

CHAPTER 2100

BOARD OF BARBER EXAMINERS

LICENSING, REGISTRATION, AND OPERATION

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2100.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 2100.0100 to 2100.9300, the terms defined in this part have the meanings given them.

Subp. 1a. **Barbering.** The practice of barbering as defined in Minnesota Statutes, section 154.02, means the services described in that section when performed on a living person and includes those services when performed in conjunction with the selling of hair pieces, wigs, or an artificial hair application. The definition of "barbering" in Minnesota Statutes, section 154.02, must be construed to not prohibit or regulate hair braiding, hair braiding services, and hair braiders, as defined in subparts 4 to 6. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 4 to 6, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

Subp. 2. **A certificate of registration as practicing barber.** The phrase "a certificate of registration as practicing barber" contained in Minnesota Statutes, section 154.11, means a current certificate of registration as a certified barber.

Subp. 3. **Has practiced as a barber.** The phrase "has practiced as a barber" contained in Minnesota Statutes, section 154.11, means that a person has performed the acts of barbering under a certificate of registration as either a registered barber or a registered apprentice.

Subp. 4. **Hair braiding.** "Hair braiding" means a natural form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, and/or hair extensions into a variety of shapes, patterns, and textures (predominantly by hand and/or by simple braiding devices), and maintenance thereof. Hair braiding includes what is commonly known as "African-style hair braiding" or "natural hair care" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles. Hair braiding includes the making of customized wigs from natural hair, natural fibers, synthetic fibers, and/or hair extensions. Hair braiding includes the use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos. Hair braiding does not involve the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair.

Subp. 5. **Hair braiding services.** "Hair braiding services" means offering to perform or performing hair braiding, as defined in part 2105.0010, subpart 10a, as a service to members of the public for a fee or other consideration.

Subp. 6. **Hair braider.** "Hair braider" means a person who offers to perform or performs hair braiding or hair braiding services as defined in part 2105.0010, subparts 10a to 10c.

Subp. 7. **Simple braiding devices.** "Simple braiding devices" include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

Statutory Authority: *MS s 154.22; 154.24; 154.45; 155A.05; 155A.26*

History: *13 SR 1916; L 2005 c 27 s 9; 30 SR 1248; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49*

REGISTERED APPRENTICES

2100.0200 APPLICATION FOR EXAMINATION.

Upon completion of the required 1,500 hour course of training, the school shall issue each graduate a certificate of completion.

Upon issuance of the certificate of completion, the graduate is eligible to be scheduled for the apprentice examination under part 2100.0500.

In an emergency or in a situation beyond a student's control in which the 1,500 hours of training course cannot be completed before the apprentice examination schedule, the board shall make an exception from the requirement of course completion if:

A. the course can be completed within the following week after the apprentice examination and before the registered barber examination; and

B. the student has less than 48 hours to complete after the examination schedule in part 2100.0500.

Results of examinations must not be issued until the certificate of completion is filed.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

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2100.0300 NONRESIDENT APPRENTICE QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of an apprentice as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.06, paragraph (a), clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota; and

(2) a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300; and

C. must meet the requirements of Minnesota Statutes, section 154.11.

Applicants unable to comply with items A and B shall make up the difference in a Minnesota accredited barber school. Barbering experience shall be considered equivalent to or substantially the same as hours in school training.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.0400 [Repealed, 13 SR 1916]

2100.0500 EXAMINATION DATES.

Examinations for a certificate as a registered apprentice shall be held the first week in February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost-efficient.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.0600 CONTENTS OF EXAMINATION.

Each examination consists of six parts: oral, written, and four practical services. The type of haircut, shave, or beard trim and two of the following practical services: shampoo, perm wrap, facial, or color application, will be determined at the discretion of the board.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.0700 GRADING OF EXAMINATION.

Subpart 1. **Grading criteria.** The apprentice examinations given pursuant to Minnesota Statutes, section 154.09 shall be graded as follows. The grading criteria for the written part of the examination and the passing grade thereon will be established for each written examination at the time of its preparation; however, the lowest passing grade established hereunder shall never be less than 55. The grading for the practical performances and the oral part of the examination will be on a scale of 1 to 100 with 100 representing a perfect score. A score of 70 will be the minimum passing grade for the haircut portion, and 70 will also be the minimum passing score for the average of the remaining parts of the practical performances. The minimum passing score for the oral portion of the examination will be 70. If an applicant does not receive at least the established minimum passing grade on the written portion of the examination, or at least a grade of 70 on the oral portion of the examination, the haircut portion of the examination, or score an average of at least 70 on the remaining parts of the practical examination, such applicant will have failed the entire examination, and thereafter may only retake the entire examination after paying the necessary fee and meeting the requirements of Minnesota Statutes, section 154.06.

