

MINNESOTA CODE OF AGENCY RULES

RULES OF THE BOARD OF COSMETOLOGY

1982 Reprint



All rules as in effect on September 15, 1982

Prepared by

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Room 3, State Capitol, St. Paul, Minnesota 55155**

Distributed by

**STATE REGISTER AND PUBLIC DOCUMENTS DIVISION
DEPARTMENT OF ADMINISTRATION
117 University Avenue, St. Paul, Minnesota 55155**

BOARD OF COSMETOLOGY

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STATE BOARD OF COSMETOLOGY

Chapter One: 4 MCAR §§ 10.001-10.019 Approved Beauty Culture

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Effective January 1, 1970

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BOARD OF COSMETOLOGY

§ 10.002 Sanitation. In the conduct and operation of a hairdressing and beauty culture school the following rules shall be complied with:

A. All premises and contents thereof shall be maintained in a clean and sanitary condition.

B. Hair brushes, combs and any and all instruments used must be cleaned and sterilized after using on each person, and kept in a sterilized closed container.

C. At least six combs and six brushes are required for each student in attendance.

D. Each school must have at least one covered wet sterilizer of a size to completely immerse objects being sterilized; and at least one dry sterilizer to store sterilized equipment until used.

E. Any recognized germicide may be used in a wet sterilizer such germicide to be used according to the manufacturer's directions. Germicide fumigant or an ultra violet ray germicidal tube must be used in the dry sterilizer.

F. A freshly laundered towel, or a paper neck strip, shall be placed around the neck of the person to prevent the protective covering from touching the skin.

G. All receptacles containing solutions, creams, powder, brushes, combs, or other supplies used in a school, shall be capped or covered when not in use.

H. Wave set, or waving lotion, must be dispensed from shakers, or other closed necked bottles.

I. Creams and semi-solid substances must be removed from their containers with a sterile spatula. Powder must be dispensed from a shaker and applied with sterile cotton.

J. Each student must wash his hands with soap and hot water before rendering any service. Fingernails must be kept clean and short as practicable.

K. All students must wear clean washable uniforms. All students shall comply with a uniform dress code adopted by the school. Each school shall adopt a uniform dress code.

L. Freshly laundered linen must be used for each person rendered service.

M. Covered containers must be provided for soiled linen. All soiled linen must be placed in container after use.

N. All clean linen must be stored in a clean closed cabinet.

O. Adequate toilet facilities shall be provided and kept in a clean sanitary manner. When both sexes are enrolled in a school, separate toilet facilities shall be provided for both men and women.

P. No student will be permitted to attend school or work on a customer while afflicted with any contagious or infectious disease.

Q. All cotton and hair nets to be used in a school shall be kept in separate covered containers. Cotton to be used only once and then discarded.

R. Waste materials shall be kept in suitable receptacles; obsolete and unnecessary articles of equipment shall not be permitted to accumulate on the school premises.

(Adopted December 20, 1951)

S. All rollers shall be kept in containers in a clean and sanitary manner.

(Adopted July 2, 1965)

§ 10.003 Plan of operation.

A. Listed below are the points which are to be covered in a plan of operation:

1. Floor plan.
2. Complete statement of facilities and accommodations.
3. Maximum student enrollment.
4. Daily and weekly class schedule.
5. Daily and weekly business hours of school.
6. A minimum of 240 hours of preclinic training prior to practical work on floor.
7. Price list of charges to be made to the public for all student work.
8. Student school rules.
9. Class divisions schedule accordingly.
10. How students records are kept (procedure).
11. Students recruiting plan.

12. Other details of operation not included in above.

(Adopted May 13, 1958)

B. No plan of operation of a beauty culture school shall be changed without first notifying the State Board in writing of such contemplated change. The use of any plan or operation unsatisfactory to the State Board for any substantial reason shall be grounds for revocation or suspension of the school's Certificate of Approval.

(Adopted July 24, 1957)

§ 10.004 Instructors.

