

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 2745

(SENATE AUTHORS: WIKLUND, Eaton, Dahle, Hayden and Housley)

DATE	D-PG	OFFICIAL STATUS
03/14/2016	5042	Introduction and first reading Referred to State and Local Government
03/23/2016		Comm report: To pass as amended and re-refer to Finance

1.1

A bill for an act

1.2

relating to occupations; modifying Board of Barber Examiners provisions;

1.3

authorizing rulemaking; amending Minnesota Statutes 2014, sections 154.001,

1.4

subdivision 2; 154.002; 154.01; 154.02; 154.04; 154.05; 154.065, subdivisions 2,

1.5

4; 154.07; 154.08; 154.09; 154.10, subdivision 2; 154.11, subdivision 1; 154.14;

1.6

154.15; 154.161, subdivision 7; 154.162; 154.19; 154.21; 154.24; 154.25;

1.7

Minnesota Statutes 2015 Supplement, sections 154.003; 154.11, subdivision 3;

1.8

154.161, subdivision 4; repealing Minnesota Statutes 2014, sections 154.03;

1.9

154.06; 154.11, subdivision 2; 154.12.

1.10

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

1.11

Section 1. Minnesota Statutes 2014, section 154.001, subdivision 2, is amended to read:

1.12

Subd. 2. **Board of Barber Examiners.** (a) A Board of Barber Examiners is

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established to consist of ~~three~~ four barber members and one public member, as defined in

1.14

section 214.02, appointed by the governor.

1.15

(b) The barber members shall be persons who have practiced as registered barbers in

1.16

this state for at least five years immediately prior to their appointment; shall be graduates

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from the 12th grade of a high school or have equivalent education, and shall have

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knowledge of the matters to be taught in registered barber schools, as set forth in section

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154.07. One of the barber members shall be a member of, or recommended by, a union of

1.20

journeymen barbers that has existed at least two years, and one barber member shall be a

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member of, or recommended by, a professional organization of barbers.

1.22

Sec. 2. Minnesota Statutes 2014, section 154.002, is amended to read:

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154.002 OFFICERS; COMPENSATION; FEES; EXPENSES.

1.24

The Board of Barber Examiners shall annually elect a chair and secretary. It shall

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adopt and use a common seal for the authentication of its orders and records. The board

shall appoint an executive secretary or enter into an interagency agreement to procure the services of an executive secretary. The executive secretary shall not be a member of the board and shall be in the unclassified civil service. The position of executive secretary may be a part-time position.

The executive secretary shall keep a record of all proceedings of the board. The expenses of administering this chapter shall be paid from the appropriations made to the Board of Barber Examiners.

Each member of the board shall take the oath provided by law for public officers.

A majority of the board, in meeting assembled, may perform and exercise all the duties and powers devolving upon the board.

The members of the board shall receive compensation, as provided in section 214.09, for each day spent on board activities, but not to exceed 20 days in any calendar month nor 100 days in any calendar year.

The board shall have authority to employ such inspectors, clerks, deputies, and other assistants as it may deem necessary to carry out the provisions of this chapter.

Sec. 3. Minnesota Statutes 2015 Supplement, section 154.003, is amended to read:

154.003 FEES.

(a) The fees collected, as required in this chapter, chapter 214, and the rules of the board, shall be paid to the board. The board shall deposit the fees in the general fund in the state treasury.

(b) The board shall charge the following fees:

(1) examination and certificate, registered barber, \$85;

(2) retake of written examination, ~~registered barber~~, \$10;

~~(3) examination and certificate, apprentice, \$80;~~

~~(4) retake of written examination, apprentice, \$10;~~

~~(5)~~ (3) examination and certificate, instructor, \$180;

~~(6)~~ (4) certificate, instructor, \$65;

~~(7)~~ (5) temporary teacher ~~or apprentice~~ permit, \$80;

~~(8)~~ (6) temporary registered barber, military, \$85;

~~(9)~~ (7) temporary barber instructor, military, \$180;

~~(10) temporary apprentice barber, military, \$80;~~

~~(11)~~ (8) renewal of registration, registered barber, \$80;

~~(12) renewal of registration, apprentice, \$70;~~

~~(13)~~ (9) renewal of registration, instructor, \$80;

~~(14)~~ (10) renewal of temporary teacher permit, \$65;

- 3.1 ~~(15)~~ (11) student permit, \$45;
3.2 ~~(16)~~ (12) renewal of student permit, \$25;
3.3 ~~(17)~~ (13) initial shop registration, \$85;
3.4 ~~(18)~~ (14) initial school registration, \$1,030;
3.5 ~~(19)~~ (15) renewal shop registration, \$85;
3.6 ~~(20)~~ (16) renewal school registration, \$280;
3.7 ~~(21)~~ (17) restoration of registered barber registration, \$95;
3.8 ~~(22)~~ (18) restoration of apprentice registration, \$90;
3.9 ~~(23)~~ (19) restoration of shop registration, \$105;
3.10 ~~(24)~~ (20) change of ownership or location, \$55;
3.11 ~~(25)~~ (21) duplicate registration, \$40;
3.12 ~~(26)~~ (22) home study course, \$75;
3.13 ~~(27)~~ (23) letter of registration verification, \$25; and
3.14 ~~(28)~~ (24) reinspection, \$100.