Subp. 2. **Grading system.** The grade of an examination conducted pursuant to Minnesota Statutes, section 154.09 shall be determined under the following grading system: see grading card.

Statutory Authority: *MS s 154.24*

2100.0800 MODELS USED IN PRACTICAL EXAMINATION.

The Board of Barber Examiners shall have discretion to change, supply, or reject models for an applicant's use in the practical parts of the examination in order to insure that the practical parts of the examination will be a fair test of the applicant's ability.

Statutory Authority: *MS s 154.24*

History: *L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2100.0900 REVIEW OF EXAMINATION RESULTS.

An applicant may review his or her examination results at the office of the Board of Barber Examiners during usual business hours.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2100.1000 FAILURE OF EXAMINATION.

A student who fails the apprentice examination shall complete an additional 500 hours to be eligible to retake the apprentice examination, as many times as necessary to pass.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.1100 APPRENTICE PRACTICE.

The requirement of Minnesota Statutes, section 154.05, clause (2) regarding the practicing as a registered apprentice for a period of 12 months shall mean registration for not less than 1,500 hours of work time.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2013 c 85 art 5 s 49*

2100.1200 TIME REPORT.

The registered barber who supervises the practice of a registered apprentice shall file an affidavit as to the number of hours the apprentice accumulated under the registered barber's supervision.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.1300 HOME STUDY COURSE.

The 12 months' practice of a registered apprentice under Minnesota Statutes, section 154.05 shall include completion of the program entitled "Related Home Study Course for Apprentice Barbers" prepared or approved by the Board of Barber Examiners. The course must be successfully completed before the examination may be taken.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2100.1400 PRACTICE COMPLETION BEFORE BARBER EXAMINATION.

A registered apprentice meets the requirements of Minnesota Statutes, section 154.05, clause (2) if 1,500 hours and 12 months of practice are completed at any time before or

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within the week in which the examination is given pursuant to Minnesota Statutes, section 154.05, clause (5).

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.1500 REPORTING PRACTICE UNDER SUPERVISION.

A registered apprentice who practices under the immediate personal supervision of a registered barber must file with the annual registration renewal, a statement of the number of hours completed and under whose supervision.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2013 c 85 art 5 s 49*

2100.1600 [Repealed, 13 SR 1916]

2100.1700 EXPIRATION OF CERTIFICATE.

Upon the expiration of a certificate of registration to practice as an apprentice pursuant to Minnesota Statutes, section 154.06, an individual will be required to pass an apprentice examination to attain apprentice status. If the applicant fails the apprentice examination so taken, the applicant must complete an additional 500 hours of training in a duly registered Minnesota barber school to qualify to retake the apprentice examination.

Statutory Authority: *MS s 154.24*

History: *L 2013 c 85 art 5 s 49*

REGISTERED BARBERS

2100.2500 EXAMINATION DATES.

Examinations for a certificate as a registered barber shall be held in the second week of February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.2600 APPLICATION FOR EXAMINATION.

An applicant for examination as a registered barber shall file an application for examination and a sworn affidavit of completing 12 months and 1,500 hours of supervision on forms furnished by the board. This application must be filed with the board no later than the 20th day of the month preceding the month in which the examination is to be given; provided, however, that the board shall, upon the showing of a hardship, accept applications at a later date.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.2700 NONRESIDENT BARBERS; QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of barbers as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.05, clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota; and

(2) a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300;

C. must meet requirements for a registered apprentice in Minnesota Statutes, section 154.05, clause (2); and

D. the same practice requirements for a registered apprentice as set forth in Minnesota Statutes, section 154.05, clause (2).

Applicants unable to comply with items A and B must make up the difference in a Minnesota accredited barber school. Barbering experience shall be considered equivalent to or substantially the same as hours in school training.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.2800 [Repealed, 13 SR 1916]

2100.2900 CONTENTS OF EXAMINATION.

Each examination consists of six parts: oral, written, and four practical services. The type of haircut, shave or beard trim, and two of the following practical services: shampoo, perm wrap, facial, or color application, will be determined at the discretion of the board.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.3000 GRADING OF EXAMINATION.

