

CHAPTER 2640
DEPARTMENT OF COMMERCE
BOARD OF COSMETOLOGY

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2640.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 2640.0100 to 2640.9200, the terms defined in this part have the meanings given them, unless their context clearly requires otherwise.

Subp. 2. **Accommodate.** "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. **Booth license.** A "booth license" is an authorization to lease and independently operate a work station in a licensed salon.

Subp. 8. **Clean.** "Clean" means free from all soil and dirt, washed with soap or detergent and hot water.

Subp. 9. **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. 10. **Communicable disease.** "Communicable disease" means a contagious or infectious disease or condition.

Subp. 11. **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. 12. **Compensation.** "Compensation" means a monetary or nonmonetary remuneration for services.

Subp. 13. **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 these rules.

Subp. 14. **Documentation.** "Documentation" means a signed, notarized statement attesting the truth of the facts stated in it.

Subp. 15. **Evidence.** "Evidence" means written proof.

Subp. 16. **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. 17. **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. 18. **Department.** "Department" means the Department of Commerce.

Subp. 19. **Retail sale.** "Retail sale" means a sale directly to unlicensed individuals.

Subp. 20. **Staff.** "Staff" means the personnel of the Department of Commerce.

Subp. 21. **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. 22. **Wet disinfectant.** "Wet disinfectant" means a receptacle containing a disinfectant solution.

Statutory Authority: *MS s 155A.05*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 10 SR 474; 11 SR 389*

UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS**2640.0500 UNREGULATED SERVICES.**

Subpart 1. **Disclosure.** 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 two inches high and shall state: "Unregulated services. The following services offered by (salon or 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 155A.05*

History: *11 SR 389*

2640.0600 ADVERTISING.

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

A. It is a violation of chapter 2640 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 salon or school is licensed by the department.

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

D. No salon or 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 155A.05*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 10 SR 474*

2640.0700 INSPECTIONS.

Subpart 1. **Department staff to conduct.** Salons and schools shall be inspected by the department staff. Advance notice of inspections shall not be given.

Subp. 2. **Grading.** Inspectors shall grade items "S" for compliance with Minnesota Statutes, chapter 155A and these rules and "U" for noncompliance.

All items graded "U" shall be corrected within ten business days, and written notification of the correction shall be sent to the department within that time.

Failure to correct a noncompliance item may be grounds for suspension or revocation of the salon or school license, and of the individual license of the manager and the cosmetologist, manicurist, esthetician, or instructor involved.

Subp. 3. Business hours and location. Each salon owner shall provide the department 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. 4. Cost and frequency of inspections. Each cosmetology salon and school shall be inspected annually. Additional inspections may be made as necessary to confirm correction of previous noncompliance. The cost of the annual inspection shall be included in the licensing fee. The cost of additional inspections to confirm correction of previous noncompliance shall be assessed to the school or salon.

Subp. 5. Results. Inspectors shall discuss the results of the inspection at its conclusion, in private, with the salon or 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 manager.

Subp. 6. Posting reports. The most recent inspection report shall be posted in the dispensary area. A five inch by seven inch notice shall be posted in the reception area stating in boldface letters: "THIS (SALON OR 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 155A.05*

History: *10 SR 474; 11 SR 389*

2640.1100 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 his or her own 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 and shall be required to sign a waiver releasing the department, the examiners, the host school, and the examinee of all professional liability. 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 155A.05*

History: *10 SR 474; 11 SR 389*

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2640.1200 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 2640.1300, items B and C, and 2640.1600 shall also pay the processing fee.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474*

2640.1300 COSMETOLOGISTS, MANICURISTS, AND ESTHETICIANS.

In addition to the requirements of part 2640.1200, 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 shall supply official English language transcripts of all documentation and evidence submitted to the department.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474; 11 SR 389*

2640.1400 MANAGERS.

In addition to the requirements of part 2640.1200, 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 155A.05*

History: *11 SR 389*

2640.1500 INSTRUCTORS.

Subpart 1. **Full instructors.** In addition to the requirements of part 2640.1200, 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*

2640.1600 REACTIVATION OF LICENSE.

An individual who has an "inactive" Minnesota license and/or whose most recent active license has expired by more than three years who wishes to resume the practice of cosmetology shall document completion of 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 of cosmetology. The documentation shall include a certification of skills.

Statutory Authority: *MS s 155A.05*

2640.1700 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 subparts 2 to 4 are met.