3.15 Sec. 4. Minnesota Statutes 2014, section 154.01, is amended to read:

3.16 **154.01 REGISTRATION MANDATORY.**

3.17 (a) The registration of the practice of barbering serves the public health and safety of
3.18 the people of the state of Minnesota by ensuring that individuals seeking to practice the
3.19 profession of barbering are appropriately trained in the use of the chemicals, tools, and
3.20 implements of barbering and demonstrate the skills necessary to conduct barber services
3.21 in a safe, sanitary, and appropriate environment required for infection control.

3.22 ~~(a)~~ (b) No person shall practice, offer to practice, or attempt to practice barbering
3.23 without a current certificate of registration as a registered barber, issued pursuant to
3.24 provisions of sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to
3.25 154.21, and 154.24 to ~~154.26~~ 154.28 by the Board of Barber Examiners.

3.26 ~~(b) No person shall serve, offer to serve, or attempt to serve as an apprentice under a~~
3.27 ~~registered barber without a current certificate of registration as a registered apprentice or~~
3.28 ~~temporary apprentice permit issued pursuant to provisions of sections 154.001, 154.002,~~
3.29 ~~154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 by the Board of~~
3.30 ~~Barber Examiners. The registered apprentice shall, prior to or immediately upon issuance~~
3.31 ~~of the apprentice's certificate of registration, and immediately after changing employment,~~
3.32 ~~advise the board of the name, address, and certificate number of the registered barber~~
3.33 ~~under whom the registered apprentice is working.~~

3.34 (c) A registered barber must only provide barbering services in a registered barber
3.35 shop or barber school, unless prior authorization is given by the board.

(e) (d) No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber and the owner or operator of the barber shop possesses a current shop registration card, issued to the barber shop establishment address, under sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28 by the Board of Barber Examiners.

(d) (e) No person shall serve, offer to serve, or attempt to serve as an instructor of barbering without a current certificate of registration as a registered instructor of barbering or a temporary permit as an instructor of barbering, as provided for the board by rule, issued under sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28 by the Board of Barber Examiners. Barber instruction must be provided in registered barber schools only.

(e) (f) No person shall operate a barber school unless the owner or operator possesses a current certificate of registration as a barber school, issued under sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28 by the Board of Barber Examiners.

Sec. 5. Minnesota Statutes 2014, section 154.02, is amended to read:

154.02 ~~WHAT CONSTITUTES BARBERING~~ DEFINITIONS.

Subdivision 1. What constitutes barbering. Any one or any combination of the following practices when done upon the head, face, and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment directly or indirectly or without payment for the public generally constitutes the practice of barbering within the meaning of sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28: to shave the face or neck, trim the beard, clean, condition, cut or bob, color, shape, or straighten the hair of any person of either sex for compensation or other reward received by the person performing such service or any other person; to give facial and scalp massage ~~or treatments~~ with oils, creams, lotions, or other preparations either by hand or mechanical appliances; to singe, shampoo the hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics, powders, oils, clays, or lotions to hair, scalp, face, or neck.

Subd. 2. Barber school. A "barber school" is a place that holds a registration as a barber school in which barbering, as defined in subdivision 1, is practiced by registered student barbers under the direction of registered barber instructors for the purpose of learning and teaching barber skills.

5.1 Subd. 3. **Barber shop.** A "barber shop" is a place other than a barber school that
5.2 holds a registration as a barber shop under this chapter in which barbering, as defined in
5.3 subdivision 1, is practiced.

5.4 Subd. 4. **Certificate of registration.** A "certificate of registration" means the
5.5 certificate issued to an individual, barber shop, or barber school that is in compliance
5.6 with the requirements of sections 154.001, 154.002, 154.003, 154.01 to 154.162, 154.19
5.7 to 154.21, and 154.24 to 154.28.

5.8 Subd. 5. **Designated registered barber.** The "designated registered barber" is a
5.9 registered barber designated as the manager of a barber shop.

5.10 Subd. 6. **Registered barber.** A "registered barber" is an individual who, for
5.11 compensation, performs the personal services as defined in subdivision 1, in compliance
5.12 with this chapter.

5.13 Sec. 6. Minnesota Statutes 2014, section 154.04, is amended to read:

5.14 **154.04 PERSONS EXEMPT FROM REGISTRATION.**

5.15 The following persons are exempt from the provisions of sections 154.001, 154.002,
5.16 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28 while
5.17 in the proper discharge of their professional duties:

5.18 (1) persons authorized by the law of this state to practice medicine, surgery,
5.19 osteopathy, and chiropractic;

5.20 (2) commissioned medical or surgical officers of the United States armed services;

5.21 (3) registered nurses, licensed practical nurses, and nursing aides performing
5.22 services under the direction and supervision of a licensed physician or licensed registered
5.23 nurse, provided, however, that no additional compensation shall be paid for such service
5.24 and patients who are so attended shall not be charged for barbering;

5.25 (4) licensed cosmetologists, when providing cosmetology services as defined
5.26 in section 155A.23, subdivision 3, provided, however, that cosmetologists shall not
5.27 hold themselves out as barbers or, ~~except in the case of nail technicians~~, practice their
5.28 occupation in a barber shop; and

5.29 (5) persons who perform barbering services for charitable purposes in nursing
5.30 homes, shelters, missions, individual homes, or other similar facilities, provided, however,
5.31 that no direct or indirect compensation is received for the services, and that persons who
5.32 receive barbering services are not charged for the services.