The registered barber examinations given pursuant to Minnesota Statutes, section 154.09 shall be graded as follows: The grading criteria for the written part of the examination and the passing grade thereon will be established for each written examination at the time of its preparation; however, the lowest passing grade established hereunder shall never be less than 55. The grading for the practical performances and the oral part of the examination will be on a scale of 1 to 100 with 100 representing a perfect score. A score of 75 will be the minimum passing grade for the haircut portion, and 75 will also be the minimum passing score for the average of the remaining parts of the practical performances. The minimum passing score for the oral portion of the examination will be 75. If an applicant does not receive at least the established minimum passing grade on the written portion of the examination, or at least a grade of 75 on the oral portion of the examination, the haircut portion of the examination, or score an average of at least 75 on the remaining parts of the practical examination, such applicant will have failed the entire examination, and thereafter may only retake the entire examination after paying the necessary fee and meeting the requirements of Minnesota Statutes, section 154.05.

Statutory Authority: *MS s 154.24*

2100.3100 MODELS USED IN PRACTICAL EXAMINATION.

The Board of Barber Examiners shall have discretion to change, supply, or reject models for an applicant's use in the practical parts of the examination in order to insure that the practical parts of the examination will be a fair test of the applicant's ability.

Statutory Authority: *MS s 154.24*

History: *L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2100.3200 FAILURE OF EXAMINATION; ADDITIONAL APPRENTICE PRACTICE.

An apprentice who fails to satisfactorily pass an examination for a certificate of registration to practice as a registered barber, must practice an additional two months and 300 hours to be eligible to retake the examination. The additional two months practice required by Minnesota Statutes, section 154.05, clause (5) shall include not less than 300 hours of

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work time. The registered barber who supervises the additional two months practice must file an affidavit with the board for the additional practice period.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.3300 FAILURE TO RENEW CERTIFICATE WITHIN ONE YEAR.

A registered barber who has failed to renew the certificate of registration for one year or more from the date of expiration must take and pass the registered barber examination before a certificate of registration may be issued.

Statutory Authority: *MS s 154.24*

History: *17 SR 1279*

REGISTERED INSTRUCTORS

2100.4000 APPLICATION FOR INSTRUCTOR'S REGISTRATION EXAMINATION.

An applicant for examination as a registered teacher or instructor in a barber school shall file the application with the board not later than the 20th day of the month preceding the month in which the examination is to be given; provided, however, that the board shall, upon the showing of a hardship, accept applications at a later date.

Statutory Authority: *MS s 154.065*

History: *17 SR 1279; L 2013 c 85 art 5 s 49*

2100.4100 GRADING INSTRUCTOR'S REGISTRATION EXAMINATION.

Examinations given to applicants for an instructor's registration shall be graded. An applicant for an instructor's certificate must receive a minimum grade of at least 70 on each phase of the examination and an average of at least 75 on all phases to pass the examination, and if any part of the examination is failed, the entire examination must be retaken.

Statutory Authority: *MS s 154.065*

History: *L 2013 c 85 art 5 s 49*

2100.4200 RENEWING INSTRUCTOR'S REGISTRATION.

The board will not renew an instructor's registration if the person does not hold a current vocational teacher's certificate.

Statutory Authority: *MS s 154.065*

History: *L 2013 c 85 art 5 s 49*

2100.4300 [Repealed, 13 SR 1916]

2100.4400 [Repealed, 13 SR 1916]

2100.4500 INSTRUCTOR REGISTRATION QUALIFICATION.

To qualify for an instructor's examination, an applicant must be a registered barber with five years' experience and hold a current vocational teacher's certificate.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2013 c 85 art 5 s 49*

BARBER SCHOOLS

2100.5000 REGISTRATION REQUIREMENT.

No person shall operate a barber school in Minnesota without having first obtained a registration from the Board of Barber Examiners. Persons holding a permit for the conduct of a barber school which was issued prior to the adoption of these rules have a period of 60 days after the adoption of these rules to file the necessary documents showing conformance with these rules with the exception of the course outline required by part 2100.5100, subpart

2. After the date of adoption of these rules all barber schools operating or requesting a registration to operate will be governed by and shall proceed in accordance with these rules.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49*

2100.5100 REGISTRATION APPLICATION.

Subpart 1. **Verified statement.** A person desiring to operate a barber school in Minnesota shall present to the board a verified statement showing at least the following:

