

CHAPTER 2105

BOARD OF COSMETOLOGIST EXAMINERS

COSMETOLOGY; SALONS

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UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS

2105.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them, unless their context clearly requires otherwise.

Subp. 2. **Advertising.** "Advertising" means any written or graphic representation designed to elicit enrollment or the sale of goods or services and includes signs, displays, circulars, brochures, and recruitment materials.

Subp. 3. **Board.** "Board" means the Board of Cosmetologist Examiners.

Subp. 4. **Clean.** "Clean" means free from all soil and dirt, washed with soap or detergent and hot water.

Subp. 5. **Communicable disease.** "Communicable disease" means a contagious or infectious disease or condition.

Subp. 6. **Compensation.** "Compensation" means a monetary or nonmonetary remuneration for services.

Subp. 7. **Dispensary.** "Dispensary" means a physical location or area in a salon that is primarily where cosmetology supplies, products, or chemicals are prepared, measured, mixed, portioned, or disposed of.

Subp. 8. **Documentation.** "Documentation" means a signed, notarized statement attesting the truth of the facts stated in it.

Subp. 9. **Evidence.** "Evidence" means written proof.

Subp. 10. **Good repair.** "Good repair" means that an item is clean, with no holes, frayed wires, or tears in coverings, and fully operational for the purpose intended.

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

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

Subp. 11. **Licensed services.** "Licensed services" means those services defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3 and includes the fitting of wigs and hair pieces on the head and the dressing of wigs and hair pieces while on the head. The definition of "cosmetology" in Minnesota Statutes, section 155A.23, subdivision 3, must be construed to not prohibit or regulate hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c.

Subp. 11a. **Simple braiding devices.** "Simple braiding devices" include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

Subp. 12. **Staff.** "Staff" means the personnel of the Board of Cosmetologist Examiners.

Subp. 13. **Unregulated service.** "Unregulated service" means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and which are exempt from regulation by the board, and includes ear piercing, body wrapping, permanent depilation, tattooing, artificial tanning of the skin; personal services incidental to performance in theatrical or musical productions or media appearances; any personal services performed incidental to mortuary practice; massage services; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 10a to 10c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

Statutory Authority: *MS s 45.023; 154.22; 154.24; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2005 c 27 s 9; 30 SR 1248; L 2009 c 78 art 6 s 26*

2105.0100 UNREGULATED SERVICES.

All services not licensed as the practice of cosmetology offered within a salon or school clinic shall be clearly identified as "unregulated services" and listed on a sign conspicuously posted in the reception area. The sign shall contain lettering at least one inch high and shall state: "Unregulated services. The following services offered by (salon name) are not regulated by the state of Minnesota:

_____ "

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

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2105.0110 ADVERTISING.

The following provisions govern all advertising relating to the education, licensing, or practice of cosmetology:

A. It is a violation of this chapter to advertise in any manner that is misleading or inaccurate with respect to any services or policies offered by the licensee.

B. No advertisement shall state or imply favorable consideration by the Board of Cosmetologist Examiners other than to state that the salon is licensed by the board.

C. Any salon advertisement shall list the licensed name of the establishment and the type of license held.

D. No salon advertisement stating licensure by the state of Minnesota shall include reference to any unregulated services.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 10 SR 474; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2009 c 78 art 6 s 26*

2105.0120 INSPECTIONS.

Subpart 1. **Violations.** All violations cited by board staff shall be corrected within ten business days, and written notification of the correction shall be sent to the board within that time.

Subp. 2. **Business hours and location.** Each salon owner shall provide the board with an accurate schedule of the hours that the salon is open for business. If the salon is open by appointment only, the salon owner shall designate one-half day a month when he or she shall be available at the salon for inspection of the salon.

For country shops, owners shall supply a detailed map indicating the salon's exact location and directions for driving to that salon.

Subp. 3. **Inspection requirements.** Each cosmetology salon shall be subject to inspection at any time the board deems it necessary to affirm compliance.

