

**Board of Cosmetologist Examiners****Proposed Permanent Rules Regulating Cosmetologists, Estheticians, Nail Technicians, Salons, and Cosmetology Schools****2105.0010 DEFINITIONS.**

[For text of subp 1, see M.R.]

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.

[For text of subp 3, see M.R.]

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

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

Subp. 4b. **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. [See repealer.]

[For text of subp 6, see M.R.]

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

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

[For text of subps 10 to 10c, see M.R.]

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 ~~the fitting of wigs and hair pieces on the head and the dressing of wigs and hair pieces while on the head~~ services provided by cosmetologists, estheticians, and nail 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. **Nonmedical chemical peel.** "Nonmedical chemical peel" means a chemical exfoliation achieved by applying skin exfoliation acids, limited to alpha hydroxy acids of 30 percent or less, with a pH of not less than 3.0; and salicylic acid of 15 percent or less.

Subp. 11b. **Nonmedical microdermabrasion.** "Nonmedical microdermabrasion" means a cosmetic procedure in which all or part of the stratum corneum is removed by light abrasion using mechanical or manual means.

Subp. 11c. **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. 11d. **Operator.** "Operator" means a standard license for a cosmetologist, esthetician, or nail technician and not an advanced practice license or manager license.

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

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

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

Subp. 11h. **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. 12. [See repealer.]

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 which are exempt from regulation by the board, ~~and includes.~~ Unregulated services are ear piercing; body wrapping; body art; body painting; henna tattoos and permanent tattoos; eyebrow embroidery; eyebrow microblading; permanent depilation; tattooing; artificial tanning of the skin; personal hair removal; permanent makeup; tanning by UV radiation and spray tanning units; botox and other injectables; services incidental to performance in for theatrical, television, film, fashion, photography,

or media productions or musical productions or media appearances; any personal mortuary services performed incidental to mortuary practice; massage services; body wraps when performed by a massage therapist; 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 cosmetology, esthetician, or nail 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.

#### **2105.0105 SCOPE.**

Subpart 1. **Cosmetology.** The practice of cosmetology includes the services defined under Minnesota Statutes, section 155A.23, subdivision 3, and includes all esthetic services in subpart 2 and all nail services in subpart 3. Cosmetology practice includes:

A. shampooing, conditioning, cutting, clipping, coloring, dressing, processing, shaping, straightening, bleaching, tinting, styling, blow-drying, or waving a person's hair, eyebrows, or eyelashes;

B. styling, cutting, and coloring wigs when on a person's head;

C. cleansing, massaging, and stimulating the scalp;

D. using a razor to remove hair from the head, face, and neck; and

E. other personal services for the cosmetic care of the hair, head, and scalp.

Subp. 2. **Esthetics.** The practice of esthiology is the cosmetic treatment of the stratum corneum of the epidermal layer of the skin surface. Esthetic practice includes:

A. cleansing, stimulating, exfoliating, or massaging a person's scalp, face, neck, arms, legs, or trunk by hand or by using a device, apparatus, or appliance, with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

B. cosmetic care of a person's face, eyelashes, eyebrows, lips, nose, neck, arms, legs, or trunk using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, gels, paraffin, clay, cream, makeup, or appliance;

C. removing hair from a person's body using depilatories, waxes, preparations, sugaring, or tweezing;

D. application of makeup or airbrush makeup, extractions, nonmedical microdermabrasion, nonmedical chemical peels, eyelash and eyebrow tinting, eyebrow shaping and trimming, eyelash and eyebrow enhancements, waxing, sugaring, facials, and body wraps; and

E. other personal services for the cosmetic care of the skin.

Subp. 3. **Nail technician services.** The practice of nail technology is the cosmetic care of the hands, feet, and nails. Nail technology includes:

A. cleansing, removing polish, cutting, trimming, polishing, tinting, coloring, or manicuring the fingernails or toenails;

B. attaching and removing acrylic, other artificial nails, or nail enhancements;

C. cleansing, massaging, and cosmetic care of the skin of the hands and feet including paraffin treatments;

D. callus removal by the use of callus removal products, sanding, buffing, or filing;

E. massaging the hands, feet, and lower arms and legs in conjunction with any practice described in items A to F; and

F. other personal services for the cosmetic care of the hands, feet, and nails.

Nail technician services do not include waxing, eyelash or eyebrow enhancements, or any other esthetician service.

### **2105.0110 ADVERTISING.**

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

~~A. It is a violation of this chapter to advertise in any manner that is misleading or inaccurate with respect to~~ offer any board-regulated services or policies offered by the licensee from an unlicensed salon or an unlicensed practitioner.

~~B. No advertisement shall state or imply favorable consideration by the Board of Cosmetologist Examiners other than to state that the salon is licensed by the board.~~

~~C. B.~~ Any salon advertisement shall must list the licensed name of the establishment and the type of license held salon as shown on the salon license. Salons that reference staff names in any advertisement must list at least the first name of the licensee as shown on the individual's license.

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

C. An individual practitioner advertising the practitioner's licensed services must list the full name as shown on the individual's license.

D. A practitioner leasing space in a licensed salon or leasing a suite in a licensed suite-style salon may advertise under a business name. Each time the business name appears, it must be immediately followed by "at (insert legible name of salon as it appears on the salon license)."

**2105.0115 INSPECTIONS.**

Subpart 1. **Protocol.** Each salon and each permit holder under part 2105.0410 is subject to inspection at any time the board deems it necessary to affirm compliance.

A. All licensees, including salons open by appointment only and salons with irregular hours, must allow a board inspector, in the exercise of official duties, to inspect the salon on the inspector's arrival at the salon.

B. A salon owner and designated licensed salon manager (DLSM) must cooperate if asked by board inspectors to arrange inspection appointments.

C. A salon owner and DLSM must have access to all salon space, including leased space within the salon, and must provide access to all salon spaces to a board inspector.

D. All salon staff, including the owner, DLSM, other licensees, and unlicensed support staff, must cooperate with the inspection.

E. Board inspectors must carry board-issued photo identification and produce it upon request.

Subp. 2. **Violations and orders to comply.**

A. The board must notify salons and permit holders under part 2105.0410 with a written inspection report when any violation is found during a board inspection. The salon licensee and DLSM, or the permit holder under part 2105.0410, must take immediate action to address each violation and, within ten business days, bring the salon and all licensees practicing under the salon license, or the permit holder, into compliance with this chapter, chapter 2140, and Minnesota Statutes, chapter 155A.

B. If an order to comply is issued by the board inspector, the salon and DLSM, or the permit holder under part 2105.0410, must report to the board via mail or e-mail,

within ten business days of the order's issuance, using a form provided by the board.

The report must:

- (1) explain how each violation was corrected and the date of correction; and
- (2) for each violation that was not immediately corrected or not corrected within ten days, provide a written explanation of the reason for the delay, the specific steps the licensee will take to correct the violation, and the projected date the outstanding violation will be corrected. The board must grant an extension if requested in writing when the health and safety of the public is not at immediate risk, and when the delay is warranted based on the information provided by the salon or permit holder.

Subp. 3. **Posting inspection results.** The board must provide each salon with the inspection results and a detailed inspection report on the inspection findings. Within ten business days of the issuance date on the results and report, the salon must conspicuously post the inspection results in the entryway or at the reception desk of the salon, and place the detailed inspection report in the reception area so that the public may review the results. The inspection results must remain posted and the detailed inspection report must remain available in the reception area or entryway until replaced by new inspection results and a new detailed inspection report. Permit holders under part 2105.0410 are not subject to the posting requirements in this subdivision.

Subp. 4. **Inspection penalties and discipline.**

A. Violations of this chapter, chapter 2110, and Minnesota Statutes, chapter 155A, cited on a board inspection, are subject to:

- (1) application of penalties prescribed in Minnesota Statutes, section 155A.25; and
- (2) disciplinary action as identified in Minnesota Statutes, section 155A.33.



B. Board staff must issue penalties prescribed in Minnesota Statutes, section 155A.25, for violations in subitems (1) to (4) cited during a board inspection of a salon or permit holder except as provided for in subpart 5. Licensees must pay penalties in full before any license is renewed or issued.

(1) A salon is subject to penalty for violations cited during a salon inspection for:

- (a) each expired practitioner's license;
- (b) each expired salon license;
- (c) each current license of a practitioner or salon not conspicuously displayed;
- (d) esthetician or cosmetology services performed or offered in a nail salon;
- (e) cosmetology or nail services performed or offered in an esthetician salon;
- (f) reuse of or failure to dispose of single-use items immediately after use;
- (g) the presence of prohibited callus shavers, graters, or rasps; and
- (h) refusal or failure to cooperate with an inspection.

(2) A DLSSM is subject to penalty for violations cited during inspection for:

- (a) each expired practitioner's license, including the DLSSM;
- (b) each expired salon license;
- (c) each current license of a practitioner or salon not conspicuously displayed;

(d) esthetician or cosmetology services performed or offered in a nail salon;

(e) cosmetology or nail services performed or offered in an esthetician salon;

(f) reuse of or failure to dispose of single-use items immediately after use;

(g) the presence of prohibited callus shavers, graters, or rasps; and

(h) the DLSM's refusal or failure to cooperate with an inspection.

(3) An individual practitioner is subject to penalty for violations cited during a salon inspection for:

(a) the practitioner's expired license;

(b) the practitioner's current license not conspicuously displayed, if a current license is held;

(c) esthetician or cosmetology services performed or offered in a nail salon;

(d) cosmetology or nail services performed or offered in an esthetician salon;

(e) reuse of or failure to dispose of single-use items immediately after use;

(f) the presence of prohibited callus shavers, graters, or rasps; and

(g) the practitioner's refusal or failure to cooperate with an inspection.

(4) A permit holder under part 2105.0410 is subject to violations cited during a permit inspection for:

(a) the practitioner's expired license;

(b) the practitioner's refusal or failure to cooperate with an inspection;  
and

(c) reuse of or failure to dispose of single-use items immediately  
after use.

Subp. 5. **Application of inspection penalties.** The maximum total penalties for all  
violations cited per license per inspection must not exceed:

- A. \$3,000 for each salon license;
- B. \$2,000 for the DLSM per salon license; and
- C. \$1,000 for each individual practitioner per license or permit.

**2105.0145 APPLICANTS FOR INDIVIDUAL LICENSES.**

Subpart 1. **Cosmetologists, nail technicians, and estheticians.** Applicants for a  
cosmetologist, nail technician, or esthetician license who have not been licensed in other  
states must provide the items required in items A to E:

A. a completed application form;

B. a high school diploma, a high school transcript showing graduation, a general  
educational development certificate, or a recognized equivalent of a high school diploma  
(RED) as identified in Code of Federal Regulations, title 34, section 600.2;

C. original passing test results no more than one year old of the following  
board-approved tests for the license sought:

- (1) general theory test;
- (2) practical test; and
- (3) test on Minnesota laws and rules;

D. proof of completion of training as follows:

(1) graduates of a Minnesota-licensed cosmetology school must submit the original course certificate with the notarized signatures of the school manager or owner documenting the successful completion of the curriculum and the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, including any hours transferred from another school within the past three years. If the completed training is more than five years old, a skills course certificate no more than one year old must also be submitted;

(2) a graduate of a training program licensed by another state that is:

(a) equal to the curriculum and minimum hour requirements required of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, or nail technician program must submit an original notarized transcript or document from a licensed cosmetology school that establishes the completion of the curriculum and required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, including any hours transferred from another school within the past five years. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted; and

(b) not equal to the curriculum and minimum hour requirements required of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, or nail technician program must obtain a course certificate by applying to a Minnesota-licensed cosmetology school as a transfer student under part 2110.0700 and must meet and complete the school's requirements. The applicant must then submit the original course certificate with the notarized signatures of the school manager or owner, documenting successful completion of the required curriculum and number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician. If the completed training is more than five years old, a skills course

certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted;

(3) an applicant who partially completed a training program licensed by another state, or who completed an unlicensed training program in another state, must obtain a course certificate by applying to a Minnesota-licensed cosmetology school as a transfer student under part 2110.0700 and must meet and complete the school's requirements. The applicant must then submit the original course certificate with the notarized signatures of the school manager or owner, documenting successful completion of the required curriculum and number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted; or

(4) applicants whose training occurred in other countries must apply under part 2105.0183, subpart 3; and

E. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Salon managers.** An applicant for a salon manager license must:

A. submit a completed application form;

B. hold a current Minnesota cosmetologist, esthetician, or nail technician license;

C. document at least 2,700 work hours of licensed experience in a licensed salon within the three years prior to application;

D. submit original passing test results of the salon manager test no more than one year old; and

E. pay the fees required in Minnesota Statutes, section 155A.25.

Subp. 3. **School managers.** An applicant for a school manager license must:

- A. submit a completed application form;
- B. hold a current Minnesota cosmetology salon manager license;
- C. submit original passing results no more than one year old of the school manager test covering Minnesota laws and rules related to schools; and
- D. pay the fees identified in Minnesota Statutes, section 155A.25.

Subp. 4. **Instructors.** An applicant for an instructor license must:

- A. submit a completed application form;
- B. hold a current Minnesota cosmetologist, nail technician, or esthetician license as an operator or manager;
- C. document at least 2,700 hours of licensed practice as a cosmetologist, nail technician, or esthetician within the three years prior to application;
- D. submit the original course certificate of a board-approved instructor course on teaching methodology not more than one year old;
- E. submit original passing instructor test results not more than one year old for the instructor general theory, practical, and laws and rules tests; and
- F. pay the fees required in Minnesota Statutes, section 155A.25.

