

**Board of Cosmetologist Examiners****Proposed Permanent Rules Relating to Salon Licensing and Operational Requirements****2105.0010 DEFINITIONS.**

*[For text of subparts 1 to 6, see Minnesota Rules]*

Subp. 7. [See repealer.]

*[For text of subparts 8 to 10, see Minnesota Rules]*

Subp. 10a. [See repealer.]

Subp. 10b. [See repealer.]

Subp. 10c. [See repealer.]

*[For text of subparts 10d and 10e, see Minnesota Rules]*

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

*[For text of subparts 11a to 12a, see Minnesota Rules]*

Subp. 13. **Unregulated service.** "Unregulated service" means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and that are exempt from regulation by the board. Unregulated services are ear piercing; body art; body painting; henna tattoos and permanent tattoos; eyebrow embroidery; eyebrow microblading; permanent hair removal; permanent makeup; tanning by UV radiation and spray tanning units; injectables; services for theatrical, television, film, fashion, photography, or media productions or media appearances; mortuary services;

massage; body wraps and lymphatic drainage when performed by a massage therapist; the practice of medicine as defined in Minnesota Statutes, section 147.081, subdivision 3; ~~and hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10e;~~ 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 10e, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.~~

*[For text of subpart 14, see Minnesota Rules]*

## **2105.0105 SCOPE.**

*[For text of subpart 1, see Minnesota Rules]*

Subp. 2. **Esthetics.** The practice of esthology is the cosmetic treatment of the stratum corneum of the epidermal layer of the skin surface. Esthetic practice includes eyelash technology services in subpart 4 and includes items A to F:

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

*[For text of item B, see Minnesota Rules]*

C. basic exfoliation as defined in part 2105.0010, manual or machine skin cleansing, and basic extractions;

*[For text of items D to F, see Minnesota Rules]*

*[For text of subparts 3 and 4, see Minnesota Rules]*

Subp. 5. **Advanced practice esthetic services.** The practice of advanced practice (AP) esthetics is the cosmetic treatment of the epidermal layer of the skin. AP esthetics includes esthetic services in subpart 2 and:

A. advanced exfoliation as defined in part 2105.0010 including dermaplaning, microdermabrasion, chemical or enzyme exfoliation, and other exfoliation methods that exceed the stratum corneum;

*[For text of items B to D, see Minnesota Rules]*

### **2105.0110 ADVERTISING.**

The following provisions govern all advertising relating to the practice of cosmetology:

*[For text of items A to D, see Minnesota Rules]*

~~E. It is a violation of this chapter to advertise as a medical esthetician or aesthetician or as a clinical esthetician or aesthetician. It is a violation of this chapter to qualify the esthetician or advanced practice esthetician license title with another term. Only licensed estheticians may use the title "esthetician" and only licensed advanced practice estheticians may use the titles "esthetician", "advanced practice esthetician", or "AP esthetician".~~ Only currently licensed practitioners may identify themselves as a "cosmetologist," "esthetician," "aesthetician," "advanced practice esthetician," "advanced practice aesthetician," "nail technician," and "eyelash or lash technician." It is a violation of this chapter to qualify any board license title with another term, including the use of terms such as "medical," "certified," "master," and other qualifying terms.

### **2105.0115 INSPECTIONS.**

*[For text of subparts 1 and 2, see Minnesota Rules]*

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 report so that it is visible at all times in the reception area or at each customer entrance. The inspection results must remain posted and the detailed inspection report must remain available in the reception area or entryway posted until replaced by a new inspection results and a new detailed inspection report. The complete, unaltered inspection report must be legibly printed on standard 8-1/2 x 11 inch paper. Permit holders under part 2105.0410 are not subject to the posting requirements in this subdivision subpart.~~

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

*[For text of item A, see Minnesota Rules]*

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:

*[For text of units (a) to (c), see Minnesota Rules]*

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

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

~~(h)~~ (f) refusal or failure to cooperate with an inspection.

