

## CHAPTER 155A

### COSMETOLOGY

|          |                     |          |  |
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| 155A.045 | Fees.               | 155A.12  | Repealed.                                    |
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#### 155A.03 DEFINITIONS.

Subdivision 1. **Terms.** For purposes of this chapter, and unless the context clearly requires otherwise, the words defined in this section have the meanings given them.

*[For text of subds 2 to 13, see M.S.1992]*

**History:** 1993 c 204 s 8

#### 155A.045 FEES.

Subdivision 1. **Schedule.** The fee schedule for licensees is as follows:

(a) Three-year license fees:

- (1) cosmetologist, manicurist, esthetician, \$30;
- (2) instructor, manager, \$45;
- (3) salon, \$50; and
- (4) school, \$750.

(b) Penalties:

- (1) reinspection fee, variable; and
- (2) manager with lapsed practitioner, \$25.

(c) Administrative fees:

- (1) duplicate license (includes individual name or address change), \$5;
- (2) certificate of identification, \$20;
- (3) processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), \$15; and
- (4) school original application, \$150.

Subd. 2. **Refunds.** Refunds shall be given in the following situations: overpayment; death or permanent disability before the effective date of a license; or an individual's ineligibility for licensure. Applicants determined ineligible to receive a license will be refunded the license fee minus any processing fee this section requires.

Subd. 3. **Other licenses.** A licensee who applies for licensing in a second category shall pay the full license fee for the second category of license.

**History:** 1993 c 204 s 9

#### 155A.05 RULES.

The commissioner may develop and adopt rules according to chapter 14 that the commissioner considers necessary to carry out this chapter.

**History:** 1993 c 204 s 10

#### 155A.06 ADVISORY COUNCIL.

Subdivision 1. **Creation.** The Minnesota cosmetology advisory council consists of

11 members, as follows: Three members representative of consumers; four cosmetologists or shop managers; three cosmetology school representatives, at least one of whom shall represent public cosmetology schools and one represent private cosmetology schools; and one representative of manufacturers of cosmetology products. The chair shall be selected at the first meeting each year by the council from among its members by majority vote and shall serve until a successor is elected.

Subd. 2. **Appointments.** Appointments to the council shall be made by the commissioner in accordance with section 15.059.

Subd. 3. **Membership terms.** Each member of the council shall be appointed for a four-year term, except that in making the appointments, the governor shall appoint members so that appointments do not expire concurrently.

Subd. 4. **Duties.** The council shall meet at least annually, at the call of the commissioner. The council shall advise the commissioner of the availability of cosmetology services and their ethical and safe operation and on other matters as the commissioner considers appropriate. The commissioner may consult with the council before adopting any rules, testing instruments, criteria for inspections, and other matters as the commissioner considers appropriate.

Subd. 5. **Compensation.** Members of the council shall be compensated for expenses as provided in section 15.059 and the council shall expire on June 30, 1997.

**History:** 1993 c 204 s 11

## 155A.07 PRACTITIONER.

*[For text of subd 1, see M.S.1992]*

Subd. 2. **Qualifications.** Qualifications for licensing in each classification shall be determined by the commissioner and established by rule, and shall include educational and experiential prerequisites. The rules shall require a demonstrated knowledge of procedures necessary to protect the health of the practitioner and the consumer of cosmetology services, including but not limited to chemical applications.

*[For text of subd 3, see M.S.1992]*

Subd. 4. **Licensing without test.** Licensing of persons without testing may be allowed as determined by rule.

*[For text of subds 5 and 6, see M.S.1992]*

Subd. 7. **Fees.** Examination and licensing fees shall be in the amounts specified in section 155A.045.

Subd. 8. **Exemptions.** Persons licensed to provide cosmetology services in other states visiting this state for cosmetology demonstrations shall be exempted from the licensing provisions of this chapter if services to consumers are in the physical presence of a licensed cosmetologist.

**History:** 1993 c 204 s 12-15

## 155A.08 SALONS.

*[For text of subd 1, see M.S.1992]*

Subd. 2. **Requirements.** The conditions and process by which a salon is licensed shall be established by the commissioner by rule. In addition to those requirements, no license shall be issued unless the commissioner first determines that paragraphs (a) to (e) have been satisfied:

(a) compliance with all local and state laws, particularly relating to matters of sanitation, health, and safety;

(b) the employment of a manager, as defined in section 155A.03, subdivision 6;

(c) inspection and licensing prior to the commencing of business;

(d) if applicable, evidence of compliance with section 176.182; and

(e) evidence of continued professional liability insurance coverage of at least \$25,000 for each claim and \$50,000 total coverage for each policy year for each operator.

A licensed esthetician or manicurist who complies with the health, safety, sanitation, inspection, and insurance rules promulgated by the commissioner to operate a salon solely for the performance of those personal services defined in section 155A.03, subdivision 4, in the case of an esthetician, or subdivision 5, in the case of a manicurist.