**2105.0183 TRANSFER OF LICENSES FROM OTHER STATES OR COUNTRIES.**

Subpart 1. **Applicants with required training who are licensed in another state.** Applicants for a cosmetologist, nail technician, or esthetician operator license who have completed the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, and are licensed in another state must provide the following:

- A. a completed application form;

B. certification of licensure no more than 90 days old sent to the board directly from each state where the applicant has been licensed. A license certification must verify the current status and history of licensure, discipline history, hours of training, and whether or not the licensee has passed a general theory and practical test. If a state does not issue certification of licensure, the applicant must submit a copy of the most recent license and a completed supplemental verification form;

C. if the out-of-state license is not current and active, an original board-approved skills course certificate no more than one year old;

D. a high school diploma or transcript showing graduation, a general education development (GED) certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

E. original passing test results no more than one year old of a board-approved general theory test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the general theory does not have to be retaken;

F. original passing test results no more than one year old of a board-approved practical test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the practical test does not have to be retaken;

G. original passing test results of the Minnesota state laws and rules test no more than one year old; and

H. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Applicants with less than the required training who are licensed in another state.** Applicants for a cosmetologist, nail technician, or esthetician operator license who have not completed the required number of hours of training: 1,550 hours for

a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, and who are licensed in another state must provide the following:

- A. a completed application form;
- B. evidence of a current active license for at least three years in another state, or an original course certificate from a Minnesota-licensed cosmetology school no more than one year old with notarized signatures of the school manager or owner documenting the completion as a transfer student under part 2110.0705 of additional training hours and the practical skills test;
- C. certification of licensure no more than 90 days old sent directly to the board from each state where the applicant has been licensed. The license certification must verify the current status and history of licensure, discipline history, hours of training, and whether or not the licensee has passed a general theory and practical test. If a state does not issue license certifications, the applicant must submit a copy of the most recent license and a completed supplemental verification form;
- D. if the out-of-state license is not current and active, the applicant must provide an original board-approved skills course certificate no more than one year old;
- E. a high school diploma or transcript showing graduation, general education development (GED) certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;
- F. original passing test results no more than one year old of a board-approved general theory test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the general theory does not have to be retaken;
- G. original passing test results no more than one year old of a board-approved practical test. If a certification of licensure from a state in which the applicant has been



licensed attests that the applicant has passed such a test, this requirement is met and the practical test does not have to be retaken;

H. original passing test results no more than one year old of the Minnesota state laws and rules test; and

I. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 3. **Applicants with training and experience in another country who have not been licensed in another state.** Applicants for a cosmetologist, nail technician, or esthetician operator license whose training was outside the United States and have not been licensed by another state must:

A. apply to a board-licensed school as a transfer student for an evaluation of training, school records, and work experience under part 2110.0705, rectify any deficiencies noted in the evaluation results, and provide the original course completion certificate; and

B. complete an application and submit the following items:

(1) a high school diploma or transcript showing graduation, general education development (GED) certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

(2) original passing test results of a board-approved general theory test no more than one year old;

(3) original passing test results of a board-approved practical test no more than one year old;

(4) original passing test results of the Minnesota state laws and rules test no more than one year old; and

(5) payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 4. **Applicants with an instructor license from another state.** Applicants who hold a current instructor license issued from another state may apply for an instructor license. Applicants must provide the following:

- A. a completed application form;
- B. a current Minnesota cosmetologist, esthetician, nail technician, or salon manager license;
- C. documentation of at least 2,700 hours of licensed practice as a cosmetologist, esthetician, nail technician, or instructor within the three years prior to the application;
- D. certification of licensure no more than 90 days old sent to the board directly from each state where the applicant has held an instructor license. An instructor license certification must verify the current status and history of license, discipline history, hours of training, and whether or not the instructor has passed an instructor general theory test and an instructor practical test. If a state does not issue certification of licensure, the applicant must submit a copy of the most recent license and a completed supplemental verification form;
- E. an original course certificate of a board-approved instructor course not more than one year old. If a certification of licensure from a state where the applicant holds a current instructor license attests that the applicant successfully completed comparable instructor training, this requirement is met and the instructor course does not have to be retaken;
- F. original passing test results no more than one year old of a board-approved instructor general theory test. If a certification of licensure from a state where the applicant holds a current instructor license attests that the applicant passed a comparable instructor theory test, this requirement is met and the instructor theory test does not have to be retaken;

G. original passing test results no more than one year old of a board-approved instructor practical test. If a certification of licensure from a state where the applicant holds a current instructor license attests that the applicant has passed such a test, this requirement is met and the instructor practical test does not have to be retaken;

H. original passing test results of the Minnesota instructor laws and rules test no more than one year old; and

I. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 5. **Foreign language documents.** All foreign language documents must be translated into English and evaluated by a board-approved credentialing agency at the applicant's expense.

#### **2105.0184 MILITARY TEMPORARY LICENSE.**

Subpart 1. **Application and issuance.** In compliance with Minnesota Statutes, section 197.4552, the board shall issue military temporary (MT) licenses for cosmetologists, estheticians, nail technicians, salon managers, instructors, and school managers valid for a 12-month license cycle. An applicant for an MT license must submit:

A. a completed application for an MT license;

B. credentials establishing the applicant's identity as:

(1) an active duty military member;

(2) the spouse of an active duty military member; or

(3) a veteran with an honorable or general discharge who left service in the two years preceding the application date;

C. a copy of a current valid license without a history of discipline for a cosmetologist, esthetician, nail technician, salon manager, school manager, or instructor from another state; and

D. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Ineligible for renewal.** MT licenses are not eligible for renewal. Individuals issued an MT license must apply for a full practitioner's license under this chapter. If the individual has not been issued a regular license before the MT license expires, the individual must cease practicing until a license is issued.

### **2105.0186 CONTINUING EDUCATION (CE) PROVIDERS.**

#### Subpart 1. **Providers of core CE courses for practitioners.**

A. A core CE course required by Minnesota Statutes, section 155A.271, subdivision 1, consists of a four-hour course, including one hour on state cosmetology laws and rules, and three hours on health, safety, and infection control.

B. A core CE course requires board approval, and must be offered only by a board-licensed cosmetology school, postsecondary school licensed by the Office of Higher Education under Minnesota Statutes, section 136A.103, paragraph (a), or a professional association recognized by the board under item C.

C. A professional association must apply for board recognition to offer core CE courses in writing on forms supplied by the board. Board recognition is valid for a maximum of one calendar year and expires on December 31 of the year authorization was granted.

D. A cosmetology school, a postsecondary school, or a board-authorized professional association must apply for approval of the core CE curriculum on a form supplied by the board, and submit the lesson plan and learning objectives, qualifications of the presenters and course developers, and payment of the fees required by Minnesota Statutes, section 155A.25, if the provider approval fee has not been paid in the current calendar year.

E. Board approval of a core CE course under this subpart is valid for a maximum of one calendar year and expires on December 31 of the year approval was granted.

F. The board shall maintain a list of approved core CE courses on the board's Web site.

**Subp. 2. Providers of professional practice CE courses for practitioners.**

A. A professional practice CE course as required by Minnesota Statutes, section 155A.271, subdivision 1, paragraph (b), must consist of a four-hour course based on any or all of the following:

- (1) product chemistry and chemistry interaction;
- (2) proper use of machines and instruments;
- (3) business management and human relations; or
- (4) techniques relevant to the type of license held.

B. A professional practice CE course requires board approval and may be offered only by licensed salons, licensed cosmetology schools, and board-recognized professional associations.

(1) A salon must offer the professional practice CEs as approved in-person classes. A salon must apply for approval of the professional practice curriculum in writing on forms supplied by the board, and must submit the lesson plan and course objectives; qualifications of the presenters and course developers; and payment of the fees required by Minnesota Statutes, section 155A.25, if the salon has not paid the provider approval fee in the current calendar year.

(2) A cosmetology school and a board-recognized professional association may offer the professional practice CEs in person, online, or by independent study, and must apply for approval of the professional practice curriculum in writing on forms supplied by the board and submit the lesson plan and course objectives, qualifications of

the presenters and course developers, and payment of the fees required by Minnesota Statutes, section 155A.25, if the provider approval fee has not been paid in the current calendar year.

(3) A professional association must apply for board recognition in writing on forms supplied by the board. Board recognition is valid for one calendar year and expires on December 31 of the year recognition was granted.

C. Board approval of a professional practice CE course is valid for a maximum of one calendar year and expires on December 31 of the year approval was granted.

D. The board shall maintain a list of approved professional practice CE courses on the board's Web site.

Subp. 3. **Providers of instructor CE courses.** Instructor license renewal requires 30 CE hours of board-approved courses on teaching methodology and 15 CE hours on clinical practice in the instructor's licensed field.

A. Cosmetology schools, postsecondary schools, professional associations, subject matter experts, or salons may offer instructor CEs in person or as online classes.

B. A course provider under item A must apply for course approval for each CE course on a form supplied by the board, and submit the lesson plan or syllabus, course objectives, qualifications of the presenters and course developers, and payment of the fees required by Minnesota Statutes, section 155A.25, if the provider has not paid the provider approval fee in the current calendar year.

C. Board approval of an instructor CE course is valid for one calendar year and expires on December 31 of the year approval was granted.

D. The board shall maintain a list of approved instructor CE courses on the board's Web site.

E. Courses on teaching methodology or clinical practice provided by a Minnesota State Colleges and Universities (MnSCU) community college, state university, or technical college, or any postsecondary school licensed by the Office of Higher Education, are not subject to preapproval by the board. This provision does not apply to board-licensed cosmetology schools. All board-licensed cosmetology schools are subject to the provisions of items A to C.

Subp. 4. **Providers of school manager CE courses.** A school manager license renewal requires four hours of CE courses or seminars on business practices or school management. Providers of school manager CE courses are not subject to board approval or the requirements of subpart 6. No approval fee is required.

Subp. 5. **CE course hours.** For the purposes of this part, a CE credit hour must consist of 55 minutes of continuous instructional activity, excluding breaks, registration, meals, and other noneducational activity. The number of credit hours assigned to an online course must be computed by the course developer based on the average time to complete the course. The board must accept or approve CE courses in full-hour increments.

Subp. 6. **Records requirements for CE course providers.** A course provider must retain records of each attendee, including the attendee's full name and license number, the date of the course, the course title or course number, and the instructor's name for five years. Course providers must respond within 15 business days of the board's request for verification of whether an individual attended and completed a CE course. This subpart does not apply to CE courses offered by MnSCU, the University of Minnesota, or any postsecondary school licensed by the Office of Higher Education and not licensed by the board.

Subp. 7. **Audit provisions for CE courses and providers.** The board is authorized to audit a CE course at any time. A course provider must allow board staff to attend a CE course at any time and without cost for the purposes of auditing the course. Board

approval of a CE course and board authorization of a provider is subject to revocation if a provider is not in compliance with this part or Minnesota Statutes, section 155A.271, or if the board determines a CE class offered by the provider does not reflect current professional standards or practices, or if the board finds just cause. The disciplinary provisions of Minnesota Statutes, section 155A.33, apply. This subpart does not apply to CE courses offered by MnSCU, the University of Minnesota, or any postsecondary school licensed by the Office of Higher Education and not licensed by the board.

**2105.0187 SKILLS COURSES.**

A. A cosmetologist skills course, esthetician skills course, or nail technician skills course must be offered in person, taught by an instructor licensed in the course subject, and:

(1) if offered by a licensed cosmetology school, does not require board approval; or

(2) if offered by a provider who is not a licensed cosmetology school, requires approval under item D.

B. Each skills course must begin with an initial board-approved skills test. The provider must use board-approved scoring of the skills test and a board skills test form.

(1) Attendees who pass the skills test have completed the skills course. The provider must issue a signed and dated skills course certificate to the attendee.

(2) Attendees who do not pass the initial skills test must complete the provider's skills course curriculum for each skill test area not passed. The attendee has completed the skills course when the attendee passes the skills test.

C. Cosmetologists must attend a cosmetologist skills course taught by a cosmetology instructor. Estheticians must attend an esthetician skills course taught by an



esthetician or cosmetologist instructor. Nail technicians must attend a skills course taught by a cosmetologist or nail technician instructor.

D. A skills course not offered by a licensed cosmetology school requires board approval and must be taught by board-licensed instructors. A provider must apply for skills course approval, and for each type of license, the provider must:

(1) provide the skills course curriculum for each skills practical test exercise;

(2) provide copies of any course study materials, handouts, and instructions to participants;

(3) list the name, license type, license expiration date, and license number of each instructor, and the date the instructor completed the required training on administering the skills test; and

(4) identify the proposed skills course location and demonstrate the availability of the equipment available at that location for the course and for each skills practical test exercise.

E. Course approval for the skills course must be renewed. Skills course approval for board-licensed cosmetology schools is valid for the remainder of the current license cycle. Skills course approval for all other providers is valid for a maximum of one calendar year and expires on December 31 of the year approval was granted.

F. A provider of skills courses must provide attendees with a skills course certificate showing successful completion of the skills test, and must retain records of attendees for five years.

G. The board is authorized to audit a skills course and skills test at any time, and board staff or a representative may take a skills class at any time at no cost for the purposes of auditing the course. Board approval of a skills course is subject to revocation

if the board determines a skills course or skills test does not reflect current professional standards or practices, or if the board finds just cause. The disciplinary provisions of Minnesota Statutes, section 155A.33, apply.

## **2105.0190 MAINTAINING INDIVIDUAL LICENSES.**

Subpart 1. **Compliance with applicable law.** The licensee ~~shall~~ is responsible for verifying that the salon or school in which the licensee is practicing has a current license, and the licensee must continuously comply with all applicable provisions of Minnesota Statutes and rules.

Subp. 2. **Change of name or address.** ~~The licensee shall advise the board 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. Within 30 days of any legal name change, licensees must provide legal documentation of the name change and pay any fee required by Minnesota Statutes, section 155A.25. The license in the former name is invalid on the 31st day of the new legal name.~~

Subp. 2a. **Address change.** The licensee must maintain a current mail address on file with the board, and must update the address within 30 days of any address change. Licensees may also provide an e-mail address to receive general e-mail notifications from the board.

Subp. 3. **Renewal.** The licensee ~~shall~~ must renew the license as required by part 2105.0200 ~~prior to its expiration date.~~

Subp. 4. **Display of license.** ~~The licensee shall~~ practitioner must conspicuously post the a current license as required by part 2105.0380, item BB at each salon where the practitioner practices. The conditions in items A to D must be met at all times.

A. Either the license or the full name of the licensee as shown on the license must be posted at each workstation in the salon used by the licensee. Name tags worn

by the licensee or business cards prominently displayed at a workstation meet this requirement if the full name shown on the license is used.

B. Whenever the license is not posted at the workstation, the practitioner must post a license at the reception area of the salon.

C. Copies of licenses do not meet the requirements of license posting. Licensees must obtain duplicate licenses from the board in order to post licenses at multiple workstations or multiple salons. After a license is issued by the board, a printout of the online license status from the board Web site showing a current license may be used to meet the posting requirements for a maximum of 30 days beginning on the license issuance date.

D. Names or licenses posted must provide the public with a full, unobstructed view of the license or name.

Subp. 5. [See repealer.]

## **2105.0200 LICENSE RENEWAL FOR INDIVIDUALS.**

Subpart 1. **Application for renewal of license.** All licenses expire on the last day of the individual's birth month of the year due and each licensee is responsible for ~~renewing~~ applying to renew the licensee's license without notice from the board. ~~An individual who does not renew the licensee's license by the last day of the birth month of the year in which it is due is considered unlicensed as of the first day of the following month. Failure to receive a notice of renewal from the board does not constitute a valid excuse for not renewing the license.~~ If more than one year has passed since the expiration date of the license, the license is not eligible for renewal under this section, and the requirements of part 2105.0215 apply.

A. The board must return incomplete renewal applications to the applicant with notice of the items that are incomplete.

B. The applicant must pay late fees required by Minnesota Statutes, section 155A.25, if a license renewal application or a resubmitted application is received after the expiration date of the license.

C. A licensee whose renewed license has not been issued by the board by the end of the business day on the licensee's expiration date is not authorized to practice after the expiration date until a license is issued, and any unlicensed practice after the expiration date is subject to the inspection penalties in part 2105.0115 and disciplinary provisions as described in Minnesota Statutes, section 155A.33.