Subp. 4. **Results.** Inspectors may discuss the results of the inspection at its conclusion, in private, with the salon owner, manager, or a responsible person so designated in writing by the manager. A written report shall also be given or sent to the owner or salon.

Subp. 5. **Report availability notice.** A five-inch by seven-inch notice shall be posted in the reception area stating in boldface letters: "THIS SALON HAS BEEN LICENSED AND INSPECTED BY THE STATE OF MINNESOTA. A COPY OF THE MOST RECENT INSPECTION REPORT IS AVAILABLE FOR YOUR REVIEW UPON REQUEST."

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 1995 c 233 art 3 s 2; L 1995 c 248 art 3 s 2; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0130 EXAMINATION ADMINISTRATION.

Subpart 1. **Schedules and sites.** Examination schedules and sites shall be determined by the board.

Subp. 2. **Exam space.** Each school shall make space available on its premises for the performance of the licensing examinations upon request by the board, if the request is reasonable and timely.

Subp. 3. **Instructor examination.** Instructor examination:

A. The board shall have access to the clinic area of a licensed school no more than once per year and to licensed instructors no more than twice per year for assistance in conducting the practical examination for instructors.

B. Each examinee is responsible for providing the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age. The model shall not be a licensed cosmetologist or a cosmetology student.

Subp. 4. **Reexam limit.** A passing exam score is valid for 12 months.

Subp. 5. **Exam administered in English.** Examinations shall be administered and conducted in English. A reader may be used if documentation is provided that substantiates a reading disability. Documentation must be adequate so as to allow the board to identify the reading disability, verify its existence as to the examination applicant, and confirm that it prevents the applicant from taking the examination in the prescribed manner. Use of a reader must be approved by the board prior to application for the examination.

Statutory Authority: *MS s 45.023; 154.45; 155A.05; 155A.26*

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0140 APPLICANTS FOR INDIVIDUAL LICENSE.

Applications for licensure shall be made in writing and contain the requirements of items A to C.

A. The applicant shall provide evidence of completion of high school or a general educational development certificate.

B. The applicant shall demonstrate by examination minimal skills and knowledge necessary for the license sought. The applicant shall successfully complete a written examination demonstrating knowledge of professional, health, and safety methods and procedures and knowledge of Minnesota statutes and rules pertinent to the practice of cosmetology at the level of the license sought.

C. The applicant shall pay the required examination and license fees. Applicants whose professional training is documented under parts 2105.0150, items B and C, and 2105.0210, subparts 2 and 3, shall also pay the processing fee.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0150 COSMETOLOGISTS, MANICURISTS, AND ESTHETICIANS.

In addition to the requirements of part 2105.0140, the applicant shall provide documentation of having completed the following professional training, within three years prior to this application:

A. successful completion of a full course of training in a Minnesota licensed school of cosmetology, as indicated by documentation from the school, of at least 1,550 hours for a cosmetologist, 350 hours for a manicurist, and 600 hours for an esthetician. The documentation shall include a certification of skills; or

B. successful completion, as documented by the school and including a certification of skills, of a full course of training of at least the same number of hours in a state other than Minnesota. If an applicant has received training in another state, but has not completed that state's prescribed course of training, or if that course is less than the number of hours required by this rule, completion of training and certification of skills in a Minnesota school shall be attained. The applicant shall receive credit for all hours of training earned in the non-Minnesota school. He or she shall then attend a Minnesota school until the required number of hours has been completed; or

C. current licensure from another state, District of Columbia, territory, or country. A certified statement from the licensing body that the applicant is currently licensed shall be attached to the application. If the other jurisdiction does not issue a license, the applicant shall provide documentation of lawful practice for at least 1,800 hours within three years prior to the application. Applicants claiming training and experience in a foreign country

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shall supply official English language transcripts of all documentation and evidence submitted to the board.

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

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0160 MANAGERS.

