19 is not a hair technician.

2.13 **EFFECTIVE DATE.** This section is effective January 1, 2024.

2.14 Sec. 30. Minnesota Statutes 2022, section 155A.25, subdivision 1a, is amended to read:

2.15 Subd. 1a. **Schedule.** (a) The schedule for fees and penalties is as provided in this
2.16 subdivision.

2.17 (b) ~~Three-year~~ Four-year license fees are as follows:

2.18 (1) \$195 initial practitioner, manager, or instructor license, divided as follows:

2.19 (i) \$155 for each initial license; and

2.20 (ii) \$40 for each initial license application fee;

2.21 (2) \$115 renewal of practitioner license, divided as follows:

2.22 (i) \$100 for each renewal license; and

2.23 (ii) \$15 for each renewal application fee;

2.24 (3) \$145 renewal of manager or instructor license, divided as follows:

2.25 (i) \$130 for each renewal license; and

2.26 (ii) \$15 for each renewal application fee;

2.27 (4) \$350 initial salon license, divided as follows:

2.28 (i) \$250 for each initial license; and

- 3.1 (ii) \$100 for each initial license application fee;
- 3.2 (5) \$225 renewal of salon license, divided as follows:
- 3.3 (i) \$175 for each renewal; and
- 3.4 (ii) \$50 for each renewal application fee;
- 3.5 (6) \$4,000 initial school license, divided as follows:
- 3.6 (i) \$3,000 for each initial license; and
- 3.7 (ii) \$1,000 for each initial license application fee; and
- 3.8 (7) \$2,500 renewal of school license, divided as follows:
- 3.9 (i) \$2,000 for each renewal; and
- 3.10 (ii) \$500 for each renewal application fee.
- 3.11 (c) Penalties may be assessed in amounts up to the following:
- 3.12 (1) reinspection fee, \$150;
- 3.13 (2) manager and owner with expired practitioner found on inspection, \$150 each;
- 3.14 (3) expired practitioner or instructor found on inspection, \$200;
- 3.15 (4) expired salon found on inspection, \$500;
- 3.16 (5) expired school found on inspection, \$1,000;
- 3.17 (6) failure to display current license, \$100;
- 3.18 (7) failure to dispose of single-use equipment, implements, or materials as provided
- 3.19 under section 155A.355, subdivision 1, \$500;
- 3.20 (8) use of prohibited razor-type callus shavers, rasps, or graters under section 155A.355,
- 3.21 subdivision 2, \$500;
- 3.22 (9) performing nail or cosmetology services in esthetician salon, or performing esthetician
- 3.23 or cosmetology services in a nail salon, \$500;
- 3.24 (10) owner and manager allowing an operator to work as an independent contractor,
- 3.25 \$200;
- 3.26 (11) operator working as an independent contractor, \$100;
- 3.27 (12) refusal or failure to cooperate with an inspection, \$500;
- 3.28 (13) practitioner late renewal fee, \$45; and

- 4.1 (14) salon or school late renewal fee, \$50.
- 4.2 (d) Administrative fees are as follows:
- 4.3 (1) homebound service permit, \$50 ~~three-year~~ four-year fee;
- 4.4 (2) name change, \$20;
- 4.5 (3) certification of licensure, \$30 each;
- 4.6 (4) duplicate license, \$20;
- 4.7 (5) special event permit, \$75 per year;
- 4.8 ~~(6) \$100 for each temporary military license for a cosmetologist, nail technician,~~
 4.9 ~~esthetician, or advanced practice esthetician one-year fee;~~
- 4.10 ~~(7)~~ (6) expedited initial individual license, \$150;
- 4.11 ~~(8)~~ (7) expedited initial salon license, \$300;
- 4.12 ~~(9)~~ (8) instructor continuing education provider approval, \$150 each year; and
- 4.13 ~~(10)~~ (9) practitioner continuing education provider approval, \$150 each year.

4.14 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to licenses
 4.15 issued or renewed on or after that date.