*[For text of subds 3 and 4, see M.S.1992]*

**Subd. 5. Fees.** The licensing and inspection fees are as specified in section 155A.045.

**History:** 1993 c 204 s 16,17

## 155A.09 SCHOOLS.

*[For text of subd 1, see M.S.1992]*

**Subd. 2. Standards.** The commissioner shall by rule establish minimum standards of course content and length specific to the educational preparation prerequisite to testing and licensing as cosmetologist, esthetician, and manicurist.

*[For text of subds 3 and 4, see M.S.1992]*

**Subd. 5. Conditions precedent to issuance.** No license shall be issued unless the commissioner first determines:

(a) That the applicant has a sound financial condition with sufficient resources available to meet the school's financial obligations; to refund all tuition and other charges, within a reasonable period of time, in the event of dissolution of the school or in the event of any justifiable claims for refund against the school; to provide adequate service to its students and prospective students; and for the proper use and support of the school to be maintained;

(b) That the applicant has satisfactory training facilities with sufficient tools and equipment and the necessary number of work stations to adequately train the students currently enrolled, and those proposed to be enrolled;

(c) That the applicant employs a sufficient number of qualified instructors trained by experience and education to give the training contemplated;

(d) That the premises and conditions under which the students work and study are sanitary, healthful, and safe according to modern standards;

(e) That each occupational course or program of instruction or study shall be of such quality and content as to provide education and training which will adequately prepare enrolled students for testing, licensing, and entry level positions as a cosmetologist, esthetician, or manicurist;

(f) Evidence of the school's coverage by professional liability insurance of at least \$25,000 per incident and an accumulation of \$150,000 for each premium year;

(g) The applicant shall provide evidence of the school's compliance with section 176.182; and

(h) The applicant, except the state and its political subdivisions as described in section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of \$10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed \$10,000. The surety of the bond may cancel it upon giving 60 days notice in writing

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to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subd. 6. **Fees; renewals.** (a) Applications for initial license under this chapter shall be accompanied by a nonrefundable application fee set forth in section 155A.045.

(b) License duration shall be three years. Each renewal application shall be accompanied by a nonrefundable renewal fee set forth in section 155A.045.

(c) Application for renewal of license shall be made as provided in rules adopted by the commissioner and on forms supplied by the commissioner.

*[For text of subds 7 and 8, see M.S.1992]*

Subd. 9. **Separation of school and professional departments.** A school shall display in the entrance reception room of its student section a sign prominently and conspicuously indicating that all work therein is done exclusively by students. Professional departments of a school shall be run as entirely separate and distinct businesses and shall have separate entrances.

Nothing contained in this chapter shall prevent a school from charging for student work done in the school to cover the cost of materials used and expenses incurred in and for the operation of the school. All of the student work shall be prominently and conspicuously advertised and held forth as being student work and not otherwise.

*[For text of subd 10, see M.S.1992]*

**History:** 1993 c 204 s 18-21

## 155A.095 INSPECTIONS.

The commissioner is responsible for inspecting salons and schools licensed pursuant to this chapter to assure compliance with the requirements of this chapter. The commissioner shall direct department resources first to the inspection of those licensees who fail to meet the requirements of law, have indicated that they present a greater risk to the public, or have otherwise, in the opinion of the commissioner, demonstrated that they require a greater degree of regulatory attention. In no event shall a salon or school be inspected less often than once each year.

**History:** 1993 c 204 s 22

## 155A.10 DISPLAY OF LICENSE.

(a) Every holder of a license granted by the commissioner, shall display it in a conspicuous place in the place of business.

(b) Notwithstanding the provisions of paragraph (a), nothing contained in this chapter shall be construed to prohibit a person licensed to provide cosmetology services from engaging in any practices defined in this chapter in the homes of customers or patrons, under the sanitary and health rules promulgated by the commissioner.

**History:** 1993 c 204 s 23

**155A.11** [Repealed, 1993 c 204 s 28]

**155A.12** [Repealed, 1993 c 204 s 28]

**155A.13** [Repealed, 1993 c 204 s 28]

## 155A.135 ENFORCEMENT.

The provisions of section 45.027 apply to the administration of this chapter.

**History:** 1993 c 204 s 24

## 155A.14 SERVICES EXCEPTED; EMERGENCY.

Nothing in this chapter prohibits services in cases of emergency where compensation or other reward is not received, nor in domestic service, nor in the practice of medicine, surgery, dentistry, podiatry, osteopathy, chiropractic, or barbering. This section

shall not be construed to authorize any of the persons so exempted to wave the hair, or to color, tint, or bleach the hair, in any manner.

**History:** 1993 c 204 s 25

## **155A.15 APPOINTMENT OF AGENT FOR SERVICE OF PROCESS.**

Any person, firm, partnership, or corporation, not a resident of Minnesota, who engages in Minnesota in the practices regulated in this chapter shall file with the commissioner the name and address of a duly authorized agent for service of legal process, which agent for service shall be a resident of the state of Minnesota.

**History:** 1993 c 204 s 26

## **155A.16 VIOLATIONS; PENALTIES.**

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction may be sentenced to imprisonment for not more than 90 days or fined not more than \$700, or both, per violation.

**History:** 1993 c 204 s 27

## **155A.18** [Repealed, 1993 c 204 s 28]