Sec. 7. Minnesota Statutes 2014, section 154.05, is amended to read:

154.05 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A REGISTERED BARBER.

(a) A person is qualified to receive a certificate of registration as a registered barber if the person:

(1) ~~who is qualified under the provisions of section 154.06~~ has successfully completed ten grades of education;

(2) ~~who has practiced as a registered apprentice for a period of 12 months under the immediate personal supervision of a registered barber; and~~ (2)(i) has successfully completed 1,500 hours of study in a board-approved barber school; or

~~(3) who has passed an examination conducted by the board to determine fitness to practice barbering~~ (ii) holds a currently valid cosmetology license, certification, or registration in this state or another jurisdiction as verified directly to the board by the appropriate regulatory authority and completes 500 hours of study in a board-approved barber school; and

(3) has passed an examination conducted by the board to determine fitness to practice barbering.

~~An apprentice~~ (b) A first-time applicant for a certificate of registration to practice as a registered barber who fails to pass the comprehensive examination conducted by the board and who fails to pass a onetime retake of the written examination, shall ~~continue to practice as an apprentice for~~ complete an additional 300 500 hours of barber education before being eligible to retake the comprehensive examination as many times as necessary to pass.

Sec. 8. Minnesota Statutes 2014, section 154.065, subdivision 2, is amended to read:

Subd. 2. **Qualifications.** A person is qualified to receive a certificate of registration as an instructor of barbering who:

(1) is a graduate of an approved high school, or its equivalent, as determined by examination by the Department of Education;

(2) has successfully completed vocational instructor training from a board-approved program or accredited college or university program that includes the following courses or their equivalents as determined by the board:

(i) introduction to career and technical education training;

(ii) philosophy and practice of career and technical education;

(iii) course development for career and technical education;

(iv) instructional methods for career and technical education; and

(v) human relations;

(3) is currently a registered barber and has at least three years experience as a registered barber in this state, or its equivalent in another state or jurisdiction as determined by the board; and

(4) has passed an examination conducted by the board to determine fitness to instruct in barbering.

Sec. 9. Minnesota Statutes 2014, section 154.065, subdivision 4, is amended to read:

Subd. 4. **Examinations.** Examinations under this section shall be held not to exceed twice a year at times and at a place or places to be determined by the board. In case of an emergency, there being no registered instructor of barbering available, a temporary certificate as an instructor of barbering, ~~valid only until the results of the next examination are released,~~ may be issued upon such terms and conditions as the board may prescribe.

Sec. 10. Minnesota Statutes 2014, section 154.07, is amended to read:

154.07 BARBER SCHOOLS; REQUIREMENTS.

Subdivision 1. **Admission requirements; course of instruction.** No barber school shall be approved by the board unless it requires, as a prerequisite to admission, ten grades of an approved school or its equivalent, as determined by educational transcript, high school diploma, high school equivalency certificate, or an examination conducted by the commissioner of education, which shall issue a certificate that the student has passed the required examination, and unless it requires, as a prerequisite to graduation, a course of instruction of at least 1,500 hours; ~~of not more than eight ten hours~~ of schooling in any one working day. The course of instruction must include the following subjects: scientific fundamentals for barbering; hygiene; practical study of the hair, skin, muscles, and nerves; structure of the head, face, and neck; elementary chemistry relating to sanitation; disinfection; sterilization and antiseptics; diseases of the skin, hair, and glands; massaging and manipulating the muscles of the face and neck; haircutting; shaving; trimming the beard; bleaching, tinting and dyeing the hair; and the chemical waving and straightening of hair.

Subd. 3. **Costs.** It is permissible for barber schools to make a reasonable charge for materials used and services rendered by students for work done in the schools by students.

Subd. 3a. **Number of instructors.** There must be one registered instructor of barbering for every ~~17~~ 20 students ~~or minor fraction in excess of 17~~ in attendance at the same time. Instruction must not be performed by persons not possessing a certificate of registration as an instructor of barbering or a temporary permit as an instructor of barbering.

8.1 Subd. 4. **Building requirements.** Each barber school must be conducted and
8.2 operated in one building, or in connecting buildings, and a barber school must not have
8.3 any department or branch in a building completely separated or removed from the
8.4 remainder of the barber school.