Subp. 2. **Practical and educational Continuing education (CE) requirements for practitioners.** The licensee shall establish that the licensee's knowledge and skills are up to date, by meeting must complete the following CE requirements no later than the expiration of the licensee's current before applying to renew a license:

~~A. A cosmetologist, nail technician, esthetician, or salon manager shall provide documentation of:~~

~~(1) having practiced in a licensed salon for at least 1,800 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 or reactivation; and~~

~~(2) four credit hours of continuing education credits from a board-licensed cosmetology school, a Minnesota-licensed postsecondary school, or a board-recognized professional association of cosmetology, including one credit pertaining to state cosmetology laws and rules, and three credit hours related to health, safety, and infection control matters. The four credit hours must be completed within the three years prior to the license expiration and are valid for only one license renewal period. Licensees must retain proof of the continuing education credits for one year after the license renewal.~~

~~Continuing education credits are required of licensees renewing a license on or after August 1, 2014. An individual holding more than one operator or salon manager license may use the same four credit hours to renew both licenses if the credit hours were completed within the three years prior to the license renewal.~~

~~B. An instructor shall provide evidence of having successfully completed 45 hours of continuing education approved by the board, within three years before the license expiration or reactivation, including at least 15 hours of teaching-related material and 15 hours related to analysis and use of professional clinical products. To renew the instructor's license, the instructor must have an active operator or salon manager license in the area in which the instructor holds an instructor's license. No later than June 30, 2014, the board must grant an active operator license to instructors who had an expired operator license on August 1, 2013, and grant an active salon manager license to instructors who had an expired salon manager license on August 1, 2013.~~

~~C. a school manager must maintain an active salon manager's license, and provide documentation of having practiced in a licensed school as a school manager for at least 1,800 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 or reactivation. No later than June 30, 2014, the board must grant an active salon manager license to school managers who did not hold an active salon manager license on August 1, 2013.~~

A. A cosmetologist, nail technician, esthetician, or salon manager renewing a license before August 1, 2017, must complete a total of four hours of core CE credits consisting of one hour of state cosmetology laws and rules, and three hours of health, safety, and infection control matters from board-approved providers within the three years

prior to the date of the license renewal. Licensees must maintain proof of completion of the CE credits as required in subpart 5.

B. A cosmetologist, nail technician, esthetician, advanced practice esthetician, or salon manager renewing a license on or after August 1, 2017, must complete a total of eight hours of CE credits from board-approved providers within the three years prior to the date of the license renewal. Licensees must maintain proof of completion of the CE credits as required in subpart 5. The eight hours must consist of:

(1) four hours of core CEs, consisting of one hour pertaining to state cosmetology laws and rules, and three hours related to health, safety, and infection control matters; and

(2) four hours of professional practice CEs, consisting of one or more of the following topics:

(a) product chemistry and chemistry interaction;

(b) proper use of machines and instruments;

(c) business management and human relations; and

(d) techniques relevant to the type of license held by the practitioner.

C. The CE credits are valid for only one license renewal period, but may be applied to multiple licenses held by the same practitioner if the CEs were completed within three years prior to the license renewal date.

**Subp. 2a. CE and other renewal requirements for instructors.**

A. An instructor must complete 45 hours of board-approved CEs within three years before the license renewal, including at least 30 hours in teaching methodology, and 15 hours on clinical practice in the field of licensure. Licensees must retain proof of the CE credits as required in subpart 5. Prior to August 1, 2017, to renew a license, an

instructor must complete any combination of teaching methodology and clinical practice CEs totaling 45 CE hours.

B. In addition to any board-approved instructor CE course, an instructor may use qualifying credits from completed classes on teaching methods or clinical practice from the MnSCU system schools, the University of Minnesota, or other postsecondary schools licensed by the Office of Higher Education but not licensed by the board. Preapproval of such courses is not required. The instructor must retain an official transcript and the class syllabus or catalog course description, which must establish the class hours and establish that the content of the course is based on teaching methodology or clinical practice. Postsecondary courses are equivalent to 16 CE hours per credit and lab courses are equivalent to 32 CE hours per credit. CEUs earned are accepted as one CE hour per CEU credit.

C. Instructors teaching approved instructor CE courses may apply CE hours from the courses to the instructor's license renewal if the CE hours are claimed only once per course, and are not used again on future renewals.

D. Instructors teaching approved core and professional practice CEs may apply the CE hours from the courses on the instructor's operator or salon manager license renewal if the CE hours are claimed only once per course, and are not used again on future renewals.

E. The instructor may apply a maximum of 15 CE hours from instructor CE classes taught by the instructor each renewal period.

F. Instructor CEs are valid for only one license renewal.

G. To renew an instructor's license, the instructor must hold an active operator or salon manager license in the area in which the instructor holds an instructor's license.

H. When a course has been approved by the board as both a professional practice CE course and as an instructor clinical practice CE course, licensees may apply the CEs earned from the course to the renewal of both the instructor license and the practitioner license.

Subp. 2b. **CE and other renewal requirements for school managers.**

A. A school manager renewing a license on or after August 1, 2017, must complete a CE class or seminar in business practices of at least four hours, no more than three years prior to the renewal application, and retain proof of completion as required in subpart 5.

B. To renew the school manager's license, a school manager must hold an active cosmetology salon manager's license.

C. School manager CEs are valid for only one license renewal.

D. A school manager may apply four CEs from an approved professional practice CE course on business management to the renewal of both the underlying salon manager license and the school manager license.

Subp. 3. **Fee.** The licensee ~~shall~~ must pay the fees as required by Minnesota Statutes, section 155A.25, ~~before the expiration of the current license.~~

Subp. 4. [See repealer.]

Subp. 5. **Audit of renewal.**

A. Fraudulent reporting of qualifications or CE credits is subject to penalties and discipline, including revocation of the license, as provided in Minnesota Statutes, sections 155A.271 and 155A.33.

B. A licensee must maintain proof of CE credits for four years after the date of the class. If the renewal is audited by the board, the licensee must provide proof of requested items within 30 days of the board's request.



C. If the renewal is audited by the board, the licensee must provide proof of requested items within 30 days of the board's request. When a licensee fails to respond or does not provide proof as requested in an audit, and the board cannot verify the licensee's CEs through the provider identified by the licensee, the board must rescind the renewal that was based on the unverified credits. The licensee is subject to discipline as identified in item A, and the licensee may not practice until a new license is issued. To renew the license, in addition to any disciplinary requirements and penalties, the licensee must complete and provide verification from the CE providers that the licensee completed the CE requirements.

#### **2105.0205 RETIRED LICENSE.**

A licensee with a current or expired Minnesota practitioner license who has ceased all practice of cosmetology may apply for a retired license that does not allow any practice of cosmetology as defined in Minnesota Statutes, section 155A.23, subdivision 3. The board must void any current license when a retired license is issued for the remainder of the license cycle. If the practitioner's license is expired, the applicant must pay the renewal and late fees required by Minnesota Statutes, section 155A.25.

A. Retired licenses expire on the three-year license cycle and may be renewed by paying the fees required by Minnesota Statutes, section 155A.25.

B. A person with a retired license who wishes to obtain a current practitioner license must apply to renew the original expired practitioner license under the terms of this chapter as if no retired license was issued.

C. The board must issue a retired license to all current inactive licensees no later than July 1, 2018.

#### **2105.0215 PROCEDURE FOR RENEWING AN EXPIRED LICENSE.**

Subpart 1. Practitioner licenses expired less than three years. If an operator's, salon manager's, instructor's, or school manager's license has been expired less than one

year, a license must be issued for the remainder of the license cycle. To renew the license, the individual must:

- A. comply with the requirements of part 2105.0200 for the appropriate license;
- and
- B. pay the renewal and late fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Operator and salon manager licenses expired three years or more.** If an operator's or salon manager's license has been expired three years or more, a license with a new license cycle shall be issued by the board when the expired licensee submits a renewal application and submit:

- A. proof of completion of the CE requirement as described in part 2105.0200, subpart 2;
- B. original passing test results no more than one year old of the laws and rules test for an operator. Managers must submit original passing test results no more than one year old of the manager laws and rules test;
- C. original passing test results no more than one year old of a board-approved practical exam; and
- D. payment of the initial license fees required by Minnesota Statutes, section 155A.25.

Subp. 3. **Instructor licenses expired three years or more.** If an instructor's license has been expired three years or more, the board shall issue a license with a new license cycle when the expired licensee submits a renewal application and meets these requirements:

- A. holds a current operator's or salon manager's license;

B. submits original passing test results of a board-approved instructor general theory test, instructor practical test, and instructor laws and rules test no more than one year old; and

C. pays the instructor application fees required by Minnesota Statutes, section 155A.25.

Subp. 4. **School manager licenses expired three years or more.** If a school manager's license has been expired three years or more, a license with a new license cycle shall be issued by the board when the expired licensee submits a renewal application and:

A. holds a current cosmetology salon manager's license;

B. completes the CE requirements in part 2105.0200, subpart 2b, completed within three years of the renewal application;

C. submits original passing test results no more than one year old of the school manager test; and

D. pays the initial license fees required by Minnesota Statutes, section 155A.25.

#### **2105.0220 REINSTATEMENT AFTER REVOCATION OR SUSPENSION.**

~~An applicant may apply for relicensure after revocation by meeting the following requirements:~~

~~A. the applicant shall provide documentation of the correction or elimination of the grounds for the revocation;~~ A licensee whose license was suspended or revoked by the board under Minnesota Statutes, chapter 155A, must reapply for licensure as follows:

(1) apply for relicensure on forms provided by the board;

(2) meet the requirements for reinstatement identified in the order revoking or suspending the license, and meet any requirements for renewing a license under this chapter as if the license had not been revoked or suspended but had expired from the date of revocation or suspension; and

~~B. the applicant shall make application for relicensure, in writing and on forms provided by the board;~~

~~C.~~

~~(3) the applicant shall pay paying the fees identified required of a new applicant in Minnesota Statutes, section 155A.25;~~

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

~~E. the individual applicant shall meet the requirements of part 2105.0140 and the requirements of part 2105.0200, subpart 2, or 2105.0210, subpart 3; and~~

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

B. Licensees whose license was suspended or revoked under a Minnesota Statute other than chapter 155A, for reasons of child support, tax liabilities, or other law must be cleared by the state or county agency that initiated the license action. The agency initiating the suspension or revocation must notify the board in writing of any action clearing the license. If the license cycle expired during the suspension or revocation, the licensee must meet the requirements for renewing a license under this chapter as if the license had not been revoked or suspended but had expired at the end of the license cycle.

### **2105.0230 TRANSFER OF LICENSE PROHIBITED.**

Licenses ~~shall~~ are not be transferable to another person and ~~shall~~ must be used only by the named licensee.

### **2105.0305 DESIGNATED LICENSED SALON MANAGER.**

A. The salon owner must appoint a designated licensed salon manager (DLSM) and register the DLSM with the board using forms supplied by the board.

B. A DLSM must acknowledge the responsibility of the position on forms provided by the board, and is responsible for salon and practitioner compliance as noted in part 2105.0390.

C. A DLSM must not be responsible for more than one salon unless the salons are not open concurrently and the salons or DLSM attest in writing to the board of the business hours of both salons.

D. A DLSM who is no longer serving as the DLSM must notify the board in writing via e-mail or mail, and is liable under Minnesota Statutes, section 155A.33, for the compliance of the salon and licensees in the absence of any written notice of the change to the board.

E. The DLSM is not required to be present at all times during the salon's operation but remains responsible for compliance under this chapter and Minnesota Statutes, chapter 155A, even when away from the salon.

#### **2105.0310 SALON LICENSURE APPLICATION.**

Subpart 1. **All salon licenses.** The requirements of parts ~~2105.0300~~, 2105.0310, 2105.0360, 2105.0370, and ~~2105.0400~~ shall 2105.0410 must be met by all applicants proposing to establish a salon. A salon license is required for each physical location. A licensed salon business may not share any physical space with another licensed salon business except for restrooms, and may not be located inside the perimeter of another licensed salon.

Subp. 1a. **Types of salon licenses.** The services a salon may offer are determined by the type of salon license held. Cosmetology salons may offer cosmetology services, esthetic services, and nail services. Nail salons must offer only nail services. Esthetician salons must offer only esthetician services. A single salon may hold both a nail salon license and an esthetician salon license.

Subp. 2. **Application.** ~~The person, association, firm, or corporation proposing to establish~~ An applicant for a cosmetology, esthetician, or nail salon shall ~~must~~ apply in writing to the board, on forms supplied by the board, giving the following information:

A. the salon name and the legal name of the salon; and its owners; the physical address; and, if the post office refuses to deliver mail to the salon, an alternate mailing address; telephone number; and e-mail address;

B. and the names, postal addresses, e-mail addresses, and telephone numbers of all owners of sole proprietorships or partnerships and controlling officers of corporations;

~~B~~ C. notarized signatures of the owners of sole proprietorships or notarized signatures of partners in general partnerships and limited liability partnerships, and the controlling officers of corporations or authorized signatory of corporations attesting to the truth and accuracy of the application for licensure;

~~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 marshal if no local fire codes exist; and~~

D. an active Certificate of Assumed Name from the secretary of state if the salon is doing business under a name different than the full legal name of the salon owner;

E. an active Certificate of Organization from the secretary of state, except for sole proprietorships and general partnerships;

F. a Social Security number for a sole proprietor, and a state tax identification number for all other businesses;

G. current Certificate of Insurance of professional liability insurance as required by Minnesota Statutes, section 155A.29, subdivision 2;

H. current Certificate of Workers' Compensation Insurance, unless the salon is not required to provide insurance coverage under the Minnesota Workers' Compensation Act;

I. a statement attesting to the salon's compliance with applicable building codes, the Minnesota State Fire Code, and applicable OSHA requirements;

E J. a legible 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: required in part 2105.0360; and

K. the name, license number, and notarized signature of the DLSP accepting the responsibilities of the DLSP.

### **2105.0322 MAINTAINING SALON LICENSE.**

Subpart 1. **Scope.** The requirements in this part apply to all salon licensees.

Subp. 2. **Unlicensed persons.** Salons must not employ or allow unlicensed persons to perform any board-regulated service in a salon, or allow an unlicensed person to provide regulated services without compensation.

Subp. 3. **Compliance.** The licensee must comply with all applicable provisions of Minnesota Statutes and Rules.

Subp. 4. **Maintain insurance.** The salon must maintain any required workers' compensation insurance and professional liability coverage as required by Minnesota Statutes, section 155A.29, subpart 2, for the salon and salon employees. If the salon leases space to any licensee, or contracts for services with a licensee, the salon must ensure that the licensee is covered under the salon's professional liability insurance or that the licensee maintains current professional liability coverage meeting the salon requirements.

Subp. 5. **Salon premises.** Cosmetology, esthetician, and nail services must not be provided in a place other than a licensed cosmetology salon, esthetician salon, nail salon, cosmetology school, or as otherwise provided by this chapter.

Subp. 6. **Change of location.** A salon license must not be transferred when the salon moves to a new location. The salon must apply for a new salon license and has 60 days after a move to become licensed according to part 2105.0310. If a new license has not been issued by day 61, the salon must cease operations until a license is issued.

Subp. 7. **Change of name.** This part applies only to salon name changes and does not apply to changes of ownership. The board must reissue the salon license in the new name under the same license cycle after the salon owner has met the requirements of this subpart. Within 60 days of the name change, the salon owner must:

- A. submit a salon name change form to the board;
- B. provide legal documentation of the name change and any other documents the business is required to file with the secretary of state under state law because of the name change;
- C. provide a certificate of insurance showing the salon's new name for professional liability insurance;
- D. provide a certificate of insurance in the new salon name for workers' compensation insurance if applicable; and
- E. pay the fees required in Minnesota Statutes, section 155A.25.

Subp. 8. **Change of owner.** A salon license must not be transferred when the salon is sold, or when a corporation owning a salon is sold. The salon must apply for a new salon license and has 60 days after change of ownership to become licensed according to part 2105.0310. If a new license has not been issued by day 61, the salon must cease operations until a license is issued.

