

1 Department of Commerce

2

3 Adopted Rules Relating to Cosmetology

4

5 Rules as Adopted

6 2640.0100 DEFINITIONS.

7 Subpart 1. to 15. [Unchanged.]

8 Subp. 16. Good repair. "Good repair" means that an item
9 is clean, with no holes, frayed wires, or tears in coverings,
10 and fully operational for the purpose intended.

11 Subp. 17. [Unchanged.]

12 Subp. 18. Office. "Office" means the Department of
13 Commerce.

14 Subp. 19. [Unchanged.]

15 Subp. 20. Staff. "Staff" means the personnel of the
16 Department of Commerce.

17 Subp. 21. and 22. [Unchanged.]

18 2640.0600 ADVERTISING.

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

21 A. It is a violation of chapter 2640 to advertise in
22 any manner that is misleading or inaccurate with respect to any
23 services or policies offered by the licensee.

24 B. No advertisement shall state or imply favorable
25 consideration by the Department of Commerce other than to state
26 that the salon or school is licensed by the department.

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

29 D. to F. [Unchanged.]

30 2640.0700 INSPECTIONS.

31 Subpart 1. to 3. [Unchanged.]

32 Subp. 4. Cost and frequency of inspections. Each
33 cosmetology salon and school shall be inspected annually.
34 Additional inspections may be made as necessary to confirm
35 correction of previous noncompliance. The cost of the annual

1 inspection shall be included in the licensing fee. The cost of
2 additional inspections to confirm correction of previous
3 noncompliance shall be assessed to the school or salon.

4 Subp. 5. and 6. [Unchanged.]

5 2640.1100 EXAMINATION ADMINISTRATION.

6 Subpart 1. to 3. [Unchanged.]

7 Subp. 4. Reexam limit. No passing score on an examination
8 shall be considered valid for more than 12 months.

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

18 2640.1200 APPLICANTS FOR INDIVIDUAL LICENSE.

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

21 A. [Unchanged.]

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

29 C. The applicant shall pay the required examination
30 and license fees. Applicants whose professional training is
31 documented under parts 2640.1300, items B and C, and 2640.1600
32 shall also pay the processing fee.

33 2640.1300 COSMETOLOGISTS, MANICURISTS, AND ESTHETICIANS.

34 In addition to the requirements of part 2640.1200, the
35 applicant shall provide documentation of having obtained the

1 following professional training, within three years prior to
2 this application:

3 A. and B. [Unchanged.]

4 C. current licensure from another state, District of
5 Columbia, territory, or country. A certified statement from the
6 licensing body that the applicant is currently licensed shall be
7 attached to the application. If the other jurisdiction does not
8 issue a license, the applicant shall provide documentation of
9 lawful practice for at least 1,800 hours within three years
10 prior to the application. Applicants claiming training and
11 experience in a foreign country shall supply official English
12 language transcripts of all documentation and evidence submitted
13 to the office.

14 2640.1500 INSTRUCTORS.

15 Subpart 1. Full instructors. In addition to the
16 requirements of part 2640.1200, the applicant shall pay a
17 processing fee and shall successfully complete a practical
18 examination demonstrating teaching skills and techniques as
19 related to the instruction of cosmetology practices and provide
20 documentation of:

21 A. [Unchanged.]

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

26 C. and D. [Unchanged.]

27 Subp. 2. [Unchanged.]

28 2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

29 Subpart 1. [Unchanged.]

30 Subp. 2. Compliance with state rules. The applicant shall
31 demonstrate compliance with part 2640.1200, items A and C, and
32 shall successfully complete a written examination demonstrating
33 knowledge of Minnesota statutes and rules pertinent to the
34 practice of cosmetology at the level of the license sought.

35 Subp. 3. [Unchanged.]

1 Subp. 4. Specific requirements for instructor. An
2 applicant for an instructor's license shall provide evidence of
3 38 hours of training comparable to the requirement of part
4 2640.1500, item B, and 1,800 hours of licensed or lawful
5 practice as a cosmetologist, manicurist, or esthetician in a
6 salon within the three years prior to application.

7 2640.1800 MAINTAINING INDIVIDUAL LICENSES.

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

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

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

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

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

24 Subp. 6. Additional requirements for instructor. In
25 addition to the requirements of subparts 1 to 4, the instructor
26 shall carry out the curriculum of the school, as approved by the
27 office, preparing students for licensure under the laws of
28 Minnesota.

29 2640.1900 LICENSE RENEWAL FOR INDIVIDUALS.

30 Subpart 1. Application. All licenses expire on December
31 31 of the year due and each licensee is responsible for renewing
32 his or her license. An individual who does not renew his or her
33 license by December 31 of the year in which it is due is
34 considered unlicensed as of January 1. A postmark of December
35 31 constitutes timely renewal. Failure to receive a notice of

1 renewal from the office does not constitute a valid excuse for
2 not renewing the license.

3 Subp. 2. and 3. [Unchanged.]

4 Subp. 4. [See repealer.]

5 Subp. 5. Inactive license. An applicant who has ceased
6 all practice of cosmetology and who wishes to receive an
7 inactive license shall meet the requirements of subparts 1 and
8 3. An inactive license shall not authorize any individual to
9 engage in the practice of cosmetology as defined in Minnesota
10 Statutes, section 155A.03, subdivision 2.