8.5 Subd. 5. **Owner's requirements.** Any person may own ~~and operate~~ a barber school
8.6 ~~if the person has had six years' continuous experience as a barber,~~ provided the person first
8.7 secures from the board an annual certificate of registration as a barber school, keeps it
8.8 prominently displayed, and before commencing business:

8.9 (1) files with the secretary of state a bond to the state approved by the attorney
8.10 general in the sum of \$25,000, conditioned upon the faithful compliance of the barber
8.11 school with sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to
8.12 154.21, and 154.24 to ~~154.26~~ 154.28, and to pay all judgments that may be obtained
8.13 against the school, or the owners thereof, on account of fraud, misrepresentation, or deceit
8.14 practiced by them or their agents; and

8.15 (2) keeps prominently displayed on the exterior a substantial sign indicating that the
8.16 establishment is a barber school.

8.17 Subd. 5a. **Student permits.** All barber schools upon receiving students shall
8.18 immediately apply to the board for student permits upon forms for that purpose furnished
8.19 by the board.

8.20 Subd. 5b. **Designated operator.** All barber schools shall be operated by a barber
8.21 with no less than six years of continuous experience as a registered barber in this state or
8.22 another state or jurisdiction as determined by the board. When a person who owns a barber
8.23 school does not meet the requirements of this section to operate a barber school, the owner
8.24 shall notify the board in writing and under oath of the identity of the person designated to
8.25 operate the barber school and shall notify the board of any change of operator by telephone
8.26 within 24 hours of such change, exclusive of Saturdays, Sundays, and legal holidays, and
8.27 shall notify the board in writing and under oath within 72 hours of such change.

8.28 Subd. 6. **Operation by technical college or state institution.** A public technical
8.29 college or a state institution may operate a barber school provided it has in its employment
8.30 a qualified instructor holding a current certificate of registration as a barber instructor and
8.31 provided that it secures from the board an annual certificate of registration and does so in
8.32 accordance with sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19
8.33 to 154.21, and 154.24 to ~~154.26~~ 154.28 and the rules of the board for barber schools but
8.34 without the requirement to file a performance bond with the secretary of state.

9.1 Sec. 11. Minnesota Statutes 2014, section 154.08, is amended to read:

9.2 **154.08 APPLICATION; FEE.**

9.3 Each applicant for an examination shall:

9.4 (1) make application to the Board of Barber Examiners on blank forms prepared and
9.5 furnished by it, the application to contain proof under the applicant's oath of the particular
9.6 qualifications and identity of the applicant;

9.7 (2) provide all documentation required in support of the application;

9.8 (3) pay to the board the required fee; and

9.9 (4) present a government-issued photo identification as proof of identity upon
9.10 acceptance of the notarized application and present a corresponding government-issued
9.11 photo identification when the applicant appears for examination.

9.12 Sec. 12. Minnesota Statutes 2014, section 154.09, is amended to read:

9.13 **154.09 EXAMINATIONS, CONDUCT AND SCOPE.**

9.14 The board shall conduct examinations of applicants for certificates of registration
9.15 to practice as registered barbers ~~and apprentices~~ not more than six times each year, at
9.16 such time and place as the board may determine. Additional written examinations may
9.17 be scheduled by the board and conducted by board staff as designated by the board. The
9.18 proprietor of a barber school must file an affidavit with the board of hours completed by
9.19 students applying to take the ~~apprentice~~ registered barber examination. Students must
9.20 complete 1,500 hours the full 1,500-hour curriculum in a barber school approved by the
9.21 board within the past four years to be eligible for examination. Barber students who have
9.22 completed barber school more than four years prior to application, that have not obtained
9.23 a barber registration, license, or certificate in any jurisdiction must complete an additional
9.24 500 hours of barber school education to be eligible for the registered barber examination.
9.25 Registered barbers that fail to renew their registration for four or more years are required
9.26 to take the registered barber examination to reinstate the registration.

9.27 The examination of applicants for certificates of registration as barbers ~~and~~
9.28 ~~apprentices~~ shall include a practical demonstration and a written ~~and oral~~ test. The
9.29 examination must cover the subjects ~~usually~~ taught in barber schools registered with the
9.30 board, including applicable state statute and rule.

9.31 Sec. 13. Minnesota Statutes 2014, section 154.10, subdivision 2, is amended to read:

9.32 Subd. 2. **Certificates of registration; fees.** When the provisions of this chapter
9.33 have been complied with, the board shall issue a certificate of registration as a registered
9.34 barber, ~~as a registered apprentice,~~ as a registered instructor of barbering, or as a registered

10.1 barber school, ~~a temporary apprentice permit~~, a temporary permit as an instructor of
10.2 barbering, or a barber shop registration card upon payment of the required fee. Certificates
10.3 of registration, temporary permits, and shop registration cards are not transferable.

10.4 Sec. 14. Minnesota Statutes 2014, section 154.11, subdivision 1, is amended to read:

10.5 Subdivision 1. **Examination of nonresidents.** (a) A person who meets all of
10.6 the requirements for barber registration in sections 154.001, 154.002, 154.003, 154.01
10.7 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28 and either has a
10.8 currently active license, certificate of registration, or ~~an~~ equivalent as a practicing barber
10.9 or instructor of barbering as verified from another state or, if presenting foreign country
10.10 credentials as verified by a board-approved professional credential evaluation provider,
10.11 which in the discretion of the board has substantially the same requirements for registering
10.12 barbers and instructors of barbering as required by sections 154.001, 154.002, 154.003,
10.13 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ or can prove by sworn
10.14 affidavits practice as a barber or instructor of barbering in another state or country for at
10.15 least five years immediately prior to making application in this state, 154.28 shall, upon
10.16 payment of the required fee, be issued a certificate of registration without examination.

