

CHAPTER 2644
DEPARTMENT OF COMMERCE
COSMETOLOGY; SCHOOLS

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UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS

2644.0010 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. **Accommodate or to be accommodated.** "Accommodate" or "to be accommodated" means the maximum number of students present on the school premises at any one time and for which the school has the required physical and program resources. In most cases this will be the maximum number of day student enrollees.

Subp. 3. **Advanced training.** "Advanced training" means instruction conducted by a recognized expert in the field, offered to licensed individuals for the purpose of providing information or skills supplemental to that required for initial licensure.

Subp. 4. **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. 5. **Application of artificial nails.** "Application of artificial nails" includes the application, construction, and repair of sculptured nails, of nail tips, and nail wrapping.

Subp. 6. **Beauty coloring product.** "Beauty coloring product" means foundation color, skin tints, eye color, mascara, eye liner, eyebrow color, and lip color.

Subp. 7. **Clean.** "Clean" means free from all soil and dirt, washed with soap or detergent and hot water.

Subp. 8. **Clinic.** "Clinic" means the portion of a cosmetology school where cosmetology services are offered to the public and which are performed by students and for which compensation is given.

Subp. 9. **Communicable disease.** “Communicable disease” means a contagious or infectious disease or condition.

Subp. 10. **Community education.** “Community education” means a program of personal grooming, taught by a licensed cosmetologist, manicurist, or esthetician of less than ten hours duration, offered on a periodic basis.

Subp. 11. **Compensation.** “Compensation” means a monetary or nonmonetary remuneration for services.

Subp. 12. **Demonstration.** “Demonstration” means a presentation of less than eight hours duration, conducted by a recognized expert in the field, for the purposes of training cosmetology students or specialization by current licensees. The same demonstration may be repeated successive times that total more than eight hours. Demonstrations pursuant to nonretail sales are exempt from this chapter.

Subp. 12a. **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. 13. **Documentation.** “Documentation” means a signed, notarized statement attesting the truth of the facts stated in it.

Subp. 14. **Evidence.** “Evidence” means written proof.

Subp. 15. **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. 16. **Licensed services.** “Licensed services” means those services defined as the practice of cosmetology under Minnesota Statutes, section 155A.03, subdivision 2 and includes the fitting of wigs and hair pieces on the head and the dressing of wigs and hair pieces while on the head.

Subp. 17. **Department.** “Department” means the Department of Commerce.

Subp. 18. [Repealed, 22 SR 594]

Subp. 19. **Staff.** “Staff” means the personnel of the Department of Commerce.

Subp. 20. **Unregulated service.** “Unregulated service” means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.03, subdivision 2 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; and massage services.

Subp. 21. [Repealed, 22 SR 594]

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

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*

2644.0100 UNREGULATED SERVICES.

Subpart 1. **Disclosure.** All services not licensed as the practice of cosmetology offered within a 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 (school name) are not regulated by the state of Minnesota:

 _____”

Subp. 2. **Disclosure of courses.** Each school shall clearly identify those courses and clinical experiences in its curriculum which are not required by the department and which pertain to services not licensed by the state. These courses shall be clearly identified in all recruitment advertising and written material used for the purposes of soliciting prospective students.

Nonrequired courses and unregulated services shall be conspicuously identified in all written material, in type of the same size as the course or service name.

Instructional time and clinical experience in unregulated services shall not be included in the minimum hours of schooling required for licensure.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0110 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 Department of Commerce other than to state that the school is licensed by the department.

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

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

E. A school advertisement of cosmetology services shall clearly and conspicuously state that all services are performed by students, in boldface type of the same size as the most-used type size in the ad.

F. No school may advertise that its students will earn a commission, salary, or pay of any kind, other than gratuities, on cosmetology services performed in the school clinic.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

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*

2644.0120 INSPECTIONS.

Subpart 1. [Repealed, 22 SR 594]

Subp. 2. **Violations.** All violations cited by department staff shall be corrected within ten business days, and written notification of the correction shall be sent to the department within that time.

Subp. 3. **Business hours and location.** Each school owner shall provide the department with an accurate schedule of the hours that the school is open for business.