A. Persons who desire to instruct in approved schools of beauty culture will be registered only after their competency and qualifications have been determined by the State Board.

(Adopted June 3, 1957)

B. The teaching schedule for all instructors in beauty schools must be filed with the State Board. Every instructor shall devote the entire time for which he is scheduled to teaching and shall not practice beauty culture for compensation during these hours. Any practice by an instructor with the public shall be during hours not scheduled in school and must be done in a registered beauty salon separate from the beauty school.

C. An attendance report for each instructor of each school of cosmetology must be received by the department no later than the tenth working day after the end of each month the school is open for instruction. The instructor attendance report, which shall be signed by the instructor and the owner of the school of cosmetology or his designated representative, shall be submitted to the department on forms furnished by the department.

D. Senior instructors shall comply with a uniform dress code.

E. When a change is made in the staff of instructors, written notice must be sent to the Board office within five days.

§ 10.005 Enrollment.

A. Barbers cannot enroll in a beauty school for a short course. They must enroll for a full beauty course. If the schools take in barbers for short courses the State Board will be compelled to prefer charges against the school for operating contrary to the curriculum as laid down by the Board.

(Adopted May 9, 1939)

B. Student registration cards should be mailed to the State Board office on or before the receipt of their first month's record sheet. Student hours will

not be recognized until such time as the registration card is received in the State Board office.

(Adopted November 21, 1961)

C. Students changing from one school to another. Before registering, a student who has had part training in another school, said student must bring a sworn affidavit as to the hours spent in training in a former school, giving the name of the school and location of same, one copy of affidavit to be immediately sent to the Secretary-Treasurer of the State Board and one copy to be put on file at the school, before said school is permitted to enroll the student.

(Adopted August 21, 1928)

§ 10.006 Records.

A. All schools are to keep their record of student hours in the manner prescribed by the State Board.

(Adopted August 18, 1949)

B. The schools will be held fully responsible for the completeness, accuracy, and mailing or delivery to the State Board of each month's student daily record sheets. Such record sheets shall be in the State Board office not later than the 10th day of the succeeding month.

C. All schools shall maintain complete, accurate, and detailed records of all financial transactions showing the amount and source of all income and a record of all disbursements. Such records shall be available for inspection by the State Board during the business hours of the school.

D. Any school maintaining a professional shop shall be required to make available all school and shop records for inspection by the State Board.

(Adopted July 24, 1957)

§ 10.007 General.

A. Students should be given sufficient supplies so that they may properly do their work on patrons.

B. School equipment should be modern and in good condition and of sufficient quantity so as to meet the needs of students. All equipment should be kept clean.

(Adopted May 9, 1939)

C. Students are not to take their kit of tools home to use to practice hair-dressing outside of school.

(Adopted December 13, 1961)

D. A business telephone, if installed in a professional department of a beauty school must be a separate telephone and not merely an extension of a telephone of the school.

(Adopted May 11, 1949)

E. Any individual, firm or corporation who has been issued a Certificate of Approval to operate a beauty culture school shall open and commence the operation of such school within three months from the date of such Certificate of Approval, and failure to so comply shall revoke and cancel such Certificate of Approval.

F. No schools shall engage in false or misleading advertising.

(Adopted July 24, 1957)

G. Schools: A school of cosmetology shall not operate a clinic until the school has been licensed and operating for at least ninety days.

H. All approved schools of cosmetology must provide a minimum of approximately 25 sq. feet of work area for each student in attendance. This footage shall not include restroom facilities, storage area or office space.

I. Each approved school is required to be identified as either a school of cosmetology, beauty school, beauty academy, beauty training center, or any designation whereby the public may be able to distinguish it from a beauty salon. Each approved school is required to have a sign posted in a conspicuous place in the reception area and/or clinic areas which reads as follows: "Beauty School - - - All work performed by student" Such sign shall be in bold face lettering with the lettering not less than 2½" in height.