In addition to the requirements of part 2105.0140, the applicant shall provide documentation of a current cosmetologist, esthetician, or manicurist license, and at least 2,700 hours of licensed practice, in a licensed salon and supervised by a licensed manager, within the three years prior to this application. An individual wishing to manage a school shall also successfully complete an examination covering Minnesota laws and rules related to schools. The applicant shall pay the processing fee.

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

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0180 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. **License issued.** A license shall be issued to an individual applying from another jurisdiction if the requirements of subpart 2 are met.

Subp. 2. **Compliance with state rules.** The applicant shall demonstrate compliance with parts 2105.0140, item C, and 2105.0150, item B or C. The applicant shall also successfully complete a written examination demonstrating knowledge of Minnesota statutes and rules pertinent to the practice of cosmetology at the level of the license sought. If more than three years have elapsed since the expiration of the applicant's most recent active license, the applicant shall provide evidence of completion of the appropriate refresher course in part 2105.0210, subpart 3, and compliance with part 2105.0140, items B and C.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0190 MAINTAINING INDIVIDUAL LICENSES.

Subpart 1. **Compliance with applicable law.** The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

Subp. 2. **Change of name or address.** The licensee shall advise the board of a change of name or address in writing, including both new and old name and address, within 30 days of the change, and pay the duplicate license fee.

Subp. 3. **Renewal.** The licensee shall renew the license as required by part 2105.0200 prior to its expiration date.

Subp. 4. **Display of license.** The licensee shall post his or her license as required by part 2105.0380, item Y.

Subp. 5. **Additional requirements.** In addition to the requirements of subparts 1 to 4, the manager and owner shall ensure that all salon personnel comply with all applicable statutes and rules, and that the salon is in compliance with all applicable statutes and rules.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0200 LICENSE RENEWAL FOR INDIVIDUALS.

Subpart 1. **Application.** All licenses expire on the last day of the individual's birth month of the year due and each licensee is responsible for renewing his or her license. An individual who does not renew his or her license by the last day of the birth month of the

year in which it is due is considered unlicensed as of the first day of the following month. Failure to receive a notice of renewal from the board does not constitute a valid excuse for not renewing the license.

Subp. 2. **Practical and educational requirements.** The licensee shall establish that his or her knowledge and skills are up to date, by meeting the following requirements no later than the expiration of his or her current license:

A. A cosmetologist, manicurist, esthetician, or manager shall provide documentation of having practiced in a licensed salon, or school for school managers, for at least 1,800 hours at any time within the three years prior to the license expiration, or 400 hours acquired through approximately regular weekly experience within each of the last three years, or successfully completed an approved refresher course, of at least 40 hours, within the three years prior to the license expiration or reactivation.

B. An instructor shall pay the processing fee and shall provide evidence of having successfully completed 45 hours of continuing education approved by the board, within three years before the license expiration or reactivation, including at least 15 hours of teaching-related material and 15 hours related to analysis and use of professional clinical products.

Subp. 3. **Fee.** The licensee shall pay the required license fee before the expiration of the current license.

Subp. 4. **Inactive license.** An applicant who has ceased all practice of cosmetology and who wishes to receive an inactive license shall meet the requirements of subparts 1 and 3. An inactive license shall not authorize any individual to engage in the practice of cosmetology as defined in Minnesota Statutes, section 155A.23, subdivision 3.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 35 SR 801*

2105.0210 PROCEDURE FOR ACTIVATING A LAPSED OR INACTIVE LICENSE.

Subpart 1. **Procedure for lapsed licensee.** If an individual's license has expired, the individual shall be reissued a license after submission of a request for renewal, proof of experience or education as required in part 2105.0200, subpart 2, payment of the license fee, and payment of the processing fee. If more than three years have elapsed, the applicant shall apply for a new license in accordance with subpart 3 and parts 2105.0140 to 2105.0160.

