

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		Comm report: To pass as amended Second reading

A bill for an act

1.1 relating to cosmetology; regulating eyelash extension services; providing
 1.2 grandfathered licenses; authorizing rulemaking; appropriating money; 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, subdivision 1; 155A.29, subdivision 1; proposing
 1.6 coding for new law in Minnesota Statutes, chapter 155A.
 1.7

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

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

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

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

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

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

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

2.5 Sec. 4. Minnesota Statutes 2015 Supplement, section 155A.23, subdivision 18, is
2.6 amended to read:

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

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

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

2.14 Sec. 6. Minnesota Statutes 2015 Supplement, section 155A.271, subdivision 1, is
2.15 amended to read:

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

2.30 (b) Effective August 1, 2017, in addition to the hours of continuing education credits
2.31 required under paragraph (a), to qualify for license renewal under this chapter as an
2.32 individual cosmetologist, nail technician, esthetician, advanced practice esthetician, or

3.1 salon manager, the applicant must also attest to the completion of one four-hour continuing
 3.2 education course from a continuing education provider based on any or all of the following:

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

3.7 Credits must be completed during the three years prior to the applicant's renewal date and
 3.8 may be applied simultaneously to other individual licenses held as applicable, except
 3.9 that credits completed under this paragraph must not duplicate credits completed under
 3.10 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 **Sec. 7. [155A.273] EYELASH TECHNICIAN GRANDFATHERING.**

3.14 The board must issue grandfathered eyelash technician licenses between June 30,
 3.15 2017, and September 30, 2017. To be considered for grandfathering, a person must meet
 3.16 the requirements in this section. All applications for grandfathering eyelash technician
 3.17 licenses must be received in the board office by April 15, 2017, and must contain:

- 3.18 (1) a complete grandfathering application;
- 3.19 (2) documentation of at least 2,700 hours of experience in eyelash extensions within
 3.20 the last five years;
- 3.21 (3) proof of a high school diploma or equivalent;
- 3.22 (4) proof of eyelash extension training before August 1, 2016;
- 3.23 (5) original passing results no more than one year old of board-approved laws and
 3.24 rules tests and theory tests, as well as a salon manager test if applying for a salon manager
 3.25 license;
- 3.26 (6) proof of a six-hour board-approved public health and safety course. Four hours
 3.27 must be related to infection control and two hours related to Minnesota laws and rules; and
- 3.28 (7) the practitioner fees required under section 155A.25.

3.29 **Sec. 8. Minnesota Statutes 2015 Supplement, section 155A.29, subdivision 1, is**
 3.30 **amended to read:**

3.31 **Subdivision 1. Licensing.** A person must not offer cosmetology services for
 3.32 compensation unless the services are provided by a licensee in a licensed salon or as
 3.33 otherwise provided in this section. Each salon must be licensed as a cosmetology salon, a

4.1 nail salon, esthetician salon, ~~or advanced practice esthetician salon,~~ or eyelash salon. A
4.2 salon may hold more than one type of salon license.

4.3 Sec. 9. **RULEMAKING.**

4.4 The Board of Cosmetologist Examiners shall adopt rules governing the eyelash
4.5 technician license, including educational and training requirements, scope of practice, and
4.6 the conditions and process of issuing and renewing the license.

4.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.8 Sec. 10. **APPROPRIATION.**

4.9 \$..... in fiscal year 2017 is appropriated from the general fund to the Board of
4.10 Cosmetologist Examiners for the purposes of eyelash extension licensing requirements
4.11 in Minnesota Statutes, chapter 155A, and related rulemaking. This amount is added to
4.12 the board's base budget.