Justification. This is to distinguish between Beauty Schools and Beauty Salons for the public's information. The sign "Beauty School - - - All work performed by student" is so the public will know they are not receiving professional work.

J. Schools of cosmetology are prohibited from making false or deceptive promises to students as an inducement to enrollment.

K. The Board shall be given six weeks written notice of any change of location.

(Adopted July 2, 1965)

§ 10.008 Violations. Violation of any rules or regulations of the State Board shall constitute cause for revocation or suspension of the school's Certificate of Approval.

(Adopted July 24, 1957)

§ 10.009-10.019 Reserved for future expansion.

Chapter Two: 4 MCAR §§ 10.020-10.039 Examinations and Licenses.

§ 10.020

A. Place. Examination to be given in the office of the State Board.

(Adopted December 6, 1960)

B. Fee. The examination fee for operators, manicurists and senior instructors shall cover the cost of the examination.

§ 10.021 Fee - - - License.

A. Applications for examination.

1. Application fees for examination to qualify as an operator, manicurist and senior instructor, shall cover the cost of the examination and are required each time the applicant requests to be scheduled for examination, unless in the opinion of the Board, failure to appear is due to circumstances which justify relief from such requirement; provided, however, that an application which is still pending six months after the date of its receipt by the Board shall be void.

2. The fee for examination to qualify as an operator or a manicurist shall be twenty-one (\$21) dollars. The fee for examination to qualify as a senior instructor shall be twenty-five (\$25) dollars.

3. The fee for retaking all of the above examinations shall be the same as the initial fee. The fee for retaking the written portion of the operator or the manicurist examination shall be seven and 50/100 (\$7.50) dollars, for the written portion of the senior instructor examination the fee shall be ten (\$10) dollars. The fee for retaking the practical portion of the above examinations shall be seventeen and 50/100 (\$17.50) dollars.

B. Licenses. In addition to all other fees for examination as provided in these Rules, the following schedule of fees shall be applicable:

1. for the initial application to establish a hair dressing and beauty culture school, or an application for change of ownership, the fee shall be two hundred fifty (\$250) dollars;

2. for the annual licensing of a school in hair dressing and beauty culture, the fee shall be two hundred fifty (\$250) dollars;

3. for the initial application to operate a beauty shop, the fee shall be twenty-five (\$25) dollars.

4. for the annual licensing of the beauty shop, the fee shall be fifteen (\$15) dollars.

5. for the initial license and each annual renewal of an operator's license the fee shall be ten (\$10) dollars.

6. for the initial license and each annual renewal of a manicurist's license, the fee shall be ten (\$10) dollars.

7. for the initial license and each annual renewal of a Manager/Operator's license, the fee shall be ten (\$10) dollars.

8. for the initial license and each annual renewal of a Junior Instructor's license, the fee shall be ten (\$10) dollars.

9. for the initial license and each annual renewal of a Senior Instructor's license, the fee shall be ten (\$10) dollars.

10. for the issuance of a duplicate copy of any of the above licenses, the fee shall be five (\$5) dollars.

11. for the issuance of a Certificate of Identification, the fee shall be ten (\$10) dollars.

12. for the issuance of licenses by comity under the provisions of Minn. Stat. § 155.14, the fee shall be fifteen (\$15) dollars.

13. as a penalty for failure to renew any of the above licenses on or before the deadline date for each license, the penalty shall be two (\$2) dollars.

§ 10.022 Completion time.

A. In the conduct of a written examination a definite time will be set in which the examination is to be written.

B. Each applicant will complete the examination in one day.

(Adopted December 6, 1960)

§ 10.023 Application date. The cut off date to accept applications shall be the Wednesday before the examination starts.

(Adopted September 26, 1961)

§ 10.024 Models. Every student taking the State Board examination will bring their own model, who shall be at least sixteen (16) years of age to ensure that the models used will not inhibit an accurate or fair examination of the applicant's abilities.

(Adopted December 23, 1949)

§ 10.025 Grading.