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

*[For text of units (a) to (c), see Minnesota Rules]*

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

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

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

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

~~(h)~~ (f) the DLSP'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:

*[For text of units (a) and (b), see Minnesota Rules]*

~~(e)~~ (f) esthetician or cosmetology services performed or offered in a nail salon;

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

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

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

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

[For text of subitem (4), see Minnesota Rules]

[For text of subpart 5, see Minnesota Rules]

## **2105.0145 APPLICANTS FOR INDIVIDUAL LICENSES.**

Subpart 1. **Cosmetologists, nail technicians, estheticians, and eyelash technicians.** Applicants for a cosmetologist, nail technician, esthetician, or eyelash technician license who have not been licensed in other states must be at least 17 years old, and must provide the items required in items A to ~~E~~ D:

A. a completed application form;

~~B. a high school diploma, a high school transcript showing graduation, a commissioner of education selected high school equivalency certification, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;~~

~~€ B.~~ 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) written practical test; and
- (3) test on Minnesota laws and rules;

~~Ð C.~~ proof of completion of training as follows:

(1) graduates of a Minnesota-licensed cosmetology school must submit the original course completion 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, all of which include any hours transferred from another school within the past ~~three~~ five years: 1,550 hours for a cosmetologist; 600 hours for an esthetician; 350 hours for a nail technician; and 38 hours for an eyelash technician. 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, nail technician, or eyelash technician program must submit an original notarized board form from a licensed cosmetology school that establishes the completion of the curriculum and required number of hours of training, all of which include any hours transferred from another school within the past five years: 1,550 hours for a cosmetologist; 600 hours for an esthetician; 350 hours for a nail technician; and 38 hours for an eyelash 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; and

(b) not equal to the curriculum and minimum hour requirements required of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, nail technician, or eyelash technician program must obtain a course completion certificate by applying to a Minnesota-licensed cosmetology school as a transfer student under part 2110.0705 and must meet and complete the school's requirements. The applicant must then submit the original course completion 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; 350 hours for a nail technician; and 38 hours for an eyelash 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 completion certificate by applying to a Minnesota-licensed cosmetology school as

a transfer student under part 2110.0705 and must meet and complete the school's requirements. The applicant must then submit the original course completion 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; 350 hours for a nail technician; and 38 hours for an eyelash 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 D. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 1a. **Advanced practice estheticians.** ~~The board shall issue an AP esthetician salon manager license to an applicant with an active salon manager license who meets the requirements of this part.~~ An AP esthetician license supersedes an esthetician license.

*[For text of item A, see Minnesota Rules]*

B. An applicant for an AP esthetician license who completed training in Minnesota for both an esthetician or cosmetologist license and an AP esthetician license but does not hold an active esthetician or cosmetologist license must be at least 17 years old and must provide the following:

(1) a completed application form;

~~(2) 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;~~

~~(3)~~ (2) an original course completion certificate for a board-approved esthetician or cosmetology course documenting the successful completion of the curriculum



with the notarized signature of the school manager or school owner. If the completed training is more than five years old, a skills course certificate no more than one year old must also be submitted;

~~(4)~~ (3) original passing test results no more than one year old of the board-approved general theory and written practical tests for the esthetician or cosmetology license:

- (a) general theory test;
- (b) written practical test; and
- (c) Minnesota laws and rules test;

~~(5)~~ (4) original passing test results no more than one year old of the following board-approved tests for the AP esthetician license:

- (a) general theory test; and
- (b) written practical test;

~~(6)~~ (5) an original AP esthetician course completion certificate from a board-approved school with the notarized signature of the school manager or school owner. If the completed AP esthetician training is more than five years old, a skills course certificate no more than one year old must also be submitted; and

~~(7)~~ (6) payment of the fees required by Minnesota Statutes, section 155A.25.

C. An applicant with an AP esthetician license or master esthetician license from another state must apply under part 2105.0183, subpart 4.

**Subp. 2. Salon managers.**

A. An applicant who holds an active Minnesota operator license and wishes to advance to a salon manager license must:

- (1) submit a completed application form;
- ~~(2) document at least 2,700 work hours of licensed experience in a licensed salon within the three years prior to application;~~
- ~~(3)~~(2) submit original passing test results of the salon manager test no more than one year old; and
- ~~(4)~~(3) pay the fees required in Minnesota Statutes, section 155A.25.