Subp. 2. **Compliance with state rules.** The applicant shall demonstrate compliance with part 2640.1200, items A and C, and shall 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.

Subp. 3. **Evidence of experience.** The applicant shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. **Specific requirements for instructor.** An applicant for an instructor's license shall provide evidence of 38 hours of training comparable to the requirement of part 2640.1500, 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 155A.05*

History: *10 SR 474; 11 SR 389*

2640.1800 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 department 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.

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Subp. 3. **Renewal.** The licensee shall renew the license as required by part 2640.1900 prior to its expiration date.

Subp. 4. **Display of license.** The licensee shall post his or her license as required by part 2640.3900, item Y.

Subp. 5. **Additional requirements for manager.** In addition to the requirements of subparts 1 to 4, the manager shall ensure that all salon or school personnel comply with all applicable statutes and rules, and that the salon or school which he or she manages is in compliance with all applicable statutes and rules.

Subp. 6. **Additional requirements for instructor.** In addition to the requirements of subparts 1 to 4, the instructor shall carry out the curriculum of the school, as approved by the department, preparing students for licensure under the laws of Minnesota.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474; 11 SR 389*

2640.1900 LICENSE RENEWAL FOR INDIVIDUALS.

Subpart 1. **Application.** All licenses expire on December 31 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 December 31 of the year in which it is due is considered unlicensed as of January 1. A postmark of December 31 constitutes timely renewal. Failure to receive a notice of renewal from the department 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 1800 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.

B. An instructor shall pay the processing fee and shall provide evidence of having successfully completed 45 hours of continuing education approved by the department, 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. [Repealed, 10 SR 474]

Subp. 5. **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.03, subdivision 2.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474; 11 SR 389*

2640.2000 PROCEDURE FOR ACTIVATING A LAPSED 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 2640.1900, 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 parts 2640.1200 to 2640.1600.

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Subp. 2. **Penalty.** The manager of a salon or school shall pay a penalty of \$25 for each individual practicing in the salon or school who was not properly licensed at the time he or she was hired.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474; 11 SR 389*

2640.2100 REINSTATEMENT AFTER DENIAL, SUSPENSION, OR REVOCATION.

An applicant shall have a license reinstated for the remainder of its unexpired term or shall be relicensed in the following circumstances:

A. after suspension of license, by meeting the following requirements:

(1) the applicant shall provide documentation of the correction or elimination of the grounds for the suspension;

(2) the applicant shall make application for reinstatement of license, in writing and on forms supplied by the department;

(3) the applicant shall pay the reinstatement fee;

(4) if the suspended license has expired by no more than 30 days, an individual applicant shall comply with part 2640.1900, subparts 2 and 3; a salon shall comply with part 2640.3400; and a school shall comply with part 2640.5400;

B. after revocation or if the suspended license has expired, reinstatement will be accomplished by meeting the following requirements:

(1) the applicant shall provide documentation of the correction or elimination of the grounds for the revocation;

(2) the applicant shall make application for relicensure, in writing and on forms provided by the department;

(3) the applicant shall pay the reinstatement fee and the license fee;

(4) the salon or school applicant shall meet the requirements for initial licensure; and

(5) the individual applicant shall meet the requirements of part 2640.1200, items A to C and, if applicable, part 2640.1600, and the renewal requirements of part 2640.1900, subpart 2.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474; 11 SR 389*

2640.2200 TRANSFER OF LICENSE PROHIBITED.

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

Statutory Authority: *MS s 155A.05*

2640.3100 SCOPE OF RULES.

The provisions of parts 2640.3100 to 2640.4100 apply to cosmetology, esthetician, and manicure salons. The following are exceptions for estheticians salons: parts 2640.3800, items B and C; and 2640.3900, items A, B, C, G, L, Q, and S. The following are exceptions for manicure salons: parts 2640.3700, subpart 5, item B; 2640.3800, items B and C; and 2640.3900, items A, B, C, G, L, Q, and S.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.3200 SALON LICENSURE.

Subpart 1. **All salon licenses.** The requirements of parts 2640.3100, 2640.3200, 2640.3700, 2640.3800, and 2640.4100 shall be met by all applicants proposing

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to establish a salon. Upon compliance, the department will issue a provisional license which will enable the salon to open for business. The salon's compliance with all applicable provisions of Minnesota Statutes, chapter 155A and these rules shall be confirmed by an operational inspection by the department. 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 department, on forms supplied by the department, giving the following information:

A. the name of the salon, its address, and 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 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 Marshall if no local fire codes exist;

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

F. 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.

Subp. 3. Evidence of liability insurance. The applicant shall provide evidence of the salon's coverage by professional liability insurance, of at least \$25,000 for each claim and \$50,000 total coverage for each policy year for each operator.