10.17 (b) Individuals without a current documented license, certificate of registration, or
10.18 equivalent, as verified in paragraph (a), must have a minimum of 1,500 hours of barber
10.19 education as verified by the barber school attended in the other state or if presenting foreign
10.20 country education as verified by a board-approved professional credential evaluation
10.21 provider, completed within the previous four years, which, in the discretion of the board,
10.22 has substantially the same requirements as required in sections 154.001, 154.002, 154.003,
10.23 154.01 to 154.162, 154.19 to 154.21, and 154.24 to 154.28 will be eligible for examination.

10.24 (c) Individuals unable to meet the requirements in paragraph (a) or (b) shall be
10.25 subject to all the requirements of section 154.05.

10.26 Sec. 15. Minnesota Statutes 2015 Supplement, section 154.11, subdivision 3, is
10.27 amended to read:

10.28 Subd. 3. **Temporary military permits.** (a) In accordance with section 197.4552,
10.29 the board shall issue a temporary:

- 10.30 (1) ~~permit for apprentice barbers;~~
10.31 (2) ~~(1)~~ certificate for registered barbers; and
10.32 (3) ~~(2)~~ certificate for registered barber instructors.

10.33 (b) Fees for temporary military permits and certificates of registration under this
10.34 subdivision are listed under section 154.003.

11.1 (c) Permits or certificates of registration issued under this subdivision are valid
11.2 for one year from the date of issuance, after which the individual must complete a full
11.3 application as required by section 197.4552.

11.4 Sec. 16. Minnesota Statutes 2014, section 154.14, is amended to read:

11.5 **154.14 CERTIFICATES OF REGISTRATION AND TEMPORARY PERMITS**
11.6 **TO BE DISPLAYED.**

11.7 Every holder of a certificate of registration as a registered barber ~~or registered~~
11.8 ~~apprentice or temporary apprentice permit~~ shall display the certificate or permit, with a
11.9 photograph of the certificate or permit holder that meets the same standards as required for
11.10 a United States passport, in a conspicuous place adjacent to or near the chair where work
11.11 is performed. Every holder of a certificate of registration as an instructor of barbering or
11.12 a temporary permit as an instructor of barbering shall display the certificate or permit,
11.13 with a photograph of the certificate or permit holder that meets the same standards as
11.14 required for a United States passport, in a conspicuous place within the barber school that
11.15 is accessible to the public. Every holder of a certificate of registration as a barber school
11.16 and of a barber shop registration card shall display it in a conspicuous place within the
11.17 establishment that is accessible to the public.

11.18 Sec. 17. Minnesota Statutes 2014, section 154.15, is amended to read:

11.19 **154.15 CERTIFICATES OF REGISTRATION MUST BE RENEWED**
11.20 **ANNUALLY.**

11.21 Subdivision 1. **Annual renewal required.** All registered barbers, ~~registered~~
11.22 ~~apprentices~~, and registered instructors of barbering who continue in active practice or
11.23 service shall, on or before December 31 each year, renew their certificates of registration
11.24 for the following year and pay the required fee. Every certificate of registration which
11.25 has not been renewed during the month of December in any year shall expire on the 31st
11.26 day of December in that year. All shop registration cards shall be renewed on or before
11.27 June 30 of each year upon payment of the required fee. All certificates of registration as
11.28 a barber school shall be renewed on or before December 31 of each year upon payment
11.29 of the required fee.

11.30 Subd. 2. **Effect of failure to renew.** A registered barber ~~or a registered apprentice~~
11.31 who has not renewed a certificate of registration may be reinstated within four years of
11.32 such failure to renew without examination upon the payment of the required restoration
11.33 fee for each year the certificate is lapsed. A registered instructor of barbering who has not
11.34 renewed a certificate of registration may be reinstated within four years of such failure to

12.1 renew without examination upon payment of the required restoration fee for each year
12.2 the certificate is lapsed. All registered barbers and registered apprentices who allow their
12.3 certificates of registration to lapse for more than four years shall be required to reexamine
12.4 before being issued a certificate of registration. All registered instructors of barbering who
12.5 allow their certificates of registration to lapse for more than four years shall be required
12.6 to reexamine before being issued a certificate of registration. A barber shop owner who
12.7 has not renewed the barber shop certificate for more than one year may reinstate the
12.8 barber shop registration upon payment of the restoration fee for each year the shop card
12.9 was lapsed. If lapsed or unregistered status is discovered by the barber inspector during
12.10 inspection, penalties under section 154.162 shall apply.

