State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3664**

03/12/2018 Authored by Moran, Pugh, Lee, Fenton, Nash and others
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act

1.2 relating to cosmetology; exempting hair braiders from cosmetology registration
1.3 requirements; amending Minnesota Statutes 2016, sections 155A.25, subdivision
1.4 1a; 155A.28, by adding subdivisions; repealing Minnesota Statutes 2016, section
1.5 155A.28, subdivisions 1, 3, 4.

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

1.7 Section 1. Minnesota Statutes 2016, section 155A.25, subdivision 1a, is amended to read:

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

1.9 subdivision.

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

1.11 (1) $195 initial practitioner, manager, or instructor license, divided as follows:

1.12 (i) $155 for each initial license; and

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

1.14 (2) $115 renewal of practitioner license, divided as follows:

1.15 (i) $100 for each renewal license; and

1.16 (ii) $15 for each renewal application fee;

1.17 (3) $145 renewal of manager or instructor license, divided as follows:

1.18 (i) $130 for each renewal license; and

1.19 (ii) $15 for each renewal application fee;

1.20 (4) $350 initial salon license, divided as follows:

2.1 (i) $250 for each initial license; and

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

2.3 (5) $225 renewal of salon license, divided as follows:

2.4 (i) $175 for each renewal; and

2.5 (ii) $50 for each renewal application fee;

2.6 (6) $4,000 initial school license, divided as follows:

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

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

2.9 (7) $2,500 renewal of school license, divided as follows:

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

2.11 (ii) $500 for each renewal application fee.

2.12 (c) Penalties may be assessed in amounts up to the following:

2.13 (1) reinspection fee, $150;

2.14 (2) manager and owner with expired practitioner found on inspection, $150 each;

2.15 (3) expired practitioner or instructor found on inspection, $200;

2.16 (4) expired salon found on inspection, $500;

2.17 (5) expired school found on inspection, $1,000;

2.18 (6) failure to display current license, $100;

2.19 (7) failure to dispose of single-use equipment, implements, or materials as provided

2.20 under section 155A.355, subdivision 1, $500;

2.21 (8) use of prohibited razor-type callus shavers, rasps, or graters under section 155A.355,

2.22 subdivision 2, $500;

2.23 (9) performing nail or cosmetology services in esthetician salon, or performing esthetician

2.24 or cosmetology services in a nail salon, $500;

2.25 (10) owner and manager allowing an operator to work as an independent contractor,

2.26 $200;

2.27 (11) operator working as an independent contractor, $100;

2.28 (12) refusal or failure to cooperate with an inspection, $500;

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3.1   (13) practitioner late renewal fee, $45; and

3.2   (14) salon or school late renewal fee, $50.

3.3   (d) Administrative fees are as follows:

3.4   (1) homebound service permit, $50 three-year fee;

3.5   (2) name change, $20;

3.6   (3) certification of licensure, $30 each;

3.7   (4) duplicate license, $20;

3.8   (5) special event permit, $75 per year;

3.9   (6) registration of hair braiders, $20 per year;

3.10   (7) (6) $100 for each temporary military license for a cosmetologist, nail technician,

3.11   esthetician, or advanced practice esthetician one-year fee;

3.12   (8) (7) expedited initial individual license, $150;

3.13   (9) (8) expedited initial salon license, $300;

3.14   (10) (9) instructor continuing education provider approval, $150 each year; and

3.15   (11) (10) practitioner continuing education provider approval, $150 each year.

3.16   Sec. 2. Minnesota Statutes 2016, section 155A.28, is amended by adding a subdivision to

3.17   read:

3.18   Subd. 5. **Hair braiders exempt.** The practice of hair braiding is exempt from the

3.19   requirements of this chapter.

3.20   Sec. 3. Minnesota Statutes 2016, section 155A.28, is amended by adding a subdivision to

3.21   read:

3.22   Subd. 6. **Preemption.** This chapter preempts ordinances, permits, and other regulations

3.23   by other units of government that prohibit or regulate any matter relating to licensing of a

3.24   person who performs natural hair braiding, or the devices, equipment, or facility used to

3.25   perform hair braiding. This preemption shall not be construed to apply to zoning laws.

3.26   Sec. 4. **REPEALER.**

3.27   Minnesota Statutes 2016, section 155A.28, subdivisions 1, 3, and 4, are repealed.

155A.28 HAIR BRAIDING.

Subdivision 1. **Registration.** Any person engaged in hair braiding solely for compensation as a profession, except persons licensed as cosmetologists, shall register with the Minnesota Board of Cosmetologist Examiners in a form determined by the board.

Subd. 3. **Requirements.** In order to qualify for initial registration, any person engaged in hair braiding solely for compensation as a profession, except persons licensed as cosmetologists, shall satisfactorily complete instruction at either an accredited school, professional association, or by an individual approved by the board. Instruction includes coursework covering the topics of health, safety, infection control, and state laws related to cosmetology not to exceed 30 hours. The coursework is encouraged to be provided in a foreign language format and such availability shall be reported to and posted by the Minnesota Board of Cosmetologist Examiners.

Subd. 4. **Curriculum.** An accredited school, professional association, or an individual approved by the board desiring to provide the coursework required under subdivision 3 shall have curriculum in place by January 1, 2008.