Subp. 4. Evidence of workers' compensation insurance. If applicable, the applicant shall provide evidence of his or her compliance with Minnesota Statutes, section 176.182.

Subp. 5. Payment of fee. The applicant shall pay the license and processing fees.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474; 11 SR 389*

2640.3300 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 manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within 30 days of the change.

C. The licensee shall renew the license prior to its expiration date.

D. The licensee shall display the required documents.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.3400 SALON LICENSE RENEWAL.

Subpart 1. Requirements. The requirements of subparts 2 to 7 shall be met in order to renew a license.

Subp. 2. Request for renewal. All licenses expire on December 31 of the year

due and each licensee is responsible for renewing his or her license. A salon license that is not renewed by December 31 of the year due is considered unlicensed as of January 1. A postmark of December 31 constitutes timely renewal. Not receiving a notice of renewal from the department does not constitute a valid excuse for not renewing the license.

Subp. 3. **Liability insurance coverage.** The licensee shall provide evidence of continued professional liability insurance coverage in the required amount.

Subp. 4. **Workers' compensation insurance coverage.** If applicable, the licensee shall provide evidence of continued compliance with Minnesota Statutes, section 176.182.

Subp. 5. **Fee.** The licensee shall pay the required license fee before the expiration of the current license.

Subp. 6. [Repealed, 10 SR 474]

Subp. 7. **Identity of manager.** The licensee shall state the name of the salon manager and the number and expiration date of his or her license on the renewal application.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474; 11 SR 389*

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license prior to 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 application for renewal of license, the license fee, and the required late penalty. 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 155A.05*

2640.3600 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 these rules.

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 designated manager will have 60 days to apply for and receive a new salon license in accordance with part 2640.3200.

Subp. 5. **Change of name.** The salon manager or owner shall inform the department 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 department upon receipt of the license in the new name.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474; 11 SR 389*

2640.3700 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

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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 155A.05*

History: *10 SR 474; 11 SR 389*

2640.3800 FIXTURES, FURNITURE, AND EQUIPMENT.

A salon shall meet the following minimum requirements:

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

B. There shall be at least one shampoo bowl in good repair and operational for each six work stations.

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

D. There shall be at least one wet disinfecter large enough to completely immerse all items to be disinfected.

E. 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.

F. 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.

G. There shall be storage cabinets for all clean linen and towels. They shall be equipped with tight-fitting closable doors, which shall be kept closed.

H. 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.

I. Each salon shall maintain a readily accessible first aid kit.

J. 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.

K. Emergency telephone numbers shall be posted next to the telephone at the reception desk.

Statutory Authority: *MS s 155A.05*

History: *10 SR 474*

2640.3900 OPERATIONAL REQUIREMENTS FOR SALONS.

It is the responsibility of the manager 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 his or her patrons. The licensee shall have at least 12 combs and 12 brushes.

B. All combs and brushes and brush rollers shall be cleaned and disinfected after use on each person. Hair shall be removed from all implements before disinfecting.

C. Rollers, pins, clippies, hairnets, shears, razors, and all other hairdressing tools shall be cleaned thoroughly and disinfected at a minimum of once per week. These items shall be stored in a clean, closed container or be covered with a clean towel until reused.

D. Clean linens and protective papers shall be used for each person. A clean towel shall be placed on the head rest of the facial chair before any person reclines in that chair. A clean towel shall be placed between the client's head and the shampoo bowl during shampooing. A paper strip or clean towel shall be placed completely around the neck of each client before any apron or hair cloth or any other protective covering is fastened around the neck.

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.

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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.

J. Each towel, robe, and linen shall be used only once and then be properly laundered. After use and until laundering, 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 in washing machines with laundry detergent, in water of a temperature of at least 160 degrees Fahrenheit. Commercial laundering is acceptable.

K. The procedures contained in subitems (1) to (7) shall be used to disinfect items:

(1) All hair shall be removed before disinfection.

(2) Each item shall be washed in hot water with soap or detergent and rinsed thoroughly with hot water.