4.16 Sec. 31. Minnesota Statutes 2022, section 155A.27, subdivision 1, is amended to read:

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

4.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

4.21 Sec. 32. Minnesota Statutes 2022, section 155A.27, subdivision 5a, is amended to read:

4.22 Subd. 5a. **Temporary military license.** The board shall establish temporary licenses
 4.23 for a cosmetologist, hair technician, nail technician, and esthetician in accordance with
 4.24 section 197.4552. A temporary license is valid for a four-year license cycle. The board may
 4.25 only issue one temporary license to an applicant.

4.26 **EFFECTIVE DATE.** The addition of "hair technician" to the list of temporary licenses
 4.27 is effective January 1, 2024. The setting of the temporary license for a four-year license
 4.28 cycle and the preclusion on issuing more than one temporary license to an applicant is
 4.29 effective January 1, 2025.

5.1 Sec. 33. Minnesota Statutes 2022, section 155A.27, subdivision 6, is amended to read:

5.2 Subd. 6. **Duration of license.** Licensing in each classification shall be for a period of
5.3 ~~three~~ four years. The board may extend a licensee's operator or salon manager license when
5.4 issuing a new instructor license to the licensee so that the operator or salon manager license
5.5 expires on the same date as the instructor license.

5.6 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to licenses
5.7 issued or renewed on or after that date.

5.8 Sec. 34. Minnesota Statutes 2022, section 155A.27, subdivision 7, is amended to read:

5.9 Subd. 7. **Renewals.** Renewal of license shall be for a period of ~~three~~ four years under
5.10 the conditions and process established by rule and subject to continuing education
5.11 requirements of section 155A.271.

5.12 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to licenses
5.13 issued or renewed on or after that date.

5.14 Sec. 7. Minnesota Statutes 2022, section 155A.27, subdivision 10, is amended to read:

5.15 Subd. 10. **Nonresident licenses.** (a) A nonresident cosmetologist, nail technician, hair
5.16 technician, or esthetician may be licensed in Minnesota if the individual has completed
5.17 cosmetology school in a state or country with the same or greater school hour requirements,
5.18 has an active license in that state or country, and has passed a board-approved theory and
5.19 practice-based examination, the Minnesota-specific written operator examination for
5.20 cosmetologist, nail technician, hair technician, or esthetician. If a test is used to verify the
5.21 qualifications of trained cosmetologists, the test should be translated into the nonresident's
5.22 native language within the limits of available resources. Licenses shall not be issued under
5.23 this subdivision for managers or instructors.

5.24 (b) If an individual has less than the required number of school hours, the individual
5.25 must have had a current active license in another state or country for at least three years and
5.26 have passed a board-approved theory and practice-based examination, and the
5.27 Minnesota-specific written operator examination for cosmetologist, nail technician, hair
5.28 technician, or esthetician. If a test is used to verify the qualifications of trained
5.29 cosmetologists, the test should be translated into the nonresident's native language within
5.30 the limits of available resources. Licenses must not be issued under this subdivision for
5.31 managers or instructors.

6.1 (c) Applicants claiming training and experience in a foreign country shall supply official
6.2 English-language translations of all required documents from a board-approved source.

6.3 Sec. 35. Minnesota Statutes 2022, section 155A.27, is amended by adding a subdivision
6.4 to read:

6.5 Subd. 11. **Reciprocity for barbers.** A barber who has a currently active registration
6.6 under Minnesota Statutes, chapter 154, may be granted credit, as determined by rule, toward
6.7 the required hours of study required for licensure in cosmetology or hair technology.

6.8 **EFFECTIVE DATE.** This section is effective January 1, 2024.