Subp. 9. **Change of business structure.** A salon license must not be transferred when the business structure of the owner is changed. The salon must apply for a new salon license and has 60 days after the change of business structure to become licensed



according to part 2105.0310. If a new license has not been issued by day 61, the salon must cease operations until a license is issued.

Subp. 10. **Change of DLSM.** The salon owner must inform the board in writing within ten business days of the departure or resignation of the DLSM. The salon has 60 days from the date of the change to register a new DLSM with the board.

### **2105.0330 SALON LICENSE RENEWAL.**

Subpart 1. **Requirements.** The requirements of subparts ~~2 to 4~~ shall 3 to 6 must be met by a salon licensee in order to renew a license.

Subp. 2. ~~**Request for renewal**~~ **Salon license expiration.** All licenses expire on the last day of the month of initial licensure of the year due and ~~each licensee is~~ the salon owner and designated licensed salon manager (DLSM) are responsible for renewing the licensee's salon's license. ~~A salon license that is not renewed by the last day of the month of initial licensure of the year due is considered unlicensed as of the first day of the following month.~~ Not receiving a notice of renewal from the board does not constitute a valid excuse for not renewing the license.

Subp. 3. **Fee.** The ~~licensee shall~~ salon must pay the fees ~~identified~~ required in Minnesota Statutes, section 155A.25, ~~before the expiration of the current license.~~

Subp. 4. **Identity of owner.** The ~~licensee shall state~~ salon must provide the name, current address, and telephone number of the salon owner on the renewal application.

Subp. 5. **DLSM.** The salon renewal application must identify the current DLSM by name, license number, and license expiration date.

Subp. 6. **Professional liability and workers' compensation insurance.** The salon must verify that professional liability insurance and workers' compensation insurance policies as required under part 2105.0310 are current and active, including liability policies for practitioners leasing space in the salon.

Subp. 7. **Failure to renew before salon license expiration date.**

A. The board must return incomplete renewal applications to the applicant with notice of the items that are incomplete. Late fees required by Minnesota Statutes, section 155A.25, apply if the resubmitted application is received after the expiration date of the license.

B. When a renewed salon license has not been issued by the expiration date, the salon is considered delinquent and is subject to inspection penalties in part 2105.0120 and disciplinary action in Minnesota Statutes, section 155A.33, and must cease operations and not resume operations until a salon license has been issued.

C. If a completed renewal application is not received by the board within six months of the license expiration date, the salon is not eligible to renew the license. The salon must apply for a new salon license, meeting all current requirements for salon licensure under part 2105.0310. The salon may not operate until a new license has been issued.

D. Late fees in Minnesota Statutes, section 155A.25, apply when a complete renewal application is received after the license expiration date.

**2105.0360 SALON PHYSICAL REQUIREMENTS.**

Subpart 1. **Display of salon name.** Salons located in commercial spaces must prominently display the licensed name of the salon at the primary entrance. Salons located in a private residence must prominently display the licensed name of the salon at the driveway entrance of the home. When local ordinances or real covenants prohibit the signage, the salon must maintain written confirmation at the salon no more than three years old from the official responsible for enforcing the prohibition in an ordinance or documentation of the covenant prohibiting the signage.

Subpart 1. Subp. 1a. **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 square feet of work space for a one-practitioner esthetician salon, and 100 square feet of work space for a one-practitioner nail 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 nail salon.~~

C. ~~The supply area shall not be accessible to the public.~~

The salon must meet applicable building codes, fire codes, and zoning codes as determined by local zoning and building officials and the state fire marshal.

Subp. 2. [See repealer.]

Subp. 3. **Walls and ceilings.** All walls ~~and~~ ceilings shall, ceiling fans, light fixtures, vents, and other fixtures must be kept clean free from dust and dirt and in good repair at all times, ~~free from crevices, cracks, or holes which could collect dirt.~~

Subp. 4. **Floors.** All floors ~~shall~~ must be kept clean and free from hair, nails, skin, wax, liquids, 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~~ debris.

Carpet shall is not be an acceptable floor covering unless it is commercial grade carpet in work areas where services are provided unless the salon's most recent application for licensure was prior to January 1, 2017.

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. The salon's electrical use must comply with the State Fire Code.

A. Outlets must not have more than two appliances or items plugged into them unless a UL-listed power strip is used.

B. Power strips must be plugged into an outlet and not into another power strip.

C. Extension cords must be plugged into an outlet and not into another cord, and may be used only for portable appliances according to the appliance's directions.

Subp. 5a. **Dispensary.** Each salon must have a dispensary area used to mix chemicals, mix disinfecting solutions, disinfect tools and implements, and store hazardous supplies. Each dispensary must have a clean waste receptacle emptied daily. A dispensary must not be located in a restroom.

A. The dispensary must be equipped with a sink, single-service paper or cloth towels, liquid or foam hand soap, and a work surface area sufficient to disinfect the salon's tools and implements. A shampoo bowl is not an acceptable sink for this purpose unless there is only one practitioner and one hair station in the salon.

B. The salon must ensure that all hazardous substances are inaccessible to the public by prohibiting public access to the dispensary or through the use of closed cabinets, and must ensure that a salon employee or a licensee is present whenever hazardous substances are temporarily accessible to the public.

Subp. 6. ~~Plumbing; water supply~~ **Sinks in work areas.** 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.

A. Each work area must have at least one hand-washing sink.

B. Each hand-washing sink must have hot and cold running potable water plumbed in; be equipped with liquid or foam soap and single-service paper or cloth towels; and have a waste receptacle or hamper for soiled towels.

C. A shampoo bowl may not serve as a hand-washing sink unless liquid hand soap, single-service towels, and a waste receptacle or closed hamper are located at the shampoo bowl. A pedicure tub must not serve as a hand-washing sink.

Subp. 6a. **Restrooms.**

A. Each salon must have a restroom available in the salon, or in an adjacent common area.

B. Restrooms must have a sink with hot and cold running potable water plumbed in, toilet, liquid or foam soap, single-service paper or cloth towels or a hot air hand dryer, and a clean waste receptacle emptied daily.

C. Any hazardous cleaning agents, chemicals, or substances, and any medications located in the restroom, must be kept in locked cabinets not accessible to the public.

D. Restrooms must be maintained in a clean condition.

Subp. 7. **Ventilation.** Salon ventilation shall must comply with local applicable building codes and, local ordinances, and state and federal OSHA requirements. If a salon does not have an exhaust system, the heating, ventilation, and air conditioning (HVAC) thermostat fan switch must always be on during business hours.

Subp. 8. **Furniture and fixtures.**

A. All furniture and fixtures in a work area must have a washable covering or finish and be clean and in good repair.

B. Each work area must have a clean waste receptacle, emptied daily.

C. Each salon must have at least one readily accessible fire extinguisher maintained annually in compliance with State Fire Code requirements. All practitioners in the salon must be instructed in the location and use of the fire extinguisher.

**2105.0370 FIXTURES, FURNITURE, AND EQUIPMENT SALON OPERATIONAL REQUIREMENTS.**

A salon ~~shall~~ must continuously meet the following minimum operational requirements:

~~A. There shall be a separate work station with chair, storage space, and mirror for each licensee on duty.~~

~~B. All shampoos must be given in a shampoo bowl that has plumbing that includes hot and cold water.~~

~~C. 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.~~

~~D. 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.~~

~~E. There shall be storage cabinets or containers for all clean linen and towels. They shall be equipped with tight fitting closable doors or covers, which shall be kept closed.~~

~~F. 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.~~

G A. Each salon shall ~~shall~~ must maintain a readily accessible first aid ~~supplies kit~~ meeting National Standard ANSI Z308.1-2015 or the most recent version of the standard.

B. Each salon must comply with federal hazard communication standards, Code of Federal Regulations, title 29, section 1910.1200, and must:

(1) make paper or electronic safety data sheets for each product used in the salon containing hazardous chemicals as identified in Code of Federal Regulations, title 29, section 1910.1200, available to all salon personnel and all licensees in the salon at all times;

(2) inform all licensees practicing in the salon of the potential health effects of the hazardous products and chemicals; and

(3) inform all licensees practicing in the salon of the measures licensees must take to protect themselves from these hazards, including specific procedures the salon has implemented to protect practitioners from exposure to hazardous products. The procedures must include best work practices, spill cleanup, emergency procedures, and personal protective equipment to be used.

~~H. 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.~~

~~I. A current copy of Minnesota Statutes and Rules pertaining to the regulation of the practice of cosmetology shall be centrally located and made available to all salon personnel.~~

C. The current salon license showing the current DLSM must be conspicuously posted facing the public side of the reception area providing the public a full, unobstructed view of the license.

D. Each salon must ensure that each licensee meets the license display requirements in part 2105.0190, subpart 4.

E. All licensees must have a valid picture state identification in their possession when working in the salon and must produce this identification for inspection when requested by board staff.

F. The salon must post inspection results and provide the detailed inspection report as noted in part 2105.0115, subpart 2.

### **2105.0375 INFECTION CONTROL REQUIREMENTS.**

Subpart 1. **Duties.** It is the responsibility of all licensees, including the salon owner and the designated licensed salon manager (DLSM) to ensure that all infection control requirements are followed. Items, tools, and equipment for regulated services in or on salon premises are subject to the requirements of this part even if not intended for use in services.

Subp. 2. **Hand washing.** All licensees must thoroughly wash their hands with soap and water and dry them with a single-service paper or cloth towel or air dryer before providing any service to a client. An alcohol-based hand rub with a minimum of 60 percent alcohol may be used in lieu of hand washing only when the hands are free of lotions, ointments, product, or visible soil. Gloves and hand wipes are not an acceptable substitute for hand washing.



Subp. 3. **Cleaning.** Before disinfecting any surface or item, any visible debris and disposable parts must be removed and the surface or item must be washed with soap and water or a cleaning agent, rinsed thoroughly, and dried before being disinfected. Surfaces may be wiped with a cleaning agent before being disinfected. Any cleaning agent not in the original container must have a legible label with the name of the agent and use instructions. If the original container with instructions is available, use instructions are not required to be repeated on the new container label.

Subp. 4. **Disinfecting.**

A. Only hospital-level, EPA-registered disinfectants that are labeled as bactericidal, virucidal, and fungicidal may be used. Alcohol is not an acceptable disinfecting agent. Bleach products must have an EPA registration for hospital-level disinfection.

B. Items to be disinfected must first be cleaned according to subpart 3.

C. Disinfectants must be used according to the manufacturer's directions, including contact time, safety precautions, dilution requirements if any, and proper disposal. Disinfectant sprays or wipes must not be used except where noted in this part.

D. Disinfectant solutions must be legibly labeled with the disinfectant name and any dilution requirements. Disinfectant solutions must be made daily and disposed of at the end of the day or immediately if visible debris is present. If concentrated disinfectants must be diluted with water, measuring devices must be readily available and used to ensure an effective solution is made.

E. All surfaces of a tool or implement, including handles, must be disinfected by fully submerging the item in disinfectant in a covered container for the full contact time listed in the manufacturer's directions. Following disinfection, items must be rinsed to prevent exposure of clients and licensees to unsafe pesticides and chemicals. Items must be dried before being stored.

F. Each salon must have disinfectant containers with covers. The containers must be large enough to totally submerge the implements and tools in disinfectant. The number of covered containers and size of containers must be sufficient to hold all the implements and tools that need to be disinfected.

G. Licensees must protect themselves by wearing gloves or using tongs to avoid direct skin contact with the disinfectant and observe all safety precautions in the manufacturer's directions.

Subp. 5. **Blood and body fluid exposure.** Licensees must stop a service whenever an unexpected cut, abrasion, or other injury occurs during a service resulting in exposure to blood or other body fluids, or when blood or other body fluids appear as a result of a service, and follow the steps in items A to G.

A. The licensee must put on gloves.

B. If possible, rinse the wound with running water.

C. Clean the wound with an antiseptic solution and cover with a sterile bandage.

D. If the wound is on the licensee's hand, the licensee must wear a glove or finger cover covering the wound. If the wound is on the client, the licensee must wear gloves on both hands to complete the service.

E. Blood-stained tissue or cotton or other blood or body fluid contaminated material must be placed in a plastic bag, sealed, and discarded.

F. Before resuming service, the licensee must first remove from service any equipment, tools, and implements that came into contact with blood or other body fluids, clean and disinfect any contaminated surfaces, and then clean and wash hands with soap and water.

G. Contaminated tools, implements, and equipment must be cleaned and disinfected according to subparts 3 and 4.

**Subp. 6. Storage of items.**

A. Disinfected items must be stored in clean, closed containers, cupboards or drawers, or on a clean towel and covered with a clean cloth towel or clean drape, and must not come into contact with contaminated items or nondisinfected items. Storage containers must have solid sides and lids and must be cleaned and disinfected with disinfectant wipes or spray weekly and before use if visibly soiled.

B. Plastic or paper bags or sealed wrapping must not be used to store disinfected items unless the item has been sterilized by an autoclave used under the requirements of part 2105.0377, item E.

C. Items pulled out for service must not come into contact with contaminated surfaces that have not been disinfected.

D. Tools, implements, linens, and other nonelectrical items that have been removed from clean storage must be placed in covered and closed containers labeled "used" immediately after the service is completed, or immediately cleaned and disinfected. Storage containers for used items must have solid sides and lids and must be cleaned and disinfected weekly or whenever visibly soiled. Disinfectant wipes or sprays may be used when the container is too large to be submerged in disinfectant.

**Subp. 7. Safety and infection-control practices.**

A. Only cleaned, disinfected, and properly stored tools and implements must be used on a client.

B. A supply of disinfected tools, disinfected implements, single-use supplies, and disinfectant must be present and available for use by practitioners. The supply must be sufficient, based on the practitioner and salon service volume, to ensure each client is serviced with properly cleaned and disinfected tools and implements each day.

C. All fluids, semifluids, creams, waxes, and powders must be kept in clean, covered containers with a solid cover and must be dispensed in a manner which prevents contamination of the unused supply.

(1) Disposable or disinfected spatulas or applicators must be used to remove products from containers, and fingers must never be used. Spatulas, applicators, or scoops must not be stored in the container.

(2) Products removed from containers must not be returned to the containers and must be used or discarded.

(3) Containers must be wiped clean and the exterior disinfected with a disinfectant wipe at the end of the day.

D. All products must be legibly labeled if not in the original container.

E. Each pencil cosmetic must be sharpened before each use with a disinfected pencil sharpener.

F. Licensees must comply with all manufacturer's directions for product use. When product directions require a patch test, the licensee must (1) offer a patch test, and (2) provide information to the client regarding the risk of potential adverse reactions to the product.

G. Licensees must not perform services on clients with open wounds or sores in the area of the body to be serviced.

H. Animals are not allowed in salons. This prohibition does not apply to service animals as defined by the Minnesota Human Rights Act, the Americans with Disabilities Act (ADA), and related regulations, as amended.

I. Live fish, leeches, snails, and other living creatures may not be used in any cosmetic service.

J. Uncovered food or beverages are not allowed in the presence of uncovered disinfectant solutions, or when disinfectant solutions are made or disposed of, or when disinfectant sprays are used.

K. Licensees must not eat or smoke, including electronic cigarettes, while performing any services. Any beverage for a licensee must be covered with a lid during any service.

L. Tools and implements must not be placed in or on clothes, aprons, pockets, bags, or holsters, or worn by the licensee, and must not come into contact with nondisinfected surfaces.