Subp. 2. **Procedure for inactive license.** An individual who has an "inactive" Minnesota license and whose most recent active license has expired by less than three years shall be reissued an active license for the remainder of the licensing period, after completion of an application, evidence of compliance with part 2105.0200, subpart 2, and payment of the processing fee. If more than three years have elapsed since the applicant's most recent active license has expired, an applicant who wishes to resume the practice of cosmetology shall be reissued a license after submission of an application, payment of the license fee, payment of the processing fee, and evidence of completion of the appropriate refresher course in subpart 3.

Subp. 3. **Refresher courses.** Applicants whose most recent active license has expired by more than three years must complete a refresher program of a minimum of 155 hours for a cosmetologist, 60 hours for an esthetician, or 35 hours for a manicurist in a licensed school

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of cosmetology. The documentation provided upon application shall include a certification of skills.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0220 REINSTATEMENT AFTER REVOCATION.

An applicant may apply for relicensure after revocation by meeting the following requirements:

- A. the applicant shall provide documentation of the correction or elimination of the grounds for the revocation;
- B. the applicant shall make application for relicensure, in writing and on forms provided by the board;
- C. the applicant shall pay the reinstatement fee and the license fee;
- D. the salon applicant shall meet the requirements for initial licensure;
- E. the individual applicant shall meet the requirements of part 2105.0140 and the requirements of part 2105.0200, subpart 2, or 2105.0210, subpart 3; and
- F. at least two years have expired from the effective date of the revocation.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0230 TRANSFER OF LICENSE PROHIBITED.

Licenses shall not be transferable and shall be used only by the named licensee.

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

History: *13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

COSMETOLOGY, ESTHETICIAN, AND MANICURE SALONS

2105.0300 SCOPE OF RULES.

The provisions of parts 2105.0300 to 2105.0400 apply to cosmetology, esthetician, and manicure salons. The following are exceptions for estheticians salons: parts 2105.0370, item B; and 2105.0380, items A, B, C, G, L, Q, and S. The following are exceptions for manicure salons: part 2105.0380, items A, B, C, G, L, Q, and S.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0310 SALON LICENSURE.

Subpart 1. **All salon licenses.** The requirements of parts 2105.0300, 2105.0310, 2105.0360, 2105.0370, and 2105.0400 shall be met by all applicants proposing to establish a salon. Upon compliance, the board will issue a provisional license which will enable the salon to open for business. The salon's compliance with this chapter and Minnesota Statutes, chapter 155, shall be confirmed by an operational inspection by the board. A permanent license for the balance of the three-year license cycle shall be issued upon confirmation of the salon's compliance.

Subp. 2. **Application.** The person, association, firm, or corporation proposing to establish a cosmetology, esthetician, or manicure salon shall apply in writing to the board, on forms supplied by the board, giving the following information:

A. the name of the salon, its address, and names, addresses, and telephone numbers of all owners of sole proprietorships or partnerships and controlling officers of corporations;

B. notarized signatures of the owners of sole proprietorships or partnerships and the controlling officers of corporations;

C. the days of the week and the hours which the salon will be open;

D. evidence of the salon's compliance with local zoning requirements, local building codes and ordinances, and the rules of the Minnesota Department of Health and the State Fire Marshal if no local fire codes exist; and

E. a floor plan of the salon, drawn to scale on 8-1/2 inches x 11 inches or 8-1/2 inches x 14 inches paper, providing the dimensions of the salon as a whole and designating the size and location of all entrances and exits, and indicating the location and dimensions of all required areas, facilities, and equipment.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 1993 c 204 s 28; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0320 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The licensee shall renew the license before its expiration date.

C. The licensee shall display the required documents.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0330 SALON LICENSE RENEWAL.

Subpart 1. **Requirements.** The requirements of subparts 2 to 4 shall be met in order to renew a license.

Subp. 2. **Request for renewal.** All licenses expire on the last day of the month of initial licensure of the year due and each licensee is responsible for renewing his or her license. A salon license that is not renewed by the last day of the month of initial licensure of the year due is considered unlicensed as of the first day of the following month. Not receiving a notice of renewal from the board does not constitute a valid excuse for not renewing the license.