Subp. 4. **Inspection requirements.** Each cosmetology school shall be subject to inspection at any time the commissioner deems it necessary to affirm compliance.

Subp. 5. **Results.** Inspectors may discuss the results of the inspection at its conclusion, in private, with the school owner, manager, or a responsible person so designated in writing by the manager. A written report shall also be given or sent to the school.

Subp. 6. **Report availability notice.** A five-inch by seven-inch notice shall be posted in the reception area stating in boldface letters: "THIS SCHOOL 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; 155A.05; 155A.08; 155A.09*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594*

2644.0130 EXAMINATION ADMINISTRATION.

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

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

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

A. The department 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 commissioner 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 commissioner prior to application for the examination.

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

History: *10 SR 474; 11 SR 389; 13 SR 1056*

2644.0140 INSTRUCTORS.

Subpart 1. **Full instructors.** In addition to the requirements of part 2642.0140, the applicant shall pay a processing fee and shall successfully complete a practical examination demonstrating teaching skills and techniques as related to the instruction of cosmetology practices and provide documentation of:

A. successful graduation from a licensed school of cosmetology;

B. successful completion of at least 38 hours of training in a program or programs approved by the department and which will provide the knowledge and skills necessary to instruct in the field of cosmetology;

C. a current cosmetologist, manicurist, or esthetician license; and

D. at least 1,400 hours of experience as a licensed cosmetologist, manicurist, or esthetician in a licensed salon, supervised by a licensed manager, within the three years prior to this application.

Subp. 2. **Manicurist and esthetician instructors.** Individuals whose practitioner license is as manicurist or esthetician shall be restricted to instruction in the area of their practitioner license only.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474; 11 SR 389; 13 SR 1056*

2644.0150 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. [Repealed, 22 SR 594]

Subp. 2. [Repealed, 22 SR 594]

Subp. 3. [Repealed, 22 SR 594]

Subp. 4. **Specific requirements for instructor.** In addition to the requirements of part 2642.0210, an applicant for an instructor's license shall provide evidence of 38 hours of training comparable to the requirement of part 2644.0140, subpart 1, item B, and 1,400 hours of licensed or lawful practice as a cosmetologist, manicurist, or esthetician in a salon within the three years prior to application.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594*

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2644.0160 [Repealed, 22 SR 594]**2644.0170** [Repealed, 22 SR 594]**2644.0180** [Repealed, 22 SR 594]**2644.0190 REINSTATEMENT AFTER REVOCATION.**

A school 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 department;

C. the applicant shall pay the reinstatement fee and the license fee;

D. the applicant shall meet the requirements for initial licensure;

E. the applicant shall meet all of the requirements of parts 2644.0300 to 2644.0820; and

F. at least two years have expired from the effective date of the revocation.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594*

2644.0200 TRANSFER OF LICENSE PROHIBITED.

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

Statutory Authority: *MS s 155A.05*

History: *13 SR 1056*

SCHOOLS AND STUDENTS**2644.0300 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.**

Subpart 1. **Scope.** All individual licenses in effect on April 1, 1983, shall continue to be valid under the following circumstances.

Subp. 2. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2642.0200, subpart 2, item B.

Subp. 3. **Variations.** The commissioner may grant a variance from physical requirements to schools not otherwise exempted by this chapter upon receipt of documentation demonstrating an existing physical limitation or economic hardship in excess of reasonably anticipated costs of meeting the requirement.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0310 SCHOOL LICENSURE.

Subpart 1. **Application contents.** The person, association, firm, or corporation proposing to establish a cosmetology school shall make written application to the department, on forms supplied by the department, giving the following information:

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

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

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

D. evidence of the school's compliance with local zoning requirements and the rules of the Minnesota Department of Health, local building codes, fire codes, and ordinances;

E. the name of the licensed manager who will be employed by the school, including that individual's license number and expiration date;

F. a roster of all instructors, including license number, designation of employment status (full-time or part-time) and days of the week and hours scheduled for instruction;

G. a diagram of the school 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 school as a whole and designating the size and location of all entrances and exits, and the location and dimensions of all required areas and facilities;

H. a complete inventory of facilities and equipment supportive of instructional and clinical operations, as required by these rules;

I. a designation of the licenses for which instruction will be offered;

J. a detailed outline of the courses of training to be offered, designating the preclinical and clinical curriculum, text materials, and the clinical plan designed for each license category;

K. the maximum possible number of enrollees the school will be able to accommodate;

L. copies of all financial aid and refund policies;

M. copies of all student rules and disciplinary policies;

N. a copy of the standard enrollment contract;

O. copies of all written material used to solicit prospective students, including but not limited to tuition, refund, and fee schedules, catalogs, brochures, and all recruitment advertisements; and

P. a current balance sheet, income statement, or evidence of sufficient financial worth to conduct a school and to meet its financial obligations.