A. all information required by Minnesota Statutes, chapter 154 elsewhere in these rules;

B. the name of the applicant or applicants together with their occupations and residences for the ten years immediately prior to making applications;

C. the address of the proposed school;

D. a complete financial statement; and

E. a plan of operation of the school setting forth the following information:

(1) drawings showing the number of chairs to be installed and showing a minimum of five feet between barber chairs, measuring from center to center, the waiting area must be separate from work stations;

(2) drawings showing classroom space with a minimum area of 25 square feet available for each proposed student in classroom space;

(3) a statement showing that the following will be available: one desk for each student enrolled; one chart on skin and hair; one chart on blood supply to face and neck; one chart on the muscles of the face, head, and neck; one chart on the nerves of the face, head, and neck; one chart on the bones of the face, head, and neck; and one blackboard of a size not less than six feet by 3-1/2 feet;

(4) plans showing the following: separate toilet and washroom facilities for men and women; plumbing and sewer system appropriate to the size and use of the building as a barber school; a statement regarding the availability and intended use of municipal sewer and water supplies;

(5) plans for appropriate lighting and ventilating systems;

(6) plans showing use of a type of floor material such as tile or linoleum which may be easily kept clean and sanitary;

(7) plans for proper sanitization facilities including the following: one sink for each barber chair or dispensary as required in part 2100.8100, subpart 3; one closed cabinet for clean towels for each barber chair; one closed container for soiled towels for each barber chair; one time clock; and one hair dryer; and

(8) plans for adequate waiting chairs and clothes racks.

Subp. 2. **Course outline.** All barber schools shall submit to the board a full course outline including each instructional unit, showing a course of instruction comprising an aggregate of not less than 1,500 hours, of not more than eight work instruction hours in any one working day. A copy of each school's curriculum will be filed with the board. In the case of applicants for a registration to operate a barber school submitted to the board after the adoption of these rules, the application will contain the foregoing statements. Barber schools in existence at the time of adoption of these rules shall have two months from the date of adoption for submission of the outline prescribed by this part. All schools shall submit a complete student course syllabus to the board at the time of application for registration and any renewal of it.

Subp. 3. **Brochure.** Applicants for a registration to operate a barber school shall submit a copy of a brochure which will be made available to students upon approval of the

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application. This brochure shall list the fees which will be charged; together with enrollment and termination procedures for students. Any change in the tuition fee listed in this brochure must be immediately reported, in writing, to the board.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2013 c 85 art 5 s 49*

2100.5200 CONSIDERATIONS IN REGISTRATION ISSUANCE.

Subpart 1. **Factors.** Upon receipt of an application for establishment of a barber school, the board shall give consideration to the factors in subparts 2 and 5.

Subp. 2. **Public welfare.** The board shall give consideration to any detriment to the public welfare and the need for barber school facilities in the community and neighborhood where the proposed barber school is to be located, giving particular consideration to:

- A. the economic character of the community and neighborhood;
- B. the effect on existing barber shops and barber schools in the community;
- C. the availability of adequate support for the proposed barber school in the community and neighborhood with particular regard to adequate practice for students;
- D. the extent to which the proposed barber school would draw patrons from adjacent communities or neighborhoods and the character thereof; and
- E. the effect of the establishment of a barber school on the social and economic aspects of the community and neighborhood and adjacent communities and neighborhoods in regard to the proposed site.

Subp. 3. [Repealed, 13 SR 1916]

Subp. 4. [Repealed, 13 SR 1916]

Subp. 5. **Student-registered instructor ratio.** There must be at least one instructor for every 17 students enrolled.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2013 c 85 art 5 s 49*

2100.5300 PUBLIC HEARING ON REGISTRATION APPLICATION.

Upon receipt of an application for the establishment of a barber school, the board shall conduct a public hearing in accordance with Minnesota Statutes, chapter 14, and rules promulgated thereunder. The applicant shall show at such hearing, by competent evidence, the factual basis of the assertions of the application and the applicant's qualifications as required by Minnesota Statutes, chapter 154, and the rules of the board. The applicant shall further show financial qualifications and it shall be a sufficient reason for denial of the application that the board considers the financial resources of the applicant to be insufficient to maintain and operate a barber school and assure the graduation of students who are registered in such school and have paid their tuition.