M. Tools or implements dropped on the floor or otherwise contaminated during a service must be removed from the work station, cleaned and disinfected, or placed in a covered container labeled "used" until cleaned and disinfected.

N. Wig blocks must have a nonabsorbent covering. Each nonabsorbent covering must be removed after each servicing of a wig, cleaned and disinfected, and must be stored in a properly labeled covered container. Wigs accepted for service must be stored in individual clean and disinfected containers, or in a new disposable container such as a plastic bag. New plastic wrap or other suitable clean and disinfected covering material must be placed over a customer's hair while trying on wigs for purchase, and the wig must not be allowed to come into contact with the skin, hair, or wigs of the customer.

Subp. 8. **Laundered items.** Each towel, robe, and linen used to cover or protect customers must be used only once and then be laundered with detergent and hot water in a washing machine, dried on hot, and immediately stored in a clean, covered container. Plastic or nylon capes and aprons may be washed in a machine and dried on any setting in a dryer or may be disinfected with a spray disinfectant. Used or soiled towels, linens, and capes must be stored in closed containers labeled "used." Steamed towels and cloths must meet the requirements of subpart 15, item G.

Subp. 9. **Shears and razors.** Shears and razors are not required to be washed, but must be wiped to remove hair, product residue, and skin debris, and then disinfected with an EPA-registered, hospital-level disinfectant spray or wipe after each use. The surfaces must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label.

Subp. 10. **Brushes.** Licensees must follow the procedures in subparts 3 and 4 for all hair or color brushes, brushes used in nail or skin services, makeup brushes, and neck brushes. Brushes used in solvent-based nail polishes that do not support microbial life are exempt from the disinfection requirement.

Subp. 11. **Electrical and electronic tools.** Electric clippers, nail drills, flat irons, blow dryers, glass or metal electrodes, high frequency wands, esthetic machines, steamers, diffusers, or other electric or electronic tools must be cleaned and disinfected after each use, including the body, handle, and attached cord.

A. Plastic guards and any nonmetal removable parts must be removed, cleaned, and disinfected as required in subparts 3 and 4.

B. Metal guards, clipper blades, drill bits, and other removable parts must be removed. All product residue, hair, skin debris, nail dust, and other visible debris must be brushed or wiped off, and the removable part must be disinfected with an EPA-registered, hospital-level disinfectant spray or wipe after each use. The surfaces must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label and the manufacturer's directions must be followed.

C. Clipper blades that are not detachable must have the hair removed using a disinfected brush or a blade wash, and the clipper blade must be disinfected with a hospital-level disinfectant spray. The surfaces must remain wet with the spray disinfectant for the contact time listed on the disinfectant label and the manufacturer's directions must be followed.

D. The surface of the tool's body, handles, and attached cord must be brushed or wiped clean of all product residue, hair, skin debris, nail dust, and other visible debris, and then disinfected with an EPA-registered, hospital-grade disinfectant spray or wipe after each use. The surfaces must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label and the manufacturer's directions must be followed.

E. Disinfected electrical and electronic tools must be stored on a clean surface, on stands or hooks, or in a clean, closed container, cupboard, or drawer when not in use.

Subp. 12. **Pedicure stations.** Pedicure tubs, including basins, and piped and pipeless tubs must be cleaned and disinfected according to items A to C.

A. Immediately after each service:

(1) dirty water must be drained and any visible debris removed;

(2) all removable filter screens, inlet jets, footplates, impeller assemblies, and other parts must be removed and debris eliminated before scrubbing with a disinfected brush and detergent and water;

(3) the tub basin must be scrubbed with detergent and water, and rinsed with water and drained;

(4) removable parts must be replaced;

(5) the basin or tub must be filled with clean water and an EPA-registered, hospital-level disinfectant must be added following the manufacturer's directions. If the pedicure tub is electrical, the fan or pump must be turned on and the unit operated for the entire contact time; and

(6) after the contact time is complete, the disinfectant must be drained and the tub rinsed with clean water.

B. Pedicure tub liners are single-use items under subpart 13 and must be disposed of immediately after use. When disposable tub liners are used, item A does not

apply. When tub liners are used, the pedicure tubs must remain in clean and disinfected condition.

C. Pedicure tubs of all kinds must always be maintained in a clean and disinfected condition, even if the tub is broken or not in service. If the circulating mechanism isn't working, the screens must be cleaned and the tub surface disinfected.

Subp. 13. **Single-use items.** Foam toe separators, foam buffer blocks, pedicure tub liners, pumice bars or stones; chamois, paper, or foam flip-flops or slippers; nail files unless governed by item B; sanding bands or sleeves; paper sandpaper drill bits; wooden applicators; cotton balls, cotton pads, or swabs; gauze pads; neck strips; wax strips; and other items made with paper, wood, foam, or other porous materials, are single-use items, may be used one time only, and must be immediately disposed of in a trash can after each service. Lancets and extraction needles are single-use items and must be disposed of in a sharps container. Brushes are not single-use items when the provisions of subpart 10 are met. Linens are not single-use items when the provisions of subpart 8 are met.

A. New, single-use items must be stored in clean covered containers with solid sides and lids containing only new or disinfected items. New items in the original sealed packaging may be stored out in the open.

B. All nail files are single-use items unless made of metal, glass, or crystal. Ceramic nail files are single-use items unless completely sealed by a glaze.

C. For the purpose of scoring the edges of sharp single-use files, one file may be repeatedly used to file down the edge of a supply of new files, provided that the practitioner wears gloves while preparing the new files and that the file used by the practitioner is kept in the dispensary in a disinfected container labeled "score file." Each salon may have only one score file.

Subp. 14. **Wax and paraffin services.** Wax pots and paraffin warmers must be kept covered and the exterior cleaned daily.



A. If debris is found in the wax pot or paraffin warmer, or if the wax or paraffin has been contaminated by contact with skin, unclean applicators, or double-dipping, the wax pot or paraffin warmer must be emptied, the wax must be discarded, and the pot or warmer must be disinfected.

B. Disposable spatulas and wooden sticks must be dipped into the wax only once and then discarded without using the other end.

C. Applicators must be dipped only once into the wax unless the wax is a single-service item and unused wax is discarded after each service.

D. Any surface touched by a used wax stick must be cleaned and disinfected immediately after the service.

E. Paraffin wax must be portioned out for each client in a bag or other container, or dispensed in a manner that prevents contamination of the unused supply.

Subp. 15. **Salon fixtures.**

A. Counters, tables, reception-area chairs, and desks must be cleaned daily with soap and water or a cleaning agent.

B. Work surfaces where services are performed, such as shampoo bowls, nail tables, facial chairs or beds, or waxing beds, must be protected from skin contact by a clean cloth or paper towel or sheet. The work surface must be cleaned and disinfected daily, using EPA-registered, hospital-level disinfectant wipes or sprays with the surface wet for the contact time in the product directions. If a customer's skin comes into contact with the surface, the surface must be cleaned and disinfected immediately after the service.

C. Stylist chairs at hair stations, chairs at shampoo stations, manicure chairs, and pedicure throne chairs must be cleaned and disinfected at the end of each day. EPA-registered hospital-level disinfectant wipes or sprays must be used and the surface must be wet with the disinfectant for the contact time in the product directions.

D. Sinks and shampoo bowls must be cleaned and disinfected daily with a disinfected spray or wipe, including faucet handles, spray handles, inside bowls, and outside surfaces. Hair must be removed from shampoo bowls immediately after each shampoo service.

E. Rolling carts, work trays, or other containers used to hold tools and implements during a hair, skin, waxing, nail, pedicure, or other service must be cleaned and disinfected daily with a disinfectant spray or wipe.

F. Hair and debris must be removed from the floor immediately after each service.

G. Towel warmers must be disinfected daily with a disinfectant wipe or spray. Salons using hot steamed towels in services must meet these requirements:

(1) towels must be washed with detergent and bleach and dried using a hot dryer setting;

(2) practitioners preparing towels for the warmers must first wash their hands or wear gloves; and

(3) wet towels used in services must be prepared fresh each day. At the end of the day, unused steamed towels must be removed and laundered.

### **2105.0377 SALON PROHIBITIONS.**

A. Prohibited substances in salons are methyl methacrylate (MMA) liquid monomers, formalin tablets, formalin liquids, and other fumigants.

B. Skin cutting equipment, including razor-type callus shavers, credo blades, rasps, or graters and other implements that are used to remove corns or calluses by cutting below the skin surface are prohibited and must not be present in a salon.

C. Roll-on wax is prohibited.

D. UV sterilizers or light boxes are not an acceptable infection control device and must not be present in a salon. This does not apply to UV dryers or ultraviolet lamps used to dry or cure nail products.

E. Autoclaves and autoclave packaging of tools are prohibited unless regular spore tests are performed by a contracted laboratory at least once per month but not more than 30 days between tests. If a positive spore test is received, the autoclave must not be used until a negative spore result is received. The salon must maintain a log of each use, all testing samples and results, and a maintenance log of all maintenance performed according to the manufacturer's directions. The salon must retain the most recent 12 months of the log at the salon for review by the board.

F. Electric or battery-operated files or drills not specifically manufactured for use on humans are prohibited.

G. Practitioners must not use tools or implements provided by customers unless the practitioner first cleans and disinfects the tool or implement. Customer-supplied prohibited tools must not be used and must be immediately removed from the salon premises. Customer-supplied single-use items must be new.

H. Salons must not store a customer's tools or implements.

I. Nail salons must not offer esthetician services without an esthetician salon license, and esthetician salons must not offer nail services without a nail salon license. Nail and esthetician salons must not offer services which require a cosmetology salon license.

#### **2105.0390 SALON SUPERVISION.**

A. The owner and the ~~designated manager appointed in writing by the owner~~ designated licensed salon manager (DLSM) registered with the board are responsible for the salon at all times, even when not present at the salon. The owner and the DLSM must ensure that:

(1) all practitioners, including nonemployees, who perform licensed services in the salon are in compliance with all provisions of this chapter and Minnesota Statutes, chapter 155A; and

(2) each practitioner in the salon is currently licensed in Minnesota for the services provided by that practitioner to customers.

~~B. The salon must designate and register only one person shall be designated as a manager the DLSM for each salon. No manager may be concurrently responsible for more than one salon unless the salons are under the same ownership and all located in the same complex which is designated as an assisted-living care facility. When the manager is not on duty, the manager may specify a responsible person in the manager's absence. The responsible person shall be licensed as a manager, and licensed as a cosmetologist in a cosmetology salon, esthetician salon, or nail salon; a licensed esthetician in an esthetician salon; or a licensed nail technician in a nail salon. This does not preclude a salon from having a business manager or other managers who are not licensed as operators or managers. Salons holding both a nail salon and an esthetician salon license may have a designated licensed salon manager for each license, or a cosmetologist salon manager may serve as the designated licensed salon manager for both licenses.~~

~~C. The manager, owner, and responsible person shall ensure that all licensees under their supervision comply with all provisions of this chapter and Minnesota Statutes, chapter 155A.~~

~~D. The manager, owner, and responsible person shall ensure that no unlicensed individual provides any cosmetology service in the salon.~~

E C. The manager DLSM and the owner shall must maintain, on the salon premises, the work time records of each licensed employee, as required by Minnesota Statutes, section 177.30. Time records shall must be provided upon written request to the licensee or to the board.

~~F. The manager, owner, and responsible person shall ensure that all equipment is operational and maintained in proper working condition, that adequate supplies are in stock at all times, and that infection control and safety requirements are met.~~

D. Any salon that leases space to one or more licensed practitioners must maintain a mechanical or electronic time clock for their use, and retain work time records for a period of four years for each lessee. Time records must be provided upon written request to the licensee or to the board.

### **2105.0393 SALONS LOCATED IN PRIVATE RESIDENCES.**

Salons may be established in private residences if the conditions in items A to F are met.

A. The salon must meet the requirements of this chapter.

B. The salon space must not be used for any residential purposes at any time.

C. The salon must be completely separated from the residential areas. There must be a permanent, solid partition from floor to ceiling between the salon and the residential areas, and any door in between them must be kept closed at all times.

D. All cosmetology services must be provided in the salon space.

E. Laundry tubs must not be used as shampoo bowls.

F. If the salon owner or DLSP is at the home when a board inspector visits, the board inspector must be allowed access to the salon space for the purposes of an inspection, even if the salon is not open for business at the time of the inspection visit.

### **2105.0397 SUITE-STYLE SALONS.**

Subpart 1. Suite-style salons. Suite-style salons must have one salon license under which every suite located on the premises operates, or each suite must carry its own salon license as an individual salon. A suite-style salon where each suite carries its own salon license must meet the salon licensing requirements of this chapter. When the salon

license is held by the business leasing the suites, the requirements of subparts 2 to 7 apply and must be met.

Subp. 2. **Compliance in suite-style salons.** The salon license holder and the DLSPM must ensure that all cosmetology services and all practitioners are in compliance with the requirements of this chapter.

Subp. 3. **Salon license posting requirements in suite-style salon.** Instead of posting the salon license at the building's reception area as required in part 2105.0370, item D, a salon license must be conspicuously posted inside each suite, or at each suite's entrance. The license must not be a photocopy, but must be a duplicate license purchased from the board.

Subp. 4. **Practitioner license posting requirements in suite-style salon.** The posting requirements of part 2105.0190, subpart 4, apply, except that the practitioner licenses must be conspicuously posted at the entrance to or inside the suite instead of in the reception area or foyer of the building.

Subp. 5. **Inspection result posting requirements in suite-style salon.** The requirement of part 2105.0115, subpart 3, to post inspection results and a report must be met by posting the inspection results at the entrance to the suite, and providing the inspection report in a conspicuous location in the suite.

Subp. 6. **Safety data sheets in suite-style salon.** The requirements of part 2105.0370, item B, must be met. The safety data sheets for each product used in each suite must be located in the suite itself.

Subp. 7. **Suite signage and advertising.** A practitioner who does not hold a salon license, and is renting salon space in a licensed salon or is leasing a suite at a suite-style salon must comply with the requirements of part 2105.0110. The practitioner must include the words "at (name of salon as it appears on the salon license)" on any advertising,

including any suite signs at a suite-style salon. This does not apply to a suite directory at a suite-style salon business.

**2105.0410 LICENSED SERVICES NOT OFFERED IN A LICENSED SALON.**

**Subpart 1. Nursing homes licensed under Minnesota Statutes, chapter 144A.**

This part does not provide any exemption for assisted living residences, senior apartments, or any part of a senior citizen housing facility that is not licensed as a nursing home under Minnesota Statutes, chapter 144A.

A. A salon in a nursing home is required to be licensed if:

(1) any cosmetology services are offered to nonresidents of the nursing home; or

(2) any licensee without a homebound service permit is providing services for compensation.

B. A salon in a nursing home is not required to be licensed if:

(1) licensees with homebound service permits provide services only for residents of the nursing home; and

(2) staff employed by the nursing home provide services to residents of the nursing home, and services are limited to washing hair, setting hair, trimming hair, filing nails, applying and removing nail polish, and makeup applications and services do not include permanents or hair coloring.

**Subp. 2. Special events permits.**

A. Licensees with a current manager's license may apply online for a special events permit. Applicants must carry professional liability coverage of at least \$25,000 for each claim and \$50,000 total coverage for each policy year, and must pay the fees required by Minnesota Statutes, section 155A.33.

