

Board of Cosmetology**Proposed Permanent Rules Relating to Licensing Mobile Salons****2105.0010 DEFINITIONS.**

[For text of subps 1 to 4, see M.R.]

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

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

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

Subp. 5. [Repealed, 41 SR 305]

Subp. 6. [Renumbered subp 4a]

[For text of subps 7 to 10, see M.R.]

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

Subp. ~~10a.~~ 10b. **Hair braiding.** "Hair braiding" means a natural form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, and/or hair extensions into a variety of shapes, patterns, and textures (predominantly by hand and/or by simple braiding devices), and maintenance thereof. Hair braiding includes what is commonly known as "African-style hair braiding" or "natural hair care" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles. Hair braiding includes the making of customized wigs from natural hair, natural fibers, synthetic fibers, and/or hair extensions. Hair braiding includes the use

of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos. Hair braiding does not involve the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair.

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

Subp. 10c. [Renumbered subp 10a]

[For text of subps 10d to 11a, see M.R.]

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

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

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

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

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

Subp. ~~11g.~~ 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.

[For text of subps 12 to 14, see M.R.]

2105.0322 MAINTAINING SALON LICENSE.

[For text of subps 1 to 5, see M.R.]

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. A mobile salon moving to a new vehicle or new mobile structure must not begin operating in the new vehicle or new mobile structure until the new mobile salon has been issued a license.

[For text of subps 7 to 10, see M.R.]

2105.0395 MOBILE SALONS.

Subpart 1. **Mobile salons.** A salon located in a mobile vehicle or mobile structure must be licensed as a mobile salon. The board must issue mobile salon licenses for mobile cosmetology salons, mobile esthetician salons, mobile advanced practice esthetic salons, and mobile nail technology salons. Mobile salons are subject to the following provisions:

A. The salon must meet the requirements of this chapter, including requirements related to the facility, safety and infection control, and scope of services to be provided in salons, except as otherwise provided for in this part.

B. A salon license is valid for a specific vehicle or mobile structure and must not be transferred to a different vehicle or mobile structure.

C. The salon must not be used for any residential or recreational purpose.

D. All services must be provided inside the interior of the vehicle or structure.

E. The mobile salon must be equipped with a functioning cell phone or Voice over Internet Protocol (VoIP).

F. The mobile salon's name as shown on the license must be visibly displayed and clearly legible on at least one exterior side of the mobile salon.

Subp. 2. **Mobile salon license application.** In addition to the requirements of part 2105.0310, an applicant for a mobile salon license must provide the following information:

A. a description of the vehicle or mobile structure to be used as the mobile salon, including photographs of the interior and exterior;

B. the license plate number and vehicle identification number (VIN) of the mobile salon;

C. the capacity and location of each potable water tank and wastewater tank;

D. a permanent address at which board correspondence may be received;

E. the address of the physical location where the mobile salon is parked when not in service; and

F. the phone number of the mobile salon's cell phone or Voice over Internet Protocol (VoIP).

Subp. 3. **Water and wastewater requirements for mobile salons.**

A. The mobile salon must have a self-contained, potable water supply in holding tanks with gauges indicating the levels in the tanks and reserve capabilities. The water supply tanks must be integrated and plumbed into the wastewater tanks or gray water tanks.

B. Only potable water hoses meeting NSF/ANSI Standard 61-2014, may be used to fill the potable water tanks. NSF/ANSI Standard 61-2104 is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

C. The mobile salon must have a wastewater tank or gray water tank capacity 15 percent larger than the water supply holding tank.

D. A mobile salon must not operate when:

(1) the available potable water supply is at ten percent or less capacity;

(2) the available potable water supply is insufficient to comply with infection control requirements in this chapter; or

(3) a tank for wastewater, black water, or gray water is at 90 percent or greater capacity.

E. A mobile salon must have a restroom in operating condition inside the mobile salon that includes an installed hand sink with potable water, soap, single-use towels, and a self-contained, recirculating, flush chemical toilet with a holding tank or properly maintained composting toilet.

F. Wastewater must be discharged into a sanitary sewage system or a sanitary dumping station. Dumping wastewater in a storm sewer, in any body of water, or on the ground is prohibited. When disposing of sewage and wastewater, each mobile salon shall comply with all applicable federal, state, and local environmental and sanitary regulations.

G. Portable shampoo containment bowls and portable pedicure tubs are acceptable. All other sinks must be installed and connected to the vehicle's potable water supply and wastewater tanks.

Subp. 4. **Electrical and power requirements for mobile salons.**

A. If power to supply heating, air conditioning, and other equipment is supplied by a generator, the generator must be properly vented outside and all doors and windows must be closed when the generator is operating to avoid exhaust entering the mobile salon. The generator must meet applicable municipal noise ordinances.

B. Any combustible gas heater used by a mobile salon must be a sealed, combustible unit and must be vented outside, and all doors and windows must be closed when the heater is operating to avoid exhaust entering the mobile salon.

C. All combustible gas containers must be stored outside of the mobile salon.

D. The mobile salon must have working alarms for carbon monoxide, smoke, and combustible gas, either as single alarms or combined alarms.

E. All electrical wiring in a mobile salon must comply with the State Electrical Code. Use of electrical equipment plugged into outlets must comply with the State Fire Code; Minnesota Statutes, section 326B.35; and local fire codes, or the State Fire Code where no local fire code exists.

Subp. 5. **Safety and infection control requirements.** In addition to the safety and infection control requirements for salons in this chapter, mobile salons must comply with the following requirements:

A. Services must not be provided unless the mobile salon is parked with the engine off, stable, and leveled. Stabilizing jacks must be used when indicated by the manufacturer's instructions of the vehicle or mobile structure. At least two wheel chocks must be in use when the salon is operating.

B. Carpeting is permitted only within driving or cab areas.

C. All hazardous substances in the mobile salon must be stored upright in secured cabinets when the mobile salon is moving.

D. The mobile salon must have a ventilation system sufficient to provide fresh air in the salon.

E. All moving parts, including slide outs and steps, must be in good working order.

Subp. 6. **Location and times of operation.** The mobile salon must report itineraries when requested by the board.

Subp. 7. **Compliance with local government law.** The mobile salon must comply with all city, township, and county requirements regarding wastewater disposal, commercial motor vehicles, vehicle insurance, noise ordinances, signage ordinances, parking ordinances, commercial or business local ordinances, and all other local government restrictions. It is the responsibility of the mobile salon owner to investigate what requirements are applicable to the mobile salon in each jurisdiction where the salon operates, and to ensure compliance with the requirements.

Subp. 8. **Penalties for violating local government law.** Mobile salons are subject to the disciplinary provisions of Minnesota Statutes, section 155A.33, when a municipality has determined that a licensed mobile salon has repeatedly violated a local government restriction regarding the time and place of operation of a mobile salon and when any local government appeal process has been completed or exhausted.

In the absence of a final determination, the board must not investigate allegations that a mobile salon has violated a local government law, but must refer allegations to the local government authority.

2105.0420 SPECIAL EVENT PERMITS.

A special event permit holder must not use the permit to provide regulated services in a mobile vehicle or mobile structure that is owned or operated by the permit holder or a board licensee unless the mobile vehicle or mobile structure is licensed as a mobile salon under part 2105.0410. A licensed mobile salon does not require a special event permit for services offered in the mobile salon.