Subp. 3. **Fee.** The licensee shall pay the required license fee before the expiration of the current license.

Subp. 4. **Identity of owner.** The licensee shall state the name, address, and telephone number of the salon owner on the renewal application.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 1993 c 204 s 28; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 35 SR 801*

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2105.0340 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee. If more than 30 days have elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

Statutory Authority: *MS s 45.023; 154.45; 155A.05; 155A.26*

History: *13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0350 SALON REQUIREMENTS.

Subpart 1. **Location.** No cosmetology service shall be provided in a place other than a licensed cosmetology salon, esthetician salon, manicurist salon, cosmetology school, or as otherwise provided by this chapter.

Subp. 2. **License.** No salon shall operate without a license.

Subp. 3. **Employment of unlicensed persons.** No salon shall employ or allow unlicensed persons to perform any cosmetology service.

Subp. 4. **Termination of license.** A salon license is not permanently transferable and terminates after occurrence of a change of either ownership or location. Upon change of either salon ownership or location, the salon's owner will have 60 days to apply for and receive a new salon license in accordance with part 2105.0310.

Subp. 5. **Change of name.** The salon owner shall inform the board in writing, within 60 days, of a name change, including old and new name, and pay the processing fee. A license will be issued in the new name for the remaining term of the old license. The old license shall be returned to the board upon receipt of the license in the new name.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0360 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be at least 120 square feet of work space exclusive of any restroom, reception, or supply area for a one-practitioner cosmetology salon, 110 square feet of work space for a one-practitioner esthetician salon, and 100 square feet of work space for a one-practitioner manicure salon.

B. There shall be at least 50 additional square feet of work space for each additional licensee simultaneously on duty in a cosmetology salon or an esthetician salon, and at least 35 additional square feet of work space of each additional licensee simultaneously on duty in a manicure salon.

C. The supply area shall not be accessible to the public.

Subp. 2. **Entrance and exit.** Entrances and exits shall comply with local building codes and ordinances.

Subp. 3. **Walls and ceilings.** All walls and ceilings shall be kept clean and in good repair at all times, free from crevices, cracks, or holes which could collect dirt.

Subp. 4. **Floors.** All floors shall be kept clean and free from hair and other debris at all times and shall be in good repair, free from crevices, cracks, holes, or tears which could collect dirt or hair.

Carpet shall not be an acceptable floor covering unless it is commercial grade carpet.

Subp. 5. **Lighting and electricity.** Each salon shall provide direct lighting to all work areas. Light fixtures shall be clean and dust-free.

There shall be at least one electrical outlet in each work station.

Subp. 6. **Plumbing; water supply.** There shall be clean, hot, and sanitary running water provided in the work area, dispensary area, and toilet facilities.

Each salon shall provide toilet facilities, on its premises or in an adjacent common area, which are not used for any unrelated purpose such as storage or as a dispensary. The toilet facilities shall be clean and sanitary and shall contain, at a minimum, a commode, lavatory, soap dispenser, single-service sanitary towels, and a waste basket. The door shall be kept closed at all times.

Subp. 7. **Ventilation.** Salon ventilation shall comply with local building codes and ordinances.

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

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0370 FIXTURES, FURNITURE, AND EQUIPMENT.

A salon shall meet the following minimum requirements:

A. There shall be a separate work station with chair, storage space, and mirror for each licensee on duty.

B. All shampoos must be given in a shampoo bowl that has plumbing that includes hot and cold water.

C. All furniture in the service area shall have a washable covering or finish and shall at all times be kept clean and in good repair.

D. There shall be a waste receptacle at each work station. This receptacle shall be emptied at least daily. It shall be lined with a disposable plastic bag or liner, or washed daily.

There shall be at least one container which shall be used exclusively as a receptacle for soiled towels and linen. It shall be kept closed at all times. It must comply with local fire codes. If there are no applicable local fire codes, the State Fire Code applies.

