

1 Department of Commerce

2

3 Adopted Permanent Rules Relating to Cosmetology

4

5 Rules as Adopted

6 2640.0100 DEFINITIONS.

7 Subpart 1. [Unchanged.]

8 Subp. 2. **Accommodate or to be accommodated.** "Accommodate"
9 or "to be accommodated" means the maximum number of students
10 present on the school premises at any one time and for which the
11 school has the required physical and program resources. In most
12 cases this will be the maximum number of day student enrollees.

13 Subp. 3. to 6. [Unchanged.]

14 Subp. 7. [See Repealer.]

15 Subp. 8. to 12. [Unchanged.]

16 Subp. 13. **Demonstration.** "Demonstration" means a
17 presentation of less than eight hours duration, conducted by a
18 recognized expert in the field, for the purposes of training
19 cosmetology students or specialization by current licensees.
20 The same demonstration may be repeated successive times that
21 total more than eight hours. Demonstrations pursuant to
22 nonretail sales are exempt from parts 2640.0100 to 2640.9200.

23 Subp. 14. to 22. [Unchanged.]

24 2640.1100 EXAMINATION ADMINISTRATION.

25 Subpart 1. and 2. [Unchanged.]

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

27 A. [Unchanged.]

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

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

34 2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

1 Subpart 1. and 2. [Unchanged.]

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

9 Subp. 4. [Unchanged.]

10 2640.3300 MAINTAINING A SALON LICENSE.

11 The following requirements shall be met by all salons:

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

14 B. The manager shall advise the department of a
15 change in name of the salon in writing, including both new and
16 old name and address, within 60 days of the change.

17 C. The licensee shall renew the license before its
18 expiration date.

19 D. The licensee shall display the required documents.

20 2640.3500 DELINQUENT SALON LICENSES.

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

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

30 2640.4100 SPECIFIC TYPES OF SALON LICENSES.

31 Subpart 1. [Unchanged.]

32 Subp. 2. **Beauty salon and barber shop.** A beauty salon and
33 a barber shop may be operated in the same establishment, if the
34 beauty salon is clearly identified as a beauty salon by a

1 conspicuously displayed sign that states, "Beauty Salon" in
2 letters at least two inches in height.

3 Subp. 3. to 7. [Unchanged.]

4 2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

5 Subpart 1. [Unchanged.]

6 Subp. 3. **Senior instructor licenses.** Senior instructor
7 licenses are discontinued. Current senior instructor licenses
8 shall be renewed as instructor licenses. Senior instructor
9 licenses which expire before January 1, 1988, shall not be
10 required to satisfy the requirements of part 2640.1900, subpart
11 2, item B.

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

15 A. to C. [Unchanged.]

16 Subp. 8. and 10. [Unchanged.]

17 2640.5200 SCHOOL LICENSURE.

18 Subpart 1. to 3. [Unchanged.]

19 Subp. 4. **Surety bond.** The applicant, except the state and
20 its political subdivisions as described in Minnesota Statutes,
21 section 471.617, subdivision 1, shall file with the commissioner
22 a continuous corporate surety bond in the amount of \$10,000,
23 conditioned upon the faithful performance of all contracts and
24 agreements with students made by the applicant. The bond shall
25 run to the state of Minnesota and to any person who may have a
26 cause of action against the applicant arising at any time after
27 the bond is filed and before it is canceled for breach of any
28 contract or agreement made by the applicant with any student.
29 The aggregate liability of the surety for all breaches of the
30 conditions of the bond shall not exceed \$10,000. The surety of
31 the bond may cancel it upon giving 60 days notice in writing to
32 the commissioner and shall be relieved of liability for any
33 breach of condition occurring after the effective date of
34 cancellation.

35 Subp. 5. [Unchanged.]

1 2640.5500 DELINQUENT SCHOOL LICENSES.

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

5 A. If less than 30 days have elapsed since the
6 expiration date of the license, the applicant shall submit a
7 written request for renewal of license, the license fee, and the
8 processing fee.

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

15 2640.5600 CERTIFICATE OF IDENTIFICATION.

