

2105.0010 DEFINITIONS.

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

Subp. 1a. **Active license.** "Active license" means a current license that has not expired and is not retired.

Subp. 1b. **Advanced exfoliation.** "Advanced exfoliation" means a cosmetic procedure removing epidermal skin cells through manual, mechanical, or chemical means.

Subp. 1c. **Advanced extraction.** "Advanced extraction" means an extraction performed using lancets or needles.

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

Subp. 2a. **Autoclave.** "Autoclave" means a device registered and listed with the Food and Drug Administration used to sterilize tools, equipment, and supplies by subjecting them to high pressure saturated steam.

Subp. 2b. **Basic exfoliation.** "Basic exfoliation" means the removal of dead skin cells in the stratum corneum layer of the epidermis through manual or chemical means.

Subp. 2c. **Basic extraction.** "Basic extraction" means extractions performed using gloved fingers, cotton swabs, or comedone extractors.

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

Subp. 3a. **Chemical peel.** "Chemical peel" means a chemical exfoliation achieved by applying nonprescription chemical solutions or products.

Subp. 4. **Clean.** "Clean" means free from all soil, dirt, and debris, and washed with soap and water, or a cleaning agent, and rinsed.

Subp. 4a. **Compensation.** "Compensation" means a monetary or nonmonetary remuneration for services.

Subp. 4b. **Disinfect.** "Disinfect" means the use of an antimicrobial pesticide that eliminates harmful bacteria, fungi, and viruses on nonporous surfaces.

Subp. 4c. **Disinfectant.** "Disinfectant" means an antimicrobial pesticide that is registered with the Environmental Protection Agency for use in a hospital setting and is a bactericide, virucide, and fungicide.

Subp. 5. [Repealed, 41 SR 305]

Subp. 6. [Renumbered subp 4a]

Subp. 7. **Dispensary.** "Dispensary" means a physical location or area in a salon or school where products, chemicals, and disinfectants are prepared, measured, mixed, portioned, or disposed of, and where tools and implements are cleaned and disinfected or sterilized.

Subp. 8. [Repealed, 41 SR 305]

Subp. 8a. **Electrical energy treatments.** "Electrical energy treatments" means advanced practice esthetic services for the cosmetic care of the skin that use electrical energy as applied by skin care equipment used on the epidermal layer. Electrical energy treatments use light, direct current, indirect current, or sound energy, but do not include laser as identified in Minnesota Statutes, section 147.081, subdivision 3, as the practice of medicine.

Subp. 9. [Repealed, 41 SR 305]

Subp. 9a. **Extraction.** "Extraction" means the cosmetic technique of removing impactions and comedones from follicles.

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

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

Subp. 10b. **Hair braiding.** "Hair braiding" means a natural form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, and/or hair extensions into a variety of shapes, patterns, and textures (predominantly by hand and/or by simple braiding devices), and maintenance thereof. Hair braiding includes what is commonly known as "African-style hair braiding" or "natural hair care" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles. Hair braiding includes the making of customized wigs from natural hair, natural fibers, synthetic fibers, and/or hair extensions. Hair braiding includes the use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos. Hair braiding does not involve the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair.

Subp. 10c. [Renumbered subp 10a]

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

Subp. 10d. **Hazardous.** "Hazardous" means a hazardous substance or harmful physical agent as defined under part 5206.1500, subpart 6, or any substance defined as hazardous in Code of Federal Regulations, title 29, part 1910.1200.

Subp. 10e. **Homebound.** "Homebound" means an individual lacks the physical or intellectual capacity for independent transportation and is unable to travel independently to a licensed salon.

Subp. 11. **Licensed services.** "Licensed services" means those services defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and includes services provided by cosmetologists, estheticians, nail technicians, advanced practice estheticians, and eyelash technicians. The definition of "cosmetology" in Minnesota Statutes, section 155A.23, subdivision 3, must be construed to not prohibit or regulate hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c.

Subp. 11a. **Lymphatic drainage.** "Lymphatic drainage" means a procedure using a light rhythmic pressure applied by manual or other means to the skin using specific lymphatic manipulations to promote drainage of the lymphatic fluid through the tissue.

Subp. 11b. **Microdermabrasion.** "Microdermabrasion" means a cosmetic procedure using mechanical or manual means of light abrasion on the epidermal layer of the skin.

Subp. 11c. **Mobile structure.** "Mobile structure" means a trailer or other enclosed space towed by a vehicle. A mobile structure does not include a manufactured home as defined in Minnesota Statutes, section 327.31, subdivision 6.

Subp. 11d. **Nursing home.** "Nursing home" means a facility that is licensed under Minnesota Statutes, chapter 144A, and does not include any attached or adjacent facilities that are not licensed as a nursing home under Minnesota Statutes, chapter 144A.

Subp. 11e. **Operator.** "Operator" means a standard license for a practitioner and not a manager license.

Subp. 11f. **Physical location.** "Physical location" means the contiguous space representing each salon that can be accessed by customers without exiting the salon.

Subp. 11g. **Porous material.** "Porous material" means a material that absorbs liquid or allows liquid to penetrate.

Subp. 11h. **Sharps.** "Sharps" means any object, sterile or contaminated, that may purposefully or accidentally cut or penetrate the skin or mucosa including presterilized single-use lancets, dermal blades, and razor blades.

Subp. 11i. **Sharps container.** "Sharps container" means a closed, puncture-resistant, leak-proof container, labeled with the international biohazard symbol, that is used for handling, storage, transportation, and disposal of sharps.

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

Subp. 11k. **Special event.** "Special event" means an event held for any purpose other than the provision of licensed services, where a participant in the event may receive the limited cosmetology services described in part 2105.0410, subpart 2, at a location not in a licensed salon.

Subp. 11l. **Sterilization.** "Sterilization" means the destruction of all microbial life and spores through the use of heat, steam, or chemical sterilants.

Subp. 12. [Repealed, 41 SR 305]

Subp. 12a. **Suite-style salon.** "Suite-style salon" means a business under part 2105.0397 specializing in leasing or renting individual rooms or suites to licensees, where the salon license may be carried by the business or where each suite has its own salon license.

Subp. 13. **Unregulated service.** "Unregulated service" means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and that are exempt from regulation by the board. Unregulated services are ear piercing; body art; body painting; henna tattoos and permanent tattoos; eyebrow embroidery; eyebrow microblading; permanent hair removal; permanent makeup; tanning by UV radiation and spray tanning units; injectables; services for theatrical, television, film, fashion, photography, or media productions or media appearances; mortuary services; massage; body wraps and lymphatic drainage when performed by a massage therapist; the practice of medicine as defined in Minnesota Statutes, section 147.081, subdivision 3; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c; and threading as defined in Minnesota Statutes, section 155A.23, subdivision 13. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 10a to 10c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

Subp. 14. **Work area.** "Work area" means a space where regulated services are provided. A separate work area is created when the service area is partitioned from other salon spaces or work areas by walls at least six feet high and doorways of less than five feet in width.

Statutory Authority: *MS s 14.389; 45.023; 154.22; 154.24; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30; L 2014 c 169 s 4; L 2015 c 77 art 2 s 81; L 2017 1Sp4 art 2 s 64*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; 30 SR 1248; L 2009 c 78 art 6 s 26; 39 SR 393; 41 SR 305; 41 SR 1087; 42 SR 589; 43 SR 347*

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