A. The passing grade for the practical examination will be 75% of the perfect score.

B. The following are alphabetical grades for the numerical percentage grouping:

A	-----	100-95
B	-----	95-90
C	-----	90-80
D	-----	80-75
F	-----	74.9

(Adopted August 12, 1959)

C. Theory marking changes from curve to percentage. (75%)

(Adopted December 6, 1960)

§ 10.026 Out of state students.

A. Out of state students making application for the examination, shall meet the same requirements as Minnesota applicants.

B. All applications for examination from transferred students whether in or out of state, will not be accepted unless accompanied by the affidavit of schools for transferred hours form.

(Adopted June 3, 1957)

C. All foreign students, regardless of credentials, must be examined.

(Adopted December 17, 1962)

D. An applicant who cannot read or write the English language sufficiently to write the written examination may be exempt from the written examination and in its place be subjected to an oral one. Before such a person is admitted to such an examination, the applicant must appear before the State Board for questioning to verify to the satisfaction of the State Board that said applicant has received in the country from which he comes a tenth grade school education or equivalent thereof, as required under our law and that he cannot read or write the English language.

(Adopted June 11, 1957)

§ 10.027 Failing exam.

A. Any applicant failing to pass the State Board examination may review

the same with any member of the State Board. No such examination will be reviewed with anyone but the applicant.

(Adopted June 24, 1957)

B. No repeater examinations to be held. Applicants who fail are to take the next monthly examination.

(Adopted December 6, 1960)

C. Delinquent operators or out of state applicants who fail the State Board examination for an operator's license may be required to attend a beauty culture school for further training before taking another examination.

(Adopted August 25, 1949)

§ 10.028 Reciprocity. In addition to the requirement of Minn. Stat. § 155.14 an applicant, applying for a license through reciprocity must also comply with the following requirements:

A. Current license from another state or country.

B. If the state, territory, or foreign country does not issue a license, the applicant must show documentary evidence and proof of having practiced for a period of two years, one year of which must be within the two years immediately prior to date of such application.

(Adopted June 24, 1957)

§ 10.029 A delinquent manager-operator, after being reinstated may secure a manager-operator license by filing a request for it, signed before a Notary Public and paying the regular fee. They need not secure the signatures of their manager-operators as their records are on file in the State Board office.

(Adopted November 9, 1945)

§ 10.030 Duplicates for lost or destroyed licenses shall be processed in the same manner as the original license for the prescribed fee.

§§ 10.031-10.039 Reserved for future use.

Chapter Three: 4 MCAR §§ 10.040-10.059 Beauty Shops

§ 10.040

A. Before opening a new beauty shop, notice must be sent to the State Board office.

(Adopted February 1, 1963)

B. All beauty shops must be inspected before registration is granted.

(Adopted January 10, 1961)

C. No shop is permitted to operate without proper registration.

D. Application for shop registration (form furnished by the State Board) must be filled in by the shop owner/owners, all signatures notarized, and returned to the State Board office with the prescribed fee.

E. In the event of the transfer of a shop from one owner to another the new owner shall apply for registration in the same manner as if no registration of such shop had existed.

F. A change of ownership or location requires new registration.

G. New shops or change of location of a shop must submit a floor plan or shop layout with the application six weeks prior to the opening date so the shop can be inspected and approved before the shop registration is issued.

H. The registration certificate is not transferable. It is void and must be returned to the State Board office when a change has occurred.

(Adopted February 1, 1963)

I. Rented boothspaces in a beauty shop. Persons who rent this space as a booth in a beauty shop, must register same in their own name, pay the prescribed fee and be responsible for the booth and hold a manager-operator license.

(Adopted March 20, 1963)

J. Shop registration must be renewed annually on or before June 30th of each year.

(Adopted February 1, 1963)

K. A beauty shop and a barber shop may be operated in the same physical area if they are physically separated, the beauty shop area must be properly identified by a prominently displayed sign stating "beauty shop" with letters at least two inches high and the beauty shop area must have a minimum of 120 square feet of area.