Statutory Authority: *MS s 154.24*

History: *17 SR 1279; L 2013 c 85 art 5 s 49*

2100.5400 CORPORATIONS PROHIBITED.

No school registration shall be issued to a corporation, nor shall the school indicate any affiliation with a corporation.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2013 c 85 art 5 s 49*

2100.5500 LOCATION OF REGISTRATION, TRANSFER OF LOCATION, OR EXPANSION OF SCHOOL.

Subpart 1. **Location.** Registrations shall issue for only a specific location upon the application of an individual who is to operate the school. Registrations shall not be transferable to any other individual or location without the approval by the board. The facilities of an approved barber school shall not be expanded or increased without the prior approval of the board, as provided in subpart 2.

Subp. 2. **Transfer of registration, change of location, or expansion of school.** Upon receipt of an application to the board for transfer of a registration, change of location of the barber school facility, or expansion of the school, the board shall approve or deny the application in accordance with the standards of Minnesota Statutes, section 154.07, and parts 2100.5100 and 2100.5200. If the board denies the application, it shall notify the applicant of a right to a hearing under Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 154.24*

History: *12 SR 1710; L 2013 c 85 art 5 s 49*

2100.5600 RENEWAL OF REGISTRATION.

Subpart 1. **Application.** Owners of barber schools shall make annual application for renewal of their registrations in accordance with the rules of the board. The board shall make a new determination annually that the school meets the requirements of Minnesota Statutes, chapter 154, and part 2100.5100, subpart 2, of the board before issuing the renewal registration.

Subp. 2. **Nonrenewal; hearing.** In the event that a registration is not renewed by the board upon application pursuant to these rules, the aggrieved applicant may by written notice to the board request a public hearing concerning the denial of his or her application in accordance with Minnesota Statutes, chapter 14, and rules adopted thereunder.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2013 c 85 art 5 s 49*

2100.5700 REGISTERED INSTRUCTORS, TEMPORARY TEACHER, OR EMERGENCY TEACHER.

Subpart 1. **Number of registered instructors.** The provisions of Minnesota Statutes, section 154.07 requiring one registered instructor for every 17 students or minor fraction in excess thereof applies to classroom instruction as well as practical instruction. "Minor fraction in excess thereof" means a maximum of 20 students per instructor for a period of no more than three months. An applicant shall name in the application the names of all instructors and teachers. The board will not issue a temporary teacher's permit for a new school. To assure barber school students adequate uninterrupted training, a temporary teacher's permit can be issued upon approval of the board.

Subp. 2. **Temporary permits.** This subpart applies to temporary teacher's permits.

A. To be granted a temporary teacher's permit, a permit applicant must:

- (1) hold a current Minnesota registered barber's registration;
- (2) have practiced for at least two years as a registered barber; and
- (3) show proof of a temporary vocational teaching permit and continuous enrollment taking courses as required by part 2100.4500.

B. Application forms will be prepared and furnished by the board. Applications must be signed and sworn to by the applicant and contain proof of the minimum qualifications and qualifications for a teacher's vocational certificate and the barber instructor examination. The applicant shall furnish to the board two photographs, three inches by five inches in size, signed by the applicant. One photograph must be returned with the permit and one must be kept on file with the application.

C. The applicant shall pay the required application fee.

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- D. Permits must be annually renewed on or before December 31 of each year.
- E. The permit must be posted in the school.
- F. A barber school may only have a temporary teacher for each registered instructor or for each 17 students at any given time.
- G. Persons holding a temporary teacher's permit shall immediately inform the board of any change in location of the teacher's work place.
- H. The board will not issue a temporary teacher's permit for a new school or for expansion of a school.
- I. A temporary teacher's permit is valid for four years from the date it is issued if continued educational courses are being pursued.
- J. Any request for a temporary teacher's permit must be made by the applicant and verified by the school of barbering.
- K. The Board of Barber Examiners shall keep an active list of all instructors and temporary teacher's permits.
- L. All temporary teacher permit holders shall notify the board of any change in the permittee's work place, address, or phone number.

Subp. 3. Emergency teacher permit.

- A. To assure barber school students adequate uninterrupted training, an emergency teacher permit may be issued in an emergency if:
 - (1) a sudden unexpected happening of an unforeseen occurrence or condition demanding sudden or unexpected actions, exigency, or pressing necessity occurs;
 - (2) the board is notified by the school immediately after an emergency arises and is informed as to the nature of the emergency and who is being considered as the emergency teacher;
 - (3) the board verifies that no registered instructor or temporary teacher is available; and
 - (4) an applicant holds a current registered barber registration.
- B. Upon the fulfillment of the conditions provided in item A, an emergency teacher's permit shall be issued without delay. The maximum duration of an emergency teacher permit is 30 days.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49*

2100.5800 STUDENT APTITUDE TEST.

Each barber school shall be required to give an aptitude test to each prospective student. The aptitude test shall be approved by the Board of Barber Examiners and shall include examination for dexterity in addition to examinations for other aptitudes.