Subp. 2. [Repealed, L 1993 c 204 s 28]

Subp. 3. [Repealed, L 1993 c 204 s 28]

Subp. 4. [Repealed, L 1993 c 204 s 28]

Subp. 5. **Payment of fee.** The applicant shall pay the school license and school application fees.

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

History: *11 SR 389; 13 SR 1056; L 1993 c 204 s 28*

2644.0320 MAINTAINING A SCHOOL LICENSE.

Subpart 1. **Display of documents.** Each school license and all personnel licenses shall be conspicuously displayed in the school or school clinic reception area at approximately eye level.

Subp. 2. **Notification of changes.** Each school shall notify the department within 30 days of the effective date, unless otherwise indicated below, and in writing, of all alterations, additions, and deletions in the information contained in its original license application, and supply current information, including but not limited to:

A. changes in managerial or instructional staff including additions and terminations, or changes in employment status (full-time, part-time, or number of hours worked). The school shall notify the department of all such changes within ten days of the effective date of the change;

B. changes in the education services or course of training offered, the curriculum, text materials, or clinical experience plan;

C. remodeling or significant alteration of the physical plant in which the school is housed.

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Subp. 3. **Retention of ad copies.** The school shall maintain copies of all advertisements for clinic services for three years. They shall be provided to the department at its request.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0330 SCHOOL LICENSE RENEWAL.

All of the following requirements shall be met in order to renew a license:

A. The licensee shall be responsible for requesting renewal of his or her school license, in writing, before that license expires. This may be accomplished on the license renewal notice form provided by the department. However, if this renewal notice is not received, it is still the licensee's responsibility to properly renew the school license.

B. The licensee shall provide evidence of continued professional liability insurance coverage in the required amount.

C. The licensee shall provide evidence of continued compliance with Minnesota Statutes, section 176.182.

D. The licensee shall provide a current and complete roster of manager and instructional staff, including license number and expiration date, employment status, and days and hours scheduled to work.

E. The licensee shall pay the required license fee, before the expiration of the current license.

F. The postmark date on the transmittal envelope of the renewal request and fee shall be determinative in ascertaining whether receipt was prior to the current license expiration date.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0340 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. 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.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license is a violation of the law and no student training provided during that period will be recognized by the department.

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

History: *11 SR 389; 13 SR 1056*

2644.0350 [Repealed, 22 SR 594]

2644.0360 DUPLICATE LICENSE.

A duplicate school license will be issued only upon the loss or destruction of the initial license. The licensee shall submit to the department an affidavit indicating why a duplicate license is required, and submit the required fee.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0370 BASIC REQUIREMENTS FOR SCHOOLS.

Subpart 1. **Location.** No cosmetology instruction shall be given in any place other than a licensed school of cosmetology or as otherwise provided in this chapter.

Subp. 2. **License.** No cosmetology school shall be permitted to operate without a license.

Subp. 3. **Employment of licensed instructors.** No cosmetology school shall employ an instructor who does not hold a current Minnesota cosmetology instructor license. A school may use guest instructors who do not hold a cosmetology license to provide supplemental information to students from related fields, such as medicine, public relations, or law. Guest instruction and extracurricular educational activities shall constitute no more than three percent of the hours of the total course of study.

Subp. 4. **Termination.** A school license is nontransferable and shall terminate upon the occurrence of either of the following:

A. a change of ownership of the school. The new owner shall apply for a new school license in the same manner as if no license had been previously issued, at least 30 days before the effective date of the change; or

B. a change of location. An application for a new license shall be made in the same manner as if no license had been previously issued.