§ 10.041 General operation.

A. Every shop must have a manager-operator in charge at all times.

B. It is the responsibility of the manager-operator in charge to see that the State Board rules are complied with.

C. Shop owner or manager-operator in charge are responsible for the following:

1. All employees licenses to be posted in area in which the operator works.
2. All employees have their picture attached to their current license.
3. Hold all employees responsible for their own sanitation and sterilization.

(Adopted February 1, 1963)

D. Upon written request to the State Board a shop will be given permission to operate without a manager-operator in charge for a period of twelve days. If an extension is needed it may be granted at the discretion of the State Board.

(Adopted June 24, 1957)

E. Licenses of manager-operators or operators may be revoked or suspended for permitting an unlicensed person to work in the shop.

F. A picture of each operator must be attached to the license and posted in the individual's work area for proper identification.

(Adopted February 1, 1963)

G. Certification of Identification cards shall be in the possession of the shop owner or manager at all times except when the work is actually being done outside of the shop. When operator is no longer employed in the shop the owner or manager-operator must return the card to the State Board office. The prescribed fee must be paid before a Certificate of Identification card can be issued.

H. Manager-Operator, operator and manicurists licenses expire on December 31st of each year.

I. A beauty shop shall not be used for residential purposes.

J. Additional requirements for a beauty shop in the home:

1. Shop must have a private entrance.
2. Shop must have a complete and permanent partition between shop and residential section of house.
3. The shop is not to be used as a place of residence at any time.
4. Doors leading from the shop into the living quarters must be kept closed and cannot be left open for heating and ventilation purposes.

5. The shop to be set up in a room no smaller than 10' x 12' for one operator.

6. Laundry tubs are not to be used in place of a conventional shampoo bowl.

K. Opening a beauty shop. The location of such hairdressing and beauty culture operation shall comply with local zoning ordinances.

(Adopted February 1, 1963)

§ 10.042 Sanitation.

A. All operators will be held responsible for the sanitary condition of their work area.

B. All operators must present a professional appearance at all times. All operators shall wear clean washable wearing apparel which shall satisfy reasonable standards concerning sanitation.

C. Each beauty shop must include in its equipment a method of sterilization to completely sterilize all combs, brushes, rollers, tools and equipment used in the beauty shop and keep them in a dry sterilizer to insure sterilization.

D. There must be sufficient clean linen on hand at all times, kept clean and free from dust in a closed cabinet.

E. Linen shall not be used more than once before laundering.

F. Soiled linen must be put in a covered container.

G. There must be at least twelve combs and twelve brushes per operator.

H. Hair brushes and combs must be cleaned and sterilized after each using.

I. Wave set lotion must be dispensed from a suitable container.

J. Powder must be dispensed from a shaker.

K. Creams and other semi-solid substances must be kept in closed containers and removed for use with a clean spatula that does not come in contact with the skin of the patron.

L. All cotton to be used in a shop shall be kept in a covered container, or in its original package.

M. Basins, bowls and shampoo boards must be thoroughly cleaned immediately after each service.

N. No article of any description shall be stored under shampoo bowls, so as to impair the sanitary conditions of the shop.

O. Unwashable furniture must be covered with clean, washable slip covers.

P. All furniture and equipment in a shop must be washable. Where the furniture is not washable then washable slip covers must be provided for the furniture.

Q. A shop must have good ventilation. Where no windows are available for ventilation there must be mechanical means for proper ventilation.

(Adopted February 1, 1963)

R. Floor surfaces shall be maintained in a sanitary manner at all times.

Chapter Four: 4 MCAR §§ 10.060-10.079 Code of Fair Trade for the Hairdressing and Beauty Culture Trade of Minnesota.

§ 10.060 Declaration of policy. To effectuate the purpose and policy of the Laws of 1937, ch. 235, the following provisions are established as a Code of Fair Competition for the hairdressing and beauty culture trade for the four Trade areas of the State of Minnesota, which said provisions shall be the standards of fair competition and trade practices throughout said trade areas.