(3) Each item shall be immersed for at least ten minutes in a disinfectant solution comprised of the following: sodium hypochlorite (200 ppm of available chlorine); or iodophor germicidal detergent (200 ppm of available iodine); or quaternary ammonium germicidal detergent solution (1,600 ppm); or 70 to 95 percent ethyl or isopropyl alcohol.

(4) Metal implements and tools shall be disinfected by immersion in a solution of 70 to 95 percent ethyl or isopropyl alcohol. As an alternative to immersion, electric clippers may be treated by spraying them with a commercial spray containing active ingredients of not less than 0.25 percent o-phenyl phenol, 11 percent isopropyl alcohol, and 88.75 percent inert ingredients.

(5) Items to be air dried shall not be rinsed after disinfection.

(6) Each item shall be stored until used in a clean, closed container, drawer, or cabinet, or under a clean towel.

(7) Used items and disinfected items shall not be stored in the same container, drawer, or cabinet.

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.

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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 is responsible for assuring that all licenses are current and renewed.

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 part 2640.0500.

(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.

(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 155A.05*

History: *10 SR 474; 11 SR 389*

2640.4000 SALON SUPERVISION.

A. There shall be a manager responsible for each 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. When the manager is not on duty, he or she may specify a responsible person in his or her absence. The responsible person shall be a licensed 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 shall ensure that all licensees under his or her supervision comply with all provisions of these rules and Minnesota Statutes, chapter 155A.

D. The manager shall ensure that no unlicensed individual provides any cosmetology service in the salon.

E. The manager 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 department.

F. The manager shall ensure that all equipment required by these rules 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 155A.05*

History: *11 SR 389*

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2640.4100 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. **Additional requirements.** In addition to the requirements of parts 2640.3700 to 2640.4000, the requirements contained in subparts 2 to 7 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 occupies a physically separate area comprised of continuous footage, and 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. [Repealed, 10 SR 474]

Subp. 5. **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. 6. **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 2640.3700, subpart 6.

Subp. 7. **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 155A.05*

History: *10 SR 474; 11 SR 389*

SCHOOLS AND STUDENTS

2640.5100 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. [Repealed, 11 SR 389]

Subp. 3. **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 2640.1900.

Subp. 4. [Repealed, 11 SR 389]

Subp. 5. [Repealed, 11 SR 389]

Subp. 6. **Salons and booths, temporary exemptions.** Salons and booths licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. Part 2640.3700, subparts 1, 2, and 4, item B until replacement;

B. Part 2640.3800, item B;

C. Part 2640.4100, subpart 2, continuous footage provision only; subpart 6, item B, permanent solid partition requirement only, and item E; subpart 7, item B, square footage requirement and lease provision requirements until expiration of current lease.

Subp. 7. [Repealed, 11 SR 389]

Subp. 8. **Interpreters.** Foreign language students whose enrollment registration is on file in the department on April 1, 1983, may use an interpreter at the examinations, provided that they have first demonstrated to the department that they have a sufficient grasp of the English language to read, comprehend, and follow chemical product labels and instructions.

Subp. 9. [Repealed, 11 SR 389]

Subp. 10. **Variances.** The commissioner may grant a variance from physical requirements to schools not otherwise exempted by this rule 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 155A.05*

History: *11 SR 389*

NOTE: Part 2640.5100, subparts 6 and 8 are repealed effective January 1, 1988. See the notice of adoption published on September 1, 1986, at 11 State Register, page 389.

2640.5200 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

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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. Evidence of liability insurance coverage. The applicant shall provide evidence of the school's coverage by professional liability insurance, of at least \$25,000 per incident and an accumulation of \$150,000 for each premium year.

Subp. 3. Evidence of workers' compensation insurance. The applicant shall provide evidence of the school's compliance with Minnesota Statutes, section 176.182.

Subp. 4. Surety bond. The applicant shall file with the commissioner a continuous corporate surety bond in the amount of \$10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed \$10,000. The surety of the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

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

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.5300 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:

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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.

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*

2640.5400 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. All unsatisfactory inspections report items shall be corrected before a license will be renewed.

E. 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.

F. The licensee shall have filed with the commissioner a surety bond as required by part 2640.5200, subpart 4.

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

H. 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 155A.05*

History: *11 SR 389*

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license prior to 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 application 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 shall be a violation of the law and no student training provided during that period will be recognized by the department.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

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2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the department, 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 department of at least 2700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology 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 home-bound individual.