Subp. 5. **Change of name.** The school owner or manager shall inform the department, in writing, of a name change within 60 days of the effective date of the change and pay the school name change fee. A license will be issued in the new name for the unexpired term of the old license, which shall be returned to the department upon receipt of the license in the new name.

Subp. 6. **Separation of school from salon.** Separation of school from salon:

A. Any cosmetology salon owned or operated by a school owner shall be operated as a separate and distinct business.

B. There shall be complete physical separation between the salon and school.

C. Salon and school shall have separate managers.

D. There shall be separate and clearly identified and differentiated entrances and telephone numbers for salon and school.

E. Salon employees shall not teach in the school unless they are licensed instructors included on the school staff roster.

F. No customer work may be done by an instructor in the salon during instructional hours stated on the school roster.

G. Each facility shall maintain the stock of supplies necessary for its operation.

Subp. 7. **Exclusive use.** No school, or portion thereof, shall be used for any residential purposes.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0380 FACILITIES REQUIREMENTS FOR LICENSURE.

In addition to the requirements of parts 2644.0310 and 2644.0370, the requirements contained in parts 2642.0510, 2642.0600, 2642.0610, and 2644.0390 to 2644.0600 shall be met by the school before a license will be issued. Compliance with these requirements shall be confirmed by an inspection by the department. The license shall be issued after a satisfactory initial inspection.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0390 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

Subp. 2. **Entrances and exits.** Entrances and exits must comply with the requirements of applicable local building codes and ordinances.

Subp. 3. **Electrical requirements.** Each classroom shall be clearly lit and shall have at least two electrical outlets. Use of extension cords shall not be an acceptable means of meeting this requirement.

Subp. 4. **Toilet facilities.** Each school shall provide adequate toilet facilities on its premises or in an adjacent common area for the use of students, staff, and customers. Separate restroom facilities must be provided for women and men.

Subp. 5. **Additional.** In addition, each school shall meet the physical requirements for salons contained in parts 2642.0360, subparts 3 to 7.

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

History: *11 SR 389; 13 SR 1056*

2644.0400 FIXTURES, FURNITURE, EQUIPMENT.

A school shall meet the following minimum requirements:

A. There shall be one work station with chair, storage, and mirror for each student assigned to the clinic floor.

B. There shall be at least one standard or hand-held blow hair dryer, clean, in good repair, and operational, for each six work stations.

C. There shall be at least one facial chair, clean and in good repair, for each ten enrollees. This may be a work station chair with a reclining back and attachable headrest.

D. There shall be at least one manicure table, clean and in good repair, for each ten enrollees.

E. There shall be at least one heat cap.

F. There shall be skin care machines or models or diagrams sufficiently detailed to allow instruction in their use and operation.

G. There shall be at least one adult-size desk/table and chair in the classroom area for each enrollee to be accommodated.

H. There shall be at least one time clock or other reliable method of recording time to be used by the students when checking in and out of school.

I. There shall be at least one shampoo bowl in good repair and operational for each six work stations. All shampoos must be given in a shampoo bowl that has plumbing that includes hot and cold water.

J. In addition, each school shall meet the fixture, furniture, and supply requirements for salons as designated in part 2642.0370, items B to G.

K. There shall be locker space available for students requesting it.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0410 SUPPLIES AND MATERIALS.

Subpart 1. **Basic supplies.** Basic supplies:

A. The school shall supply each student with a beginning professional kit, containing the implements and the majority of equipment required for the course of training for which the student has enrolled. The cost shall be clearly indicated to the student prior to enrollment, even if it is included in the basic tuition fee.

B. The school shall provide the student with all supplies and materials necessary to perform all clinical services and classroom exercises.

C. The school shall supply at least one mannequin with hair for each cosmetology enrollee, and one mannequin without hair for each esthetician enrollee.

Subp. 2. **Towels and linens.** There shall be one dozen towels per enrollee maintained in good repair and available to students.

Subp. 3. **Instructional materials.** The school shall supply each enrollee with a copy of all textbooks to be used in the course of training, and copies of all other necessary instructional materials, including a copy of this chapter and Minnesota Statutes, chapter 155A. Workbooks associated with the textbooks shall become the property of the student. The cost of these materials shall be clearly indicated to the student prior to enrollment, unless it is included in the tuition fee.