B. An applicant who does not hold an operator license and wishes to apply for a salon manager license may apply for the operator and salon manager license at the same time without first paying for the operator license. An applicant must:

- (1) submit a completed application for an operator license and meet the requirements for the operator license;
- (2) submit a completed application for a salon manager license;
- (3) submit original passing test results of the salon manager test that are no more than one year old; and
- (4) pay the fees required of a salon manager applicant in Minnesota Statutes, section 155A.25.

B C. An applicant who holds an active salon manager license and is applying for a practitioner license in another field may apply for a salon manager license in the new field without first obtaining or paying for an operator license in the new field. An applicant must:

- (1) submit a completed application for the new field and meet the requirements for the operator license; and
- (2) pay the fees required in Minnesota Statutes, section 155A.25.

€ D. An applicant who holds an active salon manager license in one field and an active operator license in another field may advance the operator license to a salon manager license without meeting the testing requirements of in item A, ~~subitems (1) and (2)~~. An applicant must:

- (1) submit a completed application; and
- (2) pay the fees required in Minnesota Statutes, section 155A.25.

*[For text of subpart 3, see Minnesota Rules]*

Subp. 4. **Instructors.** ~~An applicant for an instructor license must:~~ Applicants for an instructor license must meet the requirements in items A to F. Items D and E do not apply to applicants who hold a current Minnesota instructor license and are applying for an instructor license in a new field. An applicant must:

- A. submit a completed application form;
- B. hold an active Minnesota license as an operator or manager;
- C. document at least 2,700 hours of licensed practice in the same licensure field as the instructor license type sought within the three years prior to application;
- D. submit the original course completion 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.

Subp. 5. **Additional licenses.**

*[For text of items A and B, see Minnesota Rules]*

C. An applicant who holds an active Minnesota practitioner license in one field and is applying for a practitioner license in another field is not required to retake the test on Minnesota laws and rules. All other application requirements in this part must be met.

### **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, esthetician, nail technician, or eyelash technician operator license who have completed or exceeded the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; 350 hours for a nail technician; and 38 hours for an eyelash technician and are licensed in another state must be at least 17 years of age and must provide the following:

*[For text of items A to C, see Minnesota Rules]*

~~D. a high school diploma or transcript showing graduation, a commissioner of education selected high school equivalency certification, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;~~

~~E~~ D. 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~~ E. original passing test results no more than one year old of a board-approved written 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 written practical test does not have to be retaken;

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

H G. 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, esthetician, nail technician, or eyelash technician operator license who have not completed the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; 350 hours for a nail technician; and 38 hours for an eyelash technician, and who are licensed in another state must be at least 17 years old and must provide the following:

*[For text of items A to D, see Minnesota Rules]*

~~E.~~ ~~a high school diploma or transcript showing graduation, a commissioner of education selected high school equivalency certification, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;~~

F 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 test does not have to be retaken;

~~G F.~~ original passing test results no more than one year old of a board-approved written 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 written practical test does not have to be retaken;

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

I H. 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, esthetician, nail

technician, or eyelash technician operator license whose training was outside the United States and have not been licensed by another state must be at least 17 years old and must:

*[For text of item A, see Minnesota Rules]*

B. complete an application and submit the following items:

~~(1) a high school diploma or transcript showing graduation, a commissioner of education-selected high school equivalency certification, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;~~

~~(2)~~ (1) original passing test results of a board-approved general theory test no more than one year old;

~~(3)~~ (2) original passing test results of a board-approved written practical test no more than one year old;

~~(4)~~ (3) original passing test results of the Minnesota state laws and rules test no more than one year old; and

~~(5)~~ (4) payment of the fees required by Minnesota Statutes, section 155A.25.