There shall be at least one large covered container for disposal of garbage. This container shall be emptied at intervals necessary to maintain cleanliness. The container shall be lined with a disposable plastic bag or liner, or be washed daily. It must comply with local fire codes and must be kept closed at all times. If there are no applicable local fire codes, the State Fire Code applies.

E. There shall be storage cabinets or containers for all clean linen and towels. They shall be equipped with tight fitting closable doors or covers, which shall be kept closed.

F. There shall be storage space for all supplies. Supplies which contain any caustic or other harmful material shall be conspicuously labeled and kept inaccessible to clients.

G. Each salon shall maintain readily accessible first aid supplies.

H. Each salon shall have at least one readily accessible fire extinguisher that complies with State Fire Code requirements. All employees shall be instructed in the location and use of the fire extinguisher.

I. A current copy of Minnesota Statutes and rules pertaining to the regulation of the practice of cosmetology shall be centrally located and made available to all salon personnel.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0380 OPERATIONAL REQUIREMENTS FOR SALONS.

It is the responsibility of the manager and owner of the salon and of each operator to comply with the following operational requirements:

A. Each licensee shall maintain an adequate supply of clean and disinfected brushes, combs, and other implements and tools for use on patrons.

B. Before each use, all scissors, razors, clipper blades, tweezers, cutting tools, reusable esthetic and manicure instruments, combs, brushes, and brush rollers shall be cleaned and disinfected. Hair and debris shall be removed from all instruments and items, and all instruments and items shall be washed in hot water with soap or detergent and rinsed thoroughly before disinfecting. Manicure and esthetic instruments or items made of wood or other porous material must not be reused, and must be discarded after each use.

C. Rollers, pins, clippies, hairnets, and all other instruments and items not specifically listed in any other provision of this part, shall be cleaned thoroughly and disinfected at a minimum of once per week.

D. Clean linens and protective papers shall be used for each person. A towel or protective paper shall be placed on the head rest of the facial chair before any person reclines in that chair. A towel or protective paper shall be placed between the client's head and the shampoo bowl during shampooing.

E. All fluids, semifluids, creams, and powders shall be kept in clean covered containers and shall be dispensed with a clean disinfected spatula or from a shaker or pump or spray dispenser. Spatulas made of nonabsorbent material may be disinfected and reused; wooden spatulas shall be discarded after each use. Gauze or cotton applicators shall be discarded after each use. Waving fluids shall be dispensed from suitable containers, in a manner which prevents contamination of unused fluid. All containers shall be covered when not in use.

F. All bottles and containers shall be correctly and clearly labeled to disclose their contents. Poisonous substances shall be clearly and conspicuously marked.

G. Permanent waving end papers and neck strips shall not be reused. All permanent wave rods and supplies shall be washed thoroughly after use on each client and shall be stored in clean, closed containers or covered by a clean towel when not in use.

H. All electrical tools and implements shall be kept on stands or hangers or otherwise be stored properly when not in use. One six-foot grounded extension cord may be used in a work station if necessary to service a client with an implement actually in use. The extension cord shall not extend beyond the area of the work station.

I. All clean towels, robes, and linen shall be stored in a clean, closed cabinet until used. The cabinet shall be made of a solid, completely closed material. Disinfected capes, aprons, and robes may be hung in an area of the salon that is not within five feet of any work station or customer servicing area for purposes of drying, and must be stored according to this part immediately after drying.

J. Each towel, robe, apron, cape, and linen used to cover or protect customers shall be used only once and then be properly laundered or disinfected according to this part. After use and until laundering or disinfecting, each item shall be placed in a container which complies with local fire codes or the state Fire Code where no local fire codes exist. All soiled towels and linens shall be laundered commercially, or in washing machines with laundry detergent using water of a temperature of at least 160 degrees Fahrenheit. As an alternative to laundering, aprons and capes made of solid, nonwoven plastic may be disinfected on all sides with a disinfectant.