Subp. 4. **Instructional aids.** The school shall have instructional aids to provide the required instruction to all enrollees. There shall be at least one bulletin board, located in the student lounge, which shall contain, but not be limited to, all communications addressed to the students from the department and copies of the student rules and disciplinary policies. There shall be at least one blackboard in each classroom.

Subp. 5. **Reference materials.** Reference materials shall be centrally located and made available to all students, including:

A. an American language dictionary;

B. charts for basic anatomy (hair, skin, and nails);

C. trade magazines and publications;

D. a current copy of Minnesota Statutes and rules pertaining to the regulation of the practice of cosmetology; and

E. copies of other related statutes and rules.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0420 ADVANCED TRAINING AND DEMONSTRATIONS.

It is permissible to offer instruction in cosmetology in a place other than a licensed school of cosmetology in the following situations:

A. an advanced training class or demonstration, if no clinic services are offered to the public incidental to the training or demonstration;

B. community education classes, as defined in part 2644.0010.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0430 INTOXICANTS AND CONTROLLED SUBSTANCES.

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

Statutory Authority: *MS s 155A.05*

History: *13 SR 1056*

SCHOOL CURRICULA

2644.0500 CURRICULUM APPROVAL AND CONTENT.

Each cosmetology school shall have a curriculum approved by the department to provide instruction, divided into daily lesson plans. The curriculum shall include theory and practical application of skills, including the instruction set forth in parts 2642.0600 and 2644.0510 to 2644.0540.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0510 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. The first 240 hours shall be preclinical instruction in the sciences of anatomy, dermatology, trichology, manicuring, and chemistry as related to cosmetology; electricity and light; sanitation; safety procedures related to the practice of cosmetology; and Minnesota Statutes and rules which pertain to the regulation of the practice of cosmetology; and elementary service skills.

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of 1,130 hours and instruction in related theory and sciences of 420 hours.

D. There shall be planned clinical instruction and experience in the applied sciences. Each student shall be required to complete the following minimum number of clinical exercises in column II. Clinical exercises may be performed upon customers in the school clinic, fellow students, models, or mannequins in the classroom.

	Column I Hours	Column II Service Exercises
(1) shampooing	50	300
(2) scalp and hair conditioning	80	150
(3) hair design shaping	150	75
(4) chemical hair control (including 6 chemical relaxing exercises)	200	60
(5) hair coloring	100	50
(6) hair styling	200	300
(7) facials and makeup	200	60
(8) manicures (including 10 applications of artificial nails, of which 3 are sculptured on the nail)	150	50
skill hours	1130	
related theory and lecture	420	
total	1550	

E. Documentation of the student's completion of the required quotas in each category in item D shall be sent to the department with the documentation of successful completion of the entire course of training.

F. There shall be instruction in business practices and in the Minnesota laws regulating those practices and labor relations.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0520 ESTHETICIAN TRAINING.

A. Esthetician training consists of a course of training of at least 600 hours.

B. The first 120 hours shall be preclinical instruction in the sciences of anatomy, dermatology, and chemistry as related to skin care; electricity and light; sanitation; safety procedures related to the practice of skin care; and Minnesota

Statutes and rules which pertain to the regulation of the practice of skin care; and elementary service skills.

C. There shall be instruction in applied science and skills in the cleaning, conditioning, shaping, reinforcing, coloring, and enhancing of the skin quality through the use of facials and makeup.

D. There shall be planned clinical instruction and experience of 200 hours in the applied sciences.

(1) Each student shall be required to complete at least 60 facials or makeup applications.

(2) Documentation of the student's completion of the required facials or makeup applications shall be sent to the department with the documentation of successful completion of the entire course of training.

E. The requirements of part 2644.0510, item F shall be complied with.

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

History: *11 SR 389; 13 SR 1056*

2644.0530 MANICURIST TRAINING.

A. Manicurist training consists of a course of training of at least 350 hours.

B. The first 50 hours shall be preclinical instruction in the sciences of anatomy, dermatology, and chemistry as related to manicuring; electricity and lights; sanitation; safety procedures related to the practice of manicuring; and Minnesota Statutes and rules which pertain to the practice of manicuring; and elementary service skills.