6.9 Sec. 36. Minnesota Statutes 2022, section 155A.27, is amended by adding a subdivision
6.10 to read:

6.11 Subd. 12. **Licenses issued by other United States jurisdictions.** The board shall issue
6.12 a practitioner license in cosmetology, hair technology, nail technology, or esthiology to a
6.13 person upon application if the applicant meets the following criteria:

6.14 (1) the applicant holds a current and valid occupational license in cosmetology, nail
6.15 technology, or esthiology issued by another state or territory of the United States;

6.16 (2) the applicant has held the occupational license for at least one year;

6.17 (3) the applicant affirms:

6.18 (i) the board in the other state or territory holds the applicant in good standing;

6.19 (ii) the applicant does not have a disqualifying criminal record under the laws of the
6.20 state of Minnesota;

6.21 (iii) the board in no other state or territory revoked the applicant's occupational license
6.22 because of negligence or intentional misconduct related to the applicant's work in the
6.23 occupation;

6.24 (iv) the applicant did not surrender an occupational license because of negligence or
6.25 intentional misconduct related to the applicant's work in the occupation in another state or
6.26 territory; and

6.27 (v) the applicant does not have a complaint, allegation, or investigation pending before
6.28 a regulatory board in another state or territory which relates to unprofessional conduct or
6.29 an alleged crime. If the applicant has a complaint, allegation, or investigation pending, the
6.30 board in Minnesota shall not issue or deny an occupational license to the applicant until the
6.31 complaint, allegation, or investigation is resolved or the applicant otherwise meets the

7.1 criteria for an occupational license in Minnesota to the satisfaction of the board in Minnesota;
7.2 and

7.3 (4) the applicant pays all applicable fees.

7.4 Sec. 37. Minnesota Statutes 2022, section 155A.27, is amended by adding a subdivision
7.5 to read:

7.6 Subd. 13. **Notice of decision on application.** The board must provide an applicant with
7.7 a written decision on an application for a practitioner license within 30 days after receiving
7.8 a complete application.

7.9 Sec. 38. Minnesota Statutes 2022, section 155A.27, is amended by adding a subdivision
7.10 to read:

7.11 Subd. 14. **False statements.** The board may reject an application for a practitioner license
7.12 or revoke a practitioner license for a false statement in an application.

7.13 Sec. 39. Minnesota Statutes 2022, section 155A.27, is amended by adding a subdivision
7.14 to read:

7.15 Subd. 15. **Other licenses allowed.** Nothing in this section shall be construed to prohibit
7.16 an applicant from applying for an occupational license under another statute.

7.17 Sec. 40. **[155A.2705] HAIR TECHNICIAN REQUIREMENTS.**

7.18 Subdivision 1. **Application.** A complete application for a hair technician license must
7.19 include the following:

7.20 (1) a completed application form;

7.21 (2) payment of the fees required by section 155A.25;

7.22 (3) passing test results no more than one year before submission of the application of
7.23 the following board-approved tests for the license for a hair technician:

7.24 (i) general theory test;

7.25 (ii) written practical test; and

7.26 (iii) test on Minnesota Laws and Rules related to providing hair technician services; and

7.27 (4) proof of completion of training, as required under subdivision 2.

8.1 Subd. 2. **Training.** (a) Training required for a hair technician license must be completed
 8.2 at a Minnesota-licensed cosmetology school including an original course completion
 8.3 certificate with the notarized signatures of the school manager or owner documenting the
 8.4 successful completion of the curriculum of 600 hours of training as a hair technician.

8.5 (b) As part of the 600 hours of training to be a hair technician in paragraph (a), training
 8.6 in general theory must consist of 100 hours of preclinical instruction in the theory of sciences
 8.7 of anatomy, trichology, and chemistry as related to services provided by hair technicians;
 8.8 electricity and light; infection control; and safety procedures related to services provided
 8.9 by hair technicians. Additional training may include clinical instruction and experience in
 8.10 the applied sciences, as determined by each provider.

8.11 **EFFECTIVE DATE.** This section is effective January 1, 2024.