*[For text of subpart 4, see Minnesota Rules]*

Subp. 4a. **Applicants with an advanced practice or master esthetician training or license from another state or country.** An applicant for an advanced practice esthetician operator license whose training or licensure is from another state or country must be at least 17 years old and must:

*[For text of item A, see Minnesota Rules]*

B. complete an application and submit the following items:

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

~~(2)~~ (1) if applicant has held a cosmetologist, esthetician, or AP esthetician license in another state, a 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 the general theory and practical tests. 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;

~~(3)~~ (2) original passing test results no more than one year old of a board-approved esthetician or cosmetology 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 test does not have to be retaken;

~~(4)~~ (3) original passing test results no more than one year old of a board-approved esthetician or cosmetology written 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 written practical test does not have to be retaken;

~~(5)~~ (4) original passing test results of a board-approved theory AP esthetician test no more than one year old;

~~(6)~~ (5) original passing test results of a board-approved written practical AP esthetician test no more than one year old;

~~(7)~~ (6) original passing test results of the Minnesota state laws and rules test no more than one year old; and

~~(8)~~ (7) payment of the fees required by Minnesota Statutes, section 155A.25.

[For text of subpart 5, see Minnesota Rules]

## **2105.0187 SKILLS COURSES.**

A. A cosmetologist skills course, esthetician skills course, advanced practice esthetician skills course, nail technician skills course, or eyelash technician skills course must be offered in person, and 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. Only a licensed school with current approval to offer a licensure course may offer a skills course in the same licensure field.

~~B~~ C. Each skills course must begin with an initial board-approved skills test. The ~~provider~~ school 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~~ school must issue a signed and dated skills course certificate specifying the license field to the attendee.

(2) Attendees who do not pass the initial skills test must complete the ~~provider's~~ school'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 for the licensure field.

~~C~~ D. Each licensee or applicant must attend a skills course specific to the licensure field held or sought by the licensee or applicant.



~~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 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 Schools 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. F. 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.**

*[For text of subparts 1 to 3, see Minnesota Rules]*

Subp. 4. **Display of license.** The practitioner must conspicuously post an ~~active~~ original, unaltered, and current license at each salon where the practitioner practices. The conditions in items A to D must be met at all times.

*[For text of item A, see Minnesota Rules]*

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

*[For text of item C, see Minnesota Rules]*

D. ~~Names or Licenses~~ and names posted must provide the public with a full, unobstructed view of the unaltered license or name.

Subp. 5. [Repealed, 41 SR 305]

**2105.0205 RETIRED LICENSE.**

A licensee with an active 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 active 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.

*[For text of items A and B, see Minnesota Rules]*

~~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 three years, a license must be issued for the remainder of the license cycle a new license cycle will be issued. To renew the license, the individual must:

[For text of items A and B, see Minnesota Rules]

[For text of subparts 2 to 4, see Minnesota Rules]

**2105.0225 OUTSTANDING FEES OR PENALTIES.**

When an applicant or licensee has outstanding penalties for any violation of this chapter or chapter 2110 or Minnesota Statutes, chapter 155A, and has exhausted all rights of appeal, the board must not issue or renew a license or permit. When a licensee or applicant has entered into an approved payment plan with the board for outstanding fines or penalties, the applicant or licensee must be current with payments before the board can issue or renew any license or permit.

**2105.0305 DESIGNATED LICENSED SALON MANAGER.**

[For text of items A and B, see Minnesota Rules]

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~~ each salon.

D. A DLSM who is no longer serving as the DLSM must notify the board in writing via e-mail or mail, and of the resignation as DLSM. The effective date of the resignation is the date the resignation notice is received by the board or the date the DLSM change form is received by the board, whichever date is earliest. The DLSM 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, regardless of the status of the DLSSM's license.

*[For text of items E and F, see Minnesota Rules]*

## **2105.0322 MAINTAINING SALON LICENSE.**

*[For text of subparts 1 to 3, see Minnesota Rules]*

### **Subp. 4. Maintain insurance.**

A. The salon must maintain any required workers' compensation insurance and professional liability coverage as required by Minnesota Statutes, section 155A.29, subdivision 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.