12.11 Sec. 18. Minnesota Statutes 2015 Supplement, section 154.161, subdivision 4, is
12.12 amended to read:

12.13 Subd. 4. **Registration actions.** (a) With respect to a person who is a holder of or
12.14 applicant for registration or a shop registration card under sections 154.001, 154.002,
12.15 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28, the
12.16 board may by order deny, refuse to renew, suspend, temporarily suspend, or revoke the
12.17 application, certificate of registration, or shop registration card, censure or reprimand the
12.18 person, refuse to permit the person to sit for examination, or refuse to release the person's
12.19 examination grades, if the board finds that such an order is in the public interest and that,
12.20 based on a preponderance of the evidence presented, the person has:

12.21 (1) violated a statute, rule, or order that the board has adopted or issued or is
12.22 empowered to enforce;

12.23 (2) engaged in conduct or acts that are fraudulent, deceptive, or dishonest, whether
12.24 or not the conduct or acts relate to the practice of barbering, if the fraudulent, deceptive, or
12.25 dishonest conduct or acts reflect adversely on the person's ability or fitness to engage in
12.26 the practice of barbering;

12.27 (3) engaged in conduct or acts that constitute malpractice, are negligent, demonstrate
12.28 incompetence, or are otherwise in violation of the standards in the rules of the board,
12.29 where the conduct or acts relate to the practice of barbering;

12.30 (4) employed fraud or deception in obtaining a certificate of registration, shop
12.31 registration card, renewal, or reinstatement, or in passing all or a portion of the examination;

12.32 (5) had a certificate of registration or shop registration card, right to examine, or
12.33 other similar authority revoked in another jurisdiction;

12.34 (6) failed to meet any requirement for issuance or renewal of the person's certificate
12.35 of registration or shop registration card;

- 13.1 (7) practiced as a barber while having an infectious or contagious disease;
- 13.2 (8) advertised by means of false or deceptive statements;
- 13.3 (9) demonstrated intoxication or indulgence in the use of drugs, including but not
- 13.4 limited to narcotics as defined in section 152.01 or in United States Code, title 26, section
- 13.5 4731, barbiturates, amphetamines, benzedrine, dexedrine, or other sedatives, depressants,
- 13.6 stimulants, or tranquilizers;
- 13.7 (10) demonstrated unprofessional conduct or practice;
- 13.8 (11) permitted an employee or other person under the person's supervision or
- 13.9 control to practice as a registered barber, ~~registered apprentice~~, or registered instructor
- 13.10 of barbering unless that person has (i) a current certificate of registration as a registered
- 13.11 barber, ~~registered apprentice~~, or registered instructor of barbering, (ii) a temporary
- 13.12 apprentice permit, or (iii) a temporary permit as an instructor of barbering;
- 13.13 (12) practices, offered to practice, or attempted to practice by misrepresentation;
- 13.14 (13) failed to display a certificate of registration as required by section 154.14;
- 13.15 (14) used any room or place of barbering that is also used for any other purpose, or
- 13.16 used any room or place of barbering that violates the board's rules governing sanitation;
- 13.17 (15) in the case of a barber, ~~apprentice~~, or other person working in or in charge of
- 13.18 any barber shop, or any person in a barber school engaging in the practice of barbering,
- 13.19 failed to use separate and clean towels for each customer or patron, or to discard and
- 13.20 launder each towel after being used once;
- 13.21 (16) in the case of a barber or other person in charge of any barber shop or barber
- 13.22 school, (i) failed to supply in a sanitary manner clean hot and cold water in quantities
- 13.23 necessary to conduct the shop or barbering service for the school, (ii) failed to have water
- 13.24 and sewer connections from the shop or barber school with municipal water and sewer
- 13.25 systems where they are available for use, or (iii) failed or refused to maintain a receptacle
- 13.26 for hot water of a capacity of at least five gallons;
- 13.27 (17) refused to permit the board to make an inspection permitted or required by
- 13.28 sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and
- 13.29 154.24 to ~~154.26~~ 154.28, or failed to provide the board or the attorney general on behalf
- 13.30 of the board with any documents or records they request;
- 13.31 (18) failed promptly to renew a certificate of registration or shop registration card
- 13.32 when remaining in practice, pay the required fee, or issue a worthless check;
- 13.33 (19) ~~failed to supervise a registered apprentice or temporary apprentice~~, or permitted
- 13.34 the practice of barbering by a person not registered with the board or not holding a
- 13.35 temporary permit;

(20) refused to serve a customer because of race, color, creed, religion, disability, national origin, or sex;

(21) failed to comply with a provision of sections 136A.82 to 136A.834, or a provision of another chapter that relates to barber schools; or

(22) with respect to temporary suspension orders, has committed an act, engaged in conduct, or committed practices that the board, or complaint committee if authorized by the board, has determined may result or may have resulted in an immediate threat to the public.

(b) In lieu of or in addition to any remedy under paragraph (a), the board may as a condition of continued registration, termination of suspension, reinstatement of registration, examination, or release of examination results, require that the person:

(1) submit to a quality review of the person's ability, skills, or quality of work, conducted in a manner and by a person or entity that the board determines; or

(2) complete to the board's satisfaction continuing education as the board requires.

(c) Service of an order under this subdivision is effective if the order is served personally on, or is served by certified mail to the most recent address provided to the board by the certificate holder, applicant, or counsel of record. The order must state the reason for the entry of the order.