§ 10.061 Trade areas. Shall include all areas previously and presently established in the State of Minnesota and which geographically comprise all cities and villages within the Constitutional limits of the State.

§ 10.062 Minimum rate of pay.

A. The provisions of the appropriate minimum wage orders of the Department of Labor and Industry of the State of Minnesota shall govern the wages and hours worked in the hairdressing and beauty culture trade for the trade areas above described. Employees shall in no case be paid at a rate less than that prescribed in the appropriate minimum wage orders lawfully promulgated by the Department of Labor and Industry of the State of Minnesota and which applies during all times such employees are required to be on call upon the premises of the employer.

B. Any hairdresser not employed by the week, and not paid the weekly rate, who is called for part-time employment shall be guaranteed at least three hours employment at not less than the minimum rate of pay.

§ 10.063 Definition of terms.

A. The term "Hairdressing and Beauty Culture Trade" as referred to in this code shall include any person or persons engaged in the practices for compensation or reward of any kind in arranging, dressing, curling, waving, cleansing,

singeing, bleaching, coloring, or trimming as part of hairdressing or similar work upon the hair of any living person by any means, as well as the use of cosmetic preparations, antiseptics, lotions, tonics or creams aided with the hands or by mechanical or electrical apparatus or appliances used in massaging, cleansing, stimulating, manipulating, exercising or beautifying the scalp, face, arms, bust or upper part of the human body for the purposes of beautification, and the terms of this code shall affect persons owning and operating shops engaged in any or all of the practices above described.

B. The term "Member of the Trade" shall mean and include any individual, partnership, association, corporation or any form of enterprise engaged in the trade or practice above referred to, either as employer, employee, owner or anyone authorized to act by any of these.

C. The term "Employer" shall mean and include any person or firm employing or compensating any other person as a hairdresser or beauty culturist as above defined.

D. The term "Employee" shall mean and include any person employed to do the work of such hairdresser or beauty culturist as above defined, however compensated.

E. The term "Permanent Wave" shall mean a service which shall include a shampoo, the spacing, wrapping, processing of the hair, the giving of the fingerwave, the drying of the hair and the combing out thereof.

F. The term "Beauty Shop" shall mean any room or building in which hairdressing and Beauty Culture Trade is carried on and which is licensed by the Minnesota State Board of Cosmetology.

G. The term hair trimming or shaping of hair shall be a service separate and apart from other services, and charged for accordingly.

(Adopted July 31, 1967)

§ 10.065 Unfair trade practices. The following acts or practices by members of the trade shall constitute unfair trade practices and are deemed unfair methods of competition, and persons engaging therein shall be in violation of the code.

A. To substitute or misrepresent materials used in hairdressing or beauty culture.

B. To represent that any product or service is for sale at a reduced price unless the represented price is actually less than the regular price.

C. To make untrue, deceptive, or false statements or representations through advertising of any kind or through any media.

D. To evade the provisions of appropriate minimum wage orders by the subterfuge of:

1. a commission arrangement,
2. renting or leasing equipment or space to one or more employees,
3. formation of a fictitious partnership with one or more employees.

§§ 10.066-10.079 Reserved for future use.

Chapter Five: 4 MCAR §§ 10.081-10.090 Continuing Education.

4 MCAR § 10.081 Definitions. For the purpose of Chapter Five, the following definitions shall apply:

A. "Board" means the Minnesota State Board of Cosmetology.

B. "Licensee" means any person licensed as a senior instructor in the State of Minnesota.

C. "Continuing education hour" means a clock-hour spent by a licensee in actual attendance at an approved program or activity.

D. "Approved program or activity" means a continuing education program which meets the standards set forth in these rules, which has received approval by the board pursuant to these rules and which is offered by an accredited sponsor.