8.12 Sec. 41. Minnesota Statutes 2022, section 155A.271, subdivision 1, is amended to read:

8.13 Subdivision 1. **Continuing education requirements.** (a) To qualify for license renewal
 8.14 under this chapter as an individual cosmetologist, hair technician, nail technician, esthetician,
 8.15 advanced practice esthetician, eyelash technician, or salon manager, the applicant must
 8.16 complete four hours of continuing education credits from a board-approved continuing
 8.17 education provider during the ~~three~~ four years prior to the applicant's renewal date. One
 8.18 credit hour of the requirement must include instruction pertaining to state laws and rules
 8.19 governing the practice of cosmetology. Three credit hours must include instruction pertaining
 8.20 to health, safety, and infection control matters consistent with the United States Department
 8.21 of Labor's Occupational Safety and Health Administration standards applicable to the
 8.22 practice of cosmetology, or other applicable federal health, infection control, and safety
 8.23 standards, and must be regularly updated so as to incorporate newly developed standards
 8.24 and accepted professional best practices. Credit hours earned are valid for ~~three~~ four years
 8.25 and may be applied simultaneously to all individual licenses held by a licensee under this
 8.26 chapter.

8.27 (b) ~~Effective August 1, 2017,~~ In addition to the hours of continuing education credits
 8.28 required under paragraph (a), to qualify for license renewal under this chapter as an individual
 8.29 cosmetologist, hair technician, nail technician, esthetician, advanced practice esthetician,
 8.30 or salon manager, the applicant must also complete a four credit hour continuing education
 8.31 course from a board-approved continuing education provider based on any of the following
 8.32 within the licensee's scope of practice:

8.33 (1) product chemistry and chemical interaction;

- 9.1 (2) proper use and maintenance of machines and instruments;
- 9.2 (3) business management, professional ethics, and human relations; or
- 9.3 (4) techniques relevant to the type of license held.

9.4 Credits are valid for ~~three~~ four years and must be completed with a board-approved provider

9.5 of continuing education during the ~~three~~ four years prior to the applicant's renewal date and

9.6 may be applied simultaneously to other individual licenses held as applicable, except that

9.7 credits completed under this paragraph must not duplicate credits completed under paragraph

9.8 (a).

9.9 (c) Paragraphs (a) and (b) do not apply to an instructor license, a school manager license,

9.10 or an inactive license.

9.11 **EFFECTIVE DATE.** The addition of "hair technician" to the list of practitioners

9.12 requiring continuing education credits is effective January 1, 2024. The change to the period

9.13 of validity for credit hours earned and the period in which the credits must have been earned

9.14 from three to four years is effective January 1, 2025.

9.15 Sec. 42. Minnesota Statutes 2022, section 155A.29, subdivision 1, is amended to read:

9.16 Subdivision 1. **Licensing.** A person must not offer cosmetology services for compensation

9.17 unless the services are provided by a licensee in a licensed salon or as otherwise provided

9.18 in this section. ~~Each salon must be licensed as a cosmetology salon, a nail salon, esthetician~~

9.19 ~~salon, advanced practice esthetician salon, or eyelash extension salon. A salon may hold~~

9.20 ~~more than one type of salon license.~~

9.21 **EFFECTIVE DATE.** This section is effective July 1, 2025.

9.22 Sec. 43. Minnesota Statutes 2022, section 155A.29, subdivision 4, is amended to read:

9.23 Subd. 4. **Renewal.** Licenses shall be renewed every ~~three~~ four years by a process

9.24 established by rule.

9.25 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to licenses

9.26 issued or renewed on or after that date.

9.27 Sec. 44. Minnesota Statutes 2022, section 155A.30, subdivision 2, is amended to read:

9.28 Subd. 2. **Standards.** The board shall by rule establish minimum standards of course

9.29 content and length specific to the educational preparation prerequisite to testing and licensing

10.1 as cosmetologist, esthetician, ~~and~~ advanced practice esthetician, nail technician, and eyelash
10.2 technician.

10.3 **EFFECTIVE DATE.** This section is effective January 1, 2025.

10.4 Sec. 11. **APPROPRIATION; BOARD OF COSMETOLOGY.**

10.5 \$..... in fiscal year 2024 is appropriated from the general fund to the Board of
10.6 Cosmetology for implementing a system of licensing for hair technicians.