K. All disinfected and laundered items shall be stored in a clean, closed container, drawer, or cabinet, or under a clean cover until reused. Any disinfectant used to fulfill the requirements of this part must be registered with the United States Environmental Protection Agency as a tuberculocidal agent and used according to the manufacturer's instructions.

L. Wig blocks shall have a nonabsorbent covering which shall be kept clean and sanitary. Each nonabsorbent covering shall be removed after each servicing of the wig and shall be placed in a properly labeled container. Each wig accepted for service shall be stored in an individual sanitary receptacle such as a plastic bag and shall not be allowed to come into contact with any other wigs. New wigs shall not be allowed to come into contact with any client's hair, skin, or wig. Plastic wrap or other suitable covering material shall be placed over a prospective buyer's hair while trying on wigs.

M. Each licensee on duty shall be assigned to a specific work station.

N. The licensee shall wash his or her hands with soap and hot water before any service to a new patron. Fingernails shall be kept clean.

O. Each licensee shall be responsible for the order, cleanliness, and sanitation of his or her work station and all equipment and materials used.

P. Each licensee shall be responsible for using only clean and properly disinfected implements when providing any service.

Q. Each licensee shall ensure that all hair is removed from the floor after each haircut.

R. Each licensee shall clean up any spills of water or other liquid from the floor immediately.

S. Each licensee shall remove all hair and rinse the shampoo bowl immediately after each use.

T. Each licensee shall be clean and shall wear clean clothing and shoes.

U. Each licensee shall be free from communicable diseases and parasites when performing services on any client.

V. Licensees shall not smoke, eat, or drink while performing any services.

W. Licensees shall not carry combs or other implements in the pockets of clothing.

X. Services shall not knowingly be performed on any person who has a communicable disease, condition, or parasites.

Y. Current licenses of salon personnel shall be conspicuously posted in the reception area or in each licensee's assigned work station. The licensee's street address may be obliterated with tape, but name and town must remain unobstructed. If the license is at the reception area, the licensee's name shall be posted at the work station. The salon manager and owner are responsible for assuring that all licenses are current and renewed. All licensees must have a valid picture state or governmental identification in their possession when working in the salon, and must produce this identification for inspection when requested by the board staff.

Z. The current shop license shall be conspicuously posted in the reception area.

AA. No animals, birds, or pets shall be allowed in a salon. This prohibition does not apply to guide dogs.

BB. If a salon receives compensation for child care services, the following requirements shall be met:

(1) The unregulated service shall be identified in compliance with parts 2105.0100 and 2110.0100.

(2) The child care activities shall be contained in a room separated from the salon. The square footage of this room shall not be included in the required minimum square footage for the salon.

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(3) An individual shall be hired to attend the children at all times and shall not simultaneously be responsible for the performance of any cosmetology services.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 20 SR 227; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0390 SALON SUPERVISION.

A. The owner and the designated manager appointed in writing by the owner are responsible for the salon at all times.

B. Only one person shall be designated as a manager for each salon. No manager may be concurrently responsible for more than one salon unless the salons are under the same ownership and all located in the same complex which is designated as an assisted-living care facility. When the manager is not on duty, the manager may specify a responsible person in the manager's absence. The responsible person shall be licensed as a manager, and licensed as a cosmetologist in a cosmetology salon, esthetician salon, or manicurist salon; a licensed esthetician in an esthetician salon; or a licensed manicurist in a manicure salon.

C. The manager, owner, and responsible person shall ensure that all licensees under his or her supervision comply with all provisions of this chapter and Minnesota Statutes, chapter 154.

D. The manager, owner, and responsible person shall ensure that no unlicensed individual provides any cosmetology service in the salon.

E. The manager and owner shall maintain, on the salon premises, the work time records of each employee, as required by Minnesota Statutes, section 177.30. Time records shall be provided upon written request to the licensee or to the board.