Statutory Authority: *MS s 154.24*

History: *L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2100.5900 STUDENT PHYSICAL EXAMINATION.

Each student shall receive a physical examination for communicable or infectious diseases and either a Mantoux test or a chest x-ray. The student shall, upon completion of such examination, submit a doctor's certificate to the board that the student is free from contagious or infectious disease.

Statutory Authority: *MS s 154.24*

History: *17 SR 1279*

2100.6000 HOURS OF INSTRUCTION.

Each student, including each part-time student, must complete at least 281 classroom hours and 1,219 practical hours in the required 1,500-hour course.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.6100 STUDENT WORK COMPLETION.

An instructor may help a beginning student finish a service on a patron upon request by the student.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.6200 MONTHLY STUDENT REPORT.

All approved barber schools shall file with the Board of Barber Examiners a monthly student report in substantially the following form: (see monthly report). Failure to comply with this requirement shall be grounds for denial of an annual barber school permit authorized under Minnesota Statutes, section 154.07.

Statutory Authority: *MS s 154.24*

History: *L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2100.6300 STUDENT OBSERVATION SHEET.

All barber schools shall maintain on a current basis an observation sheet upon which will be recorded an analysis of the behavior and attitude of each student enrolled. The observation sheets will be open to inspection by the board, any member of the board, or a duly authorized agent of the board at all times.

Statutory Authority: *MS s 154.24*

2100.6400 TRANSFER OF STUDENT'S PLACE.

No barber school shall act as an agent in any respect to either students or prospective students regarding any attempt to transfer, sell, or assign a student's place in a barber school.

Statutory Authority: *MS s 154.24*

2100.6500 [Repealed, 13 SR 1916]

2100.6600 BARBER SCHOOL SIGN.

All barber schools shall have prominently displayed a sign stating "BARBER SCHOOL -- ALL WORK DONE BY STUDENTS" with letters at least six inches high.

Statutory Authority: *MS s 154.24*

BARBER SHOPS

2100.7000 PERMANENT LOCATION.

Each barber shop in the state of Minnesota must be permanently located at one address, due to the difficulty of implementation of inspection procedures.

Statutory Authority: *MS s 154.24*

2100.7100 SHOP REGISTRATION CARD.

Upon application for a barber shop's first shop registration card pursuant to Minnesota Statutes, section 154.085, a proposed floor plan will be submitted for the board's approval at least 30 days prior to the scheduled shop opening date.

Statutory Authority: *MS s 154.24*

2100.7200 [Repealed, 13 SR 1916]

2100.7300 [Repealed, 13 SR 1916]

2100.7400 LICENSING, REGISTRATION, AND OPERATION

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2100.7400 [Repealed, 13 SR 1916]

2100.7500 [Repealed, 13 SR 1916]

OPERATION OF BARBER SCHOOLS AND BARBER SHOPS

2100.7600 BARBER CHAIRS.

Barber chairs must be spaced not less than five feet apart center to center.

Statutory Authority: *MS s 154.24*

2100.7700 OTHER USE OF PREMISES.

Subpart 1. **Prohibited uses.** No person shall use any room or part of a place which is also used for residential purposes, or any business purpose other than barbering, unless the areas are separated by substantial partition, extending from the floor to the ceiling. Further, any door or other entrance leading into the residential or other business portion of the building must be used only for the passage of barbers or other employees.

Subp. 2. **Exception: barber shop with beauty shop.** Subpart 1 notwithstanding, a beauty shop and a barber shop may be operated in conjunction, without being separated by a partition of ceiling height.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.7800 REGISTRATION.

No person shall practice or attempt to practice barbering without a certificate of registration issued pursuant to the provisions of Minnesota Statutes, chapter 154.

Statutory Authority: *MS s 154.24*

2100.7900 MEDICAL TREATMENT.

No barber, apprentice barber, or student barber shall undertake to treat any disease of the skin, nor apply any medicine or treatment which administration is not distinctly a part of barbering. No barber shall apply drops to the eyes.

Statutory Authority: *MS s 154.24*

History: *17 SR 1279*

2100.8000 CLEANLINESS OF PERSONNEL.

The operator shall wear clean uniforms or clean clothes at all times. The operator shall cleanse the hands thoroughly with soap and clean water before attending each patron.