B. The permit holder may only provide the following services:

(1) cosmetologists may style, reinforce, or extend hair;

(2) cosmetologists and nail technicians may remove and apply nail polish;

and

(3) cosmetologists and estheticians may remove and apply makeup.

C. Permits have the following restrictions:

(1) Permits expire on December 31 of the year in which the permit is issued, but are valid only with a current manager's license held by the permit holder.

(2) One permit covers all events registered by the permit holder with the board for the calendar year.

(3) Each event must be registered online with the board at least 48 hours prior to the start of the event.

(4) The permit holder must print the special events permit from the online license record and have the printed permit in the permit holder's possession during each event.

(5) The permit holder must comply with all infection control requirements and safety requirements in parts 2105.0375 and 2105.0377, and must carry a first aid kit that meets the requirements of part 2105.0370, item A.

(6) At each special event, the permit holder must provide a sufficient number of brushes, combs, makeup brushes, and other implements equal to the number of persons receiving cosmetology services at the event, so that only disinfected tools and implements are used on each client.



Subp. 3. **Homebound permit.** A homebound service permit authorizes a licensee to provide services in a licensed nursing home to residents or in the residence of an individual who is homebound.

A. To obtain a homebound service permit, an applicant must apply and:

(1) hold a current Minnesota cosmetologist, nail technician, esthetician, or salon manager license;

(2) provide a current Certificate of Insurance of professional liability insurance as required under part 2105.0310;

(3) attest that services will be provided only to individuals residing in a licensed nursing home, or in the residence of a homebound individual, and that the licensee will carry the homebound service permit at all times when providing services for homebound individuals; and

(4) pay the fees required by Minnesota Statutes, section 155A.25.

B. Homebound service permits are issued by the board for a three-year cycle.

C. A homebound service permit is not valid unless the permit holder's practitioner license is current. If the practitioner's license has expired, a permit must not be used until the practitioner has renewed the practitioner license.

D. The permit holder must maintain the professional liability insurance as required in item A for the duration of the permit.

E. The licensee must comply with all infection control requirements and safety requirements in parts 2105.0375 and 2105.0377, and must carry a first aid kit meeting the requirements in part 2105.0370, item A, when not in a licensed nursing home.

F. The hours spent working under a homebound service permit do not count toward the work experience hours required to obtain other licenses under this chapter.

**2105.0510 INTOXICANTS AND CONTROLLED SUBSTANCES.**

~~No licensee shall~~ Licensees must not perform cosmetology services while consuming or under the influence of an intoxicant or controlled substance.

**2105.0520 LICENSE CYCLE.**

A. The board must issue individual licenses on a three-year license cycle. The first year of the license cycle may consist of less than 12 months, and begins on the issuance date and ends on the last day of the individual's birth month. The second and third year of the license cycle consists of 12 months each, ending on the last day of the individual's birth month.

B. The board must issue salon licenses on a three-year license cycle. A salon license begins on the issuance date and ends three years later on the last day of the month.

**2105.0650 PENALTIES.**

The board may take action as authorized under Minnesota Statutes, chapter ~~45~~ 155A, against any ~~licensee~~ entity who has violated any law, rule, or order entrusted to the board.

**2110.0010 DEFINITIONS.**

[For text of subp 1, see M.R.]

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

Subp. 3. [See repealer.]

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, business cards, brochures, and recruitment materials; in print, on air, or online.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Board.** "Board" means the Board of Cosmetologist Examiners.

Subp. 8. **Clean.** "Clean" means free from all soil ~~and~~, dirt, and debris, and washed with soap or detergent and hot water or a cleaning agent, and then rinsed.

Subp. 9. **Clinic.** "Clinic" means the portion of a cosmetology school where cosmetology services performed by students are offered to the public ~~and which are performed by students and for which compensation is given~~ for compensation.

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

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

Subp. 13. [See repealer.]

Subp. 13a. **Disinfect.** "Disinfect" means the use of an antimicrobial pesticide that eliminates harmful bacteria, fungi, and viruses on nonporous surfaces.

Subp. 13b. **Disinfectant.** "Disinfectant" means an antimicrobial pesticide that is registered with the Environmental Protection Agency (EPA) for use in a hospital setting and is a bactericide, virucide, and fungicide.

Subp. 14. **Dispensary.** "Dispensary" means a physical location or area in a salon ~~that is primarily~~ or school where ~~cosmetology supplies, products, or chemicals, and disinfectants~~ are prepared, measured, mixed, portioned, or disposed of, and where tools and implements are cleaned and disinfected.

[For text of subps 15 to 17c, see M.R.]

Subp. 17d. **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. 17e. **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. 18. **Licensed services.** "Licensed services" means those services defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and includes ~~the fitting of wigs and hair pieces on the head and the dressing of wigs and hair pieces while on the head~~ services provided by cosmetologists, estheticians, and nail 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 17a to 17c.

Subp. 18a. **Operator.** "Operator" means a standard license for a cosmetologist, esthetician, or nail technician license and not an advanced practice or manager license.

Subp. 18b. **Porous material.** "Porous material" means a material that absorbs liquid or allows liquid to penetrate.

~~Subp. 18a.~~ 18c. **Simple braiding devices.** "Simple braiding devices" include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

Subp. 19. [See repealer.]

Subp. 20. **Unregulated service.** "Unregulated service" means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and which are exempt from regulation by the board, ~~and includes.~~ Unregulated services are ear piercing, body wrapping, permanent depilation, tattooing, artificial tanning of the skin; personal services incidental to performance in 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; botox and other injectables, services for theatrical, television, film, fashion, photography, or media productions; or musical productions or media appearances; any personal mortuary services performed incidental to mortuary practice; massage services; body wraps when performed by a massage therapist; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 17a to 17c; 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 17a to 17c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

#### **2110.0110 ADVERTISING.**

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

~~A. It is a violation of this chapter to advertise in any manner that is misleading or inaccurate with respect to any services or policies offered by the licensee. All advertising and business signage must state the school name as shown on the school license.~~

~~B. No advertisement shall~~ Advertisements must not state or imply favorable consideration by the Board of Cosmetologist Examiners other than to state that the school is licensed by the board.

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

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

E. C. A school advertisement of cosmetology services ~~shall~~ must 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. D. ~~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.~~ Each school must maintain copies of all advertisements for clinic services for three years, available to the board at its request.

## **2110.0125 INSPECTIONS.**

### **Subpart 1. Protocol.**

A. Each school is subject to inspection at any time the board deems it necessary to affirm compliance. All school staff, including the owner, designated school manager (DSM), instructors, and unlicensed support staff must cooperate with the inspection. The school must allow a board inspector to inspect the school on the inspector's arrival at the school.

B. Board inspectors must carry board-issued photo identification.

### **Subp. 2. Violations and orders to comply.**

A. The board must notify schools with a written inspection report when any violation is found during a board inspection. The school licensee and the DSM must take immediate action to address each violation and within ten business days bring the school and all licensees into compliance with this chapter, chapter 2105, and Minnesota Statutes, chapter 155A.

B. If an order to comply is issued by the board inspector, the school and the DSM must report to the board via mail or e-mail within ten business days of the order's issuance using a form provided by the board. The report must:

(1) explain how each violation was corrected and the date of correction; and

(2) for each violation that was not immediately corrected or not corrected within ten days, provide a written explanation of the reasons for the delay, the specific steps the licensee will take to correct the violation, and the projected date the outstanding violation will be corrected. The board shall grant extensions requested in writing when the health and safety of the students and the public is not at immediate risk, and when the delay is warranted based on the information provided by the school.

Subp. 3. **Posting inspection results.** The board must provide each school with the inspection results and a detailed inspection report on the inspection findings. Within ten business days of the issuance date on the results and report, the school and DSM must conspicuously post the inspection results in the entryway to the school clinic or at the reception desk and place the detailed inspection report in the reception area. The inspection results and inspection report must be visibly available in the reception area of the school for the public's review. The inspection results must remain posted and the inspection results must remain available in the reception area until replaced by new inspection results and a new detailed inspection report.

Subp. 4. **Inspection penalties and discipline.**

A. Violations of Minnesota Statutes, chapter 155A, and violations of this chapter and chapter 2105, including those listed in item B, cited on a board inspection are subject to:

(1) application of penalties prescribed in Minnesota Statutes, section 155A.25; and

(2) disciplinary action as identified in Minnesota Statutes, section 155A.33.

B. Board staff must issue penalties prescribed in Minnesota Statutes, section 155A.25, for violations in subitems (1) to (3) cited during a board inspection of a school except as provided for in subpart 5. Licensees must pay penalties in full before any license is renewed or issued.

(1) A school is subject to penalty for violations cited during an inspection for:

- (a) each expired instructor license;
- (b) an expired DSM license;
- (c) an expired school license;
- (d) each current license of an instructor, designated school manager, or school not conspicuously displayed;
- (e) reuse of or failure to dispose of single-use items immediately after use;
- (f) the presence of prohibited razor-type callus shavers, graters, or rasps; or
- (g) refusal or failure to cooperate with an inspection.

(2) A DSM is subject to penalty for violations cited during a school inspection for:

- (a) each instructor with an expired license;
- (b) an expired DSM license
- (c) an expired school license;
- (d) each current license of an instructor, designated school manager, or school not conspicuously displayed;
- (e) reuse of or failure to dispose of single-use items immediately after use;
- (f) the presence of prohibited razor-type callus shavers, graters, or rasps; or



(g) the DSM's refusal or failure to cooperate with an inspection.

(3) An instructor is subject to penalty for violations cited during a school inspection for:

(a) an expired instructor's license;

(b) the instructor's current license not conspicuously displayed;

(c) reuse of or failure to dispose of single-use items immediately after use;

(d) the presence of prohibited razor-type callus shavers, graters, or rasps; or

(e) the instructor's refusal or failure to cooperate with an inspection.

**Subp. 5. Application of inspection penalties.**

A. The board must consider the factors identified in Minnesota Statutes, section 14.045, subdivision 3, when applying penalties for cited violations.

B. The maximum total inspection penalties per license per inspection must not exceed:

(1) \$3,000 for the school license;

(2) \$2,000 for the designated school manager; and

(3) \$1,000 for each instructor.

**2110.0190 REINSTATEMENT AFTER SUSPENSION OR REVOCATION.**

A school applicant may with a license that was suspended or revoked by the board under Minnesota Statutes, chapter 155A, must apply for relicensure after revocation by meeting the following requirements as follows:

A. the applicant shall provide documentation of the correction or elimination of the grounds for the revocation;

~~B. the applicant shall make application for relicensure, in writing and on forms provided by the board;~~

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

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

~~E. the applicant shall meet all of the requirements of parts 2110.0300 to 2110.0820; and~~

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

A. apply for relicensure on forms provided by the board;

B. meet the requirements for reinstatement identified in the order revoking or suspending the license, and meet any requirements for renewing a license under this chapter as if the license had not been revoked or suspended but had expired from the date of revocation or suspension; and

C. pay the fees required of a new applicant in Minnesota Statutes, section 155A.25.

### **2110.0200 TRANSFER OF LICENSE PROHIBITED.**

School licenses shall are not be transferable to another school and shall must be used only by the named licensee at the location listed on the license.

### **2110.0310 SCHOOL LICENSURE.**

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

A. the school name and the legal name of the school, and its owners, the physical address, and telephone number, e-mail address, and Web site;

B. the names ~~and~~, postal addresses and e-mail addresses, and telephone numbers of all owners of sole proprietorships or partnerships and controlling officers of corporations;

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

D. an active Certificate of Assumed Name from the secretary of state if the school is doing business under a name different than the full legal name of the owner;

E. an active Certificate of Organization from the secretary of state, except for sole proprietorships and general partnerships;

F. a Social Security number for a sole proprietor, and a state tax identification number for all other businesses;

G. current Certificate of Insurance of professional liability insurance of at least \$150,000 for each policy year for the school, its employees, and students;

H. current Certificate of Workers' Compensation Insurance;

I. documentation of a continuous corporate surety bond as required in Minnesota Statutes, section 155A.30, subdivision 5;

~~€. J.~~ the days of the week and the hours which the school will be open and the school's projected opening date;

~~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;

K. a statement attesting to the school's compliance with applicable building codes, the Minnesota State Fire Code, and applicable OSHA requirements;

~~E. L.~~ the name, license number, and notarized signature of the licensed manager who will be employed by the school, including that individual's license number and expiration date DSM accepting the responsibilities of the DSM;

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

~~G. N.~~ 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. O.~~ a complete inventory of facilities and equipment supportive of instructional and clinical operations, as required by these rules this chapter;

~~I. P.~~ a designation of the licenses for which instruction will be offered; proposed schedule of all courses to be offered in the first year, including start dates and completion dates for each course. If concurrent courses are to be offered, the school must demonstrate it has available classroom and clinical space as well as instructors for each course;

~~Q.~~ the maximum number of students the school will be able to accommodate for each course scheduled the first year;

~~J. R.~~ for each course offered:

(1) the course name and anticipated first offering date;

(2) a detailed outline of the courses of training to be offered, course, including a daily lesson plan, designating the preclinical and clinical curriculum, text and including:

(a) topics of the units of instruction;

(b) for each unit, identifying the hours devoted to the unit and designating the hours as theory, preclinic, or clinic hours;

(c) for each unit, identifying the unit prerequisites necessary for a student to have completed prior to beginning the unit;

(d) for each unit, identifying the textbook and supplementary instructional resources; and

(e) an indication of whether or not the school's instructors will use the instructor's manual associated with the textbook curriculum;

(3) textbook and supportive materials, and the clinical plan designed for each license category; and

(4) classroom and clinical space to be used;

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

~~L.~~ S. copies of all financial aid and refund policies;

~~M.~~ T. copies of all student rules ~~and~~ disciplinary policies, and student handbook;

~~N.~~ U. a copy of the standard enrollment contract;

~~O.~~ V. 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.~~ W. a current balance sheet, income statement, ~~or evidence of~~ and pro forma income and cash flow projections for the first three years of operation. The applicant must establish sufficient financial worth to conduct a school and to meet its financial obligations.

Subp. 2. **Payment of fee.** The applicant ~~shall~~ must pay the fees ~~identified~~ required in Minnesota Statutes, section 155A.25.

Subp. 3. **License cycle.** School licenses are issued for three years, and begin on the issuance date and end three years later on the last day of the issuance month.

### **2110.0320 MAINTAINING A SCHOOL LICENSE.**

Subpart 1. ~~**Display of documents**~~ **Scope.** ~~Each school license and all personnel licenses shall be conspicuously displayed in the school or school clinic reception area at approximately eye level. The requirements of this part apply to all cosmetology schools.~~

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Change of name.** The school owner or school manager must inform the board, in writing, of a name change within 60 days of the effective date of the change, provide legal documentation of the name change, and pay the fees required in Minnesota Statutes, section 155A.25. A license must be issued in the new name for the remaining term of the old license, which must be returned to the board upon receipt of the license in the new name.

Subp. 5. **Change of location.** A school license must not be transferred when the school moves to a new location. The school owner has 30 days after a move to apply for and receive a new school license in accordance with part 2110.0310. If a new license has not been issued by day 31, the school must cease operations until a license is issued.

Subp. 6. **Change of owner.** A school license must not be transferred when the school is sold, including when a corporation owning the school is sold. The new school owner must apply for a school license at least 30 days before the effective date of the change. If a new license has not been issued by day 31, the school must cease operations until a license is issued.