F. The manager, owner, and responsible person shall ensure that all equipment is operational and maintained in proper working condition, that adequate supplies are in stock at all times, and that sanitation and safety requirements are met.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0400 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. **Additional requirements.** In addition to the requirements of parts 2105.0360 to 2105.0390, the requirements contained in subparts 2 to 6 shall be met.

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon is clearly identified as a beauty salon by a conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. **Esthetician and manicure services.** Esthetician services shall not be offered in a manicurist salon. Manicurist services shall not be offered in a licensed esthetician salon.

Subp. 4. **Licensed health care facilities.** Licensed health care facilities:

A. It is not necessary for a licensed health care facility to have a licensed salon in order for nursing and patient care personnel or volunteers to wash, set, or trim residents' hair.

B. Licensed operators with certificates of identification may provide cosmetology services to residents.

C. If the licensed health care facility chooses to have a licensed salon on the premises, all the requirements for a salon shall be met.

Subp. 5. **Salons in private residences.** Salons may be established in private residences, if the following conditions are met:

- A. The salon shall not be used for any residential purposes at any time.
- B. The salon shall be completely separated from the residential areas. There shall be a permanent, solid partition, from floor to ceiling, between the salon and the residential areas. Any door in this partition shall be kept closed at all times.
- C. All cosmetology services offered by the salon shall be available within the salon.
- D. Laundry tubs shall not be used as shampoo bowls.
- E. If the primary residential toilet facilities are used for salon clients, they must comply with the standards in part 2105.0360, subpart 6.

Subp. 6. **Independent contractor.** A cosmetologist, esthetician, or manicurist, licensed by the state of Minnesota may lease work space from a licensed salon for use as an independent business if the following conditions are met:

- A. the lessee shall have a current Minnesota manager's license;
- B. the leased work space shall be at least 50 square feet for a cosmetologist or esthetician and 35 square feet for a manicurist;
- C. the lessee shall have professional liability insurance in the amount required for salon licenses. It is acceptable for the salon owner's professional liability policy to provide coverage to the lessee;
- D. the lessee shall comply with all requirements of this chapter regarding the operation of the leased space as if the space were a salon; and
- E. the owner and/or manager of the salon from whom the space is leased must confirm that the lessee is in compliance with the requirements of this subpart prior to entering into the lease and at all times during its term.

Statutory Authority: *MS s 45.023; 154.45; 155A.05; 155A.26; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0450 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the board, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

- A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;
- B. provide documentation to the board of at least 2,700 hours of lawful practice in Minnesota;
- C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and
- D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a homebound individual, and that the licensee is representing a licensed salon as an employee or independent contractor when providing these services.

Subp. 2. **Retention.** The certificate shall remain with the salon at all times except when work is actually being performed outside the shop. It is the owner's responsibility to ensure that use conforms to the restrictions of subpart 1, item D.

Subp. 3. **Health and safety procedures.** The licensee shall observe all sanitary, disinfecting, and safety procedures.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

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2105.0510 INTOXICANTS AND CONTROLLED SUBSTANCES.

No licensee shall perform cosmetology services while consuming or under the influence of an intoxicant or controlled substance.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0600 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Board of Cosmetologist Examiners when required.

Statutory Authority: *MS s 45.023; 154.45; 155A.05; 155A.26*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0610 CREDIT TOWARDS ANOTHER LICENSE.

A licensed esthetician or manicurist who received his or her training within the last five years may receive the following credit for that training toward another license:

- A. esthetician training = 550 hours credit toward cosmetologist license;
- B. manicurist training = 300 hours credit toward a cosmetologist license;
- C. manicurist training = 200 hours credit toward an esthetician license;
- D. esthetician training = 100 hours credit toward a manicurist license.

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

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

2105.0650 PENALTIES.

The board may take action as authorized under Minnesota Statutes, chapter 45, against any licensee who has violated any law, rule, or order entrusted to the board.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

WAIVERS

2105.0820 REQUEST FOR WAIVER.

A written request for waiver of specific rule requirements may be granted by the board in cases of hardship or medical necessity.

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

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*