Subp. 2. **Retention.** The certificate shall remain with the salon manager at all times except when work is actually being performed outside the shop. It is the manager'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 and safety procedures as far as reasonably possible.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.5700 DUPLICATE LICENSE.

A duplicate 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 155A.05*

History: *11 SR 389*

2640.5800 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 these rules.

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.

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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 155A.05*

History: *11 SR 389*

2640.5900 FACILITIES REQUIREMENTS FOR LICENSURE.

In addition to the requirements of parts 2640.5200 and 2640.5800, the requirements contained in parts 2640.6000 to 2640.7500 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 155A.05*

History: *11 SR 389*

2640.6000 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 department space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space inaccessible 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.

E. There shall be an instructors' lounge separate from the student lounge.

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 2640.3700, subparts 3 to 7.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.6100 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 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. In addition, each school shall meet the fixture, furniture, and supply requirements for salons as designated in part 2640.3800, items B and D to K.

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

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.6200 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 manikin with hair for each cosmetology enrollee, and one manikin 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 Minnesota Statutes, chapter 155A and these rules. 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);

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- C. trade magazines and publications;
- D. a 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 155A.05*

History: *11 SR 389*

2640.6300 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 2640.0100.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.6400 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*

SCHOOL CURRICULA

2640.6600 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 2640.6700 to 2640.7000.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.6700 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 approximate 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 approximately 1,130 hours and instruction in related theory and sciences of approximately 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 manikins in the classroom.

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	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 155A.05*

History: *11 SR 389*

2640.6800 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 approximately 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 2640.6700, item F shall be complied with.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.6900 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

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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 approximately 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 2640.6700, item F shall be complied with.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.7000 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. Sponsors of a proposed course shall apply for department approval at least ten business days prior to the course date. The course sponsor shall pay the processing fee. 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 155A.05*

History: *11 SR 389*

2640.7100 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*

2640.7200 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*

OPERATIONAL REQUIREMENTS FOR SCHOOLS

2640.7500 RESPONSIBILITY.

It shall be the responsibility of the school owner and manager to ensure compliance with the requirements of parts 2640.7600 to 2640.8800.

Statutory Authority: *MS s 155A.05*

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2640.7600 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*

2640.7700 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 nor for a school and a salon. 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 these rules.

B. The manager shall ensure that all personnel and students under his or her supervision comply with all provisions of these rules.

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 Minnesota Statutes, chapter 155A and these rules.

D. The manager shall ensure that all equipment required by these rules 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 155A.05*

History: *11 SR 389*

2640.7800 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*

2640.7900 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*

2640.8000 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*

2640.8100 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*

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

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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) evidence on a standardized form, from a physician, stating that the student is free from communicable diseases or parasites. This certification shall accompany the student registration;

(3) 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;

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

(5) 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. This certification must be received by the department before the student will be scheduled for the written examinations;

(6) 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 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

(7) 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

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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 155A.05*

History: *11 SR 389*

2640.8300 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*

2640.8400 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*

2640.8500 TRANSFER STUDENTS.

When a student has paid or made arrangement to pay all applicable tuition

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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*

2640.8600 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*

2640.8700 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*

2640.8800 PRE-ENROLLMENT 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 2640.0600. 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 155A.05*

History: *11 SR 389*

2640.8900 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 2640.3900, items A to L. 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 and instructors 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 2640.3900, 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 2640.3900, 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 155A.05*

History: *11 SR 389*

FEEES

2640.9100 FEE ADJUSTMENTS, LICENSING.

Subpart 1. **Refunds.** Refunds shall be given in the following situations: overpayment; death or permanent disability before license effective date; or an individual's ineligibility for licensure. Applicants determined ineligible to receive a license will be refunded the license fee minus any processing fee this chapter requires.

Subp. 2. **Other licenses.** A licensee who applies for licensing in a second category shall pay the full license fee for the second category of license.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. Three-year license fees:

- (1) Cosmetologist, manicurist, esthetician, \$30;
- (2) Instructor, manager, \$45;
- (3) Salon, \$50;
- (4) School, \$750.

B. Penalties:

- (1) Reinspection fee, variable;
- (2) Manager with lapsed practitioner, \$25.

C. Administrative fees:

- (1) Duplicate license (includes individual name or address change),

\$5;

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(2) Certificate of identification, \$20;

(3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals), \$15;

(4) School original application, \$150.

Statutory Authority: *MS s 155A.05*

History: *11 SR 389*

2640.9400 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*