Subp. 7. **Change of business structure.** A school license must not be transferred when the business structure of the owner is changed. The school owner has 60 days after a change in business structure to apply for and receive a new school license according to part 2110.0310. If a new license has not been issued by day 61, the school must cease operations until a license is issued.

Subp. 8. **Change of designated school manager.** Within ten days of the departure or resignation of the designated school manager (DSM), the school owner must:

- A. appoint a licensed instructor or licensed school manager as acting DSM; and
  - B. notify the board by e-mail of the last day of the DSM's employment, and the name and license number of a licensed instructor appointed as the acting school manager.
- The school has 30 days from the departure to register a new DSM with the board by submitting a DSM change form.

Subp. 9. **Change of instructors.** The DSM must notify the board by e-mail within ten days of the employment start or end date of a change in instructors, citing the instructor's name, license number, and effective date of the hiring or termination of employment. The school must be in compliance with the requirements of part 2110.0630.

Subp. 10. **Change or addition of courses and curriculum.**

- A. A school planning to discontinue any course offering must notify the board via e-mail.
- B. A school planning to add a new course offering or a change to the curriculum for a currently approved course must apply for and receive board approval prior to offering the new or changed course. Application must include:
  - (1) the course name and anticipated first offering date; and
  - (2) a detailed outline of the course or lesson plan, including:
    - (a) topics of the units of instruction;

(b) for each unit, identifying the hours devoted to the unit and designating the hours as theory, preclinic, or clinic hours;

(c) for each unit, identifying the unit prerequisites necessary for a student to have completed prior to beginning the unit;

(d) for each unit, identifying the textbook and supplementary instructional resources; and

(e) an indication of whether or not the school's instructors will use the instructor's manual associated with the textbook curriculum.

Subp. 11. **Change or addition of textbooks.** A school planning to change the textbooks for a course must apply for approval on a form provided by the board prior to implementing a new textbook.

Subp. 12. **Change or remodeling of school physical plant.** The school must report to the board via e-mail any planned changes to the layout or physical structure of the school which require a building permit at least 30 days prior to the change. In the event of emergency repairs to the physical plant, the school must notify the board of any resulting changes within 30 days.

Subp. 13. **Location of training.**

A. Instruction must take place within a licensed school building except as provided in item B and part 2110.0500.

B. Schools may offer online board-approved theory-based classes. Practice-based classes must not be offered online.

Subp. 14. **License.** A cosmetology school must not operate without a current and conspicuously displayed school license.

Subp. 15. **Insurance.** A school must maintain current professional liability insurance of at least \$150,000 for each policy year, must maintain a current Certificate of Workers'



Compensation Insurance, and must maintain a corporate surety bond of \$10,000 running to the state.

Subp. 16. **Separation of school from any salon.** Any cosmetology, esthetician, or nail salon must be operated as a separate and distinct business and the salon must be completely separated physically from the school.

## **2110.0330 SCHOOL LICENSE RENEWAL.**

Subpart 1. **Requirements.** All of The following requirements shall of subparts 3 to 6 must be met in order to renew a school license:.

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

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

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

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

~~E. The licensee shall pay the fees identified in Minnesota Statutes, section 155A.25, before the expiration of the current license.~~

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

Subp. 2. **School license expiration and renewal.**

A. School licenses expire on the last day of the month of initial licensure of the year due and each school owner and designated school manager (DSM) is responsible for renewing the school's license.

B. The school must submit a complete renewal application at least 30 days prior to the expiration date to ensure that a renewed license is issued before the expiration date. Not receiving a notice of renewal from the board does not constitute a valid excuse for not renewing the license.

Subp. 3. **School continuation of insurance and surety bond.** The school licensee must provide evidence of continued professional liability insurance coverage of at least \$150,000 as required by part 2110.0310, subpart 1, item G, and evidence of continued workers' compensation insurance in compliance with Minnesota Statutes, section 176.182, by providing Certificates of Insurance for both policies, and a current corporate surety bond as specified under part 2110.0310, item I.

Subp. 4. **School licensee roster.** The school licensee must provide a current and complete roster of the DSM and instructional staff, including license numbers and expiration dates, employment status, and days and hours scheduled to work.

Subp. 5. **Course offerings.** The school licensee must provide a list of courses offered and an anticipated course schedule for the next 12 months with the current and projected enrollment listed for each course scheduled. The school licensee must submit a copy of the board's approval letter for the curriculum with a statement attesting that the curriculum has not changed since the approval date, or submit the items required for new or changed curriculums in part 2110.0320, subpart 10, item B. If concurrent courses are to be offered, the school must demonstrate it has available instructors and classroom and clinical space for each course.

Subp. 6. **Fees.** The school licensee must pay the fees required in Minnesota Statutes, section 155A.25.

**Subp. 7. Failure to renew before license expiration date.**

A. Late fees required by Minnesota Statutes, section 155A.25, apply if the complete renewal application is received after the expiration date of the license.

B. If a renewed school license has not been issued by the expiration date, the school is considered delinquent. The school licensee and DSM are subject to inspection fines detailed in part 2110.0125, and penalties as described in Minnesota Statutes, section 155A.22.

C. If a complete renewal application is not received by the board within 30 days after the license expiration date, the school license is not eligible for renewal, and the school must reapply for a school license as a new applicant.

D. The board must not accept or recognize student hours earned on or after the 31st day of the school's license expiration.

**2110.0380 FACILITIES REQUIREMENTS FOR LICENSURE.**

In addition to the requirements of ~~parts~~ part 2110.0310 ~~and 2110.0370~~, the requirements contained in parts ~~2105.0510, 2105.0600, 2105.0610, and~~ 2110.0390 to 2110.0600 ~~shall~~ must be met by the school before a license will be issued. Compliance with these requirements ~~shall~~ must be confirmed by an inspection by the board. The license ~~shall~~ must be issued after a satisfactory initial inspection.

**2110.0390 PHYSICAL REQUIREMENTS.**

Subpart 1. **Space.** ~~Space:~~

~~There shall be~~ The school must have a combined clinic and classroom size of at least 25 square feet for each ~~enrollee~~ student to be accommodated. ~~This space shall exclude all~~ Office space, storage areas, ~~lounge facilities~~ break rooms, and restrooms are not clinic or classroom space.

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

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

B. The school classrooms must have chairs and table work space for the maximum number of students scheduled for class at any one time.

~~D. C. There shall be~~ The school must have a furnished student lounge break room of at least 120 contiguous square feet.

D. The school must meet applicable building codes, fire codes, and zoning codes as determined by local zoning and building officials and the state fire marshal.

E. The school, or any part of the school, must not be used for any residential purpose.

Subp. 2. ~~**Entrances and exits**~~ **Walls and ceilings.** ~~Entrances and exits must comply with the requirements of applicable local building codes and ordinances.~~ All walls, ceilings, ceiling fans, light fixtures, vents, and other fixtures must be kept clean and free from dust and dirt, and in good repair at all times.

Subp. 2a. **Floors.** All floors must be kept clean and free from hair, nails, skin, wax, liquids, and other debris at all times and be in good repair, free from crevices, cracks, holes, or tears which could collect dirt or debris. Carpet is not an acceptable floor covering in clinic areas where services are provided, unless the school's most recent application for licensure was prior to January 2017.

Subp. 3. **Electrical requirements.** The school's electrical use must comply with the State Fire Code adopted according to Minnesota Statutes, chapter 299F.

A. Outlets must not have more than two appliances or items plugged in unless a UL listed power strip is used.

B. Power strips must be plugged into an outlet and not into another power strip.

C. Extension cords must be plugged into an outlet and not into another cord, and may be used only for portable appliances according to the appliance's directions.

D. Each classroom shall ~~shall~~ must 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. 3a. **Dispensary.** Each school must have a dispensary area used to mix chemicals, mix disinfecting solutions, disinfect tools and implements, and to store hazardous supplies. The dispensary must have a clean waste receptacle emptied daily.

A. The dispensary must be equipped with a sink, single-use towels, liquid or foam hand soap, and a work surface area sufficient to disinfect the school's tools and implements. A shampoo bowl is not an acceptable sink for this purpose.

B. The school must ensure that all hazardous substances are inaccessible to the public by prohibiting public access to the dispensary or through the use of closed cabinets, and must ensure that a school employee is present whenever hazardous substances are temporarily available to the public.

Subp. 4. ~~Toilet facilities~~ **Restrooms.** 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.

A. Each school must have restrooms available in the school, or in an adjacent common area.

B. Restrooms must have a sink, toilet, liquid or foam soap, single-service towels, and a clean waste receptacle emptied daily.

C. Any hazardous cleaning agents, chemicals, or substances located in the restroom must be kept in locked cabinets not accessible to the public.

Subp. 5. **Additional Ventilation.** ~~In addition, each school shall meet the physical requirements for salons contained in parts 2105.0360, subparts 3 to 7.~~ School ventilation must comply with applicable building codes, local ordinances, the State Fire Code, and state and federal OSHA requirements. If a school does not have an exhaust system, the heating, ventilation, and air conditioning (HVAC) thermostat fan switch must always be on during school hours.

Subp. 6. Safety items.

A. Each school clinic must have at least one readily accessible fire extinguisher that complies with and is maintained annually according to the State Fire Code requirements. All employees must be instructed in the location and use of the fire extinguisher.

B. Each school clinic must maintain a readily accessible first aid kit meeting National Standard ANSI Z308.1-2015, or the most recent version of the standard.

C. Each school clinic must have readily accessible safety data sheets (SDS) for each product used in the clinic containing hazardous substances as identified in Code of Federal Regulations, title 29, section 1910.1200, available to all school personnel at all times.

D. The school must inform all employees and students of the potential health effects of the hazardous products and chemicals used in the school clinic and the location of the SDS data.

E. The school must inform all employees and students of the measures each must take to protect themselves from the hazardous products and chemicals, including specific procedures the school has implemented to protect employees and students from exposure. The procedures must include best clinic practices, emergency procedures, and personal protective equipment to be used.

**2110.0400 FIXTURES, FURNITURE, EQUIPMENT.**

A school ~~shall~~ must 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;<sub>2</sub>

B. ~~There shall be~~ at least one standard or hand-held blow hair dryer, clean, in good repair, and operational, for each six work stations;<sub>2</sub>

C. ~~There shall be~~ at least one facial chair, clean and in good repair, for each ten enrollees students. This may be a work station chair with a reclining back and attachable headrest;<sub>2</sub>

D. ~~There shall be~~ at least one manicure table, clean and in good repair, for each ten enrollees. students;<sub>2</sub>

E. ~~There shall be at least one heat cap.~~

F. E. ~~There shall be~~ at least one skin care ~~machines~~ machine or models or diagrams sufficiently detailed to allow instruction in their use and operation;<sub>2</sub>

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

H. F. ~~There shall be at least one~~ a time clock or other reliable method of recording time to be used by the students when checking in and out of school: and in and out of lunch;<sub>2</sub>

I. G. ~~There shall be~~ at least one shampoo bowl ~~in good repair and operational~~ for each six work hair stations. All shampoos must be given in a shampoo bowl that has plumbing that includes hot and cold water;<sub>2</sub>

J. ~~in addition, each school shall meet the fixture, furniture, and supply requirements for salons as designated in part 2105.0370, items B to G.~~

~~K. H.~~ there shall be locker space available for students requesting it; and

I. all furniture and fixtures in the school clinic must have washable finishes or coverings, be clean, and be in good repair.

## **2110.0410 SUPPLIES AND MATERIALS.**

Subpart 1. **Basic supplies.** ~~Basic supplies~~ The school must provide the following:

A. ~~The school shall supply each student with~~ a beginning professional kit for each student, 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;<sub>2</sub>

B. ~~The school shall provide the student with~~ all supplies and materials necessary to perform all clinical services and classroom exercises, at no additional cost to the student; and

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

Subp. 2. **Towels and linens.** ~~There shall be~~ A minimum of one dozen clean towels per enrollee student on the clinic floor must be 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; a copy of this chapter and chapter 2105; a copy of Minnesota Statutes, chapter 155A; and copies of all other necessary instructional materials, including a copy of this chapter and Minnesota Statutes, chapter 154 must be provided to each student. The laws and rules, workbooks associated with the, and textbooks shall become the property of the student. The cost of these materials



shall be clearly indicated to the student ~~prior to~~ in the enrollment contract, unless ~~it~~ the cost is included in the tuition fee.

Subp. 4. [See repealer.]

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

- A. an American language dictionary;
- B. charts for basic anatomy (~~of~~ hair, skin, and nails);
- C. trade magazines and publications;
- D. a current copy of this chapter, chapter 2105, and Minnesota Statutes and Rules, chapter 155A, pertaining to the regulation of the practice of cosmetology; and
- E. copies of other related statutes and rules.

#### **2110.0430 INTOXICANTS AND CONTROLLED SUBSTANCES.**

~~No licensee or student shall perform cosmetology services~~ Students and licensees are prohibited from school premises while consuming or under the influence of an intoxicant or controlled substance.

#### **2110.0500 CURRICULUM APPROVAL AND CONTENT.**

Subpart 1. Curriculum approval. ~~Each cosmetology school shall~~ Cosmetology schools must have a board-approved curriculum approved by the department to provide instruction, divided into daily lesson plans. The curriculum ~~shall~~ must include theory and practical application of skills, including the instruction set forth in parts ~~2105.0600 and 2110.0510 to 2110.0540~~ 2110.0530. ~~No more than one percent of the total curriculum time may be dedicated to the teaching of unregulated services.~~

Subp. 2. Field trips and extracurricular activities. Schools may offer field trips and extracurricular activities related to the course curriculum for industry educational

purposes when students are accompanied by instructors, for a maximum of one percent of the total training hours required for cosmetologists, estheticians, or nail technicians.

Subp. 3. **Guest presenters.** Guest presenters may be used by a school when accompanied by the regular course instructor as long as the guest presenters are limited to one percent of the total curriculum time. If the regular course instructor is not in attendance when a guest presenter is present, the limitations of part 2110.0630 apply unless the guest presenter holds a current instructor license.

Subp. 4. **Unregulated services.** No more than one percent of the total curriculum time may be dedicated to teaching unregulated services.

#### **2110.0510 COSMETOLOGIST TRAINING.**

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

B. The cosmetology course must include instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, skin care and facials, makeup, waxing, and manicuring and nail care of 1,130 hours and instruction in related theory and sciences of 420 hours.

~~B. C.~~ The first 240 hours shall be of the cosmetology course must consist of preclinical instruction in the theory of sciences of anatomy, dermatology, trichology, manicuring, and chemistry as related to cosmetology; electricity and light; infection control; safety procedures related to the practice of cosmetology; and Minnesota Statutes and rules which pertain to the regulation of the practice of cosmetology; student orientation; and elementary service skills. Elementary service skills must be limited to

the observation of an instructor demonstration or student-to-student application of basic services related to cosmetology.

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

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

	Column I Hours	Column II Service Exercises
(1) shampooing	50	300
(2) scalp and hair conditioning	80	150
(3) hair design shaping	150	75
(4) chemical hair control (including 6 chemical relaxing exercises)	200	60
(5) hair coloring	100	50
(6) hair styling	200	300
(7) <u>facials and makeup, and waxes (including 60 facials, 40 makeup applications, 20 facial waxes, and 20 body waxes with one-half of all waxes being soft and one-half of all waxes being hard)</u>	200	<del>60</del> <u>140</u>
(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~~ must be sent to the board with the documentation of successful completion of the entire course of training.