C. There shall be instruction on applied science and skills in the cleaning, conditioning, shaping, reinforcing, coloring, and enhancing of nails and in the application and repair of artificial nails.

D. There shall be planned clinical instruction and experience of 150 hours in applied sciences and skills.

(1) Each student shall be required to complete at least 50 manicures, including at least ten applications of artificial nails, of which three are sculptured applications on the nail.

(2) The documentation of the student's completion of the required manicures shall be sent to the department with documentation of successful completion of the course of training.

E. The requirements of part 2644.0510, item F shall be complied with.

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

History: *11 SR 389; 13 SR 1056*

2644.0540 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 Department of Commerce when required.

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

History: *11 SR 389; 13 SR 1056*

2644.0550 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 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0560 ADDITIONAL LICENSES.

A licensed esthetician or a licensed manicurist who returns to school for an additional license shall not perform any clinical services in the area for which he or she is already licensed.

Statutory Authority: *MS s 155A.05*

History: *13 SR 1056*

OPERATIONAL REQUIREMENTS FOR SCHOOLS**2644.0600 RESPONSIBILITY.**

It shall be the responsibility of the school owner and manager to ensure compliance with the requirements of parts 2644.0610 to 2644.0730.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *13 SR 1056; 22 SR 594*

2644.0610 IDENTIFICATION.

Each school shall be identified as either a school of cosmetology, beauty school, beauty academy, beauty training center, or any other designation whereby the public may be able to distinguish it from a salon. Identification shall consist of signs conspicuously placed on the front of the school and in the reception area of the school clinic. Each school shall also have a sign conspicuously posted in its clinic reception area stating, "Beauty School. All work performed by students." in letters at least two and one-half inches in height.

Statutory Authority: *MS s 155A.05*

History: *13 SR 1056*

2644.0620 MANAGER.

A. There shall be a manager responsible for each school at all times. No manager may concurrently be responsible for more than one school. When the manager is not on duty, he or she shall specify a responsible person on the premises. The responsible person shall be an instructor licensed in accordance with this chapter.

B. The manager shall ensure that all personnel and students under his or her supervision comply with this chapter.

C. The manager shall ensure that no unlicensed instructor conducts any class, demonstration, or any other educational experience within the school except as allowed by this chapter and Minnesota Statutes, chapter 155A.

D. The manager shall ensure that all equipment required by this chapter is clean and maintained in proper working condition, that proper supplies are in stock at all times, and that safety, sanitation, and operational requirements are met by the school.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0630 INSTRUCTORS.

A. There shall be at least two licensed instructors on the school premises during the time students are present; and each school shall have a minimum ratio of one instructor for each 1 to 20 students to be accommodated; and all students shall be under the supervision of an instructor at all times when in a classroom, clinic, or other area in which they are performing cosmetology services.

(1) A school may operate for 30 days per year with an unlicensed substitute for one of the licensed instructors, if the school manager is on the school premises and available to supervise the substitute, and if there is at least one licensed instructor, available and responsible for the direct supervision of the unlicensed substitute.

(2) The school shall notify the department in writing within ten days of each occurrence of failure to meet the required instructor quota.

B. If a school is not in compliance with item A, students will be notified by the department that it will not accept hours accrued during the period of noncompliance.

C. Instructors shall devote the entire time scheduled to training and shall have no additional noninstructional duties or responsibilities.

D. All instructors shall wear identification badges at all times while providing training, stating their name and "Instructor." These badges shall be at least two inches by one inch and shall be color-coded white or gold.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0640 ENROLLMENT CONTRACTS.

The student or his or her parent or guardian shall receive a fully executed copy of the contract at the time he or she signs the contract. The contract shall state the starting date of schooling. A notice stating that the licensing examination is given only in English shall accompany the contract copy provided to the student, parent, or guardian.

The school and a student who has enrolled for training because he or she failed the state examination and reciprocity applicants shall enter into a contract which specifies the precise nature of theory and clinical experience to be covered during the training course.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0650 REFUND POLICY.