B. The salon must maintain professional liability insurance as required by Minnesota Statutes, section 155A.29, subdivision 2, for the salon and salon employees, and must ensure that each practitioner leasing space in the salon continuously maintains professional liability insurance or is covered by the salon's professional liability policy.

C. The salon must maintain proof of current professional liability insurance on the salon premises for the salon and all licensees practicing under the salon license.

*[For text of subpart 5, see Minnesota Rules]*

Subp. 5a. Remodel of physical premises. A salon that is remodeling or adding additional contiguous space to the current licensed salon is not required to report such changes to the board, but must ensure that any changes made are in compliance with this chapter and with applicable building codes and permit processes.

*[For text of subparts 6 and 7, see Minnesota Rules]*

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~~ If the salon license has not expired, the new owner has 60 days after the date of the 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. If the salon license is expired at the time of the change of ownership, the new owner may not operate the salon until the salon is licensed.

*[For text of subparts 9 and 10, see Minnesota Rules]*

### 2105.0360 SALON PHYSICAL REQUIREMENTS.

*[For text of subparts 1 to 5, see Minnesota Rules]*

Subp. 5a. [See repealer.]

Subp. 6. **Designated sinks in work and disinfecting areas.**

A. ~~Each work area must have at least one hand-washing sink.~~ Each salon must have at least one designated sink for handwashing and cleaning and disinfecting of tools and implements.

B. The designated sink must not be a restroom sink, water fountain, mop sink, or pedicure tub. A shampoo bowl may not be a designated sink unless the salon has only one practitioner.

~~B~~ C. Each hand-washing designated sink must have:

- (1) have hot and cold running potable water plumbed in;
- (2) be equipped with liquid or foam soap, and single-service paper or cloth towels; and have a waste receptacle or hamper for soiled discarded towels; and
- (3) be of sufficient size to wash the tools and implements used in regulated services offered in the salon.

~~€ D. 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. At least one designated sink in the salon must be immediately adjacent to a disinfecting area with a workspace sufficient to hold the wet disinfectant containers used to disinfect the tools and implements used in the salon.~~

E. All licensees practicing in a salon must have continuous access to one or more designated sinks and disinfecting areas within the licensed salon.

F. Each work area where regulated services are provided must have a sink or must be continuously equipped with an alcohol-based hand sanitizer containing a minimum of 60 percent alcohol. The hand sanitizer dispenser must be wall-mounted or visible at all times in the work area.

*[For text of subparts 6a to 8, see Minnesota Rules]*

## **2105.0370 SALON OPERATIONAL REQUIREMENTS.**

A salon must continuously meet the following minimum operational requirements.

*[For text of item A, see Minnesota Rules]*

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

*[For text of subitem (1), see Minnesota Rules]*

(2) at least once every 12 months, inform all licensees practicing in the salon of:

(a) the potential health effects of the hazardous products and chemicals;  
and

~~(3) (b) 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.~~

C. The active salon license showing the current DLSP must be conspicuously posted facing the public side of the reception area or at each customer entrance providing the public a full, unobstructed view of the license.

*[For text of items D to F, see Minnesota Rules]*

## **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 (DLSP) to ensure that all infection control requirements are followed. Items, tools, and equipment on the salon premises that may be used for regulated services ~~in or on salon premises~~ are subject to the requirements of this part even if not intended for use in services regulated by the board or intended for personal use.

*[For text of subparts 2 to 5, see Minnesota Rules]*

### **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. Storage containers must have solid sides and lids and must be cleaned and disinfected weekly and before use if visibly soiled. Disinfectant wipes or sprays may be used only when the container is too large to be submerged in disinfectant.

~~B~~ C. Plastic or paper bags or sealed wrapping must not be used to store disinfected items unless the item has been sterilized under the requirements of subpart 4a.

~~C~~ D. Items pulled out for service must not come into contact with contaminated surfaces.

E. Tools and implements that are pulled out for a service prior to the client's arrival must be placed on and covered by a clean cloth or paper towel. The towel must be discarded at the end of the service.