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

21 A. hold a current Minnesota cosmetologist,
22 manicurist, or esthetician license;

23 B. provide documentation to the department of at
24 least 2,700 hours of lawful practice in Minnesota;

25 C. provide documentation of current employment in a
26 Minnesota licensed cosmetology, esthetician, or manicuring
27 salon; and

28 D. attest that the services shall be provided only in
29 a licensed health care facility, or in the residence of a
30 home-bound individual.

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

32 2640.6000 PHYSICAL REQUIREMENTS.

33 Subpart 1. **Space.** Space:

34 A. There shall be a combined clinic and classroom

1 size of at least 25 square feet for each enrollee to be
2 accommodated. This space shall exclude all office space,
3 storage areas, lounge facilities, and restrooms.

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

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

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

10 Subp. 2. to 5. [Unchanged.]

11 2640.6700 COSMETOLOGIST TRAINING.

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

19 B. [Unchanged.]

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

25 D. to F. [Unchanged.]

26 2640.6800 ESTHETICIAN TRAINING.

27 A. to C. [Unchanged.]

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

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

31 E. [Unchanged.]

32 2640.6900 MANICURIST TRAINING.

33 A. to C. [Unchanged.]

34 D. There shall be planned clinical instruction and

1 experience of 150 hours in applied sciences and skills.

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

3 E. [Unchanged.]

4 2640.7000 REFRESHER COURSES.

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

17 2640.8200 STUDENT RECORDS.

18 Student records shall be maintained as follows:

19 A. to D. [Unchanged.]

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

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

26 (2) certification of completion of preclinical
27 courses. Documentation signed by the school owner or manager
28 shall indicate that the student has successfully completed the
29 required hours of preclinical work. A student shall not be
30 allowed to perform any service or portion thereof in the school
31 clinic on a client until this certification has been completed;

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

1 license requirements;

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

9 (5) documentation signed by school owner or
10 manager, shall indicate that the student has successfully
11 completed the course of training for which he or she enrolled,
12 including documentation of the student's completion of the
13 practical exercises, as required by parts 2640.6700, item D,
14 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem
15 (1), and documentation of the student's successful completion of
16 the skills certification review, on a form provided by the
17 department;

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

30 2640.8900 SCHOOL CLINICS.

31 All instruction in school clinics and all work performed by
32 students in school clinics shall comply with the operational
33 requirements for a cosmetology salon in part 2640.3900, items A
34 to M, S, T, and W. In addition:

35 A. to F. [Unchanged.]

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

7 H. to L. [Unchanged.]

8 2640.9200 FEE SCHEDULE.

9 The fee schedule shall be as follows:

10 A. [Unchanged.]

11 B. Penalties:

12 (1) Reinspection fee, variable;

13 (2) Manager with lapsed practitioner, \$25;

14 ~~(3) Reinstatement fee, \$30.~~

15 C. Administrative fees:

16 (1) Duplicate license (includes individual name
 17 or address change), \$5;

18 (2) Certificate of identification, \$20;

19 (3) Processing fee (covers licensing history or
 20 certification of licensure, restoration of lapsed license, salon
 21 name change, school name change, late renewals, applications for
 22 new licenses), \$15;

23 (4) School original application, \$150.

24 REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is
 25 repealed.

26 APPLICATION.

27 Subpart 1. Salons. Minnesota Rules, parts 2640.0100;

28 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100;

29 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts

30 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200;

31 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500;

32 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000;

33 2640.4100; 2640.5100, subpart 6; 2640.6400; 2640.7000;

34 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and

35 2640.9400, apply to salons. In the next and subsequent editions

1 of Minnesota Rules, these parts may be codified in a separate
2 chapter.

3 Subp. 2. Schools. Minnesota Rules, parts 2640.0100;
4 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500;
5 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100;
6 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200;
7 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700;
8 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200;
9 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800;
10 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500;
11 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000;
12 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500;
13 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100;
14 2640.9200; and 2640.9400, apply to schools. In the next and
15 subsequent editions of Minnesota Rules, these parts may be
16 codified in a separate chapter.