Subpart 1. **Written policy.** Each school shall have a definite, written policy relating to the refund of tuition and fees when students terminate training. The policy shall at minimum provide for the following:

A. a complete refund of all moneys paid if the school rejects the applicant, or if the applicant cancels the enrollment contract, in writing or in person, within three business days of the date upon which the contract was signed by both the student and agent of the school and prior to entering classes. The enrollment contract shall include a provision headed by the title in boldface ten-point type "Notice of Cancellation", which instructs the student as to what steps he or she must take to cancel the contract;

B. a refund of all moneys paid except a registration or enrollment processing fee up to 15 percent of the contract price if the applicant cancels the enrollment contract more than three business days after conclusion of the contract but prior to entering classes;

C. if a student has entered classes the following minimum tuition refunds shall be made:

Percentage of Total Program Represented by the Hours of Training Completed	Maximum Amount of Total Tuition School Shall Receive or Retain
0 to 4.9 percent	20 percent
5 to 9.9 percent	30 percent
10 to 14.9 percent	40 percent
15 to 24.9 percent	45 percent
25 to 49.9 percent	70 percent
Over 50 percent	100 percent

Subp. 2. **Formula.** Fees for the student kit, textbooks, and workbook may be deducted before application of the percentages in refund computations, if these fees are included in the tuition and if these items become the property of the student.

Statutory Authority: *MS s 155A.05*

History: *13 SR 1056*

2644.0660 STUDENT REGULATIONS.

Student regulations shall be in writing and a copy shall be given to all students. A copy and any changes shall be posted on the bulletin board in the student lounge. The rules may include a reasonable dress code. All rule changes shall be discussed with the student body at least ten days prior to the effective date and each student shall be given a copy of any changes.

Statutory Authority: *MS s 155A.05*

History: *13 SR 1056*

2644.0670 STUDENT RECORDS.

Student records shall be maintained as follows:

A. All records relating to students shall be maintained and up-to-date, in a secure and orderly fashion and shall be kept on the school premises. All student records shall be legible and shall be available for inspection by a representative of the department during normal business hours of the school or by mail upon the written request of the department.

B. The school shall maintain complete, accurate, and detailed records of all payments from and financial transactions with students, showing the date, amount, and source of income or disbursement.

C. The school shall maintain daily and monthly records of student hours, work progress, examination assessments, and daily clinical experience records for each student enrolled.

D. All student records shall be maintained by the school, or a custodian if the school ceases operation, for at least five years from the date of the student's termination or completion of training; or a transcript of the course work of each student may be kept, the transcript to contain the student's name, the date student enrolled, the date of termination of enrollment and the circumstances of termination, the total number of hours completed, and the school owner or manager's notarized signature verifying the contents of the transcript. When requested by a student or former student, copies must be provided at the cost of duplication.

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

(2) certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to

perform any service or portion thereof in the school clinic on a client until this certification has been completed;

(3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student a written progress evaluation assessing the student's progress towards successful fulfillment of the license requirements;

(4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations;

(5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2644.0510, item D, 2644.0520, item D, subitem (1), and 2644.0530, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form acceptable to the department;

(6) a certification shall be written and maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0680 CERTIFICATION OF STUDENT HOURS.

Certification of student hours shall be as follows:

A. All student hours shall be recorded, on a daily and a monthly basis.

B. The daily record of hours shall list the number of hours earned by each student and the nature of training received, designating all clinical experiences; shall be signed by the instructor who provided or supervised the training; shall be signed by the student; and shall be based on the hours actually recorded on the student's timecard.

Each student shall register on the timeclock at the beginning and end of each school day and at the beginning and end of lunch breaks. Timecards which are improperly punched or inadvertently altered, or contain any error may be corrected and that correction initialed by the student, the school manager, and the appropriate instructor.

Original timecards shall be deemed to be the property of the school. A student, within ten days of a request, is entitled to receive copies of his or her timecards from the school. The school may not withhold copies of his or her timecards after a proper request has been made.

C. Each school shall complete and maintain a monthly report for each student, summarizing the hours completed for that month, and signed by the school owner or manager. A copy of the report shall be given to the student within five days of the end of each month.

D. No school or student shall alter the content or the number of hours completed by a student unless because of error and signed by both parties.

