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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2370

03/23/2021

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The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act

1.2 relating to state government; exempting hairstyling, makeup application, and

1.3 eyelash application from licensing; establishing cosmetology apprenticeships;

1.4 changing the membership of the Board of Cosmetology; requiring interpreter

1.5 services; appropriating money; amending Minnesota Statutes 2020, sections

1.6 155A.20; 155A.23, subdivisions 3, 5, 8, 18, by adding subdivisions; 155A.24, by

1.7 adding subdivisions; 155A.27, subdivisions 1, 2, 9; 155A.271, subdivision 1;

1.8 155A.29, subdivisions 1, 6; proposing coding for new law in Minnesota Statutes,

1.9 chapter 155A; repealing Minnesota Rules, part 2105.0183, subpart 5.

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

1.11 ARTICLE 1

1.12 DEREGULATION OF CERTAIN COSMETOLOGY SERVICES

1.13 Section 1. Minnesota Statutes 2020, section 155A.23, subdivision 3, is amended to read:

1.14 Subd. 3. **Cosmetology.** "Cosmetology" is the practice of personal services, for

1.15 compensation, for the cosmetic care of the hair, nails, and skin. These services include

1.16 cleaning, conditioning, shaping, reinforcing, coloring and enhancing the body surface in

1.17 the areas of the head, scalp, face, arms, hands, legs, feet, and trunk of the body, except where

1.18 these services are performed by a barber under sections 154.001, 154.002, 154.003, 154.01

1.19 to 154.161, 154.19 to 154.21, and 154.24 to 154.26. Cosmetology does not include hairstyling

1.20 as defined in subdivision 19, makeup services as defined in subdivision 20, or the application

1.21 of eyelash extensions.

2.1 Sec. 2. Minnesota Statutes 2020, section 155A.23, subdivision 5, is amended to read:

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

2.5 Sec. 3. Minnesota Statutes 2020, section 155A.23, is amended by adding a subdivision to
2.6 read:

2.7 Subd. 5b. **Hair coloring.** "Hair coloring" means a person, for compensation, applies
2.8 dyes, bleach, reactive chemicals, keratin, or other preparations to color or alter the structure
2.9 of hair.

2.10 Sec. 4. Minnesota Statutes 2020, section 155A.23, subdivision 8, is amended to read:

2.11 Subd. 8. **Manager.** A "manager" is any person who is a cosmetologist, esthetician,
2.12 advanced practice esthetician, or nail technician practitioner, ~~or eyelash technician~~
2.13 ~~practitioner~~, and who has a manager license and provides any services under that license,
2.14 as defined in subdivision 3.

2.15 Sec. 5. Minnesota Statutes 2020, section 155A.23, subdivision 18, is amended to read:

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

2.18 Sec. 6. Minnesota Statutes 2020, section 155A.27, subdivision 1, is amended to read:

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

2.22 Sec. 7. Minnesota Statutes 2020, section 155A.27, subdivision 9, is amended to read:

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

2.27 (b) A person who performs threading shall be exempt from the licensing provisions of
2.28 sections 155A.21 to 155A.36.

3.1 (c) A person who performs only ~~hairstyling and makeup services shall be~~ hair coloring
3.2 or hair cutting services is exempt from the licensing provisions of sections 155A.21 to
3.3 155A.36 if the person has completed a ~~four-hour~~ course in health, safety, and
3.4 infection-control matters and state law online or in person under section 155A.271,
3.5 subdivision 1, paragraph (a), from a board-approved continuing education provider, and
3.6 carries proof of completion of the course when providing these services. Persons performing
3.7 hair coloring must complete a 40-hour course and persons performing hair cutting must
3.8 complete an 80-hour course.

3.9 Sec. 8. Minnesota Statutes 2020, section 155A.271, subdivision 1, is amended to read:

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

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

- 3.29 (1) product chemistry and chemical interaction;
- 3.30 (2) proper use and maintenance of machines and instruments;
- 3.31 (3) business management, professional ethics, and human relations; or
- 3.32 (4) techniques relevant to the type of license held.

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

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

4.7 Sec. 9. Minnesota Statutes 2020, section 155A.29, subdivision 1, is amended to read:

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

4.13 Sec. 10. Minnesota Statutes 2020, section 155A.29, subdivision 6, is amended to read:

4.14 Subd. 6. **Threading Exemption.** The facility in which a person provides threading,
4.15 hairstyling, hair coloring, makeup services, or hair cutting, and no other services requiring
4.16 licensure by this chapter is exempt from the requirement for a salon license under this
4.17 section.

4.18 Sec. 11. **REPEALER.**

4.19 Minnesota Rules, part 2105.0183, subpart 5, is repealed.

4.20 ARTICLE 2

4.21 APPRENTICESHIPS

4.22 Section 1. Minnesota Statutes 2020, section 155A.23, is amended by adding a subdivision
4.23 to read:

4.24 Subd. 1a. **Apprentice.** "Apprentice" means a person registered with the board who is
4.25 learning the practice of cosmetology under section 155A.272 in a licensed salon, and practices
4.26 or assists with the practice of cosmetology as provided under subdivision 3.

5.1 Sec. 2. Minnesota Statutes 2020, section 155A.27, subdivision 1, is amended to read:

5.2 Subdivision 1. **Licensing.** A person must hold an individual license to practice in the
5.3 state as a cosmetologist, esthetician, nail technician, eyelash technician, advanced practice
5.4 esthetician, manager, or instructor, unless the person is an apprentice under section 155A.272.