Statutory Authority: *MS s 154.24*

History: *17 SR 1279*

2100.8100 SANITIZATION.

Subpart 1. **Instruments.** Razors, shears, combs, clipper blades, hairbrush, and all other instruments or appliances that come in contact with the head, neck, or face must be thoroughly cleaned and sanitized by submersion for a minimum of two minutes after use on each patron. As an alternative to submersion, clipper blades and shears may be treated by spraying them with a commercial spray containing active ingredients not less than 0.25 percent o-phenyl phenol, 11.00 percent isopropyl alcohol, and 88.75 percent inert ingredients. As an extra measure, instruments may be wiped or sprayed with a solution of 10:1 household bleach before being used. When not in use, they must be kept in a clean closed compartment provided for and used only for storage of instruments. Styptic pencil and lump alum are positively prohibited. Contact with raw blood or body fluids should be avoided. If accidentally exposed, immediate washing with soap and running water is required.

Subp. 2. **Sanitizer.** All barber shops and barber schools shall have in use at all times at each chair a wet or dip sanitizer which is adequate in size to accommodate all instruments

to be used on each patron. The wet sanitizer shall contain a suitable chemical bactericide solution which shall be bacteriologically effective, such as 0.1 percent suitable quaternary ammonium compound, or by other means having a solution equivalent to five percent phenol, or other chemical sanitizing agent having equivalent bactericidal effect. The chemical solution shall be changed daily or more often, as needed.

One dip disinfectant solution container will be kept for each barber chair in operation. Instruments immersed in the dip disinfectant solution container will be carefully rinsed in warm running water before use. Failure to provide a sink or dip disinfectant solution container constitutes prima facie evidence that instruments are not properly sanitized.

At least one sink or lavatory must be provided in each room, booth, stall, compartment, or the immediate area in which barbers work. If more than two barber chairs are in any room, booth, stall, or compartment, at least one sink or lavatory must be provided for each two barber chairs at which the barbers work. Each barber must have free access to the sink or lavatory without obstruction from other chairs, partitions, wall dividers, or other barriers.

Subp. 3. **Dispensary.** A dispensary must be located in each barber shop and each barber school where hot and cold running water is not present within five feet of the working chair. A dispensary is a room, booth, or area where implements will be cleansed, disinfected, and stored. A dispensary must contain the following furnishings:

A. A container large enough to accommodate all soiled implements in which those instruments, such as combs and brushes, can be totally immersed for washing. All non-immersible or electrical implements such as clippers, clipper blades, and shears must be sprayed according to subpart 1.

B. One sink with hot and cold running water to cleanse implements mentioned in item A to be used for washing of hands before serving each patron.

C. A container with suitable chemical bactericide solution to accommodate and immerse all immersible implements after being washed for at least two minutes before being used or stored.

D. A container large enough for storage of clean disinfected implements.

E. A container filled with fresh disinfectant solution in which razors will be stored or dipped at least two minutes before being used.

Subp. 4. **Hand washing.** Hands shall be washed with soap and running water immediately before serving each and every patron.

Subp. 5. **Implement storage.** Implements that require washing and disinfecting by total immersion must not be stored at the work station unless running water is present at the working chair.

Subp. 6. **Shampoo sinks.** The shampoo area shall have one shampoo sink for each six chairs.

Subp. 7. **Minimum implements.** Each barber shall have at least 15 combs and ten brushes.

Statutory Authority: *MS s 154.24*

History: *13 SR 1916*

2100.8200 TOWELS.

A separate, clean towel or neck band shall be used for each patron. All barber shops and barber schools shall have sufficient closed sanitary towel cabinets for storage of clean towels and closed hampers for soiled towels. All soiled towels after use on each customer shall be placed in a closed hamper and shall not be left on the lavatory or workstand. The headrest shall be provided with a clean towel or clean paper for each patron served.

Statutory Authority: *MS s 154.24*

2100.8300 [Repealed, 13 SR 1916]

2100.8400 LICENSING, REGISTRATION, AND OPERATION

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2100.8400 WALLS, CEILING, FLOOR, AND FURNITURE.

The walls, ceilings, floor, and furniture in every barber shop or barber school shall be kept clean and in good repair. Floors of barber shops or barber schools shall be covered with hardwood, linoleum, composition tile, or some other washable and nonporous material. These requirements shall include the proper cleaning of floors, shelves, cabinets, chairs, trays, and other barber shop or barber school equipment.