~~D~~ F. Immediately after each service, 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 or sterilized. 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.**

*[For text of items A to E, see Minnesota Rules]*

F. Licensees must comply with all manufacturer's directions for product and equipment use.

(1) When the manufacturer's use directions recommend, advise, or require a patch test, the licensee must:

*[For text of units (a) and (b), see Minnesota Rules]*



[For text of subitems (2) and (3), see Minnesota Rules]

[For text of items G to N, see Minnesota Rules]

O. Licensees must wear gloves as required in this part. Before donning gloves, licensees must wash hands and wrist area with soap and water. Gloves must be changed during a service if a glove becomes damaged or comes in contact with any ~~nonclean~~ nondisinfected surface or objects or with a third person. Gloves must be discarded at the end of every service.

Licensees must wear gloves when:

[For text of subitems (1) to (3), see Minnesota Rules]

(4) when the licensee's skin on the hand is not intact or is compromised; ~~and~~

(5) when mixing or touching disinfectant solutions; and

(6) when recommended or required by manufacturer's directions for product or device use.

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.

A. 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.

B. Used or soiled towels, linens, and capes must be stored in closed containers labeled "used."

C. Steamed towels and cloths must meet the requirements of subpart 15, item G.

[For text of subparts 9 to 11, see Minnesota Rules]

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:

[For text of subitems (1) to (4), see Minnesota Rules]

(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; and

(7) the faucet, faucet handles, controls, and all surfaces not covered with water when the tub is filled must be wiped with a disinfectant wipe, with the surface remaining wet for the entire contact time.

B. Pedicure tub and foot basin 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.~~ Subitems (1) to (4) apply when liners are used.

(1) If liners are used, only disposable foot basin or tub liners designed specifically for and manufactured for use as a foot basin or tub liner must be used.

(2) Salons choosing to use liners must use liners on all pedicure tubs and basins in the salon, and must maintain a sufficient supply of tub liners based on the practitioner and salon service volume to ensure liners are used with each tub or basin.

(3) Immediately after each service:

(a) the liner must be discarded in the trash;

(b) any magnetic or removable parts exposed to the water contained in the liner must be cleaned and then disinfected as required in subitems (3) and (4);

(c) the basin or tub must be scrubbed and cleaned of all visible debris with a clean brush and liquid soap and water, rinsed with clean water, and wiped dry with a new, clean paper towel; and

(d) the faucet, faucet handles, controls, and any other surface not covered by the liner must be wiped with a disinfectant wipe, with the surface remaining wet for the entire contact time.

(4) At the end of each business day, each tub or basin must be cleaned and disinfected following the procedures in item A.

C. Pedicure tubs of all kinds must always be maintained in a clean and disinfected condition as identified in items A and B, 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.~~

*[For text of subparts 13 and 14, see Minnesota Rules]*

Subp. 15. **Salon fixtures.**

*[For text of items A to D, see Minnesota Rules]*

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~~ with disinfectant wipes or spray weekly and before use if visibly soiled.

*[For text of items F and G, see Minnesota Rules]*

*[For text of subpart 16, see Minnesota Rules]*

**2105.0393 SALONS LOCATED IN PRIVATE RESIDENCES.**

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

*[For text of items A to E, see Minnesota Rules]*

F. If the salon space does not include a restroom, licensees and customers must have access to the residential bathroom. All medications and hazardous substances in the residential bathroom must be kept in locked cupboards.

~~F~~ G. 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.**

*[For text of subpart 1, see Minnesota Rules]*

Subp. 1a. Sinks. Each suite-style salon must have a designated handwashing sink and disinfecting area in the suite-style salon that meets the requirements of part 2105.0360, subpart 6.

*[For text of subparts 2 to 7, see Minnesota Rules]*

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

Subpart 1. ~~Nursing homes licensed under Minnesota Statutes, chapter 144A,~~ **housing with services and assisted living facilities.** 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~~ applies to nursing home homes licensed under Minnesota Statutes, chapter 144A-, housing with services establishments registered under Minnesota Statutes, section 144D.02, and operating under title protection under Minnesota

Statutes, chapter 144G, and beginning August 1, 2021, assisted living facilities licensed under Minnesota Statutes, chapter 144G.