E. Students shall receive credit only for hours spent in training for licensed cosmetology services.

F. No student shall receive credit for more than eight hours of training per calendar day.

G. Each student must be given a morning and afternoon break and at least one-half hour for lunch, or one hour for lunch and no breaks.

H. It shall be made clear to the students in materials designed to elicit their enrollment and at the time of enrollment, the circumstances under which Saturday and evening training will be held.

Statutory Authority: *MS s 155A.05*

History: *13 SR 1056*

2644.0690 STUDENTS TO SUCCESSFULLY COMPLETE EXAMINATION WITHIN REQUIRED TIME.

A license applicant must pass the examination and be licensed within a period of not more than three years from the date of successful completion of the required training. A student who does not meet this requirement will be required to complete a reactivation course or complete the required training in addition to the skills certification, whichever is greater, before making application for examination.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0700 TRANSFER STUDENTS.

When a student has paid or made arrangement to pay all applicable tuition fees to a school, that school shall certify a student's hours to another school within ten days of the student's written request. The former school may charge a nominal fee for providing this certification and transfer of hours.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0710 FULL COURSE OF INSTRUCTION.

No student shall be enrolled in a school for less than a full course of instruction of not less than 1,550 hours for cosmetologist, 600 hours for esthetician, or 350 hours for a manicurist, except that a licensed individual or a previously licensed individual requesting a refresher course, an applicant who has failed the state examination and requests additional training, a transfer student, a student who has enrolled only to learn unregulated services, and reciprocity applicants who require additional schooling may be enrolled for these purposes.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0720 DISPLAY OF LICENSES.

Current licenses of all school personnel shall be conspicuously posted in the reception area.

The school's current license shall be conspicuously posted.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*

2644.0730 PREENROLLMENT DISCLOSURES.

The following information shall be given to prospective students along with any materials designed to solicit their enrollment: minimum requirements for licensing in the fields in which the school offers instruction, tuition and all fees, the enrollment contract, refund policy, and student regulations. Prior to enrollment, written materials regarding refund policies must be discussed with and acknowledged as being understood by anyone enrolling in a cosmetology school. All written materials used to solicit prospective students shall comply with part 2644.0110. Copies of all solicitation

materials shall be retained by the school for a period of five years from the last date of use.

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *11 SR 389; 13 SR 1056; 22 SR 594*

2644.0740 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2642.0380, items A to M, S, T, and W. In addition:

A. No new school shall offer clinical services until the minimum preclinical hours required for students has been met.

B. No school shall be allowed to operate a student clinic at any location other than the school.

C. There shall be conspicuously displayed in the reception area of the school and its clinic a sign stating, "All services performed by students," in type at least 2-1/2 inches in height.

D. Instructors shall perform no cosmetology services on any client in the school clinic except to the extent necessary to demonstrate or instruct students. The student shall be physically present, observing the instruction or demonstration and shall participate in the learning experience by actual performance of the complete service.

E. No student shall perform clinic services until he or she has successfully completed the required hours of preclinical training.

F. All services performed by students shall be supervised by instructors and shall be checked before, during, and after performance.

G. All students shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. Each student shall wash his or her hands with soap and hot water before providing any service, and each instructor shall similarly wash his or her hands before demonstrating any service or portion thereof on a client.

I. Instructors shall ensure that students and instructors maintain the clinic work area in the same manner and degree as is required for salon cleanliness under part 2642.0380, item O.

J. Instructors shall ensure that all students working in the school clinic and all instructors observe the same personal hygiene and safety requirements as those imposed on salon practitioners in part 2642.0380, item P.

K. Cosmetology services shall not knowingly be performed in a school clinic on any person who has a communicable disease or parasite.

L. It shall be permissible for the school to charge clients for services performed by students to the extent necessary to cover the cost of supplies and materials used, and expenses incurred in and for the operation of the school. These prices shall be conspicuously posted in the clinic reception area.

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

History: *11 SR 389; 13 SR 1056*

2644.0750 PENALTIES.

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

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: *22 SR 594*

2644.0800 [Repealed, L 1993 c 204 s 28]

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WAIVERS

2644.0820 REQUEST FOR WAIVER.

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

Statutory Authority: *MS s 155A.05*

History: *11 SR 389; 13 SR 1056*