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

### **2110.0520 ESTHETICIAN TRAINING.**

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

B. The first 120 hours ~~shall~~ must be preclinical instruction in the theory of sciences of anatomy, dermatology, and chemistry as related to skin care; electricity and light; infection control; 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; student orientation; and elementary service skills. Elementary service skills must be limited to the observation of an instructor demonstration, or student-to-student application of basic services related to esthetics.

C. There ~~shall~~ must be instruction in applied science and skills in the ~~cleaning, conditioning, shaping, reinforcing, coloring, and enhancing of the skin quality through the use~~ procedures of cosmetic care of the skin, applications of facials and makeup, and in waxing.

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

(1) Each student ~~shall be required to~~ must complete at least 60 facials or, 40 makeup applications, and 20 face waxes and 20 body waxes with one-half of all waxes being hard waxes, and one-half of all waxes being soft waxes.

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

E. ~~The requirements of part 2110.0510, item F shall be complied with.~~ There must be instruction in business practices and in the Minnesota laws regulating those practices and labor relations.

### **2110.0530 NAIL TECHNICIAN TRAINING.**

A. Nail technician training consists of a course of training of at least 350 hours.

B. The first 50 hours ~~shall~~ must be preclinical instruction in the theory of sciences of anatomy, dermatology, and chemistry as related to manicuring; electricity and lights; infection control; safety procedures related to the practice of manicuring; and Minnesota Statutes and rules which pertain to the practice of manicuring; and elementary service skills. Elementary service skills must be limited to the observation of an instructor demonstration, or student-to-student application of basic services related to nail services.

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

(1) Each student ~~shall be~~ is 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~~ must be sent to the board with documentation of successful completion of the course of training.

~~E. The requirements of part 2110.0510, item F shall be complied with. There must be instruction in business practices and in the Minnesota laws regulating those practices and labor relations.~~

### **2110.0545 SKILLS COURSES.**

A. A board-approved cosmetologist skills course, esthetician skills course, and nail technician skills course must be offered in person.

B. Each skills course must begin with an initial board-approved skills test. The provider must use board-approved scoring of the skills test, and a board skills test form.

(1) Attendees who pass the skills test have completed the skills course. The provider must issue a signed and dated skills course certificate to the attendee.

(2) Attendees who do not pass the initial skills test must complete the provider's skills course curriculum for each skills test area not passed. The attendee has completed the skills course when the attendee passes the skills test.

C. Cosmetologists must attend a cosmetologist skills course taught by a cosmetology instructor, estheticians must attend an esthetician skills course taught by an esthetician or cosmetology instructor, and nail technicians must attend a skills course taught by a nail technician or cosmetology instructor.

D. Board approval is not required for a licensed cosmetology school to offer skills courses, but the cosmetology school may notify the board if offering the course. Providers who are not cosmetology schools must meet the requirements of part 2105.0187.

E. A provider of a skills course must provide attendees who have successfully completed the course with a skills course certificate showing successful completion of

the skills test, and must retain records of attendees for five years from the date of the skill certificate.

### **2110.0550 CREDIT TOWARDS ANOTHER LICENSE.**

A licensed esthetician or nail technician who ~~received~~ completed licensure training within the last five years may receive the following credit for that training toward another license:

[For text of items A to D, see M.R.]

### **2110.0600 RESPONSIBILITY.**

~~It shall be the responsibility of the school owner and manager to ensure compliance with the requirements of parts 2110.0610 to 2110.0730.~~ The owner and designated school manager (DSM) are responsible for the school at all times, even when not present at the school. The owner and DSM must ensure that the school, instructors, and students in the school are in compliance with all provisions of this chapter, chapter 2105, and Minnesota Statutes, chapter 155A.

### **2110.0610 SCHOOL IDENTIFICATION.**

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

### **2110.0625 DESIGNATED SCHOOL MANAGER.**

A. The school owner must appoint a designated school manager (DSM) and register with the board using forms supplied by the board. The DSM and the school owner

are responsible for ensuring that the school, instructors, and students attending courses are in compliance with this chapter and Minnesota Statutes, chapter 155A.

B. A DSM must acknowledge the responsibility of the position in writing to the board.

C. A DSM must not be responsible for more than one school.

D. A school manager who is no longer serving as the DSM must notify the board in writing via e-mail or mail, and is liable under Minnesota Statutes, section 155A.33, for the compliance of the salon and licensees until the written notice is received by the board.

E. The DSM is not required to be present at all times during the school's operation, but remains responsible for compliance under this chapter and Minnesota Statutes, chapter 155A, even when not present at the school.

### **2110.0630 INSTRUCTORS.**

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

(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.~~ use unlicensed instructors who hold a salon manager license as substitutes for licensed instructors for no more than 30 full or partial calendar days in 12 consecutive months. Whenever an unlicensed substitute instructor is present, at least one licensed instructor



must be on the school premises. When these conditions are met, the substitute instructor is considered an instructor for the instructor quota.

(2) The DSM must notify the board each day that an unlicensed substitute instructor is present by e-mailing the board with "substitute instructor" in the subject line. The e-mail must contain the substitute's name, the name of the absent instructor, the dates the substitute will be working, and the name and license number of the supervising instructor, and the number of days in the past 12 months that a substitute has been used.

(2) (3) ~~The school shall notify~~ DSM must e-mail the board ~~in writing within ten days of each occurrence of failure~~ by the end of the day each day the school fails to meet the required instructor quota, with "instructor quota failure" and the school name in the subject line. The e-mail must contain the names and license numbers of the absent instructors, and the names and license numbers of the instructors present.

B. If a school is not in compliance with item A, ~~students will be notified by the board~~ must notify the school that it will not accept hours accrued by students during the period of noncompliance. The school must notify the students in writing of the board's decision and provide the board a copy of the required notification to each student that the hours accumulated during the period of noncompliance will not be accepted by the board.

C. Instructors ~~shall~~ must devote the entire instructional time scheduled to training and ~~shall have no~~ must not have any additional noninstructional duties or responsibilities during class or clinical time.

D. Schools must maintain instructor payroll and time records showing hours worked each day for each pay period for three consecutive calendar years.

E. Esthetician instructors and nail instructors are restricted to instruction in the area of their practitioner license and may not instruct in other disciplines.

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

#### **2110.0640 ENROLLMENT CONTRACTS.**

The student or the student's parent or guardian ~~shall~~ must receive a fully executed copy of the contract at the time ~~he or she signs the contract~~ is signed.

A. The contract ~~shall~~ must state the starting date of schooling and anticipated completion date. ~~A notice stating that the licensing examination is given only in English shall accompany the contract copy provided to the student, parent, or guardian.~~

B. The contract must include the class schedule of days and hours for the course.

The school and a student who has enrolled for additional training ~~because he or she failed after failing the required state examination~~ licensing tests, and reciprocity transfer applicants ~~shall~~ must enter into a contract which specifies the precise nature of theory and clinical experience to be covered during the training course.

C. The contract must identify all conditions that must be met by the student before the school will issue a transcript of the curriculum and hours completed by the student.

#### **2110.0650 REFUND POLICY.**

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

A. a complete refund of all ~~moneys~~ money 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~~ must 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 that~~ explains how to cancel the contract;

B. a refund of all ~~moneys~~ money 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~~ started classes, the following minimum tuition refunds ~~shall~~ must be made:

Percentage of Total Program Represented by the Hours of Training Completed	Maximum Amount of Total Tuition School <del>Shall</del> <u>Must</u> 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

D. This part does not apply to schools governed by the Minnesota State Colleges and Universities (MnSCU).

Subp. 2. **Formula Refund deductions.** 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. This deduction must be clearly stated in the refund policy contained in the enrollment contract.

**2110.0660 STUDENT REGULATIONS.**

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

**2110.0670 STUDENT RECORDS.**

Student records ~~shall~~ must be maintained as follows:

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

B. The school ~~shall~~ must 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~~ must 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~~ must 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.~~ In addition, a transcript of the course work of each student ~~may~~ must be kept, ~~the transcript to~~ which must 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~~ owner's or designated school manager's (DSM's) notarized signature verifying the contents of the transcript. When

requested by a student or former student, copies of the student records must be provided at the cost of duplication, unless the student has not met school requirements identified in the enrollment contract regarding tuition payments and transcripts.

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

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

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

(3) a progress evaluation report. ~~Upon completion of~~ After a student has completed at least one-third of the total required hours and before one-half of the total required hours, the school ~~shall~~ must give the student a written progress evaluation assessing the student's progress towards successful fulfillment of the license requirements;

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

(5) documentation signed by the school owner or ~~manager, shall~~ DSM must 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 2110.0510, item D, 2110.0520, item D, subitem (1), and

2110.0530, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form acceptable to the board; and

(6) a certification ~~shall~~ must be written and maintained by the school if a student withdraws, is suspended, or expelled from the student's course of training. The certification ~~shall~~ must be signed by the school owner or ~~manager~~ DSM, ~~shall~~ must indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training, unless the student has not met school requirements identified in the enrollment contract regarding tuition payments and transcripts.

#### **2110.0680 CERTIFICATION OF STUDENT HOURS.**

~~Certification of student hours shall be as follows:~~

A. All student hours ~~shall~~ must be recorded, on a daily and a monthly basis, and accurately identify the actual attendance hours and lunch breaks.

B. Accrued student hours are valid for a maximum of five years. A school may establish an earlier expiration date if included in the school enrollment agreement.

B C. The daily record of hours ~~shall~~ must list the number of hours earned by each student and the nature of training received, designating all clinical experiences; ~~shall~~ must be signed or confirmed by the instructor who provided or supervised the training; ~~shall~~ must be signed or confirmed 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 the student's timecards from the school. The school may not withhold copies of the student's timecards after a proper request has been made.~~

~~€ D. Each~~ The school shall must complete and maintain a monthly report for each student, summarizing the hours completed for that month, and signed by the school owner or designated school manager (DSM). A copy of the report ~~shall~~ must be given to the student within five days of the end of each month. Corrections of any errors must be signed by the DSM and student.

~~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. Except as provided in ~~parts 2110.0100, subpart 2, and part 2110.0500,~~ students ~~shall~~ must receive credit only for hours spent in training for licensed cosmetology services.

F. ~~No student shall~~ Students must not receive credit for more than ten 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.~~

**2110.0690 STUDENTS TO SUCCESSFULLY COMPLETE EXAMINATION WITHIN REQUIRED TIME STUDENT DEADLINE TO BECOME LICENSED.**

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

**2110.0705 TRANSFER STUDENTS.**

Subpart 1. **Transfers from another school or state.** Students who have completed a portion of required training at another school or in another state or country may apply as a transfer student to a cosmetology school to complete the required training. The school must include in the student's records documentation of any transfer of credits, and copies of student transcripts and records from the original school. Any records from another country, including records in English, must be evaluated by a board-approved credentialing agency at the student's or school's expense.

Subp. 2. **Practitioners from other countries applying as a transfer student for an evaluation.** Individuals who have practiced cosmetology in other countries and who are seeking licensure must obtain a course completion certificate by a licensed cosmetology school as a requirement to become licensed. The applicant may apply as a transfer student and request an evaluation to identify any further training necessary to obtain the course completion certificate.

A. The method of evaluation must include a review of the student's records, training, and work experience, and must include a skills test. Foreign language documents must be translated by a board-approved translator at the applicant's expense.



B. The evaluation results must identify any specific additional training necessary for the issuance of the course completion certificate, based on the training requirements identified in this chapter for cosmetologists, estheticians, and nail technicians and the school's assessment of the student's training and experience.

C. The school must maintain in the student's record the evidence and documentation of the school's evaluation, including the method of evaluation, the dates and location of the student's original training, any testing results, copies of any transcripts or diplomas used in the evaluation, and an explanation of the typical training or apprenticeship required in the country where the student previously practiced.

#### **2110.0720 DISPLAY OF LICENSES.**

~~Current licenses of all school personnel shall~~ instructors, the designated school manager, and the school must be conspicuously posted in the reception area.

~~The school's current license shall be conspicuously posted.~~

#### **2110.0730 PREENROLLMENT DISCLOSURES.**

The following information ~~shall~~ must 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~~ must comply with part 2110.0110. Copies of all solicitation materials ~~shall~~ must be retained by the school for a period of five years from the last date of use.

#### **2110.0740 SCHOOL CLINICS.**

~~All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2105.0380, items A to P, and V, W, and Z. In addition:~~

A. ~~Students and instructors must comply with all infection control requirements in part 2105.0375 and with salon prohibitions in part 2105.0377. Instructors are responsible for ensuring that all students comply with the infection control requirements in part 2105.0375.~~

~~A.~~ B. ~~No~~ A new school ~~shall~~ must not offer clinical services until the minimum preclinical hours required for students has been met.

~~B.~~ C. ~~No~~ A school ~~shall be allowed to~~ must not operate a student clinic at any location other than the school.

~~C.~~ D. ~~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 must be conspicuously displayed in each reception area of the school and in each clinic.

~~D.~~ E. Instructors ~~shall~~ must not perform ~~no cosmetology~~ services on any client in the school clinic except to the extent necessary to demonstrate or instruct students. The student ~~shall~~ must be physically present, observing the instruction or demonstration and ~~shall~~ must participate in the learning experience by actual performance of the complete service.

~~E.~~ F. ~~No student shall~~ Students must not perform clinic services until ~~he or she has successfully completed~~ the required hours of preclinical training have been completed.

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

~~G.~~ H. All students ~~shall be~~ are required to wear an identification badge at all times. The badges ~~shall~~ must be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee Student," "Esthetician Trainee

Student," or "Nail Technician Trainee Student." Badges shall must be furnished by the school as part of tuition costs.

~~H. I.~~ Each student shall and each instructor must wash ~~his or her~~ hands with soap and hot water before providing or demonstrating any service, ~~and each instructor shall similarly wash his or her hands before demonstrating any service or portion thereof on a client.~~ on a student, mannequin, or client. An alcohol-based hand rub with a minimum of 60 percent alcohol may be used in lieu of hand washing only when the hands are free of lotions, ointments, product, and visible soil. Gloves and hand wipes are not an acceptable substitute for hand washing.

~~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 2105.0380, item R.~~

~~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 2105.0380, item S.~~

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

~~L. J.~~ It shall be permissible for the A school to may 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 must be conspicuously posted in the clinic reception area.

## **2110.0750 PENALTIES.**

The board may take action as authorized under Minnesota Statutes, chapter ~~45~~ 155A, against any licensee who has violated any law, rule, or order entrusted to the board.

**REPEALER.** Minnesota Rules, parts 2105.0010, subparts 5, 8, 9, and 12; 2105.0100; 2105.0120; 2105.0130; 2105.0140; 2105.0150; 2105.0160; 2105.0180; 2105.0185; 2105.0190, subpart 5; 2105.0200, subpart 4; 2105.0210; 2105.0300; 2105.0320; 2105.0340; 2105.0350; 2105.0360, subpart 2; 2105.0380; 2105.0400; 2105.0450; 2105.0600; 2105.0610; 2110.0010, subparts 3, 5, 6, 10, 11, 13, and 19; 2110.0120; 2110.0130; 2110.0140; 2110.0150; 2110.0300; 2110.0340; 2110.0370; 2110.0410, subpart 4; 2110.0420; 2110.0540; 2110.0560; 2110.0570; 2110.0620; and 2110.0700, are repealed.