(d) Except as provided in subdivision 5, paragraph (c), all hearings under this subdivision must be conducted in accordance with the Administrative Procedure Act.

Sec. 19. Minnesota Statutes 2014, section 154.161, subdivision 7, is amended to read:

Subd. 7. **Reinstatement.** The board may reinstate a suspended, revoked, or surrendered certificate of registration or shop registration card, on petition of the former or suspended registrant. The board may in its sole discretion place any conditions on reinstatement of a suspended, revoked, or surrendered certificate of registration or shop registration card that it finds appropriate and necessary to ensure that the purposes of sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28 are met. No certificate of registration or shop registration card may be reinstated until the former registrant has completed at least one-half of the suspension period.

Sec. 20. Minnesota Statutes 2014, section 154.162, is amended to read:

154.162 ADMINISTRATIVE PENALTIES.

The board shall impose and collect the following penalties:

(1) missing or lapsed shop registration discovered upon inspection; penalty imposed on shop owner: up to \$500;

15.1 (2) ~~unregistered apprentice or registered~~ barber, first occurrence discovered upon
15.2 inspection; penalty imposed on shop owner and unlicensed or unregistered individual:
15.3 up to \$500; and

15.4 (3) ~~unregistered apprentice or registered~~ barber, second occurrence discovered upon
15.5 inspection; penalty imposed on shop owner and unlicensed or unregistered individual:
15.6 up to \$1,000.

15.7 Sec. 21. Minnesota Statutes 2014, section 154.19, is amended to read:

15.8 **154.19 VIOLATIONS.**

15.9 Each of the following constitutes a misdemeanor:

15.10 (1) The violation of any of the provisions of section 154.01;

15.11 (2) Permitting any person in one's employ, supervision, or control to practice as a
15.12 registered barber ~~or registered apprentice~~ unless that person has a certificate of registration
15.13 as a registered barber ~~or registered apprentice~~;

15.14 (3) Obtaining or attempting to obtain a certificate of registration for money other
15.15 than the required fee, or any other thing of value, or by fraudulent misrepresentation;

15.16 (4) Practicing or attempting to practice by fraudulent misrepresentation;

15.17 (5) The willful failure to display a certificate of registration as required by section
15.18 154.14;

15.19 (6) The use of any room or place for barbering which is also used for residential or
15.20 business purposes, except the sale of hair tonics, lotions, creams, cutlery, toilet articles,
15.21 cigars, tobacco, candies in original package, and such commodities as are used and sold in
15.22 barber shops, and except that shoeshining and an agency for the reception and delivery of
15.23 laundry, or either, may be conducted in a barber shop without the same being construed
15.24 as a violation of this section, unless a substantial partition of ceiling height separates the
15.25 portion used for residential or business purposes, and where a barber shop is situated in a
15.26 residence, poolroom, confectionery, store, restaurant, garage, clothing store, liquor store,
15.27 hardware store, or soft drink parlor, there must be an outside entrance leading into the
15.28 barber shop independent of any entrance leading into such business establishment, except
15.29 that this provision as to an outside entrance shall not apply to barber shops in operation
15.30 at the time of the passage of this section and except that a barber shop and ~~beauty parlor~~
15.31 cosmetology salon may be operated in conjunction, without the same being separated by
15.32 partition of ceiling height;

15.33 (7) The failure or refusal of any barber or other person in charge of any barber shop,
15.34 or any person in barber schools or colleges doing barber service work, to use separate

and clean towels for each customer or patron, or to discard and launder each towel after once being used;

(8) The failure or refusal by any barber or other person in charge of any barber shop or barber school or barber college to supply clean hot and cold water in such quantities as may be necessary to conduct such shop, or the barbering service of such school or college, in a sanitary manner, or the failure or refusal of any such person to have water and sewer connections from such shop, or barber school or college, with municipal water and sewer systems where the latter are available for use, or the failure or refusal of any such person to maintain a receptacle for hot water of a capacity of not less than five gallons;

(9) For the purposes of this section, barbers, students, ~~apprentices~~, or the proprietor or manager of a barber shop, or barber school or barber college, shall be responsible for all violations of the ~~sanitary~~ sanitation and disinfection provisions of this section, ~~and~~. If any barber workstation in any barber shop, or barber school or barber college, upon inspection, shall be found to be in an unsanitary condition, the person making such inspection shall immediately issue an order to place the barber shop, or barber school, or barber college, in a sanitary condition, in a manner and within a time satisfactory to the Board of Barber Examiners, and for the failure to comply with such order the board shall immediately file a complaint for the arrest of the persons upon whom the order was issued, and any registered barber who shall fail to comply with the rules adopted by the Board of Barber Examiners, with the approval of the state commissioner of health, or the violation or commission of any of the offenses described in this section and section 154.161, subdivision 4, paragraph (a), clauses (1), (3), and (4) to (12), shall be fined not less than \$10 or imprisoned for ten days and not more than \$100 or imprisoned for 90 days.

Sec. 22. Minnesota Statutes 2014, section 154.21, is amended to read:

154.21 PERJURY.

The willful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28 is perjury and punishable as such.

