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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3155

02/03/2022 Authored by Gomez and Hansen, R., 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 cosmetology; creating hair technician licenses; appropriating money;
1.3 amending Minnesota Statutes 2020, sections 155A.23, subdivisions 8, 18, by
1.4 adding a subdivision; 155A.25, subdivision 1a; 155A.27, subdivisions 1, 5a, 10;
1.5 155A.271, subdivision 1; 155A.29, subdivision 1; 155A.30, subdivision 2.

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

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

1.9 Subd. 7a. Hair technician. "Hair technician" is any person who, for compensation,
1.10 performs personal services for the cosmetic care of the hair, including cutting the hair and
1.11 the application of dyes, bleach, reactive chemicals, keratin, or other preparations to color
1.12 or alter the structure of the hair. A hair technician may perform hairstyling, as defined by
1.13 subdivision 19, but a person who performs only services under subdivision 19 is not a hair
1.14 technician.

1.15 Sec. 2. Minnesota Statutes 2020, section 155A.23, subdivision 8, is amended to read:

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

2.1 Sec. 3. Minnesota Statutes 2020, section 155A.23, subdivision 18, is amended to read:

2.2 Subd. 18. **Practitioner.** A "practitioner" is any person licensed in the practice of
2.3 cosmetology, esthology, nail technology services, hair technology services, or eyelash
2.4 technology services.

2.5 Sec. 4. Minnesota Statutes 2020, section 155A.25, subdivision 1a, is amended to read:

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

2.8 (b) Three-year license fees are as follows:

2.9 (1) \$195 initial practitioner, manager, or instructor license, divided as follows:

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

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

2.12 (2) \$115 renewal of practitioner license, divided as follows:

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

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

2.15 (3) \$145 renewal of manager or instructor license, divided as follows:

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

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

2.18 (4) \$350 initial salon license, divided as follows:

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

2.20 (ii) \$100 for each initial license application fee;

2.21 (5) \$225 renewal of salon license, divided as follows:

2.22 (i) \$175 for each renewal; and

2.23 (ii) \$50 for each renewal application fee;

2.24 (6) \$4,000 initial school license, divided as follows:

2.25 (i) \$3,000 for each initial license; and

2.26 (ii) \$1,000 for each initial license application fee; and

2.27 (7) \$2,500 renewal of school license, divided as follows:

2.28 (i) \$2,000 for each renewal; and

- 3.1 (ii) \$500 for each renewal application fee.
- 3.2 (c) Penalties may be assessed in amounts up to the following:
- 3.3 (1) reinspection fee, \$150;
- 3.4 (2) manager and owner with expired practitioner found on inspection, \$150 each;
- 3.5 (3) expired practitioner or instructor found on inspection, \$200;
- 3.6 (4) expired salon found on inspection, \$500;
- 3.7 (5) expired school found on inspection, \$1,000;
- 3.8 (6) failure to display current license, \$100;
- 3.9 (7) failure to dispose of single-use equipment, implements, or materials as provided
- 3.10 under section 155A.355, subdivision 1, \$500;
- 3.11 (8) use of prohibited razor-type callus shavers, rasps, or graters under section 155A.355,
- 3.12 subdivision 2, \$500;
- 3.13 (9) performing nail or cosmetology services in esthetician salon, or performing esthetician
- 3.14 or cosmetology services in a nail salon, \$500;
- 3.15 (10) owner and manager allowing an operator to work as an independent contractor,
- 3.16 \$200;
- 3.17 (11) operator working as an independent contractor, \$100;
- 3.18 (12) refusal or failure to cooperate with an inspection, \$500;
- 3.19 (13) practitioner late renewal fee, \$45; and
- 3.20 (14) salon or school late renewal fee, \$50.
- 3.21 (d) Administrative fees are as follows:
- 3.22 (1) homebound service permit, \$50 three-year fee;
- 3.23 (2) name change, \$20;
- 3.24 (3) certification of licensure, \$30 each;
- 3.25 (4) duplicate license, \$20;
- 3.26 (5) special event permit, \$75 per year;
- 3.27 (6) \$100 for each temporary military license for a cosmetologist, nail technician, hair
- 3.28 technician, esthetician, or advanced practice esthetician one-year fee;

- 4.1 (7) expedited initial individual license, \$150;
- 4.2 (8) expedited initial salon license, \$300;
- 4.3 (9) instructor continuing education provider approval, \$150 each year; and
- 4.4 (10) practitioner continuing education provider approval, \$150 each year.

4.5 Sec. 5. Minnesota Statutes 2020, section 155A.27, subdivision 1, is amended to read:

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

4.9 Sec. 6. Minnesota Statutes 2020, section 155A.27, subdivision 5a, is amended to read:

4.10 Subd. 5a. **Temporary military license.** The board shall establish temporary licenses
4.11 for a cosmetologist, nail technician, hair technician, and esthetician in accordance with
4.12 section 197.4552.

4.13 Sec. 7. Minnesota Statutes 2020, section 155A.27, subdivision 10, is amended to read:

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

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

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

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

5.4 Subdivision 1. **Continuing education requirements.** (a) To qualify for license renewal
5.5 under this chapter as an individual cosmetologist, nail technician, hair technician, esthetician,
5.6 advanced practice esthetician, eyelash technician, or salon manager, the applicant must
5.7 complete four hours of continuing education credits from a board-approved continuing
5.8 education provider during the three years prior to the applicant's renewal date. One credit
5.9 hour of the requirement must include instruction pertaining to state laws and rules governing
5.10 the practice of cosmetology. Three credit hours must include instruction pertaining to health,
5.11 safety, and infection control matters consistent with the United States Department of Labor's
5.12 Occupational Safety and Health Administration standards applicable to the practice of
5.13 cosmetology, or other applicable federal health, infection control, and safety standards, and
5.14 must be regularly updated so as to incorporate newly developed standards and accepted
5.15 professional best practices. Credit hours earned are valid for three years and may be applied
5.16 simultaneously to all individual licenses held by a licensee under this chapter.

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

5.23 (1) product chemistry and chemical interaction;

5.24 (2) proper use and maintenance of machines and instruments;

5.25 (3) business management, professional ethics, and human relations; or

5.26 (4) techniques relevant to the type of license held.

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

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

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

6.2 Subdivision 1. **Licensing.** A person must not offer cosmetology services for compensation
6.3 unless the services are provided by a licensee in a licensed salon or as otherwise provided
6.4 in this section. Each salon must be licensed as a cosmetology salon, a nail salon, hair salon,
6.5 esthetician salon, advanced practice esthetician salon, or eyelash extension salon. A salon
6.6 may hold more than one type of salon license.

6.7 Sec. 10. Minnesota Statutes 2020, section 155A.30, subdivision 2, is amended to read:

6.8 Subd. 2. **Standards.** The board shall by rule establish minimum standards of course
6.9 content and length specific to the educational preparation prerequisite to testing and licensing
6.10 as cosmetologist, esthetician, hair technician, and nail technician.

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

6.12 \$..... in fiscal year 2022 is appropriated from the general fund to the Board of
6.13 Cosmetology for implementing a system of licensing for hair technicians.