11 2640.2000 PROCEDURE FOR ACTIVATING A LAPSED LICENSE.

12 Subpart 1. Procedure for lapsed licensee. If after an
13 individual's license expires, the individual shall be reissued a
14 license after submission of a request for renewal, proof of
15 experience or education as required in part 2640.1900, subpart
16 2, payment of the license fee, and payment of the processing
17 fee. If more than one year has elapsed, the applicant shall
18 apply for a new license in accordance with parts 2640.1200 to
19 2640.1600.

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

24 2640.2100 REINSTATEMENT AFTER DENIAL, SUSPENSION, OR REVOCATION.

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

28 A. [Unchanged.]

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

32 (1) to (4) [Unchanged.]

33 (5) the individual applicant shall meet the
34 requirements of part 2640.1200, items A to C and, if applicable,
35 part 2640.1600, and the renewal requirements of part 2640.1900,

1 subpart 2.

2 2640.3200 SALON LICENSURE.

3 Subpart 1. [Unchanged.]

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

8 A. to C. [Unchanged.]

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

13 E. and F. [Unchanged.]

14 Subp. 3. to 5. [Unchanged.]

15 2640.3400 SALON LICENSE RENEWAL.

16 Subpart 1. [Unchanged.]

17 Subp. 2. **Request for renewal.** All licenses expire on
18 December 31 of the year due and each licensee is responsible for
19 renewing his or her license. A salon license that is not
20 renewed by December 31 of the year due is considered unlicensed
21 as of January 1. A postmark of December 31 constitutes timely
22 renewal. Not receiving a notice of renewal from the office does
23 not constitute a valid excuse for not renewing the license.

24 Subp. 3. to 5. [Unchanged.]

25 Subp. 6. [See repealer.]

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

29 2640.3600 SALON REQUIREMENTS.

30 Subpart 1. to 3. [Unchanged.]

31 Subp. 4. **Termination of license.** A salon license is not
32 permanently transferable and terminates after occurrence of a
33 change of either ownership or location. Upon change of either
34 salon ownership or location, the salon's designated manager will
35 have 60 days to apply for and receive a new salon license in

1 accordance with part 2640.3200.

2 Subp. 5. [Unchanged.]

3 2640.3700 PHYSICAL REQUIREMENTS.

4 Subpart 1. [Unchanged.]

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

7 Subp. 3. [Unchanged.]

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

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

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

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

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

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

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

31 2640.3800 FIXTURES, FURNITURE, AND EQUIPMENT.

32 A salon shall meet the following minimum requirements:

33 A. to C. [Unchanged.]

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

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

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

8 There shall be at least one container which shall be used
9 exclusively as a receptacle for soiled towels and linen. It
10 shall be kept closed at all times. It must comply with local
11 fire codes. If there are no applicable local fire codes, the
12 state fire code applies.

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

20 G. to K. [Unchanged.]

21 2640.3900 OPERATIONAL REQUIREMENTS FOR SALONS.

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

25 A. to I. [Unchanged.]

26 J. Each towel, robe, and linen shall be used only
27 once and then be properly laundered. After use and until
28 laundering, each item shall be placed in a container which
29 complies with local fire codes or the state fire code where no
30 local fire codes exist. All soiled towels and linens shall be
31 laundered in washing machines with laundry detergent, in water
32 of a temperature of at least 160 degrees Fahrenheit. Commercial
33 laundering is acceptable.

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

36 (1) and (2) [Unchanged.]

1 (3) Each item shall be immersed for at least ten
2 minutes in a disinfectant solution comprised of the following:
3 sodium hypochlorite (200 ppm of available chlorine); or iodophor
4 germicidal detergent (200 ppm of available iodine); or
5 quaternary ammonium germicidal detergent solution (200 ppm); or
6 70 to 95 percent ethyl or isopropyl alcohol.

7 (4) Metal implements and tools shall be
8 disinfected by immersion in a solution of 70 to 95 percent ethyl
9 or isopropyl alcohol.

10 (5) to (7) [Unchanged.]

11 L. to X. [Unchanged.]

12 Y. Current licenses of salon personnel shall be
13 conspicuously posted in the reception area or in each licensee's
14 assigned work station. The licensee's street address may be
15 obliterated with tape, but name and town must remain
16 unobstructed. If the license is at the reception area, the
17 licensee's name shall be posted at the work station. The salon
18 manager is responsible for assuring that all licenses are
19 current and renewed.

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

22 AA. and BB. [Unchanged.]

23 2640.4100 SPECIFIC TYPES OF SALON LICENSES.

24 Subpart 1. to 3. [Unchanged.]

25 Subp. 4. [See repealer.]

26 Subp. 5. [Unchanged.]

27 Subp. 6. **Salons in private residences.** Salons may be
28 established in private residences, if the following conditions
29 are met:

30 A. to D. [Unchanged.]

31 E. If the primary residential toilet facilities are
32 used for salon clients, they must comply with the standards in
33 part 2640.3700, subpart 6.

34 Subp. 7. [Unchanged.]

35

36 REPEALER. Minnesota Rules, parts 2640.1900, subpart 4,

1/21/85

[REVISOR] PMM/SA AR0662

1 2640.3400, subpart 6, and 2640.4100, subpart 4 are repealed.