E. "Accredited sponsor" means a person or an organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to these rules.

F. "Compliance period" means that period of time extending from April 1, to the following March 31.

4 MCAR § 10.082 Continuing education requirements.

A. Beginning April 1, 1980, each licensee shall complete during each compliance period a minimum of 15 continuing education hours approved by the board. Compliance with the requirements of continuing education is a prerequisite for license renewal for the license year beginning July 1 following the end of each compliance period.

B. Continuing education hours may be obtained by attending or participating in an approved program or activity offered by an accredited sponsor.

C. Such attendance must be reported to the board by the licensee on such forms as may be approved by the board no later than April 15 following the close of the compliance period for which attendance is to be reported.

D. Persons who first become licensed as senior instructors between September 30 and the following April 1 need not obtain as a prerequisite for license renewal 15 hours of continuing education until the end of the compliance period following that during which they were first licensed.

4 MCAR § 10.083 Standards for approval. A continuing education activity shall be qualified for approval if the board determines that:

A. It constitutes an organized program of learning (including a workshop

or symposium) which contributes directly to the professional competency of the licensee; and

B. It consists of at least one clock hour of learning activity; and

C. It deals with subject matters which integrally relate to the practice of a senior instructor; and

D. It is conducted by individuals who have special education, training or experience concerning the subject matter of the program, and is accompanied by a paper, a manual or a written outline which relates to the subject matter of the program.

E. It is offered by an accredited sponsor.

4 MCAR § 10.084 Approval of sponsors, programs, and activities.

A. Accreditation of sponsors. An organization or person which desires accreditation as a sponsor of courses, programs, or other continuing education activities, shall apply for accreditation to the board.

The application shall state the applicant's teaching history, if any, for the preceding two years, including dates of programs, subjects offered, total hours of instruction presented, and the names and qualifications of each instructor. The application for accreditation shall also state the full name of the person or organization desiring accreditation, including the names of the owners, partners and/or directors of the organization; the past and current occupations and training of such persons making application, the purposes and activities of applying organizations; and a complete financial statement prepared by an independent accountant or C.P.A., showing all the assets and liabilities of the applicant or other satisfactory evidence of its financial ability to sponsor continuing education programs. If the applicant is unable to demonstrate by its financial statement or other satisfactory evidence that it is financially able to sponsor continuing education programs, the board shall permit the applicant to sponsor such programs upon agreement by the applicant to escrow all tuition funds, or such portion thereof as may be agreeable to the board, received by the applicant until five days after the program for which the tuition has been received is conducted or until release of the funds by the board or its representative, whichever is earlier.

By January 31 of each year, commencing January 31, 1981, all accredited sponsors shall provide a written report to the board stating the education programs conducted during the preceding calendar year on a form approved by the board.

The board may at any time reevaluate an accredited sponsor. If such reevaluation indicates that there is a substantial difference between the sponsor's programs as approved by the board and as actually conducted, such that the board would not have approved the programs as conducted, or would have approved them for fewer continuing education hours; or that the sponsor is

no longer financially able to sponsor continuing education programs, the board may suspend or revoke the accreditation of the sponsor.

B. Prior approval of activities. An organization or person which has not been accredited and which desires approval of a course, program or other educational activity, shall apply to the board for accreditation as a sponsor at least ninety days in advance of the commencement of the activity on a form provided by the board. A previously accredited sponsor shall submit specific courses, programs or other educational activities to the board for approval at least sixty days in advance of the proposed commencement of the activity. The application for program approval shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers, fees to be charged, location, facilities and equipment available, and other pertinent information requested on the application form or by the board. Such application must be accompanied by the paper, manual or written outline required under § 10.083 D. of the rules, a detailed course description or outline, and a notation whether the proposed course has been approved for credit by any other official body. Application for accreditation of sponsorship and approval of programs may be submitted simultaneously; however, the board will not approve programs prior to accreditation of the program sponsor.

The board shall approve or deny applications for accreditation of sponsors or approval of programs in writing within sixty days of receipt of complete applications and all other requested information.