5.5 Sec. 3. Minnesota Statutes 2020, section 155A.27, subdivision 2, is amended to read:

5.6 Subd. 2. **Qualifications.** Qualifications for licensing in each classification shall be
5.7 determined by the board and established by rule, and shall include educational and
5.8 experiential prerequisites. The rules shall require a demonstrated knowledge of procedures
5.9 necessary to protect the health and safety of the practitioner and the consumer of cosmetology
5.10 services, including but not limited to infection control, use of implements, apparatuses and
5.11 other appliances, and the use of chemicals. Individuals who successfully complete an
5.12 apprenticeship program under section 155A.272 are deemed to have completed the
5.13 educational and experiential prerequisites for licensure.

5.14 Sec. 4. [155A.272] APPRENTICESHIP.

5.15 Subdivision 1. **Agreement.** All apprentices shall be employed under an apprentice
5.16 agreement between the sponsoring salon and the apprentice and approved by the Department
5.17 of Labor and Industry under section 178.07. All apprenticeships are governed by the
5.18 requirements of chapter 178, the minimum standards of apprenticeship under Minnesota
5.19 Rules, part 5200.0320, and the requirements of this chapter and any rules adopted by the
5.20 board.

5.21 Subd. 2. **Training requirements.** Apprentices shall receive from a licensed salon at
5.22 least 2,200 hours of practical training and at least 200 training hours of theoretical instruction
5.23 in order to complete the apprenticeship program and be eligible to take the examination for
5.24 a cosmetologist license. Apprentices shall receive training for a total of at least 20 hours
5.25 per week. The training shall be completed in not less than one year and not more than four
5.26 years.

5.27 Subd. 3. **Practice.** (a) No apprentice under this section may practice cosmetology except
5.28 under the supervision of a licensed cosmetology manager, whose cosmetology license is
5.29 not an inactive license, or under the supervision of a licensed cosmetologist, whose
5.30 cosmetologist license is not an inactive license, and to whom supervisory authority has been
5.31 delegated by a licensed cosmetology manager. A licensed cosmetology manager may only
5.32 delegate supervisory authority to a licensed cosmetologist who has completed at least 2,000
5.33 hours of practice as a licensed cosmetologist. A supervising cosmetology manager must

6.1 have had a valid license for a minimum of three consecutive years. A supervising
 6.2 cosmetology instructor must have had a valid license for a minimum of one year.

6.3 (b) Apprentices shall be trained in all branches of practical work and in all subjects
 6.4 required to be taught in schools of cosmetology as prescribed by the board.

6.5 ARTICLE 3

6.6 BOARD DIVERSIFICATION

6.7 Section 1. Minnesota Statutes 2020, section 155A.20, is amended to read:

6.8 **155A.20 BOARD OF COSMETOLOGIST EXAMINERS CREATED; TERMS.**

6.9 (a) A Board of Cosmetologist Examiners is established to consist of seven members,
 6.10 appointed by the governor as follows:

6.11 (1) two cosmetologists, one of whom is recommended by a professional association of
 6.12 cosmetologists, nail technicians, and estheticians;

6.13 (2) two school instructors, one of whom is teaching at a public cosmetology school in
 6.14 the state and one of whom is teaching at a private cosmetology school in the state;

6.15 (3) one esthetician;

6.16 (4) one nail technician; and

6.17 (5) one public member, as defined in section 214.02.

6.18 (b) All cosmetologist, esthetician, and nail technician members must be currently licensed
 6.19 in the field of cosmetology, nail technology, or esthetology, in Minnesota, have practiced
 6.20 in the licensed occupation for at least five years immediately prior to their appointment, be
 6.21 graduates from grade 12 of high school or have equivalent education, and have knowledge
 6.22 of sections 155A.21 to 155A.36 and Minnesota Rules, chapters 2105 and 2110.

6.23 (c) Of the seven members, three members should represent different ethnic and minority
 6.24 communities, and one member should represent the LGBTQ+ community.

6.25 ~~(e)~~ (d) Membership terms, compensation of members, removal of members, the filling
 6.26 of membership vacancies, and fiscal year and reporting requirements shall be as provided
 6.27 in sections 214.07 to 214.09. The provision of staff, administrative services, and office
 6.28 space; the review and processing of complaints; the setting of board fees; and other provisions
 6.29 relating to board operations shall be as provided in chapter 214.

6.30 ~~(d)~~ (e) Members appointed to fill vacancies caused by death, resignation, or removal
 6.31 shall serve during the unexpired term of their predecessors.

7.1 Sec. 2. Minnesota Statutes 2020, section 155A.24, is amended by adding a subdivision to
7.2 read:

7.3 Subd. 5. **Communication in other formats.** Board personnel must make reasonable
7.4 accommodations to provide information in other formats or languages as needed to facilitate
7.5 understanding by licensees and facility owners licensed under this chapter. This includes
7.6 inspections, which must be conducted in a language understandable to the licensee or facility
7.7 owner.

7.8 Sec. 3. Minnesota Statutes 2020, section 155A.24, is amended by adding a subdivision to
7.9 read:

7.10 Subd. 6. **Diversity training.** Every two years, all members of the board and personnel
7.11 must complete a minimum of nine hours on diversity training. Diversity training must
7.12 directly relate to the regulation of cosmetology, nail technology, or esthetology.

7.13 **ARTICLE 4**

7.14 **APPROPRIATIONS**

7.15 Section 1. **APPROPRIATIONS.**

7.16 (a) \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the
7.17 general fund to the Department of Labor and Industry for the purposes of the apprenticeship
7.18 training program in article 2.

7.19 (b) \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the
7.20 general fund to the Board of Cosmetologist Examiners for the purposes of the language
7.21 accommodation requirements in article 3.

2105.0183 TRANSFER OF LICENSES FROM OTHER STATES OR COUNTRIES.

Subp. 5. **Foreign documents.** All foreign documents from another country, including records in English, must be evaluated by a board-approved credentialing agency at the applicant's expense.