A. A salon as defined in Minnesota Statutes, section 155A.23, subdivision 9, that is located in a nursing home is required to be licensed if, housing with services entity, or assisted living facility is required to be licensed if any cosmetology services are provided to anyone other than the homebound residents of the nursing home, housing with services entity, or assisted living facility. A resident of a housing with services entity receiving comprehensive home care services and residents of an assisted living facility receiving assisted living services are considered to be homebound residents. All residents of a nursing home are considered homebound for the purposes of this part.

~~(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.~~

B. A salon as defined in Minnesota Statutes, section 155A.23, subdivision 9, located in a nursing home, housing with services entity, or assisted living facility is not required to be licensed if:

(1) only homebound residents are served by the salon, and nonhomebound residents, staff, family members, or the public are never served by the salon; and

(2) the use of the unlicensed salon is restricted to:

(a) board-licensed practitioners of cosmetology services who have homebound service permits and provide services for homebound residents of the facility;

(b) staff employed by the facility providing services to homebound residents of the facility, and the services are limited to washing hair, setting hair, trimming hair, filing nails, applying and removing nail polish, and makeup applications;

(c) family members providing services to their own homebound family members who are residents of the facility; and

(d) volunteers providing services without compensation to homebound residents of the nursing home, housing with services entity, or assisted living facility.

*[For text of subparts 2 and 3, see Minnesota Rules]*

## **2110.0010 DEFINITIONS.**

*[For text of subparts 1 to 17a, see Minnesota Rules]*

Subp. 17b. [See repealer.]

Subp. 17c. [See repealer.]

*[For text of subparts 17d and 17e, see Minnesota Rules]*

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 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 17e.~~

*[For text of subparts 18a to 20, see Minnesota Rules]*

**2110.0100 UNREGULATED SERVICES.**

Subpart 1. **Disclosure.** All unregulated services identified in part 2110.0010, subpart 20, offered within a school clinic shall be clearly identified as "unregulated services" and listed on a sign conspicuously posted in the reception area. The sign shall contain lettering at least one inch high and shall state: "Unregulated services. The following services offered by (school name) are not regulated by the ~~state of Minnesota~~ Board of Cosmetologist Examiners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ "

*[For text of subpart 2, see Minnesota Rules]*

**2110.0545 SKILLS COURSES.**

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

B. Only a licensed school with current approval to offer a licensure course may offer a skills course in the same licensure field.

~~B C.~~ C. Each skills course must begin with an initial board-approved skills test. The ~~provider~~ school must use board-approved scoring of the skills test and a board skills test form ~~for the specific licensure area sought by the applicant.~~

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

(2) Attendees who do not pass the initial skills test must complete the ~~provider's~~ school'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 for the licensure field.

~~C D.~~ Skills courses must be taught by an instructor licensed to teach in the licensure area addressed by the skills course. A separate skills course is required for each licensure area. Each licensee or applicant must attend a skills course specific to the licensure field held or sought by the licensee or applicant.

~~D E.~~ 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. Schools must provide attendees with a skills course certificate showing successful completion of the skills test, and must retain records of attendees for five years.

~~E F.~~ 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. 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.



**2110.0705 TRANSFER STUDENTS.**

*[For text of subparts 1 and 2, see Minnesota Rules]*

**Subp. 3. Evaluation of transfer students.**

*[For text of item A, see Minnesota Rules]*

B. The evaluation results must identify any specific additional training necessary for the issuance of the course completion certificate, based on the applicable training requirements identified in this chapter ~~for each field of licensure~~ and the school's assessment of the student's training and experience.

*[For text of item C, see Minnesota Rules]*

**REPEALER.** Minnesota Rules, parts 2105.0010, subparts 7, 10a, 10b, and 10c; 2105.0155, subparts 1, 2, 3, and 4; 2105.0182; 2105.0360, subpart 5a; and 2110.0010, subparts 17b and 17c, are repealed.