Sec. 23. Minnesota Statutes 2014, section 154.24, is amended to read:

154.24 RULES.

The Board of Barber Examiners shall have authority to make reasonable rules for the administration of the provisions of sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28 and prescribe ~~sanitary~~ sanitation

and disinfection requirements for barber shops and barber schools, subject to the approval of the state commissioner of health. Any member of the board, or its agents or assistants, shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules adopted by the board shall be furnished by it to the owner or manager of each barber shop or barber school and such copy shall be posted in a conspicuous place in such barber shop or barber school.

The board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall contain the name, place of business, and residence of each registered barber ~~and registered~~ apprentice, and the date and number of the certificate of registration. This record shall be open to public inspection at all reasonable times.

Sec. 24. Minnesota Statutes 2014, section 154.25, is amended to read:

154.25 NOT TO SERVE CERTAIN PERSONS.

No person practicing the occupation of a barber in any barber shop, barber school, or college in this state shall knowingly serve a person afflicted, in a dangerous or infectious state of the disease, with ~~erysipelas, eczema, impetigo, sycosis, or any other~~ contagious or infectious disease. Any person so afflicted is hereby prohibited from being served in any barber shop, barber school, or college in this state. Any violation of this section shall be considered a misdemeanor as provided for in sections 154.001, 154.002, 154.003, 154.01 to ~~154.161~~ 154.162, 154.19 to 154.21, and 154.24 to ~~154.26~~ 154.28.

Sec. 25. **RULEMAKING.**

The Board of Barber Examiners may use expedited rulemaking procedures under Minnesota Statutes, section 14.389, to amend Minnesota Rules, chapter 2100, to conform with this act.

Sec. 26. **TRANSITIONING APPRENTICE BARBERS TO REGISTERED BARBERS.**

An apprentice barber practicing on August 1, 2016, is eligible to apply for registered barber status. An apprentice barber must take the registered barber examination to become a registered barber. All apprentice barber registrations will be discontinued on December 31, 2017.

Sec. 27. **REPEALER.**

18.1 Minnesota Statutes 2014, sections 154.03; 154.06; 154.11, subdivision 2; and
18.2 154.12, are repealed.

18.3 Sec. 28. **EFFECTIVE DATE.**

18.4 This act is effective August 1, 2016.

154.03 APPRENTICES MAY BE EMPLOYED.

A registered apprentice may practice barbering only if the registered apprentice is, at all times, under the immediate personal supervision of a registered barber and is in compliance with sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 and the rules of the board.

154.06 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A REGISTERED APPRENTICE.

- (a) A person is qualified to receive a certificate of registration as a registered apprentice:
 - (1) who has completed at least ten grades of an approved school;
 - (2) who has graduated from a barber school approved by a barber board within the previous four years; and
 - (3) who has passed an examination conducted by the board to determine fitness to practice as a registered apprentice. An applicant who graduated from a barber school approved by a barber board more than four years prior to application is required to complete a further course of study of at least 500 hours.
- (b) An applicant for an initial certificate of registration to practice as an apprentice, who fails to pass the comprehensive examination conducted by the board, and who fails to pass a onetime retake of the written examination, is required to complete a further course of study of at least 500 hours, of not more than eight hours in any one working day, in a barber school approved by the board before being eligible to retake the comprehensive examination as many times as necessary to pass.
- (c) A certificate of registration of an apprentice shall be valid for four years and shall not be renewed for a fifth year. During the four-year period the certificate of registration shall remain in full force and effect only if the apprentice complies with all the provisions of sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26, including the payment of an annual fee, and the rules of the board.
- (d) If a registered apprentice, during the term in which the certificate of registration is in effect, enters full-time active duty in the armed forces of the United States of America, the expiration date of the certificate of registration shall be extended by a period of time equal to the period or periods of active duty.
- (e) If a registered apprentice graduates from a barber school approved by the board and is issued a certificate of registration while incarcerated by the Department of Corrections of the Federal Bureau of Prisons, the expiration date of the certificate of registration shall be extended one time so that it expires four years from the date of first release from a correctional facility.

154.11 EXAMINATION OF NONRESIDENT BARBERS AND INSTRUCTORS OF BARBERING; TEMPORARY APPRENTICE PERMITS; TEMPORARY MILITARY LICENSE AND APPRENTICE PERMITS.

Subd. 2. **Temporary apprentice permits for nonresidents.** Any person who qualifies for examination as a registered barber under this section may apply for a temporary apprentice permit which is effective no longer than six months. All persons holding a temporary apprentice permit are subject to all provisions of sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 and the rules adopted by the board under those sections concerning the conduct and obligations of registered apprentices.

154.12 EXAMINATION OF NONRESIDENT APPRENTICES.

A person who meets all of the requirements for registration as a barber in sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 and who has a license, a certificate of registration, or its equivalent as an apprentice in a state or country which in the discretion of the board has substantially the same requirements for registration as an apprentice as is provided by sections 154.001, 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26, shall, upon payment of the required fee, be issued a certificate of registration without examination.