C. Post approval of activities. The board will not recognize continuing education hours for attendance and participation in an educational activity in the state of Minnesota which was not conducted by an accredited sponsor or which was not approved by the board prior to its offering. Licensees seeking continuing education hours for participation in programs outside Minnesota and not approved and conducted by an accredited sponsor shall submit to the board a request for credit, including a brief resume of the activity, its dates, subjects, instructors and their qualifications and the number of credit hours requested. Within ninety days after receipt of such application the board shall advise the licensee in writing by mail whether the activity is approved and the number of hours allowed. A licensee not complying with the requirements of this paragraph shall be denied credit for such activity.

4 MCAR § 10.085 Hearings. In the event of denial, in whole or in part, of any application for accreditation of a sponsor or for approval of a continuing education program, or in the event of suspension or revocation of the accreditation of a sponsor, the applicant or sponsor shall have the right, within twenty days after the sending of the notification of the denial, suspension or revocation by mail, to request a hearing which shall be held within sixty days after receipt by the board of the request for hearing. The hearing shall be conducted by a hearing officer from the Minnesota Office of Hearing Examiners pursuant to Minn. Stat. ch. 15. Post approval of activities shall be entirely within the discretion of the board.

4 MCAR § 10.086 Attendance record report. The person or organization

sponsoring approved programs or activities shall make a written record of the Minnesota licensees in attendance at such activities during each compliance period and shall send a signed copy of the attendance record to the executive secretary of the board upon completion of the education activity, but in no case later than April 15 following the close of the compliance period for which such attendance is being reported. The report shall be sent to the Minnesota State Board of Cosmetology, 500 Metro Square Building, St. Paul, Minnesota 55101.

4 MCAR § 10.087 Physical disability or illness. The board shall in individual cases involving physical disability or illness, grant waivers of the education requirements or extensions of time within which to fulfill the education requirements or make the required reports. No waiver or extension of time shall be granted unless written application is made on forms provided by the board and signed by the licensee and a licensed physician. Waivers of the educational requirements may be granted by the board for any period of time not to exceed one compliance period. In the event that the physical disability or illness upon which a waiver has been granted continues beyond the period of the waiver, the licensee must reapply for an extension of the waiver. The board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by methods as may be prescribed by the board.

4 MCAR § 10.088 Exemptions for inactive practitioners. A licensee who is not engaged in practice in the state of Minnesota who resides within or without the state of Minnesota shall be granted a waiver of compliance and obtain a certificate of exemption upon written application to the board. The application shall contain a statement that the applicant will not practice as a senior instructor in Minnesota without first complying with all rules governing reinstatement after exemption. The application for a certificate of exemption shall be submitted upon the form provided by the board.

4 MCAR § 10.089 Reinstatement of inactive practitioners. Inactive practitioners who have been granted a waiver of compliance with these rules and obtained a certificate of exemption shall, prior to practicing as a senior instructor in the state of Minnesota, satisfy the following requirements for reinstatement:

A. Submit written application for reinstatement to the board upon forms provided by the board; and

B. Furnish in the application evidence of one of the following:

1. The full-time practice of beauty culture in another of the United States or the District of Columbia and completion of continuing education for each year of inactive status substantially equivalent in the opinion of the board to that required under these rules; or

2. Completion of a total number of hours of accredited continuing education computed by multiplying 15 by the number of years a certificate of exemption shall have been in effect for such applicant; or

3. Successful completion of the Minnesota state license examination conducted within one year immediately prior to the submission of the application for reinstatement.

4 MCAR § 10.090 Penalties. The board may refuse to renew the license of any licensee who has failed to complete or timely report the continuing education hours required by this chapter. In the event of such refusal to renew a license, the licensee shall have the right within 20 days, after the mailing of a notification of the refusal to renew to his last known address, to request a hearing, which shall be held within 45 days after receipt by the board of the request for hearing. The hearing shall be conducted according to the procedures set forth in Minn. Stat. ch. 15 by a hearing examiner from the Minnesota Office of Hearing Examiners.