



Date: July 1, 2017
To: All Interested Parties
From: Catrina Mairose, Chief of Staff
Subject: 2017 Legislative Changes

Memo

This memo highlights recent changes related to the Board of Cosmetologist Examiners from the 2017 legislative session. Following this memo is an excerpt of each law change summarized below. These changes may affect licensees, cosmetology schools, and the public, specifically unlicensed eyelash extension service providers. The Board encourages sharing this document with any interested parties.

Eyelash Technician Grandfathering, Rulemaking, and Licensing

A new law allows the Board to implement eyelash technician licensing and write rules regarding eyelash extensions. As of February 1, 2018, the Board can enforce that all eyelash extension services must be provided by licensed individuals in licensed salons. By early 2018, the Board will begin issuing specialty Eyelash Technician Licenses for individuals wishing to provide eyelash extension services. This new license is **not** required for licensed cosmetologists and estheticians, as eyelash extension services are already within their scope of practice.

For more information on Eyelash Technician Licenses, view this [Eyelash Technician Information](#). We encourage you to share this infographic with anyone who may be interested, as it lists very important information regarding licensing, grandfathering, rulemaking, and future processes.

Cosmetology School Surety Bond Changes

In order to better protect students in the face of school closures, surety bond requirements have been modified. Upon each private school's license renewal or application, the school will be required to show evidence of a continuous surety bond in the amount of no less than 10% of the preceding year's gross income from student tuition, fees, and other required institutional charges. In any event, this bond must be at least \$10,000.

This bond must specifically run to the Minnesota Board of Cosmetologist Examiners and is a separate obligation than any other bonds that may be required by other agencies or organizations. A bond run to the Minnesota Office of Higher Education cannot be submitted in place of a bond run to the Board. This legislative change does not apply to public or state schools.

Questions and Additional Information

For questions on these legislative topics or other matters, please contact the Board directly at bce.board@state.mn.us or 651-201-2742.

2017 Legislative Changes: Excerpted Text

The following contains excerpts from SF 1 of the Minnesota Legislature's 1st Special Session. This is intended to be used as an excerpt to reference changes that will impact BCE licensees and constituents. Underlined text is new language; ~~stricken~~ text is removed language.

Eyelash Technician Grandfathering, Rulemaking, and Licensing

Sec. 63. EYELASH TECHNICIAN GRANDFATHERING.

(a) The board must issue grandfathered eyelash technician licenses no later than February 1, 2018, under the conditions in this section.

(b) A complete grandfathering application for an eyelash technician license must be received in the board office between August 1, 2017, and January 31, 2018, and must contain:

(1) proof of a high school diploma or equivalent;

(2) proof of completion of an eyelash extension training course before July 1, 2017;

(3) proof of completion of a six-hour board-approved public health and safety course provided by a board-licensed school or a board-recognized professional association organized under Minnesota Statutes, chapter 317A. Four hours must be related to health, safety, and infection control and two hours must be related to Minnesota laws and rules governing cosmetology;

(4) original passing results no more than one year old of board-approved laws and rules test and theory tests; and

(5) the practitioner fees required under Minnesota Statutes, section 155A.25.

(c) A complete grandfathering application for an eyelash salon manager license must be received in the board office between August 1, 2017, and January 31, 2018, and must contain:

(1) proof of a high school diploma or equivalent;

(2) proof of completion of an eyelash extension training course before July 1, 2017;

(3) documentation of at least 2,700 hours of experience performing eyelash extensions within the last three years;

(4) original passing results no more than one year old of board-approved laws and rules test and theory tests;

(5) original passing results no more than one year old of board-approved salon manager test;

(6) proof of a six-hour board-approved public health and safety course provided by a board-licensed school or a board-recognized professional association organized under Minnesota Statutes, chapter 317A. Four hours must be related to infection control and two hours must be related to Minnesota laws and rules; and

(7) the practitioner fees required under Minnesota Statutes, section 155A.25.

(d) Grandfathered licenses must not be expedited under Minnesota Statutes, section 155A.25, subdivision 7. The application timelines under Minnesota Statutes, section 155A.25, subdivisions 5, 6, and 8, do not apply to grandfathered licenses.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 64. EYELASH TECHNICIAN RULEMAKING.

The Board of Cosmetologist Examiners shall adopt rules governing the eyelash technician and salon licenses, which must include scope of practice, the conditions and process of issuing and renewing the license, requirements related to education and testing, and 14 hours of training regarding application of eyelash extensions in a board-licensed school. The board may use the expedited rule process in Minnesota Statutes, section 14.389. The grant of rulemaking authority under this section expires May 31, 2019.

Sec. 65. EYELASH TECHNICIAN LICENSING.

The Board of Cosmetologist Examiners must not issue an eyelash practitioner license before February 1, 2018, except for grandfathered licenses issued under section 59. The Board of Cosmetologist Examiners must not require a person to have an eyelash practitioner license for eyelash extensions before February 1, 2018.

[Technical change to last year's session law]

Sec. 49. Laws 2016, chapter 127, section 8, is amended to read:

Sec. 8. EFFECTIVE DATE; APPLICATION.

Sections 1 to 7 are effective the day following final enactment. With respect to eyelash technicians, the Board of Cosmetologist Examiners must not enforce sections 1 to 7 until ~~July 1, 2017~~ February 1, 2018. Any educational or training requirements developed by the board regarding eyelash technicians must be 14 hours.

Cosmetology School Surety Bonds

Sec. 33. Minnesota Statutes 2016, section 155A.30, subdivision 5, is amended to read:

Subd. 5. Conditions precedent to issuance.

A license must not be issued unless the board first determines that the applicant has met the requirements in clauses (1) to ~~(8)~~ (9):

(1) the applicant must have 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 to maintain proper use and support of the school;

(2) the applicant must have 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;

(3) the applicant must employ a sufficient number of qualified instructors trained by experience and education to give the training contemplated;

(4) the premises and conditions under which the students work and study must be sanitary, healthful, and safe according to modern standards;

(5) each occupational course or program of instruction or study must be of such quality and content as to provide education and training that will adequately prepare enrolled students for testing, licensing, and entry level positions as a cosmetologist, esthetician, or nail technician;

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

(7) the applicant shall provide evidence of the school's compliance with section [176.182](#);

(8) the applicant, except the state and its political subdivisions as described in section [471.617](#) [13.02, subdivision 11](#), shall ~~shall~~ **must** file with the board a continuous corporate surety bond in the amount of no less than ten percent of the preceding year's gross income from student tuition, fees, and other required institutional charges, but in no event less than \$10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. New schools must base the bond amount on the anticipated gross income from student tuition, fees, and other required institutional charges for the third year of operation, but in no event less than \$10,000. The applicant must compute the amount of the surety bond and verify that the amount of the surety bond complies with this subdivision. The bond shall run to the ~~state of Minnesota~~ board 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 to the board and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation; and

(9) the applicant must, ~~at all times during the term of the license, employ~~ appoint a designated licensed school manager ~~who maintains a cosmetology salon manager license.~~

EFFECTIVE DATE.

This section is effective the day following final enactment.

Source: Minnesota Office of the Revisor, Special Session SF1, 2017 Session Laws, 6/5/2017 (<https://www.revisor.mn.gov/laws/?id=4&doctype=Chapter&year=2017&type=1#laws.2.33.0>)