Statutory Authority: *MS s 154.24*

2100.8500 LIGHTING AND VENTILATION.

Barber shops and barber schools shall have adequate lighting and be properly ventilated.

Statutory Authority: *MS s 154.24*

2100.8600 HEALTH OF PERSONNEL.

No owner or manager shall permit any person suffering from a communicable disease to act as a barber.

Statutory Authority: *MS s 154.24*

2100.8700 POSTING RULES.

The owner or manager of any barber shop or barber school shall post a copy of these rules in a conspicuous place where they can be read by the patrons of the establishment.

Statutory Authority: *MS s 154.24*

2100.8800 RESPONSIBILITY FOR VIOLATIONS.

For the purpose of this act, barbers, apprentice barbers, student barbers, or the proprietor or manager shall be responsible for all violations of the sanitary provisions of the act.

Statutory Authority: *MS s 154.24*

2100.8900 PENALTIES.

For the purpose of this act, no establishment shall be open for service to the public until all sanitary provisions of this act have been complied with. These rules pursuant to Minnesota Statutes, chapter 154 have been approved by the Minnesota Board of Barber Examiners and the Minnesota Board of Health. A violation of any of these rules shall be punishable by a fine not less than \$10 nor more than \$100 or imprisonment for not less than ten days nor more than 90 days and shall be cause for suspension or revocation of a certificate of registration or shop registration card.

Statutory Authority: *MS s 154.24*

History: *L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

INSPECTIONS

2100.9000 RIGHT OF ENTRY.

Any duly authorized employee of the Minnesota Board of Barber Examiners, Minnesota Board of Health, or board of health as defined in Minnesota Statutes, section 145A.02, subdivision 2, shall have authority to enter upon and inspect any barber shop or barber school at any time during business hours.

Statutory Authority: *MS s 154.24*

History: *L 1987 c 309 s 24; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2100.9100 INSPECTION SLIPS.

An inspector employed pursuant to Minnesota Statutes, section 154.002 shall fill out an inspection slip for each inspection made and shall insert the time of the inspection on

the first and last inspection slips for the day and each of those slips shall be signed by the barber of the place that was inspected.

Statutory Authority: *MS s 154.24*

History: *17 SR 1279; L 2005 c 27 s 9*

2100.9200 INSPECTION PROCEDURE.

Inspectors hired by the board shall make their inspections in conformity with the following procedures:

A. Minnesota Board of Barber Examiners shall periodically designate the area in which inspection shall be made.

B. The Minnesota Board of Barber Examiners will periodically advise inspectors of those violations under Minnesota Statutes, chapter 154 concerning which the inspectors may summarily file complaints with the local civil authorities. Inspectors will make written reports to the board of all such complaints filed.

C. Any and all violations of Minnesota Statutes, chapter 154 shall be submitted to the board by the inspectors. Thereafter, the board may, at its discretion, take appropriate action regarding such violations in accordance with Minnesota Statutes, chapter 14 and rules promulgated thereunder.

D. All written reports made by the inspector shall contain the name and address of the offender, the exact nature of the violation, the section of the statute violated, the date of the violation, and the action taken by the inspector.

Statutory Authority: *MS s 154.24*

History: *L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2100.9300 FEES.

Subpart 1. [Repealed, L 2005 c 27 s 10]

Subp. 2. **Duplicate registration.** Any photocopy of a registration made by the board for an official purpose shall be stamped with the office state seal.

Subp. 3. **Restoration fee.** A restoration fee is a fee charged a registrant to restore a registration that has not been renewed in a timely manner. The fee is comprised of the registration fee plus a late penalty fee.

Subp. 4. **Renewals; schedule.** This subpart governs renewals of registrations.

A. Apprentices, barbers, instructors, temporary teacher permits, and school registrations shall renew their registrations by no later than December 31 of each year for the ensuing year to avoid a late penalty fee.

B. Shop registration shall be renewed by no later than June 30 of each year for the ensuing year to avoid a late penalty fee.

C. Change of location and change of ownership shall be filed within 30 days of the action.

Subp. 5. **Registration requirements.** An active barber must hold a current registration and must post it at the work station.

Statutory Authority: *MS s 154.24; 214.06*

History: *11 SR 2284; 13 SR 1916; 24 SR 581; L 2005 c 27 s 10; L 2013 c 85 art 5 s 49*